

incorporated by reference. The Family and Supported Living Home and Community-Based Services Waiver Procedure Codes and Maximum Units of Service is available from the Medicaid fiscal agent website at <http://floridamedicaid.acs-inc.com>. Click on Provider Support, and then on Fees.

Specific Authority 409.919 FS. Law Implemented 409.906, 409.908, FS. History—New

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Florida Land Sales, Condominiums and Mobile Homes

RULE NO.: 61B-18.0051
 RULE TITLE: Declarations

PURPOSE AND EFFECT: The purpose of the rule amendment is to clarify that declarations of condominiums shall be consistent with subsection 61B-22.007(1), F.A.C., that insurance and the costs of repairing condominium property for which the association has insurance coverage is a common expense.

SUBJECT AREA TO BE ADDRESSED: This rule amendment clarifies provisions relating to insurance coverage and common expenses.

SPECIFIC AUTHORITY: 718.501(1)(f) FS.

LAW IMPLEMENTED: 718.104(f), (g), 718.111(11), 718.115 FS.

IF REQUESTED 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: January 8, 2007, 9:00 a.m.

PLACE: The Northwood Centre, Suite 16, Conference Room, 1940 North Monroe Street, Tallahassee, Florida

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

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

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Florida Land Sales, Condominiums and Mobile Homes

RULE NO.: 61B-22.007
 RULE TITLE: Common Expense; Insurance

PURPOSE AND EFFECT: The purpose of the rule is to clarify that insurance and the costs of repairing condominium property for which the association has insurance coverage is a common expense. This includes the cost of any insurance deductible that is part of the cost of the repair.

SUBJECT AREA TO BE ADDRESSED: The proposed rule addresses condominium insurance and associated costs of repairing condominium property.

SPECIFIC AUTHORITY: 718.501(1)(f) FS.

LAW IMPLEMENTED: 718.111(11), 718.115, 718.504(21)(c)(1)g. FS.

IF REQUESTED 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: January 8, 2007, 9:00 a.m.

PLACE: The Northwood Centre, Suite 16, Conference Room, 1940 North Monroe Street, Tallahassee, Florida

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

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Engineers

RULE NO.: 61G15-31.010
 RULE TITLE: Design of Aluminum Structures

PURPOSE AND EFFECT: Purpose and effect is to develop engineering standards for the design of aluminum structures.

SUBJECT AREA TO BE ADDRESSED: Design of aluminum structures.

SPECIFIC AUTHORITY: 471.008, 471.033 FS.
 LAW IMPLEMENTED: 471.033 FS.
 IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Paul Martin, Executive Director, Board of Professional Engineers, 2507 Callaway Road, Suite 200, Tallahassee, Florida 32301

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61G15-31.010 Design of Aluminum Structures.

(1) The engineer of record for the structure is responsible for all structural aspects of the structure's design including the design of the structure's components and connections, and structural engineering documents.

(2) The structural engineering documents shall include:

(a) The project and its location on plan and elevation drawings for a particular site.

(b) Drawings which show all structural components and connection details and/or alternate details.

(c) Material specifications for all structural components and fasteners, including tolerances.

(d) The nature, magnitude, and location of all design loads and the load cases for the structure.

(e) The location and magnitude of the structure's reactions for each load case.

(3) Supporting structural engineering calculations and documents shall include:

(a) Material specifications for all structural components and fasteners.

(b) The support conditions assumed in the design.

(c) Calculations showing the maximum stress, allowable stress, and span to deflection ratio for each structural component type, and calculations showing the maximum force and allowable force for each connection type.

Specific Authority 471.008, 471.033 FS. Law Implemented 471.033 FS. History--New _____.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Appraisal Board

RULE NO.: RULE TITLE:
 61J1-2.001 Fees

PURPOSE AND EFFECT: The Florida Real Estate Appraisal Board is revising Rule 61J1-2.001, F.A.C., to eliminate the wall certificate fee.

SUBJECT AREA TO BE ADDRESSED: Fees.

SPECIFIC AUTHORITY: 475.614 FS.
 LAW IMPLEMENTED: 215.34, 215.405, 455.217, 455.2281, 455.271(6)(b), 475.6147, 475.615, 475.618 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Michael E. Murphy, Director, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N801, Orlando, Florida 32801

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61J1-2.001 Fees.

(1) through (16) No change,

~~(17) Wall Certificate~~ \$10.00

Specific Authority 475.614 FS. Law Implemented 215.34, 215.405, 455.217, 455.2281, 455.271(6)(b), 475.6147, 475.615, 475.618 FS. History--New 10-15-91, Amended 6-7-92, 5-6-93, Formerly 21VV-2.001, Amended 9-22-93, 7-5-94, 5-22-95, 8-20-96, 11-11-97, 10-1-98, 10-29-98, 1-7-99, 11-15-99, 11-10-03, 2-21-06, 9-21-06, 12-4-06, _____.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Appraisal Board

RULE NO.: RULE TITLE:
 61J1-3.001 Application by Individuals

PURPOSE AND EFFECT: The Florida Real Estate Appraisal Board is revising Rule 61J1-3.001, F.A.C., to eliminate newly adopted language with respect to fingerprinting.

SUBJECT AREA TO BE ADDRESSED: Application by Individuals.

SPECIFIC AUTHORITY: 475.614 FS.

LAW IMPLEMENTED: 475.613, 475.615, 475.617, 475.624 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Michael E. Murphy, Director, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N801, Orlando, Florida 32801

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61J1-3.001 Application by Individuals.

(1) An applicant for registration, or certification as an appraiser shall submit an application in such a manner as provided by the Department.

~~(a) Beginning July 1, 2006, every person applying for any real estate appraiser certification or registration must provide fingerprints in electronic format along with his or her application for real estate appraiser certification or registration.~~

~~(b) Every person applying for any real estate appraiser certification or registration must have his or her fingerprints taken electronically by a Department of Business and Professional Regulation approved electronic fingerprint service provider or vendor. The Department of Business and Professional Regulation shall maintain a list of approved electronic fingerprint service providers and vendors.~~

~~(c) The Department of Business and Professional Regulation approved electronic fingerprint service providers and vendors shall be responsible for submitting each applicant's electronic fingerprints to the Florida Department of Law Enforcement for purposes of processing the fingerprint card to determine if the applicant has a criminal history record.~~

(2) through (7) No change.

Specific Authority 475.614 FS. Law Implemented 475.613, 475.615, 475.617, 475.624 FS. History--New 10-15-91, Formerly 21VV-3.001, Amended 10-29-98, 1-7-99, 2-21-02, 5-25-04, 1-8-06, 12-4-06, _____.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF HEALTH

Board of Opticianry

RULE NO.: 64B12-9.017
RULE TITLE: Eligibility of Individuals Practicing in a State in Which Licensure is Not Required

PURPOSE AND EFFECT: The proposed rule amendment will clarify requirements for licensure of individuals practicing in another state.

SUBJECT AREA TO BE ADDRESSED: Eligibility of Individuals Practicing in a state in which Licensure is not required.

SPECIFIC AUTHORITY: 484.005 FS.

LAW IMPLEMENTED: 484.007(1)(d)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 WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Sue Foster, Executive Director, Board of Opticianry/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B12-9.017 Eligibility of Individuals Practicing in a State in Which Licensure is Not Required.

(1) For purposes of determining eligibility for examination of an individual pursuant to Sections 484.007(1)(d)2. and 3., Florida Statutes, the Board shall interpret the phrase "immediately preceding application" to mean that the individual must apply for the examinations set forth in subsections 64B12-9.001(1), (3) and (4), F.A.C., for licensure in Florida within two (2) years of ceasing the actual practice of opticianry in the other state upon which the eligibility is claimed.

(2) Applicants for examination pursuant to Section 484.007(1)(d)3., F.S., shall submit with the application documentation that they have actively practiced opticianry for a period of more than 5 years immediately preceding application. Periods of apprenticeship or training in opticianry shall not be considered to constitute any portion of the required years of practice. The applicant must establish independent engagement in all aspects of the practice of opticianry during the period for which actual practice is claimed. Such documentation shall include the following:

(a) Tax records and business records which establish that the applicant has actually engaged in the practice of opticianry. Affidavits from eye-care business people or professionals which state the method by which the affiant has knowledge of the applicant's practice of opticianry, the extent of the affiant's knowledge of the applicant's actual practice and a detailed statement of the applicant's professional acts or experience of which the affiant has personal knowledge.

(b) An affidavit by the applicant which states with specificity the professional acts or experiences engaged in during the five-year period during which the applicant claims the actual practice of opticianry occurred.

(c) Current certification of ABO and NCLE and verification of licensure status from another state, when applicable.

(3) For the purposes of this rule, an affidavit is defined to mean a written statement of facts which the affiant has confirmed by oath or affirmation taken before a person

authorized by law to administer the oath or affirmation and which bears the signature and official seal of the officer or person before whom the affidavit was taken.

Specific Authority 484.005 Law Implemented 484.007(1)(d)2. FS. History--New _____.

DEPARTMENT OF HEALTH

Division of Environmental Health

RULE CHAPTER NO.: RULE CHAPTER TITLE:

- 64E-8 Drinking Water Systems
- RULE NOS.: RULE TITLES:
- 64E-8.001 Definitions
- 64E-8.002 New Limited Use Public Water System Construction
- 64E-8.003 New Private and Multi-family Water System Construction
- 64E-8.004 Limited Use System Operating Permits
- 64E-8.005 Operation and Maintenance
- 64E-8.006 Water Quality Standards and Monitoring
- 64E-8.007 Corrective Actions
- 64E-8.008 Public Notification
- 64E-8.009 Variances
- 64E-8.010 Prohibited Acts
- 64E-8.011 Services Provided
- 64E-8.012 Schedule of Fines
- 64E-8.013 Cross-Connection Control

PURPOSE AND EFFECT: To revise and update technical sections of the rules. To correct any errors that have resulted over time. To clarify phrases and requirements that are difficult to understand.

SUBJECT AREA TO BE ADDRESSED: Construction, permits, well setbacks, MCLs, sampling and testing.

SPECIFIC AUTHORITY: 381.006, 381.0062, 381.0063 FS.

LAW IMPLEMENTED: 381.0062 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: Tuesday, January 23, 2007 beginning at 10:00 a.m. Eastern, ending at 1:00 p.m. or sooner if done

PLACE: Dept. of Health, Room 301, 4042 Bald Cypress Way, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Deborah Jackson at (850)245-4240, DOH Bureau of Water Programs 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: Michelle_Kearney@doh.state.fl.us (850)245-4240, DOH, 4052 Bald Cypress Way, Mailbin C-22, Tallahassee, Florida 32399-1742

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

DEPARTMENT OF HEALTH

Division of Family Health Services

- RULE NO.: RULE TITLE:
- 64F-12.011 Wholesale Distribution of Prescription Drugs – Exceptions and Specific Distributions Authorized

PURPOSE AND EFFECT: The Department intends to review changes in this rule chapter for the purpose of better enabling the Department to provide for the movement of prescription drugs to areas, facilities and health care providers within the state to allow a more efficient response to natural disaster, communicable disease or other health care emergencies for which the Department has responsibility to protect the public health.

SUBJECT AREA TO BE ADDRESSED: Distribution of prescription drugs for the purpose of enabling the Department to prepare for and respond to health care emergencies.

SPECIFIC AUTHORITY: 499.03, 499.05, 499.012, 499.014 FS.

LAW IMPLEMENTED: 499.03, 499.012, 499.014 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Rebecca Poston, R. Ph., Executive Director, Drugs Devices and Cosmetics Program, 4052 Bald Cypress Way, Mail Bin C-04, Tallahassee, Florida 32399, (850)245-4292

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

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

- RULE NOS.: RULE TITLES:
- 68A-20.004 Regulations in Fish Management Areas
- 68A-20.005 Specific Fish Management Area Regulations

PURPOSE AND EFFECT: The purpose and effect of the proposed rule development is to establish or revise rule provisions, during calendar year 2007, associated with general regulations for taking and possessing freshwater fish, which are applicable to all fish management areas, such as fishing license requirements, daily bag limits for certain freshwater fish such as catfish or game fish, possession of certain devices such as nets, fish traps, trotlines or bush hooks, temporary closure of fish management areas, or intentional release of fish and wildlife into any fish management area. Additional rule development proposals may establish or revise rule provisions associated with regulations on specific fish management areas for taking and possessing freshwater fish or other activities such as swimming, use of firearms, or use of boats or other vehicles, that will ensure conservation of freshwater fish populations while providing for realization of their potential aesthetic, recreational, and economic values.

SUBJECT AREA TO BE ADDRESSED: Requirements for taking and possessing freshwater fish in fish management areas.

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

LAW IMPLEMENTED: Art. IV, Sec. 9, Florida Constitution.

