

(e) Whether at the time of the violation, the person had developed and implemented reasonable supervisory, operational or technical procedures, or controls to avoid the violation;

(f) Whether the person attempted to conceal the violation or mislead or deceive the Office;

(g) The length of time over which the person engaged in the violations; and

(h) Other relevant, case-specific circumstances.

(26) The list of violations cited in this rule is intended to be comprehensive, but the omission of a violation from the list does not preclude the Office from taking any action authorized by Section 559.730, F.S.

(27) The ranges for administrative fines imposed by this rule are \$1,000 to \$3,500 for an "A" level fine; \$3,500 to \$7,500 for a "B" level fine; and \$7,500 to \$10,000 for a "C" level fine.

(28) The ranges for suspensions imposed by this rule are 3 to 10 days for an "A" level suspension; 10 to 20 days for a "B" level suspension; and 20 to 30 days for a "C" level suspension. However, the Office may, by order, impose a period of suspension shorter or longer than these ranges.

(29) A previous "occurrence" is the same or similar misconduct which was the subject of a Final Order entered by the Office prior to the acts or omissions which are the subject of the current action by the Office.

Rulemaking Authority 559.730(3) FS. Law Implemented 559.565(1), 559.72, 559.725(6), 559.730 FS. History—New _____.

Section II Proposed Rules

DEPARTMENT OF STATE

Division of Historical Resources

RULE NO.: RULE TITLE:
1A-37.001 Mission San Luis-Site Use and
 Rental

PURPOSE AND EFFECT: This rule amendment updates the use and rental guidelines for the Mission San Luis site including facilities and grounds to reflect current practices and procedures. The revisions also reflect the addition of the military Fort exhibit and more recently, the new Visitor Center opened in 2007 and 2009, respectively. The new Visitor Center is now available for use and rent.

SUMMARY: This rule amendment updates the use and rental process, and forms for the Mission San Luis' facilities or site.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: This rule amendment has no 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: 20.10(3), 267.031, 267.17(2)(b) FS.

LAW IMPLEMENTED: 267.061(1), 267.14, 267.17 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: November 16, 2010, 10:30 a.m.

PLACE: Mission San Luis, 2100 West Tennessee Street, Tallahassee, FL 32304

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: Dr. Ryan Wheeler, Chief, Bureau of Archaeological Research, at (850)245-6301; email: rjwheeler@dos.state.fl.us. 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: Dr. Ryan Wheeler, Chief, Bureau of Archaeological Research, Department of State, at (850)245-6301; email: rjwheeler@dos.state.fl.us, or General Counsel's Office, (850)245-6536

THE FULL TEXT OF THE PROPOSED RULE IS:

1A-37.001 Mission San Luis-Site Use and Rental of Mission San Luis Facilities.

(1) General provisions. Pursuant to Section 267.17, F.S., the grounds and facilities buildings of Mission San Luis (Mission) may be made available for visitation and for rental through an agreement with the Friends of Mission San Luis, Inc. (FOMSL) pursuant to Section 267.17, F.S.

(a) The Mission welcomes site uses and rentals that are appropriate and consistent with the seventeenth-century setting at this historic property.

(b) The use of the Mission grounds or the rental of Mission facilities should advance public knowledge and appreciation of the site. Facilities must be used in a manner consistent with the state policy relative to historic properties in Sections 267.14 and 267.061(1), F.S.

~~(c)(b) Mission San Luis is a National Historic Landmark, and an important historical and archaeological site. No digging or ground disturbance of any kind is permitted on site. Events shall not permanently alter the site with equipment or decorations.~~

~~(e)~~ Historical reconstructions at the Mission, including the church, council house, Spanish house, friary, kitchen, fort, and any future reconstructions are designated museum exhibits. The archaeological sensitivity and historical integrity of the site including these reconstructions buildings must be maintained at all times.

(d) Smoking is only permitted in designated areas in the Visitor Center's balcony, courtyard, and parking lot. Otherwise, the entire site is a non-smoking area.

~~(e) Food and beverages may be permitted in site facilities with proper approval.~~

~~(e)(f) The sale of Alcoholic beverages are is prohibited on the site except as provided in subsections (4) and (5); however, alcoholic beverages may be served free of charge at planned events.~~

~~(f)(g) Except for designated parking areas, no vehicles are permitted on the site grounds without proper approval. Service roads may be used for unloading or loading. Otherwise parking is only permitted, but vehicles must be parked in the designated visitor parking areas or other areas designated for special events.~~

(2) Definitions. The following words shall have the following meaning for the purposes of this rule:

(a) "Applicant" means any individual, group, partnership, corporation, organization or other legal entity that applies to the FOMSL for site use or rental.

(b) "Approved Provider" means any provider of food, beverages, or other event services, including cleaning, security, and parking or shuttle services approved by the FOMSL to provide these services for events held pursuant to the provisions of this rule.

(c) "Facility" shall be defined as any structure, building, or open area that the Mission opens for rental use.

(d) "FOMSL" refers to the Friends of the Mission San Luis.

(e) "Site" refers to the entire grounds and facilities of the Mission.

(f) "Rental user or "user" as used interchangeably means any individual, group partnership, corporation, organization or other legal entity that has applied to and been approved by the FOMSL for site use or rental.

~~(3)(2)(a)~~ Visitation. Subject to subsection (1), the Mission shall be open to the public during normal operating hours.

(a) Any person Visitors to the Mission may, without application or cost other than paid admission per the FOMSL published fee schedule, visit the Mission or otherwise use designated areas of the site for picnics and programs during the Mission's normal operating hours as posted on site.

(b) No fires or cooking of any kind is permitted by any visitor visitors.

(c) No visitor may permanently alter the site with equipment or decorations.

(d) No digging or ground disturbance of any kind is permitted.

(e) Tables and chairs already in the facilities, and outdoor picnic benches and tables are available for enjoyment and use of the site.

~~(4)(3) Rental use. Applicants may rent site facilities for planned events.~~

~~(a) The Visitor Center may be made available for meetings and events during or after normal operating hours, with the exception of the theatre, which is only available after normal operating hours. The Education Building may be made available for private meetings for up to 50 persons during or after normal operating hours.~~

~~(b) The Historic Grounds and Reconstructions may be made available for rental during and after normal operating hours for catered events.~~

~~(c) No event scheduled during normal operating hours shall Any scheduled event taking place during normal operating hours shall be open to the public and must not interfere with other visitors' enjoyment of the site.~~

~~(d) No food or beverage, and other products or services associated with a rental of the Mission is permitted other than through an agreement with FOMSL. FOMSL may enter into a third-party agreement to provide such food, beverages, other products or services.~~

~~(e) Consumption of alcoholic beverages is permitted only in the Visitor Center complex provided it is secured through a FOMSL contracted provider of food and beverages. The FOMSL or the Department of State shall refuse service to and evict from the premises any member of any party who, because of intoxication or other unreasonable action, creates a disturbance or threatens the peace, tranquility, or safety of guests or property, or may be in violation of any beverage law.~~

~~(f) Events shall not permanently alter the site with equipment or decorations. Only non-staked tents may be used. Tents which require stakes to be driven into the ground are prohibited.~~

~~(g) A rental user must abide by the provisions of this rule, and the terms and conditions of Mission San Luis Site Use and Rental Application and Agreement (Form MSL01) as set forth in subsection (5).~~

~~(5)(4) Rental process-application, approval and fees.~~

~~(a) Any applicant who wishes to rent pursuant to subsection (4), person desiring to obtain approval for the rental of a Mission San Luis facility must first shall submit a completed Mission San Luis Site Use and Rental Application and Agreement (Form MSL01)(rev. /). This form is incorporated by reference and available at <http://www.missionsanluis.org/>, or by visiting or writing to the Mission at 2100 West Tennessee Street, Tallahassee, Florida 32304 the Application for the Rental of a Mission San Luis Facility Form, Form MSL01, Effective 6/06, prescribed by the~~

Department of State, Division of Historical Resources. The form is incorporated by reference herein and is available from the Mission San Luis Visitor Center.

(5) ~~Unless otherwise specified, application and approval for the rental of an Historic Reconstruction facility is for a single event not to exceed one day. The application and approval for the rental of the Education Building is for a single event not to exceed four hours. An Education Building event that exceeds four hours will be subject to an additional four hour fee. Facilities must be used in a manner consistent with the Legislature's intent to preserve the historic nature and dignity of state properties as enunciated in Sections 267.061 and 267.14, F.S. Events that do not uphold or that interfere with the historic nature of the Mission shall not be approved. An approved event that the Mission subsequently determines does not uphold or that interferes with the historic nature of the Mission shall be cancelled.~~

(6) The completed and signed application Applications and supporting documents must shall be filed with the Visitor Center Manager Director, Mission San Luis, 2100 West Tennessee Street 2021 Mission Road, Tallahassee, Florida 32304, no less than sixty (60) days in advance of the planned event. For catered events that include food and beverages, the Applicant must contract separately with an approved provider of food and beverages.

(b) The FOMSL has the right to approve or deny all rental requests in accordance with this rule.

1. No political fundraising activities are allowed. Other fundraising and revenue generating activities may be allowed in accordance with this rule.

2. Events that do not uphold or that interfere with the historic nature of the Mission shall not be approved.

3. An approved event that the FOMSL or the Department subsequently determines does not uphold or that interferes with the historic nature of the Mission shall be cancelled.

4. Events cannot include outside vendors selling to guests or attendees without the prior written permission of the FOMSL. Authorization may be granted by FOMSL when Mission resources are not adversely affected, when existing contractual relationships are not impaired or adversely affected, when a needed visitor service or product is provided, and when the provision of the product and/or service is consistent with MSL management practices as set out in this rule.

5. The FOMSL or the Department shall notify an applicant in writing if the rental application (MSL01) is approved or denied.

(7) ~~Definitions. The following words shall have the following meanings for the purposes of this rule:~~

(a) ~~“Facility” shall be defined as any structure, building, or open area that the Mission opens for rental use.~~

(b) ~~“Site” refers to the entire grounds and facilities of the Mission.~~

(c)(8) Rental and other fees for Mission facilities and other expenses described shall be established by the Department and may be revised, as needed, in accordance with this rule. Rental fees for specific facilities are listed on Form MSL01. An initial deposit of fifty (50) percent of the listed fee is required at least forty-five (45) days prior to the date of the event. The remaining fifty (50) percent is due the day of the event. Cancellation of an event more than thirty (30) days prior to the scheduled date is without penalty and the Mission will return the deposit. Persons canceling an event less than thirty (30) days prior to the scheduled date will be responsible for one hundred (100) percent of the fee.

1. Fees shall be based on the cost of managing and operating the Mission site, the type of facility rented, the type of event, the season, and the historical and archeological value of the Mission site.

2. Fees shall also be relatively comparable to other similar rental space providers in the area.

3. The fee schedule shall be advertised once in the Florida Administrative Weekly, published on the Mission's webbiest at: www.missionsanluis.org, and posted conspicuously on the Mission's Visitor's Center before it is formally approved. A hearing on the fee schedule may be held upon request. The Secretary of State or designee must subsequently approve in writing any fee schedule before it becomes final. The fee schedule in effect may be obtained at <http://www.missionsanluis.org/>, or by visiting or writing to the Mission at 2100 West Tennessee Street, Tallahassee, Florida 32304.

4.(a) Rental fees only include the rental of the facilities. Other fees, in addition to rental fees, Additional fees will apply if:

a.1- The event requires the use of the Mission's audio-visual equipment.; ~~or~~

b.2- The event requires special staffing, set-up, and clean-up.; ~~or~~

c.3- If Tthe scheduled event takes place after normal hours.

d. The FOMSL determines, based on the nature and extent of the rental use, that there is a need for valet parking service, shuttle service and security personnel which shall be arranged through approved providers.

4. The fee for the use of Mission personnel for will be at a rate of ten (10) dollars per hour per Mission employee. The number of Mission employees will be determined prior to event approval and will be based on size and nature of the event.

(b) With the exception of the tables and chairs provided with the rental of the Education Building and the outdoor picnic benches, the Mission does not supply tables, chairs, or tents. Applicants are responsible for providing all equipment

needed for an event. All equipment must be approved for use at an event. Tents which require stakes to be driven into the ground are prohibited.

~~5.(e) An agency, as defined by Sections 120.52(1) and (2), F.S., but not including Section 120.52(1)(b)8., F.S., authorized staff members of that agency, and FOMSL, and contributors to FOMSL may use the facilities free of charge for official agency functions or official FOMSL business; but must comply with all other facility rental fee requirements, including use of and fees for audio-visual equipment, special staffing, set-up and clean-up and overtime charges, cleaning deposit, and other charges related to catered events. Any alternative arrangements for food and beverages must first be reviewed by an approved provider to determine how such arrangement will be handled. Events by the abovementioned parties, not in the course of official FOMSL business or an official agency function are permitted, free of charge, but require prior approval.~~

Rulemaking Specific Authority 20.10(3), 267.031(1), 267.17(2)(b) FS. Law Implemented 267.031(2), 267.061, 267.14, 267.17 FS. History—New 7-19-06, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Dr. Ryan J. Wheeler, Chief, Bureau of Archaeological Research

NAME OF SUPERVISOR OF PERSON WHO APPROVED THE PROPOSED RULE: Scott M. Stroh, Director, Division of Historical Resources

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 13, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 3, 2010

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Aquaculture

RULE NO.: RULE TITLE:

5L-1.003 Shellfish Harvesting Area Standards

PURPOSE AND EFFECT: These amendments propose to reclassify the Apalachicola Bay System shellfish harvesting area. A sanitary survey has been conducted that evaluated current information on pollution sources and bacteriological water quality, and recommends reclassification of the Apalachicola Bay System shellfish harvesting area. This amendment further proposes to simplify the nomenclature of shellfish harvesting areas and update scientific names.

SUMMARY: The proposed reclassification of the Apalachicola Bay System shellfish harvesting area will: a) increase the combined size of Approved areas #1611 and #1601 by 1,499 acres, from 30,256 acres to 31,755 acres b) increase the size of Conditionally Approved area #1642 by 787 acres, from 5,557 acres to 6,344 acres c) decrease the size of the Conditionally Approved area #1612 by 2,064 acres, from 8,709 acres to 6,645 acres d) increase the size of the Conditionally Approved area #1622 by 1,879 acres from

20,834 acres to 22,713 acres e) convert the 10,696 acre Conditionally Restricted area into two Restricted areas to be named Zone A and Zone B with 10,761 acres and 286 acres respectively, f) establish a third Restricted area to be named Zone C of 92 acres, and g) increase the size of the Prohibited area by 226 acres, from 11,059 acres to 11,285 acres.

The current management of the Apalachicola Bay System shellfish harvesting area is based on local rainfall and/or river levels. Proposed management of the Apalachicola Bay System shellfish harvesting area is based on local rainfall and/or river levels. The average closure frequency of Conditionally Approved area #1622 is expected to decrease 1.8 days per month from 6.4 days per month to 4.6 days per month, decrease for the Conditionally Approved area #1632 by 0.2 days per month from 5.4 to 5.2 days per month and decrease for the Conditionally Approved area #1642 by 0.7 days per month from 2.4 to 1.7 days per month.

Harvest area names in the Apalachicola Bay System will be simplified to make them easier to understand. The previous scientific name of the dinoflagellate *Gymnodinium breve* will be replaced with the current name *Karenia brevis* in the rule text.

These amendments place descriptions, references to shellfish harvesting area map numbers and operating criteria for the Apalachicola Bay System shellfish harvesting area #16 in the document Shellfish Harvesting Area Classification Boundaries and Management Plans. These documents are hereby incorporated in subsection 5L-1.003(1), F.A.C. Additionally, these amendments provide illustrations of the Apalachicola Bay System shellfish harvesting area classification boundaries in shellfish harvesting area maps #16A and #16B. These maps are hereby incorporated by reference in subsection 5L-1.003(1), F.A.C.

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 been prepared by the agency. There is no anticipated regulatory cost.

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: 597.020 FS.

LAW IMPLEMENTED: 597.020 FS.

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

DATE AND TIME: November 23, 2010, 3:00 p.m. – 5:00 p.m., Eastern Standard Time

PLACE: Franklin County Courthouse Annex, Commission Meeting Room, 34 Forbes Street, Apalachicola, 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 7 days before the workshop/meeting by contacting: Chris Brooks, Division of Aquaculture, 1203 Governor’s Square Boulevard, 5th Floor, Tallahassee, Florida 32301, phone: (850)488-4033. 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: Chris Brooks, Division of Aquaculture, 1203 Governor’s Square Boulevard, 5th Floor, Tallahassee, Florida 32301, phone: (850)488-4033

THE FULL TEXT OF THE PROPOSED RULE IS:

5L-1.003 Shellfish Harvesting Area Standards.

(1) The Department shall describe and/or illustrate harvesting areas and provide harvesting area classifications as approved, conditionally approved, restricted, conditionally restricted, prohibited, or unclassified as defined herein, including criteria for opening and closing shellfish harvesting areas in accordance with Chapters II and IV of the National Shellfish Sanitation Program Model Ordinance. Copies of the document Shellfish Harvesting Area Classification Maps, revised _____ ~~December 28, 2009~~, and the document Shellfish Harvesting Area Classification Boundaries and Management Plans, revised _____ ~~December 28, 2009~~, containing shellfish harvesting area descriptions, references to shellfish harvesting area map numbers, and operating criteria herein incorporated by reference may be obtained by writing to the Department at 1203 Governor’s Square Boulevard, 5th Floor, Tallahassee, Florida 32301 or is available on the Division’s website at www.FloridaAquaculture.com/pub.htm.

(2) through (7) No change.

(8) Approved, conditionally approved, restricted, or conditionally restricted waters shall be temporarily closed to the harvesting of shellfish when counts of the red tide organism *Karenia brevis* ~~*Gymnodinium breve*~~ exceed 5000 cells per liter in bays, estuaries, passes or inlets adjacent to shellfish harvesting areas. Areas closed to harvesting because of presence of the red tide organism shall not be reopened until counts are less than or equal to 5000 cells per liter inshore and offshore of the affected shellfish harvesting area, and shellfish meats have been shown to be free of toxin by laboratory analysis.

(9) through (10) No change.

