

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Frank Dino, Life and Health Product Review, Office of Insurance Regulation, E-mail frank.dino@fldfs.com.

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON.

## Section II Proposed Rules

### DEPARTMENT OF STATE

#### Division of Historical Resources

**RULE TITLE:** Prohibited Practices; Penalties  
**RULE NO.:** 1A-31.013  
**PURPOSE AND EFFECT:** The purpose and effect of the proposed rule is to specify the circumstances which the division may institute an administrative proceeding pursuant to paragraphs 267.13(2)(a)-(c), Florida Statutes, or when the division may apply to a court of competent jurisdiction for injunctive relief pursuant to paragraph 267.13(2)(d), Florida Statutes.

**SUMMARY:** The Division of Historical Resources proposes to develop the rule to impose enforcement power of penalties and seek injunctive relief relating to prohibited practices specified in paragraphs 267.13(2)(a) and (d), Florida Statutes.

**SPECIFIC AUTHORITY:** 20.10(3), 267.13(2)(e) FS.

**LAW IMPLEMENTED:** 267.13(2)(e) FS.

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

**TIME AND DATE:** 10:00 a.m., Tuesday January 17, 2006  
**PLACE:** Florida Heritage Hall, First Floor, R. A. Gray Building, 500 South Bronough Street, Tallahassee, Florida 32399-0250

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Ryan Wheeler, Chief, Bureau of Archaeological Research, Division of Historical Resources, 500 South Bronough Street, Tallahassee, Florida 32399-0250, (850)245-6301

THE FULL TEXT OF THE PROPOSED RULE IS:

1A-31.013 Prohibited practices; Penalties

(1) When the division determines that a person or business organization is violating, or has violated, one or more of the provisions of paragraph 267.13(2)(a), F.S., the division may

commence an administrative proceeding as specified in paragraphs 267.13(2)(a)-(c), F.S. If it is determined to be in the best interest of the State, the division will contact the alleged violator and direct that the offending activity cease immediately and/or direct that the property of the State be returned to the division. If the violation does not cease or is not cured within the time specified by the division, the division will send the alleged violator notice as provided in paragraph 267.13(2)(b), F.S. If the alleged violator timely requests a hearing, the administrative proceeding may be arbitration, mediation, informal or formal hearing as the facts and law dictate.

(2) When the division determines that a person or business organization is violating, or has violated, one or more of the provisions of paragraph 267.13(2)(a), F.S., in a way that presents a real and present or future danger to any of the state properties specified in paragraph 267.13(2)(d), F.S., the division may apply to a court of competent jurisdiction for injunctive relief as specified in that paragraph.

Specific Authority 20.10(3), 267.13(2)(d) FS. Law Implemented 267.13(2)(d) FS. History--New \_\_\_\_\_.

**NAME OF PERSON ORIGINATING PROPOSED RULE:** Ryan Wheeler

**NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE:** Fred Gaske

**DATE PROPOSED RULE APPROVED BY AGENCY HEAD:** December 12, 2005

**DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW:** November 4, 2005

### DEPARTMENT OF STATE

#### Division of Historical Resources

**RULE TITLE:** Prohibited Practices; Penalties  
**RULE NO.:** 1A-32.006  
**PURPOSE AND EFFECT:** The purpose and effect of the proposed rule is to specify the circumstances which the division may institute an administrative proceeding pursuant to paragraphs 267.13(2)(a)-(c), Florida Statutes, or when the division may apply to a court of competent jurisdiction for injunctive relief pursuant to paragraph 267.13(2)(d), Florida Statutes.

**SUMMARY:** The Division of Historical Resources proposes to develop the rule to impose enforcement power of penalties and seek injunctive relief relating to prohibited practices specified in paragraphs 267.13(2)(a) and (d), Florida Statutes.

**SPECIFIC AUTHORITY:** 20.10(3), 267.13(2)(e) FS.

**LAW IMPLEMENTED:** 267.13(2)(e) FS.

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

**TIME AND DATE:** 10:00 a.m., Tuesday January 17, 2006

PLACE: Florida Heritage Hall, First Floor, R. A. Gray Building, 500 South Bronough Street, Tallahassee, Florida 32399-0250

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Ryan Wheeler, Chief, Bureau of Archaeological Research, Division of Historical Resources, 500 South Bronough Street, Tallahassee, Florida 32399-0250, (850)245-6301

THE FULL TEXT OF THE PROPOSED RULE IS:

1A-32.006 Prohibited Practices; Penalties.

(1) When the division determines that a person or business organization is violating, or has violated, one or more of the provisions of paragraph 267.13(2)(a), F.S., the division may commence an administrative proceeding as specified in paragraphs 267.13(2)(a)-(c), F.S. If it is determined to be in the best interest of the State, the division will contact the alleged violator and direct that the offending activity cease immediately and/or direct that the property of the State be returned to the division. If the violation does not cease or is not cured within the time specified by the division, the division will send the alleged violator notice as provided in paragraph 267.13(2)(b), F.S. If the alleged violator timely requests a hearing, the administrative proceeding may be arbitration, mediation, informal or formal hearing as the facts and law dictate.

(2) When the division determines that a person or business organization is violating, or has violated, one or more of the provisions of paragraph 267.13(2)(a), F.S., in a way that presents a real and present or future danger to any of the state properties specified in paragraph 267.13(2)(d), F.S., the division may apply to a court of competent jurisdiction for injunctive relief as specified in that paragraph.

Specific Authority 20.10(3), 267.13(2)(d) FS. Law Implemented 267.13(2)(d) FS. History—New

NAME OF PERSON ORIGINATING PROPOSED RULE: Ryan Wheeler

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Fred Gaske

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 12, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 4, 2005

**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 MANAGEMENT SERVICES**

**State Technology Office**

RULE TITLE: Requirements for Sworn Invoices Submitted by or on Behalf of Wireless Service Providers

RULE NO.: 60DD-1.001

PURPOSE AND EFFECT: The Board proposes the rule amendments to establish the requirements for sworn invoices for reimbursement of recurring charges.

SUMMARY: The proposed rule sets forth the itemization requirements for recurring charges submitted for reimbursement, and adds for reimbursement Phase I recurring charges, and Phase II recurring and non-recurring charges.

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: 365.172(6)(a)12., 365.173(2)(b) FS.

LAW IMPLEMENTED: 365.173(2)(b) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: John C. Ford, Chair, State of Florida Wireless 911 Board, 4030 Esplanade Way, Suite 235M, Tallahassee, Florida 32399-0950

THE FULL TEXT OF THE PROPOSED RULE IS:

60DD-1.001 Requirements for Sworn Invoices Submitted by or on Behalf of Wireless Service Providers.

All wireless service providers seeking reimbursement for actual costs incurred to provide 911 or E911 service pursuant to Section 365.173(2)(b), F.S., shall complete and submit a sworn invoice containing the following:

- (1) through (3) No change.
- (4) Itemization of non-recurring charges, ~~by county~~, for which reimbursement is sought, including:
  - (a) through (d) No change.
  - (5) Itemization of monthly recurring charges, ~~by county~~, for which reimbursement is sought, including:
    - (a) through (d) No change.
    - (6) Itemization of other recurring charges for which reimbursement is sought, including:
      - (a) Timing of each recurring item, e.g., annual, quarterly, bi-monthly, etc.;
      - (b) Description of each item;
      - (c) Quantity of each item provided;
      - (d) Unit cost of each item; and

(e) Total cost of each item.

(7) Totaled Phase I recurring charges, Phase I non-recurring charges, Phase II recurring charges and Phase II non-recurring charges.

(8)(6) No change.

(9)(7) No change.

(10)(8) No change

(11)(9) No change.

Specific Authority 365.172(6)(a)12., 365.173(2)(b) FS. Law Implemented 365.173(2)(b) FS. History--New 5-22-03, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Wireless 911 Board

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Wireless 911 Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 8, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 30, 2005

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Division of Pari-Mutuel Wagering**

RULE TITLES:	RULE NOS.:
General Definitions	61D-2.001
Wagering Prohibitions	61D-2.004
Violations	61D-2.005
Electrical or Mechanical Device Prohibition	61D-2.006
Pre-meet Report Required	61D-2.008
Ineligible or Disqualified Jai Alai Player or Racing Animal	61D-2.009
Photofinish Camera and Video Tape Requirement	61D-2.010
Post Position Drawing Requirement	61D-2.011
Racing Animal Identification	61D-2.012
Altered Identification Exclusion	61D-2.016
Pooling of Prize Money in Jai Alai Prohibited	61D-2.018

PURPOSE AND EFFECT: The purpose and effect of the proposed rule will be to implement and interpret Florida Statutes that relate to rules regulating the conduct of races at pari-mutuel racing facilities.

SUMMARY: This proposed rule addresses changes in definition of terms as used in pari-mutuel rules; eligibility requirements for racing animals due to owners license status; amends and provides a new section regarding pre-race draw and limitations on the number of entries from the same kennel; and amends requirements regarding the duties of the paddock judge or horse identifier.

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), (5), 550.054(8)(b), 550.105(2)(b), 550.155(1), 550.1815(5), 550.2415(13), 550.2625(2)(d), 550.3551(10), 550.3615(5), 550.495(2)(a), (4), 550.6305(5) FS.

LAW IMPLEMENTED: 550.01215, 550.0251, 550.054, 550.105, 550.155, 550.1815, 550.235, 550.2415, 550.2625, 550.3551, 550.3615, 550.495, 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, January 20, 2006

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

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

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 at (850)413-0750. If you are hearing or speech impaired, please contact the agency using the Florida Dual Party Relay System by calling (800)955-8770 (Voice) or (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 FULL TEXT OF THE PROPOSED RULES IS:

61D-2.001 General Definitions.

(1) "Board of ~~R~~elief" means the panel composed of three permitholder officers charged with disbursing monies deposited into the ~~B~~oard of ~~R~~elief fund to occupational license holders and their immediate families.

(2) through (7) No change.

~~(8) "License validation sticker" means a sticker applied by the division to photoidentification badges issued by the permitholder which are worn by occupational licensees. The~~

sticker is color coded by licensing year and designates when a licensee's pari-mutuel license expires and which areas of the permitholder's premises the licensee may access.

~~(8)(9)~~ "Ownership interest" means any person, corporation, or other business entity who holds in whole or part any right, title, or interest in a permitholder or application of permit.

~~(9)(10)~~ "Paddock" means the secure and restricted area designated by the permitholder for the activities associated with racing, excluding the stable areas.

~~(10)(11)~~ "Permitholder" means any person, persons or entity holding a permit issued by the division for a pari-mutuel facility.

~~(11)(12)~~ "Permitholder employee" means any employee of the permitholder, including, but not limited to, any admission employee, clerical help, security guard, maintenance employee, mutuel employee, parking employee, public relations staff person, and any switchboard, general track or fronton employee.

~~(12)(13)~~ "Permitholder license" means an annual license issued by the division to conduct pari-mutuel operations at a location specified in the permit for a specific type of pari-mutuel event specified in the permit.

~~(13)(14)~~ "Post position" means the position assigned to a racing animal or player for the start of a race or game.

~~(14)(15)~~ "Post time" ~~in auditing~~, means the scheduled start of the contest.

~~(15)(16)~~ "Race" means a contest for purse, stakes or entry fees, on an approved course, and in the presence of duly appointed racing officials.

~~(16)(17)~~ "Race day" means the calendar day on which the race begins.

~~(17)(18)~~ "Stable name" means the name used by any configuration of licensed owners other than the individual licensee's name under which the owners race a horse or horses.

~~(18)(19)~~ "State office" means the division office located at each pari-mutuel facility.

~~(19)(20)~~ "Tote" or "tote board" means the device used to display pari-mutuel information to the public.

~~(20)(21)~~ "Vendor" means any business or person providing goods or services to a contractual concessionaire, pari-mutuel licensee, or pari-mutuel permitholder when the goods or services provided require the vendor's employees ~~employee's~~ to be on the stable backside or kennel compound and come into contact with players, racing animals, or provide direct services for the support of players or racing animals at any time during any time a pari-mutuel facility is open for pari-mutuel wagering. Vendors do not include medical professionals, blacksmiths or platers.

~~(21)(22)~~ "Wagering area" means the area designated for conducting any wagering transactions.

Specific Authority 550.0251(2); (3), (5), (6), (9), ~~550.0351(8)~~, ~~550.054(5)~~, (8)(b), 550.105(2)(b)(e);(4)(b); (d); (5), (9), ~~550.125(2)(b)~~, 550.155(1), 550.1815(5), 550.2415(13), ~~550.2614(4)~~; 550.2625(2)(d), 550.3551(10), (11); 550.3615(5), 550.495(2)(a), (4), 550.6305(5) FS. Law Implemented 550.0251, ~~550.0351~~, 550.054, 550.105, ~~550.125~~, 550.155, 550.1815, 550.2415, 550.2625, 550.3551, 550.3615, 550.495, 550.6305 FS. History—New 10-20-96, Amended 12-15-97.

#### 61D-2.004 Wagering Prohibitions.

(1) No jai alai player or game official, racing official, assistant to a game or racing official, totalisator employee, or greyhound leadout shall wager on or receive the benefits from a wager of any live race or game conducted at a track or fronton at which he/she works or officiates.

(2) No jockey, jockey's room attendant, valet, or harness driver shall wager on or receive the benefits of a wager on a race unless the owner or trainer, on behalf of the jockey or driver, makes the wager only to win or to finish first in combination with other horses. Jockeys and drivers must maintain for one year records of wagers made by the owners or trainers on their behalf ~~behaves~~ and must make the records available to the stewards or to the division upon request.

(3) No change.

Specific Authority 550.0251(3), ~~550.105(2)(b)~~ ~~550.105(4)(b)~~, (9) FS. Law Implemented 550.0251, 550.105, 550.235, 550.3615 FS. History—New 10-20-96, Amended.

#### 61D-2.005 Violations.

No person shall conspire with, solicit, aid, abet, counsel, hire, or procure any other person or persons; to engage in a violation of Chapter 550, Florida Statutes, or the rules promulgated thereunder, nor shall he/she commit any such act on his/her own.

Specific Authority 550.0251(3) FS. Law Implemented 550.0251 FS. History—New 6-12-97, Amended.

#### 61D-2.006 Electrical or Mechanical Device Prohibition.

No person having access to the grounds of a pari-mutuel racing permitholder where racing animals are lodged or kept shall have in his/her possession while on the grounds of a pari-mutuel racing permitholder, any electrical or mechanical device designed ~~to~~ or used to increase or decrease the speed of a horse or greyhound (or that which tends to do so). This rule does not exclude the use of the ordinary whip ~~used~~ in horse racing.

Specific Authority 550.0251(3), ~~550.105(2)(b)~~ (11), ~~550.105(4)(b)~~, (9), ~~550.2625(2)(d)~~ FS. Law Implemented 550.0251, ~~550.09514~~, 550.105, 550.235, ~~550.2625~~ FS. History—New 10-20-96, Amended.

#### 61D-2.008 Pre-meet Report Required.

Prior to the commencement of a meet, each permitholder shall submit to the division a list of racing, game, and operating officials as defined by Rule 61D-2.020, Florida Administrative Code, for the meet, the number of races or games per performance, and the types of wagers proposed to be offered. Horse racing and harness racing permitholders shall make available to the division a copy of the conditions books of the races it proposes to hold when published. Jai alai permitholders

shall submit a list of the types of games to be played, the point system to be used, and the terms of the award or prize money. Each permitholder shall provide a copy of the daily racing or game program for each performance to the designated division employee steward or judge before the beginning of each performance. All ~~operating officials and~~ racing, game, and operating officials must be licensed by the division prior to conducting the duties of their position.

Specific Authority 550.01215(4), 550.0251(3), 550.105(2)(b)(e), (4)(b) FS. Law Implemented ~~420.80~~, 550.01215, 550.0251, ~~550.1155~~ FS. History—New 10-20-96, Amended \_\_\_\_\_.

61D-2.009 Ineligible or Disqualified Jai Alai Player or Racing Animal.

(1) No person shall willfully enter or cause to be entered, or start, a jai alai player or racing animal which he knows or believes to be ineligible or disqualified.

(2) Any animal whose owner or owners do not possess an occupational license shall be ineligible to participate in any race in this state.

Specific Authority 550.0251(3), 550.105(2)(b)(e), (4)(b), ~~550.2625(2)(d)~~ FS. Law Implemented 550.0251, ~~550.09514~~, 550.105, 550.235, ~~550.2625~~ FS. History—New 10-20-96, Amended \_\_\_\_\_.

61D-2.010 Photofinish Camera and Video Tape Requirement.

(1) through (2) No change.

(3)(a) Each permitholder must keep in a locked storage facility for a one-year period from the date of a race the following:

1. Photofinish photographs;
2. Films; and,
3. Digital images and computer disks or tapes containing those digital images.

(b) Only the mutuels manager or his/her designee may have access to such locked storage facility.

~~(3) Each permitholder must keep photofinish photographs, films, digital images and computer disks or tapes containing same in a locked storage facility for a one year period from the date of the race. Only the mutuels manager of his designee may have access to such locked storage facility.~~

(4) No change.

(5) If a permitholder delegates the duty to create photofinish photographs or digital images to a licensed vendor, it may also delegate the duty to store and retrieve the photographs or images to that vendor, subject to the permitholder's vicarious liability for performance of these duties by the vendor as provided for in this section.

Specific Authority 550.0251(3), ~~550.2625(2)(d)~~, ~~550.6305(5)~~ FS. Law Implemented ~~420.80~~, 550.0251, ~~550.09514~~, 550.155, 550.1645, ~~550.235~~, 550.2625 FS. History—New 10-20-96, Amended 12-15-97, \_\_\_\_\_.

61D-2.011 Post Position Drawing Requirement.

(1) Each permitholder conducting greyhound racing, thoroughbred racing or harness racing, shall ensure that the entries and post positions for each race are drawn by lot, and that the time and place for the drawing are posted in a conspicuous location where such notice can be observed by an ~~unrestricted~~ occupational licensee at least eight hours prior to the drawing. The eight-hour notice requirement will be waived by the division upon notice to the state steward or judge that a specific race has not been filled and that more time is needed before a drawing can occur. Any drawing conducted on a dark day must comply with the eight-hour notice requirement; however, the eight-hour notice requirement will be waived by the division on a dark day drawing where a specific race has not been filled and more time is needed before a drawing can occur. The division may file an administrative complaint against the permitholder or its agent for failure to notify the state steward or judge of a delay in the draw. However, the action must be requested by the state steward or judge and result from an inability of an occupational licensee to witness the draw due to improper notice. Failure to notify the state steward or judge of any delay in the draw will not result in administrative action against a permitholder or its agent unless an administrative complaint is requested from the Division by a state steward or judge because an unrestricted occupational licensee was unable to witness the draw due to improper notice and the Division concurs in the issuance of the complaint. All post position drawings ~~shall will~~ be open to any ~~unrestricted~~ occupational licensee who chooses to witness the draw.

(2) In greyhound racing, there shall be at least six greyhounds from different kennels entered in all purse races. No trainer, owner, or kennel shall have more than two greyhounds in any race with the exception of stakes. No two greyhounds from the same kennel shall be allowed to be entered until all single interests have been satisfied. When no single entry is available, a double entry may be selected. Multiple entries shall be uncoupled for wagering purposes.

Specific Authority 550.0251(3) FS. Law Implemented 550.0251 FS. History—New 6-12-97, Amended \_\_\_\_\_.

61D-2.012 Racing Animal Identification.

The paddock judge/horse identifier in horse racing and harness racing, and the paddock judge in greyhound racing shall be responsible for confirming the identity of each racing animal by reading the tattoo and verifying the markings on the animal. Each shall be responsible for ensuring the racing animal is properly blanketed and placed in the appropriate starting gate or starting box. No racing animal shall be permitted to be entered or started unless tattooed and a registration certificate is on file with the racing secretary.

Specific Authority 550.0251(3), 550.105(2)(b)(e), (4)(b), ~~550.2625(2)(d)~~ FS. Law Implemented 550.0251, ~~550.09514~~, 550.235, ~~550.2625~~ FS. History—New 10-20-96, Amended 12-15-97, \_\_\_\_\_.

61D-2.016 Altered Identification Exclusion.

If it is determined that a racing animal was knowingly entered and raced under a different name with an altered registration or altered tattoo, in this state or any other jurisdiction, that racing animal shall be denied all future access to race tracks under the supervision of the division.

Specific Authority 550.0251(3), ~~550.105(2)(e), (4)(b), 550.2625(2)(d)~~ FS. Law Implemented 550.0251, 550.09514, 550.235, ~~550.2625~~ FS. History--New 10-20-96.

61D-2.018 Pooling of Prize Money in Jai Alai Prohibited.

Any pooling or sharing of prize money or awards among jai alai players is prohibited.

