

Section I Notice of Development of Proposed Rules and Negotiated Rulemaking

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: 6A-1.09942 RULE TITLE: State Uniform Transfer of Students in the Middle Grades

PURPOSE AND EFFECT: The purpose of this rule development is to reflect changes to Section 1003.4156, F.S., that replaced the reference to the Florida Comprehensive Assessment Test (FCAT) with a statewide, standardized assessment for middle grades promotion.

SUBJECT AREA TO BE ADDRESSED: Middle grades promotion.

RULEMAKING AUTHORITY: 1003.25(3), 1003.4156(2) FS.

LAW IMPLEMENTED: 1003.25(3) 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 REGISTER.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Mary Jane Tappen, Executive Vice-Chancellor, K-12 Public Schools, at Mary.Tappen@fldoe.org. To request a rule development workshop, please contact: Cathy Schroeder, Agency Clerk, Department of Education, (850)245-9661 or e-mail: cathy.schroeder@fldoe.org or go to <https://app1.fldoe.org/rules/default.aspx>

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT: <https://app1.fldoe.org/rules/default.aspx>.

DEPARTMENT OF EDUCATION

State Board of Education

RULE NOS.: 6A-4.002, 6A-4.0021 RULE TITLES: General Provisions, Florida Teacher Certification Examinations

PURPOSE AND EFFECT: The purpose of rule development for Rule 6A-4.002, F.A.C., is to update provisions in the rule due to statutory changes, rule changes, and for clarity. Proposed changes include: update to the acceptance criteria

for college credit used for educator certification; and, adopt language to allow for acceptance of the Graduate Record Examination (GRE) revised General Test for educator certification. The purpose of rule development for Rule 6A-4.0021, F.A.C., is to define concordance cut scores on Graduate Records Examination as an alternate standardized assessment. In addition, the department will be updating rule language to provide greater specificity in terminology as it relates to effective dates.

SUBJECT AREA TO BE ADDRESSED: Requirements and implementation of general provisions to qualify for a Florida Educator’s Certificate and provisions for alternate assessments for meeting General Knowledge Test requirement.

RULEMAKING AUTHORITY: 1012.55, 1012.56, (9) FS.

LAW IMPLEMENTED: 1012.56, (3)(e) FS.

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

DATE AND TIMES: August 6, 2015, 10:00 a.m. – 11:00 a.m. and 2:00 p.m. – 3:00 p.m.

PLACE: August 6th, 10:00 a.m. – 11:00 a.m. - Conference Call: 1(888)670-3525, Conference Code: 4073661188 and August 6th, 2:00 p.m. – 3:00 p.m., Conference Call: 1(888)670-3525, Conference Code: 4073661188. The location for both workshops is Florida Department of Education, Room 422B, 325 West Gaines St., Tallahassee, Florida 32299 and Online Meeting Link: <https://global.gotomeeting.com/join/420738189>.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: For rule 6A-4.002, F.A.C.- David C. LaJeunesse, Chief, Educator Certification, Department of Education, (850)245-0431 or email: David.LaJeunesse@fldoe.org or go to <http://www.fldoe.org/teaching/certification/ed-certification-rule-dev/>. For Rule 6A-4.0021, F.A.C.- Phil Canto, Bureau Chief, Bureau of Postsecondary Assessment, Office of Assessment, Division of Accountability, Research, and Measurement, 325 W. Gaines Street, Suite 414, Tallahassee, FL 32399, (850)245-0513. To submit a comment on this rule development, go to: <https://app1.fldoe.org/rules/default.aspx> THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS: Rule Language will be posted NLT July 24, 2015 at <https://app1.fldoe.org/rules/default.aspx>

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

Division of Motor Vehicles

RULE NO.: 15C-21.001 RULE TITLE: Application for Certificate of Title

PURPOSE AND EFFECT: The purpose is to amend the form cited in this rule.

SUBJECT AREA TO BE ADDRESSED: Motor Vehicle Titles.

RULEMAKING AUTHORITY: 317.0005, 319.17, 320.011, 328.03(8), 328.44, 328.72(17) FS.

LAW IMPLEMENTED: 92.525, 212.06, 317.0004, 317.0006, 317.0007, 317.0008, 317.0011, 317.0012, 317.0014, 317.0017, 319.14, 319.21, 319.22, 319.225, 319.23, 319.24, 319.27, 319.28, 319.29, 319.324, 319.33, 319.34, 319.35, 319.40, 320.001, 320.02, 320.0605, 320.0609, 320.0657, 327.50, 327.53, 328.01, 328.03, 328.07, 328.09, 328.11, 328.13, 328.16, 328.30, 328.48, 328.68, 328.72 FS.

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

DATE AND TIME: July 29, 2015, 2:00 p.m.

PLACE: Department of Highway Safety and Motor Vehicles, 2900 Apalachee Parkway, Conference Room B130, Tallahassee, Florida 32399

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: Selma Sauls, 2900 Apalachee Parkway, Tallahassee, FL 32399, Room A332B, selmasauls@flhsmv.gov, (850)617-2992. 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: Selma Sauls, 2900 Apalachee Parkway, Tallahassee, FL 32399, Room A332B, selmasauls@flhsmv.gov, (850)617-2992

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Engineers

RULE NOS.:	RULE TITLES:
61G15-20.001	Definitions
61G15-20.0015	Application for Licensure by Endorsement
61G15-20.002	Experience
61G15-20.007	Educational Requirements for Applicants Without EAC/ABET Accredited Engineering Degrees

PURPOSE AND EFFECT: To clearly define and clarify educational requirements regarding application for licensure by endorsement; engineering experience; and education for applicants without EAC/ABET accredited engineering degrees.

SUBJECT AREA TO BE ADDRESSED: Educational requirements regarding application for licensure by endorsement; engineering experience; education for applicants without EAC/ABET accredited engineering degrees.

RULEMAKING AUTHORITY: 471.008, 471.013(1)(a)3., 471.015(7) FS.

LAW IMPLEMENTED: 471.005(6), 471.013(1)(a), 471.015 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE IS: Zana Raybon, Executive Director, Board of Professional Engineers, 2639 North Monroe Street, Suite B-112, Tallahassee, FL 32303, (850)521-0050

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Engineers

RULE NO.: 61G15-21.004
 RULE TITLE: Passing Grade
 PURPOSE AND EFFECT: To clarify passing grade on engineering examination.

SUBJECT AREA TO BE ADDRESSED: Passing grade on engineering examination.

RULEMAKING AUTHORITY: 455.217(1)(c), 471.013 FS.

LAW IMPLEMENTED: 455.217(1)(c), 471.03 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE IS: Zana Raybon, Executive Director, Board of Professional Engineers, 2639 North Monroe Street, Suite B-112, Tallahassee, FL 32303, (850)521-0050

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 FINANCIAL SERVICES

Division of State Fire Marshal

RULE NO.: RULE TITLE:
69A-37.055 Curriculum Requirements for Training
Firefighter Recruits or Firefighters

PURPOSE AND EFFECT: The purpose of this rule amendment is to enable individuals who are enrolled in the newly combined firefighter and emergency medical technician (EMT) curriculum framework to take the State Fire Marshal Firefighter Minimum Standards Exam upon successful completion of the firefighter training portion of the combined curriculum.

SUBJECT AREA TO BE ADDRESSED: Firefighter minimum standards examination.

RULEMAKING AUTHORITY: 633.128(1)(a), (b), (2)(a), 633.408(1) FS.

LAW IMPLEMENTED: 633.128(1)(a), (b), 633.408 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: July 30, 2015, 11:00 a.m. – 12:00 Noon

PLACE: Florida State Fire College, 11655 NW Gainesville Road, Ocala, FL

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: Mary Ann Benson at (352)369-2815 or maryann.benson@myfloridacfo.com 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: Bill Wentlandt, Chief, Bureau of Fire Standards & Training, Florida State Fire College, 11655 NW Gainesville Road, Ocala, FL 34482-1486 or bill.wentlandt@myfloridacfo.com. The text of the proposed rule is also available on the Department's website @ <http://www.MyFloridaCFO.com/LegalServices/ruleHearing/> THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NO.: RULE TITLE:
59G-13.083 Developmental Disabilities Waiver Services
PURPOSE AND EFFECT: Rule 59G-13.083, F.A.C. is being repealed. Requirements contained within this rule have been updated and moved to Rule 59G-13.070, F.A.C., Developmental Disabilities Individual Budgeting Waiver Services.

SUMMARY: The coverage policy specified recipient eligibility, provider requirements, coverage policies and reimbursement information for the following four waivers: Developmental Disabilities Home and Community-Based Services Waiver Tier 1, Developmental Disabilities Home and Community-Based Services Waiver Tier 2, Developmental Disabilities Home and Community-Based Services Waiver Tier 3, and Developmental Disabilities Home and Community-Based Services Waiver Tier 4. The four tier waivers were terminated July 1, 2013 and the coverage policy is obsolete.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION: The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the Agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: A checklist was prepared by the Agency to determine the need for a SERC. Based on this information at the time of the analysis and pursuant to section 120.541, Florida Statutes, the rule will not require legislative ratification.

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.

RULEMAKING AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.902, 409.906, 409.907, 409.908, 409.912, 409.913 FS.

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

DATE AND TIME: August 6, 2015, 10:00 a.m. – 11:00 a.m.
 PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Conference Room C, Tallahassee, Florida 32308-5407

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: Marlon Storey, Bureau of Medicaid Policy, 2727 Mahan Drive, Mail Stop 20, Tallahassee, Florida 32308-5407, telephone: (850)412-4261, e-mail: Marlon.Storey@ahca.myflorida.com. 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: Marlon Storey, Bureau of Medicaid Policy, 2727 Mahan Drive, Mail Stop 20, Tallahassee, Florida 32308-5407, telephone: (850)412-4261, e-mail: Marlon.Storey@ahca.myflorida.com

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-13.083 Developmental Disabilities Waiver Services. Rulemaking Authority 409.919 FS. Law Implemented 409.902, 409.906, 409.907, 409.908, 409.912, 409.913 FS. History—New 12-3-08, Amended 7-8-10, 5-3-12, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Marlon Storey
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Elizabeth Dudek
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 21, 2015

FLORIDA DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Building Commission
 RULE NO.: RULE TITLE:
 61G20-4.001 Procedures

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to update a Florida Building Commission form in order to comply with the legislative mandate that the Commission collect fees for accessibility waiver applications.

SUMMARY: This rule amendment will update the Commission’s form for accessibility waiver requests.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The agency has determined this rule will not have an adverse impact on small business or likely increase directly or indirectly costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency. The agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: The Commission conducted an analysis of the proposed rule’s potential economic impact and determined that it did not exceed any of the criteria established in Section 120.541(2)(a), F.S. 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: 553.512(1), FS.

LAW IMPLEMENTED: 553.512(1), FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Jim Richmond, Executive Director, Florida Building Commission, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-0772, (850)487-1824

THE FULL TEXT OF THE PROPOSED RULE IS:

61G20-4.001 Procedures.

(1) All applications for a waiver or modification of the requirements of the Act or the Code shall be accompanied by a fee of \$250.00, ~~effective July 1, 2014,~~ and filed on ~~the Form FBC 2014-01 2012-01,~~ Request for Accessibility Waiver, effective August 2015 ~~October 2012,~~ adopted and incorporated herein ~~by reference and. Copies of Form FBC 2012-01 are available from the Building Code Information System at http://https://floridabuilding.org/aw/accessibility_application_option_s.aspx by writing to the Codes and Standards Office, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399~~ or at https://flrules.org/gateway/reference.asp?No=Ref-05667 ~~http://www.flrules.org/Gateway/reference.asp?No=Ref-02648.~~

Upon certification from an applicant that all information requested by these rules has been furnished and after review and verification by Commission Staff, the request will be scheduled for consideration at the Accessibility Advisory Council's next scheduled meeting provided that at least 7 days' notice can be given to the members of the Advisory Council.

(2) All Requests shall be prepared in accordance with the instructions on Form FBC 2014-01 ~~2012-01~~, but the Commission may waive a requirement in the instructions if the Commission finds the requirement unnecessary to the consideration of the Request. A Request shall be for one Project only, and no Request shall be considered by the Commission unless it shall have first been reviewed by the Council.

(3) through (6) No change.

Rulemaking Authority 553.512(1) FS. Law Implemented 553.512(1) FS. History—New 1-31-79, Formerly 9B-7.03, Amended 10-1-96, 9-14-97, 9-7-00, 1-20-02, 10-18-07, Formerly 9B-7.003, 9N-4.001, Amended 4-25-13, 9-9-13,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Florida Building Commission
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Building Commission
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 13, 2015
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: June 19, 2014

DEPARTMENT OF HEALTH

Board of Medicine

RULE NO.: 64B8-1.007
RULE TITLE: List of Approved Forms; Incorporation
PURPOSE AND EFFECT: The proposed rule amendment is intended to incorporate the revised limited license application form into the Board's forms rule.
SUMMARY: The proposed rule amendment incorporates the revised limited license application form into the Board's forms rule.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION: The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the Agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: During discussion of the economic impact of this rule at its Board meeting, the Board concluded that this rule change will not have any impact on licensees and their businesses or the businesses that employ them. The rule will not increase any fees, business costs, personnel costs, will not decrease profit opportunities, and will not require any specialized knowledge to comply. This change will not increase any direct or indirect regulatory costs. Hence, the Board determined that a Statement of Estimated Regulatory Costs (SERC) was not necessary and that the rule will not require ratification by the Legislature. No person or interested party submitted additional information regarding the economic impact at that time.

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.

RULEMAKING AUTHORITY: 456.013, 456.0276, 456.036(5), 456.048(1), 458.309, 458.311, 458.3124(6), 458.313(4), 458.3137, 458.3145, 458.315(2) 458.3151, 458.317, 457.319, 358.317, 358.319, 458.320(8), 458.321(2), 458.345(3), (8), 458.347(13), 458.3475, 458.351(6) FS.

LAW IMPLEMENTED: 456.013, 456.035, 456.036, 456.048, 456.50, 456.0635, 456.073, 458.309, 458.311, 458.3124, 458.313, 458.3137, 458.3145, 458.315, 458.3151, 458.316, 458.317, 458.319, 458.320, 458.321, 458.345, 458.347, 458.3475, 458.348, 458.351, 465.0276 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: André Ourso, J.D., M.P.H., Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin # C03, Tallahassee, Florida 32399-3253

THE FULL TEXT OF THE PROPOSED RULE IS:

64B8-1.007 List of Approved Forms; Incorporation.
The following forms used by the Board in its dealings with the public are listed as follows and are hereby adopted and incorporated by reference, and can be obtained from the Board office by writing to the Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-1753, or by telephoning (850)245-4131:

(1) No change.

(2) DH-MQA 1008, entitled “Board of Medicine Limited License Application for Allopathic Physicians Section 458.317, F.S.,” (6/15) (~~12/14~~) <http://www.flrules.org/Gateway/reference.asp?No=Ref-05089>.

(3) through (16) No change.

Rulemaking Authority 456.013, 456.0276, 456.036(5), 456.048(1), 458.309, 458.311, 458.312(4), 458.313(4), 458.3137, 458.3145, 458.315(2), 458.3151, 458.317, 458.319, 458.320(8), 458.321(2), 458.345(3), 458.347(13), 458.3475, 458.351(6) FS. Law Implemented 456.013, 456.035, 456.036, 456.048, 456.50, 456.0635, 456.073, 458.309, 458.311, 458.312, 458.313, 458.3137, 458.3145, 458.315, 458.3151, 458.316, 458.317, 458.319, 458.320, 458.321, 458.345, 458.347, 458.3475, 458.348, 458.351, 465.0276 FS. History—New 4-17-01, Amended 11-20-01, 8-13-02, 11-10-02, 3-19-03, 6-4-03, 11-17-03, 4-19-04, 1-31-05, 9-29-05, 6-29-06, 12-26-06, 4-2-07, 6-25-08, 1-18-09, 3-17-09, 5-20-09, 10-7-09, 1-7-10, 2-2-10, 12-6-10, 12-27-11, 2-28-12, 1-27-13, 8-5-13, 11-10-13, 1-9-14, 3-10-14, 7-15-14, 9-10-14, 12-2-14, 2-22-15, 3-17-15, 5-19-15.

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Credentials Committee, Board of Medicine
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Medicine
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 5, 2015
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: June 23, 2015

DEPARTMENT OF HEALTH

Board of Medicine

RULE NO.: 64B8-4.009
 RULE TITLE: Applications

PURPOSE AND EFFECT: The proposed rule amendment is intended to incorporate the revised limited license application form into the application rule.

SUMMARY: The proposed rule amendment incorporates the revised limited license application form into the rule.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION: The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the Agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: During discussion of the economic impact of this rule at its Board meeting, the Board concluded that this rule change will not have any impact on licensees and their businesses or the businesses that employ them. The rule will not increase any fees, business costs, personnel costs, will not decrease profit opportunities, and will not require any specialized knowledge to comply. This change will not increase any direct or indirect regulatory costs. Hence, the Board determined that a Statement of Estimated Regulatory Costs (SERC) was not necessary and that the rule will not require ratification by the Legislature. No person or interested party submitted additional information regarding the economic impact at that time.

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.

RULEMAKING AUTHORITY: 456.031, 456.033, 458.309, 458.311, 458.313, 458.3151 FS.

LAW IMPLEMENTED: 456.013(1), (7),(13), 456.031, 456.033, 456.0635, 456.50, 458.311, 458.312, 458.313, 458.3137, 458.3145, 458.315, 458.3151, 458.316, 458.3165, 458.317 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: André Ourso, J.D., M.P.H., Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin # C03, Tallahassee, Florida 32399-3253

THE FULL TEXT OF THE PROPOSED RULE IS:

64B8-4.009 Applications.

(1) All persons applying for licensure shall submit an application to the Department. The application shall be made on the applicable form set forth below, all of which are hereby adopted and incorporated by reference and can be obtained from the website at http://www.doh.state.fl.us/mqa/medical/me_applicant.html.

The application must be accompanied by the application fee.

(a) No change.

(b) DH-MQA 1008, entitled “Board of Medicine Limited License Application for Allopathic Physicians Section 458.317, F.S.,” (6/15) (~~4/14~~) available from <http://www.flrules.org/Gateway/reference.asp?No=Ref-05089> or http://www.doh.state.fl.us/mqa/medical/me_applicant.html;

(c) through (g) No change.

directly from the medical school to the Board office.

(3) through (5) No change.

Rulemaking Authority 456.031, 456.033, 458.309, 458.311, 458.313, 458.3151 FS. Law Implemented 456.013(1), (7), (13), 456.031, 456.033, 456.50, 456.0635, 458.311, 458.3124, 458.313, 458.3137, 458.3145, 458.315, 458.3151, 458.316, 458.3165, 458.317 FS. History—New 3-31-80, Amended 12-4-85, Formerly 21M-22.09, Amended 9-7-88, 3-13-89, 1-1-92, 2-21-93, Formerly 21M-22.009, Amended 11-4-93, Formerly 61F6-22.009, Amended 11-15-94, 2-15-96, Formerly 59R-4.009, Amended 7-10-01, 1-31-02, 5-10-04, 5-20-04, 6-13-06, 12-26-06, 1-18-09, 3-17-09, 10-7-09, 1-7-10, 5-18-10, 2-28-12, 1-27-13, 8-5-13, 11-10-13, 1-9-14, 7-15-14, 9-10-14, 12-2-14, 3-17-15, 5-19-15, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Credentials Committee, Board of Medicine

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Medicine

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 5, 2015

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: June 23, 2015

DEPARTMENT OF HEALTH

Board of Medicine

RULE NO.: 64B8-5.001
 RULE TITLE: Examinations

PURPOSE AND EFFECT: The proposed rule amendment is intended to address compliance with the clinical competency requirement of Section 458.313(1)(c), F.S., as it relates to passage of the SPEX or passage of a regular or subspecialty exam.

SUMMARY: The proposed rule amendment clarifies language with regard to the SPEX and also permits applicants to pass a regular or subspecialty examination by an ABMS recognized board in order to demonstrate clinical competency.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION: The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the Agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: During discussion of the economic impact of this rule at its Board meeting, the Board concluded that this rule change will not have any impact on licensees and their businesses or the businesses that employ them. The rule permits applicants to pass a regular or subspecialty examination by an ABMS recognized board in order to demonstrate clinical competency as set forth in Section 458.313(1)(c), F.S. The rule will not increase any fees, business costs, personnel costs, will not decrease profit opportunities, and will not require any specialized knowledge to comply. This change will not increase any direct or indirect regulatory costs. Hence, the Board determined that a Statement of Estimated Regulatory Costs (SERC) was not necessary and that the rule will not require ratification by the Legislature. No person or interested party submitted additional information regarding the economic impact at that time.

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.

RULEMAKING AUTHORITY: 456.017(1), 458.309, 458.311(1)(h), 458.313(4) FS.

LAW IMPLEMENTED: 456.017(1), (2), 458.311, 458.313 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: André Ourso, J.D., M.P.H., Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin # C03, Tallahassee, Florida 32399-3253

THE FULL TEXT OF THE PROPOSED RULE IS:

64B8-5.001 Examinations.

(1) through (3) No change.

(4) (a) Pursuant to Sections 458.311(1)(h) and 458.313(2), F.S., any applicant who is currently licensed in at least one other jurisdiction of the United States or Canada, the Board approves and designates the use of the Special Purpose Examination of the Federation of State Medical Boards of the United States (SPEX). An applicant must achieve a score of no less than 75 on the SPEX to be eligible for licensure in Florida. If such score is obtained outside of Florida the applicant will not be required to re-take the SPEX or pay the fee required for purchase of the SPEX.

(b) However, for purposes of complying with the clinical competency examination requirement of Section 458.313(1)(c), F.S., the Board approves the use of the SPEX if the applicant achieved is submitting a score on the SPEX for the purpose of complying with the clinical competency examination requirement of Section 458.313(1)(c), F.S., the score of 75 or more must be achieved within the year preceding the application for licensure or passed a regular or subspecialty examination by a board recognized and certified by the American Board of Medical Specialties within the year preceding the application.

(5) No change.

Rulemaking Authority 456.017(1), 458.309, 458.311(1)(h), 458.313(4) FS. Law Implemented 456.017(1), (2), 458.311, 458.313 FS. History—New 12-5-79, Amended 11-10-82, 11-28-84, 3-13-85, 8-11-85, 12-4-85, Formerly 21M-21.01, Amended 2-16-86, 12-16-86, 5-10-89, Formerly 21M-21.001, Amended 5-9-94, Formerly 61F6-21.001, Amended 10-18-94, 1-2-95, Formerly 59R-5.001, Amended 8-18-98, 2-3-00, 8-20-02, 6-9-05, 3-12-08, 3-18-13, ____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Credentials Committee, Board of Medicine
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Medicine
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 5, 2015
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: June 22, 2015

DEPARTMENT OF FINANCIAL SERVICES

OIR – Insurance Regulation

RULE NO.: 69O-166.031 RULE TITLE: Mediation of Property Insurance Claims
 PURPOSE AND EFFECT: This proposed rulemaking proceeding is necessary to address the invalidity of a portion of Rule 69O-166.031 “Mediation of Property Insurance Claims” as the result of the ruling in State Farm Florida Ins. Co v Unlimited Restoration Specialists, Inc., 84 So. 3d 390 (Fla. 5th DCA 2012). The rule is also further amended to eliminate redundant language contained in the DFS rule governing the Mediation program.

SUMMARY: The rule governs the administrative requirements of section 627.7015, F.S. regarding the mediation of residential and commercial property insurance claims. The Department of Financial Services administers the program and has adopted Rule 69J-166.031, F.A.C. This rule comprehensively addresses all aspects of the mediation program. OIR Rule 69O-166.031, F.A.C. at one point was identical to the DFS rule. Over time, the DFS rule has been

amended and is not identical to the OIR rule. Much of the OIR rule is redundant and is not necessary. The revised rule is being amended to merely cross reference the DFS rule and maintain the penalty for an insurer’s failure to appear at the mediation conference.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION: The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the Agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: Agency personnel familiar with the subject matter of the rule amendment have performed an economic analysis of the rule amendment that shows that the rule amendment is unlikely to have an adverse impact on the State economy in excess of the criteria established in Section 120.541(2)(a), Florida Statutes.

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.

RULEMAKING AUTHORITY: 624.308(1), 627.7015(4) FS.
 LAW IMPLEMENTED: 624.307(1), 624.418(2)(a), 624.421(1)(a), 624.4211(1)-(3), 626.9541(1)(i), 626.9581(1), 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: August 12, 2015, 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: Stephen Fredrickson, Office of Insurance Regulation, E-mail: Steve.Fredrickson@flor.com. 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: Stephen Fredrickson, Office of Insurance Regulation, E-mail: Steve.Fredrickson@flor.com

THE FULL TEXT OF THE PROPOSED RULE IS:

690-166.031 Mediation of Property Insurance Claims.

