

~~d. Attached to or associated with data contained within the audit document in such a manner that authenticates the attachment of the signature to particular data and integrity of the data transmitted;~~

~~e. Intended by the party using it to have the same force and effect as the use of a signature affixed by hand; and~~

~~f. Compliant with all applicable state and federal laws governing electronic signatures.~~

Rulemaking Specific Authority 440.381, 624.308(1) FS. Law Implemented 440.105(4)(b)5., 440.381, 624.307, 624.424(1)(c) FS. History—New 8-1-91, Formerly 4-28.007, Amended 10-3-95, 10-10-96, 1-15-98, 11-21-00, 11-5-02, 9-22-03, Formerly 4-189.003, Amended 3-29-05, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Theresa Eaton, Office of Insurance Regulation, E-mail Theresa.Eaton@flor.com

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 9, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 6, 2009

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

DEPARTMENT OF COMMUNITY AFFAIRS

Division of Housing and Community Development

RULE NO.: 9B-3.047 RULE TITLE: State Building Code Adopted
NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 35, No. 19, May 15, 2009 issue of the Florida Administrative Weekly.

The following is a summary of changes which are being made to the material incorporated by reference as a result of the June 9, 2009 hearing:

The changes consist of amendments clarifying that construction documents must be prepared by a registered design professional where required by Florida Statutes; amendments relating to public swimming pool provisions for consistency with the latest revisions to the Department of Health (DOH) Chapter 64E-9, F.A.C.; amendment to the energy code to clarify the treatment of multiple heating fuel types for consistency with the computer compliance tool; amendments regarding standard for supporting brick, stone or other veneer; and amendments to correct reference sections and unintended omissions of Florida specific amendments as appropriate.

Additionally, a Statement of Estimated Regulatory Cost (SERC) has been prepared in regard to this rule, a copy of which may be obtained by contacting: Mo Madani, Program Manager, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)921-2247.

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 BUSINESS AND PROFESSIONAL REGULATION

Barbers' Board

RULE NO.: 61G3-21.012 RULE TITLE: Notice of Non-Compliance

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule published in Vol. 35, No. 16, April 24, 2009 issue of the Florida Administrative Weekly.

The changes are being made in response to comments received from the Joint Administrative Procedures Committee. The changes are as follows:

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: A Statement of Estimated Regulatory Costs has been prepared. Approximately 101 notices of non-compliance will be issued for barbers, restricted barbers, and barber assistants not having their current license laminated within a 12 month period after the rule became effective. The following reflects the number of notices of non-compliance that were issued to barbers for minor violations for the last Fiscal Years:

Fiscal Year 2005 to 2006, 230 notices of non-compliance was issued;

Fiscal Year 2006 to 2007, 191 notices of non-compliance was issued and;

Fiscal Year 2007 to 2008, 251 notices of non-compliance was issued.

The number of barbers who failed to comply with the new lamination requirement, pursuant to Rule 61G3-19.009, F.A.C., which became effective July 1, 2008, is expected to decrease after the first year as barbers become more familiar with the new requirement. The Board determined the proposed change to the rule is not expected to have an impact on small businesses unless a citation is issued. If a citation is issued the fine will be \$50.00 to \$250.00 per violation, and costs.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Robyn Barineau, Executive Director, 1940 North Monroe Street Tallahassee, Florida 32399-0750

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF HEALTH

Division of Medical Quality Assurance

RULE NOS.:	RULE TITLES:
64B-1.001	Application Deadlines; Examination Rescheduling
64B-1.002	Notification of Applicants
64B-1.003	Examination Administration
64B-1.004	Conduct at Test Site
64B-1.005	Special Testing Accommodations
64B-1.006	Practical or Clinical Examinations
64B-1.007	Selection Criteria for Examiners and Examination Consultants
64B-1.008	Grading of Examinations; Grade Notification; Chiropractic Examination Grading
64B-1.009	Pre-hearing Review Request
64B-1.011	Requirements and Standards of a National Examination
64B-1.013	Post-Examination Review

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 35, No. 13, April 3, 2009 issue of the Florida Administrative Weekly.

