

suggestion and provide a response to the CFO. Section 17.30, F.S., allows the CFO to disseminate, in any form or manner she considers appropriate, information regarding the CFO's official duties. The Division of Consumer Services has set up a "Get Lean Florida" website where citizens can also submit their suggestions.

**SUBJECT AREA TO BE ADDRESSED:** The proposed rule will allow citizens to submit suggestions either through the "Get Lean" telephone hotline or the "Get Lean Florida" website. The proposed rule will allow the CFO to email the suggestions to an agency contact person together with the secured website address where the agency can provide the CFO with a response. The proposed rule will require each suggestion to be evaluated by the agency to determine whether: (a) it was properly assigned; (b) it has merit; (c) it is practical to implement; (d) it will be implemented; and (e) there are any cost savings.

**RULEMAKING AUTHORITY:** 17.29, 17.325(5) FS.

**LAW IMPLEMENTED:** 17.001, 17.30, 17.325 FS.

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

**DATE AND TIME:** June 15, 2009, 2:00 p.m.

**PLACE:** Room 142, Larson Building, 200 East Gaines Street, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Tom Terfinko at (850)413-5802 or Tom.Terfinko@myfloridacfo.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS:** Tom Terfinko, Assistant Director, Division of Consumer Services, 200 East Gaines Street, Tallahassee, Florida 32399-0320; (850)413-5802 or Tom.Terfinko@myfloridacfo.com.

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

## Section II Proposed Rules

### DEPARTMENT OF LEGAL AFFAIRS

#### Division of Victim Services and Criminal Justice Programs

RULE NOS.:

2A-5.005

RULE TITLES:

Minimum Safety Standards for  
Convenience Businesses

2A-5.010 Procedure for Employee Curriculum Approval

2A-5.011 Enforcement

**PURPOSE AND EFFECT:** The proposed rule amendments and rule repeal are intended to update the rules to reflect changes in the convenience store industry and to remove outdated language.

**SUMMARY:** The proposed amendment to Rule 2A-5.005, F.A.C., deletes outdated language in the rule. Rule 2A-5.010, F.A.C., is being repealed since the rule is no longer necessary. The amendment to Rule 2A-5.011, F.A.C., updates the inspection form and the voluntary compliance agreement.

**SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS:** The following is a summary of the Statement of Estimated Regulatory Costs:

1. The proposed change will require C-Store owners to maintain the security camera system in working condition so that images are recorded in the proper format. Training curriculums for employees of C-Stores will no longer be approved by the Department of Legal Affairs.
2. Approximately 10,000 C-Stores in the state are potentially affected by the rule changes.
3. The rule changes will not require any governmental entity to incur additional costs or receive additional revenues.
4. No transaction costs will be incurred by any person or entity as a result of the rule change. The rule formalizes changes that have already taken place.
5. The Department believes the impact of the rule will be to allow for changes in technology that have already occurred, and that those changes will continue to assist law enforcement in identifying criminals who try to rob C-Stores.

The complete Statement of Estimated Regulatory Costs is available by contacting: Rick Nuss, Chief, Bureau of Criminal Justice Programs, at the address listed below.

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

**RULEMAKING AUTHORITY:** 812.176 FS.

**LAW IMPLEMENTED:** 120.57, 812.173, 812.174 812.175 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:** Rick Nuss, Chief, Bureau of Criminal Justice Programs, Department of Legal Affairs, PL-01, The Capitol, Tallahassee, Florida 32399-1050

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

2A-5.005 Minimum Safety Standards for Convenience Businesses.

Each convenience business shall be equipped with the following security devices and standards:

(1) A security camera system capable of recording and retrieving a recognizable and identifiable image of an offender to assist individuals involved in an investigation, in a format that can be enlarged and reproduced for distribution by law enforcement agencies. If one camera is not sufficient, additional cameras must be installed to capture the image of an offender at all register locations in use. The camera system shall be:

(a) Positioned to provide photographic coverage of all registers in use and to minimize tampering by customers or offenders;

(b) Maintained on a routine basis to ensure that the camera system is working properly at all times;

(c) Capable of continuous operation, ~~or activation by a remote triggering device such as a concealed button or bill trap alarm; and~~

(d) Verification that the camera system is in proper working order and is in fact recording images as defined in Section (1) above in accordance with the standards listed above shall be maintained on the premises in the form of test photographs produced annually. The system shall be maintained no less than once every four months, documented on a maintenance log kept on the premises.

(2) through (7) No change.

~~(8) Unless an exemption is granted by the Office of the Attorney General under Section 812.173(3), F.S., a silent alarm which activates a signal to a law enforcement or a private security agency is required. Silent alarms shall have a primary and secondary power source. Silent alarms must be installed by a contractor licensed by the Florida Electrical Contractors' Licensing Board pursuant to the provisions of Chapter 489, F.S. Silent alarms shall be maintained regularly in accordance with the manufacturer's specifications and in proper working order at all times the business is open.~~

~~(9) If a murder, robbery, sexual battery, aggravated assault, aggravated battery, kidnaping or false imprisonment has occurred at a convenience business, the business must meet additional requirements under Section 812.173(4), F.S.~~

Rulemaking Specific Authority 812.176 FS. Law Implemented 812.173 FS. History-New 4-20-93, Joint Administrative Procedures Committee Objection Filed - See FAW Vol. 19, No. 48, December 3, 1993, Amended 2-24-94, 6-25-96, 4-28-98,\_\_\_\_\_.

2A-5.010 Procedure for Employee Curriculum Approval.

Rulemaking Specific Authority 812.176 FS. Law Implemented 812.174 FS. History-New 4-20-93, Amended 6-25-96, Repealed \_\_\_\_\_.

2A-5.011 Enforcement.

(1) Before the Department may take action to enforce a provision of the "Convenience Business Security Act," Sections 812.1701-.175, F.S., an inspection of a convenience business or businesses must be performed and properly documented on the form entitled "Convenience Business Security Inspection Form," CBS-2 (Revised 4/09) (~~04/96~~), effective \_\_\_\_\_ ~~6-25-96~~, which is incorporated by reference in these rules.

(2) The owner or principal operator of a convenience business must respond to a notice of violation and provide proof of compliance by submitting to the Office of the Attorney General a completed form entitled "Voluntary Compliance Agreement," CBS-3 (Revised 4/09) (~~2/98~~), effective \_\_\_\_\_ ~~4-28-98~~, which is incorporated by reference in these rules.

(3) through (5) No change.

Rulemaking Specific Authority 812.176 FS. Law Implemented 120.57, 812.175 FS. History-New 4-20-93, Amended 6-25-96, 4-28-98,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Rick Nuss, Chief, Bureau of Criminal Justice Programs  
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Bill Stewart, Deputy Chief of Staff  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 18, 2009  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 24, 2009

**DEPARTMENT OF LEGAL AFFAIRS  
Division of Victim Services and Criminal Justice Programs**

RULE NO.: 2A-8.005  
RULE TITLE: Adjustments to Reflect Consumer Price Index

PURPOSE AND EFFECT: The proposed rule amendments are intended to reflect changes to benefits with regard to the recent changes in the Consumer Price Index.

SUMMARY: The proposed rule amendments reflect revised benefit payments in response to adjustments to the Consumer Price Index.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The following is a summary of the Statement of Estimated Regulatory Costs:

- 1. The proposed rule allows for the statutory required adjustment in the death benefit paid to survivors of law enforcement officers.
- 2. The rule change affects any governmental entity required to pay the benefit which will range from \$59,455 to \$178,366 per officer death. There are no revenue changes.

3. The rule decreases the amount of the death benefit paid to survivors of deceased law enforcement officers by the Consumer Price Index published for March 2009, as required by Section 112.19(2)(j), Florida Statutes.

4. There are no additional transactional costs that will be incurred by any person or entity as a result of the rule change.

5. The impact for small businesses such as funeral homes and services utilized by the survivors of the law enforcement officer will be positive because additional revenue will be available to those sources. The impact will be negative for small counties and cities that have to pay the death benefit, and it might take revenue that would otherwise be spent elsewhere. The complete Statement of Estimated Regulatory Costs is available by contacting: Rick Nuss, Chief, Bureau of Criminal Justice Programs, at the address listed below.

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

RULEMAKING AUTHORITY: 112.19 FS.

LAW IMPLEMENTED: 112.19 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: Rick Nuss, Chief, Bureau of Criminal Justice Programs, Department of Legal Affairs, PL-01, The Capitol, Tallahassee, Florida 32399-1050

THE FULL TEXT OF THE PROPOSED RULE IS:

2A-8.005 Adjustments to Reflect Consumer Price Index.

(1) Section 112.19(2)(j), F.S., requires the Bureau to adjust the statutory amount on July 1 of each year based on the Consumer Price Index for all urban consumers published by the United States Department of Labor, using the most recent figures available. The Bureau will utilize the previous March Consumer Price Index published by the United States Department of Labor and the benefits shall be adjusted from the benefit amount of the year before.

(2) The Consumer Price Index amount in March 2009 decreased 0.4 ~~2008 was 4.0~~ percent. Therefore, the statutory amount for the period July 1, 2009 ~~2008~~ through June 30, 2010 ~~2009~~, is:

(a) For those benefits paid or to be paid under paragraph (a) of subsection (2); \$59,455.68 ~~\$59,694.46~~.

(b) For those benefits paid or to be paid under paragraph (b) of Subsection (2); \$59,455.68 ~~\$59,694.46~~.

(c) For those benefits paid or to be paid under paragraph (c) of Subsection (2); \$178,366.96 ~~\$179,083.29~~.

Rulemaking Specific Authority 112.19 FS. Law Implemented 112.19 FS. History—New 12-10-03, Amended 8-17-04, 7-26-05, 7-26-06, 7-15-07, 7-20-08,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Rick Nuss, Chief, Bureau of Criminal Justice Programs

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Bill Stewart, Deputy Chief of Staff

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 18, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 24, 2009

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

Notices for the Board of Trustees of the Internal Improvement Trust Fund between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

### **AGENCY FOR HEALTH CARE ADMINISTRATION**

#### **Health Facility and Agency Licensing**

RULE NO.: RULE TITLE:

59A-7.020 Definitions

PURPOSE AND EFFECT: The agency is proposing to amend the rule that defines "authorized person" and "kickback".

SUMMARY: Revisions to specify the professionals authorized to order clinical laboratory tests and receive test results and to revise the definition of kickback so that the definition does not include laboratory personnel directly collecting specimens from kidney disease patients under certain circumstances.

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

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

RULEMAKING AUTHORITY: 483.051 FS.

LAW IMPLEMENTED: 483.041(7), 483.181, 483.245 FS.

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

DATE AND TIME: June 23, 2009, 1:30 p.m. – 4:30 p.m.

PLACE: Agency for Health Care Administration, Building 3, Conference Room B, 2727 Mahan Drive, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Karen Rivera, Laboratory Unit, 2727 Mahan Drive, Building 1, Mail Stop 32, Tallahassee, Florida 32308, (850)487-3109. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Karen Rivera, Laboratory Unit, 2727 Mahan Drive, Building 1, Mail Stop 32, Tallahassee, Florida 32308, (850)487-3109

THE FULL TEXT OF THE PROPOSED RULE IS:

59A-7.020 Definitions.

(1) through (3) No change.

(4) Authorized Person – a person authorized by the laws of this State to order tests or receive test results or both including a medical doctor licensed under Chapter 458, F.S., a doctor of osteopathy licensed under Chapter 459, F.S., a chiropractor licensed under Chapter 460, F.S., a doctor of podiatry licensed under Chapter 461, F.S., an individual licensed in naturopathy under Chapter 462, F.S., an advanced registered nurse practitioner, including the category of certified nurse midwife, licensed under Chapter 464, F.S. and a dentist licensed under Chapter 466, F.S.

(5) through (14) No change.

(15) Kickback.

(a) through (f) No change.

(g) Provision of personnel or assistance of any kind to perform any duties for the collection or processing of specimens except:

1. Phlebotomist providing collection services in physician’s office to obtain blood samples for patients that are diagnosed with chronic kidney disease (CKD) and do not yet require dialysis and the testing performed on the samples is either specific to the diagnosis of CKD, one of CKD’s co-morbid conditions, or otherwise ordered by the nephrologist, and not by any other physician or;

2. Such personnel or assistance is authorized to be provided on a temporary basis for the collection of specimens at a patient’s residence.

These collections must meet the requirements of Chapter 59A-7, F.A.C.

(16) through (34) No change.

Rulemaking Specific Authority 483.051 FS. Law Implemented 483.035, 483.041, 483.051, 483.106, 483.191 FS. History–New 11-20-94, Amended 8-13-95, 12-27-95, 6-22-06,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Karen Rivera

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Secretary Benson

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 29, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 6, 2009

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Division of Pari-Mutuel Wagering**

RULE NOS.:	RULE TITLES:
61D-14.002	Application Requirements
61D-14.005	Occupational License Requirements for Individual Persons
61D-14.006	Occupational License Application Requirements for Business Entities
61D-14.008	Occupational License Renewal Application
61D-14.010	Identification of the Occupational License Applicant

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

SUMMARY: The rules have been reworded to improve clarity and address several subject matter areas. Rule 61D-14.002, F.A.C., clarifies the requirement for the bond which must accompany an application and specifies that applicants provide all final orders, pleadings, and complaints in all administrative, civil, or criminal actions as well as complaints currently active regarding the applicant at the time of application. Rule 61D-14.005, F.A.C., requires that each applicant provide the date of birth, race, and gender of all relatives over the age of 21 living in the same household as the applicant. It also requires that applicants submit a copy of any final orders or judgments as well as complaints currently active which may affect the applicant’s license. Rule 61D-14.006, F.A.C., provides the procedures for submitting modified corporate information for an application for licensure in the state. The rule requires that applicants provide copies of all court and/or administrative records regarding denial, suspension, or revocation of any government-issued license, permit, or certificate as well as complaints currently active. It also requires that applicants provide a copy of any licenses, permits, or certificates. Rule 61D-14.008, F.A.C., requires the applicant to disclose any administrative, civil, or criminal action that has occurred since the issuance of the current license. It also requires the applicant to provide copies of the complaints, pleadings, final orders, and judgments entered as a result of these actions. Rule 61D-14.010, F.A.C., updates the method in which an applicant may establish his/her identity and removes the requirement for a driver’s license or identification card to contain eye color. The rule provides a technical change by defining the acronym “ICE” to represent Immigration and Customs Enforcement.

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

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

RULEMAKING AUTHORITY: 551.103(1), 551.122 FS.

LAW IMPLEMENTED: 119.07, 551.103(1)(a), (b), (f), 551.104(4), (10), 551.106(1), 551.107(4)(a), (d), 551.108, 551.118 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: June 24, 2009, 9:00 a.m. – 5:00 p.m.

PLACE: Department of Business and Professional Regulation, Division of Pari-Mutuel Wagering, North Broward Regional Service Center, 1400 West Commercial Blvd., Suite 195, Ft. Lauderdale, Florida 33309

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

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

THE FULL TEXT OF THE PROPOSED RULES IS:

61D-14.002 Application Requirements.

(1) Each application for a slot machine license shall:

(a) Be filed by a pari-mutuel wagering permitholder;

(b) Be filed shall include the following information on Form DBPR PMW-3400, Permitholder Application for Annual Slot Machine License, which is adopted and incorporated by Rule 61D-15.001, F.A.C.;

(c)(a) Include the The full name of the applicant;

(d)(b) Include a A list of all ownership interests of five percent or greater;

1. If the applicant is a corporation, provide the name of the state in which incorporated and the names and addresses of the officers, directors, and shareholders holding five percent or more equity; or;

2. If the applicant is if a business entity other than a corporation, provide the names and addresses of the principals, partners, shareholders, or any other person holding five percent or more equity;

(e)(e) Include the The names and addresses of the ultimate equitable owners for a corporation or other business entity, if different from those provided under paragraph (d)(b), unless:

1. The securities of the corporation or entity are registered pursuant to Section 12 of the Securities Exchange Act of 1934, 15 United States Code Sections 78a-78kk; and

2. The If such corporation or entity files the reports required by Section 13 of the Act with the United States Securities and Exchange Commission, the reports required by Section 13 of the act above or if the securities of the corporation or entity are regularly traded on an established securities market in the United States;

(f)(d) Include the The names and addresses of any mortgagee of the applicant's any pari-mutuel facility and information on any financial agreement between the parties including the names and addresses of:

1. The the officers and directors of the mortgagee;

2. The and of those stockholders in the mortgagee who hold more than five percent of the stock; of the mortgagee. If applicable, a mortgagee shall also file the same information for

3. The equitable owners under paragraph (e)(e) if applicable and the mortgagee is a publicly traded company;

(g)(e) Provide for For each individual listed in the application as an owner, partner, officer, or director a complete:

1. Set A complete set of fingerprints that have been taken by a law enforcement officer or division staff to allow for electronic submission to FDLE; and

2. Form DBPR PMW-3460, Request for Release of Information and Authorization to Release Information, which is adopted and incorporated by Rule 61D-15.001, F.A.C., authorizing the division and FDLE to obtain any record held by a financial or public institution;

(h)(f) Include a A security plan that is in compliance with the specifications cited sited in Rule 61D-14.051, F.A.C.;

(i)(g) Include a A copy of the contracts required by Section 551.104(10), F.S.;

(j)(h) Include Each applicant shall provide the name and address of the custodian of records in Florida for slot machine operations;

(k)(i) Include the date of issue of each permit to conduct pari-mutuel wagering and the applicant's Each applicant shall disclose each permit to conduct pari-mutuel wagering that is issued to the applicant in which it has any ownership interest percentage;

(l)(j) Include a complete Form DBPR PMW-3470, Surety Bond for Florida Slot Machine Licensee, adopted and incorporated by Rule 61D-15.001, F.A.C. This form Each applicant shall provides proof of a bond, in the amount of at least 2 million dollars (\$2,000,000.00) payable to the Governor of the State of Florida and his or her or his/her successors in office issued by a surety authorized to issue such a bond in the state of Florida. The bond required by this section must: shall be conditioned to require faithful payment of all taxes, fees, or any other moneys payable under Chapter 551, F.S., and indicate whether it is renewable for successive license renewal periods and how many renewals are provided by the bond;

1. Be issued by a surety authorized to issue such a bond in the state of Florida;

2. Provide the surety name, bond number, and date of the instrument;

3. State that upon the principal's failure to comply with Chapter 551, F.S., and Chapter 61D-14, F.A.C., including but not limited to the principal's failure to promptly pay all gaming fees and taxes when due and demanded, the Director of the Division of Pari-Mutuel Wagering of the Department of Business and Professional Regulation (DBPR) may make demand upon the surety for the payment of the amount of the default to also include any fines or administrative penalties imposed as a result of a default by said principal up to but not to exceed the amount of its liability as defined by this bond;

4. Indicate the expiration date of the bond and provide that the bond may be continued by continuation certificate signed by the principal and surety;

5. Provide that the surety may reserve the right to withdraw from the bond, except the surety may not withdraw as to any liability already incurred or accrued during the period of the bond, and may do so only upon giving written notice of the withdrawal to the Director of the Division of Pari-Mutuel Wagering, State of Florida, DBPR, 1940 North Monroe Street, Tallahassee, Florida 32399. The bond must further provide that any approved withdrawal shall not be effective until sixty (60) days have elapsed after the division's acknowledgement of the notice;

6. Provide that withdrawal shall not in any case affect the surety's liability arising out of any outstanding amount incurred prior to the expiration of the 60-day period, after which the division has acknowledged the surety's notice of withdrawal; and

7. Include the signatures of the Corporate President, Secretary, and attorney in fact (as required) and Resident Agent licensed in the State of Florida, and the printed name and address of that Resident Agent.

~~(m)(k)~~ Include payment of Each applicant shall pay the non-refundable application fee upon the filing of the application as required by Section 551.106(1), F.S.;

~~(n)(t)~~ Include payment of Each applicant shall pay the non-refundable regulatory fee to fund the compulsive gambling program as required by Section 551.118, F.S.;

~~(o)(m)~~ Include a A copy of each policy required by Sections 551.104(4)(i); and 551.118, F.S., for the following:

1. ~~Creating opportunities to purchase from vendors in this state, including minority vendors;~~
2. ~~Creating opportunities for employment of residents of this state, including minority residents;~~
3. ~~Ensuring that opportunities for construction services are from minority contractors;~~
4. ~~Ensuring that opportunities for employment are offered on an equal, nondiscriminatory basis; and~~

5. ~~Training for employees on responsible gaming and working with a compulsive or addictive gambling treatment program as required by Section 551.118, F.S.;~~

~~(n)~~ Each applicant shall disclose all administrative, civil or criminal proceedings that have been initiated by any governmental agency or any other state or federal agency that would affect the license status of the applicant or any affiliate of the applicant pursuant to Sections 550.054 and 550.1815, F.S.;

~~(e)~~ Each applicant shall disclose all judgments entered as the result of any administrative, civil or criminal proceedings that have been initiated by any governmental agency or any other state or federal agency that would affect the license status of the applicant or any affiliate of the applicant pursuant to Sections 550.054 and 550.1815, F.S.;

~~(p)~~ Include a copy of:

1. All administrative, civil, or criminal proceedings that have been initiated by any governmental agency or any other state or federal agency and all judgments entered as the result of any completed proceedings that would affect the license status of the applicant or any affiliate of the applicant pursuant to Sections 550.054, 550.1815, and 551.104, F.S.; and

2. Each complaint, pleading, and any final order, judgment, or other final judicial disposition for each administrative, civil, or criminal proceeding disclosed.

~~(q)(p)~~ Include internal ~~Internal~~ control procedures required by Rule 61D-14.058, F.A.C.; and

~~(r)(q)~~ Include the ~~The~~ dates and hours of slot machine operations as specified in Rule 61D-14.017, F.A.C.

(2) The ~~application shall be filed under oath by the applicant for a slot machine license shall file its application under oath.~~

(3) No change.

(4) ~~The applicant shall indicate:~~

~~(a)~~ When ~~If~~ the applicant intends to claim any exemption from public records disclosure under Section 119.07, F.S., or any other exemption from public records disclosure provided by law, for any part of its application, ~~and it shall indicate in its application~~

~~(b)~~ The ~~the~~ specific sections for which it claims an exemption and the basis for the exemption pursuant to Section 119.07, F.S., or any other exemption from public records disclosure provided by law.

Rulemaking Specific Authority 551.103(1), 551.122 FS. Law Implemented 119.07, 551.103(1)(a), (b), (f), 551.104(4), ~~(10)~~, 551.106(1), 551.118 FS. History—New 6-25-06, Amended \_\_\_\_\_.

61D-14.005 Occupational License Requirements for Individual Persons.

(1) The following slot machine occupational license requirements apply to individual persons having access to the designated slot machine area or who may be granted access to the slot machine area by reason of the positions they hold:

(a) Professional Individual Employee Occupational License – Individuals meeting any of the following criteria shall apply for a professional individual occupational license. An individual seeking a license as an employee of a slot machine facility who: An individual seeking a license as an employee of a slot machine facility who will be a security employee or hold a position as the head of a department referenced in Rule 61D-14.015, F.A.C., or a supervisor of employees of the slot machine licensee shall apply for a professional employee occupational license;

1. Will be a security, surveillance, or supervisory employee of a slot machine facility;

2. Will have access to the interior of a slot machine, a slot machine's revenue, or accounting and reporting records associated with slot machine revenue; or

3. Holds a position as the head of a department referenced in Rule 61D-14.015, F.A.C., or a supervisor of employees of the slot machine licensee.