(1) ~~All insurers subject to Section 627.7015 F.S. shall comply with Rule 69J-166.031, F.A.C. administered by the Department of Financial Services. A violation of Rule 69J-166.031, F.A.C. is a violation of this rule and accordingly a violation of a rule of the Commission. Purpose and Scope. This rule implements Section 627.7015, F.S. The program established under this rule is available to all first-party claimants and insurers prior to commencing the appraisal process set forth in their policies or commencing litigation. The program is also available to litigants referred to the Office from Circuit or County court. For claims which have not already been mediated under Rule 690-166.030, F.A.C., the mediation procedures described in this rule are available to claims which arise from damage occurring in Dade or Monroe Counties as a result of Hurricane Andrew, as well as the unnamed March 13, 1993, storm wherever the property is located in the State of Florida. This program applies to personal lines claims but not to commercial coverages, or to private passenger motor vehicle insurance coverages, or to disputes relating to liability coverages in property insurance policies. This program does not apply to policies issued under the National Flood Insurance Program established under the National Flood Insurance Act of 1968. Before resorting to these procedures, insureds and insurers are encouraged to resolve claims as quickly and fairly as possible.~~

(2) ~~Definitions. The following definitions shall apply for purposes of this rule:~~

(a) ~~“Approved”, as used in this rule with regard to approval of a mediator, means to designate based upon successfully meeting of the criteria set forth in Section 44.106, F.S., and the Florida Rules of Certified and Court Appointed Mediators which is incorporated by reference in paragraph (6)(a) of this rule, or Section 627.745(3)(b), F.S. Only approved mediators may mediate disputes under this rule.~~

(b) ~~“Claim”.~~

1. ~~“Claim” refers to any dispute between the insurer and insured relating to a material issue of fact other than:~~

a. ~~A dispute as to which the insurer has a reasonable basis to suspect fraud, or~~

b. ~~A dispute where, based upon agreed facts as to the cause of loss, there is no coverage under the policy.~~

2. ~~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, either of which is notwithstanding of any applicable deductible.~~

3. ~~A policy must have been in effect at the time of the loss to qualify as a “claim.”~~

(c) ~~“Complainant” refers to the party requesting mediation.~~

(d) ~~“Office” means the Office of Insurance Regulation.~~

(e) ~~“Respondent” refers to the party not first requesting mediation.~~

(f) ~~“Service office” means a designated office of the Bureau of Consumer Outreach and Education, Division of Insurance Consumer Services, Department of Financial Services.~~

(3) ~~Computation of Time. In computing any period of time described by this rule, the day of the act or event from which the designated period of time begins to run shall not be included. The last day of the period so computed shall be included, unless it is a Saturday, a Sunday, or a legal holiday. All time periods specified in this rule refer to the number of calendar days, not business days, unless otherwise specified in this rule.~~

(4) ~~Service Offices. For disposition of mediation conferences, the State of Florida shall be divided among the following designated service offices:~~

(a) ~~Daytona Beach Service Office shall be composed of the following counties: Flagler, Marion, Putnam, and Volusia.~~

(b) ~~Fort Lauderdale Service Office shall be composed of Broward county.~~

(c) ~~Fort Myers Service Office shall be composed of the following counties: Charlotte, Collier, DeSoto, Glades, Hendry, Highlands, and Lee.~~

(d) ~~Jacksonville Service Office shall be composed of the following counties: Alachua, Baker, Bradford, Clay, Columbia, Dixie, Duval, Gilchrist, Hamilton, Lafayette, Levy, Nassau, St. Johns, Suwannee, and Union.~~

(e) ~~Miami Service Office shall be composed of Dade and Monroe counties.~~

(f) ~~Orlando Service Office shall be composed of the following counties: Brevard, Citrus, Lake, Orange, Osceola, Seminole, and Sumter.~~

(g) ~~Pensacola Service Office shall be composed of the following counties: Bay, Calhoun, Escambia, Gulf, Holmes, Jackson, Okaloosa, Santa Rosa, Walton, and Washington.~~

(h) ~~Largo Service Office shall be composed of the following counties: Manatee, Pinellas, and Sarasota.~~

~~(i) Tallahassee Bureau of Consumer Assistance Service Office shall be composed of the following counties: Gadsden, Franklin, Jefferson, Leon, Liberty, Madison, Taylor, and Wakulla.~~

~~(j) Tampa Service Office shall be composed of the following counties: Hardee, Hernando, Hillsborough, Pasco, and Polk.~~

~~(k) West Palm Beach Service Office shall be composed of the following counties: Indian River, Martin, Okeechobee, Palm Beach, and St. Lucie.~~

~~(5) Claim Settlement.~~

~~(a) At the time an insured files a first party "claim" which falls within the scope of this rule, the insurer shall notify the insured of their right to participate in this program. Notification shall be in writing and shall be legible, conspicuous, and printed in typeface no smaller than any other text contained in the notice. The notice shall include detailed instructions on how the insured is to request mediation and indicate that the parties have 21 days from the date of the notice within which to otherwise resolve the dispute. The notice shall include the insurer's address and phone number for requesting mediation. The notice shall describe the mediator selection process and shall state that if either of the parties so desires the Department of Financial Services will select the mediator. The notice shall refer to the parties' right to disqualify a mediator for good cause and paraphrase the definition of good cause as set forth in paragraph (7)(e) of this rule. The notice shall also indicate that the insured is to notify the insurer before the mediation conference if the insured will bring counsel to the conference, unless the insurer waives the right to the notice of counsel. After the 21 days, a request for mediation by the insured may be made either in writing to the insurer or by telephone call to the insurer. The date of request shall be documented in the insurer's claim file. Every 6 months the insurer shall request from the Department of Financial Services a list of mediators qualified to mediate disputes under this program. For a copy of the current list, the Department of Financial Services may be contacted at its Mediation Section, Bureau of Insurance Consumer Assistance, 200 East Gaines Street, Tallahassee, Florida 32399-0322 or at telephone number (850) 922-3132.~~

~~(b) Upon receiving a request for mediation, the insurer shall randomly select from the Department of Financial Services's list a mediator to conduct the mediation conference. The insurer shall immediately notify the mediator in writing of his or her selection and indicate the names and addresses of the parties and their known representatives, their phone numbers (if known), the date of the request for mediation, and~~

~~that the mediation is to occur within 45 days of the request. If a mediator is disqualified, then the insurer shall randomly select another mediator. Failure of an insurer to abide by this procedure and to notify the insured as required above shall subject the insurer to revocation, suspension, or fine as set forth in sub-subparagraph (9)(a)2.b. of this rule.~~

~~(6) Rejection of Mediation. An insurer may elect to reject mediation in situations where the dispute does not meet the definition of a "claim." If the insurer desires to reject mediation, the insurer shall reference this mediation process and specify in writing to the insured the reason(s) for the rejection. The insurer shall also notify the insured of the insured's right to contest the rejection. To contest the rejection, the insured or the insured's representative must write to the Department of Financial Services at its Mediation Section, Bureau of Insurance Consumer Assistance, 200 East Gaines Street, Tallahassee, Florida 32399-0322, within 60 days of the date of the insurer's rejection notification. In the insured's letter contesting the rejection, the insured must specifically state the reasons why the rejection is asserted to be improper. The insurer shall also indicate that the insured should include a copy of the insurer's rejection letter with the insured's letter to the Department of Financial Services. The Department of Financial Services shall determine whether the claim shall be mediated. The parties may elect to voluntarily mediate any dispute regardless of whether the cause of loss or policy status may be in question. In the event that a "claim" falls within the scope of this rule, the insurer shall follow the process set forth in paragraph (5)(b) above.~~

~~(7) Mediators.~~

~~(a) Mediator Approval. The Bureau of Agent and Agency Licensing, Department of Financial Services, shall approve as mediators those persons who meet the qualifications set forth in Section 627.745(3)(b), F.S. Persons wishing to be approved as mediators shall submit their qualifications to the Bureau of Agent and Agency Licensing, Department of Financial Services, 200 East Gaines Street, Tallahassee, FL 32399-0319, on Form OIR 591, "Application for Appointment as a Mediator", which is adopted and incorporated by reference in subsection 69B-211.002(30), F.A.C.~~

~~(b) List of Approved Mediators. The Bureau of Agent & Agency Licensing, Department of Financial Services, shall maintain a list of all approved mediators, which list shall include the mediator's name, address, telephone number, social security number, a listing of counties in which each mediator is willing to mediate, and date of entry to the list.~~

~~(c) Grouping of Assignments. Requests for mediation will, if feasible, be grouped together and assigned to a single mediator. A mediator will be assigned a maximum of four mediation conferences under a single assignment.~~

~~(d) Procedure and Conduct. All mediation conferences shall be conducted in accordance with this rule, the Florida Rules for Certified and Court Appointed Mediators as set forth in Rules 10.020-10.290, Florida Rules of Civil Procedure, as incorporated above, and other consistent rules of conduct as promulgated by the Supreme Court of Florida. Mediators shall have the same responsibilities to the Department of Financial Services as they have to the courts under the Florida Rules for Certified and Court Appointed Mediators. The Florida Rules for Certified and Court Appointed Mediators shall be read in a manner consistent with this rule and any conflict between this rule and the Florida Rules for Certified and Court Appointed Mediators shall be resolved in favor of this rule. The mediator may meet with the parties separately, encourage meaningful communications and negotiations, and otherwise assist the parties to arrive at a settlement. For purposes of this mediation program, mediators shall have the immunity from suit provided to mediators in Section 44.107, F.S. All communications with the mediator shall be confidential. All statements made and documents produced at a settlement conference constitute settlement negotiations in anticipation of litigation. The mediation proceedings are confidential and inadmissible in any subsequent adversarial proceeding.~~

~~(e) Complaints; Discipline. At any time a party may move to disqualify a mediator for good cause. Good cause consists of conflict of interest between a party and the mediator, that the mediator is unable to handle the conference competently, or other reasons which would reasonably be expected to impair the conference. Complaints concerning a mediator shall be written and submitted to the Bureau of Consumer Assistance, Office of Insurance Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0322. The Department shall review the following grounds for discipline:~~

~~1. Alleged instances of dishonest, incompetent, fraudulent, or unethical behavior on the part of a mediator;~~

~~2. Instances in which the mediator allegedly failed to promptly and completely respond to requests from the Department of Financial Services and instances in which the actions or failure to act on the part of the mediator violate this rule including the standards set forth in this sub-section or are counter to the intent and purpose of this mediation program or this rule;~~

~~3. Administrative action by any other agency or body against the mediator, regardless of whether the agency or body's regulation relates to mediation;~~

~~4. The mediator has been found guilty of or pled guilty or nolo contendere to a felony or a crime punishable by imprisonment of 1 year or more under the law of the United States of America or of any state thereof or under the law of any other country, without regard to whether a judgment of conviction has been entered by the court having jurisdiction of such cases.~~

~~If the Department of Financial Services determines that any of the above grounds exist, the Department of Financial Services shall institute proceedings in accordance with Chapter 120, F.S., to rescind the approval of the mediator to handle any mediation or arbitration program sponsored by the Department of Financial Services.~~

~~(8) Mediation Conference.~~

~~(a) Location.~~

~~1. The mediation conference shall be held at a reasonable location specified by the mediator within a reasonable proximity of the insured property, unless all parties agree otherwise.~~

~~2. The Department of Financial Services will make available conference rooms at its various service offices throughout the state for possible use.~~

~~3. Before scheduling a mediation conference the mediator may contact the service office administrator to determine the availability of service office facilities to accommodate the mediation conference.~~

~~4. If no facilities are available at the service office for the particular mediation conference then the service office administrator will designate an alternative location, if available, for the mediation conference.~~

~~5. If the parties determine that the assigned conference location is inconvenient or impractical, the parties and mediator may agree to conduct the mediation conference at an alternative location.~~

~~6. The mediator will notify the parties in writing of the exact time, date, and location of the conference.~~

~~(b) Timing and Continuances. The mediation conference shall be held as scheduled by the mediator. Upon application by any party to the mediator for a continuance, the mediator shall, for good cause shown or if neither party objects, grant a continuance and shall notify all parties of the date and place of the rescheduled conference. Good cause includes severe illness, injury, or other emergency which could not be controlled by the party and could not reasonably be remedied by the party prior to the conference by providing a replacement representative or otherwise. Also, good cause~~

~~includes the necessity of obtaining additional information, securing the attendance of a necessary professional, or the avoidance of significant financial hardship. If the insured demonstrates to the mediator the need for an expedited mediation conference due to an undue hardship, the conference shall be conducted at the earliest date convenient to all of the parties and the mediator. Undue hardship will be demonstrated when holding the conference on a non-expedited basis would interfere with or contradict the treatment of a severe illness or injury, substantially impair a party's ability to assert their position at the conference, result in significant financial hardship, or other reasonably justified grounds.~~

~~(c) Attendance.~~

~~1. The complainant and respondent shall attend the mediation conference and be fully authorized to make an agreement to completely resolve the claim. All corporate parties who are complainants or respondents shall attend the conference in the person of a corporate representative who has full knowledge of the facts of the dispute and is fully authorized to make an agreement to completely resolve the dispute. An insurer will be deemed to have failed to appear if the insurer's representative lacks authority to settle the full value of the claim. The authority to settle the claim includes the ability to disburse the full settlement amount within 7 days of the conclusion of the conference. The insurer will produce at the conference a copy of the policy. The insurer will bring the entire claims file to the conference.~~

~~2. The mediation conference also may be attended by persons who may assist a party in presenting his claim or defense in the conference, such as contractors, adjusters, engineers, and interpreters. The parties may not have separate counsel in the mediation conference unless requested by the insured or the parties agree otherwise. If the insured elects to have an attorney participate in the conference, the insured shall notify the insurer of such participation before the conference, unless the parties agree otherwise. A party will be determined to have not negotiated in good faith if they or a person participating on their behalf continuously disrupts or otherwise inhibits the negotiations as determined by the mediator.~~

~~(d) Good Faith Negotiation. The participants are to negotiate in good faith to attempt to resolve the dispute, however there is no requirement that the dispute must be resolved in mediation.~~

~~(e) Disposition. Mediators or insurance companies shall report to the Department of Financial Services on the status of property insurance (other than commercial) mediation conferences by submitting Form DFS-H0-1159, "Disposition of Property Insurance Mediation Conference and Company Remittance Form" (rev. 8/94), which is hereby adopted herein and incorporated by reference.~~

~~(9) Disbursement of Costs.~~

~~(a) The insurer shall pay the mediator's fee which shall not exceed \$225. The Office reserves the right to reduce fees based on consumer surveys and cost analysis.~~

~~1. Completed Mediation Conference. If the mediation conference is held, the mediator shall receive the mediator's fee. Upon conclusion of the conference, the insurer shall remit \$25 to the Department of Financial Services, Mediation Section, Bureau of Insurance Consumer Assistance, Tallahassee, Florida 32314-6100, along with reference to the claim number, identification of the parties, date of the mediation, and name of the mediator. These funds will be deposited in the Director's Regulatory Trust Fund to defer Department of Financial Services costs.~~

~~2. Cancellation Due To Absence. Failure of a party to arrive at the mediation conference within 30 minutes of the conference's starting time shall be considered an absence. Payment shall be as follows:~~

~~a. If the insured fails to appear at the conference, the conference shall be rescheduled upon the insured's payment of the mediator's fee for the conference scheduled to take the place of the conference at which the insured failed to appear.~~

~~(2) b. If the insurer fails to appear at the conference without good cause the insurer shall pay the insured's actual cash expenses incurred in attending the conference and shall pay the mediator's fee for the rescheduled conference. Good cause here includes severe illness, injury, or other emergency which could not be controlled by the insurer and could not reasonably be remedied by the insurer prior to the conference by providing a replacement representative or otherwise. If an insurer fails to appear at conferences with such frequency as to evidence a general business practice of failure to appear, the insurer shall be subject to penalty, including revocation, suspension, or fine, for violation of Section 626.9541(1)(i), F.S. Such suspension of an insurer's certificate of authority shall be for a period of 2 years. An administrative fine shall be in the amount of \$2,500 per violation in cases of non-willful violation, and \$20,000 per violation in cases of a knowing and willful violation. The office will mitigate these penalties based upon the following factors: Solvency of the insurer, best interests of or potential harm to insureds, and willfulness of the violation.~~

~~(b) Any disputes regarding the amount of disbursement of funds shall be resolved by the Department of Financial Services.~~

~~(c) Except as provided in subparagraph (8)(a)3., any expenses associated with the mediation conference, such as travel, telephone, postage, meals, lodging, facilities, and other related expenses, shall be borne by the party, mediator or other person incurring the expense.~~

~~(10) Post Mediation.~~

~~(a) At the conclusion of the mediation conference, the mediator will file with the Department of Financial Services a mediator's status report indicating whether or not the parties reached a settlement. If the parties reached any settlement, then the mediator shall include a copy of the settlement agreement with the status report. In the event a settlement is reached, the insured shall have 3 business days from the date of the written settlement within which he or she may rescind the settlement provided that the insured has not cashed or deposited any check or draft disbursed to him or her for the disputed matters as a result of the conference. If a settlement agreement is reached and not rescinded, it shall act as a release of specific issues that were presented at the conference.~~

~~(b) Any additional claims under the policy shall be presented as separate claims. However, the release shall not constitute a final waiver of rights of the insured with respect to claims for damages or expenses if circumstances that are reasonably unforeseen arise resulting in additional costs which would have been covered under the policy but for the release.~~

~~(c) If the insured decides not to participate in this program or if the parties are unsuccessful at resolving the claim, the insured may choose to proceed under the appraisal process set forth in the insured's insurance policy, or by litigation, or by any other dispute resolution procedure available under Florida law.~~

Rulemaking Authority 624.308(1), 627.7015(4) FS. Law Implemented 624.307(1), 624.418(2)(a), 624.421(1)(a), 624.421(1)(3), 626.9541(1)(i), 626.9581(1), 627.7015 FS. History—New 8-18-94, Amended 5-1-96, 4-6-00, Formerly 4-166.031, Amended

NAME OF PERSON ORIGINATING PROPOSED RULE:
Stephen Fredrickson, Office of Insurance Regulation, E-mail Steve.Fredrickson@floir.com

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: THE FINANCIAL SERVICES COMMISSION

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 23, 2015

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: February 2, 2015

DEPARTMENT OF FINANCIAL SERVICES

Securities

RULE NO.: 69W-301.002
RULE TITLE: Processing of Applications and Notice-Filings

PURPOSE AND EFFECT: The Office proposes to repeal this rule and move its provisions to new registration rules to be created in Chapter 69W-600, F.A.C. The purpose and effect of the changes are to create separate rules by registration type under Chapter 517, Florida Statutes, in order to improve organization.

SUMMARY: This rule is proposed to be repealed.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION: The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the Agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: The Agency expressly relies on an analysis of potential economic impact conducted by persons with subject matter knowledge of this rule.

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.

RULEMAKING AUTHORITY: 517.03(1), 517.12, 517.1201, 517.081(2), 517.082(4) FS.

LAW IMPLEMENTED: 120.60(1), 517.051, 517.075, 517.081, 517.082, 517.12, 517.1202, 517.161(5) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: John Kim, Division of Securities, john.kim@flofr.com, (850)410-9781

THE FULL TEXT OF THE PROPOSED RULE IS:

69W-301.002 Processing of Applications and Notice-Filings.

Rulemaking Authority 517.03(1), 517.12, 517.1201, 517.081(2), 517.082(4) FS. Law Implemented 120.60(1), 517.051, 517.075, 517.081, 517.082, 517.12, 517.1202, 517.161(5) FS. History—Revised and Transferred from 3E-300.01, 9-20-82, Formerly 3E-301.02, Amended 10-15-86, 2-1-87, 12-8-87, 7-29-90, 7-31-91, 6-16-92, 1-10-93, 3-13-94, 10-1-96, 10-23-97, 6-22-98, 6-10-99, 5-7-00, 7-10-02, Formerly 3E-301.002, Amended 3-16-06, 6-10-07, 11-22-10, 4-26-12, 11-14-13, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Pamela Epting, Director, Division of Securities
 NAME OF AGENCY HEAD WHO APPROVED THE
 PROPOSED RULE: Financial Services Commission
 DATE PROPOSED RULE APPROVED BY AGENCY
 HEAD: June 23, 2015

DEPARTMENT OF FINANCIAL SERVICES

Securities

RULE NO.: RULE TITLE:
 69W-400.002 Registration of Issuer Under Section
 517.051(9), F.S., as Issuer/Dealer

PURPOSE AND EFFECT: The Office proposes to repeal this rule as part of a rule re-organization effort for registration types under Chapter 517, Florida Statutes, in order to improve organization and clarity. The provisions of this rule are proposed to be moved to new proposed Rule 69W-600.0013, F.A.C. for issuer/dealer registration.

SUMMARY: The Office proposes to repeal this rule.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION: The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the Agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: The Agency expressly relies on an analysis of potential economic impact conducted by persons with subject matter knowledge of this rule.

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.

RULEMAKING AUTHORITY: 517.03 FS.
 LAW IMPLEMENTED: 517.051(9), 517.12 FS.
 IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAR.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: John Kim, Division of Securities, john.kim@flofr.com, (850)410-9781

THE FULL TEXT OF THE PROPOSED RULE IS:

69W-400.002 Registration of Issuer Under Section 517.051(9), F.S., as Issuer/Dealer.
 Rulemaking Authority 517.03 FS. Law Implemented 517.051(9), 517.12 FS. History—New 12-5-79, Amended 9-20-82, Formerly 3E-400.02, 3E-400.002, Amended 5-6-15, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Pamela Epting, Director, Division of Securities
 NAME OF AGENCY HEAD WHO APPROVED THE
 PROPOSED RULE: Financial Services Commission
 DATE PROPOSED RULE APPROVED BY AGENCY
 HEAD: June 23, 2015

DEPARTMENT OF FINANCIAL SERVICES

Securities

RULE NOS.: RULE TITLES:
 69W-600.001 Application for Registration as a Dealer,
 Issuer/Dealer, or Investment Adviser
 69W-600.0015 Canadian Dealer Notification
 69W-600.002 Application for Registration as Associated
 Person

PURPOSE AND EFFECT: The Office proposes to amend these rules as part of a rule re-organization effort for registration types under Chapter 517, Florida Statutes, in order to improve organization and clarity. Rule 69W-600.001, F.A.C. is proposed for amendment to only contain provisions relating to applications for registration for FINRA dealers. Rule 69W-600.0015, F.A.C. is proposed for amendment to include all applicable provisions relating to notice-filing for Canadian dealers. Rule 69W-600.002, F.A.C. is proposed for amendment to contain all provisions relating to applications for registration as an associated person of a FINRA dealer.

SUMMARY: These rules are proposed for amendment to consolidate existing provisions related to securities industry registration into separate rules by registration type.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION: The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the Agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: The Agency expressly relies on an analysis of potential economic impact conducted by persons with subject matter knowledge of this rule.

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.

RULEMAKING AUTHORITY: 517.03(1), 517.12 FS.

LAW IMPLEMENTED: 517.12 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: John Kim, Division of Securities, john.kim@flofr.com, (850)410-9781

THE FULL TEXT OF THE PROPOSED RULE IS:

Substantial rewording of Rule 69W-600.001 follows. See Florida Administrative Code for present text.

69W-600.001 Application for Registration as a Dealer (FINRA) Dealer, Issuer/Dealer, or Investment Adviser.

(1) New Applications.

(a) Applicants for initial registration of dealers who are members of the Financial Industry Regulatory Authority (FINRA) shall file the Uniform Application for Broker-Dealer Registration (Form BD) electronically through the Central Registration Depository of FINRA (CRD) as prescribed by the Financial Services Commission (Commission). The application shall include all information required by such form, any other information the Commission or Office may require, and payment of the statutory fees required by Sections 517.12(10) and 517.131, F.S. The application shall be deemed received by the Office on the "payment date" reflected on the CRD "disbursement detail" report. Every application or amendment filed pursuant to this rule shall constitute a "written application" within the meaning of Section 517.12(6), F.S.

(b) An application shall include the following:

1. Form BD (1-08). A sample form is hereby incorporated by reference and available at <http://www.flrules.org/> /or <http://www.flofr.com/>;

2. Statutory fee in the amount required by Section 517.12(10), F.S.;

3. A Uniform Application for Securities Industry Registration or Transfer (Form U-4) (05/2009), to register at least one principal as set forth in this rule. A sample form is hereby incorporated by reference and available at <http://www.flrules.org/> /or <http://www.flofr.com/> /. In conjunction with filing its Form BD with the Office, the dealer shall provide the Office written notification of the principal's name and CRD number or social security number;

4. Financial statements and reports required under Rules 69W-600.0151(4)(a) and 69W-600.017, F.A.C.;

5. Proof of effective registration with the Securities and Exchange Commission (SEC). Where required by Section 517.12(16), F.S., applicants shall also provide the Office with proof of insurance coverage by the Securities Investor Protection Corporation. Evidence of current membership as a dealer with the FINRA shall satisfy this requirement;

6. Any direct or indirect owner or control person required to be reported on Form BD, pursuant to Section 517.12(7), F.S., who is not currently registered with the firm they are seeking to join or act as a direct or indirect owner or control person shall comply with the fingerprinting requirements in accordance with paragraph (7) of this rule; and

7. A copy of the articles of incorporation and amendments thereto, if a partnership, a copy of the partnership agreement, or if a limited liability company, a copy of the articles of organization.

(2) Request for Additional Information. All information required by paragraph (1) of this rule shall be submitted with the original application filing. Any request for additional documents or information shall be made by the Office within thirty (30) days after receipt of the application. The Office may require documentation to be certified by its issuer based upon the Office's review of the nature and substance of the disciplinary history of the applicant and any officer, director, or ultimate owner in the case of a corporation or association, and any partner, co-partner, or member of the partnership in the case of a partnership. For purposes of this rule, "certified" means that there must be an original certification or attestation by the issuer of the record that the document is a true copy of a record contained in its office and its seal, if any. Additional information shall be submitted directly with the Office within sixty (60) days after a request has been made by the Office. Failure to respond to such request within sixty (60) days after the date of the request may be construed by the Office as grounds for denial of an application in accordance with the provisions of Section 120.60(1), F.S.

(3) Amendment of Application. If the information contained in any application for registration as a dealer or in any amendment thereto, becomes inaccurate for any reason, the dealer shall file an amendment on the Form BD correcting such information within 30 days. For applicants and registrants that are members of the FINRA, each such amendment, including those required by paragraph (11) of this rule, shall be filed with the Office through the CRD system. Requests to make changes which are material to the application or to the Office's evaluation of the application filed at any time after the application has been received may be deemed by the Office to be grounds for denial, and a new application, accompanied by the appropriate filing fee, may be required.

(4) Obligations Related to Acts of Associated Persons. A dealer shall be responsible for the acts, practices, and conduct of their registered associated persons in connection with the purchase and sale of securities or in connection with the rendering of investment advice until such time as they have been properly terminated as provided in this rule; and such dealer may be subject to assessment under Section 517.12(11), F.S., for such associated persons as have been terminated but for whom the appropriate termination notices have not been filed at date of license renewal.

(5) Requirement to Maintain Principal.