Specific Authority 550.0251(3), ~~550.105(4)(b), (9)~~ FS. Law Implemented 550.0251, 550.105, 550.235 FS. History--New 10-20-96.

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: Simone Marsteller, Secretary, Department of Business and Professional Regulation  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 14, 2005  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 9, 2005

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Division of Pari-Mutuel Wagering**

RULE TITLES:	RULE NOS.:
Hearings Before Stewards/Judges	61D-3.001
Appeal Hearing Procedures	61D-3.002
Stay of Steward/Judges' Penalty	61D-3.003
Payment of Fines	61D-3.004

PURPOSE AND EFFECT: The purpose and effect of the proposed rule will be to implement and interpret Florida Statutes that relate to the conduct of proceedings before the judges and stewards officiating races at pari-mutuel facilities and procedures related to appeals of orders of judges and stewards.

SUMMARY: This proposed rule addresses amendments requiring notice to be provided to owners of animals in cases where a purse may be redistributed; amendments to procedures and forms in requesting an appeal of a judges' or stewards' ruling; procedures regarding the payment of fines and obtaining a stay pending an appeal.

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: 120.80(4)(a), 550.0251, 550.0251(3), 550.054(9)(b), 550.1155, 550.1155(1), (2), 550.2415(7) FS.

LAW IMPLEMENTED: 120.80(4)(a), 550.0251, 550.054, 550.1155, 550.2415 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, January 20, 2006

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

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

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 at (850)413-0750. If you are hearing or speech impaired, please contact the agency using the Florida Dual Party Relay System by calling (800)955-8770 (Voice) or (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 FULL TEXT OF THE PROPOSED RULES IS:

61D-3.001 Hearings Before Stewards/Judges.

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

(6) Prior to a hearing for an alleged medication or drug violation, where redistribution of the purse may be involved, the stewards or judges shall give timely notice to each owner who may be adversely affected by the purse redistribution of the date, time, and location of the hearing.

~~(7)(6)~~ Documents. Upon request to the stewards or judges, any respondent shall be entitled to obtain copies of all audio and video tapes, witness statements, and laboratory analysis. A respondent requesting production shall pay the actual cost of production of such material. A respondent shall also be entitled to the names and addresses of all witnesses and investigators with information relevant to the matter(s) to be heard by the stewards or judges.

~~(8)(7)~~ Subpoenas.

(a) Subpoenas to compel the attendance of witnesses at hearing shall be issued by the ~~d~~Division upon the request of a party, the stewards or judges. All requests for the issuance of subpoenas shall be directed to the stewards and judges and such requests shall be forwarded to the ~~d~~Division for issuance. The respondent requesting the subpoena shall pay all costs for the services of each subpoena.

(b) No change.

~~(9)(8)~~ Witnesses. All witnesses shall be sworn and subject to examination and cross-examination.

~~(10)(9)~~ Conduct of Hearing/Evidence.

(a) through (c) No change.

~~(11)(10)~~ Recordation. The stewards and judges shall assure that a record of the proceedings is preserved. Proceedings shall be recorded by audio tape. Any respondent to a hearing may, at his/her own expense, provide a certified court reporter. Any respondent who wishes to make a written transcript of the taped testimony shall request a copy of the taped testimony and transcribe the same at his/her own expense.

~~(12)(11)~~ Representation. A respondent in any proceeding conducted before stewards and judges may be represented by an attorney admitted to practice law in Florida or by any qualified representative as defined in Rule 28-5.1055, Florida Administrative Code, who agrees to comply with the requirements of Rule 28-5.1056, Florida Administrative Code. After written notice of appearance that a respondent is being represented by an attorney or qualified representative, all communications to a respondent concerning the case shall also be made to the respondent's attorney or representative, and the respondent's attorney or representative shall be entitled to exercise the rights granted to the respondent under these rules.

~~(13)(12)~~ Service of Notices of Violation and Hearing.

(a) through (b) No change.

~~(14)(13)~~ Service of Papers. Unless the stewards or judges otherwise order, every paper filed in a proceeding, except Notices of Violation and Hearing (as provided for in subsection ~~(14)(13)~~ above) and requests for witness subpoenas, shall be served on each respondent. Service shall be made upon the respondent or his representative by delivering a copy or by mailing it to the last known address.

~~(15)(14)~~ Continuances. The stewards or judges shall grant a continuance of a hearing for good cause shown. In deciding whether good cause is shown, the judges and stewards must consider whether the reason given by the licensee for requesting a continuance is an event out of the licensee's control, such as the death of an immediate family member. Requests for continuance shall be made in writing.

~~(16)(15)~~ Computation of Time. In computing any period of time prescribed or allowed by these rules or by any applicable statute, the day of the act from which the designated

period of time begins to run shall not be included. Five days shall be added to prescribed time limits when service is made by mail.

~~(17)(16)~~ Disqualification. Unless good cause is shown, all motions for disqualification of stewards or judges shall be made to the Division in writing at least five days prior to the date scheduled for hearing. In deciding whether good cause is shown, the Division must consider whether the reason given by the licensee for not meeting the five-day limitation is an event out of the licensee's control, such as the death of an immediate family member.

~~(18)(17)~~ Orders. An order shall be entered by the stewards or judges within fourteen (14) days after the hearing. The order shall include a caption, time and place of the hearing, findings of facts, statement of rules or statutes violated and a ruling.

Specific Authority 120.80(4)(a), 550.0251, 550.1155 FS. Law Implemented 120.80(4)(a), 550.0251, 550.1155 FS. History—New 10-20-96, Amended 12-15-97, \_\_\_\_\_.

#### 61D-3.002 Appeal Hearing Procedures.

(1) The stewards, judges, or panel of judges shall include in their decision a notice to the licensee of the licensee's right to an appeal hearing before ~~to~~ the division director or his/her designee. In addition, the stewards, judges, or panel of judges shall provide the licensee with the procedures and time limits for invoking the right to an appeal. All requests for appeal hearings must be submitted in writing or on Form DBPR PMW-3100, BPR—15-016, Request for Appeal of Stewards/Judges' Ruling Hearing, adopted and incorporated by Rule 61D-10.001, Florida Administrative Code. The request for hearing must provide the reason for the request and be signed by the requesting party. The requesting party, however, is not barred from raising issues on appeal not included on Form DBPR PMW-3100 BPR-15-016.

(2) Failure of the licensee to file a request for an appeal hearing within 10 days of the decision of the stewards, judges or panel of judges constitutes a waiver of the right to an appeal hearing. The request for an appeal shall state in writing the reason the licensee believes the judges' or stewards' order should be reversed.

(3) Appeal hearings may be conducted ~~by the division~~ either in person or telephonically ~~and must be conducted within 90 days of the parties' request for an appeal.~~

(4) In the event the stewards, judges, or panel of judges make a determination that there is a reasonable suspicion to believe that a violation of Section 550.2415, Florida Statutes, has occurred, or in the event of a positive test for a substance prohibited under Section 550.2415, Florida Statutes, any purse money in question which has not been disbursed shall be placed on account with the permitholder's comptroller. In the event that any purse money has been distributed, all individuals to whom the purse money has been directly distributed shall place monies equal to the amount received from the purse in a segregated interest bearing account in a

recognized financial institution, and shall notify the division of the location whereabouts of the account. The monies shall remain in the account until final disposition of the case, at which time control of the monies shall be returned to the original individuals; or if a violation is proved, the monies shall be transmitted to the permitholder for redistribution.

(5) Failure of a party to appear for an appeal hearing scheduled and noticed by the division shall constitute a waiver of the right to such a hearing.

(6) Nothing in this rule shall divest the division of its authority to initiate action for alleged violations of Chapter 550, Florida Statutes, ~~and upon its own motion, the division shall have the right to appeal a ruling of the judges and stewards if the judges and stewards have exceeded their jurisdiction or departed from essential requirements of law.~~ If the ~~d~~Division determines that the stewards or the judges have exceeded their jurisdiction or departed from the essential requirements of law it shall void their decision and either enter a decision for the licensee or shall prosecute the alleged violation itself with the respondent receiving rights to an ~~Section 120.57~~ administrative hearing pursuant to Section 120.57, Florida Statutes.

(7) Upon conclusion of the appeal hearing, the division director may remand the matter to the stewards/judges with directions for an appropriate disposition of the case under the pari-mutuel statutes or rules.

Specific Authority 120.80(4)(a), 550.0251, 550.054(9)(b), 550.1155 FS. Law Implemented 120.80(4)(a), 550.0251, 550.054, 550.1155 FS. History—New 10-20-96, Amended 1-5-98,\_\_\_\_\_.

61D-3.003 Stay of Stewards'/Judges' Penalty.

(1) A request for an appeal hearing following a stewards'/judges' ruling shall not automatically stay the decision of the stewards/judges regarding the penalty imposed. Any request for a stay of the penalty imposed shall specify the reasons supporting the issuance of a stay. The licensee's request for a stay must be in writing or on Form DBPR PMW-3090 BPR Form 15-015, Request For Stay ~~and Waiver of Right to 14 Day Notice~~, adopted and incorporated by Rule 61D-10.001, Florida Administrative Code. The division, however, shall not give less than seven (7) days notice of hearing unless waived by the licensee requesting the appeal.

(2) Any party desiring a stay of stewards'/judges' ruling shall first seek the stay from the stewards/judges, who shall grant or deny the stay based on the following considerations: ~~The stewards/judges shall consider~~ the severity of the violation, prior disciplinary history, the likelihood of the requesting party prevailing on appeal, the safety of the public, and the safety of the pari-mutuel wagering participants and racing animals ~~in determining whether to grant or deny the stay.~~ ~~Provided, however, that~~ If the order appealed from has the effect of suspending a license, a stay shall be granted as a matter of right upon reasonable such conditions as are reasonable, unless the stewards determine that a stay of penalty

would constitute a probable danger to the state's regulation of the pari-mutuel industry. The decision of the stewards/judges shall be in writing and shall be transmitted to the division and the parties within 5 days from the date of the request for stay is received by the stewards/judges.

(3) If the stewards/judges do not grant a stay of the penalty, the party is entitled to seek a stay from the ~~d~~Division. The division and the Division shall grant or deny the stay based on the following considerations: ~~The Division shall consider~~ the severity of the violation, the number of times the party requesting the stay has violated the same rule or statutory provision, the likelihood of the requesting party prevailing on appeal, the safety of the public, and the safety of the pari-mutuel wagering participants and racing animals ~~in determining whether to grant or deny the stay.~~ ~~Provided, however, that~~ If the order appealed from has the effect of suspending a license, a stay shall be granted as a matter of right upon reasonable such conditions as are reasonable, unless the ~~d~~Division determines that a stay of penalty would constitute a probable danger to the state's regulation of the pari-mutuel industry.

Specific Authority 120.80(4)(a), 550.0251(3), 550.1155(1) FS. Law Implemented 120.80(4)(a), 550.0251, 550.1155 FS. History—New 10-20-96, Amended 1-5-98,\_\_\_\_\_.

61D-3.004 Payment of Fines.

All civil penalties imposed by the stewards/judges must be paid within 15 days of the ruling. However, the period of time for payment may shall be extended only by the stewards/judges, ~~only once~~ for no more than 15 days for good cause shown (herein defined as a showing of inability to meet the abovementioned deadline due to pecuniary distress), ~~and, If an appeal is requested taken,~~ the conditions for a stay set forth in Rule 61D-3.003(2), Florida Administrative Code, must be are met.

Specific Authority 120.80(4)(a), 550.0251(3), 550.054(9)(b), 550.1155(1), (2), 550.2415(7) FS. Law Implemented 120.80(4)(a), 550.0251, 550.054, 550.1155, 550.2415 FS. History—New 10-20-96, Amended 1-5-98,\_\_\_\_\_.

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: Simone Marsteller, Secretary, Department of Business and Professional Regulation  
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 14, 2005  
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 9, 2005



**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Division of Pari-Mutuel Wagering**

<b>RULE TITLES:</b>	<b>RULE NOS.:</b>
Cost of Investigation	61D-4.001
Evaluating a Permit Application for a Pari-Mutuel Facility	61D-4.002
Application for Lease Addendum to Permit	61D-4.003
Application for Annual Racing License	61D-4.004

**PURPOSE AND EFFECT:** The purpose and effect of the proposed rule will be to implement and interpret Florida Statutes that relate to forms for applications for pari-mutuel permits, leasing of facilities and annual racing licenses.

**SUMMARY:** This proposed rule addresses revisions to forms and rules regarding the investigation of an applicant for a permit to conduct pari-mutuel wagering and for authorization to lease premises for the conduct of pari-mutuel wagering. The provisions also add a new rule to formalize the use of the form under which pari-mutuel permit holders apply for annual racing licenses.

**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), 550.054(5), (8)(b), 550.155(1), 550.1815 FS.

**LAW IMPLEMENTED:** 550.0115, 550.01215, 550.0251, 550.054, 550.0951, 550.155, 550.1815, 550.475, 550.5251 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, January 20, 2006

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

**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

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 at (850)413-0750. If you are hearing or speech impaired, please contact the agency using the Florida Dual Party Relay System by calling (800)955-8770 (Voice) or (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 FULL TEXT OF THE PROPOSED RULES IS:**

**61D-4.001 Cost of Investigation.**

The applicant for a pari-mutuel wagering permit, other than an application involving a transfer of a permit from one licensed permitholder to another licensed permitholder or a transfer of a permit to an entity exclusively composed of ownership interests that have been approved under the provisions of Sections 550.054 and 550.1815, Florida Statutes, shall submit a cashier's check with the initial application to cover the anticipated costs of the investigation. The initial deposit shall be in the amount of \$15,000. ~~The costs of investigation will vary widely depending on the complexity of each individual permit application.~~

Specific Authority 550.0251(3), 550.054(8)(b), 550.1815(5) FS. Law Implemented 550.0251, 550.054, 550.1815 FS. History–New 10-20-96, Amended \_\_\_\_\_.

**61D-4.002 Evaluating a Permit Application for a Pari-Mutuel Facility.**

An applicant for a Florida Pari-Mutuel Facility permit shall submit a Form DBPR PMW-3010 BPR 10-002, Permit Application, a Form DBPR PMW-3030 BPR 10-003, Personal History Record, adopted and a Form BPR 10-004, Request for Release of Information and Authorization to Release Information, all incorporated by Rule 61D-10.001, Florida Administrative Code, and a Form DBPR 0100, Request for Release of Information and Authorization to Release Information.

(1) through (2) No change.

(3) A pari-mutuel wagering permitholder who transfers an ownership or equity interest in its permit to another licensed pari-mutuel wagering permitholder or who transfers a permit to an entity exclusively composed of ownership interests that have been approved under the provisions of Sections 550.054 and 550.1815, Florida Statutes, must file Form DBPR PMW-3040 BPR 10-011, Permit Transfer Application From One Existing Permitholder To Another Permitholder, with the Division and does not have to submit Form BPR 10-002, Permit Application, Form BPR 10-003, Personal History Record, and Form BPR 10-004, Request for Release of Information and Authorization to Release Information, all incorporated by Rule 61D-10.001, Florida Administrative Code.

Specific Authority 550.054(5), 550.155(1), 550.1815(5) FS. Law Implemented 550.0251, 550.054, 550.0951, 550.155, 550.1815 FS. History–New 10-20-96, Amended 12-15-97, \_\_\_\_\_.

61D-4.003 Application for Lease Addendum to Permit.

When applying for a lease addendum to a permit, the applicant shall submit both a copy of the lease agreement and a letter containing the following information to the Division of Pari-Mutuel Wagering, 1940 North Monroe Street, Tallahassee, Florida 32399-1035, care of the Division Clerk. The letter shall contain:

- (1) The name of the applicant and the lessor;
- (2) The address of the applicant and the lessor;
- (3) The type of permit held by the applicant and the lessor;
- (4) The exact location where the applicant is currently permitted to conduct pari-mutuel performances;
- (5) The exact location where the lessor is currently permitted to conduct pari-mutuel performances; and
- (6) The exact location where the applicant intends to conduct pari-mutuel performances pursuant to the lease agreement.

Specific Authority 550.0251(3) FS. Law Implemented 550.0251, 550.475 FS. History—New \_\_\_\_\_.

61D-4.004 Application for Annual Racing License.

(1) Any permitholder authorized to submit an application for an annual license to conduct races or games pursuant to Section 550.0115, Florida Statutes, shall make such application to the division on Form DBPR PMW-3060, Permitholder Application for Annual License and Operating Dates, and Form DBPR PMW-3080, Permitholder Calendar, both adopted and incorporated by Rule 61D-10.001, Florida Administrative Code, and Form DBPR 0040, Officers and Directors, during the period between December 15 and January 4 for performances to be conducted during the next state fiscal year.

(2) Any request to amend racing dates submitted to the division shall include documentation from permitholders located within 50 miles of the applicant indicating whether they object to the issuance of an amended license.

Specific Authority 550.0251(3) FS. Law Implemented 550.0115, 550.01215, 550.5251 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: Simone Marstiller, Secretary, Department of Business and Professional Regulation  
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 14, 2005  
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 9, 2005

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Division of Pari-Mutuel Wagering**

<b>RULE TITLES:</b>	<b>RULE NOS.:</b>
Occupational Licensure	61D-5.001
Possession of a License	61D-5.002
Applications for Licensure; Fingerprint Requirements; Exemptions from Fingerprinting	61D-5.003
Temporary Occupational Licenses	61D-5.004
Exemptions to Occupational Licensing Requirements	61D-5.005
Waiver of Criminal Convictions or Other Offenses	61D-5.006
Basis for Denial or Cancellation of License	61D-5.007

**PURPOSE AND EFFECT:** The purpose and effect of the proposed rule will be to implement and interpret Florida Statutes that relate to the forms for the application for a pari-mutuel license and regulations regarding use of a pari-mutuel license.

**SUMMARY:** This proposed rule addresses revisions to forms for applications for pari-mutuel occupational licenses and incorporation of those forms within the rules; amendments regarding the requirements for display of licenses and revisions of rules to conform to current statutory classification of licenses; providing for persons over 70 years of age to obtain background information checks from FDLE; amendments to rules implementing provisions related to temporary licenses; requiring permitholder security to maintain a list of unlicensed employees working in restricted areas; and revisions related to forms for the application of a waiver of criminal convictions and the cancellation of voluntarily relinquished licenses.

**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), 550.105(2)(b), (6), (10) FS.

**LAW IMPLEMENTED:** 550.0251, 550.105, 559.79 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, January 20, 2006

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

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

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 at (850)413-0750. If you are hearing or speech impaired, please contact the agency using the Florida Dual Party Relay System by calling (800)955-8770 (Voice) or (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 FULL TEXT OF THE PROPOSED RULES IS:

61D-5.001 Occupational Licensure.

(1)(a) The permitholder ~~shall provide~~ ~~will make available~~ to the division the weekly payroll without compensation amounts for verification that all persons working at a permitholder's facility are licensed.

(b) The permitholder shall provide a weekly list of persons whose employment with the permitholder has been terminated, resigned or abandoned.

(2) Any person desiring an occupational license pursuant to Chapter 550, Florida Statutes, shall pay the appropriate occupational and fingerprint fees ~~and costs~~ as set forth by Section 550.105, Florida Statutes, and shall file with the division a completed Fform DBPR PMW-3120, Individual Occupational License Application BPR 15-027, or DBPR PMW-3130, Business Occupational License Application, BPR 15-028 for either an Individual Occupational License Application or a Business Occupational License Application, respectively, all adopted and incorporated by Rule 61D-10.001, Florida Administrative Code.

(3) All occupational application and fingerprint fees are nonrefundable, except in situations where the applicant was charged in error.

(4) Application forms may be obtained and filed at each pari-mutuel facility in Florida or ~~from~~ the Division of Pari-Mutuel Wagering, Licensing Section, 1940 North Monroe Street, Northwood Centre, Tallahassee, Florida 32399-1037. Applicants shall use the following forms adopted and incorporated by Rule 61D-10.001, Florida Administrative Code:

(a) Business Occupational License Application shall be made on Form DBPR PMW-3130, Business Occupational License Application BPR Form 15-028.

(b) Individual Occupational License Application shall be made on Form DBPR PMW-3120, Individual Occupational License Application BPR Form 15-027.

(c) Request for Waiver shall be made on Form DBPR PMW-3180, Request for Waiver BPR Form 15-022.

(d) Request to Upgrade License shall be made on Form DBPR PMW-3170, Upgrade License Application. Request for Duplicate License shall be made on BPR Form 15-024.

(5) License application forms and fingerprint cards produced by and submitted through the Association of Racing Commissioners International (ARCI) or the National Racing Compact (NRC) under the Federal Pari-Mutuel Licensing Act of 1988 will be accepted by the division.

