

Rulemaking Specific Authority 491.004(5), 491.005 FS. Law Implemented 491.005 FS. History–New 4-3-89, Amended 4-19-92, Formerly 21CC-4.002, 61F4-4.002, Amended 12-22-94, 7-6-95, 1-7-96, 3-5-96, Formerly 59P-4.002, Amended 1-25-98, 10-18-99, 8-9-00, 10-9-00, 10-15-02, 2-5-09,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 1, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 29, 2009

**DEPARTMENT OF HEALTH**

**Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling**

RULE NO.: 64B4-6.006  
RULE TITLE: Approval of Continuing Education Providers of Hypnosis Training Programs

PURPOSE AND EFFECT: The Board proposes the rule amendment in order to revise the areas required for hypnosis continuing education.

SUMMARY: The areas required for hypnosis continuing education will be revised.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared. The Board determined the proposed rules will not have an impact on small business.

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

RULEMAKING AUTHORITY: 491.004(5), 491.0085 FS.

LAW IMPLEMENTED: 491.0085(1) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sue Foster, Executive Director, Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

THE FULL TEXT OF THE PROPOSED RULE IS:

64B4-6.006 Approval of Continuing Education Providers of Hypnosis Training Programs.

(1) No change.

(2) Continuing education hypnosis training provider status shall be approved when all the requirements of Rule 64B4-6.004, F.A.C., have been satisfied and

(a) The continuing education program required by paragraph 64B4-6.004(2)(a), F.A.C., provides education in hypnosis therapy in ~~any or~~ all of the following areas:

1. Concepts and misconceptions of hypnosis,
2. Basic relaxation techniques utilizing hypnosis,
3. Hypnotic induction techniques,
4. Contraindications to hypnosis,
5. Relationship of personality dynamics to hypnosis,
6. Relationship of psychopathology to hypnosis,
7. Relationship of ethical issues to hypnosis, and

(b) No change.

(3) No change.

Rulemaking Specific Authority 491.004(5), 491.0085 FS. Law Implemented 491.0085(1) FS. History–New 10-2-94, Amended 1-7-96, Formerly 59P-6.006, Amended\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 28, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 18, 2009

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

**DEPARTMENT OF STATE**

**Division of Library and Information Services**

RULE NO.: 1B-2.011  
RULE TITLE: Library Grant Programs  
NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 35, No. 51, December 24, 2009 issue of the Florida Administrative Weekly.

Changes have been made to the guidelines and grant agreement to incorporate the Department of State's grant noncompliance policy and to provide notice of the penalty that may be imposed if a grant recipient and/or its governing body fails to comply with contractual grant requirements for any grant from any Division of the Department of State. Changes have also been made to the grant contract to allow either the grant recipient or the Department to hold copyrights to materials that are created with grant funds and to award licenses within the discretion of the Division. In all cases and in accordance with federal regulations, the federal awarding agency maintains certain licenses regarding copyrighted materials created with grant funds.

Copies of the full text of the changes may be obtained by contacting: Marian Deeney by mail at R. A. Gray Building, 500 South Bronough Street, Tallahassee, FL 32399, by phone at (850)245-6620, or by e-mail at mdeeney@dos.state.fl.us.

THE FULL TEXT OF THE RULE IS:

1B-2.011 Library Grant Programs.

(1) This rule provides procedures for library grant programs administered by the Division of Library and Information Services (Division). Each program shall be governed by guidelines which contain information on eligibility requirements, application review procedures, evaluation and funding criteria, grant administration procedures, if applicable, and application forms. All grant awards shall be subject to final approval by the Secretary of State.

(2) Applicants for grants shall meet the eligibility and application requirements as set forth in the following guidelines for each grant program:

(a) The State Aid to Libraries Grant Guidelines and Application, effective 4-1-98, amended 11-20-01, amended 12-28-03, amended 2-21-07, amended \_\_\_\_\_, which contain guidelines and application forms, State Aid to Libraries Grant Application (Form DLIS/SA01), effective 4-1-98, amended 12-28-03, amended \_\_\_\_\_; State Aid to Libraries Grant Application – Multicounty Library (Form DLIS/SA02), effective 4-1-98, amended 12-28-03, amended \_\_\_\_\_; Grant Agreement, effective 12-28-03, amended \_\_\_\_\_; Certification of Credentials – Single Library Administrative Head (Form DLIS/SA03), effective 4-1-98, amended 12-28-03, amended \_\_\_\_\_; State Aid to Libraries Grant Application – Summary Financial Report (Form DLIS/SA04), effective 4-1-98, amended 12-28-03, amended \_\_\_\_\_; State Aid to Libraries Required Documents Checklist (Form DLIS/SA05), effective \_\_\_\_\_.

(b) The Library Construction Grant Guidelines and Application, effective 4-1-98, amended 2-14-99, amended 1-9-03, amended 2-21-07, which contain instructions, grant application (Form DLIS/PLC01), effective 4-1-98, amended 2-14-99, amended 4-4-00, amended 12-18-00, amended

1-9-03; Payment Request #1 (Form DLIS/PLC02) effective 1-9-03; Payment Request #2 (Form DLIS/PLC03) effective 1-9-03; Payment Request #3 (Form DLIS/PLC04) effective 1-9-03; Payment Request #4 (Form DLIS/PLC05) effective 1-9-03; and Closeout Report (Form DLIS/PLC06) effective 1-9-03.

(c) The Library Cooperative Grant Guidelines and Application, effective 4-1-98, amended 1-24-2008 which contain instructions and application (Form DLIS/LCG01), effective 4-1-98, amended 4-4-00, amended 1-24-2008; Mid-Year Report (Form DLIS/LCG02) effective 1-24-08, Annual Report Form (Form DLIS/LCG03) effective 1-24-08, Annual Statistical Report Form for Multitype Library Cooperatives (Form DLIS/LCG04), effective 4-1-98, amended 4-4-00, amended 1-24-2008, Grant Agreement (Form DLIS/LCG05), effective 1-24-08 and the FLIN Manual, effective 1-24-08.

(d) The Library Services and Technology Act Grant Guidelines and Application, effective 4-1-98, amended 2-14-99, amended 11-20-01, amended \_\_\_\_\_, which contain instructions and application (Form DLIS/LSTA01), effective 4-1-98, amended 2-14-99, amended 4-4-00, amended 12-18-00, amended 11-20-01; Mid-Year Report (Form DLIS/LSTA02), effective 2-14-99, amended 4-4-00, amended 12-18-00, amended 11-20-01; and Annual Report (Form DLIS/LSTA03), effective 4-4-00, amended 12-18-00, amended 11-20-01; and Grant Agreement, effective \_\_\_\_\_.

(e) The Florida Library Literacy Grants Guidelines and Application, effective 4-4-00, amended 11-20-01 which contain instructions and application (Form DLIS/FLL01), effective 4-4-00, amended 11-20-01; Mid-Year Report (Form DLIS/FLL02), effective 4-4-00, amended 11-20-01; and Annual Report (Form DLIS/FLL03), effective 4-4-00, amended 11-20-01.

(f) The Community and Library Technology Access Partnership Grants Guidelines and Application which contain instructions and application (Form DLIS/CLTA01), effective 12-18-00; and Annual Report (Form DLIS/CLTA02), effective 12-18-00.

(g) The Community Libraries in Caring Program Application, effective 11-16-04, which contains instructions and application (Form DLIS/CLIC01), effective 11-16-04; Annual Report (Form DLIS/CLIC02), effective 11-16-04; and Grant Agreement (Form DLIS/CLIC03), effective 11-16-04, revised 2-21-06, amended 2-21-07.

(3) Guidelines and forms in this rule are incorporated by reference and may be obtained from the Director of the Division, Florida Department of State, Division of Library and Information Services, R. A. Gray Building, 500 South Bronough, Tallahassee, Florida 32399-0250.

(4) The Division of Library and Information Services will waive the financial matching requirements on grants for rural communities that have been designated in accordance with

Sections 288.0656 and 288.06561, F.S. Eligible communities applying for Library Services and Technology Act grants, Florida Library Literacy Grants, and Library Construction grants must request waiver of matching requirements at the time of grant application.

(5) This section supersedes Chapters 1B-3 and 1B-5, F.A.C.

Rulemaking Specific Authority 257.14, 257.191, 257.192, 257.24, 257.41(2) FS. Law Implemented 257.12, 257.15, 257.16, 257.17, 257.171, 257.172, 257.18, 257.191, 257.192, 257.195, 257.21, 257.22, 257.23, 257.24, 257.25, 257.40, 257.41, 257.42 FS. History–New 1-25-93, Amended 7-17-96, 4-1-98, 2-14-99, 4-4-00, 12-18-00, 11-20-01, 3-20-02, 1-9-03, 12-28-03, 11-16-04, 2-21-06, 2-21-07, 1-24-08,\_\_\_\_\_.

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

**Division of Agricultural Environmental Services**

RULE NO.: 5E-14.117  
 RULE TITLE: Application for Examination for Pest Control Operator’s Certificate and Special Identification Card and Limited Certificate for Urban Landscape Commercial Fertilizer Application  
 NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 35, No. 50, December 18, 2009 issue of the Florida Administrative Weekly.