(a) Every applicant for registration and registrant under Section 517.12, F.S., as a dealer (as those terms are defined under Section 517.021, F.S.), shall have and maintain at least one associated person qualified and registered as principal pursuant to Section 517.12, F.S., and the rules thereunder.

(b) In the event a registered dealer fails to maintain at least one person registered as principal for more than thirty (30) days, the registration of such dealer shall be suspended until such time as a qualified principal is so registered.

(c) Any applicant or registrant dealer may elect to register more than one person as principal; there is no limitation as to the number of associated persons that may be registered as principal as long as such persons meet the qualification standards as prescribed in paragraph (6) of this rule, and the appropriate fees as specified in Section 517.12(10), F.S., have been paid.

(6) Examinations/Qualifications Requirements.

(a) Every applicant for registration shall execute and submit a statement attesting to said applicant's knowledge and review of the Florida Securities and Investor Protection Act, as contained in the Form U-4.

(b) Every applicant for initial registration as a principal or agent of a dealer shall evidence securities general knowledge by:

1. Submitting to the Office proof of passing, within two years of the date of application for registration, an appropriate examination relating to the position to be filled administered by a national securities association or a national securities exchange registered with the SEC; or

2. Submitting to the Office evidence of effective registration, within the preceding two years, with a national securities association or national stock exchange registered with the SEC, relating to the position to be filled as principal or agent.

3. Having remained continuously registered in the capacity to be filled with the State of Florida without interruption of more than two years.

(7) Fingerprint Requirements.

(a) Fingerprints filed in accordance with Section 517.12(7), F.S., shall be submitted to the Office through a live scan vendor approved by the Florida Department of Law Enforcement (FDLE) and published on FDLE's website for submission to FDLE and the Federal Bureau of Investigation (FBI) for a state criminal background check and a federal criminal background check. The cost of fingerprint processing shall be borne by the applicant and paid directly to the live scan vendor.

(b) Notwithstanding any exemptions found in SEC Rule 17f-2 (17 C.F.R. § 240.17f-2), which is incorporated by reference in Rule 69W-200.002, F.A.C., any direct owner, principal, or indirect owner that is required to be reported on Form BD, pursuant to Section 517.12(7), F.S., who is not currently registered with the firm they are seeking to join or act as a direct owner, principal, or indirect owner shall submit fingerprints to the Office through a live scan vendor approved by FDLE and published on FDLE's website for submission to FDLE and the FBI for a state criminal background check and a federal criminal background check. The cost of fingerprint processing shall be borne by the applicant and paid directly to the live scan vendor.

(c) The requirement to submit fingerprints is waived for any direct owner, principal, or indirect owner that is required to be reported on Form BD, pursuant to Section 517.12(7), F.S., if fingerprints have been submitted and processed by FINRA on behalf of the member firm with which the owner or principal is affiliated, pursuant to the provisions of SEC Rule 17f-2 (17 C.F.R. § 240.17f-2).

(8) Renewal Requirement.

(a) Every dealer registered with the Office shall annually verify all registrations of associated persons and branch office notice-filings prior to December 31.

(b) In addition to verifying registration or notice-filings as provided in paragraph (8)(a), to renew its registration and the registrations of its associated persons and branch office notice-filings, each dealer shall pay all renewal fees as required by Sections 517.12(11) and 517.1202(3), F.S.

(c) Renewal fees for FINRA member firms, associated persons of FINRA member firms, and branch offices of FINRA member firms, shall be submitted through the CRD by December 31 of the year the registration or notice-filing expires.

(d) For FINRA members, failure to submit the requisite amount of fees as provided for in paragraph (8)(b) by December 31 of the year of expiration of the registration shall result in the firm registration, agent registration or branch office notice-filing not being renewed. If December 31 falls on

a Saturday, Sunday or legal holiday pursuant to Section 110.117, F.S., the renewals received on the next business day shall be considered timely received. However, an expired registration or notice-filing may be reinstated in accordance with the provisions of Section 517.12(11) or 517.1202(3), F.S., provided that all requisite information and fees are date stamped by the cashier's office of the Department of Financial Services on or before January 31 of the year following the year of expiration. Failure to submit the requisite amount of fees necessary to reinstate registration or notice-filing by January 31 of the year following the year of expiration shall result in such registration or notice-filing not being reinstated. If January 31 falls on a Saturday, Sunday, or legal holiday pursuant to Section 110.117, F.S., the reinstatement received on the next business day shall be considered timely received. In the event that the renewal or reinstatement is withdrawn or not granted, any fees filed to renew or reinstate registration or notice-filing shall become the revenue of the state pursuant to the provisions of Section 517.12(10) or 517.1202(8), F.S., and shall not be returnable.

(9) Termination of Registration as Dealer, Principal or Agent, or Notification of Branch Office.

(a) Where a registrant withdraws, cancels, or otherwise terminates registration, or is terminated for any reason, notice of such fact shall be electronically filed with the Office through the CRD on the forms incorporated in paragraph (9)(c) of this rule within thirty (30) calendar days of the date of termination.

(b) The Office may deny any request to terminate or withdraw any application or registration as provided under Section 517.161(5), F.S.

(c) The forms to be utilized for providing notice to the Office under paragraph (9)(a) are:

1. Uniform Request for Broker Dealer Withdrawal (Form BDW) (04-07). A sample form is hereby incorporated by reference and is available at <http://www.flrules.org/> / or <http://www.flofr.com/> / .

2. Uniform Branch Office Registration Form (Form BR) (10-05). A sample form is hereby incorporated by reference and is available at <http://www.flrules.org/> / or <http://www.flofr.com/> / .

3. Uniform Termination Notice for Securities Industry Registration (Form U-5) (05-09). A sample form is hereby incorporated by reference and is available at <http://www.flrules.org/> / or <http://www.flofr.com/> / .

(10) Notice of Civil, Criminal or Administrative Action. A dealer shall:

(a) Notify the Office within thirty (30) calendar days of the date a complaint is served, of any civil, criminal or administrative charges filed against the firm or owner which directly or indirectly relate to the registration or sale of securities, or which directly or indirectly relate to the activities as a dealer, investment adviser, principal or agent, or any other activity where a breach of a fiduciary trust is alleged. This shall not include minor traffic violations; but shall include any notification of investigation by any recognized regulatory agency;

(b) Notify the Office within thirty (30) calendar days of the date filed, any answer or reply to any complaint filed as outlined in paragraph (10)(a);

(c) Notify the Office within thirty (30) calendar days of the date of decision, order, or sanction rendered, or any appeal filed with respect to such decision with regard to any complaint outlined in paragraph (10)(a); and

(d) File with the Office one (1) copy of such complaint, answer or reply, decision, order, or sanction at the time of notification in accordance with paragraphs (10)(a), (10)(b), and (10)(c). A broker dealer who is a member of the FINRA shall file such notifications with the Office through the CRD of the FINRA in accordance with this rule. However, responses to requests by the Office for additional information shall be filed directly with the Office.

(11) Changes in Name and Successor Registration Requirements.

(a) Where only a change in the name of an applicant or registrant as dealer occurs, notices of such fact shall be filed as an amendment on the forms prescribed by the Office within thirty (30) calendar days of the date of such change. For registrants who are members of the FINRA, such amendment shall be filed with the Office through the CRD pursuant to paragraph (1) of this rule. Any amendments to organizational documents or accompanying letters of explanation shall be promptly submitted directly to the Office when specifically requested by the Office.

(b) Where there is a change in legal entity of a proprietary, partnership, or corporate registrant, the successor entity shall file with the Office an amendment to the Form BD within thirty (30) calendar days of the date of such change. For registrants who are members of FINRA, such amendment shall be filed with the Office through the CRD pursuant to paragraph (1) of this rule. Any amendments to organizational documents, accompanying letters of explanation, or current financial statements of the successor shall be promptly submitted directly to the Office when specifically requested by the Office.

(c) Merger Situations: Where there is a merger of dealer registrants involving the assumption by the successor of substantially all assets and liabilities of the merged entities and the continuation of the activities of the merged entities' successor entity, the merging entities shall file notification with the Office denoting such changes as are applicable within thirty (30) calendar days prior to the date of such change. The successor entity shall file an amendment to Form BD denoting such changes as are applicable within thirty (30) calendar days of date of such change. For registrants who are members of FINRA, each amendment shall be filed with the Office through the CRD pursuant to paragraph (1) of this rule. A copy of the plan of merger/merger agreement, amended organizational documents, accompanying letters of explanation, or current financial statements of the successor (merged) entity shall be promptly submitted directly to the Office when specifically requested by the Office pursuant to section 517.201, F.S.

(d) Change of Control:

1. Where a person or a group of persons directly or indirectly or acting by or through one or more persons, proposes to acquire a controlling interest in a dealer or investment adviser registrant, and where the acquirer is currently registered with the Office, or where the acquirer has not within the preceding 10 years committed any reportable act as defined in Rule 69W-200.001, F.A.C., the resulting entity shall file with the Office an amendment to Form BD denoting such changes as are applicable thirty (30) calendar days prior to the date of such acquisition. Any amended organizational documents, accompanying letters of explanation, or financial statements of the resulting entity shall be promptly submitted directly to the Office when specifically requested by the Office pursuant to section 517.201, F.S.

2. Where a person or a group of persons directly or indirectly or acting by or through one or more persons, proposes to acquire a controlling interest in a dealer or investment adviser registrant, and where the acquirer has within the preceding 10 years committed any reportable act as defined in Rule 69W-200.001, F.A.C., and is not currently registered with the Office, the resulting entity shall, prior to such acquisition, file with the Office a new application for registration on the forms prescribed by the Office, together with all required exhibits and fees. Additionally, there shall be filed with the Office, at the time the new application is filed, a notice of withdrawal, termination or cancellation of registration of the acquired entity on the forms prescribed by the Office, effective upon disposition of the new application

by the Office. The Office may waive the requirements of this subsection where the Office determines it is not necessary, based upon the nature and substance of the proposed acquirer's disciplinary history and experience, to require the filing of a new application for registration. Any person who receives a waiver of this subsection shall effect such change of control in compliance with the provisions of paragraph (11)(d)(1).

3. For purposes of this subsection "controlling interest" means possession of the power to direct or cause the direction of the management or policies of a company, whether through ownership of securities, by contract or otherwise. Any individual or firm that directly or indirectly has the right to vote 25 percent or more of the voting securities of a company or is entitled to 25 percent or more of its profits is presumed to control that company.

(e) For the purposes of paragraphs (11)(b) and (11)(c) of this rule, in the event that a person(s) succeeds to and continues the business of a Florida registered dealer, the registration of the predecessor shall be deemed to remain effective as the registration of the successor for a period of thirty (30) calendar days after such succession, provided that an amendment to Form BD together with the accompanying documents when requested by the Office pursuant to section 517.201, F.S., is filed by the successor within thirty (30) calendar days after such succession.

(f) For the purposes of paragraphs (11)(a), (11)(b), (11)(c), and (11)(d) of this rule, the effective registration of all associated persons and branch office notice-filings affiliated with the affected dealer registrant shall be transferred to the successor entity by the Office without necessitating the filing of new applications on behalf of such associated persons and notice-filings of such branch offices, unless notice of termination is filed for such persons and branch offices by the successor pursuant to paragraph (9) of this rule.

Rulemaking Authority 517.03(1), ~~517.12~~ ~~517.12(6)~~ FS. Law Implemented ~~517.12~~ ~~517.12(6)~~, (7), ~~517.1205~~ FS. History—New 12-5-79, Amended 9-20-82, Formerly 3E-600.01, Amended 7-29-90, 8-1-91, 6-16-92, 1-11-93, 11-14-93, 4-30-96, 6-22-98, 5-10-00, 9-19-00, 7-31-02, Formerly 3E-600.001, Amended 3-16-06, 5-15-07, 11-22-10, 10-29-12, 11-11-13, ____.

Substantial rewording of Rule 69W-600.0015 follows. See Florida Administrative Code for present text.

69W-600.0015 Canadian Dealer Notice-Filing Notification.

(1) New Notice-Filings.

(a) The notice-filing for a Canadian dealer shall be filed electronically on the Office of Financial Regulation's website at <https://real.flofr.com> through the Regulatory Enforcement and Licensing System (REAL) System using the OFR Form CAN, Canadian Dealer Notification (OFR Form CAN). The notice-filing shall include all information required by such form, any other information the Office of Financial Regulation (Office) may require, and payment of the statutory fees required by Section 517.12(17)(b), F.S. The notice-filing shall be deemed received on the date the Office issues a confirmation of submission and payment to the notice-filer via the Office's website.

(b) A notice-filing shall include the following:

1. OFR Form CAN (effective 9/15), which is hereby incorporated by reference and available at <http://www.flrules.org/> / or <http://www.flofr.com/> /;

2. Statutory fee in the amount required by Section 517.12(17)(b), F.S.;

3. Evidence of a current registration as a dealer in the jurisdiction in which the dealer's main office is located;

4. Evidence of current membership in a self-regulatory organization or stock exchange in Canada.

(2) Request for Additional Information. All information required by paragraph (1) of this rule shall be submitted with the original notice-filing. Any request for additional documents or information shall be made by the Office within thirty (30) days after receipt of the notice-filing. The Office may require documentation to be certified by its issuer based upon the Office's review of the nature and substance of the disciplinary history of the notice-filer. For purposes of this rule, "certified" means that there must be an original certification or attestation by the issuer of the record that the document is a true copy of a record contained in its office and its seal, if any. Additional information shall be submitted directly with the Office within sixty (60) days after a request has been made by the Office. Failure to respond to such request within sixty (60) days after the date of the request may be construed by the Office as grounds for denial of a notice-filing in accordance with the provisions of Section 120.60(1), F.S.

(3) Amendment of Notice-Filing. If the information contained in the OFR Form CAN becomes inaccurate for any reason, the notice-filer shall file an amendment on the OFR Form CAN correcting such information within 30 days. Canadian broker dealers shall file such amendments directly with the Office electronically through the REAL System.

(4) Renewal Requirement.

(a) Every Canadian dealer notice-filed with the Office shall file renewal fees electronically on the Office's website at <https://real.flofr.com> through the REAL System and shall be deemed received on the date the Office issues a confirmation of submission and payment to the notice-filer via the Office's website. All renewal fees must be received by the Office by December 31 of the year the notice-filing expires.

(b) For Canadian dealers, failure to submit the requisite amount of fees by December 31 of the year of expiration of the notice-filing shall result in such notice-filing not being renewed. If December 31 falls on a Saturday, Sunday or legal holiday pursuant to Section 110.117, F.S., the renewals received on the next business day shall be considered timely received. However, an expired notice-filing may be reinstated in accordance with Section 517.12(17), F.S., provided that all requisite information and fees are filed electronically on the Office's website at <https://real.flofr.com> through the REAL System on or before January 31 of the year following the year of expiration. Failure to submit the requisite amount of fees necessary to reinstate the notice-filing by January 31 of the year following the year of expiration shall result in such notice-filing not being reinstated. If January 31 falls on a Saturday, Sunday, or legal holiday pursuant to Section 110.117, F.S., the reinstatement received on the next business day shall be considered timely received. If the renewal or reinstatement is withdrawn or not granted, any fees filed to renew or reinstate the notice-filing shall become the revenue of the state pursuant to the provisions of Section 517.12(17), F.S., and shall not be returnable.

(5) Termination of Notification. Where a registrant withdraws, cancels, or otherwise terminates notification, or is terminated for any reason, notice of such fact shall be electronically filed with the Office through the REAL System using the OFR Form CAN within thirty (30) calendar days of the date of withdrawal, cancellation, or termination.

(6) Notice of Civil, Criminal or Administrative Action. A Canadian dealer shall:

(a) Notify the Office within thirty (30) calendar days of the date a complaint is served, of any civil, criminal or administrative charges filed against the firm or owner which directly or indirectly relate to the registration or sale of securities, or which directly or indirectly relate to the activities as a dealer, investment adviser, principal or agent, or any other activity where a breach of a fiduciary trust is alleged. This shall not include minor traffic violations; but shall include any notification of investigation by any recognized regulatory agency;

(b) Notify the Office within thirty (30) calendar days of the date filed, any answer or reply to any complaint filed as outlined in paragraph (5)(a);

(c) Notify the Office within thirty (30) calendar days of the date of decision, order, or sanction rendered, or any appeal filed with respect to such decision with regard to any complaint outlined in paragraph (5)(a);

(d) File with the Office one (1) copy of such complaint, answer or reply, decision, order, or sanction at the time of notification in accordance with paragraphs (5)(a), (5)(b), and (5)(c). A Canadian dealer shall file such notifications with the Office through the REAL System.

Rulemaking Authority 517.03, 517.12 FS. Law Implemented 517.12 FS. History—New 5-15-07, Amended 11-22-10, ____.

Substantial rewording of Rule 69W-600.002 follows. See Florida Administrative Code for present text.

69W-600.002 Application for Registration as Associated Person (FINRA Dealer).

(1) New Applications.

(a) Applicants for initial registration as a principal or associated person of dealers who are members of the Financial Industry Regulatory Authority (FINRA) shall file the Uniform Application for Securities Industry Registration or Transfer (Form U-4) electronically through the Central Registration Depository (CRD) of FINRA as prescribed by the Financial Services Commission (Commission). The application shall include all information required by such form, any other information the Office of Financial Regulation (Office) may require, and payment of the statutory fees required by Section 517.12(10), F.S. The application shall be deemed received by the Office on the date designated in the “Status Date” field on the line notated “FL” with a “Registration Status” of “pending” as indicated on the CRD “Registrations with Current Employers” screen. Every application or amendment filed pursuant to this rule shall constitute a “written application” within the meaning of Section 517.12(6), F.S.

(b) An application shall include the following:

1. Form U-4 (05/2009). A sample form is hereby incorporated by reference and available at <http://www.flrules.org/> / or <http://www.flofr.com/> /.

2. Statutory fee, for each application, in the amount as required by Section 517.12(10), F.S.

3. Evidence of examinations/qualifications set forth in paragraph (6) of this rule.

4. Fingerprints shall be submitted in accordance with Section 517.12(7), F.S., and paragraph (7) of this rule.

(2) Request for Additional Information. All information required by paragraph (1) of this rule shall be submitted with the original application filing. Any request for additional documents or information shall be made by the Office within thirty (30) days after receipt of the application. The Office may require documentation to be certified by its issuer based upon the Office’s review of the nature and substance of the disciplinary history of the applicant. For purposes of this rule, “certified” means that there must be an original certification or attestation by the issuer of the record that the document is a true copy of a record contained in its office and its seal, if any. Additional information shall be submitted directly with the Office within sixty (60) days after a request has been made by the Office. Failure to respond to such request within sixty (60) days after the date of the request may be construed by the Office as grounds for denial of an application in accordance with the provisions of Section 120.60(1), F.S.

(3) Amendment of Application. If the information contained in any Form U-4 becomes inaccurate for any reason before or after the associated person becomes registered, the associated person through the dealer, shall be responsible for correcting the inaccurate information within thirty (30) days. If the information being updated relates to the applicant’s or registrant’s disciplinary history, in addition to updating the Form U-4, the associated person through the dealer shall also provide the Office with notice and copies of each civil, criminal or administrative action initiated against the associated person as provided in paragraph (10) of this rule. Associated persons of FINRA member firms shall file such amendments through the CRD system.

(4) Multiple Registration. An applicant for registration as an associated person may apply to be registered as an associated person of more than one dealer, issuer/dealer, federal covered adviser or investment adviser, or any combination thereof, by the filing of separate applications by each registered dealer, issuer/dealer, federal covered adviser or investment adviser, and payment of separate application fees as required.

(5) Alternate Business Name.

(a) It is prohibited for any associated person to conduct securities business in this state under any name other than that of the dealer with which associated person is registered unless each of the following conditions is met:

1. The business conducted does not violate or evade any provision of Chapter 517, F.S.;

2. The business conducted does not fall within the definition of “dealer” or “investment adviser” as used in Chapter 517, F.S.; and

3. The dealer with which the associated person is registered has received written notice of the name under which business shall be conducted.

(6) Examinations/Qualifications.

(a) Every applicant for registration shall execute and submit a statement attesting to said applicant's knowledge and review of the Florida Securities and Investor Protection Act, as contained in the Form U-4.

(b) Every applicant for initial registration as a principal or agent of a dealer shall evidence securities general knowledge by:

1. Submitting to the Office proof of passing, within two years of the date of application for registration, an appropriate examination relating to the position to be filled administered by a national securities association or a national securities exchange registered with the Securities and Exchange Commission (SEC); or

2. Submitting to the Office evidence of effective registration, within the preceding two years, with a national securities association or national stock exchange registered with the SEC, relating to the position to be filled as principal or agent; or

3. Having remained continuously registered in the capacity to be filled with the State of Florida without interruption of more than two years.

(7) Fingerprint Requirements.

(a) Fingerprints filed in accordance with Section 517.12(7), F.S., shall be submitted to the Office through a live scan vendor approved by the Florida Department of Law Enforcement (FDLE) and published on FDLE's website for submission to FDLE and the Federal Bureau of Investigation (FBI) for a state criminal background check and a federal criminal background check. The cost of fingerprint processing shall be borne by the applicant and paid directly to the live scan vendor.

(b) The requirement to submit fingerprints is waived for those associated persons pending registration in Florida with a FINRA member firm and such fingerprints have been submitted and processed by FINRA on behalf of the member firm with which said associated person is pending registration, pursuant to the provisions of SEC rule 17f-2 (17 C.F.R. § 240.17f-2), which is incorporated by reference in Rule 69W-200.002, F.A.C.

(c) Notwithstanding any exemptions found in SEC rule 17f-2 (17 C.F.R. § 240.17f-2), any direct owner, principal, or indirect owner that is required to be reported on Form BD, Uniform Application for Broker-Dealer Registration, pursuant to Section 517.12(7), F.S., who is not currently registered with the firm they are seeking to join or act as a direct owner, principal, or indirect owner shall submit fingerprints to the

Office through a live scan vendor approved by FDLE and published on FDLE's website for submission to FDLE and the FBI for a state criminal background check and a federal criminal background check. The cost of fingerprint processing shall be borne by the applicant and paid directly to the live scan vendor.

(d) The requirement to submit fingerprints is waived for any direct owner, principal, or indirect owner that is required to be reported on Form BD, Uniform Application for Broker-Dealer Registration, pursuant to Section 517.12(7), F.S., if fingerprints have been submitted and processed by FINRA on behalf of the member firm with which the owner or principal is affiliated, pursuant to the provisions of SEC Rule 17f-2 (17 C.F.R. § 240.17f-2).

(8) Renewal Requirement.

(a) Renewal fees for associated persons of FINRA member firms shall be submitted by the firm through the CRD by December 31 of the year the registration expires as required by Section 517.12(11), F.S.

(b) For associated persons of FINRA members, failure of the firm to submit the requisite amount of fees by December 31 of the year of expiration of the registration shall result in such registration not being renewed. If December 31 falls on a Saturday, Sunday or legal holiday pursuant to Section 110.117, F.S., the renewals received on the next business day shall be considered timely received. However, an expired registration may be reinstated in accordance with the provisions of Section 517.12(11), F.S., provided that all requisite information and fees are date stamped by the cashier's office of the Department of Financial Services on or before January 31 of the year following the year of expiration. Failure to submit the requisite amount of fees necessary to reinstate registration by January 31 of the year following the year of expiration shall result in such registration not being reinstated. If January 31 falls on a Saturday, Sunday, or legal holiday pursuant to Section 110.117, F.S., the reinstatement received on the next business day shall be considered timely received. In the event that the renewal or reinstatement is withdrawn or not granted, any fees filed to renew or reinstate registration shall become the revenue of the state pursuant to Section 517.12(10), F.S., and shall not be returnable.

(9) Termination of Registration of Principal or Agent.

(a) Where a registrant withdraws, cancels, or otherwise terminates registration, or is terminated for any reason, notice of such fact shall be filed with the Office within thirty (30) calendar days of the date of termination by electronically filing a Uniform Termination Notice for Securities Industry Registration (Form U5) (05/2009) with the Office through the CRD. A sample form is hereby incorporated by reference and is available at <http://www.flrules.org/> / or <http://www.flofr.com/> /.

(b) The Office may deny any request to terminate or withdraw any application or registration as provided under Section 517.161(5), F.S.

(10) Notice of Civil, Criminal or Administrative Action. An associated person shall:

(a) Notify the Office within thirty (30) calendar days of the date a complaint is served, of any civil, criminal or administrative charges filed that directly or indirectly relate to the registration or sale of securities, or which directly or indirectly relate to activities as a principal or agent, or any other activity where a breach of a fiduciary trust is alleged. This shall not include minor traffic violations; but shall include any notification of investigation by any recognized regulatory agency;

(b) Notify the Office within thirty (30) calendar days of the date filed, any answer or reply to any complaint filed as outlined in paragraph (10)(a);

(c) Notify the Office within thirty (30) calendar days of the date of decision, order, or sanction rendered, or any appeal filed with respect to such decision with regard to any complaint outlined in paragraph (10)(a).

(d) File with the Office one (1) copy of such complaint, answer or reply, decision, order, or sanction at the time of notification in accordance with paragraphs (10)(a), (10)(b), and (10)(c). Associated persons of a broker dealer who is a member of the FINRA shall file such notifications with the Office through the CRD of the FINRA in accordance with this rule. However, responses to requests by the Office for additional information shall be filed directly with the Office.

(11) Continuing Education Requirement. Failure to comply with any of the applicable continuing education requirements set forth in any one of the following shall be deemed a demonstration of unworthiness by an associated person under Section 517.161(1)(h), F.S.:

(a) FINRA Rule 1250, which is incorporated by reference in Rule 69W-200.002, F.A.C.;

(b) Rule 345A of the NYSE MKT LLC, which is incorporated by reference in Rule 69W-200.002, F.A.C.;

(c) Rule G-3(h) of the Municipal Securities Rulemaking Board, which is incorporated by reference in Rule 69W-200.002, F.A.C.;

(d) Rule 341A of NYSE MKT LLC, which is incorporated by reference in Rule 69W-200.002, F.A.C.;

(e) Article VI, Rule 11 of the Chicago Stock Exchange, which is incorporated by reference in Rule 69W-200.002, F.A.C.

