

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: Thursday, July 15, 2010, 2:00 p.m.

PLACE: 104J Hartman Bldg., 2012 Capital Circle Southeast, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Tasha Carter, (850)413-1878 or tasha.carter@myfloridacfo.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Tasha Carter, Bureau Chief of Compliance, Division of Workers' Compensation, Department of Financial Services, 200 East Gaines Street, Tallahassee, Florida 32399-4228, (850)413-1878

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

## Section II Proposed Rules

### DEPARTMENT OF STATE

#### Division of Elections

RULE NO.:	RULE TITLE:
1S-2.049	Absentee Ballots – Absent Stateside Uniformed Services Voters

**PURPOSE AND EFFECT:** The purpose of the new rule which deals exclusively with uniformed services voters who are absent stateside (not overseas) is to provide procedures to this specific class of voters in light of the recently enacted Military and Overseas Voter Empowerment Act (MOVE Act) (Public law 111-84, subpart H of the Military Defense Authorization Act) and the new Chapter law 2010-167, Laws of Florida. The MOVE Act included a number of provisions to facilitate absentee ballot requests by all voters entitled to vote absentee under the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) and to enhance the timely delivery and return of voted absentee ballots by such voters. The proposed rule also reflects the federal law and state law change that requires absentee ballots to be sent 45 days in advance of any election. The proposed rule changes also reflects the directive to states to coordinate with local election officials to give the voter

more choices to designate how he or she wants to make and receive absentee ballot requests, and receive absentee ballots and other election materials including via electronic mail.

**SUMMARY:** The proposed new provides uniform procedures for submitting and processing absentee ballot requests, and for facilitating the timely delivery and return of absentee ballots for absent stateside uniformed services members.

**SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS:** No Statement of Estimated Regulatory Cost was prepared.

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:** 20.10(3), 97.012(1), 101.697 FS.

**LAW IMPLEMENTED:** 101.62, 101.64, 101.65, 101.697 FS.

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

DATE AND TIME: July 19, 2010, 1:00 p.m.

PLACE: Room 307, R. A. Gray Building, Florida Department of State, 500 S. Bronough Street, Tallahassee, Florida 32399

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Eddie L. Phillips, Executive Office Assistant, Office of General Counsel, Florida Department of State at: ELPhillips@dos.state.fl.us or (850)245-6536. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Maria Matthews, Assistant General Counsel, Florida Department of State, 500 S. Bronough Street, Tallahassee, Florida 32399-0250, at (850)245-6536; mimatthews@dos.state.fl.us

THE FULL TEXT OF THE PROPOSED RULE IS:

1S-2.049 Absentee Ballots – Absent Stateside Uniformed Services Voters.

(1) Application. This rule applies solely to absentee ballot requests and to the delivery and return of absentee ballots for uniformed services members who are absent stateside. Such persons are defined to include:

(a) A member of a uniformed service on active duty who, by reason of active duty, is absent (but not overseas) from the place of residence where the member is otherwise qualified to vote,

(b) A member of the Merchant Marine who, by reason of service, is absent (but not overseas) from the place of residence where the member is otherwise qualified to voter, or

(c) A spouse or dependent of a member described in paragraph (a) or (b) who, by reason of the active duty or service of the member, is also absent (but not overseas) from the place of residence where the spouse or dependent is otherwise qualified to vote.

(2) Requests.

(a) The absent stateside uniformed services voter, an immediate family member of the voter, or the legal guardian of the voter, may request an absentee ballot via:

- 1. Telephone.
- 2. Fax.
- 3. E-mail.
- 4. Any other form of written request.

(b) The request for an absentee ballot must include:

- 1. The name of the voter for whom the ballot is requested.
- 2. The voter's date of birth.
- 3. The voter's legal residence in Florida.
- 4. An indication of how the voter wants the ballot to be delivered (mail, fax, or e-mail).
- 5. One of the following:
  - i. An out-of-county mailing address.
  - ii. A fax machine number, and an out-of-county address (only for purposes of affirming absence from county).
  - iii. An e-mail address, and an out-of-county address (only for purposes of affirming absence from county).
  - iv. The voter's signature (written requests only other than through e-mail or through online request), or if the requester is other than the voter, the requester's name, address, driver's license number (if available), signature, and relationship to the voter.

(3) Processing requests. When a supervisor receives an absentee ballot request from an absent stateside uniformed services voter, the supervisor shall:

- (a) Verify the information provided to determine if the voter is a qualified and registered voter for the election.
- (b) Provide in the manner requested by the voter the appropriate absentee ballot, the instructions for voting and returning the ballot, and the Voter's Certificate.
- (c) Record the receipt date of the request, the date and manner in which the Supervisor made the absentee ballot available to the voter, and the mailing mailing address, e-mail address, or fax number provided by the voter.
- (d) Ensure that the Supervisor of Elections' office transmitting and receiving equipment is in a secure location with access limited to the Supervisor's employees and that the absentee ballot is sent directly to the mailing or e-mail address or fax number or other transmission destination made available to the absent stateside uniformed services voter.

(4) Return of voted absentee ballot. A voted ballot by an absent stateside uniformed services voter returned by e-mail or by fax shall not be accepted. An absent uniformed services voter may return a voted absentee ballot by mail, in person (if

he or she returns to county of residence) or through someone else on behalf of the voter. To be accepted and counted, a voted absentee ballot must be received by the supervisor of elections no later than 7:00 p.m. on election day in the time zone for the county in which the absent uniformed services voter is registered.

(5) Voter's Certificate. The Voter's Certificate for absentee ballots being sent to absent stateside uniformed services voters shall be in substantially the following form:

Note: Please Read Instructions Carefully Before Marking Ballot and Completing Voter's Certificate

VOTER'S CERTIFICATE

I, \_\_\_\_\_, swear or affirm, under penalty of perjury, that I am:

- 1. A member of the Uniformed Services or merchant marine on active duty; or an eligible spouse or dependent of such a member; or a U.S. citizen temporarily residing outside the U.S.; or Other U.S. citizen residing outside the U.S.
- 2. I am a U. S. citizen, at least 18 years of age (or will be by the date of the election), and I am eligible to vote in the requested jurisdiction; and
- 3. I have not been convicted of a felony, or other disqualifying offense, or been adjudicated mentally incompetent, or, if so, my voting rights have been reinstated; and
- 4. I am not registering, requesting a ballot, or voting in any other jurisdiction in the U. S., except the jurisdiction cited in this voting form.

In voting, I have marked and sealed my ballot in private and have not allowed any person to observe the marking of the ballot, except for those authorized to assist voters under State or Federal law. I have not been influenced.

My signature and date below indicate when I completed this document. The information on this form is true, accurate and complete to the best of my knowledge. I understand that a material misstatement of fact in completion of this document may constitute grounds for a conviction for perjury.

