

within 30 days of the transition date, unless the associated person has a current and complete Form U-4, which is incorporated by reference in subsection 69W-301.002(7), F.A.C., (Revised 3/02) on the CRD with the investment adviser filing such transition.

(5) No change.

Specific Authority 517.03, 517.12(6),(15) FS. Law Implemented 517.12(10),(11),(15) FS. History--New 7-31-02, Formerly 3E-600.0093, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Richard A. White, Director of Securities and Finance, Office of Financial Regulation

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Don B. Saxon, Commissioner, Office of Financial Regulation

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 4, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 2, 2005

Section III Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF TRANSPORTATION

RULE CHAPTER NO.:	RULE CHAPTER TITLE.:
14-15	Incorporation by Reference
RULE NO.:	RULE TITLE:
14-15.002	Manual of Uniform Minimum Standards for Design, Construction and Maintenance for Streets and Highways

NOTICE OF CHANGE

SUMMARY OF CHANGE: The notice of rulemaking was published in Vol. 31, No. 26, dated July 1, 2005. There was no request for hearing. However, the following change is being made to include additional incorporated documents in response to a review by the Joint Administrative Procedures Committee:

14-15.002 Manual of Uniform Minimum Standards for Design, Construction and Maintenance for Streets and Highways.

(1) The Manual of Uniform Minimum Standards for Design, Construction and Maintenance for Streets and Highways, May, ~~2002~~ 2005, edition, is hereby incorporated by this rule and made a part of the rules of the Department of Transportation. A copy of the manual can be downloaded from the following website: <http://www.dot.state.fl.us/rddesign/Florida%20Greenbook/FGB.htm>. A certified copy has been filed with the Department of State. Copies of this Department

~~manual and any amendments thereto are available from the Department of Transportation, Maps and Publications Sales, 605 Suwannee Street, Mail Station 12, Tallahassee, Florida 32399-0450, at no more than cost.~~

(2) The following documents also are hereby incorporated by reference and made a part of this rule:

(a) AASHTO Standard Specifications for Highway Bridges, 17th Edition (2002). A copy of the manual may be ordered from the AASHTO Bookstore website: <https://bookstore.transportation.org/>.

(b) Sections 3.3.2, 3.14.1, 11 and 13 and Table 3.4.1-1 of AASHTO LRFD Bridge Design Specifications, 3rd Edition (2004). A copy of the manual may be ordered from the AASHTO Bookstore website: <https://bookstore.transportation.org/>.

(c) Sections 2.11 and 2.12 of Department of Transportation Structures Design Guidelines. A copy of the manual can be downloaded from the following website: <http://www.dot.state.fl.us/structures/StructuresManual/CurrentRelease/FDOTBridgeManual.htm>.

(d) AASHTO Guide Specifications for Structural Design of Sound Barriers (1989) with the 2002 Interim to Guide Specifications for Structural Design of Sound Barriers. A copy of the manual may be ordered from the AASHTO Bookstore website: <https://bookstore.transportation.org/>.

(e) AASHTO Standard Specifications for Structural Supports for Highway Signs, Luminaires and Traffic Signals (2001), except as noted in Chapter 17, Section H.2 of The Manual of Uniform Minimum Standards for Design, Construction and Maintenance for Streets and Highways. A copy of the manual may be ordered from the AASHTO Bookstore website: <https://bookstore.transportation.org/>.

(f) Chapter 4 of Department of Transportation Drainage Manual. A copy of the manual can be downloaded from the following website: <http://www.dot.state.fl.us/rddesign/dr/Manuals%20and%20handbooks.htm>.

Specific Authority 334.044(2), 336.045(1) FS. Law Implemented 336.045 FS. History--New 1-22-76, Amended 7-13-81, 6-24-84, Formerly 14-15.02, Amended 8-25-86, 11-29-89, 11-1-94, 5-15-01, 7-9-02, _____.

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."