Rulemaking Authority ~~215.405~~-517.03(1), ~~517.12~~ ~~517.12(6)~~ FS. Law Implemented ~~517.12~~ ~~517.12(6)~~, (7), (10), ~~517.1205~~, ~~943-053~~ FS. History--New 9-20-82, Formerly 3E-301.02, Amended 10-15-86, 10-4-88, 6-24-90, 7-29-90, 10-14-90, 8-1-91, 6-16-92, 6-28-93, 11-14-93, 3-13-94, 4-30-96, 12-29-96, 6-22-98, 5-10-00, 9-19-00, 7-31-02, 12-11-03, Formerly 3E-600.002, Amended 3-16-06, 5-15-07, 12-24-07, 12-25-08, 11-22-10, 5-29-12, 11-11-13, ____.

NAME OF PERSON ORIGINATING PROPOSED RULE:

Pamela Epting, Director, Division of Securities

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Financial Services Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 23, 2015

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: June 12, 2015

DEPARTMENT OF FINANCIAL SERVICES

Securities

RULE NOS.:	RULE TITLES:
69W-600.003	Multiple Registration
69W-600.004	Registration of Issuer/Dealers and Principals and Notice-Filing of Branch Offices
69W-600.005	Examinations/Qualifications
69W-600.006	Fingerprint Requirements
69W-600.007	Changes in Name and Successor Registration Requirements
69W-600.008	Termination of Registration as Dealer, Investment Adviser, Principal or Agent, or Notification of Branch Office
69W-600.009	Registration and Notice-Filing Renewals
69W-600.0091	Central Registration Depository System
69W-600.0092	Investment Adviser Registration Depository for Federal Covered Advisers
69W-600.0093	Investment Adviser Registration Depository for Investment Advisers
69W-600.010	Notice of Civil, Criminal or Administrative Action

PURPOSE AND EFFECT: The Office proposes to repeal these rules and replace them with new registration rules under Chapter 517, Florida Statutes, to be separated by registration type. The purpose and effect of these changes are to improve organization and clarity and provide applicants with a single rule containing the requirements for the registration type they are applying for. The proposed 14 registration/notice-filing rules (11 new, 3 amended) will contain provisions of these rules as applicable to each registration type.

SUMMARY: The Office proposes to repeal these rules.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION: The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the Agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: The Agency expressly relies on an analysis of potential economic impact conducted by persons with subject matter knowledge of this rule.

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.

RULEMAKING AUTHORITY: 517.03(1), 517.12, 517.1201, 517.1202 FS.

LAW IMPLEMENTED: 517.12, 517.1201, 517.1202, 517.1205, 517.121, 517.161 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: John Kim, Division of Securities, john.kim@flofr.com, (850)410-9781

THE FULL TEXT OF THE PROPOSED RULE IS:

69W-600.003 Multiple Registration.

Specific Authority 517.03 FS. Law Implemented 120.53, 517.12(1), (4) FS. History–New 12-5-79, Amended 9-20-82, Formerly 3E-600.03, Amended 8-1-91, 5-5-94, 7-31-02, Formerly 3E-600.003, Repealed.

69W-600.004 Registration of Issuer/Dealers and Principals and Notice-Filing of Branch Offices.

Rulemaking Authority 517.03(1), 517.12(6), 517.1202 FS. Law Implemented 517.12(5), (6), (10), 517.1202 FS. History–New 12-5-79, Amended 9-20-82, Formerly 3E-600.04, Amended 10-14-90, 6-16-92, 1-11-93, 11-7-93, 11-14-93, 12-29-96, 10-20-97, 6-10-99, 8-19-99, 5-27-01, 7-31-02, Formerly 3E-600.004, Amended 3-16-06, 5-15-07, 11-22-10, 10-29-12, 11-11-13, Repealed.

69W-600.005 Examinations/Qualifications.

Rulemaking Authority 517.03(1) FS. Law Implemented 517.12(8) FS. History–New 12-5-79, Amended 9-20-82, Formerly 3E-600.05, Amended 8-1-91, 1-11-93, 4-18-96, 4-2-00, 10-30-03, Formerly 3E-600.005, Amended 11-22-10, Repealed.

69W-600.006 Fingerprint Requirements.

Rulemaking Authority 215.405, 517.03 FS. Law Implemented 517.12(7), 943.053 FS. History–New 12-5-79, Amended 9-20-82, Formerly 3E-600.06, Amended 8-1-91, Formerly 3E-600.006, Amended 5-15-07, 12-24-07, 12-25-08, 11-22-10, 5-29-12, 11-11-13, 9-22-14, Repealed.

69W-600.007 Changes in Name and Successor Registration Requirements.

Rulemaking Authority 517.03(1), 517.12(13) FS. Law Implemented 517.12(13) FS. History–New 12-5-79, Amended 9-20-82, Formerly 3E-600.07(4), Amended 10-15-86, 12-8-87, 8-1-91, 6-16-92, 1-11-93, 6-22-98, 8-9-98, 6-10-99, 5-10-00, 7-31-02, Formerly 3E-600.007, Amended 3-16-06, 11-22-10, 11-11-13, Repealed.

69W-600.008 Termination of Registration as Dealer, Investment Adviser, Principal or Agent, or Notification of Branch Office.

Rulemaking Authority 517.03(1) FS. Law Implemented 517.12(12)(b), 517.161(5) FS. History–New 12-5-79, Amended 9-20-82, Formerly 3E-600.08, Amended 7-29-90, 8-1-91, 6-16-92, 1-11-93, 6-22-98, 6-10-99, 5-10-00, 5-27-01, Formerly 3E-600.008, Amended 3-16-06, 11-22-10, 10-29-12, 11-11-13, Repealed.

69W-600.009 Registration and Notice-Filing Renewals.

Rulemaking Authority 517.03(1), 517.12(6), (15), 517.1202 FS. Law Implemented 517.12(6), (10), (11), (15), 517.1202 FS. History–New 12-5-79, Amended 9-20-82, 8-29-83, Formerly 3E-600.09, Amended 1-7-88, 6-16-92, 11-14-93, 2-5-01, 5-27-01, Formerly 3E-600.009, Amended 5-15-07, 11-22-10, 11-11-13, Repealed.

69W-600.0091 Central Registration Depository System.

Rulemaking Authority 517.03, 517.12(15), 517.1202 FS. Law Implemented 517.12(10), (11), (15), 517.1202 FS. History–New 8-29-83, Formerly 3E-600.091, Amended 8-1-91, 6-16-92, 4-30-96, 9-19-00, Formerly 3E-600.0091, Amended 5-15-07, 11-22-10, 11-11-13, Repealed.

69W-600.0092 Investment Adviser Registration Depository for Federal Covered Advisers.

Rulemaking Authority 517.03, 517.12(6), (15), 517.1201 FS. Law Implemented 517.1201 FS. History–New 7-31-02, Formerly 3E-600.0092, Amended 3-16-06, 5-15-07, 11-22-10, 11-11-13, Repealed.

69W-600.0093 Investment Adviser Registration Depository for Investment Advisers.

Rulemaking Authority 517.03, 517.12(6), (15), 517.1202 FS. Law Implemented 517.12(10), (11), (15), 517.1202 FS. History–New 7-31-02, Formerly 3E-600.0093, Amended 3-16-06, 5-15-07, 11-22-10, 11-11-13, Repealed.

69W-600.010 Notice of Civil, Criminal or Administrative Action.

Rulemaking Authority 517.03 FS. Law Implemented 517.12(6), (12), 517.161 FS. History—New 12-5-79, Amended 9-20-82, Formerly 3E-600.10, Amended 9-19-00, Formerly 3E-600.010, Amended 11-22-10, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Pamela Epting, Director, Division of Securities
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Financial Services Commission
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 23, 2015
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: June 12, 2015

DEPARTMENT OF FINANCIAL SERVICES

Securities

RULE NOS.:	RULE TITLES:
69W-600.0012	Application for Registration as a Dealer (non-FINRA)
69W-600.0013	Application for Registration as an Issuer/Dealer
69W-600.0016	Application for Registration as an Investment Adviser (State Registered)
69W-600.0017	Notice-Filing for Federal Covered Advisers
69W-600.0022	Application for Registration as an Associated Person (Non-FINRA Dealer)
69W-600.0023	Application for Registration as an Associated Person (Issuer/Dealer)
69W-600.0024	Application for Registration as an Associated Person (Investment Adviser)
69W-600.0031	Notice-Filing of Branch Office (FINRA Dealer)
69W-600.0032	Notice-Filing of Branch Office (Non-FINRA Dealer)
69W-600.0033	Notice Filing of Branch Office (Issuer/Dealer)
69W-600.0034	Notice-Filing of Branch Office (Investment Adviser)

PURPOSE AND EFFECT: The Office proposes to create new registration/notice-filing rules for entities required to be registered or notice-filed under Chapter 517, Florida Statutes. The Office identified 14 of these categories and proposes to create separate rules for each (11 new, plus amendments to 3 existing rules). The purpose and effect of these changes are to improve organization and clarify and provide applicants with a single rule containing the requirements for the registration type they are applying for. 13 existing rules in Chapter 69W, F.A.C. are identified for repeal with the provisions of those rules appearing in the proposed new rules as applicable to each registration type.

SUMMARY: Rules are proposed to be created to address each registration type separately under Chapter 517, F.S.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION: The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the Agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: The Agency expressly relies on an analysis of potential economic impact conducted by persons with subject matter knowledge of this rule.

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.

RULEMAKING AUTHORITY: 517.03(1), 517.12, 517.1201, 517.1202 FS.

LAW IMPLEMENTED: 517.03(1), 517.12, 517.1201, 517.1202 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: John Kim, Division of Securities, john.kim@flofr.com, (850)410-9781

THE FULL TEXT OF THE PROPOSED RULE IS:

69W-600.0012 Application for Registration as a Dealer (Non-FINRA).

(1) New Applications.

(a) Applicants for initial registration of dealers that are not members of the Financial Industry Regulatory Authority (FINRA) shall file the Uniform Application for Broker-Dealer Registration (Form BD) electronically on the Office of Financial Regulation’s website at <https://real.flofr.com> through the Regulatory Enforcement and Licensing System (REAL) System as prescribed by the Financial Services Commission (Commission). The application shall include all information required by such form, any other information the Commission or Office may require, and payment of the statutory fees required by Sections 517.12(10) and 517.131, F.S. The application shall be deemed received on the date the

Office issues a confirmation of submission and payment to the applicant via the Office's website. Every application or amendment filed pursuant to this rule shall constitute a "written application" within the meaning of Section 517.12(6), F.S.

(b) An application shall include the following:

1. Form BD (1-08), which is hereby incorporated by reference and available at <http://www.flrules.org/> / or <http://www.flofr.com/> /;

2. Statutory fee in the amount required by Section 517.12(10), F.S.;

3. A Uniform Application for Securities Industry Registration or Transfer (Form U-4) (05/2009), to register at least one principal as set forth in this rule. The Form U-4 is hereby incorporated by reference and available at <http://www.flrules.org/> / or <http://www.flofr.com/> /. In conjunction with filing its Form BD with the Office, the dealer shall provide the Office written notification of the principal's name and social security number;

4. Financial statements and reports required under Rules 69W-600.0151(4)(a) and 69W-600.017, F.A.C.;

5. Proof of effective registration with the Securities and Exchange Commission (SEC). Where required by Section 517.12(16), F.S., applicants shall also provide the Office with proof of insurance coverage by the Securities Investor Protection Corporation. Evidence of current membership as a dealer with the SEC shall satisfy this requirement;

6. Any direct or indirect owner or control person required to be reported on Form BD, pursuant to Section 517.12(7), F.S., shall comply with the fingerprinting requirements in accordance with paragraph (7) of this rule; and

7. A copy of the articles of incorporation and amendments thereto, if a partnership, a copy of the partnership agreement, or if a limited liability company, a copy of the articles of organization.

(2) Request for Additional Information. All information required by paragraph (1) of this rule shall be submitted with the original application filing. Any request for additional documents or information shall be made by the Office within thirty (30) days after receipt of the application. The Office may require documentation to be certified by its issuer based upon the Office's review of the nature and substance of the disciplinary history of the applicant and any officer, director, or ultimate owner in the case of a corporation or association, and any partner, co-partner, or member of the partnership in the case of a partnership. For purposes of this rule, "certified" means that there must be an original certification or attestation by the issuer of the record that the document is a true copy of

a record contained in its office and its seal, if any. Additional information shall be submitted directly with the Office within sixty (60) days after a request has been made by the Office. Failure to respond to such request within sixty (60) days after the date of the request may be construed by the Office as grounds for denial of an application in accordance with the provisions of Section 120.60(1), F.S.

(3) Amendment of Application. If the information contained in any application for registration as a dealer or in any amendment thereto, becomes inaccurate for any reason, the dealer shall file an amendment on the Form BD, correcting such information within 30 days. Applicants and registrants shall file such amendments, including those required by paragraph (11) of this rule, directly with the Office electronically through the REAL System. Requests to make changes which are material to the application or to the Office's evaluation of the application filed at any time after the application has been received may be deemed by the Office to be grounds for denial, and a new application, accompanied by the appropriate filing fee, may be required.

(4) Obligations Related to Acts of Associated Persons. A dealer shall be responsible for the acts, practices, and conduct of their registered associated persons in connection with the purchase and sale of securities or in connection with the rendering of investment advice until such time as they have been properly terminated as provided in this rule; and such dealer may be subject to assessment under Section 517.12(11), F.S., for such associated persons as have been terminated but for whom the appropriate termination notices have not been filed at date of license renewal.

(5) Requirement to Maintain Principal.

(a) Every applicant for registration and registrant under Section 517.12, F.S., as a dealer (as those terms are defined under Section 517.021, F.S.), shall have and maintain at least one associated person qualified and registered as principal pursuant to Section 517.12, F.S., and the rules thereunder.

(b) In the event a registered dealer fails to maintain at least one person registered as principal for more than thirty (30) days, the registration of such dealer shall be suspended until such time as a qualified principal is so registered.

(c) Any applicant or registrant dealer may elect to register more than one person as principal; there is no limitation as to the number of associated persons that may be registered as principal as long as such persons meet the qualification standards as prescribed in paragraph (6) of this rule, and the appropriate fees as specified in Section 517.12(10), F.S., have been paid.

(6) Examinations/Qualifications Requirements.

(a) Every applicant for registration shall execute and submit a statement attesting to said applicant's knowledge and review of the Florida Securities and Investor Protection Act, as contained in the Form U-4.

(b) Every applicant for initial registration as a principal or agent of a dealer shall evidence securities general knowledge by:

1. Submitting to the Office proof of passing, within two years of the date of application for registration, an appropriate examination relating to the position to be filled administered by a national securities association or a national securities exchange registered with the SEC; or

2. Submitting to the Office evidence of effective registration, within the preceding two years, with a national securities association or national stock exchange registered with the SEC, relating to the position to be filled as principal or agent; or

3. Having remained continuously registered in the capacity to be filled with the State of Florida without interruption of more than two years.

(7) Fingerprint Requirements.

(a) Fingerprints filed in accordance with Section 517.12(7), F.S., shall be submitted to the Office through a live scan vendor approved by the Florida Department of Law Enforcement (FDLE) and published on FDLE's website for submission to FDLE and the Federal Bureau of Investigation (FBI) for a state criminal background check and a federal criminal background check. The cost of fingerprint processing shall be borne by the applicant and paid directly to the live scan vendor.

(b) Notwithstanding any exemptions found in SEC rule 17f-2 (17 C.F.R. § 240.17f-2) which is incorporated by reference in Rule 69W-200.002, F.A.C., any direct owner, principal, or indirect owner that is required to be reported on Form BD, pursuant to Section 517.12(7), F.S., who is not currently registered with the firm they are seeking to join or act as a direct owner, principal, or indirect owner shall submit fingerprints to the Office through a live scan vendor approved by FDLE and published on FDLE's website for submission to FDLE and the FBI for a state criminal background check and a federal criminal background check. The cost of fingerprint processing shall be borne by the applicant and paid directly to the live scan vendor.

(8) Renewal Requirement.

(a) Every dealer registered with the Office shall annually verify all registrations of associated persons and branch office notice-filings prior to December 31.

(b) In addition to verifying registration or notice-filings as provided in paragraph (8)(a), to renew its registration and the registrations of its associated persons and branch office notice-filings, each dealer shall pay all renewal fees as required by Sections 517.12(11) and 517.1202(3), F.S.

(c) Renewal fees for non-FINRA member firms, associated persons of non-FINRA member firms and all branch offices of non-FINRA member firms shall be filed electronically on the Office's website at <https://real.flofr.com> through the REAL System and shall be deemed received on the date the Office issues a confirmation of submission and payment to the applicant via the Office's website. All renewal fees must be received by the Office by December 31 of the year the registration or notice-filing expires.

(d) For dealers that are not members of FINRA, failure to submit the requisite amount of fees as provided for in paragraph (8)(b) by December 31 of the year of expiration of the registration shall result in the firm registration, agent registration, or notice-filing not being renewed. If December 31 falls on a Saturday, Sunday or legal holiday pursuant to Section 110.117, F.S., the renewals received on the next business day shall be considered timely received. However, an expired registration or notice-filing may be reinstated in accordance with Section 517.12(11) or 517.1202(3), F.S., provided that all requisite information and fees are filed electronically on the Office's website at <https://real.flofr.com> through the REAL System on or before January 31 of the year following the year of expiration. Failure to submit the requisite amount of fees necessary to reinstate registration by January 31 of the year following the year of expiration shall result in such registration or notice-filing not being reinstated. If January 31 falls on a Saturday, Sunday, or legal holiday pursuant to Section 110.117, F.S., the reinstatement received on the next business day shall be considered timely received. If the renewal or reinstatement is withdrawn or not granted, any fees filed to renew or reinstate registration or notice-filing shall become the revenue of the state pursuant to the provisions of Section 517.12(10) or 517.1202(8), F.S., and shall not be returnable.

(9) Termination of Registration as Dealer, Principal or Agent, or Notification of Branch Office.

(a) Where a registrant withdraws, cancels, or otherwise terminates registration, or is terminated for any reason, notice of such fact shall be electronically filed with the Office through the REAL System on the forms incorporated in paragraph (9)(c) of this rule within thirty (30) calendar days of the date of termination. Such forms shall be filed electronically in accordance with this rule.

(b) The Office may deny any request to terminate or withdraw any application or registration as provided under Section 517.161(5), F.S.

(c) The forms to be utilized for providing notice to the Office under paragraph (9)(a), and which are hereby incorporated by reference are:

1. Uniform Request for Broker Dealer Withdrawal (Form BDW) (04-07), which is hereby incorporated by reference and is available at <http://www.flrules.org/> / or <http://www.flofr.com/> /.

2. Uniform Branch Office Registration Form (Form BR) (10-05), which is hereby incorporated by reference and is available at <http://www.flrules.org/> / or <http://www.flofr.com/> /.

3. Uniform Termination Notice for Securities Industry Registration (Form U-5) (05-09), which is hereby incorporated by reference and is available at <http://www.flrules.org/> / or <http://www.flofr.com/> /.

(10) Notice of Civil, Criminal or Administrative Action. A broker dealer shall:

(a) Notify the Office within thirty (30) calendar days of the date a complaint is served, of any civil, criminal or administrative charges filed against the firm or owner which directly or indirectly relate to the registration or sale of securities, or which directly or indirectly relate to the activities as a dealer, investment adviser, principal or agent, or any other activity where a breach of a fiduciary trust is alleged. This shall not include minor traffic violations; but shall include any notification of investigation by any recognized regulatory agency;

(b) Notify the Office within thirty (30) calendar days of the date filed, any answer or reply to any complaint filed as outlined in paragraph (10)(a);

(c) Notify the Office within thirty (30) calendar days of the date of decision, order, or sanction rendered, or any appeal filed with respect to such decision with regard to any complaint outlined in paragraph (10)(a); and

(d) Notify the Office one (1) copy of such complaint, answer or reply, decision, order, or sanction at the time of notification in accordance with paragraphs (10)(a), (10)(b), and (10)(c). A broker dealer who is not a member of the FINRA shall file such notifications with the Office through the REAL System in accordance with this rule.

(11) Changes in Name and Successor Registration Requirements.

(a) Where only a change in the name of an applicant or registrant as dealer or associated person occurs, notices of such fact shall be filed as an amendment on the forms prescribed by the Office within thirty (30) calendar days of the date of such change. For registrants who are not members of

the FINRA, such amendment shall be filed with the Office through the REAL System. Any amendments to organizational documents or accompanying letters of explanation shall be promptly submitted to the Office when specifically requested by the Office pursuant to section 517.201, F.S.

(b) Where there is a change in legal entity of a proprietary, partnership, or corporate registrant, the successor entity shall file with the Office an amendment to the Form BD within thirty (30) calendar days of the date of such change. For registrants who are not members of FINRA, such amendment shall be filed with the Office through the REAL System. Any amendments to organizational documents, accompanying letters of explanation, or current financial statements of the successor shall be promptly submitted directly to the Office when specifically requested by the Office pursuant to section 517.201, F.S.

(c) Merger Situations: Where there is a merger of dealer or investment adviser registrants involving the assumption by the successor of substantially all assets and liabilities of the merged entities and the continuation of the activities of the merged entities' successor entity, the merging entities shall file notification with the Office denoting such changes as are applicable within thirty (30) calendar days prior to the date of such change. The successor entity shall file an amendment to Form BD denoting such changes as are applicable within thirty (30) calendar days of date of such change. For registrants who are not members of FINRA, each amendment shall be filed with the Office through the REAL System. A copy of the plan of merger/merger agreement, amended organizational documents, accompanying letters of explanation, or current financial statements of the successor (merged) entity shall be promptly submitted directly to the Office when specifically requested by the Office pursuant to section 517.201, F.S..

(d) Change of Control:

1. Where a person or a group of persons directly or indirectly or acting by or through one or more persons, proposes to acquire a controlling interest in a dealer or investment adviser registrant, and where the acquirer is currently registered with the Office, or where the acquirer has not within the preceding 10 years committed any reportable act as defined in Rule 69W-200.001, F.A.C., the resulting entity shall file with the Office an amendment to Form BD F.A.C., denoting such changes as are applicable thirty (30) calendar days prior to the date of such acquisition. Any amended organizational documents, accompanying letters of explanation, or financial statements of the resulting entity shall be promptly submitted directly to the Office when specifically requested by the Office.

2. Where a person or a group of persons directly or indirectly or acting by or through one or more persons, proposes to acquire a controlling interest in a dealer or investment adviser registrant, and where the acquirer has within the preceding 10 years committed any reportable act as defined in Rule 69W-200.001, F.A.C., and is not currently registered with the Office, the resulting entity shall, prior to such acquisition, file with the Office a new application for registration on the forms prescribed by the Office, together with all required exhibits and fees. Additionally, there shall be filed with the Office, at the time the new application is filed, a notice of withdrawal, termination or cancellation of registration of the acquired entity on the forms prescribed by the Office, effective upon disposition of the new application by the Office. The Office may waive the requirements of this subsection where the Office determines it is not necessary, based upon the nature and substance of the proposed acquirer's disciplinary history and experience, to require the filing of a new application for registration. Any person who receives a waiver of this subsection shall effect such change of control in compliance with the provisions of paragraph (11)(d)(1).

3. For purposes of this subsection "controlling interest" means possession of the power to direct or cause the direction of the management or policies of a company, whether through ownership of securities, by contract or otherwise. Any individual or firm that directly or indirectly has the right to vote 25 percent or more of the voting securities of a company or is entitled to 25 percent or more of its profits is presumed to control that company.

(e) For the purposes of paragraphs 11(b) and 11(c) of this rule, in the event that a person(s) succeeds to and continues the business of a Florida registered dealer, the registration of the predecessor shall be deemed to remain effective as the registration of the successor for a period of thirty (30) calendar days after such succession, provided that an amendment to Form BD together with the accompanying documents when requested by the Office pursuant to section 517.201, F.S., is filed by the successor within thirty (30) calendar days after such succession.

(f) For the purposes of paragraphs (11)(a), (11)(b), (11)(c), and (11)(d) of this rule, the effective registration of all associated persons and branch office notice-filings affiliated with the affected dealer registrant shall be transferred to the successor entity by the Office without necessitating the filing of new applications on behalf of such associated persons and notice-filings of such branch offices, unless notice of termination is filed for such persons and branch offices by the successor pursuant to paragraph (9) of this rule.

Rulemaking Authority 517.03(1), 517.12 FS. Law Implemented 517.12 FS. History—New _____.

69W-600.0013 Application for Registration as an Issuer/Dealer.

(1) New Applications.

(a) Applicants for initial registration of issuer/dealers shall file the Uniform Application for Broker-Dealer Registration (Form BD) electronically on the Office of Financial Regulation's website at <https://real.flofr.com> through the Regulatory Enforcement and Licensing (REAL) System as prescribed by the Financial Services Commission (Commission). The application shall include all information required by such forms, any other information the Commission or Office may require, and payment of the statutory fees required by Sections 517.12(10) and 517.131, F.S. The application shall be deemed received on the date the Office issues a confirmation of submission and payment to the applicant via the Office's website. Every application or amendment filed pursuant to this rule shall constitute a "written application" within the meaning of Section 517.12(6), F.S.

