

Section I
Notices of Development of Proposed Rules
and Negotiated Rulemaking

DEPARTMENT OF EDUCATION

State Board of Education

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

PURPOSE AND EFFECT: The purpose of the rule development is to review current practices and requirements for district instructional personnel assessment systems to determine what amendments should be proposed.

SUBJECT MATTER TO BE ADDRESSED: Instructional personnel assessment systems.

SPECIFIC AUTHORITY: 1012.22, 1012.34 FS.

LAW IMPLEMENTED: 1012.22, 1012.34 FS., Chapter 2006-26, s. 3, Laws of Florida.

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

DATE AND TIME: December 19, 2006, 4:00 p.m. – 6:00 p.m., EST

PLACE: University Center (building 41), Central Florida Community College, 3001 S.W. College Road, Ocala, Florida 34474

TIME AND DATE: December 20, 2006, 4:00 p.m. – 6:00 p.m., EST

PLACE: Highlands County School Board, 426 School Street, Sebring, Florida 33870

DATE AND TIME: December 21, 2006, 4:00 p.m. – 6:00 p.m., CST

PLACE: Panhandle Area Educational Consortium, 753 West Boulevard, Chipley, Florida 32428

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Pam Stewart, Deputy Chancellor, Educator Quality, Department of Education, 325 West Gaines Street, Room 514, Tallahassee, Florida 32399-0400

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

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.: 33-501.302
RULE TITLE: Copying Services for Inmates

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to amend the rule to provide that inmates shall be charged for copying services related to civil or administrative legal actions.

SUBJECT AREA TO BE ADDRESSED: Copying services for inmates.

SPECIFIC AUTHORITY: 944.09, 945.6038 FS.

LAW IMPLEMENTED: 20.315, 945.6038 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Dorothy M. Ridgway, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-501.302 Copying Services for Inmates.

(1) All institutions and facilities shall provide photographic copying services to inmates submitting legal documents and accompanying evidentiary materials to judicial or courts and administrative forums bodies.

(2) Definitions.

(a) Accompanying evidentiary material: refers to a document, record, or other paper object attached to a judicial or agency form or pleading as supporting evidence.

(b) Civil proceeding: refers to any proceeding, except that which is referenced in paragraph (2)(c), brought in a judicial or administrative forum to secure a private or civil right or remedy.

(c) Criminal proceeding: refers to a proceeding brought in a judicial or administrative forum to challenge a felony or misdemeanor conviction or sentence, a departmental disciplinary report, a forfeiture of gain time, a parole or conditional release date established by the Florida Parole Commission, or revocation of parole or conditional release. It also includes a proceeding brought to obtain executive clemency.

(d) Judicial or administrative forum: refers to a municipal, county, state, or federal court, a governmental agency, the Florida Division of Administrative Hearings, or any other body or organization that is authorized by law, court order, or agency action to adjudicate a party's legal rights.

(e) Law library supervisor: refers to a library program specialist, librarian specialist, library technical assistant, and, whenever these positions are vacant, any other employee that the warden or designee appoints to oversee operation of the institution's law library program.

(f) Legal or administrative action: refers to an action brought before a municipal, county, state, or federal court, or an action brought before a governmental body to obtain or challenge a ruling, order, or decision of the governmental body. It also includes an action filed in the Division of Administrative Hearings or any other forum that is authorized by law, court order, or agency action to adjudicate a party's legal rights.

(3)(2) Documents will be copied only if they are necessary to initiate a legal or administrative action or if they must be filed or served in a pending legal or administrative action. Except as otherwise provided in this rule, the number of copies made shall be the number required to be filed and served according to the rules of the judicial court or administrative forum body, or required per order of the judicial court or administrative forum body, plus one copy for the inmate to keep if the original is filed or served.

(a) No change.

(b) Title 42, United States Code, Section 1983, civil rights complaints ~~filed into federal district courts.~~

1. Inmates shall be provided a copy for the inmate if the original must be filed with the judicial forum court, and one copy for each named defendant if the complaint names five or fewer defendants.

