

Section II
Proposed Rules

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

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 Occupational Therapy

RULE TITLES: Duplicate License Fee
Applicants Seeking Reentry
RULE NOS.: 64B11-2.010
64B11-2.012

PURPOSE AND EFFECT: The Board proposes this rule amendment to delete the language regarding the purchase of a wall certificate and offer only the purchase of a duplicate license; the Board proposes to clarify the rule language to specify that the continuing education be in hours, not units.

SUMMARY: Wall certificates will no longer be available for purchase; the rule language regarding continuing education credit is clarified to specify hours, not units.

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: 456.025(2),(7), 468.204, 468.209 FS.

LAW IMPLEMENTED: 456.025(2),(7), 468.209(5) FS.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

64B11-2.010 Wall Certificate and Duplicate License Fee.

(1) Licensees licensed prior to July 1, 1998 may obtain wall certificates by submitting a written request to the Board along with a \$25.00 fee.

(2) Licensees may obtain a duplicate wall certificate by submitting a written request to the Board along with a \$25.00 fee.

(3) Licensees may obtain a duplicate licenses for replacement of a lost or destroyed license by submitting a written request to the Board along with a \$25.00 fee.

Specific Authority 456.025(2),(7); 468.204 FS. Law Implemented 456.025(2),(7) FS. History--New 6-3-92, Formerly 21M-13.014, 61F6-13.014, 59R-61.014, Amended 9-23-99.

64B11-2.012 Applicants Seeking Reentry.

An applicant seeking reentry into the profession who has not been in active practice within the last five years must submit to the Board documentation of 50 occupational therapy continuing education hours units, 12 of which may be home study, taken within the year prior to licensure.

Specific Authority 468.204, 468.209 FS. Law Implemented 468.209(5) FS. History--New 10-29-02, Amended

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

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 15, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 16, 2005

DEPARTMENT OF HEALTH

Board of Occupational Therapy

RULE TITLES: Duplicate License Fee
Applicants Seeking Reentry
RULE NOS.: 64B11-3.008
64B11-3.009

PURPOSE AND EFFECT: The Board proposes this rule amendment to delete the language regarding the purchase of a wall certificate and offer only the purchase of a duplicate license; the Board proposes to clarify the rule language to specify that the continuing education be in hours, not units.

SUMMARY: Wall certificates will no longer be available for purchase; the rule language regarding continuing education credit is clarified to specify hours, not units.

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: 456.025(2),(7), 468.204, 468.209 FS.

LAW IMPLEMENTED: 456.025(2),(7), 468.209(5) FS.

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

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

THE FULL TEXT OF THE PROPOSED RULES IS:

64B11-3.008 Duplicate License Fee.

~~(1) Licensees licensed prior to July 1, 1998 may obtain wall certificates by submitting a written request to the Board along with a \$25.00 fee.~~

~~(2) Licensees may obtain a duplicate wall certificate by submitting a written request to the Board along with a \$25.00 fee.~~

~~(3) Licensees may obtain a duplicate license by submitting a written request to the Board along with a \$25.00 fee.~~

Specific Authority 456.025(2),(7), 468.204 FS. Law Implemented 456.025(2),(7) FS. History—New 8-8-00, Amended \_\_\_\_\_.

64B11-3.009 Applicants Seeking Reentry.

An applicant seeking reentry into the profession who has not been in active practice within the last five years must submit to the Board documentation of 50 occupation therapy continuing education ~~hours~~ units, 12 of which may be home study, taken within a year prior to licensure.

Specific Authority 468.204, 468.209 FS. Law Implemented 468.209(5) FS. History—New 10-29-02, Amended \_\_\_\_\_.

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

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 15, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 16, 2005

**DEPARTMENT OF HEALTH**

**Board of Occupational Therapy**

RULE TITLE: Standards of Practice; Discipline

RULE NO.: 64B11-4.003

PURPOSE AND EFFECT: The Board proposes to add a new disciplinary guideline to address the addition of new Section 456.072(1)(gg), F.S. (2005).

SUMMARY: The rule adds a new disciplinary guideline to address a violation of Section 456.072(1)(gg), F.S.

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: 456.079, 468.204 FS.

LAW IMPLEMENTED: 456.072, 456.079, 468.217 FS.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

64B11-4.003 Standards of Practice; Discipline.

(1) No change.

(2) Among the range of punishments including any and all in Section 456.072(2), F.S., in increasing severity are:

(a) Letter of concern and a minimum administrative fine of \$100, remedial education, and/or refund of fees billed.

(b) Probation with conditions to include limitations on the type of practice or practice setting, requirement of supervision by a licensee of the Board, employer and self reports, periodic appearances before the Board, counseling or participation in the Professionals Resource Physician's Recovery Network (PRN), payment of administrative fines, and such conditions to assure protection of the public.

(c) Suspension for a minimum of ninety days and thereafter until the licensee appears before the Board to demonstrate current competency and ability to practice safely and compliance with any previous Board orders.

(d) Denial of licensure with conditions to be met prior to any reapplication.

(e) Permanent Revocation, with limited ability to reapply.

(3) No change.

(4) Violations and Range of Penalties. In imposing discipline upon applicants and licensees, in proceedings pursuant to Sections 120.57(1) and (2), F.S., the Board shall act in accordance with the following disciplinary guidelines and shall impose a penalty within the range corresponding to the violations set forth below. The verbal identification of offenses are descriptive only; the full language of each statutory provision cited must be consulted in order to determine the conduct included. For applicants, any and all offenses listed herein are sufficient for refusal to certify an application for licensure. In addition to the penalty imposed, the Board shall recover the costs of investigation and prosecution of the case. Additionally, 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. However, if the violation is not through an error but is for making a false or fraudulent representation, the fine is increased to \$10,000 per count or offense.

(a) through (hh) No change.

(ii) Failing to finish PRN treatment program or failing without just cause to comply with PRN contract

First Offense  
456.072(1)(gg) F.S.

Suspension until compliant with program; up to Suspension until compliant with program, followed by up to 5 years probation with conditions.

Second or Subsequent Offense

Up to \$2000.00 fine. Suspension until compliant with program followed by up to five years probation with conditions, or revocation.

(5) through (7) No change.

Specific Authority 456.079, 468.204 FS. Law Implemented 456.072, 456.079, 468.217 FS. History--New 9-12-88, Amended 11-9-92, Formerly 21M-15.002, 61F6-15.002, 59R-63.002, Amended 1-27-00, 12-27-01,\_\_\_\_\_.

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

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 15, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 16, 2005

**DEPARTMENT OF HEALTH**  
**Board of Occupational Therapy**

RULE TITLE: Retired Status and Reactivation of Retired Status License; Fees

RULE NO.: 64B11-5.004

PURPOSE AND EFFECT: The Board proposes to promulgate this rule to address reactivation of retired status licenses in order to implement Section 456.036, F.S., 2005.

SUMMARY: The rule sets forth the requirements for reactivation of a retired status license.

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: 456.036 FS.

LAW IMPLEMENTED: 456.036 FS.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

64B11-5.004 Retired Status and Reactivation of Retired Status License; Fees.

(1) A licensee may place an active or inactive license in retired status at any time. If the license is placed in retired status at the time of renewal the licensee shall pay the retired status fee of \$50.00. If the license is placed in retired status at any time other than at the time of license renewal the licensee shall pay the change of status processing fee of \$50.00 and the retired status fee of \$50.00.

(2) A licensee may reactivate a retired status license at any time, subject to meeting the following requirements:

(a) Paying the reactivation fee, which shall be the same amount as the renewal fee for an active status licensee under these rules for each biennial licensure period in which the licensee was in retired status;

(b) Demonstrating satisfaction of the continuing education requirements of Rule 64B11-5.001, F.A.C., for each licensure biennial period in which the licensee was in retired status.