Signed: \_\_\_\_\_ Date: \_\_\_\_\_  
Month/Day/Year

(6) Ballot instructions. Ballot instructions in substantially the following form must be provided with each absentee ballot to an absent stateside uniformed services voter:

INSTRUCTIONS

- 1. In order to ensure that your absentee ballot is counted, complete and return the ballot soon as possible to the supervisor of elections of the county in which you are registered so that the ballot is received no later than 7:00 p.m. on the election day in the time zone for the county in which you are registered.
- 2. Mark your ballot in secret as instructed on the ballot. You must mark your own ballot unless you are unable to do so because of blindness, disability, or inability to read or write.

3. Mark only the number of candidate or issue choices for a race as indicated on the ballot. If you are allowed to "Vote for One" candidate and you vote for more than one candidate, your vote in that race will not be counted.

4. VERY IMPORTANT. In order for your ballot to be counted, you must also complete the Voter's Certificate, which must include your signature. Failure to include a signature or a date means your ballot may not be counted. Your ballot will be rejected also if the signature on the certificate does not match the signature on the voter registration record.

5. To return your voted absentee ballot and voter's certificate:

a. Place your marked ballot in a secrecy envelope or sleeve, as provided to you or in an unmarked envelope (if the ballot was faxed or e-mailed to you).

b. Insert the secrecy envelope or sleeve, or unmarked envelope inside a separate mailing envelope. If the ballot was mailed to you, use the mailing envelope provided and complete the Voter's Certificate on the back. If the ballot was faxed or e-mailed to you, place the secrecy envelope or sleeve or unmarked envelope and the completed Voter's Certificate in another envelope for mailing. Do not enclose the Voter's Certificate in the secrecy envelope or sleeve, or unmarked envelope with the ballot. Clearly mark the mailing envelope "Absentee Ballot Enclosed."

6. You may mail, deliver or have delivered by someone else your absentee ballot to the supervisor of elections. Faxed or e-mailed voted ballots will not be accepted. To mail your ballot free of postage, use the template provided at <http://fvap.gov/resources/media/returnenvelope.pdf> to print directly onto the mailing envelope or otherwise affix to the mailing envelope. Otherwise, clearly mark the mailing envelope "Absentee Ballot Enclosed" and provide sufficient postage.

7. FELONY NOTICE. It is a felony under Florida law to accept any gift, payment, or gratuity in exchange for your vote for a candidate. It is also a felony under Florida law to vote in an election using a false identity or false address, or under any circumstances making your ballot false or fraudulent.

(7) Processing returned absentee ballots.

(a) The supervisor shall record the date the voted absentee ballot is received from the absent stateside uniformed services voter.

(b) If an absent stateside uniformed services voters returns the voted ballot to the supervisor in an envelope other than an absentee ballot mailing envelope provided by the supervisor, the canvassing board is authorized to open the mailing envelope to determine if the Voter's Certificate is enclosed in the mailing envelope. If the Voter's Certificate is not enclosed, the envelope or sleeve containing the ballot shall not be opened and the envelope shall be marked "Rejected as Illegal." If the Voter's Certificate is enclosed, the Voter's Certificate shall be reviewed.

(c) If the canvassing board determines that the voter is eligible to vote, the ballot shall be processed as other absentee ballots. If the returned absentee ballot was originally faxed or e-mailed or accessed electronically by some other means, the ballot shall be removed from the envelope and duplicated so that it can be processed through the tabulating equipment.

Rulemaking Authority 20.10(3), 97.012(1), 97.012(1), 101.697 FS. Law Implemented 101.62, 101.64, 101.65, 101.697 FS. History—New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Donald L. Palmer, Director, Division of Elections

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Dawn K. Roberts, Interim Secretary of State

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 9, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 2, 2010

#### DEPARTMENT OF TRANSPORTATION

RULE NO.:	RULE TITLE:
14-24.001	Prompt Settlement or Legal Defense of Claims and Disqualification for Failure to Settle Claims

PURPOSE AND EFFECT: Rule Chapter 14-24, F.A.C., is being amended to clarify the procedure and requirements for the prompt and satisfactory settlement or legal defense of claims. The title of the Rule Chapter will be changed to "Surety Disqualification For Failure To Settle Claims."

SUMMARY: The requirement of prompt settlement or legal defense of claims is addressed.

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

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: 334.044(2), 337.18(1) FS.

LAW IMPLEMENTED: 334.044(28), 337.141, 337.18(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: Deanna R. Hurt, Assistant General Counsel and Clerk of Agency Proceedings, Florida Department of Transportation, Office of the General Counsel, 605 Suwannee Street, Mail Station 58, Tallahassee, Florida 32399-0458

THE FULL TEXT OF THE PROPOSED RULE IS:

14-24.001 Prompt Settlement or Legal Defense of Claims and Disqualification for Failure to Settle Claims.

(1) Any surety company providing a performance bond, that does not promptly and satisfactorily settle or provide a defense for claims or actions in connection with liabilities arising under a construction or maintenance contract for which the surety company previously furnished a bond shall be disqualified from issuing bonds for future Department construction or maintenance contracts by the Department in accordance with this rule.

~~(2)(+) Within 90 days of the Department's offer of final payment, the surety company shall provide to the Department Failure on the part of the surety to furnish an affidavit to the effect that these requirements have been met on a Contractor's Affidavit and Surety Consent (Form 21-A), FDOT Florida Department of Transportation Form 700-050-21, Rev. 08/04, which is incorporated by reference herein under Rule 14-79.006, F.A.C. Failure to comply, to the Department within 90 days of the Department's offer of final payment shall constitute grounds for disqualification. Preliminary notice of disqualification will be furnished to the surety company at least 21 30 days prior to disqualification. Qualification will be reinstated upon the Department's receipt by the Department of the properly executed Form Contractor's Affidavit and Surety Consent (Form 21-A).~~

~~(2) Notice of the Department's intended action will be provided in accordance with Rule 28-106.111, F.A.C. The Department's action will become final unless a timely petition for a hearing is filed in accordance with Rules 28-106.104, 28-106.201, and 28-106.301, F.A.C. In order to be timely, the petition must be filed with the Department's Clerk of Agency Proceedings within 21 days after receipt of the Department's notice, in accordance with Rule 28-106.111, F.A.C.~~

Rulemaking Specific Authority 334.044(2), 337.18(1) FS. Law Implemented 334.044(28), 337.141, 337.18(1) FS. History-Formerly 14-10.01, F.A.C., Amended 3-21-64, 9-24-75, Formerly 14-24.01, Amended 10-30-96, 1-17-99, 3-28-00, 10-19-04, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: David A. Sadler, Director, Office of Construction  
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Stephanie C. Kopelousos, Secretary  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 15, 2010  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 21, 2010

**BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND**

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

**DEPARTMENT OF CORRECTIONS**

RULE NO.: 33-601.720  
RULE TITLE: Sex Offender and Child Abuse Offender Visiting Restrictions

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to clarify sex offender and child abuse offender visitation restrictions.