2. If more than five defendants are named in the complaint, the inmate shall only be made one file copy to keep if the original complaint must be filed with the judicial forum court. No copies shall be made to serve defendants until the inmate presents a judicial court order indicating that the complaint is not being dismissed pursuant to Title 28, United States Code, Section 1915 or Section 57.085 F.S., and directs that specific defendants must be served with a copy. The law library supervisor shall then make the inmate the number of copies needed to serve all the defendants.

(c) Cases, statutes, and other reference materials are not evidentiary materials and will not be copied to accompany legal documents unless the inmate is required to provide such copies by law, administrative rule, administrative order, judicial court rule, or judicial court order.

(d) Requests for records made during the course of discovery. Inmates shall produce an order from a judicial or administrative forum, or pleading from opposing litigants or opposing counsel, requiring the production of records prior to

copying. Only the specific records requested shall be copied and only one copy of the records shall be provided unless a judicial or administrative forum orders otherwise. If the discovery request relates to a civil proceeding, the inmate shall be charged for the copies as provided in this section. Inmate requests for access to records of the department shall be handled in accordance with Rule 33-601.901, F.A.C. Documents will not be provided in response to a public records request from an inmate unless the inmate has a sufficient balance in his account, unencumbered by liens, to cover the cost of the copying.

(4)(3) Inmate requests for copying services shall be submitted on Form DC5-154, Copying Service Request and Withdrawal. Form DC5-154 and the documents to be copied shall be submitted for approval to the Law Library Supervisor, or other staff the warden designates to approve copying service requests, for approval. The law library supervisor or other approving staff may inspect an inmate's documents to ensure that the material to be copied is of a legal or administrative nature and is in accordance with the reason the inmate provided for needing the copies; however, the law library supervisor or other approving staff shall not read the documents. Form DC5-154 is hereby incorporated by reference. Copies of this form are available from the Forms Control Administrator, Office of Research, Planning and Support Services, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. The effective date of this form is 4-29-04.

(5) Copying services in criminal proceedings. Inmates shall not be charged for copies of legal pleadings and accompanying evidentiary materials made for submission in criminal proceedings. The law library supervisor shall not forward completed DC5-154 forms to the Bureau of Finance and Accounting, Inmate Trust Fund Section.

(6)(4) Copying services in civil proceedings.

(a) Inmates will be charged \$0.15 per page for standard legal or letter size copies, or if special equipment or paper is required, the institution is authorized to charge up to the estimated actual cost of duplication to the institution of making the copies. Only one-sided copies will be made; two-sided copies will not be made for inmates.

(b) The law library supervisor shall forward approved and completed DC5-154 forms to the Bureau of Finance and Accounting, Inmate Trust Fund Section, on at least a weekly basis.

(c)(5) Filing or Service in Actions Challenging Convictions, Sentences, or Prison Conditions. Inmates who are without funds shall not be denied copying services for documents and accompanying evidentiary materials needed to initiate a civil proceeding legal or administrative action or which must be filed or served in a pending civil proceeding action that challenges convictions and sentences or prison conditions, or are required to be filed or served per order of a judicial the court or administrative forum body. However, the

cost of providing copies for documents to be filed or served is a debt owed by the inmate that shall be collected as follows: Upon receipt of a completed DC5-154 At the time the inmate submits his request for copies, the Inmate Trust Fund Section department shall place a hold on the inmate's account for the estimated cost of providing the copies. The cost of providing the copies shall be collected from any existing balance in the inmate's bank trust fund account. If the account balance is insufficient to cover the cost, the account shall be reduced to zero. If costs remain unpaid, a hold will be placed on the inmate's account and all subsequent deposits to the inmate's account will be applied against the unpaid costs until the debt has been paid. Copies shall be provided at a rate of \$0.15 per page.