(b) General Individual Employee Occupational License – An individual seeking a license as an employee of a slot machine facility with no management or supervisory authority related to the slot machine licensee's facility or employees not covered in paragraph (1)(a) above shall apply for a general individual employee occupational license; and

(c) No change.

(2) As part of the initial application for or renewal of for a slot machine occupational license provided in Section 551.107, F.S., an applicant shall submit the following information under oath on Form DBPR PMW-3410, Slot Machine Individual Employee Occupational License Application, or Form DBPR PMW-3415, Slot Machine Individual Occupational License Renewal Application, which is adopted and incorporated by Rule 61D-15.001, F.A.C.:

(a) through (e) No change.

(f) The applicant's marital status and the name, date of birth, race, and gender names of the applicant's spouse, children, siblings, grandchildren, the applicant's parents, and any other relative over the age of 21 living in the same household as the applicant;

(g) through 1. No change.

2. Any denial, suspension, or revocation of a license, permit, or certification issued by any governmental agency; and

(h) Information regarding any Any administrative, civil, or criminal proceedings, or any investigations known to the applicant that have been initiated by any governmental agency or any other state or federal agency regarding the applicant that could affect the license status of the applicant in that jurisdiction, or any judgment entered as the result of any such proceeding to include:-

1. The date of any listed action;

2. A copy of any complaint filed in the above actions; and

3. A copy of any final orders, judgments, or other final judicial disposition in the above actions.

(3) through (c) No change.

1. All gaming-related employment; ~~and~~

2. Any non-gaming employment for the previous ten years; and

3. Any period of unemployment in excess of one month.

(d) No change.

(e) A Form DBPR PMW-3460, Authorization for Release of Information, adopted and incorporated by Rule 61D-15.001, F.A.C., ~~release~~ signed by the individual ~~authorizing the division and FDLE to obtain any record held by a financial or public institution.~~

(4) No change.

(a) A duly completed original Form DBPR PMW-3410, Slot Machine Individual Employee Occupational License Application, which is adopted and incorporated by Rule 61D-15.001, F.A.C., in accordance with subsection (3);

(b) through (7) No change.

Rulemaking Specific Authority 551.103(1), 551.122 FS. Law Implemented 551.103(1)(b), 551.107(4)(a), 551.108 FS. History–New 6-25-06, Amended 12-6-06,\_\_\_\_\_.

61D-14.006 Occupational License Application Requirements for Business Entities.

(1) The slot machine occupational license requirements of this section apply to any business entities, including sole proprietorships, as follows:

(a) A business entity shall apply for a business entity occupational license, if the business entity:

1. Acts that acts as a slot machine management company, slot machine manufacturer or distributor, or sells slot machine gaming related products, services, or goods to a slot machine licensee; or

2. Employs individuals who whose employees may be granted access to the designated slot machine area by reason of the employment position they hold with the business entity, shall apply for a business entity occupational license; and

(b) Business entities or their employees that do not supply slot machine gaming related products, services, or goods are not required to hold a business occupational license. However, the slot machine licensee shall be required to meet the requirements of maintain a list of employees as required by paragraph 61D-14.051(4)(k), F.A.C.

(c) A business entity may submit a modified application to apply for a business entity occupational license under the conditions listed in subsection (4) below if it meets specific criteria listed below. The entity's employee(s) shall obtain a slot machine occupational license if they intend to be granted access to the designated slot machine area by reason of the employment position they hold with the business entity. The business entity must meet each of the following criteria for this specific licensure:

1. The service or product the business entity provides a facility licensed under Chapter 551, F.S., is not exclusively (or specifically) dedicated to slot machine gaming, or the delivery of slot machines, or the business entity is not engaged in activity directly related to slot machines;

2. The service or product the business entity provides a facility licensed under Chapter 551, F.S., requires employees of the business entity to interact or come in contact with facility slot machines, support systems, or other associated equipment connected in any way to the operation of slot machines in order to perform their responsibilities;

3. The business entity is a corporation with regularly traded shares on an established securities market in the United States;

4. The business entity is a corporation with corporate officers located in more than three states and/or overseas locations; and

5. The day-to-day management of the business entity within Florida is delegated to a senior manager resident within Florida. For purposes of this rule, the term senior manager designates an applicant's highest level manager permanently residing in Florida.

(2) through (3)(h)1. No change.

2. A Form DBPR PMW-3460, Authorization for Release of Information, adopted and incorporated by Rule 61D-15.001, F.A.C., release signed by the individual authorizing the division and FDLE to obtain any record held by a financial and public institution.

(i) The name, title, and job description of each employee who is required to enter access any area of a slot machine licensee's facility;

(j) Disclosure of other jurisdictions in which the applicant holds, has held, or is applying for a gaming license, including any license, permit, or registry required in order to participate in any legal gaming operation.;

~~1. Any license, permit, or registry required in order to participate in any legal gaming operation; and~~

~~2. Any denial, suspension, or revocation of a license, permit, or certification issued by any governmental agency;~~

(k) Disclosure of whether the applicant has had a gaming license in another jurisdiction suspended, revoked, or denied, or whether there are administrative, civil, or criminal proceedings in any other jurisdiction that could result in the imposition of any suspension, revocation, or denial in that jurisdiction. Such disclosure shall include; any license which has been relinquished in lieu of such prosecution;

1. A list [b1] of the applicable license, permit, or registry required in order to participate in any legal gaming operation, including any license which has been relinquished in lieu of prosecution;

2. Any denial, suspension, or revocation of a license, permit, or certification issued by any governmental agency; and

3. A copy of all court and/or administrative records regarding any denial, suspension, or revocation of a license, permit, or certification issued by any governmental agency.

(l) through (n) No change.

(o) If the applicant is a corporation, the application shall also disclose:

1. The state in which the applicant is incorporated;

2. Whether Disclosure of whether the corporation, or any officer or director of that corporation, has ever been convicted of a crime, and if so, provide:

a. A listing of those crimes offenses; and

b. A copy of all court and/or administrative records concerning the charge and final order regarding any crime for which the corporation or officer or director was convicted.

3. through (p) No change.

(4) The following exemptions apply if a business entity chooses to submit itself for consideration under the requirements of paragraph (1)(c) above for the division's approval. The following changes and agreement of terms of such submission apply regarding that entity's Form DBPR PMW-3420, Slot Machine Business Entity Occupational License Application, adopted and incorporated by Rule 61D-15.001, F.A.C., and any subsequent enforcement action regarding the business entity or entity employee's conduct:

(a) The Senior Manager who is employed and resides within Florida shall be permitted to represent the business entity for purposes of fulfilling the requirements of paragraph (3)(h) above;

(b) The Senior Manager representing the entity shall obtain an individual occupational license pursuant to Rule 61D-14.005, F.A.C.;

(c) The information required pursuant to the requirements of paragraph (3)(m) above is further excluded from the required application as well as the requirement for the continued maintenance of that information in corporate records for inspection;

(d) The information required on Form DBPR PMW-3430, Business Entity Internal Control Information, adopted and incorporated by Rule 61D-15.001, F.A.C., shall be limited to that business activity conducted within the State of Florida;

(e) The business entity remains responsible for all required certifications as to accuracy of the information contained on the application for that business entity, notwithstanding the fact the Senior Manager represents the entity on that application;

(f) The entity's Form DBPR PMW-3420, Slot Machine Business Entity Occupational License Application, adopted and incorporated by Rule 61D-15.001, F.A.C., shall be signed by an officer qualified to bind the corporation at the corporate level to contracts and similar agreements. The corporate officer's signature shall attest to the accuracy and completeness of all information submitted on the application, without reservation; and



(g) All other requirements for application pursuant to this rule remain unchanged.

(5) The business entity, by availing itself of the provisions of subsection (4) above, agrees to the following additional requirements of this application process under this subsection:

(a) The entire corporate business entity is subjected to the regulatory requirements and mandates of Chapter 551, F.S., and applicable rules:

(b) Any disciplinary action taken as to the business entity or the business entity designated Senior Manager representative within the state shall apply to the business entity corporate record of performance within this state as it relates to slot machine gaming licensure:

(c) Upon request from another regulatory jurisdiction, the division shall report regulatory infractions and/or disciplinary action applied to the business entity in Florida as applicable to the business entity's corporate record of performance within the state without qualification or reservation.

(6)(4) If the applicant is a business entity, it shall file its the business occupational license application shall be filed under oath by an officer, director, or manager who is authorized by the applicant business entity to bind the applicant to the representations made in the license application.

(7)(5) An applicant for a license as a manufacturer or distributor of slot machines, or any equipment necessary for the operation of slot machines, shall include with its application an affidavit attesting to the fact that the applicant, its officers, directors, or employees have no ownership or financial interest in a slot machine licensee or any business owned by a slot machine licensee.

(8)(6) If the applicant intends to claim any exemption from public records disclosure under Section 119.07, F.S., or any other exemption from public records disclosure provided by law, for any part of its application, it shall indicate in its application the specific sections for which it claims an exemption and the basis for the exemption.

(9)(7) Each application shall be filed with the division's office located at the slot machine licensee's facility or to the division at 1940 North Monroe Street, Tallahassee, Florida 32399-1035.

Rulemaking Specific Authority 551.103(1), 551.122 FS. Law Implemented 551.103(1)(a), (b), 551.107(4)(a) FS. History-New 7-30-06, Amended \_\_\_\_\_.

61D-14.008 Occupational License Renewal Application.

(1) The application for renewal of a slot machine occupational license shall be made under oath and include:

(a) A ~~duly~~ completed original Form DBPR PMW-3415, Slot Machine Individual Occupational License Renewal Application, or Form DBPR PMW-3425, Slot Machine Business Entity Occupational License Renewal Application,

~~DBPR PMW-3410, Slot Machine Employee Occupational License Application or 3420, Slot Machine Business Entity Occupational License Application, which are adopted and incorporated by Rule 61D-15.001, F.A.C.; and~~

(b) No change.

(c) Disclosure of the following administrative, civil, or criminal actions that have occurred since the issue of the current license:

1. All administrative, civil, or criminal proceedings that have been initiated by any governmental agency or any other state or federal agency; and

2. A complete copy of the complaint, pleadings, and any final order, judgment, or other final judicial disposition for each administrative, civil, or criminal proceeding disclosed.

(2) The division shall issue a slot machine occupational license ~~Slot machine occupational licenses shall be issued by the division~~ for a period of one year or three years. Applications shall be ~~when~~ accompanied by the corresponding license fee, beginning on ~~July~~ October 1 of each year and expiring on ~~June~~ September 30 of the ~~anniversary~~ following year for the license.

(3) The completed renewal application shall be filed with and received by the division between ~~May 1st and June~~ August 2nd through September 30th of the year the license is due to expire.

(4) The license for any person who fails to submit a completed renewal application in accordance with this section shall expire on the expiration date.

(5) Any person whose slot machine occupational license has expired and who seeks a subsequent slot machine occupational license: ~~Any person whose slot machine occupational license has expired and who seeks a subsequent slot machine occupational license shall be considered an initial slot machine occupational license applicant.~~

(a) Within one year of the expiration of the current license shall be considered an applicant for renewal of that license.

(b) Longer than one year after expiration of the original license shall be required to make application using Form DBPR PMW-3410, Slot Machine Individual Occupational License Application, adopted and incorporated by Rule 61D-15.001, F.A.C., and shall provide the information required pursuant to Rule 61D-14.005, F.A.C.

(6) Any business entity whose slot machine occupational license has expired and who seeks a subsequent slot machine occupational license shall be considered an initial slot machine occupational license applicant.

Rulemaking Specific Authority 551.103(1), 551.122 FS. Law Implemented 551.103(1)(a), (b), 551.107(4)(a) FS. History-New 6-25-06, Amended \_\_\_\_\_.

61D-14.010 Identification of the Occupational License Applicant.

Every applicant for a professional individual, general individual, or business employee slot machine occupational license shall establish his/her identity in one of the following ways:

- (1) through (2)(a) No change.
- (b) Current driver’s license containing a photograph, name, signature, date of birth, sex, height, ~~color of eyes~~ and address of the applicant;
- (c) through (e) No change.
- (f) Current identification card issued by the Immigration and Naturalization Service containing a photograph or information about the name, date of birth, sex, height, ~~color of eyes~~ and address of the applicant; or
- (g) A current foreign passport that is recognized by the Immigration and Customs Enforcement (ICE) ~~ICE~~ and contains a photograph of the applicant.

Rulemaking Specific Authority 551.103(1), 551.122 FS. Law Implemented 551.103(1)(a), (b), 551.107(4)(a), (d) FS. History–New 6-25-06, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE: David J. Roberts, Director, Division of Pari-Mutuel Wagering  
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Charles W. Drago, Secretary, Department of Business and Professional Regulation  
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 5, 2009  
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 16, 2007

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Division of Pari-Mutuel Wagering**

RULE NO.:	RULE TITLE:
61D-14.007	Business Occupational License Requirements for an Independent Testing Laboratory

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 slot machine operations at pari-mutuel racing facilities.

SUMMARY: The rule has been reworded to improve clarity and updated to require that applicants for an independent test laboratory license file an affidavit with a license application attesting to the fact that the applicant and the applicant’s employees have no ownership or financial interest in any slot machine licensee or slot machine licensee-owned business.

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

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

RULEMAKING AUTHORITY: 551.103(1), 551.122 FS.  
LAW IMPLEMENTED: 551.103(1)(a), (b), (c), 551.107, 551.108 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: June 24, 2009, 9:00 a.m. – 5:00 p.m.  
 PLACE: Department of Business and Professional Regulation, Division of Pari-Mutuel Wagering, North Broward Regional Service Center, 1400 West Commercial Blvd., Suite 195, Ft. Lauderdale, Florida 33309

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

(Substantial rewording of Rule 61D-14.007 follows. See Florida Administrative Code for present text.)

61D-14.007 Business Occupational License Requirements for an Independent Testing Laboratory.

(1) For purposes of this rule the term “direct interest”:

(a) Shall mean the owning or holding of capital stock or other ownership interest by the applicant for a business occupational license or by the applicant’s officers, directors, managers, employees, or ownership interest holders in a slot machine licensee or manufacturer or distributor of slot machines, slot machine software, or slot machine parts as defined in Chapter 551, F.S.

(b) Shall not mean direct or indirect ownership or holding of an ownership interest, however evidenced, in a publicly or privately held mutual fund, equity investment fund, or other similar investment vehicle that owns or holds an ownership interest in any of the licensed entities referred to in paragraph (1)(a), provided that:

1. The ownership interest such investment vehicle has in any of the entities or type of entities referred to in paragraph (1)(a), when considered separately, is less than five percent of the gross asset value of such investment vehicle; and

2. Investors in such investment vehicles acting individually have no control over management or investment decisions of the investment fund or similar investment vehicle.

(2) In addition to the requirements of Rule 61D-14.006, F.A.C., an applicant for a business occupational license as an independent testing laboratory to test and technically evaluate slot machines or facility based monitoring systems of a slot machine licensee shall meet the following criteria:

(a) Hold current licensure, current certification to test, or a current contract in good standing with a gaming regulator in at least five jurisdictions in which electronic gaming devices are authorized;

(b) Have no contract with a state or other gaming jurisdiction that has been cancelled, suspended, or not renewed for in any way failing to provide adequate testing of slot machines or facility based monitoring systems, or other similar systems for control of slot machine gaming; and

(c) Have no direct ownership interest, either by itself or by its officers, directors, managers, employees, or ownership interest holders in any of the following, nor shall any of the following own any interest in an applicant:

1. A slot machine licensee;

2. Any business owned by a slot machine licensee; and

3. A manufacturer or distributor of slot machines, slot machine software, or slot machine parts.

(3) An applicant for a license or renewal of such license as an independent testing laboratory of slot machines or any equipment necessary for the operation of slot machines shall include with its application an affidavit attesting that the applicant, its officers, directors, managers, and employees have no direct interest in:

(a) A slot machine licensee;

(b) Any business owned by a slot machine licensee; or

(c) A manufacturer or distributor of slot machines, slot machine software, or slot machine parts.

(4) An independent testing laboratory seeking a business occupational license or renewal shall provide the following information as part of its application:

(a) The name of each person employed or with whom it has a contract related to slot machine gaming; and

(b) The job title, license number, and state of licensure of each person listed.

Rulemaking Specific Authority 551.103(1), 551.122 FS. Law Implemented 551.103(1)(a), (b), (c), 551.107, 551.108 FS. History—New 6-25-06, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
David J. Roberts, Director, Division of Pari-Mutuel Wagering  
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Charles W. Drago, Secretary, Department of Business and Professional Regulation

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 5, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 16, 2007

## DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

### Division of Pari-Mutuel Wagering

RULE NO.: 61D-14.020  
RULE TITLE: Excluded Persons

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 slot machine operations at pari-mutuel racing facilities.

SUMMARY: The rule has been reworded to improve clarity and updates the division and licensee's procedure for excluded persons.

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

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

RULEMAKING AUTHORITY: 551.103(1), 551.122 FS.

LAW IMPLEMENTED: 551.103(1)(g), (i), 551.112, 551.118 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: June 24, 2009, 9:00 a.m. – 5:00 p.m.

PLACE: Department of Business and Professional Regulation, Division of Pari-Mutuel Wagering, North Broward Regional Service Center, 1400 West Commercial Blvd., Suite 195, Ft. Lauderdale, Florida 33309

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

61D-14.020 Excluded Persons.

(1) The slot machine licensee's internal controls shall set forth the criteria for exclusion of individuals from the slot machine licensee's facility.

(2)(+) Each slot machine licensee shall maintain a database of persons entitled "Exclusion List." The Exclusion List shall contain information on:

(a) ~~Persons who~~ the slot machine licensee has excluded from its facilities for a specific amount of time as determined by the licensee, including persons self-excluded as compulsive gamblers; and

(b) Persons ~~who that~~ have been excluded by a final order of the division or an emergency order of suspension or exclusion by the division pursuant to Section 120.60, F.S.

(3) The excluded person's name shall be entered on each slot machine licensee's Exclusion List, and each slot machine licensee shall make every reasonable effort to ensure that the listed individual is excluded from its facilities.

(4)(2) A slot machine licensee's Exclusion List shall include the following information for each person listed: ~~A slot machine licensee database of excluded patrons shall include the following information for each excluded person:~~

(a) through (d) No change.

(e) If obtainable, a photograph, and the date of the photo or a photo taken by the slot machine licensee's ~~eligible facility~~ surveillance department; ~~and~~

(f) A brief explanation ~~description~~ of why the person has been excluded; ~~and-~~

(g) The length of time of exclusion that includes the start date of exclusion.

~~(3) A slot machine licensee shall exclude or eject any person that has been placed in its exclusion database.~~

(5)(4) If the slot machine licensee withholds winnings from any excluded person, such withheld winnings shall be included in the slot machine licensee's revenues pursuant to subsection 61D-14.081(5), F.A.C.

(6)(5) The slot machine licensee's agents or employees shall immediately inform the slot machine licensee's security department whenever an excluded person enters or attempts to enter, or is found present at a slot machine licensee's facility from which that person has been excluded. ~~Whenever an excluded person enters or attempts to enter, or is upon the premises of a slot machine licensee, the slot machine licensee's agents or employees shall immediately inform the security department.~~ The security department shall:

(a) through (c) No change.

(7)(6) Permitting Catering to a person excluded by a final order of the division to remain at a slot machine licensed facility is a violation of these rules.

(8) If a slot machine licensee seeks to remove an individual from the Exclusion List, the licensee must notify the division at 1400 W. Commercial Blvd., Ft. Lauderdale, FL

33309, at least 14 days prior to the requested removal date. The request shall be delivered on the date of the request to the division. The slot machine licensee shall submit a request to the division that includes the following information on the individual the licensee seeks to remove from the Exclusion List:

(a) The full name and any aliases, if known, of the individual currently excluded from the facility;

(b) A description of the individual's physical appearance, including height, weight, type of build, color of hair and eyes, and other physical characteristics which would assist in the identification of the individual;

(c) The individual's date of birth;

(d) The date the individual was originally excluded;

(e) The original term of the individual's exclusion;

(f) If obtainable, a photograph, and the date of the photo;

(g) A brief description of why the individual was originally excluded from the slot machine licensee facility; and

(h) A statement signed by the slot machine licensee president or general manager justifying removing the excluded individual from the slot machine licensee Exclusion List and stating that the slot machine licensee internal control requirements have been observed.

Rulemaking Specific Authority 551.103(1), 551.122 FS. Law Implemented 551.103(1)(d), (g), (i), 551.112, 551.118 FS. History--New 6-25-06, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE:

David J. Roberts, Director, Division of Pari-Mutuel Wagering  
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Charles W. Drago, Secretary, Department of Business and Professional Regulation

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 5, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 16, 2007

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Division of Pari-Mutuel Wagering**

RULE NO.: 61D-14.023  
 RULE TITLE: Slot Machine Base Doors

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 slot machine operations at pari-mutuel racing facilities.

SUMMARY: The rule has been reworded to improve clarity and updated to specify that the slot machine base door may be either locked or sealed.

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

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

RULEMAKING AUTHORITY: 551.103(1), 551.122 FS.

LAW IMPLEMENTED: 551.103(1) FS.

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

DATE AND TIME: June 24, 2009, 9:00 a.m. – 5:00 p.m.

PLACE: Department of Business and Professional Regulation, Division of Pari-Mutuel Wagering, North Broward Regional Service Center, 1400 West Commercial Blvd., Suite 195, Ft. Lauderdale, Florida 33309

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

61D-14.023 Slot Machine ~~Base Doors and Compartments.~~

~~All slot machine external base cabinet doors shall be permanently sealed or locked. If the facility chooses to lock the external base cabinet door, the facility shall employ a keyed lock for that purpose. The following requirements shall apply to the slot machine's cabinetry.~~

~~(1) All external doors shall be locked and monitored by door access sensors, which shall have the ability to detect when a door is opened or moved from its fully closed and locked position and immediately:~~

~~(a) Report the door opened event to the slot machine by way of an error; and~~

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

~~(2) A log of compartment door openings and closings shall be maintained inside the locked compartment of the slot machine. The log shall include the time and reason for the opening.~~

Rulemaking Specific Authority 551.103(1), 551.122 FS. Law Implemented 551.103(1)(e), (e), (i) FS. History—New 6-25-06, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: David J. Roberts, Director, Division of Pari-Mutuel Wagering  
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Charles W. Drago, Secretary, Department of Business and Professional Regulation

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 5, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 16, 2007

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Division of Pari-Mutuel Wagering**

RULE NO.: 61D-14.036  
 RULE TITLE: Slot Machine Tournament

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 slot machine operations at pari-mutuel racing facilities.

SUMMARY: The rule establishes rules to govern the institution and management of slot machine tournaments at licensed facilities.

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

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

RULEMAKING AUTHORITY: 551.103(1), 551.122 FS.

LAW IMPLEMENTED: 551.103(1) FS.

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

DATE AND TIME: June 24, 2009, 9:00 a.m. – 5:00 p.m.

PLACE: Department of Business and Professional Regulation, Division of Pari-Mutuel Wagering, North Broward Regional Service Center, 1400 West Commercial Blvd., Suite 195, Ft. Lauderdale, Florida 33309

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

THE FULL TEXT OF THE PROPOSED RULE IS:

61D-14.036 Slot Machine Tournament.

(1) A slot machine tournament is an organized event at which players have the opportunity to engage in competitive play against other players using slot machines the division has approved for that purpose.

(2) A slot machine licensee shall not operate a slot machine tournament unless it has submitted the following to the division at 1400 W. Commercial Blvd., Ft. Lauderdale, FL 33309, for approval in writing:

(a) Tournament rules of play consistent with Chapter 551, F.S.; and

(b) A floor plan of the location of the specific slot machines selected for tournament play within the gaming area.

