

~~(a) The placement of information or danger markers by counties, municipalities, or other governmental entities, in, on, or over the waters or shores of inland lakes and their associated canals is exempt from permitting under this section and such markers need not display any permit number. These markers include, but are not limited to, those providing information or warnings concerning: ends of boat ramps, no swimming, swimming area, lake names, canal names, trash receptacles, public health notices, underwater hazards, regulatory matters, emergencies, and special events.~~

~~(b) These markers, with the exception of swimming area and special event markers, must be placed on land or within 50 feet from the ordinary high water line.~~

~~(c) This exception from the permitting requirement does not relieve any county, municipality, or other governmental entity from compliance with any other state or federal rule, regulation, or law.~~

~~(d) The Commission finds that federal law imposes less restrictive requirements than provided herein on the placement of markers indicating the ends of boat ramps, no swimming, swimming area, lake name, trash receptacle, public health notice, canal, emergency, and other similar markers directed to persons on land, swimmers, and other persons using the waters of this state who are not the operators or occupants of vessels. Such markers were not considered waterway markers prior to June 13, 2005, and were not subject to the provisions of this rule or Section 327.40, F.S., prior to that date. The Commission temporarily exempts such markers from the provisions of this rule and Section 327.40, F.S. This temporary exemption shall expire and this paragraph shall stand repealed on December 31, 2006, unless repromulgated.~~

(5) No change.

~~Rulemaking Specific Authority 327.04, 327.40, 327.41, 327.71 FS. Law Implemented 327.40, 327.41, 327.46, 327.71, 379.2431 FS. History—New 12-23-01, Amended 10-5-06,\_\_\_\_\_.~~

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Colonel Jim Brown, Florida Fish and Wildlife Conservation Commission, Division of Law Enforcement, 620 South Meridian Street, Tallahassee, Florida 32399-1600

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Fish and Wildlife Conservation Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 28, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 13, 2009

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

#### DEPARTMENT OF LEGAL AFFAIRS

##### Division of Victim Services and Criminal Justice Programs

RULE NO.: 2A-8.005  
RULE TITLE: Adjustments to Reflect Consumer Price Index

#### NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 36, No. 19, May 14, 2010 issue of the Florida Administrative Weekly.

The correction is as follows:

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Bill McCollum, Attorney General.

This correction does not affect the substance of the rule.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Rick Nuss, Chief, Bureau of Criminal Justice Programs, Department of Legal Affairs, PL-01, The Capitol, Tallahassee, Florida 32399-1050

#### DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

##### Division of Plant Industry

RULE NO.: 5B-65.005  
RULE TITLE: Movement of Regulated Articles

#### 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. 20, May 21, 2010 issue of the Florida Administrative Weekly.

5B-65.005 Movement of Regulated Articles.

(1) No change.

(2) Any shipment of firewood or unprocessed wood products found infested or infected with a wood boring or wood inhabiting pest or plant disease pathogen listed in Rule 5B-65.003 or 5B-65.004, F.A.C., shall be quarantined and returned to the shipper or producer or destroyed by the Department at the expense of the shipper. Infested or infected regulated articles will be placed under Stop Sale and Hold Order DACS-08016, Rev. 2/10 ~~H/08~~. DACS Form 08016, Rev. 2/10 is hereby incorporated by reference and may be obtained from the Division of Plant Industry, Bureau of Plant and Apiary Inspection, by writing to P. O. Box 147100, Gainesville, FL 32614-7100. Commercial shipments entering the state through the Department's agricultural interdiction stations without certification of compliance with the Master Permit of the state of origin shall be issued a Report of Plant and Plant Material in Transit, DACS Form 08003, Rev. 5/10 ~~06/09~~, and ~~Report of Plant and Plant Material in Transit~~

Addendum, DACS Form 08441, Rev. 06/09, for the official disposition of the plant material. DACS Form 08003, Rev. 5/10 06/09 and Form 08441, Rev. 06/09 are incorporated herein by reference and may be obtained from the Division of Plant Industry, Bureau of Plant and Apiary Inspection, by writing to P. O. Box 147100, Gainesville, FL 32614-7100. Non-commercial shipments entering the state through the Department's agricultural interdiction stations without certification will be allowed entry only when issued and accompanied by a Report of Non-Commercial (Homeowner) Plants or Firewood Without Certification in Transit from Other States DACS-08105, Rev. 06/09, issued at the station. DACS form 08105, Rev. 06/09, is incorporated herein by reference and may be obtained from the Division of Plant Industry, Bureau of Plant and Apiary Inspection, by writing to P. O. Box 147100, Gainesville, FL 32614-7100. Commercial shippers found in violation of the rule will be suspended from shipping under the master permit issued with the state of origin. The suspension shall remain in effect until the department of agriculture of the state of origin has notified the Division of Plant Industry in writing that the shipper is in compliance with all requirements for treatment of firewood or unprocessed wood products.