(11) Shellfish harvesting area numbers are as follows:

| AREA NUMBER | HARVEST AREA NAME |
|-------------|---|
| 0212 | Pensacola Bay Conditionally Approved Escambia Bay Shellfish Aquaculture Lease Areas managed during the Summer months of Jul – Sep |
| 0222 | Pensacola Bay Conditionally Approved Escambia Bay |

| | |
|-------------|---|
| 0232 | Pensacola Bay Conditionally Approved East Bay |
| 0216 | Pensacola Bay Conditionally Restricted Escambia Bay |
| 0226 | Pensacola Bay Conditionally Restricted East Bay |
| 0622 | Choctawhatchee Bay Conditionally Approved Central |
| 0632 | Choctawhatchee Bay Conditionally Approved Eastern |
| 0806 | West Bay Conditionally Restricted Spring/Fall Apr – Jun, Oct – Nov |
| 0812 | West Bay Conditionally Approved Winter Dec – Mar |
| 0822 | West Bay Conditionally Approved Spring/Fall Apr – Jun, Oct – Nov |
| 1012 | North Bay Conditionally Approved Western |
| 1022 | North Bay Conditionally Approved Eastern |
| 1006 | North Bay Conditionally Restricted Eastern |
| 1206 | East Bay Conditionally Restricted |
| 1212 | East Bay Conditionally Approved Section 1 |
| 1222 | East Bay Conditionally Approved Section 2 |
| 1401 | St. Joe Bay Approved |
| 1506 | Indian Lagoon Conditionally Restricted |
| 1512 | Indian Lagoon Conditionally Approved Spring/Fall Mar – Jun, Oct |
| 1542 | Indian Lagoon Conditionally Approved Zone A Winter Nov – Feb |
| 1552 | Indian Lagoon Conditionally Approved Zone B Winter Nov – Feb |
| 1572 | Indian Lagoon Conditionally Approved Summer Jul – Sep |
| 1611 | Apalachicola Bay Approved Winter Jan – May, Sept – Dec |
| <u>1601</u> | <u>Apalachicola Bay Approved Jan – May, Sept – Dec</u> |
| 1621 | Apalachicola Bay Approved Summer June – Aug |
| 1631 | Apalachicola Bay Approved, Shellfish lease numbers 525, 551, 551B, 580, 582, 609, 672, and 981 Summer June – Aug |
| 1612 | Apalachicola Bay Conditionally Approved West 1-Winter Jan – May, Sept – Dec |
| 1622 | Apalachicola Bay Conditionally Approved West 2-Winter Jan – May, Sept – Dec |
| 1632 | Apalachicola Bay Conditionally Approved West 3-Winter Jan – May, Sept – Dec |
| <u>1641</u> | <u>Apalachicola Bay Approved Jun – Aug</u> |
| 1642 | Apalachicola Bay Conditionally Approved East Winter Jan – May, Sept – Dec or Apalachicola Bay Approved East Hole Summer June – Aug |

| | | | |
|-----------------|---|------|--|
| 1652 | Apalachicola Bay Conditionally Approved North-Summer June – Aug | 5402 | Sarasota Bay Conditionally Approved |
| 1662 | Apalachicola Bay Conditionally Approved South-Summer June – Aug | 5602 | Lemon Bay Conditionally Approved |
| 1606 | Apalachicola Bay Conditionally Restricted | 5802 | Gasparilla Sound Conditionally Approved |
| <u>1605</u> | <u>Apalachicola Bay Restricted Zone A, Zone B and Zone C</u> | 6002 | Myakka River Conditionally Approved |
| 1802 | Alligator Harbor Conditionally Approved | 6006 | Myakka River Conditionally Restricted |
| 2002 | Ochlockonee Bay Conditionally Approved | 6212 | Pine Island Sound Conditionally Approved Western Section |
| 2006 | Ochlockonee Bay Conditionally Restricted | 6222 | Pine Island Sound Conditionally Approved Eastern Section |
| 2206 | Wakulla County Conditionally Restricted | 6602 | Ten Thousand Islands Conditionally Approved |
| 2212 | Wakulla County Conditionally Approved Zone 1 Winter | 7001 | Indian River/St. Lucie Approved |
| 2222 | Wakulla County Conditionally Approved Zone 2 Winter | 7006 | Indian River/St. Lucie Restricted |
| 2232 | Wakulla County Conditionally Approved Zone 1 Spring | 7202 | North Indian River Conditionally Approved |
| 2242 | Wakulla County Conditionally Approved Zone 2 Spring | 7206 | North Indian River Conditionally Restricted |
| 2302 | St. Marks Conditionally Approved | 7412 | Body F Conditionally Approved |
| 2303 | St. Marks Prohibited | 7416 | Body F Conditionally Restricted |
| 2501 | Horseshoe Beach Approved Summer Apr – Sep | 7506 | Body E Conditionally Restricted |
| 2502 | Horseshoe Beach Conditionally Approved Winter Oct – Mar | 7602 | Body D Conditionally Approved |
| 2506 | Horseshoe Beach Conditionally Restricted Winter Oct – Mar | 7606 | Body D Conditionally Restricted |
| 2802 | Suwannee Sound Conditionally Approved Spring Summer Feb – May and Sept or Suwannee Sound Conditionally Approved Winter Oct – Jan | 7712 | Body C Conditionally Approved Zone 1 Spring/Summer/Fall Mar – Nov |
| 2806 | Suwannee Sound Conditionally Restricted Spring Summer Feb-May and Sept or Suwannee Sound Conditionally Restricted Winter Oct – Jan | 7722 | Body C Conditionally Approved Zone 2 Spring/ Summer/Fall Mar – Nov |
| 3012 | Cedar Key Conditionally Approved Zone A | 7732 | Body C Conditionally Approved Winter Dec – Feb |
| 3022 | Cedar Key Conditionally Approved Zone B | 7716 | Body C Conditionally Restricted Winter Dec – Feb |
| 3006 | Cedar Key Conditionally Restricted | 7726 | Body C Conditionally Restricted Spring/ Summer/Fall Mar – Nov |
| 3202 | Waccasassa Bay Conditionally Approved | 7812 | Body B Conditionally Approved Zone 1 |
| 3206 | Waccasassa Bay Conditionally Restricted | 7822 | Body B Conditionally Approved Zone 2 |
| 3402 | Withlacoochee Bay Conditionally Approved | 7902 | South Banana River Conditionally Approved |
| 3406 | Withlacoochee Bay Conditionally Restricted | 7906 | South Banana River Conditionally Restricted |
| 3701 | Citrus County Approved Spring / Fall Mar. – June and Oct. | 8001 | Body A Approved |
| 3702 | Citrus County Conditionally Approved Winter Nov. – Feb. | 8005 | Body A Restricted |
| 3705 | Citrus County Restricted Spring / Fall Mar. – June and Oct. | 8201 | South Volusia Approved |
| 3706 | Citrus County Conditionally Restricted Winter Nov. – Feb. | 8212 | South Volusia Conditionally Approved Zone 1 |
| 4202 | Boca Ciega Bay Conditionally Approved | 8222 | South Volusia Conditionally Approved Zone 2 |
| 4802 | Lower Tampa Bay Conditionally Approved | 8206 | South Volusia Conditionally Restricted |
| | | 8802 | St. Johns South Conditionally Approved |
| | | 8806 | St. Johns South Conditionally Restricted |
| | | 9202 | St. Johns North Conditionally Approved |
| | | 9206 | St. Johns North Conditionally Restricted |
| | | | Rulemaking Authority 597.020 FS. Law Implemented 597.020 FS. History–New 1-4-87, Amended 8-10-88, 7-9-89, 12-23-91, Formerly 16R-7.004, Amended 7-3-95, 6-18-97, 7-1-97, 7-22-97, 10-12-97, 12-16-97, 12-28-97, 2-12-98, 2-25-98, 7-1-98, 7-20-98, 11-13-98, 12-28-98, 3-18-99, 7-1-99, Formerly 62R-7.004, Amended 6-19-00, 8-9-00, 10-14-01 (1), 10-14-01 (1), 8-17-04, 9-28-04, 9-5-05, 6-11-06, 3-11-07, 10-2-07, 4-14-08, 7-28-08, 5-5-09, 6-18-09, 12-28-09, |

NAME OF PERSON ORIGINATING PROPOSED RULE:
Sherman Wilhelm
NAME OF AGENCY HEAD WHO APPROVED THE
PROPOSED RULE: Charles Bronson, Commissioner,
Department of Agriculture and Consumer Services
DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: October 5, 2010
DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: May 7, 2010

DEPARTMENT OF TRANSPORTATION

RULE NO.: RULE TITLE:
14-15.0081 Toll Facilities Description and Toll
Rate Schedule

PURPOSE AND EFFECT: The Florida Department of Transportation (Department) is proposing changes to the Toll Facilities Description and Toll Rate Schedule to establish tolls for the I-4/Lee Roy Selmon Expressway Interchange (Connector), a SunPass-only facility connecting I-4 and the Lee Roy Selmon Expressway in Tampa. Section 338.155(1), Florida Statutes, does not permit the use of the State’s toll facilities without paying a toll.

SUMMARY: The Department is proposing to toll the Connector, a limited-access interchange that extends from the Lee Roy Selmon Expressway north along the west side of 31st Street to I-4 in Tampa. This is an elevated roadway that includes a series of separate ramps intended to improve the regional movement of traffic throughout the Tampa Bay area and provide dedicated truck lanes for direct access to the Port of Tampa. It is consistent with proposed improvements to I-4, the Lee Roy Selmon Reversible Lanes Project, and the Causeway Boulevard Port Access Improvement Project. Tolls are proposed to be collected from vehicles using the SunPass and TOLL-BY-Plate electronic toll collection programs by an overhead gantry located on the project south of 7th Avenue.

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), 338.155(1) FS.
LAW IMPLEMENTED: 338.155, 338.221, 338.222, 338.2215, 338.2216, 338.223, 338.231, 338.233 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:

14-15.0081 Toll Facilities Description and Toll Rate Schedule.

The Toll Facilities Description and Toll Rate Schedule, adopted November 15, 1987, and amended on February 8, 1988, August 1, 1988, February 2, 1989, May 10, 1989, July 1, 1991, August 1, 1991, November 6, 1991, July 11, 1993, November 28, 1993, September 18, 1994, June 6, 1995, July 9, 1995, January 1, 1996, March 31, 1996, April 28, 1996, June 2, 1996, July 28, 1996, September 23, 1997, November 24, 1997, February 12, 1998, June 30, 1998, July 29, 1998, January 6, 1999, February 9, 1999, April 29, 1999, June 21, 1999, September 4, 2001, March 26, 2002, and April 10, 2003, October 1, 2003, December 11, 2003, March 7, 2004, May 20, 2004, November 1, 2005, February 5, 2006, July 27, 2006, October 26, 2006, January 15, 2007, May 17, 2010, and _____, is hereby incorporated by this rule and made a part of the rules of the Department. Copies of this Department of Transportation Toll Facilities Description and Toll Rate Schedule and any amendments thereto are available at no more than cost.

Rulemaking Authority 334.044(2), 338.155(1) FS. Law Implemented 338.155, 338.222, 338.2216, 338.231 FS. History—New 11-15-87, Amended 2-8-88, 8-1-88, 2-2-89, 5-10-89, 7-1-91, 8-1-91, 11-6-91, 7-11-93, 11-28-93, 9-18-94, 6-6-95, 7-9-95, 1-1-96, 3-31-96, 4-28-96, 6-2-96, 7-28-96, 9-23-97, 11-24-97, 2-12-98, 6-30-98, 7-29-98, 1-6-99, 2-9-99, 4-29-99, 6-21-99, 9-4-01, 3-26-02, 4-10-03, 10-1-03, 12-11-03, 3-7-04, 5-20-04, 11-1-05, 2-5-06, 7-27-06, 10-26-06, 1-15-07, 5-17-10, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Kevin Thibault, Interim Executive Director, Florida’s Turnpike Enterprise

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Stephanie C. Kopelousos, Secretary
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 12, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 3, 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.”

STATE BOARD OF ADMINISTRATION

RULE NO.: RULE TITLE:
19-8.010 Reimbursement Contract

PURPOSE AND EFFECT: The State Board of Administration, Florida Hurricane Catastrophe Fund, seeks to amend the rule listed above to implement Section 215.555, Florida Statutes.

SUMMARY: The rule is being amended to adopt the 2011/2012 Reimbursement Contract, including Addenda and Optional Amendment.

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: 215.555(3) FS.

LAW IMPLEMENTED: 215.555(2), (3), (4), (5), (6), (7), (10), (16), (17) 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:

DATE AND TIME: November 15, 2010, 9:00 a.m. – 12:00 p.m. (ET)

PLACE: Room 116 (Hermitage Conference Room), 1801 Hermitage Blvd., Tallahassee, Florida 32308. Persons wishing to participate by telephone may dial (888)808-6959 and enter conference code 4765251363

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: Tracy Allen, (850)413-1341 or tracy.allen@sbafla.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: Tracy Allen, 1801 Hermitage Blvd., Tallahassee, FL 32308, (850)413-1341 or tracy.allen@sbafla.com

THE FULL TEXT OF THE PROPOSED RULE IS:

19-8.010 Reimbursement Contract.

(1) through (4) No change.

(5) The reimbursement contract for the 1999-2000 contract year required by Section 215.555(4), F.S., which is called Form FHCF-1999K – “Reimbursement Contract (“Contract”) between (name of insurer) (the “Company”)/NAIC#() and The State Board of Administration of the State of Florida (“SBA”) which administers the Florida Hurricane Catastrophe Fund (“FHCF”), rev. 05/99, is hereby adopted and incorporated by reference into this rule. Addendum No. 1 to the 1999-2000 reimbursement contract, which is called Form FHCF-1999K-1; – “Reimbursement Contract (“Contract”) between (name of insurer) (the “Company”)/NAIC#() and The State Board of Administration

of the State of Florida (“SBA”) which administers the Florida Hurricane Catastrophe Fund (“FHCF”), rev. 08/99, is hereby adopted and incorporated by reference into this rule.

(6) through (10) No change.

(11) The reimbursement contract for the 2005-2006 contract year required by Section 215.555(4), F.S., which is called Form FHCF-2005K – “Reimbursement Contract” or “Contract” between (name of insurer) (the “Company”)/NAIC#() and the State Board of Administration of the State of Florida (“SBA”) which administers the Florida Hurricane Catastrophe Fund (“FHCF”), rev. 05/05, is hereby adopted and incorporated by reference into this rule. This contract is effective from June 1, 2005 through May 31, 2006. Addendum No. 1 to the 2005-2006 Reimbursement Contract, which is called Form FHCF-2005K-1; “Reimbursement Contract (Contract) between (name of insurer) (the Company)/NAIC#() and the State Board of Administration of the State of Florida (SBA) which administers the Florida Hurricane Catastrophe Fund (FHCF)”, rev. 06/05, is hereby adopted and incorporated by reference into this rule.

(12) through (16) No change.

(17) The reimbursement contract for the 2011-2012 contract year, including all Amendments and Addenda, required by Section 215.555(4), F.S., which is called Form FHCF-2011K – “Reimbursement Contract” or “Contract” between (name of insurer) (the “Company”)/NAIC#() and The State Board of Administration of the State of Florida (“SBA”) which administers the Florida Hurricane Catastrophe Fund (“FHCF”), rev. _____, is hereby adopted and incorporated by reference into this rule. This contract is effective from June 1, 2011 through May 31, 2012.

~~(18)~~(17) Copies of the reimbursement contract may be obtained from the FHCF website, www.sbafla.com/fhcf or by contacting the State Board of Administration. The mailing address is P. O. Box 13300, Tallahassee, Florida 32317-3300. The street address is 1801 Hermitage Blvd., Tallahassee, Florida 32308 and the telephone number is (850)413-1341.

Rulemaking Authority 215.555(3) FS. Law Implemented 215.555 FS. History—New 5-31-94, Amended 8-29-95, 5-19-96, 6-19-97, 5-28-98, 5-17-99, 9-13-99, 6-19-00, 6-3-01, 6-2-02, 11-12-02, 5-13-03, 5-19-04, 8-29-04, 5-29-05, 11-13-05, 5-10-06, 9-5-06, 5-8-07, 8-13-07, 6-8-08, 9-2-08, 3-30-09, 8-23-09, 3-29-10, 8-8-10, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Jack E. Nicholson, FHCF Chief Operating Officer, State Board of Administration

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: The Trustees of the State Board of Administration of Florida

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 12, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 10, 2010

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-601.314
 RULE TITLE: Rules of Prohibited Conduct and Penalties for Infractions

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to eliminate reference to “attempted conspiracy,” add reference to “solicitation” as prohibited conduct, and clarify that an inmate may not engage in or attempt to engage in a business or professional relationship with a volunteer.

SUMMARY: The proposed rule eliminates reference to “attempted conspiracy,” adds reference to “solicitation” as prohibited conduct, and clarifies that an inmate may not engage in or attempt to engage in a business or professional relationship with a volunteer.

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 FS.

LAW IMPLEMENTED: 20.315, 944.09, 944.14, 944.279, 944.28 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:

33-601.314 Rules of Prohibited Conduct and Penalties for Infractions.

The following table shows established maximum penalties for the indicated offenses. As used in the table, “DC” means the maximum number of days of disciplinary confinement that may be imposed and “GT” means the maximum number of days of gain time that may be taken. Any portion of either penalty may be applied.

SECTIONS 1 through 8 No change.

SECTION 9 – MISCELLANEOUS INFRACTIONS

| | | |
|-----|---|---------------|
| 9-1 | Obscene or profane act, gesture, or statement – oral, written, or signified | 30 DC + 90 GT |
| 9-2 | Bribery or attempted bribery | 30 DC + 90 GT |
| 9-3 | Breaking and entering or attempted breaking | 30 DC + 90 GT |

| | | |
|------|---|----------------|
| 9-4 | Attempt, conspiracy, or <u>solicitation</u> attempted conspiracy to commit any crime or violation of the Rules of Prohibited Conduct | 30 DC + 90 GT |
| 9-5 | Theft of property under \$50.00 in value | 30 DC + 60 GT |
| 9-6 | Bartering with others | 15 DC + 30 GT |
| 9-7 | Sex acts or unauthorized physical contact involving inmates | 30 DC + 90 GT |
| 9-9 | Tattooing, being tattooed, branding or body art to include body piercing. | 30 DC + 60 GT |
| 9-10 | Lying to staff member or others in official capacity, or falsifying records | 60 DC + All GT |
| 9-11 | Feigning illness or malingering as determined by a physician or medical authority | 10 DC + 15 GT |
| 9-12 | Gambling or possession of gambling paraphernalia | 10 DC + 15 GT |
| 9-13 | Insufficient work: This constitutes an inmate not working up to expectation, taking into consideration the inmate’s physical condition, the degree of difficulty of assignment, and the average performance by fellow inmates assigned to the same task | 10 DC + 15 GT |
| 9-14 | Mail regulation violations | 30 DC + 30 GT |
| 9-15 | Visiting regulation violations | 30 DC + 30 GT |
| 9-16 | Refusing to work or participate in mandatory programs | 60 DC + 90 GT |
| 9-17 | Disorderly conduct | 30 DC + 60 GT |
| 9-18 | Unauthorized physical contact involving non-inmates | 60 DC + 90 GT |
| 9-19 | Presenting false testimony or information before Disciplinary Team, Hearing Officer, or Investigating Officer | 60 DC + All GT |
| 9-20 | Extortion or attempted extortion | 60 DC + 60 GT |
| 9-21 | Fraud or attempted fraud | 30 DC + 90 GT |
| 9-22 | Robbery or attempted robbery | 60 DC + All GT |
| 9-23 | Theft of property exceeding \$50 in value | 60 DC + All GT |
| 9-24 | Loaning or borrowing money or other valuables | 15 DC + 30 GT |
| 9-25 | Telephone regulation violations | 30 DC + 30 GT |
| 9-26 | Refusing to submit to substance abuse testing | 60 DC + 180 GT |
| 9-27 | Use of unauthorized drugs – as evidenced by positive results from urinalysis test, or observable behavior | 60 DC + 180 GT |
| 9-28 | Canteen Shortage under \$50.00 | 30 DC + 60 GT |
| 9-29 | Canteen Shortage over \$50.00 | 60 DC + All GT |
| 9-31 | Use of Alcohol – as evidenced by positive results from authorized tests, or by observable behavior | 30 DC + 90 GT |