~~(6) Unless they have sufficient funds in their inmate trust account to cover the complete cost of making the copies, inmates shall not be provided copying services for:~~

~~(a) Legal or administrative proceedings that do not relate to a challenge of convictions or sentences, or to challenges of prison conditions.~~

~~(b) Records requests pursuant to Rule 33-601.901, F.A.C.~~

~~(e) Requests for records made during the course of discovery.~~

(7) Inmate requests for access to records of the department shall be handled in accordance with Rule 33-601.901, F.A.C. Documents will not be provided in response to a public records request from an inmate unless the inmate has a sufficient balance in his account, unencumbered by liens, to cover the cost of the copying.

~~(8)(7) The law library supervisor or other approving staff may require an inmate for whom copies are to be made to seal the copies, except for his file copy, in envelopes and mail them immediately. This requirement, if imposed, shall be explained to the inmate before copies are made. Before the envelopes are sealed and mailed, the librarian or mail collection representative shall stamp the document(s) to be mailed and the inmate's copy, if provided by the inmate, "Provided to (name of institution) on (blank to insert date) for mailing." The mail collection representative shall then have the inmate initial the document(s) next to the stamp.~~

Specific Authority ~~20.315, 944.09, 945.6038~~ FS. Law Implemented 20.315, 945.6038 ~~944.09~~ FS. History–New 10-6-83, Formerly 33-3.051, Amended 6-13-88, 8-20-89, 2-12-91, 4-10-94, 4-21-96, 6-29-98, Formerly 33-3.0051, 33-602.405, Amended 4-29-04, _____.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Commission

RULE NO.: 61J2-10.030
RULE TITLE: Rental Information

PURPOSE AND EFFECT: The proposed rule amendment is necessary because of the legislative changes to Section 475.453, F.S., as a result of Chapter 2006-210, Laws of Florida.

SUBJECT AREA TO BE ADDRESSED: Rent.

SPECIFIC AUTHORITY: 475.05 FS.

LAW IMPLEMENTED: 475.453(1), (2) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Lori Crawford, Deputy Clerk, Division of Real Estate, 400 West Robinson Street, Suite N801, Orlando, Florida 32801

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61J2-10.030 Rental Information.

(1) Each broker or sales associate ~~Any licensee who attempts to negotiate a rental or who~~ furnishes a rental information list to a prospective tenant for a fee paid by the tenant shall provide such prospective tenant with a written contract or receipt agreement containing the following provision in type size 10 point bold or larger:

NOTICE

PURSUANT TO FLORIDA LAW:

If the rental information provided under this contract is not current or accurate in any material aspect, you may demand within 30 days of this contract date a return of your full fee paid. If you do not obtain a rental you are entitled to receive a return of 75% of the fee paid, if you make demand within 30 days of this contract date.

(2) No change.

Specific Authority 475.05 FS. Law Implemented 475.453(1), (2) FS. History–New 1-1-80, Formerly 21V-10.30, Amended 6-28-93, Formerly 21V-10.030, Amended _____.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Commission

RULE NO.: 61J2-24.001
 RULE TITLE: Disciplinary Guidelines

PURPOSE AND EFFECT: The purpose of this amendment is to implement the changes to Section 475.25(1), F.S., which now authorizes the Florida Real Estate Commission to impose administrative fines not to exceed \$5,000.00 for each count or separate offense and the additions of Section 475.25(1)(u) and (v), F.S. Subsections 61J2-24.001(3), (11), F.A.C., is being repealed because Section 475.452, F.S., has been repealed.

SUBJECT AREA TO BE ADDRESSED: Discipline.

SPECIFIC AUTHORITY: 455.2273, 475.05 FS.

LAW IMPLEMENTED: 455.227, 455.2273, 475.22, 475.24, 475.25, 475.42, 475.421, 475.422, 475.452 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Lori Crawford, Deputy Clerk, Division of Real Estate, 400 West Robinson Street, Suite N801, Orlando, Florida 32801

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61J2-24.001 Disciplinary Guidelines.