(3) through (6) No change.

(7)(a) Locally produced or harvested firewood and unprocessed wood products harvested or produced within a 50-mile radius of the distribution point and not moved more than 50-miles from the point of origin. Regulated articles from locations in states contiguous to Florida that are harvested or produced within 50 miles of a Florida distribution point may enter Florida for direct transport to the distribution point without a certificate of treatment if the articles are accompanied by a proper bill of lading, proof of origin, and any applicable federal certificates for shipments originating from a USDA-regulated area. No locally produced firewood outside Miami-Dade County may enter Miami-Dade County unless treated and certified in accordance with Rule 5B-65.005, F.A.C., by the Department.

(b) Primary and secondary forest products (including saw logs, saw timber, chip-n-saw, sawdust, veneer logs, pulpwood, wood for pallets, pole wood, dead pine distillate wood, pellets and chips) originating from states contiguous to Florida and transported for processing at mills and plants (including pulp/paper mills, saw mills, (including plywood plants), OSB plants, pole plants, mulch plants, and biomass plants).

(c) No change.

Rulemaking Authority 570.07 (23), 581.031 (1), (4), (5), (7) FS. Law Implemented 570.07 (2), (13), 581.031 (1), (4), (5), (6), (7), (9), (20) FS. History--New\_\_\_\_\_.

**DEPARTMENT OF EDUCATION**

**State Board of Education**

RULE NO.:	RULE TITLE:
6A-1.099821	Voluntary Prekindergarten (VPK) Provider Kindergarten Readiness Rate

**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. 19, May 14, 2010 issue of the Florida Administrative Weekly.

The location of the rule development workshop for Rule 6A-1.099821, F.A.C., scheduled for July 13, 2010, 4:00 p.m. – 7:00 p.m., has been moved to the Broward County Library, Stirling Road Branch, 3151 Stirling Road, Hollywood, FL.

**DEPARTMENT OF TRANSPORTATION**

**Florida Seaport Transportation and Economic Development Council**

RULE NOS.:	RULE TITLES:
14B-1.001	Definitions
14B-1.002	Port Project Funding Application Procedures and Requirements
14B-1.003	Measuring Economic Benefits
14B-1.004	Determination of Funding; Council/Agency Review
14B-1.005	Council Procedures
14B-1.006	Eligible Port Funding Requirements
14B-1.007	Reporting Requirements

**NOTICE OF CORRECTION**

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 36, No. 18, May 7, 2010 issue of the Florida Administrative Weekly.

The Notice of Proposed Rule has been corrected as follows:

**PURPOSE AND EFFECT:** The purpose of the rule amendment is to update the information, make it more accurate and relevant, and to utilize advances in technology which have led to a paperless project application process. This will provide a more streamlined process for the project applicant as well as the people who review the project applications.

**SUMMARY:** Chapter 14B-1, F.A.C., sets forth implementation guidelines for Florida Seaport Transportation and Economic Development Council funding application reviews and describes allocation criteria. The rule also describes other Council procedures and port funding requirements and eliminates sections redundant with Florida Statutes.

**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: 311.09(4) FS.

LAW IMPLEMENTED: 315.02, 320.20 FS.

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

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 48 hours before the workshop/meeting by contacting: Toy Keller, Florida Ports Council, 502 E. Jefferson Street, Tallahassee, Florida 32301, (850)222-8028. 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: Toy Keller, Florida Ports Council, 502 E. Jefferson Street, Tallahassee, Florida 32301, (850)222-8028

NAME OF PERSON ORIGINATING PROPOSED RULE: Toy Keller

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Seaport Transportation and Economic Development Council

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 9, 2010

**DEPARTMENT OF TRANSPORTATION  
Florida Seaport Transportation and Economic  
Development Council**

RULE NOS.:	RULE TITLES:
14B-1.002	Port Project Funding Application Procedures and Requirements
14B-1.006	Eligible Port Funding Requirements

**NOTICE OF CHANGE**

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 36, No. 18, May 7, 2010 issue of the Florida Administrative Weekly.

14B-1.002 Port Project Funding Application Procedures and Requirements.

(1) An application shall be accepted only from an eligible port. The port shall apply for the grant by submitting to the Council an Application Form 14B, entitled "Florida Seaport Transportation and Economic Development Project Application," ~~Form FSTED-1~~, hereby incorporated by reference, effective August 1, 2009 ~~which contains five separate elements as described in subsection (7) below.~~

Applications for program funds shall be submitted in electronic format and can be obtained utilizing SeaCIP (www.seacip.com). Applications shall be submitted by the appropriate duly authorized official of such port. ~~Beginning in 1991, The submission deadline period~~ for submitting applications for the applicable Department of Transportation fiscal-year funding cycle shall be determined by the Council in consultation with the Department each calendar year, from January 1 to February 15 in each calendar year. ~~Application forms may be obtained from and completed applications submitted in five (5) copies to: Florida Seaport Transportation and Economic Development Council, P. O. Box 10137, Tallahassee, FL 32302.~~

Applications for other Department of Transportation fiscal funding cycles may be electronically submitted utilizing SeaCIP by an eligible port at any time during the calendar year.