(3) Any slot machine and associated slot machine component that is part of a slot machine tournament shall:

(a) Comply with the requirements of Chapter 551, F.S., and the administrative rules adopted pursuant to that chapter. However, the percentage requirements of Section 551.104(4)(j), F.S., and the percentage requirements of the rules adopted pursuant to Chapter 551, F.S., do not apply to tournament play.

(b) Be equipped with a program certified by an independent testing laboratory licensed by the state which allows for the tournament mode of play.

(c) Default to disabled for the tournament mode of play option for those machines selected for tournament play.

(d) Be enabled centrally or by a switch key (reset feature) and/or total replacement of the logic board with a certified tournament board if tournament is an option.

(4) A gaming device, while enabled for tournament play shall:

(a) Not accept credits from any source;

(b) Not pay out credits in any way;

(c) Use tournament credits only, which shall not have cash value;

(d) Not increment any mechanical or electro-mechanical meters; and

(e) Not communicate any accounting information to the facility based monitoring system.

(5) The facility based monitoring system shall:

(a) Logically remove all games enabled for tournament play from the normal recording sequence for reporting purposes; and

(b) Record each time a specific slot machine is used for tournament play.

(6) Tournament winnings shall not be deducted from net slot machine revenues or winnings of slot machine gaming.

(7) The slot machine licensee shall provide a report of electronic meter readings from its facility based monitoring system to the division for each of its slot machines designated for tournament play immediately before the tournament mode of play is:

(a) Enabled; and

(b) Disabled.

Rulemaking Authority 551.103(1), 551.122 FS. Law Implemented 551.103(1) FS. History--New \_\_\_\_\_.

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

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Charles W. Drago, Secretary, Department of Business and Professional Regulation

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 5, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 16, 2007

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Division of Pari-Mutuel Wagering**

RULE NO.: RULE TITLE:

61D-14.038 Percentage Payout and Odds

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 slot machine operations at pari-mutuel racing facilities.

SUMMARY: The rule has been substantially reworded to improve clarity and updated to specify that the minimum theoretical payout percentage is to be maintained at all times during the required schedule of testing.

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

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

RULEMAKING AUTHORITY: 551.103(1), 551.122 FS.

LAW IMPLEMENTED: 551.103(1)(c), (d), (e), (h) FS.

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

DATE AND TIME: June 24, 2009, 9:00 a.m. – 5:00 p.m.

PLACE: Department of Business and Professional Regulation, Division of Pari-Mutuel Wagering, North Broward Regional Service Center, 1400 West Commercial Blvd., Suite 195, Ft. Lauderdale, Florida 33309

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

(Substantial rewording of Rule 61D-14.038 follows. See Florida Administrative Code for present text.)

61D-14.038 Percentage Payout and Odds.

(1) An independent test laboratory licensed by the state (laboratory) shall:

(a) Certify a slot machine game for play in Florida only when the manufacturer's Payout and Retention (PAR) sheet for that slot machine game indicates a probable minimum payout percentage of at least 85 percent of all credits played over the mathematical (lifetime) cycle of the game at a 95 percent level of confidence;

(b) Test each slot machine game independently to certify that the game meets the probable minimum payout indicated on the manufacturer's PAR sheet at a 99 percent level of confidence;

(c) Certify in writing to the Office of Slot Operations, Division of Pari-Mutuel Wagering, North Broward Regional Service Center, 1400 West Commercial Boulevard, Suite 165, Ft. Lauderdale, Florida 33309-3787:

1. The game's minimum and maximum theoretical payout percentage;

2. The game has been tested and meets the provisions of Chapter 551, F.S., and Chapter 61D-14, F.A.C.; and

3. The game performs as described in the manufacturer's PAR sheet.

(2) A slot machine game manufacturer or distributor shall provide a PAR sheet to the slot machine licensee and the division at the address in paragraph (1)(c) of this rule upon delivery of each slot machine game to a slot machine licensee in Florida. The volatility index for the game shall be reflected on each manufacturer's PAR sheet.

(3) Upon the alteration or revision of any previously certified game, the slot machine manufacturer shall submit the game to the laboratory which shall re-evaluate the minimum theoretical payout percentage and provide an amended report to the division complying with subsection (1) of this rule.

(4) Slot machine games used at Florida slot machine licensee facilities shall:

(a) Have a total payout over the cycle of both the bonus and non-bonus part of the game combined that conforms to the minimum theoretical payout percentage of 85 percent;

(b) Meet the minimum theoretical payout percentage of the game at all times pursuant to the reporting frequency required in subsection (5) of this rule; and

(c) Meet the minimum theoretical payout percentage of the game when playing at the lowest end of a non-linear payable.

(5) The slot machine licensee shall create a quarterly report using the facility based monitoring system (FBMS), for each slot machine game offered for play during the quarter or any part of a quarter, that includes:

(a) The lifetime actual payout to the end of the respective quarter;

(b) The actual number of plays for the game's lifetime;

(c) The theoretical payout percentage; and

(d) The minimum number of handle pulls required to reach the minimum payout percentage as indicated on the PAR sheet.

(6) The quarterly report required by subsection (5) of this rule shall be filed with the division at the address in paragraph (1)(c) of this rule, electronically or in writing, for each of the following periods:

(a) January 1 through March 31;

(b) April 1 through June 30;

(c) July 1 through September 30; and

(d) October 1 through December 31.

(7) If the report required by subsection (5) of this rule shows that a slot machine game's actual payout is less than 85 percent and the game has surpassed the minimum number of handle pulls required to reach the minimum payout percentage as indicated on the PAR sheet for the slot machine, the slot machine licensee shall:

(a) Notify the division in writing of the identity of the slot machine game;

(b) Remove the game from play;

(c) Recompute the slot machine game payout percentage using the FBMS; and

(d) Determine whether the recomputation of the payout percentage reveals that the slot machine game falls within or outside of the volatility range.

(8) Based on the result of the recomputations required in subsection (6) of this rule, the slot machine licensee shall either:

(a) Return the slot machine game to play if the recomputed payout percentage is within the volatility range; or

(b) Contact an independent test laboratory licensed by the state to investigate the slot machine game if the recomputed payout percentage is not within the volatility range. The slot machine licensee shall require the laboratory to investigate the

slot machine game’s operation and provide the licensee with a written recomputation of the payout percentage and a determination that the slot machine game is operating within or outside of its volatility range.

(9) If, in two consecutive quarterly reports, a slot machine game fails to remain within its volatility range, the slot machine licensee shall remove the slot machine game from play until the slot machine game operating software program is replaced with an operating software program that meets the requirements of the testing in subsection (1) of this rule.

(10) Each slot machine licensee shall maintain records demonstrating:

(a) The quarterly report results required in subsection (5) of this rule for each slot machine game that has been placed on the gaming floor;

(b) The actual payout percentage for each slot machine game at the time of each quarterly report required in subsection (5) of this rule;

(c) The recomputed payout percentage for each slot machine game and whether the payout percentage is within its volatility range; and

(d) Any record regarding software operating programs were replaced pursuant to subsection (8) of this rule.

(11) The records generated under this rule shall be maintained consistent with Rule 61D-14.080, F.A.C.

Rulemaking Specific Authority 551.103(1), 551.122 FS. Law Implemented 551.103(1)(c), (d), (e), (h) FS. History--New 6-25-06, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: David J. Roberts, Director, Division of Pari-Mutuel Wagering  
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Charles W. Drago, Secretary, Department of Business and Professional Regulation  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 5, 2009  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 16, 2007

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Division of Pari-Mutuel Wagering**

RULE NO.: 61D-14.041  
RULE TITLE: Randomness Requirements and Game Play Auditing

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 slot machine operations at pari-mutuel racing facilities.

SUMMARY: The rule has been reworded to improve clarity and updated to specify that as part of game play auditing slot machines may not display any letter, word, message, symbol, or gaming outcome, however briefly, which offers the player

“false hope” or “extra visual encouragement” or “subliminal message” implying the possibility of a winning outcome if the patron continues to play the game. It also establishes certification requirements for manufacture and licensed independent test laboratory submission for state approval.

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

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

RULEMAKING AUTHORITY: 551.103(1), 551.122 FS.

LAW IMPLEMENTED: 551.103(1)(c), (e), (g) FS.

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

DATE AND TIME: June 24, 2009, 9:00 a.m. – 5:00 p.m.

PLACE: Department of Business and Professional Regulation, Division of Pari-Mutuel Wagering, North Broward Regional Service Center, 1400 West Commercial Blvd., Suite 195, Ft. Lauderdale, Florida 33309

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

61D-14.041 Randomness Requirements and Game Play Auditing.

(1) Each slot machine shall ~~use~~ utilize an internal random number generator (RNG). The RNG shall ~~comply with the following standards:~~

- (a) ~~Be~~ The RNG shall be statistically independent from any other device;
- (b) ~~Conform~~ The RNG shall conform to the random distribution values specified in the slot machine’s PAR sheet;
- (c) Pass statistical tests such as the chi-squared test or random distribution analysis test;
- (d) ~~Cycle~~ Be cycled continuously in the background between games and during game play;
- (e) Randomly determine the first seed number;



(f) Use a method of re-scaling that permits all numbers within the lower range to be equally probable if a function of a slot machine requires a random number to be generated with a smaller range than that provided by the slot machine's RNG; the method of re-scaling shall be designed in such a way that all numbers within the lower range are equally probable; and

(g) Re-scale values using a method such as discarding that random number and selecting the next in sequence if a particular random number selected is outside the range of equal distribution of re-scaling values, it is permissible to re-scale using a method such as discarding that random number and selecting the next in sequence.

(2) through (3) No change.

(4) For purposes of this rule "false hope" or "extra visual encouragement" or "subliminal message" is defined as: The slot machine shall not make a variable secondary decision after selection of the game outcome. The slot machine shall not make a display that indicates the patron is getting close to a win or that the chance to win is improved by another play.

(a) Any system representation of a letter, word, message, symbol, sign, or gaming outcome that can not be seen by the naked eye alone that may encourage continued slot machine play; or

(b) Any letter, word, message, symbol, sign, or gaming outcome that may be detected scientifically through slow motion execution of the program in a frame-by-frame analysis revealing a letter, word, message, symbol, sign, or gaming outcome that is otherwise not immediately discernable by the naked eye during credit play.

(5) No slot machine authorized for play in Florida shall (after selection of the game outcome) display:

(a) Any letter, word, message, symbol, sign, or gaming outcome, however briefly, that constitutes false hope or extra visual encouragement or subliminal message of any nature; or

(b) A variable secondary decision after the selection of the game outcome; or

(c) Any letter, word, message, symbol, or sign that indicates the patron is getting close to a win or that the chance to win is improved by another play.

(6) Prior to submitting a game to an independent test laboratory licensed by the state (laboratory) for examination, the manufacturer and/or distributor seeking certification of the machine and/or game shall provide written certification to the laboratory as part of the final game approval documentation that the manufacturer and/or distributor has:

(a) Performed a line-by-line review of all source code not previously certified for use in Florida;

(b) Ensured that the code provides the reviewer with accurate descriptive labeling, header comment blocks, and lists of subroutines sufficient to permit thorough review and analysis;

(c) Certified to the laboratory that all code modules are directly and actively related to the audio and video conduct of game play, record retention, monitoring system operation and/or troubleshooting;

(d) Certified that the game does not violate any of the language in Rule 61D-14.041, F.A.C., and that the game does not display any letter, word, message, sign, symbol, or gaming outcome, however briefly, which constitutes false hope or extra visual encouragement to continue play, or subliminal message of any nature.

(7) As part of the final certification to the division, the laboratory shall provide written certification as part of the final game testing documentation attesting to the fact that as part of its examination of the machine and/or game for compliance with Florida Statutes, the laboratory has:

(a) Performed a line-by-line review of the source code;

(b) Found that the code provides the laboratory with accurate descriptive labeling, header comment blocks, and lists of subroutines sufficient to permit thorough review and analysis;

(c) Certified that all code modules are directly and actively related to the audio and video conduct of game play, record retention, monitoring system operation and/or troubleshooting;

(d) Not found any unused or unexplained code modules present during the laboratory examination; and

(e) Certified that the machine and/or game complies with the language in Rule 61D-14.041, F.A.C., does not display any letter, word, message, symbol, sign, or gaming outcome, however briefly, which constitutes false hope, extra visual encouragement to continue play, or a subliminal message of any nature.

(8) The laboratory shall include a copy of each of the certifications required under this rule as part of the formal approval documentation certifying the machine and/or game for play in Florida to the division.

(9) Any misstatements, omissions or errors in the required certification provided by either the laboratory or the manufacturer and/or distributor is a violation of rules governing slot machine gaming.

Rulemaking Specific Authority 551.103(1), 551.122 FS. Law Implemented 551.103(1)(c), (d), (e), (g) FS. History—New 7-5-06, Amended \_\_\_\_\_.

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

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Charles W. Drago, Secretary, Department of Business and Professional Regulation

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 5, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 16, 2007

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Division of Pari-Mutuel Wagering**

RULE NO.: 61D-14.042  
 RULE TITLE: Accounting and Occurrence Meter Specifications

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 slot machine operations at pari-mutuel racing facilities.

SUMMARY: The rule has been reworded to improve clarity. It has also been updated to specify that metering requirements for the credit out meter can be met by summing the credit out, machine paid external bonus payout, and machine paid progressive payout meters. The update also permits advanced funds transfers; modifies the designation of the door meter to specify that the door of interest is the slot machine door; and removes reference to the drop door.

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

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

RULEMAKING AUTHORITY: 551.103(1), 551.122 FS.

LAW IMPLEMENTED: 551.103(1)(c), (d), (e), (g) FS.

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

DATE AND TIME: June 24, 2009, 9:00 a.m. – 5:00 p.m.

PLACE: Department of Business and Professional Regulation, Division of Pari-Mutuel Wagering, North Broward Regional Service Center, 1400 West Commercial Blvd., Suite 195, Ft. Lauderdale, Florida 33309

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

THE FULL TEXT OF THE PROPOSED RULE IS:

61D-14.042 Accounting and Occurrence Meter Specifications.

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

(b) The number reflecting the amounts won or the award reflected on the credit out meter shall cumulatively count all amounts the player has won by the player at the end of the game that were not paid by an attendant, including amounts paid by a ticket printer. The credit out This meter shall not increment for bills inserted and cashed out to allow the slot machine to be used as a change machine. In those cases where amounts awarded are included on separate meters, the metering requirements for the credit out meter can be met by summing the number reflected on the credit out and machine paid external bonus payout meter;

(c) The drop meter shall maintain a cumulative count of the credit value of all bills and tickets inserted into the bill acceptor and Advanced Funds Transfer as identified in Rule 61D-14.078, F.A.C., processed for play;

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

(b) A slot machine cabinet door meter shall display the number of times the slot machine main front cabinet door was opened since the last RAM clear; and

(c) The slot machine shall show the time of the most recent bill acceptor door opening drop door meter shall display the number of times the drop door and the bill acceptor door was opened since the last RAM clear.

(4) through (6) No change.

Rulemaking Specific Authority 551.103(1), 551.122 FS. Law Implemented 551.103(1)(c), (d), (e), (g) FS. History–New 7-30-06, Amended \_\_\_\_\_.

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

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Charles W. Drago, Secretary, Department of Business and Professional Regulation

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 5, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 16, 2007

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Division of Pari-Mutuel Wagering**

RULE NO.: 61D-14.044  
 RULE TITLE: Identification of Program Storage Media, and Slot Machine Technical Requirements

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 slot machine operations at pari-mutuel racing facilities.

SUMMARY: The rule has been substantially reworded to improve clarity. It has also been updated to specify that programs used are not rewritable; removes the external check in favor of type III game internal check algorithm using Internal Checksum or Cyclic Redundancy Check (CRC); specifies the requirement that before a slot machine may be cleared after a failed authentication has occurred, the supervising attendant must enter the time and date of the failure in a permanent record; specifies the requirement of and the procedures to be enacted if "complete and continuous" access to the facility based computer system is lost for a period of 90 minutes or longer, and removes the requirement for slot machines to maintain an internal record of RAM and ROM errors; specifies that authentication errors or RAM or ROM errors will require the game to cease play and illuminate the tower light.

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

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

RULEMAKING AUTHORITY: 551.103(1), 551.122 FS.

LAW IMPLEMENTED: 551.103(1) (c), (d), (e), (f), (g) FS.

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

DATE AND TIME: June 24, 2009, 9:00 a.m. – 5:00 p.m.

PLACE: Department of Business and Professional Regulation, Division of Pari-Mutuel Wagering, North Broward Regional Service Center, 1400 West Commercial Blvd., Suite 195, Ft. Lauderdale, Florida 33309

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

THE FULL TEXT OF THE PROPOSED RULE IS:

(Substantial rewording of Rule 61D-14.044 follows. See Florida Administrative Code for present text.)

61D-14.044 Identification of Program Storage Media, and Slot Machine Technical Requirements.

(1) All program storage media, both writable or non-writable, including EPROMs, Digital Versatile Disc (DVD), Compact Disk – Read Only Memory (CD-ROM), and any other type of program storage devices shall:

(a) Be marked with information to identify the software and revision level of the information stored in the devices;

(b) Only be accessible with access to the locked logic compartment; and

(c) Have a method that shall require display of the program storage media identification information on the slot machine if the program is copied to and executed from Random Access Memory (RAM).

(2) Read Only Memory (ROM) program storage media shall not be re-writable and shall be finalized and closed to prevent further writing.

(3) For non-EPROM based media, the control program shall authenticate all files that are critical to the accurate operation of the slot machine ("critical files") by employing a hashing algorithm which produces a "message digest" output of a minimum of 128 bits.

(4) For EPROM based media, the control program shall test for possible corruption. The control program may use a Checksum or a Cyclic Redundancy Check (CRC) minimum of 16-bit or equivalent for that test.

(5) The slot machine shall authenticate all critical files against the stored message digest(s), as required in subsection (3), above. In the event of a failed authentication after the slot machine has been powered up, the slot machine shall:

(a) Immediately enter an error condition;

(b) Illuminate its tower light when one is present; and

(c) Cease operation.

(6) Slot machine authentication failure shall:

(a) Require a supervisor's intervention and authorization to correct;

(b) Be recorded in an error correction log that shall:

1. Be maintained in each slot machine;

2. Be maintained as a permanent record of program changes and error corrections for the specifically numbered slot machine;

3. Include the details of each failed authentication and corrective action; and

4. Include the date and time of a failure, and date and time of the corrective action.

(7) For writable program storage the following requirements apply to the programs residing in the slot machine that are capable of being erased and reprogrammed without being removed from the slot machine, bill changer, or other equipment or related devices:

(a) Re-writable program storage shall only be written to in cases where the media contains only data, files, and programs that are not critical to the basic operation of the game, such as marketing information.

(b) Notwithstanding the foregoing, such device may write to media containing critical data, files, and programs provided that the gaming equipment:

1. Properly maintains a log of all information added, deleted, and modified that is stored on the media;

2. Maintains a control program that verifies the validity of all data, files, and programs which reside on the media using the methods listed in subsection (3), non-EPROM specific requirements;

3. Contains appropriate security to prevent unauthorized modifications; and

4. Prohibits game play while the media containing the critical data, files, and programs are in a modifiable state.

(8) Slot machine component integrity checks shall:

(a) Occur:

1. The first time program files are loaded for use; and

2. During the use of components critical to the slot machine's operation.

(b) Not occur:

1. For RAM; and

2. Program storage device space that is not critical to the slot machine security.

(9) Critical files shall be authenticated during each slot machine start-up and restart.

(10) The authentication methodology shall detect 99.99 percent of all possible failures. All critical memory shall:

(a) Have the ability to retain data for a minimum of thirty (30) days after power is removed from the slot machine. If a rechargeable battery is used, the battery used to retain power shall recharge itself to its full potential in a maximum of twenty-four (24) hours. The shelf life of the battery used shall be at least five (5) years;

(b) Be cleared only in accordance with the slot machine licensee's internal controls;

(c) Provide a RAM error message, if the control program detects an unrecoverable memory error; and

(d) Not be cleared automatically, but shall require division approval of and presence for a full RAM clear that is performed by a slot machine lead technician or a more senior employee.

(11) A RAM clear shall only be authorized for the following:

(a) A slot machine malfunction that results in an unrecoverable memory error;

(b) An EPROM chip failure;

(c) A modification to the slot machine's program; and

(d) Troubleshooting the system for possible RAM failure.

(12) No RAM clear procedure shall be performed without prior division approval and division presence for the RAM clear procedure.

(13) Following the initiation of a RAM clear procedure, the slot machine's control program shall execute a routine that initializes all data in RAM to the default state, except those portions of RAM that are critical to the operation of the slot machine. The default reel position or game display after a RAM clear shall not indicate the top award on any selectable line. The default game display, upon entering game play mode, shall also not display the top award.

(14) Slot machines shall be capable of detecting and displaying error conditions and illuminating the tower light for each slot machine in those cases where such a light is available. Upon detection of error conditions, a slot machine shall disable play, and the slot machine and/or the facility based monitoring system (FBMS) shall maintain an internal record if the error is for:

(a) Loss of communication with the FBMS for longer than 90 minutes;

(b) Low RAM battery, for batteries external to the RAM itself, or low power source;

(c) Currency-in jam;

(d) Program error or authentication mismatch;

(e) Door open, including bill acceptor;

(f) Reel spin errors:

1. The specific reel number shall be identified in the error code;

2. The final positioning of the reel, if the final indexed position error exceeds one-half of the width of the smallest symbol on the reel strip; and

3. Malfunctions such as a reel which is jammed, or is not spinning freely, or any attempt to manipulate their final resting position;

(g) Power reset;

(h) Out-of-paper;

(i) Printer jam;

(j) Printer failure; and

(k) Printer disconnected.

(15) The slot machine licensee shall:

(a) Establish procedures within its internal controls to ensure that:

1. The FBMS shall alert the FBMS supervisor when communication has been lost between a slot machine and the FBMS.

2. If communication to a slot machine is lost:

a. The FBMS supervisor is responsible for monitoring the play of the slot machine with which communication has been lost;

b. Within 90 minutes of the loss of communication:

(I) The facility shall restore communication between the slot machine and the FBMS; or

(II) The FBMS supervisor shall terminate play on each slot machine with which communication has not been restored no later than 90 minutes from the time communication was originally lost.

(b) Maintain either a manual or FBMS record of all communication failures, which contains the date and time of the communication failure and resolution of that failure.

(16) A slot machine that has authentication or RAM or ROM errors shall:

(a) Cease operation;

(b) Automatically set to the disabled mode of operation; and

(c) Automatically light its tower or similar light, if the machine has such.

(17) A description of slot machine error codes and their meanings shall be affixed inside the slot machine. However, this subsection does not apply to video-based games that shall display text messages for error conditions on the game console.

(18) The software shall be able to recover to the state it was in immediately prior to the occurrence of a program interruption. Communications to an external device shall not begin until the program resumption routine is completed, and:

(a) Upon restoration of power to the slot machine:

1. The previous error message shall be displayed and the slot machine shall remain locked-up if a slot machine is powered down while in an error condition; or

2. The previous error message shall not be displayed if:

a. The power down is used as part of the error reset procedure; or

b. Upon power up or door closure, the slot machine checks for the error condition and detects that the error condition no longer exists.

(b) Upon resumption of the slot machine's control program, the following procedures shall be performed:

1. Slot machine control programs shall test themselves for possible corruption due to failure of the program storage media; and

2. Mechanical displays shall re-spin automatically to display the last valid game's result when the play mode is re-entered, and the reel positions have been altered.