(b) An application shall include the following:

1. Form BD (1-08), which is hereby incorporated by reference and available at <http://www.flrules.org/> / or <http://www.flofr.com/> /;

2. Statutory fee in the amount required by Section 517.12(10), F.S.;

3. A Uniform Application for Securities Industry Registration or Transfer (Form U-4) (05/2009), to register at least one principal as set forth in this rule. The Form U-4 is hereby incorporated by reference and available at <http://www.flrules.org/> / or <http://www.flofr.com/> / . In conjunction with filing its Form BD with the Office, the issuer/dealer shall provide the Office written notification of the principal's name and social security number;

4. Financial statements and reports required under Rules 69W-600.0151(5)(a), and 69W-600.017, F.A.C.;

5. Any direct or indirect owner or control person required to be reported on Form BD, pursuant to Section 517.12(7), F.S., who is not currently registered in Florida with the firm they are seeking to join or act as a direct or indirect owner or control person shall comply with the fingerprinting requirements in accordance with paragraph (7) of this rule;

6. Applicants for registration as an issuer/dealer must file Issuer/Dealer Compliance Form (OFR-DA-5-91) (effective 9/15), to meet requirements under paragraphs (5), (6), and (11) of this rule. The form is hereby incorporated by reference and is available at <http://www.flrules.org/> / or <http://www.flofr.com/> /;

7. A copy of the articles of incorporation and amendments thereto, if a partnership, a copy of the partnership agreement, or if a limited liability company, a copy of the articles of organization.

(2) Request for Additional Information. All information required by paragraph (1) of this rule shall be submitted with the original application filing. Any request for additional documents or information shall be made by the Office within thirty (30) days after receipt of the application. The Office may require documentation to be certified by its issuer based upon the Office's review of the nature and substance of the disciplinary history of the applicant and any officer, director, or ultimate owner in the case of a corporation or association, and any partner, co-partner, or member of the partnership in the case of a partnership. For purposes of this rule, "certified" means that there must be an original certification or attestation by the issuer of the record that the document is a true copy of a record contained in its office and its seal, if any. Additional information shall be submitted directly with the Office within sixty (60) days after a request has been made by the Office. Failure to respond to such request within sixty (60) days after the date of the request may be construed by the Office as grounds for denial of an application in accordance with the provisions of Section 120.60(1), F.S.

(3) Amendment of Application. If the information contained in any application for registration as a dealer or in any amendment thereto, becomes inaccurate for any reason, the dealer shall file an amendment on the Form BD correcting such information within 30 days. Applicants and registrants shall file such amendments directly with the Office electronically through the REAL System. Requests to make changes which are material to the application or to the Office's evaluation of the application filed at any time after the application has been received may be deemed by the Office to be grounds for denial, and a new application, accompanied by the appropriate filing fee, may be required.

(4) Obligations Related to Acts of Associated Persons. A dealer shall be responsible for the acts, practices, and conduct of their registered associated persons in connection with the purchase and sale of securities or in connection with the rendering of investment advice until such time as they have been properly terminated as provided in this rule; and such dealer may be subject to assessment under Section 517.12(11), F.S., for such associated persons as have been terminated but for whom the appropriate termination notices have not been filed at date of license renewal.

(5) Requirement to Maintain Principal and Exam Exemption for Associated Persons.

(a) An issuer required to be registered or who elects to be registered pursuant to Section 517.12(1), 517.051(9) or 517.061(11), F.S., selling its own securities exclusively through its principals or agents (as those terms are defined in Section 517.021, F.S., and Rule 69W-200.001, F.A.C., respectively) may obtain registration as an issuer/dealer by filing as required under paragraphs (1) and (11) of this rule, or 69W-500.011, F.A.C., as appropriate, provided that:

1. The associated persons of said issuer/dealer comply with the registration requirements of Section 517.12, F.S., and paragraphs (6) and (7) of this rule, provided that such person primarily performs, or is intended to perform at the end of the distribution, substantial duties for, or on behalf of, the issuer other than in connection with transactions in securities; and

2. Said issuer/dealer may register up to five (5) associated persons, which persons shall be exempted from the examination requirements of paragraph (6) of this rule, provided such issuer/dealer shall register no more than five (5) associated persons, and at the time of application for registration advises the Office of its intention to register no more than five (5) associated persons. Failure to so advise the Office shall require all associated person applicants to fulfill the examination requirements of paragraph (6) of this rule. Registration of more than five (5) such associated persons, at any one time, shall void this exemption, and all such associated persons shall be required to meet the examination requirements of paragraph (6) of this rule.

(b) Every applicant for registration and registrant under Section 517.12, F.S., as a dealer (as those terms are defined under Section 517.021, F.S.), unless effectively registered with the Office as an issuer/dealer prior to December 4, 1977, shall have and maintain at least one associated person qualified and registered as principal pursuant to Section 517.12, F.S., and the rules thereunder.

1. In the event a registered dealer fails to maintain at least one person registered as principal for more than thirty (30) days, the registration of such dealer shall be suspended until such time as a qualified principal is so registered.

2. Any applicant or registrant dealer may elect to register more than one person as principal; there is no limitation as to the number of associated persons that may be registered as principal as long as such persons meet the qualification standards as prescribed in paragraph (6) of this rule, and the appropriate fees as specified in Section 517.12(10), F.S., have been paid.

(6) Examinations/Qualifications Requirements.

(a) Every applicant for registration shall execute and submit a statement attesting to said applicant's knowledge and review of the Florida Securities and Investor Protection Act, as contained in the Form U-4.

(b) Every applicant for initial registration as a principal or agent of a dealer shall evidence securities general knowledge by:

1. Submitting to the Office proof of passing, within two years of the date of application for registration, an appropriate examination relating to the position to be filled administered by a national securities association or a national securities exchange registered with the Securities and Exchange Commission (SEC); or

2. Submitting to the Office evidence of effective registration, within the preceding two years, with a national securities association or national stock exchange registered with the SEC, relating to the position to be filled as principal or agent; or

3. Having remained continuously registered in the capacity to be filled with the State of Florida without interruption of more than two years; or

4. Having complied with the provisions of paragraph (5)(a) of this rule.

(c) The examination requirement for associated persons of issuer dealers shall not apply to an individual who currently holds one of the following professional designations:

1. Certified Financial Planner (TM) or CFP® awarded by the Certified Financial Planner Board of Standards, Inc.;

2. Chartered Financial Consultant (ChFC) awarded by the American College, Bryn Mawr, PA;

3. Personal Financial Specialist (PFS) awarded by the American Institute of Certified Public Accountants;

4. Chartered Financial Analyst (CFA) awarded by the Institute of Chartered Financial Analysts; or

5. Chartered Investment Counselor (CIC) awarded by the Investment Counsel Association of America, Inc.

(7) Fingerprint Requirements.

(a) Fingerprints filed in accordance with Section 517.12(7), F.S., shall be submitted to the Office through a live scan vendor approved by the Florida Department of Law Enforcement (FDLE) and published on FDLE's website for submission to FDLE and the Federal Bureau of Investigation (FBI) for a state criminal background check and a federal criminal background check. The cost of fingerprint processing shall be borne by the applicant and paid directly to the live scan vendor.

(b) Notwithstanding any exemptions found in SEC rule 17f-2 (17 C.F.R. § 240.17f-2), which is incorporated by reference in Rule 69W-200.002, F.A.C., any direct owner, principal, or indirect owner that is required to be reported on Form BD, pursuant to Section 517.12(7), F.S., who is not currently registered in Florida with the firm they are seeking to join or act as a direct owner, principal, or indirect owner shall submit fingerprints to the Office through a live scan vendor approved by FDLE and published on FDLE's website for submission to FDLE and the FBI for a state criminal background check and a federal criminal background check. The cost of fingerprint processing shall be borne by the applicant and paid directly to the live scan vendor.

(8) Renewal Requirement.

(a) Every dealer registered with the Office shall annually verify all registrations of associated persons and branch office notice-filings prior to December 31.

(b) In addition to verifying registration or notice-filings as provided in paragraph (8)(a), to renew its registration and the registrations of its associated persons and branch office notice-filings, each dealer shall pay all renewal fees as required by Sections 517.12(11) and 517.1202(3), F.S.

(c) Renewal fees for issuer/dealers, associated persons of issuer/dealers and all branch offices of issuer/dealers shall be filed electronically on the Office's website at <https://real.flofr.com> through the REAL System and shall be deemed received on the date the Office issues a confirmation of submission and payment to the applicant via the Office's website. All renewal fees must be received by the Office by December 31 of the year the registration or notice-filing expires.

(d) For issuer/dealers, failure to submit the requisite amount of fees as provided for in paragraph (8)(b) by December 31 of the year of expiration of the registration shall result in the firm registration, agent registration, or branch office notice-filing not being renewed. If December 31 falls on a Saturday, Sunday or legal holiday pursuant to Section 110.117, F.S., the renewals received on the next business day shall be considered timely received. However, an expired registration or notice-filing may be reinstated in accordance with Section 517.12(11) or 517.1202(3), F.S., provided that all requisite information and fees are filed electronically on the Office's website at <https://real.flofr.com> through the REAL System on or before January 31 of the year following the year of expiration. Failure to submit the requisite amount of fees necessary to reinstate registration by January 31 of the year

following the year of expiration shall result in such registration or notice-filing not being reinstated. If January 31 falls on a Saturday, Sunday, or legal holiday pursuant to Section 110.117, F.S., the reinstatement received on the next business day shall be considered timely received. If the renewal or reinstatement is withdrawn or not granted, any fees filed to renew or reinstate registration or notice-filing shall become the revenue of the state pursuant to the provisions of Section 517.12(10) or 517.1202(8), F.S., and shall not be returnable.

(9) Termination of Registration as Dealer, Principal or Agent, or Notificaton of Branch Office.

(a) Where a registrant withdraws, cancels, or otherwise terminates registration, or is terminated for any reason, notice of such fact shall be electronically filed with the Office through the REAL System using the forms incorporated in paragraph (9)(c) of this rule within thirty (30) calendar days of the date of termination.

(b) The Office may deny any request to terminate or withdraw any application or registration as provided under Section 517.161(5), F.S.

(c) The forms to be utilized for providing notice to the Office under paragraphs (9)(a) and (9)(b) are:

1. Uniform Request for Broker Dealer Withdrawal (Form BDW) (04-07), which is hereby incorporated by reference and available at <http://www.flrules.org/> / or <http://www.flofr.com/> /.

2. Uniform Branch Office Registration Form (Form BR) (10-05), which is hereby incorporated by reference and available at <http://www.flrules.org/> / or <http://www.flofr.com/> /.

3. Uniform Termination Notice for Securities Industry Registration (Form U-5) (05-09), which is hereby incorporated by reference and available at <http://www.flrules.org/> / or <http://www.flofr.com/> /.

(10) Notice of Civil, Criminal or Administrative Action. An issuer/dealer shall:

(a) Notify the Office within thirty (30) calendar days of the date a complaint is served, of any civil, criminal or administrative charges filed against the firm or owner which directly or indirectly relate to the registration or sale of securities, or which directly or indirectly relate to the activities as a dealer, investment adviser, principal or agent, or any other activity where a breach of a fiduciary trust is alleged. This shall not include minor traffic violations; but shall include any notification of investigation by any recognized regulatory agency:

(b) Notify the Office within thirty (30) calendar days of the date filed, any answer or reply to any complaint filed as outlined in paragraph (10)(a);

(c) Notify the Office within thirty (30) calendar days of the date of decision, order, or sanction rendered, or any appeal filed with respect to such decision with regard to any complaint outlined in paragraph (10)(a).

(d) File with the Office one (1) copy of such complaint, answer or reply, decision, order, or sanction at the time of notification in accordance with paragraphs (10)(a), (10)(b), and (10)(c). An issuer/dealer shall file such notifications with the Office through the REAL System in accordance with this rule.

(11) Registration of Issuer as an Issuer/Dealer under Section 517.051(9), F.S. An issuer of securities who elects to offer or sell its own securities pursuant to Section 517.051(9), F.S., is required to be registered as an issuer/dealer pursuant to Section 517.12(2), F.S. The issuer shall comply with the rules of the Commission for registration as an issuer/dealer as set forth under paragraph (1) of this rule, in addition to the following requirements:

(a) The financial statements required for registration as an issuer/dealer shall be prepared in accordance with the provisions of paragraph 69W-600.0151(5)(b)(2), F.A.C.

(b) The applicant for registration as an issuer/dealer or principal shall comply with the examination requirements of paragraph (6) of this rule.

(c) The issuer/dealer shall comply with the net capital requirements of subparagraph 69W-600.0151(3)(b), F.A.C. Rulemaking Authority 517.03(1), 517.12 FS. Law Implemented 517.12 FS. History–New _____.

69W-600.0016 Application for Registration as an Investment Adviser (State Registered)

(1) New Applications.

(a) Applicants for initial registration of an investment adviser shall file the Uniform Application for Investment Adviser Registration (Form ADV) electronically through the Investment Adviser Registration Depository (IARD) of the Financial Industry Regulatory Authority (FINRA) as prescribed by the Financial Services Commission (Commission). The application shall include all information required by such form, any other information the Commission or Office may require, and payment of the statutory fees required by Sections 517.12(10) and 517.131, F.S. The application shall be deemed received by the Office on the “payment date” reflected on the CRD “disbursement detail” report. Every application or amendment filed pursuant to this rule shall constitute a “written application” within the meaning of Section 517.12(6), F.S.

(b) An application shall include the following:

1. Form ADV (09-11). A sample form is hereby incorporated by reference and is available at <http://www.flrules.org/> / or <http://www.flofr.com/> /;

2. Statutory fee in the amount required by Section 517.12(10), F.S.;

3. A Uniform Application for Securities Industry Registration or Transfer (Form U-4) to register at least one agent to designate as a principal as set forth in this rule. Form U-4 (05-09) is hereby incorporated by reference and a sample form is available at <http://www.flrules.org/> / or <http://www.flofr.com/> / . In conjunction with filing its Form ADV with the Office, the investment adviser shall provide the Office written notification of the principal's name and CRD number or social security number;

4. Financial statements and reports required under Rule 69W-600.0161(2), F.A.C.;

5. Any direct or indirect owner or control person required to be reported on Form ADV, pursuant to Section 517.12(7), F.S., who is not currently registered with the firm they are seeking to join or act as a direct or indirect owner or control person shall comply with the fingerprinting requirements in accordance with paragraph (7) of this rule; and

6. A copy of the articles of incorporation and amendments thereto, if a partnership, a copy of the partnership agreement, or if a limited liability company, a copy of the articles of organization.

(2) Request for Additional Information. All information required by paragraph (1) of this rule shall be submitted with the original application filing. Any request for additional documents or information shall be made by the Office within thirty (30) days after receipt of the application. The Office may require documentation to be certified by its issuer based upon the Office's review of the nature and substance of the disciplinary history of the applicant and any officer, director, or ultimate owner in the case of a corporation or association, and any partner, co-partner, or member of the partnership in the case of a partnership. For purposes of this rule, "certified" means that there must be an original certification or attestation by the issuer of the record that the document is a true copy of a record contained in its office and its seal, if any. Additional information shall be submitted directly with the Office within sixty (60) days after a request has been made by the Office. Failure to respond to such request within sixty (60) days after the date of the request may be construed by the Office as grounds for denial of an application in accordance with the provisions of Section 120.60(1), F.S.

(3) Amendment of Application. If the information contained in any application for registration as an investment adviser or in any amendment thereto, becomes inaccurate for any reason, the investment adviser shall file an amendment on the Form ADV correcting such information within 30 days. For investment adviser applicants and registrants who file via the IARD, each such amendment, including those required by paragraph (10) of this rule, shall be filed with the Office through the IARD in accordance with this rule. Requests to make changes which are material to the application or to the Office's evaluation of the application filed at any time after the application has been received may be deemed by the Office to be grounds for denial, and a new application, accompanied by the appropriate filing fee, may be required.

(4) Obligations Related to Acts of Associated Persons. An investment adviser shall be responsible for the acts, practices, and conduct of their registered associated persons in connection with the purchase and sale of securities or in connection with the rendering of investment advice until such time as they have been properly terminated as provided in this rule; and such adviser may be subject to assessment under Section 517.12(11), F.S., for such associated persons as have been terminated but for whom the appropriate termination notices have not been filed at date of license renewal.

(5) Requirement to Maintain Principal.

(a) Every applicant for registration and registrant under Section 517.12, F.S., as an investment adviser (as those terms are defined under Section 517.021, F.S.) shall have and maintain at least one associated person registered and designated as principal pursuant to Section 517.12, F.S., and the rules thereunder.

(b) In the event an investment adviser fails to maintain at least one person registered and designated as principal for more than thirty (30) days, the registration of such investment adviser shall be suspended until such time as a designated principal is so registered.

(c) Any applicant or registrant investment adviser may elect to designate more than one person as principal; there is no limitation as to the number of associated persons that may be designated as principal as long as such persons meet the qualification standards as prescribed in paragraph (6) of this rule, and the appropriate fees as specified in Section 517.12(10), F.S., have been paid.

(6) Examinations/Qualifications Requirements.

(a) Every applicant for registration shall execute and submit a statement attesting to said applicant's knowledge and review of the Florida Securities and Investor Protection Act, as contained in the Form U-4.

(b) An individual applying to be registered as an investment adviser or investment adviser representative shall provide the Office with proof of passing, within two years of the date of application for registration, one of the following examinations:

1. The Uniform Investment Adviser Law Examination (Series 65) or

2. The General Securities Representative Examination (Series 7) and the Uniform Combined State Law Examination (Series 66).

(c) Grandfathering Provisions:

1. Any individual who is registered as an investment adviser or investment adviser representative in any jurisdiction in the United States on the effective date of this rule shall not be required to satisfy the examination requirements for continued registration except that the Office may require additional examinations for any individual found to have violated any state or federal securities law.

2. An individual who has not been registered in any jurisdiction in the United States as an investment adviser or investment adviser representative within two years of the date of application for registration shall be required to comply with the examination requirements of this rule.

(d) The examination requirement for investment adviser representatives shall not apply to an individual who currently holds one of the following professional designations:

1. Certified Financial Planner (TM) or CFP® awarded by the Certified Financial Planner Board of Standards, Inc.;

2. Chartered Financial Consultant (ChFC) awarded by the American College, Bryn Mawr, PA;

3. Personal Financial Specialist (PFS) awarded by the American Institute of Certified Public Accountants;

4. Chartered Financial Analyst (CFA) awarded by the Institute of Chartered Financial Analysts; or

5. Chartered Investment Counselor (CIC) awarded by the Investment Counsel Association of America, Inc.

(7) Fingerprint Requirements.

(a) Fingerprints filed in accordance with Section 517.12(7), F.S., shall be submitted to the Office through a live scan vendor approved by the Florida Department of Law Enforcement (FDLE) and published on FDLE's website for submission to FDLE and the Federal Bureau of Investigation (FBI) for a state criminal background check and a federal criminal background check. The cost of fingerprint processing shall be borne by the applicant and paid directly to the live scan vendor.

(b) Notwithstanding any exemptions found in SEC rule 17f-2 (17 C.F.R. § 240.17f-2), which is incorporated by reference in Rule 69W-200.002, F.A.C., any direct owner, principal, or indirect owner that is required to be reported on Form ADV pursuant to Section 517.12(7), F.S., who is not currently registered in Florida with the firm they are seeking to join or act as a direct owner, principal, or indirect owner shall submit fingerprints to the Office through a live scan vendor approved by FDLE and published on FDLE's website for submission to FDLE and the FBI for a state criminal background check and a federal criminal background check. The cost of fingerprint processing shall be borne by the applicant and paid directly to the live scan vendor.

(c) The requirement to submit fingerprints is waived for any direct owner, principal, or indirect owner that is required to be reported on Form ADV pursuant to Section 517.12(7), F.S., if fingerprints have been submitted and processed by FINRA on behalf of the member firm with which the owner or principal is affiliated, pursuant to the provisions of SEC Rule 17f-2 (17 C.F.R. § 240.17f-2).

(8) Renewal Requirement.

(a) Every investment adviser registered with the Office shall annually verify all registrations of associated persons and branch office notice-filings prior to December 31.

(b) In addition to verifying registration or notice-filings as provided in paragraph (8)(a), to renew its registration and the registrations of its associated persons and branch office notice-filings, each investment adviser shall pay all renewal fees as required by Sections 517.12(11) and 517.1202(3), F.S.

(c) Renewal fees for investment advisers shall be submitted through the IARD by December 31 of the year the registration expires. Renewal fees for associated persons of investment advisers and branch offices of investment advisers shall be submitted through the CRD by December 31 of the year the registration or notice-filing expires.

(d) For investment advisers, failure to submit the requisite amount of fees as provided for in paragraph (8)(b) by December 31 of the year of expiration of the registration shall result in the firm registration, agent registration, or branch office notice-filing not being renewed. If December 31 falls on a Saturday, Sunday or legal holiday pursuant to Section 110.117, F.S., the renewals received on the next business day shall be considered timely received. However, an expired registration or notice-filing may be reinstated in accordance with the provisions of Section 517.12(11) or 517.1202(3), F.S., provided that all requisite information and fees are date

stamped by the cashier's office of the Department of Financial Services on or before January 31 of the year following the year of expiration. Failure to submit the requisite amount of fees necessary to reinstate registration or notice-filing by January 31 of the year following the year of expiration shall result in such registration or notice-filing not being reinstated. If January 31 falls on a Saturday, Sunday, or legal holiday pursuant to Section 110.117, F.S., the reinstatement received on the next business day shall be considered timely received. In the event that the renewal or reinstatement is withdrawn or not granted, any fees filed to renew or reinstate registration or notice-filing shall become the revenue of the state pursuant to the provisions of Section 517.12(10) or 517.1202(8), F.S., and shall not be returnable.

(9) Termination of Registration as an Investment Adviser, Agent, or Notification of Branch Office.

(a) Where a registrant withdraws, cancels, or otherwise terminates registration, or is terminated for any reason, notice of such fact shall be electronically filed with the Office using the forms incorporated in paragraph (9)(c) of this rule within thirty (30) calendar days of the date of withdrawal, cancellation, or termination.

(b) Any investment adviser shall file any withdrawals, cancellations, or terminations of registration with the Office through the IARD of FINRA. Any associated person or branch office of an investment adviser shall file any withdrawals, cancellations, or terminations of registrations or notifications with the Office through the CRD.

(c) The Office may deny any request to terminate or withdraw any application or registration as provided under Section 517.161(5), F.S.

(d) The forms to be utilized for providing notice to the Office under paragraphs (9)(a) and (9)(b) are:

1. Notice of Withdrawal from Registration as Investment Adviser (Form ADV-W). (11-10). A sample form is hereby incorporated by reference and is available at <http://www.flrules.org/> / or <http://www.flofr.com/> /.

2. Uniform Termination Notice for Securities Industry Registration (Form U-5) (05/09) A sample form is hereby incorporated by reference and is available at <http://www.flrules.org/> / or <http://www.flofr.com/> /.

(10) Notice of Civil, Criminal or Administrative Action. An investment adviser shall:

(a) Notify the Office within thirty (30) calendar days of the date a complaint is served, of any civil, criminal or administrative charges filed against the firm or owner which directly or indirectly relate to the registration or sale of securities, or which directly or indirectly relate to the activities as a dealer, investment adviser, principal or agent, or any other activity where a breach of a fiduciary trust is alleged. This shall not include minor traffic violations; but shall include any notification of investigation by any recognized regulatory agency;

(b) Notify the Office within thirty (30) calendar days of the date filed, any answer or reply to any complaint filed as outlined in paragraph (10)(a);

(c) Notify the Office within thirty (30) calendar days of the date of decision, order, or sanction rendered, or any appeal filed with respect to such decision with regard to any complaint outlined in paragraph (10)(a); and

(d) File with the Office one (1) copy of such complaint, answer or reply, decision, order, or sanction at the time of notification in accordance with paragraphs (10)(a), (10)(b), and (10)(c). An investment adviser shall file such notifications with the Office through the IARD of the FINRA in accordance with this rule. However, responses to requests by the Office for additional information shall be filed directly with the Office.

(11) Changes in Name and Successor Registration Requirements.

(a) Where only a change in the name of an applicant or registrant as an investment adviser or associated person occurs, notices of such fact shall be filed as an amendment on the forms prescribed by the Office within thirty (30) calendar days of the date of such change. For registrants who are members of the FINRA, such amendment shall be filed with the Office through the CRD pursuant to paragraph (1) of this rule. Any amendments to organizational documents or accompanying letters of explanation shall be promptly submitted to the Office when specifically requested by the Office pursuant to section 517.201, F.S.

(b) Where there is a change in legal entity of a proprietary, partnership, or corporate registrant, the successor entity shall file with the Office an amendment to the Form ADV within thirty (30) calendar days of the date of such change. Such amendment shall be filed with the Office through the IARD pursuant to paragraph (1) of this rule. Any amendments to organizational documents, accompanying letters of explanation, or current financial statements of the successor shall be promptly submitted directly to the Office when specifically requested by the Office pursuant to section 517.201, F.S.

(c) Merger Situations: Where there is a merger of an investment adviser registrant involving the assumption by the successor of substantially all assets and liabilities of the merged entities and the continuation of the activities of the merged entities' successor entity, the merging entities shall file notification with the Office denoting such changes as are applicable within thirty (30) calendar days prior to the date of such change. The successor entity shall file an amendment to Form ADV denoting such changes as are applicable within thirty (30) calendar days of date of such change. Each amendment shall be filed with the Office through the IARD pursuant to paragraph (1) of this rule. A copy of the plan of merger/merger agreement, amended organizational documents, accompanying letters of explanation, or current financial statements of the successor (merged) entity shall be promptly submitted directly to the Office when specifically requested by the Office pursuant to section 517.201, F.S.

(d) Change of Control:

1. Where a person or a group of persons directly or indirectly or acting by or through one or more persons, proposes to acquire a controlling interest in a dealer or investment adviser registrant, and where the acquirer is currently registered with the Office, or where the acquirer has not within the preceding 10 years committed any reportable act as defined in Rule 69W-200.001, F.A.C., the resulting entity shall file with the Office an amendment to Form ADV denoting such changes as are applicable thirty (30) calendar days prior to the date of such acquisition. Any amended organizational documents, accompanying letters of explanation, or financial statements of the resulting entity shall be promptly submitted directly to the Office when specifically requested by the Office pursuant to section 517.201, F.S.

