

69A-37.407 Live Fire Training Instructor Training  
 69A-37.408 Live Fire Training Instructor Certification and Renewal  
 69A-37.409 Instructor Certification Revocation  
**PURPOSE AND EFFECT:** To remove references to Firefighter I and II categories and adopt Parts I and II of the latest National Fire Protection Association standards for training.  
**SUBJECT AREA TO BE ADDRESSED:** Firefighter I and updated training standards.  
**SPECIFIC AUTHORITY:** 633.38(1)(a), 633.45(2)(a) FS.  
**LAW IMPLEMENTED:** 633.35, 633.35(2), 633.38, 633.45, 633.45(1)(a), (b), 633.45(2)(a),(i), 633.101(1) FS.  
**IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:**  
**DATE AND TIME:** May 1, 2008, 6:00 p.m. – 9:30 p.m.  
**PLACE:** Robert L. F. Sikes Public Library, 1445 Commerce Drive, Crestview, FL 32539, phone: (850)682-4432 or (850)682-8776, fax: (850)689-4778  
 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 2 days before the workshop/meeting by contacting: Charlie Brush at (352)369-2856. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).  
**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS:** Lesley Mendelson, Department of Financial Services, 200 East Gaines Street, Tallahassee, Florida 32399 (850)413-3604  
**THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.**

**Section II  
Proposed Rules**

**DEPARTMENT OF COMMUNITY AFFAIRS  
Division of Housing and Community Development**

**RULE NO.:** 9B-3.050  
**RULE TITLE:** Statewide Amendments to the Florida Building Code

**PURPOSE AND EFFECT:** To account for a new process by which the Florida Building Commission may amend the Florida Building Code utilizing only rule adoption procedures of Chapter 120, Florida Statutes, and to update the form for

submission of proposed amendments to accommodate additional capabilities and features of the Building Code Information System.

**SUMMARY:** The rule is amended to reflect an updated form for submission of code amendments, adding specific information about the effect of the proposed amendment on Code provision applicable to the High Velocity Hurricane Zone; and to accommodate the new statutory process for adopting amendments meeting specified criteria; specifically, eliminating the requirement for publication of amendments for 45 days before they are considered by a committee or the Commission.

Form for submission of code amendments and expedited code amendment process.

**SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS:** No Statement of Estimated Regulatory Cost was prepared.

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

**SPECIFIC AUTHORITY:** 553.73(3), (6), (7), (8) FS.

**LAW IMPLEMENTED:** 553.73(3), (6), (7), (8) FS.

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

**DATE AND TIME:** May 7, 2008, 8:30 a.m., or as soon thereafter as the matter is brought before the Commission in accordance with its agenda

**PLACE:** Crowne Plaza Hotel, Melbourne-Oceanfront, 2605 N. A1A Highway, Melbourne, Florida 32903

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 7 days before the workshop/meeting by contacting: Mo Madani, Planning Manager, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100, (850)921-2247. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS:** Mo Madani, Planning Manager, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100, (850)921-2247

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

9B-3.050 Statewide Amendments to the Florida Building Code.

(1) through (3) No change.

(4) For the purpose of amending the Florida Building Code, each proposed amendment to the Florida Building Code shall be submitted on the Code Amendment Proposal, Form No. 9B-3.047-2008, effective \_\_\_\_\_, 2004 available from the Building Code Information System at [www.floridabuilding.org](http://www.floridabuilding.org) or by contacting the Codes and Standards Section, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399. The Code Amendment Proposal form shall be submitted online at [www.floridabuilding.org](http://www.floridabuilding.org) and shall be reviewed by Commission staff for sufficiency. Commission staff shall ascertain 1) whether the amendment to the code has been submitted in legislative format, 2) if the rationale for amending the code has been provided, and 3) if all seven questions regarding fiscal and other impacts have been answered by the proponent. The term “NA” or “Not applicable” shall be considered an insufficient answer. If a proposed code amendment is submitted more than two weeks prior to the deadline established and staff finds the proposal to be insufficient, staff shall notify the proponent via email of the nature of its insufficiency and that if the proponent of the amendment elects to resubmit the proposal curing the insufficiency, it must be resubmitted prior to the deadline. Once a Code Amendment Proposal has been found sufficient, Commission staff shall verify such status online, enabling the Building Code Information System to show the proposal to the general public for comment. Code Amendment Proposals found insufficient shall not be verified or considered as building code amendments in the code amendment process.

(5) Each proposed amendment will be heard first by the appropriate Technical Advisory Committee, which will consider the proposal and all documentation submitted therewith, and consider whether to recommend approval by a 75% vote. If the proposal fails to achieve a 75% favorable vote, it is forwarded to the Commission for action based upon the applicable criteria. The Committee may modify the proposed amendment if it provides the documentation required by subsection 9B-3.047(6), F.A.C. After modification, the Committee must then vote whether to recommend adoption as amended. If the proposed amendment as modified fails to achieve a 75% favorable vote, the proposal is forwarded to the Commission for action.

(6) The Commission shall publish each proposed amendment on its website at [www.floridabuilding.org](http://www.floridabuilding.org) at least 45 days prior to its consideration by the appropriate Technical Advisory Committee, except those amendments submitted pursuant to Section 553.73(7), F.S. This notice may run concurrently with the notice required by Section 120.54(2), F.S., and is not intended to extend the required rulemaking timeframes therein.

(7) The full Commission shall consider and vote upon each proposed amendment after consideration by at least one Technical Advisory Committee. The Commission may act on a consent agenda of those proposals which receive the required

75% vote at the Committee level to deny the amendment. The Commission must take action on all proposed amendments regardless of the Committee’s recommendation. The decision of the Commission to approve a proposed amendment shall be by 75% vote. Those proposals failing to meet the vote requirement shall not be adopted. The Commission may modify a proposed amendment, provided that the form required by subsection 9B-3.047(6), F.A.C., is amended to reflect the modification and supporting documentation is submitted.

(8) The Commission shall publish each proposed amendment on its website at [www.dca.state.fl.us/fhcd/fbc](http://www.dca.state.fl.us/fhcd/fbc) at least 45 days prior to its consideration by the full Commission, except those amendments submitted pursuant to Section 553.73(7), F.S. This notice may run concurrently with the notice required by Section 120.54(3), F.S., and is not intended to extend the required rulemaking timeframes therein.

(9) Each amendment approved for adoption by the Florida Building Commission, except those amendments approved pursuant to Section 553.73(7), F.S., shall take effect no earlier than three months after the rule amendment is filed for adoption with the Department of State.

Specific Authority 553.73(3), (6), (7), (8) FS. Law Implemented 553.73(3), (6), (7), (8) FS. History—New 11-20-01, Amended 6-8-05, 2-28-06, 9-13-07, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Mo Madani, Planning Manager, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100, (850)921-2247

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Ila Jones, Community Program Administrator, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 30, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 29, 2008

**DEPARTMENT OF COMMUNITY AFFAIRS**

**Division of Housing and Community Development**

RULE NO.: 9B-3.053  
 RULE TITLE: Alternative Plans Review and Inspection Forms Adopted

PURPOSE AND EFFECT: To implement statutory directive concerning the format and content of information to be posted at a job site utilizing a private provider of building code inspection services and to update, clarify and correct the names and numbers of forms and their location on the Building Code Information System.

SUMMARY: The rule provides more precise numbering for forms adopted, explicitly specifies the location from which the forms may be obtained; specifies an effective date for each of the forms; and adds a form to be posted at a job site that identifies the authorized inspectors for that job.

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

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

SPECIFIC AUTHORITY: 553.791(4), (5) FS.

LAW IMPLEMENTED: 553.791(4), (5) FS.

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

DATE AND TIME: May 7, 2008, 8:30 a.m., or as soon thereafter as the matter is brought before the Commission in accordance with its agenda

PLACE: Crowne Plaza Hotel, Melbourne-Oceanfront, 2605 N. A1A Highway, Melbourne, Florida 32903

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 7 days before the workshop/meeting by contacting: Mo Madani, Planning Manager, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100, (850)921-2247. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Mo Madani, Planning Manager, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100, (850)922-2247

THE FULL TEXT OF THE PROPOSED RULE IS:

9B-3.053 Alternative Plans Review and Inspection Forms Adopted.

The following forms are adopted for use in conjunction with utilization of a private provider to perform plan review and inspection: and may be obtained on the internet at [http://www.dca.state.fl.us/fbc/forms/1\\_forms.htm](http://www.dca.state.fl.us/fbc/forms/1_forms.htm):

(1) Notice to Building Official of Use of Private Provider, Form Number 9B-3.053-2002-01, effective January 20, 2003;

(2) Private Provider Plan Compliance Affidavit, Form Number 9B-3.053-2002-02, effective January 20, 2003:-

(3) Job Site Private Provider Identification Form, Form Number 9B-3.053-2005-01, effective February 1, 2006.

Specific Authority 553.791(4), (5) FS. Law Implemented 553.791(4), (5) FS. History–New 1-20-03, Amended\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Mo Madani, Planning Manager, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100, (850)922-2247

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Ila Jones, Community Program Administrator, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 30, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 29, 2008

**DEPARTMENT OF COMMUNITY AFFAIRS**

**Division of Housing and Community Development**

RULE NOS.:                      RULE TITLES:  
9B-13.0041                      Thermal Efficiency Standards  
  Adopted

9B-13.0061                      Effective Date

PURPOSE AND EFFECT: To require more energy efficient construction in Florida effective October 1, 2008, by amending the Florida Energy Efficiency Code for Building Construction.

SUMMARY: The reference document will require more energy efficient construction in Florida. As applied to commercial construction, the Energy Efficiency Code is amended to be consistent with ANSI/ASHRAE 90.1 – 2007, Energy Efficient Design of New Buildings Except Low-Rise Residential Buildings, ASHRAE Advanced Energy Design Guide for Small Office Buildings, ASHRAE Advanced Energy Design Guide for Small Retail Buildings and ASHRAE Advanced Energy Design Guide for K-12 School Buildings. As applied to residential construction, the performance method of compliance provided in the Code is amended to reflect a passing score of 85 rather than 100. The prescriptive means of compliance for residential compliance remains unchanged from current requirements. Interested parties should refer to the draft reference materials that may be obtained online at [www.floridabuilding.org](http://www.floridabuilding.org), or contacting the person identified in this notice.

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

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

SPECIFIC AUTHORITY: 553.901 FS.

LAW IMPLEMENTED: 553.901, 553.903 FS.

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

DATE AND TIME: May 7, 2008, 8:30 a.m., or as soon thereafter as the matter is brought before the Commission in accordance with its agenda

PLACE: Crowne Plaza Hotel, Melbourne-Oceanfront, 2605 N. A1A Highway, Melbourne, Florida 32903

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 7 days before the workshop/meeting by contacting: Ila Jones, Community Program Administrator, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100, (850)487-1824. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Ila Jones, Community Program Administrator, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100, (850)487-1824

THE FULL TEXT OF THE PROPOSED RULES IS:

9B-13.0041 Thermal Efficiency Standards Adopted.

~~(1) The design and fabrication of all new and renovated buildings, except as exempted herein, shall comply with the requirements of the Florida Energy Efficiency Code for Building Construction, 2008 Edition (the Code), is hereby adopted by reference promulgated by the State of Florida. The Florida Building Commission Department shall revise, update and maintain the Code. All new and renovated buildings, except as exempted herein, shall comply with the requirements of the 1997 Edition of the Code and the 1998 revisions, Form 600A 97 (Revised 1998), the FLA/RES 97 (Revised 1998) computer program, Form 600B 97 (Revised 1998) and Form 600C 97 (Revised 1998), herein incorporated into this rule by reference.~~

(2) A copy of the above referenced Code as amended has been filed with these rules with the Secretary of State. The Code is also available for reference and inspection at the Department offices in Tallahassee, Division of Housing and Community Development, 2555 Shumard Oak Blvd., Tallahassee, Florida 32399-2100.

Specific Authority 553.901 FS. Law Implemented 553.901, 553.903 FS. History—New 12-10-96, Amended 10-19-97, 1-19-98, 12-27-98, 9-12-00, \_\_\_\_\_.

9B-13.0061 Effective Date.

Specific Authority 553.901 FS. Law Implemented 553.901 FS. History—New 12-10-96, Amended 10-19-97, 1-19-98, 12-27-98, 9-12-00, Repealed \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Ila Jones, Community Program Administrator, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100, (850)487-1824

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Janice Browning, Director, Division of Housing and Community Development

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 30, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 29, 2008

**DEPARTMENT OF REVENUE**

**Sales and Use Tax**

RULE NOS.:	RULE TITLES:
12A-1.053	Electric Power and Energy
12A-1.087	Exemption for Power Farm Equipment; Suggested Exemption Certificate for Items Used for Agricultural Purposes

PURPOSE AND EFFECT: The purpose of the proposed amendments to Rule 12A-1.053, Florida Administrative Code (F.A.C.), Electric Power and Energy, is to provide that provisions for the exemption provided by Section 19, Chapter 2006-289, Laws of Florida (L.O.F.), and amended by Chapter 2007-56, L.O.F., for electricity used for the production or processing of agricultural farm products on a farm are provided in Rule 12A-1.087, F.A.C., as amended.

The purpose of the proposed amendments to Rule 12A-1.087, F.A.C. (Partial Exemption for Farm Equipment; Suggested Exemption Certificate for Items Used for Agricultural Purposes), is to: (1) incorporate the provisions of Sections 1-2, Chapter 2005-197, L.O.F., which provide an exemption for power farm equipment; (2) provide that the purchase, lease, or rental of power farm equipment that is purchased and invoiced as a single working unit is exempt, but when purchased separately only items qualifying as power farm equipment are tax-exempt; and (3) eliminate the requirement for an exemption certificate to be issued by the purchaser to the seller for the purchase of tax-exempt seeds, including field, garden, and flower seeds, because seeds are tax-exempt regardless of the type of seed or their use.

SUMMARY: The proposed amendments to Rule 12A-1.053, F.A.C. (Electric Power and Energy), provide reference to Rule 12A-1.087, F.A.C., for the exemption for electricity used for the production or processing of agricultural farm products on a farm.

The proposed amendments to Rule 12A-1.087, F.A.C. (Exemption for Power Farm Equipment; Suggested Exemption Certificate for Items Used for Agricultural Purposes): (1) provide that “power farm equipment,” as defined in Chapter 2005-197, L.O.F., is exempt from tax, and change the rule title to reflect this statutory change; (2) remove obsolete definitions

of the terms “self-propelled,” “power-drawn,” and “power-driven” farm equipment; (3) eliminate the 2.5% tax rate imposed on certain equipment prior to July 1, 2005; (4) provide examples of power farm equipment qualifying for the exemption; (5) provide that the purchase, lease, or rental of power farm equipment that is purchased and invoiced as a single working unit is exempt, but when purchased separately only items qualifying as power farm equipment are tax-exempt; (6) provide examples of items purchased and invoiced as a single working unit that qualifies for the exemption for power farm equipment; (7) provide that generators and power units are included in the definition of power farm equipment; (8) eliminate obsolete provisions regarding generators; (9) eliminate the requirement for an exemption certificate to be issued by the purchaser to the seller for the purchase of tax-exempt seeds, including field, garden, and flower seeds; (10) provide requirements for the exemption provided by Section 19, Chapter 2006-289, L.O.F., and amended by Chapter 2007-56, L.O.F., for electricity used for the production or processing of agricultural farm products on a farm, including a definition of the term “used on a farm” and a suggested purchaser’s exemption certificate to be issued to electric utilities; (11) revise the suggested exemption certificate to incorporate the exemption provided for power farm equipment and a statement that the facts stated in the exemption certificate are true, to clarify the exemptions for generators, to remove the obsolete terms “self-propelled, power-drawn, or power-driven farm equipment,” and to remove the requirement to issue an exemption certificate to purchase seeds tax-exempt; and (12) provide technical changes.