The changes are in response to written comments received from the Joint Administrative Procedures Committee. The rule as amended to address the JAPC concerns including technical changes made regarding typographical errors and shall now read as follows:

64B-1.001 Application Deadlines; Examination Rescheduling.

Rulemaking Authority 456.004(5), ~~456.004(10)~~, ~~456.013(1)~~, ~~456.014~~, ~~456.017(1)(2)~~, ~~(6)~~, ~~(7)~~ FS. Law Implemented 456.013(1), 456.017(1) FS. History–New 9-7-98, Amended 7-20-03,_____.

64B-1.002 Notification of Applicants.

Rulemaking Authority 456.004(5), ~~456.004(10)~~ ~~456.013(1)~~, ~~456.014~~, ~~456.017(1)(2)~~, ~~(6)~~, ~~(7)~~ FS. Law Implemented 456.017(1) FS. History–New 9-7-98, Amended 7-20-03,_____.

64B-1.003 Examination Administration.

(1) through (4) No change.

(5) Candidates and/or their patients shall not be in possession of electronic devices including but not limited to cell phones, palm pilots, pagers, or cameras at the examination site.

(6) through (9) No change.

Rulemaking Authority 456.004(5), ~~456.004(10)~~ ~~456.013(1)~~, ~~456.014~~, ~~456.017(1)(a)~~, (d), (f), (2), (6), (7) FS. Law Implemented 456.017(1)(a), (d) FS. History–New 9-7-98, Amended 7-20-03, 3-26-07, 4-7-08,_____.

64B-1.004 Conduct at Test Site.

Rulemaking Authority 456.004(5), ~~456.004(10)~~ ~~456.013(1)~~, ~~456.014~~, ~~456.017(1)(d)~~, (f), ~~(2)~~, ~~(6)~~, ~~(7)~~ FS. Law Implemented 456.017(1)(d) FS. History–New 9-7-98, Amended 7-20-03,_____.

64B-1.005 Special Testing Accommodations.

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

(3)(a) Candidates requesting special testing accommodation due to a disability shall file a request for special testing accommodation no later than sixty (60) days prior to the first day of the examination for which special testing accommodation is requested on form DH-MQA 4000, 6/08, Application For Candidates Requesting Special Testing Accommodation in Accordance with the Americans with Disabilities Act., for which special testing accommodation is requested. Form DH-MQA 4000, 6/08, is hereby incorporated by reference, and can be obtained on the Testing Services website at <http://www.doh.state.fl.us/mqa/exam/spectest.htm> or from the Division of Medical Quality Assurance, Bureau of Operations, Testing Services, 4052 Bald Cypress Way, Bin C-90, Tallahassee, Florida 32399-3290. If a candidate becomes disabled after the sixty-day deadline has passed and that candidate has not requested special accommodation, the department will provide any such requested accommodation that can be made available without posing undue burden or jeopardizing the security and integrity of the examination. However, in no event will accommodation be provided to exam candidates requesting special accommodation ten (10) days or less, before the examination.

(3)(b) No change.

(4) through (6) No change.

(7) Candidates who have previously received special testing accommodations for an examination in accordance with the Americans with Disabilities Act and need accommodations for another examination or for a retake of the same examination must submit their request to the department no later than (60) days from the date of the first day of the examination for which special testing accommodation is requested on form DH-MQA 1191, 3/09, Reapplication for Special Testing Accommodations in Accordance with the Americans with Disabilities Act. Form DH-MQA 1191, 3/09, is hereby incorporated by reference, and can be obtained on the Testing Services website at <http://www.doh.state.fl.us/mqa/exam/spectest.htm> or from Division of Medical Quality

Assurance, Bureau of Operations, Testing Services, 4052 Bald Cypress Way, Bin C-90, Tallahassee, Florida 32399-3290. Candidates must file form DH-MQA 1191, 3/09, each time accommodations are needed.