(1) Pursuant to Section 455.2273, F.S., the Commission sets forth below a range of disciplinary guidelines from which disciplinary penalties will be imposed upon licensees guilty of violating Chapters 455 or 475, F.S. The purpose of the disciplinary guidelines is to give notice to licensees of the range of penalties which normally will be imposed for each count during a formal or an informal hearing. For purposes of this rule, the order of penalties, ranging from lowest to highest, is: reprimand, fine, probation, suspension, and revocation or denial. Pursuant to Section 475.25(1), F.S., combinations of these penalties are permissible by law. Nothing in this rule shall preclude any discipline imposed upon a licensee pursuant to a stipulation or settlement agreement, nor shall the range of penalties set forth in this rule preclude the Probable Cause Panel from issuing a letter of guidance.

(2) As provided in Section 475.25(1), F.S., the Commission may, in addition to other disciplinary penalties, place a licensee on probation. The placement of the licensee on probation shall be for such a period of time and subject to such conditions as the Commission may specify. Standard probationary conditions may include, but are not limited to, requiring the licensee: to attend pre-licensure courses; to satisfactorily complete a pre-licensure course; to attend post-licensure

courses; to satisfactorily complete a post-licensure course; to attend continuing education courses; to submit to and successfully complete the state-administered examination; to be subject to periodic inspections and interviews by a DBPR investigator; if a broker, to place the license on a broker associate status; or, if a broker, to file escrow account status reports with the Commission or with a DBPR investigator at such intervals as may be prescribed.

(3) The penalties are as listed unless aggravating or mitigating circumstances apply pursuant to subsection (4). 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.

VIOLATIONS	RECOMMENDED RANGE OF PENALTY
(a) Section 475.22, F.S. Broker fails to maintain office and sign at entrance of office.	(a) <u>The usual action of the Commission shall be to impose a suspension of up to 90 days up to 90 days suspension.</u>
(b) Section 475.24, F.S. Failure to register a branch office.	(b) <u>The usual action of the Commission shall be to impose a suspension of up to 90 days up to 90 days suspension.</u>
(c) Section 475.25(1)(b), F.S. Guilty of fraud, misrepresentation, concealment, false promises, false pretenses, dishonest dealing by trick, scheme or device, culpable negligence or breach of trust. Guilty of violating a duty imposed by law or by the terms of a listing agreement; aided, assisted or conspired with another; or formed an intent, design or scheme to engage in such misconduct and committed an overt act in furtherance of such intent, design or scheme.	(c) In the case of fraud, misrepresentation and dishonest dealing, the usual action of the Commission shall be to impose a penalty of revocation. In the case of concealment, false promises and false pretenses, the usual action of the Commission shall be to impose a penalty of a 3 to 5 year suspension and an administrative fine <u>not to exceed \$5,000</u> of \$1,000 . In the case of culpable negligence and breach of trust, the usual action of the Commission shall be to impose <u>an administrative fine not to exceed \$5,000 and up to a penalty from a \$1,000 fine to 1 year suspension.</u>