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

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

SPECIFIC AUTHORITY: 212.17(6), 212.18(2), 213.06(1) FS. LAW IMPLEMENTED: 212.02(2), (14)(c), (19), (30), (31), (32), 212.05(1), 212.0501, 212.06(1), 212.07(5), 212.08(3), (4), (5)(a), (e), (7)(j), 212.085, 212.18, 823.14(3) FS.

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

DATE AND TIME: May 19, 2008, 1:30 p.m.

PLACE: Room 118, Carlton Building, 501 S. Calhoun Street, Tallahassee, 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 48 hours before the workshop/meeting by contacting: Larry Green at (850)922-4830. If you are hearing

or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Richard Parsons, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4838

THE FULL TEXT OF THE PROPOSED RULES IS:

12A-1.053 Electric Power and Energy.

(1) through (3) No change.

(4) See Rule 12A-1.087, F.A.C., for requirements to claim the exemption for electricity used for the production or processing of agricultural farm products on a farm.

Specific Authority 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 212.02(2), (19), 212.05(1)(e), 212.06(1)(a), (b), 212.08(4), ~~(5)(e)2~~, (7)(j), 212.18(2) FS. History—Revised 10-7-68, 6-16-72, Amended 12-11-74, 10-18-78, 6-3-80, 12-23-80, 7-20-82, Formerly 12A-1.53, Amended 10-2-01, 4-17-03.

12A-1.087 ~~Partial~~ Exemption for Power Farm Equipment; Suggested Exemption Certificate for Items Used for Agricultural Purposes.

(1)(a) The sale, rental, lease, use, consumption, or storage ~~for use of power self-propelled, power drawn, or power driven~~ farm equipment is ~~exempt taxable at the rate of 2.5 percent~~. To qualify for ~~this the partial~~ exemption, the power farm such equipment must be used exclusively on a farm or in a forest in the agricultural production of crops or products as produced by those agricultural industries included in ~~Section~~ § 570.02(1), F.S., or for fire prevention and suppression work with respect to such crops or products. ~~Power Self-propelled, power drawn, or power driven~~ farm equipment that is not purchased, leased, or rented for exclusive use in the agricultural production of agricultural products, or for fire prevention or suppression work with respect to such crops or products, does not qualify for ~~this partial~~ exemption. This ~~partial~~ exemption is not forfeited by moving qualifying power farm equipment between farms or forests.

(b) The exemption will not be allowed unless the purchaser furnishes the seller a written certificate that the purchased items qualify for the ~~exemption limitation~~ under ~~Section~~ § 212.08(3), F.S. The format of a suggested certificate is contained in subsection ~~(10)(11)~~.

~~(e) Dealers who accept in good faith the required certificate from the purchaser will not be assessed sales tax in excess of 2.5 percent on sales of qualifying equipment purchased for a nonexempt use. In such instances, the Department will look solely to the purchaser for any additional sales tax due.~~

(2) For purposes of this rule, the following definitions will apply:

(a) Agricultural industries, as defined in Section s- 570.02(1), F.S., include aquaculture, horticulture, floriculture, viticulture, forestry, dairy, livestock, poultry, bees, and any and all forms of farm products and farm production.

(b) Agricultural production, as defined in Section s- 212.02(32)(34), F.S., means the production of plants and animals useful to humans, including the preparation, planting, cultivating, or harvesting of these products or any other practices necessary to accomplish production through the harvest phase, and includes aquaculture, horticulture, floriculture, viticulture, forestry, dairy, livestock, poultry, bees, and any and all forms of farm products and farm production.

(c) Aquaculture products, as defined in Section s- 597.0015(3), F.S., means aquatic organisms and any product derived from aquatic organisms that are owned and propagated, grown, or produced under controlled conditions. Such products do not include organisms harvested from the wild for depuration, wet storage, or relay for purification.

(d) Cultivating means the nurturing or the fostering of growth of an agricultural crop or product, including the elimination of weeds. Examples of cultivating include, but are not limited to: feeding, fertilizing, plowing, pruning, and spraying agriculture crops or products.

(e) Forest, as defined in Section s- 212.02(31)(33), F.S., means the land stocked by trees of any size used in the production of forest products, or formerly having such tree cover, and not currently developed for nonforest use.

(f) Harvesting means the act or process of cutting, reaping, digging up, or gathering an agricultural product or crop from a place where grown. Harvesting does not include the processing of crops or products.

(g) Processing means the act of changing or converting the nature of a product after it has been harvested.

(3)(a) ~~The following is a nonexhaustive list of tax-exempt power self propelled farm equipment, as defined in Section s- 212.02(30), F.S., means equipment that contains within itself the means for its own propulsion, including, but not limited to tractors. In addition to tractors, qualifying propelled farm equipment also includes, but is not limited to:~~

1. Aerators.
- 2.(a) All-terrain vehicles.
3. Augers.
4. Automated potting, transplanting, seeding, soil mixing, and flat filling equipment.
5. Bale shredders.
- 6.(b) Backhoes.
- 7.(c) Boats and boat motors, purchased together or separately, for use in the agricultural production of aquaculture products on a farm. See subsection (4) of this rule regarding specific guidelines for persons engaging in aquaculture activities.
- 8.(d) Bulldozers.

9. Chainsaws.
- 10.(e) Combines.
11. Conveyers.
12. Corn, cotton, grain, and bean heads for use on combines.
13. Cultivators.
14. Disks.
15. Electric fans.
16. Feed mills (portable).
17. Feeding stations.
18. Feeding systems.
- 19.(f) Feller bunchers.
- 20.(g) Fertilizer Forest fertilizer spreaders.
21. Field trailers and wagons.
22. Forklifts, excluding forklifts used for processing farm products.
23. Front-end loaders.
24. Goats, as defined in Section 320.08(3)(d), F.S.
25. Harrows.
26. Harvesters.
27. Hay balers, hay cutters, hay rakes, and tedders.
- 28.(h) Traveling Irrigation equipment (traveling "gun-type" and center pivot irrigation systems), excluding replacement hoses and pipes that are not an integral part of the moving system.
29. Livestock feeders.
30. Log loaders.
31. Milking machines.
32. Motorized pumps.
33. Mowers.
34. Planters.
35. Plows.
36. Power units, including electric-powered, fuel-powered, or solar-powered motors or engines.
37. Scalpers.
38. Scrapers, graders, and grade boxes.
- 39.(i) Skid steer loaders.
- 40.(j) Skidders.
41. Sod cutters.
42. Sod harvesters.
43. Sprayers.
44. Spreaders.
45. Tractors.
46. Tree bedders.
47. Wood chippers (field type).

(b) The purchase, lease, or rental of power farm equipment which is invoiced as a single working unit that is used exclusively on a farm or in a forest, as provided in paragraph (1)(a), qualifies for the exemption. When the component parts

are invoiced separately, only those components that qualify for the exemption, as provided in paragraph (1)(a), may be purchased, leased, or rented tax-exempt.

1. Example: An irrigation supply system is purchased for use on a farm to provide water to an agricultural crop. The irrigation supply system, consisting of pumps, pipes, tubing, hoses, generator, motors, and other items, is purchased and invoiced as a single item at a single price. The purchase of the irrigation supply system is exempt.

2. Example: A farmer owns an irrigation supply system and wants to replace or update various components of the system. The farmer purchases an additional pump, a generator, and various hoses, pipe, and connectors in order to replace or update the system. The pump and generator qualify as power farm equipment, and these items may be purchased tax-exempt. The purchase of the various hoses, pipe, and connectors does not qualify as a purchase of power farm equipment and is subject to tax at the time of purchase.

(4)(a) Persons engaged in the agricultural production of aquaculture products qualify for the ~~partial~~ exemption on their purchase or lease of a boat or boat motor to be used exclusively for aquacultural purposes. To qualify for exemption, such person must be registered with the Department of Agriculture and Consumer Services under Section ~~§~~ 597.004, F.S., as a person engaged in aquaculture. For purposes of this rule, a farm includes submerged sites leased from the state under the authority of Section ~~§~~ 253.68, F.S., by a person engaged in aquaculture activities.

(b) Example: A clam farmer leases a submerged site from the state pursuant to Section ~~§~~ 253.68, F.S., and is certified under Section ~~§~~ 597.004, F.S., with the Department of Agriculture and Consumer Services. The clam farmer qualifies for the ~~partial~~ exemption on the purchase or lease of a boat used exclusively in the agricultural production of clams on the leased site. The exemption is not forfeited by moving boats between farms.

~~(5) Power drawn farm equipment, as defined in s. 212.02(31), F.S., means farm equipment that is pulled, dragged, or otherwise attached to self-propelled equipment, including, but not limited to, disks, harrows, hay balers, and mowers. In addition to the equipment included in the statutory definition, power drawn farm equipment also includes, but is not limited to:~~

- ~~(a) Bale shredders.~~
- ~~(b) Corn, cotton, grain, and bean heads for use on combines.~~
- ~~(c) Cultivators.~~
- ~~(d) Feed mills (portable).~~
- ~~(e) Field trailers, wagons, and carts.~~
- ~~(f) Front-end loaders.~~
- ~~(g) Livestock feeders.~~
- ~~(h) Log loaders.~~
- ~~(i) Planters.~~

- ~~(j) Plows.~~
- ~~(k) Sealers.~~
- ~~(l) Scrapers, graders, grade boxes.~~
- ~~(m) Sprayers.~~
- ~~(n) Spreaders.~~
- ~~(o) Tree bedders.~~
- ~~(p) Wood chippers (field type).~~

~~(6) Power driven farm equipment, as defined in s. 212.02(32), F.S., means moving or stationary equipment that is dependent upon an external power source to perform its function, including, but not limited to, conveyors, augers, feeding systems, and pumps. In addition to the equipment included in the statutory definition, power driven farm equipment also includes, but is not limited to:~~

- ~~(a) Aerators.~~
- ~~(b) Automated potting, transplanting, seeding, soil mixing, and flat filling equipment.~~
- ~~(c) Chain saws.~~
- ~~(d) Milking machines.~~

~~(5)(7)(a) Power Self-propelled and power drawn farm equipment does not include vehicles (including vehicles without motive power, such as cattle trailers and log trailers) that are required to be licensed as a motor vehicle under Chapter 320, F.S. However, a motor vehicle licensed as a "goat" under Section 320.08(3)(d), F.S., is exempt.~~

~~(b) Power Self-propelled and power drawn farm equipment does not include equipment used for processing agricultural crops or and products.~~

~~(6)(8)(a) Generators (excluding generators purchased for use on poultry farms), motors, and similar types of equipment used exclusively as a power source on a farm or in a forest, as provided in paragraph (1)(a), are exempt from tax to supply power to power driven farm equipment do not qualify as power driven farm equipment and are taxable at the 6 percent rate. Generators that are attached to and are sold as an integral part of the qualifying farm equipment qualify for the partial exemption. For example: a diesel-powered generator used to supply power to an irrigation pump qualifies for the exemption. A generator used to power equipment used in agricultural production also qualifies for the exemption.~~

~~1. Example: A diesel-powered generator used to supply power to an irrigation pump does not qualify, since it is the external power source that runs the qualifying equipment. The qualifying equipment in this example is the irrigation pump.~~

~~2. Example: A diesel powered irrigation pump that pumps water from a supply source qualifies as power driven farm equipment. In some instances, a generator is attached to and is powered by the irrigation pump, and the generator supplies power to the moving irrigation system. In this example, since the generator is an integral part of the irrigation pump, it qualifies as power driven farm equipment when sold as part of the pump.~~

(b)~~4~~. Generators purchased, rented, or leased for use on a poultry farm are exempt from sales tax under Section s. 212.08(5)(a), F.S. The exemption will not be allowed unless the purchaser or lessee issues to the seller a signed certificate stating the generator is purchased or leased for exclusive use on a poultry farm. ~~Although the Department does not furnish the printed form to be executed by farmers when purchasing qualifying generators, a suggested certificate is contained in subsection (11).~~

~~2. Dealers who accept in good faith the required certificate from the purchaser will not be assessed sales tax on sales of qualifying generators purchased for a non-exempt use. In such instances, the Department will look solely to the purchaser for any additional sales tax due.~~

~~(7)(9)~~ The ~~partial~~ exemption for power farm equipment does not apply to charges for repairs to farm equipment or to purchases of replacement parts for such equipment.

~~(8)(10)(a)~~ The following sales and uses of liquefied petroleum gas, diesel, and kerosene are exempt when:

1. Sold for use in any tractor, vehicle, or other farm equipment that is used exclusively on a farm for farming purposes.
2. Consumed in transporting farm vehicles and farm equipment between farms.
3. Sold for use to heat a structure in which started pullets or broilers are raised.
4. Sold for use to transport bees by water and in the operation of equipment used in the apiary of a beekeeper.

(b) Liquefied petroleum gas, diesel, and kerosene sold for use in any tractor or vehicle driven or operated upon the public highways of the state is subject to tax.

(9)(a) Electricity used for the production or processing of agricultural farm products on a farm is exempt. The exemption only applies if the electricity is separately metered from the electricity used for nonproduction or nonprocessing purposes. If the electricity is centrally metered and is used for both tax-exempt and taxable purposes, the purchase of the electricity is subject to tax. The indirect use of electricity, such as in employee break rooms or restrooms, repair sheds where farm equipment is repaired, or administrative offices located on a farm, qualifies for the exemption. However, when a retail establishment is located on a farm and the electricity is not separately metered from the electricity used elsewhere on the farm, the electricity is subject to tax.

(b) For purposes of this subsection, a farm means the land, buildings, support facilities, machinery, and other appurtenances used in the production of farm or aquaculture products.

(c) The exemption will not be allowed unless the purchaser furnishes its utility a written certificate stating that the electricity is used on a farm for the production or processing of agricultural farm products and qualifies for the exemption under Section 212.08(5)(e)2., F.S. The following is

a suggested format of a purchaser's exemption certificate to be issued to a utility company to make tax-exempt purchases of electricity used for this purpose:

SUGGESTED PURCHASER'S EXEMPTION  
CERTIFICATE

ELECTRICITY USED FOR THE PRODUCTION  
OR PROCESSING OF AGRICULTURAL  
PRODUCTS ON A FARM

I certify that the electricity used on or after \_\_\_\_\_ (DATE) from \_\_\_\_\_ (UTILITY COMPANY) consumed through the following meter(s) will be used in the production or processing of agricultural farm products on a farm and is exempt from sales tax pursuant to Section 212.08(5)(e)2., Florida Statutes.

