

69W-700.028 Small Corporate Offering Registration (“SCOR” Offering).

~~(1) For the purpose of compliance with the registration provisions of Section 517.081(3)(g)2., F.S., the issuer shall file an application on Form OFR S 12-97, SCOR (Small Corporate Offering Registration) Application to Register Securities, which is incorporated by reference in subsection 69W 301.002(7), F.A.C. The application shall include:~~

~~(a) Three (3) copies of Form U-7, Small Corporate Offering Registration Form, which is incorporated by reference in subsection 69W 301.002(7), F.A.C.;~~

~~(b) An irrevocable written Uniform Consent to Service of Process, Form U-2 or Form OFR S 5-91, and Uniform Corporate Resolution, Form U-2A or Form OFR S 6-91, which are incorporated by reference in subsection 69W 301.002(7), F.A.C., as described in Section 517.101, F.S. It shall be the choice of the applicant to file either the Form U-2 or the Form OFR S 5-91, either of which are acceptable to the office. It shall also be the choice of the applicant to file either the Form U-2A or Form OFR S 6-91;~~

~~(c) Payment of the statutory fee as required in Section 517.081, F.S.;~~

~~(d) Exhibits, where applicable, as prescribed in Part II to Form OFR S 12-97, SCOR (Small Corporate Offering Registration) Application to Register Securities, which is incorporated by reference in subsection 69W 301.002(7), F.A.C.~~

~~(2) Self-underwritten offerings shall be offered and sold by the issuer registered with the Office of Financial Regulation in compliance with Section 517.12, F.S. All offerees shall be furnished with a prospectus approved by the Office of Financial Regulation and a copy of Florida’s Guide to Small Business Investments.~~

~~(3) Annual financial reports shall be filed with the Office of Financial Regulation within 90 days after the close of the issuer’s fiscal year for a period of 5 years following the effective date of the registration. In the event the corporation ceases operations, such financial reports shall continue to be furnished to the Office of Financial Regulation unless the corporation is dissolved and all remaining assets distributed, if any. In such an event, the issuer shall furnish documentation to the Office of Financial Regulation to close the file.~~

Rulemaking Authority 517.03(1) FS. Law Implemented 517.081(3), (7) FS. History—New 11-30-97, Formerly 3E-700.028, Amended 11-22-10, Repealed _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Pam Epting, Director, Division of Securities
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Financial Services Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 20, 2012

Section III Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF STATE

Division of Elections

RULE NO. 1S-2.030	RULE TITLE: Absentee Ballots for Overseas (Uniformed Services and Civilian) Voters
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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. 37, No. 46, November 18, 2011 issue of the Florida Administrative Weekly.

The change is in response to written comments submitted by the staff of the Joint Administrative Procedures Committee and the public. The primary changes to the published proposed rule version are summarized below and the new text follows:

1. Removes reference to the e-mail return of voted absentee ballots by overseas voters.
2. Clarifies that the request for absentee ballot may be made online and that a blank ballot may be obtained online by an overseas voter but that the ballot can only be returned by mail or fax or may be delivered by someone on the voter’s behalf or by the voter if the voter is back in the country.
3. Removes the specified effective date.

1S-2.030 Electronic Transmission of Absentee Ballots for Overseas (Uniformed Services and Civilian) Voters.

(1) Application. This rule applies solely to the request, delivery and return ~~electronic transmission~~ of absentee ballots for overseas voters as defined in Section 97.021, F.S.

(2) ~~Requests for absentee ballot. A request for an absentee ballot shall be submitted in accordance with Section 101.62(1), F.S., which may be by phone or in writing (such as mail, fax, e-mail or online). In addition to telephone or written request, the supervisor of elections may accept a request for an absentee ballot via facsimile or electronic mail from an overseas voter. In addition to the information required by Section 101.62(1), F.S., the request for an absentee ballot must also include the following information:~~

- ~~(a) The name of the voter requesting the ballot.~~
- ~~(b) The voter’s legal residence in Florida.~~
- ~~(c) The voter’s date of birth.~~

(a)(d) One of the following: The overseas voter’s requested method of delivery for the blank absentee ballot (by mail or electronic means such as fax, e-mail or online).

(b) The corresponding destination, whichever is applicable, to either transmit the blank ballot or communicate how to access the blank ballot electronically by some other means:

1. An APO/FPO or other deliverable overseas mailing address, if the voter wishes the ballot to be mailed.

2. A fax facsimile machine number and an out-of-country address (only for purposes of affirming absence from the United States) where return information will be received, if the voter wishes the ballot to be faxed.

3. An e-mail address and an out-of-country address (only for purposes of affirming absence from the United States) The electronic mail address if the voter wishes the ballot to be transmitted via electronic mail.

4. A signed application for an electronic ballot if the voter wishes the ballot to be transmitted or accessed by other secure electronic means that is approved by the Division of Elections for the county in which the voter is registered.

(e) The voter's signature (facsimile requests only).

(3) Processing absentee ballot requests. When a supervisor receives Upon receipt of a request for an absentee ballot request from an overseas voter, the supervisor shall: must

(a) Verify the information provided to determine if by the overseas voter and may only provide an absentee ballot if the supervisor determines that the overseas voter is a qualified and registered voter for the election. A request for a ballot to be faxed to the voter is valid for only the upcoming election or the one election specified by the voter.