| | | | |
|------|---|----------------|--|
| 9-32 | In accordance with Section 944.279(1), F.S., is found by the court to have brought a frivolous or malicious suit, action, claim, proceeding or appeal in any court, or to have brought a frivolous or malicious collateral criminal proceeding or is found by the court to have knowingly or with reckless disregard for the truth brought false information or evidence before the court. | 60 DC + All GT | Rulemaking Authority 944.09 FS. Law Implemented 20.315, 944.09, 944.14, 944.279, 944.28 FS. History–New 3-12-84, Amended 1-10-85, Formerly 33-22.12, Amended 12-30-86, 9-7-89, 11-22-90, 6-2-94, 10-1-95, 3-24-97, 7-9-98, 8-13-98, Formerly 33-22.012, Amended 9-30-99, 6-7-00, 4-18-02, 10-10-04, 1-9-05, 4-17-05, 6-5-05, 10-27-05, 10-12-06, 11-8-07, 5-18-08, 11-9-08, 5-11-09, |
| 9-33 | Tampering with, defeating or depriving staff of any security device. Security devices include: locks; locking devices; electronic detection systems; personal body alarm transmitters and receivers; handheld radios; restraint devices such as handcuffs, waist chains, leg irons and handcuff covers; keys; video and audio monitoring and recording devices; security lighting; weapons; and any other device utilized to ensure the security of the institution. | 60 DC + All GT | NAME OF PERSON ORIGINATING PROPOSED RULE: George Sapp, Deputy Secretary of Institutions NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Walter A. McNeil, Secretary DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 9, 2010 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 24, 2010 |
| 9-34 | Tampering with or defeating any fire or other safety device. Safety devices include: fire, smoke, and carbon dioxide detection devices; alarm systems; fire suppression systems and devices such as fire sprinklers, fire extinguishers, and dry chemical systems; safety and emergency lighting; exit lights; evacuation route and warning placards; self-contained breathing apparatuses; personal protective equipment; first aid kits; eye wash stations; and any other device utilized to ensure the safety of the institution, staff and inmates. | 60 DC + All GT | <p>DEPARTMENT OF MANAGEMENT SERVICES</p> <p>Division of Purchasing</p> <p>RULE NOS.: RULE TITLES:</p> <p>60A-1.002 Purchase of Commodities or Contractual Services</p> <p>60A-1.016 Contract and Purchase Order Requirements</p> <p>60A-1.025 State Purchasing Agreements</p> <p>60A-1.041 Solicitation Requirements</p> <p>PURPOSE AND EFFECT: To update Chapter 60A-1, Florida Administrative Code with needed changes, and to incorporate changes from Chapter 2010-151, Laws of Florida, and to clarify these rules and incorporate additional information regarding current practices and procedures related to purchases made by state offices.</p> <p>SUMMARY: Incorporating changes regarding purchases made by state offices into Chapter 60A-1, Florida Administrative Code. Corresponding forms, PUR 1000, 1001, 7722, 7721, will also be updated with changes in law and practices. A new form PUR 2020 is also proposed.</p> <p>SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared.</p> <p>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.</p> <p>RULEMAKING AUTHORITY: 287.042(3), 287.042(12) FS. LAW IMPLEMENTED: 287.057, 287.058 FS., Chapter 2010-151, Laws of Florida.</p> <p>A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:</p> <p>DATE AND TIME: November 16, 2010, 2:00 p.m. – 4:00 p.m. PLACE: 4050 Esplanade Way, Suite 360, Tallahassee, Florida 32399-0950</p> |
| 9-35 | Establishes or attempts to establish a personal or business relationship with any staff member <u>or volunteer</u> . | 60 DC + 180 GT | |
| 9-36 | Gang related activities, including recruitment; organizing; display of symbols, groups, or group photos; promotion or participation | 30 DC + 60 GT | |
| 9-37 | Unauthorized use of or tampering with a computer, computer peripheral device, or any other office equipment. Other office equipment includes copying machines, facsimile machines, postage meters, or any other device utilized in an office or office-like environment. | 60 DC + All GT | |

SECTIONS 10 through 11 No change.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 days before the workshop/meeting by contacting: Karen Armstrong, Department of Management Services, 4050 Esplanade Way, Suite 360, Tallahassee, Florida 32399-0950, (850)488-8440. 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 RULES IS: Karen Armstrong, Department of Management Services, 4050 Esplanade Way, Suite 360, Tallahassee, Florida 32399-0950, (850)488-8440, Karen.armstrong@dms.myflorida.com

THE FULL TEXT OF THE PROPOSED RULES IS:

60A-1.002 Purchase of Commodities or Contractual Services.

(1) Agencies are delegated the conditional authority to purchase commodities or contractual services (except insurance, unless permitted pursuant to Section 287.022, F.S.). The conditions of this delegation are (i) that the agencies comply with the requirements of subsection 287.042(12), F.S.; (ii) that State Purchasing retains the full supervisory authority provided by that subsection; and (iii) that State Purchasing reserves the right to rescind the authority delegated to all agencies by amendment to this rule and reserves the right to rescind the authority delegated to an agency for failure to comply with that subsection.

(2) Purchases with value below \$~~32~~,500 shall be carried out using good purchasing practices. Such practices include but are not limited to the receipt of written quotations or written records of telephone quotations.

(3) Purchases which meet or exceed \$~~32~~,500, but are less than or equal to the threshold for Category Two may be made using written quotations, written records of telephone quotations, or informal bids to be opened upon receipt, whenever practical. If the agency receives verbal quotations, the name and address of each respondent and the amount quoted shall be a part of the written documentation. If the agency receives less than two quotations, it must include a statement as to why additional quotes were not received. If the agency determines that commodities or contractual services are available only from a single source, or that conditions warrant negotiation on the best terms and conditions, the agency may proceed with the procurement. The agency shall document the conditions and circumstances used to determine the procurement method.

(4) In accordance with Chapter 287, F.S., all purchases for which the total contract value is in excess of the threshold amount for Category Two for a commodity or group of commodities or contractual service shall be made by first

securing ~~formal~~ competitive solicitations, unless an exemption applies. The following purchases are not subject to competitive solicitation requirements:

~~(a) Regulated Utilities and government franchised services.~~

~~(b) Regulated Public communications, except long distance telecommunications services or facilities.~~

~~(a)(e)~~ Artistic services, which include any artistic work performed by an artist, as defined in Section 287.012(3), F.S., including cases in which the acquisition requires that the artist furnish a commodity created through the artistic work.

~~(b)(4)~~ An academic program review, defined as a structured evaluation of the relative merits of an established university or secondary educational program or program component conducted by recognized experts in the field of study and resulting in a written report with specific recommendations, as long as the fee does not exceed \$50,000.

~~(c)(e)~~ Lectures by individuals. A lecture is a formal or methodical reading or presentation on any subject, but it is not intended to be used for the purpose of, or in connection with, training of personnel.

~~(f) Auditing services, which are services provided by a licensee under Chapter 473, F.S., in which the licensee attests as an expert in accountancy to the reliability or fairness of presentation of financial information or utilizes any form of disclaimer of opinion which is intended or conventionally understood to convey an assurance of reliability as to matters not specifically disclaimed.~~

~~(d)(g)~~ Promotional services and events purchased from donated funds by the Secretary of State for purposes provided in Section 15.18(7), F.S.

~~(e)(h)~~ Payments for membership dues pursuant to Section 216.345, F.S.

~~(f)(i)~~ Examinations approved in accordance with Section 455.217(1)(c), F.S.

~~(g)(j)~~ Adoption placement services licensed by the Department of Children and Family Services.

~~(h)(k)~~ Other purchases identified in Section 287.057(4)(5)(f), F.S.

~~(i)(l)~~ Purchases from alternate contract sources, pursuant to Section 287.042(16), F.S.

~~(j)(m)~~ Purchases made by agencies pursuant to Section 287.056(1), F.S., from state term contracts competitively procured by the Department.

(k) Single Source purchases made pursuant to Section 287.057(3)(c), F.S.

(l) Emergency purchases made pursuant to Section 287.057(a), F.S.

(5) When determining the amount or amounts of purchases for the purpose of applying the threshold categories, agencies shall follow the definitions and classes and groups of commodities or contractual services established by the

Department. Acquisitions shall be reviewed and considered on an agency-wide basis, except that acquisitions by agencies with decentralized purchasing functions shall be considered and reviewed on the basis of each purchasing office that maintains full-time purchasing staff. A purchasing office shall not divide its purchases or its purchasing operations to circumvent these requirements. Determination of the threshold amount for Category Two for lease or rental is based on a twelve (12) month period of time. ~~Extension of a contract for an additional period of time is not subject to this provision.~~

(6) In any procurement which exceeds the threshold amount for Category Two and is accomplished without competition, the individuals taking part in the development or selection criteria for evaluation, the evaluation process, or the award process shall attest in writing that they are independent of, and have no conflict of interest in, the entities evaluated and selected. The attestation shall be placed in the agency file.

(7) All competitive formal solicitations issued by an agency shall include the standard "General Contract Conditions" Form PUR 1000 ~~(XX/10)(11/04)~~, and the standard "General Instructions to Respondents" Form PUR 1001 ~~(XX/10)(11/04)~~, each of which is hereby incorporated by reference. The forms are available on the internet at <http://dms.myflorida.com/purchasing>. Except as modified by an agency pursuant to the following subsections, these instructions shall apply to all competitive formal solicitations and these conditions shall be part of all resulting contracts.

(a) PUR 1001 contains instructions explaining the solicitation process and the actions necessary to respond. The agency shall attach additional materials specific to each particular solicitation, including but not limited to contact information, a solicitation timeline, a location for the public opening, evaluation criteria, required information regarding renewal of the contract, and any other necessary information. These additional instructions are commonly referred to as "Special Instructions to Respondents." In the event of any conflict between Form PUR 1001 and the additional instructions attached by the agency, the additional instructions shall take precedence over the Form PUR 1001 unless the conflicting term is required by any section of the Florida Statutes, in which case the term contained in PUR 1001 shall take precedence.

(b) PUR 1000 contains standard terms and conditions that will apply to the contract which results from the solicitation event. The agency shall attach additional contract terms and conditions specific to each particular solicitation. These additional terms are commonly referred to as "Special Conditions." In the event of any conflict between the PUR 1000 form and any Special Conditions attached by the agency, the Special Conditions shall take precedence over the PUR 1000 form unless the conflicting term in the PUR form is required by any section of the Florida Statutes, in which case the term contained in PUR 1000 shall take precedence.

(8) In addition to including the PUR 1001 and PUR 1000, all competitive formal solicitations issued by an agency shall include, in a form most advantageous to the agency, an Introductory Section, a Special Conditions Section and a Technical Specifications or Statement of Work Section. The Introductory Section shall include an overview of the solicitation and a timeline or calendar of events relevant to the solicitation. As provided in paragraph (7)(b) above, the Special Conditions Section shall be used by agencies to supplement or supersede(d) the General Contract Conditions contained in PUR 1000. The Technical Instructions or Statement of Work Section shall be used by agencies to provide detail regarding the scope of contractual services sought or commodities to be procured by the agency through the competitive formal solicitation.

(9) All contracts entered into as a result of a formal solicitation issued by an agency shall include a contractual condition requiring the vendor to comply with all laws and rules applicable to the vendor providing the commodities or services to the agency.

Rulemaking Specific Authority 287.042 FS. Law Implemented 287.042, 287.057 FS. History—New 5-20-64, Amended 4-4-67, Revised 2-6-68, Amended 2-8-69, Revised 5-20-71, Amended 7-31-75, 10-1-78, Revised 11-14-79, Amended 8-18-80, 8-6-81, 10-13-83, 3-1-84, 3-14-84, 11-12-84, 2-28-85, 12-17-85, Formerly 13A-1.02, Amended 6-5-86, 2-9-87, 11-3-88, 1-18-90, 4-10-91, 9-1-92, Formerly 13A-1.002, Amended 4-24-94, 1-9-95, 1-1-96, 3-21-96, 9-23-96, 7-6-98, 1-2-00, 10-3-04, 12-22-04, 10-15-06,_____.

60A-1.016 Contract and Purchase Order Requirements.

(1)(a) Prior to making a purchase, an agency shall review current surplus property to ensure that the commodity sought is not already owned by the agency ~~certifications~~.

(b) All purchases shall be in writing or through the State's Purchasing Card Program.

(2)(a) A written agreement in excess of the threshold amount of Category Two shall be signed by the agency head and the vendor prior to the rendering of the contractual services or the delivery of the commodity, except in the case of a valid emergency as certified by the agency head. If the agency chooses to procure commodities or contractual services by purchase order in lieu of a written agreement, the purchase order shall be signed by the authorized purchasing or contracting personnel. When there is no emergency and the agency fails to have the written agreement signed as required, the agency head, no later than 30 days after the vendor begins rendering the service or delivering the commodity, shall certify the conditions and circumstances as well as action taken to prevent reoccurrence, to State Purchasing using the "Notice of Non-Compliance," Form PUR 1010 (03/04), which is hereby incorporated by reference. This form is available on the internet at <http://dms.myflorida.com/purchasing>. Pursuant to

Section 287.058(2), F.S., the agency shall also send a copy of this form to the chief Financial Officer with the voucher authorizing payment.

(b) All agency contracts and purchase orders may be electronically signed by the authorized individual as provided in Section 668.004, F.S.

(c) Any contract which binds the state or its executive agencies for purchases for a period continuing beyond the fiscal year shall include the following statement: "The State of Florida's performance and obligation to pay under this contract is contingent upon an annual appropriation by the Legislature."

(d) All contracts that limit the liability of a contractor shall be consistent with Section 672.719, F.S.

(3) Purchase Order Requirements. To the extent that these requirements are not superceded by an electronic procurement system, the chief procurement officer of each agency is responsible for:

(a) Securing all unused purchase orders in a safe place and restricting access to these documents.

(b) Maintaining a file and accounting system for all consecutive purchase orders issued or voided.

(c) Maintaining a record of persons authorized to issue and sign each type of purchase order.

(d) Monitoring and reviewing processes for the use of purchase orders and field purchase orders.

(e) Ensuring that all purchase orders contain the solicitation number, statements regarding the quantity, description, and price of goods or services ordered; applicable terms as to payment, discount, date of performance, and transportation; and liquidated damages.

Rulemaking Specific Authority 287.032, 287.042 FS. Law Implemented 287.017, 287.042, 287.057, 287.058, 287.133, 668.004 FS. History–New 8-6-81, Amended 11-4-82, 2-13-83, 5-26-83, 10-13-83, 5-10-84, 11-12-84, 12-17-85, Formerly 13A-1.16, Amended 6-5-86, 2-9-87, 11-3-88, 1-18-90, 4-10-91, Formerly 13A-1.016, Amended 4-24-94, 1-9-95, 1-1-96, 3-24-96, 7-6-98, 1-2-00, 7-11-04, 10-15-06,_____.

60A-1.025 State Purchasing Agreements.

(1) Requesting a State Purchasing Agreement. State Purchasing Agreements are driven by eligible users' requirements, and eligible users shall request that the Department establish such agreements by submitting to the Department PUR 7721 (~~XX/10/02/04~~), "Request for State Purchasing Agreement," which is hereby incorporated by reference. This form is available on the internet at <http://dms.myflorida.com/purchasing>. The commodity or service the eligible user wishes to acquire must be valued at less than Category Two in order to comply with the competitive solicitation requirement of Section 287.057, F.S.

(2) Establishing a State Purchasing Agreement. After receiving PUR 7721 for an eligible user, the Department will attempt to establish a State Purchasing Agreement with a supplier offering the best value for the requested commodity or

service. The supplier must agree to the terms contained in PUR 7722 (~~XX/10/02/04~~), "State Purchasing Agreement," which is hereby incorporated by reference. This form is available on the internet at <http://dms.myflorida.com/purchasing>.

Rulemaking Specific Authority 287.042(12) FS. Law Implemented 287.042(2)(a) FS. History–New 7-11-04, Amended_____.

60A-1.041 Solicitation Requirements.

When preparing a solicitation, an agency shall consider which form of competitive solicitation will result in the best value for the State.

(1) Pursuant to Section 287.057(~~1)(b)(2)(a)~~, F.S., if the agency determines that the Invitation to Bid method is not practicable, the agency shall document the reason for its use of the Request for Proposal.

(2) Pursuant to Section 287.057(~~1)(c)(3)(a)~~, F.S., if the agency determines that neither the Invitation to Bid method nor the Request for Proposal are practicable, the agency shall document the reason for its use of the Invitation to Negotiate method. This written determination must be approved in writing by the agency head or his or her designee, prior to advertising the solicitation.

(3) Appointment of Contract Negotiators – Pursuant to Section 287.057(~~16)(17)(b)~~, F.S., if an agency elects to employ the Invitation to Negotiate (ITN) method to solicit competitive sealed replies, the following requirements shall govern the agency head's appointment of the negotiation team.

(a) Regardless of the value of the contract, the negotiation team members shall collectively have knowledge and experience in negotiating contracts, contract procurement, and the program areas and service requirements for which commodities or contractual services are sought.

(b) If the value of the prospective contract will exceed \$1 million in any fiscal year, at least one member of the negotiation team must be a Department-certified contract negotiator. To the extent practicable, the agency shall involve the certified negotiator in the development of the ITN, taking into account the certified negotiator's familiarity with the subject matter and the complexity and value of the contract.

(4) Certification of Contract Negotiators – Persons seeking certification as a contract negotiator shall complete and submit to the Department Form PUR 2011 (0#2/07), "Application for Certification as Contract Negotiator." Applicants shall either scan the completed form and submit it electronically to PURCertification@dms.state.fl.us, fax the form to the Department of Management Services as provided in the PUR 2011 or mail the completed form to State Purchasing, Department of Management Services, 4050 Esplanade Way, Suite 360, Tallahassee, FL 32399-0950. The Department shall certify as a contract negotiator any state or political subdivision employee who satisfies the following criteria:

(a) Any person certified by the Department as a Florida Certified Negotiator prior to the effective date of this administrative rule shall retain their contract negotiator status. The Department will issue to each prior-certified negotiator a new certificate reflecting his or her status as a Certified Contract Negotiator. Submission of Form PUR 2011 will not be required;

(b) Any person who has: (1) completed either the National Institute of Governmental Purchasing (“NIGP”) General Public Procurement seminar or the NIGP Sourcing in the Public Sector seminar or Department-approved equivalent; (2) completed the Negotiation Strategies seminar offered by the Department or Department approved equivalent; (3) completed the Department’s Negotiation in Florida seminar or Department-approved equivalent training by another agency of the State of Florida; (4) worked a minimum of twelve (12) months as either a purchasing agent, contract manager or contract administrator for the State of Florida or one of its political subdivisions where the job description for the position required that at least half of the individual’s designated duties included: procuring commodities or services; their participating in contract negotiation, contract management or contract administration; or working as a state or political subdivision agency attorney whose duties included providing legal counsel to an agency’s purchasing or contracting staff; and (5) led at least one federal, state or local government negotiation team through a negotiated procurement or served on at least three federal, state or local government negotiation teams for a negotiated procurement or any other contract negotiation with a value that is in excess of \$1 million in any fiscal year.

(c) Any person holding a Masters in Business Administration or other graduate level business degree from a state accredited college or university who has: (1) completed either the NIGP General Public Procurement seminar, the NIGP Sourcing in the Public Sector seminar or Department-approved equivalent; (2) completed a semester-long business school or graduate level class on negotiation, the Negotiation Strategies seminar offered by the Department, or Department-approved equivalent; (3) completed the Department’s Negotiation in Florida seminar or Department-approved equivalent training by another agency of the State of Florida; (4) worked a minimum of twelve (12) months as either a purchasing agent, contract manager, or contract administrator for the State of Florida or one of its political subdivisions where the job description for the position required that at least half of the individual’s designated duties included: procuring commodities or services; their participating in contract negotiations, contract management or contract administration; or working as a state or political subdivision agency attorney whose duties included providing legal counsel to an agency’s purchasing or contracting staff; and (5) led at least one federal, state or local government negotiation team through a negotiated procurement or served

on at least three federal, state or local government negotiation teams for a negotiated procurement or any other contract negotiation with a value that is in excess of \$1 million in any fiscal year.

(d) Any state or political subdivision agency attorney currently licensed by the Florida Bar who has: (1) completed either the NIGP General Public Procurement seminar, the NIGP Sourcing in the Public Sector seminar or Department-approved equivalent; (2) completed a semester-long business school or graduate level class on negotiation, the Negotiation Strategies seminar offered by the Department, or Department-approved equivalent; (3) completed the Department’s Negotiations in Florida seminar or Department-approved equivalent training by another agency of the State of Florida; (4) worked a minimum of twelve (12) months as a state or political subdivision agency attorney whose duties included providing legal counsel to an agency’s purchasing or contracting staff; and (5) led at least one federal, state or local government negotiation team through a negotiated procurement or served on at least three federal, state or local government negotiation teams for a negotiated procurement or any other contract negotiation with a value that is in excess of \$1 million in any fiscal year.