Meter Number(s): \_\_\_\_\_

I understand that if the electricity purchased does not qualify for exemption under Section 212.08(5)(e)2., Florida Statutes, then I must pay the tax on the purchase directly to the Department of Revenue.

I understand that if I fraudulently issue this certificate to evade the payment of sales tax, I will be liable for payment of the sales tax, plus a mandatory penalty of 200% of the tax, and will be liable for fine and punishment provided by law for conviction of a felony of the third degree, as provided in Sections 775.082, 775.083, or 775.084, Florida Statutes.

Under penalties of perjury, I declare that I have read the foregoing document and that the facts stated in it are true.

\_\_\_\_\_  
Purchaser's Name and Title (Print or Type)

\_\_\_\_\_  
Purchaser's Address

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

~~(10)(11)~~ Suggested Exemption Certificate for Items Used for Agricultural Purposes.

(a) Any person who purchases items that qualify for the ~~exemption limitation~~ under Section s. 212.08(3), F.S., must issue an exemption certificate to the selling dealer to purchase qualifying power farm equipment tax-exempt ~~at the rate of 2.5 percent~~. Any purchaser who purchases items for agricultural purposes must also issue an exemption certificate to the selling dealer in lieu of paying tax. The exemption certificate must contain the purchaser's name ~~and~~, address, the reason for which the use of the item qualifies for exemption based on its use, and the signature of the purchaser or an authorized representative of the purchaser.

(b) Seeds, including field, garden, and flower seeds are exempt. The purchaser is not required to issue an exemption certificate to the selling dealer to purchase seeds tax-exempt.



~~(c)~~(b) The selling dealer is only required to obtain one certificate for sales made for the purposes indicated on the certificate and is not required to obtain an exemption certificate for subsequent sales made to the same purchaser for the exempt purpose indicated on the exemption certificate. The selling dealer must maintain the required exemption certificates in its books and records until tax imposed by Chapter 212, F.S., may no longer be determined and assessed under Section ~~§~~ 95.091(3), F.S.

(d) Dealers who accept in good faith the required certificate from the purchaser or lessee will not be assessed sales tax on sales of power farm equipment or items for agricultural use or for agricultural purposes. In such instances, the Department will look solely to the purchaser or lessee for any additional sales or use tax due.

~~(e)~~(e) Selling dealers may contact the Department at (800)352-3671 ~~+(800)352-3671~~ to verify the specific exemption specified by the purchaser or lessee. Persons with hearing or speech impairments may call the Department's TDD, at (800)367-8331 or (850)922-1115 ~~+(800)367-8331~~.

~~(f)~~(d) The following is a suggested format of an exemption certificate to be issued by any person purchasing or leasing power farm equipment qualifying for exemption items that qualify for the limitation under Section ~~§~~ 212.08(3), F.S., or items that qualify for exemption as items for agricultural use or items for agricultural purposes. Exemption purposes listed on the suggested format that are not relevant to the purchaser or lessee may be eliminated from the certificate. The Department does not furnish the printed exemption certificate to be executed by purchasers or lessees when purchasing tax-exempt power farm equipment or items for agricultural use or for agricultural purposes.

SUGGESTED PURCHASER'S EXEMPTION CERTIFICATE

ITEMS FOR AGRICULTURAL USE OR FOR AGRICULTURAL PURPOSES AND ~~CERTAIN~~ POWER FARM EQUIPMENT

This is to certify that the items identified below, purchased on or after \_\_\_\_\_(date) from \_\_\_\_\_(Selling Dealer's Business Name) are purchased, leased, licensed, or rented for the following purpose as checked in the space provided. This is not intended to be an exhaustive list:

- ( ) Cloth, plastic, or similar material used for shade, mulch, or protection from frost or insects on a farm.
- ( ) Fertilizers (including peat, topsoil, sand used for rooting purposes, peatmoss, compost, and manure, but not fill dirt), insecticides, fungicides, pesticides, and weed killers used for application on or in the cultivation of crops, groves, home vegetable gardens, and commercial nurseries.

( ) Generators purchased, rented, or lease for exclusive use on a poultry farm. See the exemption category provided for power farm equipment, as defined in Section 212.02(30), F.S., which includes generators, motors, and similar types of equipment.

( ) Insecticides and fungicides, including disinfectants, used in dairy barns or on poultry farms for the purpose of protecting cows or poultry or used directly on animals, as provided in Section ~~§~~ 212.08(5)(a), F.S.

( ) Nets, and parts used in the repair of nets, purchased by commercial fisheries.

( ) Nursery stock, seedlings, cuttings, or other propagative material for growing stock.

( ) Portable containers, or moveable receptacles in which portable containers are placed, that are used for harvesting or processing farm products.

~~( ) Seeds, including field and garden seeds and flower seeds.~~

( ) Seedlings, ~~Seeds, seedlings~~, cuttings, and plants used to produce food for human consumption.

( ) Items that are used by a farmer to contain, produce, or process an agricultural commodity, such as: glue for tin and glass for use by apiarists; containers, labels, and mailing cases for honey; wax moth control with paradichlorobenzene; cellophane wrappers; shipping cases; labels, containers, clay pots and receptacles, sacks or bags, burlap, cans, nails, and other materials used in packaging plants for sale; window cartons; baling wire and twine used for bailing hay; and other packaging materials for one time use in preparing an agricultural commodity for sale.

( ) Liquefied petroleum gas or other fuel used to heat a structure in which started pullets or broilers are raised.

( ) Liquefied petroleum gas, diesel, or kerosene used to transport bees by water and in the operation of equipment used in the apiary of a beekeeper.

( ) Liquefied petroleum gas, diesel, or kerosene used for agricultural purposes in any tractor, vehicle, or other farm equipment that is used exclusively on a farm for farming purposes.

( ) Power farm ~~Self-propelled, power drawn, or power driven~~ equipment, when purchased, rented, or leased for exclusive use in the agricultural production of crops or products as produced by those agricultural industries included in Section ~~§~~ 570.02(1), F.S., or for fire prevention and suppression work with respect to such crops or products; ~~taxable at the rate of 2.5 percent.~~

( ) Other (include description and statutory citation):

I understand that if I use the item for any purpose other than the one I stated, I must pay tax on the purchase or lease price of the taxable item directly to the Department of Revenue.

I understand that if I fraudulently issue this certificate to evade the payment of sales tax I will be liable for payment of the sales tax plus a penalty of 200% of the tax and may be subject to conviction of a third degree felony.

The exemption specified by the purchaser may be verified by calling (800)352-3671 ~~4(800)352-3671~~.

Under penalties of perjury, I declare that I have read the foregoing document and that the facts stated in it are true.

Purchaser's Name: \_\_\_\_\_

Purchaser's Address: \_\_\_\_\_

Name and Title of Purchaser's Authorized Representative: \_\_\_\_\_

Sales and Use Tax Certificate ~~of Registration~~ No. (if applicable): \_\_\_\_\_

By: \_\_\_\_\_

(Signature of Purchaser or Authorized Representative) \_\_\_\_\_

Title: \_\_\_\_\_

(Title – only if purchased by an authorized representative of a business entity)

Date: \_\_\_\_\_

Specific Authority 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 212.02(14)(c), (30), (31), (32), ~~(33), (34)~~, 212.05(1), 212.0501, 212.06(1), 212.07(5), 212.08(3), (5)(a), (e), 212.085, ~~823.14(3)~~ FS. History—Revised 10-7-68, 1-7-70, 6-16-72, Amended 10-18-78, 7-20-82, 4-12-84, Formerly 12A-1.87, Amended 12-13-88, 3-1-00, 6-19-01, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Richard Parsons, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4838

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Mark Zych, Director, Technical Assistance and Dispute Resolution, P. O. Box 7443, Tallahassee, Florida 32314-7443; telephone number (850)488-2576

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 10, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 10, 2007 (Vol. 33, No. 32, pp. 3553-3559)

**DEPARTMENT OF REVENUE**

**Division of Child Support Enforcement**

RULE NO.: 12E-1.032                      RULE TITLE: Electronic Remittance of Support Payments

PURPOSE AND EFFECT: The purpose of these rule amendments is to provide instruction to employers about the waiver process to be used by the Department in accordance with the electronic remittance requirements in Section 61.1824(6), Florida Statutes. The effect of these proposed rule revisions is to tell employers who are unable to pay support

electronically how they can request a waiver from the requirement to send support payments electronically and to describe the waiver process to be used by the Department.

SUMMARY: The proposed amendments to Rule 12E-1.032, Florida Administrative Code, contain procedures for waiving the statutory requirement that certain employers must remit support payments electronically. These rule amendments are based on 2007 legislative changes to subsection 61.1824(6), Florida Statutes, which: a) eliminated the provision that only employers with 10 or more employees have to electronically file child support payments based on an income deduction order (IDO); b) applied the same \$20,000 minimum annual tax payment threshold to determine which employers must electronically remit child support payments based on an IDO to the Department, as is used to determine which employers must remit taxes electronically to the Department; and, c) specified the grounds for the Department to approve a waiver.

The grounds for approving a waiver include: a) the employer doesn't have a computer that meets the minimum standards for electronically remitting payments; b) the employer needs more time to program his or her computer; c) the employer doesn't currently file data electronically with any business or government entity; d) compliance conflicts with the employer's business practices; or, e) compliance causes a financial hardship.

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

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

SPECIFIC AUTHORITY: 61.1824(6), 409.2557(3)(o) FS.

LAW IMPLEMENTED: 61.1824(6) FS.

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

DATE AND TIME: May 6, 2008, 9:30 a.m.

PLACE: Room 258, 4070 Esplanade Way, Tallahassee, 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 48 hours before the workshop/meeting by contacting: Larry Green at (850)922-4830. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Phil Scruggs, Government Analyst II, Child Support Enforcement Program, Department of Revenue, P. O. Box 8030, Tallahassee, Florida 32314-8030, telephone (850)922-9558, scruggsp@dor.state.fl.us

THE FULL TEXT OF THE PROPOSED RULE IS:

## 12E-1.032 Electronic Remittance of Support Payments.

(1) Scope. This rule chapter sets forth the rules to be used in the administration of Section 61.1824(6), Florida Statutes, F.S., which provides for the electronic remittance of support payments deducted pursuant to an income deduction order or income deduction notice and the electronic submission of associated case data by an employer to the State Disbursement Unit. An employer who needs general information concerning the electronic remittance of support payments and associated case data may contact the State Disbursement Unit, EFT Marketing, at (850)205-8227. An employer who needs information about a waiver from electronic remittance and filing requirements may contact the Department of Revenue, toll free, at 1(866)435-2763, or the State Disbursement Unit, EFT Marketing, at (850)205-8227.

(2) Definitions. As used in this rule:

(a) "Addenda record" means information required by the Department in an Automated Clearing House Credit "ACH credit" transfer that is needed to completely identify an employer or provide information concerning a payment, in approved electronic format.

(b) "Associated case data" means support payment information required to be submitted to the State Disbursement Unit pursuant to Title IV-D of the Social Security Act. Paragraph (5)(h), subparagraphs 1. through 10., of this rule lists the case data required to be submitted to the State Disbursement Unit.

(c) "Automated Clearing House" or "ACH" means a central distribution and settlement point for the electronic clearing of debits and credits between financial institutions rather than the physical movement of paper items.

(d) "Automated Clearing House Credit" or "ACH credit" means the electronic transfer of funds generated by the employer, cleared through the ACH for deposit to the State Disbursement Unit.

(e) "Department" means the Florida Department of Revenue.

(f) "Due date" means the date that an electronic payment and associated case data must be received by the State Disbursement Unit.

(g) "Electronic means" includes any one or more of the following methods of transmitting funds or data: electronic data interchange, electronic funds transfer, Internet, or any other technology designated by the Department.

(h) "Employer" means a person, business, or organization that pays one or more workers to perform a service or engage in an activity in exchange for financial compensation.

(i) "Employer's designated child support payment processor (hereafter called employer's processor)" means a financial institution or business utilized by the employer to provide ACH support payment services.

(j) "National Automated Clearing House Association" or "NACHA" means the national trade association for electronic payments associations, which establishes the rules, industry standards, and procedures governing the exchange of commercial ACH payments by depository financial institutions.

(k) "State Disbursement Unit" or "SDU" means the single unit in the state that receives all withheld support payments and processes all support payments pursuant to Section 61.1824, Florida Statutes, F.S.

(3) Methods of Transferring Funds and Associated Case Data by Electronic Means.

(a) Electronic remittance of support payments and associated case data by the employer or the employer's processor to the State Disbursement Unit shall be in a format used within the "Automated Clearing House" or "ACH" network to conduct the transfer of support funds between business or government entities. An acceptable format includes either "Cash Concentration and Disbursement Plus (CCD+)" or "Corporate Trade Exchange (CTX)."

(b) The ACH credit transfer is the method by which employers subject to electronic payment requirements under this rule shall remit payments and associated case data by electronic means.

(4) Remittance or Transmission Problems.

(a) If the employer or employer's processor incorrectly submits associated case data or incorrectly remits support payments, the employer or the employer's processor shall contact, not later than the next business day after the date on which the error is discovered, the State Disbursement Unit toll-free at 1(888)883-0743 or local number at (850)201-0183 for specific instructions.

(b) The State Disbursement Unit shall review payment error and associated case data problems, determine the course of action to correct the error(s), and take steps to process the information and payment. The Department shall assist the State Disbursement Unit in resolving these specific payment errors, on a case-by-case basis.

(c) To assist the employer or employer's processor in complying with Section 61.1824(6), Florida Statutes, F.S., and this rule chapter, the State Disbursement Unit shall contact the employer or employer's processor when one or more of the following conditions exist.

1. The employer or employer's processor does not transmit error-free payments and associated case data.

2. The employer or employer's processor varies from the requirements and specifications of these rules.

3. The employer or employer's processor fails to make timely electronic payments or timely provide associated case data, or fails to provide the required addenda record with the electronic payment.

(d) The State Disbursement Unit shall help the employer or the employer's processor resolve the condition(s) in paragraph (c).

(5) Procedures for Payment.

(a) Automated Clearing House Credit Method (ACH Credit Method). An employer who uses the ACH credit method must contact the employer's financial institution or an employer's processor that provides prescribed ACH services and arrange to transfer the support payment to the State Disbursement Unit using an ACH credit transfer.

(b) For the employer to establish ACH payments directly to the State Disbursement Unit, initially the employer or employer's processor must contact the State Disbursement Unit, EFT Marketing, at (850)205-8227 and provide the information in paragraph (c) below. The State Disbursement Unit will compare the information provided by the employer or employer's processor with identifying information in the State Disbursement Unit's child support computer system. Identifying information submitted by the employer or the employer's processor must match the identifying information in the State Disbursement Unit computer system. The State Disbursement Unit will work with the employer to resolve discrepancies, if any are found. For the employer to establish ACH payments to the State Disbursement Unit, through an employer processor, the employer must contact the processor directly. For employers using a processor, the processor is responsible for verifying the information.

(c) The employer or the employer's processor must provide the State Disbursement Unit with the following information for each obligor for whom payments will be remitted:

1. Obligor first and last name;
2. Obligor Social Security Number;
3. Obligee first and last name; and
4. Case identifier, as stated in subparagraph (h)3.