(b)(a) Upon verification of the overseas voter's eligibility, the supervisor shall Provide in accordance with the timeframes in Section 101.62, F.S., the appropriate absentee ballot, the instructions for voting and returning the ballot, and the Voter's Certificate to the overseas voter by the means requested by the overseas voter in subsection (2).

(c)(b) The supervisor of elections shall Record the date the request was received made, the date and manner in which way the ballot was made available sent to the voter, and the corresponding address, number or other delivery destination to which date the blank absentee ballot was provided mailed or transmitted to the voter.

(d)(e) The supervisor of elections shall Ensure that his or her transmitting and receiving equipment is in a secure location with access limited to the supervisor's employees of the supervisor and that the absentee ballot is sent directly to the specified delivery destination requested address or number provided by the overseas voter. It is the overseas voter's responsibility to ensure the security of the receiving facsimile machine, computer, or receiving unit.

(4) Return of Voted Absentee Bballot. A voted ballot returned by e-mail shall not be accepted. An overseas voter may return the a voted ballot and signed certificate by mail, either by fax, in person (if he or she returns to county of residence) or through someone else on behalf of the voter

facsimile, by mail, or by other secure remote electronic access in accordance with subsection (8). Voted ballots returned by regular electronic mail will not be accepted. To be accepted and counted, a voted absentee ballot must be received by the supervisor no later than 7:00 p.m. election day in the time zone for the county in which the overseas voter is registered.

(a) If returned by fax, the ballot and Voter's Certificate must be sent Overseas voters returning a voted absentee ballot by facsimile must send the ballot and the Voter's Certificate directly to the fax number provided by the supervisor of elections or to a fax number provided by Federal Voting Assistance Program of the Department of Defense. In order for the ballot to be counted it must be received by the supervisor of elections no later than 7:00 p.m. election day in the time zone for the county in which the overseas voter is registered.

(b) If returned by mail, the ballot and Voter's Certificate must be returned to the supervisor of elections' office in the manner described in the ballot instructions under subsection (6). Overseas voters returning by mail a voted ballot initially received by electronic mail or fax must seal the ballot in an unmarked envelope, which is the security envelope. The Voter's Certificate and the security envelope should be placed in a separate ballot transmittal envelope for mailing. The ballot transmittal envelope should be marked "Absentee Ballot Enclosed."

(c) Overseas voters submitting a voted absentee ballot by secure remote electronic transmission must send an electronic version of the Voter's Certificate directly to the supervisor of elections. A paper version of the Voter's Certificate may be placed in a separate ballot transmittal envelope for mailing. In order for the ballot to be counted the electronic version must be received by the supervisor of elections no later than 7:00 p.m. on election day in the time zone for the county in which the overseas voter is registered.

(5) Voter's Certificate. The Voter's Certificate for absentee ballots sent by mail, electronic means or by facsimile to all overseas voters shall be substantially as follows:

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

VOTER'S CERTIFICATE

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

Print Name

1. A member of the Uniformed Services or merchant marine on active duty; or an eligible spouse or dependent of such a member; or a U.S. citizen temporarily residing outside the U.S.; or Other U.S. citizen residing outside the U.S.; and

2. I am a U.S. citizen, at least 18 years of age (or will be by the date of the election), and I am eligible to vote in the requested jurisdiction; and

3. I have not been convicted of a felony, or other disqualifying offense, or been adjudicated mentally incompetent, or, if so, my voting rights have been reinstated; and

4. I am not registering, requesting a ballot, or voting in any other jurisdiction in the U.S., except the jurisdiction cited in this voting form.

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

My signature and date below indicate when I completed this document.

The information on this form is true, accurate and complete to the best of my knowledge.

I understand that a material misstatement of fact in completion of this document may constitute grounds for a conviction for perjury.

Signed: _____ Date: _____

(6) Ballot Instructions to Overseas Voters. The instructions to be sent with the absentee ballot to all overseas voters shall be in substantially the following form:

(a) In order to ensure that your absentee ballot will be counted, complete and return the ballot and Voter's Certificate it should be completed and returned as soon as possible to so that it can reach the supervisor of elections of the county in which you are registered so they are received no later than 7:00 p.m. on the day of the election day in the time zone for the county in which you are registered.

(b) Mark your ballot in secret as instructed on the ballot. You must mark your own ballot unless you are unable to do so because of blindness, disability, or inability to read or write.

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

(d) VERY IMPORTANT: In order for your ballot to be counted, you must also complete the Voter's Certificate, which must include your signature and the date you signed the Voter's Certificate. Failure to include a signature or a date means your ballot may not be counted. Your absentee ballot will not be counted if your signature on the Voter's Certificate does not match your signature on record. If you need to update your signature for this election, you must send your signature update on a voter registration application to your supervisor of elections so that it is received before absentee ballots are canvassed which could start as early as 15 days before election day.

(e) Mail, fax or have delivered the completed mailing envelope with the voted absentee ballot and the Voter's Certificate. You may return your voted absentee ballot either by facsimile, by mail, or by secure remote electronic access if

such option is provided by the supervisor of elections for the county in which you are registered. A Voted ballots returned by regular electronic mail will not be counted.

