

DEPARTMENT OF FINANCIAL SERVICES

Office of Insurance Regulation

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| RULE CHAPTER TITLE: | RULE CHAPTER NO.: |
| Insurance Administrators | 69O-197 |
| RULE TITLES: | RULE NOS.: |
| Definitions | 69O-197.001 |
| Exemption form TPA Licensure | 69O-197.002 |
| Application Submission Requirements for TPA | 69O-197.003 |
| Applicants Administering a Plan Without a Certificate of Authority | 69O-197.004 |
| Investigative Background Report Requirements | 69O-197.005 |
| Annual Report | 69O-197.006 |
| Fidelity Bond Requirements | 69O-197.007 |
| Administrative Fees | 69O-197.008 |
| Service Company or Service Agent Certificate of Authority | 69O-197.009 |
| Forms | 69O-197.015 |

PURPOSE AND EFFECT: To adopt procedures and forms applicable to the activities of Third Party Administrators (Insurance Administrators).

SUBJECT AREA TO BE ADDRESSED: Regulation of Third Party Administrators.

SPECIFIC AUTHORITY: 624.308(1), 626.88(1), 626.8805(4), 626.895 FS.

LAW IMPLEMENTED: 624.307(1), 626.88(1),(2), 626.8805, 626.8805(2), 626.8809, 626.882, 626.884, 626.885, 626.89, 626.891, 626.9541(1)(o)2. FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 9:00 a.m., June 9, 2004

PLACE: Room 116, Larson Building, 200 East Gaines Street, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Department at least 5 calendar days before the program by contacting the person listed below.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Amy Groszos, Bureau of Specialty Insurers, Office of Insurance Regulation, e-mail: groszosa@dfs.state.fl.us

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

**Section II
Proposed Rules**

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

Pursuant to Chapter 2003-145, Laws of Florida, all notices for the Board of Trustees of the Internal Improvement Trust Fund are published on the Internet at the Department of Environmental Protection's home page at <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE CHAPTER TITLE: Procedural
RULE CHAPTER NO.: 40D-1

RULE TITLE: Delegation of Authority
RULE NO.: 40D-1.1002

PURPOSE AND EFFECT: The purpose and effect of this rulemaking is to streamline the variance and waiver process to allow the Executive Director or other Executive staff to take final action on requests for a variance or waiver under Chapter 40D-22, F. A.C., Year-Round Water Conservation Measures.

SUMMARY: This proposed rulemaking adds language to Rule 40D-1.1002, F.A.C., delegating authority to take final action on petitions for variances and waivers pursuant to Rule 40D-22.303, F.A.C., to the Executive Director, the Assistant Executive Director, the Deputy Executive Director for Resource Regulation and the Director of Records and Data. Currently, all requests for a variance or waiver pursuant to Rule 40D-22.303, F.A.C., are first acted upon by the Executive Director and then go to the Board for final action. This rulemaking will delegate the Governing Board's authority to certain Executive staff.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: A Statement of Estimated Regulatory Cost is not being prepared based on the District's determination that the proposed revisions to Rule 40D-1.1002, F.A.C., will not result in a substantial increase in the costs to affected parties and there will not be significant adverse effects on competition, employment, investment or productivity.

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

SPECIFIC AUTHORITY: 373.044, 373.103, 373.113, 373.118, 373.219, 373.309 FS.

LAW IMPLEMENTED: 253.002, 373.083(5), 373.103, 373.149, 373.219, 373.223, 373.224, 373.226, 373.308, 373.309, 373.427 FS.

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

The District does not discriminate on the basis of disability. Anyone requiring reasonable accommodation should contact: Dianne Lee, (352)796-7211, Ext. 4658, TDD only 1(800)231-6103.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Karen A. Lloyd, Senior Attorney, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, Extension 4651

THE FULL TEXT OF THE PROPOSED RULE IS:

40D-1.1002 Delegation of Authority.

(1) No change.

(2) The Governing Board delegates to the Executive Director, the Assistant Executive Director, the Deputy Executive Director for Resource Regulation and the Director of Records and Data the authority to take final agency action petitions for variances and waivers pursuant to Rule 40D-22.303, F.A.C.

(3)(2) No change.

Specific Authority 373.044, 373.103, 373.113, 373.118, 373.219, 373.309 FS. Law Implemented 253.002, 373.083(5), 373.103, 373.149, 373.219, 373.223, 373.224, 373.226, 373.308, 373.309, 373.427 FS. History—New 3-1-84, Amended 3-10-96, 7-22-99, 12-2-99, 9-26-02, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Karen A. Lloyd, Senior Attorney, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, Extension 4651

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Governing Board of the Southwest Florida Water Management District

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 27, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 7, 2004

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Florida Land Sales, Condominiums and Mobile Homes

RULE TITLE: Forms
 RULE NO.: 61B-15.0012

PURPOSE AND EFFECT: The purpose of the rule amendment is to correct errors and add missing items to the form receipt for condominium documents.

SUMMARY: As required by Rule 61B-18.004, Florida Administrative Code, condominium developers must provide the form receipt for documents to condominium purchasers. The form must indicate which documents were provided to purchasers and contain the purchaser's signature. The developer must provide a copy of the signed form to purchasers.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No statement of estimated regulatory costs has been prepared.

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

SPECIFIC AUTHORITY: 718.501(1)(f), 718.502(1)(c), 718.621 FS.

LAW IMPLEMENTED: 718.403, 718.502, 718.503, 718.504, 718.618(8) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):

TIME AND DATE: 10:00 a.m., June 15, 2004

PLACE: Warren Building, Meeting Room #B03, 201 West Bloxham Street, Tallahassee, Florida

Those persons who cannot attend in person may submit their comments in writing to: Sharon A. Elzie, Senior Management Analyst II, Division of Florida Land Sales, Condominiums and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-1030, within 21 days of this notice. written comments received after the hearing may not be considered.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/hearing/meeting is asked to advise the agency at least 48 hours before the workshop/hearing/meeting by contacting: Sharon A. Elzie, Senior Management Analyst II, (850)488-1631. If you are hearing or speech impaired, please contact the agency by calling 1(800)955-8771.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sharon A. Elzie, Senior Management Analyst II, Division of Florida Land Sales, Condominiums and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-1030, (850)488-1631

THE FULL TEXT OF THE PROPOSED RULE IS:

61B-15.0012 Forms.

(1) through (e) No change.

(f) Receipt for Condominium Documents, DBPR Form CO 6000-6, incorporated herein by reference and effective 12-23-02.

(g) through (2) No change.

Specific Authority 718.501(1)(f), 718.502(1)(c), 718.621 FS. Law Implemented 718.403, 718.502, 718.503, 718.504, 718.618(8) FS. History—New 12-23-02, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Laura Glenn, Chief of Standards and Registration, Division of Florida Land Sales, Condominiums and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-1030

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Diane Carr, Secretary, Department of Business and Professional Regulation
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 6, 2004
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 5, 2004

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Florida Land Sales, Condominiums and Mobile Homes

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| RULE TITLES: | RULE NOS.: |
| Procedure for Filing | 61B-17.002 |
| Examination of Documents | 61B-17.005 |
| Filing and Examination of Amendments to Documents | 61B-17.006 |

PURPOSE AND EFFECT: The rule amendment would require that corrections to initial filings and amendments be submitted to the division with an itemized cover page and corrected pages that are coded to show additions and deletions. The amendment would facilitate the division’s review of lengthy corrections to condominium documents and delete unnecessary language related to the method of binding voluminous documents submitted to the division. With regard to purchase contract amendments, the proposed rule would provide that separately attached addenda or modifications to the form purchase contract are not considered “amendments” and need not be filed with the division so long as the modifications do not contain any waiver of purchaser rights or other inconsistencies with Chapter 718, F.S., and related rules.

SUMMARY: The proposed rule amendment relates to the filing and review process including the need for redlining of corrections submitted by developers and filing requirements for certain contract modifications made by the purchaser at the point of sale.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No statement of estimated regulatory costs has been prepared.

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

SPECIFIC AUTHORITY: 718.501(1)(f), 718.502(1)(c) FS.

LAW IMPLEMENTED: 718.502, 718.503, 718.504 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):

TIME AND DATE: 10:00 a.m., June 15, 2004

PLACE: Warren Building, Meeting Room #B03, 201 West Bloxham Street, Tallahassee, Florida

Those persons who cannot attend in person may submit their comments in writing to: Sharon A. Elzie, Senior Management Analyst II, Division of Florida Land Sales, Condominiums and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-1030, within 21 days of this notice. written comments received after the hearing may not be considered.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/hearing/meeting is asked to advise the agency at least 48 hours before the workshop/hearing/meeting by contacting: Sharon A. Elzie, Senior Management Analyst II, (850)488-1631. If you are hearing or speech impaired, please contact the agency by calling 1(800)955-8771.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Sharon A. Elzie, Senior Management Analyst II, Division of Florida Land Sales, Condominiums and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-1030, (850)488-1631

THE FULL TEXT OF THE PROPOSED RULES IS:

61B-17.002 Procedure for Filing.

~~(1) Documents submitted to the Division for filing shall be securely bound and fastened between firm covers. Documents which are too bulky for binding may be submitted with the filing unbound.~~

(2) through (8) renumbered (1) through (7) No change.

