NAME OF PERSON ORIGINATING PROPOSED RULE: Andy Grosmaire, Chief, Bureau of Finance Regulation, Office of Financial Regulation, The Fletcher Building, 200 E. Gaines Street, Tallahassee, Florida 32399, (850)410-9848, andy.grosmaire@flofr.com

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 16, 2011

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

Section III
Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF EDUCATION
State Board of Education

RULE NO.: 6A-1.09441
RULE TITLE: Requirements for Programs and Courses Which are Funded Through the Florida Education Finance Program and for Which the Student May Earn Credit Toward High School Graduation

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. 15, April 15, 2011 issue of the Florida Administrative Weekly.

2011-2012 COURSE CODE DIRECTORY AND PERSONNEL ASSIGNMENTS
CHANGE DOCUMENT
The following language was changed on page 3:
15. Postsecondary Readiness College Success
Courses ................................................................. 41


17. The International Baccalaureate (IB) Curriculum for High School Diploma ................................................................. 43 42

The following language was changed on page 4:
F) COURSE NUMBERING SYSTEM
1. General ................................................................. 46 45
2. Grades PreK to 5 Numbering System ...................... 47 46
3. District Elementary Reporting for Permanent Records and Report Cards Required ......................................................... 47 46
4. Grades PreK to 5 Subject Areas .............................. 48 47
5. Grades 6 to 8 Subject Areas ...................................... 48 47
6. Middle/Junior High Exploratory Wheel .................... 49 48
7. Grades 9 to 12 and Adult Education Numbering System ................................................................. 49 48

8. Applied, Combined, or Integrated Course Numbering System ................................................................. 50 49
9. Course Levels .......................................................... 51 49
10. Grades 9 to 12 and Adult Education Subject Areas ................................................................. 51 49
11. Subject Area Transfer Numbers .................................. 52 44
12. Course Data/FTE Reporting ......................................... 52 44
13. Exceptional Student Education Numbering System ................................................................. 53 42
14. Prekindergarten Programs for Children with Disabilities ................................................................. 54 33
15. Career and Technical Education Programs and Courses ................................................................. 54 33

G) CODES AND SYMBOLS
1. Grade-Level Codes ............................................ 55 44
2. Subject-Area Graduation Requirement Codes ........ 55 44
3. Course-Credit/Multiple-Credit Codes ....................... 56 45
4. Certification Codes ................................................ 56 45
5. Explanation of Symbols ........................................ 57 46
6. Special Symbols Linked to Teacher Certifications ........ 58 47

The following language was stricken from page 6:
COURSE DESCRIPTIONS
State Board of Education (SBE) Rules 6A-1.09412, 6A-1.09414, and 6A 6.0571, F.A.C., which address Course Descriptions, allow districts and schools greater flexibility in designing educational programs which meet the needs of their students. Districts are authorized to approve a variance of up to 10% of the course requirements of any Course Description. In addition, district school boards may request a waiver to allow a school to substitute locally approved course requirements within a Course Description, provided these substitutions adequately address the major concepts and content contained in the Course Description and provided the waiver request is submitted in accordance with specified procedures. Career and technical education (CTE) licensure/certification programs may not use the 10% variance.

The following language was stricken from page 7:
COMMUNITY SERVICE
Section 1003.43(k), F.S., For students entering 9th grade prior to school year 2007-2008, allows school boards to award a maximum of one-half credit in social studies and one-half elective credit for student completion of non-paid voluntary community or school service work. Students choosing this option must complete a minimum of 75 hours of service in order to earn the one-half credit in either category of instruction. In order to earn two one-half credits, students would have to complete 150 hours of service. Credit may not be earned for service provided as a result of court action. School boards that approve the award of credit for student volunteer service must develop guidelines regarding the award of such credit, and school principals are responsible for
approving specific volunteer activities. Under the provisions of this legislation, the DOE has prepared course descriptions for a half-credit elective course in social studies, Voluntary School/Community Service (2104330) and a half-credit general elective course, Voluntary Public Service (0500370).