Specific Authority 456.036 FS. Law Implemented 456.036 FS. History--New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Occupational Therapy Practice  
NAME OF SUPERVISOR OR PERSON WHO APPROVED  
THE PROPOSED RULE: Board of Occupational Therapy  
Practice  
DATE PROPOSED RULE APPROVED BY AGENCY  
HEAD: August 15, 2005  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT  
PUBLISHED IN FAW: September 16, 2005

**DEPARTMENT OF HEALTH**  
**Division of Environmental Health**

RULE TITLE: Emergency Medical Technician  
PURPOSE AND EFFECT: The Department of Health has determined that it is necessary to amend the rule relating to the certification of Emergency Medical Technicians.  
SUMMARY: Members of the military are deemed to have satisfied the criteria for certification provided that they have a notarized certification and are assigned to a Florida training 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 cost regulatory alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 381.0011, 381.0034, 381.0035, 401.23, 401.27, 401.35 FS.

LAW IMPLEMENTED: 381.001, 401.23, 401.27, 401.34, 401.35, 401.41, 401.411, 401.414 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Don L. Bennett, Bureau Chief, Bureau of Emergency Medical Services, 4052 Bald Cypress Way, Bin #C18, Tallahassee, Florida 32399-1738

THE FULL TEXT OF THE PROPOSED RULE IS:

- 64E-2.008 Emergency Medical Technician.
- (1) through (4) No change.
- (5) Individuals who document their possession of the following in their application shall be deemed to satisfy subsection 64E-2.010(4), F.A.C., for certification as an EMT only while these criteria are applicable:
  - (a) Status as a member of the United States military;
  - (b) Valid EMT certification from the National Registry of Emergency Medical Technicians; and
  - (c) Assignment to Florida as part of a training program to operate as an EMT.

Specific Authority 381.0011, 381.0034, 381.0035, 401.23, 401.27, 401.35 FS. Law Implemented 381.001, 401.23, 401.27, 401.34, 401.35, 401.41, 401.411, 401.414 FS. History—New 11-29-82, Amended 4-26-84, 3-11-85, Formerly 10D-66.56, Amended 11-2-86, 4-12-88, 8-3-88, 12-10-92, 11-30-93, 12-10-95, 1-26-97, Formerly 10D-66.056, Amended 8-4-98, 1-3-99, 9-3-00, 4-15-01, 6-3-02, 11-3-02, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Don Bennett  
NAME OF SUPERVISOR OR PERSON WHO APPROVED  
THE PROPOSED RULE: Lucy Gee  
DATE PROPOSED RULE APPROVED BY AGENCY  
HEAD: August 29, 2005  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT  
PUBLISHED IN FAW: September 16, 2005

**DEPARTMENT OF HEALTH**  
**Division of Family Health Services**

RULE TITLES: General Regulations; Definitions  
Records of Drugs, Cosmetics and Devices  
Prescription Drugs; Receipt,  
Storage and Security  
Licensing, Application, Permitting  
Fees  
RULE NOS.: 64F-12.001  
64F-12.012  
64F-12.013  
64F-12.015  
64F-12.018

PURPOSE AND EFFECT: The 2003 Legislature passed Senate Bill 2312, The Prescription Drug Protection Act, that provided for a phase-in of enhanced drug regulation intended to further safeguard and protect the prescription drug supply in Florida. Effective July 1, 2006, a pedigree that traces all previous distributions of all prescription drugs back to the manufacturer must be provided by a wholesale distributor to all customers who acquired the prescription drug through a wholesale distribution. The 2005 Legislature passed Senate Bill 874, which further modified the requirements for the pedigree paper. This rule is intended to facilitate industry's compliance with the pedigree requirements through an optional process that takes advantage of electronic technology without compromising the legislative intent to document and authenticate all prior distributions of a prescription drug in order to prevent or deter the introduction of diverted, counterfeit, or contraband prescription drugs into Florida's drug supply. In addition, the pedigree paper form referenced in Section 499.003(31), F.S., needs revisions to implement the new requirements of Senate Bill 874 and to simplify the document for implementation July 1, 2006. The methods for authenticating a pedigree paper as required by Section 499.0121(4), F.S., need fine-tuning, and the wholesale industry needs guidance on how to reflect a returned prescription drug on the pedigree after July 1, 2006. Additional rules to further implement the pedigree provisions will be adopted at a later date.

SUMMARY: This amendment defines the term 'authorized absence' as used in the statutes dealing with a designed representative and the term 'electronic signature.' The rule

provides further guidance for implementing and complying with pedigree paper requirements related to elements of a pedigree, such as reference numbers, use of electronic signatures, handling returns, serialized units, and receiving information; recordkeeping; revised forms; and transmission of pedigrees. The rule also addresses pedigree / product review and revises the authorized methods for authenticating a pedigree paper, in particular, an electronic pedigree. Finally, the rule also requires an additional on-site inspection fee of \$150 for each re-inspection required for an initial application because the applicant was not ready or available for a scheduled inspection.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: There is no estimated regulatory impact related to this proposed rule amendment.

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: 499.003, 499.012, 499.0121, 499.04, 499.041, 499.05 FS.

LAW IMPLEMENTED: 499.003, 499.012, 499.0121, 499.041 FS.

A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 10:00 a.m. – 12:00 Noon (EST), Monday, November 7, 2005

PLACE: Capital Circle Office Complex, 4052 Bald Cypress Way, Building 4052, Room 301, Tallahassee, Florida

If special accommodations are needed to attend this workshop because of a disability, please contact: Maxine Wenzinger, (850)922-5190.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Sandra Stovall, Compliance Officer, 2818-A Mahan Drive, Tallahassee, Florida 32308, (850)487-1257, Ext. 210; e-mail: sandra\_stovall@doh.state.fl.us.fl

THE FULL TEXT OF THE PROPOSED RULES IS:

64F-12.001 General Regulations; Definitions.

(1) No change.

(2) In addition to definitions contained in Sections 499.003, 499.012(1), 499.0121(6), 499.0122(1), 499.028(1), and 499.61, F.S., the following definitions apply to rule Chapter 64F-12, F.A.C.:

(a) through (b) No change.

(c) Authorized absence, for purposes of Section 499.012(11)(d), F.S., means the management or owner of a permitted wholesale establishment has approved in writing in a document that is available for inspection under Section 499.051, F.S., at the time of the inspection, the absence of the designated representative for a period not to exceed 60

calendar days for situations such as: the birth of the employee's child and to care for the newborn child; the placement of a child with the employee for adoption or foster care; the employee is needed to care for a family member (child, spouse or parent) with a serious health condition; or the employee's own serious health condition makes the employee unable to perform the functions of the designated representative.

(c) through (g) renumbered (d) through (h) No change.

(i) Electronic signature means a method of signing an electronic message that identifies a particular person as the source of the message and indicates the person's approval of the information contained in the message.

(i) through (cc) renumbered (k) through (ee) No change.

Specific Authority 499.05, 499.61, 499.701 FS. Law Implemented 499.003, 499.004, 499.005, 499.0054, 499.0057, 499.006, 499.007, 499.008, 499.009, 499.01, 499.012, 499.0121, 499.0122, 499.013, 499.014, 499.015, 499.023, 499.024, 499.025, 499.028, 499.03, 499.033, 499.035, 499.039, 499.041, 499.05, 499.051, 499.052, 499.06, 499.066, 499.067, 499.069, 499.61, 499.62, 499.63, 499.64, 499.65, 499.66, 499.67, 499.71, 499.75 FS. History—New 1-1-77, Amended 12-12-82, 1-30-85, Formerly 10D-45.31, Amended 11-26-86, 2-4-93, 7-1-96, Formerly 10D-45.031, Amended 1-26-99, 4-17-01, 6-30-03, 10-7-03, 1-1-04, 1-29-04, 5-29-05, \_\_\_\_\_.

64F-12.012 Records of Drugs, Cosmetics and Devices.

(1) through (2) No change.

(3) Pedigree Papers.

(a) The pedigree papers required by Section 499.0121(6)(d), (e), and (f), F.S., must include either the proprietary name or the generic name with the name of the manufacturer, repackager, or distributor as reflected on the label of the product; dosage form; strength; container size; quantity by lot number; the name and address of each owner of the prescription drug that is required to be identified on the pedigree paper; the name and address of each location from which it was shipped if different from the owner's; and the transaction dates. The pedigree paper must clearly identify the invoice to which it relates; however, if an invoice number has not been generated at the time the pedigree is prepared then an alternate reference number that is easily traceable to the invoice number may be used.