~~(f) To fax your voted absentee ballot and the Voter's Certificate, fax the ballot and certificate to the supervisor of elections at (fax phone number) or to a fax number provided by the Federal Voting Assistance Program of the Department of Defense. If you fax your ballot and certificate to a number provided by the Federal Voting Assistance program, make sure there is sufficient time for the Federal Voting Assistance Program to transmit it to the supervisor of elections so that it is received by 7:00 p.m. on election day in the time zone for the county in which you are registered. If you fax your voted ballot, you will be voluntarily waiving your right to a secret ballot.~~

~~(f)(g) To mail or have your voted absentee ballot and Voter's Certificate delivered to the supervisor of elections:~~

~~1. Place your marked ballot in a secrecy envelope or sleeve as provided to you. If the ballot was provide to you other than by mail, use an unmarked envelope as a secrecy envelope. If the ballot was mailed to you by the supervisor of elections, use the secrecy envelope sent to you. If your ballot was faxed to you or sent by electronic mail, place your marked ballot in an unmarked envelope and Seal the envelope. Do not seal the Voter's Certificate in the secrecy envelope or sleeve with the ballot.~~

~~2. Insert the secrecy envelope or sleeve inside a separate mailing envelope provided to you. If the ballot was mailed to you, use the mailing envelope provided and fill out the Voter's Certificate on the back of that mailing envelope. If you received the ballot and certificate other than by mail the ballot was faxed to you or sent by electronic mail, place the sealed secrecy envelope or sleeve or unmarked envelope and the completed Voter's Certificate in a separate mailing another envelope for mailing. Do not seal the Voter's Certificate in the secrecy envelope with the ballot. Clearly mark the mailing envelope "Absentee Ballot Enclosed".~~

~~3. Mail the ballot to the supervisor of elections Be sure there is sufficient postage. To mail your ballot free of postage, use the template provided at the following link: <http://www.fvap.gov/resources/media/returnenvelope.pdf>. Print the directly onto the mailing envelope or otherwise affix to the mailing envelope. Otherwise, clearly mark the mailing envelope "Absentee Ballot Enclosed" and provide sufficient postage.~~

~~(g) To fax your voted absentee ballot and the Voter's Certificate, fax the ballot and certificate to the supervisor of elections at (fax phone number) or to a fax number provided by the Federal Voting Assistance Program (FVAP) of the Department of Defense. If you fax your ballot and certificate to make sure that FVAP has sufficient time to get the ballot and~~

certificate to the supervisor of elections by the 7:00 p.m. deadline. If you fax your voted ballot, you will be voluntarily waiving your right to a secret ballot.

~~(h) To vote and transmit a voted absentee ballot and Voter's Certificate by secure remote electronic access, you must be registered in a county in which the supervisor of elections provides the option of voting by such transmission. Carefully follow the supplemental instructions given to you by the supervisor of elections to ensure that your ballot will be counted.~~

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

(7) Processing Returned Absentee Ballots.

(a) For each voted absentee ballot received from an overseas voter, the supervisor shall record the date such ballot was received and the means by which the ballot was returned.

(b) Upon receipt by mail of a voted absentee ballot, if any absentee voter mails the voted ballot to the supervisor of elections in an envelope other than an absentee ballot mailing envelope provided by the supervisor, the canvassing board is authorized to open the mailing envelope to determine if the Voter's Certificate is enclosed in the mailing envelope. If the Voter's Certificate is not enclosed, the secrecy envelope containing the ballot shall not be opened and the envelope shall be marked "Rejected as Illegal." If the Voter's Certificate is enclosed, the supervisor of elections shall verify the overseas voter's eligibility, and once verified, the ballot shall be processed as other absentee ballots. The Voter's Certificate shall be reviewed in accordance with Section 101.68, F.S. Upon determination by the canvassing board that the voter was eligible to vote, the ballot shall be processed as other absentee ballots. If the returned absentee ballot was originally faxed, e-mailed or accessed electronically by some other means, the ballot shall be removed from the envelope and duplicated so that it can be processed through the tabulating equipment.

(c) Upon receipt by fax facsimile of a voted absentee ballot, the supervisor of elections shall enclose the ballot in an envelope and seal it in order to preserve secrecy. The Voter's Certificate shall be attached to the envelope and later reviewed in accordance with Section 101.68, F.S. Upon a determination by the canvassing board that the voter was eligible to vote, the ballot shall be removed from the envelope and duplicated so that it can be processed through the tabulating equipment.