	In the case of violating a duty imposed by law or a listing agreement; aided, assisted or conspired; or formed an intent, design or scheme to engage in such misconduct, the usual action of the Commission shall be to impose <u>an administrative fine not to exceed \$5,000 and up to a penalty from a \$1,000-fine</u> to a 5 year suspension.	(j) Section 475.25(1)(i), F.S. Impairment by drunkenness, or use of drugs or temporary mental derangement.	(j) The usual action of the Commission shall be to impose a penalty of suspension for the period of incapacity.
(d) Section 475.25(1)(c), F.S. False, deceptive or misleading advertising.	(d) The usual action of the Commission shall be to impose a penalty of an administrative fine <u>not to exceed \$5,000 and up to a of \$1,000 to a</u> 1 year suspension.	(k) Section 475.25(1)(j), F.S. Rendered an opinion that the title to property sold is good or merchantable when not based on opinion of a licensed attorney or has failed to advise prospective buyer to consult an attorney on the merchantability of title or to obtain title insurance.	(k) The usual action of the Commission shall be to impose a penalty of an administrative fine <u>not to exceed \$5,000 \$1,000 to and up to</u> a 6 month suspension.
(e) Section 475.25(1)(d), F.S. Failed to account or deliver to any person as required by agreement or law, escrowed property.	(e) The usual action of the Commission shall be to impose a penalty of an administrative fine <u>not to exceed \$5,000 and up of \$1,000</u> to a 5 year suspension.	(l) Section 475.25(1)(k), F.S. Has failed, if a broker, to deposit any money in an escrow account immediately upon receipt until disbursement is properly authorized. Has failed, if a sales associate, to place any money to be escrowed with his registered employer.	(l) The usual action of the Commission shall be to impose <u>an administrative fine not to exceed \$5,000 and a minimum of a 90 day suspension and \$1,000 fine up</u> to revocation.
(f) Section 475.25(1)(e), F.S. Violated any rule or order or provision under Chapters 475 and 455, F.S.	(f) The usual action of the Commission shall be to impose a penalty from an 8 year suspension to revocation and an administrative fine <u>not to exceed \$5,000 of \$1,000</u> .	(m) Section 475.25(1)(l), F.S. Has made or filed a report or record which the licensee knows to be false or willfully failed to file a report or record or willfully impeded such filing as required by State or Federal Law.	(m) The usual action of the Commission shall be to impose a penalty of an administrative fine <u>not to exceed \$5,000 and up to \$1,000 to a</u> 2 year suspension.
(g) Section 475.25(1)(f), F.S. Convicted or found guilty of a crime related to real estate or involves moral turpitude or fraudulent or dishonest dealing.	(g) The usual action of the Commission shall be to impose a penalty from a 7 year suspension to revocation and an administrative fine <u>not to exceed \$5,000 of \$1,000</u> .	(n) Section 475.25(1)(m), F.S. Obtained a license by fraud, misrepresentation or concealment.	(n) In the case of a licensee who renews the license without having complied with Rule 61J2-3.009, F.A.C., and the act is discovered by the DBPR, the usual action of the Commission shall be to impose a penalty of revocation. In the case of a licensee who renews the license without having complied with Rule 61J2-3.009, F.A.C., and the licensee brings the matter to the attention of the DBPR, the usual action of the Commission shall be to impose an administrative fine <u>not to exceed \$5,000 a penalty of a \$1,000 administrative fine</u> In all other cases, the usual action of the Commission shall be to impose an administrative fine <u>not to exceed \$5,000 and a</u> penalty of revocation and of \$1,000 .
(h) Section 475.25(1)(g), F.S. Has license disciplined or acted against or an application denied by another jurisdiction.	(h) Imposition of discipline comparable to the discipline which would have been imposed if the substantive violation had occurred in Florida or suspension of the license until the license is unencumbered in the jurisdiction in which the disciplinary action was originally taken, and an administrative fine <u>not to exceed \$5,000 of \$1,000</u> .		
(i) Section 475.25(1)(h), F.S. Has shared a commission with or paid a fee to a person not properly licensed under Chapter 475, F.S.	(i) The usual action of the Commission shall be to impose a penalty of an administrative fine <u>not to exceed \$5,000 and up of \$1,000</u> to a 5 year suspension.		

(o) Section 475.25(1)(n), F.S. Confined in jail, prison or mental institution; or through mental disease can no longer practice with skill and safety.

(p) Section 475.25(1)(o), F.S. Guilty for the second time of misconduct in the practice of real estate that demonstrates incompetent, dishonest or negligent dealings with investors.

(q) Section 475.25(1)(p), F.S. Failed to give Commission 30 day written notice after a guilty or nolo contendere plea or convicted of any felony.

(r) Section 475.25(1)(q), F.S. Licensee has failed to give the Transaction Broker Notice or Single Agent Notice at the requisite period of time under the provisions of Section 475.278, F.S.; failed to properly secure the Consent to Transition to Transaction Broker or Designated Sales Associate forms as required in Section 475.2755 or 475.278, F.S.; failed to act in a manner as prescribed in Section 475.2755 or 475.278, F.S.

