

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

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

**Division of Marketing and Development**

RULE CHAPTER TITLE:                      RULE CHAPTER NO.:  
 Dealers in Agricultural Products                      5H-1

RULE TITLES:    RULE NOS.:

Bond and/or Certificate of Deposit Required;  
     Agricultural Products    5H-1.001

License Fee to be Paid    5H-1.003

PURPOSE AND EFFECT: The purpose and effect of this rule is to specify, detail, and clarify the surety bond and/or certificate of deposit requirements and license fees for issuance of an agricultural dealers license.

SUBJECT AREA TO BE ADDRESSED: This rule proposes modifications and updates in the requirements for surety bonds and/or certificates of deposit and license fees in response to changes to the Florida License and Bond Law as amended by Chapters 570-604, F.S., enacted by the 2005 Florida Legislature.

SPECIFIC AUTHORITY: 604.27 FS.

LAW IMPLEMENTED: 604.19, 604.20, 604.21(1),(2),(8) FS., as amended by Chapters 570-604, F.S.

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: 4:00 p.m., September 9, 2005

PLACE: The Mayo Building, Training Room, Room 306, 407 S. Calhoun St., Tallahassee, FL

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Christopher E. Green, Management Review Specialist, Bureau of License and Bond, Division of Marketing and Development, Rm. 208, 407 S. Calhoun St., Tallahassee, FL 32399-0800, (850)488-4101, Fax (850)921-8312

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

5H-1.001 Bond and/or Certificate of Deposit Required; Agricultural Products.

~~(1) The penal sum of the surety bond to be furnished to the department by an applicant for license as a dealer in agricultural products shall be in an amount equal to the dollar value of agricultural products handled for Florida producers, their agents, or representatives, by purchase or otherwise, during the month of maximum transaction in such products during the preceding twelve (12) month period.~~

~~(2) An applicant for license who has not handled agricultural products for a Florida producer, his agents or representatives, during the previous year shall furnish a bond in an amount equal to the estimated dollar value of such agricultural products to be handled during the next immediate twelve (12) months.~~

~~(1)(3) No dealer shall be required to furnish a bond and/or certificate of deposit in an amount greater than one hundred thousand dollars (\$100,000).~~

~~(2)(4) The maximum amount of bond and/or certificate of deposit required of a dealer shall be no prohibition to a dealer furnishing a bond and/or certificate of deposit in an amount greater than the maximum required.~~

~~(5) No bond may be in an amount less than three thousand dollars (\$3,000).~~

~~(3)(6) A separate bond and/or certificate of deposit shall be required to cover each one-year license period.~~

Specific Authority 604.27 FS. Law Implemented 604.19, 604.20(1) FS. History—New 9-12-79, Amended 1-11-81, 5-2-82, Formerly 5H-1.01, Amended 5-3-90, 7-7-92, 2-26-96, 8-11-96, \_\_\_\_\_.

5H-1.003 License Fee to be Paid.

The license fee for the principal place of business for a dealer in agricultural products shall be based upon the amount of agricultural dealer's surety bond and/or certificate of deposit furnished by each dealer under the provisions of Section 604.20, Florida Statutes, as follows: ~~For bonds in the amount of \$3,000 to \$4,999, the license fee is \$65.~~ For bonds and/or certificates of deposit in the amount of \$5,000 to \$9,999, the license fee is \$170 ~~\$135~~. For bonds and/or certificates of deposit in the amount of \$10,000 to \$14,999, the license fee is \$230 ~~\$195~~. For bonds and/or certificates of deposit in the amount of \$15,000 or more, the license fee is \$300 ~~\$265~~. For each additional place of business which the applicant desires to conduct and names in the application, the additional license fee shall be \$100 ~~\$50~~ annually. Should any dealer in agricultural products fail, refuse, or neglect to apply and qualify for the renewal of a license on or before the date of expiration thereof, a penalty of \$100 ~~\$35~~ shall apply to and be added to the original license fee and shall be paid by the applicant before the renewal license may be issued.

Specific Authority 604.27 FS. Law Implemented 604.19 FS., as amended by Chapter 90-161, Laws of Florida. History—New 9-12-79, Amended 1-11-81, 10-30-85, Formerly 5H-1.03, Amended 12-5-90, \_\_\_\_\_.

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

**Division of Consumer Services**

RULE TITLES:    RULE NOS.:  
 Registration    5J-12.002

Educational Assistance Program    5J-12.005

PURPOSE AND EFFECT: The purpose and effect of Rule change 5J-12.002, F.A.C., relating to Registration, is to delete outdated language no longer applicable to the registration process. Rule 5J-12.005, F.A.C., initiates rules relating to the Educational Assistance Program.

SUBJECT AREA TO BE ADDRESSED: Rule 5J-12.002, F.A.C., deletes the language relating to occupational license numbers and Rule 5J-12.005, F.A.C., establishes new rules for the Educational Assistance Program.

SPECIFIC AUTHORITY: 559.2201, 570.07(23) FS.

LAW IMPLEMENTED: 559.904, 559.916 FS.

IF REQUESTED 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., September 6, 2005

PLACE: Department of Agriculture and Consumer Services, Division of Consumer Services, Terry L. Rhodes Building, 2005 Apalachee Parkway, Tallahassee, Florida 32399-6500

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Dee Keck, Regulatory Program Administrator, Division of Consumer Services, Terry L. Rhodes Building, 2005 Apalachee Parkway, Tallahassee, Florida 32399-6500, (850)410-3679

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

5J-12.002 Registration.

(1) No change.

~~(2)(a) Form DACS 10900 will not be deemed incomplete for failure to furnish a valid occupational license number, provided the motor vehicle repair shop is unable to obtain such number until it exhibits an active registration certificate issued by the Department pursuant to Section 559.904(7), F.S.~~

~~(b) If the Department approves the application submitted by the motor vehicle repair shop and issues a registration certificate to conduct business as a motor vehicle repair shop, the motor vehicle repair shop shall, within 30 days after issuance, provide the occupational license number to the Department.~~

~~(c) If the motor vehicle repair shop fails to provide the valid occupational license number within the prescribed 30 day period, such failure shall be grounds for suspension or revocation of registration.~~

Specific Authority 559.92201, 570.07(23) FS. Law Implemented 559.904, 559.916 FS. History—New 1-18-95, Amended 5-24-95, 2-11-98, 1-20-03, 11-4-03, 6-27-05, \_\_\_\_\_.

5J-12.005 Educational Assistance Program.

(1) Definitions: For the purposes of Rule 5J-12.005, F.A.C., the following terms shall have the following meanings:

(a) “Technical Training” means training specifically related to mechanical and collision repairs and service.

(b) “Sponsored by” means financially supported or underwritten in whole or in part.

(c) “Instruction” means any coursework, seminar, in-service training, or other such program which is open to the public.

(d) “Educational institution” means an institution or organization described in Section 212.08(7)(cc)8.a., Florida Statutes.

(e) “Common ownership” means:

1. For an individual, the same individual or spouse of the same individual.

2. For a corporation or other entity created and existing by operation of law, one-half or more of the shares or other ownership interest in the entity are owned, controlled, or held for the benefit of the same person or individual or spouse of the same individual.

3. For a partnership, one-half or more of the partners are the same.

(2) Any motor vehicle repair shop that holds a current valid registration issued by the Department under the Motor Vehicle Repair Act and is not subject to any open enforcement proceedings by the Department, may apply for financial assistance for employees of the shop to undertake technical training or courses of study in motor vehicle repair. The shop shall use form DACS \_\_\_\_\_, Educational Assistance Application, Motor Vehicle Repair Act, effective \_\_\_\_\_, hereby incorporated by reference. Copies of this form may be obtained from the Department of Agriculture and Consumer Services, Division of Consumer Services, Motor Vehicle Repair, 2005 Apalachee Parkway, Terry L. Rhodes Building, Tallahassee, Florida 32399-6500.

(3) The Educational Assistance Application form must be sent to the following address for review: Florida Department of Agriculture and Consumer Services, Division of Consumer Services, MVR Educational Assistance Program, 2005 Apalachee Parkway, Terry L. Rhodes Building, Tallahassee, Florida 32399-6500. The deadline for submitting an application shall be May 1st for each fiscal year in which funds are appropriated and available for this program.