~~(8)(7)~~ Candidates requesting special testing accommodation due to religious beliefs shall submit their request to the department no later than sixty (60) days from the date of the first day of the examination for which special testing accommodation is requested on form DH-MQA 4001, 6/08, Application For ~~Candidates Requesting~~ Special Testing Accommodation Due to a Religious Conflict. Form DH-MQA 4001, 6/08, is hereby incorporated by reference, and can be obtained on the Testing Services website at <http://www.doh.state.fl.us/mqa/exam/spectest.htm> or from Division of Medical Quality Assurance, Bureau of Operations, Testing Services, 4052 Bald Cypress Way, Bin C-90, Tallahassee, Florida 32399-3290. If the sixty-day deadline has passed and that candidate has not requested special accommodation, the department will provide any such requested accommodation that can be made available without posing undue burden or jeopardizing the security and integrity of the examination. However, in no event will accommodation be provided to exam candidates requesting special accommodation ten (10) days or less, before the examination.

(9) Candidates requesting the use of a translation dictionary due to English as a second language shall submit their request to the department no later than forty (40) days from the date of the first day of the examination for which special testing accommodation is requested on form DH-MQA 1192, 3/09, Application For Use of a Translation Dictionary Due to English as a Second Language. Form DH-MQA 1192, 3/09, is hereby incorporated by reference, and can be obtained on the Testing Services website at <http://www.doh.state.fl.us/mqa/exam/spectest.htm> or from the Division of Medical Quality Assurance, Bureau of Operations, Testing Services, 4052 Bald Cypress Way, Bin C-90, Tallahassee, Florida 32399-3290. If the ~~forty-day~~ ~~sixty-day~~ deadline has passed and that candidate has not requested special accommodation, the department will provide any such requested accommodation that can be made available without posing undue burden or jeopardizing the security and integrity of the examination. However, in no event will accommodation be provided to exam candidates requesting special accommodation ten (10) days or less, before the examination. Translation Dictionaries due to English as a second language are only available where approved by the applicable board and testing vendor policy ~~for the Mental Health Counseling and Electrology examinations.~~

(10) National examinations used by the department may require that special testing accommodations be reviewed and approved by the National vendor.

Rulemaking Authority 456.004(5), ~~456.004(10)~~ ~~456.013(1)~~, 456.014, 456.017(1), ~~(2)~~, ~~(6)~~, ~~(7)~~ FS. Law Implemented 456.017(1) FS. History—New 9-7-98, Amended 7-20-03, _____.

64B-1.006 Practical or Clinical Examinations.

Unless specified in board rule, the following procedures shall be used with regard to department-developed practical or clinical examinations:

(1) Candidates required to take a practical ~~or~~ clinical examination shall be informed by the department, or the department's contracted vendor, in writing of the applicable performance criteria, patient criteria and any special equipment required for such performance.

(2) through (5) No change.

Rulemaking Authority 456.004(5), ~~456.004(10)~~ ~~456.013(1)~~, 456.014, 456.017(1), ~~(2)~~, ~~(6)~~, ~~(7)~~ FS. Law Implemented 456.017 FS. History—New 9-7-98, Amended 7-20-03, _____.

64B-1.007 Selection Criteria for Examiners and Examination Consultants.

~~For professions where there is no board, or board rule, in order to be eligible to serve as an examiner or an examination consultant for department developed examinations, the prospective examiner or examination consultant:~~

(1) No change.

(2) ~~For professions w~~Where there is no board, or board rule, in order to be eligible to serve as an examiner or an examination consultant for department-developed examinations, the prospective examiner or examination consultant must meet the following criteria:

~~(a)a-~~ Has three years of continuous practice in the respective field in the state;

~~(b)b-~~ Has an active license in the respective field in the state at the time of the examination;

~~(c)c-~~ Has not had must not have had his/her license in the respective field suspended or revoked. If the prospective examiner or examination consultant's license has been disciplined other than with suspension or revocation, the department reserves the right to evaluate his/her selection as deemed appropriate;

~~(d)d-~~ Is not currently under investigation by the department; and

~~(e)e-~~ Is not currently teaching or presently employed in the respective field in either: an academic setting in this state, or an examination preparation course in any state.