The following change was made on page 30:

Subsection 6A-1.0955(3), F.A.C. Rule 6A-1.0955(3)(a)(7), F.A.C., requires each school district to keep a record of courses taken and a record of achievement, such as grades, unit, or certification of competence. Student records cannot be altered at any time unless it has been determined that the information is inaccurate or in violation of the privacy or other rights of the student. All courses and grades must be included on the student’s transcript. The authority for the school board to adopt a forgiveness policy does not provide the authority to alter a student’s record to delete the forgiven course and grade. The forgiveness policy authorization is for the express purpose of assisting students in meeting the requirements necessary to graduate from high school, including a minimum grade point average and successful completion of academic credit or curriculum requirements. The school board does not have the authority to purge that student’s record to delete the first grade. All forgiven courses and grades must be included on a student’s transcript as an accurate reflection of the student’s record of achievement.

The following language was stricken from page 30-32:

### STUDENTS WHO ENTERED NINTH GRADE IN 2011-2012 SCHOOL YEAR

<table>
<thead>
<tr>
<th>Subject Area</th>
<th>Graduation Requirements of 24-Credit Program</th>
<th>Graduation Requirements of Three-Year, 18-credit College Preparatory Program 1</th>
<th>Graduation Requirements of Three-Year, 18-credit Career Preparatory Program</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mathematics</td>
<td>4 credits, one of which must be Algebra 1 or an equivalent course or series of courses or a higher-level mathematics course, and one of which must be Geometry or an equivalent course.</td>
<td>4 credits at the Algebra 1 level or above from the list of courses that qualify for state university (SUS) admission and Geometry or a series of equivalent courses.</td>
<td>4 credits, one of which must be Algebra 1 or its equivalent and Geometry or a series of equivalent courses.</td>
</tr>
<tr>
<td>Electives</td>
<td>8 credits</td>
<td>2 credits</td>
<td>3 credits in single vocational/career education program and 1 elective credit OR 3 credits in single career/technical certificate dual enrollment and 1 elective credit OR 5 credits in vocational/career education (including 3 credits in one sequential Career and Technical Education program).</td>
</tr>
</tbody>
</table>

### STUDENTS WHO ENTERED NINTH GRADE IN 2010-2011 SCHOOL YEAR

<table>
<thead>
<tr>
<th>Subject Area</th>
<th>Graduation Requirements of 24-Credit Program</th>
<th>Graduation Requirements of Three-Year, 18-credit College Preparatory Program</th>
<th>Graduation Requirements of Three-Year, 18-credit Career Preparatory Program</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mathematics</td>
<td>4 credits, one of which must be Algebra 1 or an equivalent course or series of courses or a higher-level mathematics course, and one of which must be Geometry or an equivalent course.</td>
<td>4 credits at the Algebra 1 level or above from the list of courses that qualify for state university (SUS) admission and Geometry or a series of equivalent courses.</td>
<td>4 credits, one of which must be Algebra 1 or its equivalent and Geometry or a series of equivalent courses.</td>
</tr>
</tbody>
</table>
The following change was made on page 35:

**REQUIREMENTS FOR ADULT STUDENTS (Section 1003.43(6), F.S.)**

Graduation requirements for students in adult education programs who are earning standard diplomas are identical to the requirements for a traditional 24-credit high school diploma students in grades 9-12, with the following exceptions:

1) The one credit in physical education is not required for graduation and shall be substituted with elective credit to keep consistent the total number of credits needed for graduation.

2) School boards may waive the laboratory component of the science requirement when facilities are inaccessible or do not exist.

3) The one credit in performing arts required for high school graduation can be substituted with an elective credit that is consistent with the total credits needed for graduation. The one credit in performing arts shall be satisfied by enrollment in and satisfactory completion of any course in 9th grade or above listed in the music, dance, theatre, speech, debate, and visual art areas of Section 3.