(4) Upon receipt of an Educational Assistance Application, the Department shall disburse educational assistance funding if the applicant meets the requirements set forth in this rule and maintains a current valid Motor Vehicle Repair registration under the Motor Vehicle Repair Act. The Department shall disburse financial assistance funds on a “first come, first serve” basis upon the receipt of a complete and valid application.

(5) Educational assistance funding shall be limited to \$1,000 per registered location per fiscal year, or a maximum of \$3,000 to a single shop owner with multiple locations and common ownership.

(6) Educational assistance funds shall only be used to pay for the cost of technical training or courses of study in motor vehicle repair and shall not be used to pay for travel or other expenses.

(7) To be eligible for educational assistance, the technical training or course of study must be related to motor vehicle repair in one of the following areas:

(a) The repair or installation of parts or accessories to a motor vehicle.

(b) Product and technical training related to tires.

(c) Customer sales and service.

(d) Motor vehicle repair management training.

(e) Motor vehicle body and collision repair.

(f) Motor vehicle painting.

(8) The instruction of technical training or courses of study must be open to the public and sponsored or offered by one of the following:

(a) An industry recognized entity including but not limited to the following:

1. Advance Auto Parts, Inc.

2. Alliance of State Automotive Aftermarket Associations

3. American Engine Rebuilders Association

4. Any Motor Vehicle Manufacturer as defined in Section 320.60, F.S.

5. Auto Value, Inc.

6. Auto Zone Stores, Inc.

7. Automatic Transmission Rebuilders Association

8. Automotive Recyclers Association

9. Automotive Service Association

10. Automotive Training Institute

11. Aftermarket Auto Parts Alliance, Inc. (Bumper to Bumper)

12. Delco Auto Parts, Inc.

13. Delphi Corporation

14. Florida Auto Dismantlers and Recyclers Association

15. Florida Automotive Dealers Association

16. Florida Automotive Industry Association

17. Florida Automotive Trades Association

18. Florida Independent Automobile Dealers Association, Inc.

19. Florida Motorcycle Dealers Association, Inc.

20. Mobile Air Conditioning Society Worldwide

21. Motorcraft

22. NAPA, Inc.

23. National Automobile Dealers Association, Inc.

24. National Automotive Radiator Service Association

25. National Institute for Automotive Service Excellence

26. O'Reilly Automotive, Inc.

27. R.L. O'Connor and Associates, Inc.

28. Society of Collision Repair Specialists

29. Tire Industry Association

30. Visteon Corporation

(b) An Educational Institution.

(c) An instruction of technical training or course of study not specified above in this section may be submitted for review and approval by the Division. The proposed instruction shall be submitted to the Division at the address specified above in

subsection (3). The Division shall submit the proposal to the Motor Vehicle Repair Advisory Council for review and advice before determining whether to approve the proposed instruction.

(9) To be eligible for educational assistance, the technical training or course of study must consist of a minimum 2 hours of instruction.

(10) All technical training or courses of study in motor vehicle repair must be completed within 12 months after the department has disbursed the financial assistance funding.

(11) The motor vehicle repair shop shall submit to the department proof of attendance and completion by its employee(s) within 30 days after the technical training or course of study has been completed. The shop shall use form DACS \_\_\_\_\_, Educational Assistance Program Proof of Training, Motor Vehicle Repair Act, effective \_\_\_\_\_, hereby incorporated by reference. Copies of this form may be obtained from the Department of Agriculture and Consumer Services, Division of Consumer Services, Motor Vehicle Repair, 2005 Apalachee Parkway, Terry L. Rhodes Building, Tallahassee, Florida 32399-6500.

(12) The completed Educational Assistance Program Proof of Training form must be sent to the address specified above in subsection (3).

(13) Any educational assistance funding received by a shop may be applied to any technical training or course of study that meets the eligibility requirements contained in this rule if the training or course listed in the shop's original application is cancelled. Such alternative training or course of study must meet all other requirements of this rule.

(14) Any educational assistance funding received by a shop may be applied retroactively to pay for technical training or course of study that is undertaken within the same fiscal year that the funding is dispersed by the Department.

(15) Refund of education assistance funds. Applicants shall refund motor vehicle repair education assistance funds to the Department under the following conditions:

(a) If an applicant's registration becomes expired, suspended, or revoked, that motor vehicle repair shop shall immediately refund any unused educational assistance funding to the Department within 30 days of said registration becoming expired, suspended or revoked.

(b) Any unused funds shall be refunded to the Department within 15 days from the end of 12 months from the date the funds are disbursed if the training or course of study is cancelled, not completed, or the specified employees of the applicant do not attend the training or course of study within the 12-month period.

Specific Authority 570.07(23) FS. Law Implemented 559.922 FS. History—New \_\_\_\_\_.

**DEPARTMENT OF EDUCATION**

**State Board of Education**

RULE TITLE: Kindergarten Readiness Rate  
 RULE NO.: 6A-1.099821

PURPOSE AND EFFECT: The purpose of the rule development is to adopt procedures for the Department to annually calculate each private prekindergarten provider's and public school's kindergarten readiness rate, which must be expressed as the percentage of the provider's or school's students who are assessed as ready for kindergarten. The kindergarten readiness rates must be based exclusively upon the results of the statewide kindergarten screening for students completing the Voluntary Prekindergarten Education Program, beginning with students completing the program during the 2005-06 school year who are administered the statewide kindergarten screening during the 2006-07 school year. The effect is to implement the requirements of Section 1002.69, Florida Statutes, and continued implementation of the calculation of a readiness rate.

SUBJECT AREA TO BE ADDRESSED: Kindergarten Readiness Rate.

SPECIFIC AUTHORITY: 1002.79 FS.

LAW IMPLEMENTED: 1002.69 FS.

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

TIME AND DATE: 4:00 p.m. – 7:00 p.m., September 9, 2005  
 PLACE: Florida Department of Education, Room 1703, 325 W. Gaines, Street, Tallahassee, Florida

TIME AND DATE: 4:00 p.m. – 8:00 p.m., September 12, 2005  
 PLACE: Early Learning Coalition of Miami-Dade/Monroe, 2555 Ponce de Leon Blvd., 5th Floor, Coral Gables, Florida

TIME AND DATE: 4:00 p.m. – 8:00 p.m., September 13, 2005  
 PLACE: Blake High School Cafeteria, 1701 North Boulevard, Tampa, Florida

Requests for the rule development workshop should be addressed to: Lynn Abbott, Agency Clerk, Department of Education, 325 West Gaines Street, Room 1514, Tallahassee, Florida 32399-0400.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Shan Goff, Office of Early Learning, Florida Department of Education, 325 W. Gaines St., Suite 1532, Tallahassee, FL 32399-0400, (850)245-0445

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

**DEPARTMENT OF EDUCATION**

**Educational Practices Commission**

RULE TITLE: Instructional Personnel Assessment Systems  
 RULE NO.: 6B-4.010

PURPOSE AND EFFECT: The purpose of the rule development is to review current practices and requirements for district instructional personnel assessment systems to determine what amendments should be proposed. The effect of the amendment will be the development of district-based assessment systems that fulfill statutory requirements for assessment and performance-based pay.

SUBJECT AREA TO BE ADDRESSED: Instructional personnel assessment systems.

SPECIFIC AUTHORITY: 1012.22, 1012.34 FS.