Specific Authority 550.0251(3), 550.105(+), (2)(b), (10)(9) FS. Law Implemented 550.0251, 550.105 FS. History—New 10-20-96, Amended 12-15-97, \_\_\_\_\_

61D-5.002 Possession of a License.

(1) Unless exempted in paragraph (2) of this rule, when on the grounds of a permitholder, licensees a licensee shall conspicuously wear their have on the licensee's person a current Form BPR 15-029, Pari-Mutuel Wagering Occupational License, ~~incorporated by Rule 61D-10.001, Florida Administrative Code, or a current Form BPR 15-010, Interim License, incorporated by Rule 61D-10.001, Florida Administrative Code,~~ issued by the division or a permitholder issued photo identification with the division's current license validation sticker affixed.

(2) When performing their pari-mutuel occupations, the following persons shall retain on the permitholder's premises only be required to have their current license, license receipt, or identification specified in paragraph (1) accessible in the permitholder's premises:

- (a) Jockeys;
- (b) Jai alai players;
- (c) Jai alai judges;
- (d) Harness drivers; ~~and~~
- (e) Exercise persons; ~~and;~~
- (f) Leadouts.

(3) ~~The division's validation sticker for permitholder issued photo identifications shall be designated as follows:~~

(a) ~~"R," meaning that the occupational licensee is not allowed access to restricted areas of the permitholder's premises;~~

(b) ~~"U," meaning that the occupational licensee is granted access to restricted areas of the permitholder's premises associated with racing animals, jockeys, drivers, or jai alai players; and~~

(4) ~~Only the division may affix a validation sticker to a permitholder or totalisator company issued photo identification. Validation stickers are not transferrable between individuals.~~

Specific Authority 550.0251(3), 550.105(2)(b), ~~(6)(5)~~, ~~(10)(9)~~ FS. Law Implemented ~~550.0251~~, 550.105 FS. History--New 10-20-96, Amended 12-15-97, \_\_\_\_\_.

61D-5.003 Applications for Licensure; Fingerprint Requirements; Exemptions from Fingerprinting.

(1) through (b) No change.

(c) A sworn law enforcement or corrections officer certified pursuant to Section 943.1395, Florida Statutes, who provides the division evidence of current certification from the Florida Criminal Justice Standards and Training Commission; ~~and~~

(d) An applicant who has been granted a diplomatic status by the United States Government; ~~and-~~

(e) An applicant who is 70 years of age or older. Applicant 70 years of age or older must instead submit \$23 for a background information records check through the Florida Department of Law Enforcement.

Specific Authority 550.0251(3), 550.105(2)(b), ~~(10)(9)~~ FS. Law Implemented 550.105 FS. History--New 10-20-96, Amended \_\_\_\_\_.

61D-5.004 Temporary Occupational Licenses.

(1) A temporary license can be obtained on behalf of a greyhound owner, horse owner, ~~or~~ stable name, or kennel name upon submission to the division of a Form DBPR PMW-3110, Animal Owners Temporary License Application, BPR Form 15-026, Temporary License Agreement, adopted and incorporated by Rule 61D-10.001, Florida Administrative Code, the license fee, and the fingerprint fee if required, by the horse owner's licensed trainer, or by the greyhound's owner's licensed kennel ~~owner~~/operator or trainer. The division shall issue the temporary license if the division verifies that the owner is in good standing in Florida and in all racing jurisdictions.

(a) No change.

(b) A temporary license for an owner is valid for no more than 30 ~~thirty~~ calendar days from the date of issuance. A one ~~1~~-year or three ~~3~~-year license will be processed upon completion of the licensure ~~licensing~~ requirements by the owner.

(c) If the owner fails to complete the licensure ~~licensing~~ process within 30 calendar days from the date the temporary license is issued, the temporary license shall expire and the owner's animals shall ~~are~~ not be eligible to participate in a pari-mutuel race.

(d) If the owner completes the licensure ~~licensing~~ process after the 30-day temporary license has expired, a license shall ~~will~~ be processed for the remaining portion of the same licensing year. In the case of a three ~~3~~-year license, the license will be processed for the remaining portion of the three-year term.

(2) Any applicant who fails to complete the licensure ~~licensing~~ process upon being issued a temporary license shall not be issued another temporary license until the licensee has, at least once, satisfactorily completed the licensure ~~licensing~~ process.

Specific Authority 550.0251(3), 550.105(2)(b), ~~(6)(5)~~ FS. Law Implemented 550.0251, 550.105 FS. History--New 10-20-96, Amended 12-15-97, \_\_\_\_\_.

61D-5.005 Exemptions to Occupational Licensing Requirements.

(1) through (c) No change.

(d) Upon adequate proof provided to the division, shareholders, who otherwise would be required to have an occupational license, owning less than ten percent (10%) of the outstanding stock or equity interest of any entity licensed by the division, will not be required to have such a license merely by their connection to a company. Such a shareholder shall not be granted access to any restricted area of a pari-mutuel wagering facility by virtue of their ownership interest without having obtained a pari-mutuel occupational license.

(2) Permitholder security shall maintain a list of unlicensed persons working in restricted and unrestricted areas on the permitholder premises. Said list shall be available at all times for review by division personnel. Security shall be responsible for the issuance of passes to enter restricted areas and shall maintain a list of persons receiving passes under this rule. All passes to restricted areas shall contain a beginning and ending date of validity and shall state the work hours during which access to restricted areas is allowed. Unlicensed persons working in restricted areas of the permitholder facility shall be in possession of a valid pass issued by permitholder security.

Specific Authority 550.0251(3), 550.105(2)(b), ~~(10)(9)~~ FS. Law Implemented 550.0251, 550.105, 559.79 FS. History--New 10-20-96, Amended \_\_\_\_\_.

61D-5.006 Waiver of Criminal Convictions or Other Offenses.

(1) Any applicant for an occupational license who is subject to denial on the basis of a criminal conviction or discipline by any racing jurisdiction may seek a waiver from the division director. The applicant shall submit Form DBPR PMW-3120, Individual Occupational License Application an ~~Individual Occupational License Application BPR Form 15-027, adopted and~~ incorporated by Rule 61D-10.001, Florida Administrative Code, the annual license fee and fingerprint fee, a complete set of fingerprints on a card supplied by the division, and Form DBPR PMW-3180, Request for Waiver a ~~Request for Waiver BPR Form 15-022, adopted and~~ incorporated by Rule 61D-10.001, Florida Administrative Code. The applicant shall ~~must~~ also schedule a waiver interview with the Office ~~Bureau~~ of Investigations. Failure to participate in a waiver interview or to disclose any pertinent information regarding criminal convictions, or discipline by

~~any racing rulings, revocations or denials from other jurisdictions shall will~~ result in a denial of the request for waiver.

(2) The applicant shall ~~must~~ establish proof of rehabilitation and must demonstrate present good moral character. The waiver applies to criminal convictions or discipline by any racing jurisdiction enforcement actions disclosed to the division, unless revoked by the division for violation of Chapter 550, Florida Statutes, or these rules.

(3) No applicant for a waiver shall ~~will~~ be allowed to work in any capacity as an occupational licensee until a license is issued based upon a waiver, is granted by the director.

Specific Authority 550.0251(3), 550.105(2)(b), (10)(9) FS. Law Implemented 550.0251, 550.105 FS. History—New 10-20-96, Amended 12-15-97,\_\_\_\_\_.

61D-5.007 Basis for Denial or Cancellation of License.

A licensee may relinquish his or her license for cancellation by the division by either submitting a written request to relinquish an active occupational license accompanied by the license that the licensee is requesting to have canceled or by directly surrendering the license to a division investigator or chief inspector must be filed with the division before the license will be canceled. If a licensee surrenders his or her license to a division investigator or chief inspector for cancellation, the investigator or chief inspector shall provide the licensee with a written statement that it was surrendered for the purpose of cancellation to the Licensing Section of the division.

Specific Authority 550.0251(3), 550.105(2)(b), (10)(9) FS. Law Implemented 550.0251, 550.105 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: Simone Marsteller, Secretary, Department of Business and Professional Regulation  
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 14, 2005  
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 9, 2005

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Division of Pari-Mutuel Wagering**

RULE TITLES:	RULE NOS.:
Purpose for Rules; Definitions Related to	
Drugs and Medications	61D-6.001
General Duties and Responsibilities	61D-6.002
Procedures Relating to Split Samples	61D-6.006
Permitted Medications for Racing Greyhounds	61D-6.007
Veterinarians	61D-6.009
Penalty Guidelines for Class I – V	
Drug Violations	61D-6.011

PURPOSE AND EFFECT: The purpose and effect of the proposed rule will be to implement and interpret Florida Statutes that relate to forms and procedures related to the use of medication in racing animals.

SUMMARY: This proposed rule addresses references to forms that are being incorporated in the rules. Some forms are being revised and a new form is being created for the identification of the trainer of record. Rules regarding notice of positive tests that may result in purse redistribution to owners are being deleted so they may be moved to rules regarding procedures for stewards' and judges' hearings.

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: 120.80(4)(a), 550.0251(3), (11), 550.155(1), 550.2415(2), (5), (8), (9), (13), (14), (16) FS.

LAW IMPLEMENTED: 120.80(4)(a), 550.0251, 550.1155, 550.155, 550.235, 550.2415, 550.2415(14) 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, January 20, 2006

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

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

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 at (850)413-0750. If you are hearing or speech impaired, please contact the agency using the Florida Dual Party Relay System by calling (800)955-8770 (Voice) or (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 FULL TEXT OF THE PROPOSED RULES IS:

61D-6.001 Purpose for Rules; Definitions Related to Drugs and Medications.

- (1) through (2)(a) No change.
- (b) "Furosemide (~~Lasix~~) List" means the division's official list of racing horses approved for racing with furosemide in Florida.
- (c) through (f) No change.

Specific Authority 550.0251(3), 550.2415(13) FS. Law Implemented 550.0251, 550.2415 FS. History--New 10-20-96, Amended 6-6-00,\_\_\_\_\_.

61D-6.002 General Duties and Responsibilities.

(1) The trainer of record shall be responsible for and be the absolute insurer of the condition of the horses or racing greyhounds, he/she enters to race. Trainers, kennel owners and operators are presumed to know the rules of the division. The trainer of record shall be identified on Form DBPR PMW-3360, Kennel Personnel Roster, adopted and incorporated by Rule 61D-10.001, Florida Administrative Code, which the trainer shall provide to the chief inspector and racing secretary at any track where the trainer enters racing animals in pari-mutuel races.

- (2) No change.

Specific Authority 120.80(4)(a), 550.0251(3), 550.2415(2), (13) FS. Law Implemented 120.80(4)(a), 550.0251, 550.2415 FS. History--New 10-20-96, Amended 12-15-97,\_\_\_\_\_.

61D-6.006 Procedures Relating to Split Samples.

The following procedures shall be followed when requesting a portion of an official sample for analysis at another laboratory:

(1) Requests shall be made in writing or on ~~F~~form DBPR PMW-3290 BPR-13-005, Notification to Stewards/Judges of Split Sample Request, adopted and incorporated by Rule 61D-10.001, Florida Administrative Code, and shall be submitted to the division's steward or judge by certified mail, return receipt, or by hand delivery, within 10 calendar days after the trainer or owner has received written notification of the ~~division's laboratory~~ results of the laboratory under contract with the division from the stewards or judges or the division's ~~Office Bureau~~ of Investigations.

- (2) No change.
- (3) Failure to request a split sample or failure to select and make arrangements, including payment for services, with an approved laboratory within 10 calendar days after receiving written notification from the ~~Office Bureau~~ of Investigations, stewards or judges, of the ~~division's laboratory~~ results from the laboratory under contract with the division shall constitute a waiver of the right to a split sample.

(4) Whenever a split sample is requested, the stewards or judges shall promptly notify the ~~Office Bureau~~ of Investigations, which in turn shall notify the ~~division's~~ laboratory under contract with the division of the request, identifying only the number on the sample container from which the split sample is to be taken, and the laboratory which

has been selected. The ~~division's~~ laboratory under contract with the division shall send the split sample to the laboratory selected within 10 calendar days of receiving the request.

- (5) No change.
- (6) If the approved independent laboratory confirms the ~~division laboratory's~~ findings of the laboratory under contract with the division, the division is authorized to proceed with administrative action against any affected licensees pursuant to this chapter and the Florida Statutes. If a request for a split sample is made and there is an insufficient quantity of the official sample remaining for analysis by the approved independent laboratory, the division may still proceed with administrative action against any affected licensees based upon the ~~division laboratory's~~ findings of the laboratory under contract with the division, provided that the division has made a good faith effort to obtain and retain a sufficient quantity of sample during collection and testing of the sample.

~~(7) Prior to a hearing for a positive or overage where redistribution of the purse may be involved, the stewards or judges shall give timely notice to each owner who may be adversely affected by the purse redistribution of the date, time, and location of the hearing.~~

Specific Authority 120.80(4)(a), 550.0251(3), (11), 550.2415(5), (13) FS. Law Implemented 120.80(4)(a), 550.0251, 550.2415 FS. History--New 10-20-96, Amended 12-15-97,\_\_\_\_\_.

61D-6.007 Permitted Medications for Racing Greyhounds.

The following medications are permitted to be administered to racing greyhounds in the dosages and under the conditions listed below:

- (1) through (2)(c) No change.
- (3) The detection of caffeine at a urinary concentration less than 200 ~~nanograms~~ nanograms per milliliter and/or its metabolites, theophylline and theobromine at a urinary concentration less than 400 ~~nanograms~~ nanograms per milliliter shall not be reported by the racing laboratory to the division as a violation of Section 550.2415, Florida Statutes.

- (4) No change.

Specific Authority 120.80(4)(a), 550.0251(3), (11), 550.2415(13), (16) FS. Law Implemented 120.80(4)(a), 550.0251, 550.2415 FS. History--New 10-20-96, Amended 6-6-00, 6-6-04,\_\_\_\_\_.

61D-6.009 Veterinarians.

- (1) through (d) No change.
- (e) Work with the ~~Salix Lasix~~ coordinator;
- (f) through (g) No change.
- (h) Inspect stables and greyhound compound areas for general health and safety requirements and report any problems to the stewards/judges and ~~division Bureau of Operations~~ regional managers;
- (i) through (4)(b) No change.
- (5) Practicing equine veterinarians shall make daily reports to the division veterinarian of all medications or drugs that are prescribed or administered by them to horses within 48

hours of the officially scheduled post time of the race in which such animal is entered. Such reports shall be submitted on Form DBPR PMW-3050 BPR Form 15-002, Veterinary Report of Medication, adopted and incorporated by Rule 61D-10.001, Florida Administrative Code.

(6) through (10) No change.

Specific Authority 120.80(4)(a), 550.0251(3), (11), 550.155(1), 550.2415(13) FS. Law Implemented 120.80(4)(a), 550.0251, 550.155, 550.2415 FS. History--New 10-20-96, Amended 12-15-97, \_\_\_\_\_.

61D-6.011 Penalty Guidelines for Class I – V Drug Violations.

(1) The presence of a Class I – V foreign substance, as defined by the Uniform Classification Guidelines for Foreign Substances (current edition) revised January 7, 2000, as promulgated by the Association of Racing Commissioners International, Inc., in the bodily fluids of an animal collected either immediately prior to or immediately after the racing of that animal constitutes a violation of Chapter 550, Florida Statutes. The Uniform Classification Guidelines for Foreign Substances (current edition) revised January 7, 2000, as promulgated by the Association of Racing Commissioners International, Inc., is hereby incorporated and adopted by reference. A copy of this document may be obtained by contacting the Division of Pari-Mutuel Wagering at 1940 North Monroe Street, Tallahassee, Florida 32399-1035.

(2) Pursuant to Rule 61D-6.002, Florida Administrative Code, the trainer of record is the absolute insurer of the condition of an animal he or she enters to race. Consequently, when evidence of the presence of an impermissible substance, or substances, is presented either to the ~~d~~Division or to a panel of stewards or judges, the ~~d~~Division or the stewards or judges, absent aggravating or mitigating circumstances, must impose on the trainer of record one or more of the following penalties in accordance with the class of impermissible substance. Provided, however, that any discipline imposed by the stewards or judges shall not exceed their authority pursuant to Section 440.1155, Florida Statutes.

(a) through (3) No change.

Specific Authority 550.0251(3), 550.2415(13), (14) FS. Law Implemented 550.0251, 550.1155, 550.2415(14) FS. History--New 1-5-98, Amended 2-8-01, \_\_\_\_\_.

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: Simone Marstiller, Secretary, Department of Business and Professional Regulation  
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 14, 2005  
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 9, 2005

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Division of Pari-Mutuel Wagering**

<b>RULE TITLES:</b>	<b>RULE NOS.:</b>
Definitions	61D-7.001
Calculation of Payout and Distribution of Pools – General	61D-7.002
Pick (N) Pools	61D-7.014
Trifecta and Superfecta Combinations	61D-7.015
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 and interpret Florida Statutes that relate to reporting of pari-mutuel wagering activity on pools and totalisator reports.

**SUMMARY:** This proposed rule addresses amendments to the existing rules to appropriately reference revised forms for reporting of pari-mutuel and totalisator 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), 550.125(2)(b), 550.155(1), 550.1645(1), 550.495(4), (5), 550.6305(5) FS.

**LAW IMPLEMENTED:** 550.0251, 550.125, 550.155, 550.1645, 550.2633, 550.3551, 550.495, 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, January 20, 2006

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

**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

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 at (850)413-0750. If you are hearing or speech

impaired, please contact the agency using the Florida Dual Party Relay System by calling (800)955-8770 (Voice) or (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 FULL TEXT OF THE PROPOSED RULES IS:

61D-7.001 Definitions.

(1) through (22) No change.

(23) “Malfunction” ~~“Malfunction”~~ shall mean any impairment of the totalisator functions or loss in communication between the host and the guest entities which causes:

(23)(a) through (52) 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 12-15-97, 9-19-04,\_\_\_\_\_.

61D-7.002 Calculation of Payout and Distribution of Pools – General.

(1) through (12)(c) No change.

(d) Any jai alai permitholder electing to offer the re-bet shall, on the Form DBPR ~~PMW-3520 Form 14-005~~, Notification of Pari-Mutuel Operations, adopted and incorporated by Rule 61D-10.001, Florida Administrative Code, indicate the games and wagers upon which the re-bet shall be offered and how long the re-bet period will last.

Specific Authority 550.0251(3), (7), 550.155(1), 550.125(2)(b), 550.6305(5) FS. Law Implemented 550.0251, 550.125, 550.155, 550.6305 FS. History–New 10-20-96, Amended 12-15-97,\_\_\_\_\_.

61D-7.014 Pick (N) Pools.

(1) through (11) No change.

(12) The permitholder may guarantee the Pick (N) jackpot up to the designated cap. The permitholder shall inform the division in writing at the beginning of the meet via the Form DBPR ~~PMW-3520, Notification of Pari-Mutuel Operations, adopted and incorporated by Rule 61D-10.001, Florida Administrative Code, 14-005~~ and at least 5 working days prior to exercising this option. The value needed to meet the guaranteed amount shall be added to the jackpot when it is won and included in the totalisator price calculations.

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 (17)(c)4. No change.

(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 Form DBPR ~~PMW-3520 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 9-19-04,\_\_\_\_\_.

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

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

(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 Form DBPR ~~PMW-3630 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 (12)(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 Form DBPR ~~PMW-3520 BPR Form 14-005~~, Notification of Pari-Mutuel Operations, adopted and 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.

(13)(a) 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, 9-19-04, 3-20-05,\_\_\_\_\_.

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

(1) through (7) No change.

(8) Where the value of the outs is payable to the state a report of escheated outs shall be prepared on Form DBPR ~~PMW-3510 BPR Form 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 Form DBPR ~~PMW-3510 BPR Form 14-001~~ shall be attached.

(9) through (11) No change.

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, 9-19-04,\_\_\_\_\_.



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 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 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 at each hub. Host tracks shall have separate reports for on track ("live") handle and intertrack handle.~~

~~(1)(2)~~ 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.

~~(2)(3)~~ For each contest within each performance the following totalisator reports shall be produced for each site:

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

~~(3)(4)~~ For each contest and performance, a summary of the calculations report as described in paragraph ~~(2)(3)~~ 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.

~~(4)(5)~~(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:

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

~~(5)(6)~~ The following totalisator reports shall be printed for each performance or operating day:

(a) through (i) No change.

~~(6)(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) through (d) No change.

~~(7)(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 within 48 hours.

~~(8)(9)~~ Where the terminal/window activity report includes cross cashing of pari-mutuel tickets, the system shall print a supplementary report summarizing the cashing activity. The supplementary report must provide the amount paid for tickets issued by each pari-mutuel facility by cashing site and selling

site and totals shall be segregated by meet if previous meets outs are included. The reporting of pari-mutuel tickets and credit vouchers shall not be commingled.