(d) ~~Upon receipt by mail of a voted absentee ballot that was originally sent via electronic mail or facsimile, the Voter's Certificate shall be reviewed. Upon determination by the canvassing board that the voter was eligible to vote, the ballot shall be removed from the envelope and duplicated so that it can be processed through the tabulating equipment.~~

~~(e) Upon receipt of a voted absentee ballot transmitted by secure remote electronic access in accordance with subsection (8), the electronic version of the Voter's Certificate shall be reviewed. Upon a determination by the canvassing board that the voter was eligible to vote, the ballot shall be selected for decryption and duplicated so that it can be processed through the tabulating equipment.~~

~~(8) Secure Remote Electronic Access. A supervisor of elections may provide the option of voting by secure remote electronic transmission of dated voted ballots, if the following requirements are met:~~

~~(a) The Supervisor of Elections must submit to the Division of Elections for approval a written plan on the procedures for secure remote electronic transmission. The plan must be submitted no later than four (4) months prior to its intended use in an election. The plan must provide at a minimum:~~

~~1. A timetable and process for notifying eligible overseas voters of the availability of voting an absentee ballot by secure remote electronic transmission.~~

~~2. The instructions to be given the overseas voters regarding voting by secure remote electronic transmission.~~

~~3. A timetable for the conduct of the election as it relates to the electronic transmission of absentee ballots.~~

~~4. A method of providing the blank ballot to the voter.~~

~~5. A method including the criteria for securing the submission of the ballot to the supervisor of elections,~~

~~6. The procedures for ensuring the physical security of the remote voting site for receipt and transmission of blank and voted absentee ballots.~~

~~(b) The minimum criteria for establishing the secure transmission of election material by electronic means must include:~~

~~1. Encrypted transmission of election material. Election material as the term is used in this rule includes the ballot, the passwords, and public/private encryption keys.~~

~~a. A public/private key encryption methodology that includes key generation under the control of the supervisor of elections.~~

~~b. A password protected private key that is held secure by the canvassing board and never transmitted or otherwise divulged by any means.~~

~~e. A password protected private key that is unique for each overseas voter to sign digitally the ballot for transmission and storage before decryption by the canvassing board.~~

~~2. The capability for auditing the secure remote voting application source code, and the capability for this application to be executed on a clean computer. A clean computer as the term is used herein means, at a minimum, that the baseline operating system is resident on its hard disk and no other software and driver is installed.~~

~~3. The capability to secure access to and from the overseas voter client and the voting server or the voting database platform.~~

~~4. The verification of the authenticity of the voter's identity before granting access to the transmission of election material.~~

~~5. The capability for the voter to determine that the secure transmission of election material was successful.~~

~~7. The capability to record the election material received by secure transmission.~~

~~6. The capability for the canvassing board to segregate rejected ballots prior to decryption.~~

~~(8)(9) Confidentiality.~~ The supervisor of elections and the supervisor's staff shall take the steps necessary to keep the voted absentee ballots received by fax ~~facsimile and secure remote electronic access~~ as confidential as possible.

Rulemaking Specific Authority 20.10(3), 97.012(1), 97.012(1), 101.697 FS. Law Implemented 101.62, 101.64, 101.65, 101.6923, 101.697 FS. History—New 5-27-02, Amended 11-26-03, 9-13-04, 9-6-07,_____.

The person to be contacted regarding the proposed rule is: Maria Matthews, Assistant General Counsel, Florida Department of State, R.A. Gray Building, 500 S. Bronough St., Tallahassee, FL 32399, maria.matthews@dos.myflorida.com; (850)245-6536.

DEPARTMENT OF STATE

Division of Elections

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

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 37, No. 46, November 18, 2011 issue of the Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: 6A-1.09961
 RULE TITLE: Graduation Requirements for Certain Students with Disabilities

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 38, No. 16, April 20, 2012 issue of the Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-210.101
 RULE TITLE: Routine Mail

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 37, No. 26, July 1, 2011 issue of the Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-601.307
 RULE TITLE: Disciplinary Hearings

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 37, No. 39, September 30, 2011 issue of the Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-602.101
 RULE TITLE: Care of Inmates

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 38, No. 12, March 23, 2012 issue of the Florida Administrative Weekly.

The agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: based on information provided by the Bureau of Finance and Accounting indicating the changes only affect where the trust monies are directed within the Department and therefore have no effect on small business, as well as information indicating that the changes would not require any additional training or have any other regulatory cost.

DEPARTMENT OF CORRECTIONS

RULE NOS.: 33-602.220, 33-602.221, 33-602.222
 RULE TITLES: Administrative Confinement, Protective Management, Disciplinary Confinement

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 36, No. 35, September 3, 2010 issue of the Florida Administrative Weekly has been withdrawn.

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE NOS.: 40D-21.371, 40D-21.391
 RULE TITLES: Water Use Restrictions in a Water Shortage Emergency, Implementing a Water Shortage Emergency Declaration

40D-21.641 Phase III: Extreme Water Shortage
 40D-21.651 Phase IV: Critical Water Shortage

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. 38, No. 10, March 9, 2012 issue of the Florida Administrative Weekly.

40D-21.371 Actions During a Water Shortage Emergency.

(1) When ~~the need for~~ a Water Shortage Emergency has been ~~declared~~ identified, the Executive Director will issue orders containing water use restrictions and other required or authorized actions deemed necessary to address the emergency. Examples of the required or allowed actions include authorizations to temporarily withdraw from a permitted source in a manner or for a purpose not expressly granted by the applicable Water Use Permit; authorizations to temporarily augment a public water supply system with water from an unpermitted source; and restrictions that involve apportioning, rotating, limiting, or prohibiting the use of water.

(2) No change.

Rulemaking Specific Authority 373.044, 373.113 FS. Law Implemented 373.119, 373.246 FS. History–New 11-19-84, Amended 4-9-06, _____.

40D-21.391 Implementing a Water Shortage Emergency Declaration.