SUMMARY: The proposed rule clarifies language regarding sex and child abuse offender visiting restrictions to ensure consistency with Section 944.09, Florida Statutes. The title of the rule is amended to reflect that the rule addresses certain child abuse offenders who have not been convicted of sex-related crimes.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The agency has determined that this rule will not have an impact on small business. A SERC has not been prepared by the agency.

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: 944.09, 944.23 FS.

LAW IMPLEMENTED: 20.315, 944.09, 944.23 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: Kendra Lee Jowers, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE FULL TEXT OF THE PROPOSED RULE IS:

33-601.720 Sex Offender and Child Abuse Offender Visiting Restrictions.

(1) An inmate shall not be authorized to visit with any person seventeen years of age or younger if ~~both paragraphs (a) and (b) below apply:~~

(a) ~~The~~ If the inmate has a current or prior conviction under Chapter 794, 800, 827, or 847, F.S., and:

- 1. Chapter 794, F.S. — sexual battery;
- 2. Chapter 800, F.S. — lewdness; indecent exposure;
- 3. Chapter 827, F.S. — abuse of children;
- 4. Chapter 847, F.S. — obscene literature; profanity; and

(b) ~~The conviction was for committing or attempting to commit aggravated child abuse or committing or attempting offense reveals that the inmate committed or attempted to commit aggravated child abuse or attempted to commit a sex act on, or in the presence of, or against a person fifteen years old or younger.~~

(c) No change.

(d) Current and prior convictions from other jurisdictions comparable to the offenses listed above; also serve as a basis for imposing visiting restrictions.

(e) No change.

(2) A warden is authorized to approve a visit between a minor who is accompanied by an authorized adult and an inmate who meets the criteria in subsection 33-601.720(1), F.A.C., above if visiting is not restricted by court order and the warden determines the visit to be in the minor's best interest. Factors to be considered are:

(a) through (4) No change.

(5) If visitation is recommended, the custodial parent or guardian of the child must complete and sign Form DC6-138, Consent for Visitation with Minor Child. Form DC6-138 is hereby incorporated by reference. Copies of this form are available from the Forms Control Administrator, Office of Research, Planning and Support Services, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. The effective date of this form is 5-29-03.

(6) The warden is authorized to modify the visiting status if factors materially affecting the visiting privilege decision, such as a guilty finding for one of the disciplinary infractions listed in subsection (3) above, change. Modification of privileges and court modifications of previously imposed visiting restrictions shall be documented in the AVR by institutional staff.

Rulemaking Specific Authority 944.09, 944.23 FS. Law Implemented 20.315, 944.09, 944.23 FS. History--New 11-18-01, Amended 5-29-03, 9-29-03, 4-17-05, 4-10-08, \_\_\_\_\_.

Editorial Note: Formerly 33-601.707, F.A.C.

NAME OF PERSON ORIGINATING PROPOSED RULE: George Sapp, Deputy Secretary of Institutions

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Walter McNeil, Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 19, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 28, 2010

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

RULE NOS.:	RULE TITLES:
61-27.001	Definitions
61-27.002	Responsibility
61-27.003	Procedure
61-27.004	Agency Compliance

PURPOSE AND EFFECT: The purpose and effect of the proposed rule amendment will be to repeal rules the Department no longer has authority to enforce.

SUMMARY: These are outdated rules governing the utilization of minority business enterprises. They are outdated and need to be repealed because the Florida Advisory Council on Minority Business Development and the Department of Management

Services, as opposed to individual agencies, now monitor and enforce the directives of Chapter 287, F.S., related to the utilization of minority businesses.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The agency has determined that these rules will not have an impact on small business. No statement of estimated regulatory costs was prepared.

OTHER RULES INCORPORATING THIS RULE: None

EFFECT ON THOSE OTHER RULES: None

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: 287.0947(2) FS.

LAW IMPLEMENTED: 287.0947 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 RULES IS: Patricia Nelson, Assistant General Counsel, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399, (850)488-0062

THE FULL TEXT OF THE PROPOSED RULES IS:

61-27.001 Definitions.

Rulemaking Specific Authority 287.0947(2) FS. Law Implemented 287.0947 FS. History--New 2-1-90, Formerly 21-27.001, Repealed \_\_\_\_\_.

61-27.002 Responsibility.

Rulemaking Specific Authority 287.0947(2) FS. Law Implemented 287.0943, 287.0947 FS. History--New 2-1-90, Formerly 21-27.001, Repealed \_\_\_\_\_.

61-27.003 Procedure.

Rulemaking Specific Authority 287.0947(2) FS. Law Implemented 287.0943(6) FS. History--New 2-1-90, Formerly 21-27.001, Repealed \_\_\_\_\_.

61-27.004 Agency Compliance.

Rulemaking Specific Authority 287.0947(2) FS. Law Implemented 287.0942(15) FS. History--New 2-1-90, Formerly 21-27.001, Repealed \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Patricia Nelson, Assistant General Counsel, Rules Attorney, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-2202

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Charlie Liem, Interim Secretary, Department of Business and Professional Regulation

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 7, 2010

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

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

**DEPARTMENT OF HEALTH**

**Board of Medicine**

**RULE NO.:** 64B8-30.019  
**RULE TITLE:** Fees Regarding Physician Assistants  
**PURPOSE AND EFFECT:** The proposed rule amendment is intended to set forth a fee increase for renewal of the license to practice as a physician assistant.

**SUMMARY:** The proposed rule amendment sets forth a licensure renewal fee in the amount of \$275.00 for physician assistants.

**SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS:** A Statement of Estimated Regulatory Costs (SERC) was prepared. The fee is being increased from \$150 to \$275 to offset a projected budget deficit with regard to the regulation of physician assistants. The SERC estimates that the approximately 5008 physician assistants will be impacted by the fee increase.

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

**RULEMAKING AUTHORITY:** 456.036, 458.309, 458.347 FS.

**LAW IMPLEMENTED:** 456.036(5), (7), 458.347 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:** Larry McPherson, Jr., Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253

**THE FULL TEXT OF THE PROPOSED RULE IS:**

64B8-30.019 Fees Regarding Physician Assistants.

The following fees are prescribed by the Council and adopted by the Boards:

(1) through (4) No change.