(d) The State Disbursement Unit will inform the employer or employer's processor of the following when there is a match of the information listed in paragraph (c).

1. State Disbursement Unit's banking information to send payments electronically; and
2. That electronic remittance of support payments may commence.

(e) Neither the State Disbursement Unit nor the Department will pay for expenses incurred by the employer or employer's processor to use the ACH credit method. Pursuant to the income deduction provisions of Section 61.1301(2)(e)6., Florida Statutes, F.S., the employer may collect a fee from the employee's income for each withheld payment.

(f) To assure the receipt of support payments by the due date, an employer or the employer's processor must initiate the payment transaction in accordance with subsection (6).

(g) All ACH credit transfers must be in the NACHA Cash Concentration and Disbursement Plus "CCD+" or NACHA Corporate Trade Exchange "CTX" format containing an Accredited Standards Committee (ASC) X12 820 Payment Order/Remittance Advice Transaction Set with associated addenda record(s) for child support, in the format specified by NACHA guidelines as referenced herein. The Department uses NACHA guidelines to govern the formats and specifications for the electronic remittance of support payments and the electronic submission of associated case data, which are contained in the User Guide For Electronic Child Support Payments, Using The Child Support Application Banking Convention, Version 6.1, revised October 9, 2007, Version 5.0, revised August 21, 2006, incorporated in this rule ~~herein~~ by reference. Members of the public may obtain a copy of the NACHA guidelines by writing to the Florida Department of Revenue, Child Support Enforcement Program, Attn: Forms Coordinator, P. O. Box 8030, Tallahassee, Florida, 32314-8030, or by accessing <http://www.nacha.org/>. The employer, employer's financial institution, or the employer's processor providing ACH services may contact the State Disbursement Unit, EFT Marketing, at (850)205-8227 to determine the formats, standards, and technical requirements to implement this provision.

(h) The electronic record shall include the following associated case data fields.

1. Segment identifier – A unique identifier for a segment composed of a combination of two or three uppercase letters and digits. "DED" is the segment identifier.

2. Application identifier – The type of deduction withheld from an employee's pay. "CS" is the application identifier.

3. Case identifier – The unique identifier composed of alpha and numeric characters based on the court order number.

4. Pay date – The date the income was withheld from the employee's paycheck.

5. Payment amount – The amount of support withheld from the employee's income for a specific pay period, which is paid to the State Disbursement Unit.

6. Noncustodial parent Social Security Number.

7. Medical support indicator – The indicator designates whether the employer offers family medical insurance coverage. If medical insurance coverage is available, place a 'Y' in the field; if there is no coverage available, place an 'N' in the field. The National Automated Clearing House Association standard requires this data element.

8. Noncustodial parent name.

9. Federal Information Processing Standard Code (FIPS code) – The unique code that identifies each child support jurisdiction (i.e., states, counties and central registries). As used in this rule, the FIPS code refers to the code of the State Disbursement Unit receiving the transaction.

10. Employment termination indicator – The employment termination indicator notifies the Department that an individual’s employment has terminated. The employer is required to report this information pursuant to Section 61.1301(2)(k), Florida Statutes, F.S. If the employee has terminated, place a ‘Y’ in this field; otherwise, the field is not used.

(i) The employer ~~or~~ employer’s processor may combine payment amounts from more than one employee in a single payment as long as the required information in paragraph (5)(h), subparagraph 1. through 10., is submitted for each employee. In addition, the employer or employer’s processor must separately identify the portion of the single payment that is attributable to each employee.

(6) Due Date.

(a) Pursuant to Section 61.1301(1)(a)3., Florida Statutes, F.S., the employer is required to remit support payments based upon the employee’s pay cycle.

(b) The employer or employer’s processor who is required to pay support and provide associated case data through electronic means must initiate the transfer so that the amount due is deposited as collected funds to the State Disbursement Unit’s account on or before the due date. If the date on which the employer or employer’s processor is required to initiate an ACH credit transfer falls on a Saturday, Sunday, or a business or banking holiday, the employer or the employer’s processor must initiate the transaction on the preceding business day. For the purpose of this rule, “banking day” has the meaning prescribed in the banking provisions of Section 674.104(1), Florida Statutes, F.S.

(7) Waiver From Electronic Filing Requirements. The Department is authorized to waive the requirement that an employer or employer’s processor pay support and provide associated case data through electronic means, if the employer or employer’s processor is issued a waiver by the Department from the requirement to electronically file tax returns under Section 213.755 or 443.163, Florida Statutes, F.S. ~~or the employer or employer’s processor is unable to comply with the requirements of Section 61.1824(6), Florida Statutes, and this rule. To request a waiver the employer or employer’s processor must establish in writing the basis under which such waiver is requested. In this written request, the employer or employer’s processor must explain how one or more of the factors discussed in paragraph (a) of this subsection affect the ability to file electronically. After the Department verifies the explanation submitted by the employer or employer’s processor, it will respond in writing regarding the decision to grant or deny such waiver.~~

(a) To request a waiver from electronically sending support payments, the employer or employer’s processor must complete and submit Form CS-FM42, Electronic Remittance of Child Support Payments Request for Waiver, revised February 2008, incorporated in this rule by reference. The

employer or employer’s processor must explain on Form CS-FM42 how one or more of the factors discussed in paragraph (c) of this subsection affect the ability to file electronically. Grounds for approving a request for a waiver include, but are not limited to:

- ~~1. Any of the circumstances specified in Section 213.755(9)(a) or (b), F.S.; or~~
- ~~2. The employer or the employer’s processor does not have a modem; or~~
- ~~3. The employer or the employer’s processor does not have access to the Internet.~~

(b) The Department shall review the information submitted by the employer or employer’s processor and respond in writing regarding the decision to grant or deny such waiver. The Department will use the following forms for this purpose.

1. Form CS-FM43, Electronic Remittance of Child Support Payments Waiver Approval Notice, revised February 2008, incorporated in this rule by reference. Form CS-FM43 states: that the waiver is approved for a specific period; the Department will remind the employer of the waiver expiration date no less than sixty (60) days before it expires; and, before the current waiver expires, the employer may apply for another waiver if he or she is unable to comply with the requirements of Section 61.1824(6), Florida Statutes, and this rule. The Department will use Form CS-FM48, Electronic Remittance of Child Support Payments Waiver Expiration Notice, revised February 2008, incorporated in this rule by reference, as the reminder notice.

2. Form CS-FM47, Electronic Remittance of Child Support Payments Waiver Denial Notice, revised February 2008, incorporated in this rule by reference. Form CS-FM47 states that the waiver is denied, the reason for the denial, that the employer must send support payments and provide case data electronically to the State Disbursement Unit, and that the employer may contest the decision by requesting an administrative hearing under Chapter 120, Florida Statutes. The form includes a Notice of Rights. A waiver shall be valid for up to two years and the issuance of a subsequent waiver shall be contingent on the employer or the employer’s processor working with the Department during the current waiver period to address the issues that originally necessitated the issuance of the waiver. The requirement to work with the Department to address the issues that necessitated a waiver means the employer or the employer’s processor will: discuss existing computer capabilities with the Department; consider any assistance, recommendations, or training the Department offers; and, implement any Department recommendation that enables the employer or employer’s processor to remit support payments and associated case data by electronic means, unless the employer or employer’s processor can establish that the circumstances or reasons as set forth in Section 213.755, F.S., continue to apply.

(c) Grounds for approving a request for a waiver include:

1. Any of the circumstances specified in the taxation and finance state revenue laws of Section 213.755(9)(a) or (b), Florida Statutes; or

2. The employer or the employer's processor does not have access to the Internet.

(d) A waiver is valid for up to two years. The granting of a subsequent waiver is contingent on the employer or the employer's processor working with the Department during the waiver period to address the issues that caused the Department to grant the waiver. The requirement to work with the Department means: discuss existing computer capabilities with Department personnel; consider any assistance, recommendations, or training the Department offers; and, implement any Department recommendation that enables the employer or employer's processor to remit support payments and associated case data by electronic means, unless the employer or employer's processor can establish that the circumstances or reasons in paragraph (7)(c) continue to apply. The Department shall issue subsequent waivers in accordance with this subsection.

(e) An employer may request an administrative hearing to contest the Department's decision to deny the waiver. A written petition for an administrative hearing must be received by the Department of Revenue, Child Support Enforcement Program, Deputy Agency Clerk, P. O. Box 8030, Tallahassee, FL 32314-8030, within twenty (20) days after receipt of Form CS-FM47. Administrative hearings shall be conducted pursuant to Chapter 120, Florida Statutes.

(f) Members of the public may obtain a copy of the forms used in this rule chapter, incorporated by reference, without cost, by writing to the Department of Revenue, Child Support Enforcement Program, Attn: Forms Coordinator, P. O. Box 8030, Tallahassee, Florida 32314-8030.

Specific Authority 61.1824(6), 409.2557(3)(o) FS. Law Implemented 61.1824(6) FS. History--New 5-31-07, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Phil Scruggs, Government Analyst II, Department of Revenue, P. O. Box 8030, Tallahassee, Florida 32314-8030, telephone (850)922-9558, e-mail address [scruggsp@dor.state.fl.us](mailto:scruggsp@dor.state.fl.us)

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Sharyn Thomas, Revenue Program Administrator II, Department of Revenue, P. O. Box 8030, Tallahassee, Florida 32314-8030

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 2, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 14, 2007, Vol. 33, No. 50, pp. 5859-5863. A workshop was held on January 9, 2008. Representatives of the Department attended, but no person appeared to ask questions or make comments. No written comments have been received by the Department.

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

Notices for the Board of Trustees of the Internal Improvement Trust Fund between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

**DEPARTMENT OF CORRECTIONS**

RULE NO.: 33-602.701  
 RULE TITLE: Use of Blue Lights and Sirens  
 PURPOSE AND EFFECT: The purpose and effect of proposed Rule 33-602.701, F.A.C., is to implement amendments to Sections 316.003 and 316.2397, F.S., which allow the department to designate vehicles as law enforcement vehicles and operate blue lights and sirens.

SUMMARY: The proposed rule designates Department of Corrections vehicles as law enforcement vehicles according to amendments to Sections 316.003 and 316.2397, F.S. and allows the Department of Corrections to operate blue lights and sirens. The proposed rule language designates when lights only shall be used and when lights and sirens shall be used, the responsibilities of department staff, and the training required of department staff operating department vehicles.

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

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

SPECIFIC AUTHORITY: 316.2397 FS.  
 LAW IMPLEMENTED: 316.003, 316.072, 316.2397 FS.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

33-602.701 Use of Blue Lights and Sirens.

(1) Authorized Emergency Vehicles: The following vehicles shall be authorized to have and operate blue lights and a siren under the circumstances set out in subsections (1), (2), and (3) of this rule:

(a) Designated emergency response vehicles assigned to the Office of the Inspector General;

(b) Primary and secondary canine unit vehicles, not to exceed three vehicles per facility; or

(c) Vehicles specifically designated for use to "trail" external EMS transports, not to exceed two per facility.

(2) Use of Blue Lights Only:

(a) Incidents of this nature do not require and staff will not use audible emergency warnings. These incidents include:

1. Responding to the report of non-life threatening injuries or minor disturbances at external work areas, etc.;

2. Participating in escape simulation drills, or other similar drills where a visual warning may be necessary to alert the general public; or

3. Working in accord with local law enforcement agencies.

(b) Under no circumstances will a vehicle displaying only blue lights, not operating a siren, exceed posted speed limits or disregard traffic laws.

(3) Use of Blue Lights and Siren:

(a) Blue lights and a siren shall be utilized in unison when responding to the following types of emergency situations.

1. Escapes from secure custody;

2. When providing armed escort to emergency vehicles such as ambulances transporting inmates when those emergency vehicles are operating lights and sirens; or

3. When working with other law enforcement agencies in emergency situations, when such assistance has been requested by the law enforcement agency.

(b) The driver of any authorized emergency vehicle displaying blue lights and using the siren may exercise privileges granted under Section 316.072, F.S., but only under the following conditions and except when otherwise directed by a law enforcement officer. The driver may:

1. Park or stand, irrespective of the provisions of Chapter 316, F.S.;

2. Proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation;

3. Exceed the maximum speed limits, so long as the driver does not endanger life or property; and

4. Disregard regulations governing direction or movement or turning in specified directions, so long as the driver does not endanger life or property.

(c) The foregoing provisions will not relieve the driver from the duty to drive with due regard for the safety of all persons, nor will such provisions protect the driver from the consequences of his or her reckless disregard for the safety of others. Additionally, all staff engaged in any emergency response situation shall comply with the following procedures:

1. Stop for all stop signs and red traffic lights and proceed only after all other vehicles have yielded the right-of-way.

2. Speed will not exceed 15 MPH over the posted speed limit unless circumstances exist that would provide for the safe operation of the vehicle at higher speeds and the gravity of the situation so warrants. Speed entering and exiting a tollbooth shall never be greater than the posted speed limit or if not posted 15 MPH.

3. In the event of an equipment failure that could result in the unsafe operation of the vehicle during an emergency response mode, such emergency response mode shall be terminated and the appropriate institutions control room will be notified.

(d) Under no circumstances will the siren or any other audible device be operated alone, independent of displaying blue lights.

(4) Use of Vehicles in Recapture Efforts: The department has a "no motor vehicle pursuit" policy.

(a) Motor vehicle pursuits will be handled by the law enforcement agencies involved in the recapture efforts.

(b) If an escapee is detected and flees in a motor vehicle, the detecting correctional officer will immediately communicate this information to the assisting agencies and allow them to take over any pursuit of a motor vehicle.

(c) The correctional officer will obtain as much descriptive information as possible of the suspect vehicle (location, direction of travel, color, make of vehicle, model of vehicle, tag, and occupant description).

(5) Responsibilities:

(a) It will be the responsibility of the warden or inspector general to:

1. Ensure that all officers assigned as drivers for emergency vehicles utilizing blue lights and sirens are properly trained in the safe operation of emergency vehicles and have completed an emergency vehicle operations course or the reasonable equivalent as approved by the department;

2. Ensure that all emergency vehicles are maintained in good condition;

3. Ensure those officers utilized as drivers for emergency vehicles have not, within the past three years, been convicted of reckless driving or driving under the influence of alcohol or controlled substances, and have not had their driver's license suspended under the point system provided for in Chapter 322, F.S.;

4. Ensure those officers utilized as drivers for emergency vehicles possess a valid State of Florida driver's license;

5. Ensure officers utilized as drivers for emergency vehicles maintain American Safety and Health Institute CPR certification or its equivalent; and

6. Cause a periodic inspection of drivers to ensure continued compliance with the foregoing.

(b) It will be the responsibility of the driver of a designated department emergency vehicle to:

1. Advise his or her supervisor of any change to his or her driving status; i.e., suspended license, etc.;

2. Advise his or her supervisor of any physical or mental defect, disease or condition that would adversely affect or impair his or her ability to drive an emergency vehicle; (This

includes the taking of an prescription or over the counter medication which may impair a person's reaction time, cause drowsiness, or any other mental or physical impairment.)