2. A copy of the pedigree paper must be maintained by each wholesaler preparing a pedigree paper and by each recipient. This copy may be maintained in an electronic medium that is readily available and easily accessible to the wholesaler preparing the pedigree paper; each recipient; and authorized federal, state, and local regulators or law enforcement. If a wholesaler serves as the repository of its customer's pedigree, the wholesaler must specify on the customer's invoice or other distribution document the method for immediately accessing all pedigrees associated with each prescription drug distributed and must enable access by the persons listed above for the duration of the applicable records retention period.

(b) No change.

(c) Beginning July 1, 2006, “Pedigree Paper (Distribution History of Prescription Drugs),” either form DH 2129 effective July 2006 ~~January 2004~~, which is incorporated by reference herein, or an electronic record that contains all the elements of form DH 2129 must be used to comply with the requirement in Section 499.0121(6)(f), F.S., for the distribution of a prescription drug. Beginning July 1, 2006, a repackager must use either “Prescription (Legend) Drug Pedigree – Repackager” form DH 2135 effective July 2006, which is incorporated by reference herein, or an electronic record that contains all the elements of form DH 2135. A wholesaler that further distributes a repackaged prescription drug must include in the pedigree the information related to the repacked drug contained in form DH 2135 or the electronic record that contains all the elements of form DH 2135. These forms ~~This form~~ may be used prior to July 1, 2006, to comply with the pedigree paper requirement of Section 499.0121(6)(d) or (e), F.S., at the discretion of the wholesaler. An electronic signature may be used on a pedigree paper. An electronic record must be easily readable or easily rendered in a readable format, and capable of being reproduced in a paper medium. Data on an electronic pedigree may be transmitted via the internet, data communications, a portable medium such as a CD-Rom or smart card or similar devices. Additional information to that required by forms DH 2129 and DH 2135 may be included on a pedigree provided it does not detract from or confuse the history of the distribution of the drug.

(d) through (e) No change.

(f) Returns.

1. When a distribution of a prescription drug by a wholesaler to an authorized recipient ~~that is a pharmacy, hospital, or practitioner~~ is the result of a mistake in ordering or shipment, the return of that shipment by the authorized recipient to the wholesaler need not be reflected in the pedigree paper. For purposes of this subparagraph, a mistake in ordering or shipment shall be deemed to have occurred if, within seven calendar days after the date of receipt of the original shipment:

a. The authorized recipient ships the specific unit of the prescription drug back to the wholesaler from which that specific unit was purchased; or

b. The authorized recipient transmits a documented communication to the wholesaler from which the prescription drug was purchased stating the authorized recipient’s intent to return the shipment in accordance with the wholesaler’s prescribed written policies and procedures and the wholesaler communicates authorization for return of the product.

2. Any returns to a wholesaler by an authorized recipient that are not within the scope of subparagraph 1. shall be reflected in the pedigree paper trail for any further distributions of the returned drug product to the extent required by Section 499.0121(6)(d), ~~(e)~~ or ~~(f)~~ ~~(e)~~.

3. An authorized recipient that returns a shipment to the wholesaler in accordance with subparagraphs 1. or 2. shall verify by written declaration as set forth in Section 92.525(2), F.S., a written document submitted with the returned product,

a. That the specific unit (exact unit) being returned was purchased from the receiving wholesaler (including the corresponding sales invoice number and the date of the sale from that wholesaler to the authorized recipient); and

b. That the product was or was not stored and shipped in accordance with the requirements of Section 499.0121, F.S., and the rules adopted thereunder while in the purchaser’s custody and control.

c. The written declaration shall be printed or typed at the end of or immediately below the statements in sub-paragraphs 3.a. and 3.b. and shall state: “Under penalties of perjury, I declare that I have read the foregoing and that the facts stated in it are true,” followed by the signature of the person making the declaration.

(g) For purposes of Section 499.003(31)(b), F.S., a manufacturer or repackager will have uniquely serialized an individual legend drug unit when the unit contains an electronic product code that meets industry standards for that type of legend drug unit. One pedigree record may be prepared for a group of serialized legend drugs, provided the only unique characteristic for the pedigree is the serialization codes.

(h) If a manufacturer initiates an electronic pedigree and transmits this information to a wholesaler consistent with the standards in sub-subparagraph 64F-12.013(5)(d)1.f., F.A.C., and that wholesaler provides a pedigree to its customer consistent with the standards in sub-subparagraph 64F-12.013(5)(d)1.f., F.A.C., the wholesaler must transmit the pedigree information initiated by the manufacturer in the pedigree the wholesaler provides to its customer.

(i) A wholesaler that purchases multiple units of a prescription drug from a manufacturer in one transaction, but receives these units from multiple distribution sites of the manufacturer or on multiple dates from the manufacturer, may reference the first occurrence of receipt in pedigree papers the wholesaler prepares for subsequent wholesale distributions unless all applicable information is received from the manufacturer as set forth in paragraph (h) above.

(j) A contract distributor for the manufacturer is deemed an agent of the manufacturer and therefore is not required under Section 499.0121(6)(f), F.S., to provide a pedigree paper upon distribution of the manufacturer’s prescription drug provided the manufacturer retains title to the prescription drug and the contract distributor meets the requirements to be permitted under Chapter 499, F.S., as a non-resident prescription drug manufacturer based on its relationship with the manufacturer.

(4) through (16) No change.

Specific Authority 499.05, 499.0121, 499.0122, 499.013, 499.014, 499.052 FS. Law Implemented 499.012, 499.0121, 499.0122, 499.013, 499.014, 499.051, 499.052 FS. History—New 1-1-77, Amended 12-12-82, 7-8-84, 1-30-85, Formerly 10D-45.53, Amended 11-26-86, 2-4-93, 7-1-96, Formerly 10D-45.053, Amended 1-26-99, 4-17-01, 10-7-03, 1-1-04, 6-15-04, 8-2-04.

64F-12.013 Prescription Drugs; Receipt, Storage and Security.

(1) through (4) No change.

(5) Examination of Prescription Drugs; Physical Product and Records.

(a) 1. Every person receiving prescription drugs other than the consumer receiving dispensed prescription drugs pursuant to Chapter 465, F.S., has a duty to examine the product to prevent acceptance of prescription drugs that are unfit for distribution or use. The extent of the examination should be predicated on the conditions surrounding the transaction, including but not limited to any previous sales of the product, i.e., purchase and delivery is not direct from the manufacturer; the conditions of transport; and environmental conditions to which the product may have been subjected.

2. A wholesaler that physically receives a prescription drug must verify that the prescription drug received matches the prescription drug identified by lot number or unique serial number, when available, on the corresponding pedigree if a prescription drug is received from a person other than the manufacturer.

(b) through (c) No change.

(d) Authentication.