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

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

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

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE NOS.:	RULE TITLES:
68A-23.002	General Methods of Taking Freshwater Fish
68A-23.003	Commercial Fishing Devices; Provision for Use in Certain Waters
68A-23.005	Bag Limits, Length Limits, Open Season: Freshwater Fish
68A-23.008	Introduction of Non-Native Aquatic Species in the Waters of the State; Provisions for Sale and Inspection of Fish for Bait or Propagation Purpose; Diseased Fish
68A-23.012	Special Regulations on Lake Okeechobee

PURPOSE AND EFFECT: The purpose and effect of this rule development effort is to establish or revise rule provisions, during calendar year 2007, and to provide a forum for the public to provide input on proposed changes relating to general methods of taking freshwater fish; commercial fishing devices, including special regulations for Lake Okeechobee; bag limits, length limits, and season dates in order to protect and ensure conservation of freshwater fish populations; and changes relating to importation, selling, possession or transporting of live aquatic species or hybrids, including those species that may be classified as prohibited or restricted.

SUBJECT AREA TO BE ADDRESSED: General methods of taking freshwater fish; commercial fishing devices, including commercial fishing on Lake Okeechobee; bag limits, length limits, and season dates for freshwater fish; and importation, selling, possession or transporting of live aquatic species or hybrids or regulations.

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

LAW IMPLEMENTED: Art. IV, Sec. 9, Florida Constitution.

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

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

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

FISH AND WILDLIFE CONSERVATION COMMISSION

Marine Fisheries

RULE NO.:	RULE TITLE:
68B-4.009	Monofilament Line and Netting; Prohibition of Intentional Discard, Recovery Requirements, Recommendations for Appropriate Disposal

PURPOSE AND EFFECT: The purpose of this rule development effort is to close what has become an enforcement loophole for persons violating the Commission's netting rules. Recovery and disposal of monofilament netting is being used as a defense to rules prohibiting possession of monofilament gill or entangling nets and requiring direct transit for persons seeking to use such nets in federal waters where they are legal. The effect of these rule changes should be to improve enforcement of those net provisions and make prosecutions of net violations more successful.

SUBJECT AREA TO BE ADDRESSED: Use of monofilament recovery and disposal provisions as defense to net violations.

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

LAW IMPLEMENTED: Art. IV, Sec. 9, Florida Constitution.

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

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

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

DEPARTMENT OF FINANCIAL SERVICES

Division of State Fire Marshal

RULE NO.: 69A-21.305
RULE TITLE: Downdraft Appliance and System Protection

PURPOSE AND EFFECT: The purpose and effect of this rule workshop are twofold.

- (1) To implement, interpret, and clarify the requirements for downdraft appliance and system.
- (2) To develop a rule that implements, interprets and clarifies the effect of placing a tag on a fire extinguisher as opposed to placing a tag on a pre-engineered system, and what in addition, if anything, may be required if a pre-engineered system is non-compliant.

SUBJECT AREA TO BE ADDRESSED: Downdraft appliances and systems protection in restaurants, and service tags on fire extinguishers and pre-engineered systems.

SPECIFIC AUTHORITY: 633.01, 633.022, 633.065 FS.

LAW IMPLEMENTED: 633.022, 633.065 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: Wednesday, January 17, 2007, 10:00 a.m.

PLACE: Florida State Fire College Auditorium, Bureau of Fire Standards and Training, 11655 N.W. Gainesville Road, Building C, Ocala, Florida 34482-1486

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: Angie Cain, (352)369-2818. 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 IS: Jim Goodloe, Chief, Bureau of Fire Prevention, Division of State Fire Marshal, 200 East Gaines Street, Tallahassee, FL 32399-0342. Phone: (850)413-3171; Fax: (850)414-6119

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

69A-21.305 Downdraft Appliance and System Protection

(1) A downdraft fire suppression system (for purposes of this rule, "system") must be designed to protect all specific hazards created by the downdraft table, and must be installed according to the pre-tested limitations and configurations specified by the manufacturer of the downdraft table and to the applicable National Fire Protection Association (NFPA) standards.

(2) The system must be installed using components specified by the manufacturer and listed by a nationally recognized testing laboratory such as Underwriters Laboratories, or Factory Mutual Laboratories, Inc.

(3) The system must:

(a) Be listed by a nationally recognized testing laboratory in compliance with Section 633.021, F.S., and

(b) Be installed and maintained in compliance with sec. 633.065, F.S.

(4) The system shall comply with all of the equipment and performance standards of NFPA 96, 2004 edition, which is hereby adopted and incorporated herein by reference, which can be obtained by contacting the Department of Financial Services, Division of State Fire Marshal, Bureau of Fire Prevention, 200 East Gaines Street, Tallahassee, Florida 32399-0342.

(5) Each system shall be equipped with an exhaust duct system that complies with all of the material, equipment, and performance standards of NFPA, 2004 adopted and incorporated herein.

Specific Authority 633.01, 633.022, 633.065 FS. Law Implemented 633.022, 633.065 FS. History--New _____.

DEPARTMENT OF FINANCIAL SERVICES

Division of State Fire Marshal

RULE NO.: 69A-60.012
RULE TITLE: Purpose, Criteria and Procedures for Designation as an Approved Nationally Recognized Testing Laboratory in Florida for Firesafety Purposes

PURPOSE AND EFFECT: To provide procedures and criteria for becoming a nationally recognized testing laboratory in Florida for firesafety purposes.

SUBJECT AREA TO BE ADDRESSED: Florida designated Nationally Recognized Testing Laboratories.

SPECIFIC AUTHORITY: 633.065, 633.071, 633.083, 633.539, 633.701 FS.

LAW IMPLEMENTED: 633.065, 633.071, 633.083, 633.539, 633.701 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: Wednesday, January 10, 2007, 9:00 a.m.

PLACE: Third Floor Conference Room, the Atrium Building, 325 John Knox Road, Tallahassee, Florida 32303

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: Millicent King, (850)413-3619. 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 IS: Jim Goodloe, Chief, Bureau of Fire Prevention, Division of State Fire Marshal, 200 East Gaines Street, Tallahassee, FL 32399-0342. Phone: (850)413-3171; Fax: (850)922-2553

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

69A-60.012 Purpose, Criteria and Procedures for Designation as an Approved Nationally Recognized Testing Laboratory in Florida for Firesafety Purposes.

(1) The purpose of this rule is to determine whether a laboratory is nationally recognized in accordance with the following provision:

(a) Section 633.065, F.S., pertaining to fire suppression equipment;

(b) Section 633.071, F.S., pertaining to fire extinguishers;

(c) Section 633.083, F.S., pertaining to certain types of fire extinguishers;

(d) Section 633.539, F.S., pertaining to fire protection systems, and

(e) Section 633.701, F.S., pertaining to Alarm Systems.

(2) Criteria for Determination of Designation.

(a) Documentation that the applicant is designated as a Nationally Recognized Testing Laboratory by the U.S. Department of Labor, and the purpose or purposes for which it was recognized; or, in the alternative,

(b) Documentation that the applicant is eligible for recognition as a Nationally Recognized Testing Laboratory by the U.S. Department of Labor, and the purpose or purposes for which Florida designation is sought in accordance with subsection (1) above.

(3) Application Procedure.

(a) An applicant that is currently recognized by the United States Department of Labor as a Nationally Recognized Testing Laboratory can make application for Florida designation to the Division of State Fire Marshal on Form DFS-K3-xx1 which is hereby adopted and incorporated herein, and which may be obtained by writing to the Division of State Fire Marshal, 200 East Gaines Street, Tallahassee, Florida 32399-0342, or by visiting the Division of State Fire Marshal's website located at <http://www.fldfs.com/SFM/index.htm>.

(b) An applicant that is not currently recognized by the United States Department of Labor as a Nationally Recognized Testing Laboratory can make application for Florida designation to the Division of State Fire Marshall on Form DFS-K3-xx2, which is hereby adopted and incorporated herein, and which may be obtained by writing to the Division of State Fire Marshal, 200 East Gaines Street, Tallahassee, Florida 32399-0342, or by visiting the Division of State Fire Marshal's website located at <http://www.fldfs.com/SFM/index.htm>, and shall include all of the information and material requested thereon.

(c) The Division of State Fire Marshal shall review the application for completeness and request additional information that was either not provided or is necessary to make a determination.

(d) When the application is deemed complete, the Division of State Fire Marshal shall either approve or deny the application.

(e) If the application is approved, the Division of State Fire Marshal shall issue a certificate to the applicant evidencing its designation as a Nationally Recognized Testing Laboratory qualified in Florida, and the purposes to which the designation is limited. The designation may be for any of the purposes set forth in subsection (1) above, as approved by the Division of State Fire Marshal, but only for those purposes.

(f) If the application is denied, the applicant shall be notified in writing, along with the reasons for denial and rights under Chapter 120, F.S.

(g) An application that is approved in part but denied for one or more requested purposes shall be treated procedurally as a denied application.

(4) Material Changes. Any testing laboratory designated in Florida as "nationally recognized" for one or more of the purposes in the statutes listed in subsection (1):

(a) Will be subject to ongoing verification that it continues to meet the Florida designation criteria, and

(b) Shall notify the Division of State Fire Marshal within 30 days of the occurrence of any of the following:

1. Change in the company name or the company address;
2. Change in any major test equipment;
3. Establishment of a new branch office or facility at which items are to be tested;
4. Change in principal officers, key supervisory personnel, or key testing personnel in the company.

Specific Authority 633.065, 633.071, 633.083, 633.539, 633.701 FS.
Law Implemented 633.065, 633.071, 633.083, 633.539, 633.701 FS.
History--New _____.

FINANCIAL SERVICES COMMISSION

OIR – Insurance Regulation

RULE NO.: 69O-149.041
 RULE TITLE: Marketing Communication Material and Marketing Guidelines

PURPOSE AND EFFECT: Consider amendments to existing language specifying marketing requirements applicable to small group employer carriers.

SUBJECT AREA TO BE ADDRESSED: Small Employer Group Product Marketing.

SPECIFIC AUTHORITY: 626.9611, 627.6699(13)(i), (17) FS.

LAW IMPLEMENTED: 626.9541(1)(b), (g)2., (x)3., 627.6699(3)(g), (v), (5)(a), (7), (12), (12)(c), (13), (13)(b) 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: January 24, 2007, 9:30 a.m.
 PLACE: Room 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 calendar days before the workshop/meeting by contacting: Tracie Lambright, Life and Health Product Review, Office of Insurance Regulation, E-mail: Tracie.Lambright@fldfs.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: Tracie Lambright, Life and Health Product Review, Office of Insurance Regulation, E-mail: Tracie.Lambright@fldfs.com

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

FINANCIAL SERVICES COMMISSION

Indexing Agency Orders

RULE NOS.:	RULE TITLES:
69T-8.001	Authority
69T-8.002	Purpose
69T-8.003	Public Inspection and Duplication
69T-8.004	Final Orders Required to be Indexed
69T-8.005	Listing of Final Orders
69T-8.006	Numbering of Final Orders
69T-8.007	System for Indexing Final Orders
69T-8.008	Maintenance of Records
69T-8.009	Accessibility of Final Orders

PURPOSE AND EFFECT: The proposed amendments are intended to update the Office of Financial Regulation’s procedures with regarding to the indexing of final orders.

SUBJECT AREA TO BE ADDRESSED: Indexing of Final Orders.

SPECIFIC AUTHORITY: 120.53 FS.

LAW IMPLEMENTED: 119.07, 120.53, 120.533 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Andrea Moreland, Attorney, Office of Financial Regulation, 200 E. Gaines Street, Tallahassee, FL 32399-0370, andrea.moreland@fldfs.com, (850)410-9662

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

FINANCIAL SERVICES COMMISSION

Division of Finance

RULE NOS.:	RULE TITLES:
69V-560.102	Application Forms, Procedures and Requirements
69V-560.103	Definitions
69V-560.104	Application Fees
69V-560.105	Regulatory Standards for Evaluating Applications
69V-560.107	Registration of Locations and Authorized Vendors
69V-560.108	Declaration of Intent to Engage in Deferred Presentment Transactions
69V-560.201	Requirements
69V-560.202	Regulatory Standards for Evaluating Notices of Change of Control
69V-560.301	Scope
69V-560.302	Renewal Fees, Deadlines and Requirements

69V-560.303	Renewal Application Forms, Procedures and Requirements
69V-560.304	Renewal Fees
69V-560.402	Bond
69V-560.602	Quarterly Reports
69V-560.603	Quarterly Reports to Be Filed by Foreign Currency Exchangers
69V-560.604	Quarterly Reports to Be Filed by Funds Transmitters
69V-560.605	Quarterly Reports to Be Filed by Payment Instrument Sellers
69V-560.606	Annual Filing of Financial Statements by Part II Registrants
69V-560.607	Quarterly Reports to Be Filed by Deferred Presentment Providers
69V-560.906	Consumer Credit Counseling Services

PURPOSE AND EFFECT: Among other provisions, Chapter 2006-213, Laws of Florida, contains amendments to chapter 560, Florida Statutes. The proposed rules implement and reflect the statutory changes contained in this chapter law that relate to the licensing and regulation of money transmitters.

SUBJECT AREA TO BE ADDRESSED: Money Transmitters.

SPECIFIC AUTHORITY: 215.405, 560.105, 560.118, 560.123, 560.205, 560.208, 560.209, 560.403 FS.

LAW IMPLEMENTED: 215.405, 560.102, 560.103, 560.109, 560.114, 560.118, 560.123, 560.127, 560.129, 560.204, 560.205, 560.206, 560.207, 560.208, 560.209, 560.210, 560.303(1), 560.305, 560.306, 560.307, 560.308, 560.403 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Gregory C. Oaks, Financial Administrator, 200 East Gaines Street, 6th Floor, The Fletcher Building, Tallahassee, Florida 32399-0375, (850)410-9805

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

69V-560.102 Application Forms, Procedures and Requirements.