3. Comply with all provisions of this rule and state Uniform Traffic Control laws of Chapter 316, F.S.

(6) Training:

(a) The Bureau of Staff Development will design and implement emergency vehicle operation course of no less than sixteen hours. This training will mirror that which is currently afforded law enforcement students in certified law enforcement academies. This course may be condensed in order to better suit the department's needs, but will provide students with advanced driving techniques and a clear understanding of current law and legal expectations.

(b) Correctional officers who have attended and successfully completed a certified law enforcement crossover course and have their certificates of certification as law enforcement officers on file with the department will be considered as meeting this training requirement. In the event there is no cross over emergency vehicle operation course, the additional department training will be required.

(c) The Bureau of Staff Development will ensure this course is updated annually or as needed based on current state Uniform Traffic Control laws, Chapter 316, F.S.

(d) The course of study will be mandatory for all persons prior to operating any vehicle equipped with blue lights and siren, and will be documented in each person's personnel file and training record.

Specific Authority 316.2397 FS. Law Implemented 316.003, 316.072, 316.2397 FS. History--New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
James Upchurch, Chief, Security Operations

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Richard Davison, Deputy Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 22, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 7, 2008

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Medicaid**

RULE NO.: 59G-13.091  
RULE TITLE: Family and Supported Living Waiver Provider Rate Table

PURPOSE AND EFFECT: The purpose of the amendment to Rule 59G-13.091, F.A.C., is to incorporate by reference in rule the Family and Supported Living Waiver Provider Rate Table, January 1, 2008. The effect will be to incorporate by reference in rule the Family and Supported Living Waiver Provider Rate Table, January 1, 2008.

SUMMARY: The purpose of the amendment to Rule 59G-13.091, F.A.C., is to incorporate by reference in rule the Family and Supported Living Waiver Provider Rate Table, January 1, 2008.

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

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

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.906, 409.908 FS.

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

DATE AND TIME: Monday, May 5, 2008, 2:00 p.m. – 4:00 p.m.

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Conference Room A, Tallahassee, Florida 32308

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Pamela Kyllonen, Bureau of Medicaid Services, 2727 Mahan Drive, Mail Stop 20, Tallahassee, Florida 32308, (850)414-9756, kyllonep@ahca.myflorida.com

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-13.091 Family and Supported Living Waiver Provider Rate Table.

(1) No change.

(2) All family and supported living waiver services providers enrolled in the Medicaid program must be in compliance with the Family and Supported Living Waiver Provider Rate Table, January 1, 2008 ~~2007~~, which is incorporated by reference. The rate table is available from the Medicaid fiscal agent's website at <http://floridamedicaid.acs-inc.com>. Click on Provider Support, and then on Fees.

Specific Authority 409.919 FS. Law Implemented 409.906, 409.908 FS. History--New 10-18-07, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Pamela Kyllonen

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Holly Benson, Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 28, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 14, 2007



**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

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

RULE NO.: 61B-24.006  
 RULE TITLE: Economic Information

PURPOSE AND EFFECT: This rule amendment deletes references to form numbers appearing on division educational brochures. It also deletes a provision that relieves the developer of certain requirements when the division is unable to provide the developer with copies of educational brochures. Instead, the developer may print copies of the brochures from the division's website or request copies directly from the division.

SUMMARY: This rule addresses educational materials that must be provided to tenants by a developer when a condominium is created by conversion of existing improvements. The rule amendment deletes form numbers and provides developers with the option of downloading copies of the brochures from the division's website.

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

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

SPECIFIC AUTHORITY: 718.501(1)(f), 718.614(2) FS.

LAW IMPLEMENTED: 718.501(1)(e), 718.614(2) FS.

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

DATE AND TIME: May 5, 2008, 9:00 a.m.

PLACE: The Northwood Centre, Suite 16, Conference Room, 1940 N. Monroe Street, Tallahassee, 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 48 hours before the workshop/meeting by contacting: Sharon A. Malloy, Senior Management Analyst II at (850)488-1631. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sharon A. Malloy, Senior Management Analyst II, Division of Florida Land Sales, Condominiums and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32311-1030, (850)488-1631

THE FULL TEXT OF THE PROPOSED RULE IS:

61B-24.006 Economic Information.

In addition to the economic information required by subsection Sections 718.614(1) and (2), Florida Statutes, each developer shall provide tenants with a copy of the following educational brochures: "Condominium and Cooperative Conversions," revised January, 2006 Form DBR 335; "Condominium Living in Florida," revised November 6, 2003 Form DBR 336; and "A Guide to Purchasing a Condominium Unit," revised October, 2005 Form DBR 337. A developer may request these brochures from the division or may download and print copies from the division's internet website. The division shall provide each developer with adequate copies of these forms upon request. When the division is unable to provide a developer with forms, the developer is relieved of the requirements of this subsection.

Specific Authority 718.501(1)(f), 718.614(2) FS. Law Implemented 718.501(1)(e), 718.614(2) FS. History--New 7-2-81, Formerly 7D-24.06, 7D-24.006, Amended 2-22-94, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Michael Cochran, Director, and Division of Florida Land Sales, Condominiums and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-1030

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Chuck Drago, Interim Secretary, Department of Business and Professional Regulation

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 25, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 30, 2007

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Electrical Contractors' Licensing Board**

RULE NO.: 61G6-8.001  
 RULE TITLE: Fees

PURPOSE AND EFFECT: The purpose and effect is to adjust an application and renewal fee.

SUMMARY: An application and renewal fee is adjusted.

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

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

SPECIFIC AUTHORITY: 455.217(2), 455.219(1), 489.507(3), 489.509 FS.

LAW IMPLEMENTED: 119.07(1)(a), (b), 455.217(2), 455.219(1), 455.2281, 455.271(8), 489.509, 489.511(2) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Anthony B. Spivey, Executive Director, Electrical Contractors' Licensing Board, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 21, 2008

THE FULL TEXT OF THE PROPOSED RULE IS:

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Professional Engineers**

61G6-8.001 Fees.

RULE NO.: RULE TITLE:

The following fees are prescribed by the Board:

61G15-18.011 Definitions

(1) The application fee for the certification examination for electrical or alarm systems contractor shall be two hundred dollars ~~one hundred and fifty dollars~~ (~~\$200.00~~ ~~150.00~~). The initial examination fee for the Technical/Safety examination for electrical or alarm systems contractor shall be one hundred twenty-seven dollars and fifty cents (\$127.50) payable to the Department. The initial examination fee for the Business Computer-Based Test shall be twenty-two dollars and fifty cents (\$22.50) payable to the professional testing service. When the computer-based testing (CBT) business portion of the examination is not conducted by a professional testing service pursuant to Section 455.2171, F.S., the entire examination fee shall be payable to the Department.

PURPOSE AND EFFECT: Purpose and effect is to add a new definition for "principal officers of the business organization" for purposes of Section 471.023, F.S.

SUMMARY: A new definition for "principal officers of the business organization" for purposes of Section 471.023, F.S. is added.

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

(2) The initial application fee for licensure by endorsement as a certified unlimited electrical contractor shall be two hundred dollars ~~one hundred and fifty dollars~~ (~~\$200.00~~ ~~150.00~~).

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

SPECIFIC AUTHORITY: 471.003(2)(f), 471.008, 471.013(1)(a)1., 2. FS.

(3) The fee for issuance, renewal or reinstatement of certification for electrical contractor or alarm systems contractor shall be two hundred ninety-five ~~fifty~~ dollars (~~\$295.00~~ ~~250.00~~).

LAW IMPLEMENTED: 471.003(2)(f), 471.003(7), 471.005(6), 471.013(1)(a)1., 2., 471.023(1), 471.025(3), 471.033(1)(j) FS.

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

(4) No change.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Carrie Flynn, Executive Director, Board of Professional Engineers, 2507 Callaway Road, Suite 200, Tallahassee, Florida 32301

(5) The initial fee for registration shall be one hundred fifty dollars (~~\$150.00~~ ~~100.00~~).

(6) No change.

(7) The fee for renewal of registration shall be one hundred twenty dollars (~~\$120.00~~ ~~100.00~~).

THE FULL TEXT OF THE PROPOSED RULE IS:

(8) through (15) No change.

61G15-18.011 Definitions.

Specific Authority 455.217(2), 455.219(1), 489.507(3), 489.509 FS. Law Implemented 119.07(1)(a), (b), 455.217(2), 455.219(1), 455.2281, 455.271(8), 489.509, 489.511(2) FS. History--New 1-2-80, Amended 10-27-80, 5-13-81, 5-3-82, 8-4-82, 5-2-83, 1-19-84, Formerly 21GG-8.01, Amended 7-9-86, 12-24-87, 10-30-88, 2-20-89, 8-26-90, 4-1-91, 7-3-91, Formerly 21GG-8.001, Amended 3-14-94, 11-30-94, 4-5-95, 7-13-95, 12-25-96, 6-1-97, 3-10-98, 12-31-98, 10-4-99, 12-27-04, \_\_\_\_\_.

As used in Chapter 471, F.S., and in these rules where the context will permit the following terms have the following meanings:

(1) through (5) No change.

NAME OF PERSON ORIGINATING PROPOSED RULE: Electrical Contractors' Licensing Board

(6) The term "principal officer(s) of the business organization" as used in Section 471.023(1), Florida Statutes, means the (a) President, Vice President, Secretary or Treasurer of the Corporation, or Limited Liability Company (LLC); or (b) any other officer who has management responsibilities in the corporation or LLC, as documented by the corporate charter or bylaws so long as such documentation provides that such officer is empowered to bind the corporation or LLC in all of its activities which fall within the definition of the practice of engineering as that term is defined in Section 471.003(7), Florida Statutes.

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Electrical Contractors' Licensing Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 14, 2008

Specific Authority 471.003(2)(f), 471.008, 471.013(1)(a)1., 2. FS. Law Implemented 471.003(2)(f), 471.003(7), 471.005(6), 471.013(1)(a)1., 2., 471.023(1), 471.025(3), 471.033(1)(j) FS. History--New 6-23-80, Amended 12-19-82, 11-22-83, Formerly 21H-18.11, Amended 1-16-91, 4-4-93, Formerly 21H-18.011, Amended 12-22-99, 4-19-01, 10-16-02, 9-15-04, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Professional Engineers  
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Professional Engineers  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 6, 2007  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 7, 2007

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**  
Notices for the Department of Environmental Protection between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

**DEPARTMENT OF HEALTH**  
**Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling**  
RULE NO.: 64B4-7.008  
RULE TITLE: Requirements to be a Qualified Practitioner for Completing Risk Assessments and Treatment of Sexual Offenders

PURPOSE AND EFFECT: The Board proposes the rule repeal because there is no longer statutory authority for this rule.  
SUMMARY: There is no longer any statutory authority for this rule, therefore the Board is repealing this rule.  
SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared.

Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.  
SPECIFIC AUTHORITY: 491.004(5), 947.005(9), 948.001(6) FS.  
LAW IMPLEMENTED: 947.005, 948.30 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.  
THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Susan Foster, Executive Director, Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

THE FULL TEXT OF THE PROPOSED RULE IS:

64B4-7.008 Requirements to Be a Qualified Practitioner for Completing Risk Assessments and Treatment of Sexual Offenders.

~~(1) In order to be a qualified practitioner for completing risk assessments for sexual offenders, one must hold an active license under Chapter 491, F.S., or be supervised by a practitioner licensed under Chapter 491, F.S.~~

~~(2) A qualified practitioner under this rule shall possess 55 hours of post degree education in the following core areas:~~

- ~~(a) Etiology of sexual deviance;~~
- ~~(b) Evaluation/risk assessment and treatment of adult and adolescent sexual offenders that have established scientific bases;~~
- ~~(c) Evaluation/risk assessment and treatment of specialized populations of sexual offenders (i.e., female and developmentally delayed);~~
- ~~(d) Physiological measures of sexual arousal;~~
- ~~(e) Sexual offender and DSM IV diagnosis;~~
- ~~(f) Safety planning/Family Safety planning;~~
- ~~(g) Report writing;~~
- ~~(h) Evaluation and treatment of victims;~~
- ~~(i) Legal and ethical issues in the evaluation and treatment of sexual offenders;~~
- ~~(j) Co-morbidity and substance abuse issues.~~

~~(3) Have documented 2,000 hours of post degree experience in the evaluation and treatment of sexual offenders.~~

~~(4) A qualified practitioner under this rule must complete 20 hours of biennial continuing education in the assessment, evaluation and treatment of sexual offenders; relapse prevention, experience and training in working with victims; and related legal and ethical issues.~~

Specific Authority 491.004(5), 947.005(9), 948.001(6) FS. Law Implemented 947.005, 948.30 FS. History--New 8-2-06, Repealed \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling  
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 1, 2008

**DEPARTMENT OF HEALTH**  
**Board of Opticianry**  
RULE NO.: 64B12-8.020  
RULE TITLE: Disciplinary Guidelines

PURPOSE AND EFFECT: The Board proposes the rule amendment to delete unnecessary language and to add language to clarify violations and recommended penalties for disciplinary guidelines.

SUMMARY: The rule amendment will delete unnecessary language and to add language to clarify violations and recommended penalties for disciplinary guidelines.

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

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

SPECIFIC AUTHORITY: 456.072(2)(d), 456.079, 484.005 FS.

LAW IMPLEMENTED: 456.072, 456.079, 484.014 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Susan Foster, Executive Director, Board of Opticianry/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

THE FULL TEXT OF THE PROPOSED RULE IS:

64B12-8.020 Disciplinary Guidelines.

(1) through (3) No change.