~~(9)(10)~~ All the above-indicated totalisator reports shall be printed at the pari-mutuel facility serving as a totalisator hub. In addition, each totalisator company shall provide electronic downloads of wagering data compatible with the division's centralized database. 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 a copy of each totalisator report produced pursuant to this rule immediately upon printing.

~~(10)(11)~~ Any report or record pertaining to the accounting of pari-mutuel activities produced for or available to the permitholder or totalisator company shall be available to a division representative upon request. Contractual reports or billing information consisting of confidential information between the permitholder and the totalisator company are excluded from this requirement.

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, 9-19-04,\_\_\_\_\_.

61D-7.024 Totalisator Requirements.

(1) through (5) No change.

(6) Each totalisator licensee shall submit Form DBPR ~~PMW-3610 44-030~~, Totalisator System Checklist, adopted and incorporated by Rule 61D-10.001, Florida Administrative Code, to the division not later than 10 days prior to the beginning of each meet. If for any reason the information on the checklist changes prior to the beginning of the meet, an updated checklist shall be submitted via facsimile machine not later than 2 days prior to the first performance. In addition to the checklist, the following information shall be provided to the division:

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

(11) Within 48 hours of a malfunction, Form DBPR ~~PMW-3580 BPR Form 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 by both the tote representatives and the Mutuels Managers involved.

(12) through (18)(b) No change.

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, 9-19-04,\_\_\_\_\_.

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: Simone Marstiller, Secretary, Department of Business and Professional Regulation

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 14, 2005  
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 9, 2005

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Division of Pari-Mutuel Wagering**

RULE TITLES:	RULE NOS.:
Admissions Requirements	61D-8.001
Financial Reporting Requirements	61D-8.002
Reporting Requirements for Charity/Scholarship Performances	61D-8.003
Retired Jai Alai Players Charity Days Fund: Accumulation Payments and Reporting	61D-8.004
Purses and Florida Owners' Awards, Horse Racing	61D-8.005

**PURPOSE AND EFFECT:** The purpose and effect of the proposed rule will be to implement and interpret Florida Statutes that relate to reporting requirements for taxes and takeout on pari-mutuel wagering.

**SUMMARY:** This proposed rule addresses amendments to the existing rules to appropriately reference revised forms for reporting of pari-mutuel taxes and takeout. The amendments to the rule also corrects obsolete language for reporting of complementary passes for admissions taxes as pointed out to the Division during the rule workshop process.

**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), 550.0351(8), 550.0951(2), 550.125(2)(b), 550.155(1), 550.2614(1), (2), (3), (4), 550.2625(2)(d), 550.3551(10), 550.6305(5) FS.

**LAW IMPLEMENTED:** 550.0251, 550.0351, 550.0951, 550.0951(5), 550.125, 550.155, 550.1647, 550.1648, 550.2614, 550.2625(2), 550.3551, 550.615, 550.625, 550.6305, 550.6335, 550.655 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, January 20, 2006

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

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

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 at (850)413-0750. If you are hearing or speech impaired, please contact the agency using the Florida Dual Party Relay System by calling (800)955-8770 (Voice) or (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 FULL TEXT OF THE PROPOSED RULES IS:**

61D-8.001 Admissions Requirements.

(1) Each permitholder shall provide separate gates for taxable admission. Gates for taxable admission shall be equipped with metered turnstiles which are numbered consecutively and protected from tampering or manipulation. A record of all taxable and tax exempt admissions compiled by the permitholder shall be provided to the division ~~pari-mutuel wagering specialist~~ at the conclusion of each performance. If all turnstiles are broken, it shall be the responsibility of the permitholder to count the admissions. ~~Admission charges shall be aggregated for the purpose of calculating the admission taxes. Each aggregate total, times 15% or 10 cents per admission, whichever is higher, will be the tax due for each class of admissions.~~

(a) No change.

~~(2) Permitholders must remit admissions tax on all taxable admissions as determined by the metered turnstiles described in subsection (1) of this rule. If all turnstiles are broken, it shall be the responsibility of the permitholder to count the admissions and remit the applicable taxes. A broken turnstile must be repaired or replaced prior to the next performance.~~

~~(2)(3) Tax paid admission may be provided by permitholders through the use of complimentary passes. The tax to be paid by the permitholder for complimentary passes shall be equal to the tax imposed on the regular entrance gate admission charge of the gate at which the complimentary pass holder enters. In the case of promotional events or late entrants wherein the general public is admitted free of charge, the tax to be paid by the permitholder shall be 10 cents per entrant. Permitholders shall inform the division of their late entrant policy prior to the beginning of the meet, or upon the institution of such policy, by filing an update to Form DBPR~~

PMW-3520 14-005, Notification of Pari-Mutuel Operations, adopted and incorporated by Rule 61D-10.001, Florida Administrative Code.

~~(4) Tax exempt admission may be provided to officers, officials, employees or other persons holding pari mutuel occupational licenses who work on the track or fronton premises, as well as to representatives of the press.~~

~~(3)(a) Individuals receiving tax-exempt admission shall be issued a pass by the permitholder which is to be displayed for entry. Tax-exempt passes are not transferable and holders of the passes shall not allow their use by any other individuals.~~

~~(a)(b) Prior to or at the beginning of a meet, each permitholder shall forward to provide the division chief inspector with a list of individuals receiving a tax-exempt pass and the capacity in which they are functioning. The permitholder shall notify provide the same information to the division within 48 hours of any changes to the list of chief inspector for tax-exempt passes issued during the meet. Issuance of tax-exempt passes shall be subject to approval by the division.~~

~~(4) Admission tax shall be calculated on the aggregate entry fee for weekly, monthly, annual, or other seasonal periods. All entry fees must be reported on Form DBPR PMW-3520, Notification of Pari-Mutuel Operations, prior to the meet.~~

Specific Authority 550.0251(3), (7), 550.0951(2), 550.125(2)(b), 550.155(1) FS. Law Implemented 550.0251, 550.0951, 550.125, 550.155 FS. History—New 10-20-96, Amended 12-15-97, \_\_\_\_\_.

#### 61D-8.002 Financial Reporting Requirements.

(1) Not less than 10 calendar days before opening a race or fronton meeting, each permitholder shall file with the division Form DBPR PMW-3520 14-005, Notification of Pari-Mutuel Operations, adopted and incorporated by Rule 61D-10.001, Florida Administrative Code.

(2) Permiholders who wish to change any item included on Form DBPR PMW-3520 14-005, Notification of Pari-Mutuel Operations, adopted and incorporated by Rule 61D-10.001, Florida Administrative Code, must notify the division of the change within 48 hours of implementation. Written notice of a change shall be deemed an amendment to Form DBPR PMW-3520 14-005. In the event that permitholders are unable to provide sufficient notice as a result of a change needed to correct an error, or an emergency change, the division must be notified via telephone as soon as the need for the change is determined, and permitholders must forward a revised copy of Form DBPR PMW-3520 14-005 to the division on the next working day.

(3) Every permitholder shall file Form DBPR PMW-3560, Monthly Remittance Report On-Track, adopted and incorporated by Rule 61D-10.001, Florida Administrative Code, a reporting form with the division by the fifth day of each calendar month for all taxes and fees imposed and

collected during the preceding calendar month. Permiholders shall file DBPR forms as listed in paragraphs (a) through (e) below.

~~(a) Thoroughbred permitholders shall file the Form DBPR 14-010, Monthly Remittance Report for Thoroughbred Racing Permiholders, incorporated by Rule 61D-10.001, Florida Administrative Code.~~

~~(b) Harness racing permitholders shall file Form DBPR 14-011, Monthly Remittance Report for Harness Racing Permiholders, incorporated by Rule 61D-10.001, Florida Administrative Code.~~

~~(c) Quarter Horse racing permitholders shall file Form DBPR 14-012, Monthly Remittance Report for Quarter Horse Racing Permiholders, incorporated by Rule 61D-10.001, Florida Administrative Code.~~

~~(d) Greyhound racing permitholders shall file Form DBPR 14-013, Monthly Remittance Report for Greyhound Racing Permiholders, incorporated by Rule 61D-10.001, Florida Administrative Code.~~

~~(e) Jai alai permitholders shall file Form DBPR 14-014, Monthly Remittance Report for Jai Alai Permiholders, incorporated by Rule 61D-10.001, Florida Administrative Code.~~

(4) No change.

(5) Every permitholder shall keep records to show all financial activity and shall submit to the division two copies of complete audited financial statements within 120 days after the conclusion of the permitholder's fiscal year. The financial statements shall contain, at a minimum, all reports and supplemental schedules as prescribed in the Department of Business and Professional Regulation, Division of Pari-Mutuel Wagering's Form DBPR 14-020, Uniform Reporting System Prescribed for Pari-Mutuel Permiholders, herein incorporated by reference. A copy of this document may be obtained by contacting the Division of Pari-Mutuel Wagering at 1940 North Monroe Street, Tallahassee, Florida 32399-1035. The effective date of this document is \_\_\_\_\_. All financial statements, supplemental schedules, and reports shall be examined in accordance with generally accepted auditing standards by a certified public accountant licensed to practice in Florida. The accountant shall express an opinion as to whether the financial statements, supplemental schedules, and reports are fairly stated in accordance with generally accepted accounting principles.

(6) through (7) No change.

(8) A complete written response must be provided at the request of the division within thirty (30) days of the date of issuance of any report, audit findings, or other formal request for information, by the permitholder, totalisator company or auditee, unless otherwise specified in such request.

(9) No change.

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, 9-19-04,\_\_\_\_\_.

61D-8.003 Reporting Requirements for Charity/Scholarship Performances.

(1) through (2) No change.

(3) Within 120 days after the conclusion of its fiscal year each permitholder shall pay the proceeds of all charity performances to the authorized charities and, within 45 days after the required due date for such payments, shall submit to the division Form DBPR PMW-3540 BPR Form 14-008, Statement of Proceeds for Charity Day/Scholarship Performance, adopted and incorporated by Rule 61D-10.001, Florida Administrative Code, and Form DBPR PMW-3550 BPR Form 14-009, Statement of Charity Day Proceeds and Distribution, both adopted and incorporated by Rule 61D-10.001, Florida Administrative Code. ~~A separate BPR Form 14-008 and BPR Form 14-009 shall be submitted for each charity performance conducted by the permitholder.~~ Copies of supporting documentation such as checks should be included with the forms, along with a statement and reconciliation which includes all deductions and additions of money, and support for all banking transactions including bank statements, for the "Greyhound Adopt-A-Pet Day."

(4) through (6) No change.

Specific Authority 550.0251(3), (7), 550.125(2)(b), 550.155(1) FS. Law Implemented 550.0251, 550.0351, 550.125, 550.155, 550.1647, 550.1648 FS. History—New 10-20-96, Amended 12-15-97, 6-29-05,\_\_\_\_\_.

61D-8.004 Retired Jai Alai Players Charity Days Fund: Accumulation Payments and Reporting.

(1) Section 550.0351(8), Florida Statutes, authorizes jai alai permitholders to conduct two ~~one~~ additional charity performances each fiscal year for a fund to benefit retired jai alai players. The proceeds derived from each "Retired Jai Alai Players Charity Day" shall be deposited to the fund. In determining the amount to be deposited to the fund, the permitholder shall not deposit an amount less than the amount that would ordinarily be remitted as state taxes.

(2) through (5) No change.

(6)(a) The permitholder shall submit Form DBPR PMW-3620 14-031, Retired Jai-Alai Players ~~Accumulation and Distribution~~ Fund Distribution, adopted and incorporated by Rule 61D-10.001, Florida Administrative Code, to the division within 120 days after the end of the permitholder's fiscal year.

(b) Permitholders shall file reports as required by Rule 61D-8.003, Florida Administrative Code, Reporting Requirements for Charity/Scholarship Performances.

Specific Authority 550.0251(3), 550.0351(8) FS. Law Implemented 550.0251, 550.0351 FS. History—New 10-20-96, Amended 12-15-97,\_\_\_\_\_.

61D-8.005 Purses and Florida Owners' Awards, Horse Racing.

(1) through (12)(d) No change.

(13) A format as required by the division Form DBPR 14-007, Horse Racing — Purse Pool and Owners' Award, Contributions and Payments, incorporated by Rule 61D-10.001, Florida Administrative Code, shall be utilized for the reporting requirements in subsections (11) and (12).

(a) ~~Supporting Form DBPR 14-007 requires supporting schedules for contributions to the purse pool which are derived from interstate broadcasting shall be included.~~ Permitholders may ~~utilize Forms DBPR 14-007A, Supporting Schedule for Items 2 and 17 of Purse Pool Report, incorporated by Rule 61D-10.001, Florida Administrative Code, and Form DBPR 14-007B, Supporting Schedule for Items 11 and 17 of Purse Pool Report, incorporated by Rule 61D-10.001, Florida Administrative Code,~~ or submit schedules designed by the permitholder's accounting personnel provided that all the information needed ~~specified on the forms~~ is included.

(b) The permitholder shall include disclosure notes to the report any time a permitholder has items included in the reports which are not explained within the ~~pre-printed~~ content of the documents ~~Forms DBPR 14-007, 14-007A and 14-007B~~, or where a permitholder wishes to make a contribution to the purse pool which is in excess of the statutory requirements.

(14) through (19) No change.

Specific Authority 550.2614(1), (2), (3), (4), 550.2625(2)(d) FS. Law Implemented 550.2614, 550.2625(2), 550.625, 550.655 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: Simone Marsteller, Secretary, Department of Business and Professional Regulation  
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 14, 2005  
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 9, 2005

**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

PURPOSE AND EFFECT: The purpose and effect of the proposed rule will be to implement and interpret Florida Statutes that relate to reporting of interstate (simulcast) and intertrack wagering activities.

SUMMARY: This proposed rule addresses amendments to the existing rules to appropriately reference revised forms for reporting of pari-mutuel interstate (simulcast) and intertrack wagering.

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, January 20, 2006

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

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

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 at (850)413-0750. If you are hearing or speech impaired, please contact the agency using the Florida Dual Party Relay System by calling (800)955-8770 (Voice) or (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 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 Form DBPR PMW-3590 BPR Form 14-028A, Notification of Interstate Broadcasting, adopted and incorporated by Rule 61D-10.001, Florida Administrative Code, to the division. To ensure compliance

with the breeders' and stallion awards requirement set forth in Chapter 550, Florida Statutes, and purse requirements in Section 550.6305, Florida Statutes, Florida permitholders shall provide the following documentation for review and audit upon request:

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

(b) For each meet, the Florida interstate host track shall provide to the Division of Pari-Mutuel Wagering in Tallahassee, the information as required in Form DBPR PMW-3590 14-028A, Notification of Interstate Broadcasting, adopted and incorporated by Rule 61D-10.001, Florida Administrative Code, no later than TWO HOURS prior to initiating the broadcast to any out-of-state guest. Florida intertrack hosts shall provide to the division the information required in Form DBPR PMW-3600 14-029A, Notification of Intertrack Wagering, adopted and incorporated by Rule 61D-10.001, Florida Administrative Code, no later than two working days prior to the broadcast to any intertrack guest. ~~Greyhound host permitholders conducting separate pools, shall provide to the Division no later than 2 working days prior to the separate pool a completed Form DBPR 14-029B, Notification of Separate Pools, incorporated by Rule 61D-10.001, Florida Administrative Code.~~

~~(c) Each Florida interstate guest permitholder shall file with the division hub personnel BPR Form 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.~~

~~(c)(d)~~ Each Florida host track shall ensure that the primary means of data transmission from the permitholder's facility to the totalisator or from totalisator to totalisator is through a leased dedicated data line. There shall be back-up data lines in the event of primary line failure. Back-up lines may be dial-up data lines.

(3) through (4)(c) No change.

(5) The Florida host track is responsible for the content of its broadcast and shall use all reasonable effort to present a broadcast which offers an exemplary depiction of its racing or playing program, a periodic display of wagering information and continuity of programming between contests. Except for separate pools in greyhound racing as allowed by Section Chapter 550.6305(2), Florida Statutes, the guest track shall display the host track odds.

(5)(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, 9-19-04, \_\_\_\_\_.

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

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

(c) The Florida primary guest shall elect a policy option and shall indicate the option chosen on Form DBPR PMW-3590 BPR Form 14-029A, Notification of Interstate Broadcasting Intertrack Wagering, adopted and incorporated by Rule 61D-10.001, Florida Administrative Code, upon 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, 9-19-04,\_\_\_\_\_.

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

(1) through (c) No change.

(2) Each host track shall remit payment twice weekly for all pari-mutuel taxes to the division for all taxes imposed and collected as per the provisions of Section 550.0951(5), Florida Statutes. For the monthly report required by Section 550.0951(5), all the permitholders shall use and file Form DBPR PMW-3570, Monthly Remittance Report Intertrack, adopted and incorporated by Rule 61D-10.001, Florida Administrative Code, the following forms:

~~(a) Thoroughbred permitholders shall file the Form DBPR 14-024, Intertrack Monthly Remittance Report for Thoroughbred Racing Permitholders, incorporated by Rule 61D-10.001, Florida Administrative Code.~~

~~(b) Harness racing permitholders shall file Form DBPR 14-022, Intertrack Monthly Remittance Report for Harness Racing Permitholders, incorporated by Rule 61D-10.001, Florida Administrative Code.~~

~~(c) Quarter Horse racing permitholders shall file Form DBPR 14-023, Intertrack Monthly Remittance Report for Quarter Horse Racing Permitholders, incorporated by Rule 61D-10.001, Florida Administrative Code.~~

~~(d) Greyhound racing permitholders shall file Form DBPR 14-025, Intertrack Monthly Remittance Report for Greyhound Racing Permitholders, incorporated by Rule 61D-10.001, Florida Administrative Code.~~

~~(e) Jai alai permitholders shall file Form DBPR 14-026, Intertrack Monthly Remittance Report for Jai Alai Permitholders, incorporated by Rule 61D-10.001, Florida Administrative Code.~~

(3) through (7) 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, 9-19-04,\_\_\_\_\_.

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: Simone Marstiller, Secretary, Department of Business and Professional Regulation

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 14, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 9, 2005

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Division of Pari-Mutuel Wagering**

RULE TITLE: Incorporated and Approved Forms

RULE NO.: 61D-10.001

PURPOSE AND EFFECT: The purpose and effect of the proposed rule will be to implement and interpret Florida Statutes that relate to reporting of activities conducted at a pari-mutuel wagering facility.

SUMMARY: This proposed rule addresses renumbering and revisions to all forms utilized by the division in its rules regulating pari-mutuel wagering.

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: 120.80(4)(a), 550.01215(4), 550.0251(2), (3), (5), (6), 550.0351(8), 550.054(5), (8)(b), 550.105(1), (2)(c), (4)(b), (4)(d), (5),(9), 550.125(2)(b), (3)(a), 550.155(1), 550.1815(5), 550.2415(2), (3)(b), (5)(a), (5)(b), (6)(b), (8)(a), (8)(b), (8)(c), (8)(e), (9)(b), (9)(c), (13), 550.2614(4), 550.2625(2)(d), 550.3551(10), 550.495(2)(a), (4), 550.6305(5) FS.

LAW IMPLEMENTED: 120.633, 120.80, 550.01215, 550.0251, 550.0351, 550.054, 550.105, 550.125, 550.155, 550.1815, 550.2415, 550.2625, 550.354, 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, January 20, 2006

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

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

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 at (850)413-0750. If you are hearing or speech impaired, please contact the agency using the Florida Dual Party Relay System by calling (800)955-8770 (Voice) or (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 FULL TEXT OF THE PROPOSED RULE IS:

61D-10.001 Incorporated and Approved Forms.

The following is a list of all forms now incorporated which are to be used by the division in its dealing with the public and the racing industry. A copy of these forms 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 forms is the promulgation date of this rule.