(1) Forms. Application forms for all registrations covered by these rules are available on the Office's website at www.flofr.com and by mail from the Office of Financial Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0376 ~~may be obtained at no cost from the Office of Financial Regulation's website (www.dbf.state.fl.us), by telephone, or in writing.~~ All applications must be in the format

required by the Office of Financial Regulation. ~~Requests for forms should be sent to: Office of Financial Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0375.~~

(2)(a) Applications in the format required by the Office of Financial Regulation, accompanied by the prescribed fee for the requested registration, shall be filed with the Office of Financial Regulation at the address in subsection (1) above. No application will be deemed filed or received unless accompanied by the proper filing fee; or

(b) In lieu of filing the required application forms, an applicant may file the application information electronically by following the applicable instructions on the Office of Financial Regulation's website at www.flofr.com (~~www.dbf.state.fl.us~~) on the Internet.

(3)(a) All applicants for registration must file a completed application Form OFR-MT-5-01, Application to Register as a Money Transmitter Pursuant to Chapter 560, F.S., effective 11/01/2006 ~~10/01~~, which is hereby incorporated by reference.

(b) All applicants for registration who propose to engage in deferred presentment transactions as defined in Section 560.402, F.S., shall file a completed Form OFR-MT-3-01, Declaration of Intent to Engage in Deferred Presentment Transactions, effective 11/01/2006 ~~10/01~~, which is hereby incorporated by reference, together with the required nonrefundable fee for deferred presentment providers. Applicants must be registered pursuant to Part II or Part III of Chapter 560, F.S., in order to engage in deferred presentment transactions.

(c) All applicants for registration shall submit a completed Form OFR-MT-2-01, Location Notification Form, effective 11/01/2006 ~~10/01~~, which is hereby incorporated by reference, for each proposed "location" as defined in Rule 69V-560.103, F.A.C., not including the applicant's primary business location, together with the required nonrefundable fee.

(d) No change.

(4)(a) The responsible person who will be in charge of the applicant's business activities in this state, and each existing or proposed director, ~~executive officer, partner principal,~~ member, joint venturer, and all controlling shareholders shall complete Form OFR-MT-7-01, Biographical Form, effective 11/01/2006 ~~10/01~~, which is hereby incorporated by reference. If any of the foregoing individuals are non-U.S. Citizens, Addendum (1) to the Biographical Form shall also be completed and filed.

(b) An existing or proposed director, ~~executive officer, partner, member, joint venturer,~~ controlling shareholder, and responsible person shall review and attest to the accuracy of the forms submitted on his or her behalf.

(5) The responsible person who will be in charge of the applicant's business activities in this state, and each existing or proposed director, ~~executive officer, principal, partner, member, joint venturer,~~ and all controlling shareholders, unless exempt under Section 560.205(1) or 560.306(1), F.S., shall file a completed Florida Fingerprint Card (FL922720Z

~~FL921050Z~~) accompanied by a nonrefundable \$47 processing fee. If the Federal Bureau of Investigation cannot process the fingerprint card because of illegible fingerprints, a second card must be submitted. ~~If that card cannot be processed, it will be necessary to submit a third card along with a nonrefundable fee of \$24 to cover the cost of processing the card. The Office of Financial Regulation reserves the right to require as many submissions of fingerprint cards and fees as may be necessary until such time as the card can be properly processed by the appropriate law enforcement agency.~~ Any applicant claiming the statutory exemption from the fingerprint requirement shall submit evidence to support its claim to the exemption.

(6) No change.

(7) Request for Additional Information. ~~All information the applicant wants to present to support the application should be submitted with the original filing.~~ Any request for additional information will be made by the Office of Financial Regulation within thirty (30) days after receipt of the application. The additional information must be received by the Office of Financial Regulation within forty-five (45) days from the date of the request. Failure to respond within forty-five (45) days from the date of the request shall be grounds for the Office of Financial Regulation to deny the application for failure to complete the application; and the application shall be denied pursuant to subsection 120.60(1), F.S.

(8) Refunds. If the application is withdrawn or denied, the application fee is nonrefundable.

(9) Withdrawal of Application. An application may be withdrawn if the applicant submits a written request for same that is approved by the Office of Financial Regulation before the application is approved or denied.

~~(10)(8)(a)~~ Amendment of Application. If the information contained in any application for a registration as a money transmitter, biographical form, or in any amendment thereto, becomes inaccurate for any reason, the registrant shall file an amendment correcting such information within thirty (30) days of the change on Form OFR-MT-5-01 or Form OFR-MT-7-01, revised 11/01/2006, which is hereby incorporated by reference and available on the Office's website at www.flofr.com and by mail from the Office of Financial Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0376. A request to amend an application must be in writing and shall be submitted to the Office of Financial Regulation at the address in subsection (1).

(b) Provided the Office of Financial Regulation has not already docketed a Notice of Intent to Deny the Application, an applicant may amend the application after receiving written permission from the Office of Financial Regulation following the Office of Financial Regulation's review of and determination that the applicant's written request to amend:

1. through 5. No change.

(c) A request to amend which makes a material change to the application or to the Office of Financial Regulation's evaluation of the application is a violation of subsection (7) and the Office of Financial Regulation shall deny the application in accordance with Section 560.114(1)(a), F.S., unless the applicant has made a good faith effort to comply with the statutory requirements of Chapter 560, F.S., and the rules of this chapter. Material changes include:

1. No change.

2. The substitution or addition of a director, officer, partner, member, joint venturer, responsible person, or controlling shareholder;

3. through 5. No change.

(d) No change.

~~(9) When an application is denied on the grounds set forth above, the applicant shall be duly notified.~~

Specific Authority 215.405, 560.105(3), 560.118(2), 560.205(1), 560.205(2), 560.403(1) FS. Law Implemented 215.405, 560.102, 560.118, 560.129, 560.204, 560.205, 560.303(1), 560.305, 560.306, 560.307, 560.403 FS. History—New 9-24-97, Amended 11-4-01, 12-11-03, Formerly 3C-560.102, Amended _____.

69V-560.103 Definitions.

For the purposes of this chapter, the following definitions shall apply:

(1) through (5) No change.

(6) "Financial Statements" shall be defined as those reports, schedules and statements, prepared in accordance with United States Generally Accepted Accounting Principles, which contain at least the following information:

(a) Statement of Financial Condition (Balance Sheet); ~~and~~

(b) Statement of Income;-

(c) Statement of Cash Flows; and

(d) Statement of Changes in Stockholders' Equity.

(7) through (9) No change.

(10) "Net worth" means an excess of assets over liabilities, as determined by accounting principles generally accepted; for purposes of this subject:

(a) Assets shall not include:

1. Prepaid expenses, other than items properly classified as current assets under generally accepted accounting principles;

2. Goodwill;

3. Franchise rights;

4. Organizational expenses;

5. Patents;

6. Copyrights;

7. Marketing rights;

8. Un-amortized debt discount and expense;

9. Assets of an intangible nature;

10. A home, home furnishings, automobiles, and any other personal items not readily marketable, if the money transmitter is an individual;

11. A corporation's advances or loans to shareholders or officers; and

12. A partnership's advance or loans to partners.

(b) Liabilities that can be shown to be collateralized by assets (including capital assets such as equipment, property, etc.) that are owned by the money transmitter are excluded from the computation. Likewise, liabilities owed to the owners or shareholders of the money transmitter are excluded. All other types of liabilities, including non-collateralized short and long term debt, must be included in the computation.

~~(11)(10)~~ "Person" means any individual, corporation, partnership, association, trust, or other group, however organized.

(12) "Publicly Traded" means that the stock is currently traded on a national securities exchange registered with the U.S. Securities and Exchange Commission or traded on an exchange in a country other than the United States regulated by a regulator with equivalent authority and power as the U.S. Securities and Exchange Commission and the disclosure and reporting requirements of such regulator are substantially similar to those of the U.S. Securities and Exchange Commission.

~~(13)(11)~~ "Registrant" means a person registered by the Office of Financial Regulation pursuant to Part II or Part III of the Money Transmitters' Code.

~~(14)(12)~~ "Responsible person" means any individual who has principal active management authority over the business as defined by Section 560.103(18), F.S.

~~(15)(13)~~ "Unaudited Financial Statements" shall be defined as those financial statements prepared in accordance with United States Generally Accepted Accounting Principles and reviewed by a Certified Public Accountant, but not accompanied by the statements and representations as set forth in paragraphs (3)(b), (c), and (d) of this rule.

~~(16)(14)~~ "Holiday" means such days as are designated by Section 110.117, F.S.

~~(17)(15)~~ "Gross Income" means Gross Revenue (Sales) – Cost of Goods Sold.

Specific Authority 560.105(2) FS. Law Implemented 560.103, 560.118(2), 560.205(3), (4), 560.208 FS. History–New 9-24-97, Amended 11-4-01, Formerly 3C-560.103, Amended 9-14-04, _____.

69V-560.104 Application Fees.

(1) through (4) No change.

(5) Applicable fees for all initial applications may be paid by the applicant electronically by following the applicable instructions on the Office of Financial Regulation's website at www.flofr.com (www.dbf.state.fl.us) on the Internet.

Specific Authority 560.105(3) FS. Law Implemented 560.205(2), 560.306, 560.307, 560.403 FS. History–New 9-24-97, Amended 11-4-01, Formerly 3C-560.104, Amended _____.

69V-560.105 Regulatory Standards for Evaluating Applications.

(1) No change.

(2) The Office of Financial Regulation shall conduct background investigations on the responsible person who will be in charge of all the applicant's business activities in this state and each existing or proposed director, ~~executive officer, principal, member, partner, joint venturer,~~ and all controlling shareholders to determine whether the qualifications and requirements for registration have been met.

Specific Authority 560.105(3) FS. Law Implemented 560.109, 560.114, 560.205, 560.206, 560.306 FS. History–New 9-24-97, Amended 11-4-01, Formerly 3C-560.105, Amended _____.

69V-560.107 Registration of Locations and Authorized Vendors.

~~(1) Every registrant shall designate all locations and authorized vendors operating prior to October 1, 2001 by:~~

~~(a) Filing all of the information required by Form OFR-MT-2-01 (Location Notification Form) with the Office of Financial Regulation on or before December 1, 2001 for all locations and authorized vendors. After December 1, 2001, the registrant shall file all location information in accordance with subsection (2) of this rule; and~~

~~(b) No fee shall be required for the registration of locations and authorized vendor locations in operation prior to October 1, 2001 that have been designated by the registrant in accordance with the provisions of paragraph (a).~~

~~(1)(2)~~ Every registrant that commences operations at locations or through an authorized vendor in this state ~~on or after October 1, 2001~~ shall:

(a) File a completed Form OFR-MT-2-01 (Location Notification Form) which must be received by the Office of Financial Regulation within sixty (60) calendar days from the date that a location opens or an authorized vendor commences operations on behalf of the registrant ~~on or after October 1, 2001;~~

~~(b) Demonstrate the required net worth for Part II registrants in accordance with the provisions of subsection 69V-560.606(4), F.A.C.; and~~

~~(b)(e)~~ Submit the required \$50 fee.

~~(2)(3)~~ Every registrant shall be responsible for filing a completed Form OFR-MT-2-01 within sixty (60) calendar days from the date that a location closes or authorized vendor either ceases operation or has its authority to act on the registrant's behalf terminated by such registrant.

~~(3)(4)~~ In lieu of filing Form OFR-MT-2-01, a registrant may notify the Office of Financial Regulation of the opening or closing of locations and authorized vendors electronically by following the applicable instructions on the Office of Financial Regulation's website at www.flofr.com (www.dbf.state.fl.us) on the Internet.

~~For purposes of this section, Note: The sixty (60) day period referenced in subsections (1)(2) and (2)(3) above is solely for the filing of the required form and payment of the required nonrefundable fee. A registrant must file Form OFR-MT-2-01 notify the Office of Financial Regulation and pay the required fee for all locations of the registrant and authorized vendors that commence operations on behalf of the registrant. If the registrant for any reason closes a location or terminates the relationship with such authorized vendor within the first sixty (60) days, it will not relieve the registrant of the obligation to comply notify the Office of Financial Regulation in accordance with the provisions of this subsection.~~

Specific Authority 560.105(3), 560.208(3) FS. Law Implemented 560.205, 560.208, 560.307 FS. History—New 11-4-01, Formerly 3C-560.107, Amended _____.

69V-560.108 Declaration of Intent to Engage in Deferred Presentment Transactions.