Specific Authority 718.501(1)(f) FS. Law Implemented 718.202, 718.502, 718.503, 718.504 FS. History—New 11-15-77, Amended 7-22-80, Formerly 7D-17.02, Amended 4-1-92, Formerly 7D-17.002, Amended 1-26-03, _____.

61B-17.005 Examination of Documents.

(1) Upon receipt of a filing, the Division will determine whether the filing is in proper form. The filing is considered to be in proper form when:

(a) Tabbing. All forms and documents, properly completed, tabbed, labeled and assembled in accordance with these rules, are included;

(b) The Condominium Filing Statement has been completed properly; and

(c) The correct filing fee has been received by the Division.

(2) through (3) No change.

(4) The developer shall have 45 days from the date of the Division’s notification of deficiencies in the filing to correct any deficiencies noted by the Division. The developer shall submit such corrections with a cover letter containing an itemization of corrections in the same order in which the deficiencies were presented and shall submit corrected pages showing additions and deletions by underline and strike through or similar coding. The Division shall, however, grant an extension of the 45-day period upon written request

received by the Division within the 45-day period, which request shall set forth the reasons for the request. If deficiencies are not corrected within the 45-day period and an extension of time is not timely requested, the Division shall reject the filing and no further offers may be made. The developer will not be granted more than four (4) 45-day extensions. The Division shall notify the developer of said rejection by a final order. Prior to the issuance of a final order, the Division shall notify the developer of the pending action and shall provide an opportunity for the developer to respond in writing or at a hearing if requested. If a filing is rejected, the developer, when subject to the requirements of Section 718.202, Florida Statutes, shall, within 45 days of issuance of the final order of rejection, provide the Division with a complete accounting of any deposits collected pursuant to the rejected documents. The developer shall also, immediately and in writing, notify all purchasers under contract of the rejection and shall offer immediate refund of deposits collected, as well as interest as appropriate, under the contracts. A complete re-filing of the documents pursuant to the requirements of Chapter 718, Florida Statutes, and these rules, including the payment of filing fees, will be required prior to any additional offerings.

(5) through (7) No change.

Specific Authority 718.501(1)(f), 718.502(1)(c) FS. Law Implemented 718.501, 718.502 FS. History—New 11-15-77, Amended 7-22-80, 8-31-83, Formerly 7D-17.05, Amended 9-7-88, 3-21-89, Formerly 7D-17.005, Amended 1-26-03, _____.

61B-17.006 Filing and Examination of Amendments to Documents.

(1) “Amendment” means any change to documents that have previously been filed with and accepted by the division, whether technical or substantive, regardless of the procedure by which the change is made. Developers shall file such changes as amendments, regardless of the nature of the changes, except as provided in paragraph (2)(b).

(2)(a) Every developer of a condominium who holds a unit for sale in a condominium shall submit to the Division any amendments in documents or items on file with the Division and deliver to the purchaser pursuant to Rule 61B-18.001, F.A.C., all amendments prior to closing, but in no event, later than 10 days after the amendment.

(b) No changes shall be made to the form purchase contract approved by the Division without first filing and obtaining acceptance of such changes from the Division. However, in an individual unit sale transaction using the form purchase contract approved by the Division, a change to the purchase contract or a modification made on the purchase contract or the attachment of a rider or addendum to such contract is not required to be filed with the Division provided that such change, modification, rider or addendum does not contain either a waiver or reduction of purchaser’s rights under Chapter 718, Florida Statutes, or a reduction of a developer’s

duties under Chapter 718, Florida Statutes, and the rules promulgated thereunder, and is not otherwise inconsistent with Chapter 718, Florida Statutes. A developer is not required to deliver such change, modification, rider or addendum to any purchaser other than the purchaser whose contract has been modified by such change, modification, rider or addendum.

(b) through (c) renumbered (c) through (d) No change.

(3) through (5) No change.

(6) The developer shall have 20 days from the date of the Division’s notification of deficiencies in the amended material to correct the deficiencies noted by the Division. The developer shall submit such corrections with a cover letter containing an itemization of corrections in the same order in which the deficiencies were presented and shall submit corrected pages showing additions and deletions by underline and strike through or similar coding. The Division shall, however, grant an extension of the 20-day period upon written request of the developer. If deficiencies are not corrected within the 20-day period and an extension of time has not been granted by the Division, the Division shall reject the amendment and no further offers shall be made utilizing the rejected documents.

(7) through (9) No change.

Specific Authority 718.501(1)(f), 718.502(1)(c) FS. Law Implemented 718.103(14), 718.502, 718.502(3), 718.503, 718.504 FS. History—New 11-15-77, Amended 7-22-80, 10-1-85, Formerly 7D-17.06, Amended 1-27-87, 4-1-92, 7-11-93, Formerly 7D-17.006, Amended 11-23-93, 1-26-03, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Laura Glenn, Chief of Standards and Registration, Division of Florida Land Sales, Condominiums and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-1030

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Diane Carr, Secretary, Department of Business and Professional Regulation

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 6, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 5, 2004

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Pari-Mutuel Wagering

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| RULE TITLES: | RULE NOS.: |
| Definitions | 61D-7.001 |
| Trifecta and Superfecta Combinations | 61D-7.015 |
| Pari-Mutuels | 61D-7.020 |
| Mutuels Tickets, Cashing, Records, and Totalisator Security Requirements | 61D-7.021 |
| Outs Cashed After the End of the Meet | 61D-7.022 |
| Reporting of Wagering Activities, Permitholder and Totalisator Reports | 61D-7.023 |
| Totalisator Requirements | 61D-7.024 |

PURPOSE AND EFFECT: The purpose and effect of the proposed rule will be to implement changes to accounting and auditing procedures, and totalisator security requirements in an attempt to provide greater security for wagering related information and more efficient reporting and compliance with statutes and rules regarding wagering related activity.

SUMMARY:

- The rule revises definitions including the elimination of the definition of “messenger bet” while allowing account wagering by striking the term “computerized” from the definition. Other definitions are clarified. A delay in exclusion of exchange rights is included in the definition of “malfunction.”
- The rule amends rules regarding Trifecta and Superfecta Combinations to clarify responsibilities in the event of communications, power failures, or totalisator malfunctions that preclude exchange rights. The rule also provides for procedures for those wagers in the event of a cancellation, nullification or declaration of a no contest for a race or game upon which those wagers are conducted.
- Provides mutuels rules to prevent the presentation of a false ticket for payment. The rules also provide for security of totalisator information regarding employees, outs tickets and ticket issuing machines.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.

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

SPECIFIC AUTHORITY: 550.0251(3),(7), 550.105(2)(c), 550.125(2)(b), 550.155(1), 550.1645(1), 550.495(4),(5) FS.

LAW IMPLEMENTED 550.0251, 550.0425, 550.105, 550.125, 550.155, 550.1645, 550.2633, 550.3551, 550.495 FS.

IF REQUESTED IN WRITING WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):

TIME AND DATE: 10:00 a.m. – 12:00 Noon, June 16, 2004

PLACE: Florida Department of Business and Professional Regulation, Northwood Centre, Board Room, 1940 N. Monroe Street, Tallahassee, Florida 32399

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this hearing is asked to advise the Department at least 5 calendar days before the hearing by contacting: Mary Polombo, (850)413-0750. If you are hearing or speech impaired, please contact the agency using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

Written comments or suggestions on the proposed rule may be submitted to Mary Polombo, Clerk, Division of Pari-Mutuel Wagering, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-1035, within 21 days of this notice for inclusion in the record of this proceeding.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Mary Polombo, Clerk, Division of Pari-Mutuel Wagering, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-1035

THE FULL TEXT OF THE PROPOSED RULES IS:

61D-7.001 Definitions.

(1) through (8) No change.

(9) “~~Computerized~~ Account Betting” is the method of wagering on-track via an account opened by placing a sum of money on deposit with the permitholder.

(10) through (23)(d) No change.

(e) A delay or exclusion of exchange rights.

~~(f)(e)~~ Incorrect calculations,

~~(g)(f)~~ The wagers to be refunded.

(24) through (25)(a) No change.

(b) For the purpose of determining operating racing dates, the conduct of live racing or jai alai for any stake, purse, prize, or premium.

~~(26) “Messenger Bet” is a wager placed with a licensed intermediary between the bettor and the mutuels teller for which a receipt is issued to the bettor in lieu of a ticket. The intermediary must possess an occupational license issued by the division.~~

~~(26)(27)~~ “Minor Pool” is the lesser portion of a jackpot or a net pool.

~~(27)(28)~~ “Minus Pool” is the amount distributable to winners in a single wagering pool in excess of that net pool.

~~(28)(29)~~ “Mutuel Field” is two or more contestants grouped to run as a single betting interest due to limitations of the totalisator or tote board.

~~(29)(30)~~ “Mutuels Ticket” is a ticket issued through a totalisator terminal which represents the bettor’s contribution to a pari-mutuel pool or pools.

~~(30)(31)~~ “Net Pool” is the gross pool less commission.

~~(31)(32)~~ “Net Sales” is the aggregate value of all pari-mutuel tickets sold net of cancellations.

~~(32)(33)~~ “On-track” is the designation of wagers on events occurring at the facility conducting the contests or importing from out-of-state.