The following language was changed on pages 41-42:

**POSTSECONDARY READINESS COLLEGE SUCCESS COURSES**

Section 1008.30(3), F.S., requires provides an opportunity for postsecondary readiness testing for identified high school students and remediation prior to high school graduation. Through collaboration between Florida school districts and colleges, high school courses that mirror the highest level of developmental education offered in the Florida College System were developed. These “College Success” courses are aligned to the Postsecondary Readiness Competencies, and when combined will fulfill core English or mathematics subject area credit available for school districts to offer at the high school level to prepare students for entry level college credit courses in mathematics and English.

<table>
<thead>
<tr>
<th>Course</th>
<th>Credits</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>MAT 1033</td>
<td>3</td>
<td>Intermediate Algebra (dual enrollment – 3 college elective credits)</td>
</tr>
<tr>
<td>SLS 1011</td>
<td>.5</td>
<td>Student Life Skills (dual enrollment 3 college elective credits)</td>
</tr>
<tr>
<td>1008350</td>
<td>Reading for College Success (.5 high school elective credit)</td>
<td></td>
</tr>
<tr>
<td>1009370</td>
<td>Writing for College Success (.5 high school elective credit)</td>
<td></td>
</tr>
<tr>
<td>1009370</td>
<td>1</td>
<td>College Success courses count as electives toward high school graduation. A student must successfully complete both courses to receive core English or mathematics with a grade of “C” or higher and pass the Florida Basic Skills Exit Test at a locally-determined cut score to be guaranteed entry to the first college credit course in the subject area credit. As paired courses, and with GPA requirements, the College Success courses will satisfy core English or mathematics subject area requirements for high school graduation purposes, and are considered college-preparatory for the Bright Futures Scholarship Program.</td>
</tr>
</tbody>
</table>

The following change was made on page 45:

Beginning with students entering grade 9 in the 2006-07 school year, the revised language for Section 1007.27(16), F.S., requires districts to weigh dual enrollment courses the same as AP, IB, and AICE courses when grade point averages are calculated. Alternative grade
calculation, weighting systems, or information regarding student education options which discriminate against dual enrollment courses are prohibited. The 2006 Legislature specified for the purpose of class ranking, district school boards may exercise a weighted grading system pursuant to Section 1007.271, F.S.

The following language was changed on pages 45-46:

College Preparatory Courses

The following courses are considered college preparatory to meet eligibility requirements of the Bright Futures Scholarship Program.

As one-semester, stand-alone courses, the College Success courses count as electives toward high school graduation. A student must successfully complete both pass each course to receive core English or mathematics with a grade of "C" or higher and pass the Florida Basic Skills Exit Test at a locally-determined cut score to be guaranteed entry to the first college credit course in the subject area credit. As paired courses, and with GPA requirements, the College Success courses will satisfy core English or mathematics subject area requirements for high school graduation purposes, and are considered college-preparatory for the Bright Futures Scholarship Program.

A listing of all other college preparatory courses may be found in the Counseling for Future Education Handbook.

The following language was added on page 56:

EXPLANATION OF SYMBOLS

Listed below are the symbols and their definitions now being used in the North West Regional Data Center (NWRDC) and Web version of the CCD. The symbols in the Course Data Base (CDB) column are those used in the NWRDC CDB version, and the symbols in the CCD Column are those used in the Web version CCD.