LAW IMPLEMENTED: 1012.22, 1012.34 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, RULE DEVELOPMENT WORKSHOPS WILL BE HELD AT THE TIMES, DATES AND PLACES SHOWN BELOW:

TIME AND DATE: 4:00 p.m. – 6:00 p.m., September 7, 2005  
 PLACE: 325 West Gaines Street, Turlington Building, Room 1703/07, Tallahassee, Florida

TIME AND DATE: 4:00 p.m. – 6:00 p.m., September 14, 2005  
 PLACE: Seminole Community College, Building C, Multi-Purpose Room (Student Center), 100 Weldon Boulevard, Sanford, Florida

TIME AND DATE: 4:00 p.m. – 6:00 p.m., September 23, 2005  
 PLACE: Broward Community College, Central Campus, President's Dining Room, Building 19, Room 126, 3501 S.W. Davie Road, Davie, Florida

Requests for the rule development workshop should be addressed to: Lynn Abbott, Agency Clerk, Department of Education, 325 West Gaines Street, Room 1514, Tallahassee, Florida 32399-0400.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Pam Stewart, Deputy Chancellor, Educator Quality, Department of Education, 325 West Gaines Street, Room 1514, Tallahassee, Florida 32399-0400

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

**DEPARTMENT OF REVENUE**

**Property Tax Administration Program**

RULE TITLE: Florida Uniform Market Area Guidelines  
 RULE NO.: 12D-8.0082

PURPOSE AND EFFECT: The purpose of the creation of proposed Rule 12D-8.0082, F.A.C., is to provide for the Florida Uniform Market Area Guidelines that will be used by property appraisers to establish market areas and market area codes as required by Section 193.114, F.S. These rule development workshops continue the development of uniform regulations and guidelines that establish criteria for the identification of market areas by county property appraisers for preparation of the real property assessment roll under Section 193.114, F.S. These guidelines are being developed for adoption under the procedures set forth in Section 120.54, F.S., and will be adopted as rules.

SUBJECT AREA TO BE ADDRESSED: Florida Uniform Market Area Guidelines.

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.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIMES, DATES AND PLACES SHOWN BELOW:

TIME AND DATE: 9:00 a.m. – 12:30 p.m., Thursday, September 8, 2005

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

TIME AND DATE: 9:00 a.m. – 12:30 p.m., Friday, September 9, 2005

PLACE: The Florida Mall Hotel, 1500 Sand Lake Rd., Orlando, FL

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Any person requiring special accommodations to participate in the workshops is asked to advise the Department at least 48 hours before the workshop by contacting: Sharon Gallops, (850)414-6108. If you are hearing or speech impaired, please 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 RULE DEVELOPMENT IS: Sharon Gallops, Property Tax Technical Unit, Department of Revenue, 725 S. Calhoun St., Tallahassee, Florida 32399-0100, (850)414-6108, e-mail: gallopss@dor.state.fl.us

The text of the draft of the Florida Uniform Market Area Guidelines is expected to be available seven days before the rule development workshop by contacting the person referenced above or by accessing the website: <http://www.myflorida.com/dor/property/RP/pcomment.html>

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

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 New 12/05  
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

**DEPARTMENT OF TRANSPORTATION**

**Florida Seaport Transportation and Economic Development Council**

RULE CHAPTER TITLE: Small County Dredging Grant Program  
 RULE CHAPTER NO.: 14B-2

PURPOSE AND EFFECT: To implement the provisions of Section 311.115, Florida Statutes by creating an administrative process to review and approve or disapprove applications for dredging grants.

SUBJECT AREA TO BE ADDRESSED: Small County Dredging Grant Program.

SPECIFIC AUTHORITY: 311.115 FS.

LAW IMPLEMENTED: 311.115 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY FL SEAPORT TRANSPORTATION AND ECONOMIC DEVELOPMENT COUNCIL, 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: Michael L. Rubin, Assistant Secretary, Florida Seaport Transportation and Economic Development Council, 502 East Jefferson Street, Tallahassee, Florida 32301

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

**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.”

**WATER MANAGEMENT DISTRICTS**

**Southwest Florida Water Management District**

RULE CHAPTER TITLE: RULE CHAPTER NO.:  
Procedural 40D-1  
RULE TITLE: RULE NO.:  
Delegation of Authority 40D-1.002

PURPOSE AND EFFECT: The purpose of the proposed rule amendment is to incorporate the renewals of the District’s existing well construction permitting program delegation agreements with Manatee and Sarasota Counties into Rule 40D-1.002, F.A.C. The effect of the proposed rule amendment will be to extend the existing delegations of the well construction permitting program to Manatee and Sarasota Counties for an additional term of five years.

SUBJECT AREA TO BE ADDRESSED: The proposed rule amendment adopts renewals of the District’s existing well construction permitting program delegation agreements with Manatee and Sarasota Counties. The agreements describe the scope of the delegated authority and the conditions and standards under which the counties must operate the program, and extend the delegations for five years.

SPECIFIC AUTHORITY: 373.044, 373.103, 373.113, 373.118, 373.219, 373.309 FS.

LAW IMPLEMENTED: 253.002, 373.103, 373.149, 373.219, 373.223, 373.224, 373.226, 373.308, 373.309, 373.427 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 District does not discriminate on the basis of disability. Anyone requiring reasonable accommodation should contact: Dianne Lee, (352)796-7211, Ext. 4658, TDD only 1(800)231-6103.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Margaret M. Lytle, Senior Attorney, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4651  
THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

**WATER MANAGEMENT DISTRICTS**

**Southwest Florida Water Management District**

RULE CHAPTER TITLE: RULE CHAPTER NO.:  
Procedural 40D-1  
RULE TITLE: RULE NO.:  
Forms and Instructions 40D-1.659

PURPOSE AND EFFECT: The purpose of the proposed rule amendment is to incorporate revisions to Form No. 41.10-410(2)(8/96), the Well Completion Report, into Rule 40D-1.659, F.A.C. Existing language in the form seeking information on permits authorizing multiple wells, such as how many of the authorized wells were constructed or abandoned and whether any of the authorized wells are being cancelled, has proven to be confusing. The proposed revisions are necessary in order to clarify the information being requested, provide space for additional information on water quality testing, and to update descriptions of well use and drill methods. The effect of the proposed rule amendment will be to make the form clearer and easier to use.

SUBJECT AREA TO BE ADDRESSED: The proposed rule amendment adopts revisions to the Well Completion Report, a form relating to water well construction. The revisions include a clarification of information being requested concerning multiple-well permits, additional space for information on water quality testing, and updates of descriptions of well use and drill methods.

SPECIFIC AUTHORITY: 373.044, 373.113, 373.149, 373.171 FS.

LAW IMPLEMENTED: 373.116, 373.206, 373.207, 373.209, 373.216, 373.219, 373.229, 373.239, 373.306, 373.308, 373.309, 373.313, 373.323, 373.324, 373.339, 373.413, 373.414, 373.416, 373.419, 373.421 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 District does not discriminate on the basis of disability. Anyone requiring reasonable accommodation should contact: Dianne Lee, (352)796-7211, Ext. 4658, TDD only 1(800)231-6103.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Margaret M. Lytle, Senior Attorney, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4651  
THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

**DEPARTMENT OF THE LOTTERY**

RULE TITLE: Determining Salary Upon Appointment  
 RULE NO.: 53-13.001

PURPOSE AND EFFECT: The Department proposes to amend this rule to replace Rule 53ER05-47, F.A.C. and establish a permanent rule.

SUBJECT AREA TO BE ADDRESSED: Determining Salary Upon Appointment.

SPECIFIC AUTHORITY: 24.105(9) FS.

LAW IMPLEMENTED: 24.105(19) 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: Faith L. Schneider, Office of the General Counsel, Florida Lottery, 250 Marriott Drive, Tallahassee, FL 32301, (850)487-7724

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

**DEPARTMENT OF THE LOTTERY**

RULE TITLE: Overtime Compensation  
 RULE NO.: 53-13.008

PURPOSE AND EFFECT: The Department deems it necessary to amend this rule for clarification.

SUBJECT AREA TO BE ADDRESSED: Overtime compensation.

SPECIFIC AUTHORITY: 24.105(9) FS.

LAW IMPLEMENTED: 24.105(19) 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: Faith L. Schneider, Office of the General Counsel, Florida Lottery, 250 Marriott Drive, Tallahassee, FL 32301, (850)487-7724

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

**DEPARTMENT OF THE LOTTERY**

RULE TITLE: Overtime/Compensation for Excess Hours of Work  
 RULE NO.: 53-16.004

PURPOSE AND EFFECT: The Department deems it necessary to amend this rule for clarification.

SUBJECT AREA TO BE ADDRESSED: Overtime/Compensation for Excess Hours of Work.

SPECIFIC AUTHORITY: 24.105(9) FS.

LAW IMPLEMENTED: 24.105(19) 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: Faith L. Schneider, Office of the General Counsel, Florida Lottery, 250 Marriott Drive, Tallahassee, FL 32301, (850)487-7724

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

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

RULE TITLE: Developer, Defined  
 RULE NO.: 61B-15.007

PURPOSE AND EFFECT: The purpose of this rule amendment is to clarify that the offering of units in a condominium consisting of seven or fewer units is not an offering in the ordinary course of business and does not trigger the requirement to file documents with the division.