<u>FORM NUMBER</u>	<u>SUBJECT</u>	<u>EFFECTIVE DATE</u>
(1) <u>DBPR PMW-3010</u>	<u>Permit Application</u>	( )
(2) <u>DBPR PMW-3030</u>	<u>Personal History Record</u>	( )
(3) <u>DBPR PMW-3040</u>	<u>Permit Transfer Application From One Existing Permitholder to Another Permitholder</u>	( )
(4) <u>DBPR PMW-3050</u>	<u>Veterinary Report of Medication</u>	( )
(5) <u>DBPR PMW-3060</u>	<u>Permitholder Application for Annual License and Operating Dates</u>	( )
(6) <u>DBPR PMW-3080</u>	<u>Permitholder Calendar</u>	( )
(7) <u>DBPR PMW-3090</u>	<u>Request for Stay</u>	( )
(8) <u>DBPR PMW-3100</u>	<u>Request for Appeal of Stewards'/Judges' Hearing</u>	( )
(9) <u>DBPR PMW-3110</u>	<u>Animal Owners Temporary License Application</u>	( )
(10) <u>DBPR PMW-3120</u>	<u>Individual Occupational License Application</u>	( )
(11) <u>DBPR PMW-3130</u>	<u>Business Occupational License Application</u>	( )
(12) <u>DBPR PMW-3170</u>	<u>License Upgrade Application</u>	( )
(13) <u>DBPR PMW-3180</u>	<u>Request for Waiver</u>	( )
(14) <u>DBPR PMW-3280</u>	<u>Veterinarian Report of Race-Day Salix Administration</u>	( )

(15) <u>DBPR PMW-3290</u>	<u>Notification to Stewards/Judges of Split Sample Request</u>	( )
(16) <u>DBPR PMW-3300</u>	<u>Bleeder's Certificate</u>	( )
(17) <u>DBPR PMW-3310</u>	<u>Request to Discontinue Salix</u>	( )
(18) <u>DBPR PMW-3330</u>	<u>Salix Certification Waiver</u>	( )
(19) <u>DBPR PMW-3360</u>	<u>Kennel Personnel Roster</u>	( )
(20) <u>DBPR PMW-3510</u>	<u>Report of Escheated Outs</u>	( )
(21) <u>DBPR PMW-3520</u>	<u>Notification of Pari-Mutuel Operations</u>	( )
(22) <u>DBPR PMW-3540</u>	<u>Statement of Proceeds for Charity Day Performance</u>	( )
(23) <u>DBPR PMW-3550</u>	<u>Charity Day Proceeds and Distribution</u>	( )
(24) <u>DBPR PMW-3560</u>	<u>Monthly Remittance Report On-Track</u>	( )
(25) <u>DBPR PMW-3570</u>	<u>Monthly Remittance Report Intertrack</u>	( )
(26) <u>DBPR PMW-3580</u>	<u>Report of System Event or Malfunction</u>	( )
(27) <u>DBPR PMW-3590</u>	<u>Notification of Interstate Broadcasting</u>	( )
(28) <u>DBPR PMW-3600</u>	<u>Notification of Intertrack Wagering</u>	( )
(29) <u>DBPR PMW-3610</u>	<u>Totalisator System Checklist</u>	( )
(30) <u>DBPR PMW-3620</u>	<u>Retired Jai Alai Players' Fund Distribution</u>	( )
(31) <u>DBPR PMW-3630</u>	<u>Tickets Purchased and Cashed by the Totalisator Company</u>	( )

<u>FORM NUMBER</u>	<u>SUBJECT</u>	<u>EFFECTIVE DATE</u>
BPR 10-002	<u>Permit Application</u>	(10-20-96)
BPR 10-003	<u>Personal History Record</u>	(10-20-96)
BPR 10-004	<u>Request for Release of Information and Authorization to Release Information</u>	(10-20-96)
BPR 10-011	<u>Permit Transfer Application From One Existing Permitholder to Another Permitholder</u>	(10-20-96)
BPR 13-005	<u>Notification of Split</u>	

BPR 14-001	Sample Request (12-15-97) Report of Escheated Outs (10-20-96)		Event or Malfunction/ Mutuel Manager Report of Totalisator
BPR 14-002	Report of Unpurchased Messenger Bets (10-20-96)	BPR 14-020	Malfunction or Event (10-20-96) Uniform Reporting System Prescribed for Pari-
BPR 14-003	Report of Uncashed Messenger Bet Winnings and Refunds (10-20-96)	BPR 14-021	Mutuel Permitholders (10-20-96) Proposed Recipients of Charity/Scholarship
BPR 14-004	Audit of Messenger Bet Receipt Books (10-20-96)		Performance Proceeds (10-20-96)
BPR 14-005	Notification of Pari Mutuel Operations (10-20-96)	BPR 14-022	Intertrack Monthly Remittance Report for Harness Racing
BPR 14-007	Horse Racing Purse Pool and Owners Award, Contributions and Payments (10-20-96)	BPR 14-023	Permitholders (10-20-96) Intertrack Monthly Remittance Report for Quarter Horse
BPR 14-007A	Supporting Schedule for Items 2 and 17 of Purse Pool Report (10-20-96)	BPR 14-024	Racing Permitholders (10-20-96) Intertrack Monthly Remittance Report for Thoroughbred Racing
BPR 14-007B	Supporting Schedule for Items 11 and 17 of Purse Pool Report (10-20-96)	BPR 14-025	Permitholders (10-20-96) Intertrack Monthly Remittance Report for Greyhound Racing
BPR 14-008	Statement of Proceeds for Charity/Scholarship Performance (10-20-96)	BPR 14-026	Permitholders (10-20-96) Intertrack Monthly Remittance Report for Jai Alai Permitholders (10-20-96)
BPR 14-009	Statement of Charity Day Distribution (10-20-96)	BPR 14-027	Surcharge Tax Monthly Remittance Report for Guest Permitholders (10-20-96)
BPR 14-010	Monthly Remittance Report for Thoroughbred Racing Permitholders (10-20-96)	BPR 14-028A	Notification of Interstate Broadcasting (10-20-96)
BPR 14-011	Monthly Remittance Report for Harness Racing Permitholders (10-20-96)	BPR 14-028B	Notification Regarding Commingled Pools (10-20-96)
BPR 14-012	Monthly Remittance Report for Quarter Horse Racing Permitholders (10-20-96)	BPR 14-029A	Notification of Intertrack Wagering (10-20-96)
BPR 14-013	Monthly Remittance Report for Greyhound Racing Permitholders (10-20-96)	BPR 14-029B	Notification of Separate Pools (10-20-96)
BPR 14-014	Monthly Remittance Report for Jai Alai Permitholders (10-20-96)	BPR 14-030	Totalisator System Checklist (10-20-96)
BPR 14-015	Distribution of Pari- Mutuel Handle (10-20-96)	BPR 14-031	Retired Jai Alai Players Accumulation and Distribution Fund (10-20-96)
BPR 14-016	Distribution of Intertrack Handle (10-20-96)	BPR 14-032	Option Selected for Interstate Wagers
BPR 14-019	Totalisator Operator Report of System		



	Excluded from Host Pools	(12-15-97)
BPR-14-034	Tickets Purchased and Cashed by the Totalisator Company	(12-15-97)
BPR-15-002	Veterinary Report of Medication	(10-20-96)
BPR-15-005	Veterinarian Report of Race Day Lasix Administration	(10-20-96)
BPR-15-006	Permitholder Application for Annual License and Operating Dates	(10-20-96)
BPR-15-010	Interim License	(12-15-97)
BPR-15-014	Notification to Stewards/Judges of Split Sample Request	(10-20-96)
BPR-15-015	Request for Stay and Waiver of Right to 14 Day Notice	(10-20-96)
BPR-15-016	Request for Appeal of Stewards'/Judges' Hearing	(10-20-96)
BPR-15-020	Bleeder's Certificate	(10-20-96)
BPR-15-022	Request for Waiver	(10-20-96)
BPR-15-024	Duplicate License Request	(10-20-96)
BPR-15-025	Request to Discontinue Lasix	(10-20-96)
BPR-15-026	Temporary License Agreement	(10-20-96)
BPR-15-027	Individual Occupational License Application	(10-20-96)
BPR-15-028	Business Occupational License Application	(10-20-96)
BPR-15-029	Pari-Mutuel Occupational License	(10-20-96)
BPR-15-033	Lasix Certification Waiver	(12-15-97)

Specific Authority 120.80(4)(a), 550.01215(4), 550.0251(2), (3), (5), (6), 550.0351(8), 550.054(5), (8)(b), 550.105(1), (2)(c), (4)(b), (4)(d), (5),(9), 550.125(2)(b), (3)(a), 550.155(1), 550.1815(5), 550.2415(2), (3)(b), (5)(a), (5)(b), (6)(b), (8)(a), (8)(b), (8)(c), (8)(e), (9)(b), (9)(c), (13), 550.2614(4), 550.2625(2)(d), 550.3551(10), 550.495(2)(a), (4), 550.6305(5) FS. Law Implemented 120.633, 120.80, 550.01215, 550.0251, 550.0351, 550.054, 550.105, 550.125, 550.155, 550.1815, 550.2415, 550.2625, 550.354, 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: Simone Marstiller, Secretary, Department of Business and Professional Regulation  
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 14, 2005  
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 9, 2005

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Division of Pari-Mutuel Wagering**

RULE TITLES:	RULE NOS.:
Cardroom Games	61D-11.002
Cardroom Operator License	61D-11.007
Cardroom Business Occupational License	61D-11.008
Cardroom Employee Occupational License	61D-11.009
Duties of Cardroom Operators	61D-11.012
Chips and Tokens	61D-11.015
Admissions Requirements	61D-11.017
Reporting Requirements to Determine Net Proceeds	61D-11.018

PURPOSE AND EFFECT: The purpose and effect of the proposed rule will be to implement and interpret Florida Statutes that relate to reporting on the operation of cardrooms by pari-mutuel permitholders who possess a cardroom license issued by the division.

SUMMARY: This proposed rule addresses amendments to the existing rules to conform with recent legislation allowing for the relocation of a cardroom in certain circumstances and for the rules to appropriately reference revised forms for reporting of cardroom 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(12), 849.086(4), (5), (6), (8), (11), (13) FS.

LAW IMPLEMENTED: 849.086 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, January 20, 2006

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

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

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 at (850)413-0750. If you are hearing or speech impaired, please contact the agency using the Florida Dual Party Relay System by calling (800)955-8770 (Voice) or (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 FULL TEXT OF THE PROPOSED RULES IS:

61D-11.002 Cardroom Games.

(1) Those games authorized by Section 849.086(2)(a), F.S., are the only games authorized for play at pari-mutuel facilities licensed to conduct cardroom operations. ~~In order to assure only authorized games are played, the division shall review and approve authorized games as follows:~~

~~(a) For each game of poker that a cardroom operator desires to conduct, it must submit BPR Form 16-001 to the division. The form shall include the name of the game of poker, the rules specifying how the game is to be played, the procedures for wagering during the conduct of the game, and the charge to each player for participating in the game. BPR Form 16-001 is adopted and incorporated by Rule 61D-12.001, F.A.C.~~

~~(b) All poker card games in Hoyle's Modern Encyclopedia of Card Games, by Walter B. Gibson, published by Doubleday and Company, Inc., April 1974 1st Edition hereinafter (Hoyle's) incorporated herein by reference, are authorized when played in a non-banking manner and shall be approved by the division. All other card games played in a non-banking manner in which the determination of the winner is based upon a traditional poker ranking system as referenced in Hoyle's shall be approved by the division.~~

~~(c) Any series of games of poker that are played for a single pot shall consist of poker games approved under this section. The cardroom operator shall clearly notify the participants of the number of games in the series that will be necessary to win the pot and the cardroom operator's participation fee that will be charged.~~

(2) through (b) No change.

Specific Authority 550.0251(12), 849.086(4) FS. Law Implemented 849.086 FS. History--New 1-7-97, Amended 5-9-04,\_\_\_\_\_.

61D-11.007 Cardroom Operator License.

(1) through (b) No change.

(c) The division shall transfer, without requirement of a referendum election, the cardroom license of any permit holder that relocated its permit pursuant to Section 550.0555, Florida Statutes.

(2) No change.

~~(3) Cardroom licenses are non-transferable.~~

(3)(4) Cardroom licenses shall be renewed annually in conjunction with annual applications for pari-mutuel licenses, provided the applicant requests, as part of the pari-mutuel annual license application, to conduct at least 90 percent of the total number of live performances conducted by such permit holder during either the state fiscal year in which its initial cardroom license was issued or the state fiscal year immediately prior thereto.

(4)(5) If a pari-mutuel permit holder amends its pari-mutuel license and such amended license does not satisfy the renewal application requirements required by this rule and Section 849.086(5), F.S., the cardroom license will become void upon the issuance of the amended pari-mutuel license.

(5)(6) An applicant for an annual cardroom license shall complete Form DBPR PMW-3160, Permit holder Application for Annual License to Operate a Cardroom, adopted and incorporated by Rule 61D-12.001, Florida Administrative Code, a cardroom license application, BPR Form 16-002, and BPR Form 16-003, and submit a fee of \$1,000.00 for the first card table and \$500.00 for each additional card table to be operated during the license period. For cardroom facilities at which more than one pari-mutuel permit is operated during a year, table fees for the facility may be paid by one or all of the permit holders. License fees are non-refundable. For the initial cardroom license application, in addition to the application and fees submitted, the applicant shall submit its written internal control system for approval by the division. No cardroom application shall be acted upon until the cardroom applicant's system of internal control has been approved by the division. If the cardroom operator elects to offer an authorized game that it did not include in its license application, it shall inform the division of the authorized game it will offer that was not included in its license application by filing Form DBPR PMW-3150, Notification of a Card Game, adopted and incorporated by Rule 61D-12.001, Florida Administrative Code. BPR Forms 16-002 and 16-003 are adopted and incorporated by Rule 61D-12.001, F.A.C.

(6)(7) No license application, amendment to an application, or amendment to request additional cardroom tables shall be effective until payment of applicable license fees have been received by the division and the division has issued a license or amended license to operate a cardroom.

Specific Authority 550.0251(12), 849.086(4), (5), (6) FS. Law Implemented 849.086 FS. History--New 1-7-97, Amended 5-9-04,\_\_\_\_\_.

61D-11.008 Cardroom Business Occupational License.

(1) through (6) No change.

(7) An applicant for an annual cardroom business occupational license shall complete Form DBPR PMW-3130, Business Occupational License Application, adopted and incorporated by Rule 61D-12.001, Florida Administrative Code, ~~a cardroom business occupational license application, BPR Form 16-004~~, and submit the \$250.00 fee for an annual cardroom business occupational license. ~~BPR Form 16-004 is adopted and incorporated by Rule 61D-12.001, F.A.C.~~

(8) No change.

Specific Authority 550.0251(12), 849.086(4), (5), (6) FS. Law Implemented 849.086 FS. History—New 1-7-97, Amended 5-9-04,\_\_\_\_\_.

61D-11.009 Cardroom Employee Occupational License.

(1)(a) Applicants for cardroom licensing for positions providing food service, maintenance and security, who do not hold a current pari-mutuel wagering occupational license, shall be required to submit Form DBPR PMW-3120, Individual Occupational License Application, adopted and incorporated by Rule 61D-12.001, Florida Administrative Code, ~~a pari-mutuel wagering occupational license application, BPR Form 15-027~~, and apply for a pari-mutuel wagering occupational license. ~~BPR Form 15-027 is adopted and incorporated by Rule 61D-10.001, F.A.C.~~

(b) No change.

(2) All applicants for a new or renewal of a cardroom employee occupational license, shall complete Form DBPR PMW-3120, Individual Occupational License Application, adopted and incorporated by Rule 61D-12.001, Florida Administrative Code, ~~a cardroom employee occupational license application, BPR Form 16-005~~, and submit \$50.00 for the cardroom employee occupational license. In addition to the annual license fee, each applicant shall pay a Florida Department of Law Enforcement fingerprint processing and criminal record check fee as follows:

(a) through (b) No change.

~~(c) BPR Form 16-005 is adopted and incorporated by Rule 61D-12.001, F.A.C.~~

(3) No change.

(4) All occupational and fingerprint fees are nonrefundable, except in situations where the applicant was charged in error.

(5) Request for Waiver shall be made on Form DBPR PMW-3180, Request for Waiver, adopted and incorporated by Rule 61D-12.001, Florida Administrative Code.

~~(6)(4)~~ Prior to transferring a current pari-mutuel wagering occupational licensee, who will be performing food service, maintenance, security duties in the cardroom, mutuel teller or pari-mutuel management, the cardroom operator must notify the division Chief Inspector, and upgrade his or her license on Form DBPR PMW-3170, License Upgrade Application,

adopted and incorporated by Rule 61D-12.001, Florida Administrative Code BPR Form 16-011. BPR Form 16-011 is adopted and incorporated by Rule 61D-12.001, F.A.C.

~~(7)(5)~~ Cardroom employee occupational licenses shall expire June 30th of every year.

~~(8)(6)~~ Cardroom employees shall have their pari-mutuel wagering or cardroom employee occupational license in their possession at all times while on duty in the cardroom.

Specific Authority 550.0251(12), 849.086(4), (5), (6) FS. Law Implemented 849.086 FS. History—New 1-7-97, Amended 5-9-04,\_\_\_\_\_.

61D-11.012 Duties of Cardroom Operators.

(1) through (2) No change.

(3) Cardroom operators shall provide a weekly list of persons whose employment with the cardroom operator has been terminated, resigned or abandoned. A cardroom operator who terminates a cardroom employee or a pari-mutuel wagering employee who works in the cardroom, shall notify the division of said termination on the weekly payroll listing submitted to the division.

(4) As part of the initial license application, the cardroom operator shall provide a listing of all distributors and cardroom management companies that are providing products or services to the cardroom. The division shall be notified in writing on Form DBPR PMW-3220, Notice of Change of Cardroom Business Occupational Licensees Providing Products and Services to a Cardroom, adopted and incorporated by Rule 61D-12.001, Florida Administrative Code, ~~BPR Form 16-006~~, of any change in companies providing said services within 10 days of such change. ~~BPR Form 16-006 is adopted and incorporated by Rule 61D-12.001, F.A.C.~~

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

(b) The cardroom operator will document any discrepancies in the reconciliation of the imprest trays or bank on Form DBPR PMW-3650, Cardroom Daily Control Sheet, adopted and incorporated by Rule 61D-12.001, Florida Administrative Code ~~the Cardroom Daily Control Sheet, BPR Form 16-009. BPR Form 16-009 is adopted and incorporated by Rule 61D-12.001, F.A.C.~~

(11) through (13) No change.

Specific Authority 550.0251(12), 849.086(4) FS. Law Implemented 849.086 FS. History—New 1-7-97, Amended 5-9-04,\_\_\_\_\_.

61D-11.015 Chips and Tokens.

(1) through (2) No change.

(3) All Daily control sheets. Form BPR 16-009, of all chips and tokens issued from storage shall be maintained with a record of the date, time, table to which they were issued, the denomination(s), and total value on Form DBPR PMW-3650, Cardroom Daily Control Sheet, adopted and incorporated by Rule 61D-12.001, Florida Administrative Code.

(4) through (c) No change.

Specific Authority 550.0251(12), 849.086(4), (8) FS. Law Implemented 849.086 FS. History—New 1-7-97, Amended\_\_\_\_\_.

61D-11.017 Admissions Requirements.

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

(4) Each cardroom operator shall record cardroom admissions similarly to regular admission to the facility and shall file with the division a report of the admission information on BPR Form 16-007. Any cardroom operator that wishes to charge admission fees shall notify the division in writing at least 2 working days prior to the effective date of such change via facsimile.

(5) Each licensed cardroom operator shall file a sample of each type of cardroom admission ticket with other required documentation for Form DBPR PMW-3520, Notification of Pari-Mutuel Operations, adopted and incorporated by Rule 61D-10.001, Florida Administrative Code BPR Form 16-007. Such samples shall include one copy of each type of non-promotional taxable pass issued by the cardroom operator, as well as one copy of each type of tax-exempt pass.

Specific Authority 550.0251(12), 849.086(4), (11), (13) FS. Law Implemented 849.086 FS. History—New 1-7-97, Amended \_\_\_\_\_.

61D-11.018 Reporting Requirements to Determine Net Proceeds.

(1) through (2) No change.

(3) Every licensed cardroom operator shall file Form DBPR PMW-3640, Cardroom Monthly Remittance Report, and Form DBPR PMW-3650, Cardroom Daily Control Sheet, both adopted and incorporated by Rule 61D-12.001, Florida Administrative Code, BPR Forms 16-008, 16-009 and 16-010 with the division by the fifth day of each calendar month for the preceding calendar month's cardroom activity.

Specific Authority 550.0251(12), 849.086(4), (11), (13) FS. Law Implemented 849.086 FS. History—New 1-7-97, Amended \_\_\_\_\_.

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: Simone Marstiller, Secretary, Department of Business and Professional Regulation

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 14, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 9, 2005

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Division of Pari-Mutuel Wagering**

RULE TITLE:

Incorporated and Approved Forms

RULE NO.:

61D-12.001

PURPOSE AND EFFECT: The purpose and effect of the proposed rule will be to implement and interpret Florida Statutes that relate to reporting of activities conducted in licensed cardrooms operated by a pari-mutuel wagering permitholder.

SUMMARY: This proposed rule addresses renumbering and revisions to all forms utilized by the division in its rules regulating cardroom activities.

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(12), 849.086(4), (5), (6), (7), (9), (11), (13), (16), (17) FS.