**14B-1.006 Eligible Port Funding Requirements.**

~~(4) Program Ffunds received by eligible ports from the Trust Fund shall be expended on eligible costs only. If program funds are not expended on eligible costs, the port shall immediately reimburse the Council for the ineligible costs.~~

~~(5) Upon legislative approval of the Department of Transportation's budget request as provided in Rule 14B 1.004, F.A.C., and upon entering into a written grant agreement with an eligible port, the Department of Transportation will reimburse the eligible port an amount equal to 50 percent of eligible costs incurred on an approved project. This reimbursement will be made upon receipt of an invoice showing total eligible costs incurred to date, less the port's 50 percent share, less reimbursements received to date. These reimbursements will be made in compliance with the payment requirements set forth in Section 215.422, F.S. The final reimbursement to the port will be released upon the satisfactory completion of a final audit conducted by the Florida Department of Transportation.~~

Rulemaking Specific Authority 120.53, 311.09(4) FS. Law Implemented 311.07, 320.20(3). (4) FS. History--New 12-19-90, Amended \_\_\_\_\_.

**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."

**AGENCY FOR HEALTH CARE ADMINISTRATION**

<b>Medicaid</b>	
RULE NO.:	RULE TITLE:
59G-4.025	Assistive Care 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. 36, No. 5, February 5, 2010 issue of the Florida Administrative Weekly.

The amendment to Rule 59G-4.025, F.A.C., Assistive Care Services, incorporates by reference in rule the Florida Medicaid Assistive Care Services Coverage and Limitations Handbook, July 2009. The following changes have been made to the handbook.

Page 2-7 Annual Assessment for Assistive Care Services.

The second bullet is changed to read: The assessment for a resident of a RTF must be completed by a physician or licensed mental health professional. The assessment must document the need for at least two of the four ACS components. The assessment for ALF residents must be recorded on the Resident Health Assessment for Assisted Living Facilities, AHCA Form 1823.

The Note is changed to read: The Resident Health Assessment for Assisted Living Facilities, AHCA Form 1823 and the Resident Health Assessment for Adult Family-Care Homes (AFCH), AHCA Form 3110-1023 (AFCH-1110) 01/08 are available from the Agency for Health Care Administration, 2727 Mayan Drive, MS 30, Tallahassee, FL 32308. They may also be obtained from AHCA's website at [http://ahca.myflorida.com/licensing\\_cert.shtml](http://ahca.myflorida.com/licensing_cert.shtml). Click on Assisted Living Facilities or Adult Family Care Homes. AHCA Form 1823 is incorporated by reference in Rule 58A-5.0181, F.A.C., AHCA Form 3110-1023 (AFCH-1110) is incorporated by reference in Rule 58A-14.0061, F.A.C.

**APPENDIX C**

Page C-3 MANAGING MONEY. Paragraph is changed to read: Assistance includes: Facility staff manages resident's funds as Representative Payee or Power of Attorney. Such assistance will comply with the money management policies specific to each facility.

Example of an expected outcome for managing money: Resident's funds will be spent as desired by the resident.

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Medicaid**

RULE NO.:	RULE TITLE:
59G-13.083	Developmental Disabilities Waiver Services

**NOTICE OF CORRECTION**

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 36, No. 9, March 5, 2010 issue of the Florida Administrative Weekly.

The Notice of Change published in Vol. 36, No. 20, May 21, 2010 issue of the FAW, contained an error in the last sentence of the following section:

**APPENDIX A**

Page A-11: 3.1 Self-Assessment. Paragraph is changed to read:

Each agency or group provider, or solo or individual provider furnishing specific services referenced in 3.0 above shall perform an annual self-assessment to determine the effectiveness of services being offered and the provider's compliance with requirements identified in this agreement and the Developmental Disabilities Waiver Services Coverage and Limitations Handbook. This annual assessment will assist the provider to determine, within the realm and scope of the service(s) that is provided, the extent to which the provider is developing and maintaining person-centered processes that will assist recipients in the achievement of personal goals, choice, social inclusion, relationships, rights, dignity and respect, health, environment, security and satisfaction. At a minimum, the provider's self-assessment survey will include a combination of: a) records review; b) interviews to determine the extent to which provider actions support the achievement of personal goals identified by recipients receiving services; and c) annual recipient satisfaction surveys. The provider, as part of the self-assessment process, develops a Quality Improvement Plan addressing the areas in need of improvement.