(1) When ~~the need for~~ a Water Shortage Emergency has been ~~declared~~ identified pursuant to Rule 40D-21.331, F.A.C., the Executive Director shall ~~may~~ issue orders pursuant to the emergency provision of Section 373.119, F.S. Prior notice is not required for issuance of Water Shortage Emergency orders.

(a) through (b) No change.

(2) No change.

Rulemaking Specific Authority 373.044, 373.113 FS. Law Implemented 373.119, 373.246 FS. History–New 11-19-84, Amended 4-9-06, _____.

40D-21.641 Phase III: Extreme Water Shortage.

(1) through (2) No change.

(3) Essential Uses.

(a) No change.

(b) Water Utility Use.

In addition to the requirements of the applicable Water Use Permit, the following restrictions and other required actions shall apply to all Water Utility Uses, as appropriate:

1. No change.

2. Each public supply water system, except wholesale-only systems, shall provide, directly or through the appropriate local agency, the following enforcement assistance:

a. No change.

b. No change.

c. Issuance of a citation, without needing to first issue a warning, in response to any violation that occurs more than 14 days after the effective date of a Phase III Water Shortage order declaration. Warnings are authorized in lieu of citations if the violation is not witnessed or otherwise confirmed by the local enforcement agency’s employee or authorized agent, ~~or if the local enforcement agency determines that there are extenuating circumstances which warrant a one-time forbearance.~~

3. through 5. No change.

(c) No change.

(4) Commercial and Industrial Use

In addition to the requirements of the applicable Water Use Permit, the following water use restrictions and other required actions ~~response mechanisms~~ shall apply to all commercial and industrial use, as appropriate, including efforts that go beyond normally applicable Water Use Permit requirements, as appropriate. Whether or not a commercial or industrial water use activity with associated Lawn and Landscape use is authorized by a Water Use Permit, the Lawn and Landscape use is separately regulated for the purpose of this Chapter and is subject to the Lawn and Landscape Use restrictions and other required actions of the applicable Water Shortage declaration. Paragraph 40D-21.641(6)(c), F.A.C., contains the Lawn and Landscape use restrictions and other required actions for a Phase III declaration.

(a) through (i) No change.

(5) through (7) No change.

Rulemaking Specific Authority 373.044, 373.113 FS. Law Implemented 373.175, 373.185, 373.246 FS. History–New 11-19-84, Amended 7-2-86, 5-30-93, 4-9-06, _____.

40D-21.651 Phase IV: Critical Water Shortage.

(1) through (2) No change.

(3) Essential Uses

(a) No change.

(b) Water Utility Use.

Water Utility Uses shall be subject to paragraph 40D-21.641(3)(b), F.A.C., with the following modifications:

1. through 3. No change.

4. Except for wholesale-only systems, take the following additional enforcement assistance steps:

a. Place temporary limits on ~~to~~ potable water service in response to a location-specific request from the District to remedy a violation of this Chapter that the District has determined is causing, or is likely to cause, a public health hazard or property damage. These limits do not necessarily involve suspension of service; however, at a minimum, such limits shall involve constraining the user to the amount of water necessary for reasonable Indoor Uses ~~or assessing the user a punitive surcharge for any amount of water beyond that necessary for reasonable Indoor Uses.~~ One example of such a limitation is the assessment of a surcharge for any amount of

water utilized beyond that necessary for reasonable Indoor Uses. The applicable public supply water utility system shall determine the limitation method and may consider any mitigating circumstances when determining what constitutes reasonable Indoor Uses for a specific customer, such as the number of persons in the household or medical needs.

- b. No change.
- (4) through (7) No change.

Rulemaking Specific Authority 373.044, 373.113 FS. Law Implemented 373.175, 373.185, 373.227, 373.246, 373.609 FS. History--New 4-9-06, Amended _____.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

RULE NO.: 61C-5.007
 RULE TITLE: Certificates of Competency and License Registrations, Initial, Renewal, General Liability Insurance Coverage

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the above proposed rule published in Vol. 38, No. 14, April 6, 2012 issue of the Florida Administrative Weekly.

NAME OF PERSON ORIGINATING PROPOSED RULE: Bill Veach, Director, Division of Hotels and Restaurants, Department of Business and Professional Regulation
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Ken Lawson, Secretary, Department of Business and Professional Regulation
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 20, 2012
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 17, 2012

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Economic Self-Sufficiency Program

RULE NO.: 65A-1.713
 RULE TITLE: SSI-Related Medicaid Income Eligibility Criteria

NOTICE OF PUBLIC HEARING

The Department of Children and Family Services announces a hearing regarding the above rule, as noticed in Vol. 38, No. 15, April 13, 2012 Florida Administrative Weekly.

DATE AND TIME: May 11, 2012, 1:30 p.m.
 PLACE: 1317 Winewood Boulevard, Building 3, Room 455, Tallahassee, Florida 32399-0700
 GENERAL SUBJECT MATTER TO BE CONSIDERED: Notice of change as published. There will be no court reporting or tape recording conducted at the public hearing.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Mental Health Program

RULE NO.: 65E-12.110
 RULE TITLE: Integrated Crisis Stabilization Unit and Addictions Receiving Facility Services

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. 38, No. 3, January 20, 2012 issue of the Florida Administrative Weekly.