(s) Section 475.25(1)(r), F.S. Failed to follow the requirements of a written listing agreement.

(t) Section 475.25(1)(s), F.S. Has had a registration suspended, revoked or otherwise acted against in any jurisdiction.

(u) Section 475.25(1)(t), F.S. Violated the Uniform Standards of Professional Appraisal Practice as defined in Section 475.611, F.S.

(o) The usual action of the Commission shall be to impose a penalty of revocation.

(p) The usual action of the Commission shall be to impose ~~a penalty of~~ an administrative fine not to exceed \$5,000 ~~of \$500~~ and a 1 year suspension to revocation.

(q) The usual action of the Commission shall be to impose ~~a penalty of~~ a 5 year suspension to revocation.

(r) The usual action of the Commission shall be to impose a ~~penalty of~~ an administrative fine not to exceed \$5,000 and up of \$1,000 to a 5 year suspension.

(s) The usual action of the Commission shall be to impose ~~a penalty of~~ an administrative fine not to exceed \$5,000 and up of \$1,000 to a 3 year suspension.

(t) The usual action of the Commission shall be to impose ~~a penalty from~~ a 6 year suspension to revocation and an administrative fine not to exceed \$5,000 of \$1,000.

(u) The usual action of the Commission shall be to impose ~~a penalty of~~ a 5 year suspension to revocation.

(v) Section 475.25(1)(u), F.S. Has failed, if a broker, to direct, control, or manage a broker associate or sales associate employed by such broker.

(w) Section 475.25(1)(v), F.S. Has failed, if a broker, to review the brokerage's trust accounting procedures in order to ensure compliance with this chapter.

~~(x)(v)~~ Section 475.25(2), F.S. License issued by error of the Commission.

~~(v)(w)~~ Section 475.42(1)(a), F.S. Practice without a valid and current license.

~~(z)(x)~~ Section 475.42(1)(b), F.S. Practicing beyond scope as a sales associate.

~~(aa)(v)~~ Section 475.42(1)(c), F.S. Broker employs a sales associate who is not the holder of a valid and current license.

~~(bb)(z)~~ Section 475.42(1)(d), F.S. A sales associate shall not collect any money in connection with any real estate brokerage transaction except in the name of the employer.

~~(cc)(aa)~~ Section 475.42(1)(e), F.S. A violation of any order or rule of the Commission.

~~(dd)(bb)~~ Section 475.42(1)(g), F.S. Makes false affidavit or affirmation or false testimony before the Commission.

(v) The usual action of the Commission shall be to impose an administrative fine not to exceed \$ 5,000, and, up to a 1 year suspension to revocation.

(w) The usual action of the Commission shall be to impose an administrative fine not to exceed \$ 5,000, and a 1 year suspension to revocation.

~~(x)(v)~~ The usual action of the Commission shall be to impose a penalty of an administrative fine not to exceed \$5,000, and a 1 year suspension to revocation.

~~(v)(w)~~ The usual action of the Commission shall be to impose an administrative fine not to exceed \$ 5,000 and a penalty of a 3 year suspension to revocation.

~~(z)(x)~~ The usual action of the Commission shall be to impose ~~a penalty of~~ a 3 year suspension to revocation.

~~(aa)(v)~~ The usual action of the Commission shall be to impose ~~a penalty of~~ an administrative fine not to exceed \$5,000 of \$1,000 and a 90 day ~~suspension~~ to a 2 year suspension.

~~(bb)(z)~~ The usual action of the Commission shall be to impose ~~a penalty of~~ an administrative fine not to exceed \$5,000 and up of \$1,000 to a 3 year suspension.

~~(cc)(aa)~~ The usual action of the Commission shall be to impose ~~a penalty of~~ an 8 year suspension to revocation and an administrative fine not to exceed \$5,000 of \$1,000.

~~(dd)(bb)~~ The usual action of the Commission shall be to impose ~~a penalty of~~ an administrative fine not to exceed \$5,000 and up of \$1,000 to a 3 year suspension.