5E-14.117 Application for Examination for Pest Control Operator’s Certificate and Special Identification Card and Limited Certificate for Urban Landscape Commercial Fertilizer Application.

(1) through (17) No changes.

Grade	Level 1	Level 2	Level 3	Level 4	Level 5	Level 6	Level 7	Level 8	Level 9
4	0-23	24-35	36-63	64-70	71-86	87-98	99-111	112-128	129-144
8	0-27	28-40	41-63	64-71	72-86	87-98	99-111	112-125	126-144
10	0-24	25-41	42-63	<del>64-73</del> 67-73	74-86	87-98	99-111	112-126	127-144

**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.”

(18) Beginning January 21, 2014, any person applying commercial fertilizer to an urban landscape must have a limited certification for urban landscape commercial fertilizer as provided herein. Applicants for limited certification for urban landscape commercial fertilizer must submit a copy of the training certificate issued pursuant to Section 403.9338 F.S., with their completed Application for Limited Certification for Urban Landscape Commercial Fertilizer, DACS 13677 (Rev. 08/09) and the application fee of \$25.00. The renewal fee for the limited certificate for urban landscape commercial fertilizer is \$25.00.

(19) No change.

Rulemaking Specific Authority 482.051, 482.1562 FS. Law Implemented 482.131, 482.132, 482.141, 482.151,482.152, 482.156, 482.1562 FS. History–New 1-1-77, Amended 6-27-79, 6-22-83, 10-25-90, Formerly 10D-55.117, Amended 8-11-93, 7-5-95, 5-28-98, 4-9-02, 7-11-07, 2-24-09,\_\_\_\_\_.

**DEPARTMENT OF EDUCATION**

**State Board of Education**

RULE NO.: 6A-1.09430  
 RULE TITLE: Florida Alternate Assessment Requirements  
 NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 36, No. 6, February 12, 2010 issue of the Florida Administrative Weekly.

Paragraph (5)(d) is amended to read:

(5)(d) Writing grade-level raw scores (0-144) for each achievement level – step 1:

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Barbers’ Board**

RULE NO.: 61G3-16.007  
 RULE TITLE: Examination for Restricted Licensure

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 35, No. 49, December 11, 2009 issue of the Florida Administrative Weekly.

The rule was under a preliminary review by the Joint Administrative Procedures Committee. The comments made in the Joint Administrative Procedures Committee preliminary review pertained to the Notice of Change referring to the Notice as a Notice of Correction. The comments were well founded, and the change is as follows:

THE PERSON TO BE CONTACTED REGARDING THIS NOTICE OF CHANGE ~~NOTICE OF CORRECTION~~ IS: THE PERSON TO BE CONTACTED REGARDING THIS RULE IS: Robyn Barineau, Executive Director, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Accountancy

RULE NO.: 61H1-27.0041 RULE TITLE: One Year of Work Experience

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 35, No. 30, July 31, 2009 issue of the Florida Administrative Weekly.

The change is in response to written comments submitted by the staff of the Joint Administrative Procedures Committee. The changes are as follows:

- 1. Subsection (4) shall now read as follows: (4) Documentation of the one year of work experience shall be made using the Certification of Work Experience form (DBPR Form CPA 32/Revised 10/09), which is hereby incorporated by reference, a copy of which may be obtained from the Board office located at 240 N. W. 76th Drive, Suite A, Gainesville, FL 32607-6655.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Veloria Kelly, Division Director, Board of Accountancy, 240 N.W. 76th Dr., Suite A, Gainesville, Florida 32607

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Appraisal Board

RULE NO.: 61J1-4.010 RULE TITLE: Supervision and Training of Registered Trainee Appraisers

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 35, No. 17, May 1, 2009 issue of the Florida Administrative Weekly.

The change is in response to written comments submitted by the staff of the Joint Administrative Procedures Committee. The changes are as follows:

- 1. Paragraph (2)(c) shall now read as follows: (c) Personally inspecting each appraised property with the appraiser trainee until the trainee is competent in accordance with the Competency Rule of the Uniform Standards of Professional Appraisal Practice, as defined in Section 475.611(1)(q), F.S.

- 2. Paragraph (2)(d) shall now read as follows: (d) Registering the appraiser trainee with Department through use of DBPR form RE-2060, entitled Request for Change of Status – Registered Trainee Appraiser, effective September 14, 2009, hereby incorporated by reference and available at http://www.myflorida.com/dbpr/re/documents/RE-2060.pdf.

- 3. Subsection (6) shall now read as follows: (6) Separate appraiser logs shall be maintained by both the registered trainee appraiser and the supervisory appraiser through use of DBPR form RE-2300, entitled Appraisal Experience Log effective 1-14-10, hereby incorporated by reference and available at http://www.myfloridalicense.com/dbpr/re/documents/re-23002-Page.pdf.

- 4. For paragraph (6)(j) will be removed from the rule. THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Thomas W. O’Bryant, Jr., Deputy Director, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N801, Orlando, Florida 32801.

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 ENVIRONMENTAL PROTECTION

RULE NOS.: 62-17.535 RULE TITLES: Notification of Construction of Transmission Lines Not Subject to the Act
62-17.540 Application for Corridor Certification and Precertification Amendments
62-17.590 Agency Reports, Project Analysis
62-17.660 Post-Certification Monitoring and Reporting

- 62-17.665 Management and Storage of Surface Waters, Activities in Surface Waters and Wetlands, and Water Quality; Postcertification Review
- 62-17.680 Modification of Certification
- 62-17.750 Public Noticing Requirements

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 35, No. 38, September 25, 2009 issue of the Florida Administrative Weekly.

62-17.535 Notification of Construction of Transmission Lines Not Subject to the Act.

No change.

(1) through (3) No change.

(4) If the basis of the exemption from the Act under ~~sub~~Section 403.524(4), F.S., is construction of any portion of the transmission line within one or more established transmission line rights-of-way, documentation of ~~regarding~~ the date each such right-of-way was established by means of a deed, grant, permit, license or reservation of easement, final judgment of condemnation or other legal instrument. If documentation of the date of establishment for such a right-of-way is not specifically available, the utility shall consult with the Department as to an acceptable substitute for demonstrating the establishment of the transmission line right-of-way at least five years prior to the start of construction.

Rulemaking Authority 403.523(1) FS. Law Implemented 403.524(4) FS. History–New\_\_\_\_\_.

62-17.540 Application for Corridor Certification and Precertification Amendments, ~~Modifications~~.

(1) Applications for certification shall follow the format and shall be supported by information and technical studies, as prescribed by Section 403.5251, F.S. ~~the Department’s application guide form 62-1.212(1). Copies of this guide are available from a local District Office or by writing to the Department of Environmental Protection, Siting Coordination Office, MS 48, Commonwealth Blvd., Tallahassee, FL 32399-3000 as well as located on web site <http://www.dep.state.fl.us/siting>.~~

(a) through (b) No change.

(c) The applicant shall submit one copy of the application and any amendments thereto to a main public library in each county within which the corridor is located in proximity to the corridor for each county in which the corridor will be located. The proximity of the library to the corridor may also be considered by the applicant in selection of the library.

(2) No change.

(3) Applications shall also include;

(a) Information supporting any request for a variance, exception, exemption or other relief from the non-procedural standards or rules of the Department or from the standards or rules of any other agency, as provided by Section 403.526(2)(b)1., F.S., including the reasons justifying such relief, and the condition which the applicant seeks to have included in the certification on this issue.

(4) No change.

~~Rulemaking Specific~~ Authority 403.523(1), 403.531(2)(b) FS. Law Implemented 403.523(1)(2)(3)(5)(6), 403.5251, 403.526(2), 403.5275 FS. History–New 11-20-80, Amended 6-26-84, 17-17.54(4) Transferred to 17-17.545(1) and Amended 6-26-84, Amended 1-26-93, Formerly 17-17.540, Amended\_\_\_\_\_.

62-17.590 Agency Reports, Project Analysis.

(1) The agency reports shall contain:

(a) A report as to the impacts of the project related to matters within the agency’s jurisdiction as required by Section 403.526(2), F.S.;

(b) through (e) No change.

(2) No change.

~~Rulemaking Specific~~ Authority 403.523(2), (3), (4), (5), (6), (7), (8), (9), (10), 403.526(2), ~~(3)~~ FS. Law Implemented 403.523(~~7~~)(8), 403.526 FS. History–New 11-20-80, Amended 6-26-84, Formerly 17-17.590, Amended\_\_\_\_\_.

62-17.660 Post-Certification Monitoring and Reporting.

(1) through (2) No change.

~~Rulemaking Specific~~ Authority 403.532(1) FS. Law Implemented 403.523(8), 403.523(10) FS. History–New 11-20-80, Amended 6-26-84, Formerly 17-17.660, Amended\_\_\_\_\_.

62-17.665 Management and Storage of Surface Waters, Activities in Surface Waters and Wetlands, and Water Quality; Postcertification Review.

No change.

(1) through (2) No change.