(19) The slot machine's main door shall affect game play in the following ways:

(a) When the slot machine's main door is opened, the slot machine shall:

1. Cease game play;

2. Enter an error condition;

3. Display an error message;

4. Disable bill acceptance; and

5. Illuminate the tower light when one is available.

(b) When the slot machine's main door is closed, the slot machine shall:

1. Return to its original state in the game; and

2. Display an error message, until the next game has ended.

(c) The software shall detect any access to the following doors or secure areas:

1. External doors;

2. Drop box door; and

3. Bill acceptor door.

(20) Each slot machine and/or bill acceptor shall detect and display an error condition and the bill acceptor shall be disabled for the following conditions:

(a) Bill stacker full;

(b) Bill jams;

(c) Bill acceptor door open; and

(d) Bill stacker door open or bill stacker removed.

Rulemaking Specific Authority 551.103(1), 551.122 FS. Law Implemented 551.103(1)(c), (d), (e), (f), (g) FS. History--New 8-13-06, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
David J. Roberts, Director, Division of Pari-Mutuel Wagering  
NAME OF AGENCY HEAD WHO APPROVED THE  
PROPOSED RULE: Charles W. Drago, Secretary, Department  
of Business and Professional Regulation

DATE PROPOSED RULE APPROVED BY AGENCY  
HEAD: May 5, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT  
PUBLISHED IN FAW: March 16, 2007

## **DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

### **Division of Pari-Mutuel Wagering**

RULE NO.:

RULE TITLE:

61D-14.047

Facility Based Monitoring System  
and Computer Diagnostics

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 slot machine operations at pari-mutuel racing facilities.

SUMMARY: The rule has been substantially reworded to improve clarity and requires a slot machine not be enabled to play following the detection of errors until the control program is authenticated.

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

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

RULEMAKING AUTHORITY: 551.103(1), 551.122 FS.

LAW IMPLEMENTED: 551.103(1)(e), (g), (i), 551.104(4)(f) FS.

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

DATE AND TIME: June 24, 2009, 9:00 a.m. – 5:00 p.m.

PLACE: Department of Business and Professional Regulation, Division of Pari-Mutuel Wagering, North Broward Regional Service Center, 1400 West Commercial Blvd., Suite 195, Ft. Lauderdale, Florida 33309

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

(Substantial rewording of Rule 61D-14.047 follows. See Florida Administrative Code for present text.)

61D-14.047 Facility Based Monitoring System and Computer Diagnostics.

(1) The facility based monitoring system's slot machine communication protocol shall have the ability to immediately act upon commands received from the facility based monitoring system (FBMS), which provide:

(a) The ability to suspend play on a slot machine;

(b) Daily reports of events; and

(c) Reports providing:

1. All accounting data contained in the FBMS;

2. Information on individual events and transactions contained in the FBMS; and

3. The history of a specific slot machine transaction contained in the FBMS.

(2) The FBMS shall:

(a) Capture all information required for tickets enumerated in subsection 61D-14.040(2), F.A.C.;

(b) Not permit a configuration setting change that causes an obstruction or interruption to the electronic accounting meters, affect the integrity of the slot machine, or communications without a RAM clear as provided in subsection 61D-14.044(8), F.A.C.

(3) For the purposes of this rule, an interface element is any system component external to the operation of a slot machine that assists in the collection and processing of data sent to the FBMS. All interface elements shall:

(a) Be installed in a locked area;

(b) Maintain separate electronic meters that shall allow for review on demand at the interface element level;

(c) Retain the required information after a power loss for at least 72 hours;

(d) Provide a means to preserve all meter information required by Rule 61D-14.042, F.A.C., and event information required by Rule 61D-14.046, F.A.C., until it is communicated to the FBMS; and

(e) Allow for the association of a slot machine asset number used in conjunction with a slot machine file on the FBMS. The slot machine asset number shall be used by the FBMS to:

1. Track all information regarding an individual slot machine; and

2. Identify only one slot machine in the FBMS.

(4) An interface element that serves as a data collector for the FBMS shall:

(a) Provide an error detection and correction scheme to ensure an accuracy of 99 percent or better of messages received; and

(b) Encrypt all accounting data communications.

(5) Each system critical to the operation of the slot machine's interface element and the FBMS shall be tested to verify that it performs within its manufactured design specifications. Each system shall be tested:

(a) Under controlled laboratory conditions prior to installation at a slot machine licensed facility; and

(b) At the installation site (a slot machine licensed facility) upon the initial installation of the system to ensure proper configuration of the equipment and installation of the security applications.

(6) The FBMS shall maintain an internal master clock that reflects time in 24-hour format and data that shall be used to provide:

(a) Time stamp of events;

(b) Reference clock for reporting; and

(c) Updated clocks in the system servers, networked systems, or distributed systems.

(7) The FBMS shall:

(a) Not permit the alteration of any accounting or event log information without the approval of a supervisor;

(b) Create an audit log for any alterations of any accounting or event log information. The audit log must include at least:

1. The name of the data element altered;

2. The value of the data element:

a. Prior to data alteration; and

b. After data alteration.

3. The time and date of alteration for each data element alteration event; and

4. The identification of:

a. The individual who performed the alteration; and

b. The supervisor approving the alteration.

(8) The FBMS shall provide:

(a) Redundant copies of each log file or system database or both; and

(b) Open support for backups and restoration of each log file or system database.

(9) The data contained in the FBMS shall be backed-up or saved daily in some form of back-up data records maintained on removable computer storage media. The back-up data records shall be sufficient to reconstruct the entire day's activity.

(a) In addition to the requirements of Rule 61D-14.080, F.A.C., a ready copy of the back-up data records shall be stored for a minimum of 120 days secured in an industry standard two-hour fire and water resistant storage device either on-site or at an off-site location.

(b) The slot machine licensee shall provide the contact information, address, and telephone number of each off-site storage location to the division when:

1. The off-site location is first used for storage; and

2. Each time a new off-site location is used or an off-site location is changed.

(c) Off-site storage contact information should be sent to the Office of Slot Operations, Division of Pari-Mutuel Wagering, North Broward Regional Service Center, 1400 West Commercial Boulevard, Suite 165, Ft. Lauderdale, Florida 33309-3787.

(10) The FBMS shall only be reloaded using data contained in the most recent complete back-up data records that contains at least:

(a) An events log;

(b) All accounting information;

(c) All auditing information; and

(d) Specific site information such as device file or employee file.

(11) The FBMS shall:

(a) Implement self-monitoring for all interface elements;

(b) Notify the system administrator of any error condition;

(c) Monitor the operation of each slot machine in real-time;

(d) Retrieve all financial accounting information for each slot machine on a daily basis;

(e) Report all events in real-time; and

(f) Employ security systems, support measures, or networks to ensure that there is no alteration of any information as it is being communicated from a slot machine to the FBMS.

(12) A slot machine shall not be enabled to play following the receipt of any error listed in subsection 61D-14.044(14), F.A.C., until the control program is authenticated.

(13) The FBMS shall collect and store the following information from each slot machine:

(a) Total credits-in;

(b) Total credits-out;

(c) Total value of all bills, tickets, and vouchers collected by the slot machine;

(d) Total value of all handpays;

(e) Cancelled unpaid credits;

(f) Total monetary value of all bills accepted;

(g) Total number of each type of bill accepted by denomination;

(h) Games played;

(i) Cabinet door openings;

(j) Drop door openings;

(k) Total monetary value of all tickets accepted; and

(l) Total monetary value of all tickets produced.

Rulemaking Specific Authority 551.103(1), 551.122 FS. Law Implemented 551.103(1)(d), (e), (g), (i), 551.104(4)(f) FS. History—New 8-13-06, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
David J. Roberts, Director, Division of Pari-Mutuel Wagering  
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Charles W. Drago, Secretary, Department of Business and Professional Regulation

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 5, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 16, 2007

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Division of Pari-Mutuel Wagering**

RULE NOS.:                      RULE TITLES:

61D-14.053                      Key Controls

61D-14.063                      Count Rooms

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

SUMMARY: The rule has been reworded to improve clarity. The updated rules specify the documentation required in the access log regarding any secure key in Rule 61D-14.053, F.A.C., and specify that a metal detector shall be used as outlined in the facility internal controls to inspect persons exiting the count room in Rule 61D-14.063, F.A.C.

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

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

RULEMAKING AUTHORITY: 551.103(1), 551.122 FS.  
 LAW IMPLEMENTED: 551.103(1)(b), (d), (e), (g), (i), 551.104(4)(h) FS.

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

DATE AND TIME: June 24, 2009, 9:00 a.m. – 5:00 p.m.  
 PLACE: Department of Business and Professional Regulation, Division of Pari-Mutuel Wagering, North Broward Regional Service Center, 1400 West Commercial Blvd., Suite 195, Ft. Lauderdale, Florida 33309

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

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

THE FULL TEXT OF THE PROPOSED RULES IS:

61D-14.053 Key Controls.

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

(d) Areas in which slot cash storage boxes are located; ~~and~~

(e) Compartments housing microprocessors in any slot machine; ~~and-~~

(f) Containers holding the master key for each slot machine Central Processing Unit (CPU).

(3) No change.

(4) Each slot machine licensee shall implement a log system. The log system shall document access to any secure key that the security department controls and shall include the following information: that requires documentation of access to any secure key that shall include without limitation:

(a) The pre-designated key number name and occupational license number of the employee signing out the key;

(b) The date and time the key was signed out from the security department; ~~and~~

(c) The name and occupational license number of the employee signing out the key;

(d) The name and occupational license number of the security person escorting the employee with the key to the secure area as a second signature signing out the key;

(e) The name and occupational license number of the security person issuing the key;

(f) The name and occupational license number of the employee and security person, providing the escort, returning the key; and

(g)(e) The date and time the key was returned to the security department.

(5) Each slot machine licensee shall implement measures in their internal control procedures for:

(a) Addressing missing, lost, and stolen keys;

(b) Issuing replacement keys; and

(c) Destruction of keys.

Rulemaking Specific Authority 551.103(1), 551.122 FS. Law Implemented 551.103(1)(b), (e), (g), (i), 551.104(4)(h) FS. History–New 6-25-06, Amended \_\_\_\_\_.

61D-14.063 Count Rooms.

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

(b) Tables ~~shall be~~ constructed of clear lexan or similar material;

(c) No change.

(d) A fixed door type or hand-held metal detector which shall be used in accordance with the facility internal control procedures to inspect all persons exiting the count room.

Rulemaking Specific Authority 551.103(1), 551.122 FS. Law Implemented 551.103(1)(d), (g), (i) FS. History–New 6-25-06, Amended \_\_\_\_\_.

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

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Charles W. Drago, Secretary, Department of Business and Professional Regulation

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 5, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 16, 2007

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Division of Pari-Mutuel Wagering**

RULE NO.:

RULE TITLE:

61D-14.075

Jackpot Payouts Not Paid Directly From the Slot Machine

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 slot machine operations at pari-mutuel racing facilities.

SUMMARY: The rule has been substantially reworded to improve clarity and specifies procedures required to verify jackpot payouts and conditions under which jackpot payment of \$25,000 or more shall be paid.

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



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

RULEMAKING AUTHORITY: 551.103(1), 551.122 FS.

LAW IMPLEMENTED: 551.103(1)(c), (d), (g), (i) FS.

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

DATE AND TIME: June 24, 2009, 9:00 a.m. – 5:00 p.m.

PLACE: Department of Business and Professional Regulation, Division of Pari-Mutuel Wagering, North Broward Regional Service Center, 1400 West Commercial Blvd., Suite 195, Ft. Lauderdale, Florida 33309

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

(Substantial rewording of Rule 61D-14.075 follows. See Florida Administrative Code for present text.)

61D-14.075 ~~Jackpot and Credit Meter~~ Payouts Not Paid Directly From the Slot Machine.

(1) A slot machine licensee employee shall complete a manual or system generated jackpot payout slip whenever a patron wins a jackpot that is not automatically paid directly from the slot machine.

(2) Jackpot payout slips shall be:

(a) Consecutively numbered;

(b) Used in sequential order; and

(c) Controlled as follows:

1. Manual jackpot payout slips shall be consecutively prenumbered forms;

2. Jackpot payout slips created by the facility based monitoring system shall be printed with consecutive numbering;

3. Employees not assigned to duties in either the cashier's cage or the slot department shall document each series of jackpot payout slips the slot machine licensee receives;

4. All void original and duplicate jackpot payout slips shall be:

a. Marked "void"; and

b. Signed by the preparer and a slot attendant or supervisor.

(3) Each series of manual jackpot payout slips shall be a three-part form that is:

(a) Inserted in a locked jackpot payout dispenser system. The jackpot payout dispenser system shall:

1. Permit all three parts of individual jackpot payout slips in the series to be written upon simultaneously while still in the dispenser; and

2. Discharge the original and duplicate jackpot payout slips while the triplicate jackpot payout slip remains in a continuous unbroken form in the jackpot payout dispenser system;

(b) Maintained so that only those employees identified in subparagraph (2)(c)3. of this rule:

1. Control and account for the unused supply of jackpot payout slips;

2. Place all jackpot payout slips in the locked jackpot payout dispenser system;

3. Remove the triplicate copies of those jackpot payout slips issued from the locked jackpot payout dispenser system; and

4. Control access to the triplicate copy of the jackpot payout slips at all times.

(4) Each series of computer prepared jackpot payout slips shall be a two-part form that is:

(a) Inserted in a printer and printed simultaneously in original and duplicate; and

(b) Printed from information that is securely stored in the facility based monitoring system and cannot be altered or removed after the jackpot payout slip is printed.

(5) The following information shall be included on every jackpot payout slip and in all jackpot payout slip stored data:

(a) The asset number of the slot machine on which the jackpot was registered;

(b) The total amount of the jackpot;

(c) The winning combination of reel characters constituting the jackpot;

(d) The date and time the jackpot occurred;

(e) The amount to be paid from the cashier's cage; and

(f) The time of preparation of the jackpot payout form.

(6) For all jackpots equal to or in excess of \$10,000, the slot machine licensee shall disburse payment only from the cashier's cage directly to:

1. The patron; or

2. A slot machine licensee employee assigned to a supervisor's position who shall transport the winnings from the cashier's cage directly to the patron.

(7) Certification of the accuracy of the information contained on the original and duplicate of the jackpot payout slip shall be provided by:

(a) The cashier/slot personnel who prepared the jackpot payout slip and a slot supervisor who observed the reel characters of the slot machine who shall sign the jackpot payout form; and

(b) Where the jackpot is equal to or in excess of \$10,000, a manager and a member of the security department who shall also sign the jackpot payout form in addition to the signatures required under paragraph (7)(a).

(8) The original jackpot payout slip shall be forwarded to the accounting department for:

(a) Reconciliation with:

1. The triplicate of the manual jackpot payout slip; or

2. The data stored on the facility based monitoring system for all computer prepared jackpot payout slips;

(b) Recording on the slot win sheet;

(c) Reconciliation with the meter reading recorded on the slot meter sheet.

(9) Prior to payment of a slot jackpot of \$25,000 or more, the slot machine licensee shall conduct a verification check of the game. The game verification check shall:

(a) Be completed by two slot machine licensee employees, at least one of whom shall be in a supervisor's position. The two slot machine licensee employees shall be:

1. In possession of a valid slot machine occupational license issued by the state; and

2. Assigned to different departments.

(b) Confirm the condition of the division security tape on the slot machine involved in the jackpot.

1. If the division security tape is not broken, the slot machine licensee shall complete its payment procedure as outlined in its internal control procedures.

2. If the division security tape is found to have been broken or tampered with, the following shall be accomplished:

a. The slot machine licensee shall notify the surveillance department to provide coverage of the slot machine area involved; remove the designated slot machine involved in the jackpot from play; retain all surveillance records regarding the designated slot machine; notify FDLE of the jackpot and broken or tampered division security tape; and secure the designated slot machine until such time as the FDLE investigator may make a determination regarding the jackpot;

b. An FDLE and division representative shall conduct an investigation, including a verification check of game-related storage media and obtain confirmation that all documents are complete and legible;

c. The division shall use a verification device that is approved by the division for testing slot machines for compliance with Chapter 551, F.S., and Chapter 61D-14, F.A.C.; and

d. If the test results from the verification device reflect that:

(I) The program in the slot machine is an authorized version for play in the State of Florida, the slot machine licensee shall proceed with its jackpot payout procedures as outlined in its internal control procedures; or

(II) The program in the slot machine is not an authorized version for play in the State of Florida, the jackpot shall be held in abeyance for further investigation.

e. If a jackpot is held in abeyance for further investigation, the designated slot machine and all jackpot records and surveillance information shall be retained until an investigation is completed. A jackpot payment decision shall be made based upon the outcome of the investigation.

(10) The accounting department shall verify that all jackpot payouts are in compliance with Chapter 61D-14, F.A.C.

(11) When a non-cash prize is offered as a slot machine jackpot or payout for winnings, the slot machine licensee shall:

(a) Make an equivalent cash option available to the patron.

(b) Use the amount of the equivalent cash option in calculation of slot machine revenues.

(c) Include all details of each cash/prize jackpot option transaction on Form DBPR PMW-3680, Slot Jackpot Prize/Cash Option Report, which is adopted and incorporated by Rule 61D-15.001, F.A.C.

Rulemaking Specific Authority 551.103(1), 551.122 FS. Law Implemented 551.103(1)(c), (d), (g), (i) FS. History--New 6-25-06, Amended \_\_\_\_\_.

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

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Charles W. Drago, Secretary, Department of Business and Professional Regulation

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 5, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 16, 2007

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Division of Pari-Mutuel Wagering**

RULE NO.: 61D-14.079                      RULE TITLE: Resolution of Jackpot Disputes

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 slot machine operations at pari-mutuel racing facilities.

SUMMARY: The new rule specifies allowances and requirements for resolution of jackpot disputes above and below \$25,000 at a slot machine gaming facility.

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

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

RULEMAKING AUTHORITY: 551.103(1), 551.122 FS.

LAW IMPLEMENTED: 551.103(1)(c), (d), (e), (i) FS.

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

DATE AND TIME: June 24, 2009, 9:00 a.m. – 5:00 p.m.

PLACE: Department of Business and Professional Regulation, Division of Pari-Mutuel Wagering, North Broward Regional Service Center, 1400 West Commercial Blvd., Suite 195, Ft. Lauderdale, Florida 33309

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

61D-14.079 Resolution of Jackpot Disputes.

(1) A slot machine licensee’s internal controls, required pursuant to Rule 61D-14.058, F.A.C., shall include written procedures outlining how the slot machine licensee shall resolve jackpot disputes.

(2) A patron shall report a jackpot dispute to the slot machine licensee responsible for the operation and management of the slot machine licensed facility.

(3) Whenever a patron reports a jackpot dispute, the following shall occur:

(a) In those instances in which the jackpot amount is \$25,000 or more, the slot machine licensee shall resolve the dispute pursuant to its internal controls and immediately:

1. Notify the Office of Slot Operations, Division of Pari-Mutuel Wagering, North Broward Regional Service Center, 1400 West Commercial Boulevard, Suite 165, Ft. Lauderdale, Florida 33309-3787, of the jackpot dispute and that the slot machine licensee is preserving evidence to resolve the jackpot dispute which evidence shall include:

a. Surveillance information of the designated slot machine;

b. Records for the designated slot machine;

c. Facility based monitoring system records, and

d. Witness statements.

2. Notify the surveillance department to provide surveillance recordings made at the time of the jackpot and subsequent jackpot dispute for the slot machine area involved in the jackpot dispute;

3. Notify an independent testing laboratory licensed by the State of Florida of the jackpot dispute and make arrangements for analysis and assessment of the slot machine and slot machine game in question;

4. Seal the slot machine and remove it from play until the dispute is resolved;

5. Obtain witness statements regarding the dispute; and

6. Establish an investigation file for the dispute.

(b) In those instances in which the jackpot dispute is less than \$25,000, the licensee shall resolve the jackpot dispute according to its approved internal controls.

(4) The licensee shall maintain all dispute resolution files for division review and retain the files pursuant to Rule 61D-14.080, F.A.C.

Rulemaking Authority 551.103(1), 551.122 FS. Law Implemented 551.103(1)(c), (d), (e), (i) FS. History–New \_\_\_\_\_.

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

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Charles W. Drago, Secretary, Department of Business and Professional Regulation

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 5, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 16, 2007

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Division of Pari-Mutuel Wagering**

RULE NO.:  
61D-14.087

RULE TITLE:  
Variance Reports and Response to  
Division Reports and Audits

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 slot machine operations at pari-mutuel racing facilities.

SUMMARY: The rule has been substantially reworded to improve clarity. The updated rule also specifies licensee reporting frequency and response requirements regarding variance reports, including the details of variance and the licensee’s proposed corrective action.

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

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

RULEMAKING AUTHORITY: 551.103(1), 551.122 FS.

LAW IMPLEMENTED: 551.103(1)(d), (g), 551.104(8) FS.

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

DATE AND TIME: June 24, 2009, 9:00 a.m. – 5:00 p.m.

PLACE: Department of Business and Professional Regulation, Division of Pari-Mutuel Wagering, North Broward Regional Service Center, 1400 West Commercial Blvd., Suite 195, Ft. Lauderdale, Florida 33309

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

(Substantial rewording of Rule 61D-14.087 follows. See Florida Administrative Code for present text.)

61D-14.087 Variance Reports and Response to Division Reports and Audits.

(1) Each slot machine licensee shall provide a written variance report (report) for any variance in financial reporting or accounting detected during daily operations at a facility to the division at 1400 W. Commercial Blvd., Ft. Lauderdale, FL 33309. For purposes of this rule, a variance is defined as the difference between the amount reported in a specific category on the slot machine licensee's initial report to the division and the slot machine licensee's final report for a designated business day. The following requirements apply to this report:

(a) The report shall be submitted no later than 48 hours after identification of a variance or at the end of the next business day if the variance is identified on a weekend;

(b) The report shall provide details of the variance in narrative form. The report shall also cite the numeric readings from the meters or other accounting equipment found to be out of agreement within the facility based monitoring system and associated facility management systems;

(c) The report shall include a statement of corrective action indicating what action was taken or will be taken, what systems or records were or will be updated, and a certification that the correction will be part of the end-of-month revenue report to the division.

(d) The report shall include a proposed date of correction in those instances where the corrective action will occur subsequent to the report required by this rule. The slot machine licensee shall submit a follow-up report to the division whenever corrective action occurs subsequent to the report. The follow-up report shall indicate what action was taken, what systems or records were updated and a certification that the correction will be part of the end-of-month revenue report to the division.

(2) A slot machine licensee or occupational licensee shall provide a written response to the division within:

(a) Five business days from the date of receipt of a written request from the division for information or corrective action;

or

(b) Thirty (30) calendar days from:

1. The date a slot machine licensee conducts an audit and finds deficiencies requiring corrective action; or

2. The date the division or an independent auditor conducts an audit and finds deficiencies requiring corrective action.

Rulemaking Specific Authority 551.103(1), 551.122 FS. Law Implemented 551.103(1)(d), (g), 551.104(8) FS. History--New 6-25-06, Amended \_\_\_\_\_.

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

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Charles W. Drago, Secretary, Department of Business and Professional Regulation

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 5, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 16, 2007

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Division of Pari-Mutuel Wagering**

RULE NOS.:	RULE TITLES:
61D-14.096	Requirement for Shipment of All Slot Machines and Slot Machine Components
61D-14.097	Responsibility for Control of Slot Machine or Slot Machine Component Shipment
61D-14.098	Slot Machine Seal

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

SUMMARY: Rule 61D-14.096, F.A.C., specifies the slot machine licensee's responsibility for the shipment of slot machines into, out of and within the state; Rule 61D-14.097, F.A.C., specifies requirements imposed on all slot machine licensees for control of slot machines they ship from their facilities; and Rule 61D-14.098, F.A.C., specifies the use of regulatory seals uniquely identifying slot machines that have been properly shipped into and received in the state.