(5) The biennial renewal fee for an active or inactive physician assistant licensed pursuant to Section 458.347 or 459.022(7), F.S., shall be \$275.00 ~~\$150.00~~. Licenses not renewed at the end of a biennial period shall automatically become delinquent.

(6) through (10) No change.

Rulemaking Specific Authority 456.036, 458.309, 458.347 FS. Law Implemented 456.036(5), (7), 458.347 FS. History--New 8-11-98, Amended 7-30-03, 7-27-04, 12-6-04, 11-11-07, \_\_\_\_\_.

**NAME OF PERSON ORIGINATING PROPOSED RULE:**

Council on Physician Assistants

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

**DATE PROPOSED RULE APPROVED BY AGENCY HEAD:** April 10, 2010

**DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW:** October 30, 2009

**DEPARTMENT OF HEALTH**

**Board of Osteopathic Medicine**

**RULE NO.:** 64B15-6.013  
**RULE TITLE:** Physician Assistant Fees

**PURPOSE AND EFFECT:** The proposed rule amendment is intended to set forth a fee increase for renewal of the license to practice as a physician assistant.

**SUMMARY:** The proposed rule amendment sets forth a licensure renewal fee in the amount of \$275.00 for physician assistants.

**SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS:** A Statement of Estimated Regulatory Costs (SERC) was prepared. The fee is being increased from \$150 to \$275 to offset a projected budget deficit with regard to the regulation of physician assistants. The SERC estimates that the approximately 5008 physician assistants will be impacted by the fee increase.

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

**RULEMAKING AUTHORITY:** 456.036(5), (7), 459.005, 459.009, 459.022(7) FS.

**LAW IMPLEMENTED:** 456.036(5), (7), 459.009, 459.022(7) 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:** Christy Robinson, Acting Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

**THE FULL TEXT OF THE PROPOSED RULE IS:**

64B15-6.013 Physician Assistant Fees.

The following fees are prescribed by the Council and adopted by the Boards:

(1) through (4) No change.

(5) The biennial renewal fee for an active or inactive physician assistant certified pursuant to Section 458.347 or 459.022(7), F.S., shall be \$275.00 ~~\$150.00~~. Licenses Certified not renewed at the end of a biennial period shall automatically become delinquent.

(6) through (10) No change.

Rulemaking Specific Authority 456.036(5), (7), 459.005, 459.009, 459.022(7) FS. Law Implemented 456.036(5), (7), 459.009, 459.022(7) FS. History–New 11-4-93, Amended 2-20-94, Formerly 61F9-6.013, 59W-6.013, Amended 8-11-98, 2-23-04, 7-27-04, 12-6-04, 11-11-07,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Council on Physician Assistants

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 14, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 30, 2009

**DEPARTMENT OF HEALTH**

**Board of Osteopathic Medicine**

RULE NO.: 64B15-12.003  
RULE TITLE: Applications for Licensure

PURPOSE AND EFFECT: The proposed amendment is intended to incorporate the revised licensure application in the Board’s application rule.

SUMMARY: The proposed rule amendment incorporates the revised application in the Board’s application rule.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared. The Board has determined that the proposed rule amendments 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: 456.031(4), 456.033(7), 459.005, 459.0055(1)(i) FS.

LAW IMPLEMENTED: 456.031(2), 456.033(6), 459.0055, 459.006, 459.007 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: Christy Robinson, Acting Executive Director, Board of Osteopathic Medicine/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

THE FULL TEXT OF THE PROPOSED RULE IS:

64B15-12.003 Applications for Licensure.

(1) Applications for licensure by examination must include a completed application form and appropriate fee as set forth in Section 459.0055, F.S., and subsection 64B15-10.002(1), F.A.C. The instructions and application form, DH-MQA 1029, (Revised 05/10 ~~4/09~~), entitled

“Application For Licensure” is hereby incorporated by reference, and may be obtained from the Board of Osteopathic Medicine, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256. Such application and fee shall expire one year from the date on which the application is initially received by the Board. After a period of one year a new application and fee must be submitted.

(2) through (3) No change.

Rulemaking Authority 456.031(4), 456.033(7), 459.005, 459.0055(1)(i) FS. Law Implemented 456.031(2), 456.033(6), 459.0055, 459.006, 459.007 FS. History–New 6-4-91, Formerly 21R-12.003, 61F9-12.003, Amended 10-15-95, Formerly 59W-12.003, Amended 9-26-00, 3-9-03, 6-1-09, 5-4-10,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Osteopathic Medicine

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 14, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 30, 2010

**DEPARTMENT OF HEALTH**

**Board of Osteopathic Medicine**

RULE NO.: 64B15-14.007  
RULE TITLE: Standard of Care for Office Surgery

PURPOSE AND EFFECT: The proposed amendment is intended to remove the requirement for direct supervision under certain circumstances.

SUMMARY: The proposed rule amendment removes the requirement for direct supervision under certain circumstances.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared. The Board has determined that the proposed rule amendments 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: 459.005(1), 459.015(1)(z), 459.026 FS.

LAW IMPLEMENTED: 459.015(1)(g), (x), (z), (aa), 459.026 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: Christy Robinson, Acting Executive Director, Board of Osteopathic Medicine/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

THE FULL TEXT OF THE PROPOSED RULE IS:

64B15-14.007 Standard of Care for Office Surgery.

NOTHING IN THIS RULE RELIEVES THE SURGEON OF THE RESPONSIBILITY FOR MAKING THE MEDICAL DETERMINATION THAT THE OFFICE IS AN APPROPRIATE FORUM FOR THE PARTICULAR PROCEDURE(S) TO BE PERFORMED ON THE PARTICULAR PATIENT.

- (1) through (5) No change.
- (6) Level III Office Surgery.
- (a) No change.

(b) Standards for Level III Office Surgery. In addition to the standards for Level II Office Surgery, the surgeon must comply with the following:

1. Training Required.

a. The surgeon must have staff privileges at a licensed hospital to perform the same procedure in that hospital as that being performed in the office setting or must be able to document satisfactory completion of training such as Board certification or Board qualification by a Board approved by the American Osteopathic Association, the American Board of Medical Specialties, the Accreditation Council on Graduate Medical Education or any other board approved by the Board of Osteopathic Medicine or must be able to demonstrate to the accrediting organization or to the Department comparable background, training and experience. In addition, the surgeon must have knowledge of the principles of general anesthesia. ~~If the anesthesia provider is not an anesthesiologist, there must be a licensed M.D., or D.O., anesthesiologist, other than the surgeon, to provide direct supervision of the administration and maintenance of the anesthesia.~~

- b. No change.
- 2. through 4. No change.