(3) The information submitted as part of subsection (1) of this section shall be in accordance with Section 403.5251, F.S. ~~DEP Form 62-1.212(1)~~ and the following. Regardless of the type of drawings submitted, water quality assurance information must be submitted. When information is to be submitted after certification, the applicant may choose to submit the postcertification review of the transmission line in segments.

(a) through (d) No change.

(e) If upon ground truthing by the department it is discovered that the site is of a different type of general contour or vegetation type other than the type provided or if the information provided is not accurate, the applicant shall submit ~~a~~ revised drawings or information, as applicable, to the Department. Such revised generic drawings or information shall be in accordance with the requirements.

(4) through (5) No change.

(6) No change.

Rulemaking Specific Authority 403.523(1) FS. Law Implemented 373.421, 403.531(2)(3) FS. History–New 4-15-85, Formerly 17-17.665, Amended \_\_\_\_\_.

62-17.680 Modification of Certification.

(1)(a) through (c) No change.

(2) Modifications requested by a licensee shall be processed in accordance with Section 403.5315(2), F.S., ~~and the following:~~

~~(a) The process is initiated by the filing of a complete petition for modification. The petition shall contain a concise statement of the proposed modification; the factual reasons asserted for the modification; the changes in circumstance which justify the modification; a statement of whether, and if so, how the proposed modification if approved would affect the conditions of certification; a description of the portion of the transmission line as certified or previously modified which is the subject of the proposed modification; the anticipated effects of the proposed modification on the applicant, public, and the environment; and a copy of the appropriate alterations of the application as modified by the final order of certification, or subsequent modifications.~~

(a)(b) To be deemed properly filed, the licensee shall submit the number of paper and electronic copies determined below.

1. The licensee shall consult with the Department to determine the number of paper copies needed to support the modification review. At a minimum, three paper copies of the request shall be submitted to the Department’s Siting Coordination program; and one copy shall be submitted to the Department’s agency clerk and at least one copy of the request shall be sent to all parties to the original proceedings and any previous modification proceedings, at the last address on record for the party. Parties have a duty to notify the Department of changes of address.

2. No change.

(c) through (g) renumbered (b) through (f) No change.

Rulemaking Specific Authority 403.523(1) FS. Law Implemented 403.523(1), 403.5315 ~~403.523(11), 403.525~~ FS. History–New 11-20-80, Amended 6-26-84, Formerly 17-17.680, Amended \_\_\_\_\_.

62-17.750 Public Noticing Requirements.

(1) The following forms used by the Department of Environmental Protection are adopted and incorporated by reference as outlined below. The forms are listed by rule number which is also the form number, with the subject, title and effective date. Copies of forms may be obtained from the Department of Environmental Protection, Siting Coordination Office, MS. 48, 3900 Commonwealth Blvd., Tallahassee, FL., 32399 or by accessing the Office’s web site at <http://www.dep.state.fl.us/siting>.

(a) No change.

1. Notice of Filing an Application – DEP Form 62-17.750(1), effective as of (date). This notice shall:

a. Be published within 21 ~~45~~ days after filing with the department;

b. through d. No change.

2. Notice of Certification Hearing – DEP Form 62-17.750(2), effective as of (date). This notice shall;

a. through d. No change.

e. Include a map of the proposed corridor(s) location.

3. Notice of Cancellation of Certification Hearing – DEP Form 62-17.750(3), effective as of (date). This notice shall;

a. through c. No change.

4. Notice of Deferment of Certification Hearing due to the Acceptance of Alternate Corridor(s) – DEP Form 62-17.750 ~~(FL4)~~, effective as of (date). This notice shall;

a. through e. No change.

5. Notice of Rescheduled Certification Hearing – DEP Form 62-17.750(5), effective as of (date). This notice is required to be provided by the applicant in those counties which are traversed by the corridor proposed in the application, but not by an accepted alternate corridor for which a hearing is being rescheduled. The notice shall;

a. through d. No change.

e. Be published at least 30 days prior to the rescheduled certification hearing.

6. Notice of Modification of Certified Transmission Line Corridor – DEP Form 62-17.750(6), effective as of (date). This notice shall;

(b) No change.

1. Notice of Filing an Alternate Corridor – DEP Form 62-17.750(8), effective as of (date). This notice shall:

a. be published not less than 45 ~~within 15~~ days before the rescheduled certification hearing ~~after filing with the department;~~

b. through d. No change.

2. Notice of Rescheduled Certification Hearing – DEP Form 62-17.750(5), effective as of (date). This notice is required to be provided by the proponent of an alternate corridor in those counties traversed by the proponent’s accepted alternate corridor, pursuant to subsection 403.5363(2), The notice shall;

a. through d. No change.

(c) A local government or regional planning council whose jurisdiction is to be crossed by a proposed transmission line corridor who proposes to conduct requests an Informational Public Meeting shall provide newspaper notice as required by Section 403.5363, F.S., using the form and procedures listed below.

1. Notice of Informational Public Meeting – DEP Form 62-17.750(7), effective as of (date). This notice shall be published by a local government or regional planning council

in a newspaper of general circulation within whose jurisdiction is to be crossed by a proposed transmission line corridor and be published no later than 7 days prior to at least 15 days before the date of the meeting.

(2) No change.

Rulemaking Specific Authority 403.523(1) FS. Law Implemented ~~403.523, 403.526(3), 403.527(6)(c), 403.5271(1), 403.5271(1)(c), 403.5315(2), 403.5363 403.523(9), 403.527(1)(5), 403.535~~ FS. History—New 11-20-80, Transferred from 17-17.61 and Amended 6-26-84, Formerly 17-17.750, Amended.

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

RULE NOS.:	RULE TITLES:
62-625.200	Definitions
62-625.400	Pretreatment Standards: Prohibited Discharges
62-625.420	Removal Credits
62-625.540	Modification of Pretreatment Programs
62-625.600	Reporting Requirements for Control Authorities and Industrial Users

**NOTICE OF CHANGE**

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 35, No. 50, December 18, 2009 issue of the Florida Administrative Weekly.

62-625.200 Definitions.

Terms used in this chapter shall have the meaning specified below. The meaning of any term not defined below shall be taken from definitions in other rules of the Department, unless the context clearly indicates otherwise.

(1) through (24) No change.

(25) “Significant Industrial User” means, except as provided in paragraphs (c) and (d) below, the following:

(a) through (b) No change.

(c) The control authority (except where the Department is acting as the control authority) may determine that an industrial user subject to categorical pretreatment standards under Rule 62-625.410, F.A.C., including 40 CFR Chapter I, Subchapter N, Parts 405 through 471, is a non-significant categorical industrial user.

(d) No change.

62-625.400 Pretreatment Standards: Prohibited Discharges.

(1) through (2) No change.

(3) Specific limits developed by the control authority.

(a) through (c) No change.

(d) The control authority (except where the Department is acting as the control authority) may develop best management practices (BMPs) to implement paragraphs (a) and (b) above. Such BMPs shall be considered local limits and pretreatment standards for the purposes of this chapter.

(4) through (5) No change.

62-625.420 Removal Credits.

(1) Introduction. Rule 62-625.420, F.A.C., does not apply where the Department is acting as the control authority.

(a) No change.

(b) Conditions for authorization to give removal credits. A control authority is authorized to give removal credits only if all of the following conditions are met:

1. through 2. No change.

3. Pretreatment program. The public utility has a pretreatment program approved by the Department in accordance with Rule 62-625.510, F.A.C.

4. Domestic wastewater residuals (referred to as “sewage sludge” in the federal regulations which is defined at 40 CFR 503.9) requirements. The granting of removal credits will not cause the WWF to violate the local, State, and Federal requirements which apply to the domestic wastewater residuals management method chosen by the WWF. Alternatively, the WWF can demonstrate to the Department that (even though it is not presently in compliance with applicable domestic wastewater residual requirements) it will be in compliance when the industrial user (to whom the removal credit would apply) is required to meet its categorical pretreatment standard, as modified by the removal credit. Removal credits may be made available for the following:

a. through d. No change.

5. No change.

(c) No change.

(2) Establishment of removal credits; demonstration of consistent removal. Influent and effluent operational data demonstrating consistent removal, or other information as provided for in paragraph (g) below which demonstrates consistent removal of the pollutants for which discharge limit revisions are proposed, shall be provided to the Department. These data shall meet the following requirements:

(a) through (f) No change.

(g) All sample data obtained for the measured pollutant during the time period prescribed in this section, must be reported to the Department and used in computing consistent removal. If a substance is detectable in the influent but not in the effluent, the effluent level shall be assumed to be the method detection limit, and those data may be used by the WWF at its discretion if the method detection limit meets the requirements of Rule 62-4.246, F.A.C. If the substance is not detectable in the influent, the data shall not be used to calculate consistent removal. Where the number of samples with concentrations equal to or above the method detection limit is between 8 and 12, the average of the lowest 6 removals shall be used. If there are less than 8 samples with concentration equal to or above the method detection limit, the Department shall require alternate means for demonstrating consistent removal.

(3) through (5) No change.

62-625.540 Modification of Pretreatment Programs.

