

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Ellen Simon, Chief Counsel, Department of Financial Services 200 East Gaines Street, Tallahassee, Florida 32399-0333 (850)413-4270

THE FULL TEXT OF THE PROPOSED RULE IS:

69J-7.003 Free Wind Inspections.

Rulemaking Specific Authority 215.5586(6) FS. Law Implemented 215.5586 FS. History—New 1-31-07, Repealed \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Ellen Simon, Chief Counsel, Division of Legal Services, Department of Financial Services

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Alex Sink, Chief Financial Officer, Department of Financial Services

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 24, 2009

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

**DEPARTMENT OF COMMUNITY AFFAIRS**

**Division of Housing and Community Development**

RULE NO.:                      RULE TITLE:  
9B-3.047                      State Building Code Adopted  
NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 35, No. 19, May 15, 2009 issue of the Florida Administrative Weekly.

NOTE: This notice of change is corrective in nature, the Commission has proceeded through this rulemaking with the open and recognized intent to amend the 2007 edition of the code rather than the 2004 edition, and no substantive changes are occurring to the text of the Code approved by the Commission on June 9, 2009.

9B-3.047 State Building Code Adopted.

(1) The Florida Building Code, 2004 Edition, as updated by the Florida Building Commission on July 1, 2005, and as amended by the Commission on December 11, 2005, December 8, 2006, and May 21, 2007, ~~and June 9, 2009~~, incorporated herein by reference is hereby adopted as the building code for the State of Florida until February 28, 2009.

(2) Effective March 1, 2009, the Florida Building Code, 2007 edition, as updated by the Florida Building Commission, and as approved by the Commission on August 21, 2007, and amended by the Commission on December 10, 2008, and June 9, 2009, incorporated herein by reference is hereby adopted as the building code for the State of Florida.

(3) No change.

Rulemaking Specific Authority 553.73(1), (2), (6), (7) FS., Sections 21, 32, 33, 34, 36, 44, 46, 48, Chapter 2005-147, Laws of Florida, Section 1, Chapter 2006-65, Laws of Florida, Section 10, Chapter 2007-1, Laws of Florida. Law Implemented 553.72, 553.73(2), (3), (6), (7), (9) FS., Sections 21, 32, 33, 34, 36, 44, 46, 48, Chapter 2005-147, Laws of Florida, Section 1, Chapter 2006-65, Laws of Florida, Section 10, Chapter 2007-1, Laws of Florida. History—New 7-18-90, Amended 3-30-93, 10-17-93, 8-28-95, 9-24-96, 12-26-96, 4-27-97, 10-5-97, 10-14-97, 9-7-00, 11-28-00, 2-7-01, 12-16-01, 6-30-03, 4-3-05, 12-11-05, 12-8-06, 5-21-07, 10-1-08, 2-17-09, \_\_\_\_\_.

**DEPARTMENT OF TRANSPORTATION**

RULE NO.:                      RULE TITLE:  
14-10.025                      Wall Murals  
NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 34, No. 29, July 18, 2008 issue of the Florida Administrative Weekly has been withdrawn.

**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."

**COMMISSION FOR THE TRANSPORTATION  
DISADVANTAGED**

RULE NO.:                      RULE TITLE:  
41-2.007                      Reporting Requirements  
NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 35, No. 16, April 24, 2009 issue of the Florida Administrative Weekly.

In response to comments received from the Joint Administrative Procedures Committee, dated May 5, 2009. Subsection (1) of the rule shall be deleted in its entirety. The remaining subsections (2) through (9) shall be renumbered as subsections (1) through (8) and shall remain unchanged.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Bobby Jernigan, Executive Director, 605 Suwannee Street, MS-49, Tallahassee, FL 32399-0405

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Health Facility and Agency Licensing**

RULE NO.:                      RULE TITLE:  
59A-7.020                      Definitions  
NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 35, No. 21, May 29, 2009 issue of the Florida Administrative Weekly has been withdrawn.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Electrical Contractors' Licensing Board**

RULE NO.: RULE TITLE:  
 61G6-5.0061 Registration of Additional New Business Entity or Transfers

**NOTICE OF WITHDRAWAL**

Notice is hereby given that the above rule, as noticed in Vol. 33, No. 35, August 31, 2007 issue of the Florida Administrative Weekly has been withdrawn.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Electrical Contractors' Licensing Board**

RULE NO.: RULE TITLE:  
 61G6-10.0065 Reinstatement of Null and Void License Pursuant to Section 455.271(6)(b) of the Florida Statutes

**NOTICE OF WITHDRAWAL**

Notice is hereby given that the above rule, as noticed in Vol. 33, No. 35, August 31, 2007 issue of the Florida Administrative Weekly has been withdrawn.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Building Code Administrators and Inspectors Board**

RULE NO.: RULE TITLE:  
 61G19-5.002 Disciplinary Guidelines

**NOTICE OF CHANGE**

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 35, No. 14, April 10, 2009 issue of the Florida Administrative Weekly.