SUBJECT AREA TO BE ADDRESSED: Section 718.103(23), F.S., provides that a residential condominium consists of two or more units. Section 718.501, F.S., provides that the division's authority under Chapter 718, F.S., is limited to residential condominiums. Section 718.502, F.S., provides that a developer of a residential condominium or mixed use condominium must file with the division every document that will or must be provided to a purchaser. Rule 61B-15.007, F.A.C., provides that there is a presumption that the developer is offering in the ordinary course of business – triggering the filing requirement – when the developer offers more than seven parcels (units) in a year. The division wishes to reword the presumption language and clarify that the converse is also true; that the offering of seven or fewer parcels is not an offering in the ordinary course of business and does not trigger a filing requirement with the division. However, developers of condominiums with seven or fewer total units would still have to file a notice of recording information and pay annual fees and would be subject to the division's enforcement authority as provided in Section 718.501, F.S.

SPECIFIC AUTHORITY: 718.501(1)(f), 718.502(1)(c) FS.

LAW IMPLEMENTED: 718.501, 718.502, 718.505 FS.

IF REQUESTED 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., September 12, 2005

PLACE: Conference Room B03, Fuller-Warren Building, 201 W. Bloxham Street, Tallahassee, Florida

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Sharon A. Malloy, Senior Management Analyst II, Division of Florida Land Sales, Condominiums and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-1030 (A copy is available on line: <http://www.state.fl.us/dbpr/lsc/index.shtml>)

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

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

RULE TITLE: Examination of Documents  
 RULE NO.: 61B-17.005

PURPOSE AND EFFECT: The purpose of this rule amendment is to remove a self-imposed rule mandate that is not required by statute, eliminate unnecessary paperwork (a formal written deficiency notice for every form defect) that is not required by statute, and avoid a delay in the business process of reviewing filings. The rule amendment also provides time periods in which the division and the condominium developer must perform an action required by statute.

SUBJECT AREA TO BE ADDRESSED: Section 718.502(1)(b), F.S., and paragraph 61B-17.005(3)(a), F.A.C., provides the division a specific time period in which to review the content of condominium filings. The division cannot review the content of a filing unless the filing contains the necessary documentation to permit a full review. Therefore, subsections 61B-17.005(1) and (2), F.A.C., provide that filings must be submitted to the division in proper form (with complete documentation) to trigger the division’s time period to review the content of the filing. However, the division is not prohibited under the statute from beginning the content review even if some portion of the documentation is missing. The division’s current practice is to telephone, fax, or email the

developer to request an immediate correction of a serious form deficiency or simply review the filing if the form deficiency is minor.

Existing subsection 61B-17.005(2), F.A.C., in the second sentence, requires the division to notify the developer within the initial ten days of a review period if the filing is deficient in form. The division wishes to delete the second sentence of the rule because the division’s actual practices are more efficient.

Section 718.502(2)(a), F.S., provides the division a specific time period (20 days) in which to review the content of a reservation program filing and cite deficiencies, if any. Neither the statute nor the rules provide the time periods for the developer’s corrections or the division’s review of such corrections. The proposed rule would provide a 20-day time period for the developer’s corrections and the division’s review of the corrections. In addition, the division desires to consolidate the time periods between all of the division’s program areas to simplify the business process. Using “20 days” for all three time periods will achieve that goal.

SPECIFIC AUTHORITY: 718.501(1)(f), 718.502(1)(c) FS.

LAW IMPLEMENTED: 718.501, 718.502, 718.505 FS.

IF REQUESTED 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., September 12, 2005

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THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Sharon A. Malloy, Senior Management Analyst II, Division of Florida Land Sales, Condominiums and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-1030 (A copy is available on line: <http://www.state.fl.us/dbpr/lsc/index.shtml>)

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

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

RULE TITLE: Declarations  
 RULE NO.: 61B-18.0005



**PURPOSE AND EFFECT:** The purpose of this rule amendment is to require a condominium developer to provide individual unit or unit type square footage and the total square footage of all units to allow the purchaser and the division to verify the correctness of percentages of ownership and annual assessments. The lack of square footage information makes it necessary for the bureau to request such information to complete its review of the documents. This slows the review process. More importantly, incorrect percentages of ownership have generated compliance actions within the division.

**SUBJECT AREA TO BE ADDRESSED:** Pursuant to Section 718.104(4)(f) and (g), F.S., the declaration of condominium must state that the percentage of ownership of the common elements and common surplus is calculated upon either the square footage method (square footage of one residential unit in proportion to total square footage of all residential units) or on an equal fractional basis (one unit out of a total of 10 units would have a 1/10 percentage of ownership). The same is required in a mixed-use condominium. See Section 718.404(3), F.S.

Pursuant to Section 718.504(2), F.S., the condominium prospectus must provide an explanation of the manner in which the apportionment of common expenses and ownership of common elements will be determined. Section 718.502(5), F.S., provides that the division may require additional disclosure as deemed necessary to fully or fairly disclose all aspects of the offering.

The perimetrical boundary method is the accepted method of measuring square footage and is based upon the developer's legal description of the boundaries of the unit (e.g., whether the unit includes or excludes the interior portion of the wall). Section 718.501(1)(f), F.S., provides: "The division has authority to adopt rules pursuant to Sections 120.536(1) and 120.54, F.S., to implement and enforce the provisions of this chapter." Section 718.502(1)(c), F.S., provides: "The division by rule may develop filing, review, and examination requirements and relevant timetables to ensure compliance with the notice and disclosure provisions of this section."

**SPECIFIC AUTHORITY:** 718.501(1)(f), 718.502(1)(c) FS.

**LAW IMPLEMENTED:** 718.104(4)(f),(g), 718.404(3), 718.504(2), 718.502(5), 718.502, 718.503, 718.504 FS.

**IF REQUESTED 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., September 12, 2005

**PLACE:** Conference Room B03, Fuller-Warren Building, 201 W. Bloxham Street, Tallahassee, Florida

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Sharon A. Malloy, Senior Management Analyst II, (850)488-1631. If you are hearing or speech impaired, please contact the agency by calling 1(800)955-8771.

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS:** Sharon A. Malloy, Senior Management Analyst II, Division of Florida Land Sales, Condominiums and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-1030 (A copy is available on line: <http://www.state.fl.us/dbpr/lsc/index.shtml>)

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

## **DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

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

**RULE TITLE:** Notices of Intended Conversion

**RULE NO.:** 61B-24.002

**PURPOSE AND EFFECT:** The purpose of this rule amendment is to provide time periods in which the division and the condominium filing developer must perform an action required by statute.

**SUBJECT AREA TO BE ADDRESSED:** Rule 61B-24.002, F.A.C., provides the specific time period in which the division must review the content of a notice of intended conversion filing (35 days) and notify the developer of any deficiencies in the filing. The rule also provides the time period in which the developer must correct the deficiencies (35 days) and the time period in which the division must respond to the corrections (20 days). However, the period of 35 days is overly long for the type of filing involved and should be shortened. In addition, the division desires to consolidate the various time periods related to different filing types between program areas to simplify that aspect of the business process. Using "20 days" for all three time periods will achieve that goal.

**SPECIFIC AUTHORITY:** 718.501(1)(f), 718.608(5), 718.621 FS.

**LAW IMPLEMENTED:** 718.608(5) FS.

**IF REQUESTED 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., September 12, 2005

**PLACE:** Conference Room B03, Fuller-Warren Building, 201 W. Bloxham Street, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/hearing/meeting is asked to advise the agency at least 48 hours before the workshop by contacting

Sharon A. Elzie, Senior Management Analyst II, (850)488-1631. If you are hearing or speech impaired, please contact the agency by calling 1(800)955-8771.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Sharon A. Elzie, Senior Management Analyst II, Division of Florida Land Sales, Condominiums and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-1030 (A copy is available on line: <http://www.state.fl.us/dbpr/lsc/index.shtml>)

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

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

RULE TITLE: Public Offering Statement and Purchase Agreement Requirements  
 RULE NO.: 61B-39.002

PURPOSE AND EFFECT: The purpose of this rule amendment is to remove a self-imposed rule mandate that is not required by statute. Elimination of the rule will avoid unnecessary paperwork (a formal written deficiency notice for every form defect) that is not required by statute and avoid a delay in the business process of reviewing filings. The rule amendment also eliminates unnecessary paperwork that is not required by statute. In addition, the rule amendment will correct references from “registered POS” to “filed POS” to reflect recent statutory changes.