(1) General. Pretreatment programs shall be modified in accordance with this rule ~~Either the Department or a control authority may initiate program modification at any time to reflect changing conditions at the WWF. Program modification is necessary~~ whenever there is a significant change in the operation of a pretreatment program that differs from the information in the control authority's submission to the Department, as approved under Rule 62-625.510, F.A.C.

(2) through (3) No change.

62-625.600 Reporting Requirements for Control Authorities and Industrial Users.

(1) through (15) No change.

(16) All control authorities shall ~~periodically~~ provide to the Department a written technical evaluation regarding the need to revise local limits. At a minimum, the evaluation shall be provided within 180 days following permit issuance or reissuance. The evaluation shall verify whether existing local limits protect the WWF, and if not, shall develop new local limits as part of the evaluation. For new local limits, a plan of study shall be submitted to the Department prior to initiating sampling required to develop the new local limit.

(17) No change.

**DEPARTMENT OF JUVENILE JUSTICE**

**Residential Services**

RULE NOS.:	RULE TITLES:
63E-7.002	Definitions
63E-7.011	Delinquency Intervention and Treatment Services
63E-7.016	Program Administration

**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. 36, No. 4, January 29, 2010 issue of the Florida Administrative Weekly.

63E-7.002 Definitions.

For the purpose of this rule chapter, the following words shall have the meanings indicated.

(1) through (4) No change.

(5) Authority for Evaluation and Treatment (AET)– The document that, when signed by a parent or guardian, gives the department the authority to assume responsibility for the provision of necessary and appropriate physical and mental health care to a youth in the department's physical custody. The Authority for Evaluation and Treatment (HS 002, ~~February 2010 May 2007~~) is incorporated into this rule and is accessible electronically at [http://www.djj.state.fl.us/forms/health\\_services\\_forms\\_index.html](http://www.djj.state.fl.us/forms/health_services_forms_index.html).

(6) through (88) No change.

Rulemaking Authority 20.316, 985.64, 985.601(3)(a) FS. Law Implemented 985.601(3)(a), 985.03(44), 985.441(1)(b) FS. History–New 9-30-07, Amended 8-25-08, 7-8-09, 12-21-09,\_\_\_\_\_.

63E-7.011 Delinquency Intervention and Treatment Services.

(1) No change.

(2) Delinquency Intervention Services.

(a) For each youth in its care, a residential commitment program shall implement a delinquency intervention model or strategy that is an evidence-based practice, promising practice or a practice with demonstrated effectiveness as defined in Rule 63E-7.002, F.A.C., that addresses a priority need identified for that youth.

(b) through (e) No change.

(3) No change.

Rulemaking Authority 985.64 FS. Law Implemented 985.601(3)(a) FS. History–New 12-9-08, Amended 12-21-09,\_\_\_\_\_.

63E-7.016 Program Administration.

(1) through (3) No change.

(4) A residential commitment program director shall ensure provisions for staffing that, at a minimum, address the following:

(a) No change.

(b) Staff retention planning that includes steps to minimize turnover and improve employee morale;

(b) through (h) redesignated (c) through (i).

(5) through (11) No change.

(12) A residential commitment program shall include information obtained from youth and parent surveys as well as reports published annually by the department in their program planning and assessment process.

(12) through (14) renumbered (13) through (15).\_

Rulemaking Authority 985.64 FS. Law Implemented 985.601(3)(a) FS. History–New 4-13-08, Amended 8-25-08, 12-21-09,\_\_\_\_\_.

**DEPARTMENT OF HEALTH**

**Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling**

RULE NO.:	RULE TITLE:
64B4-11.007	Definition of “Licensed Clinical Social Worker, or the Equivalent, Who Is a Qualified Supervisor”

**NOTICE OF CHANGE**

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 35, No. 40, October 9, 2009 issue of the Florida Administrative Weekly.



The change is in response to written comments submitted by the staff of the Joint Administrative Procedures Committee. The changes are as follows:

- 1. Subsection (2)(b)4. shall now read as follows:
- 4. Has been designated an Approved Supervisor by the AAMFT.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sue Foster, Executive Director, Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

**DEPARTMENT OF HEALTH**

**Board of Dentistry**

RULE NOS.:	RULE TITLES:
64B5-2.014	Licensure Requirements for Applicants from Accredited Schools or Colleges
64B5-2.0144	Licensure Requirements for Dental Hygiene Applicants from Unaccredited Dental Schools or Colleges

**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. 50, December 12, 2008 issue of the Florida Administrative Weekly.

Notices of change were published on December 31, 2009, in Vol. 35, No. 52, October 2, 2009, in Vol. 35, No. 39 and May 29, 2009, in Vol. 35, No. 21 issues of the Florida Administrative Weekly. This fourth notice of change is in response to concerns of the Joint Administrative Procedures Committee in a letter dated February 23, 2010. These changes supersede the previous notices of change. The changes are as follows:

Paragraph 64B5-2.014(1)(a) shall read as:

- (1) Submit at least 60 days prior to the examination:
  - (a) A completed application, for dentists, Dental Examination Application, Form DH-MQA 1182 (Rev. 10/09), and for dental hygienists, Dental Hygiene Application, Form DH-MQA 1210 (Rev. 10/09), and incorporated herein by reference is available at on the appropriate form set forth in Rule 64B5-1.021, F.A.C. Dental Examination Application, Form DH-MQA 1182 (Rev. 10/09), and Dental Hygiene Application, Form DH-MQA 1210 (Rev. 10/09), can be obtained at the Board of Dentistry website at <http://www.doh.state.fl.us/mqa/dentistry/>.

Paragraph 64B5-2.0144(1)(a) shall read as:

- (1) Submit at least 60 days prior to the examination:
  - (a) A completed application, Dental Hygiene Application, Form DH-MQA 1210 (Rev. 10/09), and incorporated herein by reference. is available at on the appropriate form set forth in

~~Rule 64B5-1.021, F.A.C. Dental Hygiene Application, Form DH-MQA 1210 (Rev. 10/09), can be obtained at the Board of Dentistry website at <http://www.doh.state.fl.us/mqa/dentistry/>.~~

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sue Foster, Executive Director, Board of Dentistry, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

**DEPARTMENT OF HEALTH**

**Board of Medicine**

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

**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. 36, No. 3, January 22, 2010 issue of the Florida Administrative Weekly.

The Rules Committee and the full Board approved language to be stricken from the proposed rule. At the time the rule was submitted for publication in the F.A.W., the language to be stricken was inadvertently left in the rule.

The last sentence of subsection (8) shall be changed to read as follows:

The following areas have been determined as the five most misdiagnosed conditions: ~~wrong site/patient surgery; cancer; cardiac; acute abdomen; timely diagnosis of surgical complications; and failing to identify pregnancy or stage of pregnancy before beginning treatment or surgery and failing to diagnose pre-existing conditions prior to prescribing contraindicated medications.~~

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Larry McPherson, Executive Director, Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253

**DEPARTMENT OF HEALTH**

**Board of Osteopathic Medicine**

RULE NO.:	RULE TITLE:
64B15-19.002	Violations and Penalties

**NOTICE OF CHANGE**

Notice is hereby given that the following change has been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 35, No. 41, of the October 16, 2009, issue of the Florida Administrative Weekly. The change is in response to concerns by the Board and the modification to the disciplinary guidelines.

The rule shall read as:

64B15-19.002 Violations and Penalties.

In imposing discipline upon applicants and licensees, the board shall act in accordance with the following disciplinary guidelines and shall impose a penalty within the range

corresponding to the violations set forth below. The statutory language is intended to provide a description of the violation and is not a complete statement of the violation; the complete statement may be found in the statutory provision cited directly under each violation description.

(1) Attempting to obtain, obtaining or renewing a license or certificate by bribery, fraud or through an error of the Department or board. (456.072(1)(h) & 459.015(1)(a), F.S.)

FIRST OFFENSE:

MINIMUM  
denial with ability to reapply immediately upon payment of \$5,000 fine or

MAXIMUM  
denial with ability to reapply in not less than 3 years or Revocation and \$7,500 fine

SECOND OFFENSE:

probation and \$5,000 fine  
denial with ability to ability to reapply in not less than 3 years and \$10,000 fine or suspension to be followed by probation and \$10,000 fine

denial of license with no ability to reapply or revocation and \$10,000 fine

(2) Action taken against license by another jurisdiction. (456.072(1)(f) & 459.015(1)(b), F.S.)

FIRST OFFENSE:

imposition of discipline comparable to discipline that would have been imposed in Florida if the substantive violation occurred in Florida to suspension or denial of the license until the license is unencumbered in the jurisdiction in which disciplinary action was originally taken, and an administrative fine ranging from \$1,000 to \$5,000. ~~\$1,000 fine~~

imposition of discipline comparable to discipline that would have been imposed in Florida if the substantive violation occurred in Florida to revocation or denial of the license until the license is unencumbered in the jurisdiction in which disciplinary action was originally taken, and an administrative fine ranging from \$5,000 to \$10,000 ~~and \$5000 fine~~

SECOND OFFENSE:

imposition of discipline comparable to discipline that would have been imposed in Florida if the substantive violation occurred in Florida to suspension or denial of the license until the license is unencumbered in the jurisdiction in which disciplinary action was taken, and an administrative fine ranging from \$5,000 to \$10,000 ~~and \$5,000 fine~~

Revocation and an administrative fine of \$10,000 ~~fine~~ or denial of license until the licensee's license is unencumbered in the jurisdiction where disciplinary action was originally taken

(3) Guilty of crime directly relating to practice or ability to practice.