<table>
<thead>
<tr>
<th>CDB</th>
<th>CCD</th>
</tr>
</thead>
<tbody>
<tr>
<td>D a</td>
<td>This symbol indicates (1) courses that may be deleted the following school year, (2) course titles or numbers that may be replaced with a new title or number the following school year, and/or (3) courses in Section 3 that have not been reported as taught within the last four years. Such courses may be deleted after the fourth year.</td>
</tr>
<tr>
<td>æ</td>
<td>This symbol indicates courses with Course Descriptions that have been revised to require instruction in and mastery of appropriate NGSSS.</td>
</tr>
<tr>
<td>N</td>
<td>This symbol indicates new courses or course numbers listed in the CCD.</td>
</tr>
<tr>
<td>H</td>
<td>This symbol indicates a new title of a course that will become effective after July 1 of the next school year. The existing title will be deleted at the end of the current school year.</td>
</tr>
<tr>
<td>*</td>
<td>This symbol indicates a course that meets the definition of core curricula for class size.</td>
</tr>
</tbody>
</table>

In addition, the following courses have been designated with an * to meet the definition of core curricula for class size:

<table>
<thead>
<tr>
<th>First Semester</th>
<th>Second Semester</th>
<th>Total Credits Earned (for completion of combination of courses only)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mathematics for College Success (.5 high school elective credit)</td>
<td>MAT 1033 Intermediate Algebra (dual enrollment – 3 college elective credits)</td>
<td>1 high school mathematics credit + 3 college elective credits</td>
</tr>
<tr>
<td>Reading for College Success (.5 high school elective credit)</td>
<td>Writing for College Success (dual enrollment – 3 college elective credits)</td>
<td>1 high school English/Language Arts core credit</td>
</tr>
<tr>
<td>These courses are not sequential</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
## 2011-12 Core Courses

(Class Size)

