

(c) A nonrefundable mortgage broker examination fee of \$43 for the designated principal representative if required to take the mortgage broker examination pursuant to Section 494.0062(11), F.S.;

(d)(e) Audited financial statements documenting a minimum net worth of \$25,000 as of the applicant’s most recent fiscal year end. If the application is submitted within three (3) months of the most recent fiscal year end and an audited statement from the most recent fiscal year is not available, an audited statement from the previous fiscal year end is acceptable;

(e)(f) A surety bond, issued by a bonding company or insurance company authorized to do business in this State, in the amount of \$10,000; and submitted on Form OFR-494-05, Mortgage Brokerage and Mortgage Lending Act Surety Bond.

(f)(e) Designate a principal representative who shall operate and exercise control over the licensee’s business. Each correspondent mortgage lender applicant shall include as part of the application a statement that the principal representative will operate and exercise control over the business as defined in subsection 69V-40.001(12), F.A.C.

(2) through (8) No change.

Specific Authority 215.405, 494.0011(2), 494.0062(3), (8), (11), (13) FS. Law Implemented 494.0062, 494.0067(4) FS. History–New 10-1-91, Amended 6-6-93, 5-14-95, 9-3-95, 11-5-95, 7-14-96, 11-24-97, 8-22-99, 12-12-99, 12-9-01, 12-8-02, 12-11-03, Formerly 3D-40.220, Amended 3-23-08,_____.

69V-40.242 Principal Representative.

(1) through (6) No change.

(7) At the time of filing an amendment to designate a new principal representative, the licensee shall file a nonrefundable mortgage broker examination fee of \$43 for the designated principal representative if required to take the mortgage broker examination pursuant to Sections 494.0061(8), 494.0062(11) and 494.0065(4)(c)2., F.S.

Specific Authority 494.0011(2), 494.0016(4), 494.0061(1), (3), (8), 494.0062(3), (11) FS. Law Implemented 120.60, 120.695, 494.001(31), 494.0016(1), 494.0061, 494.0062, 494.0067, 494.0072 FS. History–New 1-27-02, Amended 12-8-02, Formerly 3D-40.242, Amended 3-23-08,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Greg Oaks, Bureau Chief, Office of Financial Regulation, The Fletcher Building, 200 East Gaines Street, Tallahassee, Florida 32399, (850)410-9805, greg.oaks@flofr.com

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

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 3, 2008

Section III Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF TRANSPORTATION

RULE NOS.:	RULE TITLES:
14-40.003	Highway Landscape Projects
14-40.020	Grant Application Process
14-40.022	Florida Highway Beautification Council Grant Award Process
14-40.023	Funding, Construction, and Maintenance of Beautification Projects
14-40.030	Application and Permit Issuance

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 34, No. 25, June 20, 2008 issue of the Florida Administrative Weekly.

SUMMARY OF CHANGES:

1. 14-40.003(3)(a)2.: The references to plans is modified as shown:

“2. Plans must be drawn to scale, exhibiting an accurate and legible representation of existing conditions (above and below ground), and all proposed work. Plans must show all dimensions necessary to demonstrate compliance with this rule. If there is a baseline survey or centerline of construction, station points must be used. If there is no baseline survey or centerline, dimensioning must be from a fixed point. All dimensions must be noted in English system measurements (inches, feet, yards, miles, etc.). Plans must be plotted to scale on 11" x 17" multipurpose paper drawn at no less than 100 scale (1 inch = 100 feet) on 24 inch by 36 inch or smaller sheets (folded, not rolled). Scale shall be such that clarity and legibility are preserved. Computer generated plans must use 11 inch by 17 inch sheets. Plans must contain a graphic scale and north arrow with standard orientation on each plan sheet, and reference the state road number, section number, milepost, and local street names. Plans must also include curbs, edge of pavement, edge of travel lanes, guardrails, right of way fence and/or right of way lines, sidewalks, intersections, median breaks, driveways, bike lanes, transit facilities, surveying monuments, signs, view ~~vegetation management~~ zones of permitted outdoor advertising signs, lighting, traffic signals, other traffic control devices, drainage features, limits of clear sight, set backs and clear zone limits, existing off site features and conditions which affect or are affected by the project, easements, above and below ground utilities, and all existing vegetation. Details and text must be large enough to be legible on all plan sheets.”