1. A prescription drug wholesaler may use any, all, or any combination of the following methods to authenticate each transaction on a pedigree paper and must maintain the corresponding documentation regarding the authentication for the method used:

a. Receipt of an invoice (or shipping document) from the seller to the purchaser, which may have the prices redacted. Documentation requirements include at a minimum a copy of the invoice of shipping document. If this method is used to authenticate a pedigree, the wholesaler must review the document received for signs of tampering, incompleteness, or inconsistency with other invoices or shipping documents from that manufacturer or wholesaler, and must randomly verify the authenticity of the invoice of shipping document with the seller or shipping point reflected on that document using one of the methods in paragraph b., c., or d. below. Each wholesaler should establish policies and procedures for the random verification of the authenticity of the invoices or shipping documents according to statistically valid standards. However, more emphasis should be focused on those wholesalers in the chain with which the wholesaler performing the authentication does not have an established prescription drug vendor relationship.

b. Telephone call to the seller. Documentation requirements include a signed statement by the person placing the telephone call identifying the person's name and position title representing the seller who provides the information, the date the information was provided, and verification of the sales transaction between the parties, including verification of the date of the transaction and the quantity of prescription drugs involved in the transaction.

c. E-mail communication with the seller. Documentation requirements include a copy of the e-mail that identifies the person's name and position title representing the seller who provides the information, the date the information was provided, and verification of the sales transaction between the parties, including verification of the date of the transaction and the quantity of prescription drugs involved in the transaction.

d. Verification of the transaction per a web-based system established by the seller or an independent person that is secure from intentional or unintentional tampering or manipulation to conceal an accurate and complete history of the prescription drug transaction(s). Documentation requirements include a written representation from the seller or independent person that the seller or independent person, as applicable, is responsible for the information included on the website and has adequate security on the information posted to prevent unauthorized tampering, manipulation, or modification of the information and a copy of the (dated) website page that confirms the sales transaction between the parties, including the date of the transaction and the quantity of prescription drugs involved in the transaction.

e. Receipt of a legible and unaltered copy of a previous transaction's pedigree paper that had been signed under oath at the time of the previous transaction to support the transaction to which the pedigree paper relates. If this method is used to authenticate a pedigree, the wholesaler must review the document received for signs of tampering, incompleteness, or inconsistency, and must randomly verify the authenticity of pedigrees using one of the methods in paragraph b., c., or d. above. Each wholesaler should establish policies and procedures for the random verification of the authenticity of these copies of pedigrees according to statistically valid standards.

f. Receipt of a pedigree in an electronic form from an automated system that complies with this sub-paragraph that was successfully opened and decrypted by an automated system that complies with this sub-paragraph. In order to rely on receipt of an electronic pedigree without employing additional authentication methods as set forth in subparagraphs a.-e.

(1) The system used to digitally sign and electronically authenticate the electronic pedigree must at a minimum support the following digital signature standards or future revisions governed by the National Institute of Standard and Technology (NIST):

(A) FIPS 140-2 validated cryptographic module which is hereby adopted by reference.

(B) FIPS 186-2 validated digital signature system which is hereby adopted by reference.

(C) FIPS 180-2 validated hash function which is hereby adopted by reference.

(II) The system must employ controls to ensure the security and integrity of the private key so that it cannot be accessed by someone other than the certificate holder. At a minimum, the system must:

(A) Control the activation of the private key with an authentication mechanism.

(B) Employ a ten-minute inactivity time period after which the certificate holder must re-authenticate to access the private key.

(C) When the signing module is deactivated, clear the plain text private key from the system memory to prevent the unauthorized access to, or use of, the private key.

(III) The system must communicate with the Certification Authority directory, either each time authentication and validation steps in sub-paragraph ix below occur or at least on a daily basis to download information to perform the authentication and validation which will occur on that day.

(IV) The system must have a time system that is within five minutes of the official NIST time source and date and time stamp any and all digital signatures.

(V) The system must archive digitally signed files unaltered, including the original hashes and reference to the public keys, in a manner that facilitates retrieval of the record consistent with the recordkeeping requirements.

(VI) The system must prevent issuance of an outgoing pedigree paper if the total quantity of prescription drugs distributed in all pedigrees exceeds the quantity of prescription drugs received in the corresponding incoming electronic pedigree.

(VII) The system must maintain a history file of any outgoing electronic pedigree that is subsequently voided or altered and notify the recipient that the pedigree sent to it was voided or altered.

(VIII) The system must maintain a history file of any incoming notification received pursuant to paragraph vii above that a pedigree was voided or altered and prevent the issuance of an outgoing pedigree using a pedigree that was voided or altered.

(IX) The system must verify or perform the following:

(A) Each transaction on the electronic pedigree must be digitally signed using certificates issued through a public key infrastructure system authorized by the department.

(B) The electronic pedigree must contain each prior transaction digitally signed and unaltered, including the original hash and reference to the public key, with the new

transaction information appended to the new document and the entire resulting pedigree digitally signed, including the resulting hash and reference to the public key.

(C) The system must check the certificate expiration date of each signed transaction and compare it against the date and time that the transaction was signed to determine that the certificate has not or had not expired at the time the record was signed.

(D) The system must check the certificate extension data of the digital signature for each signed transaction against the Certificate Authority's directory and the Certificate Revocation List and verify whether the certificate holder is or was authorized to sign electronic pedigrees as a sender at the time the transaction was signed.

(E) The system must decrypt each digital signature for each signed transaction in the pedigree using each sender's public key and compare it against the message digest to determine that the record has not been altered since it was originally signed.

(F) The system must require that all authentication and validation steps in the preceding paragraphs are carried out prior to allowing the acceptance of the transaction. The system should not allow the further processing of any transaction that has failed to pass any authentication or validation step.

(X) The manufacturer must initiate the pedigree; or, until such time as the manufacturer initiates a pedigree to the wholesaler, the wholesaler that purchased the prescription drug from the manufacturer must imbed a copy of the sales invoice or the manufacturer's EDI transmission that contains all required data elements for a complete audit trail as set forth in Rule 64F-12.012, F.A.C., related to that wholesaler's acquisition of the prescription drug from the manufacturer. Price information related to the transaction may be redacted from the imbedded copy of the sales invoice or the EDI transmission.

g. If a pedigree cannot be authenticated because of a clerical error, the pedigree must be corrected by the sender.

h. If a pedigree cannot be authenticated and the reason is other than a clerical error, or the reason cannot be satisfactorily ascertained based on preliminary investigation, the prescription drug for which the pedigree cannot be authenticated must be quarantined and the department notified within 3 business days.

2. Authentication of the purchase of a prescription drug directly from the manufacturer by an affiliated group member for a prescription drug that is subject to the statement in Section 499.0121(6)(e)1.a., F.S., may be documented by a written agreement between or among the affiliated group members that each affiliated group member will only transfer prescription drugs included on the specified list that were purchased directly from the manufacturer to an affiliated group



member that is required to include the statement in Section 499.0121(6)(e)1.a., F.S., on its wholesale distributions to other wholesale distributors.

3. The following persons in Florida that are authorized to purchase or possess prescription drugs are not required to authenticate a pedigree paper received from a person authorized by law to distribute prescription drugs to that person:

a. a licensed pharmacy, unless it is also permitted as a retail pharmacy wholesaler and will engage in the wholesale distribution of that drug, or unless it is a member of an affiliated group and will distribute a prescription drug purchased or received directly from a prescription drug wholesaler that is not also a member of its affiliated group to another member of its affiliated group;

b. A medical practitioner; or

c. A restricted prescription drug distributor – health care entity.

4. In order to authenticate pedigrees, a manufacturer of a prescription drug that is sold or distributed in Florida must make available upon request information relevant to authenticating a pedigree for that drug regardless of whether the prescription drug was sold directly by the manufacturer to a person in Florida.

5. Any wholesaler or repackager required under Chapter 499, F.S., to receive a pedigree paper must authenticate the pedigree pursuant to Section 499.0121(4), F.S., notwithstanding the absence of a pedigree paper or authentication by persons in the distribution chain not subject to the requirements of Chapter 499, F.S.

(6) through (7) No change.

Specific Authority 499.0121(1), 499.05 FS. Law Implemented 499.004, 499.006, 499.007, 499.0121, 499.028(6), 499.052 FS. History–New 7-8-84, Amended 1-30-85, Formerly 10D-45.535, Amended 11-26-86, 7-1-96, Formerly 10D-45.0535, Amended 1-26-99, 4-17-01, 1-1-04,\_\_\_\_\_.

64F-12.015 Licensing, Application, Permitting.

This section addresses the application and permitting requirements of person regulated under Part I of Chapter 499, F.S.

(1) through (3) No change.

(4) Written policies and procedures as required by Chapter 499, F.S., and this rules chapter must be established prior to approval of a permit application. A prescription drug wholesaler that uses a system to digitally sign and electronically authenticate an electronic pedigree must have policies and procedures to protect the security over the digital signatures.

(5) through (11) No change.