LAW IMPLEMENTED: 849.086 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, January 20, 2006

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

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

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 at (850)413-0750. If you are hearing or speech impaired, please contact the agency using the Florida Dual Party Relay System by calling (800)955-8770 (Voice) or (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 FULL TEXT OF THE PROPOSED RULE IS:

61D-12.001 Incorporated and Approved Forms.

The following is a list of all forms now incorporated which are to be used by the Division in its dealing with the cardroom operators and licensees who conduct cardroom gaming. A copy of these forms 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 forms is the promulgation date of this rule.

FORM NUMBER	SUBJECT	EFFECTIVE DATE
(1) DBPR PMW-3120	<u>Individual Occupational License Application</u>	( )
(2) DBPR PMW-3130	<u>Business Occupational License Application</u>	( )
(3) DBPR PMW-3150	<u>Notification of a Card Game</u>	( )
(4) DBPR PMW-3160	<u>Permitholder Application for Annual License to Operate a Cardroom</u>	( )
(5) DBPR PMW-3170	<u>License Upgrade Application</u>	( )
(6) DBPR PMW-3180	<u>Request for Waiver</u>	( )
(7) DBPR PMW-3220	<u>Notice of Change of Cardroom Business Occupational Licensees Providing Products and Services to a Cardroom</u>	( )
(8) DBPR PMW-3640	<u>Cardroom Monthly Remittance Report</u>	( )
(9) DBPR PMW-3650	<u>Cardroom Daily Control Sheet</u>	( )

FORM NUMBER	SUBJECT	EFFECTIVE DATE
BPR 16-001	<u>Request for Approval of a Card Game</u>	(1-7-97)
BPR 16-002	<u>Permitholder Application for Annual License to Operate a Cardroom</u>	(1-7-97)
BPR 16-003	<u>Cardroom Dates and Periods of Operation</u>	(1-7-97)
BPR 16-004	<u>Cardroom Business Occupational License Application</u>	(1-7-97)
BPR 16-005	<u>Cardroom Employee Occupational License Application</u>	(1-7-97)
BPR 16-006	<u>Notice of Change of Cardroom Business Occupational Licensees Providing Products and Services to a Cardroom</u>	(1-7-97)
BPR 16-007	<u>Cardroom Daily Attendance Report</u>	(1-7-97)
BPR 16-008	<u>Monthly Remittance Report of Cardroom Operations</u>	(1-7-97)
BPR 16-009	<u>Cardroom Daily Control Sheet</u>	(1-7-97)
BPR 16-010	<u>Schedule of Additions/ Withdrawals to Cardroom Cash</u>	(1-7-97)
BPR 16-011	<u>Pari-Mutuel Occupational Licensee Transfer to Cardroom</u>	(1-7-97)

Specific Authority 550.0251(12), 849.086(4), (5), (6), (7), (9), (11), (13), (16), (17) FS. Law Implemented 849.086 FS. History—New 1-7-97, Amended \_\_\_\_\_.

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: Simone Marsteller, Secretary, Department of Business and Professional Regulation  
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 14, 2005  
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 9, 2005

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Construction Industry Licensing Board**

RULE TITLE: Time for Compliance with Final Order  
 RULE NO.: 61G4-12.008

PURPOSE AND EFFECT: The Board proposes to delete a circumstance when probation may be tolled.

SUMMARY: The proposed amendment deletes language with regard to a licensee leaving the practice of contracting for thirty (30) days or more, as it relates to the tolling of probation.  
 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 cost regulatory alternative must do so in writing within 21 days of this Notice.

SPECIFIC AUTHORITY: 455.227(2), 489.108 FS.  
 LAW IMPLEMENTED: 455.227(2), 489.129(2), (6) FS.  
 IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE NEXT AVAILABLE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Tim Vaccaro, Executive Director, Construction Industry Licensing Board, Northwood Centre, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

- 61G4-12.008 Time for Compliance with Final Order.
- (1) through (4) No change.
- (5) In cases where the Board imposes probation for violation of Chapter 455 or Part I of Chapter 489, F.S., or of the rules promulgated thereunder, the following conditions shall apply:
  - (a) through (d) No change.
  - (e) Should the licensee's licensure to practice contracting be suspended or otherwise placed on inactive status, ~~or if the licensee leaves the practice of contracting for thirty (30) days or more,~~ the probation period shall be tolled and shall resume

running at the time the licensee reactivates the license or returns to the active practice of contracting, and the licensee shall then serve the time remaining in the term of probation.

(f) No change.

Specific Authority 455.227(2), 489.108 FS. Law Implemented 455.227(2), 489.129(2), (6) FS. History—New 1-6-80, Amended 12-19-82, Formerly 21E-12.08, Amended 5-29-90, 7-21-92, Formerly 21E-12.008, Amended 8-21-95, 11-25-97, 7-17-01,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Construction Industry Licensing Board

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Construction Industry Licensing Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 11, 2005

DATE NOTICED OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 23, 2005

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Construction Industry Licensing Board**

RULE TITLE: Qualification for Certification RULE NO.: 61G4-15.001

PURPOSE AND EFFECT: The Board proposes to add an additional category of person who can verify experience.

SUMMARY: The proposed rule amendment will allow registered Florida contractors to verify active experience for applicants.

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 cost regulatory alternative must do so in writing within 21 days of this Notice.

SPECIFIC AUTHORITY: 489.111 FS.

LAW IMPLEMENTED: 489.111 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Tim Vaccaro, Executive Director, Construction Industry Licensing Board, Northwood Centre, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G4-15.001 Qualification for Certification.

(1)(a) An applicant for certification must, as a precondition thereto, submit proof that he meets the eligibility requirements set forth in Section 489.111(2)(c), F.S., for the

particular category in which he seeks to qualify. An applicant who seeks to meet the educational standard set forth in Section 489.111(2)(c)1., 2., or 3., F.S., must direct the college, university, junior college, or community college which he attended to submit proof to the Department that the applicant received the requisite amount of education. Active experience in the category in which the applicant seeks to qualify shall be verified by affidavits prepared or signed by a state certified or registered Florida contractor, or an architect or engineer, in the applicant’s category, who is licensed in good standing or a licensed building official, who is active in the applicant’s category, employed by a political subdivision of any state, territory or possession of the United States who is responsible for inspections of construction improvements, listing chronologically the active experience in the trade, including the name and address of employers and dates of employment (which may be corroborated by investigation by the Board). Said affidavit shall be subscribed to in front of a notary.

(b) No change.

(2) through (5) No change.

Specific Authority 489.111 FS. Law Implemented 489.111 FS. History—New 1-6-80, Amended 12-16-80, 6-30-82, 4-11-83, Formerly 21E-15.01, Amended 12-11-90, 8-21-91, 4-16-92, Formerly 21E-15.001, Amended 7-18-94, 12-16-01, 2-6-03, 6-23-04,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Construction Industry Licensing Board

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Construction Industry Licensing Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 11, 2005

DATE NOTICED OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 23, 2005

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Veterinary Medicine**

RULE TITLE: Licensure by Endorsement RULE NO.: 61G18-14.002

PURPOSE AND EFFECT: The Board proposes the rule amendments to update the required licensure examinations necessary for licensure by endorsement.

SUMMARY: The proposed rule amendments establish specifically the requirements for the national veterinary examination and clinical competency test, and set forth passing scores and their criteria.

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: 474.206 FS.

LAW IMPLEMENTED: 474.217 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Juanita Chastain, Executive Director, Board of Veterinary Medicine, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G18-14.002 Licensure by Endorsement.

(1) through (2) No change.

(3) For purposes of Section 474.217(1)(a), Florida Statutes, in order for another state's licensure requirements to be considered substantially similar to, equivalent to, or more stringent than the requirements of Chapter 474, Florida Statutes, the other state as of the date the application for endorsement is received by the Board, must require the following:

(a) National Board Examination with a passing score on the National Board Examination of Veterinary Medicine equivalent to or higher than 1.0 standard deviation below the mean score. The mean score and standard deviation are statistically arrived at on the basis of the performance of the criterion population taking the examination on the common testing date. The criterion population is defined as candidates from American Veterinary Medical Association accredited schools or colleges of veterinary medicine in the United States and Canada who are taking the National Board Examination for the first time. For applicants that have taken the National Board Examination (NBE) after December 1, 1992, a passing score on the NBE shall be a scaled score of four hundred twenty-five (425) on a scale ranging from two hundred (200) to eight hundred (800). National Board Examination and Clinical Competency Test with scores equal to those required in Rule 61G18-11.002, F.A.C., notwithstanding the time limits specified in said rule; and

(b) The Clinical Competency Test with a passing score on the Clinical Competency Test portion equivalent to or higher than the mean score minus 1.0 standard deviation below the mean score or converted score which is four hundred (400) statistically arrived at on the basis of the performance of the national candidate population taking the Clinical Competency Test on that testing date, the common testing date. The candidate population is defined as candidates, who are graduates of American Veterinary Medical Association accredited schools or colleges of veterinary medicine who graduated the year in which they are taking the Clinical Competency Test and are taking it for the first time. For applicants taking the Clinical Competency Test (CCT) after

December 1, 1992, a passing score on the CCT shall be a scaled score of four hundred twenty-five (425) on a scale ranging from two hundred (200) to eight hundred.

~~(c)(b)~~ No change.

~~(d)(e)~~ No change.

Specific Authority 474.206 FS. Law Implemented 474.217 FS. History--New 10-13-85, Formerly 21X-14.02, Amended 11-2-88, 4-30-89, 7-6-92, Formerly 21X-14.002, Amended 5-17-94, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Veterinary Medicine

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 1, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 10, 2005

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Veterinary Medicine**

RULE TITLE: Continuing Education Standards  
RULE NO.: 61G18-16.003

PURPOSE AND EFFECT: The Board proposes the rule amendments to require continuing education provider registration and fees, and also to set continuing education course expiration dates.

SUMMARY: The proposed rule amendments require continuing education providers to register with the Board, beginning May 31, 2006, and pay a registration fee of \$200, to be renewed every other even numbered year. The rule amendments also provide for continuing education course expiration after four (4) years.

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: 474.206, 474.211 FS.

LAW IMPLEMENTED: 474.211 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Juanita Chastain, Executive Director, Board of Veterinary Medicine, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G18-16.003 Continuing Education Standards.

(1) through (3) No change.

(4) Beginning on May 31, 2006, each provider, unless exempted by rule, shall be registered with the Board. The fee for such registration shall be \$200 and such registration must be renewed by May 31 of every other even numbered year.

(5) Course approval shall expire four (4) years from the date of approval. Continuing education providers shall reapply for approval of any course that has expired by complying with Rule 61G18-16.0035, F.A.C.

Specific Authority 474.206, 474.211 FS. Law Implemented 474.211 FS. History--New 12-10-81, Amended 8-15-84, 5-7-85, Formerly 21X-16.03, Amended 10-14-86, 3-26-90, Formerly 21X-16.003, Amended 8-18-94, 2-6-95, 7-4-95, 12-30-97, 7-13-04,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Veterinary Medicine  
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Veterinary Medicine  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 1, 2005  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 15, 2005

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Building Code Administrators and Inspectors Board**

RULE TITLE: Voluntary Certification Categories  
RULE NO.: 61G19-6.016  
PURPOSE AND EFFECT: The Board proposes the rule amendment to remove language no longer necessary.  
SUMMARY: The proposed rule amendment deletes the requirement for specialty licenses to have standard certification.  
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: 468.606, 468.609(10) FS.

LAW IMPLEMENTED: 468.609(10) FS.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

61G19-6.016 Voluntary Certification Categories.

The following voluntary certification categories are created.

~~All specialty licenses require a standard certification.~~

(1) through (6) No change.

Specific Authority 468.606, 468.609(10) FS. Law Implemented 468.609(10) FS. History--New 7-5-95, Amended 7-7-96, 8-6-97, 6-25-98, 12-28-00, 2-28-02, 4-7-03, 9-3-03,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Building Code Administrators and Inspectors Board  
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Building Code Administrators and Inspectors Board  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 14, 2005  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 2, 2005

**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 Dentistry**

RULE TITLE: Continuing Education Requirements  
RULE NO.: 64B5-12.013  
PURPOSE AND EFFECT: The Board proposes the amendment to the rule removing conflicting language and adding new language clarifying continuing education requirements.  
SUMMARY: The amendment to the rule removes conflicting language and adds new language clarifying continuing education requirements.  
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: 456.013(8), 456.031, 466.004(4), 466.0135, 466.014, 466.017 FS.

LAW IMPLEMENTED: 456.013(8), 456.031, 466.0135, 466.014, 466.017, 466.028(1)(i),(bb) FS.

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

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 32399-3258

THE FULL TEXT OF THE PROPOSED RULE IS:



64B5-12.013 Continuing Education Requirements.

(1) Dentists shall complete 30 hours of continuing professional education during each license renewal biennium as a condition of license renewal. No more and no less than one hour shall consist of training in domestic violence as required by Section 456.031, F.S., and described in subsection 64B5-12.019(8), F.A.C. In addition to the 30 hours required herein, each licensed dentist shall complete the training in Cardiopulmonary resuscitation (CPR) required in subsection 64B5-12.020(1), F.A.C.

(2) Dental hygienists shall complete 24 hours of continuing professional education which shall include no more or no less than one hour of training in domestic violence every other biennium as required by Section 456.031, F.S. and as described in subsection 64B5-12.019(8), F.A.C., as a condition of license renewal. In addition, during each license renewal biennium licensed dental hygienists shall complete training in cardiopulmonary resuscitation (CPR) at the basic support level, which results in certification or recertification in CPR by the American Heart Association, the American Red Cross or an entity with equivalent requirements. ~~In addition to the 24 hours required herein, each dental hygienist shall complete no more and no less than one hour of training in domestic violence as required by Section 456.031, F.S., and described in subsection 64B5-12.019(8), F.A.C.~~

(3) through (6) No change.

Specific Authority 456.013(8), 456.031, 466.004(4), 466.0135, 466.014, 466.017(3), (4) FS. Law Implemented 456.013(8), 456.031, 466.0135, 466.014, 466.017(3), (5), 466.028(1)(i), (bb) FS. History—New 4-2-86, Amended 12-31-86, 4-26-87, 7-20-87, 9-16-87, 11-18-89, 7-9-90, Formerly 21G-12.013, Amended 5-19-94, 7-18-94, Formerly 61F5-12.013, Amended 11-15-95, 4-8-96, Formerly 59Q-12.013, Amended 2-17-98, 2-15-99, 3-11-99, 11-9-00, 5-20-01, 8-25-03, 5-31-04, 7-13-05,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Dentistry

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

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 14, 2005

**DEPARTMENT OF HEALTH**

**Board of Dentistry**

<b>RULE TITLES:</b>	<b>RULE NOS.:</b>
Application Fees for General Anesthesia, Pediatric Conscious Sedation, and Conscious Sedation Permits	64B5-15.017
Initial Permit Fees for General Anesthesia, Pediatric Conscious Sedation, and Conscious Sedation Permits	64B5-15.018
Renewal Fees for General Anesthesia, Pediatric Conscious Sedation, and Conscious Sedation Permits	64B5-15.019

PURPOSE AND EFFECT: The Board proposes the rule amendments to remove the word “parenteral” from its language in these rules to conform to the language in other rules.

SUMMARY: The amendment to the rules will remove the term “parenteral” from the title and text.

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: 466.004, 466.017 FS.

LAW IMPLEMENTED: 466.017 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE ANNOUNCED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

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 32399-3258

THE FULL TEXT OF THE PROPOSED RULE IS:

64B5-15.017 Application Fees for General Anesthesia, Pediatric Conscious Sedation, and ~~Parenteral~~ Conscious Sedation Permits.

(1) No change.

(2) The application fee for a ~~Parenteral~~ Conscious Sedation Permit shall be \$100.

(3) through (4) No change.

Specific Authority 466.004, 466.017 FS. Law Implemented 466.017 FS. History—New 11-16-89, Formerly 21G-15.017, 61F5-15.017, 59Q-15.017, Amended 9-9-98,\_\_\_\_\_.

64B5-15.018 Initial Permit Fees for General Anesthesia, Pediatric Conscious Sedation, and ~~Parenteral~~ Conscious Sedation Permits.

(1) No change.

(2) The initial fee for a ~~Parenteral~~ Conscious Sedation Permit shall be \$200.

(3) through (4) No change.

Specific Authority 466.004, 466.017 FS. Law Implemented 466.017 FS. History—New 11-16-89, Formerly 21G-15.018, 61F5-15.018, 59Q-15.018, Amended 9-9-98,\_\_\_\_\_.

64B5-15.019 Renewal Fees for General Anesthesia, Pediatric Conscious Sedation, and ~~Parenteral~~ Conscious Sedation Permits.

(1) No change.

(2) The biennial renewal fee for a ~~Parenteral~~ Conscious Sedation Permit shall be \$200.

(3) through (4) No change.

Specific Authority 466.004, 466.017 FS. Law Implemented 466.017 FS. History—New 11-16-89, Formerly 21G-15.019, 61F5-15.019, 59Q-15.019, Amended 9-9-98, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Dentistry

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

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 14, 2005

**DEPARTMENT OF HEALTH**

**Board of Massage Therapy**

RULE TITLE: Colonic Irrigation

RULE NO.: 64B7-31.001

PURPOSE AND EFFECT: To require licensees resuming practice from retired status to pass an examination on colonic irrigation prior to practicing colonic irrigation.

SUMMARY: Include retired status licensee in the rule.

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: 480.035(7), 480.041(4), 456.036 FS.

LAW IMPLEMENTED: 480.032, 480.033, 480.041(4), 456.036 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Pamela E. King, Executive Director, Board of Massage Therapy, 4052 Bald Cypress Way, Bin C06, Tallahassee, Florida 32399

THE FULL TEXT OF THE PROPOSED RULE IS:

64B7-31.001 Colonic Irrigation

(1) through (3) No change.

(4) Any licensed massage therapist whose license has been in an inactive or retired status for more than two consecutive biennial licensure cycles shall be required to successfully complete and pass the colonic irrigation examination administered by the Department prior to resuming the practice of colonic irrigation.

(5) No change.

Specific Authority 480.035(7), 480.041(4), 456.036 FS. Law Implemented 480.032, 480.033, 480.041(4), 456.036 FS. History—New 12-18-84, Formerly 21L-31.01, Amended 1-30-90, 2-13-91, Formerly 21L-31.001, 61G11-31.001, Amended 1-26-00, 5-5-04, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Massage Therapy

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 28, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 23, 2005

**DEPARTMENT OF HEALTH**

**Board of Massage Therapy**

RULE TITLE: Standards for Transfer of Credit

RULE NO.: 64B7-32.004

PURPOSE AND EFFECT: To designate which schools may transfer credit.

SUMMARY: The rule designates acceptable schools for transfer credit purposes.

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: 480.035(7) FS.

LAW IMPLEMENTED: 480.033(9), 480.041(1)(b) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Pamela E. King, Executive Director, Board of Massage Therapy, 4052 Bald Cypress Way, Bin C06, Tallahassee, Florida 32399

THE FULL TEXT OF THE PROPOSED RULE IS:

64B7-32.004 Standards for Transfer of Credit.

Hours credited through transfer credit will not be recognized by the Board unless the following transfer standards are met:

(1) The school shall be provided with a certified transcript from a school licensed by the Department of Education pursuant to Chapter 1005, F.S., or the equivalent licensing authority for another county, state, or country, or be within the public school system of the State of Florida ~~or approved according to subsection 64B7-32.003(1), F.A.C., above.~~

(2) through (3) No change.

Specific Authority 480.035(7) FS. Law Implemented 480.033(9), 480.041(1)(b) FS. History—New 3-25-86, Formerly 21L-32.004, Amended 9-30-93, Formerly 61G11-32.004, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Massage Therapy  
NAME OF SUPERVISOR OR PERSON WHO APPROVED  
THE PROPOSED RULE: Board of Massage Therapy  
DATE PROPOSED RULE APPROVED BY AGENCY  
HEAD: October 28, 2005  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT  
PUBLISHED IN FAW: November 23, 2005

**DEPARTMENT OF HEALTH**

**Board of Medicine**

RULE TITLE: Fees  
PURPOSE AND EFFECT: The proposed rule amendment is intended to set forth the fee for those seeking initial retired license status.

RULE NO.: 64B8-41.001

SUMMARY: The proposed rule amendment implements a fee of \$50.00 for initial retired license status.

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: 456.036(3), (13), 468.507, 468.508 FS.

LAW IMPLEMENTED: 456.013, 456.036(4)(b), 456.065, 468.508 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Susan Love, Executive Director, Dietetics and Nutrition Practice Council, 4052 Bald Cypress Way, Bin # C05, Tallahassee, Florida 32399-3255

THE FULL TEXT OF THE PROPOSED RULE IS:

64B8-41.001 Fees.