2. Where a person or a group of persons directly or indirectly or acting by or through one or more persons, proposes to acquire a controlling interest in a dealer or investment adviser registrant, and where the acquirer has within the preceding 10 years committed any reportable act as defined in Rule 69W-200.001, F.A.C., and is not currently registered with the Office, the resulting entity shall, prior to such acquisition, file with the Office a new application for registration on the forms prescribed by the Office, together with all required exhibits and fees. Additionally, there shall be filed with the Office, at the time the new application is filed, a notice of withdrawal, termination or cancellation of registration of the acquired entity on the forms prescribed by the Office, effective upon disposition of the new application by the Office. The Office may waive the requirements of this

subsection where the Office determines it is not necessary, based upon the nature and substance of the proposed acquirer's disciplinary history and experience, to require the filing of a new application for registration. Any person who receives a waiver of this subsection shall effect such change of control in compliance with the provisions of paragraph(11)(d)(1).

3. For purposes of this subsection "controlling interest" means possession of the power to direct or cause the direction of the management or policies of a company, whether through ownership of securities, by contract or otherwise. Any individual or firm that directly or indirectly has the right to vote 25 percent or more of the voting securities of a company or is entitled to 25 percent or more of its profits is presumed to control that company.

(e) For the purposes of paragraphs (11)(b) and (11)(c) of this rule, in the event that a person(s) succeeds to and continues the business of a Florida registered dealer or investment adviser, the registration of the predecessor shall be deemed to remain effective as the registration of the successor for a period of thirty (30) calendar days after such succession, provided that an amendment to Form ADV together with the accompanying documents as prescribed heretofore, is filed by the successor within thirty (30) calendar days after such succession.

(f) For the purposes of paragraphs (11)(a), (11)(b), (11)(c), and (11)(d) of this rule, the effective registration of all associated persons and branch office notice-filings affiliated with the affected or investment adviser registrant shall be transferred to the successor entity by the Office without necessitating the filing of new applications on behalf of such associated persons and notice-filings of such branch offices, unless notice of termination is filed for such persons and branch offices by the successor pursuant to paragraph (9) of this rule.

Rulemaking Authority 517.03(1), 517.12 FS. Law Implemented 517.12 FS. History—New _____.

69W-600.0017 Notice-Filing for Federal Covered Advisers

(1) New Notice-Filings.

(a) The notice-filing for federal covered advisers shall be filed electronically through the Investment Adviser Registration Depository (IARD) of the Financial Industry Regulatory Authority (FINRA) using the Uniform Application for Investment Adviser Registration (Form ADV) as prescribed by the Financial Services Commission

(Commission). The notice-filing shall include all information required by such form, such information that has been filed or is required to be filed with the Securities and Exchange Commission (SEC), and payment of the statutory fees required by Sections 517.1201 and 517.131, F.S. The notice-filing shall be deemed received by the Office on the transaction date (Trans DT) reflected on the Central Registration Depository (CRD) of FINRA "disbursement detail" report.

(b) All federal covered advisers making or amending a notice-filing in this state shall file the Form ADV, Part 1, including copies of any amendments filed or required to be filed with the SEC, and the assessment fee required by Section 517.1201(1) or (2), F.S., with the IARD in accordance with paragraph (1). Form ADV (09-11) is hereby incorporated by reference, and a sample form is available at <http://www.flrules.org/> / or <http://www.flofr.com/> /.

(2) Registration of Associated Persons. All federal covered advisers who notice-file in this state and who request initial registration or amendment of an associated person of the federal covered adviser shall file the Uniform Application for Securities Industry Registration or Transfer (Form U-4) and the assessment fee required by Section 517.12(10) or (11), F.S., with the CRD in accordance with Rule 69W-600.0024, F.A.C. However, responses to requests by the Office for additional information shall be filed directly with the Office. Form U-4 (05/2009) is hereby incorporated by reference and a sample form is available at <http://www.flrules.org/> / or <http://www.flofr.com/> /.

(3) Renewal Requirement.

(a) Every federal covered adviser notice-filed with the Office shall annually verify all registrations of associated persons prior to December 31.

(b) In addition to verifying registrations as provided in paragraph (3)(a), to renew its notice-filing and the registrations of its associated persons, each investment adviser shall pay all renewal fees as required by Sections 517.12(11) and 517.1201, F.S.

(c) Renewal fees for federal covered advisers shall be submitted through the IARD by December 31 of the year the notice-filing expires. Renewal fees for associated persons of federal covered advisers shall be submitted through the CRD by December 31 of the year the registration expires.

(d) For federal covered advisers, failure to submit the requisite amount of fees as provided for in paragraph (4)(b) by December 31 of the year of expiration of the notice-filing shall result in the firm notice-filing or agent registration not being renewed. If December 31 falls on a Saturday, Sunday or legal holiday pursuant to Section 110.117, F.S., the renewals received on the next business day shall be considered timely received. However, an expired registration or notice-filing may be reinstated in accordance with the provisions of Section

517.12(11) or 517.1201, F.S., provided that all requisite information and fees are date stamped by the cashier's office of the Department of Financial Services on or before January 31 of the year following the year of expiration. Failure to submit the requisite amount of fees necessary to reinstate registration or notice-filing by January 31 of the year following the year of expiration shall result in such registration or notice-filing not being reinstated. If January 31 falls on a Saturday, Sunday, or legal holiday pursuant to Section 110.117, F.S., the reinstatement received on the next business day shall be considered timely received. In the event that the renewal or reinstatement is withdrawn or not granted, any fees filed to renew or reinstate registration or notice-filing shall become the revenue of the state pursuant to the provisions of Section 517.12(10) or 517.1201, F.S., and shall not be returnable.

(4) Termination of Notification as Investment Adviser or Registration as Agent.

(a) Where a federal covered adviser withdraws, cancels, or otherwise terminates notification, or is terminated for any reason, notice of such fact shall be electronically filed with the Office using the forms incorporated in paragraph (4)(c) of this rule within thirty (30) calendar days of the date of termination.

(b) Any investment adviser shall file any withdrawals, cancellations, or notice-filing terminations with the Office through the IARD of FINRA. Any associated person of an investment adviser shall file any withdrawals, cancellations, or terminations of registration with the Office through the CRD.

(c) The forms to be utilized for providing notice to the Office under paragraphs (4)(a) and (4)(b) above are:

1. Notice of Withdrawal from Registration as Investment Adviser (Form ADV-W) (11-10). A sample form is hereby incorporated by reference and is available at <http://www.flrules.org/> / or <http://www.flofr.com/> /.

2. Uniform Termination Notice for Securities Industry Registration (Form U-5) (05/09) A sample form is hereby incorporated by reference and is available at <http://www.flrules.org/> / or <http://www.flofr.com/> /.

Rulemaking Authority 517.03(1), 517.1201 FS. Law Implemented 517.1201 FS. History--New _____.

69W-600.0022 Application for Registration as Associated Person (Non-FINRA Dealer)

(1) New Applications.

(a) Applicants for initial registration as a principal or associated person of dealers who are not members of the Financial Industry Regulatory Authority (FINRA) shall file the Uniform Application for Securities Industry Registration or Transfer (Form U-4) electronically on the Office of Financial Regulation's website at <https://real.flofr.com> through the Regulatory Enforcement and Licensing (REAL)

System as prescribed by the Financial Services Commission (Commission). The application shall include all information required by such form, any other information the Office of Financial Regulation (Office) may require, and payment of the statutory fees required by Section 517.12(10), F.S. The application shall be deemed received on the date the Office issues a confirmation of submission and payment to the applicant via the Office's website. Every application or amendment filed pursuant to this rule shall constitute a "written application" within the meaning of Section 517.12(6), F.S.

(b) An application shall include the following:

1. Form U-4 (05/2009), which is hereby incorporated by reference and available at <http://www.flrules.org/> / or <http://www.flofr.com/> /.

2. Statutory fee, for each application, in the amount as required by Section 517.12(10), F.S.

3. Evidence of examinations/qualifications set forth in paragraph (6) of this rule.

4. Fingerprints shall be submitted in accordance with Section 517.12(7), F.S., and paragraph (7) of this rule.

(2) Request for Additional Information. All information required by paragraph (1) of this rule shall be submitted with the original application filing. Any request for additional documents or information shall be made by the Office within thirty (30) days after receipt of the application. The Office may require documentation to be certified by its issuer based upon the Office's review of the nature and substance of the disciplinary history of the applicant. For purposes of this rule, "certified" means that there must be an original certification or attestation by the issuer of the record that the document is a true copy of a record contained in its office and its seal, if any. Additional information shall be submitted directly with the Office within sixty (60) days after a request has been made by the Office. Failure to respond to such request within sixty (60) days after the date of the request may be construed by the Office as grounds for denial of an application in accordance with the provisions of Section 120.60(1), F.S.

(3) Amendment of Application. If the information contained in any Form U-4 becomes inaccurate for any reason before or after the associated person becomes registered, the associated person through the dealer, shall be responsible for correcting the inaccurate information within thirty (30) days. If the information being updated relates to the applicant's or registrant's disciplinary history, in addition to updating the Form U-4, the associated person through the dealer shall also

provide the Office with notice and copies of each civil, criminal or administrative action initiated against the associated person as provided in paragraph (10) of this rule. Associated persons of non-FINRA firms shall file such amendments electronically with the Office through the REAL System.

(4) Multiple Registration. An applicant for registration as an associated person may apply to be registered as an associated person of more than one dealer, issuer/dealer, federal covered adviser or investment adviser, or any combination thereof, by the filing of separate applications by each registered dealer, issuer/dealer, federal covered adviser or investment adviser, and payment of separate application fees as required.

(5) Alternate Business Name.

(a) It is prohibited for any associated person to conduct securities business in this state under any name other than that of the dealer with which the associated person is registered unless each of the following conditions is met:

1. The business conducted does not violate or evade any provision of Chapter 517, F.S.;

2. The business conducted does not fall within the definition of "dealer" or "investment adviser" as used in Chapter 517, F.S.; and

3. The dealer with which the associated person is registered has received written notice of the name under which business shall be conducted.

(6) Examinations/Qualifications.

(a) Every applicant for registration shall execute and submit a statement attesting to said applicant's knowledge and review of the Florida Securities and Investor Protection Act, as contained in the Form U-4.

(b) Every applicant for initial registration as a principal or agent of a dealer shall evidence securities general knowledge by:

1. Submitting to the Office proof of passing, within two years of the date of application for registration, an appropriate examination relating to the position to be filled administered by a national securities association or a national securities exchange registered with the Securities and Exchange Commission (SEC); or

2. Submitting to the Office evidence of effective registration, within the preceding two years, with a national securities association or national stock exchange registered with the SEC, relating to the position to be filled as principal or agent; or

3. Having remained continuously registered in the capacity to be filled with the State of Florida without interruption of more than two years.

(7) Fingerprint Requirements.

(a) Fingerprints filed in accordance with Section 517.12(7), F.S., shall be submitted to the Office through a live scan vendor approved by the Florida Department of Law Enforcement (FDLE) and published on FDLE's website for submission to FDLE and the Federal Bureau of Investigation (FBI) for a state criminal background check and a federal criminal background check. The cost of fingerprint processing shall be borne by the applicant and paid directly to the live scan vendor.

(b) Notwithstanding any exemptions found in SEC rule 17f-2 (17 C.F.R. § 240.17f-2), which is incorporated by reference in Rule 69W-200.002, F.A.C., any direct owner, principal, or indirect owner that is required to be reported on Form BD, Uniform Application for Broker-Dealer Registration, pursuant to Section 517.12(7), F.S., who is not currently registered with the firm they are seeking to join or act as a direct owner, principal, or indirect owner shall submit fingerprints to the Office through a live scan vendor approved by FDLE and published on FDLE's website for submission to FDLE and the FBI for a state criminal background check and a federal criminal background check. The cost of fingerprint processing shall be borne by the applicant and paid directly to the live scan vendor.

(8) Renewal Requirement.

(a) Renewal fees for associated persons of non-FINRA member firms shall be filed by the firm electronically on the Office's website at <https://real.flofr.com> through the REAL System and shall be deemed received on the date the Office issues a confirmation of submission and payment to the applicant via the Office's website as required by Section 517.12(11), F.S. All renewal fees must be received by the Office by December 31 of the year the registration expires.

(b) For associated persons of dealers that are not members of FINRA, failure of the firm to submit the requisite amount of fees by December 31 of the year of expiration of the registration shall result in such registration not being renewed. If December 31 falls on a Saturday, Sunday or legal holiday pursuant to Section 110.117, F.S., the renewals received on the next business day shall be considered timely received. However, an expired registration may be reinstated in accordance with Section 517.12(11), F.S., provided that all requisite information and fees are filed electronically on the Office's website at <https://real.flofr.com> through the REAL System on or before January 31 of the year following the year of expiration. Failure to submit the requisite amount of fees necessary to reinstate registration by January 31 of the year following the year of expiration shall result in such

registration not being reinstated. If January 31 falls on a Saturday, Sunday, or legal holiday pursuant to Section 110.117, F.S., the reinstatement received on the next business day shall be considered timely received. If the renewal or reinstatement is withdrawn or not granted, any fees filed to renew or reinstate registration shall become the revenue of the state pursuant to Section 517.12(10), F.S., and shall not be returnable.

(9) Termination of Registration of Principal or Agent.

(a) Where a registrant withdraws, cancels, or otherwise terminates registration, or is terminated for any reason, notice of such fact shall be filed with the Office within thirty (30) calendar days of the date of termination by electronically filing a Uniform Termination Notice for Securities Industry Registration (Form U5) (05/2009) with the Office through the CRD. A sample form is hereby incorporated by reference and is available at <http://www.flrules.org/> / or <http://www.flofr.com/> /.

(b) The Office may deny any request to terminate or withdraw any application or registration as provided under Section 517.161(5), F.S.

(10) Notice of Civil, Criminal or Administrative Action. An associated person shall:

(a) Notify the Office within thirty (30) calendar days of the date a complaint is served, of any civil, criminal or administrative charges filed that directly or indirectly relate to the registration or sale of securities, or which directly or indirectly relate to activities as a principal or agent, or any other activity where a breach of a fiduciary trust is alleged. This shall not include minor traffic violations; but shall include any notification of investigation by any recognized regulatory agency;

(b) Notify the Office within thirty (30) calendar days of the date filed, any answer or reply to any complaint filed as outlined in paragraph (10)(a);

(c) Notify the Office within thirty (30) calendar days of the date of decision, order, or sanction rendered, or any appeal filed with respect to such decision with regard to any complaint outlined in paragraph (10)(a); and

(d) File with the Office one (1) copy of such complaint, answer or reply, decision, order, or sanction at the time of notification in accordance with paragraphs (10)(a), (10)(b), and (10)(c). Associated persons of a broker dealer who is not a member of the FINRA (formerly known as the National Association of Securities Dealers, Inc.) shall file such notifications with the Office through the REAL System.

(11) Continuing Education Requirement.

Failure to comply with any of the applicable continuing education requirements set forth in any one of the following shall be deemed a demonstration of unworthiness by an associated person under Section 517.161(1)(h), F.S.:

(a) Rule 345A of the NYSE MKT LLC, which is incorporated by reference in Rule 69W-200.002, F.A.C.;

(b) Rule G-3(h) of the Municipal Securities Rulemaking Board, which is incorporated by reference in Rule 69W-200.002, F.A.C.;

(c) Rule 341A of NYSE MKT LLC, which is incorporated by reference in Rule 69W-200.002, F.A.C.;

(d) Article VI, Rule 11 of the Chicago Stock Exchange which is incorporated by reference in Rule 69W-200.002, F.A.C.

Rulemaking Authority 517.03(1), 517.12 FS. Law Implemented 517.12 FS. History—New _____.

69W-600.0023 Application for Registration as Associated Person (Issuer/Dealer)

(1) New Applications.

(a) Applicants for initial registration as a principal or associated person of an issuer/dealer shall file the Uniform Application for Securities Industry Registration or Transfer (Form U-4) electronically on the Office of Financial Regulation's website at <https://real.flofr.com> through the Regulatory Enforcement and Licensing (REAL) System as prescribed by the Financial Services Commission (Commission). The application shall include all information required by such form, any other information the Office of Financial Regulation (Office) may require, and payment of the statutory fees required by Section 517.12(10), F.S. The application shall be deemed received on the date the Office issues a confirmation of submission and payment to the applicant via the Office's website. Every application or amendment filed pursuant to this rule shall constitute a "written application" within the meaning of Section 517.12(6), F.S.

(b) An application shall include the following:

1. Form U-4 (05/2009), which is hereby incorporated by reference and available at <http://www.flrules.org/> or <http://www.flofr.com/>.

2. Statutory fee, for each application, in the amount as required by Section 517.12(10), F.S.

3. Evidence of examinations/qualifications set forth in paragraph (6) of this rule.

4. Fingerprints shall be submitted in accordance with Section 517.12(7), F.S., and paragraph (7) of this rule.

(2) Request for Additional Information. All information required by paragraph (1) of this rule shall be submitted with the original application filing. Any request for additional documents or information shall be made by the Office within thirty (30) days after receipt of the application. The Office may require documentation to be certified by its issuer based upon the Office's review of the nature and substance of the disciplinary history of the applicant. For purposes of this rule,

"certified" means that there must be an original certification or attestation by the issuer of the record that the document is a true copy of a record contained in its office and its seal, if any. Additional information shall be submitted directly with the Office within sixty (60) days after a request has been made by the Office. Failure to respond to such request within sixty (60) days after the date of the request may be construed by the Office as grounds for denial of an application in accordance with the provisions of Section 120.60(1), F.S.

(3) Amendment of Application. If the information contained in any Form U-4 becomes inaccurate for any reason before or after the associated person becomes registered, the associated person through the dealer shall be responsible for correcting the inaccurate information within thirty (30) days. If the information being updated relates to the applicant's or registrant's disciplinary history, in addition to updating the Form U-4, the associated person through the dealer shall also provide the Office with notice and copies of each civil, criminal or administrative action initiated against the associated person as provided in paragraph (10) of this rule. Associated persons of issuer/dealers shall file such amendments electronically with the Office through the REAL System.

(4) Multiple Registration An applicant for registration as an associated person may apply to be registered as an associated person of more than one dealer, issuer/dealer, federal covered adviser or investment adviser, or any combination thereof, by the filing of separate applications by each registered dealer, issuer/dealer, federal covered adviser or investment adviser, and payment of separate application fees as required.

(5) Alternate Business Name.

(a) An issuer required to be registered or who elects to be registered pursuant to Section 517.12(1), 517.051(9) or 517.061(11), F.S., selling its own securities exclusively through its principals or agents (as those terms are defined in Section 517.021, F.S., and Rule 69W-200.001, F.A.C., respectively) may obtain registration as an issuer/dealer by filing as required under paragraph (1) of this rule. Rule 69W-500.011 or 69W-600.0013, F.A.C., as appropriate, provided that:

1. The associated persons of said issuer/dealer comply with the registration requirements of Section 517.12, F.S., and paragraphs (6) and (7) of this rule, provided that such person primarily performs, or is intended to perform at the end of the distribution, substantial duties for, or on behalf of, the issuer other than in connection with transactions in securities;

2. Said issuer/dealer may register up to five (5) associated persons, which persons shall be exempted from the examination requirements of paragraph (6) of this rule, provided such issuer/dealer shall register no more than five (5) associated persons, and at the time of application for registration advises the Office of its intention to register no more than five (5) associated persons. Failure to so advise the Office shall require all associated person applicants to fulfill the examination requirements of paragraph (6) of this rule. Registration of more than five (5) such associated persons, at any one time, shall void this exemption, and all such associated persons shall be required to meet the examination requirements of paragraph (6) of this rule.

(b) It is prohibited for any associated person to conduct securities business in this state under any name other than that of the dealer with which the associated person is registered unless each of the following conditions is met:

1. The business conducted does not violate or evade any provision of Chapter 517, F.S.;

2. The business conducted does not fall within the definition of “dealer” or “investment adviser” as used in Chapter 517, F.S.; and

3. The dealer with which the associated person is registered has received written notice of the name under which business shall be conducted.

(c) Associated persons exempted from the examination requirements as provided by paragraph (5)(a)(2), may not be registered with more than one (1) issuer/dealer at the same time.

(6) Examinations/Qualifications.

(a) Every applicant for registration shall execute and submit a statement attesting to said applicant’s knowledge and review of the Florida Securities and Investor Protection Act, as contained in the Form U-4.

(b) Every applicant for initial registration as a principal or agent of a dealer shall evidence securities general knowledge by:

1. Submitting to the Office proof of passing, within two years of the date of application for registration, an appropriate examination relating to the position to be filled administered by a national securities association or a national securities exchange registered with the Securities and Exchange Commission (SEC); or

2. Submitting to the Office evidence of effective registration, within the preceding two years, with a national securities association or national stock exchange registered with the SEC, relating to the position to be filled as principal or agent.

3. Having remained continuously registered in the capacity to be filled with the State of Florida without interruption of more than two years; or

4. Having complied with the provisions of paragraph 5(a)(2) of this rule.

(c) The examination requirement for associated persons of issuer dealers shall not apply to an individual who currently holds one of the following professional designations:

1. Certified Financial Planner (TM) or CFP® awarded by the Certified Financial Planner Board of Standards, Inc.;

2. Chartered Financial Consultant (ChFC) awarded by the American College, Bryn Mawr, PA;

3. Personal Financial Specialist (PFS) awarded by the American Institute of Certified Public Accountants;

4. Chartered Financial Analyst (CFA) awarded by the Institute of Chartered Financial Analysts; or

5. Chartered Investment Counselor (CIC) awarded by the Investment Counsel Association of America, Inc.

(7) Fingerprint Requirements.

(a) Fingerprints filed in accordance with Section 517.12(7), F.S., shall be submitted to the Office through a live scan vendor approved by the Florida Department of Law Enforcement (FDLE) and published on FDLE’s website for submission to FDLE and the Federal Bureau of Investigation (FBI) for a state criminal background check and a federal criminal background check. The cost of fingerprint processing shall be borne by the applicant and paid directly to the live scan vendor.

(b) Notwithstanding any exemptions found in SEC rule 17f-2 (17 C.F.R. § 240.17f-2), which is incorporated by reference in Rule 69W-200.002, F.A.C., any direct owner, principal, or indirect owner that is required to be reported on Form BD, Uniform Application for Broker-Dealer Registration, pursuant to Section 517.12(7), F.S., who is not currently registered in Florida with the firm they are seeking to join or act as a direct owner, principal, or indirect owner shall submit fingerprints to the Office through a live scan vendor approved by FDLE and published on FDLE’s website for submission to FDLE and the FBI for a state criminal background check and a federal criminal background check. The cost of fingerprint processing shall be borne by the applicant and paid directly to the live scan vendor.

(8) Renewal Requirement.

(a) Renewal fees for associated persons of issuer/dealer firms shall be filed by the firm electronically on the Office’s website at <https://real.flofr.com> through the REAL System and shall be deemed received on the date the Office issues a confirmation of submission and payment to the applicant via the Office’s website as required by Section 517.12(11), F.S. All renewal fees must be received by the Office by December 31 of the year the registration expires.

(b) For associated persons of issuer/dealers, failure of the firm to submit the requisite amount of fees by December 31 of the year of expiration of the registration shall result in such registration not being renewed. If December 31 falls on a Saturday, Sunday or legal holiday pursuant to Section 110.117, F.S., the renewals received on the next business day shall be considered timely received. However, an expired registration may be reinstated in accordance with Section 517.12(11), F.S., provided that all requisite information and fees are filed electronically on the Office's website at <https://real.flofr.com> through the REAL System on or before January 31 of the year following the year of expiration. Failure to submit the requisite amount of fees necessary to reinstate registration by January 31 of the year following the year of expiration shall result in such registration not being reinstated. If January 31 falls on a Saturday, Sunday, or legal holiday pursuant to Section 110.117, F.S., the reinstatement received on the next business day shall be considered timely received. If the renewal or reinstatement is withdrawn or not granted, any fees filed to renew or reinstate registration shall become the revenue of the state pursuant to Section 517.12(10), F.S., and shall not be returnable.

(9) Termination of Registration of Principal or Agent.

(a) Where a registrant withdraws, cancels, or otherwise terminates registration, or is terminated for any reason, notice of such fact shall be filed with the Office within thirty (30) calendar days of the date of termination by electronically filing a Uniform Termination Notice for Securities Industry Registration (Form U5) (05/2009) with the Office through the CRD. A sample form is hereby incorporated by reference and is available at <http://www.flrules.org/> / or <http://www.flofr.com/> /.

(b) The Office may deny any request to terminate or withdraw any application or registration as provided under Section 517.161(5), F.S.

(10) Notice of Civil, Criminal or Administrative Action. An associated person shall:

(a) Notify the Office within thirty (30) calendar days of the date a complaint is served, of any civil, criminal or administrative charges filed that directly or indirectly relate to the registration or sale of securities, or which directly or indirectly relate to activities as a principal or agent, or any other activity where a breach of a fiduciary trust is alleged. This shall not include minor traffic violations; but shall include any notification of investigation by any recognized regulatory agency;

(b) Notify the Office within thirty (30) calendar days of the date filed, any answer or reply to any complaint filed as outlined in paragraph (10)(a);

(c) Notify the Office within thirty (30) calendar days of the date of decision, order, or sanction rendered, or any appeal filed with respect to such decision with regard to any complaint outlined in paragraph (10)(a).

(d) File with the Office one (1) copy of such complaint, answer or reply, decision, order, or sanction at the time of notification in accordance with paragraphs (10)(a), (10)(b), and (10)(c). Associated persons of an issuer/dealer shall file such notifications with the Office through the REAL System in accordance with this rule. However, responses to requests by the Office for additional information shall be filed directly with the Office.

(11) Continuing Education Requirement. Failure to comply with any of the applicable continuing education requirements set forth in any one of the following shall be deemed a demonstration of unworthiness by an associated person under Section 517.161(1)(h), F.S.:

(a) Rule 345A of the NYSE MKT LLC, which is incorporated by reference in Rule 69W-200.002, F.A.C.;

(b) Rule G-3(h) of the Municipal Securities Rulemaking Board, which is incorporated by reference in Rule 69W-200.002, F.A.C.;

(c) Rule 341A of NYSE MKT LLC, which is incorporated by reference in Rule 69W-200.002, F.A.C.;

(d) Article VI, Rule 11 of the Chicago Stock Exchange, which is incorporated by reference in Rule 69W-200.002, F.A.C.