~~(33)(34)~~ “Outs or Outs Ticket” is a winning or refundable pari-mutuel ticket which is not redeemed.

(34)(35) "Outs Account" is the computer file listing all outstanding pari-mutuel tickets for a particular meet and permitholder.

(35)(36) "Outsbook" is the hard copy report of the outs account.

(36)(37) "Payment Voucher" is a hard copy receipt issued by a totalisator terminal on which redemption of one or more mutuel tickets is recorded.

(37)(38) "Permitholder" is any entity that holds a pari-mutuel permit.

(38)(39) "Price" is the broken price which has been rounded down to the nearest \$ 0.10 and which is the amount awarded to a winning wager.

(39)(40) "Profit" is the dividend calculated for the distribution of a pool.

(40)(41) "Profit Split" is the proration of the profit among winning combinations.

(41)(42) "Primary Guest" is an entity which receives a broadcast from an out-of-state host, and which contracts other entities within the state to wager into the primary guest under the intertrack wagering statutes.

(42)(43) "Refundable Wager" is a pari-mutuel wager invalidated due to causes beyond the control of the bettor.

(43)(44) "Remote Totalisator" is a totalisator system configured so that the function of the central processing unit is handled by a totalisator system at a separate off-site location or logically separate on-site.

(44)(45) "Remote Totalisator Server" is a totalisator system which provides the central processing function for one or more remote totalisators whether on or off site.

(45)(46) "Satellite or Secondary Guest" is an entity in Florida which receives the signal directly from a host track but wagers into a primary guest.

(46)(47) "Scratch" is the withdrawal of a dog or a horse from a contest.

(47)(48) "Single Price Pool" is the type of price calculation that produces only one price for the distribution of a pool.

(48)(49) "Split Meet" shall mean a meet which has five or more consecutive dark days during the meet, or a meet wherein more than one distinctly separate section of the meet occurs at different facilities specifically authorized by the permit which necessitates separate outs accounts for the two portions of the meet.

(49)(50) "Starter" is an entry in a contest when the contest begins.

(50)(51) "Table of Wagers" is the matrix showing the amount bet on each wagering combination for a pari-mutuel pool.

(51)(52) "Uncovered Betting Interest" is a betting interest upon which no wager has been made.

(52)(53) "Winning Wager" is a wager which has been awarded a price under the provisions of the pari-mutuel rules.

Specific Authority 550.0251(3),(7), 550.155(1) FS. Law Implemented 550.0251, 550.155 FS. History—New 10-20-96, Amended 12-15-97, _____.

61D-7.015 Trifecta and Superfecta Combinations.

(1) through (9)(d) No change.

(e) In the event of communications or power failures, or totalisator malfunctions that preclude exchange rights from being fully exercised by holders of first half winning tickets, the second half of the Trifecta and Superfecta combination shall be canceled and the provisions of subsection (9)(d) shall apply. Any technical problems which may require additional time for the exchange process or possible cancellation of the second half of the Trifecta and Superfecta combination are the responsibility of the Mutuels Manager at the host site and, where applicable, the hub tote manager. The guest Mutuels Manager must notify the host Mutuels Manager immediately upon the finding of any communications problems complicating the exchange of tickets.

(10) through (17)(a) No change.

(b) To The jackpot shall be distributed to all holders of exchange tickets from the first half contest.

(c) In the event the second half of the contest is canceled, declared null, or no contest, the jackpot may be distributed in one of the following methods:

1. To holders of tickets as reflected in subsection (b) above.

2. If there is another Tri-Super Combination contest scheduled within the same performance, the forced payout may be postponed to the next Tri-Super Combination contest.

3. If there is no other Tri-Super Combination contest scheduled within the same performance, the forced payout may be postponed to the next scheduled performance.

4. If it is the last performance of the meet or the last performance preceding a dark period of more than 5 days, the provisions of subsection (18) of this rule apply.

(d) The decision of how the forced payout will be managed under these conditions must be submitted to the division prior to the meet along with other Jackpot related wagering information on BPR Form 14-005, Notification of Pari-Mutuel Operations, adopted and incorporated by Rule 61D-10.001, Florida Administrative Code.

(18) through (22) No change.

Specific Authority 550.0251(3),(7), 550.155(1) FS. Law Implemented 550.0251, 550.155 FS. History—New 10-20-96, Amended _____.

61D-7.020 Pari-Mutuels.

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

(c) Participate in ~~computerized~~ account betting.

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

2. ~~Computerized A~~account betting;

(a)3. through (6) No change.

(7) Payment of winning and refundable pari-mutuel tickets shall be made only upon presentation and surrender of the tickets. Damaged tickets with complete and legible identification numbers or bar codes may be honored without presentation of a formal claim. Attempting to redeem or possession of a false, altered, or adulterated ticket shall be a violation of these Rules.

(8) through (18) No change.

(19) Each permitholder that participates in account wagering or utilizes walk-around terminals or self-service terminals, at least seven days prior to implementation, shall provide to the division a copy of the operational procedures for each method of wagering. Such procedures shall include detailed information of any system interfaces within the totalisator system, procedures of how tickets are purchased and cashed, and the security controls for this system of wagering.

Specific Authority 550.0251(3),(7), 550.105(2)(b), 550.155(1), 550.3551(10), 550.495(4), 550.6305(5) FS. Law Implemented 550.0251, 550.0425, 550.105, 550.155, 550.495, 550.70 FS. History—New 10-20-96, Amended 12-15-97, 2-24-03, _____.

61D-7.021 Mutuel Tickets, Cashing, Records, and Totalisator Security Requirements.

(1) through (5)(e) No change.

(f) For tickets cashed more than 30 days after the purchase date of the ticket, the ticket owner must show a valid identification and such cashing must be at a single designated window, which may not be any type of patron-operated machine or terminal. If the permitholder needs more than one window, a written request must be submitted to the division for approval. A log must be maintained including names and addresses of all patrons who have cashed such tickets.

(g) The totalisator system must have the ability to identify such tickets and indicate to a teller that the ticket falls within this category.

(6) through (9)(c) No change.

(d) A permitholder is not required to pay the division the monies required by paragraph (a), above, for missing tickets which were canceled by a totalisator operator provided that a daily terminal malfunction log is maintained by the tote operator and a list of totalisator canceled tickets is provided to the division upon request pari-mutuel wagering specialist on a daily basis.

(e) through (10) No change.

(a) The totalisator licensee is responsible for the value of the wagers for which tickets are not issued due to terminal or system malfunctions. The totalisator licensee may recoup from resulting winnings from such tickets not to exceed the

aggregate purchase price of such tickets. The totalisator ~~tote~~ licensee must maintain ~~provide to the pari-mutuel wagering specialist~~ a list of such purchased tickets on a daily basis. The list must be made available to the division throughout the meet, upon request. Unrecovered totalisator purchases shall not be carried forward to a subsequent meet and any intertrack tote purchases shall not be recouped from live winnings or live outs.

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

~~(c) The pari-mutuel wagering specialist and Mutuels Manager shall witness the cashing of wagers by totalisator personnel and the Mutuels Manager shall add to the outbook any winnings deducted which are in excess of the allowable recoupment.~~

(d) For tickets which values would escheat to the state or breeders' association, the transactions for the list provided per paragraph (10)(a) and (b) shall be recorded on BPR Form 14-034, Tickets Purchased and Cashed by the Totalisator Company, adopted and incorporated by Rule 61D-10.001, Florida Administrative Code. The form shall be attested to by signature by the totalisator manager and Mutuels Manager, and is subject to audit. A copy of this report, along with any tote produced cashing reports, shall be submitted to the division within 30 days of the end of each live meet period. The following criteria shall be applicable as part of the audit criteria:

1. through (11)(d) No change.

(e) Totalisator computers shall be backed-up daily and the backup shall be sufficient to reconstruct the entire performance or days activity. The backup media shall be stored off-site or secured on-site for a minimum of 120 days in an industry standard 2 hour fire resistant storage device.

(f) Totalisator personnel shall not access any file for the purpose of creating a report or list of current outstanding bets without prior notification to the division. The totalisator shall keep a log of any such access. Any unauthorized access to these files must be reported to the division within 24 hours along with any associated logs. Accessing the outs file for the purpose of changing or deleting outs values, creating or cashing fraudulent tickets, or identifying tickets in an effort to commit fraud, is prohibited.

(12) Each totalisator site manager or permitholder as applicable under the provisions of paragraphs (a), (b) and (c), shall provide 24 hour security controls for the totalisator computers. These controls shall be capable of detecting unauthorized entry. Unauthorized entry means any individual who enters the area where the totalisator computers are located and who is not on the authorization list or guest list required under the provisions of subsections (13) and (14) of this section and any individual who violates the security controls and procedures established by the totalisator site. The division shall be notified of any unauthorized entry within 24 hours of discovery. Each totalisator site manager and permitholder shall

submit to the division a description of such security controls and procedures. The security description shall be provided to the division annually by the applicable totalisator manager and by the permitholder not later than 10 days prior to the beginning of the meet. The division shall review ~~and approve~~ ~~or disapprove~~ the security description using the Department of Business and Professional Regulation, Division of Pari-Mutuel Wagering's Security Plan Guidelines, Hubs, Totalisator Systems and Totalisator Sites, herein incorporated by reference. A copy of these guidelines may be obtained by contacting the Division of Pari-Mutuel Wagering at 1940 North Monroe Street, Tallahassee, Florida 32399-1035. The effective date of the guidelines is October 20, 1996.