65E-12.110 Integrated Crisis Stabilization Unit and Addictions Receiving Facility Services.

(1) General Provisions.

(a) All the requirements for licensure and operation as a Crisis Stabilization Unit (CSU) that are otherwise required by Chapters 65E-12 and 65E-5, F.A.C., shall apply, except as provided for in ~~Section 394.4612, Section 394.499, F.S., and~~ this rule.

(b) The requirements for licensure and operation as an addictions receiving facility (ARF) that are otherwise required by Chapter 65D-30, F.A.C., shall not apply except as provided for in ~~Sections 394.4612 and 394.499, F.S., and~~ this rule ~~section~~.

(c) This rule ~~section~~ applies both to integrated adult Crisis Stabilization Unit (CSU) and addictions receiving facility (ARF) services (as described in Section 394.4612, F.S. and hereafter referred to as “adult CSU/ARFs”); and to children’s Crisis Stabilization Unit (CSU) and addictions receiving facility (ARF) services, as described in Section 394.499, F.S., and hereafter referred to as “children’s CSU/ARFs.” Adult CSU/ARFs and children’s CSU/ARFs may hereafter collectively be referred to as “CSU/ARFs.”

(2) Eligibility Criteria.

(a) Adult CSU/ARFs shall serve individuals 18 years of age and older who present with a serious and acute mental illness or substance abuse impairment, or with co-occurring mental illness and substance abuse disorders.

(b) Children’s CSU/ARFs shall serve individuals ~~minors~~ under 18 years of age who present with a serious and acute mental illness or substance abuse impairment, or with co-occurring mental illness and substance abuse disorders.

(c) If an individual is admitted to a children’s CSU/ARF while under 18 years of age and attains the age of 18 years while receiving services at the facility, the facility may continue to provide services to the individual until the individual is discharged.

(d) CSU/ARFs shall admit any individual who would otherwise be eligible for admission to a CSU under Chapter 394, F.S. or to an ARF under Chapter 397, F.S.

(3) Clinical Procedures.

(a) CSU/ARFs shall provide integrated CSU and ARF services within the same facility, and shall provide services to each individual based upon their particular needs. This may include an emphasis on services that are typically provided in either an ARF or a CSU, as determined from the initial screening and assessment and subsequent screening of each individual.

(b) Commingling (or sharing of common space) among CSU/ARF service recipients may be permitted, regardless of the service recipients' diagnoses, types of treatment, or reasons for admission.

(c) Service recipients requiring close medical observation, as determined by the medical staff, must be visible and readily accessible to nursing staff 24 hours per day, seven days per week 24/7.

(d) The use of medication-assisted and methadone maintenance treatment for substance abuse in CSU/ARFs must meet the requirements of Rule 65D-30.014, F.A.C.

(e) Service recipients in a CSU/ARF must receive a physical examination within 24 hours of admission. This examination must meet the requirements of a physical health assessment as specified in subsection 65D-30.004(14), F.A.C., except that, with regard to service recipients who have been determined not to require substance abuse treatment, specific requirements of the examination may be waived in accordance with a medical protocol approved by the medical director.

(f) Service recipients in a CSU/ARF must receive a behavioral and psychosocial assessment meeting the requirements of paragraph 65E-12.107(2)(d) and subsection 65D-30.004(14), F.A.C., within 24 hours of admission.

(g) CSU/ARFs must provide all services required of CSUs (as specified in subsection 65E-12.107(5), F.A.C) and all services required of ARFs (as specified in subsection 65D-30.005(2), F.A.C.).

(h) A registered nurse shall ensure that emergency medical services are provided immediately in a CSU/ARF in accordance with the medical protocols established by the medical director ~~Medical Director~~. Such protocols shall include provisions to ensure that new arrivals are promptly assessed for symptoms of substance abuse intoxication and are given prompt medical care and attention. In addition, protocols shall be implemented to ensure that monitoring of psychiatric medication is provided, and that general health care needs are met.

(i) Development of a discharge plan shall commence upon admission. The plan shall include information on the need for continuation of prescribed psychotropic medications and other prescribed medications, including opioid or other addiction treatment medications, and continuing care appointments for treatment and support services, including medication and case management, and shall be based upon the particular needs of the individual. If the discharge is delayed, the CSU/ARF shall notify the outpatient or continuing care service provider and

shall document continued service planning. With the express and informed consent of the individual receiving services, discharge planning shall include input from the individual's support system, including, but not limited to, family members and friends.

(j) Prescriptions for psychotropic medications shall be provided to each adult upon discharge, and to the legal guardian of each minor upon discharge to cover the intervening days until the first scheduled outpatient appointment. Discharge planning shall address the availability of and access to prescription medication in the community.

(k) The medical director ~~Medical Director~~ shall develop protocols specifying the circumstances under which blood and urine samples shall be taken for laboratory testing, including drug screening.

(4) Staffing Requirements.

(a) Staff shall meet the training requirements of Rule 65E-5.330 and subsection 65D-30.004(31), F.A.C., as a prerequisite to providing services.

(b) Within the training requirements of Rule 65E-5.330 and subsection 65D-30.004(31), F.A.C., staff shall receive substance abuse training from qualified professionals ~~in substance abuse~~. The term "qualified professional" has the same meaning as defined in Section 397.311(26), F.S., that includes. The training must include the etiology and characteristics of substance abuse, common street drugs and means of use, motivational stages, and principles of recovery and relapse.