(1) through (4) No change.

(5) The initial retired license fee shall be \$50.00.

(5) through (10) renumbered (6) through (11) No change.

Specific Authority 456.036(3), (13), 468.507, 468.508 FS. Law Implemented 456.013, 456.036(4)(b), 456.065, 468.508 FS. History--New 4-9-89, Amended 8-28-90, 11-9-90, Formerly 21M-47.001, Amended 9-21-93, 11-4-93, 1-3-94, Formerly 61F6-47.001, Amended 12-28-94, 5-2-95, Formerly 59R-41.001, Amended 11-24-97, 6-22-99, 8-19-99, 9-26-01, 7-22-02, 8-18-02, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Dietetics and Nutrition Practice Council

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

DATE PROPOSED RULE APPROVED BY AGENCY  
HEAD: December 3, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT  
PUBLISHED IN FAW: October 21, 2005

**DEPARTMENT OF HEALTH**

**Board of Physical Therapy Practice**

RULE TITLE: Duplicate License or Wall Certificate Fees  
RULE NO.: 64B17-2.006

PURPOSE AND EFFECT: The Board proposes the rule amendment to delete rule language no longer necessary.

SUMMARY: The proposed rule amendment removes the reference to wall certificate and to wall certificate fees.

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: 456.025(2), (7), 486.025 FS.

LAW IMPLEMENTED: 456.025(2), (7), FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Susan K. Love, Executive Director, Board of Physical Therapy Practice/MQA, 4052 Bald Cypress Way, Bin # C05, Tallahassee, Florida 32399-3255

THE FULL TEXT OF THE PROPOSED RULE IS:

64B17-2.006 Duplicate License ~~or Wall Certificate~~ Fees.

~~(1) If a licensee wishes to request that the Board provide a duplicate license, the Board will issue the duplicate if the request is in writing and accompanied by a payment of \$25.~~

~~(2) If a licensee wants a wall certificate, the Board will issue the certificate upon receipt of a written request and payment of a \$25 fee.~~

Specific Authority 456.025(2), (7), 486.025 FS. Law Implemented 456.025(2), (7) FS. History--New 10-14-91, Amended 1-1-92, Formerly 21MM-2.006, 61F11-2.006, 59Y-2.006, Amended 5-8-00, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Physical Therapy Practice

NAME OF SUPERVISOR OR PERSON WHO APPROVED  
THE PROPOSED RULE: Board of Physical Therapy Practice

DATE PROPOSED RULE APPROVED BY AGENCY  
HEAD: August 5, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT  
PUBLISHED IN FAW: October 21, 2005

**DEPARTMENT OF HEALTH**

**Board of Physical Therapy Practice**

RULE TITLES:	RULE NOS.:
Licensure as a Physical Therapist by Examination	64B17-3.001
Licensure Examination Subjects and Passing Score; Additional Requirements After Third Failure; Florida Jurisprudence Examination	64B17-3.002
Licensure by Endorsement	64B17-3.003

**PURPOSE AND EFFECT:** The Board proposes the rule amendments to update the requirements for passing scores on the English as a foreign language examination.

**SUMMARY:** The proposed rule amendments set forth the scores needed on the licensure examination English as a Foreign Language (TOEFL).

**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:** 456.017, 486.025, 486.031(3) FS. 486.051 486.081 FS.

**LAW IMPLEMENTED:** 456.017, 486.051, 486.081 FS.

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

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS:** Susan K. Love, Executive Director, Board of Physical Therapy Practice/MQA, 4052 Bald Cypress Way, Bin # C05, Tallahassee, Florida 32399-3255

**THE FULL TEXT OF THE PROPOSED RULES IS:**

64B17-3.001 Licensure as a Physical Therapist by Examination.

Every physical therapist who applies for licensure by examination shall satisfy and demonstrate to the Board that the applicant:

- (1) through (4) No change.
- (5) Has attained and submitted to the Board the following:
  - (a) A minimum of 75 professional education credits with no deficiencies in the required content sections or areas as delineated in the FSBPT coursework evaluation tool.
  - (b) A minimum of 60 general education credits with no deficiencies in the required content sections or areas as delineated in the FSBPT coursework evaluation tool.

(c) ~~Until and including December 31, 2006, e~~Evidence of successful completion of a Board approved English proficiency examination if English was not the language of instruction as evidenced by a minimum score of 220 on the

computer based test or 560 on the paper test version of the Test of English as a Foreign Language (TOEFL) and 4.5 on the test of written English (TWE) and 50 on the test of spoken English (TSE).

(d) Effective January 1, 2007, evidence of successful completion of a Board approved English proficiency examination if English was not the language of instruction as evidenced by a minimum total score of 89 of the TOEFL as well as accompanying minimum scores in the test's four components of: 24 in writing; 26 in speaking; 18 in reading comprehension; and, 21 in listening comprehension.

~~(e)~~(d) No change.

~~(f)~~(e) No change.

Specific Authority 486.025(1), 486.031(3) FS. Law Implemented 456.017, 486.031, 486.051 FS. History--New 8-6-84, Amended 6-2-85, Formerly 21M-7.20, Amended 5-18-86, Formerly 21M-7.020, 21MM-3.001, Amended 3-1-94, Formerly 61F11-3.001, Amended 12-22-94, 4-10-96, Formerly 59Y-3.001, Amended 12-30-98, 1-23-03,\_\_\_\_\_.

64B17-3.002 Licensure Examination Subjects and Passing Score; Additional Requirements After Third Failure; Florida Jurisprudence Examination.

(1) The licensure examination ~~for physical therapy~~ shall be the National Physical Therapy Examination for Physical Therapists developed by the Federation of State Boards of Physical Therapy.

(2) through (3) No change.

(4) All applicants for licensure including those licensed by endorsement under Rule 64B17-3.003, F.A.C., are required to take and pass the Florida Jurisprudence Examination developed by the Federation of State Boards of Physical Therapy.

(a) The Florida Jurisprudence Examination has 40 scored questions and the content and approximate weights are:

- 1. through 5. No change.
- 6. Consumer Advocacy 12.5%. In order to achieve a passing score on the examination, an applicant must obtain a score equal to or greater than the scaled score ~~of 600~~ based upon a passing score study conducted by the Federation of State Boards of Physical Therapy.

~~(b)~~ No change.

~~2. Any applicant who fails the examination shall not be eligible for reexamination until 60 days following the previous examination administration.~~

Specific Authority 456.017, 486.025, 486.051 FS. Law Implemented 456.017, 486.051 FS. History--New 8-6-84, Formerly 21M-7.22, Amended 3-16-88, 6-20-89, Formerly 21M-7.022, Amended 6-6-90, 6-3-92, 3-24-93, Formerly 21MM-3.002, 61F11-3.002, Amended 12-22-94, Formerly 59Y-3.002, Amended 2-14-02, 4-23-02, 12-5-04,\_\_\_\_\_.

64B17-3.003 Licensure by Endorsement.

An applicant demonstrating that he or she meets the requirements of Rule 64B17-3.001, F.A.C., may be licensed to practice physical therapy by endorsement by presenting evidence satisfactory to the Board that the applicant has active licensure in another jurisdiction and has passed an examination

before a similar, lawful, authorized examining board in physical therapy in such other jurisdiction if their standards for licensure are as high as those maintained in Florida. The standard for determining whether the standards of another jurisdiction are as high as the standards in Florida shall be whether the written examination taken for licensure in such other jurisdiction by applicants meeting Florida's minimum educational qualifications was through the national physical therapy examination provider certified by the Department. An applicant who has failed to pass the National Physical Therapy Examination for Physical Therapists ~~national physical therapy examination~~ by or on the fifth attempt, regardless of the jurisdiction through which the examination was taken, is precluded from licensure.

Specific Authority 486.025, 486.081 FS. Law Implemented 486.081 FS. History—New 8-6-84, Formerly 21M-7.26, Amended 5-18-86, Formerly 21M-7.026, 21MM-3.004, 61F11-3.004, 59Y-3.004, Amended 4-21-02, 11-11-02, 11-1-04, 12-5-04,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Physical Therapy Practice  
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Physical Therapy Practice  
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 5, 2005  
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 21, 2005

**DEPARTMENT OF HEALTH**

**Board of Physical Therapy Practice**

RULE TITLES:	RULE NOS.:
Licensure as a Physical Therapist Assistant by Examination	64B17-4.001
Licensure Examination Subjects and Passing Score; Additional Requirements After Third Failure; Florida Jurisprudence Examination	64B17-4.002
Licensure by Endorsement	64B17-4.003

PURPOSE AND EFFECT: The Board proposes the rule amendment to update the requirements for passing scores on the English as a foreign language examination.

SUMMARY: The proposed rule amendments set forth the scores needed on the licensure examination English as a Foreign Language (TOEFL).

**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: 456.017, 486.025, 486.031(3), 486.051 486.081 FS.

LAW IMPLEMENTED: 456.017, 486.031, 486.051, 486.081 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Susan K. Love, Executive Director, Board of Physical Therapy Practice/MQA, 4052 Bald Cypress Way, Bin # C05, Tallahassee, Florida 32399-3255

**THE FULL TEXT OF THE PROPOSED RULES IS:**

64B17-4.001 Licensure as a Physical Therapist Assistant by Examination.

Every physical therapist assistant who applies for licensure by examination shall satisfy and demonstrate to the Board that the applicant:

- (1) through (4) No change.
- (5) Has attained and submitted to the Board the following:

(a) Until and including December 31, 2006, evidence of successful completion of a Board approved English proficiency examination if English was not the language of instruction as evidenced by a minimum score of 220 on the computer based test or 560 on the paper test version of the Test of English as a Foreign Language (TOEFL) and 4.5 on the test of written English (TWE) and 50 on the test of spoken English (TSE).

(b) Effective January 1, 2007, evidence of successful completion of a Board approved English proficiency examination if English was not the language of instruction as evidenced by a minimum total score of 89 of the TOEFL as well as accompanying minimum scores in the test's four components of: 24 in writing, 26 in speaking, 18 in reading comprehension, and 21 in listening comprehension.

~~(c)~~(b) No change.

~~(d)~~(e) No change.

Specific Authority 486.025, 486.102 FS. Law Implemented 456.017, 486.102(3), 486.104 FS. History—New 8-6-84, Amended 6-2-85, Formerly 21M-10.20, Amended 5-18-86, Formerly 21M-10.020, 21MM-4.001, Amended 3-1-94, Formerly 61F11-4.001, Amended 12-22-94, 4-10-96, Formerly 59Y-4.001, Amended 1-23-03,\_\_\_\_\_.

64B17-4.002 Licensure Examination Subjects and Passing Score; Additional Requirements After Third Failure; Florida Jurisprudence Examination.

(1) The licensure examination ~~for physical therapist assistants~~ shall be the National Physical Therapy Examination for Physical Therapists Assistants developed by the Federation of State Boards of Physical Therapy.

(2) In order to achieve a passing score on the examination, an applicant must obtain a score equal to or greater than the scaled score ~~of 600~~ recommended by the Federation of State Boards of Physical Therapy.

(3) No change.

(4) All applicants for licensure including those licensed by endorsement under Rule 64B17-4.003, F.A.C., are required to take and pass the Florida Jurisprudence Examination developed by the Federation of State Boards of Physical Therapy.

(a) The Florida Jurisprudence Examination has 40 scored questions and the content and approximate weights are:

1. through 5. No change.

6. Consumer Advocacy 12.5%. In order to achieve a passing score on the examination, an applicant must obtain a score equal to or greater than the scaled score of ~~600~~ based upon a passing score study conducted by the Federation of State Boards of Physical Therapy.

(b) ~~1.~~ No change.

~~2. Any applicant who fails the examination shall not be eligible for reexamination until 60 days following the previous examination administration.~~

Specific Authority 456.017(1)(b), 486.025, 486.104 FS. Law Implemented 456.017, 486.104 FS. History—New 8-6-84, Formerly 21M-10.22, Amended 4-12-87, 3-16-88, 6-20-89, Formerly 21M-10.022, Amended 6-3-92, 3-24-93, Formerly 21MM-4.002, 61F11-4.002, Amended 12-22-94, Formerly 59Y-4.002, Amended 2-14-02, 4-23-02, 12-5-04, \_\_\_\_\_.

**64B17-4.003 Licensure by Endorsement.**

An applicant demonstrating that he or she is licensed in another state may be licensed to practice as a physical therapist assistant by endorsement by presenting evidence of active licensure in another jurisdiction, under oath, and evidence satisfactory to the Board that the applicant from such other jurisdiction has been licensed under standards for licensure as high as those maintained in Florida. The standard for determining whether those requirements are as high as those in Florida shall be whether the applicant was required to meet educational standards equivalent to those set forth in subsection 64B17-4.001(3), F.A.C., and whether the written examination taken for licensure in such other jurisdiction was through the designated national physical therapist assistants examination provider certified by the Department. An applicant who has failed to pass the National Physical Therapy Examination for Physical Therapists Assistants ~~national physical therapy examination~~ by or on the fifth attempt, regardless of the jurisdiction through which the examination was taken, is precluded from licensure.

Specific Authority 486.025, 486.107(1) FS. Law Implemented 486.107(1) FS. History—New 8-6-84, Formerly 21M-10.26, Amended 5-18-86, Formerly 21M-10.026, 21MM-4.004, 61F11-4.004, 59Y-4.004, Amended 7-11-02, 11-11-02, 12-5-04, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Physical Therapy Practice

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Physical Therapy Practice  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 5, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 21, 2005

**DEPARTMENT OF HEALTH**

**Board of Physical Therapy Practice**

RULE TITLE: Disciplinary Guidelines

RULE NO.: 64B17-7.001

PURPOSE AND EFFECT: The Board proposes the rule amendments to add certain requirements to final orders imposing discipline and to add a violation and penalty for failing to complete an impaired practitioner program.

SUMMARY: The proposed rule amendments allow the Board to consider requiring a licensee or applicant to attend board meetings, perform community service, and take prescribed continuing education courses and/or take the applicable jurisprudence examination. Also added, is a violation and penalty for failing to complete an impaired practitioner program.

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: 456.072, 456.079, 486.025 FS.

LAW IMPLEMENTED: 456.072, 456.073, 456.079, 486.125 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Susan K. Love, Executive Director, Board of Physical Therapy Practice/MQA, 4052 Bald Cypress Way, Bin # C05, Tallahassee, Florida 32399-3255

**THE FULL TEXT OF THE PROPOSED RULE IS:**

**64B17-7.001 Disciplinary Guidelines.**

(1) When the Board finds that an applicant or licensee whom it regulates has violated the below-listed provisions, it shall issue a final order imposing appropriate penalties, for each count, as set forth in Section 456.072(2), F.S., within the ranges recommended in the following disciplinary guidelines. As part of a final order imposing appropriate penalties, the board shall consider requiring an applicant or licensee to attend board meetings, perform community service, take described continuing education courses, or take and pass the applicable jurisprudence examination. The identification of offenses are descriptive only; the full language of each statutory provision cited must be considered in order to determine the conduct included. For all persons subject to this rule, probation may include specific compliance conditions and conditions of probation may be required following any period of suspension of license. For applicants, all offenses listed herein are sufficient for refusal to certify an application for licensure. If the Board makes a finding of pecuniary benefit or self-gain

related to the violation, then the Board shall require refund of fees billed and collected from the patient or a third party on behalf of the patient. In addition to any other discipline imposed, the Board shall assess the actual costs related to the investigation and prosecution of a case. In addition to or in lieu of any guideline penalties provided herein, if the violation is for fraud or making a false or fraudulent representation, the Board shall impose a fine of \$10,000 per count or offense.

(a) through (z) No change.

(aa) Section 456.076(gg), F.S.: Being terminated from or failing to successfully complete an impaired practitioners treatment program – from a minimum of suspension to revocation, pending appearance before the board and demonstrated compliance with the impaired practitioners consultant.

(2) No change.

Specific Authority 456.072, 456.079, 486.025 FS. Law Implemented 456.072, 456.073, 456.079, 486.125 FS. History–New 2-10-87, Formerly 21M-9.023, Amended 8-2-90, 10-14-91, 12-6-92, 3-24-93, Formerly 21MM-7.002, 61F11-7.002, 59Y-7.002, Amended 1-8-98, 8-3-00, 1-2-03,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Physical Therapy Practice

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Physical Therapy Practice  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 5, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 21, 2005

**DEPARTMENT OF HEALTH**

**Board of Physical Therapy Practice**

RULE TITLE: Continuing Education  
RULE NO.: 64B17-9.001

PURPOSE AND EFFECT: The Board proposes the rule amendments to delete outdated addresses.

SUMMARY: The proposed rule amendments remove the addresses for the American Physical Therapy Association and the Florida Physical Therapy Association.

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: 486.025 FS.

LAW IMPLEMENTED: 456.013(6), 486.109(2) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Susan K. Love, Executive Director, Board of Physical Therapy Practice/MQA, 4052 Bald Cypress Way, Bin # C05, Tallahassee, Florida 32399-3255

THE FULL TEXT OF THE PROPOSED RULE IS:

64B17-9.001 Continuing Education.

(1) through (5) No change.

(6) The Board approves for continuing education credit:

(a) No change.

(b) Courses sponsored by the American Physical Therapy Association or any of its components, ~~1111 North Fairfax Street, Alexandria, Virginia 22314~~, or;

(c) Courses approved by the Florida Physical Therapy Association, ~~1705 South Gadsden Street, Tallahassee, Florida 32301~~, so long as they meet the criteria set forth in subsection 64B17-9.001(3), F.A.C.

(d) through (e) No change.

(7) through (8) No change.

Specific Authority 486.025 FS. Law Implemented 456.013(6), 486.109(2) FS. History–New 4-6-92, Formerly 21MM-9.001, Amended 3-7-94, Formerly 61F11-9.001, Amended 12-5-95, Formerly 59Y-9.001, Amended 2-14-02, 4-21-02, 1-2-03, 6-28-04,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Physical Therapy Practice

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Physical Therapy Practice  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 5, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 21, 2005

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Division of Law Enforcement**

RULE TITLES: Management Provisions  
RULE NOS.: 68D-24.003

Suwannee and Santa Fe River Boating Restricted Areas 68D-24.020

PURPOSE AND EFFECT: Drawings are provided in each rule. The drawings are only intended to provide information to assist the boat operator in locating the boating restricted areas depicted in the respective rules. The drawings are not necessarily to scale and should not be relied on for navigational purposes. Nevertheless, some boat operators attempt to navigate their vessels by relying on these drawings rather than on traditional nautical charts. Subsection 68D-24.003(3), F.A.C., will be amended to explicitly state that the drawings are not to scale and should not be used for navigation purposes. This amendment will not affect the size of or restriction within any boating restricted area. For each area, the text of the

applicable rule is controlling and dispositive of the exact location of the boundaries of that particular boating restricted area.

Annual spring rains routinely cause the Suwannee and Sante Fe Rivers to rise. This condition creates an immediate danger to vessels transiting the area. Objects previously well above the water and objects previously on dry land become wholly or partially submerged and create hazards to navigation. These objects include without limitation: waterway markers, bollards and piles, docks and wharves, electrical and telephone wires, utility poles, trees and stumps, fences, dwellings, boat houses, and sheds. The turbulent and muddy waters cause boats to allide dangerously upon submerged objects without warning. Restricting operation to steerageway speed will mitigate the dangers and damages associated with such allisions. Limiting vessel operation to speeds no greater than Idle Speed No Wake is necessary to allow vessels additional opportunity to assess the situation and to avoid dangers.

Vessel operation at speeds greater than Idle Speed No Wake also endangers persons in or near the river. Floodwaters submerge accustomed footpaths and handholds. These submerged areas could cause persons to slip and fall, perhaps into the river. Under these circumstances, there is a substantial likelihood of injury or death.

There is general concurrence from Hamilton, Suwannee, Lafayette, Madison, Gilchrist, Dixie, and Columbia Counties, the Florida Fish and Wildlife Conservation Commission Field Office in Lake City, Florida, the Boating and Waterways Section, the United States Coast Guard, United States Army Corps of Engineers and the Suwannee River Water Management District to proceed with this rulemaking.

SUMMARY: Amend by expanding the existing Idle Speed No Wake zone along the Suwannee and Sante Fe Rivers: Along the Suwannee River from Ellaville south to Luraville, then south to Little River and on to Rock Bluff and from Rock Bluff southerly to Fowler Bluff; From the confluence of the Suwannee and Sante Fe Rivers continuing upstream along the Sante Fe River to O'Leno State Park and Three Rivers Estates.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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: 327.04, 327.46 FS.

LAW IMPLEMENTED: 327.46 FS.