(5) Department – Approved Negotiation Training Equivalent is training in the form of classes or seminars taken to ensure that certified contract negotiators are: trained in effective negotiation strategies; capable of successfully implementing those strategies during contract negotiations; and familiar with what is required of them in their role in the procurement process as a contract negotiator. In satisfying the equivalent training requirement, employees seeking certification or recertification may either select training classes from the state term contract or other Department listing that identifies pre-approved negotiation training courses or may, on a case-by-case basis, request that the Department separately approve a course or courses not listed on the state term contract or elsewhere by the Department, by completing and submitting to the Department Form PUR 2012 (0#2/07), “Request for Approval of Department Approved Equivalent Certified Negotiator Training Course.”

(a) Approval of the PUR 2012 shall be granted by the Department only if the course(s) identified on the form offers training that meets or exceeds the training standards established in subsection (5).

(b) Approval of the PUR 2012 may be granted by the Department either before or after the employee takes the class, so long as the course(s) meets or exceeds the training standards established in subsection (5).

(6) Certification of Contract Negotiators – Certification of contract negotiators by the Department shall be effective for a period of 5 years from the date of issuance of the certification,

unless the certification is extended in writing by the Department. Such request must be made using PUR Form 2020 (XX/10).

(7) Recertification of Contract Negotiators – Persons seeking recertification as a contract negotiator shall complete and submit to the Department PUR 2013 (0#2/07), “Application for Recertification as Contract Negotiator.” Applicants shall either scan the completed form and submit it electronically to PURCertification@dms.state.fl.us, fax the form to the Department as provided in the PUR 2013 or mail the completed form to State Purchasing, Department of Management Services, 4050 Esplanade Way, Ste. 360, Tallahassee, FL 32399-0950. Recertification of contract negotiators by the Department shall be effective for five (5) years from the date the employee is recertified. The date of recertification shall be reflected on the certified contract negotiator certificate issued by the Department to the employee. If the certified contract negotiator fails to recertify before the end of the 5 year certification time period, their certification will expire until they are recertified by the Department.

(a) To become recertified as a contract negotiator, the person seeking recertification must have originally been certified by the Department as provided in this rule and shall be required to complete 16 hours of recertification courses offered through the Department, or, on a case-by-case basis, may request that the Department approve a course or courses not offered by the Department by completing and submitting to the Department Form PUR 2012. The person seeking recertification shall indicate on the form that the course or courses are presented for purposes of recertification. Further, recertification applicants must have led or participated in three or more federal, state or local government negotiated procurements during their preceding five (5) year certification period and must be currently employed in a state or local government position in which the job description for the position includes contract negotiation as part of the job description. Any person who has worked as a purchasing supervisor for a minimum of twelve (12) months and during that time supervised persons participating in negotiated procurements may use that experience to satisfy the requirement to have led one negotiation team or to have participated in three or more negotiated procurements;

(b) Approval of the PUR 2012 submitted for recertification shall be granted by the Department only if the course(s) identified on the form offers training that meets or exceeds the training standards established in subsection (5).

(c) Approval of the PUR 2012 may be granted by the Department either before or after the employee takes the recertification class or classes, as long as the course(s) meets or exceeds the training standards established in subsection (5).

(8) Appointment of Project Management Professional (“PMP”) – If the value of the prospective contract will exceed \$10 million in any fiscal year, at least one member of the negotiation team shall be a PMP, as certified by the Project Management Institute. The Department shall maintain a list of agency personnel certified as PMPs, assist agencies in determining their PMP needs and assist agencies with preparing and training state agency employees for PMP certification.

Rulemaking Specific Authority 287.042(12), 287.057(17)(b) FS. Law Implemented 287.032, 287.042, 287.057, 287.058 FS. History–New 8-19-04, Amended 3-28-07,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Karen Armstrong
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Secretary Linda H. South
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 4, 2010
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 22, 2010

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Pari-Mutuel Wagering

| RULE NOS.: | RULE TITLES: |
|------------|---|
| 61D-14.003 | Renewal of Slot Machine Licenses |
| 61D-14.011 | Occupational License and Fingerprint Fees |
| 61D-14.017 | Days and Hours of Operation |
| 61D-14.019 | Compulsive or Addictive Gambling Prevention Program |
| 61D-14.031 | Bill Acceptors |
| 61D-14.059 | Slot Machine Licensee Personnel |
| 61D-14.080 | Retention, Storage and Destruction of Books, Records, and Documents |
| 61D-14.082 | Annual Financial Report |
| 61D-14.086 | Annual Compliance Audit and Summary Report of Compliance |
| 61D-14.090 | Prohibited Acts |
| 61D-14.200 | Educational or Training Facilities |
| 61D-14.203 | Certified Educational Facility License Application |

PURPOSE AND EFFECT: The purpose and effect of the proposed rules will be to implement Florida Statutes pertaining to the regulation of slot machine operations at pari-mutuel racing facilities.

SUMMARY: Rule 61D-14.003, F.A.C., revises the qualification required for renewal of slot machine license. Rule 61D-14.011, F.A.C., revises the license fee structure and clarifies language in the current rule. Rule 61D-14.017, F.A.C., revises the process to permit approval of variations in operational schedules. Rule 61D-14.019, F.A.C., includes

record keeping requirements for all training and follow-up training provided to employees. Rule 61D-14.031, F.A.C., updates language regarding bill acceptor processing and clarifies meaning of rule. Rule 61D-14.059, F.A.C., provides requirement for the drug testing program for licensed facilities and clarifies language in rule. Rule 61D-14.080, F.A.C., clarifies what records are to be retained permanently and which shall be retained for at least five years; also clarifies the rule language. Rule 61D-14.082, F.A.C., modifies language to include a reference to the uniform annual report rule for pari-mutuel activities in Rule 61D-8.002, F.A.C., and harmonize the timing and substance of all reports from the pari-mutuel and slot machine facility. Rule 61D-14.086, F.A.C., provides requests for annual report of facility written policy and summary of activity for prior year as required in Section 551.104, F.S. Rule 61D-14.090, F.A.C., clarifies language regarding prohibited acts to include the violation of facility drug-free work environment and violation for ejection of licensed personnel. Rule 61D-14.200, F.A.C., provides the requirements and procedures for licensure and operation of storage and maintenance facilities and educational, training, and testing facilities. Rule 61D-14.203, F.A.C., provides procedures to obtain licensure for certified educational facilities that intend to provide training and education services related to slot machine gaming in the state.

OTHER RULES INCORPORATING THIS RULE: Rules 61D-14.005, 14.006, and 14.008 incorporate Rule 61D-14.011. Rule 61D-14.002 incorporates Rule 61D-14.017. Rules 61D-14.038, 14.047, 14.058, 14.079, 14.096, and 14.097 incorporate Rule 61D-14.080.

EFFECT ON THOSE OTHER RULES: Rule 61D-14.011 has no effect on Rules 61D-14.005, 14.006, and 14.008. Rule 61D-14.017 has no effect on Rule 61D-14.002. Rule 61D-14.080 has no effect on Rules 61D-14.038, 14.058, 14.079, and 14.096. Rule 61D-14.080 adds an additional requirement to Rule 61D-14.047 of maintaining a readily accessible copy of back-up data records. Rule 61D-14.080 adds an additional requirement to Rule 61D-14.097 regarding shipping records.

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: 551.103(1), (2), (5), 551.109(2), 551.116, 551.122 FS.

LAW IMPLEMENTED: 551.103(1)(a), (b), (c), (d), (e), (g), (h), (i), (j), (2), (3), (4)(a), 551.104(4)(a), (d), (i), (8), 551.107(4)(a), 551.109(2)(a), (b), 551.112, 551.116, 551.118(1), 551.122, 849.15(2) 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: November 16, 2010, 1:00 p.m. – 5:00 p.m.
PLACE: Florida Department of Business and Professional Regulation, Northwood Centre, Board Room, 1940 N. Monroe 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 5 days before the workshop/meeting by contacting: Mary Polombo at (850)413-0750. 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 RULES IS: Mary Polombo, Clerk, Division of Pari-Mutuel Wagering, 1940 North Monroe Street, Tallahassee, Florida 32399-1035

THE FULL TEXT OF THE PROPOSED RULES IS:

(Substantial rewording of Rule 61D-14.003 follows. See Florida Administrative Code for present text.)

61D-14.003 Renewal of Slot Machine Licenses.

(1) A slot machine license shall be renewed annually on the anniversary date of issuance of the initial license.

(2) A license renewal application shall:

(a) Be filed with the division no less than 90 days prior to the anniversary date of the license; and

(b) Include:

1. Any changes to the information set forth in Rule 61D-14.002, F.A.C.;

2. A copy of the licensee's current internal controls;

3. Payment of the fees specified by Section 551.106, F.S.; and

4. Certification of renewal of the bond required by paragraph 61D-14.002(1)(j), F.A.C., or a new bond meeting the requirements of that paragraph.

(3) To renew a slot machine license, the division must:

(a) Receive a timely complete application for renewal on Form DBPR PMW-3405, Permitholder Renewal Application for Annual Slot Machine License, effective _____, adopted herein by reference, and can be obtained at www.myfloridalicense.com/dbpr/pmw or by contacting the Division of Pari-Mutuel Wagering at 1940 North Monroe Street, Tallahassee, Florida 32399-1035;

(b) Receive payment of the fees specified by Section 551.106, F.S.;

(c) Determine, following investigation of the renewal application, that there are no disqualifications for licensure under Chapter 551, F.S., and Chapter 61D-14, F.A.C.; and

(d) Approve the licensee’s current internal controls.

Rulemaking Specific Authority 551.103(1), 551.122 FS. Law Implemented 551.103(1)(a), (b), 551.104(4) FS. History–New 7-30-06, Amended _____.

61D-14.011 Occupational License and Fingerprint Fees.

(1) The license fee for an individual applying for a license under Rule 61D-14.005, F.A.C., shall be \$50 for a one-year license, or \$100 \$150 for a three-year license.

(2) The slot machine occupational license fee for a business entity applying for an occupational licensee under 61D-14.006, F.A.C., shall be \$1,000 for a one-year license, or \$2,000 \$3,000 for a three-year license.

~~(3) An applicant for general slot machine occupational license shall provide his or her application to the division with a written acknowledgement from the slot machine licensee agreeing to pay the division the fee established in subsection (1).~~

~~(4) An applicant for a professional occupational license shall submit payments for licensure and fingerprinting to the slot machine licensee and provide an acknowledgement from the slot machine licensee agreeing to pay the division the fee established in subsection (1).~~

~~(5) The slot machine licensee shall remit a check or money order daily for payment of all general and professional occupational licenses for employees who work at the slot machine facility outlined in subsections (3) and (4) above to the division.~~

(3) A slot machine licensee is responsible for payment of all its employees’ professional and general slot machine occupational licenses, which shall be made utilizing a voucher that is paid by the licensee the same day the voucher is submitted.

~~(4)(6) An applicant for a business entity occupational license, including those individuals employed by the business entity, shall provide a check or money order for payment of fingerprint fees with their occupational license applications for a slot machine occupational license. The employing business entity may provide payment for its A check or money order can be provided for the individual employees by the employing business entity. The fee for fingerprinting shall equal the fee established by Section 943.053(3)(b), F.S., and subsection 11C-6.010(5), F.A.C.~~

~~(5)(7) Payment of professional and general employee application fees by the slot machine licensee shall be submitted to the division at the division’s office located on the grounds of the slot machine licensee’s facility.~~

Rulemaking Specific Authority 551.103(1), 551.122 FS. Law Implemented 551.103(1)(a), (b), (g), 551.107(4)(a), (d) FS. History–New 6-25-06, Amended _____.

(Substantial rewording of Rule 61D-14.017 follows. See Florida Administrative Code for present text.)

61D-14.017 Days and Hours of Operation.

(1) The slot machine licensee’s initial license application shall set forth its slot machine gaming area’s days and hours of operation.

(2) The slot machine licensee shall provide no less than 10 days written notice to the division in advance of its changing the hours of operation of its slot machine gaming area.

(3) The designation of a slot machine licensee’s days and hours operation shall not change the time for submission of the management and regulatory reports required by Rule 61D-14.048, F.A.C.

Rulemaking Specific Authority 551.103(1), 551.122 FS. Law Implemented 551.103(1)(d), (e), 551.116 FS. History–New 6-25-06, Amended _____.

(Substantial rewording of Rule 61D-14.019 follows. See Florida Administrative Code for present text.)

61D-14.019 Compulsive or Addictive Gambling Prevention Program.

(1) A slot machine licensee shall develop and implement a compulsive or addictive gambling prevention program.

(2) That program shall:

(a) Designate a person responsible for ensuring that the licensee’s compulsive or addictive gambling prevention program is implemented and administered;

(b) Provide printed materials to educate patrons about compulsive gambling and inform them of local and state resources available for compulsive gamblers and their families;

(c) Require that all marketing and promotional material have a compulsive or addictive gamblers prevention program contact information;

(d) Provide a method for notifying slot machine licensee patrons that any patron may request voluntary exclusion from the slot machine licensee’s facility;

(e) Require that each employee of the licensee receives initial training in the licensee’s compulsive or addictive gambling prevention program within 30 days of the date of hire;

(f) Document all compulsive or addictive gambling prevention program training, which shall include:

1. The name of each employee trained;

2. The date and time of training;

3. The name of the person or entity providing the training;
and

4. Retention of all training records as required by Rule 61D-14.080, F.A.C.

(g) Require annual refresher training for each employee.

Rulemaking Specific Authority 551.103(1), 551.122 FS. Law Implemented 551.103(1)(a), (b), (g), (i), 551.104(4)(i), 551.118(1) FS. History–New 7-30-06, Amended _____.

(Substantial rewording of Rule 61D-14.031 follows. See Florida Administrative Code for present text.)

61D-14.031 Bill Acceptors.

All bill acceptors shall:

- (1) Be installed in a slot machine;
- (2) Be electronically based;
- (3) Be constructed in a manner to:
 - (a) Protect against vandalism, abuse, and fraudulent activity; and
 - (b) Prevent acceptance of invalid bills, tickets, or vouchers.
 - (4) Use a bi-directional communication protocol;
 - (5) Detect the entry of all bills, tickets, or vouchers; and
 - (6) Register credits only when the bill, ticket, or voucher has passed the point where it is accepted and has been irrevocably stacked.

Rulemaking Specific Authority 551.103(1), 551.122 FS. Law Implemented 551.103(1)(c), (d), (e), (i) FS. History—New 6-25-06, Amended _____.

(Substantial rewording of Rule 61D-14.059 follows. See Florida Administrative Code for present text.)

61D-14.059 Slot Machine Licensee Personnel.

- (1) Each slot machine licensee shall maintain a level of staffing, supervision, and delineation of organizational responsibilities to ensure the slot machine licensee's slot machine gaming operation meets the requirements of Chapter 551, F.S., and its approved internal control procedures.
- (2) The slot machine licensee's internal controls shall require, prior to the employment of a potential employee:
 - (a) A completed employment application;
 - (b) A completed drug test;
 - (c) A signed agreement acknowledging that the facility is a drug-free work place;
 - (d) A credit report; and
 - (e) Verification that each prospective supervisory, managerial, or surveillance employee has the skills, training, and experience for the position.
- (3) The slot machine licensee shall maintain a personnel file for each employee which shall contain:
 - (a) The items listed in subsection (2) above;
 - (b) A copy of the employee's current slot machine occupational license;
 - (c) A chronological record of all positions the employee held indicating:
 1. The position title; and
 2. The effective date of filling the position.
 - (d) All employee performance evaluations; and
 - (e) A record of all disciplinary actions related to the employee containing written documentation of all:
 1. Division disciplinary actions;

2. Verbal or written counseling regarding employee job performance or conduct; and

3. Employee demotions, reprimands, or separations.

(f) An employee training record documenting:

1. All training an employee completes during his or her employment at the slot machine facility; and

2. The title or description of the training, date completed, length of instruction, and name of the instructor.

(g) Federal and state income tax returns filed in the previous five years by all employees holding a professional slot machine occupational license.

Rulemaking Specific Authority 551.103(1), 551.122 FS. Law Implemented 551.103(1)(g), (i), (j) FS. History—New 6-25-06, Amended _____.

(Substantial rewording of Rule 61D-14.080 follows. See Florida Administrative Code for present text.)

61D-14.080 Retention, Storage, and Destruction of Books, Records, and Documents.

(1) The books, records, and documents addressed by this rule are all forms, reports, accounting and financial records, ledgers, subsidiary records, computer generated data, internal audit records, correspondence (including email), surveillance records, surveillance reports, personnel records, and compulsive gambling program records of any form or nature, written or electronic.

(2) All books, records, and documents prepared or generated by or on behalf of a slot machine licensee, a slot machine manufacturer or distributor, a certified educational institution authorized to maintain slot machines, or other licensed slot machine business entity as described in subsection 61D-14.006(1)(a), F.A.C., shall be:

(a) Retained on site in a secure storage location for a period of at least one year from the date of the book's, record's, or document's last entry or creation;

(b) Maintained for at least four additional years in a secure storage location either at the licensed slot machine facility or at another secure location with a workspace allowing for inspection of the records; and

(c) Organized and indexed in such a manner as to provide immediate accessibility of all books, records, and documents.

(3) No book, record or document shall be destroyed prior to the minimum retention period unless approved by the division in writing.

(4) The slot machine licensee shall retain:

(a) All tickets and vouchers either in hard copy or electronically on site for a period of 60 days;

(b) A hard copy or electronic image of all tickets and vouchers in a secure location for a period of no less than four months after the initial 60 days; and

(c) A hard copy or electronic image of all tickets and vouchers specifically identified by the division until otherwise instructed.

Rulemaking Specific Authority 551.103(1), 551.122 FS. Law Implemented 551.103(1)(d), (g) FS. History–New 6-25-06, Amended _____.

(Substantial rewording of Rule 61D-14.082 follows. See Florida Administrative Code for present text.)

61D-14.082 Annual Financial Report.

(1) Each slot machine licensee shall generate an annual financial report which shall:

(a) Be prepared according to acceptable general accounting principles;

(b) Be based on the slot machine licensee’s audited financial statements prepared by an independent certified public accountant in accordance with generally accepted accounting and auditing principles;

(c) Use the audited financial statements to generate the slot machine licensee’s annual financial report;

(d) Include a compliance audit certificate; and

(e) Be submitted pursuant to subsection 61D-8.002(5), F.A.C., and Section 550.125, F.S.

(2) The annual financial reports shall be signed by the chief executive officer and the chief gaming executive as defined in subsection 61D-14.015(2), F.A.C., and the financial vice president, treasurer, or controller of the slot machine licensee attesting that they have read the report and that the information contained in the report is accurate and complete to the best of their knowledge.

(3) The annual financial report required by this section shall include a separate explanation of any differences between the financial statements in the slot machine licensee’s annual financial report and the cumulative monthly remittance reports which shall disclose any adjustments to:

(a) Revenues from the slot machines;

(b) Total costs and expenses; and

(c) Net income.