(c) A CSU/ARF shall have a medical director ~~Medical Director~~ licensed under Chapter 458 or 459, F.S., who is responsible for overseeing all medical services delivered at the facility.

(d) The staff of a CSU/ARF shall include a qualified professional as defined in Section 397.311(26), F.S. ~~specializing in substance abuse. The qualified professional must be a physician licensed under Chapter 458 or 459, F.S., or a practitioner licensed under Chapter 490 or 491, F.S., or certified through a certification process recognized by the Department of Children and Families (hereafter referred to as "the Department") as provided in Sections 397.311 and 397.416, F.S. Individuals who are certified are permitted to serve in the capacity of a qualified professional, but only within the scope of their certification.~~ A qualified professional shall be available on-call 24 hours per day, seven days per week. A qualified professional shall be on-site daily for a minimum of 40 hours per week total. The provider's operating procedures shall include a description of those circumstances requiring the qualified professional to be on-site.

(e) Emergency screeners shall meet the requirements of subsections 65D-30.005(7) and 65E-5.400(5), F.A.C.

(f) CSU/ARFs shall meet the staff and supervision requirements of subsections 65D-30.005(12)-(13), F.A.C.

(g) CSU/ARFs shall comply with subsection 65D-30.004(33), F.A.C., which limits the tasks that may be performed by certain types of staff members.

(5) Operational, Administrative, and Financing Requirements.

(a) Licensure and Designation. A facility may operate as a CSU/ARF if it meets the following requirements:

1. The facility is licensed as a CSU by the Agency for Health Care Administration (hereafter referred to as the "Agency") under Chapter 394, F.S., and Chapter 65E-12, F.A.C.;

2. The facility is designated as a Baker Act receiving facility by the Department under Chapter 394, F.S., and Chapter 65E-5, F.A.C.; and

3. ~~The facility is designated and licensed as an ARF by the Department under Chapter 397, F.S. and Chapter 65D-30, F.A.C. The facility is licensed as a detoxification facility by the Department under Chapter 397, F.S. and Chapter 65D-30, F.A.C.; and~~

4. ~~The facility is designated as an ARF by the Department under Chapter 397, F.S. and Chapter 65D-30, F.A.C.~~

(b) Unit Operating Policies and Procedures. Uniform policies and procedures and forms that provide for the integrated operation of CSU/ARF services shall be developed and utilized. This shall include policies and procedures in accordance with the provisions set forth in Rules 65E-12.105, 65E-12.106, and 65E-12.107, F.A.C. These procedures shall include provisions that address use of the Baker Act and the Marchman Act in accordance with the individual's diagnosis. The unit's operating policies and procedures shall be subject to the approval of the organization's medical director ~~Medical Director~~ and advisory governing board.

(c) ~~CSU/ARFs shall report critical incidents to the Department according to Department of Children and Families Operating Procedure No. 215-6, January 10, 2012, which is incorporated herein by reference and is available at <http://www.dcf.state.fl.us/admin/publications/policies/215-6.pdf> develop policies and procedures for reporting to the Department within 24 hours their discovery. Critical incidents shall include any death, serious injury or illness, any event involving recent non-admission or discharge, a felony crime, fire, natural or other disaster, epidemic, escape, riot, elopement, sexual harassment, sexual battery, medication errors, violations of crucial procedures, and actions resulting in physical injury or any situation which may evoke public reaction or media coverage.~~

(d) CSU/ARFs shall report each seclusion and restraint events to the Department as described in Department of Children and Families Pamphlet 155-2, Chapter 14, August 1, 2011, which is incorporated herein by reference and is available at <http://www.dcf.state.fl.us/programs/samh/publications/c14v10.pdf>. This reporting shall be done electronically using the Department's web-based application,

located at <http://samh.dcf.state.fl.us:8881/samh/jsp/scrLogon.jsp>, either directly via the data input screens or indirectly via the File Transfer Protocol batch process. ~~The required reporting elements are: Provider tax identification number; Person's social security number and identification number; date and time the seclusion or restraint event was initiated; discipline of the person ordering the seclusion or restraint; discipline of the person implementing the seclusion or restraint; reason seclusion or restraint was initiated; type of restraint used; whether significant injuries were sustained by the person; and date and time seclusion or restraint was terminated.~~ Facilities shall report seclusion and restraint events on a monthly basis. ~~Events that result in death or significant injury either to a staff member or person shall be reported to the Department's web based system in accordance with Department operating procedures.~~

(e) In those cases where an individual receiving services from a CSU/ARF needs to be transported to other services, the provider shall arrange for such transportation.

(f) CSU/ARFs that house both men and women must provide separate bedrooms for each gender.

(g) When a CSU/ARF releases an involuntary client held under the Marchman Act, notice shall be given to the court.

(h) ~~CSU/ARFs should be aware of the requirements of Each CSU/ARF shall ensure that any other identifying information for individuals reflecting a substance abuse diagnosis be maintained in accordance with 42 Code of Federal Regulations, Part 2 related to case records and other identifying information for individuals reflecting a substance abuse diagnosis.~~ The Department and the Agency shall have access to confidential records, as needed, to conduct monitoring visits, surveys, complaint investigations, and other required site visits.