~~(f)f-~~ Does not have a relative currently enrolled in an educational institution pursuing a course of study in the respective field.

(3) The department reserves the right to remove an examiner or examination consultant for ~~including but not limited to~~ the following reasons:

~~(a)a-~~ Failure to satisfactorily perform.

~~(b)~~ Failure to disclose actual or apparent conflicts of interest to the department.

~~(c)~~ Failure to maintain eligibility criteria as outlined in this rule.

Rulemaking Authority 456.004(5), ~~456.004(10)~~ ~~456.013(1)~~, 456.014, 456.017(1), ~~(2)~~, ~~(6)~~, ~~(7)~~ FS. Law Implemented 456.017(1) FS. History—New 9-7-98, Amended 7-20-03, _____.

64B-1.008 Grading of Examinations; Grade Notification; Chiropractic Examination Grading.

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

(c) shall be deleted in its entirety.

(2) through (9) No change.

Rulemaking Authority 456.004(5), ~~456.004(10)~~ ~~456.013(1)~~, 456.014, 456.017(1), ~~(2)~~, ~~(6)~~, ~~(7)~~ FS. Law Implemented 456.017(1) FS. History—New 9-7-98, Amended 7-20-03, _____.

64B-1.009 Pre-hearing Review Request.

Rulemaking Authority 456.004(5), ~~456.004(10)~~, ~~456.013(1)~~, 456.014, 456.017(~~1~~), (2), ~~(6)~~, ~~(7)~~ FS. Law Implemented 456.014, 456.017 FS. History—New 9-7-98, Amended 2-21-00, 7-20-03, 6-19-08, _____.

64B-1.011 Requirements and Standards of a National Examination

(1) National examinations will be certified by the department according to the criteria established in this rule. National examinations shall be recertified during contract renewal periods as established by the department.

(a) The national examinations shall be developed either by or for a national, regional, or multi-state professional association, board, council or society (hereinafter referred to as national organization). The organization providing the examination shall either:

(b) Examinations prepared by or for a national organization shall meet the following requirements:

1. The examinations shall be administered for the purpose of assessing entry-level skills necessary to ensure the minimum competence of practitioners to protect the health, safety and welfare of the public,

2. through 3. No change.

~~2. through 6. No change.~~

(c) 1. through 6. No change.

Rulemaking Authority 456.004(5), ~~456.004(10)~~ ~~456.013(1)~~, 456.014, 456.017(1)(c), ~~(2)~~, ~~(6)~~, ~~(7)~~ FS. Law Implemented 456.017(1)(c) FS. History—New 9-7-98, Amended 7-20-03, 4-7-08, _____.

64B-1.013 Post-Examination Review.

Rulemaking Authority 456.004(5), ~~456.004(10)~~ ~~456.013(1)~~, 456.014, 456.017(~~1~~), ~~(2)~~, ~~(6)~~, ~~(7)~~ FS. Law Implemented 456.017(~~2~~) FS. History—New 9-7-98, Amended 7-20-03, 6-19-08, _____.

DEPARTMENT OF HEALTH

Board of Nursing

RULE NO.: RULE TITLE:
64B9-3.0085 State Requirements Not Substantially Equilavent

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 35, No. 21, May 29, 2009 issue of the Florida Administrative Weekly has been withdrawn.