<table>
<thead>
<tr>
<th>Course</th>
<th>Course Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>1000000</td>
<td>M/J INTENS LANG ARTS</td>
</tr>
<tr>
<td>1000100</td>
<td>M/J INTENS READ (MC)</td>
</tr>
<tr>
<td>1000200</td>
<td>M/J INT READ &amp; CAR P</td>
</tr>
<tr>
<td>1000400</td>
<td>INTENS LANG ARTS</td>
</tr>
<tr>
<td>1000410</td>
<td>INTENS READ</td>
</tr>
<tr>
<td>1000420</td>
<td>INTENS WRIT</td>
</tr>
<tr>
<td>1001010</td>
<td>M/J LANG ARTS 1</td>
</tr>
<tr>
<td>1001020</td>
<td>M/J LANG ARTS 1, ADV</td>
</tr>
<tr>
<td>1001030</td>
<td>M/J LANG ARTS 1-IB</td>
</tr>
<tr>
<td>1001040</td>
<td>M/J LANG ARTS 2</td>
</tr>
<tr>
<td>1001050</td>
<td>M/J LANG ARTS 2, ADV</td>
</tr>
<tr>
<td>1001060</td>
<td>M/J LANG ARTS 2-IB</td>
</tr>
<tr>
<td>1001080</td>
<td>M/J LANG ARTS 3</td>
</tr>
<tr>
<td>1001090</td>
<td>M/J LANG ARTS 3-IB</td>
</tr>
<tr>
<td>1001300</td>
<td>ENG SKLS 1</td>
</tr>
<tr>
<td>1001310</td>
<td>ENG 1</td>
</tr>
<tr>
<td>1001320</td>
<td>ENG HON 1</td>
</tr>
<tr>
<td>1001330</td>
<td>ENG SKLS 2</td>
</tr>
<tr>
<td>1001340</td>
<td>ENG 2</td>
</tr>
<tr>
<td>1001350</td>
<td>ENG HON 2</td>
</tr>
<tr>
<td>1001360</td>
<td>ENG SKLS 3</td>
</tr>
<tr>
<td>1001370</td>
<td>ENG 3</td>
</tr>
<tr>
<td>1001380</td>
<td>ENG HON 3</td>
</tr>
<tr>
<td>1001390</td>
<td>ENG SKLS 4</td>
</tr>
<tr>
<td>1001400</td>
<td>ENG 4</td>
</tr>
<tr>
<td>1001405</td>
<td>ENG 4; FL COLL PREP</td>
</tr>
<tr>
<td>1001410</td>
<td>ENG HON 4</td>
</tr>
<tr>
<td>1001560</td>
<td>PRE-AICE ENG LANG</td>
</tr>
<tr>
<td>1001800</td>
<td>ENG 1-PRE IB</td>
</tr>
<tr>
<td>1001810</td>
<td>ENG 2-PRE IB</td>
</tr>
<tr>
<td>1001840</td>
<td>IB MYP ENG 1 HON</td>
</tr>
<tr>
<td>1001845</td>
<td>IB MYP ENG 2 HON</td>
</tr>
<tr>
<td>1002000</td>
<td>M/J LANG ARTS 1 ESOL</td>
</tr>
<tr>
<td>1002010</td>
<td>M/J LANG ARTS 2 ESOL</td>
</tr>
<tr>
<td>1002020</td>
<td>M/J LANG ARTS 3 ESOL</td>
</tr>
<tr>
<td>1002180</td>
<td>M/J DE LANG ART ESOL</td>
</tr>
<tr>
<td>1002181</td>
<td>M/J DE LA ESOL-READ</td>
</tr>
<tr>
<td>1002300</td>
<td>ENG 1 THROUGH ESOL</td>
</tr>
<tr>
<td>1002310</td>
<td>ENG 2 THROUGH ESOL</td>
</tr>
<tr>
<td>1002320</td>
<td>ENG 3 THROUGH ESOL</td>
</tr>
<tr>
<td>1002380</td>
<td>DEV LANG ARTS ESOL</td>
</tr>
<tr>
<td>1002381</td>
<td>DEV LANG ARTS ESOL-R</td>
</tr>
<tr>
<td>1002520</td>
<td>ENG 4 THROUGH ESOL</td>
</tr>
<tr>
<td>1008100</td>
<td>M/J READ 1</td>
</tr>
<tr>
<td>1008200</td>
<td>M/J READ 1 ADV</td>
</tr>
<tr>
<td>1008400</td>
<td>M/J READ 2</td>
</tr>
<tr>
<td>1008500</td>
<td>M/J READ 2 ADV</td>
</tr>
<tr>
<td>1008570</td>
<td>M/J READ 3</td>
</tr>
<tr>
<td>1008800</td>
<td>M/J READ 3 ADV</td>
</tr>
<tr>
<td>1008300</td>
<td>READ 1</td>
</tr>
<tr>
<td>1008310</td>
<td>READ 2</td>
</tr>
<tr>
<td>1008320</td>
<td>ADV READ</td>
</tr>
<tr>
<td>1008330</td>
<td>READ 3</td>
</tr>
<tr>
<td>1008350</td>
<td>READ COLL. SUCCESS</td>
</tr>
<tr>
<td>1200310</td>
<td>ALG 1</td>
</tr>
<tr>
<td>1200320</td>
<td>ALG 1 HON</td>
</tr>
<tr>
<td>1200330</td>
<td>ALG 2</td>
</tr>
<tr>
<td>1200340</td>
<td>ALG 2 HON</td>
</tr>
<tr>
<td>1200370</td>
<td>ALG 1-A</td>
</tr>
</tbody>
</table>
DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Pari-Mutuel Wagering

RULE NOS.: RULE TITLES:
61D-14.022 Slot Machine, Slot Machine Component, and Progressive System Requirements
61D-14.032 Progressive System Requirements
61D-14.034 Progressive Jackpots
61D-14.037 Games with Bonus Features, Multiple Win Lines, Prizes
61D-14.038 Percentage Payout and Odds
61D-14.047 Facility Based Monitoring System and Computer Diagnostics

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. 42, October 22, 2010 issue of the Florida Administrative Weekly.


(1) through (6) No change.

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

(8) No change.

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

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

1. Detect when a door is opened or moved from its fully closed and locked position;

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

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

(b) through (10)(c) No change.