Rulemaking Authority 459.005(1), 459.015(1)(z), 459.026 FS. Law Implemented 459.015(1)(g), (x), (z), (aa), 459.026 FS. History—New 11-29-01, Amended 2-23-03, 11-2-05, 6-4-09,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Osteopathic Medicine  
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Osteopathic Medicine  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 14, 2010  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 30, 2010

**DEPARTMENT OF HEALTH**

**Board of Osteopathic Medicine**

RULE NO.: 64B15-22.004  
RULE TITLE: Mandatory Registration of Unlicensed Physicians

PURPOSE AND EFFECT: The proposed rule amendment is intended to incorporate the revised Application for Registration as an Osteopathic Physician in Training in the Board’s rule regarding the registration of unlicensed physicians.

SUMMARY: The proposed rule amendment incorporates the revised Application for Registration as an Osteopathic Physician in Training in the Board’s rule regarding the registration of unlicensed physicians.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared. The Board has determined that the proposed rule amendments 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: 459.005, 459.021 FS.

LAW IMPLEMENTED: 459.021 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: Christy Robinson, Acting Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

THE FULL TEXT OF THE PROPOSED RULE IS:

64B15-22.004 Mandatory Registration of Unlicensed Physicians.

Registration as a resident, intern, or fellow shall be accomplished by completing the board approved application form, DH-MQA 1172 (Revised 05/10 ~~11/09~~), Application for Registration as an Osteopathic Physician in Training, which is hereby incorporated by reference, and may be obtained from the Board of Osteopathic Medicine, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256. Said application shall include the following information:

- (1) Full name and address.
- (2) Date of Birth.
- (3) The name and address of their training hospital/program.
- (4) The date of commencement of their internship or residency.
- (5) The name of the institution and the date of receipt of their Doctor of Osteopathic medicine degree.

Rulemaking Authority 459.005, 459.021 FS. Law Implemented 459.021 FS. History—New 10-28-91, Amended 1-3-93, Formerly 21R-22.004, 61F9-22.004, 59W-22.004, Amended 1-19-98, 6-28-09, 4-15-10,\_\_\_\_\_.



NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Osteopathic Medicine  
NAME OF AGENCY HEAD WHO APPROVED THE  
PROPOSED RULE: Board of Osteopathic Medicine  
DATE PROPOSED RULE APPROVED BY AGENCY  
HEAD: May 14, 2010  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT  
PUBLISHED IN FAW: April 2, 2010

**DEPARTMENT OF FINANCIAL SERVICES**

**Division of State Fire Marshal**

RULE NO.: 69A-64.005  
RULE TITLE: Adjustments to Reflect Consumer Price Index

PURPOSE AND EFFECT: The proposed amendment changes the amount of firefighter line of duty death benefits in accordance with the March 2010 Consumer Price Index, as directed by statute.

SUMMARY: The rule increases the amount of firefighter line of duty death benefits.

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

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: 112.191 FS.

LAW IMPLEMENTED: 112.191 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):

DATE AND TIME: Monday, July 19, 2010, 9:30 a.m.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Lesley Mendelson, (850)413-3604, or Lesley.Mendelson@myfloridacfo.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Lesley Mendelson, (850)413-3604. A copy is posted on the Division's website at <http://www.fldfs.com/SFM/>

THE FULL TEXT OF THE PROPOSED RULE IS:

69A-64.005 Adjustments to Reflect Consumer Price Index.

(1) Section 112.191, F.S., requires that the Division adjust the statutory amount payable based on the Consumer Price Index for all urban consumers published by the United States Department of Labor. The adjustment is to be effective on July 1 of each year using the most recent month for which data is available as of the time of the adjustment.

(2) The amounts payable for the period from July 1, ~~2009~~ through June 30, ~~2011~~ ~~2010~~, using the Consumer Price Index for all urban consumers published by the United States Department of Labor for ~~March~~ ~~June~~, 2010 ~~2009~~, which is the most recent month for which data is available as of the time of the adjustment, are:

(a) For those benefits paid or to be paid under paragraph (a) of subsection (2) of Section 112.191, F.S.: ~~\$61,256.22~~ \$59,879.

(b) For those benefits paid or to be paid under paragraph (b) of subsection (2) of Section 112.191, F.S.: ~~\$61,256.22~~ \$59,879.

(c) For those benefits paid or to be paid under paragraph (c) of subsection (2) of Section 112.191, F.S.: ~~\$170,615.19~~ \$166,779.27.

Rulemaking Authority 112.191 FS. Law Implemented 112.191 FS. History—New 3-13-03, Amended 7-10-03, Formerly 4A-64.005, Amended 7-13-04, 6-30-05, 8-1-06, 4-7-08, 4-13-09, 11-22-09,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Jason Fryar, Division of State Fire Marshal

NAME OF AGENCY HEAD WHO APPROVED THE  
PROPOSED RULE: Alex Sink

DATE PROPOSED RULE APPROVED BY AGENCY  
HEAD: June 2, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT  
PUBLISHED IN FAW: May 28, 2010

**DEPARTMENT OF FINANCIAL SERVICES**

**Division of Accounting and Auditing**

RULE NOS.:	RULE TITLES:
69I-20.001	Registration
69I-20.0022	Proof of Ownership and Entitlement to Unclaimed Property
69I-20.0026	Claimant Affidavit
69I-20.090	Orders or Settlements Requiring Restitution

PURPOSE AND EFFECT: The registration forms codified in Rule 69I-20.001, F.A.C., are being amended, in part, to clarify that the applicant must provide the federal tax identification number of the applicant's employer rather than the applicant's social security number and to clarify that only the registrant may sign the claim form and the purchase agreement. The existing notarized statement form codified in Rule

69I-20.0022, F.A.C., is being amended to expressly state that the claimant must produce the claimant's photographic identification to the notary. The proposed amendment to Rule 69I-20.0022, F.A.C., also creates affidavits attesting to the claimant's or seller's identity to be used only when the claimant or seller does not possess any form of government-issued photographic identification. The claimant affidavit codified in Rule 69I-20.0026, F.A.C., is being amended, in part, to provide a space for the claimant to put the description of the unclaimed property and to put the name of the holder that reported the property. The amended affidavit also requires the claimant to provide an explanation regarding why the claimant believes that he or she is the reported owner of the unclaimed property account. The claimant must be the "apparent owner" as defined by Section 717.101(2), F.S. Proposed Rule 69I-20.090, F.A.C., provides model language that may be used in orders or settlements requiring restitution. The recommended paragraphs provide that uncashed restitution checks are to be reported as unclaimed property. The language may be modified to fit the facts of the particular case. SUMMARY: Rule 69I-20.001, F.A.C., incorporates forms by reference to be used to register as claimant's representatives. Rule 69I-20.0022, F.A.C., incorporates forms by reference to be used when a person either does not have a valid government-issued photographic identification or does not desire to provide a copy of the person's valid government-issued photographic identification with the claim. Rule 69I-20.0026, F.A.C., incorporates the claimant affidavit by reference to be used when the claimant does not have any documentation establishing entitlement to unclaimed property of an aggregate value of \$250.00 or less. Rule 69I-20.090, F.A.C., relates to orders or settlements requiring restitution.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The agency has determined that this rule will not have an impact on small business. A SERC has not been prepared by the agency.