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

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

RULEMAKING AUTHORITY: 551.103(1), 551.109(2)(a), (b), 551.122 FS.

LAW IMPLEMENTED: 551.103(1)(c), (e), (i), 551.109(2)(a), (b) FS.

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

DATE AND TIME: June 24, 2009, 9:00 a.m. – 5:00 p.m.

PLACE: Department of Business and Professional Regulation, Division of Pari-Mutuel Wagering, North Broward Regional Service Center, 1400 West Commercial Blvd., Suite 195, Ft. Lauderdale, Florida 33309

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

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

THE FULL TEXT OF THE PROPOSED RULES IS:

61D-14.096 Requirement for Shipment of All Slot Machines and Slot Machine Components.

(1) This rule applies to the shipment of any slot machine or slot machine component as defined in Chapter 551, F.S., whether the item or items are being shipped into, out of, or within the State of Florida to a:

(a) Licensed pari-mutuel slot machine facility;

(b) Designated DBPR or FDLE training site;

(c) Certified educational institution;

(d) Licensed slot machine manufacturer's or distributor's slot machine storage and maintenance facility; or

(e) Out-of-state location.

(2) The information and material required to request shipment of any slot machine or slot machine component shall include the following:

(a) The submission of a completed paper or electronic Form DBPR PMW-3900, Slot Machine and Component Application for Shipment, and Form DBPR PMW-3910, Slot Machine and Component Application Shipment Record, both adopted and incorporated by Rule 61D-15.001, F.A.C., to the Chief of Slot Operations; and

(b) A pre-certification that equipment being proposed for shipment into the state for use at locations designated in paragraphs (1)(a) through (d) meet all requirements for slot machines and slot machine components in the State of Florida.

(3) Shipment of any slot machine or slot machine component shall comply with the following requirements:

(a) No slot machine or slot machine component that will be shipped through the state pursuant to the requirements of Chapter 551, F.S., can be shipped until the Chief of Slot Operations or his or her designee provides formal signed approval for that shipment. The division shall provide written approval to the shipper by hand-delivery, mail or electronic means such as email or FAX.

(b) All slot machine shipments shall be scheduled to permit the Chief of Slot Operations or his or her designee to be present upon arrival of the shipment at the approved destination in Florida;

(c) All slot machines and slot machine components must be shipped in the following manner:

1. For purposes of this rule, the term "shipping seal" shall mean a material of some description (generally a large paper patch with adhesive backing) applied across a closed door or closed container top. The shipping seal shall be applied in such a fashion that should the door or container be opened, the shipping seal must be broken or damaged. A broken shipping seal shall indicate the door or container has been opened.

2. All slot machine and slot machine components shall be transported in container, compartment, or freight trailer that has been secured and bears a shipping seal.

3. All central processing unit (CPU) main boards and erasable programmable read-only memory (EPROM) units shall be delivered separately or encased in a separate compartment within a larger freight compartment or freight trailer. Each compartment shall bear a shipping seal. The required shipping seal shall be applied at the shipper's point of origin. Alternatively, the slot machine or slot machine component may be shipped intact with the logic compartment

locked and rendered inoperable so long as the key to such lock is shipped separately from the slot machine or slot machine component.

4. All shipment containers must have a shipping seal applied at the shipper's point of origin. The shipping seal shall remain intact until inspected and accepted by the Chief of Slot Operations or his or her designee, at which time the seal shall be broken by Slot Operations representatives.

a. Where equipment is shipped in vehicle freight trailers (when an entire freight trailer is used for shipment), the shipper shall affix a shipping seal across the center of each of the trailer's exterior doors so that should the door be opened, the shipping seal would be broken. Additionally, the shipper shall also apply a shipping seal to each individual packing box comprising the shipment. Shipping seals applied by the shipper must not be broken or removed until delivery and inspection by the Chief of Slot Operations or his or her designee at the approved destination in Florida.

b. For those shipments not using an entire vehicle or freight trailer, shippers shall apply a shipping seal to each individual package, and the shipment seals shall not be broken or removed until delivery and inspection by the Chief of Slot Operations or his or her designee at the approved destination in Florida.

(d) All software components shall be delivered to the division regional office at 1400 W. Commercial Blvd., Ft. Lauderdale, FL 33309, for verification and subsequently scheduled by division personnel for delivery to the appropriate facility.

(e) If shipping seals described above are broken, removed, or show signs of tampering, upon inspection at the delivery site, the Chief of Slot Operations or his or her designee shall instruct the facility and shipper as to the course of action to be taken. The course of action may involve:

1. Retesting and verification of the slot machine or slot machine component; or

2. Immediate refusal of the entire shipment and the return of the entire shipment to the originating shipment location and notification to FDLE.

(4) Shippers shall retain all records associated with the shipment of all slot machine and slot machine components pursuant to Rule 61D-14.080, F.A.C.

Rulemaking Authority 551.103(1), 551.109(2)(a), (b), 551.122 FS. Law Implemented 551.103(1)(c), (e), (i), 551.109(2)(a), (b) FS. History—New \_\_\_\_\_.

61D-14.097 Responsibility for Control of Slot Machine or Slot Machine Component Shipment.

(1) Manufacturers and distributors must be licensed pursuant to Chapter 551, F.S., in order to request the shipment, or receipt of slot machines or slot machine components into, out of, and within the State of Florida at a location identified in subsection 61D-14.096(1), F.A.C.

(2) Licensed manufacturers and distributors must request approval from the Chief of Slot Operations or his or her designee for shipment into, out of, or within the State of Florida at least five days in advance of the proposed shipment date to or from an approved destination in Florida.

(3) Entities identified in subsection 61D-14.096(1), F.A.C., (entity) shall take the following actions to arrange a shipment of a slot machine or slot machine component to a facility licensed pursuant to Chapter 551, F.S., into or within the State of Florida. The entity shall:

(a) Notify the Chief of Slot Operations no later than five days in advance of the date of the proposed shipment of any slot machine or slot machine component as defined in Chapter 551, F.S.:

(b) Confirm the slot machine or slot machine component complies with the requirements of Rule 61D-14.022, F.A.C., prior to requesting shipment to an approved location within the State of Florida;

(c) Coordinate a mutually acceptable delivery date and time for the Chief of Slot Operations or his or her designee to accept delivery or be present for the packing of the slot machine or slot machine component pursuant to Rule 61D-14.096, F.A.C.; and

(d) Obtain approval of changes to a floor plan pursuant to Rule 61D-14.050, F.A.C., in those cases where an approved floor plan exists or is required at the entity's location.

(4) Slot machine licensees shall follow additional procedures that are required for making requests for shipment of a slot machine or slot machine component out of the State of Florida. The slot machine licensee shall:

(a) Notify the Chief of Slot Operations no later than five days in advance of the date of the proposed shipment of any slot machine or component as defined in Chapter 551, F.S., out of the State of Florida.

(b) Coordinate the shipment date and time for the Chief of Slot Operations or his or her designee to attend the packing, sealing, and shipment of the material proposed for shipment.

(c) Obtain adjustments and approval of any facility floor plan pursuant to Rule 61D-14.050, F.A.C.

(d) Within 10 days of the shipment, provide the Chief of Slot Operations a copy of a confirmation notice executed by the out-of-state recipient that the shipment was physically received at the out-of-state destination.

(5) The following applies to the shipment of slot machine or slot machine components within or out of the State of Florida for which an entity identified in subsection 61D-14.096(1), F.A.C., intends to achieve permanent divestiture of ownership. The entity shall:

(a) Notify the Chief of Slot Operations no later than five days prior to the proposed shipment of slot machine or slot machine component as defined in Chapter 551, F.S.

(b) Coordinate the delivery date and time for the Chief of Slot Operations or his or her designee to accept delivery under Rule 61D-14.096, F.A.C.;

(c) Coordinate shipment date and time for the Chief of Slot Operations or his or her designee to attend the packing, application of the shipping seal to the shipment container and shipment of the material proposed for shipment;

(d) Remove all master key locks from slot machine or slot machine component being shipped; and

(e) Obtain required approval of any floor plan changes necessary pursuant to Rule 61D-14.050, F.A.C., in those cases where an approved floor plan exists at the entity's location.

(6) The following applies to the shipment of slot machine or slot machine component within or out of the State of Florida when the entity identified in subsection 61D-14.096(1), F.A.C., intends to dispose of the slot machine or slot machine component through permanent destruction. The entity shall:

(a) Notify the Chief of Slot Operations no later than five days in advance of proposed shipment of any slot machine or component as defined in Chapter 551, F.S., within or out of the State of Florida to any destination for disposal. The notification shall include:

1. A statement of reason for destruction;

2. A certification that the slot machine or slot machine component is to be shipped specifically for the purpose of destroying the slot machine or slot machine component rendering it unusable for any purpose described in Chapter 551, F.S.; and

3. A statement that a certificate of destruction stating the slot machine or slot machine component has been destroyed shall be presented to the Chief of Slot Operations within ten days of the approved shipment.

(b) Coordinate the shipment date and time for the Chief of Slot Operations or his or her designee to attend the packing and movement of the material proposed for shipment.

(c) Provide for a means for destruction of the slot machine equipment.

(d) Remove all slot machine state seals pursuant to subsection 61D-14.098(2), F.A.C.

(e) Obtain any required approval of any floor plan changes necessary pursuant to Rule 61D-14.050, F.A.C., in those cases where an approved floor plan exists at the entity's location; and

(f) Retain a certificate of destruction pursuant to Rule 61D-14.080, F.A.C., from a designated entity at the shipping destination that states:

1. That the slot machine or slot machine component shipped for destruction has been destroyed;

2. The method used to destroy the slot machine or slot machine component; and

3. The slot machine or slot machine component's identifying information.

Rulemaking Authority 551.103(1), 551.122 FS. Law Implemented 551.103(1)(c), (e), (i), 551.109(2)(a), (b) FS. History—New \_\_\_\_\_.

#### 61D-14.098 Slot Machine Seal.

(1) When a slot machine is initially received in the State of Florida, the Chief of Slot Operations or his or her designee shall affix a slot machine seal to the slot machine's cabinet. The slot machine seal shall be located on the outside of the slot machine cabinet next to other identification labels on the slot machine cabinet.

(2) A slot machine being transported out of Florida or being destroyed shall have all seals removed from it prior to transportation out of Florida or to its designated destruction location.

(3) For slot machines maintained at a slot machine licensed facility:

(a) The term slot machine licensee's gaming area for purposes of this rule means that area designated at a slot machine licensee's facility in which slot machine games are offered to the public for play.

(b) The division shall:

1. Affix an additional seal (security tape) on the exterior of the slot machine when:

a. A slot machine is removed from the slot machine licensee's gaming area; or

b. A slot machine is received at the slot machine licensed facility and is not immediately offered for play in the licensee's gaming area.

2. Inspect those slot machines that are in the slot machine licensee's storage area, prior to moving the slot machine to the slot machine licensee's gaming area to determine if the additional seal (security tape) the division affixed to the slot machine has been broken or tampered with in any fashion.

(c) When a slot machine seal or additional seal (security tape) has been found to have been broken or tampered with, the following actions shall be taken:

1. The individual discovering the slot machine seal or additional seal (security tape) has been broken or tampered with shall immediately notify the slot machine licensee's security and surveillance department;

2. The facility shall notify the surveillance department to provide coverage of the machine area involved; remove the slot machine involved from play (if it is not in storage); retain all surveillance records regarding the slot machine; notify FDLE of the incident; and secure the slot machine until such time as the FDLE investigator may make a determination regarding the slot machine seal or additional seal (security tape);

3. An FDLE and division representative shall conduct an investigation, including a verification check of game-related storage media and obtain confirmation that all games comply with requirements for games in the state;

4. The division shall use a verification device that is approved by the division for testing slot machines for compliance with Chapter 551, F.S., and Chapter 61D-14, F.A.C.; and

5. If the test results from the verification device reflect that:

a. The slot machine and the slot machine game in the slot machine is a version the division has authorized for play in the State of Florida, the slot machine licensee may offer the slot machine to the public for play; or

b. The slot machine or the slot machine game in the slot machine is not an authorized version for play in the State of Florida, then the slot machine shall not be offered to the public for play. The slot machine shall not be offered to the public for play until:

(I) The investigation into the broken or tampered slot machine seal or additional seal (security tape) has been completed;

(II) The slot machine has been configured with slot machine games and slot machine components that have been certified for use in the State of Florida; and

(III) The slot machine and slot machine game has been certified for use in the State of Florida by an independent test laboratory licensed by the state.

Rulemaking Authority 551.103(1), 551.122 FS. Law Implemented 551.103(1)(c), (e), (i) FS. History—New \_\_\_\_\_.

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

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Charles W. Drago, Secretary, Department of Business and Professional Regulation

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 5, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 16, 2007

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Division of Pari-Mutuel Wagering**

RULE NO.: 61D-15.001  
 RULE TITLE: Incorporated and Approved Forms  
 PURPOSE AND EFFECT: The purpose and effect of the proposed rule will be to implement Florida Statutes regulating the conduct of slot machine operations at pari-mutuel racing facilities.

SUMMARY: The rule creates and revises forms used by the division in licensing and regulating slot machine operators and licensees who conduct slot gaming in the State of Florida.

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

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

RULEMAKING AUTHORITY: 551.103, 551.1045, 551.114, 551.122 FS.

LAW IMPLEMENTED: 551.103, 551.104, 551.1045, 551.106, 551.107, 551.114, 551.118, 559.79(2) FS.

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

DATE AND TIME: June 24, 2009, 9:00 a.m. – 5:00 p.m.

PLACE: Department of Business and Professional Regulation, Division of Pari-Mutuel Wagering, North Broward Regional Service Center, 1400 West Commercial Blvd., Suite 195, Ft. Lauderdale, Florida 33309

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

61D-15.001 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 slot operators and licensees who conduct slot gaming. A copy of these forms may be obtained at [www.myflorida.com/dbpr/pmw](http://www.myflorida.com/dbpr/pmw) or 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-3400	Permitholder Application for Annual Slot Machine License	____(7-5-06)
(2) DBPR PMW-3405	Permitholder Renewal Application for Annual Slot Machine License Renewal	_____
(3)(2) DBPR PMW-3410	Slot Machine Individual Employee Occupational License Application	____(7-5-06)
(4) DBPR PMW-3415	Slot Machine Individual Occupational License Renewal Application	_____
(5)(3) DBPR PMW-3420	Slot Machine Business Entity Occupational License Application	____(7-5-06)



(6) DBPR PMW-3425	Slot Machine Business Entity Occupational License Renewal Application	—
(7)(4) DBPR PMW-3430	Business Entity Internal Control Information	— (7-5-06)
(8) DBPR PMW-3435	Affidavit of Truth	—
(9)(5) DBPR PMW-3440	Professional or Business Employee Supplemental Information	— (7-5-06)
(10)(6) DBPR PMW-34500	Slot Machine Occupational License Upgrade Application	— (7-5-06)
(11)(7) DBPR PMW-3460	Authorization for Release of Information	— (7-5-06)
(12) DBPR PMW-3470	Surety Bond for Florida Slot Machine Licensee	—
(13)(8) DBPR PMW-3660	Slot Operations Monthly Remittance Report	— (7-5-06)
(14)(9) DBPR PMW-3670	Slot Operations Cumulative Monthly Remittance Report	— (7-5-06)
(15)(10) BPR PMW-3680	Slot Jackpot Prize/Cash Option Report	(7-5-06)
(16) DBPR PMW-3900	Slot Machine and Component Application for Shipment	—
(17) DBPR PMW-3910	Slot Machine and Component Application Shipment Record	—

Rulemaking Specific Authority 551.103, ~~551.1045, 551.104, 551.106,~~  
551.114, ~~551.122, 551.118, 551.145~~ FS. Law Implemented 551.103,  
551.104, ~~551.1045,~~ 551.106, 551.107, 551.114, 551.118, ~~551.145,~~  
559.79(2) FS. History—New 7-5-06, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
David J. Roberts, Director, Division of Pari-Mutuel Wagering  
NAME OF AGENCY HEAD WHO APPROVED THE  
PROPOSED RULE: Charles W. Drago, Secretary, Department  
of Business and Professional Regulation  
DATE PROPOSED RULE APPROVED BY AGENCY  
HEAD: August 13, 2008  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT  
PUBLISHED IN FAW: March 16, 2007

**DEPARTMENT OF BUSINESS AND PROFESSIONAL  
REGULATION**

**Board of Professional Engineers**

RULE NO.: 61G15-22.010  
RULE TITLE: Qualifying Activities for Laws and  
Rules Requirements

PURPOSE AND EFFECT: To eliminate obtaining PDH's in laws and rules of the Board by attending a board meeting and to revise and clarify what board members will receive for their service as members.

SUMMARY: Obtaining PDH's in laws and rules of the board by attending a board meeting is eliminated and what board members will receive for their service as members is revised and clarified.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared. The Board determined that small businesses would not be affected by this rule.

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

RULEMAKING AUTHORITY: 455.2178, 455.2179, 471.008, 471.017(3), 471.019 FS.

LAW IMPLEMENTED: 455.213(6), 455.2177, 455.2178, 455.2179, 471.008, 471.017(3), 471.019 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: Carrie Flynn, Executive Director, Board of Professional Engineers, 2507 Callaway Road, Suite 200, Tallahassee, Florida 32301

THE FULL TEXT OF THE PROPOSED RULE IS:

61G15-22.010 Qualifying Activities for Laws and Rules Requirement.

(1) In order to comply with the provisions of Section 471.017(3), F.S., licensees shall demonstrate professional competency relative to Chapter 471, F.S., and the Board's rules, by:

(a) Either completing a continuing education course, as detailed in subsection (2) below, ~~by attending a board meeting at which disciplinary hearings are conducted as detailed in subsection (3) below, or~~

(b) By serving as a board member, as detailed in subsection (3) below, or

(c) By approval of the Board as a consulting engineer providing assistance to the Board in the performance of its duties, as detailed in subsection (4) below.

(2) No change.

~~(3) Four PDH's in laws and rules of the Board may be obtained by attending one full day, regardless of actual length, or eight (8) hours of a board meeting at which disciplinary hearings are conducted by the Board of Professional Engineers and complying with the following:~~

~~(a) The licensee must sign in with staff of the Board before the meeting day begins.~~

~~(b) The licensee must remain in continuous attendance.~~

~~(c) The licensee must sign out with staff of the Board at the end of the meeting day or at such other earlier time as affirmatively authorized by the Board. A licensee may receive PDH credit in laws and rules for attending the board meeting only if he or she is attending on that date solely for that purpose. He or she may not receive such credit if appearing at the Board meeting for another purpose.~~

(3)(4) Members of the Board of Professional Engineers shall receive four (4) PDH's in laws and rules of the Board for their service as board members conducting these meetings.

(4) No change.

Rulemaking Specific Authority 455.2178, 455.2179, 471.008, 471.017(3), 471.019 FS. Law Implemented 455.213(6), 455.2177, 455.2178, 455.2179, 471.008, 471.017(3), 471.019 FS. History—New 9-16-01, Amended 9-4-02, 1-16-03,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Professional Engineers  
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Professional Engineers  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 18, 2008  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 20, 2009

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**  
Notices for the Department of Environmental Protection between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**  
RULE NO.:                    RULE TITLE:  
62-304.415                    Lower St. Johns River Basin TMDLs  
PURPOSE AND EFFECT: The purpose of the rule is to adopt Total Maximum Daily Loads (TMDLs), and their allocations, for fecal coliforms in the Lower St. Johns River Basin.  
SUMMARY: This TMDL addresses fecal coliform impairments in the Lower St. Johns River Basin. Specifically, the TMDL rules being proposed for adoption are for Big Davis Creek, Big Fishweir Creek, Block House Creek, Deep Bottom Creek, Deer Creek, McCoy Creek, Miller Creek, New Castle Creek, Open Creek, Sherman Creek, Terrapin Creek, and Trout Creek (Fresh and Marine segments). These waterbodies were verified as impaired using the methodology established in Chapter 62-303, F.A.C., Identification of Impaired Surface Waters. The methodologies used to develop the TMDLs were either the percent reduction or the load duration curve methods.  
SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared.

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

RULEMAKING AUTHORITY: 403.061, 403.067 FS.  
LAW IMPLEMENTED: 403.061, 403.062, 403.067 FS.  
IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):

DATE AND TIME: June 30, 2009, 1:30 p.m.  
PLACE: Florida Department of Environmental Protection, 2600 Blair Stone Road, Room 609, Bob Martinez Center, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Ms. Pat Waters at (850)245-8449. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Jan Mandrup-Poulsen, Division of Environmental Assessment and Restoration, Bureau of Watershed Management, Mail Station 3555, Florida Department of Environmental Protection, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, telephone (850)245-8448

THE FULL TEXT OF THE PROPOSED RULE IS:

- 62-304.415 Lower St. Johns River Basin TMDLs.  
Lower St. Johns River.
  - (1) through (12) No change.
  - (13) Big Davis Creek. The Total Maximum Daily Load (TMDL) for Big Davis Creek is 400 counts/100mL for fecal coliform, and is allocated as follows:
    - (a) The Wasteload Allocation (WLA) for discharges subject to the Department’s National Pollutant Discharge Elimination System (NPDES) Municipal Stormwater Permitting Program is to address anthropogenic sources in the basin such that in-stream concentrations meet the fecal coliform criteria which, based on the measured concentrations from the 1995 to 2007 period, will require a 69 percent reduction of sources contributing to exceedances of the criteria,
    - (b) The Load Allocation (LA) for nonpoint sources is to address anthropogenic sources in the basin such that in-stream concentrations meet the fecal coliform criteria which, based on the measured concentrations from the 1995 to 2007 period, will require a 69 percent reduction of sources contributing to exceedances of the criteria, and
    - (c) The Margin of Safety is implicit.
    - (d) While the LA and WLA for fecal coliform have been expressed as the percent reductions needed to attain the applicable Class III criteria, it is the combined reductions from both anthropogenic point and nonpoint sources that will result in the required reduction of in-stream fecal concentration. However, it is not the intent of the TMDL to abate natural background conditions.
  - (14) Big Fishweir Creek. The TMDL for Big Fishweir Creek is 400 counts/100mL for fecal coliform, and is allocated as follows:

(a) The WLA for discharges subject to the Department's NPDES Municipal Stormwater Permitting Program is to address anthropogenic sources in the basin such that in-stream concentrations meet the fecal coliform criteria which, based on the measured concentrations from the 1996 to 2008 period, will require a 87 percent reduction of sources contributing to exceedances of the criteria.

(b) The LA for nonpoint sources is to address anthropogenic sources in the basin such that in-stream concentrations meet the fecal coliform criteria which, based on the measured concentrations from the 1996 to 2008 period, will require a 87 percent reduction of sources contributing to exceedances of the criteria, and

(c) The Margin of Safety is implicit.

(d) While the LA and WLA for fecal coliform have been expressed as the percent reductions needed to attain the applicable Class III criteria, it is the combined reductions from both anthropogenic point and nonpoint sources that will result in the required reduction of in-stream fecal concentration. However, it is not the intent of the TMDL to abate natural background conditions.

(15) Block House Creek. The TMDL for Block House Creek is 400 counts/100mL for fecal coliform, and is allocated as follows:

(a) The WLA for discharges subject to the Department's NPDES Municipal Stormwater Permitting Program is to address anthropogenic sources in the basin such that in-stream concentrations meet the fecal coliform criteria which, based on the measured concentrations from the 1991 to 2006 period, will require a 82 percent reduction of sources contributing to exceedances of the criteria.