DEPARTMENT OF CITRUS

RULE CHAPTER NO.: 20-64
 RULE CHAPTER TITLE: Standards for Processed Citrus Products

RULE NO.: 20-64.025
 RULE TITLE: Florida Quality Systems Certification Program for Finished Product Inspection

NOTICE OF WITHDRAWAL

Notice is hereby given that the above proposed rule amendment published in the Florida Administrative Weekly, Vol. 31, No. 38, September 23, 2005, has been withdrawn.

DEPARTMENT OF CITRUS

RULE CHAPTER NO.: 20-70
 RULE CHAPTER TITLE: Designating Grade on Container, Registration of Labels for Grade, and Notice of Labeling – Processed Products

RULE NO.: 20-70.006
 RULE TITLE: Notice Required

NOTICE OF WITHDRAWAL

Notice is hereby given that the above proposed rule amendment published in the Florida Administrative Weekly, Vol. 31, No. 38, September 23, 2005, has been withdrawn.

DEPARTMENT OF CITRUS

RULE CHAPTER NO.: 20-71
 RULE CHAPTER TITLE: Manifests for Processed Products

RULE NO.: 20-71.006
 RULE TITLE: Manifest Requirements and Statements for Transports of Processed Citrus Products

NOTICE OF WITHDRAWAL

Notice is hereby given that the above proposed rule amendment published in the Florida Administrative Weekly, Vol. 31, No. 38, September 23, 2005, has been withdrawn.

DEPARTMENT OF CITRUS

RULE CHAPTER NO.: 20-72
 RULE CHAPTER TITLE: Certificate of Grade Inspection – Processed Products

RULE NO.: 20-72.006
 RULE TITLE: Hours of Inspection

NOTICE OF WITHDRAWAL

Notice is hereby given that the above proposed rule amendment published in the Florida Administrative Weekly, Vol. 31, No. 38, September 23, 2005, has been withdrawn.

DEPARTMENT OF CITRUS

RULE CHAPTER NO.: 20-72
 RULE CHAPTER TITLE: Certificate of Grade Inspection – Processed Products

RULE NO.: 20-72.008
 RULE TITLE: Form of Certificate of Grade Inspection

NOTICE OF WITHDRAWAL

Notice is hereby given that the above proposed rule amendment published in the Florida Administrative Weekly, Vol. 31, No. 38, September 23, 2005, has been withdrawn.

DEPARTMENT OF CITRUS

RULE CHAPTER NO.: 20-72
 RULE CHAPTER TITLE: Certificate of Grade Inspection – Processed Products

RULE NO.: 20-72.010
 RULE TITLE: Issuance of Certificates Under FQSC Program

NOTICE OF WITHDRAWAL

Notice is hereby given that the above proposed rule amendment published in the Florida Administrative Weekly, Vol. 31, No. 38, September 23, 2005, has been withdrawn.

DEPARTMENT OF MANAGEMENT SERVICES

Division of Facilities Management

RULE CHAPTER NO.: 60H-1
 RULE CHAPTER TITLE: Leases for Real Property

RULE NOS.: 60H-1.001, 60H-1.002, 60H-1.003, 60H-1.006, 60H-1.007, 60H-1.015, 60H-1.017
 RULE TITLES: Definitions, Division Approval; When Required, Standard Lease Agreement Form, Escalation Clauses, Right-to-Terminate Clause Required, Leases of 5,000 Square Feet or More, Turnkey (Lease) Construction Program

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in the Vol. 31, No. 22, June 3, 2005, Florida Administrative Weekly.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: John Owen, Senior Management Analyst II, Facilities Management and Building Construction, 4050 Esplanade Way, Suite 335D, Tallahassee, Florida 32399-0950, (850)488-0439, Suncom 278-3239, e-mail: owenj@dms.state.fl.us

60H-1.001 Definitions.

For the purposes of this chapter, each of these words shall have the following meaning:

(1) through (12) No change.