~~(1) All registrants actively registered pursuant to Part II or Part III of Chapter 560, F.S., before October 1, 2001 and who are acting as a deferred presentment provider as defined by Section 560.402, F.S., shall file a completed Form OFR-MT-3-01 (Declaration of Intent to Engage in Deferred Presentment Transactions). This form and the required nonrefundable fee must be received by the Office of Financial Regulation by November 30, 2001.~~

~~(1) Any (2) After October 1, 2001, any person who seeks to act as a deferred presentment provider as defined in Section 560.402, F.S., shall:~~

~~(a) Be registered pursuant to Part II or Part III of Chapter 560, F.S., and must at all times thereafter remain registered pursuant to Part II or Part III; and~~

~~(b) Submit a completed Form OFR-MT-3-01 (Declaration of Intent to Engage in Deferred Presentment Transactions) together with the required nonrefundable fee for deferred presentment providers.~~

~~(2)(3) A registrant may not convey authority to an authorized vendor to engage in deferred presentment transactions on behalf of the registrant.~~

~~(3)(4) In lieu of filing Form OFR-MT-3-01 (Declaration of Intent to Engage in Deferred Presentment Transactions), such declaration of intent may be made electronically by following the applicable instructions on the Office of Financial Regulation's website at www.flofr.com (www.dbf.state.fl.us) on the Internet.~~

~~(4) A registrant may terminate authority to engage in deferred presentment transactions by submitting Form OFR-MT-3-01 (Declaration of Intent to Engage in Deferred Presentment Transactions) within 30 days of the registrant ceasing deferred presentment transactions.~~

Specific Authority 560.105(3), 560.403 FS. Law Implemented 560.403 FS. History—New 11-4-01, Formerly 3C-560.108, Amended _____.

69V-560.201 Requirements.

~~Notices of change of control will be processed pursuant to Section 560.127, F.S.~~

~~(1) Where a person or group of persons directly or indirectly or acting by or through one or more persons, proposes to acquire a controlling interest in a money transmitter registrant, such person or group shall file with the Office, no later than thirty (30) days prior to the date of such acquisition, 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 termination of registration of the acquired entity on the forms prescribed by the Office, effective upon disposition of the new application by the Office. Regardless of whether the change of control involves a registered money transmitter, an Application to Register as a Money Transmitter (Form OFR-MT-5-01) shall be filed. All information requested by that form shall be submitted to the Office of Financial Regulation, along with the required nonrefundable application fee as set forth in Rule 69V-560.104, F.A.C. The written notification should provide the Office of Financial Regulation with information concerning the change of control, including the proposed effective date and any significant changes to be made to the registrant's present business.~~

~~(2) A registrant required to file a new application as a result of an acquisition of a controlling interest pursuant to Section 560.126(2), F.S., must also file new location forms and applicable fees for all existing locations on file with the office at the time of filing the new application in subsection (1) and a Declaration of Intent to Engage in Deferred Presentment Transactions and applicable fee if currently engaged in Deferred Presentment Transactions. The responsible person who will be in charge of the applicant's business activities in this state, each existing or proposed director, executive officer, principal, member and all controlling shareholders, unless exempt under Section 560.205(1) or 560.306(1), F.S., shall file a completed Florida Fingerprint Card (FL921050Z) accompanied by a \$47 nonrefundable processing fee. No fingerprint card will be required from any person described above who has been reported to the Office of Financial Regulation by the registrant and for whom the Office of Financial Regulation has received the required Biographical Form (Form OFR-MT-7-01) prior to October 1, 2001. If the Federal Bureau of Investigation cannot process the fingerprint card because of illegible fingerprints, a second card must be submitted. If that card cannot be processed, it will be necessary to submit a third card along with a nonrefundable fee of \$24 to cover the cost of processing the card. The Office of Financial Regulation reserves the right to require as many submissions of such fingerprint cards and fees as may be necessary until such time as the card can be properly processed by the appropriate~~

law enforcement agency. Any applicant claiming the statutory exemption from the fingerprint requirement shall submit evidence to support its claim to the exemption.

(3) ~~The office shall waive the requirement for a registrant to file a new application pursuant to Section 560.126(2), F.S.: An original of all parts of the application shall be filed, together with the appropriate filing fee at the following address: Office of Financial Regulation, 200 East Gaines Street, Tallahassee, Florida 32399 0375.~~

(a) When a person or group of persons proposing to purchase or acquire a controlling interest in a registrant has previously filed the information required in Sections 560.205 and 560.306, F.S., with a money transmitter currently registered with the office, provided that such person is currently affiliated with the money transmitter; or

(b) When the acquirer is currently registered with the office as a money transmitter.

(4) ~~For purposes of this chapter “control” shall have the meaning defined in Section 560.127, F.S.~~

Specific Authority 215.405, 560.105(3), 560.123(2) FS. Law Implemented 215.405, 560.127, 560.204, 560.205, 560.303(1), 560.305, 560.306, 560.307 FS. History–New 9-24-97, Amended 11-4-01, 12-11-03, Formerly 3C-560.201, Amended _____.

69V-560.202 Regulatory Standards for Evaluating Notices of Change of Control.

Specific Authority 560.105(3) FS. Law Implemented 560.109, 560.114, 560.127, 560.205, 560.206, 560.306 FS. History–New 9-24-97, Amended 11-4-01, Formerly 3C-560.202, Repealed _____.

69V-560.301 Scope.

Specific Authority 560.105(3) FS. Law Implemented 560.207, 560.308, 560.403 FS. History–New 9-24-97, Amended 11-4-01, Formerly 3C-560.301, Repealed _____.

69V-560.302 Renewal Fees, Deadlines, Late Fees and Requirements.

(1)(a) No change.

(b) A renewal of a funds transmitter or payment instrument seller registration (Part II registrant) shall include a nonrefundable renewal fee of \$1,000.00, plus \$50.00 for each location being renewed, including branch offices and authorized vendors, operating within this state, or a total 2-year nonrefundable renewal fee of \$20,000.00 to renew all such locations operating within this state. The \$50.00 location renewal fee shall not apply to the registrant's primary business address.

(c)(b) All renewal fees applications for Part II registrants must be received by the office on or filed on or after January 1 of the year in which the existing registration expires, but before the expiration date of April 30. If the renewal fees are received a renewal application is filed within 60 calendar days after the expiration date of an existing registration, the renewal

application and renewal fees must shall be accompanied by a nonrefundable late fee of \$500.00. If the registrant has not filed the requisite renewal fees and late fees a renewal application within 60 calendar days after the expiration date of an existing registration, the registration shall expire and a new application must shall be filed pursuant to Section 560.205, F.S.

(2)(a) No change.

(b) A renewal of a check casher or foreign currency exchanger registration (Part III registrant) shall include a nonrefundable renewal fee of \$500.00, plus \$50.00 for each location being renewed, including branch offices and authorized vendors, operating within this state, or a total 2-year nonrefundable renewal fee of \$20,000.00 to renew all such locations operating within this state. The \$50.00 location renewal fee shall not apply to the registrant's primary business address.

(c)(b) All renewal fees applications for Part III registrants must be received by the office on or before the expiration date of filed on or after June 1 of the year in which the existing registration expires, but not later than December 31 of that year. If the renewal fees are received A renewal application, renewal fees, and a late fee of \$250.00 must be filed within 60 calendar days after the expiration date of an existing registration, the renewal fees must be accompanied by a non-refundable late fee of \$250.00 in order for the registration to be reinstated. If the registrant has not filed the requisite renewal fees and late fees a renewal application within 60 calendar days after the expiration date of an existing registration, the registration shall expire and a new application must be filed pursuant to Section 560.307, F.S.

(3)(a) Deferred Presentment Providers (Part IV): The “Declaration of Intent to Engage in Deferred Presentment Transactions” shall expire concurrently with the registrant's Part II or Part III registration. A registrant who intends to continue to engage in deferred presentment transactions must concurrently renew their registration pursuant to Part II or Part III in order to remain qualified to act as a deferred presentment provider. A declaration of intent non-refundable renewal fee of \$1000 must be received by the Office on or before the expiration date of the registrant’s Part II or Part III registration. The renewal of a deferred presentment provider’s “Declaration of Intent to Engage in Deferred Presentment Transactions” shall be indicated on Form OFR MT 6 01 (Application to Renew Registration as a Money Transmitter Pursuant to Chapter 560, F.S.), and submitted together with the required nonrefundable renewal fee for a deferred presentment provider.

(b) If the declaration of intent renewal fee is received A renewal declaration of intent and fee, and a late fee of \$500.00, must be filed within 60 calendar days after the expiration of the registrant’s Part II or Part III an existing registration, the declaration of intent renewal fee must be accompanied by a non-refundable late fee of \$500.00 in order for the declaration of intent to be reinstated. If the registrant has not filed the

~~requisite declaration of intent renewal fee and late fee a renewal declaration of intent~~ within 60 calendar days after the expiration date of ~~the registrant's Part II or Part III an existing registration,~~ the declaration of intent shall expire and a new declaration must be filed pursuant to Chapter 560.403, F.S.

(4) If any date in this rule falls on a ~~Saturday, Sunday, or legal holiday pursuant to Section 110.117, F.S. weekend or holiday,~~ the renewal application together with the required renewal fees and any applicable late fees must be received by the Office of Financial Regulation by the close of business on the next business day.

(5) All fees required to renew the registration of a money transmitter may be paid electronically by following the applicable instructions on the Office of Financial Regulation's website (www.flofr.com) on the Internet.

Specific Authority 560.105(3) FS. Law Implemented 560.206, 560.207, 560.308, 560.403 FS. History—New 9-24-97, Amended 12-30-98, 11-4-01, Formerly 3C-560.302, Amended _____.

69V-560.303 Renewal Application Forms, Procedures and Requirements.

Specific Authority 560.105(3) FS. Law Implemented 560.114(1), 560.205(2), (3), 560.207, 560.305, 560.308 FS. History—New 9-24-97, Amended 11-4-01, Formerly 3C-560.303, Repealed _____.

69V-560.304 Renewal Fees.

Specific Authority 560.105(3) FS. Law Implemented 560.207, 560.308, 560.403 FS. History—New 9-24-97, Amended 11-4-01, Formerly 3C-560.304, Repealed _____.

69V-560.402 Bond.

(1) No registration shall be issued until an acceptable corporate surety bond, collateral deposit or combination thereof has been deposited with the Office of Financial Regulation and/or insured financial institution as specified in Section 560.209, F.S.

(2) The corporate surety bond must be issued by a bonding company or insurance company authorized to do business in this state. The originally executed Form OFR-MT-9-01, Surety Bond Form, effective 11/01/2006, which is hereby incorporated by reference, shall be maintained on file with the Office at all times. The bond form must be executed by the bonding company and the applicant.

(3) All items pledged in lieu of a corporate surety bond must be held or deposited at a federally insured financial institution as defined by Section 655.005(1)(h), F.S. The originally executed Form OFR-MT-8-01, Pledge Agreement, effective 11/01/2006, which is hereby incorporated by reference, shall be maintained on file with the Office at all times. The bond form included in Form OFR-MT-5-01, must be executed by the federally insured financial institution and the applicant.

(4)(a) No change.

(b) No change.

(5) The amount of the surety bond, collateral deposit, or combination thereof shall under no circumstances be for an amount less than \$50,000. The amount of the surety bond or collateral shall not exceed \$500,000, but be the greater of:

(a) 2% of the registrant's total U.S. dollar volume of transactions for the preceding 12 month period; or

(b) An amount based on the number of locations/vendors as determined in accordance with the following schedule:

<u>Number of Locations/Vendors</u>	<u>Required Amount of Surety/Collateral</u>
<u>0-10</u>	<u>\$50,000</u>
<u>11-25</u>	<u>\$100,000</u>
<u>26-50</u>	<u>\$150,000</u>
<u>51-100</u>	<u>\$200,000</u>
<u>101-250</u>	<u>\$250,000</u>
<u>251 or more</u>	<u>\$500,000</u>

(6)(a) For purposes of compliance with the provisions of this rule, a registrant shall calculate the amount of their surety bond, collateral deposit, or combination thereof in accordance with paragraph (5) of this rule each December 31st for the preceding 12 months.

(b) For purposes of compliance with paragraph (5)(b) of this rule the number of active locations/vendors shall be the number of branches in operation and the number of vendors currently under contract with the registrant on December 31st.

(7) Annually, each registrant shall file on Form 11/01/2006X, Security Device Calculation Form, which is hereby incorporated by reference, the required information regarding the registrant's amount of surety bond, collateral deposit, or combination thereof as prescribed in subsection (5) of this rule not later than January 31st of each calendar year. If based on the registrant's calculation, the amount of the device must be increased, the registrant shall provide to the Office an additional surety bond, surety rider for an existing bond, collateral deposit pledge agreement or combination thereof reflecting the amount required no later than sixty (60) days following the deadline to file Form 11/01/2006X, Security Device Calculation Form.

(b) ~~The required bond, collateral deposit or combination thereof for renewal registration shall be calculated in accordance with Form OFR-MT-6-01.~~

(c) ~~The required bond, collateral deposit or combination thereof shall not exceed \$250,000.00, unless the Office of Financial Regulation determines that an extraordinary circumstance, such as those of Section 560.209(2)(a), F.S., exists which requires an additional amount above \$250,000.00. However, the maximum bond, collateral deposit or combination thereof shall be \$500,000.00.~~

(8)(6) The bond, collateral deposit or combination thereof shall remain in place for 5 years after the registrant ceases operations in this state. The security shall be reduced or eliminated prior to that time upon written approval, if the Office of Financial Regulation determines that the registrant's

outstanding payment instruments or funds transmitted in this state have been paid or reduced and that such lesser amount adequately protects the interests of the public.