**DEPARTMENT OF MANAGEMENT SERVICES**

**Agency for Workforce Innovation**

RULE NO.:	RULE TITLE:
60BB-3.0251	Definitions Relating to Emergency Unemployment Compensation

**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. 36, September 11, 2009 issue of the Florida Administrative Weekly.

60BB-3.0251 Definitions Relating to Emergency Unemployment Compensation.

(1) Emergency Unemployment Compensation: A federally funded program created by Public Laws 110-252, 110-449, 111-5, 111-92, ~~and~~ 111-118, 111-144, and 111-157, and implemented in Florida through an agreement between the Agency for Workforce Innovation and the United States Department of Labor which provides additional weeks of unemployment benefits to qualified individuals who have exhausted their rights to regular unemployment compensation on claims that were effective on or after May 2, 2006.

(2) Extended unemployment compensation: Benefits, including benefits payable to federal civilian employees and to ex-servicemembers under 5 U.S.C. ss. 8501-8525, that are payable to an individual under Sections 443.1115 or 443.1117, Florida Statutes.

(3) Qualifying benefit year: The benefit year established on a Florida claim for regular unemployment compensation which was effective on or after May 2, 2006, and is the basis of the individual’s eligibility for emergency unemployment compensation.

(4) Regular unemployment compensation: Benefits payable to an individual under Chapter 443, Florida Statutes, including benefits payable to federal civilian employees and to ex servicemembers under 5 U.S.C. ss. 8501-8525, other than extended unemployment compensation under Section 443.1115, Florida Statutes.

Rulemaking Authority 443.1317(1)(b) FS. Law Implemented 443.036, 443.221(3) FS. History–New \_\_\_\_\_.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Architecture and Interior Design**

RULE NO.: 61G1-12.004  
 RULE TITLE: Disciplinary Guidelines; Range of Penalties; Aggravating and Mitigating Circumstances

**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. 8, February 26, 2010 issue of the Florida Administrative Weekly.

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

1. Subsection (1) shall now read as follows:

(1) The board sets forth below a range of disciplinary guidelines from which disciplinary penalties will be imposed upon practitioners guilty of violating Chapter 481, F.S. The purpose of the disciplinary guidelines is to give notice to licensees of the range of penalties which will normally be imposed upon violations of particular provisions of Chapter 481, F.S. The brief description of each violation is provided for quick reference and is not meant to convey all elements of any given statutory provision; the full language of each statutory provision cited must be consulted in order to determine the conduct involved. The disciplinary guidelines are based upon a single count violation of each provision listed. Multiple counts of violations of the same provision of Chapter 481, F.S., or the rules promulgated thereto, or other unrelated violations contained in the same administrative complaint will be grounds for enhancement of penalties. All penalties at the upper range of the sanctions set forth in the guidelines, i.e., suspension, revocation, etc., include lesser penalties, i.e., fine, probation or

reprimand which may be included in the final penalty. Pursuant to Section 481.219(12), F.S., all businesses holding a certificate of authorization are subject to these guidelines.

2. Subsection (2)(bb) shall now read as follows:

VIOLATION	PENALTY RANGE	
	MAXIMUM	MINIMUM
(bb) Failure to timely report being convicted or found guilty of, or entering a plea of nolo contendere or guilty to, regardless of adjudication, a crime in any jurisdiction (more than 30 days late.) (455.227(1)(t), F.S.	Reprimand.	Suspension to \$5000 fine.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Anthony Spivey, Executive Director, Board of Architecture and Interior Design, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Architecture and Interior Design**

RULE NO.: 61G1-12.005  
 RULE TITLE: Citations

**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. 8, February 26, 2010 issue of the Florida Administrative Weekly.

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

1. Subsection (3)(d) shall now read as follows:

(d) Failure to timely report being convicted or found guilty of, or entering a plea of nolo contendere or guilty to, regardless of adjudication, a crime in any jurisdiction (up to 30 days late) (455.227(1)(t), F.S.	\$250 fine.
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THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Anthony Spivey, Executive Director, Board of Architecture and Interior Design, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Florida Real Estate Commission**

RULE NO.: 61J2-24.001  
 RULE TITLE: Disciplinary Guidelines

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. 52 of the December 31, 2009, issue of the Florida Administrative Weekly. The change is in response to written comments submitted by the staff of the Joint Administrative Procedures Committee in a letter dated February 23, 2010.

61J2-24.001(3) shall read as:

(3) The penalties are as listed unless aggravating or mitigating circumstances apply pursuant to subsection (4). The verbal identification of offenses is descriptive only; the full language of each statutory provision cited must be consulted in order to determine the conduct included.