(4) Each slot machine licensee shall include in its annual financial report:

(a) Any opinion or report on the slot machine licensee’s internal control procedures issued by its independent certified public accountant;

(b) An opinion or report expressing that the slot machine licensee has in all material respects, during the period covered by the examination, followed the system of internal accounting controls on file with the division and, if the slot machine licensee has materially deviated from the system of internal accounting controls on file with the division in any respect, the report shall:

1. Enumerate deviations and any areas of the system no longer considered effective;

2. Make recommendations regarding improvements in the system of internal accounting control; and

3. Detail all corrective actions taken to address deviations referenced in subparagraph (4)(b)1.

(5) The licensee shall file a report with the division within 48 hours of when:

(a) An independent Florida certified public accountant who was previously engaged as the principal accountant to audit the licensee’s financial statements resigns or is dismissed as the licensee’s principal accountant. The report shall list the name and business address of the certified public accountant and the date of such resignation or dismissal, and any pertinent reason for the action; or

(b) A new independent certified public accountant is engaged as principal accountant, such event occurs, setting forth the name and business address of the certified public accountant and the date of such resignation, dismissal, or engagement. The report shall list the name and business address of the new certified public accountant and the date of engagement.

(6) Any adjustments resulting from the annual audit shall be recorded in the accounting records of the year to which the adjustment relates. In the event the adjustments were not reflected in the licensee’s annual report, a revised annual report shall be required from the slot machine licensee within 30 days.

(7) Slot machine licensees shall report to the division details of any loans, borrowings, installment contracts, guarantees, leases, or capital contributions with a value of over \$25,000 per year no later than 10 days after the end of the month in which the transaction or event occurs.

Rulemaking Specific Authority 551.103(1), 551.122 FS. Law Implemented 551.103(1)(d), (e), (g) FS. History–New 6-25-06, Amended _____.

(Substantial rewording of Rule 61D-14.086 follows. See Florida Administrative Code for present text.)

61D-14.086 Annual Compliance Audit and Summary Report of Compliance.

(1) In addition to the audit required by Rule 61D-14.082, F.A.C., each slot machine licensee shall:

(a) File an audit report to comply with the requirements of Section 551.104(8), F.S., which shall:

1. Contain recommendations of all findings and observations made by the slot licensee’s internal audit function referenced in paragraph 61D-14.015(2)(f), F.A.C.

2. Respond to the recommendations of all findings with a schedule for compliance.

(b) File a report required pursuant to Section 551.104(4)(1), F.S. The report shall provide:

1. A summary of the number of procurements accomplished and the number awarded to minority businesses.

2. A summary of new employees hired during the preceding year and the number of employees from the state and the number of minority new employees.

3. The number of new construction service contracts awarded and, of that number, the number awarded to minority construction firms.

4. Certification that the licensee's equal employment opportunity requires that all positions of employment be offered strictly on a nondiscriminatory basis meeting all state and federal equal opportunity employment requirements.

5. Certification that training for employees on responsible gaming and working with a compulsive or addictive gambling prevention program to further its purposes as defined in Section 551.118, F.S., has been provided, which shall include:

a. The date(s) of the last training;

b. The total number of employees at the facility as of the end of the reporting period; and

c. The number of those employees who received training on responsible gaming and compulsive or addictive gambling prevention during the reporting period.

(2) All reports are due no later than July 31 of each year and shall represent a report for July 1 through June 30 of the prior year.

Rulemaking Specific Authority 551.103(1), 551.122 FS. Law Implemented 551.103(1)(d), (g), 551.104(8) FS. History—New 6-25-06, Amended _____

61D-14.090 Prohibited Acts.

(1) through (2) No change.

(3) No person shall engage in conduct that is a violation of the slot machine licensee's drug-free work place policy.

Rulemaking Specific Authority 551.103(1), 551.122 FS. Law Implemented 551.103(1)(d), (e), (g), (h), (i), (2), (3), (4)(a), 551.104(4)(i), 551.112 FS. History—New 6-25-06, Amended _____

61D-14.200 Educational or Training Facilities.

(1) The following entities, upon division approval, may be permitted to have slot machines for educational or training purposes:

(a) Certified educational facilities;

(b) Florida Department of Law Enforcement; and

(c) The Department of Business and Professional Regulation.

(2) Certified educational facilities shall:

(a) Be licensed under Rule 61D-14.203, F.A.C., prior to:

1. Enrolling any student for slot machine maintenance or operations courses;

2. Offering any course concerning slot machine maintenance or operations; and

3. Conducting any business whatsoever with a slot machine licensee or applicant for a slot machine license, its employees, or agents.

(b) Submit written certification from the Florida Department of Education that it recognizes the applicant as a certified educational facility;

(c) Use only slot machine equipment and components (including software) verified by the division for instructional, training, or demonstration purposes;

(d) Follow Rules 61D-14.096, 61D-14.097, and 61D-14.098, F.A.C., regarding the shipment of slot machines or slot machine components into or out of the certified educational facility;

(e) Establish a slot machine training area that is:

1. Segregated from all other training or classroom areas;

2. Enclosed by walls from floor to ceiling;

3. Secured from all unauthorized access;

4. Secured through the use of a lock and key or similar entry control system to which only personnel holding a slot machine occupational license have access; and

5. Used exclusively for slot machine educational and training purposes.

(f) Be licensed pursuant to Rules 61D-14.006 and 61D-14.203, F.A.C.;

(g) Have filed with the division a set of written internal controls that include:

1. Administrative controls providing for the acquisition and qualification of students receiving training;

2. Requirements for slot machine training students to receive at least one block of instruction and written testing on Chapter 551, F.S., and Chapter 61D-14, F.A.C.;

3. Requirements for written certification of acknowledgement from each student that he or she understands that the slot machines are not to be used for wagering, betting, gaming, or similar activity;

4. Procedures to authorize and control access to the slot machine training area during class and non-class time periods;

5. Requirement of a statement signed by the certified educational facility chief administrator attesting that the internal controls conform to the requirements of Chapter 551, F.S., and Chapter 61D-14, F.A.C.; and

6. A requirement that all books, records, and documents (including student records) be maintained pursuant to Rule 61D-14.080, F.A.C.

(h) Require all personnel employed or under contract with the certified educational institution who are associated with access, instruction activity, or the operation of the slot machine training area to obtain licensure pursuant to Rule 61D-14.005, F.A.C.

(3) The division shall evaluate the certified educational institution's internal controls and all amendments thereto for conformity with Chapter 551, F.S., and Chapter 61D-14, F.A.C.

(4) A current copy of the internal controls as approved by the division shall be maintained in:

- (a) The chief administrator's office;
- (b) The security office, when one is provided; and
- (c) The slot machine training area.

(5) The certified educational institution shall obtain approval from the division for any amendment to its internal controls prior to implementing any change thereto.

(6) Failure of the certified educational institution to comply with its internal controls is a violation of this section and may result in disciplinary action.

Rulemaking Authority 551.103(1), (2), (5), 551.109(2), 551.122 FS. Law Implemented 551.103(1)(a), (b), (d), (e), (g), (i), (2), 551.109(2)(a), (b), 551.122, 849.15(2) FS. History—New _____.

61D-14.203 Certified Educational Facility License Application.

(1) The license requirements of this section apply to certified educational facilities intending to provide instruction for slot machine operation and maintenance.

(2) A license may be issued only to a certified educational facility license that is certified by the Florida Department of Education (FDOE) to provide educational instruction within the state of Florida.

(3) All requirements of Rule 61D-14.200, F.A.C., must be met by a certified educational facility prior to licensure.

(4) An application for a slot machine certified educational facility license shall be made on Form DBPR PMW-3422, Slot Machine Certified Educational Facility License Application, effective _____, adopted herein by reference, and can be obtained at www.myfloridalicense.com/dbpr/pmw or by contacting the Division of Pari-Mutuel Wagering at 1940 North Monroe Street, Tallahassee, Florida 32399-1035.

(5) The license application shall be filed under oath or affirmation by an officer, director, or manager who is authorized by the applicant educational institution to bind the applicant to the representations made in the license application.

(6) If the applicant intends to claim any public records exemption from the Florida public records law, Chapter 119, F.S., it shall indicate in its application the specific sections for which it claims an exemption and the basis for the exemption.

(7) Each application shall be filed with the division's office located at 1940 North Monroe Street, Tallahassee, Florida 32399-1035.

(8) The division shall deny the application for a certified educational facility license if the application and its supporting documents fail to meet the requirements of Chapter 551, F.S., or Chapter 61D-14, F.A.C.

(9) A certified educational facility license shall be suspended or revoked if at any time during the period of licensure the facility is suspended or removed from the list of educational facilities certified by the FDOE.

(10) A certified educational facility license shall be suspended throughout the period of time that the facility is under suspension or similar discipline imposed by the FDOE.

Rulemaking Authority 550.0251(2), 551.103(1), 551.109(2), 551.122 FS. Law Implemented 550.0251(2), 551.103(1)(a), (b), (d), (e), (g), (i), (2), 551.107(4)(a), 551.109(2)(a), (b) FS. History—New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Milton Champion, Director, Division of Pari-Mutuel Wagering
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Charlie Liem, Secretary, Department of Business and Professional Regulation
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 8, 2010
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 5, 2009

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Pari-Mutuel Wagering

| RULE NOS.: | RULE TITLES: |
|------------|--|
| 61D-14.006 | Occupational License Application Requirements for Business Entities |
| 61D-14.007 | Business Occupational License Requirements for an Independent Testing Laboratory |
| 61D-14.022 | Slot Machine, Slot Machine Component, and Progressive System Requirements |
| 61D-14.024 | Logic Compartment |
| 61D-14.032 | Progressive System Requirements |
| 61D-14.033 | Progressive Displays and Controllers |
| 61D-14.034 | Progressive Jackpots |
| 61D-14.037 | Games with Bonus Features, Multiple Win Lines, Prizes |
| 61D-14.038 | Percentage Payout and Odds |
| 61D-14.047 | Facility Based Monitoring System and Computer Diagnostics |
| 61D-14.048 | Facility Based Monitoring System Required Reports |
| 61D-14.073 | Meter Readings |

PURPOSE AND EFFECT: The purpose and effect of the proposed rules will be to implement Florida Statutes pertaining to the regulation of slot machine operations at pari-mutuel racing facilities and the implementation of wide area progressive (WAP) systems.

SUMMARY: The amendment to Rule 61D-14.006, F.A.C., adds wide area progressive providers to those business entities requiring a slot machine business occupational license under

Section 551.107(2), F.S. The amendment to Rule 61D-14.007, F.A.C., adds wide area progressive providers to those business entities in which an independent testing laboratory is prohibited from having an interest. The amendment to Rule 61D-14.022, F.A.C., provides updates to the technical standards for slot machines, slot machine operations, and slot machine capabilities, as well as addresses wide area progressive system (WAP) slot machine games where two or more slot machine terminals are linked to substantially increase potential jackpot payouts. The updated rule also describes in additional detail the required procedures for jackpot payment. The rule has been substantially reworded to conform to plain language requirements and improve clarity of specifications in a number of technical requirement areas. Rule 61D-14.024, F.A.C., provides technical standards for access to logic compartments and interior compartments housing components that could affect the outcome of a slot machine game, including progressive systems, and requires procedures to limit access to compartment keys. The rule also provides procedures for sealing the compartments and providing access only to authorized personnel, and has been substantially reworded to conform to plain language requirements and improve clarity of specifications for technical requirement areas. Rule 61D-14.032, F.A.C., provides system and operational requirements for slot machines configured to accept and participate in both wide area and local area progressive jackpot slot machine play. Rule 61D-14.033, F.A.C., provides system and operational requirements for progressive gaming system displays and controllers used in progressive jackpot slot machine play. Rule 61D-14.034, F.A.C., addresses progressive system jackpots, the recording of information related thereto by progressive slot machines, and the modification thereof. The amendment to Rule 61D-14.037, F.A.C., adds wide area progressive slot machines to the requirements governing slot machine games with bonus features. The amendment to Rule 61D-14.038, F.A.C., relaxes the reporting requirement to semi-annual and encompasses WAP systems. The amendment to Rule 61D-14.047, F.A.C., adds progressive slot machines to the requirement that slot machines not be enabled to play following receipt of an error until its control program is authenticated. The amendment to Rule 61D-14.048, F.A.C., adds daily progressive meter reports to the reports required under the rule and specifies what must be included in a daily progressive meter report. The amendment to Rule 61D-14.073, F.A.C., adds progressive meter readings to the meter readings accounting department employees must make under the rule and specifies the requirements therefor.

OTHER RULES INCORPORATING THIS RULE: Rules 61D-14.009, 14.011, and 14.012 incorporate Rule 61D-14.006. Rule 61D-14.097 incorporates Rule 61D-14.022. Rule 61D-14.016 incorporates Rule 61D-14.024. Rule 61D-14.018 incorporates Rule 61D-14.048.

EFFECT ON THOSE OTHER RULES: Rule 61D-14.006 has no effect on Rules 61D-14.009, 14.011, and 14.012. Rule 61D-14.022 adds no additional requirements to Rule 61D-14.097. Rule 61D-14.024 adds no additional requirements to Rule 61D-14.016. Rule 61D-14.048 adds no additional requirements to Rule 61D-14.018.

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: 551.103(1), 551.122 FS.

LAW IMPLEMENTED: 551.103(1)(a), (b), (c), (d), (e), (g), (h), (i), 551.104(4)(f), (j), 551.107, 551.108, 551.121(5) 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: November 16, 2010, 9:00 a.m. – Noon

PLACE: Florida Department of Business and Professional Regulation, Northwood Centre, Board Room, 1940 N. Monroe 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 5 days before the workshop/meeting by contacting: Mary Polombo at (850)413-0750. 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 RULES IS: Mary Polombo, Clerk, Division of Pari-Mutuel Wagering, 1940 North Monroe Street, Tallahassee, Florida 32399-1035

THE FULL TEXT OF THE PROPOSED RULES IS:

61D-14.006 Occupational License Application Requirements for Business Entities.

(1) The slot machine occupational license requirements of this section apply to any business entities, including wide area progressive providers or sole proprietorships, as follows:

(a) through (9) No change.

Rulemaking Authority 551.103(1), 551.122 FS. Law Implemented 551.103(1)(a), (b), 551.107 FS. History—New 7-30-06, Amended 6-21-10,_____.

61D-14.007 Business Occupational License Requirements for an Independent Testing Laboratory.

(1) For purposes of this rule the term “direct interest”:

(a) Shall mean the owning or holding of capital stock or other ownership interest by the applicant for a business occupational license or by the applicant's officers, directors, managers, employees, or ownership interest holders in a slot machine licensee, wide area progressive provider, or manufacturer or distributor of slot machines, slot machine software, or slot machine parts as defined in Chapter 551, F.S.

(b) through 2. No change.

(2) In addition to the requirements of Rule 61D-14.006, F.A.C., an applicant for a business occupational license as an independent testing laboratory to test and technically evaluate slot machines, progressive systems, or facility based monitoring systems of a slot machine licensee shall meet the following criteria:

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

2. Any business owned by a slot machine licensee; ~~and~~

3. A manufacturer or distributor of slot machines, slot machine software, or slot machine parts; ~~and-~~

4. A wide area progressive provider.

(3) through (a) No change.

(b) Any business owned by a slot machine licensee; ~~or~~

(c) A manufacturer or distributor of slot machines, slot machine software, or slot machine parts; ~~or-~~

(d) A wide area progressive provider.

(4) through (b) No change.

Rulemaking Authority 551.103(1), 551.122 FS. Law Implemented 551.103(1)(a), (b), (c), 551.107, 551.108 FS. History--New 6-25-06, Amended 6-21-10, _____.

(Substantial rewording of Rule 61D-14.022 follows. See Florida Administrative Code for present text.)

61D-14.022 Slot Machine, Slot Machine Component, and Progressive System Requirements.

(1) Slot machine licensees shall only offer slot machines that transmit or track financial data using a game services protocol, such as the Slot Accounting System (SAS), except for progressive systems which, when communicating from machine to machine, may use any generally accepted communication protocol certified by an independent testing laboratory.

(2) Prior to the sale or delivery of a slot machine or progressive system for play in this state, the division must receive written certification by a licensed independent testing laboratory that all criteria for operation contained in Chapter 551, F.S., and Chapter 61D-14, F.A.C., are met.

(3) The manufacturer of any slot machine, slot machine game, or progressive system to be offered for play in this state is responsible for all compliance testing.

(4) Slot machines and progressive systems shall be capable of resuming game play without operator intervention and shall withstand the following tests where applicable:

(a) Random Number Generator Test;

(b) Electro-Magnetic Interference Test;

(c) Electro-Static Interference Test;

(d) Radio Frequency Interference (RFI) Test;

(e) Magnetic Interference Test; and

(f) Liquid Spills Test.

(5) A slot machine shall have an identification badge permanently affixed to the exterior of the slot machine cabinet by the manufacturer, which shall include:

(a) The name of the manufacturer;

(b) A unique serial number;

(c) The slot machine model number; and

(d) The date of manufacture.

(6) Slot machine components, including progressive systems and any software requiring certification by an independent testing laboratory, shall have an identification affixed to the exterior of the component by the manufacturer, where applicable, which shall be the date of manufacture and either:

(a) The name of the manufacturer;

(b) A unique serial number; or

(c) A part number unique to that type of component if applicable.

(7) For bets greater than one credit, the slot machine shall display, through monitors, paytables (machines face glass), decals, or button tiles, the minimum wager for the minimum required play.

(8) All slot machine external doors shall be locked.

(9) The opening and closing of all slot machine external doors shall be:

(a) Monitored by door access sensors, which shall have the ability to detect when a door is opened or moved from its fully closed and locked position and immediately:

1. Report the door opened event to the slot machine by way of an error; and

2. Notify the surveillance department of the door opening, which shall monitor and record all activities at that slot machine until such time as the incident has been satisfactorily resolved.

(b) Logged in a machine entry authorization log (meal book) maintained inside the locked compartment of the slot machine, which shall include the name of the occupational licensee opening the door, time of opening, and reason for opening.

(10) The slot machine shall have a light or audible alarm, or both, that automatically illuminate and sound when:

(a) A player attempts to redeem credits that the slot machine cannot automatically pay;

(b) An error condition has occurred; or

(c) A player has initiated a "Call Attendant" condition.

(11) The power switch for a slot machine shall be:

(a) Clearly labeled;

(b) Located in a place which is readily accessible within the interior of the slot machine; and

(c) Positioned so that power cannot be disconnected from outside of the machine.

(12) The operation of a slot machine, slot machine component, slot machine game, or progressive system:

(a) Shall not be altered by surges or reductions of $\pm 10\%$ of the power supply voltage; and

(b) May be reset if there is no:

1. Damage to the equipment; or

2. Loss or corruption of data.

(13) Each individual slot machine shall be controlled by one or more microprocessors, which shall be physically located within the slot machine's locked logic compartment and have a key different from the key used for the slot machine main door.

(14) Ticket printers shall be in a locked area of the slot machine and interfaced to allow the slot machine control program to interpret the slot machine game and provide an alert when the ticket printer:

(a) Is out of paper;

(b) Is low on paper;

(c) Is disconnected; or

(d) Has a printer jam or failure.

(15) The slot machine shall enter a lock-up condition if:

(a) The sum of the award from the single play of a game is equal to or greater than \$1,200.00, at which time a manual jackpot payment shall be made pursuant to Rule 61D-14.075, F.A.C.;

(b) The integrity of the machine is compromised; or

(c) A component critical to the proper operation of the machine has failed.

(16) The lock-up condition shall require an attendant to:

(a) Complete any required manual jackpot payment consistent with Chapter 61D-14, F.A.C.; or

(b) Clear the error on the slot machine before play may resume on the slot machine.

(17) A slot machine shall recognize an electronic identification card which card shall:

(a) Only be issued to specifically designated licensed employees;

(b) Be inserted into the slot machine prior to the opening of a slot machine door; and

(c) Only be inserted after surveillance has been notified of and approves the opening.

(18) Any adjustments made to a slot machine's gaming options, slot machine components, or a progressive system during a RAM clear must be witnessed and approved by the division or a licensed independent laboratory.