Specific Authority 499.01, 499.012, 499.0122, 499.013, 499.014, 499.028, 499.04, 499.041, 499.05, 499.62, 499.63, 499.64, 499.66, 499.67, 499.701 FS. Law Implemented 499.01, 499.012, 499.0121, 499.0122, 499.013, 499.028, 499.04, 499.041, 499.05, 499.06, 499.062, 499.063, 499.064, 499.066, 499.067 FS. History–New 12-12-82, Amended 7-8-84, 1-30-85, Formerly 10D-45.54, Amended 11-26-86, 2-4-93, 7-1-96, Formerly 10D-45.054, Amended 1-26-99, 4-17-01, 10-29-02, 7-6-03, 1-1-04, 9-13-04,\_\_\_\_\_.

64F-12.018 Fees.

(1) through (3) No change.

(4) Miscellaneous other fees are as follows:

Description of other service fees	Fee
Certification of Designated Representative	\$150
Initial Application/On-site Inspection	\$150

(The initial application/on-site inspection fee is non-refundable.)

If the department must re-inspect for an initial application because the applicant does not have security, climate control, a quarantine area, or written policies and procedures, as required by the particular permit for which the applicant is applying; fails to appear for a scheduled inspection; or is otherwise not ready for inspection on or after the date indicated on the application form, an additional on-site inspection fee of \$150 is required for each re-inspection.

Prescription Drug Wholesaler Bond/Security or Out-of-State Prescription Drug Wholesaler Bond/Security, as set forth in Section 499.012(2), F.S. \$100,000

Change of Address Fee:

A relocation fee of \$100 must be paid for each permitted person relocating for which an on-site inspection is required. If no on-site inspection is required, the relocation fee is \$25 per permit. If a permitted person has multiple permits under the same permitted name and address and relocates any or all permitted activities concurrently to the new location, then only one \$100 fee is required plus \$25 for all other permits.

Product Registration (per drug or cosmetic product registered) \$ 20 \*

\* The registration fee for a drug or cosmetic product being amended to an existing product registration that has 12 months or less until it expires is \$10.

Listed Identical Products	\$ -0-
Free Sale Certificate	\$ 25
Signature copy (requested concurrently)	\$ 2
Delinquent Establishment Permit Renewal	\$100

(5) No change.

Specific Authority 499.01, 499.012, 499.015, 499.04, 499.041, 499.05 FS. Law Implemented 499.01, 499.012, 499.015, 499.04, 499.041 FS. History–New 7-1-96, Formerly 10D-45.0544, Amended 4-17-01, 7-6-03, 1-1-04, 9-13-04,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Jerry Hill, Chief of Statewide Pharmaceutical Services

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Phil E. Williams, Director, Division of Health Access and Tobacco

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

DATES NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 12, 2004, January 7, 2005 and July 15, 2005

**FINANCIAL SERVICES COMMISSION**

**Office of Financial Regulation**

RULE TITLE: Processing of Applications  
 RULE NO.: 69W-301.002

PURPOSE AND EFFECT: Rule 69W-301.002, F.A.C., is being amended to adopt the most current versions of the Form ADV, Uniform Application for Investment Adviser Registration, and Form ADV-W, Notice of Withdrawal from Registration as an Investment Adviser, as adopted by the Securities and Exchange Commission. This will make Florida uniform with all state and federal securities regulatory bodies relative to Investment Adviser forms. Additionally, the rule is being amended to adopt the Form BR, Uniform Branch Office Form, a uniform application for branch office applications, amendments, terminations and withdrawals, in lieu of the current OFR Form DA-1-91. The new Form BR will enable broker-dealers to register branch offices electronically with Florida, the National Association of Securities Dealers (NASD), the New York Stock Exchange, Inc. ("NYSE"), other self-regulatory organizations ("SROs"), and other states, (as applicable), through the Central Registration Depository (CRD) system via one uniform form. The rule is also being amended to adopt revisions to the Form U-4, Uniform Application for Securities Industry Registration or Transfer, and Form U-5, Uniform Termination Notice for Securities Industry Registration, to make technical changes and conform those forms to the new Form BR.

SUMMARY: The rule adopts the following forms: Form ADV, Uniform Application for Investment Adviser Registration (10/03); Form ADV-W, Notice of Withdrawal from Registration as Investment Adviser (10/03); Form BR, Uniform Branch Office Form (10/05); Form U4, Uniform Application for Securities Industry Registration or Transfer (10/05); and Form U5, Uniform Termination Notice for Securities Industry Registration (10/05). Technical changes are also being made.

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 alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 517.03(1), 517.12, 517.1201 FS.

LAW IMPLEMENTED: 120.60(1), 517.051, 517.081, 517.082, 517.12, 517.161(5) 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., November 7, 2005

PLACE: 101 East Gaines Street, The Fletcher Building, Room 547, Tallahassee, Florida 32399-0375

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Andrea Moreland, Executive Senior Attorney, Office of Financial Regulation, 200 E. Gaines Street, The Fletcher Building, Tallahassee, Florida 32399-0375, (850)410-9662

THE FULL TEXT OF THE PROPOSED RULE IS:

69W-301.002 Processing of Applications.

(1) through (6) No change.

(7)(a) The forms referred to in this section below are incorporated by reference and readopted by this rule for the purposes of Rule Chapters 69W-100 through 69W-900, F.A.C.:

1. through 5. No change.

6. Form BD, Uniform Application for Broker-Dealer Registration (Revised 7/99);

7. Form ADV, Uniform Application for Investment Adviser Registration (Revised 10/03 ~~4/1/04~~);

8. Form U-4, Uniform Application for Securities Industry Registration or Transfer (Revised 10/05 ~~3/02~~);

9. BDW, Uniform Request for Broker-Dealer Withdrawal (Revised 8/99);

10. Form ADV-W, Notice of Withdrawal from Registration as Investment Adviser ~~Advisor~~ (Revised (10/03) ~~4/99~~);

11. Form U-5, Uniform Termination Notice for Securities Industry Registration (Revised 10/05 ~~3/02~~);

12. Form BR, Uniform Branch Office Form (Revised 10/05) ~~OFR Form DA-1-91, Branch Office Registration Form (Revised 4/99)~~;

13. through 14. No change.

(b) No change.

Specific Authority 517.03(1), 517.12, 517.1201 FS. Law Implemented 120.60(1), 517.051, 517.081, 517.082, 517.12, 517.161(5) FS. History—Revised and Transferred from 3E-300.01, 9-20-82, Formerly 3E-301.02, Amended 10-15-86, 2-1-87, 12-8-87, 7-29-90, 7-31-91, 6-16-92, 1-10-93, 3-13-94, 10-1-96, 10-23-97, 6-22-98, 6-10-99, 5-7-00, 7-10-02, Formerly 3E-301.002, Amended \_\_\_\_\_.

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

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

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

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

**FINANCIAL SERVICES COMMISSION**

**Office of Financial Regulation**

RULE TITLES:	RULE NOS.:
Application for Registration as a Dealer, Issuer/Dealer, or Investment Adviser	69W-600.001
Application for Registration as Associated Person	69W-600.002
Registration of Issuer/Dealers, Principals and Branch Offices	69W-600.004
Changes in Name and Successor Registration Requirements	69W-600.007
Termination of Registration as Dealer, Investment Adviser, Branch Office, Principal or Agent	69W-600.008
Investment Adviser Registration Depository for Federal Covered Advisers	69W-600.0092
Investment Adviser Registration Depository for Investment Advisers	69W-600.0093

**PURPOSE AND EFFECT:** The rules are being amended to reference the most current versions of the Form ADV, Uniform Application for Investment Adviser Registration, and Form ADV-W, Notice of Withdrawal from Registration as an Investment Adviser, as adopted by the Securities and Exchange Commission. This will make Florida uniform with all state and federal securities regulatory bodies relative to Investment Adviser forms. Additionally, the rules are being amended to reference the Form BR, Uniform Branch Office Form, a uniform application for branch office applications, amendments, terminations and withdrawals, in lieu of the current OFR Form DA-1-91. The new Form BR will enable broker-dealers to register branch offices electronically with Florida, the National Association of Securities Dealers (NASD), the New York Stock Exchange, Inc. ("NYSE"), other self-regulatory organizations ("SROs"), and other states, (as applicable), through the Central Registration Depository (CRD) system via one uniform form. The rules are also being amended to reference revised Form U-4, Uniform Application for Securities Industry Registration or Transfer, and revised Form U-5, Uniform Termination Notice for Securities Industry Registration. Technical changes are also being made. In a separate notice of proposed rulemaking published in this same issue of the Florida Administrative Weekly, Rule 69W-301.002, F.A.C., is being amended to adopt and incorporate by reference the new and revised forms listed above.