(13) Standard Lease Agreement – The Department’s lease agreement, Form FM 4054, ~~document~~ incorporated by reference at rule subsection 60H-1.003(1), F.A.C. in this rule as form FM4054 (05/04).

(14) through (15) No change.

Specific Authority 255.249, 255.25, 255.503(11) FS. Law Implemented 255.25(2), 255.503 FS. History–New 8-11-75, Amended 8-27-75, 4-25-79, Formerly 13D-7.01, Amended 3-18-86, Formerly 13M-1.001, Amended 4-27-04, _____.

60H-1.002 Division Approval; When Required.

(1) No change.

(2) Exceptions:

(a) The Division’s approval need not be obtained for a lease of less than 5,000 square feet of space within a privately owned building or renewal of such a lease, provided the agency head has filed with the Division a certificate of compliance in accordance with Rule 60H-1.003, F.A.C., and provided further that such a lease which is for a term extending beyond the end of a fiscal year shall be subject to the provisions of Section 216.311, Florida Statutes.

(b) through (c) No change.

Specific Authority 255.249, 255.25, 255.503(11) FS. Law Implemented 255.249(2)(j),(k),(3), 255.25(2)(b),(7), 255.503 FS. History–New 8-11-75, Amended 4-25-79, Formerly 13D-7.02, Amended 3-18-86, Formerly 13M-1.002, Amended 2-21-96, 5-13-03, _____.

60H-1.003 Standard Lease Agreement Form.

(1) All agency leases shall be on the Department’s Standard Lease Agreement Form (FM Form 4054, effective August 11, 1975, as revised May, 2001 or May, 2004, which is hereby incorporated by reference into this rule).

(2) No provision of the Standard Lease Agreement may be changed or additional covenants or conditions added thereto without the prior written approval of the Division Director except for articles relating to lessor furnishing janitorial services, replacing light bulbs, and paying utility charges. Any agency request for changes or additions to the Standard Lease Agreement shall be submitted to the Division on Form FM 4113, effective _____, incorporated by reference at Rule 60H-1.003, F.A.C. in writing and state with reasonable particularity why the change or addition is necessary and in the best interest of the State as defined in subsection 60H-1.003(3), F.A.C. Unless the Division Director’s approval has been obtained in accordance with this rule, any such change or addition shall be null and void.

(3) Certificate of Compliance. Within 30 days after executing a lease of less than 5,000 square feet of space within a privately or publicly owned building, the agency head shall file with the Division on a form provided by the Division (Form FM 4113, effective _____ May 1996, as revised

January, 2003 and January, 2004, which is hereby incorporated by reference into this rule) a certificate stating that the lease is in compliance with all leasing criteria provided by Chapter 255, Florida Statutes. The certificate shall further state that the agency has determined that the lease is in the best interest of the State. As used in this section the phrase “the best interest of the state” shall mean:

(a) ~~The agency has either filed a Request for Prior Approval of Space Need pursuant to Rule 60H 1.022, Florida Administrative Code, and either:~~

~~1. The Division has approved the Request; or~~

~~2. If state-owned space is available in the same geographic region, the agency has enunciated reasons why such space would not enable the agency to fulfill its statutory duties;~~

~~(b) The rental rate for the space in the privately owned building is within the rental rate guidelines established by the Division;~~

~~(c) The space to be leased is the most cost effective space available to meet the agency’s needs.~~

(4) Exceptions. This rule shall not apply to:

(a) No change.

(b) Any agency lease for nominal or no consideration. As used herein, “nominal consideration” means consideration for \$1.00 or less. Nominal or no consideration leases shall be filed with the Division on a form provided by the Division Bureau (FM Form No. 4108, effective _____ July 1995, as revised January, 2003, which is hereby incorporated by reference into this rule).