(4) When the Board finds an applicant or licensee whom it regulates under Chapter 484, F.S., has violated Section 484.014(1)(t), F.S., by violating any of the following Board rules, it shall issue a final order imposing appropriate penalties within the ranges recommended in the following disciplinary guidelines:

VIOLATIONS	RECOMMENDED PENALTIES		
	First Offense	Second Offense	Third Offense
<u>(a) Failure to pay any civil penalty imposed by order of the Board within thirty days of the effective date of the order as required by Rule 64B12-8.017, F.A.C.</u>	<u>(a) From reprimand to suspension of the license until such time as the fine has been paid and the licensee personally appears before the Board, and an administrative fine ranging from \$250.00 to \$500.00, or refusal to certify an application for licensure.</u>	<u>(a) From probation to suspension of the license until such time as the fine has been paid and the licensee personally appears before the Board, and an administrative fine ranging from \$500.00 to \$750.00, or refusal to certify an application for licensure.</u>	<u>(a) From suspension to revocation of license until such time as the fine has been paid and the licensee personally appears before the Board, and an administrative fine ranging from \$750.00 to \$1,000.00, or refusal to certify an application for licensure.</u>
<u>(b)(a) Failure to give notice of withdrawal of services pursuant to Rule 64B12-10.003, F.A.C.</u>	<u>(b)(a) From reprimand to probation of the license, and an administrative fine ranging from \$250.00 to \$500.00, or refusal to certify an application for licensure.</u>	<u>(b)(a) From probation to suspension of the license, and an administrative fine ranging from \$500.00 to \$750.00, or refusal to certify an application for licensure.</u>	<u>(b)(a) From suspension to revocation of license, and an administrative fine ranging from \$750.00 to \$1,000.00, or refusal to certify an application for licensure.</u>
<u>(c) Failure to identify through written notice or orally to a patient the type of license under which the practitioner is practicing pursuant to Rule 64B12-10.0035, F.A.C.</u>	<u>(c) From a letter of concern to reprimand of the license, and an administrative fine ranging from \$250.00 to \$500.00, or refusal to certify an application for licensure.</u>	<u>(c) From reprimand to probation of the license, and an administrative fine ranging from \$500.00 to \$750.00, or refusal to certify an application for licensure.</u>	<u>(c) From suspension to revocation of license, and an administrative fine ranging from \$750.00 to \$1,000.00, or refusal to certify an application for licensure.</u>

<del>(d)(b)</del> Failure to properly keep and transfer prescription files pursuant to Rule 64B12-10.006, F.A.C.	<del>(d)(b)</del> From a letter of concern to reprimand of the license, and an administrative fine ranging from \$250.00 to \$500.00, or refusal to certify an application for licensure.	<del>(d)(b)</del> From reprimand to probation of the license, and an administrative fine ranging from \$500.00 to \$750.00, or refusal to certify an application for licensure.	<del>(d)(b)</del> From suspension to revocation of license, and an administrative fine ranging from \$750.00 to \$1,000.00, or refusal to certify an application for licensure.
<del>(e)(e)</del> Failure to assure that duplicate prescription forms contain the information required by Rule 64B12-10.0065, F.A.C.	<del>(e)(e)</del> From a letter of concern to reprimand of the license, and an administrative fine ranging from \$250.00 to \$500.00, or refusal to certify an application for licensure.	<del>(e)(e)</del> From reprimand to probation of the license, and an administrative fine ranging from \$500.00 to \$750.00, or refusal to certify an application for licensure.	<del>(e)(e)</del> From suspension to revocation of license, and an administrative fine ranging from \$750.00 to \$1,000.00, or refusal to certify an application for licensure.
<del>(f)(d)</del> Failure to maintain the equipment required by Rule 64B12-10.007, F.A.C.	<del>(f)(d)</del> From reprimand to suspension of the license, and an administrative fine ranging from \$250.00 to \$500.00, or refusal to certify an application for licensure.	<del>(f)(d)</del> From probation to revocation of the license, and an administrative fine ranging from \$500.00 to \$750.00, or refusal to certify an application for licensure.	<del>(f)(d)</del> From suspension to revocation of license, and an administrative fine ranging from \$750.00 to \$1,000.00, or refusal to certify an application for licensure.
<u>(g)</u> Failure to provide change of address, pursuant to Rule 64B12-10.012, F.A.C.	<u>(g)</u> From a letter of concern to reprimand of the license, and an administrative fine ranging from \$250.00 to \$500.00, or refusal to certify an application for licensure.	<u>(g)</u> From reprimand to probation of the license, and an administrative fine ranging from \$500.00 to \$750.00, or refusal to certify an application for licensure.	<u>(g)</u> From reprimand to suspension of license, and an administrative fine ranging from \$750.00 to \$1,000.00, or refusal to certify an application for licensure.
<del>(e)</del> Failure to have a licensed optician on the business premises at any time that opticianry is being practiced. Should the violator be an unlicensed person, the Department will enter a cease and desist order. (456.065(2) and 484.013(1)(b), F.S.)	<del>(e)</del> From a reprimand to probation of the license, and an administrative fine ranging from \$250.00 to \$750.00, or refusal to certify an application for licensure.	<del>(e)</del> From probation to suspension of the license, and an administrative fine ranging from \$500.00 to \$1,000.00, or refusal to certify an application for licensure.	<del>(e)</del> From suspension to revocation of license, and an administrative fine ranging from \$750.00 to \$1,000.00, or refusal to certify an application for licensure.

(f) Failure to return certificates and licenses to the Department.	(f) From a letter of concern to reprimand of the license, and an administrative fine ranging from \$250.00 to \$500.00, or refusal to certify an application for licensure.	(f) From reprimand to suspension of the license, and an administrative fine ranging from \$500.00 to \$750.00, or refusal to certify an application for licensure.	(f) From suspension to revocation of license, and an administrative fine ranging from \$750.00 to \$1,000.00, or refusal to certify an application for licensure.
(g) Failure to pay any civil penalty imposed by order of the Board within thirty days of the effective date of the order as required by Rule 64B12-8.017, F.A.C.	(g) From reprimand to suspension of the license until such time as the fine has been paid and the licensee personally appears before the Board, and an administrative fine ranging from \$250.00 to \$500.00, or refusal to certify an application for licensure.	(g) From probation to suspension of the license until such time as the fine has been paid and the licensee personally appears before the Board, and an administrative fine ranging from \$500.00 to \$750.00, or refusal to certify an application for licensure.	(g) From suspension to revocation of license until such time as the fine has been paid and the licensee personally appears before the Board, and an administrative fine ranging from \$750.00 to \$1,000.00, or refusal to certify an application for licensure.
(h) – (m) No change.	(h) – (m) No change.	(h) – (m) No change.	(h) – (m) No change.
(n) Failure to provide change of address, pursuant to Rule 64B12-10.012, F.A.C.	(n) From a letter of concern to reprimand of the license, and an administrative fine ranging from \$250.00 to \$500.00, or refusal to certify an application for licensure.	(n) From reprimand to probation of the license, and an administrative fine ranging from \$500.00 to \$750.00, or refusal to certify an application for licensure.	(n) From reprimand to suspension of license, and an administrative fine ranging from \$750.00 to \$1,000.00, or refusal to certify an application for licensure.

(5) When the Board finds an applicant or licensee whom it regulates under Chapter 484, F.S., has violated Section 456.013(2), 456.063(3), 456.065(2), or 484.013(1)(b), or Section 456.072, F.S., by violating any of the following

provisions, it shall issue a final order imposing appropriate penalties within the ranges recommended in the following disciplinary guidelines:

VIOLATIONS	RECOMMENDED PENALTIES		
	First Offense	Second Offense	Third Offense
(a) Failure to return certificates and licenses to the Department. (456.013(2), F.S.)	(a) From a letter of concern to reprimand of the license, and an administrative fine ranging from \$250.00 to \$500.00, or refusal to certify an application for licensure.	(a) From reprimand to suspension of the license, and an administrative fine ranging from \$500.00 to \$750.00, or refusal to certify an application for licensure.	(a) From suspension to revocation of license, and an administrative fine ranging from \$750.00 to \$1,000.00, or refusal to certify an application for licensure.

<p><del>(b)(a)</del> Failure to report allegations of sexual misconduct to the department, regardless of the practice setting in which the alleged sexual misconduct occurred. (456.063(3), F.S.)</p>	<p><del>(b)(a)</del> From reprimand to suspension of the license, and an administrative fine ranging from \$1,500.00 to \$5,000.00, or refusal to certify an application for licensure. If fraud or making a false or fraudulent representation is proven, the administrative fine is \$10,000.00.</p>	<p><del>(b)(a)</del> From probation to suspension of the license, and an administrative fine ranging from \$5,000.00 to \$7,500.00, or refusal to certify an application for licensure. If fraud or making a false or fraudulent representation is proven, the administrative fine is \$10,000.00.</p>	<p><del>(b)(a)</del> From suspension to revocation of license, and an administrative fine ranging from \$7,500.00 to \$10,000.00, or refusal to certify an application for licensure. If fraud or making a false or fraudulent representation is proven, the administrative fine is \$10,000.00.</p>
<p><del>(c)</del> Failure to have a licensed optician on the business premises at any time that opticianry is being practiced. Should the violator be an unlicensed person, the Department will enter a cease and desist order. (456.065(2) and 484.013(1)(b), F.S.)</p>	<p><del>(c)</del> From a reprimand to probation of the license, and an administrative fine ranging from \$250.00 to \$750.00, or refusal to certify an application for licensure.</p>	<p><del>(c)</del> From probation to suspension of the license, and an administrative fine ranging from \$500.00 to \$1,000.00, or refusal to certify an application for licensure.</p>	<p><del>(c)</del> From suspension to revocation of license, and an administrative fine ranging from \$750.00 to \$1,000.00, or refusal to certify an application for licensure.</p>
<p><del>(d)(b)</del> Making misleading, deceptive, or fraudulent representations in or related to the practice of opticianry. (456.072(1)(a), F.S.)</p>	<p><del>(d)(b)</del> From reprimand to suspension of the license, and an administrative fine ranging from \$1,000.00 to \$5,000.00, and if fraudulent representations are proven, an administrative fine of \$10,000.00, or refusal to certify an application for licensure.</p>	<p><del>(d)(b)</del> From probation to revocation of the license, and an administrative fine ranging from \$3,000.00 to \$5,000.00, and if fraudulent representations are proven, an administrative fine of \$10,000.00, or refusal to certify an application for licensure.</p>	<p><del>(d)(b)</del> From suspension to revocation of license, and an administrative fine ranging from \$5,000.00 to \$10,000.00, and if fraudulent representations are proven, an administrative fine of \$10,000.00, or refusal to certify an application for licensure.</p>
<p><del>(e)(e)</del> Failing to comply with the educational course requirements for human immunodeficiency virus and acquired immune deficiency syndrome. (456.072(1)(e), F.S.)</p>	<p><del>(e)(e)</del> From letter of concern to reprimand of the license, and an administrative fine ranging from \$500.00 to \$1,000.00, or refusal to certify an application for licensure.</p>	<p><del>(e)(e)</del> From reprimand to probation of the license, and an administrative fine ranging from \$1,000.00 to \$5,000.00, or refusal to certify an application for licensure.</p>	<p><del>(e)(e)</del> From suspension to revocation of license, and an administrative fine ranging from \$5,000.00 to \$10,000.00, or refusal to certify an application for licensure.</p>

<p><del>(f)(d)</del> Having been found liable in a civil proceeding for knowingly filing a false report or complaint with the department against another licensee. (456.072(1)(g), F.S.)</p>	<p><del>(f)(d)</del> From reprimand to suspension of the license, and an administrative fine ranging from \$1,000.00 to \$2,500.00, or refusal to certify an application for licensure.</p>	<p><del>(f)(d)</del> From probation to revocation of the license, and an administrative fine ranging from \$2,500.00 to \$5,000.00, or refusal to certify an application for licensure.</p>	<p><del>(f)(d)</del> From suspension to revocation of license, and an administrative fine ranging from \$5,000.00 to \$10,000.00, or refusal to certify an application for licensure.</p>
<p><del>(g)(e)</del> Aiding, assisting, procuring, employing, or advising any unlicensed person or entity to practice opticianry contrary to Chapters 484 and 456, F.S., or the rules of the department or the board. (456.072(1)(j), F.S.)</p>	<p><del>(g)(e)</del> From reprimand to suspension of the license, and an administrative fine ranging from \$2,000.00 to \$5,000.00, or refusal to certify an application for licensure.</p>	<p><del>(g)(e)</del> From probation to revocation of the license, and an administrative fine ranging from \$5,000.00 to \$7,500.00, or refusal to certify an application for licensure.</p>	<p><del>(g)(e)</del> From suspension to revocation of license, and an administrative fine ranging from \$5,000.00 to \$10,000.00, or refusal to certify an application for licensure.</p>
<p><del>(h)(f)</del> Failure to perform legal obligation. (456.072(1)(k), F.S.)</p>	<p><del>(h)(f)</del> From reprimand to suspension of the license, and an administrative fine ranging from \$500.00 to \$2,500.00, or refusal to certify an application for licensure. If the violation is for fraud or making a false or fraudulent representation, the administrative fine is \$10,000.00.</p>	<p><del>(h)(f)</del> From probation to revocation of the license, and an administrative fine ranging from \$2,500.00 to \$5,000.00, or refusal to certify an application for licensure. If the violation is for fraud or making a false or fraudulent representation, the administrative fine is \$10,000.00.</p>	<p><del>(h)(f)</del> From suspension to revocation of license, and an administrative fine ranging from \$5,000.00 to \$10,000.00, or refusal to certify an application for licensure. If the violation is for fraud or making a false or fraudulent representation, the administrative fine is \$10,000.00.</p>
<p><del>(i)(g)</del> Making deceptive, untrue, or fraudulent representations in or related to the practice of a profession or employing a trick or scheme in or related to the practice of a profession. (456.072(1)(m), F.S.)</p>	<p><del>(i)(g)</del> From reprimand to suspension of the license, and an administrative fine ranging from \$1,000.00 to \$5,000.00, and if fraudulent representation(s) is proven, an administrative fine of \$10,000.00, or refusal to certify an application for licensure.</p>	<p><del>(i)(g)</del> From probation to suspension of the license, without the ability to reapply, and an administrative fine ranging from \$3,000.00 to \$5,000.00, and if fraudulent representation(s) is proven, an administrative fine of \$10,000.00, or refusal to certify an application for licensure.</p>	<p><del>(i)(g)</del> From suspension to revocation of license, without the ability to reapply, and an administrative fine ranging from \$5,000.00 to \$10,000.00, and if fraudulent representation(s) is proven, an administrative fine of \$10,000.00, or refusal to certify an application for licensure.</p>



<p><del>(l)(h)</del> Practicing or offering to practice beyond the scope permitted by law or accepting and performing professional responsibilities the licensee knows, or has reason to know, the licensee is not competent to perform. (456.072(1)(o), F.S.)</p>	<p><del>(l)(h)</del> From reprimand to suspension of the license, and an administrative fine ranging from \$1,000.00 to \$2,500.00, or refusal to certify an application for licensure.</p>	<p><del>(l)(h)</del> From probation to revocation of the license, and an administrative fine ranging from \$2,500.00 to \$5,000.00, or refusal to certify an application for licensure.</p>	<p><del>(l)(h)</del> From suspension to revocation of license, and an administrative fine ranging from \$5,000.00 to \$10,000.00, or refusal to certify an application for licensure.</p>
<p><del>(k)(+)</del> Delegating or contracting for the performance of professional responsibilities by a person when the licensee delegating or contracting for performance of such responsibilities knows, or has reason to know, such person is not qualified by training, experience, and authorization when required to perform them. (456.072(1)(p), F.S.)</p>	<p><del>(k)(+)</del> From reprimand to suspension of the license, and an administrative fine ranging from \$1,000.00 to \$2,500.00, or refusal to certify an application for licensure.</p>	<p><del>(k)(+)</del> From probation to revocation of the license, and an administrative fine ranging from \$2,500.00 to \$5,000.00, or refusal to certify an application for licensure.</p>	<p><del>(k)(+)</del> From suspension to revocation of license, and an administrative fine ranging from \$5,000.00 to \$10,000.00, or refusal to certify an application for licensure.</p>
<p><del>(l)(+)</del> Improperly interfering with an investigation or inspection authorized by statute, or with any disciplinary proceeding. (456.072(1)(r), F.S.)</p>	<p><del>(l)(+)</del> From reprimand to probation of the license, and an administrative fine ranging from \$500.00 to \$1,000.00, or refusal to certify an application for licensure.</p>	<p><del>(l)(+)</del> From probation to suspension of the license, and an administrative fine ranging from \$1,000.00 to \$5,000.00, or refusal to certify an application for licensure.</p>	<p><del>(l)(+)</del> From suspension to revocation of license, and an administrative fine ranging from \$5,000.00 to \$10,000.00, or refusal to certify an application for licensure.</p>