**SUMMARY:** The rules are being amended to reference the following forms: Form ADV, Uniform Application for Investment Adviser Registration (10/03); Form ADV-W, Notice of Withdrawal from Registration as Investment Adviser (10/03); Form BR, Uniform Branch Office Form (10/05); Form U4, Uniform Application for Securities Industry Registration

or Transfer (10/05); and Form U5, Uniform Termination Notice for Securities Industry Registration (10/05). Technical changes are also being made.

**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 alternative must do so in writing within 21 days of this notice.

**SPECIFIC AUTHORITY:** 517.03(1), 517.12(6),(13),(15), 517.1201 FS.

**LAW IMPLEMENTED:** 120.60(1), 517.051, 517.081, 517.082, 517.12(5),(6),(7),(10),(11),(12)(b), 517.1201(1), 517.1205, 517.161(5) 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., November 7, 2005

**PLACE:** 101 East Gaines Street, The Fletcher Building, Room 547, Tallahassee, Florida 32399-0375

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

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS:** Andrea Moreland, Executive Senior Attorney, Office of Financial Regulation, 200 E. Gaines Street, The Fletcher Building, Tallahassee, Florida 32399-0375, (850)410-9662

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

69W-600.001 Application for Registration as a Dealer, Issuer/Dealer, or Investment Adviser.

(1)(a) Applications for initial and renewal registration of dealers, issuer/dealers, and investment advisers shall be filed on the forms prescribed by the Financial Services Commission in subsection 69W-301.002(7), F.A.C., and shall include all information required by such forms, any other information the Financial Services Commission or Office of Financial Regulation may require, and payment of the statutory fees required by Sections 517.12(10) and 517.131, F.S. Except as otherwise provided in Rule 69W-600.0091 or 69W-600.0093, F.A.C., the Office of Financial Regulation shall deem an application to be received at such time as it and the appropriate fee have been date stamped by the cashier's office of the Office of Financial Regulation. For dealers that are members of the National Association of Securities Dealers (NASD), such application shall be filed with the Office of Financial Regulation through the Central Registration Depository (CRD)

of the NASD in accordance with Rule 69W-600.0091, F.A.C. For investment advisers, such application may be filed with the Office of Financial Regulation through the Investment Advisor Registration Depository (IARD) of the NASD in accordance with Rule 69W-600.0093, F.A.C.

(b) A complete application must include the following exhibits or forms that are appropriate for the type of registration requested:

1. For registration as a dealer or issuer/dealer, a Uniform Application for Broker-Dealer Registration, Form BD, which is incorporated by reference in subsection 69W-301.002(7), F.A.C. (Revised 7/99). For dealers that are members of the NASD, such application shall be filed with the Office of Financial Regulation through the CRD in accordance with Rule 69W-600.0091, F.A.C. For registration as an investment adviser, a Uniform Application for Investment Adviser Registration, Form ADV, which is incorporated by reference in subsection 69W-301.002(7), F.A.C. (Revised 1/1/01) shall be filed with the Office of Financial Regulation. Such application may be filed with the Office of Financial Regulation through the Investment Advisor Registration Depository (IARD) of the NASD in accordance with Rule 69W-600.0093, F.A.C.;

2. No change.

3. A Uniform Application for Securities Industry Registration or Transfer, Form U-4, which is incorporated by reference in subsection 69W-301.002(7), F.A.C. (Revised 3/02), to register at least one principal as set forth in Rule 69W-600.002, F.A.C. Evidence of current membership as a dealer with the NASD shall satisfy this requirement;

4. through 9. No change.

(2) through (4) No change.

Specific Authority 517.03(1), 517.12(6) FS. Law Implemented 517.12(6),(7), 517.1205 FS. History—New 12-5-79, Amended 9-20-82, Formerly 3E-600.01, Amended 7-29-90, 8-1-91, 6-16-92, 1-11-93, 11-14-93, 4-30-96, 6-22-98, 5-10-00, 9-19-00, 7-31-02, Formerly 3E-600.001, Amended \_\_\_\_\_.

69W-600.002 Application for Registration as Associated Person.

(1)(a) Applications for initial, reaffiliation, and renewal registrations of a principal or associated person shall be filed on Form U-4, ~~(Revised 3/02)~~ Uniform Application for Securities Industry Registration or Transfer, which is incorporated by reference in subsection 69W-301.002(7), F.A.C. (Revised 8/99), ~~which is hereby incorporated by reference~~, and shall include all information required by such form, any other information the Office of Financial Regulation may require, and payment of the statutory fees required by Section 517.12(10), F.S. Except as otherwise provided in Rule 69W-600.0091, 69W-600.0092, or 69W-600.0093, F.A.C., the Office of Financial Regulation shall deem an application to be received at such time as it and the appropriate fee have been date-stamped by the cashier's office of the Office of Financial

Regulation. For dealers that are members of the National Association of Securities Dealers ("NASD"), such application shall be filed with the Office of Financial Regulation through the Central Registration Depository ("CRD") of the NASD in accordance with Rule 69W-600.0091, F.A.C. For federal covered advisers, such application shall be filed with the Office of Financial Regulation through the Central Registration Depository ("CRD") of the NASD in accordance with Rule 69W-600.0092, F.A.C. For investment adviser applicants and registrants who file via the IARD, such application may be filed with the Office of Financial Regulation through the CRD of the NASD in accordance with Rule 69W-600.0093, F.A.C.

(b) A complete initial application must include the following exhibits or forms that are appropriate for the type of registration requested:

1. Uniform Application for Securities Industry Registration or Transfer, Form U-4, which is incorporated by reference in subsection 69W-301.002(7), F.A.C. (Revised 3/02). As used on the Form U-4, which is incorporated by reference in subsection 69W-301.002(7), F.A.C. (Revised 3/02), the term "Office of Employment Address" shall mean the location where the person seeking registration will regularly conduct business on behalf of the dealer or investment adviser. For dealers that are members of the NASD, such application shall be filed with the Office of Financial Regulation through the CRD of the NASD.

2. through 5. No change.

(c) If the information contained in any ~~Uniform Application~~ Form U-4, which is incorporated by reference in subsection 69W-301.002(7), F.A.C. (Revised 3/02) becomes inaccurate for any reason before or after the associated person becomes registered, the associated person through the dealer or investment adviser, as applicable, shall be responsible for correcting the inaccurate information within thirty (30) days. If the information being updated relates to the applicant's or registrant's disciplinary history, in addition to updating the ~~Uniform Application~~ Form U-4 ~~(Revised 3/02)~~, which is incorporated by reference in subsection 69W-301.002(7), F.A.C., the associated person through the dealer or investment adviser shall also provide the Office of Financial Regulation with notice and copies of each civil, criminal or administrative action initiated against the associated person as provided in Rule 69W-600.010, F.A.C. For associated persons who have filed by using the CRD of the NASD, such amendments shall be made through the CRD of the NASD.

(2) No change.

Specific Authority 517.03(1), 517.12(6) FS. Law Implemented 517.12(6),(7),(10), 517.1205 FS. History—New 9-20-82, Formerly 3E-301.02, Amended 10-15-86, 10-4-88, 6-24-90, 7-29-90, 10-14-90, 8-1-91, 6-16-92, 6-28-93, 11-14-93, 3-13-94, 4-30-96, 12-29-96, 6-22-98, 5-10-00, 9-19-00, 7-31-02, 12-11-03, Formerly 3E-600.002, Amended \_\_\_\_\_.