(b) The LA for nonpoint sources is to address anthropogenic sources in the basin such that in-stream concentrations meet the fecal coliform criteria which, based on the measured concentrations from the 1991 to 2006 period, will require a 82 percent reduction of sources contributing to exceedances of the criteria, and

(c) The Margin of Safety is implicit.

(d) While the LA and WLA for fecal coliform have been expressed as the percent reductions needed to attain the applicable Class III criteria, it is the combined reductions from both anthropogenic point and nonpoint sources that will result in the required reduction of in-stream fecal concentration. However, it is not the intent of the TMDL to abate natural background conditions.

(16) Deep Bottom Creek. The TMDL for Deep Bottom Creek is 400 counts/100mL for fecal coliform, and is allocated as follows:

(a) The WLA for discharges subject to the Department's NPDES Municipal Stormwater Permitting Program is to address anthropogenic sources in the basin such that in-stream concentrations meet the fecal coliform criteria which, based on

the measured concentrations from the 1999 to 2007 period, will require a 82 percent reduction of sources contributing to exceedances of the criteria.

(b) The LA for nonpoint sources is to address anthropogenic sources in the basin such that in-stream concentrations meet the fecal coliform criteria which, based on the measured concentrations from the 1999 to 2007 period, will require a 82 percent reduction of sources contributing to exceedances of the criteria, and

(c) The Margin of Safety is implicit.

(d) While the LA and WLA for fecal coliform have been expressed as the percent reductions needed to attain the applicable Class III criteria, it is the combined reductions from both anthropogenic point and nonpoint sources that will result in the required reduction of in-stream fecal concentration. However, it is not the intent of the TMDL to abate natural background conditions.

(17) Deer Creek. The TMDL for Deer Creek is 400 counts/100mL for fecal coliform, and is allocated as follows:

(a) The WLA for discharges subject to the Department's NPDES Municipal Stormwater Permitting Program is to address anthropogenic sources in the basin such that in-stream concentrations meet the fecal coliform criteria which, based on the measured concentrations from the 1995 to 2007 period, will require a 86 percent reduction of sources contributing to exceedances of the criteria.

(b) The LA for nonpoint sources is to address anthropogenic sources in the basin such that in-stream concentrations meet the fecal coliform criteria which, based on the measured concentrations from the 1995 to 2007 period, will require a 86 percent reduction of sources contributing to exceedances of the criteria, and

(c) The Margin of Safety is implicit.

(d) While the LA and WLA for fecal coliform have been expressed as the percent reductions needed to attain the applicable Class III criteria, it is the combined reductions from both anthropogenic point and nonpoint sources that will result in the required reduction of in-stream fecal concentration. However, it is not the intent of the TMDL to abate natural background conditions.

(18) McCoy Creek. The TMDL for McCoy Creek is 400 counts/100mL for fecal coliform, and is allocated as follows:

(a) The WLA for discharges subject to the Department's NPDES Municipal Stormwater Permitting Program is to address anthropogenic sources in the basin such that in-stream concentrations meet the fecal coliform criteria which, based on the measured concentrations from the 1995 to 2007 period, will require a 84 percent reduction of sources contributing to exceedances of the criteria.

(b) The LA for nonpoint sources is to address anthropogenic sources in the basin such that in-stream concentrations meet the fecal coliform criteria which, based on

the measured concentrations from the 1995 to 2007 period, will require a 84 percent reduction of sources contributing to exceedances of the criteria, and

(c) The Margin of Safety is implicit.

(d) While the LA and WLA for fecal coliform have been expressed as the percent reductions needed to attain the applicable Class III criteria, it is the combined reductions from both anthropogenic point and nonpoint sources that will result in the required reduction of in-stream fecal concentration. However, it is not the intent of the TMDL to abate natural background conditions.

(19) Miller Creek. The TMDL for Miller Creek is 400 counts/100mL for fecal coliform, and is allocated as follows:

(a) The WLA for discharges subject to the Department's NPDES Municipal Stormwater Permitting Program is to address anthropogenic sources in the basin such that in-stream concentrations meet the fecal coliform criteria which, based on the measured concentrations from the 1991 to 2007 period, will require a 92 percent reduction of sources contributing to exceedances of the criteria.

(b) The LA for nonpoint sources is to address anthropogenic sources in the basin such that in-stream concentrations meet the fecal coliform criteria which, based on the measured concentrations from the 1991 to 2007 period, will require a 92 percent reduction of sources contributing to exceedances of the criteria, and

(c) The Margin of Safety is implicit.

(d) While the LA and WLA for fecal coliform have been expressed as the percent reductions needed to attain the applicable Class III criteria, it is the combined reductions from both anthropogenic point and nonpoint sources that will result in the required reduction of in-stream fecal concentration. However, it is not the intent of the TMDL to abate natural background conditions.

(20) New Castle Creek. The TMDL for New Castle Creek is 400 counts/100mL for fecal coliform, and is allocated as follows:

(a) The WLA for discharges subject to the Department's NPDES Municipal Stormwater Permitting Program is to address anthropogenic sources in the basin such that in-stream concentrations meet the fecal coliform criteria which, based on the measured concentrations from the 1991 to 2006 period, will require a 84 percent reduction of sources contributing to exceedances of the criteria.

(b) The LA for nonpoint sources is to address anthropogenic sources in the basin such that in-stream concentrations meet the fecal coliform criteria which, based on the measured concentrations from the 1991 to 2006 period, will require a 84 percent reduction of sources contributing to exceedances of the criteria, and

(c) The Margin of Safety is implicit.

(d) While the LA and WLA for fecal coliform have been expressed as the percent reductions needed to attain the applicable Class III criteria, it is the combined reductions from both anthropogenic point and nonpoint sources that will result in the required reduction of in-stream fecal concentration. However, it is not the intent of the TMDL to abate natural background conditions.

(21) Open Creek. The TMDL for Open Creek is 400 counts/100mL for fecal coliform, and is allocated as follows:

(a) The WLA for discharges subject to the Department's NPDES Municipal Stormwater Permitting Program is to address anthropogenic sources in the basin such that in-stream concentrations meet the fecal coliform criteria which, based on the measured concentrations from the 1996 to 2007 period, will require a 60 percent reduction of sources contributing to exceedances of the criteria.

(b) The LA for nonpoint sources is to address anthropogenic sources in the basin such that in-stream concentrations meet the fecal coliform criteria which, based on the measured concentrations from the 1996 to 2007 period, will require a 60 percent reduction of sources contributing to exceedances of the criteria, and

(c) The Margin of Safety is implicit.

(d) While the LA and WLA for fecal coliform have been expressed as the percent reductions needed to attain the applicable Class III criteria, it is the combined reductions from both anthropogenic point and nonpoint sources that will result in the required reduction of in-stream fecal concentration. However, it is not the intent of the TMDL to abate natural background conditions.

(22) Sherman Creek. The TMDL for Sherman Creek is 400 counts/100mL for fecal coliform, and is allocated as follows:

(a) The WLA for discharges subject to the Department's NPDES Municipal Stormwater Permitting Program is to address anthropogenic sources in the basin such that in-stream concentrations meet the fecal coliform criteria which, based on the measured concentrations from the 1996 to 2008 period, will require a 71 percent reduction of sources contributing to exceedances of the criteria.

(b) The LA for nonpoint sources is to address anthropogenic sources in the basin such that in-stream concentrations meet the fecal coliform criteria which, based on the measured concentrations from the 1996 to 2008 period, will require a 71 percent reduction of sources contributing to exceedances of the criteria, and

(c) The Margin of Safety is implicit.

(d) While the LA and WLA for fecal coliform have been expressed as the percent reductions needed to attain the applicable Class III criteria, it is the combined reductions from both anthropogenic point and nonpoint sources that will result

in the required reduction of in-stream fecal concentration. However, it is not the intent of the TMDL to abate natural background conditions.

(23) Terrapin Creek. The TMDL for Terrapin Creek is 400 counts/100mL for fecal coliform, and is allocated as follows:

(a) The WLA for discharges subject to the Department's NPDES Municipal Stormwater Permitting Program is to address anthropogenic sources in the basin such that in-stream concentrations meet the fecal coliform criteria which, based on the measured concentrations from the 1995 to 2007 period, will require a 71 percent reduction of sources contributing to exceedances of the criteria.

(b) The LA for nonpoint sources is to address anthropogenic sources in the basin such that in-stream concentrations meet the fecal coliform criteria which, based on the measured concentrations from the 1995 to 2007 period, will require a 71 percent reduction of sources contributing to exceedances of the criteria, and

(c) The Margin of Safety is implicit.

(d) While the LA and WLA for fecal coliform have been expressed as the percent reductions needed to attain the applicable Class III criteria, it is the combined reductions from both anthropogenic point and nonpoint sources that will result in the required reduction of in-stream fecal concentration. However, it is not the intent of the TMDL to abate natural background conditions.

(24) Trout River, freshwater segment. The TMDL for the freshwater segment of Trout River is 400 counts/100mL for fecal coliform, and is allocated as follows:

(a) The WLA for discharges subject to the Department's NPDES Municipal Stormwater Permitting Program is to address anthropogenic sources in the basin such that in-stream concentrations meet the fecal coliform criteria which, based on the measured concentrations from the 1996 to 2007 period, will require a 66 percent reduction of sources contributing to exceedances of the criteria.

(b) The LA for nonpoint sources is to address anthropogenic sources in the basin such that in-stream concentrations meet the fecal coliform criteria which, based on the measured concentrations from the 1996 to 2007 period, will require a 66 percent reduction of sources contributing to exceedances of the criteria, and

(c) The Margin of Safety is implicit.

(d) While the LA and WLA for fecal coliform have been expressed as the percent reductions needed to attain the applicable Class III criteria, it is the combined reductions from both anthropogenic point and nonpoint sources that will result in the required reduction of in-stream fecal concentration. However, it is not the intent of the TMDL to abate natural background conditions.

(25) Trout River, marine segment. The TMDL for the marine segment of Trout River is 400 counts/100mL for fecal coliform, and is allocated as follows:

(a) The WLA for discharges subject to the Department's NPDES Municipal Stormwater Permitting Program is to address anthropogenic sources in the basin such that in-stream concentrations meet the fecal coliform criteria which, based on the measured concentrations from the 1996 to 2007 period, will require a 60 percent reduction of sources contributing to exceedances of the criteria.

(b) The LA for nonpoint sources is to address anthropogenic sources in the basin such that in-stream concentrations meet the fecal coliform criteria which, based on the measured concentrations from the 1996 to 2007 period, will require a 60 percent reduction of sources contributing to exceedances of the criteria, and

(c) The Margin of Safety is implicit.

(d) While the LA and WLA for fecal coliform have been expressed as the percent reductions needed to attain the applicable Class III criteria, it is the combined reductions from both anthropogenic point and nonpoint sources that will result in the required reduction of in-stream fecal concentration. However, it is not the intent of the TMDL to abate natural background conditions.

Rulemaking Specific Authority 403.061, 403.067 FS. Law Implemented 403.061, 403.062, 403.067 FS. History--New 12-3-03, Amended 5-15-06, 6-3-08, \_\_\_\_\_

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Drew Bartlett, Deputy Director, Division of Environmental Assessment and Restoration

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Michael Sole, Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 18, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 23, 2009

**DEPARTMENT OF HEALTH**

**Board of Acupuncture**

RULE NO.: 64B1-6.005  
RULE TITLE: Standards for Approval of Continuing Education Credit

PURPOSE AND EFFECT: The Board proposes the rule amendment to set standards for continuing education credit.

SUMMARY: The rule amendment will set standards for continuing education credit.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared. The Board determined that small businesses would not be affected by this rule.

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

RULEMAKING AUTHORITY: 456.013(9), 456.033, 457.104, 457.103(3) FS.

LAW IMPLEMENTED: 456.013(9), 456.033, 457.102(1), 457.107(3) 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 Acupuncture/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

THE FULL TEXT OF THE PROPOSED RULE IS:

64B1-6.005 Standards for Approval of Continuing Education Credit.

(1) A continuing education program must contribute to the advancement, extension or enhancement of the licensee’s skills and knowledge related to the practice of acupuncture and oriental medicine. In addition to the continuing education subjects enumerated in Section 457.107(3), F.S., Continuing education programs may should concern the history and theory of acupuncture, acupuncture diagnosis and treatment techniques, techniques of adjunctive therapies, acupuncturist-patient communication and professional ethics, all of which “contribute to the advancement, extension or enhancement of professional skills and knowledge related to the practice. All continuing education courses are subject to evaluation and approval by the Board to determine that the continuing education course meets the criteria established by the Board which has final determination as to the number of hours of acceptable credit that will be awarded for each program.

(2) through (4) No change.

(5) To receive credit for programs on HIV/AIDS, the program must be, at a minimum, three (3) two (2) hours in length and must address the areas mandated in Section 456.033, F.S. The Board accepts HIV/AIDS programs presented or conducted by the Department of Health and programs approved by other professional regulatory boards for the health professions and those presented by ACAOM accredited oriental medicine schools.

(6) No change.

(7) In addition to the foregoing, approved continuing education programs that provide biomedical science education as required by Rule 64B1-7.0015, F.A.C., shall include, but not be limited to Biomedical and clinical concepts and terminology; Pathology and diagnosis, treatment strategy, and follow-up; Clinical relevance of laboratory and diagnostic tests and procedures, imaging reports, as well as biomedical physical examination finding; Infectious diseases control, sanitation/sterilization procedures, HIV education and other issues relevant to blood borne and surface pathogens; Biomedical pharmacology including relevant aspects of

potential medication, herb and nutritional supplement interactions, contra indications and side effects, and how to access this information; and Emergency protocols, first aid, and cardiopulmonary resuscitation.

Rulemaking Specific Authority 456.013(9), ~~456.033~~, 457.104, 457.107(3) FS. Law Implemented 456.013(9), 456.033, 457.107(3) FS. History–New 2-24-88, Amended 8-6-89, Formerly 21AA-6.005, 61F1-6.005, Amended 3-18-97, Formerly 59M-6.005, Amended 6-1-99, 1-7-03,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Acupuncture

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Acupuncture

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 6, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 20, 2009

**DEPARTMENT OF HEALTH**

**Board of Dentistry**

RULE NO.: 64B5-1.021  
 RULE TITLE: List of Approved Forms; Incorporation

PURPOSE AND EFFECT: The Board proposes the rule amendment to modify and adopt changes to the list of approved forms; incorporate the rules by reference into the rule; and list the website address where the forms can be obtained.

SUMMARY: The rule amendment will modify and adopt changes to the approved forms; incorporate the rules by reference into the rule; and list the website address where the forms can be obtained.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared. The Board determined that small businesses would not be affected by this rule.

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

RULEMAKING AUTHORITY: 466.004 FS.

LAW IMPLEMENTED: 120.52(15) 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: 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:

64B5-1.021 List of Approved Forms; Incorporation.

The following forms used by the Board in its dealings with the public are listed as follows and are hereby adopted and incorporated by reference, and can be obtained from the Board of Dentistry's website at <http://www.doh.state.fl.us/mqa/dentistry/> the Board office at 4052 Bald Cypress Way, Bin # C08, Tallahassee, Florida 32399-3258:

- (1) Application for Dental Examination/Dental Hygiene Examination, DH-MAQ 1182 (Revised 9/11/08) DPR/DN/003 (Rev. 2/94), effective 8-19-97;
- (2) Application for Reactivation for an Inactive Florida Dental/Dental Hygiene License, ACHA/DN/004 (Rev. 5/96), effective 8-49-97;
- (3) Financial Interest Disclosure Form, DH-MQA 1208 (Revised 8/97), DPR/DN/017 (Rev. 5/97/), effective 8/49/97;
- (4) Application for General Anesthesia Permit, DH-MQA 1205 (Revised 5/09) AHCA/DN/005 (8/96), effective 8-19-97;
- (5) Application for Parenteral Conscious Sedation Permit, DH-MQA 1204 (Revised 5/09) AHCA/DN/006 (8/96), effective 8-19-97;
- (6) Application for Pediatric Conscious Sedation Permit, DH-MQA 1203 (Revised 5/09) AHCA/DN/008 (12/96), effective 8-19-97;
- (7) Application for Certification for Dental Radiographer, DH-MQA 1202 (Revised 5/09) AHCA/DR/001 (Rev. 5/95), effective 8-19-97;
- (8) Application for Continuing Education Credit for Individual Study, DH-MQA 1207 (Revised 5/09) Instructors, Teachers and Lecturers, AHCA/DN/009 (4/86), effective 8-19-97;
- ~~(9) Application for Biennial Providers of Continuing Education, AHCA/DN/001 (4/86), effective 8-19-97;~~
- ~~(9)(10) Application for Dentist/Dental Hygienist Limited Licensure, DH-MQA 1201 (App New, Effective 9/01) DOH/MQA/DNDH LL APP/new, effective 9-20-01.~~
- ~~(10)(11) No change.~~

Rulemaking Authority 466.004 FS. Law Implemented 120.52(15) FS. History--New 8-19-97, Amended 9-20-01, 5-28-09,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Dentistry  
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Dentistry  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 12, 2008  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 12, 2008

DEPARTMENT OF HEALTH

Board of Nursing

RULE NO.: 64B9-3.0085  
RULE TITLE: State Requirements Not Substantially Equivalent

PURPOSE AND EFFECT: The purpose of the amendment is to identify a state which has licensure requirements not presumed to be substantially equivalent to Florida.

SUMMARY: The proposed rule adds New York as a state which has licensure requirements that are not presumed to be substantially equivalent to Florida.

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

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

RULEMAKING AUTHORITY: 464.009(2) FS.

LAW IMPLEMENTED: 464.009(2) 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: Rick Garcia, Executive Director, Board of Nursing, 4052 Bald Cypress Way, Bin #C02, Tallahassee, Florida 32399

THE FULL TEXT OF THE PROPOSED RULE IS:

64B9-3.0085 State Requirements Not Substantially Equivalent.

The licensure requirements of the following states and territories are not presumed to be substantially equivalent to the licensure requirements in Florida:

- (1) New Mexico
- (2) New York

Specific Authority 464.009(2) FS. Law Implemented 464.009(2) FS. History--New 3-11-09, Amended\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Nursing  
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Nursing  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 3, 2009  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 8, 2009

DEPARTMENT OF HEALTH

Board of Pharmacy

RULE NO.: 64B16-26.302
RULE TITLE: Subject Matter for Consultant Pharmacist Licensure Renewal Continuing Education

PURPOSE AND EFFECT: The Board proposes the rule amendment to clarify the requirements for continuing education credit hours.

SUMMARY: The requirements for continuing education credit hours will be clarified.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared. The Board determined the proposed rule will not have an impact on small business.

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

RULEMAKING AUTHORITY: 465.005, 465.0125 FS.

LAW IMPLEMENTED: 465.0125 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: Rebecca R. Poston, Executive Director, Board of Pharmacy/MQA, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3253

THE FULL TEXT OF THE PROPOSED RULE IS:

64B16-26.302 Subject Matter for Consultant Pharmacist Licensure Renewal Continuing Education.

A Consultant Pharmacist License Renewal Continuing Education Program must contain consist of at least three (3) ~~twelve (12) self contained~~ hours of training in any of the subjects specified below with a block of at least three (3) hours in any subject category. Duplicated courses are not acceptable.

- (1) through (3) No change.

Rulemaking Specific Authority 465.005, 465.0125 FS. Law Implemented 465.0125 FS. History--New 10-14-91, Formerly 21S-26.302, 61F10-26.302, 59X-26.302, Amended 5-5-05, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Pharmacy

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Pharmacy

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 11, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 6, 2009

DEPARTMENT OF HEALTH

Board of Pharmacy

RULE NO.: 64B16-26.6012
RULE TITLE: Guidelines for Board Ordered Disciplinary Continuing Education Courses

PURPOSE AND EFFECT: The Board proposes the rule promulgation to provide guidelines for Board ordered disciplinary continuing education courses.

SUMMARY: The rule promulgation will provide guidelines for Board ordered disciplinary continuing education courses.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared. The Board determined the proposed rule will not have an impact on small business.

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

RULEMAKING AUTHORITY: 456.072(2), 465.005, 465.016(4) FS.

LAW IMPLEMENTED: 456.072(2), 465.016(4) 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: Rebecca R. Poston, Executive Director, Board of Pharmacy/MQA, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3253

THE FULL TEXT OF THE PROPOSED RULE IS:

64B16-26.6012 Guidelines for Board Ordered Disciplinary Continuing Education Courses.

Any continuing education course being taken as part of a disciplinary order, unless otherwise ordered by the Board, may be conducted by any method, including live, correspondence, or distant education.

(1) Laws and Rules courses shall be at least twelve (12) hours in length. The program shall include review and analysis of the laws regulating the profession of pharmacy in the State of Florida with discussion of recent changes to Florida statutes and Board of Pharmacy rules. The remainder of the continuing education program shall be derived from the following areas:

- (a) Federal laws related to:

1. Handling, management, and dispensing of controlled substances;

2. Protected patient information; and

3. Medicare.

(b) Chapters 456, 499 and 893, Florida Statutes;

(c) Florida Medicaid program;

(d) Nursing home and Assisted Living Facility regulations;



- (e) Prescriber laws and regulations;
- (f) Pharmacy ethics;
- (g) The Joint Commission (TJC) standards;
- (h) Food and Drug Administration policies and procedures;
- (i) Implementation of disaster and emergency preparedness plans by Florida pharmacists and pharmacy services providers;

(j) Occupational Safety and Health Administration (OSHA) and National Institute for Occupational Safety and Health (NIOSH) guidelines and requirements for pharmacy employers.

(2) Quality Related Event (QRE) courses shall be at least eight (8) hours in length.

- (a) Course material shall include:
  1. Pharmacy error detection;
  2. Pharmacy error prevention; and
  3. Case studies of pharmacists who have made dosing calculation, checking/interpreting prescriptions, or dispensing errors.

(b) Course material shall include the following specific subject areas:

1. Common error types and causes;
2. Root cause analysis;
3. Process mapping and management;
4. System analysis;
5. Failure mode and effects analysis;
6. Human factors, cognitive and personality impacts;
7. Practice management and effective delegation tools;
8. Stress management;
9. Effective communication;
10. Continuous Quality Improvement (CQI) rules;
11. CQI implementation tools;
12. Individual self assessment, planning, and goal setting.

The individual self assessment shall include a requirement that the pharmacist prepare a written report, in essay form, summarizing the impact of the course, what the pharmacist learned, and the changes that the pharmacist will implement in practice as a result of the course.

Rulemaking Authority 456.072(2), 465.005, 465.016(4) FS. Law Implemented 456.072(2), 465.016(4) FS. History--New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Pharmacy  
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Pharmacy  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 11, 2009  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 6, 2009

**DEPARTMENT OF HEALTH**

**Board of Pharmacy**

RULE NO.: 64B16-28.301  
RULE TITLE: Destruction of Controlled Substances – Institutional Pharmacies

PURPOSE AND EFFECT: The Board proposes the rule amendment to clarify the requirements for witnessing destruction of controlled substances.

SUMMARY: The requirements for witnessing destruction of controlled substances will be clarified.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared. The Board determined the proposed rule will not have an impact on small business.

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

RULEMAKING AUTHORITY: 465.005, 465.022 FS.

LAW IMPLEMENTED: 456.022, 465.019 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: Rebecca R. Poston, Executive Director, Board of Pharmacy/MQA, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3253

THE FULL TEXT OF THE PROPOSED RULE IS:

64B16-28.301 Destruction of Controlled Substances – ~~Class I Institutional Pharmacies – Nursing Homes.~~

(1) No change.