**VIOLATION**

(a) Violating or failing to comply with any provision of this part, Chapter 455 or a valid rule or lawful order of the board or department, or subpoena of the department. (468.621(1)(a), F.S., 455.227(1)(b) and (q), F.S.)

(b) Obtaining certificate through fraud, deceit, or perjury. (468.621(1)(b), 455.227(1)(h), F.S.)

(c) Knowingly assisting any person to unlawfully practice building code

The change corrects the limit for the amount of fine for the first offence from \$5,000 to \$2,500.

The rule shall read as:

61G19-5.002 Disciplinary Guidelines.

(1) Purpose. Pursuant to Section 455.2273, F.S., the Board provides within this rule disciplinary guidelines which shall be imposed upon applicants or licensees whom it regulates under Chapter 468, Part XII, F.S. The purpose of this rule is to notify applicants and licensees of the ranges of penalties which will routinely be imposed unless the Board finds it necessary to deviate from the guidelines for the stated reasons given in Rule 61G19-5.003, F.A.C. The ranges of penalties provided below include the lowest and highest penalty and all penalties falling between. The purposes of the imposition of discipline are to punish the applicants or licensees for violations and to deter them from future violations; to offer opportunities for rehabilitation, when appropriate; and to deter other applicants or licensees from violations.

(2) Violations and Range of Penalties. In imposing discipline upon applicants and licensees, in proceedings pursuant to Sections 120.569, 120.57(1) and (2), F.S., the Board shall act in accordance with the following disciplinary guidelines and shall impose a penalty within the range corresponding to the violations set forth below. The verbal identification of offenses is descriptive only; the full language of each statutory provision cited must be consulted in order to determine the conduct included.

**RECOMMENDED RANGE OF PENALTY**

(a)1. Unless otherwise specified in this rule, in the case of an applicant, the usual action of the Board shall be from licensure with an administrative fine and probation to denial; in the case of a licensee, the usual action of the Board shall be to impose a penalty from reprimand to probation and a fine of up to ~~\$2,500~~ ~~1,500~~.

(a)2. After the first offense, a minimum of one year's probation to revocation or denial of licensure, and a fine of up to \$5,000 depending on the underlying offense and the magnitude of the violation.

The usual action of the Board shall be to impose a penalty of revocation and a fine of up to ~~\$2,500~~ ~~1,500~~.

(c)1. In the case of an applicant, the usual action of the Board shall be from licensure

administration, inspecting, or plans examination contrary to the provisions of this part or the building code adopted by the enforcement authority governing that person.

(468.621(1)(c), 455.227(1)(j), F.S.)

(d) Having been convicted of a felony.  
(468.621(1)(d), F.S.)

(e) Guilt of or nolo plea entered to a crime directly related to building code administration or inspection.  
(468.621(1)(e), 455.227(1)(c), F.S.)

(f) Knowingly making or filing a false report or failing to file a report as required.  
(468.621(1)(f), 455.227(1)(l), F.S.)

(g) Committing willful misconduct, gross negligence, gross misconduct, repeated negligence, or negligence resulting in a significant danger to life or property.  
(468.621(1)(g), F.S.)

1. Negligence

with an administrative fine and probation to denial. In the case of a licensee, the usual action of the Board shall be to impose a penalty from probation to suspension and a fine of up to ~~\$2,500~~ ~~1,500~~.

(c)2. After the first offense, the usual action of the Board shall be to impose a penalty from suspension to revocation and a fine of up to \$5,000.

(d)1. In the case of an applicant, the usual action of the Board shall be from licensure with an administrative fine and probation to denial. In the case of a licensee, the usual action of the Board shall be to impose a penalty from suspension to revocation and a fine of up to ~~\$2,500~~ ~~1,500~~.

(d)2. For a second offense in the case of an applicant, the usual action of the Board shall be from licensure with an administrative fine and suspension of at least 30 days followed by probation to denial. In the case of a licensee, the usual action of the Board shall be to impose a penalty from suspension followed by probation with conditions to revocation and a fine of up to ~~\$5,000~~ ~~4,000~~.

(d)3. After the second offense, the usual action of the Board shall be revocation and a fine of up to \$5,000.

(e)1. In the case of an applicant, the usual action of the Board shall be denial. In the case of a licensee, the usual action of the Board shall be to impose a penalty from suspension to revocation and a fine of up to ~~\$2,500~~ ~~1,500~~.

(e)2. After the first offense, the usual action of the Board shall be to impose a penalty of revocation and a fine of up to \$5,000.