69W-600.004 Registration of Issuer/Dealers, Principals and Branch Offices.

(1) through (2) No change.

(3)(a) No change.

(b) A complete application must include the following exhibits or forms that are appropriate for the type of registration requested:

1. Form BR, Uniform Branch Office Registration Form, which is incorporated by reference under subsection 69W-301.002(7), F.A.C.

2. through 4. No change.

(c) If the information contained in any branch office registration form becomes inaccurate or incomplete for any reason before or after the branch office becomes registered, including changing the location of the branch office or the supervisory personnel thereof, the dealer or investment adviser shall amend the information by filing a complete and originally executed Form BR, Uniform Branch Office Form, which is incorporated by reference in subsection 69W-301.002(7), F.A.C., OFR-DA-1-91 (Revised 11-91) with the Office of Financial Regulation within thirty (30) days of the change and denoting thereon that the information reported is an amendment to a previous filing. In lieu of filing Form BR OFR-DA-1-91, which is incorporated by reference in subsection 69W-301.002(7), F.A.C., a registrant may amend the branch office registration information electronically at the time of renewal by following the applicable instructions on the Office of Financial Regulation's website ([www.fldfs.com/ofr](http://www.fldfs.com/ofr)) (~~[www.dbf.state.fl.us](http://www.dbf.state.fl.us)~~) on the Internet. Also, a registrant may change the address or terminate a branch office location by submission of the request in writing to the Office of Financial Regulation in lieu of filing Form BR, which is incorporated by reference in subsection 69W-301.002(7), F.A.C., OFR-DA-1-91. Failure to file any amendment or written notification, as provided herein, shall be considered a violation of Section 517.12(13), F.S.

(d) No change.

Specific Authority 517.03(1), 517.12(6) FS. Law Implemented 517.12(5),(6),(10) FS. History--New 12-5-79, Amended 9-20-82, Formerly 3E-600.04, Amended 10-14-90, 6-16-92, 1-11-93, 11-7-93, 11-14-93, 12-29-96, 10-20-97, 6-10-99, 8-19-99, 5-27-01, 7-31-02, Formerly 3E-600.004, Amended \_\_\_\_\_.

69W-600.007 Changes in Name and Successor Registration Requirements.

(1) Where only a change in the name of an applicant or registrant as dealer, investment adviser or associated person occurs, notices of such fact shall be filed as an amendment on the forms prescribed by the Office of Financial Regulation within thirty (30) calendar days of the date of such change. For registrants who are a member of the NASD, such amendment shall be filed with the Office of Financial Regulation through the CRD System pursuant to subsection 69W-600.001(2), F.A.C. Any amendments to organizational documents or

accompanying letters of explanation shall be promptly submitted directly to the Office of Financial Regulation when specifically requested by the Office of Financial Regulation.

(2) Where there is a change in legal entity of a proprietary, partnership, or corporate registrant, the successor entity shall file with the Office of Financial Regulation an amendment to Form BD, Uniform Application for Broker-Dealer Registration, which is incorporated by reference in subsection 69W-301.002(7), F.A.C., ~~(Revised 7/99)~~ or Form ADV, Uniform Application for Investment Adviser Registration, which is incorporated by reference in subsection 69W-301.002(7), F.A.C., ~~(Revised 1/1/01)~~ within thirty (30) calendar days of the date of such change. For registrants who are a member of the NASD, such amendment shall be filed with the Office of Financial Regulation through the CRD System pursuant to subsection 69W-600.001(2), F.A.C. Any amendments to organizational documents, accompanying letters of explanation, or current financial statements of the successor shall be promptly submitted directly to the Office of Financial Regulation when specifically requested by the Office of Financial Regulation.

(3) Merger Situations: Where there is a merger of dealer or investment adviser registrants involving (a) the assumption by the successor of substantially all assets and liabilities of the merged entities, and (b) the continuation of the activities of the merged entities successor entity, the merging entities shall file notification with the Office of Financial Regulation denoting such changes as are applicable within thirty (30) calendar days prior to the date of such change. The successor entity shall file an amendment to Form BD, which is incorporated by reference in subsection 69W-301.002(7), F.A.C., ~~(Revised 7/99)~~ or Form ADV, which is incorporated by reference in subsection 69W-301.002(7), F.A.C., ~~(Revised 1/1/01)~~ denoting such changes as are applicable within thirty (30) calendar days of date of such change. For registrants who are a member of the NASD, each such amendment shall be filed with the Office of Financial Regulation through the CRD System pursuant to subsection 69W-600.001(2), F.A.C. A copy of the plan of merger/merger agreement, amended organizational documents, accompanying letters of explanation, or current financial statements of the successor (merged) entity shall be promptly provided directly to the Office of Financial Regulation when specifically requested by the Office of Financial Regulation.

(4) Change of Control:

(a) Where a person or a group of persons directly or indirectly or acting by or through one or more persons, proposes to acquire a controlling interest in a dealer or investment adviser registrant, and where the ~~acquirer acquirer~~ is currently registered with the Office of Financial Regulation, or where the ~~acquirer acquirer~~ has not within the preceding 10 years committed any reportable act as defined in Rule 69W-200.001, F.A.C., the resulting entity shall file with the Office of Financial Regulation an amendment to Form BD,

which is incorporated by reference in subsection 69W-301.002(7), F.A.C., (Revised 7/99) or Form ADV, which is incorporated by reference in subsection 69W-301.002(7), F.A.C., (Revised 1/1/01) denoting such changes as are applicable thirty (30) calendar days prior to the date of such acquisition. Any amended organizational documents, accompanying letters of explanation, or financial statements of the resulting entity shall be promptly filed directly with the Office of Financial Regulation when specifically requested by the Office of Financial Regulation.

(b) Where a person or a group of persons directly or indirectly or acting by or through one or more persons, proposes to acquire a controlling interest in a dealer or investment adviser registrant, and where the acquirer acquirer has within the preceding 10 years committed any reportable act as defined in Rule 69W-200.001, F.A.C., and is not currently registered with the Office of Financial Regulation, the resulting entity shall prior to such acquisition file with the Office of Financial Regulation a new application for registration on the forms prescribed by the Office of Financial Regulation, together with all required exhibits and fees. Additionally, there shall be filed with the Office of Financial Regulation, at the time the new application is filed, a notice of withdrawal, termination or cancellation of registration of the acquired entity on the forms ~~therefor~~ prescribed by the Office of Financial Regulation, effective upon disposition of the new application by the Office of Financial Regulation. The Office of Financial Regulation may waive the requirements of this subsection where the Office of Financial Regulation determines it is not necessary, based upon the nature and substance of the proposed acquirer's acquirer's disciplinary history and experience, to require the filing of a new application for registration. Any person who receives a waiver of this subsection shall effect such change of control in compliance with the provisions of paragraph (a).

(c) No change.

(5) For the purposes of subsections (2) and (3) of this rule, in the event that a person(s) succeeds to and continues the business of a Florida registered dealer or investment adviser, the registration of the predecessor shall be deemed to remain effective as the registration of the successor for a period of thirty (30) calendar days after such succession, provided that an amendment to Form BD, which is incorporated by reference in subsection 69W-301.002(7), F.A.C., (Revised 7/99) or Form ADV, which is incorporated by reference in subsection 69W-301.002(7), F.A.C., (Revised 1/1/01) ~~Application for Registration~~, together with the accompanying documents as prescribed heretofore, is filed by the successor within thirty (30) calendar days after such succession.

(6) For the purposes of subsections (1), (2), and (3), and paragraph (4)(a) of this rule, the effective registration of all associated persons and branch offices affiliated with the affected dealer or investment adviser registrant will be

transferred to the successor entity by the Office of Financial Regulation without necessitating the filing of new applications on behalf of such associated persons and branch offices, unless notice of termination is filed for such persons and branch offices by the successor pursuant to Rule 69W-600.008, F.A.C.