Rulemaking Authority 517.03(1), 517.12 FS. Law Implemented 517.12 FS. History—New

69W-600.0024 Application for Registration as Associated Person (Investment Adviser)

(1) New Applications.

(a) Applicants for registration as an associated person of investment advisers and federal covered advisers shall file the Uniform Application for Securities Industry Registration or Transfer (Form U-4) electronically through the Central Registration Depository (CRD) of the Financial Industry Regulatory Authority (FINRA) as prescribed by the Financial Services Commission (Commission). The application shall include all information required by such form, any other information the Office of Financial Regulation (Office) may require, and payment of the statutory fees required by Section 517.12(10), F.S. The application shall be deemed received by the Office on the date designated in the "Status Date" field on the line notated "FL" with a "Registration Status" of "pending" as indicated on the CRD "Registrations with Current Employers" screen. Every application or amendment filed pursuant to this rule shall constitute a "written application" within the meaning of Section 517.12(6), F.S.

(b) An application shall include the following:

1. Form U-4 (05/2009). A sample form is hereby incorporated by reference and available at <http://www.flrules.org/> / or <http://www.flofr.com/> /.

2. Statutory fee, for each application, in the amount as required by Section 517.12(10), F.S.

3. Evidence of examinations/qualifications set forth in paragraph (6) of this rule.

4. Fingerprints shall be submitted in accordance with Section 517.12(7), F.S., and paragraph (7) of this rule.

(2) Request for Additional Information. All information required by paragraph (1) of this rule shall be submitted with the original application filing. Any request for additional documents or information shall be made by the Office within thirty (30) days after receipt of the application. The Office may require documentation to be certified by its issuer based upon the Office's review of the nature and substance of the disciplinary history of the applicant. For purposes of this rule, "certified" means that there must be an original certification or attestation by the issuer of the record that the document is a true copy of a record contained in its office and its seal, if any. Additional information shall be submitted directly with the Office within sixty (60) days after a request has been made by the Office. Failure to respond to such request within sixty (60) days after the date of the request may be construed by the Office as grounds for denial of an application in accordance with the provisions of Section 120.60(1), F.S.

(3) Amendment of Application. If the information contained in any Form U-4 becomes inaccurate for any reason before or after the associated person becomes registered, the associated person through the investment adviser shall be responsible for correcting the inaccurate information within thirty (30) days. If the information being updated relates to the applicant's or registrant's disciplinary history, in addition to updating the Form U-4, the associated person through investment adviser shall also provide the Office with notice and copies of each civil, criminal or administrative action initiated against the associated person as provided in paragraph (10) of this rule. Associated persons shall file such amendments through the CRD system.

(4) Multiple Registration.

(a) An applicant for registration as an associated person may apply to be registered as an associated person of more than one dealer, issuer/dealer, federal covered adviser or investment adviser, or any combination thereof, by the filing of separate applications by each registered dealer, issuer/dealer, federal covered adviser or investment adviser, and payment of separate application fees as required.

(b) A person registered with the Office as an associated person of an investment adviser shall not be required to register as an associated person of any other investment adviser on whose behalf such person solicits, refers, offers or negotiates advisory services, provided each of the following conditions are met:

1. All compensation received by the associated person is paid by the investment adviser with which the associated person is registered;

2. All customer funds and securities are maintained by the dealer, investment adviser, or a clearing dealer;

3. The investment adviser shall ensure that all associated persons comply with the provisions of Chapter 517, F.S., and the administrative rules promulgated thereunder; and

4. Each investment adviser must be registered with the Office and the associated person's advisory services must be approved by the investment adviser the associated person is registered with prior to any services being recommended.

(5) Alternate Business Name.

(a) It is prohibited for any associated person to conduct investment advisory business in this state under any name other than that of the investment adviser with which the associated person is registered unless each of the following conditions is met:

1. The business conducted does not violate or evade any provision of Chapter 517, F.S.;

2. The business conducted does not fall within the definition of "dealer" or "investment adviser" as used in Chapter 517, F.S.; and

3. The investment adviser with which the associated person is registered has received written notice of the name under which business shall be conducted.

(6) Examinations/Qualifications.

(a) Every applicant for registration shall execute and submit a statement attesting to said applicant's knowledge and review of the Florida Securities and Investor Protection Act, as contained in the Form U-4.

(b) An individual applying to be registered as an investment adviser or investment adviser representative shall provide the Office with proof of passing, within two years of the date of application for registration, one of the following examinations:

1. The Uniform Investment Adviser Law Examination (Series 65) or

2. The General Securities Representative Examination (Series 7) and the Uniform Combined State Law Examination (Series 66).

(c) Grandfathering Provisions:

1. Any individual who is registered as an investment adviser or investment adviser representative in any jurisdiction in the United States requiring examinations designated in paragraph (6)(b) within two years of the date of application for registration shall not be required to satisfy the examination requirements for continued registration except that the Office may require additional examinations for any individual found to have violated any state or federal securities law.

2. An individual who has not been registered in any jurisdiction in the United States as an investment adviser or investment adviser representative within two years of the date of application for registration shall be required to comply with the examination requirements of this rule.

(d) The examination requirement for investment adviser representatives shall not apply to an individual who currently holds one of the following professional designations:

1. Certified Financial Planner (TM) or CFP® awarded by the Certified Financial Planner Board of Standards, Inc.;

2. Chartered Financial Consultant (ChFC) awarded by the American College, Bryn Mawr, PA;

3. Personal Financial Specialist (PFS) awarded by the American Institute of Certified Public Accountants;

4. Chartered Financial Analyst (CFA) awarded by the Institute of Chartered Financial Analysts; or

5. Chartered Investment Counselor (CIC) awarded by the Investment Counsel Association of America, Inc.

(7) Fingerprint Requirements.

(a) Fingerprints filed in accordance with Section 517.12(7), F.S., shall be submitted to the Office through a live scan vendor approved by the Florida Department of Law Enforcement (FDLE) and published on FDLE's website for submission to FDLE and the Federal Bureau of Investigation (FBI) for a state criminal background check and a federal criminal background check. The cost of fingerprint processing shall be borne by the applicant and paid directly to the live scan vendor.

(b) The requirement to submit fingerprints is waived for those associated persons pending registration in Florida with a FINRA member firm and such fingerprints have been submitted and processed by FINRA on behalf of the member firm with which said associated person is pending registration, pursuant to the provisions of Securities and Exchange Commission (SEC) rule 17f-2 (17 C.F.R. § 240.17f-2), which is incorporated by reference in Rule 69W-200.002, F.A.C.

(c) Notwithstanding any exemptions found in SEC rule 17f-2 (17 C.F.R. § 240.17f-2), any direct owner, principal, or indirect owner that is required to be reported on Form ADV, Uniform Application for Investment Adviser Registration, pursuant to Section 517.12(7), F.S., who is not currently registered with the firm they are seeking to join or act as a direct owner, principal, or indirect owner shall submit

fingerprints to the Office through a live scan vendor approved by FDLE and published on FDLE's website for submission to FDLE and the FBI for a state criminal background check and a federal criminal background check. The cost of fingerprint processing shall be borne by the applicant and paid directly to the live scan vendor.

(d) The requirement to submit fingerprints is waived for any direct owner, principal, or indirect owner that is required to be reported on Form ADV pursuant to Section 517.12(7), F.S., if fingerprints have been submitted and processed by FINRA on behalf of the member firm with which the owner or principal is affiliated, pursuant to the provisions of SEC Rule 17f-2 (17 C.F.R. § 240.17f-2).

(8) Renewal Requirement.

(a) Renewal fees for associated persons of investment advisers and federal covered advisers shall be submitted by the firm through the CRD by December 31 of the year the registration expires as required by Section 517.12(11), F.S.

(b) For associated persons of federal covered advisers and investment advisers, failure of the firm to submit the requisite amount of fees by December 31 of the year of expiration of the registration shall result in such registration not being renewed. If December 31 falls on a Saturday, Sunday or legal holiday pursuant to Section 110.117, F.S., the renewals received on the next business day shall be considered timely received. However, an expired registration may be reinstated in accordance with the provisions of Section 517.12(11), F.S., provided that all requisite information and fees are date stamped by the cashier's office of the Department of Financial Services on or before January 31 of the year following the year of expiration. Failure to submit the requisite amount of fees necessary to reinstate registration by January 31 of the year following the year of expiration shall result in such registration not being reinstated. If January 31 falls on a Saturday, Sunday, or legal holiday pursuant to Section 110.117, F.S., the reinstatement received on the next business day shall be considered timely received. In the event that the renewal or reinstatement is withdrawn or not granted, any fees filed to renew or reinstate registration shall become the revenue of the state pursuant to Section 517.12(10), F.S., and shall not be returnable.

(9) Termination of Registration of Principal or Agent.

(a) Where a registrant withdraws, cancels, or otherwise terminates registration or is terminated for any reason, notice of such fact shall be filed with the Office within thirty (30) calendar days of the date of termination by electronically filing a Uniform Termination Notice for Securities Industry Registration (Form U5) (05/2009) with the Office through the CRD. A sample form is hereby incorporated by reference and is available at <http://www.flrules.org/> / or <http://www.flofr.com/> /.

(b) The Office may deny any request to terminate or withdraw any application or registration as provided under Section 517.161(5), F.S.

(10) Notice of Civil, Criminal or Administrative Action. An associated person shall:

(a) Notify the Office within thirty (30) calendar days of the date a complaint is served, of any civil, criminal or administrative charges filed that directly or indirectly relate to the registration or sale of securities, or which directly or indirectly relate to activities as a principal or agent, or any other activity in which a breach of a fiduciary trust is alleged. This shall not include minor traffic violations; but shall include any notification of investigation by any recognized regulatory agency;

(b) Notify the Office within thirty (30) calendar days of the date filed, any answer or reply to any complaint filed as outlined in paragraph (10)(a);

(c) Notify the Office within thirty (30) calendar days of the date of decision, order, or sanction rendered, or any appeal filed with respect to such decision with regard to any complaint outlined in paragraph (10)(a).

(d) File with the Office one (1) copy of such complaint, answer or reply, decision, order, or sanction at the time of notification in accordance with paragraphs (10)(a), (10)(b), and (10)(c). Associated persons of a federal covered adviser or an investment adviser shall file such notifications with the Office through the CRD of the FINRA in accordance with this rule. However, responses to requests by the Office for additional information shall be filed directly with the Office.

(11) Continuing Education Requirement. Failure to comply with any of the applicable continuing education requirements set forth in any one of the following shall be deemed a demonstration of unworthiness by an associated person under Section 517.161(1)(h), F.S.:

(a) FINRA Rule 1250, which is incorporated by reference in Rule 69W-200.002, F.A.C.;

(b) Rule 345A of the NYSE MKT LLC, which is incorporated by reference in Rule 69W-200.002, F.A.C.;

(c) Rule G-3(h) of the Municipal Securities Rulemaking Board, which is incorporated by reference in Rule 69W-200.002, F.A.C.;

(d) Rule 341A of NYSE MKT LLC, which is incorporated by reference in Rule 69W-200.002, F.A.C.;

(e) Article VI, Rule 11 of the Chicago Stock Exchange, which is incorporated by reference in Rule 69W-200.002, F.A.C.

Rulemaking Authority 517.03(1), 517.12 FS. Law Implemented 517.12 FS. History–New

69W-600.0031 Notice-Filing of Branch Office (FINRA Dealer)

(1) New Notice-Filings.

(a) Every Florida branch office of a broker dealer registered in Florida shall be notice-filed with the Office of Financial Regulation (Office) prior to engaging in business therefrom. A broker dealer must be registered with the Office before its branch offices may notice-file. Branches of dealers who are members of the Financial Industry Regulatory Authority (FINRA) shall file the Uniform Branch Office Registration Form (Form BR) electronically through the Central Registration Depository of FINRA (CRD) as prescribed by the Financial Services Commission (Commission). The notice-filing shall include all information required by such form, any other information the Commission or Office may require, and payment of the statutory fees required by Section 517.1202(2), F.S. The notice-filing fee shall be deemed received by the Office on the transaction date (Trans DT) reflected on the Central Registration Depository of FINRA (CRD) “disbursement detail” report.

(b) A notice-filing shall include the following:

1. Form BR (10/05). A sample form is hereby incorporated by reference and available at <http://www.flrules.org/> / or <http://www.flofr.com/> /.

2. Statutory fee in the amount required by Section 517.1202(2), F.S.

3. Manager(s) and resident person(s)-in-charge, as appropriate, must be registered as set forth in Rule 69W-600.002, F.A.C.

(2) Branch Office Designation. A branch office may or may not be designated as an Office of Supervisory Jurisdiction (OSJ) at the discretion of the registrant. For each branch office designated as an OSJ, a branch office manager shall be designated as a principal and registered with the Office. The designated principal shall have passed the appropriate examination(s), administered by a national securities association or a national securities exchange registered with the Securities and Exchange Commission, to supervise the activities of the branch office and its associated persons. For offices not designated as an OSJ, the branch office manager need not be located at the office(s) delegated for supervisory responsibility; however, in such cases, the registrant must specify in writing to the Office, the names of the associated persons designated as resident person(s)-in-charge as well as the branch office manager.

(3) Amendment of Notice-Filing. If the information contained in the Form BR becomes inaccurate or incomplete for any reason after the branch office notice-files, including changing the location of the branch office or the supervisory personnel thereof, the dealer shall amend the information by filing a complete and originally executed Form BR with the Office within thirty (30) days of the change and denoting thereon that the information reported is an amendment to a previous filing. The Form BR shall be filed with the Office through the CRD as set forth in paragraph (1) of this rule. Failure to file amendments, as provided herein, shall be considered a violation of Section 517.1202(6), F.S.

(4) Alternate Business Name. It is prohibited for any branch office to conduct securities business in this state under any name other than that of the dealer with which the branch office is notice-filed unless each of the following conditions is met:

(a) The business conducted does not violate or evade any provision of Chapter 517, F.S.;

(b) The business conducted does not fall within the definition of “dealer” or “investment adviser” as used in Chapter 517, F.S.; and

(c) The dealer with which the branch office is notice-filed has received written notice of the name under which business shall be conducted.

(5) Renewal Requirement.

(a) Renewal fees for branch offices of FINRA member firms shall be submitted through the CRD by December 31 of the year the notice-filing expires as required by Section 517.1202, F.S.

(b) For branch offices of FINRA members, failure of the firm to submit the requisite amount of fees as provided for in paragraph (5)(a) by December 31 of the year of expiration of the notice-filing shall result in the notice-filing not being renewed. If December 31 falls on a Saturday, Sunday or legal holiday pursuant to Section 110.117, F.S., the renewals received on the next business day shall be considered timely received. However, an expired notice-filing may be reinstated in accordance with the provisions of Section 517.1202(3), F.S., provided that all requisite information and fees are date stamped by the cashier’s office of the Department of Financial Services on or before January 31 of the year following the year of expiration. Failure to submit the requisite amount of fees necessary to reinstate the notice-filing by January 31 of the year following the year of expiration shall result in the notice-filing not being reinstated. If January 31 falls on a Saturday, Sunday, or legal holiday pursuant to Section 110.117, F.S., the reinstatement received on the next business

day shall be considered timely received. In the event that the renewal or reinstatement is withdrawn or not granted, any fees filed to renew or reinstate the notice-filing shall become the revenue of the state pursuant to the provisions of Section 517.1202(8), F.S., and shall not be returnable.

(6) Termination of Branch Office. Where a branch office cancels or otherwise terminates notification, or is terminated for any reason, notice of such fact shall be electronically filed with the Office on the Form BR through the CRD within thirty (30) calendar days of the date of cancellation or termination. Rulemaking Authority 517.03(1), 517.1202 FS. Law Implemented 517.1202 FS. History–New _____.

69W-600.0032 Notice-Filing of Branch Office (Non-FINRA Dealer).

(1) New Notice-Filing.

(a) Every Florida branch office of a dealer registered in Florida shall be notice-filed with the Office of Financial Regulation (Office) prior to engaging in business therefrom. A broker dealer must be registered with the Office before its branch offices may notice-file. Branches of dealers that are not members of Financial Industry Regulatory Authority (FINRA) shall file the Uniform Branch Office Registration Form (Form BR) electronically on the Office’s website at <https://real.flofr.com> through the Regulatory Enforcement and Licensing (REAL) System as prescribed by the Financial Services Commission (Commission). The notice-filing shall include all information required by such form, any other information the Commission or Office may require, and payment of the statutory fees required by Section 517.1202(2), F.S. The notice-filing shall be deemed received on the date the Office issues a confirmation of submission and payment to the applicant via the Office’s website.

(b) A notice-filing shall include the following:

1. Form BR (10/05), which is hereby incorporated by reference and available at <http://www.flrules.org/> / or <http://www.flofr.com/> /.

2. Statutory fee in the amount required by Section 517.1202(2), F.S.

3. Manager(s) and resident person(s)-in-charge, as appropriate, must be registered as set forth in Rule 69W-600.0022, F.A.C.

(2) Amendment of Notice-Filing. If the information contained in the Form BR becomes inaccurate or incomplete for any reason after the branch office notice-files, including changing the location of the branch office or the supervisory personnel thereof, the dealer shall amend the information by filing a complete and originally executed Form BR with the

Office within thirty (30) days of the change and denoting thereon that the information reported is an amendment to a previous filing. Dealers shall amend the branch office information by filing the Form BR electronically with the Office through the REAL System, in accordance with paragraph (1) of this rule. Failure to file amendments, as provided herein, shall be considered a violation of Section 517.1202(6), F.S.

(3) Alternate Business Name. It is prohibited for any branch office to conduct securities business in this state under any name other than that of the dealer with which the branch office is notice-filed is registered unless each of the following conditions is met:

(a) The business conducted does not violate or evade any provision of Chapter 517, F.S.;

(b) The business conducted does not fall within the definition of "dealer" or "investment adviser" as used in Chapter 517, F.S.; and

(c) The dealer with which the branch office is notice-filed or associated person is registered has received written notice of the name under which business shall be conducted.

(4) Renewal Requirement.

(a) Renewal fees for branch offices of non-FINRA member firms shall be filed electronically through the REAL System and shall be deemed received on the date the Office issues a confirmation of submission and payment to the applicant via the Office's website. All renewal fees must be received by the Office by December 31 of the year the notice-filing expires as required by Section 517.1202, F.S.

(b) For branch offices of dealers that are not members of FINRA, failure to submit the requisite amount of fees as provided for in paragraph (4)(a) by December 31 of the year of expiration of the notice-filing shall result in the notice-filing not being renewed. If December 31 falls on a Saturday, Sunday or legal holiday pursuant to Section 110.117, F.S., the renewals received on the next business day shall be considered timely received. However, an expired notice-filing may be reinstated in accordance with Section 517.1202(3), F.S., provided that all requisite information and fees are filed electronically on the Office's website at <https://real.flofr.com> through the REAL System on or before January 31 of the year following the year of expiration. Failure to submit the requisite amount of fees necessary to reinstate the notice-filing by January 31 of the year following the year of expiration shall result in the notice-filing not being reinstated. If January 31 falls on a Saturday, Sunday, or legal holiday pursuant to

Section 110.117, F.S., the reinstatement received on the next business day shall be considered timely received. If the renewal or reinstatement is withdrawn or not granted, any fees filed to renew or reinstate the notice-filing shall become the revenue of the state pursuant to the provisions of Section 517.1202(8), F.S., and shall not be returnable.

(5) Termination of Branch Office. Where a branch office cancels, or otherwise terminates notification, or is terminated for any reason, notice of such fact shall be electronically filed with the Office on the Form BR through the CRD within thirty (30) calendar days of the date of cancellation or termination. Rulemaking Authority 517.03(1), 517.1202 FS. Law Implemented 517.1202 FS. History—New _____.

69W-600.0033 Notice-Filing of Branch Office (Issuer/Dealer).

(1) New Notice-Filings.

(a) Every Florida branch office of an issuer/dealer registered in Florida shall be notice-filed with the Office of Financial Regulation (Office) prior to engaging in business therefrom. An issuer/dealer must be registered with the Office before its branch offices may notice-file. Branches of an issuer/dealer shall file the Uniform Branch Office Registration Form (Form BR) electronically on the Office's website at <https://real.flofr.com> through the Regulatory Enforcement and Licensing (REAL) System as prescribed by the Financial Services Commission (Commission). The notice-filing shall include all information required by such form, any other information the Commission or Office may require, and payment of the statutory fees required by Section 517.1202(2), F.S. The notice-filing shall be deemed received on the date the Office issues a confirmation of submission and payment to the applicant via the Office's website.

(b) A notice-filing shall include the following:

1. Form BR (10/05), which is hereby incorporated by reference and available at <http://www.flrules.org/> / or <http://www.flofr.com/> /.

2. Statutory fee in the amount required by Section 517.1202(2), F.S.

3. Manager(s) and resident person(s)-in-charge, as appropriate, must be registered as set forth in Rule 69W-600.0023, F.A.C.

(2) Amendment of Notice-Filing. If the information contained in the Form BR becomes inaccurate or incomplete for any reason after the branch office notice-files, including changing the location of the branch office or the supervisory

personnel thereof, the issuer/dealer shall amend the information by filing a complete and originally executed Form BR with the Office within thirty (30) days of the change and denoting thereon that the information reported is an amendment to a previous filing. Issuer/dealers shall amend the branch office information by filing the Form BR electronically with the Office through the REAL System as set forth in paragraph (1) of this rule. Failure to file amendments, as provided herein, shall be considered a violation of Section 517.1202(6), F.S.

(3) Alternate Business Name. It is prohibited for any branch office to conduct a securities business in this state under any name other than that of the dealer with which the branch office is notice-filed unless each of the following conditions is met:

(a) The business conducted does not violate or evade any provision of Chapter 517, F.S.;

(b) The business conducted does not fall within the definition of “dealer” or “investment adviser” as used in Chapter 517, F.S.; and

(c) The dealer with which the branch office is notice-filed has received written notice of the name under which business shall be conducted.

(4) Renewal Requirement.

(a) Renewal fees for branch offices of issuer/dealer firms shall be filed electronically through the REAL System and shall be deemed received on the date the Office issues a confirmation of submission and payment to the applicant via the Office’s website. A confirmation of submission is issued by the Office upon successful filing of a renewal and payment of all fees. All renewal fees must be received by the Office by December 31 of the year the notice-filing expires as required by Section 517.1202, F.S.

(b) For branches of issuer/dealers, failure of the firm to submit the requisite amount of fees as provided for in paragraph (4)(a) by December 31 of the year of expiration of the notice-filing shall result in such notice-filing not being renewed. If December 31 falls on a Saturday, Sunday or legal holiday pursuant to Section 110.117, F.S., the renewals received on the next business day shall be considered timely received. However, an expired notice-filing may be reinstated in accordance with Section 517.1202(3), F.S., provided that all requisite information and fees are filed electronically on the Office’s website at <https://real.flofr.com> through the REAL System on or before January 31 of the year following the year of expiration. Failure to submit the requisite amount of fees necessary to reinstate the notice-filing by January 31 of the year following the year of expiration shall result in such

registration or notice-filing not being reinstated. If January 31 falls on a Saturday, Sunday, or legal holiday pursuant to Section 110.117, F.S., the reinstatement received on the next business day shall be considered timely received. If the renewal or reinstatement is withdrawn or not granted, any fees filed to renew or reinstate the notice-filing shall become the revenue of the state pursuant to the provisions of Section 517.1202(8), F.S., and shall not be returnable.

(5) Termination of Branch Office. Where a branch office cancels, or otherwise terminates notification, or is terminated for any reason, notice of such fact shall be electronically filed with the Office on the Form BR through the CRD within thirty (30) calendar days of the date of cancellation or termination. Rulemaking Authority 517.03(1), 517.1202 FS. Law Implemented 517.1202 FS. History—New _____.

69W-600.0034 Notice-Filing of Branch Office (Investment Adviser).

(1) New Notice-Filings.

(a) Every Florida branch office of an investment adviser registered in Florida shall be notice-filed with the Office of Financial Regulation (Office) prior to engaging in business therefrom. An investment adviser must be registered with the Office before its branch offices may notice-file. Branches of an investment adviser shall file the Uniform Branch Office Registration Form (Form BR) electronically through the Central Registration Depository (CRD) of the Financial Industry Regulatory Authority (FINRA) as prescribed by the Financial Services Commission (Commission). The notice-filing shall include all information required by such form, any other information the Commission or Office may require, and payment of the statutory fees required by Section 517.1202(2), F.S. The notice-filing shall be deemed received by the Office on the transaction date (Trans DT) reflected on the CRD “disbursement detail” report.

(b) A notice-filing shall include the following:

1. Form BR (10/05). A sample form is hereby incorporated by reference and available at <http://www.flrules.org/> or <http://www.flofr.com/>.

2. Statutory fee in the amount required by Section 517.1202(2), F.S.

3. Person(s)-in-charge must be registered as set forth in Rule 69W-600.0024, F.A.C.

(2) Amendment of Notice-Filing. If the information contained in the Form BR becomes inaccurate or incomplete for any reason after the branch office notice-files, including changing the location of the branch office or the supervisory personnel thereof, the investment adviser shall amend the

information by filing a complete and originally executed Form BR with the Office within thirty (30) days of the change and denoting thereon that the information reported is an amendment to a previous filing. For any investment adviser, the Form BR shall be filed with the Office through the CRD of FINRA, as set forth in paragraph (1) of this rule. Failure to file amendments, as provided herein, shall be considered a violation of Section 517.1202(6), F.S.

(3) Alternate Business Name. It is prohibited for any branch office to conduct an investment advisory business in this state under any name other than that of the investment adviser with which the branch office is notice-filed unless each of the following conditions is met:

(a) The business conducted does not violate or evade any provision of Chapter 517, F.S.;

(b) The business conducted does not fall within the definition of "dealer" or "investment adviser" as used in Chapter 517, F.S.; and

(c) The investment adviser with which the branch office is notice-filed has received written notice of the name under which business shall be conducted.