<u>VIOLATION</u>	<u>PENALTY RANGE</u> <u>FIRST VIOLATION</u>	<u>SECOND AND SUBSEQUENT VIOLATIONS</u>
<u>(a) Section 475.22, F.S.</u> <u>Broker fails to maintain office or sign at entrance of office</u>	<u>(a) Reprimand to \$500 administrative fine</u>	<u>(a) 90-day suspension and \$1,000 administrative fine</u>
<u>(b) Section 475.24, F.S.</u> <u>Failure to register a branch office</u>	<u>(b) Reprimand to \$500 administrative fine</u>	<u>(b) 90-day suspension and \$1,000 administrative fine</u>
<u>(c) Section 475.25(1)(b), F.S. Fraud, misrepresentation, and dishonest dealing</u>  <u>Concealment, false promises, false pretenses by trick, scheme or device</u>  <u>Culpable negligence or breach of trust</u>  <u>Violating a duty imposed by law or by the terms of a listing agreement; aided, assisted or conspired with another; or formed an intent, design or scheme to engage in such misconduct and committed an overt act in furtherance of such intent, design or scheme</u>	<u>(c) \$1,000 to \$2,500 administrative fine and 30-day suspension to revocation</u>  <u>\$1,000 to \$2,500 administrative fine and 30-day suspension to revocation</u>  <u>\$1,000 to \$2,500 administrative fine and 30-day suspension to revocation</u>  <u>\$1,000 to \$2,500 administrative fine and 30-day suspension to revocation</u>	<u>(c) \$2,500 to \$5,000 administrative fine and 6 month suspension to revocation</u>  <u>\$2,500 to \$5,000 administrative fine and 6 month suspension to revocation</u>  <u>\$2,500 to \$5,000 administrative fine and 6 month suspension to revocation</u>  <u>\$2,500 to \$5,000 administrative fine and 6 month suspension to revocation</u>
<u>(d) Section 475.25(1)(c), F.S.</u> <u>False, deceptive or misleading advertising</u>	<u>(d) \$250 to \$1,000 administrative fine and 30 to 90 day suspension</u>	<u>(d) \$1,000 to \$5,000 administrative fine and 90 day suspension to revocation</u>
<u>(e) Section 475.25(1)(d), F.S.</u> <u>Failed to account or deliver to any person as required by agreement or law, escrowed property</u>	<u>(e) \$250 to \$1,000 administrative fine and suspension to revocation</u>	<u>(e) \$1,000 to \$5,000 administrative fine and suspension to revocation</u>
<u>(f) Section 475.25(1)(e), F.S.</u> <u>Violated any rule or order or provision under Chapters 475 and 455, F.S.</u>	<u>(f) \$250 to \$1,000 administrative fine and suspension to revocation</u>	<u>(f) \$1,000 to \$5,000 administrative fine and suspension to revocation</u>

<p><u>(g) Section 475.25(1)(f), F.S.</u>  <u>Convicted or found guilty of a crime related to real estate or involving moral turpitude or fraudulent or dishonest dealing</u></p>	<p><u>(g) \$250 to \$1,000 administrative fine and 30-day suspension to revocation</u></p>	<p><u>(g) \$1,000 to \$5,000 administrative fine and suspension to revocation</u></p>
<p><u>(h) Section 475.25(1)(g), F.S.</u>  <u>Has license disciplined or acted against or an application denied by another jurisdiction</u></p>	<p><u>(h) \$250 to \$1,000 administrative fine and 30-day suspension to revocation</u></p>	<p><u>(h) \$1,000 to \$5,000 administrative fine and suspension to revocation</u></p>
<p><u>(i) Section 475.25(1)(h), F.S.</u>  <u>Has shared a commission with or paid a fee to a person not properly licensed under Chapter 475, F.S.</u></p>	<p><u>(i) \$250 to \$1,000 administrative fine and 30 day suspension to revocation</u></p>	<p><u>(i) \$1,000 to \$5,000 administrative fine and suspension to revocation</u></p>
<p><u>(j) Section 475.25(1)(i), F.S.</u>  <u>Impairment by drunkenness, or use of drugs or temporary mental derangement</u></p>	<p><u>(j) Suspension for the period of incapacity</u></p>	<p><u>(j) Suspension for the period of incapacity</u></p>
<p><u>(k) Section 475.25(1)(j), F.S.</u>  <u>Rendered an opinion that the title to property sold is good or merchantable when not based on opinion of a licensed attorney or has failed to advise prospective buyer to consult an attorney on the merchantability of title or to obtain title insurance</u></p>	<p><u>(k) \$250 to \$1,000 administrative fine and 30 day suspension to revocation</u></p>	<p><u>(k) \$1,000 to \$5,000 administrative fine and suspension to revocation</u></p>
<p><u>(l) Section 475.25(1)(k), F.S.</u>  <u>Has failed, if a broker, to deposit any money in an escrow account immediately upon receipt until disbursement is properly authorized. Has failed, if a sales associate, to place any money to be escrowed with his registered employer</u></p>	<p><u>(l) \$250 to \$1,000 administrative fine and 30-day suspension to revocation</u></p>	<p><u>(l) \$1,000 to \$5,000 administrative fine and suspension to revocation</u></p>
<p><u>(m) Section 475.25(1)(l), F.S.</u>  <u>Has made or filed a report or record which the licensee knows to be false or willfully failed to file a report or record or willfully impeded such filing as required by State or Federal Law</u></p>	<p><u>(m) \$250 to \$1,000 administrative fine and 30 day suspension to revocation</u></p>	<p><u>(m) \$1,000 to \$5,000 administrative fine and suspension to revocation</u></p>
<p><u>(n) Section 475.25(1)(m), F.S.</u>  <u>Obtained a license by fraud, misrepresentation or concealment</u></p>	<p><u>(n) \$250 to \$1,000 administrative fine and 30-day suspension to revocation</u></p>	<p><u>(n) \$1,000 to \$5,000 administrative fine and suspension to revocation</u></p>
<p><u>(o) Section 475.25(1)(n), F.S.</u>  <u>Confined in jail, prison or mental institution; or through mental disease can no longer practice with skill and safety</u></p>	<p><u>(o) \$250 to \$1,000 administrative fine and suspension to revocation</u></p>	<p><u>(o) \$1,000 to \$5,000 administrative fine and suspension to revocation</u></p>