<p><del>(m)(k)</del> Engaging or attempting to engage a patient or client in verbal or physical sexual activity. For the purposes of this section, a patient or client shall be presumed to be incapable of giving free, full, and informed consent to verbal or physical sexual activity. (456.072(1)(v), F.S.)</p>	<p><del>(m)(k)</del> From reprimand to suspension of the license, and an administrative fine ranging from \$1,000.00 to \$5,000.00, or refusal to certify an application for licensure.</p>	<p><del>(m)(k)</del> From probation to revocation of the license, and an administrative fine ranging from \$5,000.00 to \$7,500.00, or refusal to certify an application for licensure.</p>	<p><del>(m)(k)</del> From suspension to revocation of license, and an administrative fine ranging from \$5,000.00 to \$10,000.00, or refusal to certify an application for licensure.</p>
<p><del>(n)(t)</del> Failing to report to the board, or the department if there is no board, in writing within 30 days after the licensee has been convicted or found guilty of, or entered a plea of nolo contendere to, regardless of adjudication, a crime in any jurisdiction. (456.072(1)(x), F.S.)</p>	<p><del>(n)(t)</del> From reprimand to suspension of the license, and an administrative fine ranging from \$1,000.00 to \$5,000.00, or refusal to certify an application for licensure.</p>	<p><del>(n)(t)</del> From probation to revocation of the license, and an administrative fine ranging from \$5,000.00 to \$7,500.00, or refusal to certify an application for licensure.</p>	<p><del>(n)(t)</del> From suspension to revocation of license, and an administrative fine ranging from \$7,500.00 to \$10,000.00, or refusal to certify an application for licensure.</p>
<p><del>(o)(m)</del> Termination from a treatment program for impaired practitioners, which is overseen by an impaired practitioner consultant as described in Section 456.076, F.S. Termination can be for failure to comply with the terms of the monitoring or treatment contract entered into by the licensed practitioner, failure to successfully complete any drug treatment or alcohol-treatment program, or termination from a monitoring or treatment contract without good cause. (456.072(1)(hh), F.S.)</p>	<p><del>(o)(m)</del> From reprimand to suspension of the license, and an administrative fine ranging from \$250.00 to \$500.00, or refusal to certify an application for licensure.</p>	<p><del>(o)(m)</del> From probation to revocation of the license, and an administrative fine ranging from \$500.00 to \$750.00, or refusal to certify an application for licensure.</p>	<p><del>(o)(m)</del> From suspension to revocation of the license, and an administrative fine ranging from \$750.00 to \$1,000.00 or refusal to certify an application for licensure.</p>

(6) through (7) No change.

Specific Authority 456.072(2)(d), 456.079, 484.005 FS. Law Implemented 456.072, 456.079, 484.014 FS. History—New 3-5-87, Amended 3-30-89, 4-22-90, 12-23-90, 1-27-93, Formerly 21P-8.020, Amended 5-2-94, Formerly 61G13-8.020, 59U-8.020, Amended 12-3-01, 3-16-04, 5-25-06,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
The Board of Opticianry

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: The Board of Opticianry

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 2, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 29, 2008

**DEPARTMENT OF HEALTH**

**Board of Opticianry**

RULE NO.: 64B12-8.021                      RULE TITLE: Citations

PURPOSE AND EFFECT: The Board proposes the rule amendment to delete unnecessary language and to add language to clarify citations and fines being assessed for violations.

SUMMARY: The rule amendment will delete unnecessary language and to add language to clarify citations and fines being assessed for violations.

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

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

SPECIFIC AUTHORITY: 456.077, 484.005 FS.

LAW IMPLEMENTED: 456.035(1), 456.073, 456.077, 484.014 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Susan Foster, Executive Director, Board of Opticianry/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

THE FULL TEXT OF THE PROPOSED RULE IS:

64B12-8.021 Citations.

(1) through (2) No change.

(3) The Board hereby designates the following as citation violations, which shall result in the indicated penalty:

(a) through (l) No change.

(m) Failing to file complete reports and information timely, as required by Rule 64B12-16.008, F.A.C., \$200.00; ~~and~~

(n) Failing to provide change of address, pursuant to Rule 64B12-10.012, F.A.C., \$200.00; ~~and~~

(o) Failing to identify the type of license under which the practitioner is practicing. The fine shall be \$200.00. (See Rule 64B12-10.0035, F.A.C.; Section 456.072(1)(t), F.S.).

(4) through (5) No change.

Specific Authority 456.077, 484.005 FS. Law Implemented 456.035(1), 456.072, 456.073, 456.077, 484.014 FS. History—New 1-19-92, Amended 5-27-92, Formerly 21P-8.021, Amended 5-2-94, Formerly 61G13-8.021, Amended 12-4-95, Formerly 59U-8.021, Amended 8-6-97, 6-14-01, 8-16-04, 8-28-05, 6-29-06,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
The Board of Opticianry

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: The Board of Opticianry

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 4, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 29, 2008

**DEPARTMENT OF HEALTH**

**Board of Speech-Language Pathology and Audiology**

RULE NO.: 64B20-2.003                      RULE TITLE: Provisional License; Requirements

PURPOSE AND EFFECT: The Board proposes the rule amendment to clarify the time limit for the validity of a provisional license.

SUMMARY: The time limit for the validity of a provisional license will be clarified.

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

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

SPECIFIC AUTHORITY: 468.1135(4) FS.

LAW IMPLEMENTED: 468.1145(2), 468.1155(4) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Pamela E. King, Executive Director, Board of Speech Language Pathology, 4052 Bald Cypress Way, Bin C06, Tallahassee, Florida 32399-3256

THE FULL TEXT OF THE PROPOSED RULE IS:

64B20-2.003 Provisional License; Requirements.

(1) through (4) No change.

(5) A provisional license shall be valid for a period of 21 ~~48~~ months from the date of issuance or until a license to practice Speech-Language Pathology or Audiology pursuant to Section 468.1185, F.S. is issued.

Specific Authority 468.1135(4) FS. Law Implemented 468.1145(2), 468.1155(4) FS. History--New 3-14-91, Amended 12-4-91, Formerly 21LL-2.003, Amended 11-30-93, Formerly 61F14-2.003, Amended 9-26-95, Formerly 59BB-2.003, Amended 11-20-07, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Speech Language Pathology

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Speech Language Pathology

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 7, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 7, 2008

**FLORIDA HOUSING FINANCE CORPORATION**

RULE NOS.:	RULE TITLES:
67-57.005	Definitions
67-57.010	Fees
67-57.030	Membership Application Procedures
67-57.040	Property Standards
67-57.050	HOP Program Restrictions
67-57.060	Eligible Homebuyer Requirements
67-57.070	Homebuyer Loan Process

PURPOSE AND EFFECT: This rule establishes the procedures by which the Florida Housing Finance Corporation shall administer the Homeownership Pool (HOP) Program which provides down payment and closing costs assistance to eligible homebuyers. The Rule and adopted reference materials are necessary and appropriate for the efficient administration of the Program.

SUMMARY: This rule establishes the procedures by which the Florida Housing Finance Corporation shall administer the Homeownership Pool (HOP) Program which provides down payment and closing costs assistance to eligible homebuyers.

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

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

SPECIFIC AUTHORITY: 420.507(12), (14) FS.

LAW IMPLEMENTED: 420.507(23), 420.5088, 420.5089 FS.

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

DATE AND TIME: Wednesday, May 7, 2008, 10:00 a.m. – 11:00 a.m.

PLACE: Florida Housing Finance Corporation, Seltzer Conference Room, 6th Floor, 227 North Bronough Street, Tallahassee, Florida 32301

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 days before the workshop/meeting by contacting: Cristal Baer-Penik (850)488-4197. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Cristal Baer-Penik, Homeownership Programs Senior Analyst, Florida Housing Finance Corporation, 227 North Bronough Street, Tallahassee, Florida 32301, (850)488-4197

THE FULL TEXT OF THE PROPOSED RULE IS:

67-57.005 Definitions.

(1) through (29) No change.

(30) "Living Space" means areas in a dwelling unit that are livable space. This does not include closets, crawl spaces, and other storage areas.

(30) through (32) renumbered (31) through (33) No change.

(34) "Manufactured Home" means a single-family house constructed entirely in a controlled factory environment, built to the federal Manufactured Home Construction and Safety Standards administered by the U.S. Department of Housing and Urban Development (HUD). A manufactured house may be single- or multi-sectional and is transported to the site and installed on a permanent foundation.

(34) through (37) renumbered (35) through (39) No change.

(40) "Personal Assets" means cash held in savings accounts, checking accounts, safe deposit boxes; equity in rental property and other capital investments; cash value of stocks, bonds, Treasury bills, money market accounts; cash value of life insurance policies; personal property held as an investment; lump sum payments or one time receipts such as inheritance or insurance settlements; mortgages or deeds of trust held by homebuyer.

(38) through (41) renumbered (41) through (44) No change.

(45) "Retirement Assets" means individual retirement and Keogh accounts, retirement and pension funds.

(42) through (52) renumbered (46) through (56) No change.

Specific Authority 420.507(12), (14) FS. Law Implemented 420.507(23), 420.5088, 420.5089(2) FS. History–New 6-26-06, Amended 10-14-07,\_\_\_\_\_.

67-57.010 Fees.

(1) The Corporation shall collect a HOP Membership Application fee of \$500 from all entities when applying to become a Member of the pool for the HOP program. Thereafter, Members must pay an annual renewal fee of \$50, due January 31st of each year.

(2) through (4) No change.

(5) Member shall be charged a failed inspection fee of \$500 for all homes inspected by FHFC that have been determined to not have been built in compliance with HOP Property Standards per rule chapter 67-57.040, F.A.C. Non-compliant home(s) must be brought into compliance and the assessed fee must be paid before the HOP Loan will close. This fee cannot be passed on to the Eligible Homebuyer.

Specific Authority 420.507(12), (14) FS. Law Implemented 420.507(23), 420.5088, 420.5089(2) FS. History–New 6-26-06, Amended 10-14-07,\_\_\_\_\_.

67-57.030 Membership Application Procedures

(1) In order to participate in the HOP program, the Applicant must first apply to become a Member by meeting the requirements of the HOP Membership Application (“HOPMBR101 (5/01/08 9/1/07)”), which is adopted and incorporated herein by reference and is available on the Corporation’s Website at <http://www.floridahousing.org/Home/Developers/HomeownershipPrograms/HOP>.

(2) through (4) No change.

(5) At each annual renewal Annually, beginning January 31, 2008, Members must notify FHFC renew their membership by advising of any changes to the development team or organization structure and paying a \$50 renewal fee by January 31st of each year.

(6) Failure to advise of any changes to the development team or organization structure or failure to pay the renewal fee will result in the inactivation termination of the membership of the Member.

Specific Authority 420.507(12), (14) FS. Law Implemented 420.507(23), 420.5088, 420.5089(2) FS. History–New 6-26-06, Amended 10-14-07,\_\_\_\_\_.

67-57.040 Property Standards.

(1) No change.

(a) through (c) No change.

(d) Energy Star rated power vented fans or range hoods that exhaust to the exterior;

(e) Florescent lighting fixtures or compact florescent bulbs in all lighting fixtures;

(f) Double or knife hinges on bottom cabinet doors that enables full 180 degree opening;

(g) through (j) renumbered (d) through (g) No change.

(h)(k) Cable or satellite TV hookups (minimum of 2) located within 12" of an electrical outlet;

(k) through (p) renumbered (h) through (m) No change.

(n) (q) Toggle-type or rocker style switches for lights and fans;

(o) All living spaces must be equipped with overhead lighting;

(p)(r) Width of All interior doors used for ingress/egress must be a minimum of 34 (2' x 10") or larger. Any door other than a traditional hinged door such as: pocket doors, bi-fold doors, and double doors; must provide for at least a 32" minimum clear width entry;

(q)(s) At least one accessible means of egress/ingress, which may be waived for manufactured housing Units and Units built in Area(s) of Critical State Concern. For Units consisting of two or more levels, all space on the entry level of the Unit must meet the requirements of paragraphs (1)(a)-(r) above. At least one full bathroom and one bedroom must meet the requirements of paragraphs (1)(a)-(r) if there is not a full bathroom and a bedroom on the entry level; and:

(r) For Units consisting of two or more levels, all space on the entry level of the Unit must meet the requirements of paragraphs (1)(a)-(q). On the second level at least one full bathroom and one bedroom must meet the requirements of paragraphs (1)(a)-(q) if there is not a full bathroom and a bedroom on the entry level; and;

(s)(t) Provide a home maintenance manual that includes information on basic home a routine maintenance plan; manuals for all installed instructions for all appliances, HVAC operation, water system turnoffs, lighting equipment, and information on how to use and maintain the green features of the home, including paving materials and landscaping, and encourage additional green activities such as recycling, gardening and use of healthy cleaning materials.

(2) Effective January 1, 2009 all new construction Units, excluding Self Help Units, must be certified to one of the following green building practices: EnergyStar, Florida Green Building Coalition, or Leadership in Energy and Environmental Design (LEED). Also effective January 1, 2009, excluding Self Help Units, (e) listed in Property Standard from paragraph 1 will no longer be applicable.

(3)(2) No change.

(a) Outdoor lights are photovoltaic, low voltage, or have motion detector;

(b) through (d) renumbered (a) through (c) No change.

(4)(3) No change.

(a) through (e) No change.

(5)(4) No change.

(a) through (f) No change.

Specific Authority 420.507(12), (14) FS. Law Implemented 420.507(23), 420.5088, 420.5089(2) FS. History–New 6-26-06, Amended 10-14-07,\_\_\_\_\_.

## 67-57.050 HOP Program Restrictions

(1) All Units must be new construction which have not been previously occupied except that Members that are counties and eligible municipalities that are administrators recipients of SHIP funding may make reservations for Eligible Homebuyers for HOP funds on Units that are currently in the process of Substantial Rehabilitation.

(2) through (3) No changes.

(4) Eligible participants include non-profit organizations, as defined in Internal Revenue Code of 1986 (26 USC 42, subsection 501(c)(3) or 501(c)(4)) and organized under Chapter 617, F.S., if a Florida Corporation, or under similar state law if organized in a jurisdiction other than Florida, for-profit organizations acting solely as the developer / builder, Community Housing Development Organizations (CHDOs) approved by Florida Housing Finance Corporation, counties and eligible municipalities that are administrators recipients of SHIP funding, and the United States Department of Agriculture – Rural Development (USDA-RD), which has been approved by the Corporation to participate in the HOP program.

(5) through (13) No change.

(a) through (b) No change.

(c) The Model Energy Code requirements are met or exceeded as enumerated in 2007 2005 Florida State Energy Code (which exceeds 2006 International Energy Conservation Code which is more stringent than Section 101 of the Energy Policy Act of 1992).

(14) through (16) No change.

(a) through (e) No change.

Specific Authority 420.507(12), (14) FS. Law Implemented 420.507(23), 420.5088, 420.5089(2) FS. History–New 6-26-06, Amended 10-14-07, \_\_\_\_\_.

## 67-57.060 Eligible Homebuyer Requirements.

(1) No change.

(a) through (d) No change.