2. 14-40.003(3)(a)3.: The sentence referring to blackline, blue-line, or xerographic reproductions is deleted in its entirety: “3. Electronic files will be accepted when requested by the Department. Only blackline, blue-line, or xerographic reproductions will be accepted for the review process.”

3. 14-40.003(3)(a)4.: The last line of the table, “Specifications (written and/or graphic)” is deleted in its entirety.

4. 14-40.003(3)(a)5.: A new 14-40.003(3)(a)5. and 6. are added and the existing 14-40.003(3)(a)5. is revised and renumbered as 7.:

“5. Landscape plans must include written specifications for materials and installation that equal or exceed the requirements of Section 580 of the FDOT Standard Specifications for Road and Bridge Construction, January 1, 2007, incorporated herein by reference.

6. Landscape plans must include graphic installation details that meet or exceed the requirements of Design Standard 544, Landscape Installation of the FDOT Design Standards for Design, Construction, Maintenance and Utility Operations on the State Highway System, 2008, incorporated herein by reference.

7. The approval of landscape plans requires a work zone traffic control plan in accordance with FDOT Design Standard 600 series incorporated in the Utility Accommodation Manual by reference in Rule 14-46.001, F.A.C., and the Manual on Uniform Traffic Control Devices as incorporated by reference under Rule 14-15.010, F.A.C.”

5. 14-40.003(3)(a)8.: A new 9. is added as follows:

“9. Plans must document conformity with sight distance requirements prescribed in FDOT Design Standard 546, Sight Distance at Intersections, of the FDOT Design Standards for Design, Construction, Maintenance and Utility Operations on the State Highway System, 2008, incorporated herein by reference. Plans must also document conformity with clear zone and horizontal clearance requirements prescribed in FDOT Design Standard 700, Roadside Offsets, of the FDOT Design Standards for Design, Construction, Maintenance and Utility Operations on the State Highway System, 2008, incorporated herein by reference.”

6. 14-40.003(3)(a)9.: The previous 14-40.003(3)(a)7., which was shown as being deleted is reinstated and renumbered as 10., with changes as follows:

“10. Plans prepared by or for Department highway landscape projects must meet the requirements of Chapter 481, Part II, F.S. be signed and sealed by a registered landscape architect.”

7. 14-40.003(3)(c): The following new second sentence is added: “When public health, safety, and welfare, operation of the transportation system, or the quality of the environment are jeopardized, the Department will require that plans be signed and sealed by a registered landscape architect.”

8. 14-40.003(3)(e): The incorporation by reference of Form 650-050-09 is revised to show the new revision date for that form:

“. . . submission of a Permit for Landscaping on State Road Right of Way, Form 650-050-09, Rev. 09/08 ~~04/06~~, which is incorporated herein by reference and is available at any Department Office or on the Department website at: www.dot.state.fl.us/emo. . .”

9. 14-40.003(5)(a): This paragraph is revised to read:

“(a) All landscape installation or maintenance activities performed by a local governmental entity, non governmental entity, or abutting property owner on the Department’s right of way must be performed in conformity with approved landscape plans ~~the Manual on Uniform Traffic Control Devices (incorporated by reference under Rule 14-15.010, F.A.C.), Standard Specifications for Road and Bridge Construction, (incorporated by reference under Rule 14-85.004, F.A.C.), and the Roadway and Traffic Design Standards (incorporated by reference under Rule 14-85.004, F.A.C.)~~”

10. 14-40.003(7)(b): This paragraph is revised to read:

“(b) Arterial Highways: The approved sign design for arterial highways is depicted in Figure 1. The sign panel will be 18 inches tall and 24 inches wide with white background and green lettering, using lettering shown in Figure 1 and fabricated with non-reflective materials. The sign must be mounted on 4 inch by 4 inch pressure treated posts, or break away posts ~~that meet or exceed the requirements of the Roadway and Traffic Design Standards (incorporated by reference under Rule 14-85.004, F.A.C.)~~. The top of signs will be a maximum of no more than two feet above grade. Installation of signs is contingent upon an agreement with the appropriate local governmental entity. The approved sign panel(s) must be provided and replaced by the local governmental entity. Signs will be placed according to the approved landscape plan.”