(f)1. In the case of an applicant, the usual action of the Board shall be from licensure with an administrative fine and 30-day suspension followed by probation to denial. In the case of a licensee, the usual action of the Board shall be to impose a period of suspension to be followed by probation and a fine of up to ~~\$2,500~~ ~~1,500~~.

(f)2. After the first offense, in the case of an applicant, the usual action of the Board shall be denial. In the case of a licensee, the usual action of the Board shall be revocation and a fine of up to \$5,000.

1.a. In the case of an applicant, the usual action of the Board shall be from licensure with probation

2. Gross or repeated negligence, or gross misconduct.

3. Willful misconduct.

(h) Making misleading, deceptive or fraudulent representations.  
(455.227(1)(a), and (m), F.S.)

1. Misleading or deceptive.

2. Fraudulent.

(i) through (m) No change.

(n) Practicing as a building code administrator, plans examiner, or inspector without a valid active certificate.  
(468.607, 468.621(1)(a), F.S.)

to denial. In the case of a licensee, the usual action of the Board shall be to impose a penalty from probation to suspension and a fine of up to ~~\$2,500~~ 1,500.

1.b. For a second offense in the case of an applicant, the usual action of the Board shall be from probation to denial and an administrative fine. In the case of a licensee, the usual action of the Board shall be to impose a penalty from suspension followed by probation and a fine of up to ~~\$5,000~~ 4,000.

1.c. After the second offense, the usual action of the Board shall be revocation and a fine of up to \$5,000.

2.a. In the case of an applicant, the usual action of the Board shall be denial. In the case of a licensee, the usual action of the Board shall be to impose a penalty from suspension to revocation and a fine of up to ~~\$2,500~~ 1,500.

2.b. After the first offense, the usual action of the Board shall be revocation and a fine of up to \$5,000.

3.a. In the case of an applicant, the usual action of the Board shall be denial. In the case of a licensee, the usual action of the Board shall be to impose a penalty of revocation and fine of up to ~~\$2,500~~ 1,500.

3.b. After the first offense, the usual action of the Board shall be to impose a penalty of revocation and a fine of up to \$5,000.

1.a. In the case of an applicant, the usual action of the Board shall be licensure with an administrative fine and probation or denial. In the case of a licensee, the usual action of the Board shall be to impose a penalty from reprimand to probation and a fine of up to ~~\$2,500~~ 1,500.

1.b. After the first offense, in the case of an applicant, the usual action of the Board shall be denial. In the case of a licensee, the usual penalty shall be suspension to revocation and a fine of up to \$5,000.

2.a. In the case of an applicant, the usual action of the Board shall be denial. In the case of a licensee, the usual action of the Board shall be to impose a penalty from suspension to revocation, a fine of up to ~~\$2,500~~ 1,500.

2.b. After the first offense, the usual action of the Board shall be to impose a penalty of revocation and a fine of up to \$5,000.

(n)1. In the case of an applicant, the usual action of the Board shall be licensure with an administrative fine and probation or denial. In the case of a licensee, the usual action by the Board shall be to impose a penalty from reprimand to probation and a fine of up to ~~\$2,500~~ 1,500.

(n)2. After the first offense, in the case of an applicant, the usual action of the Board shall be denial. For

(o) Having the authority to practice revoked or acted against, including the denial of licensure. (455.227(1)(f), F.S.)

(p) Failing to report to the department any person who the licensee knows is in violation of Chapter 468, Part XII, Chapter 455, or the rules of the Board or Department. (455.277(1)(I), F.S.)

(q) Failing to perform any statutory or legal obligations. (455.227(1)(k), F.S.)

(r) through (u) No change.

(3) through (5) No change.

Rulemaking Specific Authority 455.227, 455.2273, 468.606 FS. Law Implemented 455.227, 455.2273, 468.607, 468.621, 468.629 FS. History--New 5-23-94, Amended 8-14-96, 8-3-97, 11-2-00, 4-10-06, 1-10-07,\_\_\_\_\_.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Robyn Barineau, Executive Director, Building Code Administrators and Inspectors Board, 1940 North Monroe Street, Tallahassee, FL 32399-0750

a licensee, the penalty shall be revocation and a fine of up to \$5,000.

(o)1. Imposition of discipline comparable to the discipline which would have been imposed if the substantive violation had occurred in Florida or suspension or licensure with an administrative fine and probation or denial of the license until the license is unencumbered in the jurisdiction in which disciplinary action was originally taken, and an administrative fine up to \$2,500 ranging from \$250 to \$1,500.

(o)2. After the first offense, from imposition of discipline comparable to that which would have been imposed if a second or higher substantive violation had occurred in Florida to revocation or for an applicant from probation to denial of license and an administrative fine up from \$1,000 to \$2,500.

(p)1. In case of an applicant, the usual action of the Board shall be denial or licensure with probation and an administrative fine. In case of the licensee, the usual action of the Board shall be to impose a penalty from reprimand to probation and a fine of up to \$1,500.