SUBJECT AREA TO BE ADDRESSED: Subsection 61B-39.002(7), F.A.C. and Section 721.07(2)(a), F.S., provides the division a specific time period in which to review the content of timeshare filings. The division cannot review the content of a filing unless the filing contains the necessary documentation to permit a full review. Therefore, Section 721.07(2)(a), F.S., provides that filings must be submitted to the division in the form required by the rules (with complete documentation) in order to trigger the division’s time period to review the content of the filing. However, the division is not prohibited under the statute from beginning the content review even if some portion of the documentation is missing. The division’s current practice is to telephone, fax, or email the developer to request an immediate correction of a serious form deficiency or to simply review the filing if the form deficiency is minor.

The existing rule requires the division to notify the developer within the initial ten days of a review period if the filing is deficient in form. The division wishes to delete the rule because the division’s actual practices are more efficient.

Subsection 61B-39.002(6), F.A.C. One of the division’s core statutory missions is the review of offering and sales documents (filings) submitted by timeshare developers. The division permanently retains such filings and related correspondence and documentation. The division is not required by statute to review or retain recorded documents.

SPECIFIC AUTHORITY: 721.07, 721.26(6), 721.55, 721.551 FS.

LAW IMPLEMENTED: 721.03, 721.03(1)(c)3, 721.06, 721.065, 721.07, 721.55, 721.551 FS.

IF REQUESTED 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., September 12, 2005

PLACE: Conference Room B03, Fuller-Warren Building, 201 W. Bloxham Street, Tallahassee, Florida

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THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Sharon A. Malloy, Senior Management Analyst II, Division of Florida Land Sales, Condominiums and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-1030 (A copy is available on line: <http://www.state.fl.us/dbpr/lsc/index.shtml>)

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

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

RULE TITLE: Procedure for Filing and Examination of Documents  
 RULE NO.: 61B-79.002

PURPOSE AND EFFECT: The purpose of this rule amendment is to provide missing time periods in which the division and the cooperative developer must perform an action required by statute related to the review and approval of cooperative filings. The rule amendment also removes a duplicative form review process that can be performed as part of the content review.

SUBJECT AREA TO BE ADDRESSED: Currently, the division performs form review of cooperative documents and the developer may not offer the cooperative units until the division issues an acceptance letter “for form.” This procedure

was previously used in the condominium program area but was eliminated in 2001 as a streamlining measure. Similarly, the division wishes to eliminate the separate form review process for cooperatives. As with the condominium and timeshare program areas, the division would perform the form review within the same time period allowed for the substantive (content) review.

Currently, there are currently no specific time periods in statute or rule for the review of cooperative filings. The division uses the condominium time periods as a guide for cooperative reviews. To simplify the business process, the division has filed several rule proposals to consolidate the various time periods related to the review of different filing types between program areas (for example, condominium reservation programs, cooperative reservation programs, timeshare reservation programs, etc). The new rule would provide time periods identical to those provided for the review of condominium documents.

SPECIFIC AUTHORITY: 719.501(1)(f), 719.502(1)(b), 719.621 FS.

LAW IMPLEMENTED: 719.202, 719.502, 719.503, 719.504, 719.608 FS.

IF REQUESTED 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., September 12, 2005

PLACE: Conference Room B03, Fuller-Warren Building, 201 W. Bloxham Street, Tallahassee, Florida

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Sharon A. Malloy, Senior Management Analyst II, Division of Florida Land Sales, Condominiums and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-1030 (A copy is available on line: <http://www.state.fl.us/dbpr/lsc/index.shtml>)

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Architecture and Interior Design**

RULE TITLE: Continuing Education – Approval of Subjects and Providers  
 RULE NO.: 61G1-21.003

PURPOSE AND EFFECT: The Board proposes to review the existing language in this rule to determine whether changes are necessary.

SUBJECT AREA TO BE ADDRESSED: Continuing Education – Approval of subjects and providers.

SPECIFIC AUTHORITY: 481.215(5) FS.

LAW IMPLEMENTED: 481.215(5) 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, IF AVAILABLE, IS: Juanita Chastain, Executive Director, Board of Architecture and Interior Design, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Architecture and Interior Design**

RULE TITLE: Responsible Supervising Control Over Architectural Practice Outside of the Architect’s Office  
 RULE NO.: 61G1-23.015

PURPOSE AND EFFECT: The Board proposes the rule amendment to clarify what documentation of work must be maintained by the architect in order to demonstrate responsible supervising control over the architectural practice outside of the architect’s office.

SUBJECT AREA TO BE ADDRESSED: Documentation of responsible supervising control over the architectural practice outside of the architect’s office.

SPECIFIC AUTHORITY: 481.2055 FS.

LAW IMPLEMENTED: 481.221(4), 481.223, 481.225 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: Juanita Chastain, Executive Director, Board of Architecture and Interior Design, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61G1-23.015 Responsible Supervising Control Over Architectural Practice Outside of the Architect’s Office.  
 An architect may seal and sign any documents, instruments of service, specifications, reports or other work which requires the seal and signature of a registered architect prepared outside of the architect’s office, so long as all of the procedures set forth below are met. This Rule (61G1-23.015, F.A.C.) does not address the procedures required of an architect in sealing and signing work which falls within the definition of “interior design” as that term is defined in Section 481.203(8), F.S.

(1) The architect accepts professional responsibility for all architectural design activities of a project performed outside of the architect’s office throughout design development and the production of all documents and instruments of service. The architect shall prepare and maintain as evidence of the architect’s continuing effort in such work: to include written calculations, correspondence, time records, check prints, telephone logs, site visit logs or research done for the project and shall provide such evidence to state or local authorities upon their request.

(2) The architect maintains written documentation that the architect has ~~directly personally~~ supervised the preparation of all documents and instruments of service, reviewed all project data, ~~directly personally~~ inspected the project site and entered into an ~~written~~ agreement with the persons preparing the documents accepting professional responsibility for such work.

(3) The architect makes certain, if the work which the architect intends to seal and sign has been prepared by another person outside the architect’s office, that whenever such final work is submitted to a client, building owner or building user, the architect is present during such submissions in order to respond to questions from the client, owner or user. ~~The architect shall maintain written minutes of such a submission meeting.~~

(4) Reviewing, or reviewing and correcting, technical submissions after they have been prepared by others does not constitute the exercise of responsible supervising control over, nor detailed professional knowledge of, the content of such submissions throughout their preparation. If an architect fails to maintain written documentation of the items set forth in subsections (1)-(3) above, when such are applicable, then the architect shall be considered to be in violation of Section 481.221(4) and (5), F.S., and the architect shall be subject to disciplinary penalties as provided in paragraph 61G1-12.004(2)(e), F.A.C., “Plan Stamping.”

Specific Authority 481.2055 FS. Law Implemented 481.221(4),(5), 481.223, 481.225 FS. History—New 11-21-94, Amended \_\_\_\_\_.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Architecture and Interior Design**

RULE TITLE: Continuing Education Approval of Subjects and Providers

RULE NO.: 61G1-24.002

PURPOSE AND EFFECT: The Board proposes to review the existing language in this rule to determine whether changes are necessary.

SUBJECT AREA TO BE ADDRESSED: Continuing education approval of subjects and providers.

SPECIFIC AUTHORITY: 481.215 FS.

LAW IMPLEMENTED: 481.215 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, IF AVAILABLE, IS: Juanita Chastain, Executive Director, Board of Architecture and Interior Design, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Electrical Contractors’ Licensing Board**

RULE TITLE: Violations and Penalties

RULE NO.: 61G6-10.002

PURPOSE AND EFFECT: The Board proposes to review the existing language in this rule to determine whether changes are necessary.

SUBJECT AREA TO BE ADDRESSED: Violations and Penalties.

SPECIFIC AUTHORITY: 455.2273, 489.507(3) FS.