~~(ee)(ee)~~ Section 475.42(1)(h), F.S.
Fails to comply with subpoena.

~~(ff)(dd)~~ Section 475.42(1)(i), F.S.
Obstructs or hinders the enforcement of Chapter 475, F.S.

~~(gg)(ee)~~ Section 475.42(1)(j), F.S.
No broker or sales associate shall place upon the public records any false, void or unauthorized information that affects the title or encumbers any real property.

~~(hh)(ff)~~ Section 475.42(1)(k), F.S.
Failed to register trade name with the Commission.

~~(ii)(gg)~~ Section 475.42(1)(l), F.S.
No person shall knowingly conceal information relating to violations of Chapter 475, F.S.

~~(jj)(hh)~~ Section 475.42(1)(m), F.S.
Fails to have a current license as a broker or sales associate while listing or selling one or more timeshare periods per year.

~~(kk)(ii)~~ Section 475.42(1)(n), F.S.
Licensee fails to disclose all material aspects of the resale of timeshare period or timeshare plan and the rights and obligations of both buyer or seller.

~~(ll)(jj)~~ Section 475.42(1)(o), F.S.
Publication of false or misleading information; promotion of sales, leases and rentals.

~~(ee)(ee)~~ The usual action of the Commission shall be to impose a ~~penalty of~~ an administrative fine not to exceed \$5,000 ~~of \$1,000~~ and a 6 month ~~suspension~~ to a 5 year suspension.

~~(ff)(dd)~~ The usual action of the Commission shall be to impose a ~~penalty of~~ revocation.

~~(gg)(ee)~~ The usual action of the Commission shall be to impose a ~~penalty of~~ a 5 year suspension to revocation.

~~(hh)(ff)~~ The usual action of the Commission shall be to impose a ~~penalty of~~ an administrative fine not to exceed \$5,000 and up of \$1,000 to a 6 month suspension.

~~(ii)(gg)~~ The usual action of the Commission shall be to impose a ~~penalty of~~ an administrative fine not to exceed \$5,000 and up of \$1,000 to a 3 year suspension.

~~(jj)(hh)~~ The usual action of the Commission shall be to impose a ~~penalty of~~ revocation.

~~(kk)(ii)~~ The usual action of the Commission shall be to impose a ~~penalty of~~ revocation.

~~(ll)(jj)~~ The usual action of the Commission shall be to impose a ~~penalty of~~ an administrative fine not to exceed \$5,000 and up of \$1,000 to a 1 year suspension.

~~(mm)(kk)~~ Section 475.451, F.S. School teaching real estate practice fails to obtain a permit from the department and does not abide by regulations of Chapter 475, F.S., and rules adopted by the Commission.

~~(ll)~~ Section 475.452, F.S. A broker contracts for or collects an advance fee for the listing of real property and fails to properly deposit 75 percent in a trust account according to Chapter 475, F.S., and rules adopted by the Commission.

~~(nn)(mm)~~ Section 475.453, F.S. Broker or sales associate participates in any rental information transaction that fails to follow the guidelines adopted by the Commission and Chapter 475, F.S.

~~(oo)(mm)~~ Rule 61J2-10.039, F.A.C., Section 475.25(1)(c), F.S. Failure to produce records within 5 business days from receipt of request for inspection or audit or to maintain records as required.

(4) No change.

Specific Authority 455.2273, 475.05 FS. Law Implemented 455.227, 455.2273, 475.22, 475.24, 475.25, 475.42, 475.421, 475.422, 475.452, 475.453, 475.455, 475.482 FS. History—New 11-24-86, Amended 10-13-88, 4-20-89, 5-20-90, 12-29-91, 11-8-92, 6-28-93, Formerly 21V-24.001, Amended 11-16-93, 2-29-96, 12-30-97, 11-29-98, 1-18-00, 2-5-04, 1-30-06, _____.