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

TIME AND DATES: 8:00 a.m. – 5:00 p.m., February 1-2, 2006

PLACE: Florida Fish and Wildlife Conservation Commission, The Hilton Hotel, 1714 S. W. 34th Street, Gainesville, Florida 32607

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to attend this hearing is asked to advise the agency at least 48 hours before the meeting by contacting: Agency ADA Coordinator, (850)488-6411. If you are hearing or speech impaired, please contact the agency by calling (800)955-8771 (TDD) or (850)488-9542, within the Tallahassee area.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Captain Alan Richard, Assistant General Counsel, Florida Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399, (850)487-1764

THE FULL TEXT OF THE PROPOSED RULES IS:

68D-24.003 Management Provisions.

(1) through (2) No change.

(3) The drawings provided in this chapter are intended to provide information to assist the boat operator in locating the boating restricted areas depicted. The drawings are not to scale and should not be used for navigation purposes. The text of these rules is controlling and dispositive of the exact location of the boundaries of each boating restricted area.

(4) No change.

Specific Authority 327.04, 327.46 FS. Law Implemented 327.46 FS. History—New 8-30-83, Formerly 16N-24.03, Amended 6-14-93, Formerly 16N-24.003, 62N-24.003, Amended 6-12-00,\_\_\_\_\_.

68D-24.020 Suwannee and Santa Fe River Restricted Areas.

(1) For the purpose of regulating the speed and operation of vessel traffic, the Suwannee and Santa Fe River Boating Restricted Areas are established as follows:

(+) Idle Speed No Wake Zones—

(a) All waters in and adjacent to the Suwannee River from the centerline of the U.S. 90 Bridge at Ellaville south to the centerline of the S. R. 51 Bridge at Luraville, in effect when the Suwannee River level is 47 feet (MSL) or higher as indicated on the Ellaville gauge, as depicted in Drawing A. ~~Suwannee River All waters in and adjacent to the Suwannee River, from shoreline to shoreline, bounded on the north by a line drawn perpendicular to the centerline of the river at the north end of the fender system of the U.S. 27 Bridge at Branford and bounded on the south by a line drawn perpendicular to the centerline of the river 300 feet south of the boat ramp at Fowler's Bluff.~~

(b) All waters in and adjacent to the Suwannee River from the centerline of the S. R. 51 Bridge at Luraville to a line drawn perpendicular to the centerline of the Suwannee River at Little River Spring, in effect when the Suwannee River level is 26 feet (MSL) or higher as indicated on the Branford gauge, as



~~depicted in Drawing B. Santa Fe River — All waters in and adjacent to the Santa Fe River, from shoreline to shoreline, bounded on the North by a line drawn perpendicular to the centerline of the river at the north end of the fender system of the U.S. 27 Bridge near High Springs and bounded on the south by the Suwannee River.~~

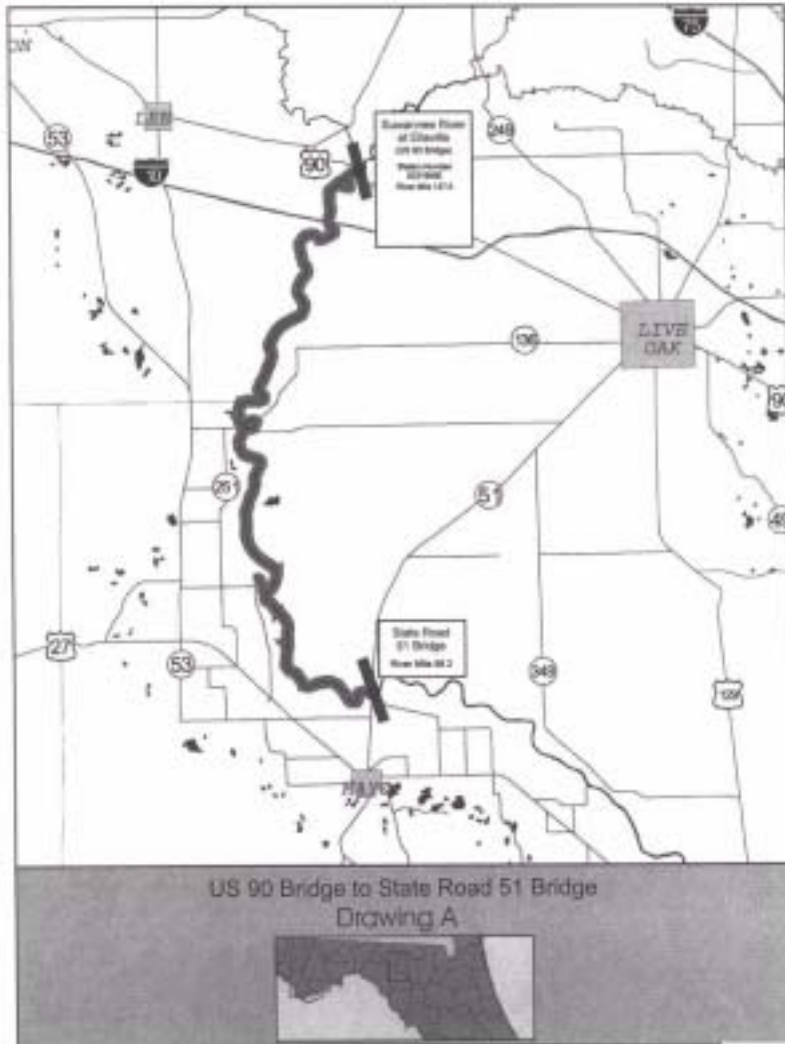
(c) All waters in and adjacent to the Suwannee River from a line drawn perpendicular to the centerline of the Suwannee River at Little River Spring to the centerline of the C. R. 340 Bridge at Rock Bluff, in effect when the Suwannee River level is 24 feet (MSL) or higher as indicated on the Branford gauge, as depicted in Drawing C.

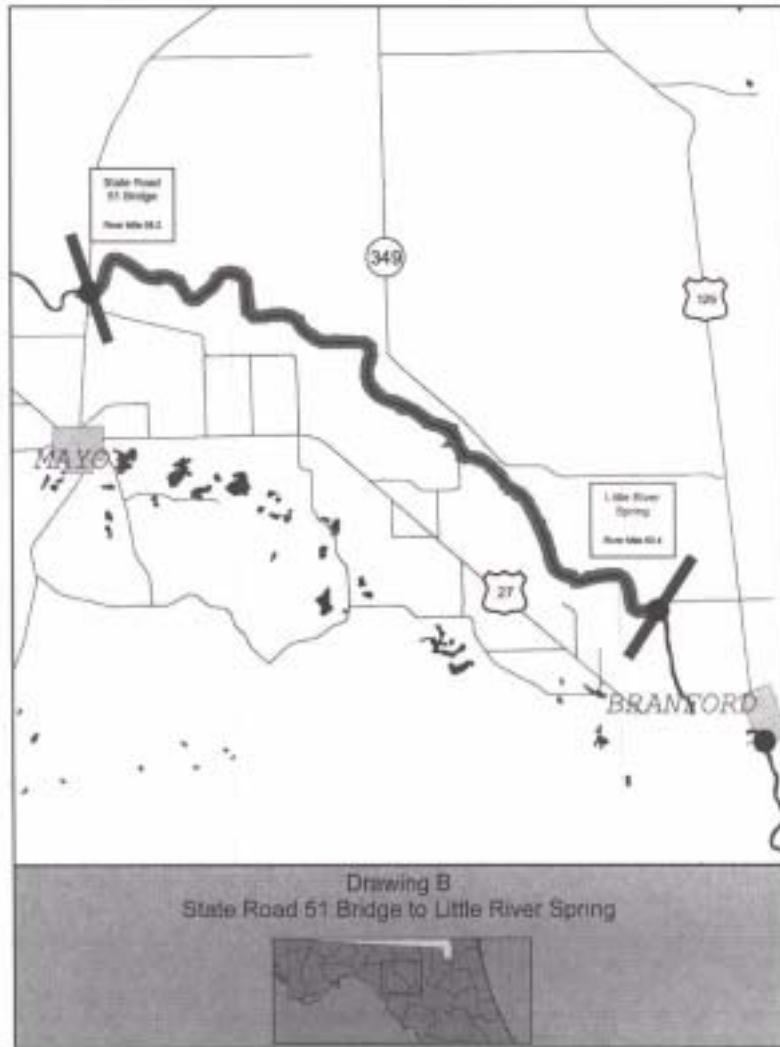
(d) All waters in and adjacent to the Suwannee River from the centerline of the C. R. 340 Bridge at Rock Bluff to a line drawn perpendicular to the centerline of the Suwannee River one mile south of the Fowler Bluff Boat Ramp when the Suwannee River level is 9 feet (MSL) or higher as indicated on the Wilcox gauge, as depicted in Drawing D.

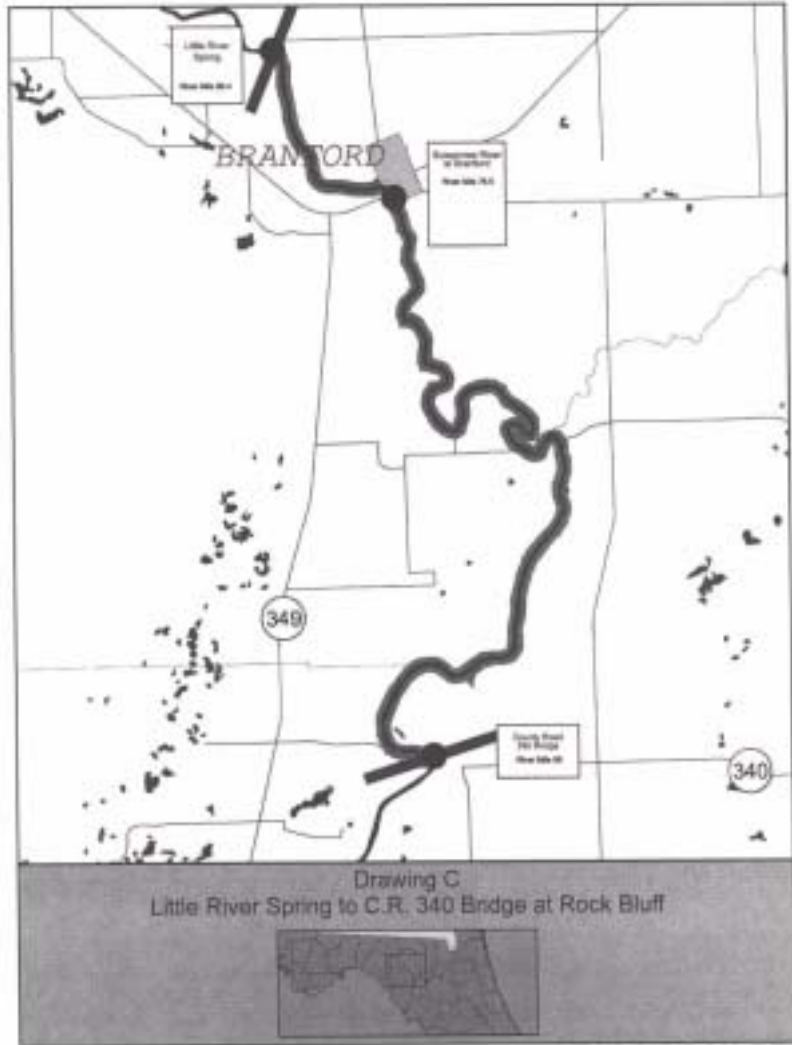
(e) All waters in and adjacent to the Sante Fe River from a line drawn perpendicular to the centerline of the Sante Fe River at River Rise in O'Leno State Park westerly to the confluence of the Suwannee and Sante Fe River, in effect when the Sante Fe River is 17 feet (MSL) or higher as indicated on the Three Rivers Estates gauge, as depicted in Drawing E.

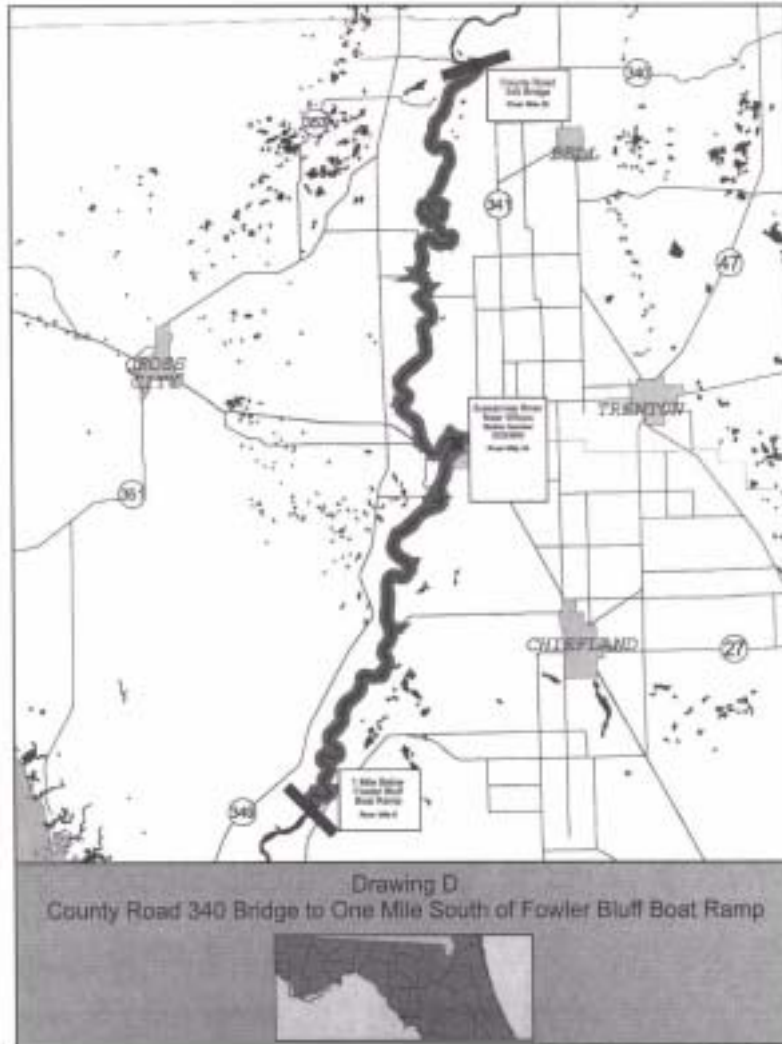
(2) When in Effect – The boating restricted areas established in section (1) shall be active and enforceable only when the water levels are as specified in each paragraph. For purposes of this rule, all referenced river levels are in feet above mean sea level (MSL), 1929 National Geodetic Vertical Datum level of the Suwannee River measured at Branford, Florida, is at 26 feet above sea level (3 feet below flood stage) or higher.

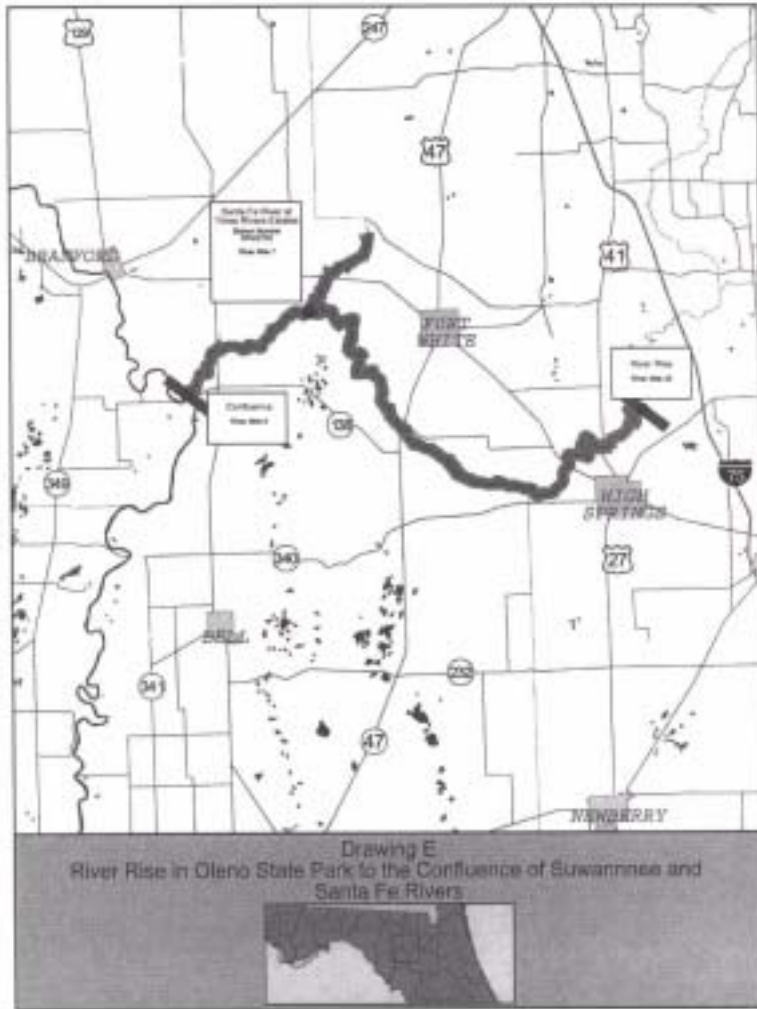
(3) The boating restricted areas described in Rule 68D-24.020, F.A.C. are depicted in the following drawings:











Specific Authority ~~120.54(9)~~; 327.04, 327.46 FS. Law Implemented 327.46 FS. History–New 5-3-94, Formerly 16N-24.020, 62N-24.020, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Ms. Tara Alford, Management Analyst, Boating and Waterways Section, Division of Law Enforcement, (850)410-0656, extension 17169, Florida Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Colonel Julie Jones, Director, Division of Law Enforcement, Florida Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 16, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 10, 2005

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

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

**Division of Marketing and Development**

RULE CHAPTER NO.:	RULE CHAPTER TITLE:
5H-25	Certification of Agriculture Education and Promotion Facility
RULE NOS.:	RULE TITLES:
5H-25.001	Application
5H-25.002	Certification of an Agriculture Education and Promotion Facility Pursuant to Sections 120.536(1) and 120.54, F.S.
5H-25.003	Evaluation and Ranking
5H-25.004	Submission

**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. 39, September 30, 2005, issue of the Florida Administrative Weekly.

When adapted the full text will read as follows:

5H-25.001 Application.

Upon the adoption of the proposed rule, Form DACS-06114 entitled, Agriculture Education and Promotion Facility Request for Funding, shall be required by the Department of Agriculture and Consumer Services as procedure according to Section 120.55 (1)(a)4., F.S. The application is incorporated by reference and may be obtained by contacting the Construction Project Consultant I, Division of Marketing and Development,

Bureau of State Farmers’ Markets, 407 S. Calhoun Street, Tallahassee, Florida 32399-0800, phone: (850)921-1992, Fax: (850)488-9006.

Specific Authority 288.1175(2) FS. Law Implemented 288.1175 FS. History–New \_\_\_\_\_.

5H-25.002 Certification of an Agriculture Education and Promotion Facility Pursuant to Sections 120.536(1) and 120.54, F.S.

The Department will apply the following criteria:

(1) Applications for funding must be received by the Department of Agriculture and Consumer Services by close of business on October 1 of each year in order to be eligible to be certified, evaluated and ranked for submission to the Legislature. All required information must be sent by certified or registered mail, or any other delivery service which will require a signature, and received by the deadline.

(2) An eligible unit of local government must have the authority to issue General Obligation or Revenue Bonds, which includes power to levy special assessments bonds (as defined in Section 218.369, F.S.). A fair association must meet the definition as in Section 616.001(9), F.S.

(3) Applicants must demonstrate that the agriculture education and promotion facility shall serve more than 25,000 visitors annually.

(4) Applicant shall submit a certified copy of the resolution of support and evidence of a public hearing that the proposed facility serves a public purpose.

(5) Documentation must be provided to verify the required 40% matching amount by copy of a resolution, budget item, permit waiver(s), in-kind services or cash donation(s). If the applicant is using the value of the land, or any improvements to the land as part or all of the matching requirement, this must be documented by providing a copy of a certified appraisal, tax assessors report or copies of paid invoices for land improvements.

(6) In order to be evaluated and ranked, an application must be certified as an Agriculture Education and Promotion Facility.

Specific Authority 288.1175(4) FS. Law Implemented 288.1175 FS. History–New \_\_\_\_\_.

5H-25.003 Evaluation and Ranking.

The following criteria shall be used to competitively rank the certified project applications with priority given in descending order using only as many of the criteria as necessary to produce the ranked list:

(1) Construction of a new facility will be ranked higher than renovations to an existing facility.

(2) Matching percentage shall be calculated by dividing the local contribution by the requested amount, times 100.

(3) Applicants must submit documentation that certifies that the project facility is located in a brownfield site as defined in Section 376.79(3), F.S., a rural enterprise zone as defined in