~~(9)(7)~~ A registrant must at all times have and maintain the bond, collateral deposit or combination thereof in the amount prescribed by the Office of Financial Regulation. If the Office of Financial Regulation at any time reasonably determines that the bond or elements of the collateral deposit are insecure, deficient in amount, or exhausted in whole or in part, the Office of Financial Regulation shall, by written order, require the filing of a new or supplemental bond or the deposit of new or additional collateral deposit items.

Specific Authority 560.105(3), 560.209(2)(a) FS. Law Implemented 560.207, 560.209 FS. History–New 9-24-97, Amended 12-30-98, 11-4-01, Formerly 3C-560.402, Amended.

~~69V-560.602 Quarterly Reports to Be Filed by Check Cashers.~~

(1) Every money transmitter registered pursuant to the Code ~~registered check casher~~ shall submit a quarterly report to the Office of Financial Regulation ~~on~~ by filing a completed Form OFR-MT-1-01, Money Transmitter Quarterly Report Form, effective 11/01/2006 ~~10/01~~, which is hereby incorporated by reference and available on the Office's website at www.flofr.com. Such report shall be received by the Office of Financial Regulation no later than forty-five (45) days after the conclusion of each quarter and shall be sent to Division of Securities and Finance at the address listed in subsection 69V-560.102(1), F.A.C. Should the forty-fifth day fall on a Saturday, Sunday weekend ~~weekend~~ or holiday, the reports must be received by the Office of Financial Regulation no later than the next business day.

(2) In lieu of filing Form OFR-MT-1-01, a registrant may submit the required quarterly report information electronically on or before the deadline by following the applicable instructions on the Office of Financial Regulation's website (www.flofr.com ~~dbf.state.fl.us~~) on the Internet.

(3) No change.

Specific Authority 560.105(3), 560.118(2)(b) FS. Law Implemented 560.118(2) FS. History–New 9-24-97, Amended 12-30-98, 11-4-01, Formerly 3C-560.602, Amended.

~~69V-560.603 Quarterly Reports to Be Filed by Foreign Currency Exchangers.~~

Specific Authority 560.105(3), 560.118(2)(b) FS. Law Implemented 560.118(2), 560.123 FS. History–New 9-24-97, Amended 12-30-98, 11-4-01, Formerly 3C-560.603, Repealed.

~~69V-560.604 Quarterly Reports to Be Filed by Funds Transmitters.~~

Specific Authority 560.105(3), 560.118(2)(b) FS. Law Implemented 560.118(2), 560.123, 560.210 FS. History–New 9-24-97, Amended 11-4-01, Formerly 3C-560.604, Repealed.

~~69V-560.605 Quarterly Reports to Be Filed by Payment Instrument Sellers.~~

Specific Authority 560.105(3), 560.118(2)(b) FS. Law Implemented 560.118(2), 560.123, 560.210 FS. History–New 9-24-97, Amended 11-4-01, Formerly 3C-560.605, Repealed.

~~69V-560.606 Annual Filing of Financial Statements by Part II Registrants.~~

(1)(a) No change.

(b) Each registered payment instrument seller shall annually submit audited financial statements to the Office of Financial Regulation for the registrant's most recent fiscal year unless it is exempt pursuant to Section 560.118(2)(a), F.S. Any registrant claiming such exemption shall submit such claim in writing on Form OFR-MT-4-01, Money Transmitter Audited Financial Statement Exemption Claim Form, effective 11/01/2006 ~~10/01~~, which is hereby incorporated by reference and available on the Office's website at www.flofr.com. The claim shall be executed by the registrant or an officer of the registrant under penalty of perjury. The exemption shall be valid for the current fiscal year only, and must be resubmitted each year by the registrant.

(c) through (3) No change.

(4) For purposes of adding new locations or authorized vendors, a Part II registrant may rely upon its annual financial statements that were received by the Office of Financial Regulation in a timely manner as required in subsections (1) and (2) of this rule ~~or the net worth disclosure required by Form OFR-MT-2-01.~~ The Office of Financial Regulation reserves the right to require additional documentation up to and including the submission of financial statements to substantiate the net worth ~~disclosure on Form OFR-MT-2-01.~~

Specific Authority 560.105(3), 560.118(2)(a), 560.205(3)(f), (4)(d) FS. Law Implemented 560.118(2), 560.205, 560.208 FS. History–New 11-4-01, Formerly 3C-560.606, Amended.

~~69V-560.607 Quarterly Reports to Be Filed by Deferred Presentment Providers.~~

Specific Authority 560.105(3), 560.118(2) FS. Law Implemented 560.118(2) FS. History–New 11-4-01, Formerly 3C-560.607, Repealed.

~~69V-560.906 Consumer Credit Counseling Services.~~

(1) The Office of Financial Regulation shall publish a list of consumer credit counseling agencies by October 1 of each calendar year via the Office of Financial Regulation's website (www.flofr.com ~~dbf.state.fl.us~~). The Office of Financial Regulation will accept requests from consumer credit counseling agencies to be included on the list on an ongoing basis and may periodically republish the list at its discretion. If the Office of Financial Regulation makes a decision to publish the list more often, a notice of such change will be posted on the Office of Financial Regulation's website. The provider will

then be responsible for making and distributing such additional copies of the list to all branch locations engaging in deferred presentment transactions.

(2) through (8) No change.

Specific Authority 560.105(3), 560.404(23) FS. Law Implemented 560.404 FS. History—New 2-20-02, Formerly 3C-560.906, Amended _____.

FINANCIAL SERVICES COMMISSION

Division of Securities

RULE NO.: RULE TITLE:
69W-200.001 Definitions

PURPOSE AND EFFECT: Chapter 2006-213, Laws of Florida, contains amendments to Chapter 517, Florida Statutes, relating to the Florida Securities and Investors Protection Act. This law contains a number of provisions relating to the licensing and regulatory functions of the Office of Financial Regulation. Among other things, the law amends provisions concerning licensing, notice filings, and other regulatory provisions in the area of securities regulation. The proposed rules implement and reflect the statutory changes. In particular, Rule 69W-200.001, F.A.C., is being amended to re-define the term “branch office” and specify exceptions to the definition.

SUBJECT AREA TO BE ADDRESSED: Florida Securities and Investors Protection Act.

SPECIFIC AUTHORITY: 517.03(1) FS.

LAW IMPLEMENTED: 517.07, 517.12, 517.021, 517.061, 517.051, 517.081, 517.161 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Pam Epting, Bureau Chief, Office of Financial Regulation, 200 East Gaines Street, 6th Floor, The Fletcher Building, Tallahassee, Florida 32399-0375, (850)410-9805

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

69W-200.001 Definitions.

As used in the Rules and Regulations of the Financial Services Commission and Office of Financial Regulation, pursuant to Chapter 517, F.S., unless the context otherwise specifically requires:

(1) through (8) No change.

(9)(a) Except as otherwise provided in this subsection, the term “Branch Office” shall mean any location in this state of a dealer or investment adviser at which one or more associated persons regularly conduct the business of rendering investment advice or effecting any transactions in, or inducing or attempting to induce the purchase or sale of, any security or

any location that is held out as such. Pursuant to Section 517.021(4), F.S., the Financial Services Commission may adopt exceptions to this definition. The following locations shall not be deemed branch offices for purposes of Section 517.12(5), F.S., and are considered exceptions to the definition of a branch office under Section 517.021(4), F.S.:

1. Any location that is established solely for customer service or back office type functions where no sales activities are conducted and that is not held out to the public as a branch office;

2. Any location that is the associated person’s primary residence; provided that:

a. Only one associated person, or multiple associated persons, who reside at that location and are members of the same immediate family, conduct business at the location;

b. The location is not held out to the public as an office and the associated person does not meet with customers at the location;

c. Neither customer funds nor securities are handled at that location;

d. The associated person is assigned to a designated branch office, and such designated branch office is reflected on all business cards, stationery, advertisements and other communications to the public by such associated person;

e. The associated person’s correspondence and communications with the public are subject to the firm’s supervision in accordance with NASD Rule 3010, as incorporated in subparagraph 69W-600.013(1)(h)1., F.A.C.;

f. Electronic communications (e.g., e-mail) are made through the registrant’s electronic system;

g. All orders are entered through the designated branch office or an electronic system established by the registrant that is reviewable at the branch office;

h. Written supervisory procedures pertaining to supervision of sales activities conducted at the residence are maintained by the registrant; and

i. A list of the residence locations is maintained by the registrant;

3. Any location, other than a primary residence, that is used for securities business for less than 30 business days in any one calendar year, provided the registrant complies with the provisions of this rule in sub-subparagraphs 9(a)2.a. through i. above;

4. Any office of convenience, where associated persons occasionally and exclusively by appointment meet with customers, which is not held out to the public as an office;

5. Any location that is used primarily to engage in non-securities activities and from which the associated person(s) effects no more than 25 securities transactions in any one calendar year; provided that any advertisement or sales literature identifying such location also sets forth the address

and telephone number of the location from which the associated person(s) conducting business at the non-branch locations are directly supervised;

6. The Floor of a registered national securities exchange where a registrant conducts a direct access business with public customers; or

7. A temporary location established in response to the implementation of a business continuity plan.

8. The main office of an investment adviser registered with the Office of Financial Regulation pursuant to Section 517.12(4), F.S.

(b) Notwithstanding the exclusions provided in subparagraph (9)(a)2. above, any location that is responsible for supervising the activities of persons associated with the registrant at one or more non-branch locations of the registrant is considered to be a branch office.

(c) The term "business day" as used in NASD Rule 3010(g)(2)(A), which is incorporated by reference in subparagraph 69W-600.013(1)(h)1., F.A.C., shall not include any partial business day provided that the associated person spends at least four hours on such business day at his or her designated branch office during the hours that such office is normally open for business.

(9)(a) Except as otherwise provided herein, the term "Branch Office" shall mean any location in Florida other than a home office:

1. Which is owned or controlled by a dealer or investment adviser for purposes of offering for sale or selling securities or for rendering investment advice and in which two or more associated persons are engaged in such activities. "Control" as used herein and in Section 517.021(4), F.S., shall be presumed from the fact that such location is used by associated persons of a dealer or investment adviser to conduct business on behalf of such dealer or investment adviser;

2. Which is listed in any publication, including a professional digest or telephone directory, or advertised in any media as an office of a dealer or investment adviser; or

3. Which is designated with the Securities and Exchange Commission or with a securities exchange or self-regulatory organization as a branch office of a dealer or investment adviser.

(b) The following locations shall not be deemed branch offices for purposes of Section 517.12(5), F.S.

1. Locations used temporarily for the purposes of conducting seminars or distributing printed information;

2. The home of a client;

3. A public location, such as a restaurant, which is occasionally used by a registered associated person to conduct business on behalf of the dealer or the investment adviser provided the location is not held out to the investing public as an office of the dealer or investment adviser; or

~~4. Any location defined as a branch office in paragraph (9)(a) of this rule from which an associated person registered with a dealer and one or more investment advisers registered with the Office of Financial Regulation conducts business on behalf of said multiple entities provided that such location is lawfully registered with the Office of Financial Regulation as a branch office of at least one of said entities.~~

(10) through (33) No change.

Specific Authority 517.03(1) FS. Law Implemented 517.07, 517.12, 517.021, 517.061, 517.051, 517.081, 517.161 FS. History—New 12-5-79, Amended 9-20-82, Formerly 3E-200.01, Amended 12-8-87, 10-14-90, 7-31-91, 6-16-92, 1-10-93, 5-5-94, 10-20-97, 8-9-98, 8-19-99, 10-30-03, Formerly 3E-200.001, Amended _____.

FINANCIAL SERVICES COMMISSION

Office of Financial Regulation

RULE NO.:

RULE TITLE:

69W-300.002

Financial Statements and Reports

PURPOSE AND EFFECT: Chapter 2006-213, Laws of Florida, contains amendments to Chapter 517, Florida Statutes, relating to the Florida Securities and Investors Protection Act. This law contains a number of provisions relating to the licensing and regulatory functions of the Office of Financial Regulation. Among other things, the law amends provisions concerning licensing, notice filings, and other regulatory provisions in the area of securities regulation. The proposed rules implement and reflect the statutory changes. In particular, the proposed rules provide that financial statements must be prepared in accordance with United States Generally Accepted Accounting Principles (GAAP).

SUBJECT AREA TO BE ADDRESSED: Florida Securities and Investors Protection Act.

SPECIFIC AUTHORITY: 517.03 FS.

LAW IMPLEMENTED: 517.081, 517.12 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Pam Epting, Bureau Chief, Office of Financial Regulation, 200 East Gaines Street, 6th Floor, The Fletcher Building, Tallahassee, Florida 32399-0375, (850)410-9805

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

69W-300.002 Financial Statements and Reports.

(1) All financial statements required for registration of securities, or registration of dealers and investment advisers, shall be prepared in accordance with United States Generally Accepted Accounting Principles, ~~as promulgated by the American Institute of Certified Public Accountants.~~ Financial

statements required to be prepared in accordance with Regulation S-X together with the Accounting Series Releases, pursuant to the Securities Act of 1933 and the Securities Exchange Act of 1934, will be acceptable to the Office of Financial Regulation unless otherwise required by these rules.

(2) Definitions:

(a) No change.