(5) Change of Ownership. If ownership of a leased facility changes during the term of the lease, the Division of Property Management must be furnished certain pertinent information; i.e., a copy of the deed or other legal document effecting transfer of facility and disclosure form (FM Form No. 4114, effective _____ June 1995, as revised January, 2003, which is hereby incorporated by reference into this rule) completed by the new owner.

(6) No change.

Specific Authority 255.249(5), 255.25(2) FS. Law Implemented 255.249(2)(j),(k),(3), 255.25(2)(a),(b) FS. History–New 8-11-75, Amended 4-25-79, Formerly 13D-7.03, Amended 3-18-86, Formerly 13M-1.003, Amended 9-30-96, 5-13-03, 4-27-04, _____.

60H-1.006 Escalation Clauses.

No agency’s lease shall contain an open rate, including Consumer Price Index or rental escalation clause, except upon written approval of the Division Director ~~whom~~ will consider an escalation clause based upon written justification from the User Agency and the Agency’s Designated Representative and in the best interests of the state as defined in subsection 60H-1.003(3), F.A.C. User Agency justification shall may include, as applicable under the facts pertaining to each lease, but is not limited to, factors including such as the market rate for like properties, reduced costs for Lessor’s provided

services, separate utility metering, proximity to client citizens served or programmatic requirements that limit available lease options.

Specific Authority 255.25 FS. Law Implemented 255.25(2) FS. History—New 8-11-75, Amended 4-25-79, Formerly 13D-7.06, 13M-1.006, Amended 4-27-04,_____.

60H-1.007 Right-to-Terminate Clause Required.

The Standard Lease Agreement’s right-to-terminate clause, allowing the agency to terminate the lease with notice if public space becomes available, shall be a part of any lease for a term exceeding one year and may not be omitted from an agency’s lease, except upon written approval of the Division Director whom will consider a variation in the Right-to-Terminate clause based upon written justification from the User Agency and the Agency’s Designated Representative. User Agency justification ~~shall may~~ include, as applicable under the facts pertaining to each lease but is not limited to, factors including such as a negotiated lower lease rate in a county where no state-owned office facilities exist, proximity to client citizens served with minimal available space options or special programmatic needs not serviceable within local state-owned space.

Specific Authority 255.25 FS. Law Implemented 255.25(2) FS. History—New 8-11-75, Amended 4-25-79, Formerly 13D-7.07, 13M-1.007, Amended 5-13-03, 8-5-03, 4-27-04,_____.

60H-1.015 Leases of 5,000 Square Feet or More.

(1)(a) No change.

(b) No change.

1. through 6. No change.

7. Notwithstanding subparagraph 5. above, an agency may enter into a replacement lease or may renegotiate the terms and conditions of an existing lease for more than 5,000 square feet upon approval by the Division Director, if the replacement lease or modification is consistent in the best interests of the state as defined in subsection 60H-1.003(3), F.A.C., and ~~complies~~ with the requirements established in Section 255.25(3)(b), Florida Statutes.

(2)(a) No change.

(b) No change.

(3) Specifications.

(a) through (e) No change.

(4) Responses.

(a) through (b) No change.

(5) Evaluation.

(a) through (f) No change.

(6) Lease preparation and approval.

(a) through (b) No change.

Specific Authority 255.249(4) FS. Law Implemented 255.21, 255.249(2)(b),(4), 255.25(3),(5), 255.254 FS. History—New 4-25-79, Amended 4-19-83, Formerly 13D-7.092, Amended 3-18-86, Formerly 13M-1.015, Amended 2-21-96, 5-13-03, 4-27-04,_____.

60H-1.017 Turnkey (Lease) Construction Program.