Specific Authority 517.03(1), 517.12(13) FS. Law Implemented 517.12(13) FS. History—New 12-5-79, Amended 9-20-82, Formerly 3E-600.07(4), Amended 10-15-86, 12-8-87, 8-1-91, 6-16-92, 1-11-93, 6-22-98, 8-9-98, 6-10-99, 5-10-00, 7-31-02, Formerly 3E-600.007, Amended \_\_\_\_\_.

C.f. See Rule 3E-301.002(7) for forms referenced herein which have been previously adopted by the Department.

69W-600.008 Termination of Registration as Dealer, Investment Adviser, Branch Office, Principal or Agent.

(1) Where a registrant withdraws, cancels, or otherwise terminates registration, or is terminated for any reason, notice of such fact shall be filed with the Office of Financial Regulation on the forms prescribed by the Financial Services Commission within twenty (20) calendar days of the date of termination.

(2) Any dealer which is a member of the National Association of Securities Dealers ("NASD") or any associated person of member firm shall file any withdrawals, cancellations, or terminations of registrations with the Office of Financial Regulation through the Central Registration Depository ("CRD") of the NASD.

(3) Any withdrawals, cancellations, or terminations of registrations for branch offices shall be filed directly with the Office of Financial Regulation as prescribed in paragraph 69W-600.004(3)(c), F.A.C.

(4) through (5) No change.

(6) The forms to be utilized for providing notice to the Office of Financial Regulation under subsections (1), (2) and (3) above, and which are incorporated by reference in Rule 69W-301.002, F.A.C., are:

(a) Notice of Withdrawal from Registration as Investment Adviser (Form ADV-W) ~~(Revised 1/99)~~.

(b) Uniform Request for Broker Dealer Withdrawal (Form BDW) ~~(Revised 8/99)~~.

(c) Uniform Branch Office Form (Form BR) Branch Office Registration Form (OFR-DA-1-91) (Revised 4/99).

(d) Uniform Termination Notice for Securities Industry Registration (Form U-5) ~~(Revised 8/99)~~.

Specific Authority 517.03(1) FS. Law Implemented 517.12(12)(b), 517.161(5) FS. History—New 12-5-79, Amended 9-20-82, Formerly 3E-600.08, Amended 7-29-90, 8-1-91, 6-16-92, 1-11-93, 6-22-98, 6-10-99, 5-10-00, 5-27-01, Formerly 3E-600.008, Amended \_\_\_\_\_.

69W-600.0092 Investment Adviser Registration Depository for Federal Covered Advisers.

Wherever the Rules of this Office of Financial Regulation require the filing of applications, fees, and other documents with the Office of Financial Regulation, in lieu thereof, all federal covered advisers shall file such items as specified below:

(1) All federal covered advisers making, renewing, or terminating a notice filing in this state shall file the appropriate Form ADV, Uniform Application for Investment Adviser Registration, which is incorporated by reference in subsection 69W-301.002(7), F.A.C., (Revised 1/1/01) or ADV-W, Notice of Withdrawal from Registration as Investment Adviser, which is incorporated by reference in subsection 69W-301.002(7), F.A.C., ADVW (Revised 1/99) and the assessment fee required by Section 517.1201(1) or (2), F.S., with the Investment Adviser Registration Depository (“IARD”) of the NASD. When requested by the Office of Financial Regulation, Form ADV, which is incorporated by reference in subsection 69W-301.002(7), F.A.C., (Revised 1/1/01) Part 2, and all responses to any other request for additional information, shall be filed directly with the Office of Financial Regulation.

(2) Any notice filing made by a federal covered adviser with the Office of Financial Regulation through the IARD shall be deemed received by the Office of Financial Regulation upon receipt of the Form ADV, which is incorporated by reference in subsection 69W-301.002(7), F.A.C., (Revised 1/1/01) and the filing fee. The filing fee shall be deemed received by the Office of Financial Regulation on the “payment date” reflected on the CRD “disbursement detail” report.

(3) All amendments to the Form ADV, which is incorporated by reference in subsection 69W-301.002(7), F.A.C., (Revised 1/1/01), shall be filed with the Office of Financial Regulation through the IARD system.

(4) All federal covered advisers who notice file in this state and who request initial registration, renewal, reaffiliation or termination of an associated person of such federal covered adviser shall file the appropriate Form U-4, Uniform Application for Securities Industry Registration or Transfer, which is incorporated by reference in subsection 69W-301.002(7), F.A.C., (Revised 3/02) or Form U-5, Uniform Termination Notice for Securities Industry Registration, which is incorporated by reference in subsection 69W-301.002(7), F.A.C., (Revised 3/02) and the assessment fee required by Section 517.12(10) or (11), F.S., with the CRD of the NASD. However, any response to any request for additional information shall be filed directly with the Office of Financial Regulation.

(5) No change.

(6) All federal covered advisers currently registered with the Office of Financial Regulation shall transition the Florida registration of their associated persons onto the CRD before June 30, 2002. All associated persons who transition onto the CRD shall file a complete Form U-4, which is incorporated by reference in subsection 69W-301.002(7), F.A.C., (Revised 3/02) through the CRD within 30 days of the transition date, unless the associated person has a current and complete Form U-4, which is incorporated by reference in subsection 69W-301.002(7), F.A.C., (Revised 3/02) on the CRD with the federal covered adviser filing such transition.

Specific Authority 517.03, 517.12(6), 517.12(15), 517.1201 FS. Law Implemented 517.1201(1),(2),(15) FS. History—New 7-31-02, Formerly 3E-600.0092, Amended \_\_\_\_\_.

69W-600.0093 Investment Adviser Registration Depository for Investment Advisers.

Wherever the rules of this Office of Financial Regulation require the filing of applications, fees, and other documents with the Office of Financial Regulation, in lieu thereof, investment advisers may file such items as specified below:

(1) All investment advisers requesting initial registration, renewal or termination of registration in this state may file the appropriate Form ADV, Uniform Application for Investment Adviser Registration, which is incorporated by reference in subsection 69W-301.002(7), F.A.C., (Revised 1/1/01) or ADV-W, Notice of Withdrawal from Registration as Investment Adviser, which is incorporated by reference in subsection 69W-301.002(7), F.A.C., ADVW (Revised 1/99) and the assessment fee required by Section 517.12(10) or (11), F.S., with the Investment Adviser Registration Depository (“IARD”) of the NASDR. Form ADV, which is incorporated by reference in subsection 69W-301.002(7), F.A.C., (Revised 1/1/01), Part 2, and all responses to other requests for additional information, shall be filed directly with the Office of Financial Regulation.

(2) Any application for registration as an investment adviser filed with the Office of Financial Regulation through the IARD shall be deemed received by the Office of Financial Regulation upon receipt of the Form ADV, which is incorporated by reference in subsection 69W-301.002(7), F.A.C., (Revised 1/1/01) and the filing fee. The filing fee shall be deemed received by the Office of Financial Regulation on the “payment date” reflected on the CRD “disbursement detail” report.

(3) All investment advisers registered in this state by the IARD requesting initial registration, renewal, reaffiliation or termination of an associated person of such investment adviser may file the appropriate Form U-4, Uniform Application for Securities Industry Registration or Transfer, which is incorporated by reference in subsection 69W-301.002(7), F.A.C., (Revised 3/02) or U-5, Uniform Termination Notice for Securities Industry Registration, which is incorporated by reference in subsection 69W-301.002(7), F.A.C., (Revised 3/02) and the assessment fee required by Section 517.12(10) or (11), F.S., with the CRD of the NASD. However, all responses to any requests for additional information shall be filed directly with the Office of Financial Regulation.

(4) All investment advisers currently registered with the Office of Financial Regulation who register their associated persons by the CRD shall transition the Florida registrations of their associated persons onto the CRD. All associated persons who transition onto the CRD shall file a complete Form U-4, which is incorporated by reference in subsection 69W-301.002(7), F.A.C., (Revised 3/02) through the CRD

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

(5) No change.

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

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

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

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

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

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

**DEPARTMENT OF TRANSPORTATION**

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

**NOTICE OF CHANGE**

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

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

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

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

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

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

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

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

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

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

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

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

**BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND**

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