(19) Software, software components, and hardware shall:

(a) Not be introduced into a facility before division approval;

(b) Not be duplicated by the facility; and

(c) Be stored and destroyed beyond recognition in accordance with a division approved method in the facility's internal controls.

Rulemaking Specific Authority 551.103(1), 551.122 FS. Law Implemented 551.103(1)(c), (1)(d), (1)(h), (1)(i) FS. History--New 7-30-06, Amended _____.

(Substantial rewording of Rule 61D-14.024 follows. See Florida Administrative Code for present text.)

61D-14.024 Logic Compartment.

(1) The logic compartment is a locked compartment contained within each slot machine cabinet which shall:

(a) Have its own locked door;

(b) Be separate from any external door lock; and

(c) Contain, at a minimum, the central processing unit or units that control the slot machine.

(2) A slot machine or slot machine game may not be offered for play at a slot machine licensed facility until:

(a) A licensed independent testing laboratory has certified that it meets all requirements of Chapter 551, F.S., and Chapter 61D-14, F.A.C.;

(b) The division has verified the identity of the slot machine software program and confirmed that it has been certified by an independent testing laboratory; and

(c) The division has sealed the slot machine with evidence tape as prescribed by this rule.

(3) In accordance with the licensed slot machine facility's internal controls, the division shall apply evidence tape to any slot machine components that could affect the outcome of the game, including progressive systems where applicable.

(4) Any occupational licensee who observes that a piece of evidence tape has been tampered with in any way shall disable the slot machine from play and immediately notify facility security and surveillance, which shall:

(a) Notify the division; and

(b) Ensure the slot machine is not offered for play until the completion of any investigation and its evidence tape has been replaced.

Rulemaking Specific Authority 551.103(1), 551.122 FS. Law Implemented 551.103(1)(c), (i) FS. History--New 7-30-06, Amended _____.

61D-14.032 Progressive System Requirements.

(1) With the prior approval of the division, one or more slot machine licensees may operate any wide area progressive (WAP) system or local area progressive (LAP) devices certified by a licensed independent testing laboratory in compliance with Chapter 551, F.S., and Chapter 61D-14, F.A.C.

(2) To obtain the approval to participate in WAP gaming, a slot machine licensee shall provide the division with a copy of the WAP agreement, which must specifically describe and identify the role, authority, and responsibilities of each casino licensee and each WAP provider participating in the conduct of the wide area progressive system, and the WAP provider must:

- (a) Utilize multiple demark stations;
- (b) Be licensed in at least two other jurisdictions where slot machine gaming is authorized; and
- (c) Not connect to any system outside of the United States.

(3) A WAP or LAP slot machine utilizing multiple level jackpots shall:

- (a) Clearly display the amount of wager necessary to attain each level of the jackpot award;
- (b) Clearly indicate which level(s) the player is playing for; and
- (c) Not be used as a tournament slot machine or in any tournament style gaming.

(4) The progressive jackpot amount displayed on any WAP or LAP slot machine jackpot meter shall not be altered, unless:

- (a) The jackpot amount is awarded;
- (b) The meter requires an adjustment because of a functional error and the division approves the adjustment; or
- (c) The amount of the progressive jackpot, minus the reset amount, is distributed to another WAP or LAP slot machine, in which case:

1. The licensee must document the redistribution and report it to the division;
2. The redistribution must be dispersed to another WAP or LAP slot machine that does not require a higher wager amount for its progressive win; and
3. The redistribution must be dispersed to another WAP slot machine of the same host or a LAP within the same licensed facility.

(5) Upon validation of a jackpot award, the total prize shall be awarded to the patron in accordance with applicable law and the slot machine licensee's internal controls.

(6) A LAP slot machine may not be offered for play as a WAP slot machine except a LAP machine may offer a WAP amount as a top award if the LAP/WAP combination is certified by an independent testing laboratory as meeting all the requirements of Chapter 551, F.S., and Chapter 61D-14, F.A.C.

(7) Documentation accompanying the progressive system will include:

- (a) The type of progressive system the controller utilizes;
- (b) The configuration of each type including:
 1. Stand alone;
 2. Linked; and
 3. Multi-site.
- (c) A listing of error conditions;

(d) The number of displays the progressive controller can support; and

(e) A description of the events that take place when a progressive jackpot is won.

(8) Only one game on any linked progressive system can function as the master progressive controller when the progressive system utilizes a master controller configuration, and if:

(a) The master controller becomes inoperative, all linked games must disable; or

(b) Any game within the linked games loses communication with the master controller, that game must be disabled.

(9) The progressive controller must be able to display all setup parameters.

(10) The approval of a multi-site WAP system shall be certified in two phases.

(a) First by an independent testing laboratory for the integrity of the gaming device in conjunction with the progressive system; and

(b) Second by onsite certification by the independent testing laboratory where the progressive communications and setup are tested prior to implementation.

(11) All slot machine licensees operating a progressive system shall, with respect to each system they operate, prepare a daily progressive report that includes date, time, progressive (name/number), progressive type, banks(s)/machine(s), and progressive amounts.

Rulemaking Authority 551.103(1), 551.122 FS. Law Implemented 551.103(1)(c), (d), (e), (g), 551.121(5) FS. History—New _____.

61D-14.033 Progressive Displays and Controllers.

(1) All progressive jackpot displays shall:

- (a) Be visible to all players playing the machine;
- (b) Show all values as dollars and cents; and
- (c) Show the progressive jackpot amount close to near real.

(2) If any progressive system interfaces with the player tracking systems display, it must conform to the requirements of Rule 61D-14.076, F.A.C.

(3) Any modification of a progressive systems contribution amount or base value shall require:

- (a) Prior written approval from the division; and
 - (b) The presence of a division representative.
- (4) When a progressive controller error occurs:

- (a) An alert must be recorded by the progressive system; and
- (b) The error condition must be visibly displayed to expedite repairs as soon as possible.

(5) In the event a progressive controller needs to be replaced outside normal DBPR working hours, a licensed representative from the manufacturer may replace the

progressive controller with another progressive controller having the exact same configuration, provided a full report is generated and submitted to the division by 12:00 noon on the first business day following the completion of the replacement.

Rulemaking Authority 551.103(1), 551.122 FS. Law Implemented 551.103(1)(c), (d), (e), (g), 551.121(5) FS. History–New _____.

61D-14.034 Progressive Jackpots.

(1) All progressive systems or controllers shall have the ability to record the following information for each progressive amount:

(a) The current prize amount;

(b) The number of progressive wins;

(c) The history of at least the last five progressive awards;

(d) The starting award value;

(e) The jackpot award value limit, if applicable;

(f) The initial incremental percentage rate at which an award is increased;

(g) The secondary incremental percentage rate at which an award is increased after the jackpot limit is reached;

(h) The overflow incremental percentage increment rate for the reserve pool;

(i) The amount the progressive will be reset to its base reset amount after the progressive jackpot is awarded; and

(j) The slot machines participating in the progressive jackpot.

(2) Any modification of a progressive system or reset of a progressive jackpot amount shall require:

(a) Prior written notification to the division; and

(b) The presence of a division representative.

(3) All progressive jackpot amounts shall be equal to or greater than the reset amount of each progressive machine.

(4) In the event of a simultaneous multiple jackpot occurrence where there is no definitive method of readily determining which jackpot occurred first, the award shall be evenly divided among all patrons who contributed to the simultaneous jackpot win.

(5) In the event of a communication failure of any WAP during a simultaneous jackpot win, the patron contributing to the jackpot at the non-updated site will be eligible to divide the jackpot win equally with the other contributing patron.

Rulemaking Authority 551.103(1), 551.122 FS. Law Implemented 551.103(1)(c), (d), (e), (g), 551.121(5) FS. History–New _____.

61D-14.037 Games with Bonus Features, Multiple Win Lines, Prizes.

(1) If the slot machine game or progressive slot machine contains a bonus feature including a “game within a game,” the following requirements shall be met:

(a)(4) The game shall display to the player which game rules apply to the current game state;

(b)(2) The number of plays remaining for the free game event shall be displayed as each free game is played;

(c)(3) If a bonus or feature game requires extra credits to be wagered the game shall provide the player an opportunity to not participate;

(d)(4) The probability of obtaining winning events or symbols on the base game shall not decrease as the game progresses; and

(e)(5) The game shall display to the player that the game is in a bonus feature mode.

(2) Any “game within a game” or bonus feature of a progressive slot machine shall:

(a) Be a function of the base game;

(b) Not add bonus feature amounts to the progressive total; and

(c) Not increase or decrease a patron’s probability of winning the progressive jackpot other than to add additional credits for future play or cash out when the cash out button is engaged.

(3) If a mystery progressive jackpot is offered, all machines linked to the mystery progressive must have the same probability of winning the mystery jackpot and shall notify the patron of the award.

Rulemaking Specific Authority 551.103(1), 551.122 FS. Law Implemented 551.103(1)(c), (d), (e), (g), 551.121(5) FS. History–New 6-25-06, Amended _____.

61D-14.038 Percentage Payout and Odds.

(1) through (4)(c) No change.

(5) The slot machine licensee shall create a semi-annual quarterly report using the facility based monitoring system (FBMS), demonstrating an overall floor average of 85 percent or higher and providing the following information for each slot machine in play for each slot machine game offered for play during the quarter or any part of a quarter, that includes:

(a) The lifetime actual payout to the end of the reporting period respective quarter;

(b) through (d) No change.

(6) The semi-annual quarterly report required by subsection (5) of this rule shall be filed with the division at the address in paragraph (1)(c) of this rule, electronically or in writing, for each of the following periods:

(a) January 1 through June 30; and March 31;

(b) July 1 through December 31, April 1 through June 30;

(c) July 1 through September 30; and

(d) October 1 through December 31.

(7) If the report required by subsection (5) of this rule shows that a slot machine facilities gaming floor game’s actual payout is less than 85 percent and the game has surpassed the minimum number of handle pulls required to reach the minimum payout percentage as indicated on the PAR sheet for the slot machine, the slot machine licensee shall notify:

(a) ~~Notify~~ the division in writing of the identity of the slot machine game;

(b) ~~Recompute the slot machine game payout percentage using the FBMS; and~~

(c) ~~Determine whether the recomputation of the payout percentage reveals that the slot machine game falls within or outside of the volatility range.~~

(8) If, in two consecutive ~~semi-annual~~ quarterly reports, ~~any~~ a slot machine game fails to remain at 85 percent or higher ~~within its volatility range~~, the division will verify the operating software ~~that meets the requirements of the testing in subsection (1) of this rule.~~

(9) Each slot machine licensee shall maintain records demonstrating:

(a) The ~~semi-annual~~ quarterly report results required in subsection (5) of this rule for each slot machine game that has been placed on the gaming floor;

(b) The actual payout percentage for each slot machine game at the time of each ~~semi-annual~~ quarterly report required in subsection (5) of this rule;

(c) through (10) No change.

Rulemaking Authority 551.103(1), 551.122 FS. Law Implemented 551.103(1)(c), (d), (e), (h), 551.104(4)(j) FS. History--New 6-25-06, Amended 6-21-10,_____.

61D-14.047 Facility Based Monitoring System and Computer Diagnostics.

(1) through (3) No change.

(a) Be installed in a locked compartment in the machine or system;

(b) through (11)(f) No change.

(12) A slot machine ~~or progressive slot machine~~ shall not be enabled to play following the receipt of any error listed in subsection 61D-14.044(14), F.A.C., until the control program is authenticated.

(13) through (l) No change.

Rulemaking Authority 551.103(1), 551.122 FS. Law Implemented 551.103(1), (e), (g), (i), 551.104(4)(f) FS. History--New 8-13-06, Amended 6-21-10,_____.

61D-14.048 Facility Based Monitoring System Required Reports.

(1) through (4)(c) No change.

(5) Nothing in this section shall be interpreted to limit the ability of the division ~~or FDLE~~ to request reports from the facility based monitoring system as authorized by Chapter 551, F.S., and Chapter 61D-14, F.A.C.

Rulemaking ~~Specific~~ Authority 551.103(1), 551.122 FS. Law Implemented 551.103(1)(d), (e), (i), 551.104(4)(f), 551.121(5) FS. History--New 6-25-06, Amended_____.

61D-14.073 Meter Readings.

(1) Accounting department employees shall; ~~at least once a month manually read and record all meters referenced in subsections 61D-14.042(2), F.A.C., and reconcile those readings with the information on the facility based monitoring system.~~

(a) Manually read and record at least 25 percent of all facility slot machine electronic meters each quarter until all facility slot machine meters are read as required in subsection 61D-14.042(2), F.A.C., by the end of each calendar year; and

(b) Reconcile the readings obtained pursuant to paragraph (1)(a) above with the meter information for each of the corresponding slot machine meter records on the facility based monitoring system.

(2) ~~Each~~ After preparation of the slot meter sheet each employee involved ~~in the with its preparation of the slot meter sheet~~ shall sign the slot meter sheet attesting to the accuracy of the information. The slot meter sheet shall be delivered ~~forwarded~~ directly to the accounting department for comparison to the slot win sheet and calculation of slot machine statistics.

(3) Whenever there is a variance of more than two percent or more than \$100 between the slot machine's internal electronic meters and the meters of the facility based monitoring system, the slot machine licensee shall investigate the cause of the variance and prepare and file an incident report documenting the variance with the controller, the director of surveillance, and the division. The incident report shall include:

(a) through (g) No change.

Rulemaking ~~Specific~~ Authority 551.103(1), 551.122 FS. Law Implemented 551.103(1)(d), (e), (i) FS. History--New 7-30-06, Amended_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Milton Champion, Director, Division of Pari-Mutuel Wagering

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 8, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 2, 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.:
64B8-51.006

RULE TITLE:
Rule Governing Licensure and
Inspection of Electrology Facilities

PURPOSE AND EFFECT: To bring the rule into compliance with current standards for Electrology facilities and to clarify existing language for a clear understanding of facility requirements.

SUMMARY: This proposed rule change incorporates recommendations made by the Florida Department of Health, Division of Environmental Health, which previously performed inspections of electrolysis facilities. Inspections are now conducted by the Division of Medical Quality Assurance Investigative Services Unit.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: A Statement of Estimate Regulatory Costs was prepared. The Electrolysis Council determined:

- In the proposed changes to subparagraph (3)(a)2. of the rule, it is specified that the amendments will only impact those electrology facilities licensed after the revised rule becomes effective. Currently licensed facilities will not be impacted. For the fiscal year 2008-2009, the Division of Medical Quality Assurance's Annual Report indicates that forty-one (41) applications for electrology facility licensure were received. For the previous fiscal year, 2007-2008, approximately 36 applications were received. Based on these figures, one might estimate that a little over 190 applications will be received over the next five years, subjecting that number of facility applicants to the proposed amendments.
- The Department of Health would only experience the cost of rule making.
- There may be applicants for electrology facility licensure that will incur the cost of sink installation, if the only other sink available is one that is located in a restroom open to the general public. There may also be minimal costs associated with purchasing the specific types of containers required, respectively, for sharps and used cloth towels, as well as purchasing the appropriate tests for monitoring autoclaves or dry heat sterilizers.
- The proposed amendment to the rule will have a financial impact only on those small businesses which are required to install an additional sink in order to be in compliance with the rule.

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

RULEMAKING AUTHORITY: 456.037, 478.43(1), (4), 478.51(3) FS.

LAW IMPLEMENTED: 456.037(2), (3), (5), 478.49, 478.51 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: Allen Hall, Executive Director, Electrolysis Council, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3258

THE FULL TEXT OF THE PROPOSED RULE IS:

64B8-51.006 Rule Governing Licensure and Inspection of Electrology Facilities.

(1) through (2) No change.

(3) Electrology Facility Safety and Sanitary Requirements.

(a) through (b) No change.

(c) Electrology facilities shall comply with Section 381.0098, F.S. and Chapter 64E-16, F.A.C.

(d)(e) Restroom Toilet and Lavatory Requirements. Each electrology facility shall provide, on the premises or in the same building, a separate room containing toilet and lavatory facilities which shall have at least one toilet and one sink with running water, and shall be equipped with toilet tissue, soap dispenser with soap or other hand cleaning material, disposable towels or wall-mounted electric blow dryer and a waste receptacle. The toilet and lavatory facilities and all fixtures and components shall be clean, in good repair, and well-lighted and free from adequately ventilated to remove objectionable odors.

(e)(d) No animals shall be allowed to enter or be in the room wherein electrolysis is performed except those trained to assist the hearing impaired, visually impaired, or the physically impaired as provided by Section 413.08, F.S.

(f)(e) The electrology facility shall have the following equipment:

1. An FDA registered needle-type epilation device in working order;
2. Clean and sterile needles/probes and forceps/tweezers;
3. Needle holder tips;
4. A treatment table or treatment chair with a non-porous surface capable of being disinfected;
5. Disposable paper drapes or sanitary cloth drapes stored in a closed container or compartment;
6. Sanitary waste receptacles for the disposal of used gloves, paper supplies, cotton balls, and other noninfectious items;
7. Single use, disposable towels;
8. A sharps container, as defined in Chapter 64E-16, F.A.C., for disposal of used needles/probes;
9. A treatment lamp or magnifier lamp capable of being cleaned with disinfectant;
10. A magnifying device which shall be a magnifier lamp, optical loupe or microscope capable of being cleaned and disinfected;

11. Tuberculocidal hospital grade disinfectant registered by the Environmental Protection Agency, household bleach or wiping cloths pre-saturated with disinfectant for wiping non-porous surfaces;

12. If eye shields are used, eye shields capable of being cleaned with disinfectant;

13. Covered containers for sterile needles/probes and forceps/tweezers, ~~which containers are capable of being cleaned and sterilized;~~

14. Betadine, 3% U.S. Pharmaceutical grade hydrogen peroxide, or 70% isopropyl alcohol, or wrapped single use wipes saturated with 70% isopropyl alcohol;

15. ~~Clean, non-sterile materials such as~~ Cotton balls, cotton strips, cotton swabs, gauze pads, ~~or and~~ gauze strips;

16. ~~If~~ Cloth towels which have been are used, they shall be laundered, and sanitized, and which are stored in a closed container or compartment, ~~and there shall be a covered sanitary container for holding used cloth towels;~~

17. A clean covered container for holding used cloth towels.

~~18.17. A sterilizer which shall be either~~ An autoclave or a dry heat sterilizer, and color change indicators for use with either sterilizer. The endodontic dry heat "glass bead sterilizer" shall not be used for instrument sterilization;

~~19.18. Monthly records of spore destruction test, sterilizer biological test monitoring which shall be made available to the Agency or Department upon request;~~

~~20.19. A holding container for soaking and cleaning contaminated instruments, and~~

~~21.20. Non-sterile disposable examination gloves.~~

~~(g)(f) An appointment record, which lists the name of each person who has received electrolysis treatment, book shall be maintained and kept on the electrology facility premises which lists the name of each person who has received electrolysis treatment.~~

~~(h)(g)~~ In electrology facilities wherein laser equipment is used for hair removal, the following shall be provided:

1. All requirements stated in Rule 64B8-51.006, F.A.C.

~~2.1. Proof of certification for~~ of 30 hours of continuing education in laser hair removal for all electrologists using laser equipment in the facility.

~~3.2. Proof of certification as Certified Medical Electrologist for all electrologists using laser equipment in the facility.~~

~~4.3. Proof of registration for each~~ of laser device located within the electrology facility as required by Section 501.122, F.S.

5.4. Written designation of laser safety officer.

6.5. Appropriate sign on door of laser room.

7.6. Lock on door of laser room.

8.7. Protective eyewear for all persons in laser room during operation of laser.

9.8. Fire extinguisher in vicinity of laser room.

~~10.9. Cold water and ice.~~

10. At least one piece of properly registered laser equipment located within the electrology facility.

(4) Inspections. The Department shall inspect all electrology facilities in the following manner:

(a) All licensed facilities shall be inspected once every two years per biennium.