(1) Concept. The turnkey system is a concept whereby the builder is usually a commercial developer and the procedure should provide for design of the building by the developer’s architect on the basis of performance specifications, concurrent design review, use of a developer-owned site and private financing. The turnkey system may include several features which can be expected to motivate effective performance. ~~Under~~ The State will not accept a building if it does not meet the requirements of the performance specifications. It is recommended that the turnkey (lease) construction system be used whenever and wherever State User Agency need arises and a determination has been made that existing space is not available. To implement use of this system, the Department requires the User Agency or the Agency’s Designated Representative to set forth its program construction requirements in a competitive solicitation, which will then be used by the User Agency or the Agency’s Designated Representative in the solicitation of responses from Developers. A public solicitation for responses shall be made by the User Agency or its designated representative. This solicitation will be widely publicized using newspapers, trade papers, and personal contact with leading Developers in the project city or area. In carrying out the public solicitation, all parties should be clearly informed that the User Agency, in conjunction with its designated representative, may conduct extensive negotiations with each Developer submitting a response within a competitive range, prior to the selection of an approved Developer.

(2)(a)-(f) No change.

Specific Authority 255.249, 255.25 FS. Law Implemented 255.25(1),(2)(a) FS. History—New 8-11-75, Formerly 13D-7.10, Amended 3-18-86, Formerly 13M-1.017, Amended 2-21-96, 4-27-04,_____.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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DEPARTMENT OF HEALTH

Board of Dentistry

RULE NO.:
64B5-4.002

RULE TITLE:
Advertising and Soliciting by
Dentists

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 31, No. 28, July 17, 2005 issue of the Florida Administrative Weekly. The changes are being made in response to comments from the Joint Administrative Procedures Committee. The changes are as follows:

Paragraph (7) shall read as follows: No licensee may use, or cause the use of, the term “sleep dentistry” in any advertisement, unless the licensee possesses a valid general anesthesia permit issued by the Board of Dentistry pursuant to the requirements of subsection 64B5-14.003(1) and Rule 64B5-14.005, F.A.C.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sue Foster, Executive Director, Board of Dentistry/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32354-3258

DEPARTMENT OF HEALTH

Board of Dentistry

RULE NO.: 64B5-16.002
RULE TITLE: Required Training
NOTICE OF WITHDRAWAL

Notice is hereby given that the above proposed rule, as noticed in Vol. 31, No. 24, June 17, 2005, Florida Administrative Weekly, has been withdrawn.

FINANCIAL SERVICES COMMISSION

Office of Insurance Regulation

RULE NOS.: 69O-186.003, 69O-186.004, 69O-186.005
RULE TITLES: Title Insurance Rates
Classification of “Certificates of Title” as a Respective Type of Title Insurance Contract and Promulgation of a Specific Rate Schedule Applicable Thereto
Premium Schedule Applicable to “Truth in Lending” and Other Endorsements

NOTICE OF CORRECTION

The time for the rule development workshop for the above rules was inadvertently published in the September 23, 2005, Vol. 31, No. 38, FAW as 1:00 a.m. The correct date and time for the rule development workshop is:

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: 1:00 p.m., October 28, 2005
PLACE: Room 116, Larson Building, 200 East Gaines Street, Tallahassee, Florida

**Section IV
Emergency 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.”

DEPARTMENT OF THE LOTTERY

RULE TITLE: Instant Game Number 597, 14 CARAT CASH
RULE NO.: 53ER05-74
SUMMARY OF THE RULE: This emergency rule describes Instant Game Number 597, “14 CARAT CASH,” for which the Department of the Lottery will start selling tickets on a date to be determined by the Secretary of the Department. The rule sets forth the specifics of the game; determination of prizewinners; estimated odds of winning, value and number of prizes in the game.

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

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER05-74 Instant Game Number 597, 14 CARAT CASH.

(1) Name of Game. Instant Game Number 597, “14 CARAT CASH.”

(2) Price. 14 CARAT CASH lottery tickets sell for \$2.00 per ticket.

(3) 14 CARAT CASH lottery tickets shall have a series of numbers in machine readable code (or bar code) on the back of the ticket, along with a validation number under the latex area on the ticket. To be a valid winning 14 CARAT CASH lottery ticket, the ticket must meet the applicable requirements of Rule 53ER05-73, F.A.C.