(456.072(1)(c) & 459.015(1)(c), F.S.) FIRST OFFENSE:	probation and \$2,000 fine	revocation and \$5,000 fine or denial of license with ability to reapply for licensure in not less than 3 years
SECOND OFFENSE:	suspension to be followed by probation and \$5,000 fine	revocation and \$10,000 fine or permanent denial of license
(4) False, deceptive, or misleading advertising. (459.015(1)(d), F.S.) FIRST OFFENSE:	letter of concern	reprimand and \$1,000 fine
SECOND OFFENSE:	probation and \$2,000 fine	probation and \$5,000 fine
THIRD OFFENSE:	3 month suspension to be followed by probation and \$5,000 fine	1 year suspension to be followed by probation and \$5,000 fine
(5) Failure to report another licensee in violation. (456.072(1)(i) & 459.015(1)(e), F.S.) FIRST OFFENSE:	letter of concern	reprimand and \$1,000 fine
SECOND OFFENSE:	reprimand and \$2,500 fine	probation and \$2,500 fine
THIRD OFFENSE:	probation and \$5,000 fine	suspension to be followed by probation and \$5,000 fine
(6) Aiding unlicensed practice. (456.072(1)(j) & 459.015(1)(f), F.S.) FIRST OFFENSE:	probation and \$2,500 fine	denial or revocation and \$5,000 fine
SECOND OFFENSE:	suspension to be followed by probation and \$5,000 fine	denial or revocation and \$10,000 fine
(7) Failure to perform legal duty or obligation. (456.072(1)(k) & 459.015(1)(g), F.S.) FIRST OFFENSE:	reprimand and \$1,000 fine	denial with ability to reapply after no less than 2 years or revocation and \$5,000 fine
SECOND OFFENSE:	probation and \$5,000 fine	denial or revocation and \$10,000 fine
(8) Giving false testimony regarding the practice of medicine. (459.015(1)(h), F.S.) FIRST OFFENSE:	reprimand and \$2,500 fine	probation and \$5,000 fine
SECOND OFFENSE:	suspension to be followed by probation and \$5,000 fine	revocation and \$10,000 fine or denial of license
(9) Filing a false report or failing to file a report as required. (456.072(1)(l) & 459.015(1)(i), F.S.)		

FIRST OFFENSE:	reprimand and \$5,000 fine	suspension to be followed by probation and \$10,000 fine or denial with ability to reapply in not less than 1 year
SECOND OFFENSE:	denial with ability to reapply in not less than 3 years or suspension to be followed by probation and \$10,000 fine	denial with no ability to reapply or revocation and \$10,000 fine
(10) Kickbacks and unauthorized fee arrangements. (459.015(1)(j), F.S.)		
FIRST OFFENSE:	probation and \$2,500 fine	denial or suspension to be followed by probation and \$5,000 fine
SECOND OFFENSE:	denial or suspension to be followed by probation and \$10,000 fine	denial or revocation and a \$10,000 fine
(11) Failure to provide financial disclosure form to a patient being referred to an entity in which the referring physician is an investor. (456.053, F.S.)		
FIRST OFFENSE:	reprimand	reprimand and \$2,500 fine
SECOND OFFENSE:	reprimand and \$5,000 fine	probation and \$5,000 fine
THIRD OFFENSE:	probation and \$7,500 fine	suspension to be followed by probation and \$10,000 fine
(12) Improper refusal to provide health care. (459.015(1)(k), F.S.)		
FIRST OFFENSE:	reprimand and \$5,000 fine	probation and \$5,000 fine
SECOND OFFENSE:	suspension to be followed by probation and \$7,500 fine	revocation and \$10,000 fine
(13) Sexual misconduct within the patient physician relationship. (456.072(1)(v)( <del>tt</del> ) & 459.015(1)(l), F.S.)		
FIRST OFFENSE:	probation and \$10,000 fine	denial of licensure or revocation and \$10,000 fine
SECOND OFFENSE:	suspension to be followed by probation and \$10,000 fine	denial of licensure or revocation and \$10,000 fine
(14) Deceptive, untrue, or fraudulent misrepresentations in the practice of medicine. (456.072(1)(a) & (m) & 459.015(1)(m), F.S.)		
FIRST OFFENSE:	reprimand and \$10,000 fine	denial of licensure or suspension to be followed by probation and \$10,000 fine
SECOND OFFENSE:	denial of licensure or	denial of licensure or

	suspension to be followed by probation and \$10,000 fine	revocation and \$10,000 fine
(15) Improper solicitation of patients. (459.015(1)(n), F.S.) FIRST OFFENSE: SECOND OFFENSE:	reprimand and \$5,000 fine suspension to be followed by probation and \$7,500 fine	probation and \$5,000 fine revocation and \$10,000 fine
(16) Failure to keep written medical records. (459.015(1)(o), F.S.) FIRST OFFENSE: SECOND OFFENSE:	reprimand and \$5,000 fine suspension to be followed by probation and \$7,500 fine	probation and \$5,000 fine revocation and \$10,000 fine
(17) Fraudulent, alteration or destruction of patient records. (459.015(1)(p), F.S.) FIRST OFFENSE: SECOND OFFENSE:	probation and \$5,000 fine suspension to be followed by probation and \$7,500 fine	suspension to be followed by probation and \$7,500 fine revocation and \$10,000 fine
(18) Exercising improper influence on patient. (456.072(1)(n) & 459.015(1)(q), F.S.) FIRST OFFENSE: SECOND OFFENSE:	probation and \$5,000 fine suspension to be followed by probation and \$7,500 fine	suspension to be followed by probation and \$7,500 fine revocation and \$10,000 fine
(19) Improper advertising of pharmacy. (459.015(1)(r), F.S.) FIRST OFFENSE: SECOND OFFENSE: THIRD OFFENSE:	letter of concern probation and \$2,000 fine probation and \$7,500 fine	reprimand and \$1,000 fine probation and \$5,000 fine suspension to be followed by probation and \$10,000 fine
(20) Performing, professional services not authorized by patient. (459.015(1)(s), F.S.) FIRST OFFENSE: SECOND OFFENSE:	reprimand and \$5,000 fine probation and \$7,500 fine	probation and \$5,000 fine revocation and \$10,000 fine
(21) Controlled substance violations. (459.015(1)(t), F.S.) FIRST OFFENSE:	probation and \$5,000 fine	suspension to be followed by probation and \$7,500 fine

SECOND OFFENSE:	suspension to be followed by probation and \$7,500 fine	revocation and \$10,000 fine
(22) Prescribing or dispensing of a scheduled drug by the physician to himself. (459.015(1)(u), F.S.)		
FIRST OFFENSE:	probation and \$5,000 fine	suspension to be followed by probation and \$7,500 fine
SECOND OFFENSE:	suspension to be followed by probation and \$7,500 fine	revocation and \$10,000 fine
(23) Use of amygdalin (Laetrile). (459.015(1)(v), F.S.)		
FIRST OFFENSE:	reprimand and \$5,000 fine	probation and \$5,000 fine
SECOND OFFENSE:	suspension to be followed by probation and \$7,500 fine	revocation and \$10,000 fine
(24) Inability to practice medicine with skill and safety. (456.072(1)(z) & 459.015(1)(w), F.S.)		
FIRST OFFENSE:	denial or probation and \$2,500 fine	denial or suspension until licensee is able to demonstrate to the Board ability to practice with reasonable skill and safety to be followed by probation and \$5,000 fine
SECOND OFFENSE:	denial or suspension until licensee is able to demonstrate to the Board ability to practice with reasonable skill and safety to be followed by probation and \$7,500 fine	denial or revocation and \$10,000 fine
(25) Gross Malpractice. (459.015(1)(x), F.S.)		
FIRST OFFENSE:	denial or probation and \$7,500 fine	denial or revocation and \$10,000 fine
SECOND OFFENSE:	denial or suspension to be followed by probation and \$7,500 fine	denial or revocation and \$10,000 fine
(26) Repeated Malpractice as defined in Section 456.50, F.S.		
FIRST OFFENSE:	revocation or denial of license and fine of \$1,000	revocation or denial of license and fine of \$10,000
(27) Failure to practice medicine in accordance with appropriate level of care, skill and treatment recognized in general law related to the practice of medicine. (456.50(1)(g), F.S.), (459.015(1)(x), F.S.)		