(b) All facilities applying for initial licensure shall be inspected prior to licensure.

(5) Transfer of Ownership or Location of the Electrology Facility.

(a) No license for an electrology facility may be transferred from the name of the original licensee to another.

(b) The department may approve the transfer of a license from one facility to another ~~An electrology facility license may be transferred from one location to another only upon approval by the Department which approval shall be granted upon compliance with all requirements set out below in subparagraphs 1. through 3. Only the licenses for electrology facilities which have passed the most recent inspection at the original location are eligible for transfer to another location. In order to begin practice at the new location, the electrology facility license holder must first perform all of the following procedures:~~

1. File a completed application for transfer prior to the date of the transfer on forms prescribed by the Department, as ~~referenced in paragraph (2)(b) of this rule, which application must be processed by the Council office;~~

2. Surrender the current license with the application; and \$100 inspection fee.

3. Obtain Pay \$100 to have the new location inspected to determine compliance with Rule 64B8-51.006, F.A.C. The electrology facility may ~~license holder transferring the license shall be permitted to perform electrolysis in the new facility; only after the application has been processed by the Council office and notification provided to the licensee,~~ prior to inspection for a period of 60 days commencing with the first day electrolysis is performed in the new facility, providing the applicant has received notification from the Electrolysis Council that the application has been processed. The required inspection must be performed within the 60 day period or electrolysis services must cease until the inspection is performed.

(6) Renewal of Facility Licensure. Facility licensure shall be renewed every two years at the end of each biennium prescribed by the Department. The licensee shall receive ninety (90) days notice of the need to renew the facility license. The notice shall be sent to the licensee at the last known address of the facility. Failure to receive the notice will not excuse the licensee from the requirement to renew the facility license, and failure to renew shall result in the license becoming delinquent. If the delinquent licensee does not apply for renewal of the

license within six months of the license becoming delinquent, the license shall become null and any subsequent licensure shall be as a result of applying and meeting all requirements for new licensure. A facility may not operate without a license. To timely renew the facility license, including the six month "grace period" provided for, the licensee must pay the renewal fee of \$100 and the inspection fee of \$100.

(7) No change.

Rulemaking Specific Authority 456.037, 478.43(1), (4), 478.51(3) FS. Law Implemented 456.037(2), (3), (5), 478.49, 478.51 FS. History—New 11-16-93, Formerly 61F6-76.006, Amended 5-11-95, 6-26-96, Formerly 59R-51.006, Amended 12-23-97, 12-22-98, 2-17-00, 3-25-01, 4-8-02, 6-16-03, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Medicine
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Medicine
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 9, 2010
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 13, 2009

DEPARTMENT OF HEALTH

Board of Medicine

RULE NO.: 64B8-54.002
RULE TITLE: Request for Inactive or Retired Status License

PURPOSE AND EFFECT: To add language defining how applications will demonstrate competency to reactivate.

SUMMARY: This proposed rule change clarifies the means by which an active status licensee may request inactive or retired status.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: An Estimate Regulatory Costs Statement was prepared. The Board determined that the rule amendment is not expected to have an impact on Small Businesses.

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(15), 478.43(1), (4), 478.50 FS.

LAW IMPLEMENTED: 456.036(2), (4)(b), (12), 478.50 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: Allen Hall, Executive, Electrolysis Council, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3258

THE FULL TEXT OF THE PROPOSED RULE IS:

64B8-54.002 Request for Inactive or Retired Status License. Inactive and Retired Licensure Status; Reactivating of Licensure, Delinquent Renewal.

~~(1) Ninety (90) days prior to the end of the biennium, the Department shall mail a notice of renewal to the last known address of the inactive or delinquent license holder contained in the official records of the Department.~~

(2) Any person holding an inactive license eligible for reactivation may return his license to active status upon submission of a complete application as set out below, to the Department, payment of the fees indicated in Section 456.036, F.S., in the amounts indicated in Rule 64B8-54.004, F.A.C., and compliance with paragraphs (a) and (b), below:

~~(a) If the license has been inactive for less than one year after the expiration date of the last active license, the licensee shall submit proof of completion of 30 hours of the continuing education requirements pursuant to Section 478.50(4)(a), (b), F.S., and Rule Chapter 64B8-52, F.A.C.; or~~

~~(b) If the license has been inactive for more than one year after the expiration date of the last active license, the licensee shall submit proof of completion of 10 hours of continuing education for each year the license has been inactive and the 20 hours of continuing education for the last active biennium. All continuing education must comply with the requirements of Section 478.50(4)(a), (b), F.S., and Rule Chapter 64B8-52, F.A.C.~~

~~(3) If the person holds a Florida retired license eligible for reactivation, he or she may return that license to active status upon submission of a complete application to the Department, payment of the appropriate fees and compliance with the provisions of subsection 456.036(12), F.S.~~

~~(1)(4) Any person holding an active license may change the license to inactive status upon submission of a letter to the Electrolysis Council, stating the licensee's intention to change the license to inactive status. If the change is made at the time of license renewal, the licensee must pay the inactive status renewal fee, the delinquency fee if applicable, and the fee to change licensure status, in the amounts indicated in Rule 64B8-54.004, F.A.C. Active status licensees choosing inactive status at any other time than at the time of license renewal must pay the fee to change licensure status.~~

~~(2)(5) A licensee with an active or inactive license wishing to change to retired licensure status during the renewal period must pay the retired license fee. If changing to retired licensure status outside the renewal period, the change of status fee shall also be paid.~~

~~(6) Failure to renew a delinquent license to either active, inactive or retired status by the expiration date of the current renewal period shall render the license null and void without further action of the Council or Department.~~

Rulemaking Specific Authority 456.036(15), 478.43(1), (4), 478.50 FS. Law Implemented 456.036(2), (4)(b), (12), 478.50 FS. History—New 9-29-93, Formerly 61F6-79.002, 59R-54.002, Amended 4-2-98, 9-26-01, 4-25-06, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Medicine
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Medicine
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 11, 2009
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 13, 2009

DEPARTMENT OF HEALTH

Board of Medicine

RULE NO.: 64B8-55.002
RULE TITLE: Citations

PURPOSE AND EFFECT: To streamline the time for payment of fines and completion of education for improved tracking of compliance and to reconcile citation grounds with language of rules pertaining to practice standards.

SUMMARY: This proposed rule change streamlines the time for payment of fines and completion of education for improved tracking of compliance and reconciles citation grounds with language of rules pertaining to practice standards.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: A Statement of Estimate Regulatory Costs was prepared. The Electrolysis Council determined:

- For the fiscal year 2008-2009, the Division of Medical Quality Assurance’s Annual Report indicates that forty-one (41) applications for electrology facility licensure were received. For the previous fiscal year, 2007-2008, approximately 36 applications were received. Based on these figures, one might estimate that a little over 190 applications will be received over the next five years, subjecting that number of facility applicants to the proposed amendments.
- The Department of Health would only experience the cost of rule making.
- Newly licensed electrology facilities would only be subject to costs associated with the revised citation violations if found to be out of compliance with the rule. The broad range of penalties for these revisions range from a \$50.00 fine, for a first-time violation, up to a \$1000 fine for subsequent violations.
- The proposed amendments to the rule are not anticipated to have a significant impact on small businesses.

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: 456.077(1), (2) FS.

LAW IMPLEMENTED: 456.072(3)(b), 456.077(1), (2), 478.51, 478.52 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: Allen Hall, Executive Director, Electrolysis Council, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3258

THE FULL TEXT OF THE PROPOSED RULE IS:

64B8-55.002 Citations.

(1) through (2) No change.

(3) All citations include a requirement that the subject correct the violation, if remediable, within a specified period of time not to exceed 60 days, unless otherwise specified in this rule and impose whatever obligations necessary to remedy the offense.

(4) The Board designates the following as citation violations:

| | |
|---|--|
| (a) through (g) No change. | |
| (h) <u>The presence of animals in the room wherein electrolysis is performed except those trained to assist the hearing impaired, visually impaired or physically impaired, as provided by Section 413.08, F.S.</u> | (h) First time violation – a \$150.00 fine, second time violation – a \$300.00 fine. |
| (64B8-51.006(3)(c)(d), F.A.C.) | |
| (i) Failure to have any one of the following items/equipment in the facility (the failure to have any one of the items/equipment shall constitute a separate citation): | (i) First time violation – a \$150.00 fine, second time violation – a \$300.00 fine. |
| 1. An FDA registered needle type epilation device in working order. | |
| (64B8-51.006(3)(f)(e)1., F.A.C.) | |
| 2. Clean and sterile needles (e.g. probes) and forceps (e.g. tweezers). | |
| (64B8-51.006(3)(f)(e)2., F.A.C.) | |
| 3. Sanitary waste receptacles for the disposal of used gloves, paper supplies, cotton balls, and other non infectious items. | |
| (64B8-51.006(3)(f)(e)6., F.A.C.) | |
| 4. A sharps container as defined in Rule 64E-16, F.A.C. for disposal of used needles. | |
| (64B8-51.006(3)(f)(e)8., F.A.C.) | |
| 5. A sterilizer which shall be either An autoclave or a dry heat sterilizer and color change indicators for use with either sterilizer. | |
| (64B8-51.006(3)(f)18.(e)17., F.A.C.) | |
| 6. Monthly records of <u>spore destruction tests sterilizer biological test monitoring which shall be made available to the Department upon request.</u> | |
| (64B8-51.006(3)(f)19.(e)18., F.A.C.) | |
| 7. A holding container for soaking and cleaning contaminated instruments. | |
| (64B8-51.006(3)(f)20.(e)19., F.A.C.) | |

| | |
|---|--|
| (j) Failure to maintain an appointment record Which lists the name of each person who has received electrolysis treatment book. (64B8-51.006(3)(g)(f), F.A.C.) | (j) First time violation – a \$150.00 fine, second time violation – a \$300.00 fine. |
| (k) No change. | |
| (l) Failure to have any one of the following items/equipment (the failure to have any one of the items/equipment shall constitute a separate violation): | (l) First time violation – a \$50.00 fine, second time violation – a \$100.00 fine, third time violation – \$200.00 fine |
| 1. Needle holder tips. (64B8-51.006(3)(f)(e)3., F.A.C.) | |
| 2. A treatment table or chair with a nonporous surface capable of being disinfected. (64B8-51.006(3)(f)(e)4., F.A.C.) | |
| 3. Disposable paper drapes or sanitary cloth drapes stored in a closed container or compartment. (64B8-51.006(3)(f)(e)5., F.A.C.) | |
| 4. Single use disposable towels. (64B8-51.006(3)(f)(e)7., F.A.C.) | |
| 5. A treatment lamp or magnifier lamp capable of being cleaned with disinfectant. (64B8-51.006(3)(f)(e)9., F.A.C.) | |
| 6. A magnifying device which shall be a magnifier lamp, optical loupe or microscope capable of being cleaned and disinfected. (64B8-51.006(3)(f)(e)10., F.A.C.) | |
| 7. Tuberculocidal hospital grade disinfectant detergent registered by the Environmental Protection Agency, household bleach or wiping cloths presaturated with disinfectant for wiping nonporous surfaces. (64B8-51.006(3)(f)(e)11., F.A.C.) | |
| of being cleaned with disinfectant. (64B8-51.006(3)(f)(e)12., F.A.C.) | |
| 9. Covered containers for sterile needles and forceps which containers are capable of being cleaned and sterilized. (64B8-51.006(3)(f)(e)13., F.A.C.) | |
| 10. Betadine, 3% U.S. pharmaceutical grade hydrogen peroxide or 70% isopropyl alcohol or mapped single use wipes saturated with 70% isopropyl alcohol. (64B8-51.006(3)(f)(e)14., F.A.C.) | |
| 11. Clean, non-sterile materials such as Cotton balls, cotton strips, cotton swabs, gauze pads, or and gauze strips. (64B8-51.006(3)(f)(e)15., F.A.C.) | |
| 12. If cloth towels are used, laundered and sanitized cloth towels stored in a closed, sanitized container or (64B8-51.006(3)(f)(e)16., F.A.C.) | |

| | |
|---|--|
| 13. If cloth towels are used, a covered sanitary container for holding used cloth towels. (64B8-51.006(3)(f)17.(e)16., F.A.C.) | |
| 14. Non-sterile disposable examination gloves. (64B8-51.006(3)(f)21.(e)20., F.A.C.) | |
| 15. An FDA registered needle-type epilation devise in working order. (64B8-51.006(3)(f)1., F.A.C.) | (m) First time violation – \$500 fine; and completion of all incomplete continuing education credits, all to be submitted within six (6) months of the citation. |
| (m) Failure to comply with continuing education requirements. (64B8-52.002, F.A.C.) | |
| (n) through (s) No change. | |
| (t) Failure to comply with Section 381.0098, F.S. and Chapter 64E-16, F.A.C., pertaining to biomedical waste. | (t) For first time violation, a \$250 fine |

(5) The Board designates the following as electrology citations violations in laser or light based hair removal. Failure to have:

| | |
|---|--|
| (a) Written designation of laser safety officer. (64B8-51.006(3)(h)5.(e)4., F.A.C.) | First time violation \$150, Subsequent violations \$300 |
| (b) Appropriate sign on door of laser room as required by ANSI Standard Z136.1-2000, in effect on June 1, 2006, available from American National Standards Institute, 25 West 43rd Street, 4th Floor, New York, N.Y. 10036. (64B8-51.006(3)(h)6.(e)5., F.A.C.) | First time violation \$150, Subsequent violations \$300. |
| (c) No change. | |
| (d) Lock on door of laser room. (64B8-51.006(3)(h)7.(e)6., F.A.C.) | First time violation \$150, Subsequent violation \$300. |
| (e) Fire extinguisher in vicinity of laser room. (64B8-51.006(3)(h)9.(e)8., F.A.C.) | First time violation \$150, Subsequent violation \$300. |
| (f) through (h) No change. | |
| (i) Proof of registration for each At least one piece of properly registered laser devise equipment located within the electrology facility, as required by Section 501.122, F.S. (64B8-51.006(3)(h)4.(e)3., F.A.C.) | First time violation \$300, Subsequent violation \$600. |
| (j) Protective eyewear for all persons in laser room during operation of laser. (64B8-51.006(3)(h)8.(e)7., F.A.C.) | First time violation \$300, Subsequent violation \$600. |

| | |
|--|---|
| (k) Proof of completion of 30 hours of post-licensure education in laser hair removal for all electrologists using laser equipment in the facility. (64B8-52.004 and 64B8-51.006(3)(h)2., F.A.C.) | First time violation \$500, Subsequent violation \$1,000. |
| (l) Proof of certification as Certified Medical Electrologist for all persons who use laser equipment in the facility, who are not exempt and are licensed electrologists. (64B8-56.002(2)(b) and 64B8-51.006(3)(h)3., F.A.C.) | First time violation \$500, Subsequent violation \$1,000. |
| (6) through (7) No change. | |

Rulemaking Specific Authority 456.077(1), (2) FS. Law Implemented 456.072(3)(b), 456.077(1), (2), 478.51, 478.52 FS. History—New 11-16-93, Formerly 61F6-80.002, Amended 1-2-95, Formerly 59R-55.002, Amended 11-13-97, 10-12-98, 2-11-01, 2-20-02, 11-12-02, 7-16-03, 2-12-07,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Medicine
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Medicine
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 9, 2010
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 15, 2010

DEPARTMENT OF HEALTH

Board of Podiatric Medicine

RULE NO.: 64B18-14.002 RULE TITLE: Disciplinary Guidelines
 PURPOSE AND EFFECT: The Board proposes the rule amendment to update its disciplinary guidelines to incorporate the new offenses set forth in Section 456.072(1), F.S., that were added by the Legislature (Ch. Law 2009-223).
 SUMMARY: The rule amendment will update its disciplinary guidelines to incorporate the new offenses set forth in Section 456.072(1), F.S., that were added by the Legislature (Ch. Law 2009-223).
 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: 456.039(3), 456.072, 456.073(3), 456.079, 461.003, 461.005, 461.013 FS.
 LAW IMPLEMENTED: 456.033, 456.053, 456.062, 456.063, 456.067, 456.072, 456.073(3), 456.079, 461.012, 461.013 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: Bruce Deterding, Executive Director, Board of Podiatric Medicine, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3258

THE FULL TEXT OF THE PROPOSED RULE IS:

64B18-14.002 Disciplinary Guidelines.

(1) No change.

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

(vv) Being convicted of, or entering a plea of guilty or nolo contendere to, any misdemeanor or felony, regardless of adjudication, to any of the acts set forth in Section 456.072(1)(ii), F.S., relating to the Medicaid program, the Board shall impose a penalty ranging from suspension to revocation and a fine of \$1,000 to \$10,000.

(ww) Failing to remit the sum owed to the state for an overpayment from the Medicaid program pursuant to a final order, judgment, or stipulation or settlement, the Board shall impose a penalty ranging from a reprimand to suspension and a fine from \$5,000 to \$10,000.

(xx) Being terminated from the state Medicaid program pursuant to Section 409.913, F.S., any other state Medicaid program, or the federal Medicare program, unless eligibility to participate in the program from which the practitioner was terminated has been restored, the Board shall impose a penalty ranging from a reprimand to revocation and a fine of \$250 to \$10,000 according to the nature of the offense and the substantiating evidence.

(yy) Being convicted of, or entering a plea of guilty or nolo contendere to, any misdemeanor or felony, regardless of adjudication, a crime in any jurisdiction which relates to health care fraud, the Board shall impose a penalty ranging from suspension to revocation and a fine of \$1,000 to \$10,000.

Rulemaking Specific Authority 456.039(3), 456.072, 456.073(3), 456.079, 461.003, 461.005, 461.013 FS. Law Implemented 456.033, 456.053, 456.062, 456.063, 456.067, 456.072, 456.073(3), 456.079, 461.012, 461.013 FS. History—New 11-21-79, Amended 8-31-81, Formerly 21T-14.02, Amended 10-14-86, 12-8-88, 1-19-92, 4-26-93, Formerly 21T-14.002, 61F12-14.002, Amended 2-25-96, 5-29-97, Formerly 59Z-14.002, Amended 11-17-97, 8-24-00, 8-13-02, 4-26-04, 6-14-06, 10-10-06, 11-25-07,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Podiatric Medicine
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Podiatric Medicine
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 6, 2010
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 6, 2009

DEPARTMENT OF HEALTH**Board of Podiatric Medicine**

RULE NO.: 64B18-16.006
 RULE TITLE: Registration Requirements of Podiatric Residents

PURPOSE AND EFFECT: The Board proposes the rule amendment to update the form referenced.

SUMMARY: The rule amendment will update the revision date of form.

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: 461.005, 461.014(3) FS.

LAW IMPLEMENTED: 461.014(3) 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: Bruce Deterding., Executive Director, Board of Podiatric Medicine, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3258

THE FULL TEXT OF THE PROPOSED RULE IS:

64B18-16.006 Registration Requirements of Podiatric Residents.

(1) Every podiatric resident participating in a residency program in a hospital in this state shall register with the Board within sixty (60) days of the date of commencement of residency using the Podiatric Resident Registration Form DH-MQA 1139 (revised 8/2010 ~~04/09~~), hereby adopted and incorporated by reference, that can be obtained from the Board of Podiatric Medicine's website at <http://www.doh.state.fl.us/mqa/podiatry/index.html>.

(2) The Board will deny the application for examination and licensure of any resident who is obliged to register with the Board pursuant to Section 461.014(1)(c), F.S., but who fails to do so.