(4) Renewal Requirement.

(a) Renewal fees for investment advisers shall be submitted through the Investment Adviser Registration Depository (IARD) of FINRA by December 31 of the year the registration or notice-filing expires. Renewal fees for associated persons of investment advisers and federal covered advisers, and branch offices of investment advisers, shall be submitted through the CRD by December 31 of the year the registration or notice-filing expires.

(b) For branch offices of investment advisers, failure of the firm to submit the requisite amount of fees as provided for in paragraph (4)(a) by December 31 of the year of expiration of the notice-filing shall result in the notice-filing not being renewed. If December 31 falls on a Saturday, Sunday or legal holiday pursuant to Section 110.117, F.S., the renewals received on the next business day shall be considered timely received. However, an expired notice-filing may be reinstated in accordance with the provisions of Section 517.1202(3), F.S., provided that all requisite information and fees are date stamped by the cashier's office of the Department of Financial Services on or before January 31 of the year following the year of expiration. Failure to submit the requisite amount of fees necessary to reinstate the notice-filing by January 31 of the year following the year of expiration shall result in such notice-filing not being reinstated. If January 31 falls on a Saturday, Sunday, or legal holiday pursuant to Section 110.117, F.S., the reinstatement received on the next business day shall be considered timely received. In the event that the renewal or reinstatement is withdrawn or not granted, any fees filed to renew or reinstate the notice-filing shall become the

revenue of the state pursuant to the provisions of Section 517.1202(8), F.S., and shall not be returnable.

(5) Termination of Branch Office. Where a branch office, cancels, or otherwise terminates notification, or is terminated for any reason, notice of such fact shall be electronically filed with the Office on the Form BR through the CRD within thirty (30) calendar days of the date of cancellation or termination. Rulemaking Authority 517.03(1), 517.1202 FS. Law Implemented 517.1202 FS. History--New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:

Pamela Epting, Director, Division of Securities

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Financial Services Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 23, 2015

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: June 12, 2015

DEPARTMENT OF FINANCIAL SERVICES

Securities

RULE NO.: RULE TITLE:

69W-700.001 Registration of Securities

PURPOSE AND EFFECT: The Office proposes to amend this rule to re-add financial reporting provisions for securities registration that were contained in paragraph (6) of Rule 69W-300.002 (repealed 5/6/15) but were inadvertently not moved to another rule when the rule was repealed. Paragraph (2) is added to correct the error. The amendments also update the rule to provide instructions for electronic filing and remove an unnecessary provision (current paragraph (2)).

SUMMARY: These amendments add paragraph (2) to the rule for financial reporting requirements for securities registration, provide instructions for electronic filing and remove an unnecessary provision.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION: The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the Agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: The Agency expressly relies on an analysis of potential economic impact conducted by persons with subject matter knowledge of this rule.

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.

RULEMAKING AUTHORITY: 517.03 FS.

LAW IMPLEMENTED: 517.081 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: John Kim, Division of Securities, john.kim@flofr.com, (850)410-9781

THE FULL TEXT OF THE PROPOSED RULE IS:

69W-700.001 Registration of Securities.

(1) An applicant for registration of securities pursuant to Section 517.081, F.S., shall comply with the rules contained in Chapter 69W-700, F.A.C., and shall use the below forms which are incorporated by reference in subsection 69W-301.002(7), F.A.C.: An applicant shall file forms and fees electronically on the Office of Financial Regulation (Office)'s website at <https://real.flofr.com> through the Regulatory Enforcement and Licensing (REAL) System. The application shall include all information required by such forms and payment of the statutory fees, as required by Section 517.081(6), F.S. An application shall include the following:

(a) Form OFR-S-1-91, Application for Registration of Securities (11/22/10) or Form OFR-S-12-97, SCOR (Small Corporate Offering Registration) Application to Register Securities (11/22/10). These forms are hereby incorporated by reference and are available at <http://www.flrules.org/> / or <http://www.flofr.com/> /;

(b) OFR-S-7-91, Exhibit 1 (General Issue) (11/22/10). This form is hereby incorporated by reference and is available at <http://www.flrules.org/> / or <http://www.flofr.com/> /;

(c) An irrevocable written Uniform Consent to Service of Process, Form U-2 (effective 9/15) or Form OFR-S-5-91 (11/22/10). These forms are hereby incorporated by reference and are available at <http://www.flrules.org/> / or <http://www.flofr.com/> /;

(d) Uniform Corporate Resolution, Form U-2A (effective 9/15) or Form OFR-S-6-91 (11/22/10). These forms are hereby incorporated by reference and are available at <http://www.flrules.org/> / or <http://www.flofr.com/> /.

(2) Financial Reporting Requirements for Securities Registration.

(a) All applicants for Registration of Securities pursuant to Section 517.081, F.S., shall file audited financial statements. An applicant offering securities pursuant to Regulation A of the Securities Act of 1933, is not required to

file audited financial statements unless audited statements have been prepared and submitted to the Securities and Exchange Commission in perfecting the Regulation A exemption.

(b) The applicant shall file such financial statements as of a date within 90 days prior to the date of filing the registration statement or application, these financial statements need not be audited, however, if these statements are not audited, there shall be filed, in addition, audited statements as of the applicant's last fiscal year.

1. All such financial statements should be normally on a consolidated basis with respect to a parent corporation in which it owns directly or indirectly more than 50% of the outstanding voting securities.

2. Separate financial statements are required for unconsolidated subsidiaries, or 50% or less owned companies, accounted for by the equity method.

(c) If any of the proceeds of the securities offered for registration are to be used directly or indirectly for the purchase of any business or portion thereof, financial statements of such business or portion thereof are required to be filed as required by paragraph (6)(a) of this rule.

(d) For purposes of Rule 69W-700.005, F.A.C., Individual General Partners shall submit an unaudited sheet which conforms to United States generally accepted accounting principles. Such balance sheet should be prepared on a cost basis. A two-column presentation showing both cost in the first column paralleled by a second column presenting estimated values will also be acceptable. However, the Office will not base the net worth computation on estimated values unless satisfactory evidence of the estimated values is presented to the Office.

~~(2) In order to insure the timely processing of applications filed pursuant to Section 517.081, F.S., it is requested that applications be submitted to this Office of Financial Regulation at least ninety (90) days prior to the date for which effectiveness of such registration is desired.~~

Rulemaking Authority 517.03 FS. Law Implemented 517.07, 517.081, 517.101 ~~517.081(3)~~ FS. History—(Formerly 3E-20.011) New 9-20-82, Formerly 3E-700.01, Amended 7-31-91, Formerly 3E-700.001, Amended 9-22-14,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Pamela Epting, Director, Division of Securities

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Financial Services Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 23, 2015

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: June 12, 2015

Section III
Notice of Changes, Corrections and
Withdrawals

NONE

Section IV
Emergency Rules

NONE

Section V
Petitions and Dispositions Regarding Rule
Variance or Waiver

NONE

Section VI
Notice of Meetings, Workshops and Public
Hearings

DEPARTMENT OF EDUCATION

The Florida Rehabilitation Council for the Blind and the Division of Blind Services announces public meetings to which all persons are invited.

DATES AND TIMES: July 29, 2015, 8:30 a.m. – 4:30 p.m.; July 30, 2015, 8:30 a.m. – 10:30 a.m.

PLACE: Hyatt Regency Orlando International, 9300 Jeff Fuqua Boulevard, Orlando, FL 32827

GENERAL SUBJECT MATTER TO BE CONSIDERED: Quarterly Business Meeting of the Rehabilitation Council.

A copy of the agenda may be obtained by contacting: The Division of Blind Services, 325 W. Gaines Street, Room 1114, Tallahassee, FL 32399, (850)245-0300.

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 10 days before the workshop/meeting by contacting: The Division of Blind Services, 325 W. Gaines Street, Room 1114, Tallahassee, FL 32399, (850)245-0300. 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).

For more information, you may contact: The Division of Blind Services, 325 W. Gaines Street, Room 1114, Tallahassee, FL 32399, (850)245-0300.

DEPARTMENT OF EDUCATION

The Florida Rehabilitation Council for the Blind and the Division of Blind Services announces a public meeting to which all persons are invited.

DATE AND TIME: July 29, 2015, 5:00 p.m. – 6:00 p.m.

PLACE: Hyatt Regency Orlando International, 9300 Jeff Fuqua Boulevard, Orlando, FL 32827

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Florida Division of Blind Services helps individuals with visual impairments to achieve employment and independence under Title I of the Rehab Act. The public forum is for consumer input on the effectiveness of those services.

A copy of the agenda may be obtained by contacting: The Division of Blind Services, 325 W. Gaines Street, Room 1114, Tallahassee, FL 32399, (850)245-0300.

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 10 days before the workshop/meeting by contacting: The Division of Blind Services, 325 W. Gaines Street, Room 1114, Tallahassee, FL 32399, (850)245-0300. 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).

For more information, you may contact: The Division of Blind Services, 325 W. Gaines Street, Room 1114, Tallahassee, FL 32399, (850)245-0300.

EXECUTIVE OFFICE OF THE GOVERNOR

The Governor’s Commission on Community Service (Volunteer Florida) announces a telephone conference call to which all persons are invited.

DATE AND TIME: July 22, 2015, 3:30 p.m. until all business is complete

PLACE: Conference call number: 1(888)670-3525, passcode: 3360784946#

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Executive Committee Business.

NOTE: This is a new date and time from the previously scheduled July 13, 2015, 3:00 p.m. meeting.

A copy of the agenda may be obtained by contacting: Paula Noor, (850)414-7400.

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 3 days before the workshop/meeting by contacting: Paula Noor, (850)414-7400. 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).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Paula Noor, (850)414-7400.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Architecture and Interior Design

The Board of Architecture and Interior Design announces a public meeting to which all persons are invited.

DATE AND TIME: July 27, 2015, 9:00 a.m.

PLACE: Boca Raton Resort & Club, 501 Camino Real, Boca Raton, FL 33432

GENERAL SUBJECT MATTER TO BE CONSIDERED:
The following cases are open to the public:

Akouri Consulting 2015-017163

George Akouri 2015-018217

American Architectural Graphics, Inc. 2013-035518

Wendy Sydeski

Andres Antonio Alvarez 2014-050090

AAA Design Services

Applied Concepts Unleashed, Inc. 2015-021407

Stephen French

Architectural Resource 2014-003397

Michael Klement

William H. Arthur, IV 2014-020196

Christopher A. Baugh 2014-052359

The Addoson Group

Benny Bercovicz 2014-051493

Creative Builders Corporation

Billy Blanco Designs 2013-035530

William Jurberg

David Gonzalez Blanco 2013-043219

Pat Bosch 2014-045633

Deborah L. Brown 2014-046128

Palladian Design Group

Jorge Cepero 2014- 046090

Donna P. Cohen 2014-051551

Donna Cohen Classic Design, LLC

James M. Diehl 2013-038535

James Diehl Designs

Gary Douredjian 2014-051561

Palladian Design Group

Jennifer Elmore 2015-000383

Joseph Esposito 2014-018843

Mesocore, LLC

Robert Foraker 2014-044286

Design Drafting Consultants

Carlos A. Garcia 2014-002214

Stephen A. Gaydosh 2014-051634

Sage Engineering

Christine Graham 2015-009126

Oasis Designs, Inc.

J.D. Graham 2015-008963

Oasis Designs, Inc.

Gulf Building, LLC 2014-038794

John J. Scherer

Stephen C. Handley 2014-044660

Handley's Residential Design, Inc.

Jack Harris 2014-047990

Jack Harris Designs, Inc.

Chandra Hartman 2015-009008

CFH Design Studio, Inc.

Michael A. Heron 2013-041683

Michael Heron & Associates, Inc.

Jennifer E. Hickson 2014-052331

Interior Bliss Design Studio, LLC

Michael Hickson 2014-040962
Hickson Construction Company Incorporated

Infinisys, Inc. 2015-017361

Infinity Design Group 2015-000502
Joshua David Griffin, III

Charles M. Jordan 2014-051631
New World Builders, Inc.

KM Designs 2015-008954
John K. McCoy

Emilio Alberto Lebolo King 2013-034900
Lebolo Consulting Services Group

Alfredo E. Leon 2014-025991
Ardecon, Inc.

Stephen S. Lewis 2014-051462
Lewis Consulting Services, Inc.

Mangrove Bay Design 2015-002694
Jennifer Kerr-Marsch

Fermin A. Martinez 2014-052336

Justin Jean Mathurin 2015-002433
JJM3 Cad Inc.

Scott Maurer 2015-000554
Second Floor Drafting, Inc.

McMonigal Architects 2014-003396
Rosemary McMonigal

Mead Design Co. 2014-053581
Mary Mead

Carlos Pereira 2014-052525
All Service Design, Inc.

Rebel Design Group 2013-015128
Douglas DeBoer

Paul Rechichar 2014-051625
Platinum Building & Remodeling, Inc.

Mark Vincent Richter 2013-044086
Richter Engineering, Inc.

Robb Robin Robson 2014-050103
RRR General Constructions, LLC

Royal Concrete Concepts, LLC 2014-042122
Harry Gleich

Katy L. Salyer 2015-000376
Katy Lynn Design Group

Gregory A. Sweeting 2015-001994
Southern Design Homes, Inc.

Mark Tanney 2015-008995
Tanney Designs 2015-027352

Velocity Construction 2014-035863
Charles H. Panoyan

Gregory Weber 2014-053669

Dale A. Weisl 2014-052392

A copy of the agenda may be obtained by contacting: David K. Minacci, Smith, Thompson, Shaw, Minacci & Colón, PA, 3520 Thomasville Road, Fourth Floor, Tallahassee, Florida 32309, (850)402-1570.

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: David K. Minacci, Smith, Thompson, Shaw, Minacci & Colón, PA, 3520 Thomasville Road, Fourth Floor, Tallahassee, Florida 32309, (850)402-1570. 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).

For more information, you may contact: David K. Minacci, Smith, Thompson, Shaw, Minacci & Colón, PA, 3520 Thomasville Road, Fourth Floor, Tallahassee, Florida 32309, (850)402-1570.

DEPARTMENT OF BUSINESS AND PROFESSIONAL
REGULATION

Board of Accountancy

The Board of Accountancy announces a telephone conference call to which all persons are invited.

DATE AND TIME: August 6, 2015, 9:00 a.m.

PLACE: Conference call number: 1(888) 670-3525, conference code: (9202742832)

GENERAL SUBJECT MATTER TO BE CONSIDERED:

The Clay Ford Scholarship Committee will meet to consider applications for minority scholarships.

A copy of the agenda may be obtained by contacting: Trecia Jenkins, Regulatory Specialist II, 240 NW 76 Drive, Suite A, Gainesville, Florida 32607.

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: Trecia Jenkins or Rich Evans. 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).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

DEPARTMENT OF HEALTH

The Board of Nursing announces a telephone conference call to which all persons are invited.

DATE AND TIME: July 28, 2015, 10:00 a.m.

PLACE: Department of Health, Tallahassee: 1(888)670-3525, pass code: 2681213003

GENERAL SUBJECT MATTER TO BE CONSIDERED: To consider cases where Probable Cause has previously been found.

A copy of the agenda may be obtained by contacting: Joe Baker, Jr., Executive Director, 4052 Bald Cypress Way, Bin #C02, Tallahassee, FL 32399-3252.

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: the Board at (850)245-4125. 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).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

DEPARTMENT OF CHILDREN AND FAMILIES

The Hendry/Glades County Community Alliance announces a public meeting to which all persons are invited.

DATE AND TIME: February 13, 2015, May 8, 2015, July 21, 2015, August 14, 2015, November 13, 2015, 10:00 a.m.

PLACE: Hendry County Health Department, 1140 Pratt Boulevard, LaBelle, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Ongoing Hendry/Glades County Alliance business.

A copy of the agenda may be obtained by contacting: Stephanie Jones at (239)895-0257.

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: Stephanie Jones at (239)895-0257. 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).

DEPARTMENT OF CHILDREN AND FAMILIES

Mental Health Program

The Department of Children and Families announces a public meeting to which all persons are invited.

DATE AND TIME: July 21, 2015, 10:00 a.m.

PLACE: 1317 Winewood Blvd., Bldg. 6, Conference Room A, Tallahassee, FL 32399-0700

Call-in #: 1(888)670-3525, participant code: 286-825-0655

GENERAL SUBJECT MATTER TO BE CONSIDERED: ITN# 7D10ME5 - Performance Based Prevention System Solicitation Conference Call – All interested vendors are encouraged to participate. The conference is held to review the ITN with vendors so that areas of misunderstanding or ambiguity be clarified.

A copy of the agenda may be obtained by contacting: Michele.staffieri@myflfamilies.com.

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 1 days before the workshop/meeting by contacting: Michele.staffieri@myflfamilies.com. 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).

For more information, you may contact: Michele.staffieri@myflfamilies.com.

SOUTH DADE SOIL AND WATER CONSERVATION DISTRICT

The South Dade Soil & Water Conservation District announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, July 16, 2015, 9:30 a.m.

PLACE: USDA Florida City Service Center, 1450 N. Krome Ave., #102, Florida City, FL 33034

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular agenda items for presentation to the Board of Supervisors, Ag Lab Report, MIL Report, and District Projects.

A copy of the agenda may be obtained by contacting: Gina Dolleman, (305)242-1288.

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 1 day before the workshop/meeting by contacting: SDSWCD at (305)242-1288. 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).

For more information, you may contact: Morgan Levy, District Administrator at (305)242-1288.

ENTERPRISE FLORIDA, INC.

The Florida Development Finance Corporation (“FDFC”) Board of Directors announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, August 4, 2015, 2:00 p.m. – 3:00 p.m.

PLACE: South Conference Room, Enterprise Florida, Inc., 800 North Magnolia Avenue, Suite 1100, Orlando, FL 32803

GENERAL SUBJECT MATTER TO BE CONSIDERED:

This meeting will discuss the following:

- 7/21 Minutes
- Cypress Pointe Living LLC – Bond Resolution No. 15-04
- Budget FY2015-16, Final - Presentation

A copy of the agenda may be obtained by contacting: Bill Spivey at (407)956-5695.

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 1 day before the workshop/meeting by contacting: Bill Spivey at (407)956-5695. 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).

ENTERPRISE FLORIDA, INC.

The Florida Development Finance Corporation (“FDFC”) Board of Directors announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, July 21, 2015, 2:00 p.m. – 3:00 p.m.

PLACE: South Conference Room, Enterprise Florida, Inc., 800 North Magnolia Avenue, Suite 1100, Orlando, FL 32803

GENERAL SUBJECT MATTER TO BE CONSIDERED:

This meeting will discuss the following:

- 4/07 Minutes
- Renaissance Charter Schools Inc., Bond Resolution No. 15-03
- Cypress Pointe Living LLC – Presentation
- Carolina Arms Apartments – Presentation
- Budget FY2015-16, Draft - Presentation

A copy of the agenda may be obtained by contacting: Bill Spivey at (407)956-5695.

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 1 day before the workshop/meeting by contacting: Bill Spivey at (407)956-5695. 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).

**Section VII
Notice of Petitions and Dispositions
Regarding Declaratory Statements**

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Building Commission

RULE NO.: RULE TITLE:

61G20-1.001 Florida Building Code Adopted

NOTICE IS HEREBY GIVEN that the Florida Building Commission has received the petition for declaratory statement from the Town of Pembroke Park. The petition seeks the agency’s opinion as to the applicability of Section 606, Florida Building Code, Mechanical 5th edition (2014) as it applies to the petitioner.

Petitioner seeks clarification in regards to the placement of smoke duct detectors for air conditioning and exhaust systems.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Agency Clerk’s Office, Department of Business and Professional Regulation, 1940 North Monroe Street, Suite 92, Tallahassee, Florida 32399-2203, (850)921-0342, AGC.Filing@myfloridalicense.com.

Please refer all comments to: Mo Madani, Building Codes and Standards Office, Department of Business and Professional Regulation, Suite 90A, 1940 North Monroe, Tallahassee, Florida 32399, (850)487-1824, mo.madani@myfloridalicense.com or April L. Hammonds, Office of the General Counsel, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-1000, (850)487-1824, april.hammonds@myfloridalicense.com.

RESPONSES, MOTIONS TO INTERVENE, OR REQUESTS FOR A HEARING, §120.57(2), FLA. STAT., MUST BE FILED WITHIN 21 DAYS OF THIS NOTICE.

**Section VIII
Notice of Petitions and Dispositions
Regarding the Validity of Rules**

Notice of Petition for Administrative Determination has been filled with the Division of Administrative Hearings on the following rules:

NONE

Notice of Disposition of Petition for Administrative Determination has been filled with the Division of Administrative Hearings on the following rules:

NONE

**Section IX
Notice of Petitions and Dispositions
Regarding Non-rule Policy Challenges**

NONE

**Section X
Announcements and Objection Reports of
the Joint Administrative Procedures
Committee**

NONE

**Section XI
Notices Regarding Bids, Proposals and
Purchasing**

DEPARTMENT OF EDUCATION
Florida School for the Deaf and the Blind
PUBLIC ANNOUNCEMENT FOR Heating Hot Water
Primary System Replacement-ITB-15-034
The Florida School for the Deaf and the Blind (FSDB) requests qualifications for Heating Hot Water Primary System Replacement contractors. The firm(s) selected under this contract will be responsible for Removal of existing boilers

and installation of new FSDB supplied boilers all in accordance with the Heating Hot Water Primary System Replacement specifications and drawings posted on the FSDB website in which the estimated cost does not exceed the Level 3 procurement threshold. Selection of the successful respondent will be based on the lowest cost. Firm(s) must be properly licensed in the State of Florida at the time of submittal.

MANDATORY PRE-BID MEETING: August 4, 2014 at 2:00 PM.

RESPONSE DUE DATE: August 20, 2015, no later than 1:45 PM.

INSTRUCTIONS FOR SUBMITTAL: Firms interested in being considered for this project should access <http://www.fsdb.k12.fl.us/index.php/services/competitive-solicitations/> and then click on Heating Hot Water Primary System Replacement-ITB-15-034.

**Section XII
Miscellaneous**

DEPARTMENT OF ENVIRONMENTAL PROTECTION
RULE NO.: RULE TITLE:

62-621.300 Permits

NOTICE OF CONTINUATION OF THE MULTI-SECTOR
GENERIC PERMIT
FOR STORMWATER DISCHARGE ASSOCIATED WITH
INDUSTRIAL ACTIVITY

The Department gives notice of the continuation of the Multi-Sector Generic Permit (“MSGP”) for Stormwater Discharge Associated with Industrial Activity which is adopted by subsection 62-621.300(5), F.A.C. The MSGP regulates point source discharges of stormwater runoff from certain types of industrial facilities. The current MSGP became effective on September 29, 1995. Permit coverage under the MSGP is limited to a term not to exceed five years from the effective date of coverage.

The Department reviews and evaluates the MSGP on a recurring basis and will update the permit as necessary to account for changes in technology, and applicable state and federal regulatory requirements. The MSGP may be re-opened by the Department or any person having a substantial interest in the rule may petition the Department to initiate rulemaking in accordance with section 120.54(7), F.S.

Questions regarding this notice may be directed to: Borja Crane-Amores, Program Administrator - NPDES Stormwater Program, Florida Department of Environmental Protection, 2600 Blair Stone Road, MS 3585, Tallahassee, Florida, Torja.CraneAmores@dep.state.fl.us.

FISH AND WILDLIFE CONSERVATION COMMISSION

Request for Written Comments on Biological Status

The Florida Fish and Wildlife Conservation Commission has initiated a species evaluation request to list the alligator snapping turtle (*Macrochelys temminckii*), the Suwannee alligator snapping turtle (*Macrochelys suwannienensis*), and the Apalachicola alligator snapping turtle (*Macrochelys apalachicola*) as State-designated Threatened Species pursuant to 68A-27.0012(2), Florida Administrative Code (F.A.C.). The Commission requests written information and data on the biological status of the alligator snapping turtle pursuant to 68A-27.0012(2)(c)2.b., F.A.C. The Commission is specifically requesting information on: population size and trends; distribution and range; threats to the species; published population viability models; and specific aspects of the species' life history that may influence the status of the species. In accordance with 68A-27.0012(2)(d)2., F.A.C., information on the management needs and the socio/economic impacts of the listing will be sought at a future date, in preparation for the drafting of a species-specific action plan. Information and data should be sent to: Melissa Tucker, Florida Fish and Wildlife Conservation Commission, 620 S. Meridian Street, Mail station 2A, Tallahassee, FL 32399-1600. Responses will be accepted until 5:00 p.m., Tuesday September 1, 2015.

DEPARTMENT OF ECONOMIC OPPORTUNITY

Division of Community Development

Final Order No.: DEO-15-101

NOTICE IS HEREBY GIVEN that the Florida Department of Economic Opportunity issued Final Order No. DEO-15-101 on July 9, 2015, in response to an application submitted by Lake Yvette Homeowners Association, Inc., Unit 3 for covenant revitalization under Chapter 720, Part III, Florida Statutes.

The Department's Final Order granted the application for covenant revitalization after determining that the application met the statutory requirements for covenant revitalization.

Copies of the final order may be obtained by writing to the Agency Clerk, Department of Economic Opportunity, 107 E. Madison Street, MSC 110, Tallahassee, Florida 32399-4128 or Katie.Zimmer@DEO.MyFlorida.com.

DEPARTMENT OF ECONOMIC OPPORTUNITY

Division of Community Development

Final Order No. DEO-15-100

NOTICE IS HEREBY GIVEN that the Florida Department of Economic Opportunity issued Final Order No. DEO-15-100 on July 9, 2015, in response to an application submitted by the Willow Crest Community Association, Inc. for covenant revitalization under Chapter 720, Part III, Florida Statutes.

The Department's Final Order denied the application for covenant revitalization after determining that the application did not meet the statutory requirements for covenant revitalization.

Copies of the final order may be obtained by writing to the Agency Clerk, Department of Economic Opportunity, 107 E. Madison Street, MSC 110, Tallahassee, Florida 32399-4128 or Katie.zimmer@DEO.MyFlorida.com.

Section XIII
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