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: 717.117(1), 717.138 FS.

LAW IMPLEMENTED: 92.525, 117.05, 717.101(2), 717.117, 717.119, 717.124, 717.12403, 717.12404, 717.12405, 717.1242, 717.1243, 717.126, 717.1261, 717.1262, 717.135, 717.1351, 717.139, 717.1400, 732.102, 732.103 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):

DATE AND TIME: Wednesday, July 28, 2010, 9:30 a.m.

PLACE: Suite B103, The Fletcher Building, 101 E. Gaines St., Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Paul C. Stadler, Jr., (850)413-3010 or paul.stadler@myfloridacfo.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Paul C. Stadler, Jr., Assistant General Counsel, Department of Financial Services, 200 E. Gaines St., Tallahassee, Florida 32399-4247, (850)413-3010

THE FULL TEXT OF THE PROPOSED RULE IS:

69I-20.001 Registration.

Sections 717.117(8) and 717.1400, F.S., requires that, in order to file claims as a Claimant's Representative, acquire ownership or entitlement to unclaimed property, and receive a distribution of fees and costs from the Department, private investigators licensed to practice in the State of Florida, certified public accountants licensed to practice in the State of Florida and attorneys licensed to practice in the State of Florida must register with the Department.

(1) To register with the Bureau of Unclaimed Property a private investigator licensed to practice in the State of Florida must file a duly completed and executed, Form DFS-A4-2010 ~~DFS-UP-140~~, Application for Registration as an Unclaimed Property Claimant Representative – Florida Private Investigator, effective \_\_\_\_\_ ~~1-3-05~~, and must provide the documents specified in the form.

(2) To register with the Bureau of Unclaimed Property a certified public accountant licensed to practice in the State of Florida must file a duly completed and executed, Form DFS-A4-2009 ~~DFS-UP-142~~, Application for Registration as an Unclaimed Property Claimant Representative – Florida Certified Public Accountant, effective \_\_\_\_\_ ~~1-3-05~~, and must provide the documents specified in the form.

(3) To register with the Bureau of Unclaimed Property an attorney licensed to practice in the State of Florida must file a duly completed and executed, Form DFS-A4-2008 ~~DFS-UP-141~~, Application for Registration as an Unclaimed Property Claimant Representative – Florida Attorney, effective \_\_\_\_\_ ~~1-3-05~~, and must provide the documents specified in the form.

(4) The forms referred to herein are hereby incorporated by reference and available from the Florida Department of Financial Services, Bureau of Unclaimed Property, 200 East Gaines Street, Tallahassee, Florida 32399-0358.

Rulemaking Specific Authority 717.138 FS. Law Implemented 92.525, 717.124, 717.135, 717.1351, 717.1400 FS. History–New ~~1-3-05, Amended~~ \_\_\_\_\_.

69I-20.0022 Proof of Ownership and Entitlement to Unclaimed Property.

(1) No change.

(2)(a) Any and all persons claiming an interest in unclaimed property in the possession of the Department shall file with the Department a copy of a valid driver's license of the claimant at the time the original claim form is filed. If the claimant has not been issued a valid driver's license at the time the original claim form is filed, the Department shall be provided with a legible copy of a photographic identification of the claimant issued by the United States or a foreign nation, a state or territory of the United States or foreign nation, or a political subdivision or agency thereof. In lieu of filing a copy of a government issued photographic identification of the claimant with the claim, the claimant or the Claimant's Representative may file Form DFS-A4-2007 ~~DFS-UP-144~~, Notarized Sworn Statement of the Claimant, which has been accurately completed in full, executed by the claimant and the notary. This form is incorporated by reference effective 1-3-05 and available from the Florida Department of Financial Services, Bureau of Unclaimed Property, 200 East Gaines Street, Tallahassee, Florida 32399-0358. The notarized sworn statement must accurately affirm the claimant's identity and state the claimant's address. This subsection shall not apply to any person who is acting as a Claimant's Representative.

(b) In the event that a claimant has not been issued any type of valid photographic identification issued by the United States or a foreign nation, a state or territory of the United States or foreign nation, or a political subdivision or agency thereof, a claimant or Claimant's Representative may file Form DFS-A4-1944, Affidavit Attesting to Claimant's Identity, and a buyer may file Form DFS-A4-1945, Affidavit Attesting to Seller's Identity, which must be accurately completed in full, executed by the affiants and the notary. Forms DFS-A4-1944 and DFS-A4-1945 are incorporated by reference effective \_\_\_\_\_ and available from the Florida Department of Financial Services, Bureau of Unclaimed Property, 200 East Gaines Street, Tallahassee, Florida 32399-0358. Forms DFS-A4-1944 and DFS-A4-1945 must accurately affirm the claimant's identity and state the address of the claimant or the seller, which ever is applicable. Affiants must have personal knowledge of the claimant or seller. "Personal knowledge" means that the affiant is familiar with the circumstances of the claimant or seller, personally knows and has personally observed the claimant or seller, and has experience in dealing with claimant or seller on a daily basis or is a family member.

(3) through (5) No change.

Rulemaking Specific Authority 717.138 FS. Law Implemented 92.525, 117.05, 717.124, 717.12403, 717.12404, 717.12405, 717.1242, 717.1243, 717.126, 717.1261, 717.1262, 717.139, 732.102, 732.103 FS. History--New 3-20-91, Amended 3-13-96, 8-18-96, 1-28-97, 1-18-99, 4-16-02, Formerly 3D-20.0022, Amended 1-3-05, \_\_\_\_\_.

Cf. 11 U.S.C. ss. 541, 542.

69I-20.0026 Claimant Affidavit.

In the event proof of ownership to unclaimed property can not be substantiated, the claimant may, for the Department's consideration, file an affidavit swearing to the authenticity of the claim and to the lack of documentation and agreeing to the release of the claimant's name and address by the Department to subsequent claimants providing substantiated proof of entitlement to the unclaimed property. The affidavit must be accurately completed. The claimant must state on the affidavit why the claimant is entitled to the unclaimed property. The affidavit must be signed by the claimant and on the same day the affidavit is dated by the claimant who must be the "apparent owner" as defined by Section 717.101(2), F.S. No person shall place any writing or other information on the affidavit after the affidavit has been signed and dated by the claimant. The affidavit shall be submitted on Form DFS-A4-2006 ~~DFS-UP-124~~, Unclaimed Property Claimant Affidavit effective \_\_\_\_\_ revised 10-1-01, which is hereby incorporated by reference and available from the Department of Financial Services, Bureau of Unclaimed Property, 200 East Gaines Street, Tallahassee, Florida 32399-0358. This section applies only if all of the unclaimed property held by the Department on behalf of the claimant for which entitlement has not been established has an aggregate value of \$250 or less.