~~(mm)(kk)~~ The usual action of the Commission shall be to impose a ~~penalty of~~ an administrative fine not to exceed \$5,000 and up of \$1,000 to a 6 month suspension.

~~(ll)~~ The usual action of the Commission shall be to impose a ~~penalty of~~ an administrative fine of \$1,000 to a 6 month suspension.

~~(nn)(mm)~~ The usual action of the Commission shall be to impose a ~~penalty of~~ an administrative fine not to exceed \$5,000 and up of \$1,000 to a 3 year suspension.

~~(oo)(mm)~~ The usual action of the Commission shall be to impose a ~~penalty of~~ an administrative fine not to exceed \$5,000 of \$1,000 and up to a 3 month suspension.

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

Division of Environmental Health

RULE CHAPTER NO.: RULE CHAPTER TITLE:

64E-27 Childhood Lead Poisoning Prevention

PURPOSE AND EFFECT: Section 381.985, F.S., subsection 5 was passed during the 2006 legislative session and signed into law by Governor Jeb Bush. Section 381.985, F.S., Subsection 5 requires the Secretary of Health to promulgate rules in accordance with its provisions. The effect of this rule will be to

assume a comprehensive screening program and establish a standard of care for children under 72 months of age who have an elevated blood-lead level or confirmed lead poisoning.

SUBJECT AREA TO BE ADDRESSED: Blood-lead screening guidelines, case management guidelines, and proper standard of care for children under 72 months of age who have an elevated blood-lead level or confirmed lead poisoning.

SPECIFIC AUTHORITY: 381.985 FS., Subsection 5.

LAW IMPLEMENTED: 381.985 FS., Subsection 5.

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

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 14 days before the workshop/meeting by contacting: Teresa Hall at (850)245-4275. 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: Ricky Harrison, Environmental Policy Analyst; Childhood Lead Poisoning Prevention Program; Florida Department of Health; 4052 Bald Cypress Way, Bin A08; Tallahassee, FL 32399. You may contact Ricky Harrison by phone at (850)245-4247

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

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE NO.: 68A-4.0071 **RULE TITLE:** Access Prohibited on Certain Areas

PURPOSE AND EFFECT: The purpose and effect of this rule development effort is to establish and revise a new rule, during calendar year 2007, associated with general public access prohibitions pertaining to wildlife and freshwater fish resources and public lands.

SUBJECT AREA TO BE ADDRESSED: Subject areas covered in the proposed rule include general prohibitions pertaining to wildlife and freshwater fish.

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

LAW IMPLEMENTED: Art. IV, Sec. 9, Florida Constitution; 372.121 FS.

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

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

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

**Section II
Proposed Rules**

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Plant Industry

RULE NO.: 5B-59.003 **RULE TITLE:** Tomato Plant Destruction

PURPOSE AND EFFECT: The purpose of this rule is to require the destruction of older, less productive tomato plants that serve as reservoirs of tomato pests and diseases. This will be effective in reducing the impact of tomato pests and diseases on younger tomato transplants thereby improving tomato crop yields.

SUMMARY: This rule requires commercial tomato producers to destroy tomato plants within five days of final harvest.

SPECIFIC AUTHORITY: 570.32(5), (6), 581.031(6), (15), (17), 581.181 FS.

LAW IMPLEMENTED: 581.161, 581.181 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: Connie Riherd, Assistant Director, Division of Plant Industry, Department of Agriculture and Consumer Services, P. O. Box 147100, Gainesville, FL 32614-7100

THE FULL TEXT OF THE PROPOSED RULE IS:

5B-59.003 Tomato Plant Destruction.

(1) Definitions. For the purpose of this rule, the definitions in Sections 1.01, 500.03, 570.02, 677.102, and 581.011, Florida Statutes, and the following definitions shall apply:

(a) Commercial Tomato Producer. A person who is engaged in and has an economic risk in the business of producing, or causing to be produced, tomatoes for market.

(b) Final harvest. When an active pest management system is no longer maintained in the field following tomato harvest or if harvest has not occurred or not intended and no pest management system is being maintained.