(a) through (c) No change.

(13) The permitholder may authorize specific individuals and visitors to have access to the room or facility housing totalisator computers. A list of currently licensed individuals authorized to have access to the totalisator room shall be posted at all tote room entrances and submitted annually to the division along with BPR Form 14-005, Notification of Pari-Mutuel Operations adopted and submitted as an attachment to form DBPR 15-006, Permitholder Application for Annual License and Operating Dates, incorporated by Rule 61D-10.001, Florida Administrative Code. Any additions or deletions to the list shall be posted to reflect any employee who is authorized to enter the totalisator room. The division must be notified of any additions or deletions to the list within 10 days.

(a) Licensed individuals shall not bet or pass along privileged information regarding pari-mutuel activities at the locations where they are authorized to enter totalisator facilities. Totalisator employees shall not wager on contests conducted by Florida pari-mutuel facilities being served by the totalisator system for which they are employed to which they have access.

(b) A totalisator company employee may not hold a position of programmer and totalisator operator simultaneously.

(14) through (15) No change.

Specific Authority 550.0251(3),(7), 550.155(1), 550.495(4),(5) FS. Law Implemented 550.0251, 550.155, 550.2633, 550.3551, 550.495 FS. History—New 10-20-96, Amended 12-15-97, _____.

61D-7.022 Outs Cashed After the End of the Meet.

(1) No change.

(2) There shall be separate outs accounts for each meet. The reporting shall be segregated by on-track and intertrack wagering. Outsbooks shall only be produced upon the completion of the totalisator cashing activity but not earlier than the end of the meet. Outstanding credit vouchers and intertrack wagering tickets will not be commingled with the pari-mutuel tickets in the outsbook. The outsbook shall be produced by the totalisator operator only with the approval of the mutuels manager, and the totalisator system shall have system controls to prevent unauthorized production of the

outsbook. ~~A division pari-mutuel wagering specialist shall witness the printing of the outsbook except where the uncashed tickets are payable to the permitholder.~~

(a) No change.

(b) The printing of an outsbook will become mandatory and the system will be purged after 120 days from the end of any live meet if the outs account contains outs which are more than 365 days old.

(c) The Mutuels Manager shall sign the last page of the outsbook to indicate that it was approved by the permitholder to be printed. In the event that this is not possible due to the outsbook being printed at the hub, a signed copy of the instruction by the Mutuels Manager to the totalisator manager to print the outsbook must be attached. Possession of a fraudulent outsbook is a violation of these rules. No outsbook may exist in more than two hard copies, one to be maintained by the permitholder for the purpose of cashing outs tickets and the other to be sent to the division. No other copies or extractions shall be made unless requested in writing by the permitholder and so authorized in writing by the division. Access to the outsbook shall be limited to the Mutuels Manager and the persons designated by the permitholder to process the payment of outs tickets.

(3) through (c) No change.

(d) The totalisator operator shall attest by signature and date on the grand total page as to the accuracy of the outsbook. Adjustments to the outs balance will be made manually by the Mutuels Manager and will be documented and attested to by signature. A copy of the outsbook, duly attested to, shall be forwarded to division headquarters by the permitholder by registered mail on the next working day after printing. The outsbook must be accompanied by the permitholder's official written request for its printing.

(e) A separate outsbook for outs in the new system will be produced at the end of the meet or at the end of the cashing activity through the tote, whichever occurs last. In no event will live outs data be retained in the tote system beyond 120 days a year from the last live first performance of the meet.

(4) The outs tickets manually cashed during the dark period of a split meet shall be processed through the totalisator system when the meet resumes to update the outs file. Processing shall be done through a designated terminal and a tote produced list of outs paid record of the tickets processed and an outs report shall be provided to the ~~division pari-mutuel wagering specialist~~ to reconcile the outs account upon prior to reopening.

(a) Processing of outs tickets via reader scanning during the dark period of a split meet, or upon returning for the second half of a split meet, shall be accounted for as follows: A tote produced list of outs paid and an outs report, and all keyboard cashed tickets shall be provided to the division to verify the cashing that occurred during the dark period of the split meet.

(b) Permitholders that operate a meet with two or more separate time periods and/or different locations, for which outs accounting is separate in the totalisator system, shall document and account for tickets in the same way as outs cashed after the end of the meet, from the last day of each separate portion of the meet.

(5) Where the value of the outs is payable to the state or breeders' association, all outs tickets redeemed after the final live performance day of the meet shall be processed and accounted for according to the procedures outlined in this section.

(a) Where outs tickets are processed through a totalisator system via the reader scanner or keyboard entry, a tote produced list of outs tickets paid sorted by issuing permitholder (host) and meet shall be generated. This list shall segregate intertrack outs from on-track outs. This list shall contain as a minimum each cashed outs ticket fully identified as to ticket identification number, the date of sale, the date of performance for which purchased, the value of the ticket, and the cashing window. Each keyboard cashed ticket shall be identified as such by the totalisator on the list and the list shall be submitted to the division as part of the report of escheated outs. Each keyboard outs ticket cashed must be supported with the actual ticket. The division shall disallow any deductions from the end of meet outs balance for keyboard cashes which are not supported by the applicable tickets except as provided for tote cashes in subsection 61D-7.021(10), Florida Administrative Code. The check number and date of reimbursement for outs ticket cashed issued by another permitholder shall be written on the list, if applicable. In the event that a totalisator system is unable to generate the list of outs paid as required by this rule, the permitholder shall have the following options:

(a) 1. through (7) No change.

~~(8) Outstanding messenger bet slips shall be treated similarly to outs tickets for all purposes including accounting, reporting and payments.~~

~~(8)(9)~~ Where the value of the outs is payable to the state a report of escheated outs shall be prepared on BPR Form DBPR 14-001, Report of Escheated Outs, adopted and incorporated by Rule 61D-10.001, Florida Administrative Code, and submitted to the division 1 year and 60 days after the end of the meet. Supporting documentation required on ~~the DBPR Form 14-001~~ shall be attached.

~~(9)(10)~~ The permitholder who issued the pari-mutuel tickets is the custodian of its outstanding winnings, refundable wagers, and any other money represented by the outs account, and is liable to the state for errors, omissions, and improper deductions made from the outs account by any of its employees or agents.

~~(10)(11)~~ The value of unclaimed credit vouchers which are issued by a permitholder in exchange for cash or cash equivalent, and which the bearer may use to purchase

pari-mutuel tickets shall not be forwarded to the division with the escheated outs tickets. The same provision shall apply to intertrack wagering tickets.

~~(11)(12)~~ Permitholders changing totalisator systems during a meet shall treat the outs tickets produced from the previous system as outs cashed after the end of the meet.

Specific Authority 550.0251(3),(7), 550.155(1), 550.1645(1), 550.495(4),(5) FS. Law Implemented 550.0251, 550.155, 550.1645, 550.2633, 550.495 FS. History—New 10-20-96, Amended 12-15-97, _____.

61D-7.023 Reporting of Wagering Activities, Permitholder and Totalisator Reports.

(1) The permitholder Mutuels Manager shall be provided for review, copies of the information included on BPR Form DBPR 14-015, Distribution of Pari-Mutuel Handle, adopted and incorporated by Rule 61D-10.001, Florida Administrative Code, for all on-track wagering, and BPR Form DBPR 14-016, Distribution of Intertrack Handle, adopted and incorporated by Rule 61D-10.001, Florida Administrative Code, for all intertrack wagering. These reports are submitted separately for each performance by the state personnel pari-mutuel wagering specialists at each hub facility. Host tracks shall have separate reports for on-track ("live") handle and intertrack handle.

~~(2) For each performance or operating day, any permitholder utilizing messengers as intermediaries between the bettors and the pari-mutuel tellers, shall provide reports to the pari-mutuel wagering specialist using Form DBPR 14-002, Report of Unpurchased Messenger Bets, incorporated by Rule 61D-10.001, Florida Administrative Code, Form DBPR 14-003, Report of Uncashed Messenger Bet Winnings and Refunds, incorporated by Rule 61D-10.001, Florida Administrative Code, and Form DBPR 14-004, Audit of Messenger Bet Receipt Books, incorporated by Rule 61D-10.001, Florida Administrative Code, where applicable. All messenger bet books shall be made available to the pari-mutuel wagering specialist or other division representatives upon request.~~

~~(2)(3)~~ The totalisator licensee shall be responsible for the correctness of all tote produced mutuel accounting reports. The Mutuels Manager shall be responsible for the correctness of the non-totalisator mutuel department accounting reports.

~~(3)(4)~~ For each contest within each performance the following totalisator reports shall be produced for each site:

(a) No change.

(b) For intertrack wagering only, a scan report may be transmitted to the host tote in lieu of the pool data for the Superfecta, Trifecta and Superfecta combination, and Quinella Double pools. The guest tote or hub, as applicable, shall print complimentary tables of wagers reflecting the wagering activity in the guest tote or hub. The host tote shall produce tables of wagers reflecting all on track wagers and guest site wagers which have been transmitted from other guest sites. In addition, the guest tote or hub shall print the scan reports and provide copies to the division personnel at the hub pari-mutuel

~~specialist on site.~~ A report providing the receipt of the stop bet command for each pool of each guest shall be produced by the host site totalisator system.