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

(a) Clearly labeled; and

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

(c) Positioned so that power cannot be disconnected from outside of the machine.
(12) through (13) No change.

(14) Ticket printers shall be in a locked area of the slot machine and interfaced to allow the slot machine control program to interpret the slot machine game and provide an alert when the ticket printer:
(a) through (16) No change.

(17) A slot machine shall have an electronic identification card reader which card shall be used to communicate with the FBMS:
(a) Only be issued to specifically designated licensed employees;
(b) Be inserted into the slot machine prior to the opening of a slot machine door; and
(c) Only be inserted after surveillance has been notified of and approves the opening.

(18) through (19) No change.

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

(1) through (5) No change.

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

(7) through (11) No change.

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

(1) through (1)(h) No change.

(i) The amount the progressive will be reset to its base reset amount after the progressive jackpot is awarded; and
(j) through (3) No change.

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

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

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

61D-14.037 Games with Bonus Features, Multiple Win Lines, Prizes.
(1) through (2) No change.

(3) If a mystery progressive jackpot is offered:
(a) All machines of the same play denomination linked to the mystery progressive must have the same probability of winning the mystery jackpot and shall notify the patron of the award; or
(b) All machines of differing denominations linked to the mystery progressive shall have an adjusted probability of winning the mystery jackpot based upon the contribution to the jackpot and shall notify the patron of the award.

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

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

61D-14.038 Percentage Payout and Odds.
(1) through (6) No change.

(7) If the report required by subsection (5) of this rule shows that a slot machine facility’s gaming floor payout is less than 85 percent, the slot machine licensee shall notify the division in writing of the identity of the slot machine game.

(8) through (10) No change.

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

(1) through (3) No change.

(a) Be installed in a locked compartment in the machine or system area;
(b) through (13) No change.

(14) The FBMS shall recognize an electronic identification card which card shall:
(a) Only be issued to specifically designated licensed employees;
(b) Be inserted into the slot machine prior to the opening of a slot machine door; and
(c) Only be inserted after surveillance has been notified of and approves the opening.

Rulemaking Authority 551.103(1), 551.122 FS. Law Implemented 551.103(1), (e), (g), (i), 551.104(4)(f) FS. History–New 8-13-06, Amended 6-21-10,_______.
DEPARTMENT OF HEALTH
Board of Chiropractic
RULE NO.:  64B2-13.004
RULE TITLE:  Continuing Education
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. 52, December 30, 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) shall now read as follows:
   (3) Beginning on April 1, 2012, each licensee certified in acupuncture by the Board shall obtain four (4) hours of Board approved acupuncture continuing education. Two (2) hours shall be in the area of safety and risk management and two (2) hours shall be in the area of technique. These four (4) hours shall be obtained as part of the forty (40) hours required in each licensure biennium. Licensees certified in acupuncture must complete the hours required in subsection 64B2-13.004(2), F.A.C.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Bruce Deterding, Executive Director, Board of Chiropractic Medicine, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

DEPARTMENT OF HEALTH
Board of Dentistry
RULE NO.:  64B5-16.006
RULE TITLE:  Remediable Tasks Delegable to a Dental Hygienist
CORRECTED NOTICE OF WITHDRAWAL
Notice is hereby given that the above rule, as noticed in Vol. 36, No. 30, July 30, 2010 issue of the Florida Administrative Weekly has been withdrawn.
The notice published in the June 24, 2011, Vol. 37, No. 25 issue of the FAW cited the incorrect publication date.

DEPARTMENT OF HEALTH
Board of Podiatric Medicine
RULE NO.:  64B18-24.001
RULE TITLE:  Initial Certification for Podiatric X-Ray Assistants
NOTICE OF WITHDRAWAL
Notice is hereby given that the above rule, as noticed in Vol. 36, No. 42, October 22, 2010 issue of the Florida Administrative Weekly has been withdrawn.