(b) "Financial Statements and Reports" shall be defined as those reports, schedules and statements, prepared in accordance with United States generally accepted accounting principles, which contain at least the following information unless the context otherwise dictates:

1. Statement of Financial Condition or Balance Sheet;
2. Statement of Income;
3. Statement of Changes in Financial Position;
4. Statement of Changes in Stockholder's/Partner's/Proprietor's Equity;
5. Statement of Changes in Liabilities Subordinated to Claims of General Creditors.

(c) No change.

(d) "Unaudited Financial Statements" shall be defined as those financial statements prepared in accordance with United States generally accepted accounting principles, not accompanied by the statements and representations as set forth in subparagraphs (2)(a)2., 3. and 4. of this rule, and shall include an oath or affirmation that such statement or report is true and correct to the best knowledge, information, and belief of the person making such oath or affirmation; such oath or affirmation shall be made before a person authorized to administer such oath or affirmation, and shall be made by a duly authorized representative of the entity for whom the financial statements were prepared.

(3) through (5) No change.

(6) Requirements for Securities Registration.

(a) through (c) No change.

(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 of Financial Regulation will not base the net worth computation on estimated values unless satisfactory evidence of the estimated values is presented to the Office of Financial Regulation.

(7) No change.

Specific Authority 517.03 FS. Law Implemented 517.081, 517.12 FS. History--New 12-5-79, Amended 9-20-82, Formerly 3E-300.02, Amended 6-28-93, 11-22-93, 12-24-95, 9-19-00, 10-30-03, Formerly 3E-300.002, Amended _____.

FINANCIAL SERVICES COMMISSION

Office of Financial Regulation

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

PURPOSE AND EFFECT: Chapter 2006-213, Laws of Florida, contains amendments to Chapter 517, Florida Statutes, relating to the Florida Securities and Investors Protection Act. This law contains a number of provisions relating to the licensing and regulatory functions of the Office of Financial Regulation. Among other things, the law amends provisions concerning licensing, notice filings, and other regulatory provisions in the area of securities regulation. The proposed rules implement and reflect the statutory changes. In particular, the proposed rules adopt a new form that is to be used by Canadian Dealers for notice filings.

SUBJECT AREA TO BE ADDRESSED: Florida Securities and Investors Protection Act.

SPECIFIC AUTHORITY: 517.03(1), 517.12, 517.1201 FS.

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

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Pam Epting, Bureau Chief, Office of Financial Regulation, 200 East Gaines Street, 6th Floor, The Fletcher Building, Tallahassee, Florida 32399-0375, (850)410-9805

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

69W-301.002 Processing of Applications.

(1) through (6) No change.

(7)(a) The forms referred to in this section below are incorporated by reference and readopted by this rule for the purposes of Rule Chapters 69W-100 through 69W-900, F.A.C.:

1. through 12. No change.

13. OFR Form DA-5-91, Issuer/Dealer Compliance Form (Revised 1/91); ~~and~~

14. Form FL921250Z, Florida Fingerprint Card (Revised 1/91) ~~and~~;

15 OFR Form CAN, Canadian Dealer Notification (New _____).

(b) through (c) No change.

Specific Authority 517.03(1), 517.12, 517.1201 FS. Law Implemented 120.60(1), 517.051, 517.081, 517.082, 517.12, 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, _____.

FINANCIAL SERVICES COMMISSION

Office of Financial Regulation

RULE NOS.:	RULE TITLES:
69W-400.001	Rules for Eleemosynary and Religious Organizations Under the Requirements of Section 517.051(9), F.S.
69W-400.003	Rules for Government Securities Under Section 517.051(1), F.S.

PURPOSE AND EFFECT: Chapter 2006-213, Laws of Florida, contains amendments to Chapter 517, Florida Statutes, relating to the Florida Securities and Investors Protection Act. This law contains a number of provisions relating to the licensing and regulatory functions of the Office of Financial Regulation. Among other things, the law amends provisions concerning licensing, notice filings, and other regulatory provisions in the area of securities regulation. The proposed rules implement and reflect the statutory changes. In particular, the proposed rules provide that financial statements must be prepared in accordance with United States Generally Accepted Accounting Principles (GAAP).

SUBJECT AREA TO BE ADDRESSED: Florida Securities and Investors Protection Act.

SPECIFIC AUTHORITY: 517.03, 517.051 FS.

LAW IMPLEMENTED: 517.051, 517.12 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Pam Epting, Bureau Chief, Office of Financial Regulation, 200 East Gaines Street, 6th Floor, The Fletcher Building, Tallahassee, Florida 32399-0375, (850)410-9805

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

69W-400.001 Rules for Eleemosynary and Religious Organizations Under the Requirements of Section 517.051(9), F.S.

The requirement of Section 517.051(9), F.S., that no persons shall directly or indirectly offer or sell securities under this section except by an offering circular containing full and fair disclosure shall be deemed satisfied if the following information is contained in the offering circular which is provided to each offeree prior to sale.

(1) In the case of an offering not in excess of \$250,000 of securities in reliance upon the exemption:

- (a) through (g) No change.

(h) The following financial statements of the issuer prepared in conformance with United States generally accepted accounting principles ~~generally accepted accounting principals~~:

1. A balance sheet and statement of profit and loss as of a date not earlier than the end of the last fiscal year of the issuer; provided, however, that if the last fiscal year shall have ended within 90 days of the date of the circular in which such data is to be included, such data may be supplied as of a date not earlier than the end of the fiscal year preceding the last fiscal year of the issuer;

2. If the balance sheet and statement of profit and loss included in an offering circular pursuant to subparagraph 1. above are as of a date 120 days prior to the date of the offering circular in which such data are included, sales and net income information as of a date not earlier than 90 days prior to the date of the offering circular shall be included.

(2) In the case of an offering in excess of \$250,000 of securities in reliance upon the exemption:

- (a) through (y) No change.

(z) The following financial statements of the issuer prepared in conformance with United States generally accepted accounting principles:

1. A balance sheet and statement of profit and loss as of a date not earlier than the end of the last fiscal year of the issuer; provided, however, that if the last fiscal year shall have ended within 90 days of the date of the circular in which such data is to be included, such data may be supplied as of a date not earlier than the end of the fiscal year preceding the last fiscal year of the issuer.

2. If the balance sheet and statement of profit and loss included in an offering circular pursuant to subparagraph 1. above are as of a date 120 days prior to the date of the offering circular in which such data are included, sales and net income information as of a date not earlier than 90 days prior to the date of the offering circular shall be included.

- (3) through (4) No change.

Specific Authority 517.03(1) FS. Law Implemented 517.051(9), 517.12(2) FS. History--New 12-5-79, Amended 9-20-82, Formerly 3E-400.01, Amended 10-14-90, Formerly 3E-400.001, Amended.

69W-400.003 Rules for Government Securities Under Section 517.051(1), F.S.

For purposes of the exemption of Section 517.051(1), F.S., any issuer or guarantor of securities which are or have been in default shall be deemed to have satisfied the requirement of full and fair disclosure, thereby entitling the securities issued or guaranteed by such person to the exemption granted therein, if the following information is contained in an offering circular provided to each offeree prior to any sale of such securities:

(1) A description of each and every default by the issuer and guarantor including:

(a) through (g) No change.

(h) Financial statements for the last two (2) fiscal years prepared and presented in accordance with United States Generally Accepted Accounting Principles ~~Principals as adopted by the American Institute of Certified Public Accountants and in existence on June 1, 1992.~~ Such statements shall additionally have been audited by an independent governmental audit organization or by an independent certified public accountant; and

(i) No change.

(2) No change.

Specific Authority 517.03(1), 517.051(1) FS. Law Implemented 517.051(1) FS. History–New 12-8-87, Amended 2-17-93, Formerly 3E-400.003, Amended.

FINANCIAL SERVICES COMMISSION

Office of Financial Regulation

RULE NO.: 69W-500.04
 RULE TITLE: Computation of Number of Purchasers for Purposes of Section 517.061(11), Florida Statutes

PURPOSE AND EFFECT: The rule is clarified to conform to statutory requirements regarding the exclusion of certain individuals as purchasers for securities offerings under Section 517.061(11), F.S.

SUBJECT AREA TO BE ADDRESSED: Florida Securities and Investors Protection Act.

SPECIFIC AUTHORITY: 517.03 FS.

LAW IMPLEMENTED: 517.061 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Pam Epting, Bureau Chief, Office of Financial Regulation, 200 East Gaines Street, 6th Floor, The Fletcher Building, Tallahassee, Florida 32399-0375, (850)410-9805

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

69W-500.004 Computation of Number of Purchasers for Purposes of Section 517.061(11), F.S.

(1) The following purchasers shall be excluded in computing the number of purchasers for purposes of Section 517.061(11), F.S.:

(a) No change.

(b) Any trust or estate in which a purchaser or any of the persons related to him as specified in paragraph (1)(a) or (c) of this rule collectively owns more than 50% ~~own 100%~~ of the beneficial interest in such trust or estate (excluding contingent interests); and

(c) Any corporation or other organization of which a purchaser or any of the persons related to him as specified in paragraphs (1)(a) and (b) of this rule, collectively, are the beneficial owners of more than 50% of all the equity securities (excluding directors' qualifying shares) or equity interest;

(d) through (f) No change.

(2) No change.

Specific Authority 517.03 FS. Law Implemented 517.061(11) FS. History–New 12-5-79, Amended 9-20-82, Formerly 3E-500.04, Amended 7-31-91, Formerly 3E-500.004, Amended.

FINANCIAL SERVICES COMMISSION

Office of Financial Regulation

RULE NOS.:	RULE TITLES:
69W-600.001	Application for Registration as a Dealer, Issuer/Dealer, or Investment Adviser
69W-600.0015	Application for Registration as a Canadian Dealer
69W-600.002	Application for Registration as Associated Person
69W-600.004	Registration of Issuer/Dealers, Principals and Branch Offices
69W-600.006	Associated Persons' Fingerprints
69W-600.009	Registration 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-600.014	Books and Records Requirements
69W-600.016	Net Capital Requirements for Dealers and Investment Advisers

PURPOSE AND EFFECT: Chapter 2006-213, Laws of Florida, contains amendments to Chapter 517, Florida Statutes, relating to the Florida Securities and Investors Protection Act. This law contains a number of provisions relating to the licensing and regulatory functions of the Office of Financial Regulation. Among other things, the law amends provisions concerning licensing, notice filings, and other regulatory provisions in the area of securities regulation. The proposed rules implement and reflect the statutory changes. The proposed rules also revise provisions regarding net capital requirements for dealers and investment advisers.

SUBJECT AREA TO BE ADDRESSED: Florida Securities and Investors Protection Act.

SPECIFIC AUTHORITY: 517.03, 517.12, 517.121, 517.1215, 517.1201 FS.

LAW IMPLEMENTED: 517.12, 517.121, 517.1201, 517.1205, 517.1215 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Pam Epting, Bureau Chief, Office of Financial Regulation, 200 East Gaines Street, 6th Floor, The Fletcher Building, Tallahassee, Florida 32399-0375, (850)410-9805

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

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

(1)(a) Applications for initial and renewal registration of dealers, issuer/dealers, and investment advisers shall be filed on the forms prescribed by the Financial Services Commission in subsection 69W-301.002(7), F.A.C., and shall include all information required by such forms, any other information the Financial Services Commission or Office of Financial Regulation may require, and payment of the statutory fees required by Sections 517.12(10) and 517.131, F.S. Except as otherwise provided in Rule 69W-600.0091 or 69W-600.0093, F.A.C., the Office of Financial Regulation shall deem an application to be received at such time as it and the appropriate fee have been date stamped by the cashier's office of the ~~Department of Financial Services Office of Financial Regulation~~. For dealers that are members of the National Association of Securities Dealers (NASD), such application shall be filed with the Office of Financial Regulation through the Central Registration Depository (CRD) of the NASD in accordance with Rule 69W-600.0091, F.A.C. For investment advisers, such application ~~shall may~~ be filed with the Office of Financial Regulation through the Investment Adviser Registration Depository (IARD) of the NASD in accordance with Rule 69W-600.0093, F.A.C.

(b) A complete application must include the following exhibits or forms that are appropriate for the type of registration requested:

1. For registration as a dealer or issuer/dealer, a Uniform Application for Broker-Dealer Registration, Form BD, which is incorporated by reference in subsection 69W-301.002(7), F.A.C. For dealers that are members of the NASD, such application shall be filed with the Office of Financial Regulation through the CRD in accordance with Rule 69W-600.0091, F.A.C. For registration as an investment adviser, a Uniform Application for Investment Adviser Registration, Form ADV, which is incorporated by reference in

subsection 69W-301.002(7), F.A.C. shall be filed with the Office of Financial Regulation. Such application ~~shall may~~ be filed with the Office of Financial Regulation through the Investment Adviser Registration Depository (IARD) of the NASD in accordance with Rule 69W-600.0093, F.A.C.;

2. No change.

3. A Uniform Application for Securities Industry Registration or Transfer, Form U-4, which is incorporated by reference in subsection 69W-301.002(7), F.A.C., to register at least one principal as set forth in Rule 69W-600.002, F.A.C. For any dealer that is a member of the NASD, or any investment adviser, the application for registration of any principal shall be filed through the CRD as set forth in Rule 69W-600.002, F.A.C. In conjunction with filing its Form BD or Form ADV with the Office of Financial Regulation, the dealer, issuer/dealer, or investment adviser shall provide the Office of Financial Regulation written notification of the principal's name, CRD number, and social security number; Evidence of current membership as a dealer with the NASD shall satisfy this requirement;

4. through 9. No change.