(c) For the Pick (N), ~~a an early scan report~~ shall be produced ~~for on track wagers~~ after ~~each the penultimate leg and prior to the last leg~~ of the wager. The ~~early scan~~ shall show the probable winning combinations, the gross pool total and the amounts bet on each possible winning combination.

~~(d) The totalisator shall be programmed to suppress any information related to Pick N wagering activity until after the final leg of the Pick (N) is concluded. Providing any Pick (N) wagering information other than total pool amount is prohibited until after the final leg except as provided for under the provisions of paragraph (c) of this subsection.~~

~~(e) For intertrack and interstate wagering, each participating totalisator site shall produce scan reports after the penultimate leg of the Pick (N).~~

~~(d)(f)~~ Calculation reports for each pool within each contest shall be printed immediately after the official order of finish is declared by the judges or stewards. At intertrack or interstate hosts, the calculations report shall be available upon request for each site wagering into the common pool. The calculation reports shall include as a minimum:

1. through 10. No change.

~~(4)(5)~~ For each contest and performance, a summary of the calculations report as described in subsection ~~(3)(4)~~ shall be produced. The report shall include a recapitulation by type of pool. At intertrack hosts, a summary by type of pool, type of handle and site shall be produced. At Florida interstate hosts, a summary by type of pool, type of handle and site shall be produced.

~~(5)(6)~~(a) For each contest and performance, a liability report shall be produced. The liability report shall include a recapitulation pool by race and summaries thereof (1. Win, Place, Show, 2. Feature pools, and 3. Combined). At intertrack or interstate hosts, a recapitulation by type of pool and summaries thereof (1. WPS, 2. Feature pools, and, 3. Combined), type of handle and site shall be produced. The liability report shall include as a minimum:

1. through (b)8. No change.

(c) Upon request, the totalisator shall produce a liability report segregating, as applicable, contest, pool and site the above criteria (1) through (8) both cumulatively and non-cumulatively and, where applicable, for a range of races or games.

~~(6)(7)~~ The following totalisator reports shall be printed for each performance or operating day:

(a) through 3. No change.

4. The totalisator shall produce a cashed ticket report which separates daily tickets cashed from outs tickets cashed by site. Such report may be in summary format and must be made available to the division upon request.

(b) through (g) No change.

(h) In the absence of a daily tote produced report of all tickets which were purchased by the totalisator licensee as result of terminal malfunctions, a log of such purchased tickets shall be maintained by the totalisator operator and available provided to the division ~~pari-mutuel wagering specialist~~ daily. Damaged or incomplete tickets issued as a result of a malfunction shall be available to a division representative upon request. The log shall include the following:

1. through (i) No change.

(7) Logs shall be maintained, which indicate the time of day of each entry for each terminal other than a Ticket Issuing Machine (TIM) operating during a day. The log shall show:

(a) Each log-on/log-off and the operator's ID code.

(b) Each command or transaction entered, and the device that issued the command. This shall also include each Stop Betting, Order of Finish, Official, or Sales Open command.

(c) Each occurrence which is evident in the system, of loss/restoration of wagering communication between computers or sites.

(d) Each occurrence of discrepancy between computers or sites when comparing databases. This could be between different tote systems, or within the same tote company if multiple databases are used such as in a master/slave/clone scenario.

(8) In addition to the reports listed in the preceding sections, each totalisator operator shall keep a record of all totalisator malfunctions. This record shall contain the description, date, and time of each malfunction and shall be made available to the division hub personnel ~~pari-mutuel wagering specialist~~ within 48 hours.

(9) No change.

(10) All the above-indicated totalisator reports shall be printed at the pari-mutuel facility servicing as a totalisator hub. In addition, each totalisator company shall provide electronic downloads of wagering data compatible with the division's centralized database irrespective of the location of the totalisator. Each report shall include the permitholder's name, date of report, and time of generation. The totalisator operator shall provide to the division hub personnel ~~pari-mutuel wagering specialist~~ a copy of each totalisator report produced pursuant to this rule immediately upon printing.

(11) No change.

Specific Authority 550.0251(3),(7), 550.125(2)(b), 550.155(1), 550.495(4) FS. Law Implemented 550.0251, 550.125, 550.155, 550.3551, 550.495 FS. History—New 10-20-96, Amended 12-15-97, _____.

61D-7.024 Totalisator Requirements.

(1) through (2)(a)1. No change.

2. A tote control console, and a printer where the console activity is recorded. The console record of activity shall be delivered upon request to the division hub personnel ~~pari-mutuel wagering specialist~~.

3. A voice line and facsimile machine with separate phone line. This equipment shall be accessible to the division hub personnel ~~pari-mutuel wagering specialist~~.

(b) through (3) No change.

(a) The odds on the Win Pool wagering. Odds cycle shall not be more than 90 seconds commencing after the previous race or game is declared official, and the "posting" of the next current race;

(b) through (6)(a) No change.

(b) Not later than ~~45~~ 40 days prior to implementation, any plans to introduce new totalisator hardware or software to existing systems affecting the following areas:

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

(7) Each permitholder and each totalisator licensee, upon request from the division, shall arrange for an ~~tote system~~ audit of the totalisator system. The test will be performed by the division staff in conjunction with appropriate permitholder and totalisator personnel, and will include procedures to determine if the totalisator system is operating in compliance with pari-mutuel wagering rules and regulations. The audit shall be under the direction and control of division audit personnel. Each totalisator licensee shall notify the division 48 hours in advance of any test other than routine daily procedures or emergency tests to be conducted by the totalisator company. In the case of emergency tests, an appointed division representative ~~the pari-mutuel wagering specialist~~ shall observe the test and be notified as soon as possible prior to the actual testing.

(8) In the event of a computer, peripheral equipment or data transmission malfunction at any affected site, the totalisator operator shall inform the Mutuels Manager and the division hub personnel ~~pari-mutuel wagering specialist~~ promptly of the type of problem, malfunction or error and estimated time of repair.

(a) through (10) No change.

(11) Within 48 hours of a malfunction, BPR Form DBPR 14-019, Totalisator Operator Report of System Event or Malfunction/Mutuel Manager Report of Totalisator Malfunction or Event, adopted and incorporated by Rule 61D-10.001, Florida Administrative Code, shall be filed with the division hub personnel ~~pari-mutuel wagering specialist~~ by both the tote representatives and the Mutuels Managers involved.

(12) No change.

(a) Both the incorrect and corrected calculations reports shall be kept as part of the mutuels records and copies of each shall be provided to the division hub personnel ~~pari-mutuel wagering specialist~~.

(b) through (d) No change.

(e) With respect to a liability resulting from either an underpayment or overpayment, underpayments and overpayments from distinct and separate pools shall be managed by permitholders within the meet. Underpayments

may be used to offset overpayments with the provision that any remaining underpayment at the end of a meet be distributed in a pool approved by the division within the last seven days of a meet. Permitholders shall report all underpayments and overpayments to the division, as well as notify the division when using underpayments to offset overpayments. Adjustments to pools when offsetting must follow the procedures detailed in paragraph 61D-9.003(4)(b) and subsection (7), Florida Administrative Code, ~~61D-9.003(7)~~ and must be supported with documentation.

(f) through (18) No change.

(a) The outs file shall be updated at the end of each performance or operating day and reports as required by this chapter shall be printed and provided to the state hub personnel ~~pari-mutuel wagering specialist on site~~.

(b) Both the totalisator licensee and the permitholder will be responsible for the integrity of the outs file and shall have documented internal controls to prevent unauthorized access. Such internal controls shall be included in the security description required by subsection 61D-7.021(12) ~~61D-7.017(12)~~, Florida Administrative Code.

Specific Authority 550.0251(3),(7), 550.155(1), 550.495(4) FS. Law Implemented 550.0251, 550.155, 550.495 FS. History--New 10-20-96, Amended 12-15-97, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: David J. Roberts, Director, Division of Pari-Mutuel Wagering
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Diane Carr, Secretary, Department of Business and Professional Regulation

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 12, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 6, 2004

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Pari-Mutuel Wagering

RULE TITLES: RULE NOS.:

Financial Reporting Requirements 61D-8.002

Purse Requirements, Greyhound Racing 61D-8.006

PURPOSE AND EFFECT: The purpose and effect of the proposed rule will be to implement changes to accounting and auditing procedures in an attempt to provide more efficient reporting and compliance with statutes and rules regarding wagering related activity.

SUMMARY: The rules provide for financial reporting requirements regarding timely payments and reports for statutory purses, breeders' and stallion awards and moneys due to other tracks regarding wagering activity.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.

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

SPECIFIC AUTHORITY: 550.0251(3),(7),(9), 550.125(2)(b), 550.155(1), 550.3551(10), 550.6305(5) FS.

LAW IMPLEMENTED: 550.0251, 550.0914(2)(d), 550.0951(5), 550.125, 550.155, 550.3551, 550.615, 550.6305, 550.6335 FS.