(2) A document must be completed showing the name and quantity of the drug, strength and dosage form, patient’s name, prescription number and name of the institution nursing home. This documentation, at the time of destruction, shall be witnessed and signed by the consultant pharmacist, director of nursing, and the nursing home administrator or his designee, which may include a licensed physician, pharmacist, mid-level practitioner, or nurse, excluding the above.

Rulemaking Specific Authority 465.005, 465.022 FS. Law Implemented 465.022, 465.019 FS. History--New 4-21-87, Formerly 21S-19.001, Amended 7-31-91, Formerly 21S-28.301, 61F10-28.301, Amended 1-30-96, Formerly 59X-28.301, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Pharmacy  
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Pharmacy  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 11, 2009  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 6, 2009

DEPARTMENT OF HEALTH

Council of Licensed Midwifery

RULE NOS.: RULE TITLES:
64B24-3.003 Examination Fee
64B24-3.004 Endorsement Fee

PURPOSE AND EFFECT: To repeal rules that are out of date or are unnecessary.

SUMMARY: The department decided to repeal Rule 64B24-3.003, F.A.C., which sets an examination fee for midwives of \$500. The department decided to repeal Rule 64B24-3.004, which sets for midwives a \$500 fee for licensure by endorsement.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The agency has determined that this rule will not have an impact on small business. A SERC has been prepared by the agency. The Department prepared a SERC showing that repeal of Rule 64B24-3.003, F.A.C., has no effect on individuals or entities and the repeal of Rule 64B24-3.004, F.A.C., has only positive effects on individuals and entities by saving costs charged to applicants for licensure by endorsement.

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

RULEMAKING AUTHORITY: 467.005 FS.

LAW IMPLEMENTED: 467.0135(1) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Kaye Howerton, Executive Director, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3250

THE FULL TEXT OF THE PROPOSED RULES IS:

64B24-3.003 Examination Fee.

Rulemaking Specific Authority 467.005 FS. Law Implemented 467.0135(1) FS. History-New 1-26-94, Formerly 61E8-3.003, Amended 8-15-95, 8-20-97, Formerly 59DD-3.003, Repealed.

64B24-3.004 Endorsement Fee.

Rulemaking Specific Authority 467.005, 467.0135 FS. Law Implemented 467.0135(6) FS. History-New 1-26-94, Formerly 61E8-3.004, Amended 8-15-95, Formerly 59DD-3.004, Amended 12-23-97, 11-10-99, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Kaye Howerton

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Ana M. Viamonte Ros, M.D., M.P.H.

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 19, 2009

DEPARTMENT OF HEALTH

Dental Laboratories

RULE NOS.: RULE TITLES:
64B27-2.002 Notice of Noncompliance for Minor Violations

64B27-2.003 Citation Authority

PURPOSE AND EFFECT: To update, modify, and eliminate discrepancies between the rules and the governing statute.

SUMMARY: Rule 64B27-2.002, F.A.C., is updated to correct clerical errors and provides for a notice of noncompliance for timely failure to renew registration provided that the lab was not operating without a registration. Rule 64B27-2.003, F.A.C., is amended to include, as citation violations, operating on a delinquent license and failure to timely complete the new statutory continuing education requirements.

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

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

RULEMAKING AUTHORITY: 120.695, 456.073(3), 456.077 FS.

LAW IMPLEMENTED: 120.695, 456.072(4), 456.073(3), 456.077 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: Sue Foster, Executive Director, 4052 Bald Cypress Way, Bin #C85, Tallahassee, Florida 32399-3285

THE FULL TEXT OF THE PROPOSED RULES IS:

64B27-2.002 Notice of Noncompliance for Minor Violations.

In accordance with Sections 456.073 and 120.695, F.S., the Department Board shall issue a notice of noncompliance as a first response to a minor violation of a rule. Failure of the registration certificate holder to take action to correct the violation within 15 days shall result in either the issuance of a citation when appropriate or the initiation of regular disciplinary proceedings. The minor violations which result in a notice of noncompliance are:

- (1) Failure to notify of a change of address within 30 days as required by Section 466.034, F.S.
(2) Failure to renew registration by the February 28 biennial renewal date provided that the establishment was not in operation without an active registration delinquency fee is paid within 2 months of the date by which renewal was required under Section 466.032, F.S.

Rulemaking Specific Authority 120.695, 456.073(3) FS. Law Implemented 120.695, 456.073(3), 466.032 FS. History–New 3-28-05, Amended \_\_\_\_\_.

64B27-2.003 Citation Authority.

(1) Unless otherwise specified, all citation violations must be corrected within 60 days. Pursuant to Section 456.077, F.S., the Department describes those violations for which there is no substantial threat to the public health, safety, and welfare and the penalties to be imposed. All citations require the subject to correct the violation, if remediable, within a specified period of time not to exceed 60 days. If the violation is not corrected, or is disputed, the Department shall follow the procedure set forth in Section 456.073, F.S. In addition to any administrative fine imposed, the Respondent shall pay the costs of investigation.

(2) The following violations with accompanying penalty may be disposed of by citation with the specified penalty:

(a) Failure to notify of a change of address within 30 days as required by Section 466.034, F.S., \$100 fine.

(b) Operating on a delinquent license Failure to renew registration provided that the renewal and delinquency fee is paid within 2 months of the date by which renewal was required under Section 466.032, F.S., \$200 \$100 fine.

(c) Advertising or operating a laboratory under the name of another laboratory under Section 466.028(1)(e), F.S., \$200 fine.

(d) Failure to maintain on the premises a copy of the laboratory registration provided that the laboratory is properly registered under paragraph 64B27-1.001(2)(c), F.A.C., \$150 fine.

(e) Failure to maintain on the premises a written policy and procedure on sanitation under paragraph 64B27-1.001(2)(e), F.A.C., provided that this required policy document is provided to the inspector within 20 days, \$150 fine.

(f) A single instance of waste materials not being disposed of properly under paragraph 64B27-1.001(2)(b), F.A.C., \$100 fine.

(g) Failure of the owner or a designated employee to complete five or fewer hours of approved required continuing education courses within the biennium. \$200 fine.

(h) Failure of the owner or a designated employee to complete six to 18 hours of approved required continuing education courses within the biennium \$500 fine.

(3) ~~Citations shall be issued to licensee by the Bureau of Investigative Services only after review by Department legal staff. Such review may be by telephone, in writing, by facsimile, or by e-mail.~~

(3)(4) When an initial violation for which a citation could be issued occurs in conjunction with a violation for which a citation could not be issued, the procedures of Section 456.073, F.S., shall apply.

(5) ~~The registration certificate holder has 30 days from the date the citation becomes a final order to pay any fine imposed and costs. All fines and costs are to be made payable and mailed to the Department. A copy of the citation shall accompany the payment of the fine and costs.~~

Rulemaking Specific Authority 456.077 FS. Law Implemented 456.072(4), 456.077, 466.032 FS. History–New 3-28-05, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Sue Foster

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Ana M. Viamonte Ros, M.D. M.P.H., State Surgeon General

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 19, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 12, 2008

**DEPARTMENT OF FINANCIAL SERVICES**

**Division of Risk Management**

RULE NO.: 69H-2.008  
RULE TITLE: Other Forms Adopted

PURPOSE, EFFECT AND SUMMARY: The proposed rule is necessary in order to comply with federal mandates that will become effective on July 1, 2009. Section 111 of the Medicare, Medicaid, and SCHIP Extension Act of 2007 (Section 1862(b) of the Social Security Act (42 U.S.C. 1395(y)(b))) adds mandatory reporting requirements with respect to Medicare beneficiaries who receive settlements, judgments, awards, or other payments from liability insurance (including self-insurance), no-fault insurance, or workers' compensation. The Division of Risk Management, as a required reporting entity, must identify any Medicare beneficiaries that have existing claims with the Division of Risk Management and collect certain data that will be reported to the Center for Medicare and Medicaid Services (CMS). The data collected under federal law will be used by CMS in processing claims billed to Medicare for reimbursement of items and services furnished to Medicare beneficiaries and for Medicare as a Secondary Payer recovery effort, as appropriate.

The simplest and most effective means to collect this data is to promulgate a form that will be sent to all applicable claimants.

RULEMAKING AUTHORITY: 284.17, 284.39 FS.

LAW IMPLEMENTED: 284.30, 284.40, 284.41 FS.

THIS RULEMAKING IS UNDERTAKEN PURSUANT TO SECTION 120.54(6), F.S. WRITTEN COMMENTS MAY BE SUBMITTED WITHIN 14 DAYS OF THE DATE OF THIS NOTICE TO: George Rozes, Senior Management Analyst II, Division of Risk Management, Department of Financial Services, 200 East Gaines Street, Tallahassee, Florida 32399-0336.

SUBSTANTIALLY AFFECTED PERSONS MAY WITHIN 14 DAYS OF THE DATE OF THIS NOTICE, FILE AN OBJECTION TO THIS RULEMAKING WITH THE AGENCY. THE OBJECTION SHALL SPECIFY THE PORTIONS OF THE PROPOSED RULE TO WHICH THE PERSON OBJECTS AND THE SPECIFIC REASONS FOR THE OBJECTION.

THE FULL TEXT OF THE PROPOSED RULE IS:

69H-2.008 Other Forms Adopted.

(1) The following forms are hereby adopted and incorporated by reference. These forms shall be used to aid the Division in the performance of its administrative duties by securing pertinent facts and information on claims filed against the Fund, as the circumstances of particular cases may require.

(a) DFS-D0-261, "Automobile Accident Report," rev. 11/05;

(b) DFS-D0-866, "Mileage Reimbursement," rev. 11/05;

(c) DFS-D0-1403, "General Liability Loss Report," rev. 11/05;

(d) DFS-D0-1404, "Lien Disclosure Statement", rev. 11/05;

(e) DFS-D0-1406, "Insurer's Disclosure Statement Pursuant to Section 627.4137, F.S.," rev. 11/05;

(f) DFS-D0-1407, "Medical Authorization", rev. 11/05; and

(g) DFS-D0-1410, "Substitute Form W9", new 11/05;-

(i) DFS-D0-1990, "Medicare Secondary Payer Reporting Questionnaire", new 5/09; and

(h) DFS-D0-1991, "Medicare Beneficiary/Eligibility Information", new 5/09.

(2) Copies of each form adopted and incorporated by reference in this rule are available from the Division of Risk Management, Department of Financial Services, Larson Building, Tallahassee, Florida 32399-0336.

Rulemaking Specific Authority 284.17, 284.39 FS. Law Implemented 284.30, 284.40, 284.41 FS. History--New 1-7-92, Amended 6-28-01, Formerly 4H-2.008, Amended 7-4-04, 5-4-05,\_\_\_\_\_.

**DEPARTMENT OF FINANCIAL SERVICES**

**Division of Worker's Compensation**

RULE NOS.:

RULE TITLES:

69L-5.101	Definitions
69L-5.102	General Requirements
69L-5.103	Application
69L-5.104	Alternate Method of Application
69L-5.105	General Requirements
69L-5.106	Financial Statement or Financial Summary
69L-5.107	Actuarial Reports
69L-5.108	Security Deposits
69L-5.109	Excess Insurance

69L-5.110
69L-5.111
69L-5.112
69L-5.113
69L-5.114
69L-5.115
69L-5.116
69L-5.117
69L-5.201
69L-5.202
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Experience Records
Late Reports; Penalties
General Requirements
Application to Provide Servicing
Retaining Authorization as Service Company; Recertification
Withdrawal of Authorization
Review and Audit
Forms, Manuals, and Instructions
Definitions
Scope of Self-Insurance Authorization
Payroll Reporting
Maintenance of Payroll Records, Review and Audit
Loss Data Reporting
Maintenance of Loss Data Records, Review and Audit
Outstanding Liabilities Reporting
Maintenance of Outstanding Liabilities Records, Review and Audit
Financial Statements Reporting
Actuarial Reports
Changes in Anniversary Rating Date
Contact Information Reporting
Subsidiary, Affiliate and Location Reporting
Indemnity Agreements for Affiliated Self-Insurers
Parental Guaranty
Provision of Benefits and Safe Working Environment by Self-Insurers
Civil Penalties and Fines
Security Deposits
Excess Insurance
Drug-Free Workplace Premium Credit Program
Safety Program Premium Credit
Revocation and Employer Compliance
Election Process
Termination
Requirements
Application Process
Alien Corporations Additional Requirements
Termination
Application Process
Contracting with a Qualified Servicing Entity
Forms and Instructions

**PURPOSE AND EFFECT:** Rule Chapter 69L-5, F.A.C. is being amended to concurrently repeal and replace all existing rules with new rules which have been restructured and renumbered to promote clarity and efficiencies to the process by which self-insured employers comply with the duties and obligations associated with the privilege of self-insuring pursuant to Chapter 440, Florida Statutes. The purpose of Rule Chapter 69L-5, F.A.C., is to interpret and implement provisions of Chapter 440, Florida Statutes, regarding regulation by the Department of Financial Services and the Florida Self-Insurers Guaranty Association, Inc. of entities self-insuring the payment of compensation for Florida employees. The proposed new rules address the scope of the self-insurance authorization, the required filings, record maintenance and audit processes for self-insurers, the self-insurance process for both governmental entities and members and former members of the Florida Self-Insurers Guaranty Association, Inc., and the application process for and regulations regarding servicing entities. The proposed new rules also adopt forms for use with said rules. The proposed new rules differ from the existing self-insurer rules in various ways, including increasing the minimum net worth requirement to qualify to self-insure and by establishing new guidelines to be used in determining the financial strength of current and former self-insurers. In addition, the proposed new rules require security deposits for current and former self-insurers to be based on the entities' long term issuer credit rating in order to create a more structured and objective system for determining financial strength necessary to ensure timely payment of current and future claims. The proposed new rules also outline the penalties for self-insurers who late-file reports, fail to file them, fail to maintain loss records, or misclassify losses or other data which impacts the calculation and collection of assessments for the Workers' Compensation Administration Trust Fund and the Special Disability Trust Fund. Further, the proposed new rules include a change in the specific excess insurance requirements regarding the maximum retention amount allowed without additional approval, provide for an electronic version of Form DFS-F2-SI-17, Unit Statistical Report, and eliminate the alternative method of application to self-insure.

**SUMMARY:** Concurrently repeals all existing rules in Rule Chapter 69L-5, F.A.C., replacing them with proposed new rules which have been restructured and revised to clarify regulatory guidelines for employers self-insuring payment of compensation for employees, pursuant to Chapter 440, Florida Statutes. Among the proposed revisions included are those which address requirements regarding the financial strength, credit quality, net worth, security deposits, and excess insurance associated with the self-insurance process; provisions relating to penalties for self-insurers filing late reports, and those who fail to file or otherwise fail to comply with the proposed rules.

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

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

**RULEMAKING AUTHORITY:** 440.38(1), (2), (3), 440.385(6), 440.525(2), 440.591 FS.

**LAW IMPLEMENTED:** 440.02(24), 440.101, 440.102, 440.1025, 440.38(1), (2), (3), 440.385(1), (3), (6), 440.525 FS.

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

**DATE AND TIME:** Wednesday, June 24, 10:00 a.m. – 12:00 Noon

**PLACE:** Room 104J, Hartman Bldg., 2012 Capital Circle Southeast, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Robin Ippolito, (850)413-1775 or Robin.Ippolito@myfloridacfo.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS:** Robin Ippolito, Bureau Chief, Bureau of Monitoring and Audit, Division of Workers' Compensation, Department of Financial Services, 200 East Gaines Street, Tallahassee, Florida 32399-4224, phone (850)413-1775

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

#### GENERAL REQUIREMENTS

##### 69L-5.101 Definitions.

Rulemaking Specific Authority 440.38(2)(b), 440.591 FS. Law Implemented 440.38(1)(b) FS. History—New 10-1-82, Amended 12-17-85, Formerly 38F-5.30, Amended 3-11-87, 8-28-91, 12-19-93, Formerly 38F-5.030, Amended 5-19-97, Formerly 38F-5.101, 4L-5.101, Amended 3-8-06, Repealed.

#### QUALIFYING FOR SELF-INSURANCE

##### 69L-5.102 General Requirements.

Rulemaking Specific Authority 440.38(2)(b), 440.591 FS. Law Implemented 440.38(6) FS. History—New 5-19-97, Formerly 38F-5.102, 4L-5.102, Amended 3-8-06, 10-29-06, Repealed.

## 69L-5.103 Application.

Rulemaking Specific Authority 440.38(2)(b), 440.591 FS. Law Implemented 440.38(1)(b) FS. History–New 5-19-97, Formerly 38F-5.103, 4L-5.103, Amended 3-8-06, Repealed.

## 69L-5.104 Alternate Method of Application.

Rulemaking Specific Authority 440.591, 440.38(2)(b) FS. Law Implemented 440.38(1)(b), (2)(b) FS. History–New 10-1-82, Amended 12-25-84, Formerly 38F-5.44, Amended 2-3-88, 6-12-91, 12-19-93, 5-14-96, Formerly 38F-5.044, Amended 5-19-97, Formerly 38F-5.104, 4L-5.104, Repealed.

## RETENTION, REVOCATION, AND WITHDRAWAL

## 69L-5.105 General Requirements.

Rulemaking Specific Authority 440.38(1)(b), (2)(b) FS. Law Implemented 440.38(1)(b), (2)(b) FS. History–New 5-19-97, Formerly 38F-5.105, 4L-5.105, Repealed.

## 69L-5.106 Financial Statement or Financial Summary.

Rulemaking Specific Authority 440.38(2)(b), 440.591 FS. Law Implemented 440.38(1)(b) FS. History–New 10-1-82, Formerly 38F-5.47, Amended 6-12-91, 12-19-93, 5-14-96, Formerly 38F-5.047, Amended 5-19-97, Formerly 38F-5.106, 4L-5.106, Amended 3-8-06, Repealed.

## 69L-5.107 Actuarial Reports.

Rulemaking Specific Authority 440.38(1), (2) FS. Law Implemented 440.38(1), (2) FS. History–New 5-19-97, Formerly 38F-5.107, 4L-5.107, Repealed.

## 69L-5.108 Security Deposits.

Rulemaking Specific Authority 440.38(1)(b) FS. Law Implemented 440.38(1)(b) FS. History–New 5-19-97, Formerly 38F-5.108, 4L-5.108, Repealed.

## 69L-5.109 Excess Insurance.

Rulemaking Specific Authority 440.38(1)(b) FS. Law Implemented 440.38(1)(b) FS. History–New 10-1-82, Formerly 38F-5.36, Amended 2-3-88, 12-19-93, Formerly 38F-5.036, Amended 5-19-97, Formerly 38F-5.109, 4L-5.109, Repealed.

## 69L-5.110 Experience Records.

Rulemaking Specific Authority 440.38(1)(b), (2)(b), (3), 440.385 FS. Law Implemented 440.38(1)(b), (2)(b), (3), 440.385 FS. History–New 5-19-97, Formerly 38F-5.110, 4L-5.110, Repealed.

## 69L-5.111 Late Reports; Penalties.

Rulemaking Specific Authority 440.38(1)(b), (2)(b), 440.51(6)(b), 440.5705 FS. Law Implemented 440.38(1)(b), (2)(b), 440.51, 440.102, 624.24 FS. History–New 10-1-82, Formerly 38F-5.38, Amended 12-19-93, Formerly 38F-5.038, Amended 5-19-97, Formerly 38F-5.111, 4L-5.111, Repealed.

## SERVICING FOR SELF-INSURERS

## 69L-5.112 General Requirements.

Rulemaking Specific Authority 440.38(1)(b), (2), (4)(b), 440.49(1)(a), 440.56(4) FS. Law Implemented 440.20(16), 440.38(1)(b), (2), 440.49(1)(a), 440.56(4) FS. History–New 10-1-82, Formerly 38F-5.31, Amended 12-19-93, Formerly 38F-5.031, Amended 5-19-97, Formerly 38F-5.112, 4L-5.112, Repealed.

## 69L-5.113 Application to Provide Servicing.

Rulemaking Specific Authority 440.38(1)(b), (2), (4)(b), 440.56(4) FS. Law Implemented 440.38(1)(b), (2), (4)(b), 440.56(4) FS. History–New 10-1-82, Amended 12-25-84, Formerly 38F-5.40, Amended 12-19-93, Formerly 38F-5.040, Amended 5-19-97, Formerly 38F-5.113, 4L-5.113, Repealed.

## 69L-5.114 Retaining Authorization as Service Company; Recertification.

Rulemaking Specific Authority 440.591, 440.38(2)(a) FS. Law Implemented 440.20(16), 440.38(1)(b), (2)(a), (b), (4)(b) FS. History–New 10-1-82, Amended 12-25-84, Formerly 38F-5.41, Amended 6-12-91, 12-19-93, Formerly 38F-5.041, Amended 5-19-97, Formerly 38F-5.114, 4L-5.114, Repealed.

## 69L-5.115 Withdrawal of Authorization.

Rulemaking Specific Authority 440.38(1)(b), (3)(b)5. FS. Law Implemented 440.38(2), (3) FS. History–New 10-1-82, Formerly 38F-5.42, Amended 12-19-93, Formerly 38F-5.042, Amended 5-19-97, Formerly 38F-5.115, 4L-5.115, Repealed.

## PAYROLL AND CLAIMS RECORDS

## 69L-5.116 Review and Audit.

Rulemaking Specific Authority 440.38(2)(b), 440.51(6)(b) FS. Law Implemented 440.20(16)(c), 440.38(1)(b), (2)(b) FS. History–New 10-1-82, Formerly 38F-5.51, Amended 12-19-93, Formerly 38F-5.051, Amended 5-19-97, Formerly 38F-5.116, 4L-5.116, Repealed.

## FORMS, MANUALS, AND INSTRUCTIONS

## 69L-5.117 Forms, Manuals, and Instructions.

Rulemaking Specific Authority 440.57, 440.5705, 440.591 FS. Law Implemented 440.381, 440.57, 440.5705, 624.316, 624.424 FS. History–New 5-19-97, Formerly 38F-5.117, 4L-5.117, Repealed.

## GENERAL REQUIREMENTS

## 69L-5.201 Definitions.

(1) When used in these rules, the following words or terms shall mean:

(a) “Actuarial Report” – A report signed by a member of the American Academy of Actuaries providing an opinion of the appropriate present value of the self-insured reserves incurred in this state, using a four percent (4%) discount rate, for current and future claims.

(b) “Affiliated Self-Insurer” – Two or more entities affiliated by common majority ownership, as defined in the NCCI Experience Rating Plan Manual for Workers’ Compensation and Employers Liability Insurance (filed and approved by the Florida Office of Insurance Regulation), which do not have a parent company to hold the self-insurance authorization, and which are approved by the Department to fund their workers’ compensation liabilities as prescribed in Section 440.38(1)(b), F.S.

(c) “Alien Corporation” – A corporation formed under the laws of any country other than the United States.

(d) “A. M. Best Company” – An organization recognized by the U.S. Securities and Exchange Commission as a nationally recognized statistical rating organization whose ratings are permitted to be used for regulatory purposes.

(e) “Anniversary Rating Date” – The effective month and day of the beginning of the self-insurance authorization and each anniversary thereafter unless a different date is established.

(f) “Association” – The Florida Self-Insurers Guaranty Association, Inc.

(g) “Authorized Representative” – An individual or company authorized by the Department to operate on behalf of the Department; or an individual or company authorized by the Association to operate on behalf of the Association.

(h) “Credit Rating” – A long-term issuer credit rating issued by Moody’s Investors Service, Standard & Poor’s or Fitch Ratings. A credit rating assigned to a specific debt issue is not an acceptable substitute for a long-term issuer credit rating.