(e) Not have Personal Assets in excess of \$30,000 \$50,000 and Retirement Assets in excess of \$100,000, excluding equity contributions toward the Unit;

(f) No change.

(g) Comply with the HOP Homebuyer Underwriting Guidelines (5/1/08 9/1/07), which are adopted and incorporated herein by reference and available at <http://www.floridahousing.org/Home/Developers/HomeownershipPrograms/HOP>.

(2) No change.

(a) through (c) No change.

(3) No change.

(4) The Corporation will consider resubordinating its HOP Loan to a first mortgage loan when a refinancing occurs. In making a determination, the Corporation will review the

following terms of the new transaction: loan type, term of the loan, fixed interest rate percentage, ~~type of interest rate (variable or fixed)~~, principal balance of the loan, reason for the request and whether or not the terms of the new loan are beneficial to the homebuyer.

(a) No change.

(1) through (4) No change.

(b) No change.

Specific Authority 420.507(12), (14) FS. Law Implemented 420.507(23), 420.5088, 420.5089(2) FS. History–New 6-26-06, Amended 10-14-07, \_\_\_\_\_.

## 67-57.070 Homebuyer Loan Process.

(1) Once construction on the Unit has begun, Members shall reserve homebuyer financing, on a loan-by-loan basis, by providing the required date of foundation inspection on the HOP Homebuyer Reservation (“HOPRES201 (5/01/08 9/1/07)”), which is adopted and incorporated into this rule chapter by reference and which is available on our website at: <http://www.floridahousing.org/Home/Developers/HomeownershipPrograms/HOP>.

(2) Within fourteen (14) Calendar Days of making the reservation, unless a Member is subject to subsection 8 or 9 below, Members must submit to the Corporation a copy of the building permit and the Corporation must approve the completed Environmental Checklist (“HOPENV301 (5/1/08 9/1/07)”), which is adopted and incorporated into this rule chapter by reference and which is available on our website at <http://www.floridahousing.org/Home/Developers/HomeownershipPrograms/HOP> or the reservation will be cancelled.

(3) through (5) No change.

(a) through (d) No change.

(e) Copy of as-built property appraisal; ~~and~~

(f) Copy of purchase contract and any addendums; and

(g) Copy of approval page generated from the HUD Income Calculator.

(6) through (7) No change.

(a) through (b) No change.

(c) Proof of title insurance; ~~and~~

(d) Amenities certification; and

(e) Certification from EnergyStar, Florida GreenBuilding Coalition or LEED (effective January 1, 2009).

(8) Members using Self Help under USDA-RD Section 502 financing can make reservations four (4) weeks prior to the homebuyer closing. After making ~~Within ten (10) Calendar Days of receiving~~ the reservation, the borrower analysis package, must be sent to Loan Servicing for review and approval. In addition, the HOP Self-Help / CHDO Checklist (“HOPSelfHelpCHDO302 (5/01/08 9/1/07)”), which is adopted and incorporated into this rule chapter by reference and which is available on our website at <http://www.floridahousing.org/Home/Developers/HomeownershipPrograms/HOP>, or other acceptable documentation must be

sent to the Corporation within fourteen (14) days of the reservation date. Upon approval, the closing can occur and funds will be held in escrow by the Corporation.

(9) Members that have been certified as a CHDO are able to make reservations in the name of the homebuyer prior to starting construction on a new home. After making the reservation, the HOP Self-Help / CHDO Checklist (“HOPSelfHelpCHDO302 (5/01/08)”), which is adopted and incorporated into this rule chapter by reference and which is available on our website at <http://www.floridahousing.org/Home/Developers/HomeownershipPrograms/HOP> must be sent to the Corporation within fourteen (14) days of the reservation date accompanied by a copy of the construction contract which covers the building of the Unit. If the construction contract provided is for 12 or more Units, the CHDO must provide evidence from a third party that the construction of these Units are in compliance with Labor Standards as enumerated in 24 CFR § 92.354 and 40 U.S.C. 3142-3144, 3146 & 3147 (Davis-Bacon) and all other applicable labor regulations and laws. All costs and fees associated with compliance monitoring for the Davis-Bacon Act and other labor regulations and laws are the responsibility of the CHDO Member.

Specific Authority 420.507(12), (14) FS. Law Implemented 420.507(23), 420.5088, 420.5089(2) FS. History–New 6-26-06, Amended 10-14-07,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Cristal Baer-Penik, Homeownership Programs Senior Analyst  
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: David R. Westcott, Deputy Development Officer  
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 2, 2008  
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: Vol. 34, No. 3, January 18, 2008

**DEPARTMENT OF FINANCIAL SERVICES**

**Division of Consumer Services**

RULE NO.: 69J-2.003  
 RULE TITLE: Lines Insurance Claims Arising from the 2004 and 2005 Hurricanes and Tropical Storms

PURPOSE AND EFFECT: The proposed rule defines terms used in the rule and in Section 627.7015, F.S., and specifies the information that shall be submitted by an insured in order to initiate mediation. This amendment also makes clerical revisions to the existing rule, and addresses other matters relating to the mediation program governed by the rule.

SUMMARY: Definitions of “claim,” “dispute,” and “filed” are provided and procedures specified to clarify when the duty of an insurer to provide notice to an insured of the right to mediation attaches pursuant to Section 627.7015, F.S. The rule

provides that an insurer must provide notice of the right to mediate within 5 business days of receiving a description of a dispute involving material fact regarding an insured’s reported hurricane loss, upon remitting a claim amount less than the lowest estimate submitted by the insured, with a notice of whole or partial denial, or if the insurer has not made a decision within 60 days of being informed about the loss.

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

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

SPECIFIC AUTHORITY: 624.308 FS.

LAW IMPLEMENTED: 624.307, 627.7015 FS.

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

DATE AND TIME: Thursday, May 8, 2008, 9:30 a.m.

PLACE: 116 Larson Building, 200 East Gaines Street, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Tom Valentine, (850)413-4140. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Tom Valentine, Assistant General Counsel, Department of Financial Services 200 East Gaines Street, Tallahassee, Florida 32399, (850)413-4140

THE FULL TEXT OF THE PROPOSED RULE IS:

69J-2.003 Lines Insurance Claims Arising from the 2004 and 2005 Hurricanes and Tropical Storms.

(1) No change.

(2) Definitions. The following definitions apply to the terms of this rule as used herein, and in Section 627.7015, Florida Statutes, except when defined by that section.

(a) No change.

(b) “Claim”, as used in subsection (3), below, means a reported hurricane loss involving any material fact on which there is a dispute or for which the insurer has refused payment in whole or in part. Unless the parties agree to mediate a claim involving a lesser amount, a “claim” involves the insured requesting \$500 or more to settle the dispute, or the difference between the positions of the parties is \$500 or more, in either case, notwithstanding any applicable deductible. “Claim” does

not include a dispute with respect to the instances described in Section 627.7015(9), F.S. means any matter on which there is a dispute or for which the insurer has denied payment. Unless the parties agree to mediate a claim involving a lesser amount, a "claim" involves the insured requesting \$500 or more to settle the dispute, or the difference between the positions of the parties is \$500 or more, in either case, notwithstanding any applicable deductible. "Claim" does not include a dispute with respect to which the insurer has reported allegations of fraud, based on an investigation by the insurer's special investigative unit, to the Department's Division of Insurance Fraud.

(c) No change.

(d) "Dispute" means a disagreement involving a material fact between the insurer and the insured regarding the settlement of a hurricane loss, pursuant to Section 627.7015, F.S. "Mediator" means an individual selected by the Department to mediate disputes pursuant to this rule. The mediators will be selected from a panel of circuit court civil certified mediators approved by the Florida Supreme Court pursuant to the Florida Rules of Certified and Court-Appointed Mediators or from the list of approved mediators pursuant to Rule 69B-166.031, F.A.C.

(e) "Filed" means the insurer has received proper notification of a dispute involving a material fact from the insured or the Department at a location identified by the insurer for hurricane claims reporting. "Party" or "Parties" means the insured and his or her insurer, including Citizens Property Insurance Corporation, when applicable.

(f) "Mediator" means an individual selected by the Department to mediate disputes pursuant to this rule. The mediators will be selected from a panel of circuit court – civil certified mediators approved by the Florida Supreme Court pursuant to the Florida Rules of Certified and Court-Appointed Mediators or from the list of approved mediators pursuant to Rule 69B-166.031, F.A.C.

(g) "Party" or "Parties" means the insured and his or her insurer, including Citizens Property Insurance Corporation, when applicable.

(3) Notification of Right to Mediate; Procedures.

(a) Responsibilities of the Insurer.

1. Upon receiving a verbal or written description of a dispute involving a material fact regarding an insured's reported hurricane loss, and the information described in subparagraphs (4)(a)1. and 2. below, the insurer shall provide a notification of right to mediate to the insured within five business days.

2. If the insurer has not been notified of a claim as defined herein prior to the time an insurer notifies the insured that a reported hurricane loss has been denied in whole or in part, the insurer shall mail a notice of the right to mediate to the insured in the same mailing as a notice of denial. An insurer is not required to send a notice of the right to mediate if a claim or

reported hurricane loss is denied because the amount of the claim is less than the insured's deductible, based upon the estimate submitted by the insured.

3. If, after accepting the reported hurricane loss, the insurer remits a settlement amount less than the lowest estimate submitted by the insured, the insurer shall enclose a notification of right to mediate to the insured with the remittance.

4. If, after receiving the information described in subparagraphs (4)(a)1. and 2., below, the insurer has not rendered a decision regarding the reported hurricane loss within 60 days, the insurer shall mail a notification of right to mediate to the insured.

5. Regardless of the current status of the insured's claims file, in all cases where the requirements of subparagraphs (3)(a)1. and 2., above, have not been met and a supplemental claim has been filed, the insurer shall mail a notification of right to mediate to the insured. However, in no event will an insurer be required to send more than one notification for any single claim or supplemental claim. The insurer shall mail notice of the right to mediate disputed claims with in five (5) days of the time the insured or the Department notifies an insurer of a dispute regarding the insured's claim. If the insurer has not been notified of a disputed claim prior to the time an insurer notifies an insured that a claim has been denied in whole or in part, the insured shall mail a notice of the right to mediate disputed claims to the insured in the same mailing as a notice of denial. An insurer is not required to send a notice of the right to mediate disputed claims if a claim is denied because the amount of the claim is less than the insured's deductible.

(b) Responsibilities of the Insured.

1. In order to qualify to receive a notice of the right to mediate in those instances where the insurer has not rendered a decision within 60 days on the reported hurricane loss, the insured must provide to the insurer or the Department: a description of the dispute, the name, address, e-mail address, and daytime telephone number of the insured, the location of the property if different from the address given, and the claim and policy number for the insured;

2. In those instances in which the insured has accepted a settlement amount without benefit of a notice of the right to mediate, and the insured should have received such notice by virtue of having triggered the requirements of paragraph (3)(a), above, the insured, after receiving such notice, shall submit a supplemental claim in order to perfect their right to mediation.

(c) Responsibilities of the Department.

1. If the Department is informed by an insured that a dispute involving a material fact exists with respect to settlement of an insured's reported hurricane loss, the Department will endeavor to assist the insured in providing and transmitting the information described in subparagraphs (4)(a)1., 2., and 3., below to the insurer.



2. In the event an insurer fails to comply with the requirements of paragraph (3)(a), above, the Department will take administrative action pursuant to Section 624.307, Section 626.9561, and Subsections 626.9571-626.9601, F.S. to achieve insurer compliance with the requirements of this rule.

(d)(b) The mailing that contains the notice of the right to mediate may include the Department’s consumer brochure on mediation but no other materials, forms, or documents may be included. Notification shall be in writing and shall be legible, conspicuous, and printed in at least 12-point type. The first paragraph of the notice shall contain the following statement: “~~Alex Sink Tom Gallagher~~, Chief Financial Officer for the State of Florida, has adopted a rule to facilitate the fair and timely handling of residential property insurance claims arising out of the hurricanes that have recently devastated so many homes in Florida. The rule gives you the right to attend a mediation conference with your insurer in order to settle any dispute you have with your insurer about your claim. An independent mediator, who has no connection with your insurer, will be in charge of the mediation conference. You can start the mediation process 21 days after the date of this notice by calling the Department of Financial Services at ~~1(800)227-8676 (1(800)22-STORM)~~ 1(877)MYFLCFO or 1(877)693-5236.”

(e)(e) The notice shall also:

1. through 4. No change.

(4) Procedures for Requesting Mediation Request for Mediation.

(a) By the Insured. After 21 days from the date of the notice of the right to mediation, an insured may request mediation by contacting the insurer or by calling the Department at 1(877)MYFLCFO or 1(877)693-5236 ~~1(800)22-STORM (1(800)227-8676)~~; by faxing a request to the Department at (850)488-6372; or by writing to the Department of Financial Services, Mediation Section, Bureau of Education, Advocacy, and Research, Tallahassee, Florida 32399-4212. Alternatively, an insured may request mediation prior to receipt of the notice of the right to mediation if they meet certain requirements. If an insured requests mediation prior to receipt of the notice of the right to mediation or if the date of the notice cannot be established, the insurer shall be notified by the Department of the existence of the dispute 21 days prior to the Administrator processing the insured’s request for mediation. Upon such request, in order to be scheduled for mediation, the insured shall should provide the following information if known:

1. The ~~n~~Name, address, e-mail address, and daytime telephone number of the insured and location of the property if different from the address given;

2. through 5. No change.

If an insurer receives a request for mediation, the insurer shall fax the request to the Department’s Mediation Section within 48 hours of receipt of the request. The Department will

forward requests to the Administrator within 24 hours of receipt of the request. The Administrator shall notify the insurer within 48 hours of receipt of requests filed with the Department. In instances where the insured has requested mediation prior to receiving a notice of the right to mediation, and has provided the information described above, upon notification, the Administrator shall process the request for mediation no less than 21 days thereafter.

(b) No change.

(5) through (14) No change.

Specific Authority 624.308, 626.9611, 627.7015(4) FS. Law Implemented 624.307(1), (2), (4), (5), 624.317, 624.318, 624.324, 626.859, 626.874, 626.877, 626.9541(1)(a), (e), (i), (u), 626.9561, 626.9641(1)(g), 627.7015 FS. History–New 7-26-06, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE: Tom Valentine, Assistant General Counsel, Division of Legal Services, Department of Financial Services

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Karen Chandler, Deputy Chief Financial Officer, Division of Consumer Services, Department of Financial Services

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 28, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 11, 2008

### Section III Notices of Changes, Corrections and Withdrawals

#### DEPARTMENT OF EDUCATION

##### State Board of Education

RULE NO.: 6A-1.0011  
RULE TITLE: Data Collection Activities, Instruments, Forms and Instructions

##### NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 34, No. 12, March 21, 2008 issue of the Florida Administrative Weekly.

The date and time of the public hearing on rule 6A-1.0011 was inadvertently omitted. The public hearing will be held on April 15, 2008, at 9:00 a.m., Turlington Building, Room 1703/07, Tallahassee, Florida.

#### DEPARTMENT OF COMMUNITY AFFAIRS

##### Division of Housing and Community Development

RULE NO.: 9B-70.002  
RULE TITLE: Commission Approval and Accreditation of Advanced Building Code Training Courses