<u>(p) Section 475.25(1)(o), F.S.</u> <u>Guilty for the second time of misconduct in the practice of real estate that demonstrates incompetent, dishonest or negligent dealings with investors</u>	<u>(p) \$1,000 to \$5,000 administrative fine and a 1 year suspension to revocation</u>	
<u>(q) Section 475.25(1)(p), F.S.</u> <u>Failed to give Commission 30 day written notice after a guilty or nolo contendere plea or convicted of any felony</u>	<u>(q) \$500 to \$1,000 administrative fine and suspension to revocation</u>	<u>(q) \$1,000 to \$5,000 administrative fine and suspension to revocation</u>
<u>(r) Section 475.25(1)(r), F.S.</u> <u>Failed to follow the requirements of a written listing agreement</u>	<u>(r) \$250 to \$1,000 administrative fine and suspension to revocation</u>	<u>(r) \$1,000 to \$5,000 administrative fine and suspension to revocation</u>
<u>(s) Section 475.25(1)(s), F.S.</u> <u>Has had a registration suspended, revoked or otherwise acted against in any jurisdiction</u>	<u>(s) \$250 to \$1,000 administrative fine and 60-day suspension to revocation</u>	<u>(s) \$1,000 to \$5,000 administrative fine and suspension to revocation</u>
<u>(t) Section 475.25(1)(t), F.S.</u> <u>Violated the Uniform Standards of Professional Appraisal Practice as defined in Section 475.611, F.S.</u>	<u>(t) \$250 to \$1,000 administrative fine and 30-day suspension to revocation</u>	<u>(t) \$1,000 to \$5,000 administrative fine and suspension to revocation</u>
<u>(u) Section 475.25(1)(u), F.S.</u> <u>Has failed, if a broker, to direct, control, or manage a broker associate or sales associate employed by such broker</u>	<u>(u) \$250 to \$1,000 administrative fine and suspension to revocation</u>	<u>(u) \$1,000 to \$5,000 administrative fine and suspension to revocation</u>
<u>(v) Section 475.25(1)(v), F.S.</u> <u>Has failed, if a broker, to review the brokerage's trust accounting procedures in order to ensure compliance with this chapter</u>	<u>(v) \$250 to \$2,500 administrative fine and suspension to revocation</u>	<u>(v) \$1,000 to \$5,000 administrative fine and suspension to revocation</u>
<u>(w) Section 475.42(1)(a), F.S.</u> <u>Practice without a valid and current license</u>	<u>(w) \$250 to \$2,500 administrative fine and suspension to revocation</u>	<u>(w) \$1,000 to \$5,000 administrative fine and suspension to revocation</u>
<u>(x) Section 475.42(1)(b), F.S.</u> <u>Practicing beyond scope as a sales associate</u>	<u>(x) \$250 to \$1,000 administrative fine and suspension to revocation</u>	<u>(x) \$1,000 to \$5,000 administrative fine and suspension to revocation</u>
<u>(y) Section 475.42(1)(c), F.S.</u> <u>Broker employs a sales associate who is not the holder of a valid and current license</u>	<u>(y) \$250 to \$1,000 administrative fine and suspension to revocation</u>	<u>(y) \$1,000 to \$5,000 administrative fine and suspension to revocation</u>
<u>(z) Section 475.42(1)(d), F.S.</u> <u>A sales associate shall not collect any money in connection with any real estate brokerage transaction except in the name of the employer</u>	<u>(z) \$250 to \$1,000 administrative fine and suspension to revocation</u>	<u>(z) \$1,000 to \$5,000 administrative fine and suspension to revocation</u>