FISH AND WILDLIFE CONSERVATION COMMISSION
Marine Fisheries
RULE NOS.:  68B-35.002, 68B-35.003, 68B-35.0035, 68B-35.004
RULE TITLES:  Definitions, Size Limits; Prohibition of Sale; Landing in Whole Condition, Gear Specifications and Prohibited Gear
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. 24, June 17, 2011 issue of the Florida Administrative Weekly.
Notice is hereby given that the following changes have been made to the proposed rule in accordance with Section 120.54(3)(d)1., F.S., published in Vol. 37, No. 18, (May 6, 2011), issue of the Florida Administrative Weekly.
Proposed amendment to Rule 68B-35.002 has been changed as follows:

68B-35.002 Definitions.
As used in this rule chapter:
(1) through (9) No change.
(10) “Pompano Endorsement Zone” means federal Exclusive Economic Zone (EEZ) waters lying between 25°09' North Latitude and 26°00' North Latitude, Cape Sable and Hurricane Pass, in the Gulf of Mexico.
(10) through (12) renumbered (11) through (13) No change.
(14) “Special Permit Zone” means state and adjacent federal Exclusive Economic Zone (EEZ) waters lying south of a line running due east from Cape Florida at 25°40’ North Latitude, waters of Biscayne Bay south of Rickenbacker Causeway, and state and adjacent federal EEZ waters lying south of a line just south of Cape Sable Romano at 25°50’ North Latitude running due west through federal waters at 25°09’ North Latitude and running east to the mainland.

Rulemaking Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History–New 7-1-89, Amended 1-1-96, Formerly 46-35.002, Amended 1-1-04, ________.
Proposed amendment to Rule 68B-35.003 has been changed to eliminate the extension of the commercial African pompano size limit to federal waters:

68B-35.003 Size Limits; Prohibition of Sale; Landing in Whole Condition.

(1) through (2) No change.

(3) African Pompano Size Limits –
   (a) Recreational Size Limits – No person shall harvest or possess within or without state waters, any African pompano with a fork length less than 24 inches, whether harvesting recreationally or for commercial purposes.

(b) Commercial Size Limits – A person harvesting for commercial purposes shall not harvest or possess while in or on state waters any African pompano with a fork length of less than 24 inches.

(4) No change.

Proposed amendment to Rule 68B-35.0035 has been changed to raise the commercial incidental bycatch of permit and to eliminate the extension of the commercial African pompano bag limit to federal waters:

68B-35.0035 Bag Limits.

(1) Permit Bag Limits –
   (a) No change.

(b) Commercial Bag Limit
   1. No change.

   2. Persons harvesting permit as incidental bycatch pursuant to paragraph 68B-35.004(5)(a), F.A.C., shall be subject to a daily harvest, landing, and possession limit of 250 permit. Possession of commercial incidental bycatch quantities of permit is prohibited within the Special Permit Zone, except for Pompano Endorsement holders within the Pompano Endorsement Zone harvesting pursuant to Rule 68B-35.005, F.A.C.

   (2) No change.

   (3) African Pompano Bag Limits –
      (a) Recreational Bag Limits – Each person recreationally harvesting African pompano within or without state waters is subject to a bag limit of two (2) African pompano per day, whether harvesting recreationally or for commercial purposes. No more than two (2) African pompano shall be possessed aboard any vessel harvesting for recreational purposes within or without state waters at any time.

      (b) Commercial Bag Limits – Persons harvesting for commercial purposes shall not harvest or possess while in or on state waters more than two (2) African pompano. No more than two (2) African pompano shall be possessed aboard a vessel that is harvesting for commercial purposes while in or on state waters.

   Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const., Art. X, Sec. 16, Fla. Const., 379.407 FS.