LAW IMPLEMENTED: 455.2273 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, IF AVAILABLE, IS: Anthony Spivey, Executive Director, Electrical Contractors’ Licensing Board, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

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

**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 Optometry**

RULE TITLES:	RULE NOS.:
Patient Records; Transfer or Death of Licensed Practitioner	64B13-3.003
Minimum Equipment Requirements	64B13-3.004
Standards of Practice	64B13-3.010
Performance of Delegated Tasks by Non-Licensed Personnel	64B13-3.015

PURPOSE AND EFFECT: Rule 64B13-3.003, F.A.C. – To specify in this rule that the required signature of the licensed practitioner must be legible in making entries for each patient encounter; Rule 64B13-3.004, F.A.C. – To add an alternative to acceptable equipment; Rule 64B13-3.010, F.A.C. – To update the existing language in this rule and delete unnecessary language; Rule 64B13-3.015, F.A.C. – To update the existing language in this rule.

SUBJECT AREA TO BE ADDRESSED: Patient Records; Transfer or Death of Licensed Practitioner; Minimum Equipment Requirements; Standard of Practice for Licensed Optometrists; and Performance of Delegated Tasks by Non-Licensed Personnel.

SPECIFIC AUTHORITY: 456.058, 463.005(1) FS.

LAW IMPLEMENTED: 456.057, 456.058, 463.005(1), 463.009, 463.0135(1), 463.016(1) 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: Joe Baker, Jr., Executive Director, Board of Optometry, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3259

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B13-3.003 Patient Records; Transfer or Death of Licensed Practitioner.

(1) A licensed practitioner shall maintain full and independent responsibility and control over all records relating to his or her patients and his or her optometric practice. The licensed practitioner must legibly sign the entry for each patient encounter. All such records shall remain confidential except as otherwise provided by law and shall be maintained

by the licensed practitioner in compliance with Rule 64B13-3.001, F.A.C. For the purposes of this rule, “maintain full and independent responsibility and control” means that the records shall be maintained in the licensed practitioner’s office or solely in the possession of the licensed practitioner, and that the licensed practitioner shall not share, delegate, or relinquish either possession of the records or his or her responsibility or control over those records with or to any entity which is not itself a licensed practitioner.

(2) through (7) No change.

Specific Authority 456.058, 463.005(1)(a),(d) FS. Law Implemented 456.057, 456.058, 463.005(1)(a),(d) FS. History–New 11-13-79, Amended 12-19-84, 4-8-85, Formerly 21Q-3.03, Amended 12-16-86, 7-11-88, Formerly 21Q-3.003, 61F8-3.003, Amended 2-14-96, Formerly 59V-3.003, Amended 3-29-98, 4-3-00, 1-2-02, \_\_\_\_\_.

64B13-3.004 Minimum Equipment Requirements.

The following shall constitute the minimum equipment which a licensed practitioner must possess in each office in which he engages in the practice of optometry:

(1) through (3) No change.

(4) Ophthalmometer, ~~or~~ keratometer or corneal topographer;

(5) through (8) No change.

Specific Authority 463.005(1) FS. Law Implemented 463.005(1)(b) FS. History–New 11-13-79, Formerly 21Q-3.04, Amended 12-16-86, 7-11-88, Formerly 21Q-3.004, 61F8-3.004, 59V-3.004, Amended \_\_\_\_\_.

64B13-3.010 Standards of Practice for Licensed Optometrists.

(1) through (3) No change.

(4) Certified optometrists employing the topical ocular pharmaceuticals listed in subsection 64B13-18.002(9), F.A.C., Anti-Glaucoma Agents, shall comply with the following:

(a) through (b) No change.

(c) The certified optometrist shall have available, and be proficient in the use of, the following instrumentation ~~or procedure is:~~

1. through 6. No change.

(5) through (8) No change.

Specific Authority 463.005(1) FS. Law Implemented 463.005(1), 463.0135(1), 463.016(1) FS. History–New 9-16-80, Amended 12-20-82, Formerly 21Q-3.10, Amended 7-11-88, 6-18-92, 1-28-93, Formerly 21Q-3.010, Amended 3-16-94, Formerly 61F8-3.010, Amended 8-24-94, 9-21-94, 2-13-95, 12-31-95, Formerly 59V-3.010, Amended 6-15-00, 2-7-01, \_\_\_\_\_.

64B13-3.015 Performance of Delegated Tasks by Non-Licensed Personnel.

(1) No change.

(2) Non-licensed personnel, who need not be employees of the licensed practitioner, may perform ministerial duties, tasks and functions assigned to them by and performed under the general supervision of a licensed practitioner, including obtaining information from patients customers for the purpose of making appointments for the licensed practitioner. Tasks and

functions that may be performed shall include, but not be limited to, delivery of eyeglasses, selection of frames, adjustment of frames, and instruction for the insertion, removal and care of contact lenses. However, to ensure patient confidentiality of examination records in accordance with Section 456.057(5), Florida Statutes, a non-employee shall not be allowed to perform any task or function which would require or give them access to patient records or examination reports of any person without prior written authorization of that patient.

(3) through (4) No change.

Specific Authority 463.005(1) FS. Law Implemented 463.009 FS. History--New 10-23-88, Formerly 21Q-3.015, 61F8-3.015, 59V-3.015, Amended

**DEPARTMENT OF HEALTH**

**Board of Optometry**

RULE TITLES:	RULE NOS.:
Licenses and Signs in Office	64B13-3.006
Minimum Procedures for Vision Analysis	64B13-3.007
Corporate, Lay, and Unlicensed Practice of Optometry Prohibited	64B13-3.008
False, Fraudulent, Deceptive and Misleading Advertising	64B13-3.009
Prohibited; Policy; Definitions; Affirmative Disclosure Prescriptions	64B13-3.012

PURPOSE AND EFFECT: Rule 64B13-3.006, F.A.C. – The purpose is to require that the notification that a licensee is not a certified optometrist be in easily readable type size; Rule 64B13-3.007, F.A.C. – The purpose is to clarify that visual screens for research purposes do not require the minimum procedures set forth in the rule if the patient gives informed consent; Rule 64B13-3.008, F.A.C. – The purpose is to clarify what constitutes evidence of affecting the independent practice of a licensee; Rule 64B13-3.009, F.A.C. – The purpose is to establish type size in advertisements for free or discounted services; Rule 64B13-3.012, F.A.C. – The purpose is to add additional information required on prescriptions.

SUBJECT AREA TO BE ADDRESSED: Licenses and Signs in Office; Minimum Procedures for Vision Analysis; Corporate, Lay, and Unlicensed Practice of Optometry Prohibited; False, Fraudulent, Deceptive and Misleading Advertising Prohibited; Policy; Definitions; Affirmative Disclosure; and Prescriptions.

SPECIFIC AUTHORITY: 463.005 FS.

LAW IMPLEMENTED: 456.072(1)(a),(j), (m),(p), 463.002(3), 463.005, 463.011, 463.012, 463.0135, 463.014, 463.016(1)(f),(g),(k) 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, IF AVAILABLE, IS: Joe Baker, Jr., Executive Director, Board of Optometry, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3259  
THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

**DEPARTMENT OF HEALTH**

**Board of Optometry**

RULE TITLE: Manner of Application  
RULE NO.: 64B13-4.004

PURPOSE AND EFFECT: The Board proposes to update the existing language in this rule.

SUBJECT AREA TO BE ADDRESSED: Manner of Application.

SPECIFIC AUTHORITY: 456.033, 463.006(1)(b),(2) FS.

LAW IMPLEMENTED: 456.013(7), 456.033, 463.006(1)(b), (2) 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: Joe Baker, Jr., Executive Director, Board of Optometry, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3259

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B13-4.004 Manner of Application.

(1) Any person desiring to be a licensed practitioner shall apply to the department to take the licensure examination. The board will determine if an applicant qualifies for examination. The board will approve each applicant who:

- (a) No change.
- (b) Submits satisfactory proof that the applicant ~~he~~:
  1. through 2. No change.

3. Has graduated from a school or college of optometry approved by the board which has been accredited by the Accreditation Council on Optometric Education ~~of the American Optometric Association~~ (ACOE) and which remains accredited by ACOE. Provisional status accreditation shall meet the requirements of accreditation as used in this rule.

4. through 5. No change.