10. 14-40.030(1)(a): The form reference is corrected to show the number as: “650-050-~~06~~ 08.”

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

DEPARTMENT OF CORRECTIONS

RULE NO.: RULE TITLE:
33-501.301 Law Libraries

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 34, No. 30, July 25, 2008 issue of the Florida Administrative Weekly.

- 33-501.301 Law Libraries.
- (1) through (6) No change.
- (7) Use of Inmates as Clerks in Law Libraries.
- (a) through (d) No change.

(e) Law clerk training program. Central office library services shall develop a training program to provide inmates who work in law libraries with knowledge of legal research and writing, use of specific legal research materials to include digital or non-print resources in the law library collection, the law and rules of criminal law and post-conviction remedies, prisoners' civil rights, and other subject matter identified as necessary for an inmate law clerk to provide meaningful assistance to inmates. Inmates who successfully complete the law clerk training program shall be given a certificate by central office library services documenting successful completion of the program, and a notation shall be recorded in the department's offender database. Central office library services will document an inmate's successful completion of the law clerk training program in the department's offender database. ~~However, Central office library services shall have the authority to~~ revoke or suspend certification for commission of acts prohibited by this section or for failure to satisfactorily perform the duties assigned to an inmate law clerk.

- (f) through (q) No change.
- (8) through (11) No change.

Specific Authority 944.09, 944.11 FS. Law Implemented 20.315, 944.09, 944.11 FS. History—New 4-6-93, Amended 7-3-94, 11-2-94, 4-28-96, 9-30-96, 12-7-97, Formerly 33-3.0055, Amended 2-15-01, 11-4-01, 12-23-03, 1-7-07,_____.

AGENCY FOR HEALTH CARE ADMINISTRATION

Certificate of Need

RULE NO.: RULE TITLE:
59C-1.002 Definitions

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 33, No. 23, June 8, 2007 issue of the Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Commission

RULE NO.: RULE TITLE:
61J2-2.027 Applications by Individuals

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 34, No. 25, June 20, 2008 issue of the Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF HEALTH

Division of Family Health Services

RULE NO.: RULE TITLE:
64F-12.018 Fees

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 34, No. 32, August 8, 2008 issue of the Florida Administrative Weekly has been withdrawn.

**Section IV
Emergency Rules**

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

DEPARTMENT OF CITRUS

RULE NO.: RULE TITLE:
20ER08-7 Approved Boxes (20-39.003)

SPECIFIC REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY OR WELFARE: Japanese importers have communicated to the Florida citrus industry that grapefruit shipments in boxes containing fiberboard honeycomb cells will no longer be accepted in Japan.

The discontinuation of shipments to Japan during the time periods required for regular rulemaking would adversely affect the public welfare and would pose an immediate danger to the public welfare, including, but not limited to, Florida's citrus shippers.

Additionally, this emergency rule directly pertains to "perishable agricultural commodities" as expressly contemplated by Section 120.54(4)(b), F.S.

Therefore emergency rulemaking is justified, especially in light of the concurrent initialization of rulemaking with an identical rule.

REASON FOR CONCLUDING THAT THE PROCEDURE IS FAIR UNDER THE CIRCUMSTANCES: Adequate notice procedures were used by the Department of Citrus to inform the public and the Florida citrus industry of the pending adoption of Emergency Rule 20ER08-7 in that notice was made via mail on October 13, 2008 of the meeting to members of the Florida Citrus Commission, all industry organizations,