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

DEPARTMENT OF FINANCIAL SERVICES
Division of Insurance Agents and Agency Services
RULE NO.: 69B-220.201 Ethical Requirements
NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 37, No. 24, June 17, 2011 issue of the Florida Administrative Weekly.
The Notice of Proposed Rule referenced incorrect information regarding the Summary of Statement of Estimated Regulatory Costs. The summary has been corrected to read as follows:

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

Section IV

Emergency Rules

STATE BOARD OF ADMINISTRATION
RULE NO.: RULE TITLE:
19ER11-2 (19-8.010) Reimbursement Contract

SPECIFIC REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY OR WELFARE: Emergency Rule 19ER11-2 (19-8.010), Reimbursement Contract, implements statutory changes made by CS/CS/CS/SB 408. Specifically, this legislation changes the definition of “losses” which are reimbursable by the Florida Hurricane Catastrophe Fund (FHCF) and makes these changes effective for the 2011/2012 Contract Year which began on June 1, 2011. Therefore, time is of the essence in getting the incorporated forms amended and in effect as soon as possible.

REASON FOR CONCLUDING THAT THE PROCEDURE IS FAIR UNDER THE CIRCUMSTANCES: Hurricane Season began on June 1st and using the emergency rule process is the only way to implement the new legislation immediately. The emergency rule was authorized at a published meeting open to the public and is posted to the FHCF’s website.

SUMMARY: The legislation changes the definition of “losses”, effective for the 2011/2012 Contract Year. Losses now covered by the FHCF are “all incurred losses under covered policies….” New language specifically includes “amounts paid as fees on behalf of or inuring to the benefit of a policyholder.” New language specifically excludes losses under liability coverages, property losses that are proximately caused by any peril other than a covered event, amounts paid as the result of a voluntary expansion of coverage by the insurer, amounts paid to reimburse a policyholder for condominium association or homeowners’ association loss assessments, bad faith awards, punitive damage awards, other court-imposed fines, sanctions, or penalties, amounts in excess of the coverage limits under the covered policy and allocated or unallocated loss adjustment expenses.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Jack E. Nicholson, Chief Operating Officer, Florida Hurricane Catastrophe Fund, State Board of Administration of Florida

THE FULL TEXT OF THE EMERGENCY RULE IS:


(1) through (16) No change.

(17) The reimbursement contract for the 2011-2012 contract year, including all Amendments and Addenda, required by Section 215.555(4), F.S., which is called Form FHCF-2011K “Reimbursement Contract” or “Contract” between (name of insurer) (the “Company”) / NAIC #( ) and The State Board of Administration of the State of Florida (“SBA”) which administers the Florida Hurricane Catastrophe Fund (“FHCF”), rev. 06/11 04/44, is hereby adopted and incorporated by reference into this rule. This contract is effective from June 1, 2011 through May 31, 2012.

(18) No change.

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

THIS RULE TAKES EFFECT UPON BEING FILED WITH THE DEPARTMENT OF STATE UNLESS A LATER TIME AND DATE IS SPECIFIED IN THE RULE.

EFFECTIVE DATE: June 17, 2011

Section V

Petitions and Dispositions Regarding Rule Variance or Waiver

DEPARTMENT OF COMMUNITY AFFAIRS
The Department of Community Affairs hereby gives notice: that a Final Order Granting Petition for Waiver has been issued.

NAME OF PETITIONER: City of Clewiston

DATE PETITION WAS FILED: April 22, 2011. It was assigned the number DCA11-WAI-079.

THE RULE NUMBER AND NATURE OF THE RULE FROM WHICH A VARIANCE OR WAIVER IS SOUGHT: Paragraph 9B-43.0041(2)(d), F.A.C., states that eligible local governments with an open Economic Development subgrant whose activities and expenditures are on schedule and on time as of the opening of the funding cycle can apply for a CDBG subgrant.


THE DATE OF THE ORDER DENYING OR APPROVING THE VARIANCE OR WAIVER: June 16, 2011

THE GENERAL BASIS FOR THE AGENCY DECISION: Waiver of the rules furthers a stated purpose of the Small Cities Community Development Block Grant program: to provide