(i) In those instances where case records are maintained electronically, a staff identifier code shall be acceptable in lieu of a signature. Documentation within case records shall not be deleted. Amendments or marked through changes shall be initialed and dated by the individual making such changes.

(j) A CSU/ARF shall develop a uniform case record system regarding the content and format of case records.

(k) Each CSU/ARF shall develop a written Universal Infection Control plan which shall apply to all staff, volunteers, and to all individuals receiving services, and shall be reviewed and approved by the medical director ~~Medical Director~~. The CSU/ARF shall conduct screening and a risk assessment for infectious diseases for each individual who is determined to be substance abuse impaired, as required by Rules 65D-30.004 and 65E-5.180, F.A.C. All infection control activities shall be documented.

(6) No change.

Rulemaking Authority 394.4612, 394.499 FS. Law Implemented 394.4612, 394.499 FS. History--New 8-28-03.

DEPARTMENT OF FINANCIAL SERVICES

Securities

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

Notice is hereby given that the following correction has been made to the above proposed rule published in Vol. 38, No. 13, March 30, 2012 issue of the Florida Administrative Weekly.

69W-301.002 Processing of Applications.

(1) through (7) No change to proposed amendments.

PROPOSED EFFECTIVE DATE APRIL ~~25~~ 23, 2012

Rulemaking Authority 517.03(1), 517.12, 517.1201, 517.081(2), 517.082(4) FS. Law Implemented 120.60(1), 517.051, 517.075, 517.081, 517.082, 517.12, 517.161(5) FS. History—Revised and Transferred from 3E-300.01, 9-20-82, Formerly 3E-301.02, Amended 10-15-86, 2-1-87, 12-8-87, 7-29-90, 7-31-91, 6-16-92, 1-10-93, 3-13-94, 10-1-96, 10-23-97, 6-22-98, 6-10-99, 5-7-00, 7-10-02, Formerly 3E-301.002, Amended 3-16-06, 6-10-07, 11-22-10, 4-25-12 ~~4-23-12~~.

**Section IV
 Emergency Rules**

NONE

**Section V
 Petitions and Dispositions Regarding Rule
 Variance or Waiver**

PUBLIC SERVICE COMMISSION

NOTICE IS HEREBY GIVEN that on April 12, 2012, the Florida Public Service Commission, received a petition for the Florida Division of Chesapeake Utilities Corporation in Docket No. 120081-GU, seeking waiver from paragraph 25-7.045(8)(a), Florida Administrative Code. The rule requires companies to file a depreciation study at five year intervals. Comments on the petition should be filed with the Office of Commission Clerk, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, FL 32399-0850, within 14 days of publication of this notice. For additional information, please contact Caroline Klancke, Office of the General Counsel, at the above address or telephone (850)413-6220.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Office of Commission Clerk.

WATER MANAGEMENT DISTRICTS

NOTICE IS HEREBY GIVEN that on April 16, 2012 the South Florida Water Management District (District), Governing Board issued an Order Granting Variance under Section 120.542, Fla. Stat., (Order No. 2012-047-DAO-WU) to Elizabeth Thomasco in Palm Beach County. The Petition for Variance (Application No. 120119-14) was received by the District on January 19, 2012; additional information was requested on February 13, 2012, and the requested information was provided on February 16, 2012. Notice of receipt of the petition requesting the variance was published in the Florida Administrative Weekly, Vol. 38, No. 12, on March 23, 2012. No public comment was received. Specifically, the Order grants a Variance from subsection 40E-24.201(7), Florida Administrative Code (Fla. Admin. Code), which states that irrigation of existing landscape, shall be conducted on specific days. Generally, the Order sets forth the basis of the District’s decision to grant the Variance, as follows: 1) the Petitioner has demonstrated that the use of the advanced technology irrigation system on its specified property is likely to achieve the purpose of the statutes underlying subsection 40E-24.201(7), Fla. Admin. Code; 2) the Petitioner has demonstrated that it will experience substantial technological hardship if it is required to comply; 3) the District has reasonable assurance that the granting of this variance will be consistent with statutory requirements.

A copy of the Order or additional information may be obtained by contacting: The South Florida Water Management District’s Water Resource Regulation Department during normal business hours of 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays, 3301 Gun Club Road, West Palm Beach, FL 33406-4680, (561)682-6911 or by e-mail permits@sfwmd.gov or by accessing the District’s website: www.sfwmd.gov using the Application/Permit Search on the ePermitting page.

NOTICE IS HEREBY GIVEN that on April 18, 2012, the South Florida Water Management District (District), received a petition for waiver from Brian Rayfield, Application No. 11-0818-3, for utilization of Works or Lands of the District known as the C-16 Canal for an existing boat dock within the south right of way; Section 22, Township 45 South, Range 43 East, Palm Beach County. The petition seeks relief from paragraph 40E-6.221(2)(j), Fla. Admin. Code, which governs the minimum required low member elevation of pile-supported docking facilities within Works or Lands of the District.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Juli Russell at (561)682-6268 or e-mail at jurussel@sfwmd.gov. The District will accept comments concerning the petition for 14 days from the date of publication of this notice. To be considered, comments must be received by