Rulemaking Specific Authority 717.138 FS. Law Implemented 117.05, 717.101(2), 717.124(3) FS. History--New 1-28-97, Amended 4-16-02, Formerly 3D-20.0026, Amended \_\_\_\_\_.

69I-20.090 Orders or Settlements Requiring Restitution.

In accordance with Chapter 717, Florida Statutes, orders or settlements requiring restitution may include one of the following recommended paragraphs which may be modified to fit the particular facts of the case:

(1)(a) The (Defendant/Respondent/Petitioner) shall make a good faith effort to locate each entity or individual who is required to be paid in accordance with this (Settlement/Order).

(b) If the (Defendant/Respondent/Petitioner) is not able to locate any entity or individual who is required to be paid in accordance with this (Settlement/Order) or does not make payment to the entity or individual for any other reason, the (Defendant/Respondent/Petitioner) shall report and remit the amount due to the entity or individual to the unclaimed property program of the state of the last known address of the entity or individual as shown on the records of the (Defendant/Respondent/Petitioner) or to the state of domicile of the (Defendant/Respondent/Petitioner) if the records of the (Defendant/Respondent/Petitioner) do not reflect the last known address of the entity or individual. The funds shall be payable in U.S. dollars using the appropriate reporting forms and electronic reporting format within 60 days after the date that the (Defendant/Respondent/Petitioner) was required to issue payment in accordance with the terms of this (Settlement/Order), unless directed otherwise by the receiving unclaimed property program. If the (Defendant/

Respondent/Petitioner) is directed otherwise by the receiving unclaimed property program, the (Defendant/Respondent/Petitioner) shall follow the reporting and remitting instructions of the receiving unclaimed property program. A copy of the (Settlement/Order) requiring restitution shall accompany the unclaimed property report and remittance.

(c) If the (Defendant/Respondent/Petitioner) issues a check to an entity or individual who is required to be paid in accordance with this (Settlement/Order) and the entity or individual does not negotiate or cash the check within 90 after days of the issuance of the check, the (Defendant/Respondent/Petitioner) shall report and remit the value of the uncashed check in U.S. dollars to the unclaimed property program of the state of the last known address of the entity or individual as shown on the records of the (Defendant/Respondent/Petitioner) or to the state of domicile of the (Defendant/Respondent/Petitioner) if the records of the (Defendant/Respondent/Petitioner) do not reflect the last known address of the entity or individual. The (Defendant/Respondent/Petitioner) shall report and remit the unclaimed property using the appropriate reporting forms and electronic reporting format within 150 days after the issuance of the check, unless directed otherwise by the receiving unclaimed property program. If the (Defendant/Respondent/Petitioner) is directed otherwise by the receiving unclaimed property program, the (Defendant/Respondent/Petitioner) shall follow the reporting and remitting instructions of the receiving unclaimed property program. A copy of the (Settlement/Order) requiring restitution shall accompany the unclaimed property report and remittance.

(d) Unclaimed Property due and owing to the State of Florida shall be reported and remitted to the Florida Department of Financial Services, Bureau of Unclaimed Property.

(e) "Domicile" means the state of incorporation, in the case of a corporation incorporated under the laws of a state, and the state of the principal place of business, in the case of a person not incorporated under the laws of a state.

(2)(a) The (Defendant/Respondent/Petitioner) shall make a good faith effort to locate each entity or individual who is required to be paid in accordance with this (Settlement/Order).

(b) If the (Defendant/Respondent/Petitioner) is not able to locate any entity or individual who is required to be paid in accordance with this (Settlement/Order) or does not make payment to the entity or individual for any other reason, the (Defendant/Respondent/Petitioner) shall report and remit the amount due to the entity or individual to the Florida Department of Financial Services, Bureau of Unclaimed Property, in U.S. dollars using the appropriate reporting forms and electronic reporting format within 60 days after the date that the (Defendant/Respondent/Petitioner) was required to issue payment in accordance with the terms of this

(Settlement/Order). A copy of the (Settlement/Order) requiring restitution shall accompany the unclaimed property report and remittance.

(c) If the (Defendant/Respondent/Petitioner) issues a check to an entity or individual who is required to be paid in accordance with this (Settlement/Order) and the entity or individual does not negotiate or cash the check within 90 after days of the issuance of the check, the (Defendant/Respondent/Petitioner) shall report and remit the value of the uncashed check in U.S. dollars to the Florida Department of Financial Services, Bureau of Unclaimed Property, using the appropriate reporting forms and electronic reporting format within 150 days after the issuance of the check. A copy of the (Settlement/Order) requiring restitution shall accompany the unclaimed property report and remittance.

Rulemaking Authority 717.117(1), 717.138 FS. Law Implemented 717.117, 717.119 FS. History--New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Walter Graham, Chief, Bureau of Unclaimed Property  
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Alex Sink, Chief Financial Officer  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 7, 2010  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 22, 2010

**DEPARTMENT OF FINANCIAL SERVICES**

**Division of Accounting and Auditing**

RULE NO.: 69I-20.0037  
RULE TITLE: Reporting and Remitting Abandoned Property by Mail-in Secondhand Precious Metals Dealers

PURPOSE AND EFFECT: Proposed Rule 69I-20.0037, F.A.C., creates a form for the reporting of the precious metals in accordance with Section 538.32, Florida Statutes.

SUMMARY: The unclaimed property report includes the seller's name, address, telephone number, e-mail address, and drivers license number or other government issued identification number together with the issuing state, a complete and accurate description of the precious metal type, or, if jewelry, the type of jewelry, any other unique identifying marks, numbers, or letters, the date that the seller's goods were received by the mail-in secondhand precious metals dealer, and the name of a person who may be contacted regarding the report and the remittance.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The agency has determined that this rule will have an impact on small business. A SERC has been prepared by the agency. The number of individuals and entities likely to be required to comply with the rule and a general description of the types of individuals likely to be affected by the rule: There are an estimated fourteen mail-in secondhand

precious metals dealers in Florida. Cost to the Department of implementing the proposed rule and any anticipated effect on state revenue: The Department intends to implement the proposed rule within its current workload, with existing staff. Good faith estimate of the transactional costs likely to be incurred: The Department estimates that it may cost the dealers approximately \$10.00 to report and remit the property to the Department if parcel post is used not including the shipping materials. Analysis of the impact on small businesses and an analysis of the impact on small counties and small cities: The Department estimates that it may cost the dealers approximately \$10.00 to report and remit the property to the Department if parcel post is used not including the shipping materials. The Department has, however, received at least two shipments weighing 1 pound each from a mail-in secondhand metals dealer utilizing UPS next day air at an estimated cost of \$38.63 per shipment. The proposed rule will not impact small counties and small cities. Any additional information that the agency determines may be useful: There is no additional information.