IF REQUESTED IN WRITING WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):

TIME AND DATE: 10:00 a.m. – 12:00 Noon, June 16, 2004

PLACE: Florida Department of Business and Professional Regulation, Northwood Centre, Board Room, 1940 N. Monroe Street, Tallahassee, Florida 32399

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this hearing is asked to advise the Department at least 5 calendar days before the hearing by contacting: Mary Polombo, (850)413-0750. If you are hearing or speech impaired, please contact the agency using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

Written comments or suggestions on the proposed rule may be submitted to Mary Polombo, Clerk, Division of Pari-Mutuel Wagering, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-1035, within 21 days of this notice for inclusion in the record of this proceeding.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Mary Polombo, Clerk, Division of Pari-Mutuel Wagering, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-1035

THE FULL TEXT OF THE PROPOSED RULES IS:

61D-8.002 Financial Reporting Requirements.

(1) through (3)(e) No change.

(f) Horse racing permitholders shall forward a copy of the check remitted to the respective breeders' association as contribution to the breeders' and stallion awards fund, along with the monthly remittance report. In thoroughbred racing, remittances based on receipts derived from outgoing simulcasts shall be supported with a schedule listing each out-of-state betting site and the related receipt amount. If a remittance to the breeders' association occurs when no monthly report is due, the permitholder shall forward a copy of the check along with support for the payment, and explain the reason for the delay. Any permitholder that imposes a surcharge on winning pari mutuel tickets shall file Form

DBPR 14-027, Surcharge Tax Monthly Remittance Report for Guest Permitholders, incorporated by Rule 61D-10.001, Florida Administrative Code.

(4) through (7) No change.

(8) A complete written response must be provided at the request of the division within twenty-one (21) days of the date of issuance of any report, audit findings, or other formal request for information, by the auditee, unless otherwise specified in such request.

(9) Each permitholder shall make payments related to intertrack or simulcast wagering to guest facilities or host facilities, and for purses and breeders'/owners' associations, on the day it pays state taxes pursuant to Section 550.0951(5), Florida Statutes.

Specific Authority 550.0251(3),(7),(9), 550.125(2)(b), 550.155(1), 550.3551(10), 550.6305(5) FS. Law Implemented 550.0251, 550.0951(5), 550.125, 550.155, 550.3551, 550.615, 550.6305, 550.6335 FS. History—New 10-20-96, Amended 12-15-97, _____.

61D-8.006 Purse Requirements, Greyhound Racing.

(1) As required in Section 550.09514(2)(f), Florida Statutes, each greyhound racing permitholder shall, during the permitholder's race meet, supply kennel operators and the Division of Pari-Mutuel Wagering with weekly reports showing purses paid on each wagering category, within 10 days of Sunday after the end of any payment week. The weekly report shall reflect purse payments and handle by the following categories:

(a) Purses paid on live greyhound races;

(b) Purses paid for simulcast imports;

(c) Purses paid on greyhound intertrack and simulcast broadcasts as a host, separated by market area, or non-market area, if applicable, and commission calculations;

(d) As a guest, purses paid on greyhound intertrack and simulcast broadcasts;

(e) Purses paid when permitholder is a host for a non-greyhound permitholder, and when a guest during any dark period deferred from the previous fiscal year after the live meet;

(f) Simulcast export handle and commissions received for which purses are paid, with related transmission costs;

(g) Additional purse supplements for daily license fees or cardroom gross receipts;

(h) Any stakes and/or additional purse payments added;

(i) Any deductions from the gross purses and a description of such.

(2) Also, a report is required which summarizes all weekly purse payments made for the fiscal year including all categories enumerated in subsections (1)(a) through (1)(i) of this rule. This report and all supporting accounting records shall be submitted within 30 days of the end of each live meet and will be subject to audit under the provisions of Section 550.09514, Florida Statutes.

Specific Authority 550.6305(5) FS. Law Implemented 550.09514(2)(d) FS. History—New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: David J. Roberts, Director, Division of Pari-Mutuel Wagering
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Diane Carr, Secretary, Department of Business and Professional Regulation
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 12, 2004
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 6, 2004

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Pari-Mutuel Wagering

| | |
|--|------------|
| RULE TITLES: | RULE NOS.: |
| Interstate and Intertrack Broadcasts | 61D-9.001 |
| Interstate and Intertrack Broadcasts – Emergency Procedures | 61D-9.003 |
| Intertrack Wagering – Permitholder Accounting, Reporting and Ticket Cashing Responsibilities | 61D-9.004 |
| Intertrack and Interstate Wagering, Hub Systems Requirements | 61D-9.005 |

PURPOSE AND EFFECT: The purpose and effect of the proposed rule will be to implement changes to accounting and auditing procedures, and totalisator security requirements in an attempt to provide greater security for wagering related information and more efficient reporting and compliance with statutes and rules regarding wagering related activity.

SUMMARY:

- Rules are revised to reflect the elimination of the pari-mutuel wagering specialist.
- The rules revise and provide for reporting requirement related to interstate and intertrack broadcasts.
- Rules are revised to make the totalisator site manager for a permitholder responsible for a security plan.
- Rule regarding posting of changing of odds is clarified.
- Requires guest tracks shall provide in the official program mailing instructions or contact information for cashing an intertrack wagering ticket.
- Provides reporting requirements for guest tracks regarding emergency procedures.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.

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

SPECIFIC AUTHORITY: 550.0251(3),(7), 550.125(2)(b), 550.155(1), 550.2625(2)(d), 550.3551(10), 550.495(4), 550.6305(5) FS.

LAW IMPLEMENTED: 550.0251, 550.125, 550.155, 550.2625, 550.3551, 550.495, 550.615, 550.625, 550.6305 FS.

IF REQUESTED IN WRITING WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):

TIME AND DATE: 10:00 a.m. – 12:00 Noon, June 16, 2004
 PLACE: Florida Department of Business and Professional Regulation, Northwood Centre, Board Room, 1940 N. Monroe Street, Tallahassee, Florida 32399

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this hearing is asked to advise the Department at least 5 calendar days before the hearing by contacting: Mary Polombo, (850)413-0750. If you are hearing or speech impaired, please contact the agency using the Florida Dual Party Relay System by calling 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

Written comments or suggestions on the proposed rule may be submitted to Mary Polombo, Clerk, Division of Pari-Mutuel Wagering, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-1035, within 21 days of this notice for inclusion in the record of this proceeding.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Mary Polombo, Clerk, Division of Pari-Mutuel Wagering, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-1035

THE FULL TEXT OF THE PROPOSED RULES IS:

61D-9.001 Interstate and Intertrack Broadcasts.

(1)(a) Florida permitholders shall provide documentation supporting information reported on DBPR Form 14-028A, Notification of Interstate Broadcasting, adopted and incorporated by Rule 61D-10.001, Florida Administrative Code, to the Division for purposes of auditing and review and shall provide for audit purposes documentation supporting the gross revenue received from out-of-state guests on broadcast events originating live in this state ~~To ensure compliance with the breeders' and stallion awards requirement set forth in Chapter 550, Florida Statutes, Section 550.2625(3), and purse requirements in Section 550.6305, Florida Statutes, Florida permitholders shall provide the following documentation for review and audit upon request:-~~

(a) A report in the aggregate and by payer, for the specific periods requested, the monthly gross revenues received from out-of-state events originating live in Florida.

(b) On intertrack wagering on simulcasts (rebroadcasts), a report by out-of-state live facility and by Florida guest site, which shall include the handle, total takeout, and its distribution, including rates and fees to Florida guests, rates and payments to out-of-state facilities, rates and amounts for owners' awards or purses, and amounts for breeders' awards.

(c) On on-track wagering on simulcasts, a report by out-of-state live facility, which shall include the handle, gross revenue (takeout and breaks), distribution of the gross revenue, including rates and amounts to out-of-state live facilities, broadcast expenses related to amounts for which purse payments are required, amounts for breeders' awards, and amounts for purses. The permitholders shall also provide additional supporting documentation as needed by the division for this paragraphs (a) and (b) above.

~~(d)(b)~~ No permitholder shall enter a contractual agreement that is in violation of, or may be construed as waiving, the requirements of these rules or Chapter 550, Florida Statutes.

~~(e)(e)~~ Where pools are commingled from out of state into Florida, a Florida host permitholder shall require the out-of-state guest to provide any information necessary for the host's accounting of its pari-mutuel activities. This information relating to the accumulation, calculation and distribution of the applicable pools will be requested by the division from the out-of-state guest.

(2) No change.

(a) Each totalisator site manager for a permitholder which desires to operate as an intertrack or interstate host facility track shall provide furnish a security plan to the Division of Pari-Mutuel Wagering a security plan at least 10 days prior to the initial implementation of intertrack or interstate wagering. A new security plan shall be submitted 10 days prior to a change in a permitholder's totalisator company or to the effective date of any change to the security plan. The security plan shall include as a minimum the information requested by the Division of Pari-Mutuel Wagering's Security Plan Guidelines for Intertrack or Interstate Host Tracks herein incorporated by reference. A copy of these guidelines may be obtained by contacting the Division of Pari-Mutuel Wagering at 1940 North Monroe Street, Tallahassee, Florida 32399-1035. The effective date of each of these guidelines is October 20, 1996.

(b) No change.