FIRST OFFENSE:	letter of concern, up to one (1) year probation and \$1,000 fine	denial or revocation and \$10,000 fine
SECOND OFFENSE:	two (2) year probation and \$7,500 fine	denial or revocation and \$10,000 fine
(28) Improper performing of experimental treatment. (459.015(1)(y), F.S.)		
FIRST OFFENSE:	denial or reprimand and \$5,000 fine	denial or suspension to be followed by probation and \$5,000 fine
SECOND OFFENSE:	denial or suspension to be followed by probation and \$7,500 fine	denial or revocation and \$10,000 fine
(29) Practicing beyond one's scope. (456.072(1)(o) & 459.015(1)(z), F.S.)		
FIRST OFFENSE:	denial or reprimand and \$5,000 fine	denial or suspension to be followed by probation and \$5,000 fine
SECOND OFFENSE:	denial or suspension to be followed by probation and \$7,500 fine	denial or revocation and \$10,000 fine
(30) Delegation of professional responsibilities to unqualified person. (456.072(1)(p) & 459.015(1)(aa), F.S.)		
FIRST OFFENSE:	reprimand and \$2,500 fine	denial or suspension to be followed by probation and \$5,000 fine
SECOND OFFENSE:	denial or suspension to be followed by probation and \$7,500 fine	denial or revocation and \$10,000 fine
(31) Violation of law, rule, order, or failure to comply with subpoena. (456.072(1)(q), (dd) & 459.015(1)(bb), F.S.)		
FIRST OFFENSE:	denial or reprimand and \$5,000 fine	denial or suspension to be followed by probation and \$5,000 fine
SECOND OFFENSE:	denial or suspension to be followed by probation and \$7,500 fine	denial or revocation and \$10,000 fine
(32) Restricting another from lawfully advertising services. (459.015(1)(cc), F.S.)		
FIRST OFFENSE:	letter of concern	reprimand and \$1,000 fine
SECOND OFFENSE:	probation and \$2,000 fine	probation and \$5,000 fine
THIRD OFFENSE:	3 month suspension to be followed by probation and a \$5,000 fine	1 year suspension to be followed by probation and \$5,000 fine
(33) Procuring, aiding or abetting an unlawful abortion. (459.015(1)(dd), F.S.)		
FIRST OFFENSE:	probation and \$5,000 fine	suspension to be followed by probation and \$7,500 fine

SECOND OFFENSE:	suspension to be followed by probation and \$7,500 fine	revocation and \$10,000 fine
(34) Presigning blank prescription forms. (459.015(1)(ee), F.S.)		
FIRST OFFENSE:	reprimand and \$5,000 fine	suspension to be followed by probation and \$5,000 fine
SECOND OFFENSE:	probation and \$5,000 fine	revocation and \$10,000 fine
(35) Prescribing a Schedule II substance for office use. (459.015(1)(ff), F.S.)		
FIRST OFFENSE:	reprimand and \$5,000 fine	suspension to be followed by probation and \$5,000 fine
SECOND OFFENSE:	probation and \$5,000 fine	revocation and \$10,000 fine
(36) Improper use of Schedule II amphetamine or sympathomimetic amine drug. (459.015(1)(gg), F.S.)		
FIRST OFFENSE:	reprimand and \$5,000 fine	suspension to be followed by probation and \$5,000 fine
SECOND OFFENSE:	probation and \$5,000 fine	revocation and \$10,000 fine
(37) Failure to adequately supervise assisting personnel. (459.015(1)(hh), F.S.)		
FIRST OFFENSE:	reprimand and \$5,000 fine	suspension to be followed by probation and \$5,000 fine
SECOND OFFENSE:	probation and \$5,000 fine	revocation and \$10,000 fine
(38) Improper use of substances for muscle building or enhancement of athletic performance. (459.015(1)(ii), F.S.)		
FIRST OFFENSE:	reprimand and \$5,000 fine	suspension to be followed by probation and \$5,000 fine
SECOND OFFENSE:	probation and \$5,000 fine	revocation and \$10,000 fine
(39) Misrepresenting, concealing a material fact during licensing, or disciplinary procedure. (459.015(1)(jj), F.S.)		
FIRST OFFENSE:	denial with ability to reapply immediately upon payment of \$5,000 fine or	denial with ability to reapply in not less than 3 years or revocation and \$7,500 fine



SECOND OFFENSE:	probation and \$5,000 fine denial with ability to reapply in not less than 3 years and \$10,000 fine or suspension to be followed by probation and \$10,000 fine	denial of license with no ability to reapply or revocation and \$10,000 fine
(40) Improperly interfering with an investigation or disciplinary proceeding. (456.072(1)(r) & 459.015(1)(kk), F.S.)	probation and \$10,000 fine	revocation and \$10,000 fine
FIRST OFFENSE:	suspension to be followed by probation and \$10,000 fine	revocation and \$10,000 fine
SECOND OFFENSE:	(41) Failing to report any licensee who has violated the disciplinary act who provides services at the same office. (459.015(1)(ll), F.S.)	letter of concern
FIRST OFFENSE:	probation and \$2,000 fine probation and \$7,500 fine	reprimand and \$1,000 fine probation and \$5,000 fine suspension to be followed by probation and \$10,000 fine
SECOND OFFENSE:	(42) Giving corroborating written medical expert opinion without reasonable investigation. (459.015(1)(mm), F.S.)	reprimand and \$5,000 fine
FIRST OFFENSE:	probation and \$5,000 fine	suspension to be followed by probation and \$5,000 fine revocation and \$10,000 fine
SECOND OFFENSE:	(43) Failure to comply with guidelines for use of obesity drugs. (459.0135, F.S. & Rule 64B15-14.004, F.A.C.)	reprimand and \$5,000 fine
FIRST OFFENSE:	probation and \$5,000 fine	suspension to be followed by probation and \$5,000 fine revocation and \$10,000 fine
SECOND OFFENSE:	(44) Falsely advertising or holding oneself out as a board-certified specialist. (459.015(1)(nn), F.S.)	reprimand and \$5,000 fine suspension to be followed by probation and \$7,500 fine
FIRST OFFENSE:	probation and \$5,000 fine revocation and \$10,000 fine	(45) Failing to provide patients with information about their patient rights and how to file a complaint. (456.072(1)(u)(+) & 459.015(1)(oo), F.S.)
SECOND OFFENSE:		

FIRST OFFENSE:	letter of concern	reprimand and \$1,000 fine
SECOND OFFENSE:	probation and \$2,000 fine	probation and \$5,000 fine
THIRD OFFENSE:	probation and \$7,500 fine	suspension to be followed by probation and \$10,000 fine
(46) Violating any rule adopted by the board or department. (456.072(1)(b), 459.015(1)(pp), F.S.)		
FIRST OFFENSE:	denial or letter of concern and \$1,000 fine, demonstration of compliance with the rule	denial or suspension to be followed by probation and \$5,000 fine, a reprimand, completion of a laws and rules course, and demonstration of compliance with the rule
SECOND OFFENSE:	denial or reprimand, completion of laws and rules course, demonstration of compliance with the rule, probation and \$7,500 fine	denial with no ability to reapply or revocation and \$10,000 fine
(47) Using a Class III or a Class IV laser device without having complied with the rules adopted pursuant to Section 501.122(2), F.S. (456.072(1)(d), F.S.)		
FIRST OFFENSE:	reprimand and \$1,000 fine	probation and \$5,000 fine
SECOND OFFENSE:	suspension to be followed by probation and \$7,500 fine	revocation and \$10,000 fine
(48) Failing to comply with the educational course requirements for human immunodeficiency virus and acquired immune deficiency syndrome. (456.072(1)(e), F.S.)		
FIRST OFFENSE:	reprimand and \$2,500 fine	probation and \$5,000 fine
SECOND OFFENSE:	suspension to be followed by probation and \$7,500 fine	revocation and \$10,000 fine
(49) Having been found liable in a civil proceeding for knowingly filing a false report or complaint with the department against another licensee. (456.072(1)(g), F.S.)		
FIRST OFFENSE:	reprimand and \$5,000 fine	probation and \$10,000 fine
SECOND OFFENSE:	suspension to be followed by probation and \$7,500 fine	revocation and \$10,000 fine
(50) Failing to comply with the educational course requirements for domestic violence. (456.072(1)(s), F.S.)		
FIRST OFFENSE:	reprimand and \$2,500 fine	probation and \$5,000 fine
SECOND OFFENSE:	suspension to be followed by probation and \$7,500 fine	revocation and \$10,000 fine
(51) Failing to comply with the requirements for profiling and credentialing.		

(456.072(1)(w)(v), F.S.)

FIRST OFFENSE:

\$2,500 fine

suspension to be followed by probation and \$5,000 fine

SECOND OFFENSE:

probation and \$5,000 fine

revocation and \$10,000 fine

(52) Failing to report to the board in writing within 30 days after the licensee has been convicted or found guilty of, or entered a plea of nolo contendere to a crime in any jurisdiction.

(456.072(1)(x)(w), F.S.)