(2) All applications for examination shall be made on the form titled "Application for Optometry Examination" number DPR-OPA-0001 effective 4/8/92, which is hereby incorporated by reference and can be obtained from the board office. All applications for examination shall include the application fee

as specified in subsection 64B13-6.001(9), F.A.C., the examination fee as specified in subsection 64B13-6.001(1), F.A.C., and the initial licensure fee as specified in subsection 64B13-6.001(2) or (3), F.A.C. No application shall be deemed complete which does not set forth all the information required by said forms and which fails to include all fees as set forth in this rule. Applications for licensure must be received by the Department at least 60 days prior to the examination.

(3) ~~As of July 1, 1989,~~ Each applicant for examination must complete an educational course on Human Immunodeficiency Virus and Acquired Immune Deficiency Syndrome (HIV/AIDS) approved by the Board of Optometry. To be Board approved an educational course on HIV/AIDS must:

- (a) through (c) No change.
- (4) through (5) No change.

Specific Authority 456.033, 463.006(1)(b),(2) FS. Law Implemented 456.013(7), 456.033, 463.006(1)(b),(2) FS. History—New 11-13-79, Amended 4-17-80, Formerly 21Q-4.04, Amended 11-20-86, 4-19-89, 6-25-92, 6-6-93, Formerly 21Q-4.004, Amended 6-14-94, Formerly 61F8-4.004, Amended 3-21-95, 5-29-95, Formerly 59V-4.004, Amended 7-15-02, 11-3-03,

**DEPARTMENT OF HEALTH**

**Board of Optometry**

RULE TITLE: Hours Requirement  
 RULE NO.: 64B13-5.001  
 PURPOSE AND EFFECT: To clarify the continuing education requirements.  
 SUBJECT AREA TO BE ADDRESSED: Hours Requirement.  
 SPECIFIC AUTHORITY: 456.013(7), 463.005(1), 463.007(3),(4) FS.  
 LAW IMPLEMENTED: 456.013(7), 463.007 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, IF AVAILABLE, IS: Joe Baker, Jr., Executive Director, Board of Optometry, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3259

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

**DEPARTMENT OF HEALTH**

**Board of Optometry**

RULE TITLE: Criteria for Approval  
 RULE NO.: 64B13-5.002  
 PURPOSE AND EFFECT: The Board proposes to update the existing language in this rule.  
 SUBJECT AREA TO BE ADDRESSED: Criteria for Approval.

SPECIFIC AUTHORITY: 463.005(1) FS.  
 LAW IMPLEMENTED: 463.007(4) 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: Joe Baker, Jr., Executive Director, Board of Optometry, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3259

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B13-5.002 Criteria for Approval.

- (1) No change.
- (2) A non-transcript quality continuing education program that satisfies the following criteria or course content shall be approved upon presentation of the information specified in subsection (4) below:

- (a) through (g) No change.

- (3) A transcript-quality course that satisfies the following requirements, in addition to the criteria or course content in subsection (2) above, shall be approved upon presentation of the information specified below as well as the information specified in subsection (4) below:

- (a) through (b) No change.

- (c) The course must be taught by instructors approved by the Board. Faculty members that instruct regular courses for the sponsoring school or equivalent ~~or~~ educational entity will automatically be approved. Instructors not fitting into this category must be approved by the Board.

- (d) through (e) No change.

- (4) To obtain Board approval, the following information must be provided by the program or course provider or by a licensed practitioner who attended the course:

- (a) through (g) No change.

- (h) Notwithstanding paragraphs ~~(3)~~(a)-(c) above, if the program is non-transcript quality and has been previously approved by the Council on Optometric Practitioner Education (COPE), or by any other recognized ~~optometric~~ organization ~~that sponsors~~ optometric education utilizing the criteria set forth in subsection (2) above, the Board shall approve the program upon submission of the approved course number issued by COPE or other recognized ~~optometric~~ organization and ~~in~~ compliance with paragraph (g) above.

- (5) through (6) No change.

Specific Authority 463.005(1) FS. Law Implemented 463.007(4) FS. History—New 11-13-79, Formerly 21Q-5.02, Amended 12-16-86, 12-11-88, 7-10-91, 10-28-92, Formerly 21Q-5.002, 61F8-5.002, Amended 11-29-94, 7-5-95, 8-18-96, Formerly 59V-5.002, Amended 3-21-00, 5-8-02, 8-19-03, \_\_\_\_\_.

**DEPARTMENT OF HEALTH**

**Board of Optometry**

RULE TITLE: RULE NO.:

Fees 64B13-6.001

PURPOSE AND EFFECT: To add a “retired-status fee” to this rule.

SUBJECT AREA TO BE ADDRESSED: Fees.

SPECIFIC AUTHORITY: 456.013(2), 456.025(7), 456.036, 463.005, 463.0057, 463.006, 463.007, 463.008 FS.

LAW IMPLEMENTED: 456.013(2), 456.025, 456.036, 463.0057, 463.006, 463.007, 463.008 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: Joe Baker, Jr., Executive Director, Board of Optometry, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3259

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B13-6.001 Fees.

The following fees are prescribed by the Board:

(1) through (16) No change.

(17) The retired-status fee is \$50.00.

Specific Authority 456.013(2), 456.025(7), 456.036, 463.005, 463.0057, 463.006, 463.007, 463.008 FS. Law Implemented 456.013(2), 456.025, 456.036, 463.0057, 463.006, 463.007, 463.008 FS. History–New 12-13-79, Amended 2-14-82, 8-18-82, 12-2-82, 5-6-84, 7-29-85, Formerly 21Q-6.01, Amended 11-20-86, 7-21-88, 2-5-90, 5-29-90, 7-10-91, 4-14-92, 7-1-93, Formerly 21Q-6.001, Amended 1-24-94, Formerly 61F8-6.001, Amended 12-22-94, 2-13-95, 4-5-95, 5-29-95, 12-31-95, Formerly 59V-6.001, Amended 12-24-97, 3-21-00, 11-18-01, 5-9-02, 9-10-02, 7-3-03, 10-30-03, 8-29-04,

**DEPARTMENT OF HEALTH**

**Board of Optometry**

RULE TITLES: RULE NOS.:

Range of Penalties for Administrative Violations 64B13-15.003

Designation of Administrative Violations; Major; Minor 64B13-15.005

PURPOSE AND EFFECT: For Rule 64B13-15.003, F.A.C., the purpose is to add disciplinary guideline to implement Section 456.072(1)(gg), F.S. For Rule 64B13-15.005, F.A.C., the purpose is to add disciplinary guideline to implement Section 456.072(1)(gg), F.S.

SUBJECT AREA TO BE ADDRESSED: Range of Penalties for Administrative Violations and Designation of Administrative Violations; Major; Minor.

SPECIFIC AUTHORITY: 456.079 FS.

LAW IMPLEMENTED: 456.079 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, IF AVAILABLE, IS: Joe Baker, Jr., Executive Director, Board of Optometry, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3259  
THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

**DEPARTMENT OF HEALTH**

**Board of Optometry**

RULE TITLE: RULE NO.:

Citations 64B13-15.009

PURPOSE AND EFFECT: To delete irrelevant term.

SUBJECT AREA TO BE ADDRESSED: Citations.

SPECIFIC AUTHORITY: 456.077, 463.005 FS.

LAW IMPLEMENTED: 456.077 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: Joe Baker, Jr., Executive Director, Board of Optometry, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3259

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B13-15.009 Citations.

(1) Definitions.

(a) No change

(b) “Subject” means the licensee, ~~trainee~~, or applicant alleged to have committed a violation designated in this rule.

(2) through (5) No change.

Specific Authority 456.077, 463.005 FS. Law Implemented 456.077 FS. History–New 1-1-92, Formerly 21Q-15.009, 61F8-15.009, 59V-15.009, Amended 3-21-00, 4-17-01, 12-26-01, 5-1-02, 7-15-02, 6-13-04, \_\_\_\_\_

**DEPARTMENT OF HEALTH**

**Board of Optometry**

RULE TITLE: RULE NO.:

Requirements and Restrictions for Mobile Branch Offices 64B13-16.003

PURPOSE AND EFFECT: The Board proposes to update the existing language in this rule.

SUBJECT AREA TO BE ADDRESSED: Requirements and Restrictions for Mobile Branch Offices.