(2) through (3) No change.

~~(4) It will not be the policy of the Office of Financial Regulation to issue verbal effectiveness or verbal up dates on applications filed with the Office of Financial Regulation unless the Office of Financial Regulation deems it to be necessary to issue such verbal information.~~

Specific Authority 517.03(1), 517.12(6) FS. Law Implemented 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, _____.

69W-600.0015 Application for Registration as a Canadian Dealer.

All Canadian dealers making initial and renewal notice filing, or terminating a notice filing in this state shall file OFR Form CAN and the fee required by Section 517.12(17)(b), F.S., with the Office of Financial Regulation. Any notice filing made by a Canadian dealer with the Office of Financial Regulation shall be deemed received by the Office of Financial Regulation at such time as OFR Form CAN and the fee have been date stamped by the cashier's office of the Department of Financial Services. When requested by the Office of Financial Regulation, OFR Form CAN and all responses to any other requests for additional information shall be filed directly with the Office of Financial Regulation. OFR Form CAN, Canadian Dealer Notification, is incorporated by reference in subsection 69W-301.002(7), F.A.C.

Specific Authority 517.03 FS. Law Implemented 517.12 FS. History--New _____.

69W-600.002 Application for Registration as Associated Person.

(1)(a) Applications for initial, reaffiliation, and renewal registrations of a principal or associated person shall be filed on Form U-4, Uniform Application for Securities Industry Registration or Transfer, which is incorporated by reference in subsection 69W-301.002(7), F.A.C., and shall include all information required by such form, any other information the Office of Financial Regulation may require, and payment of the statutory fees required by Section 517.12(10), F.S. Except as otherwise provided in Rule 69W-600.0091, 69W-600.0092, or 69W-600.0093, F.A.C., the Office of Financial Regulation shall deem an application to be received at such time as it and the appropriate fee have been date-stamped by the cashier's office of the ~~Department of Financial Services Office of Financial Regulation~~. For dealers that are members of the National Association of Securities Dealers ("NASD"), such application shall be filed with the Office of Financial Regulation through the Central Registration Depository ("CRD") of the NASD in accordance with Rule 69W-600.0091, F.A.C. For federal covered advisers, such application shall be filed with the Office of Financial Regulation through the Central Registration Depository ("CRD") of the NASD in accordance with Rule 69W-600.0092, F.A.C. For investment adviser applicants and registrants who file via the IARD, such application ~~shall may~~ be filed with the Office of Financial Regulation through the CRD of the NASD in accordance with Rule 69W-600.0093, F.A.C.

(b) A complete initial application must include the following exhibits or forms that are appropriate for the type of registration requested:

1. Uniform Application for Securities Industry Registration or Transfer, Form U-4, ~~which is incorporated by reference in subsection 69W-301.002(7), F.A.C.~~ As used on the Form U-4, ~~which is incorporated by reference in subsection 69W-301.002(7), F.A.C.~~, the term "Office of Employment Address" shall mean the location where the person seeking registration will regularly conduct business on behalf of the dealer or investment adviser. For dealers that are members of the NASD, such application shall be filed with the Office of Financial Regulation through the CRD of the NASD. The Form U-4, Uniform Application for Securities Industry Registration or Transfer, is incorporated by reference in subsection 69W-301.002(7), F.A.C.

2. Statutory fee in the amount of ~~\$30~~ \$40, for each registration sought, as required by Section 517.12(10), F.S.

3. through 4. No change.

5. A complete Florida Fingerprint Card (FL92150Z) when required under Section 517.12(7), F.S., and Rule 69W-600.006, F.A.C., provided by the Office of Financial Regulation and taken by an authorized law enforcement agency and

accompanied by a non-refundable \$47 processing fee. Form FL92150Z, Florida Fingerprint Card, is incorporated by reference in subsection 69W-301.002(7), F.A.C.

~~If the fingerprint card cannot be processed by the Federal Bureau of Investigation because of illegible fingerprints, a second card must be submitted. If that card also cannot be processed, it will be necessary to submit a third card along with a fee of \$24 to cover the cost of processing the card charged by the FBI.~~

(c) If the information contained in any Form U-4, ~~which is incorporated by reference in subsection 69W-301.002(7), F.A.C.~~, becomes inaccurate for any reason before or after the associated person becomes registered, the associated person through the dealer or investment adviser, as applicable, 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, ~~which is incorporated by reference in subsection 69W-301.002(7), F.A.C.~~, the associated person through the dealer or investment adviser shall also provide the Office of Financial Regulation with notice and copies of each civil, criminal or administrative action initiated against the associated person as provided in Rule 69W-600.010, F.A.C. For associated persons who have filed by using the CRD of the NASD, such amendments shall be made through the CRD of the NASD. Form U-4, Uniform Application for Securities Industry Registration or Transfer, is incorporated by reference in subsection 69W-301.002(7), F.A.C.

(2) No change.

Specific Authority 517.03(1), 517.12(6) FS. Law Implemented 517.12(6), (7), (10), 517.1205 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, _____.

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

(1) through (2) No change.

(3)(a) Every branch office of a registered Florida dealer or investment adviser shall be registered with the Office of Financial Regulation prior to engaging in business therefrom. Such registration shall consist of an application filed with the Office of Financial Regulation on the forms prescribed by the Office of Financial Regulation and payment of the statutory fees required by Section 517.12(10), F.S. The Office of Financial Regulation shall deem an application to be received at such time as it and the appropriate fee have been date stamped by the cashier's office of the Department of Financial Services Office of Financial Regulation. Such office may or may not be designated as an Office of Supervisory Jurisdiction (OSJ) at the discretion of the registrant. A manager for each branch office shall be designated and registered with the Office of Financial Regulation as a principal. For such offices not

designated as an OSJ, the branch office manager need not be located at the office(s) for which he is delegated supervisory responsibility; however, in such cases, the registrant must specify in writing to the Office of Financial Regulation, the names of the associated persons designated as resident agent in charge as well as the branch office manager. For any dealer that is a member of the NASD, or any investment adviser, the application for registration of any branch office shall be filed with the CRD.

(b) A complete application must include the following exhibits or forms that are appropriate for the type of registration requested:

1. through 3. No change.

4. Evidence of current registration or exemption from the registration requirements of with the Florida Secretary of State as a foreign corporation.

(c) If the information contained in any branch office registration form becomes inaccurate or incomplete for any reason before or after the branch office becomes registered, including changing the location of the branch office or the supervisory personnel thereof, the dealer or investment adviser shall amend the information by filing a complete and originally executed Form BR, ~~Uniform Branch Office Registration Form, which is incorporated by reference in subsection 69W 301.002(7), F.A.C.,~~ with the Office of Financial Regulation within thirty (30) days of the change and denoting thereon that the information reported is an amendment to a previous filing. For any dealer that is a member of the NASD, or any investment adviser, the Form BR shall be filed with the CRD, as set forth in this rule. A non-NASD member registrant may amend the branch office registration information by submitting a Form BR directly with the Office of Financial Regulation. Form BR, Uniform Branch Office Registration Form, is incorporated by reference in subsection 69W-301.002(7), F.A.C. In lieu of filing Form BR, which is incorporated by reference in subsection 69W 301.002(7), F.A.C., a registrant may amend the branch office registration information electronically at the time of renewal by following the applicable instructions on the Office of Financial Regulation's website (www.fldfs.com/ofr) on the Internet. Also, a registrant may change the address or terminate a branch office location by submission of the request in writing to the Office of Financial Regulation in lieu of filing Form BR, which is incorporated by reference in subsection 69W 301.002(7), F.A.C. Failure to file any amendment or written notification, as provided herein, shall be considered a violation of Section 517.12(13), F.S.

(d) No change.

Specific Authority 517.03(1), 517.12(6) FS. Law Implemented 517.12(5), (6), (10) 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, _____.

69W-600.006 Associated Persons' Fingerprints.

Fingerprints filed in accordance with Section 517.12(7), Florida Statutes, shall be on fingerprint cards supplied by the Office of Financial Regulation (~~Form FL921250Z, (Revised 1/91) which is hereby incorporated by reference taken by an authorized law enforcement agency, and accompanied by a non-refundable \$47 processing fee. Form FL921250Z, Florida Fingerprint Card, is incorporated by reference in subsection 69W-301.002(7), F.A.C. The ~~Such~~ fingerprint card requirement is waived cards are not required to be filed for those associated persons requesting registration with a dealer which is affiliated with a dealer or investment adviser registered with a national securities exchange or national securities association or the Securities and Exchange Commission, provided that fingerprints have been processed for such persons pursuant to the provisions of SEC. rule 17f-2 (17 C.F.R. 240.17f-2 2006), which is hereby incorporated by reference, by said person's current employer.~~

Specific Authority 517.03 FS. Law Implemented 517.12(7) FS. History—New 12-5-79, Amended 9-20-82, Formerly 3E-600.06, Amended 8-1-91, Formerly 3E-600.006, Amended _____.

69W-600.009 Registration Renewals.

(1) No change.

(2) In addition to verifying registration with the Office of Financial Regulation as provided in subsection (1), to renew its registration and that of its branch offices and associated persons, each dealer or investment adviser shall pay all renewal fees as required by Section 517.12(11), F.S.

(a) Renewal fees for NASD member firms, associated persons of NASD member firms, and branch offices of NASD member firms, shall be submitted through the CRD by December 31 of the year the registration expires.

(b) 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 expires.

(c) Renewal fees for non-NASD member firms, associated persons of non-NASD member firms and all branch offices of non-NASD member firms shall be sent directly to the Office of Financial Regulation. The Office of Financial Regulation shall deem a fee received as payment at such time as it has been date stamped by the cashier's office of the Department of Financial Services. All renewal fees must be received by the Office of Financial Regulation by December 31 of the year the registration expires. Renewal fees for non-NASD member firms, associated persons of non-NASD member firms and all branch offices shall be sent directly to the Office of Financial Regulation or may be paid electronically by following the applicable instructions on the Office of Financial Regulation's website (www.dbf.state.fl.us) on the Internet. The Office of

~~Financial Regulation shall deem a fee received as payment at such time as it has been date stamped by the cashier's office of the Office of Financial Regulation or the date the renewal process has been completed on the Office of Financial Regulation's website. All renewal fees for NASD member firms and for associated persons of NASD member firms shall be submitted through the CRD. All renewal fees must be received by the Office of Financial Regulation or the CRD by the last business day prior to January 1 of the year following the year the registration expires.~~

(3) Failure to submit the requisite amount of fees ~~to the Office of Financial Regulation or to the NASD as appropriate and~~ as provided for in subsection (2) of this rule 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 will 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 filed with the Office of Financial Regulation 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 will 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.

Specific Authority 517.03(1), 517.12(6), (15) FS. Law Implemented 517.12(6), (10), (11), (15) 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.

69W-600.0091 Central Registration Depository System.

~~Wherever the rules of this Office of Financial Regulation require the filing of applications, fees, and other documents with the Office of Financial Regulation, in lieu thereof, all dealers who are members of the National Association of Securities Dealers, Inc. (NASD) shall file such items as hereinafter specifically provided:~~

(1) All NASD member dealers requesting initial registration, amendment renewal or termination of registration in this state shall file the appropriate Form BD or BDW, which are incorporated by reference in subsection 69W-301.002(7), F.A.C., and the assessment fee required by Section 517.12(10) or (11), F.S., with the Central Registration Depository System ("CRD") of the NASD. However, responses to requests by the

Office of Financial Regulation for additional information shall be filed directly with the Office of Financial Regulation. Any application for registration as a dealer filed with the Office of Financial Regulation through the CRD shall be deemed received by the Office of Financial Regulation upon receipt of the Form BD and the application fee. The application fee shall be deemed received by the Office of Financial Regulation on the "payment date" reflected on the CRD "disbursement detail" report.

(2) All NASD member dealers registered in this state requesting initial registration, amendment, or termination of a branch office of such member dealer shall file the appropriate Form BR and the application fee required by Section 517.12(10) or (11), F.S., with the CRD. However, responses to requests by the Office of Financial Regulation for additional information shall be filed directly with the Office of Financial Regulation. Any application for registration as a branch office filed with the Office of Financial Regulation through the CRD shall be deemed received by the Office of Financial Regulation upon receipt of the Form BR and the application fee. The application fee shall be deemed received by the Office of Financial Regulation on the "payment date" reflected on the CRD "disbursement detail" report.

(3)~~(2)~~ All NASD member dealers registered in this state requesting initial registration, amendment, renewal, reaffiliation or termination of an associated person of such member dealer shall file ~~the appropriate~~ Form U-4 or U-5 (which are incorporated by reference in subsection 69W-301.002(7), F.A.C.) and the assessment fee required by Section 517.12(10) or (11), F.S., with the CRD of the NASD. However, responses to requests by the Office of Financial Regulation for additional information shall be filed directly with the Office of Financial Regulation. Any application for registration as an associated person of an NASD member dealer filed with the Office of Financial Regulation through the CRD shall be deemed received by the Office of Financial Regulation 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.