FIRST OFFENSE:

imposition of discipline that would have been imposed in Florida if the substantive violation occurred in Florida to suspension or denial of the license until the license is unencumbered in the jurisdiction in which disciplinary action was originally taken, and an administrative fine ranging from \$1,000 to \$5,000 fine

imposition of discipline comparable to discipline that would have been imposed in Florida if the substantive violation occurred in Florida to revocation or denial of the license until the license is unencumbered in the jurisdiction in which disciplinary action was originally taken and an administrative fine ranging from \$5,000 to \$10,000. denial of licensure or suspension

SECOND OFFENSE:

imposition of discipline comparable to discipline that would have been imposed in Florida if the substantive violation occurred in Florida to suspension or denial of the license until the license is unencumbered in the jurisdiction in which disciplinary action was originally taken, and an administrative fine range from \$5,000 to \$10,000. probation and \$5,000 fine

to be followed by probation and \$5,000 fine revocation and an administrative fine of \$10,000 or denial of license until the licensee's license is unencumbered in the jurisdiction where disciplinary action was originally taken. denial of licensure with no ability to reapply or revocation and \$10,000 fine

(53) Using information about people involved in motor vehicle accidents which has been derived from accident reports made by law enforcement officers or persons involved in accidents pursuant to Section 316.066, F.S., or using information published in a newspaper or other news publication or through a radio or television broadcast that has used information gained from such reports, for the purposes of commercial or any other solicitation whatsoever of the people involved in such accidents.

(456.072(1)(y)(x), F.S.)		
FIRST OFFENSE:	letter of concern	reprimand and \$1,000 fine
SECOND OFFENSE:	probation and \$2,000 fine	probation and \$5,000 fine
THIRD OFFENSE:	probation and \$7,500 fine	suspension to be followed by probation and \$10,000 fine
<del>(54) Action taken against any license by another jurisdiction.</del>		
<del>(456.072(1)(f), F.S.)</del>		
FIRST OFFENSE:	<del>probation and \$2,000 fine</del>	<del>revocation and \$5,000 fine or denial of license with ability to reapply for licensure in not less than 3 years</del>
SECOND OFFENSE:	<del>suspension to be followed by probation and \$5,000 fine</del>	<del>revocation and \$10,000 fine or permanent denial of license</del>
<del>(54)(55) Testing positive for any drug on any confirmed preemployment or employer-ordered drug screening.</del>		
<del>(456.072(1)(aa)(z), F.S.)</del>		
FIRST OFFENSE:	probation and \$5,000 fine	suspension to be followed by probation and \$7,500 fine
SECOND OFFENSE:	suspension to be followed by probation and \$7,500 fine	revocation and \$10,000 fine
<del>(55)(56) Performing or attempting to perform health care services on the wrong patient, a wrong procedure, an unauthorized, unnecessary or unrelated procedure.</del>		
<del>(456.072(1)(bb)(aa), F.S.)</del>		
FIRST OFFENSE:	denial or probation and \$5,000 fine denial or suspension and \$10,000 fine	denial or revocation and \$10,000 fine denial or revocation and \$10,000 fine
SECOND OFFENSE:		
<del>(56)(57) Leaving a foreign body in a patient such as a sponge, clamp, forceps, surgical needle or other paraphernalia.</del>		
<del>(456.072(1)(cc)(bb), F.S.)</del>		
FIRST OFFENSE:	denial or probation and \$5,000 fine denial or suspension and \$10,000 fine	denial or revocation and \$10,000 fine denial or revocation and \$10,000 fine
SECOND OFFENSE:		
<del>(57)(58) Being terminated from a treatment program for impaired practitioners, as described in Section 456.076, F.S., for failure to comply, without good cause, with the terms of the monitoring or treatment contract entered into by the licensee, or for not successfully completing any drug-treatment or alcohol-treatment program.</del>		
<del>(456.072(1)(hh)(gg) F.S.)</del>		

<p>FIRST OFFENSE:</p>	<p>stayed suspension and probation and \$2,500 fine</p>	<p>suspension until licensee is able to demonstrate to the Board ability to practice with reasonable skill and safety to be followed by probation and \$5,000 fine</p>
<p>SECOND OFFENSE:</p>	<p>suspension until licensee is able to demonstrate to the Board ability to practice with reasonable skill and safety to be followed by probation and \$7,500 fine.</p>	<p>revocation and \$10,000 fine</p>
<p><del>(58)(59)</del> Engaging in a pattern of practice when prescribing medicinal drugs or controlled substances which demonstrates a lack of reasonable skill or safety to patients, a violation of any provision of this chapter, a violation of the applicable practice act, or a violation of any rules adopted under this chapter or the applicable practice act of the prescribing practitioner.</p>		
<p>(456.072(1)(gg), F.S.)</p>		
<p>FIRST OFFENSE:</p>	<p>probation and \$5,000 fine</p>	<p>suspension to be followed by probation and \$7,500 fine</p>
<p>SECOND OFFENSE:</p>	<p>suspension to be followed by probation and \$7,500 fine</p>	<p>revocation and \$10,000 fine</p>
<p><del>(59)(60)</del> Being convicted of, or entering a plea of guilty or nolo contendere to, any misdemeanor or felony, regardless of adjudication, under 18 USC s. 669, ss. 285-287, s. 371,s. 1001, s. 1035, s. 1341, s.1343, s. 1347, s. 1349, or s. 1518, or 42 USC ss. 1320a-7b, relating to the Medicaid program.</p>		
<p>(456.072(1)(ii), F.S.)</p>		
<p>FIRST OFFENSE:</p>	<p>revocation and a fine of \$10, 000 or denial of application for licensure</p>	
<p><del>(60)(61)</del> Failing to remit the sum owed to the state for overpayment from the Medicaid program pursuant to a final order, judgment, or settlement.</p>		
<p>(456.072(1)(jj), F.S.)</p>		
<p>FIRST OFFENSE:</p>	<p>letter of concern and a fine of \$500</p>	<p>probation, and a fine of \$1,000</p>
<p>SECOND OFFENSE:</p>	<p>reprimand and a fine of \$500</p>	<p>revocation and a fine of \$1,000.</p>
<p><del>(61)(62)</del> Being terminated from the State Medicaid program or any other state Medicaid program, or the federal Medicare program.</p>		
<p>(456.072(1)(kk), F.S.)</p>		
<p>FIRST OFFENSE:</p>	<p>letter of concern and a fine of \$500</p>	<p>suspension and a fine of \$1,000</p>
<p>SECOND OFFENSE:</p>	<p>reprimand and a fine of \$500</p>	<p>revocation and a fine of \$1,000</p>
<p><del>(62)(63)</del> Being convicted of, or entering into a plea of guilty or nolo contendere to, any misdemeanor or felony, regardless of adjudication, which relates to health care fraud.</p>		
<p>(456.072(1)(ll), F.S.)</p>		

FIRST OFFENSE:

revocation and fine of \$10,000 or denial of application for licensure

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kaye Howerton, Executive Director, Board of Osteopathic Medicine/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

**DEPARTMENT OF HEALTH**

**Division of Environmental Health**

RULE NO.: 64E-6.012  
 RULE TITLE: Standards for the Construction, Operation, and Maintenance of Aerobic Treatment Units

**NOTICE OF CHANGE**

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 35, No. 50, December 18, 2009 issue of the Florida Administrative Weekly.

64E-6.012 Standards for the Construction, Operation, and Maintenance of Aerobic Treatment Units.

When aerobic treatment units are used for treating domestic and commercial sewage waste, each unit shall be installed, operated and maintained in conformance with the following provisions:

(1) through (3) No change.

(4) No aerobic treatment unit shall be serviced or repaired by a person or entity engaged in an aerobic treatment unit maintenance service until the service entity has obtained an annual written permit issued on Form DH 4013 from the DOH county health department in the county where the service company is located. Each service entity shall employ at least one plumbing contractor licensed under Section 489.105(3)(m), F.S., septic tank contractor registered under Part III of chapter 489, FS, or a state-licensed wastewater treatment plant operator, who is responsible for maintenance and repair of all systems under contract. Application for a Maintenance Service Permit, Form DH 4066, 02/10 04/92, herein incorporated by reference, shall be made to the DOH county health department and shall contain the following information:

(a) through (c) No change.

(5) No change.

(6) All materials incorporated herein may be obtained from the Bureau of Onsite Sewage Programs at www.MyFloridaEH.com or 4052 Bald Cypress Way, Bin A08, Tallahassee, Florida 32399-1713.

Rulemaking Authority 381.0065(3)(a), 489.553(3) FS. Law Implemented 381.0065, Part I 386 FS. History—New 3-17-92, Amended 1-3-95, Formerly 10D-6.0541, Amended 11-19-97, 4-21-02, 06-18-03, 11-26-06, 6-25-09, \_\_\_\_\_.

**DEPARTMENT OF FINANCIAL SERVICES**

**Division of Accounting and Auditing**

RULE NOS.:	RULE TITLES:
69I-3.001	Consolidated Equipment Financing Program
69I-3.003	Procedure for Negotiation and Execution of Master Equipment Financing Agreements
69I-3.004	Deferred Payment Commodity Contracting

**NOTICE OF CHANGE**

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 35, No. 51, December 24, 2009 issue of the Florida Administrative Weekly.

Paragraphs 69I-3.001(1)(b) and subsections 69I-3.001(2), 69I-3.004(3) and 69I-3.004(4), have been amended as follows.

69I-3.001 Consolidated Equipment Financing Program.