SPECIFIC AUTHORITY: 463.005(1)(a) FS.  
 LAW IMPLEMENTED: 463.001, 463.011 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: Joe Baker, Jr., Executive Director, Board of Optometry, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3259

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B13-16.003 Requirements and Restrictions for Mobile Branch Offices.

Each licensed practitioner or certified optometrist using a mobile operation to practice optometry shall:

- (1) through (6) No change.
- (7) Meet all the requirements of Sections 463.0135 and 463.014, Florida Statutes, and Rule Chapter 64B13-3, Florida Administrative Code.

Specific Authority 463.005(1)(a) FS. Law Implemented 463.001, 463.011 FS. History—New 5-29-90, Formerly 21Q-16.003, 61F8-16.003, 59V-16.003, Amended \_\_\_\_\_

**DEPARTMENT OF FINANCIAL SERVICES**

**Division of Consumer Services**

RULE TITLE: RULE NO.:

Alternative Procedures for Resolution of Disputed Personal Lines Insurance Claims Arising from Hurricane and Tropical Storm Damage 69J-2.001

PURPOSE AND EFFECT: The purpose of the proposed changes is to address comments by the Joint Administrative Procedures Committee. The changes address the mediation fee paid by insurers, attorney participation in mediation, and the use of the pricing guidelines.

SUBJECT AREA TO BE ADDRESSED: Changes to the mediation rule to address comments by the Joint Administrative Procedures Committee.

SPECIFIC AUTHORITY: 624.308, 626.9611, 627.7015(4) FS.  
 LAW IMPLEMENTED: 624.307(1),(2),(4),(5), 624.316, 624.3161, 624.317, 624.318, 624.320, 624.324, 624.418(2)(a), 624.4211, 626.859, 626.874, 626.877, 626.9541(1)(a),(e), (i),(u), 626.9561, 626.9641(1)(g), 627.7015 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: 3:00 p.m., September 15, 2005

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Tom Terfinko, Assistant Director, Division of Consumer Services, Department of Financial Services, 200 East Gaines Street, Tallahassee, FL 32399-0320, (850)413-5802

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

69J-2.001 Alternative Procedures for Resolution of Disputed Personal Lines Insurance Claims Arising from Hurricane and Tropical Storm Damage.

- (1) through (4) No change.
- (5) Mediation Costs. Pursuant to Section 627.7015(3), F.S., the insurer shall bear all of the cost of conducting mediation conferences. Mediation costs shall include the administrative fee and the mediator's fee. The Department signed a contract with the Collins Center for Public Policy to schedule and conduct mediation conferences that provides for a \$250 mediator's fee. Within 5 days of receipt of the request for mediation from the insured or receipt of notice of the request from the Department or immediately after receipt of notice from the Administrator pursuant to Subsection (4) that mediation has been requested, whichever occurs first, the insurer shall pay a non-refundable administrative fee of \$100; not to exceed \$100, as determined by the Department, to the Administrator to defer the expenses of the Administrator and the Department. The insurer shall pay the mediator's fee \$250 to the Administrator for the mediator's fee not later than 5 days prior to the date scheduled for the mediation conference. However, if the mediation is cancelled for any reason more than 120 hours prior to the scheduled mediation time and date, the insurer shall pay \$50 to the Administrator for the mediator's fee instead of \$250. No part of the fee for the mediator's fee shall be refunded to the insurer if the conference is cancelled within 120 hours of the scheduled time.

- (6) No change.
- (7) Conduct of the Mediation Conference.

(a) Section 627.7015, Florida Statutes, provides that mediation is a non-adversarial process held in an informal, non-threatening forum intended to bring the parties together for a settlement conference without the trappings or drawbacks of an adversarial process. As such, it is not necessary to engage involve a private attorney to participate in the mediation conference and participation by private attorneys is discouraged by the Department. If the insured elects to have an attorney participate in the conference, the insured shall provide the name of the attorney to the Administrator at least six days before the date of the conference. Parties and their representatives must conduct themselves in the cooperative spirit of the intent of the law and this rule. Parties and their

representatives must refrain from turning the conference into an adversarial process. Both parties must negotiate in good faith. A party will be determined to have not negotiated in good faith if the party, or a person participating on the party's behalf, continuously disrupts, becomes unduly argumentative or adversarial, or otherwise inhibits the negotiations as determined by the mediator. The mediator shall terminate the conference if the mediator determines that either party is not negotiating in good faith or if the mediator determines that the conference should be terminated under the provisions of Rule 10.420(b) of the Florida Rules for Certified and Court-Appointed Mediators. The party responsible for causing termination shall be responsible for paying the mediator's fee and the administrative fee for any rescheduled mediation.

(b) through (f) No change.

(8) Guidelines for the Quality Repair of Residential Property at a Reasonable and Fair Price.

(a) The provisions of insurance policies and applicable statutes require claims payments made by insurers to be sufficient to effectuate required repairs. Further, misrepresentation by any person regarding the cost of repairs is also prohibited. ~~The Department of Financial Services has developed construction pricing guidelines based upon information provided by the construction industry, the insurance industry and nationally recognized vendors that compile and sell construction pricing guidelines. Insurers and policyholders participating in mediations conducted pursuant to this rule shall use Form DFS-II-1610 Guidelines for Quality Repair Of Residential Property At A Reasonable and Fair Price, rev. 12/04, hereby incorporated and adopted by reference, as guidelines for repairs to residential property arising in any county of this state in which a state of emergency was declared as a result of a hurricane or tropical storm in 2004. These guidelines are not intended to be used in the context of civil litigation. The guidelines reflect data from both the construction and insurance industries and the ranges take into consideration price differentials between geographic areas of the state.~~

(b) Due to the disparity between the contractor's estimates and the insurer's estimates for the repair or replacement of damaged property, the Department collected construction pricing information from the insurance and construction industries to provide some guidelines on the fair market value of construction materials and labor costs taking into consideration price differentials between the geographic areas of the state. These construction pricing guidelines are set forth in Form DFS-II-1610, Guidelines for Quality Repair of Residential Property at a Reasonable and Fair Price, revised 12/04, which are hereby incorporated and adopted by reference. These construction pricing guidelines may be used by the parties and mediators at the mediation conferences to resolve the disparities in repair and replacement cost estimates

and to assist in arriving at a mediated settlement of the claim. The construction pricing guidelines are not intended to be used outside of the mediation conferences taking place as a result of the 2004 hurricanes.

~~(c)(b)~~ The guidelines adopted herein do not apply to any portion of repairs necessary to fulfill the insurer's contractual obligation to restore the insured residence to pre-hurricane condition where, as of the effective date of this rule, there is an executed repair contract to effectuate such repairs for an agreed price and the insurer has tendered full payment for the repair contract amount for those repairs.

(9) through (15) No change.

Specific Authority 624.308, 626.9611, 627.7015(4) FS. Law Implemented 624.307(1),(2),(4),(5), 624.316, 624.3161, 624.317, 624.318, 624.320, 624.324, 624.418(2)(a), 624.4211, 626.859, 626.874, 626.877, 626.9541(1)(a),(e),(i),(u), 626.9561, 626.9641(1)(g), 627.7015 FS. History--New 5-18-05, Amended \_\_\_\_\_.

## Section II Proposed Rules

### DEPARTMENT OF EDUCATION

#### State Board of Education

RULE TITLE:

RULE NO.:

Specialization Requirements for the

Endorsement in Athletic

Coaching – Academic Class

6A-4.0282

PURPOSE AND EFFECT: The purpose of the rule amendment is to add requirements for certification in the endorsement for athletic coaches to include the study of the dangers and effects of performance enhancing drugs and to require coaches to hold a valid cardiopulmonary resuscitation certificate (CPR). The effect is a rule that includes requirements for coaches that will improve drug information and safety for student athletes.

SUMMARY: The rule amendment will include new requirements for athletic coaches so that student athletes will be provided pertinent, important information regarding the effects and dangers of performance enhancing drugs. The new requirement for a valid CPR certificate will also increase the level of safety and provide for immediate response in certain critical situations for students during athletic activities.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 1001.02, 1012.55, 1012.56 FS.

LAW IMPLEMENTED: 1001.02, 1012.54, 1012.55, 1012.56 FS.