<u>(aa) Section 475.42(1)(e), F.S. A violation of any order or rule of the Commission</u>	<u>(aa) \$250 to \$1,000 administrative fine and 30-day suspension to 5-year suspension</u>	<u>(aa) \$1,000 to \$5,000 administrative fine and suspension to revocation</u>
<u>(bb) Section 475.42(1)(g), F.S. Makes false affidavit or affirmation or false testimony before the Commission</u>	<u>(bb) \$250 to \$1,000 administrative fine and suspension to revocation</u>	<u>(bb) \$1,000 to \$5,000 administrative fine and suspension to revocation</u>
<u>(cc) Section 475.42(1)(h), F.S. Fails to comply with subpoena</u>	<u>(cc) \$250 to \$1,000 administrative fine and suspension</u>	<u>(cc) \$1,000 to \$5,000 administrative fine and suspension to revocation</u>
<u>(dd) Section 475.42(1)(i), F.S. Obstructs or hinders the enforcement of Chapter 475, F.S.</u>	<u>(dd) \$250 to \$1,000 administrative fine and suspension to revocation</u>	<u>(dd) \$1,000 to \$5,000 administrative fine and suspension to revocation</u>
<u>(ee) Section 475.42(1)(j), F.S. No broker or sales associate shall place upon the public records any false, void or unauthorized information that affects the title or encumbers any real property</u>	<u>(ee) \$250 to \$2,500 administrative fine and suspension to revocation</u>	<u>(ee) \$1,000 to \$5,000 administrative fine and suspension to revocation</u>
<u>(ff) Section 475.42(1)(k), F.S. Failed to register trade name with the Commission</u>	<u>(ff) \$250 to \$1,000 administrative fine</u>	<u>(ff) \$1,000 to \$5,000 administrative fine and suspension to revocation</u>
<u>(gg) Section 475.42(1)(l), F.S. No person shall knowingly conceal information relating to violations of Chapter 475, F.S.</u>	<u>(gg) \$250 to \$1,000 administrative fine and suspension</u>	<u>(gg) \$1,000 to \$5,000 administrative fine and suspension to revocation</u>
<u>(hh) Section 475.42(1)(m), F.S. Fails to have a current license as a broker or sales associate while listing or selling one or more timeshare periods per year</u>	<u>(hh) \$250 to \$1,000 administrative fine and suspension</u>	<u>(hh) \$1,000 to \$5,000 administrative fine and suspension to revocation</u>
<u>(ii) Section 475.42(1)(n), F.S. Licensee fails to disclose all material aspects of the resale of timeshare period or timeshare plan and the rights and obligations of both buyer or seller</u>	<u>(ii) \$250 to \$1,000 administrative fine and suspension</u>	<u>(ii) \$1,000 to \$5,000 administrative fine and suspension to revocation</u>
<u>(jj) Section 475.42(1)(o), F.S. Publication of false or misleading information; promotion of sales, leases and rentals</u>	<u>(jj) \$250 to \$1,000 administrative fine and suspension to revocation</u>	<u>(jj) \$1,000 to \$5,000 administrative fine and suspension to revocation</u>
<u>(kk) Section 475.451, F.S. School teaching real estate practice fails to obtain a permit from the department and does not abide by regulations of Chapter 475, F.S., and rules adopted by the Commission</u>	<u>(kk) \$250 to \$1,000 administrative fine and suspension</u>	<u>(kk) \$1,000 to \$5,000 administrative fine and suspension to revocation</u>

<u>(ll) Section 475.453, F.S. Broker or sales associate participates in any rental information transaction that fails to follow the guidelines adopted by the Commission and Chapter 475, F.S.</u>	<u>(ll) \$250 to \$1,000 administrative fine and suspension</u>	<u>(ll) \$1,000 to \$5,000 administrative fine and 90-day suspension to revocation</u>
<u>(mm) Section 475.5015, F.S. Failure to keep and make available to the department such books, accounts, and records as will enable the department to determine whether the broker is in compliance with the provisions of this chapter</u>	<u>(mm) \$250 to \$1,000 administrative fine and suspension to revocation</u>	<u>(mm) \$1,000 to \$5,000 administrative fine and 90-day suspension to revocation</u>
<u>(nn) Section 455.227(1)(s), F.S. Failing to comply with the educational course requirements for domestic violence</u>	<u>(nn) \$250 to \$1,000 administrative fine and suspension to revocation</u>	<u>(nn) \$1,000 to \$5,000 administrative fine and suspension to revocation</u>
<u>(oo) Section 455.227(1)(t), F.S. Failing to report in writing to the Commission within 30 days after the licensee is convicted or found guilty of, or entered a plea of nolo contendere or guilty to, regardless of adjudication, a crime in any jurisdiction.</u>	<u>(oo) \$250 to \$1,000 administrative fine and suspension to revocation</u>	<u>(oo) \$1,000 to \$5,000 administrative fine and suspension to revocation</u>
<u>(pp) Section 455.227(1)(u), F.S. Termination from a treatment program for impaired practitioners as described in Section 456.076 for failure to comply, without good cause, with the terms of the monitoring or treatment contract entered into by the licensee or failing to successfully complete a drug or alcohol treatment program</u>	<u>(pp) \$250 to \$1,000 administrative fine and suspension to revocation</u>	<u>(pp) \$1,000 to \$5,000 administrative fine and suspension to revocation</u>