Rulemaking Specific Authority 461.014(3) FS. Law Implemented 461.014(3) FS. History—New 11-24-80, Formerly 21T-16.06, 21T-16.006, 61F12-16.006, Amended 1-4-96, Formerly 59Z-16.006, Amended 6-17-09, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Podiatric Medicine

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 6, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 23, 2010

DEPARTMENT OF HEALTH**Board of Podiatric Medicine**

RULE NO.: 64B18-24.001
 RULE TITLE: Initial Certification for Podiatric X-Ray Assistants

PURPOSE AND EFFECT: The Board proposes the rule amendment to update the form referenced.

SUMMARY: The rule amendment will update the revision date of form.

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: 461.005, 461.0135 FS.

LAW IMPLEMENTED: 456.013(2), 456.025(1), 461.003(2), 461.0135 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: Bruce Deterding, Executive Director, Board of Podiatric Medicine, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3258

THE FULL TEXT OF THE PROPOSED RULE IS:

64B18-24.001 Initial Certification for Podiatric X-Ray Assistants.

(1) Each applicant for initial certification as a podiatric x-ray assistant shall submit an application, on form DH-MQA 1026, entitled, "Application for Certified Podiatric X-ray Assistant," which is hereby incorporated by reference, effective 8/2010 ~~6/2008~~, copies of which may be obtained from the Board of Podiatric Medicine's website http://www.doh.state.fl.us/mqa/podiatry/po_applications.html and shall include:

(a) A certification fee of \$75.00; and

(b) The name(s) of the applicant's supervising Florida licensed podiatric physician(s).

(2) Any change of supervisor must be reported by the applicant/certified podiatric x-ray assistant to the Board within 30 days of the change on form DH-MQA 1118, entitled, "Update Supervisor for Certified Podiatric x-ray Assistant," which is hereby incorporated by reference effective 2/2008, and can be obtained from the Board of Podiatric Medicine's website http://www.doh.state.fl.us/mqa/podiatry/po_applications.html.

(3) The Board shall verify successful passage of the course and examination required by Section 461.0135, F.S., prior to issuance of the podiatric x-ray assistant certification.

Rulemaking Specific Authority 461.005, 461.0135 FS. Law Implemented 456.013(2), 456.025(1), 461.003(2), 461.0135 FS. History–New 2-16-00, Amended 8-31-08,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Podiatric Medicine
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Podiatric Medicine
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 6, 2010
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 23, 2010

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Family Safety and Preservation Program

RULE NO.: 65C-16.018
RULE TITLE: Adoption Benefits for Qualifying Employees of State Agencies

PURPOSE AND EFFECT: To align the rule with statutory changes made during the 2010 legislative session. Chapter 2010-158, Laws of Florida, repealed Section 409.1663, F.S. The Department no longer has the statutory authority to implement this provision of law.

SUMMARY: This proposed rule repeals Rule 65C-16.018, F.A.C., relating to the adoption benefits for qualifying adoptive employees of state agencies.

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: 409.1663 FS.

LAW IMPLEMENTED: 409.1663 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: Jane McElroy, 1317 Winewood Boulevard, Building 1, Tallahassee, Florida 32399, phone: (850)921-2917, Email: jane_mcelroy@dcf.state.fl.us

THE FULL TEXT OF THE PROPOSED RULE IS:

65C-16.018 Adoption Benefits for Qualifying Employees of State Agencies.

Rulemaking Specific Authority 409.1663(6) FS. Law Implemented 409.1663 FS. History–New 11-30-08, Repealed_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Alan Abramowitz
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: George Sheldon
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 13, 2010

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Family Safety and Preservation Program

RULE NO.: 65C-28.016
RULE TITLE: Psychotropic Medications

PURPOSE AND EFFECT: The Department promulgated Chapter 65C-35, F.A.C., in early 2010 regarding psychotropic medications. The repeal of Rule 65C-28.016, F.A.C., is necessary to remove duplicative program requirements regarding psychotropic medications.

SUMMARY: This proposed rule repeals Rule 65C-28.016, F.A.C., relating to psychotropic medications of children in out-of-home care.

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: 39.407(3)(g) FS.

LAW IMPLEMENTED: 39.407(3)(g) 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: Jane McElroy, 1317 Winewood Boulevard, Building 1, Tallahassee, Florida 32399, phone: (850)921-2917, Email: jane_mcelroy@dcf.state.fl.us

THE FULL TEXT OF THE PROPOSED RULE IS:

65C-28.016 Psychotropic Medications.

Rulemaking Specific Authority 39.407(3)(g) FS. Law Implemented 39.407(3) FS. History–New 5-4-06, Repealed_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Alan Abramowitz
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: George Sheldon
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 13, 2010

FINANCIAL SERVICES COMMISSION**Office of Financial Regulation**

RULE NO.:

RULE TITLE:

69V-85.006

Electronic Filing of Forms and Fees

PURPOSE AND EFFECT: Section 520.994, F.S., authorizes the Commission to require the electronic submission of any form, document, or fee, if such rules reasonably accommodate technological or financial hardships. Rule 69V-85.006, F.A.C., currently requires electronic filing of documents and fees through the Office's Regulatory Enforcement and Licensing System, and sets forth procedures for obtaining a hardship exemption from these requirements. The proposed rule amendments simplify the process of requesting a hardship exemption. In addition, the rule amendments set forth the types of technological or financial hardships that will enable a person to qualify for an exemption.

SUMMARY: The proposed rule amendments simplify the process of requesting an exemption from the requirement that forms and fees be filed electronically through the Office of Financial Regulation's Regulatory Enforcement and Licensing (REAL) System. The amendments also set forth the types of technological or financial hardships that will enable a person to qualify for an exemption. This rule pertains to persons and businesses required to be licensed under Chapter 520, Florida Statutes.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: A Statement of Estimated Regulatory Costs has been prepared. There are no transactional costs associated with the implementation of the proposed rule amendments. There will be no impact to small counties, cities or other state agencies. The rule currently requires applicants and licensees to file required forms and fees through the Office's Regulatory Enforcement and Licensing (REAL) system. The current rule also provides that an applicant or licensee may apply for an exemption from electronic filing requirements. The proposed rule amendments simplify the process of requesting an exemption by allowing a person seeking an exemption to submit a form to the Office's regulatory staff. The form sets forth the types of financial and technological hardships that will enable a person to qualify for an exemption.

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: 520.994(5) FS.

LAW IMPLEMENTED: 520.03, 520.32, 520.63, 520.999 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: Gregory C. Oaks, Chief, Bureau of Regulatory Review, Finance, Division of Finance, Office of Financial Regulation, 200 East Gaines Street, Tallahassee, FL 32399-0376, phone (850)410-9805, Facsimile (850)410-9914, E-mail: Greg.Oaks@flofr.com

THE FULL TEXT OF THE PROPOSED RULE IS:

69V-85.006 Electronic Filing of Forms and Fees.

(1) For purposes of this rule, "REAL System" means the Office of Financial Regulation's Regulatory Enforcement and Licensing System, which is accessible through the Office of Financial Regulation's website at www.flofr.com.

(2) All forms adopted under Rules 69V-85.002 and 69V-85.003, F.A.C., must be filed with the Office of Financial Regulation through the REAL system.

(3) All fees required to be filed with the Office of Financial Regulation under Rule 69V-85.003, F.A.C., must be filed through the REAL System.

(4) Any person may request an exemption from the electronic filing requirements of this rule by submitting Form OFR-520-04, Request for Exemption from Electronic Filing Requirements, ~~a written request~~ to: Office of Financial Regulation, Division of Finance, Bureau of Regulatory Review, 200 E. Gaines Street, Tallahassee, Florida 32399-0351. ~~The request must set forth the person's technological or financial hardship that makes it difficult for the person to file forms and pay fees electronically. The request must be legible and include the applicant's or licensee's name, contact person, address and telephone number.~~ The Office of Financial Regulation will provide any person granted an exemption under this subsection with instructions on how to file forms and fees in paper format. Form OFR-520-04 is hereby incorporated by reference and available on the Office's website at www.flofr.com and by mail from the Office of Financial Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0376.

Rulemaking Authority 520.994(5) FS. Law Implemented 520.03, 520.32, 520.52, 520.63, 520.999 FS. History—New 9-20-09, Amended

NAME OF PERSON ORIGINATING PROPOSED RULE: Gregory C. Oaks, Chief, Bureau of Regulatory Review, Finance, Division of Finance, Office of Financial Regulation, 200 East Gaines Street, Tallahassee, FL 32399-0376, phone (850)410-9805, Facsimile (850)410-9914, E-mail: Greg.Oaks@flofr.com

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 12, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: August 20, 2010

FINANCIAL SERVICES COMMISSION

Office of Financial Regulation

RULE NO.: 69V-160.036
RULE TITLE: Electronic Filing of Forms and Fees
PURPOSE AND EFFECT: Section 516.03, F.S., authorizes the Commission to require the electronic submission of any form, document, or fee, if such rules reasonably accommodate technological or financial hardships. Rule 69V-160.036, F.A.C., currently requires electronic filing of documents and fees through the Office's Regulatory Enforcement and Licensing System, and sets forth procedures for obtaining a hardship exemption from these requirements. The proposed rule amendments simplify the process of requesting a hardship exemption. In addition, the rule amendments set forth the types of technological or financial hardships that will enable a person to qualify for an exemption.

SUMMARY: The proposed rule amendments simplify the process of requesting an exemption from the requirement that forms and fees be filed electronically through the Office of Financial Regulation's Regulatory Enforcement and Licensing (REAL) System. The amendments also set forth the types of technological or financial hardships that will enable a person to qualify for an exemption. This rule pertains to persons and businesses required to be licensed under Chapter 516, Florida Statutes.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: A Statement of Estimated Regulatory Costs has been prepared. There are no transactional costs associated with the implementation of the proposed rule amendments. There will be no impact to small counties, cities or other state agencies. The rule currently requires applicants and licensees to file required forms and fees through the Office's Regulatory Enforcement and Licensing (REAL) system. The current rule also provides that an applicant or licensee may apply for an exemption from electronic filing requirements. The proposed rule amendments simplify the process of requesting an exemption by allowing a person seeking an exemption to submit a form to the Office's regulatory staff. The form sets forth the types of financial and technological hardships that will enable a person to qualify for an exemption.

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: 516.03 FS.

LAW IMPLEMENTED: 516.03 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: Gregory C. Oaks, Chief, Bureau of Regulatory Review, Finance, Division of Finance, Office of Financial Regulation, 200 East Gaines Street, Tallahassee, FL 32399-0376, phone (850)410-9805, Facsimile (850)410-9914, E-mail: Greg.Oaks@flofr.com

THE FULL TEXT OF THE PROPOSED RULE IS:

69V-160.036 Electronic Filing of Forms and Fees.

(1) For purposes of this rule, "REAL System" means the Office of Financial Regulation's Regulatory Enforcement and Licensing System, which is accessible through the Office of Financial Regulation's website at www.flofr.com.

(2) All forms adopted under Rule 69V-160.030, F.A.C., must be filed with the Office of Financial Regulation through the REAL system.

(3) All fees required to be filed with the Office of Financial Regulation under Rules 69V-160.030 and 69V-160.031, F.A.C., must be filed through the REAL System.

(4) Any person may request an exemption from the electronic filing requirements of this rule by submitting Form OFR-516-02, Request for Exemption from Electronic Filing Requirements, ~~a written request~~ to: Office of Financial Regulation, Division of Finance, Bureau of Regulatory Review, 200 E. Gaines Street, Tallahassee, Florida 32399-0351. ~~The request must set forth the person's technological or financial hardship that makes it difficult for the person to file forms and pay fees electronically. The request must be legible and include the applicant's or licensee's name, contact person, address and telephone number.~~ The Office of Financial Regulation will provide any person granted an exemption under this subsection with instructions on how to file forms and fees in paper format. Form OFR-516-02 is hereby incorporated by reference and available on the Office's website at www.flofr.com and by mail from the Office of Financial Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0376.

Rulemaking Authority 516.03 FS. Law Implemented 516.03 FS. History—New 9-20-09, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE: Gregory C. Oaks, Chief, Bureau of Regulatory Review, Finance, Division of Finance, Office of Financial Regulation, 200 East Gaines Street, Tallahassee, FL 32399-0376, phone (850)410-9805, Facsimile (850)410-9914, E-mail: Greg.Oaks@flofr.com

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 12, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 20, 2010

FINANCIAL SERVICES COMMISSION**Office of Financial Regulation**

RULE NOS.: RULE TITLES:
69V-560.1012 Adoption of Forms
69V-560.1013 Electronic Filing of Forms and Fees

PURPOSE AND EFFECT: Section 560.105, F.S., authorizes the Commission to require the electronic submission of any form, document, or fee, if such rules reasonably accommodate technological or financial hardships. Rule 69V-560.1013, F.A.C., currently requires electronic filing of documents and fees through the Office's Regulatory Enforcement and Licensing System, and sets forth procedures for obtaining a hardship exemption from these requirements. The proposed rule amendments simplify the process of requesting a hardship exemption. In addition, the rule amendments set forth the types of technological or financial hardships that will enable a person to qualify for an exemption.

SUMMARY: The proposed rule amendments simplify the process of requesting an exemption from the requirement that forms and fees be filed electronically through the Office of Financial Regulation's Regulatory Enforcement and Licensing (REAL) System. The amendments also set forth the types of technological or financial hardships that will enable a person to qualify for an exemption. This rule pertains to persons and businesses required to be licensed under Chapter 560, Florida Statutes.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: A Statement of Estimated Regulatory Costs has been prepared. There are no transactional costs associated with the implementation of the proposed rule amendments. There will be no impact to small counties, cities or other state agencies. Rule 69V-560.1013, F.A.C., currently requires applicants and licensees to file required forms and fees through the Office's Regulatory Enforcement and Licensing (REAL) system. The current rule also provides that an applicant or licensee may apply for an exemption from electronic filing requirements. The proposed rule amendments simplify the process of requesting an exemption by allowing a person seeking an exemption to submit a form to the Office's regulatory staff. The form sets forth the types of financial and technological hardships that will enable a person to qualify for an exemption.

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: 560.105 FS.

LAW IMPLEMENTED: 560.105 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: Gregory C. Oaks, Chief, Bureau of Regulatory Review, Finance, Division of Finance, Office of Financial Regulation, 200 East Gaines Street, Tallahassee, FL 32399-0376, phone (850)410-9805, Facsimile (850)410-9914, E-mail: Greg.Oaks@flofr.com

THE FULL TEXT OF THE PROPOSED RULE IS:

69V-560.1012 Adoption of Forms.

(1) The following forms are incorporated by reference and readopted by this rule for the purposes of Rules 69V-560.102-.913, F.A.C.:

(a) Application for Licensure as a Money Services Business, Form OFR-560-01, effective 10-18-09.

(b) Location Notification Form, Form OFR-560-02, effective 1-13-09.

(c) Declaration of Intent to Engage in Deferred Presentment Transactions, Form OFR-560-03, effective 1-13-09.

(d) Money Services Business Quarterly Report Form, Form OFR-560-04, effective 1-13-09.

(e) Pledge Agreement, Form OFR-560-05, effective 1-13-09.

(f) Money Services Business Surety Bond Form, Form OFR-560-06, effective 1-13-09.

(g) Security Device Calculation Form, Form OFR-560-07, effective 10-18-09.

(h) Request for Exemption from Electronic Filing Requirements, Form OFR-560-08, effective _____.

~~(i)~~ Florida Fingerprint Card (FL922720Z), effective 1-13-09.

~~(j)~~ Currency Transaction Report, FinCEN Form 104, effective 1-13-09.

~~(k)~~ Suspicious Activity Report by Money Services Business, FinCEN Form 109, effective 1-13-09.

~~(l)~~ Report of International Transportation of Currency or Monetary Instruments, FinCEN Form 105, effective 1-13-09.

(2) All forms adopted by this rule are available on the Office's website at www.flofr.com and by mail from the Office of Financial Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0376.

Rulemaking Authority 560.105, 560.118, 560.141, 560.2085, 560.209, 560.403 FS. Law Implemented 560.118, 560.140, 560.141, 560.205, 560.2085, 560.209, 560.403, 943.053 FS. History—New 1-13-09, Amended 10-18-09, _____.

69V-560.1013 Electronic Filing of Forms and Fees.

(1) For purposes of this rule, "REAL System" means the Office of Financial Regulation's Regulatory Enforcement and Licensing System, which is accessible through the Office's website at www.flofr.com.

(2) All forms adopted under paragraphs 69V-560.1012(1)(a) through (1)(g), F.A.C., must be filed electronically with the Office through the REAL system.

(3) All fees required to be filed with the Office under Chapter 69V-560, F.A.C., must be paid electronically through the REAL System.

(4) Any person may request an exemption from the petition for a waiver of the requirement of electronic filing requirements of this rule by submitting Form OFR-560-08, Request for Exemption from Electronic Filing Requirements, to: Office of Financial Regulation, Division of Finance, Bureau of Regulatory Review, 200 E. Gaines Street, Tallahassee, Florida 32399-0351. The Office of Financial Regulation will provide any person granted an exemption under this subsection with instructions on how to file forms and fees in paper format. Form OFR-560-08 is incorporated by reference in Rule 69V-560.1012, F.A.C. of any form or fee under Chapter 69V-560, F.A.C., by filing a petition under Rule 28-106.301, F.A.C. The petition must demonstrate a technological or financial hardship that entitles the person to file the form or fees in a paper format. The Office will provide any person granted a waiver under this subsection a hardcopy version of the applicable form.

Rulemaking Specific Authority 560.105 FS. Law Implemented 560.105 FS. History-New 1-13-09, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Gregory C. Oaks, Chief, Bureau of Regulatory Review, Finance, Division of Finance, Office of Financial Regulation, 200 East Gaines Street, Tallahassee, FL 32399-0376, phone (850)410-9805, Facsimile (850)410-9914, E-mail: Greg.Oaks@flofr.com

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 12, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 20, 2010

Section III Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF COMMUNITY AFFAIRS

Division of Community Planning

RULE NO.: 9J-5.006 RULE TITLE: Future Land Use Element

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 36, No. 39, October 1, 2010 issue of the Florida Administrative Weekly.

9J-5.006 Future Land Use Element.

(4)(c) through (6) No change.

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 NOS.: | RULE TITLES: |
|------------|-----------------------------------|
| 33-601.716 | Visiting Record Management |
| 33-601.725 | Permissible Items for Visitors |
| 33-601.731 | Suspension of Visiting Privileges |
| 33-601.735 | Non-Contact Visiting |
| 33-601.737 | Visiting – Forms |

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. 41, October 15, 2010 issue of the Florida Administrative Weekly.

33-601.716 Visiting Record Management.

(1) through (8) No change.

(9) A visitor approved to visit as a non family inmate shall not be removed from the visiting list of the inmate for purposes of visiting another non family inmate at the same institution.

Rulemaking Authority 944.09, 944.23 FS. Law Implemented 20.315, 944.09, 944.23 FS. History-New 11-18-01, Amended 9-29-03, _____.

33-601.725 Permissible Items for Visitors.

(1) Visitors shall be allowed to bring only authorized items listed into any department facility. Entry shall be denied if the visitor attempts to enter the institution or facility while possessing any unauthorized item or any authorized item in more than the approved amounts. Authorized items shall be removed by the visitor at the end of the visit. Authorized items include:

(a) through (h) No change.

(i) If the visitor is an authorized adult as defined in Rule 33-601.713, F.A.C. applicable, one (1) copy of a notarized authorization to supervise a minor.

(j) through (2) No change.

Rulemaking Authority 944.09, 944.23 FS. Law Implemented 944.09, 944.23, 944.47, 944.8031 FS. History-New 11-18-01, Amended 5-27-02, 7-1-03, 12-30-03, 11-25-04, 3-29-07, 10-8-07, _____.

33-601.731 Suspension of Visiting Privileges.

(1) Suspension of Inmate Visiting Privileges.