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: 717.117(1), 717.138 FS.

LAW IMPLEMENTED: 538.31, 538.32, 717.117, 717.119 FS.  
IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):

DATE AND TIME: Wednesday, July 28, 2010, 9:30 a.m.

PLACE: Suite B103, The Fletcher Building, 101 E. Gaines St., Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Paul C. Stadler, Jr., (850)413-3010 or paul.stadler@myfloridacfo.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Paul C. Stadler, Jr., Assistant General Counsel, Department of Financial Services, 200 E. Gaines St., Tallahassee, Florida 32399-4247, (850)413-3010

THE FULL TEXT OF THE PROPOSED RULE IS:

69I-20.0037 Reporting and Remitting Abandoned Property by Mail-in Secondhand Precious Metals Dealers.

(1) All property having a true market value of greater than \$50, which is presumed abandoned under Section 538.32(7), F.S., shall be delivered to the Department through the U.S. Mail or other carrier. The package should be clearly marked on the outside "Deliver Unopened."

(2) Precious metals or jewelry shall be reported by submitting a duly completed Form DFS-A4-2005, Mail-in Secondhand Precious Metals Dealer Report, effective \_\_\_\_\_, hereby incorporated by reference and available from the Department of Financial Services, Bureau of Unclaimed Property, 200 East Gaines Street, Tallahassee, Florida 32399-0358. The report shall accompany the precious metal or jewelry. If the package contains precious metal or jewelry belonging to more than one seller, each report shall either be attached to the precious metal or jewelry belonging to each seller or each report must be placed in a separate container with the corresponding precious metal or jewelry of each seller within the package marked on the outside "Deliver Unopened." The report shall specify:

(a) The seller's name, address, telephone number, e-mail address, and drivers license number or other government issued identification number together with the issuing state, if available.

(b) A complete and accurate description of the seller's goods, including:

1. Precious metal type, or, if jewelry, the type of jewelry.

2. Any other unique identifying marks, numbers, or letters.

(c) The date that the seller's goods were received by the mail-in secondhand precious metals dealer.

(d) The name of a person who may be contacted regarding the report and the remittance.

Rulemaking Authority 717.117(1), 717.138 FS. Law Implemented 538.31, 538.32, 717.117, 717.119 FS. History—New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Walter Graham, Chief, Bureau of Unclaimed Property

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Alex Sink, Chief Financial Officer

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 7, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 22, 2010

**DEPARTMENT OF FINANCIAL SERVICES**

**Division of Accounting and Auditing**

RULE NO.:

69I-44.022

RULE TITLE:

Report of Unclaimed Property Under Sections 43.19, 402.17, 550.1645, 705.103, 732.107, 733.816 or 744.534, Florida Statutes

PURPOSE AND EFFECT: Proposed Rule 69I-44.022, F.A.C., incorporates a form into the Department’s rules for the reporting of the unclaimed funds in accordance with Sections 43.19, 402.17, 550.1645, 705.103, 732.107, 733.816 and 744.534, Florida Statutes.

SUMMARY: Proposed Rule 69I-44.022, F.A.C., relates to the reporting of the unclaimed funds in accordance with Sections 43.19, 402.17, 550.1645, 705.103, 732.107, 733.816 and 744.534, Florida Statutes.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The agency has determined that this rule will not have an impact on small business. A SERC has not been prepared by the agency.

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: 717.117(1), 717.138 FS.

LAW IMPLEMENTED: 43.19, 402.17, 550.1645, 705.103, 732.107, 733.816, 744.534 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):

DATE AND TIME: Wednesday, July 28, 2010, 9:30 a.m.

PLACE: Suite B103, The Fletcher Building, 101 E. Gaines St., Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Paul Stadler, (850)413-3010 or paul.stadler@myfloridacfo.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Paul C. Stadler, Jr., Assistant General Counsel, Department of Financial Services, 200 E. Gaines St., Tallahassee, Florida 32399-4247, (850)413-3010

THE FULL TEXT OF THE PROPOSED RULE IS:

69I-44.022 Report of Unclaimed Property Under Sections 43.19, 402.17, 550.1645, 705.103, 732.107, 733.816 or 744.534, Florida Statutes.

A report of unclaimed property under Sections 43.19, 402.17, 550.1645, 705.103, 732.107, 733.816 or 744.534, Florida Statutes, shall be duly completed using Form DFS-A4-1942, Report of Unclaimed Property under Sections 43.19, 402.17, 550.1645, 705.103, 732.107, 733.816 or 744.534, Florida Statutes, effective \_\_\_\_\_, incorporated herein by reference

and available from the Florida Department of Financial Services, Bureau of Unclaimed Property, 200 East Gaines Street, Tallahassee, Florida 32399-0358.

Rulemaking Authority 17.29, 624.308(1) FS. Law Implemented 17.05(1), 17.29, 43.19, 402.17, 550.1645, 705.103, 732.107, 733.816, 744.534 FS. History–New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Walter Graham, Chief, Bureau of Unclaimed Property

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Alex Sink, Chief Financial Officer

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 7, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 22, 2010

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

#### DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

##### Division of Agricultural Environmental Services

RULE NO.: 5E-2.031  
RULE TITLE: Pesticide Registration; Exemptions from Registration; Experimental Use Permits

#### 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. 11, March 19, 2010 issue of the Florida Administrative Weekly.

5E-2.031 Pesticide Registration; Exemptions from Registration; Experimental Use Permits.

(1) through (10) No change.

(11)(a) Applicants for new or amended pesticide brand registration shall submit a completed form DACS-13342, Application for New or Amended Pesticide Product Brand Registration, Rev. 04/10 ~~42/09~~ together with the following documents: 1. One final printed label (that which appears on the product container); 2. One EPA stamped accepted label including a copy of any EPA comment, notification and amendment letter(s) issued in connection with acceptance of the label; 3. One Material Safety Data Sheet (MSDS), which includes a statement of emergency treatment; 4. For sub-registrations, the information required in item 2 above must be obtained from or submitted by the manufacturer along with the EPA Notice of Supplemental Distribution of a Registered Pesticide Product (EPA Form 8570-5) which is hereby adopted and incorporated by reference and may be obtained at the website <http://www.epa.gov/opprd001/forms/8570-5.pdf>.