~~(3) Any application for registration as an associated person of an NASD member dealer filed with the Office of Financial Regulation via the CRD shall be deemed received by the Office of Financial Regulation 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.~~

~~(4) Any application for registration as a dealer filed with the Office of Financial Regulation via the CRD shall be deemed received by the Office of Financial Regulation upon receipt of the Form BD and the application fee. The application~~

~~fee shall be deemed received by the Office of Financial Regulation on the "payment date" reflected on the CRD "disbursement detail" report.~~

Specific Authority 517.03, 517.12(15) FS. Law Implemented 517.12(10), (11), (15) 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 _____.

(Substantial rewording of 69W-600.0092 follows. See Florida Administrative Code for present text)

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

(1) All federal covered advisers making, amending, or terminating a notice filing in this state shall file Form ADV or Form ADV-W and the assessment fee required by Section 517.1201(1) or (2), F.S., with the Investment Adviser Registration Depository (IARD) of the NASD. When requested by the Office of Financial Regulation, Form ADV, Part 2, and all responses to requests by the Office of Financial Regulation for additional information shall be filed directly with the Office of Financial Regulation. Any notice filing made by a federal covered adviser with the Office of Financial Regulation through the IARD shall be deemed received by the Office of Financial Regulation upon receipt of the Form ADV and the filing fee. The filing fee shall be deemed receive by the Office of Financial Regulation on the "payment date" reflected on the CRD "disbursement detail" report. Forms ADV and ADV-W are incorporated by reference in subsection 69W-301.002(7), F.A.C.

(2) All federal covered advisers who notice file in this state and who request initial registration, amendment, reaffiliation or termination of an associated person of such federal covered adviser shall file the Form U4 and the assessment fee required by Section 517.12(10) or (11), F.S., with the CRD of the NASD. However, responses to requests by the Office of Financial Regulation for additional information shall be filed directly with the Office of Financial Regulation. The Form U4 is incorporated by reference in subsection 69W-301.002(7), F.A.C.

Specific Authority 517.03, 517.12(6), (15), 517.1201 FS. Law Implemented 517.1201(1), (2), (15) FS. History--New 7-31-02, Formerly 3E-600.0092, Amended 3-16-06, _____.

(Substantial rewording of 69W-600.0093 follows. See Florida Administrative Code for present text)

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

(1) All investment advisers requesting initial registration, amendment, or termination of registration in this state shall file the Form ADV or ADV-W and the assessment fee required by Section 517.12(10) or (11), F.S., with the Investment Adviser Registration Depository (IARD) of the NASD. Form ADV, Part 2, and all responses to requests by the Office of Financial

Regulation for additional information shall be filed directly with the Office of Financial Regulation. Investment advisers shall file Form ADV Part 2 with the IARD at such time as the IARD develops the capability to process the form. Applications for registration as an investment adviser filed with the Office of Financial Regulation through the IARD shall be deemed received by the Office of Financial Regulation upon receipt of the Form ADV and the filing fee. The filing fee shall be deemed received by the Office of Financial Regulation on the "payment date" reflected on the CRD "disbursement detail" report. Form ADV is incorporated by reference in subsection 69W-301.002(7), F.A.C.

(2) All investment advisers registered in this state through the IARD requesting initial registration, amendment, or termination of a branch of such investment adviser shall file Form BR and the assessment fee required by Section 517.10(10) or (11), F.S., with the CRD. However, all responses to requests by the Office of Financial Regulation for additional information shall be filed directly with the Office of Financial Regulation. Applications for registration as a branch office filed with the the Office of Financial Regulation through the CRD shall be deemed received by the Office of Financial Regulation upon receipt of the Form BR and the application fee. The application fee shall be deemed received by the Office of Financial Regulation on the "payment date" reflected on the CRD "disbursement detail" report. Form BR is incorporated by reference in subsection 69W-301.002(7), F.A.C.

(3) All investment advisers registered in this state through the IARD requesting initial registration, amendment, reaffiliation or termination of an associated person of such investment adviser may file Form U4 and the application fee required by Section 517.12(10) or (11), F.S., with the CRD of the NASD. However, all responses to requests by the Office of Financial Regulation for additional information shall be filed directly with the Office of Financial Regulation. Form U4 is incorporated by reference in subsection 69W-301.002(7), F.A.C.

(4) All investment advisers currently registered with the Office of Financial Regulation shall transition their Florida registrations onto IARD, and the Florida registrations of their associated person onto the CRD, by March 31, 2007. All investment advisers who transition onto IARD shall file a complete Form ADV through the IARD within 30 days after the transition date. Form ADV is incorporated by reference in subsection 69W-301.002(7), F.A.C.

Specific Authority 517.03, 517.12(6), (15) FS. Law Implemented 517.12(10), (11), (15) FS. History--New 7-31-02, Formerly 3E-600.0093, Amended 3-16-06, _____.

69W-600.014 Books and Records Requirements.

Except as otherwise provided herein, every dealer, investment adviser, branch office, and associated person conducting business in this state shall prepare and maintain on a current

basis, and preserve for the periods of time specified, such records, prescribed herein, as are appropriate for said dealer's, investment adviser's, branch office's, or associated person's course of business, and are sufficient to provide an audit trail of all business transactions by said dealer, investment adviser, associated person, or branch office. Associated persons who conduct business from a registered branch office in this state shall be exempt from the provisions of this rule.

(1) No change.

(2) All issuer/dealers are required to maintain at least the following records:

(a) Ledgers, journals (or other records) reflecting all assets, liabilities, income and expenses, and capital accounts properly maintained in accordance with United States generally accepted accounting principles ~~principals~~;

(b) through (e) No change.

(3) All investment advisers, notwithstanding the fact that the investment adviser is not registered or required to be registered under the Investment Advisers Act of 1940, shall prepare and maintain true, accurate and current records relating to their business as described in SEC Rule 204-2, 17 C.F.R. § 275.204-2(2006), which is incorporated by reference; and have available for the Office of financial Regulation at least the following records;

(a) All trial balances, financial statements prepared in accordance with United States generally accepted accounting principles, and internal audit working papers relating to the investment adviser's business as an investment adviser. For purposes of this paragraph, "financial statements" means balance sheets, income statements, cash flow statements and net worth computations as required by Rule 69W-300.002, F.A.C.

(b) through (k) No change.

(4) through (8) No change.

Specific Authority 517.03(1), 517.121(1), 517.1215 FS. Law Implemented 517.121(1), 517.1215 FS. History—New 12-5-79, Amended 9-20-82, Formerly 3E-600.14, Amended 10-14-90, 8-1-91, 6-16-92, 1-11-93, 9-9-96, 6-22-98, 1-25-00, 10-30-03, Formerly 3E-600.014, Amended 10-23-06,_____.

69W-600.016 Net Capital Requirements for Dealers and Investment Advisers.

(1) No change.

(2) All dealer applicants and registrants shall meet and at all times maintain the net capital and ratio requirements as prescribed by SEC Rule 15c3-1 including appendices A through D ~~any appendices thereto~~ (17 C.F.R. 240.15c3-1, 240.15c3-1a, 240.15c3-1b, 240.15c3-1c and 240.15c3-1d (Thomson/West 2006 (current through 71 FR 69409)), computed in accordance with said rule, ~~as such rule existed on January 1, 1993~~. The foregoing federal regulations are hereby incorporated by reference.

(a) All reporting requirements as specified in 17 C.F.R. 240.17a-11 (Thomson/West 2006 (current through 71 FR 69409)), ~~as such rule existed on January 1, 1993~~, when such regulation is referred in SEC Rule 15c3-1 shall be applicable with the exception that such reports and notifications required by said rule shall be forwarded to the Office of Financial Regulation as well as the other regulatory agencies specified, if applicable. The foregoing federal regulations are hereby incorporated by reference.

(b) All references to 17 C.F.R. 240.17a-3 and 17 C.F.R. 240.17a-4, which are incorporated by reference in Rule 69W-600.14, F.A.C., ~~as such provisions existed on January 1, 1993~~, in the foregoing and subsequent provisions of Office of Financial Regulation or SEC Rules as adopted by the Office of Financial Regulation, shall be read as to mean Office of Financial Regulation, Rule 69W-600.014, F.A.C.

(3) Issuer/dealer or investment adviser applicants or registrants shall meet the net capital requirements of this section:

(a) Investment advisers who have custody of client funds or securities or who receive payment of advisory fees six months or more in advance and in excess of \$500 per client shall maintain net capital in the amount of \$25,000 calculated as prescribed by SEC Rule 15c3-1 (17 CFR 240.15c3-1), including any ratio requirements and appendices thereto, ~~as such provisions existed on January 1, 1993~~. The foregoing federal regulations are incorporated by reference in subsection 2.

(b) Investment advisers who do not have custody of client funds or securities or who do not receive payment for advisory services six months or more in advance and in excess of \$500 per client shall maintain net capital: (1) in the amount of \$5,000 calculated as prescribed by SEC Rule 15c3-1 (17 CFR 240.15c3-1), including any ratio requirements and appendices thereto, ~~as such provisions existed on January 1, 1993~~; or (2) of at least \$2,500. The foregoing federal regulations are incorporated by reference in subsection 2. ~~For purposes of option (2) of this subsection, net capital shall be defined as assets minus liabilities in accordance with Generally Accepted Accounting Principles as adopted by the American Institute of Certified Public Accountants, as such provisions existed on June 1, 1992.~~

(c) Investment advisers who compute net capital in accordance with SEC Rule 15c3-1, ~~as such rule existed on January 1, 1993~~, may exclude liabilities which are subordinated to the claims of creditors pursuant to a subordination agreement, provided such agreement complies with all terms and conditions specified in Appendix D to SEC Rule 15c3-1 (17 CFR 240.15c3-1d), ~~as such provision existed on January 1, 1993~~, except for the requirement that such agreement be filed with and approved by the Securities and Exchange Commission. Those investment advisers who have subordination agreements in effect prior to the effective date of

(3) In all limited partnership offerings, the following will be acceptable in lieu of a 15% ratio of equity investment:

(a) In order that a general partner(s) be sufficiently capitalized to indicate the ability to perform the commitments which are made in regard to such programs, the net worth of the individual general partner(s), excluding home, home furnishings and automobile or the net worth of the corporate general partner(s), must be equal to 15% of the aggregate amount of limited partnership interests to be sold with a maximum net worth requirement of \$250,000. The net worth of a general partner(s) shall be revealed by a balance sheet prepared by an independent certified public accountant in accordance with United States generally accepted accounting principles as prescribed in Rule 69W-300.002, F.A.C. The general partner(s) shall make a direct investment, net of commissions, in the limited partnership(s) equal to 5% of the aggregate amount of limited partnership interests to be sold with a maximum participation requirement of \$100,000. The required participation may be reduced by 10% of the general partner(s) net worth in excess of the amount required.

(b) through (d) No change.

Specific Authority 517.03(1) FS. Law Implemented 517.081(3), (7) FS. History--(Formerly 3E-20.03), New 9-20-82, Formerly 3E-700.05, Amended 10-26-97, Formerly 3E-700.005, Amended _____.

Section II Proposed Rules

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Consumer Services

RULE NO.: RULE TITLE:
5J-14.002 Electronic Documents

PURPOSE AND EFFECT: The purpose and effect of this Rule 5J-14.002, F.A.C., is to allow for electronic filing of surety bonds.

SUMMARY: Rule 5J-14.002, F.A.C., sets material terms for electronic filing of surety bonds pertaining to game promotions.

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

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

SPECIFIC AUTHORITY: 849.094(8) FS.

LAW IMPLEMENTED: 849.094(3) FS.

IF REQUESTED WITHIN 21 DAYS 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: January 16, 2007, 10:00 a.m.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

5J-14.002 Electronic Documents.

For purposes of Section 849.094(4), F.S., an operator of a game promotion may submit a surety bond electronically, pursuant to Chapter 668, F.S.

(1) A surety bond with an electronic signature shall not be accepted by the Department unless the surety bond expressly states that the surety is subject to valid claims submitted by or through the Department in accordance with Section 849.094, F.S.

(2) When necessary for the filing or enforcing of claims by the Department against surety bonds submitted electronically in accordance with Chapter 668 and Section 849.094, F.S., the Department shall use a printed copy of the electronically filed bond.

(3) By filing electronically, the operator of a game promotion agrees to conduct all transactions with the Department pursuant to Chapter 668, F.S.

(4) For purposes of Section 849.094(4), F.S., an operator of a game promotion may submit a Durable Power of Attorney with an electronic signature;

(5) A Durable Power of Attorney with an electronic signature may be applied to subsequent game promotions as long as the Durable Power of Attorney expressly states that it encompasses the subsequently filed promotions. The Durable Power of Attorney shall remain in effect until the Department receives cancellation in writing or through electronic means.

Specific Authority 849.094(8) FS. Law Implemented 849.094(4) FS. History--New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Dee Keck, Regulatory Program Administrator, Division of Consumer Services, Department of Agriculture and Consumer Services

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: James R. Kelly, Director, Division of Consumer Services, Department of Agriculture and Consumer Services