(1)(a) No change.

(b) “Agency”, for purposes of this rule, means any eligible participant in the Program, including the state or its agencies, as authorized by Section 287.064(1), F.S., each department, agency, board and commission in the executive branch, the judicial branch and the legislative branch of Florida government created by Chapter 20, F.S., the Executive Office of the Governor, the Florida Fish and Wildlife Conservation Commission, the Parole and Probation Commission, the State Board of Administration, the Agency for Health Care Administration, the Department of Military Affairs, the Legislative Branch or the Judicial Branch of State Government.

(c) through (i) No change.

(2)(a) An Agency or Educational Institution that agency which desires to make deferred payment purchases shall make a written request to participate in the Program. An Agency shall make or a written request for exemption from the Program. The Legislature is not required to request an exemption and is exempt pursuant to Section 287.063(3), F.S.

(a) through (c) No change.

(3) through (9) No change.

69I-3.003 Procedure for Negotiation and Execution of Master Equipment Financing Agreements.

No change.

69I-3.004 Deferred Payment Commodity Contracting.

(1)(a) "Agency", for purposes of this rule, means each department, agency, board and commission in the executive branch, and the judicial branch of Florida government. The legislative branch of Florida government is expressly exempt from this rule, according to Section 287.063(3), F.S.

(b) through (d) No change.

(2) No change.

(3) The Chief Financial Officer is authorized to determine that alternative financing would be cost-effective or otherwise beneficial to the state pursuant to Section 287.064(2), F.S., and thus exempt any equipment from financing under the Program. The factors to be examined by the Chief Financial Officer to determine whether the equipment may be deemed exempt from the Program shall include the following:

(a) through (f) No change.

(4) The Chief Financial Officer shall calculate and determine compliance with any interest rate limitations applicable to the Financing Agreement that is determined to be exempt from the Program. For the purpose of determining compliance with interest rate limitations on any proposed Financing Agreement, interest rates shall not include administrative costs, surcharges and insurance expense related to the financing, which is determined to be exempt from the Program in accordance with Sections 287.063(1)(b) and 287.063(2)(b)1., F.S.

DEPARTMENT OF FINANCIAL SERVICES

Division of Consumer Services

RULE NO.: 69J-9.001
RULE TITLE: Database of Information Relating to Sinkholes

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 35, No. 50, December 18, 2009 issue of the Florida Administrative Weekly.

(1) Purpose and Scope. This rule implements Section 627.7065, F.S. The sinkhole database established under this rule is prompted by the dramatic increase in the number of sinkholes and insurance claims for sinkhole damage in the state.

(2)(a) through (b) No change.

(c) "Catastrophic ground cover collapse" or "collapse" means catastrophic ground cover collapse as defined in Section 627.706, F.S.

(d) through (h) No change.

(3) Insurers shall electronically submit data for all sinkhole or catastrophic ground cover collapse claims confirmed investigated on or after January 1, 2005 to the

Department of Financial Services (DFS), within the later of 60 days of the date of the investigation or the effective date of this rule. Data shall be submitted within 1 year of the effective date of this rule for any historical data related to confirmed sinkhole or catastrophic ground cover collapse claims closed on or after January 1, 2005 or within 60 days of the closure of a confirmed sinkhole or catastrophic ground cover collapse claim occurring after the effective date of this rule. Data shall be electronically submitted on Form DFS-I5-1999, "Sinkhole or Catastrophic Ground Cover Collapse Report," (Effective 8/2009), which is hereby incorporated by reference. The report form shall be obtained from and submitted to the DFS through the website at https://apps.fldfs.com/sinkholereport. No fee is required. Once submitted, reports shall be electronically updated on the DFS website within 60 days of any change in a reportable data element required by subsections (5) and (6) of this rule.

(4) The DFS shall allow insurers to provide an initial report of claims data for sinkhole and catastrophic ground cover collapse claims occurring between January 1, 2005 and December 31, 2010 2009 via a database upload. In order for such data to be acceptable by DFS, it shall be formatted to meet the criteria specified by DFS in Form DFS-I5-1999.

(5) The sinkhole database shall include fields for the following information related to confirmed sinkhole and catastrophic ground cover collapse claims:

(a) through (g) No change.

(h) Whether a sinkhole or catastrophic ground cover collapse finding was disputed;

(i) through (n) renumbered (h) through (m) No change.

(6) The database shall include fields for the following information specific to confirmed catastrophic ground cover collapse claims:

(a)(o) Longitude at which the claim occurred;

(b)(p) Latitude at which the claim occurred;

(c)(q) Method by which latitude and longitude were determined (i.e., topographic map, survey, hand held GPS);

(d)(r) GPS datum type used;

(e)(s) Survey Township;

(f)(t) Survey Section;

(g)(u) Survey Range;

(h)(v) Elevation of land surface affected by collapse;

(i)(w) Measured depth of collapse sinkhole;

(j)(x) Measured width of collapse sinkhole (include minimum and maximum width);

(k)(y) Slope of the collapse sinkhole walls (include minimum and maximum slope);

(l)(z) Whether water is visible in the collapse sinkhole;

(m)(aa) Whether limestone is visible in the collapse sinkhole;

(n)(bb) Whether a cave is visible in the collapse sinkhole;

- (o)~~(ee)~~ Estimated time period for formation of the collapse sinkhole;
- (p)~~(dd)~~ Any pre-collapse indicators;
- (q)~~(ee)~~ Triggering mechanism most likely to have caused collapse sinkhole;
- (r)~~(ff)~~ Soil type at collapse sinkhole location;
- (s)~~(gg)~~ Land use of property involved in the collapse sinkhole loss;
- (t)~~(hh)~~ Structure affected by collapse sinkhole (i.e., residence, road, retention pond, etc.);
- (u)~~(ii)~~ Type of professional (Professional Geologist or Professional Engineer) who investigated collapse sinkhole;
- (v)~~(jj)~~ Whether the collapse sinkhole was repaired as part of the claim.

## 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 THE LOTTERY

RULE NO.:                    RULE TITLE:  
53ER10-6                    Draw Procedures  
SUMMARY: This emergency rule sets forth the draw procedures for the Florida Lottery's online games.  
THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Faith L. Schneider, Legal Analyst, Department of the Lottery, 250 Marriott Drive, Tallahassee, Florida 32399-4011

THE FULL TEXT OF THE EMERGENCY RULE IS:

#### 53ER10-6 Draw Procedures.

- (1) Lottery drawings shall be public and witnessed by an accountant employed by an independent certified public accounting firm ("Accountant") who shall certify to the integrity, security and fairness of each drawing. All drawings shall be recorded by a video recorder.
- (2) The ball sets and drawing machines used in Lottery drawings shall be determined by random selection and shall be inspected by an employee of the Florida Lottery's Security Division ("Draw Manager") and the Accountant before and after each drawing. The Draw Manager and the Accountant shall ensure that all balls within a set contain the same security code. A primary and secondary ball set and drawing machine shall be selected for each draw.

(3) The primary ball sets shall be weighed. If the weight of the ball set is outside of the tolerance range provided by the manufacturer, the secondary ball set shall be weighed. If the secondary ball set is outside of the tolerance range, other ball sets shall be selected and weighed by the Draw Manager and Accountant until an acceptable set is determined.

(4) Once a ball set has been determined, it shall be loaded by the Draw Manager into the primary drawing machine and a number of test draws shall be conducted, as follows:

(a) For Florida Lotto™, six test draws will be conducted. If the same digit is selected four times during the six draws, four additional test draws will be conducted. If the same digit is selected two additional times, an alternative ball set shall be used.

(b) For Fantasy 5®, seven test draws will be conducted. If the same digit is selected five times during the six draws, three additional test draws will be conducted. If the same digit is selected two additional times, an alternative ball set shall be used.

(c) For Mega Money™, six test draws will be conducted. If the same digit is selected four times during the six draws, four additional test draws will be conducted. If the same digit is selected two additional times, an alternative ball set shall be used.

(d) For Play 4™, five test draws will be conducted. If the same digit is selected three times during the five draws, three additional test draws will be conducted. If the same digit is selected two additional times, an alternative ball set shall be used.

(e) For Cash 3™, five test draws will be conducted. If the same digit is selected three times during the five draws, three additional test draws will be conducted. If the same digit is selected two additional times, an alternative ball set shall be used.

(5) If the alternative ball set does not pass the test drawing parameters, the backup drawing machine will be used. Tests will be conducted with ball sets whose weight falls within the tolerance range until an acceptable ball set and drawing machine have been determined.

(6) If the game for which a drawing is being held cannot be closed on the gaming system, the drawing will be delayed until the game can be closed.

(7) During the drawing, balls will be mixed and pushed into the display devices by the action of an air blower. A ball must be "trapped" in the display position at the top of the mixing chamber to be a winning number.

(8) In the event of a power failure, drawing equipment malfunction or error in the drawing process, including but not limited to the Host/Hostess announcing a ball number that was not trapped as specified in paragraph (g), the drawing will be stopped and will resume as soon thereafter as possible. The balls drawn before the occurrence, if any, will be declared valid.