FLORIDA HOUSING FINANCE CORPORATION

RULE NOS.:	RULE TITLES:
67-38.001	Purpose
67-38.002	Definitions
67-38.0026	General Program Requirements and Restrictions
67-38.003	Application Submission Procedures
67-38.004	Incomplete Applications and Rejection Criteria
67-38.005	Application Evaluation and Award Guidelines
67-38.007	Terms of the PLP Loan
67-38.008	Eligible Uses for the Loan
67-38.010	Credit Underwriting Procedures
67-38.011	Fees
67-38.014	Disbursement Procedures

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule development in Vol. 35, No. 24, June 19, 2009 issue of the Florida Administrative Weekly.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: Thursday, July 9, 2009, 10:00 a.m.

PLACE: Florida Housing Finance Corporation, Seltzer Room, Sixth Floor, 227 North Bronough Street, Tallahassee, Florida 32301

Additionally, interested parties may participate by dialing 1(888)808-6959. When prompted, enter Conference Code 3884197 followed by the # key.

DEPARTMENT OF FINANCIAL SERVICES

Division of Risk Management

RULE NO.: RULE TITLE:
69H-2.008 Other Forms Adopted

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 35, No. 21, May 29, 2009 issue of the Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF FINANCIAL SERVICES

Division of Worker's Compensation

RULE NO.: 69L-6.028
RULE TITLE: Procedures for Imputing Payroll and Penalty Calculations

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 35, No. 15, April 17, 2009 issue of the Florida Administrative Weekly.

These changes are in response to written comments submitted by the staff of the Joint Administrative Procedures Committee. When changed, subsection (2) and paragraph (3)(d) shall read as follows:

(2) The employer's period of non-compliance shall be either the same as the time period requested in the business records request for the calculation of penalty or an alternative period of non-compliance as determined by the department, whichever is less. The department shall determine an alternative period of non-compliance by obtaining records from other sources, including, but not limited to, the Department of State, Division of Corporations, the Department of Business and Professional Regulation, licensing offices, building permitting offices and contracts, that evidence a period of non-compliance different than the time period requested in the business records request for the calculation of penalty. For purposes of this rule, "non-compliance" means the employer's failure to secure the payment of workers' compensation pursuant to Chapter 440, F.S.

(3)(d) The imputed weekly payroll for each employee, corporate officer, sole proprietor, or partner shall be assigned the highest rated workers' compensation classification code for an employee based upon records or the investigator's physical observation of that employee's activities associated with the employer's business activities, unless the employer's business records demonstrate the assignment of an alternative workers' compensation classification code.

The remainder of the rule reads as previously published.

Section IV
Emergency Rules

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

DEPARTMENT OF THE LOTTERY

RULE NO.: 53ER09-31
RULE TITLE: Instant Game Number 1022, 7-11-21™

SUMMARY: This emergency rule describes Instant Game Number 1022, "7-11-21," for which the Department of the Lottery will start selling tickets on a date to be determined by the Secretary of the Department. The rule sets forth the specifics of the game; determination of prizewinners; estimated odds of winning, value, and number of prizes in the game.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Faith L. Schneider, Legal Analyst, Department of the Lottery, 250 Marriott Drive, Tallahassee, Florida 32399-4011

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER09-31 Instant Game Number 1022, 7-11-21™.

(1) Name of Game. Instant Game Number 1022, "7-11-21™."

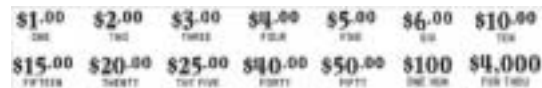
(2) Price. 7-11-21 lottery tickets sell for \$1.00 per ticket.

(3) 7-11-21 lottery tickets shall have a series of numbers in machine readable code (or bar code) on the back of the ticket, along with a validation number under the latex area on the ticket. To be a valid winning 7-11-21 lottery ticket, the ticket must meet the applicable requirements of Rule 53ER08-89, F.A.C.

(4) The play symbols and play symbol captions are as follows:



(5) The prize symbols and prize symbol captions are as follows:



(6) The legends are as follows:



(7) Determination of Prizewinners.

(a) There are three games on a ticket. A ticket having three numbers within a game, the total of which is 7, 11, or 21, shall entitle the claimant to the corresponding prize shown for that game.