(p)2. After the first offense, in the case of an applicant the usual action of the Board shall be denial. In the case of a licensee, the usual action of the Board shall be to impose a penalty from suspension followed by probation to revocation and a fine of up to \$5,000.

(q)1. Unless otherwise specified in this rule, in the case of an applicant, the usual action of the Board shall be from licensure with an administrative fine and probation to denial; in the case of a licensee, the usual action of the board shall be to impose a penalty from reprimand to probation and a fine of up to \$2,500 +,500.

(q)2. After the first offense unless otherwise specified in this rule, the usual action of the Board shall be denial in the case of an applicant; in the case of a licensee, the usual action of the Board shall be to impose a penalty from probation to revocation and a fine of up to \$5,000.

**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 FINANCIAL SERVICES**

**Division of Funeral, Cemetery, and Consumer Services**

RULE NO.: 69K-24.040  
RULE TITLE: Licensure of Centralized Embalming Facilities

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 35, No. 24, June 19, 2009 issue of the Florida Administrative Weekly has been withdrawn.

**FINANCIAL SERVICES COMMISSION**

**Finance**

RULE NO.:                   RULE TITLE:  
69V-85.006                   Electronic Filing of Forms and Fees

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 35, No. 11, March 20, 2009 issue of the Florida Administrative Weekly.

The Small Business Regulatory Advisory Council considered this rule at its July 10, 2009, and July 24, 2009, public meetings. The Council recommended that the procedure for obtaining a hardship exemption under the rule be simplified. Subsection (4) of the rule has been amended to address the Council's recommendation.

THE FULL TEXT OF THE PROPOSED RULE IS:

69V-85.006 Electronic Filing of Forms and Fees.

(1) For purposes of this rule, "REAL System" means the Office of Financial Regulation's Regulatory Enforcement and Licensing System, which is accessible through the Office of Financial Regulation's website at [www.flofr.com](http://www.flofr.com).

(2) All forms adopted under Rules 69V-85.002 and 69V-85.003, F.A.C., must be filed with the Office of Financial Regulation through the REAL system.

(3) All fees required to be filed with the Office of Financial Regulation under Rule 69V-85.003, F.A.C., must be filed through the REAL System.

(4) Any person may request an exemption from the electronic filing requirements of this rule by submitting a written request to: Office of Financial Regulation, Division of Finance, Bureau of Regulatory Review, 200 E. Gaines Street, Tallahassee, Florida 32399-0351. The request must set forth the person's technological or financial hardship that makes it difficult for the person to file forms and pay fees electronically. The request must be legible and include the applicant's or licensee's name, contact person, address and telephone number. The Office of Financial Regulation will provide any person granted an exemption under this subsection with instructions on how to file forms and fees in paper format.

Rulemaking Authority 520.994(5) FS. Law Implemented 520.03, 520.32, 520.52, 520.63, 520.999 FS. History--New \_\_\_\_\_.

**FINANCIAL SERVICES COMMISSION**

**Finance**

RULE NO.:                   RULE TITLE:  
69V-160.036                   Electronic Filing of Forms and Fees  
NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 35, No. 11, March 20, 2009 issue of the Florida Administrative Weekly.

The Small Business Regulatory Advisory Council considered this rule at its July 10, 2009, and July 24, 2009, public meetings. The Council recommended that the procedure for obtaining a hardship exemption under the rule be simplified. Subsection (4) of the rule has been amended to address the Council's recommendation.

THE FULL TEXT OF THE PROPOSED RULE IS:

69V-160.036 Electronic Filing of Forms and Fees.

(1) For purposes of this rule, "REAL System" means the Office of Financial Regulation's Regulatory Enforcement and Licensing System, which is accessible through the Office of Financial Regulation's website at [www.flofr.com](http://www.flofr.com).

(2) All forms adopted under Rule 69V-160.030, F.A.C., must be filed with the Office of Financial Regulation through the REAL system.

(3) All fees required to be filed with the Office of Financial Regulation under Rules 69V-160.030 and 69V-160.031, F.A.C., must be filed through the REAL System.

(4) Any person may request an exemption from the electronic filing requirements of this rule by submitting a written request to: Office of Financial Regulation, Division of Finance, Bureau of Regulatory Review, 200 E. Gaines Street, Tallahassee, Florida 32399-0351. The request must set forth the person's technological or financial hardship that makes it difficult for the person to file forms and pay fees electronically. The request must be legible and include the applicant's or licensee's name, contact person, address and telephone number. The Office of Financial Regulation will provide any person granted an exemption under this subsection with instructions on how to file forms and fees in paper format.

Rulemaking Authority 516.03 FS. Law Implemented 516.03 FS. History--New \_\_\_\_\_.