(c) Each Florida interstate guest permitholder shall file with the division hub personnel pari-mutuel wagering specialist BPR Form DBPR 14-028B, Notification Regarding Commingled Pools, adopted and incorporated by Rule 61D-10.001, Florida Administrative Code, not later than 2 working days prior to the broadcast if its wagers are to be included in an out-of-state host's pools.

(d) through (5)(d) No change.

(6) The cycle of the change of odds, and the display of such, at all intertrack permitholders shall not be more than 90 seconds commencing after the previous race or game is declared official, and the "posting" of the next current race. An explanation shall be provided in the official program or posted prominently on each level of the facility indicating that final odds may be delayed due to the accumulation and transfer of intertrack or interstate wagering data.

(7)(a) through (9)(c) No change.

Specific Authority 550.0251(3),(7), 550.125(2)(b), 550.155(1), 550.2625(2)(d), 550.3551(10), 550.495(4), 550.6305(5) FS. Law Implemented 550.0251, 550.125, 550.155, 550.2625, 550.3551, 550.495, 550.615, 550.625, 550.6305 FS. History--New 10-20-96, Amended 12-15-97, _____.

61D-9.003 Interstate and Intertrack Broadcasts – Emergency Procedures.

(1) through (3)(b) No change.

(c) Subsequent to the event, the host Mutuels Manager and tote representative, and the Mutuels Manager and tote representative of each affected intertrack guest or hub shall prepare and submit to the division hub personnel pari-mutuel wagering specialist a report indicating why the transfer of data could not be completed electronically and that the pools were merged manually. For interstate wagering, the Florida host Mutuels Manager shall require this report as support documentation of the merging of the pools. Each report shall include a copy of the table of wagers prior to the merge. Additionally, the hub host report shall include:

(c)1. through (c)2. No change.

3. A worksheet signed by the host tote representative and the division hub personnel host pari-mutuel wagering specialist showing total dollars bet in each pool and the final prices.

(4) through (5)(a) No change.

1. Pay host track prices pursuant to the provisions of paragraph (4)(b) for pools where odds or will pays have been displayed; or

(a)2. No change.

3. Distribute the pools for which no odds or will pays have been displayed to the Florida winners in accordance with the Florida pari-mutuel wagering rules using payout prices calculated on the separate pool.

(b) No change.

(c) The Florida primary guest shall elect a policy option and shall indicate the option chosen on BPR Form 14-029A, Notification of Intertrack Wagering, file Form DBPR 14-032, Option Selected For Interstate Wagers Excluded From Host Pools, adopted and incorporated by Rule 61D-10.001, Florida Administrative Code, upon with the Division prior to becoming an interstate guest.

(6) through (8) No change.

Specific Authority 550.0251(3),(7), 550.125(2)(b), 550.155(1), 550.3551(10), 550.495(4), 550.6305(5) FS. Law Implemented 550.0251, 550.125, 550.155, 550.3551, 550.495, 550.615, 550.6305 FS. History--New 10-20-96, Amended 12-15-97, _____.

61D-9.004 Intertrack Wagering – Permitholder Accounting, Reporting and Ticket Cashing Responsibilities.

(1) through (b) No change.

(c) Each host track shall require separate outs reports for wagers placed at the host track and wagers placed at each guest track. The track maintaining the outs files must be able to produce, upon request, a listing of outs purged from their totalisator. The outs files shall indicate the point of sale for each ticket listed. ~~Copies of all outs reports from guest track or hub sites shall be provided to the pari-mutuel wagering specialist at the applicable guest track or hub site.~~

(2) through (3)(f) No change.

(4) Host tracks shall explain in the official intertrack or simulcast program information regarding ticket cashing at the guest site, and the location and method of remitting winning tickets for cashing after the initial cashing period ~~time~~ has expired at the guest location.

(5) Guest tracks shall provide in the official program mailing instructions or contact information for cashing an intertrack wagering ticket at the host location.

~~(6)(5)~~ Wagers cannot be canceled at any facility other than at the facility where the ticket was purchased.

~~(7)(6)~~ Guest greyhound tracks which conduct separate pools of intertrack wagers shall provide written notice to the division at least 2 working days prior to conducting the pools. Such notice shall contain the name of the host track and the date of the event for which separate pools are to be conducted.

Specific Authority 550.0251(3),(7), 550.125(2)(b), 550.155(1), 550.3551(10), 550.495(4), 550.6305(5) FS. Law Implemented 550.0251, 550.125, 550.155, 550.3551, 550.495, 550.615, 550.625, 550.6305 FS. History–New 10-20-96, Amended 12-15-97,_____.

61D-9.005 Intertrack and Interstate Wagering, Hub Systems Requirements.

(1) No change.

(2) Each hub system shall be programmed to record, classify and accumulate wagering data, and do calculations as required in the Intertrack Wagering rules and rules governing pari-mutuel wagering and shall meet the requirements of a totalisator system as defined in Rule 61D-7.024 ~~61D-13.020~~, Florida Administrative Code.

(3)(a) through (6)(b) No change.

1. Where the hub receives wagering data from the guest tracks’ totalisators, the Mutuels Manager of each guest track shall apply the stop bet command not later than the start of the contest. Corrective action will begin immediately and a report shall be submitted to the division hub personnel ~~pari-mutuel wagering specialist at the host track~~ within 48 hours of the failure.

(b)2. through (9)(i) No change.

(j) A liability report for each guest whose terminals are linked to the hub. The report shall identify the guest and host and shall contain the date, the generation time, and the guest’s share of each gross pool and related refunds, commissions,

winnings, and breaks. In the event that the guest is maintaining separate intertrack wagering pools there shall be separate liability summaries for both the commingled and non-commingled pools. Copies of these reports shall be provided to the division ~~pari-mutuel wagering specialist at the hub~~ personnel.

(k) No change.

Specific Authority 550.0251(3),(7), 550.125(2)(b), 550.155(1), 550.3551(10), 550.495(4), 550.6305(5) FS. Law Implemented 550.0251, 550.125, 550.155, 550.3551, 550.495, 550.615, 550.625, 550.6305 FS. History–New 10-20-96, Amended 12-15-97,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: David J. Roberts, Director, Division of Pari-Mutuel Wagering

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Diane Carr, Secretary, Department of Business and Professional Regulation

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 12, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 6, 2004

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Pursuant to Chapter 2003-145, Laws of Florida, all notices for the Department of Environmental Protection are published on the Internet at the Department of Environmental Protection’s home page at <http://www.dep.state.fl.us/> under the link or button titled “Official Notices.”

DEPARTMENT OF HEALTH

Board of Optometry

RULE TITLE: Exemption of Spouse of Member of

RULE NO.:

Armed Forces from License

Renewal Requirements

64B13-5.003

PURPOSE AND EFFECT: The Board proposes to exempt spouses of members of the Armed Forces from licensure renewal provisions.

SUMMARY: The new rule proposes to exempt spouses of members of the Armed Forces from licensure renewal provisions.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.

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

SPECIFIC AUTHORITY: 456.024, 463.005 FS.

LAW IMPLEMENTED: 456.024, 463.005 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joe R. Baker, Jr., Executive Director, Board of Optometry, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joe R. Baker, Jr., Executive Director, Board of Optometry, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

THE FULL TEXT OF THE PROPOSED RULE IS:

THE FULL TEXT OF THE PROPOSED RULE IS:

64B13-5.003 Exemption of Spouse of Member of Armed Forces from License Renewal Requirements.

64B13-18.002 Formulary of Topical Ocular Pharmaceutical Agents.

A licensee who is the spouse of a member of the Armed Forces of the United States and was caused to be absent from the State of Florida because of the spouse's duties with the Armed Forces and who at the time the absence became necessary was in good standing with the Board of Optometry and entitled to practice optometry in Florida shall be exempt from all licensure renewal provisions. The licensee must document the absence and the spouse's military status to the Board.

The topical ocular pharmaceutical formulary consists of pharmaceutical agents which a certified optometrist is qualified to administer and prescribe in the practice of optometry pursuant to Section 463.0055(2)(a), Florida Statutes. The formulary list shall be maintained at the Board office and available on the website. The topical ocular pharmaceutical agents in the formulary include the following legend drugs alone or in combination:

Specific Authority 456.024, 463.005 FS. Law Implemented 456.024, 463.005 FS. History--New _____.

- (1) CYCLOPLEGIC AND MYDRIATICS ~~—any except~~
 - ~~(a) Atropine sulfate in concentrations greater than 1%,~~
 - ~~(b) Phenylephrine HCL in concentrations greater than 2.5%, and~~
 - ~~(c) Cyclopentolate HCL in concentrations greater than 2%.~~
- (2) LOCAL ANESTHETICS ~~—any.~~
- (3) DIAGNOSTIC PRODUCTS ~~—any.~~
- (4) ~~OPHTHALMIC DECONGESTANTS~~ / ANTIHISTAMINE COMBINATIONS ~~—any.~~
- ~~(4)(5) ANTIBACTERIAL —any except chloramphenicol.~~
- ~~(5)(6) NON-STEROIDAL AND STEROIDAL ANTI-INFLAMMATORY AGENTS —any.~~
- ~~(6)(7) ANTIHISTAMINES, MAST CELL STABILIZERS AND ANTI-ALLERGY AGENTS —any.~~
- ~~(7)(8) ANTIVIRAL AGENTS —any.~~
- ~~(8)(9) ANTI-GLAUCOMA AGENTS —any except cholinesterase inhibitors.~~
- ~~(9)(10) MISCELLANEOUS —any other topical ocular legend agent not otherwise classified above, except for agents classified as antifungal.~~

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Optometry

Specific Authority 463.005, 463.0055(2)(a) FS. Law Implemented 463.0055 FS. History--New 3-30-87, Amended 4-5-88, 5-7-90, Formerly 21-18.002, Amended 5-10-92, 1-29-93, Formerly 21Q-18.002, Amended 8-31-93, 7-30-94, Formerly 61F8-18.002, Amended 2-11-96, 4-21-96, 1-12-97, 6-8-97, Formerly 59V-18.002, Amended 6-15-00, _____.