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Lori Crawford, Deputy Clerk, Division of Real Estate, 400 West Robinson Street, Suite N801, Orlando, Florida 32801

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

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

**DEPARTMENT OF HEALTH**

**Board of Medicine**

RULE NO.: 64B8-44.007  
 RULE TITLE: Standards of Practice  
 NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 36, No. 17, April 30, 2010 issue of the Florida Administrative Weekly.

The correction is as follows:

(21) ~~Except as excepted herein,~~ The licensee's initial nutritional assessment of a patient must be done in a face-to-face setting, and may not be done by telephone, fax, or internet, except through use of a two point or multiple point video-conferencing system to provide each participant with a video camera, microphone and speakers which allow video and audio communication between all participants as if they were virtually seated in the same room or by any other means in which the patient is not physically present with the licensee. Communication between the patient and the licensee subsequent to the initial nutritional assessment may be accomplished either face-to-face or by other means, in the reasonable clinical judgment of the licensee. Federal programs that are federally funded are exempt from this subsection, so long as the administration of the program follows the dictates of the federal statutes and rules applicable to the program.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Allen Hall, Executive Director, Board of Medicine: Dietetics and Nutrition Council/MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3256

**DEPARTMENT OF HEALTH**

**Board of Nursing**

RULE NO.: 64B9-2.016  
RULE TITLE: 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. 17, April 30, 2010 issue of the Florida Administrative Weekly.

64B9-2.016 Forms.

(10) Annual Report for Programs in Nursing DH-MQA 1096, 05/10 (rev. Rule 64B9-2.016).

Rulemaking Authority 464.006 FS. Law Implemented 456.013, 464.008, 464.009 FS. History—New 6-22-09, Amended\_\_\_\_\_.

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Freshwater Fish and Wildlife**

RULE NO.: 68A-6.0022  
RULE TITLE: Possession of Class I, II, or III Wildlife in Captivity; Permit Requirements

**NOTICE OF CHANGE**

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 36, No. 12, March 26, 2010 issue of the Florida Administrative Weekly.

Proposed amendment to Rule 68A-6.0022 has been changed to include the following modified subsection:

(7) Disaster and Critical Incident Plans: Applicants for permits to possess wildlife in captivity as authorized pursuant to Section 379.3761 or 379.303, F.S., or the provisions of this chapter shall document in writing a course of action to be taken in preparation for disasters or critical incidents. Such course of action shall be documented on the Captive Wildlife Critical Incident/Disaster Plan form FWCDLE\_619 (06/09), which is adopted and incorporated herein by reference. Forms may be obtained by submitting a request to: Florida Fish and Wildlife Conservation Commission, Division of Law Enforcement, 620 South Meridian Street, Tallahassee, Florida 32399-1600, or at [www.myfwc.com/permits](http://www.myfwc.com/permits). This form shall consist of two parts. Part A of form FWCDLE\_619 shall be submitted at the time of initial application or renewal; and Part B shall be retained in the permittee’s files at the facility location and be made available for inspection upon request of Commission personnel and the director of the local emergency management agency

~~for. Permittees authorized for Class I or Class II shall provide a copy of Part B of form FWCDLE\_619 to the county emergency manager in the county where the facility is located.~~

(a) through (b) No change.

No other changes were made to the rule amendments as proposed.

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Freshwater Fish and Wildlife**

RULE NO.: 68A-6.003  
RULE TITLE: Facility and Structural Caging Requirement for Class I, II and III Wildlife

**NOTICE OF CONTINUATION**

Notice is hereby given that the above rule, as noticed in Vol. 36, No. 12, March 26, 2010 Florida Administrative Weekly has been continued from April 28, 2010 to September 1, 2010.

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Freshwater Fish and Wildlife**

RULE NO.: 68A-6.0072  
RULE TITLE: Identification of Non-Native Venomous Reptiles and Reptiles of Concern; Escape

**NOTICE OF CONTINUATION**

Notice is hereby given that the above rule, as noticed in Vol. 36, No. 12, March 26, 2010 Florida Administrative Weekly has been continued from April 28, 2010 to June 23, 2010.

**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.: 53ER10-14  
RULE TITLE: Instant Game Number 1058, ACES & 8’s

SUMMARY: This emergency rule describes Instant Game Number 1058, “ACES & 8’s,” 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.