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Optometry

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Optometry

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 2, 2004

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Optometry

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 16, 2004

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 2, 2004

DEPARTMENT OF HEALTH

Board of Optometry

RULE TITLE: Formulary of Topical Ocular Pharmaceutical Agents

RULE NO.: 64B13-18.002

PURPOSE AND EFFECT: The Board proposes an amendment to the rule in order to update the formulary list and notify licensees that the topical ocular pharmaceutical formulary list is located at the Board office and on the website.

SUMMARY: The rule amendment deletes unnecessary legend drugs, updates the formulary list, and notifies the licensees that the topical ocular pharmaceutical formulary list is located at the Board office and on the website.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.

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

SPECIFIC AUTHORITY: 463.005, 463.0055(2)(a) FS.

LAW IMPLEMENTED: 463.0055 FS.

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 16, 2004

DEPARTMENT OF HEALTH

Board of Psychology

RULE TITLE: Supervised Experience Requirements
 RULE NO.: 64B19-11.005

PURPOSE AND EFFECT: The proposed rule amendment is intended to clarify the definition of “supervisor” in instances where the applicant is on active duty with the armed forces.

SUMMARY: The proposed rule amendment permits applicants who are on active duty with the armed forces to be supervised by a doctoral-level psychologist whose license is in good standing in any state, regardless of where the supervision is conducted.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.

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

SPECIFIC AUTHORITY: 490.004(4) FS.

LAW IMPLEMENTED: 490.005(1) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kaye Howerton, Executive Director, Board of Psychology/MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

THE FULL TEXT OF THE PROPOSED RULE IS:

64B19-11.005 Supervised Experience Requirements.

The law requires 4,000 hours of supervised experience for licensure. The Board recognizes that the applicant’s internship satisfies 2,000 of those hours. This rule concerns the remaining 2,000 hours.

(1) Definitions. Within the context of this rule, the following definitions apply:

(a) through (b) No change.

(c) “Supervisor.” A supervisor is either a licensed Florida psychologist in good standing with the Board, or a doctoral-level psychologist licensed in good standing in another state providing supervision for licensure in that state. However, where the applicant is on active duty with the armed services of the United States, the supervisor may be a doctoral-level psychologist licensed in good standing in any state, regardless of where the supervision is conducted.

(2) through (4) No change.

Specific Authority 490.004(4) FS. Law Implemented 490.005(1) FS. History—New 11-18-92, Amended 7-14-93, Formerly 21U-11.007, Amended 6-14-94, Formerly 61F13-11.007, Amended 1-7-96, Formerly 59AA-11.005, Amended 12-4-97, 8-5-01, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Psychology

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Psychology

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 15, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 9, 2004

DEPARTMENT OF HEALTH

Board of Psychology

RULE TITLES: Qualifications to Practice Juvenile Sexual Offender Therapy
 RULE NOS.: 64B19-18.0025

Prohibition Against Treating Psychologists Performing Forensic Evaluations of Minors for the Purpose of Addressing Custody, Residence or Visitation
 64B19-18.006

Requirements for Forensic Psychological Evaluations of Minors for the Purpose of Addressing Custody, Residence or Visitation Disputes
 64B19-18.007

PURPOSE AND EFFECT: The proposed amendments to Rule 64B19-18.0025, F.A.C., are intended to update the rule with regard to those practicing juvenile sexual offender therapy. Rule 64B19-18.006, F.A.C., is being repealed. The substantial rewording of Rule 64B19-18.007, F.A.C., is intended to set forth criteria for those evaluating minors for the purpose of addressing custody, residence or visitation disputes.

SUMMARY: Rule 64B19-18.0025, F.A.C., sets forth criteria for those practicing juvenile sexual offender therapy. Rule 64B19-18.006, F.A.C., is being repealed. Rule 64B19-18.007, F.A.C., sets forth criteria for those evaluating minors for the purpose of addressing custody, residence or visitation disputes.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.

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

SPECIFIC AUTHORITY: 490.004(4), 490.012(8), 490.0145 FS.

LAW IMPLEMENTED: 490.009(2)(s), 490.012(8), 490.0145 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Kaye Howerton, Executive Director, Board of Psychology/MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

THE FULL TEXT OF THE PROPOSED RULES IS:

64B19-18.0025 Qualifications to Practice Juvenile Sexual Offender Therapy.

Effective ~~December 31, 2005, a psychologist~~ October 1, 2000 ~~an individual~~, prior to practicing ~~holding oneself out as a juvenile sexual offender therapy therapist~~, must be a Florida licensed psychologist, except as otherwise provided within Section 490.012, F.S. ~~Chapter 98-158, Laws of Florida~~. The psychologist ~~individual~~ shall have education, training, and experience that demonstrates competency and interest in this area of practice. The training of a ~~psychologist practicing juvenile sexual offender therapy therapist~~ must include: 1) coursework and/or training at least nine hours of coursework in child behavior and development, and in child psychopathology, and child assessment and treatment; and 2) thirty (30) hours of training in juvenile sex offender assessment and treatment integrated with juvenile assessment, diagnosis, and treatment.

Specific Authority 490.004(4), 490.012(8), 490.0145 FS. Law Implemented 490.012(8), 490.0145 FS. History—New 2-21-99, Amended _____.

64B19-18.006 Prohibition Against Treating Psychologists Performing Forensic Evaluations of Minors for the Purpose of Addressing Custody, Residence or Visitation.

Specific Authority 490.004(4) FS. Law Implemented 490.009(2)(s) FS. History—New 6-14-94, Formerly 61F13-20.006, Amended 2-8-96, Formerly 59AA-18.006, Repealed _____.

(Substantial rewording of Rule 64B19-18.007 follows. See Florida Administrative Code for present text.)

64B19-18.007 Requirements for Forensic Psychological Evaluations of Minors for the Purpose of Addressing Custody, Residence or Visitation Disputes.

(1) For the purposes of this rule the following definitions apply:

(a) “Parent” means parent or legal guardian identified by the court order.

(b) “Child(ren)” means those identified by the court order.

(2) The minimum standard of performance in court-ordered child custody evaluation and family law proceedings includes, but is not limited to, the following:

(a) The psychologist shall adhere to the APA Guidelines for Child Custody Evaluations in Divorce Proceedings, and the specialty guidelines for Forensic Psychologists and all pertinent Florida law.

(b) The psychologist who has accepted an appointment as an evaluator shall not serve as guardian ad litem, mediator, therapist or parenting coordinator regarding the children in the instant case. The psychologist who has had a prior role as guardian ad litem, mediator, therapist or parenting coordinator shall not accept an appointment as an evaluator for the children in the instant case.

(c) The psychologist shall inform the parents or legal guardian in writing and obtain their signature verifying notification of the limits of confidentiality.

(d) The psychologist shall submit the evaluation report pursuant to court order or provide prior notification to the court, if the report will not be provided by the due date.

(e) The evaluation report shall include all of the following. The failure to include any of the following shall be documented.

1. Evaluations of both parents, or legal guardian including observations, test results, and impressions.

2. Evaluations of the children identified in the court order including observations and where appropriate, test results and impressions.

3. Description of interactions between each parent or legal guardian and each child identified in the court order.

4. Collateral sources of information as needed.

5. Request medical records as needed.

(3) It is a conflict of interest for a psychologist who has treated a minor or any of the adults involved in a custody or visitation action to perform a forensic evaluation for the purpose of recommending with which adult the minor should reside, which adult should have custody, or what visitation should be allowed. Consequently, a psychologist who treats a minor or any of the adults involved in a custody or visitation action may not also perform a forensic evaluation for custody, residence or visitation of the minor. A psychologist may provide a court, or a mental health professional performing a forensic evaluation, with factual information about the minor derived from treatment, but shall not state an opinion about custody, residence or visitation disputes.

Specific Authority 490.004(4) FS. Law Implemented 490.009(2)(s) FS. History—New 6-14-94, Formerly 61F13-20.007, Amended 1-7-96, Formerly 59AA-18.007, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Psychology

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Psychology

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 15, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: 64B19-18.0025 (Feb. 24, 2004); 64B19-18.006 (Nov. 21, 2003); 64B19-18.007 (Dec. 27, 2002)

Section III Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF EDUCATION

State Board of Education

| | |
|-----------|--------------------------------|
| RULE NO.: | RULE TITLE: |
| 6A-10.044 | Residency for Tuition Purposes |