(i) “Current Self-Insurer” – An employer authorized by the Department to fund its workers’ compensation liabilities as prescribed in Section 440.38(1)(b) or (6), F.S., whose authorization to self insure has not been revoked or voluntarily terminated.

(j) “Department” – Florida Department of Financial Services.

(k) “Division” – The Division of Workers’ Compensation within the Florida Department of Financial Services.

(l) “F.A.C.” – Florida Administrative Code.

(m) “F.S.” – Florida Statutes.

(n) “FSIGA Member” – A Current Self-Insurer or Former Self-Insurer authorized by the Department as defined in Sections 440.02(24)(a) and 440.38(1)(b), F.S., other than self-insurers which are Public Utilities or Governmental Entities.

(o) “Financial Statement(s)” – A presentation of financial data, including accompanying notes, derived from accounting records that purports to show financial position and intended to communicate an entity’s economic resources or obligations at a point in time, and the results of operations and cash flows for a period of time, in accordance with Generally Accepted Accounting Principles and presented in the English language.

(p) “Former Self-Insurer” – An employer authorized by the Department to fund its workers’ compensation liabilities as prescribed in Section 440.38(1)(b) or (6), F.S., whose authorization has been revoked or voluntarily terminated with remaining outstanding workers’ compensation liabilities.

(q) “Generally Accepted Accounting Principles” – Accounting principles generally accepted in the United States of America in effect as of June 1, 2006, including, but not limited to, Accounting Principles Board Opinions Nos. 1 to 31 as published by the American Institute of Certified Public Accountants, and statements of accounting standards and interpretations thereof, as published by the Financial Accounting Standards Board (FASB). These materials are entitled Original Pronouncements 2008/2009 Edition, Vols. I, II, & III, dated June 1, 2008, and available from FASB, 401 Merritt 7, P. O. Box 5116, Norwalk, CT 06856-5116, 1(800)748-0659, <http://www.fasb.org>.

(r) “Generally Accepted Auditing Standards” – Auditing standards generally accepted in the United States of America in effect as of January 1, 2009, including, but not limited to, general, field work and reporting standards approved and adopted by the membership of the American Institute of Certified Public Accountants (AICPA), as amended by the AICPA Auditing Standards Board (ASB), standards promulgated by the ASB in the form of Statements on Auditing Standards and standards promulgated by the Public Company Accounting Oversight Board (PCAOB). The AICPA materials are entitled Codification of Statements on Auditing Standards, dated January 1, 2009, available from the AICPA at <http://www.cpa2biz.com> or call 1(888)777-7077. The rules and standards of the PCAOB are available at no charge at <http://www.pcaobus.org>.

(s) “Governmental Entity” – The state and its boards, bureaus, departments, and agencies and all of its political subdivisions which employ labor, and the state universities, pursuant to Section 440.38(6), F.S.

(t) “Investment Grade Credit Rating” – A long-term issuer credit rating equal to or higher than “Baa3”, “BBB-”, or “BBB-”, issued by Moody’s Investors Service, Standard & Poor’s or Fitch Ratings, respectively. A credit rating assigned to a specific debt issue is not an acceptable substitute for a long-term issuer credit rating.

(u) “Manual Premium” – Premium determined by multiplying the payroll (segregated into the proper workers’ compensation job classifications) times the manual rates per \$100 of payroll in effect at the start of the payroll period covered, as further defined in the NCCI Basic Manual for Workers’ Compensation and Employers’ Liability Insurance (filed and approved by the Florida Office of Insurance Regulation).

(v) “NCCI” – The National Council on Compensation Insurance, Inc.

(w) “Net Worth” – Stockholders’ equity, owners’ equity or net assets as shown on the balance sheet of the Financial Statements.

(x) “Qualified Servicing Entity” – Any company approved by the Department to adjust and submit workers’ compensation claims to the Division and/or provide safety services and loss control on behalf of the self-insurer.

(y) “Security Deposit” – A security deposit conforming to the requirements of Section 440.38(1)(b)4., F.S.

(z) “Specific Excess Insurance Policy” – A specific excess workers’ compensation insurance policy approved by the Florida Office of Insurance Regulation which provides for the actual transfer of risk to the excess carrier.

(aa) “Standard Premium” – As defined in the NCCI Basic Manual for Workers’ Compensation and Employers’ Liability Insurance (filed and approved by the Florida Office of Insurance Regulation).

(bb) “Successor Entity” – Any person, business entity, or group of persons or business entities, which holds or acquires legal or beneficial title to the majority of the assets or the majority of the shares of a Current Self-Insurer or Former Self-Insurer, pursuant to Chapter 440, F.S.

Rulemaking Authority 440.02(24), 440.38(1), (2), (3), 440.385(6), 440.525(2), 440.591 FS. Law Implemented 440.38(1), (2), (3), 440.385(1), (3), (6), 440.525 FS. History–New \_\_\_\_\_.

69L-5.202 Scope of Self-Insurance Authorization.

(1) Approval of a self-insurance authorization in accordance with Section 440.38, F.S., and these rules will be continuous unless and until revoked or voluntarily terminated.

(2) The self-insurance authorization of a Current Self-Insurer is restricted to the authorization holder and its wholly or majority owned subsidiaries.

(3) Where the Current Self-Insurer is an Affiliated Self-Insurer, the self-insurance authorization is restricted to entities affiliated by common majority ownership and their wholly or majority owned subsidiaries.

Rulemaking Authority 440.38(1), (2), (3), 440.385(6), 440.591 FS. Law Implemented 440.38(1), (2), (3), 440.385(1), (3), (6) FS. History–New \_\_\_\_\_.

UNIVERSAL REQUIREMENTS REQUIRED FILINGS, RECORDS MAINTENANCE AND AUDIT

69L-5.203 Payroll Reporting.

Self-Insurers shall report payroll data for all entities covered under the self-insurance authorization using Form DFS-F2-SI-5 (Self-Insurer Payroll Report), as incorporated by reference into Rule 69L-5.231, F.A.C. Failure to submit the required payroll reports, understatement or concealment of payroll, or the misrepresentation of employee duties so as to avoid proper classification shall constitute good cause for revocation of the self-insurance authorization in addition to civil penalties specified in Rule 69L-5.217, F.A.C.

(1) Current Self-Insurers and Former Self-Insurers shall complete Form DFS-F2-SI-5 by submitting payroll by classification code for the latest completed period beginning on the Anniversary Rating Date.

(2) Former Self-Insurers shall submit this report until the final payroll period has been reported.

(3) Current Self-Insurers shall submit Form DFS-F2-SI-5 no later than sixty (60) days after their Anniversary Rating Date. Former Self-Insurers shall submit their final Form DFS-F2-SI-5 no later than ninety (90) days after the revocation or voluntary termination of the self-insurance authorization.

(a) Governmental Entities and Public Utilities shall submit Form DFS-F2-SI-5 to the:

Department of Financial Services  
Division of Workers’ Compensation  
Bureau of Monitoring and Audit/Self-Insurance  
200 East Gaines Street  
Tallahassee, Florida 32399-4224

(b) FSIGA Members shall submit Form DFS-F2-SI-5 to the:

Florida Self-Insurers Guaranty Association, Inc.  
1427 E. Piedmont Dr., 2nd Floor  
Tallahassee, Florida 32308

Rulemaking Authority 440.38(1), (2), (3), 440.385(6), 440.525(2), 440.591 FS. Law Implemented 440.38(1), (2), (3), 440.385(1), (3), (6), 440.525 FS. History–New \_\_\_\_\_.

69L-5.204 Maintenance of Payroll Records, Review and Audit.

(1) The payroll records of all Current Self-Insurers and Former Self-Insurers shall be open for inspection and audit by the Department, or its Authorized Representative, during regular business hours. Self-insurers are required to maintain payroll records that reflect a true and accurate division by the classification codes contained in the NCCI SCOPES of Basic Manual Classifications and the NCCI Basic Manual for Workers’ Compensation and Employers Liability Insurance (filed and approved by the Florida Office of Insurance Regulation) so the proper classification code for each employee may be determined. If such records are not maintained, then the entire payroll shall be presumed to be within the classification code to which the highest manual rate is applicable. To ensure their availability for audit purposes, the records shall be retained for five (5) years from the end of the payroll period. The location of these records shall be provided to the Department upon submission of the application for self-insurance and updated within fifteen (15) days of any relocation.

(2) At the conclusion of the audit conducted by the Department or its Authorized Representative, a preliminary report shall be prepared and sent to the self-insurer. The preliminary report shall identify any payroll or classification deficiencies. The self-insurer shall have thirty (30) days from



the date of receipt to review and respond to the Department's preliminary report. The Department shall review the response and issue a final report.

Rulemaking Authority 440.38(1), (2), (3), 440.385(6), 440.525(2), 440.591 FS. Law Implemented 440.38(1), (2), (3), 440.385(1), (3), (6), 440.525 FS. History–New \_\_\_\_\_.

#### 69L-5.205 Loss Data Reporting.

Current Self-Insurers and Former Self-Insurers shall submit loss data for all entities covered under the self-insurance authorization on Form DFS-F2-SI-17, as incorporated by reference into Rule 69L-5.231, F.A.C., or the electronic equivalent provided by the Department. Failure to submit the required loss data forms or material understatement or concealment of data shall constitute good cause for revocation of the self-insurance authorization in addition to civil penalties specified in Rule 69L-5.217, F.A.C.

(1) The Division or the Association shall, within at least ten (10) days prior to the evaluation date, advise each self insurer of the covered periods for the submission of the loss data.

(2) Current Self-Insurers will complete Form DFS-F2-SI-17 or the electronic equivalent of Form DFS-F2-SI-17 by submitting loss data for the current evaluation year and the prior two (2) evaluation years.

(3) Former Self-Insurers shall continue to submit this report until the loss data for the final period of authorization has been reported for three (3) years.

(4) The completed Form DFS-F2-SI-17 or the electronic equivalent of Form DFS-F2-SI-17 shall be mailed or transmitted to the Division or the Association no later than sixty (60) days after the evaluation date.

(a) Governmental Entities who are unable to transmit an electronic version of Form DFS-F2-SI-17 shall mail the completed Form DFS-F2-SI-17, no later than 60 days after the evaluation date to the:

Department of Financial Services  
Division of Workers' Compensation  
Bureau of Monitoring and Audit/Self-Insurance  
200 East Gaines Street  
Tallahassee, Florida 32399-4224

(b) FSIGA Members who are unable to transmit the electronic version of Form DFS-F2-SI-17 shall mail the completed Form DFS-F2-SI-17 to:

Florida Self-Insurers Guaranty Association, Inc.  
1427 E. Piedmont Dr., 2nd Floor  
Tallahassee, Florida 32308

(5) The Division will promulgate the experience modification using the NCCI Basic Manual for Workers' Compensation and Employers' Liability Insurance and the NCCI Experience Rating Plan Manual for Workers' Compensation and Employers' Liability Insurance (filed and approved by the Florida Office of Insurance Regulation).

(6) The experience modification shall be used in the calculation and collection of assessments for the Workers' Compensation Administration Trust Fund, the Special Disability Trust Fund, and the Florida Self-Insurers Guaranty Association, Inc.

(7) The Division shall provide a copy of the experience rating worksheet to each self-insured employer and FSIGA.

Rulemaking Authority 440.38(1), (2), (3), 440.385(6), 440.525(2), 440.591 FS. Law Implemented 440.38(1), (2), (3), 440.385(1), (3), (6), 440.525 FS. History–New \_\_\_\_\_.

#### 69L-5.206 Maintenance of Loss Data Records, Review and Audit.

(1) All records supporting the submitted Form DFS-F2-SI-17 or its electronic equivalent shall be open for inspection and audit by the Department or its Authorized Representative, during regular business hours. Self-insurers are required to maintain loss records that reflect a true and accurate division by the classification codes, status type, and injury codes contained in the NCCI Workers' Compensation Statistical Plan Manual (filed and approved by the Florida Office of Insurance Regulation) and the NCCI Basic Manual for Workers' Compensation and Employers Liability Insurance (filed and approved by the Florida Office of Insurance Regulation) so the proper classification code, status type, and injury code for each accident may be determined. To ensure their availability for audit purposes, the records shall be retained for five (5) years from the last date the claims data was used for calculation of the experience modification. The location of these records shall be provided to the Department upon submission of the application for self-insurance and updated within fifteen (15) days of any relocation.

(2) At the conclusion of the audit conducted by the Department or its Authorized Representative, a preliminary report shall be prepared and sent to the self-insurer. The preliminary report shall identify any payroll, loss, or classification deficiencies. The self-insurer shall have thirty (30) days from the date of receipt to review and respond to the Department's preliminary report. The Department shall review the response and issue a final report.

Rulemaking Authority 440.38(1), (2), (3), 440.385(6), 440.525(2), 440.591 FS. Law Implemented 440.38(1), (2), (3), 440.385(1), (3), (6), 440.525 FS. History–New \_\_\_\_\_.

#### 69L-5.207 Outstanding Liabilities Reporting.

(1) Current Self-Insurers and Former Self-Insurers, other than Governmental Entities, shall report their outstanding self-insured workers' compensation liabilities for all entities covered under the self-insurance authorization on Form DFS-F2-SI-20 (Report of Outstanding Workers' Compensation Liabilities), as incorporated by reference into Rule 69L-5.231, F.A.C. This includes all outstanding liabilities of Former Self-Insurers for which the Current Self-Insurer is the Successor Entity. Form DFS-F2-SI-20 shall be accompanied

by a loss run substantiating all amounts reported on the form, be signed by an Authorized Representative of the Self-Insurer or its Qualified Servicing Entity, and be submitted no later than 120 days after the end of the self-insurer's fiscal year. The evaluation date shall not be prior to the end of the self-insurer's latest fiscal year. Failure to submit the required Report of Outstanding Workers' Compensation Liabilities, or material understatement or concealment of loss reserves, shall constitute good cause for revocation of the self-insurance authorization in addition to civil penalties specified in Rule 69L-5.217, F.A.C.

(2) FSI GA Members shall submit Form DFS-F2-SI-20 to the:

Florida Self-Insurers Guaranty Association, Inc.  
1427 E. Piedmont Dr., 2nd Floor  
Tallahassee, Florida 32308

Rulemaking Authority 440.38(1), (2), (3), 440.385(6), 440.525(2), 440.591 FS. Law Implemented 440.38(1), (2), (3), 440.385(1), (3), (6), 440.525 FS. History—New \_\_\_\_\_.

69L-5.208 Maintenance of Outstanding Liabilities Records, Review and Audit.

(1) All records supporting Form DFS-F2-SI-20 (Report of Outstanding Workers' Compensation Liabilities) shall be open for inspection and audit by the Department, the Association, or their Authorized Representative, during regular business hours. Each self-insurer is required to maintain all records supporting Form DFS-F2-SI-20. To ensure their availability for audit purposes, the records shall be retained for five (5) years after closing of a claims file.

(2) The location of these records shall be provided to the Department or Association upon submission of the application for self-insurance and updated within fifteen (15) days of any relocation.

Rulemaking Authority 440.38(1), (2), (3), 440.385(6), 440.525(2), 440.591 FS. Law Implemented 440.38(1), (2), (3), 440.385(1), (3), (6), 440.525 FS. History—New \_\_\_\_\_.

69L-5.209 Financial Statements Reporting.

Current Self-Insurers and Former Self-Insurers, other than Governmental Entities, shall submit their Financial Statements no later than 120 days after the end of their fiscal year. Failure to submit the required Financial Statements shall constitute good cause for revocation of the self-insurance authorization in addition to civil penalties specified in Rule 69L-5.217, F.A.C.

(1) The Financial Statements shall meet the following requirements:

(a) The Financial Statements shall be in the name of the entity holding the self-insurance authorization.

(b) The Financial Statements shall demonstrate that the self-insurer has the financial strength necessary to ensure the timely payment of all current and future claims.

(c) The Financial Statements shall show a Net Worth of the greater of \$10,000,000 U.S. or three (3) times Standard Premium, and:

(d) The Financial Statements shall be audited in accordance with Generally Accepted Auditing Standards.

(e) Financial statements submitted for Current Self Insurers and Former Self Insurers under an authorization granted prior to January 1, 1997, are not required to be audited in accordance with Generally Accepted Auditing Standards.

(2) All legal entities included under the self-insurance authorization shall submit Financial Statements in accordance with this rule. Separate Financial Statements shall be submitted for each entity unless consolidated or combined Financial Statements are submitted. All Financial Statements submitted must comply with the provisions of this rule. However, for purposes of meeting the Net Worth requirement, the Net Worths of the companies comprising an Affiliated Self-Insurer may be combined.

(3) If a majority of the assets and/or stocks of a Current Self-Insurer are purchased by a Successor Entity and the Current Self-Insurer can no longer provide Financial Statements in its own name, then the Current Self-Insurer's authorization shall be revoked unless the Successor Entity becomes a Current Self-Insurer pursuant to this rule or the Current Self-Insurer voluntarily terminates its self-insurance authorization. Application for a self-insurance authorization by the Successor Entity must be made within thirty (30) days of the effective date of the acquisition or restructuring.

(4) The Successor Entity of a Former Self-Insurer shall submit its Financial Statements in accordance with this rule.

(5) The Successor Entity shall acknowledge liability for payment of the Former Self-Insurer's self-insured workers' compensation liabilities by providing a written statement executed by a senior executive officer of the Successor Entity.

(f) FSI GA Members shall submit Financial Statements to the:

Florida Self-Insurers Guaranty Association, Inc.  
1427 E. Piedmont Dr., 2nd Floor  
Tallahassee, Florida 32308

Rulemaking Authority 440.38(1), (2), (3), 440.385(6), 440.525(2), 440.591 FS. Law Implemented 440.38(1), (2), (3), 440.385(1), (3), (6), 440.525 FS. History—New \_\_\_\_\_.

69L-5.210 Actuarial Reports.

(1) Current Self-Insurers and Former Self-Insurers, other than Governmental Entities, that do not have Investment Grade Credit Ratings shall be required to submit Actuarial Reports within 120 days after the end of their fiscal year or any other date requested by the Department or the Association.

(a) Actuarial Reports shall have a valuation date not more than 180 days prior to the date submitted to the Department or the Association.

(b) If requested by the Department or the Association, any Current Self-Insurer or Former Self-Insurer, other than a Governmental Entity, shall be required to submit an Actuarial Report.

(2) The Department or the Association may require that the Actuarial Report include a forecast of loss reserves to a future date.

(3) FSIGA Members shall submit Actuarial Reports to the: Florida Self-Insurers Guaranty Association, Inc. 1427 E. Piedmont Dr., 2nd Floor Tallahassee, Florida 32308

Rulemaking Authority 440.38(1), (2), (3), 440.385(6), 440.591 FS. Law Implemented 440.38(1), (2), (3), 440.385(1), (3), (6) FS. History--New \_\_\_\_\_.

69L-5.211 Changes in Anniversary Rating Date.

(1) Any Current Self-Insurer desiring to change its Anniversary Rating Date shall submit a request in writing.

(a) Governmental Entities shall submit requests to the: Department of Financial Services Division of Workers' Compensation Bureau of Monitoring and Audit/Self-Insurance 200 East Gaines Street Tallahassee, Florida 32399-4224

(b) FSIGA Members shall submit requests to the: Florida Self-Insurers Guaranty Association, Inc. 1427 E. Piedmont Dr., 2nd Floor Tallahassee, Florida 32308

(2) Upon receipt of the written request, the Division or the Association shall advise the self-insurer in writing within thirty (30) days as to the effective date of the change, if approved, using the NCCI Workers' Compensation Experience Rating Plan Manual for Workers' Compensation and Employers' Liability Insurance (filed and approved by the Florida Office of Insurance Regulation) to determine this date.

Rulemaking Authority 440.38(1), (2), (3), 440.385(6), 440.591 FS. Law Implemented 440.38(1), (2), (3), 440.385(1), (3), (6) FS. History--New \_\_\_\_\_.

69L-5.212 Contact Information Reporting.

Current Self-Insurers and Former Self-Insurers shall provide written notification of changes in their contact information within thirty (30) days of the effective date of the change. Notification shall be submitted as follows:

(1) Governmental Entities shall submit contact information to the:

Department of Financial Services Division of Workers' Compensation Bureau of Monitoring and Audit/Self-Insurance 200 East Gaines Street Tallahassee, Florida 32399-4224

(2) FSIGA Members shall submit contact information to the:

Florida Self-Insurers Guaranty Association, Inc. 1427 E. Piedmont Dr., 2nd Floor Tallahassee, Florida 32308

Rulemaking Authority 440.38(1), (2), (3), 440.385(6), 440.591 FS. Law Implemented 440.38(1), (2), (3), 440.385(1), (3), (6) FS. History--New \_\_\_\_\_.

69L-5.213 Subsidiary, Affiliate and Location Reporting.

(1) Current Self-Insurers shall provide written notification of changes in the names and addresses, as well as changes in the structure, of the self-insurer, its affiliates and their wholly or majority owned subsidiaries, along with the Federal Employer Identification Number (FEIN), fictitious names, and percentage of ownership for each legal entity included under the self-insurance authorization within thirty (30) days of the effective date of the change. Current Self-Insurers shall also provide written notification of changes in the addresses of all operating locations with employees within the State of Florida, which are included under the self-insurance authorization within thirty (30) days of the effective date of the change.

(2) Current Self-Insurers shall annually certify the accuracy of their subsidiary, affiliate and location information. Such certification shall be signed by an officer of the Current Self-Insurer.

(3) Notifications of changes and annual certifications shall be submitted as follows:

(a) Governmental Entities shall submit location information to the:

Department of Financial Services Division of Workers' Compensation Bureau of Monitoring and Audit/Self-Insurance 200 East Gaines Street Tallahassee, Florida 32399-4224

(b) FSIGA Members shall submit location information to the:

Florida Self-Insurers Guaranty Association, Inc. 1427 E. Piedmont Dr., 2nd Floor Tallahassee, Florida 32308

Rulemaking Authority 440.38(1), (2), (3), 440.385(6), 440.591 FS. Law Implemented 440.38(1), (2), (3), 440.385(1), (3), (6) FS. History--New \_\_\_\_\_.

69L-5.214 Indemnity Agreements for Affiliated Self-Insurers.

Affiliated Self-Insurers must execute a new Form DFS-F2-SI-11 (Indemnity Agreement), as incorporated by reference into Rule 69L-5.231, F.A.C., within thirty (30) days of changes in the affiliates included under the self-insurance authorization. Form DFS-F2-SI-11 shall be executed by an

officer of each affiliated entity to be included under the self-insurance authorization. The executed form shall be submitted to the:

Florida Self-Insurers Guaranty Association, Inc.  
1427 E. Piedmont Dr., 2nd Floor  
Tallahassee, Florida 32308

Rulemaking Authority 440.38(1), (2), (3), 440.385(6), 440.591 FS. Law Implemented 440.38(1), (2), (3), 440.385(1), (3), (6) FS. History--New \_\_\_\_\_.

#### 69L-5.215 Parental Guaranty.

Notwithstanding any other provisions of these Rules to the contrary, if a parent company that directly or indirectly owns 100% of a Current Self-Insurer, Former Self-Insurer or applicant for self-insurance elects to execute Form DFS-F2-SI-10 (Parental Guaranty and Corporate Resolution), as incorporated by reference in to Rule 69L-5.231, F.A.C., then:

(1) The Financial Statements of the parent company shall be used to apply the financial statement requirements of subsections 69L-5.209(1) and 69L-5.225(1), F.A.C.,

(2) The Credit Rating of the parent company shall be used to determine the amount of the Security Deposit in accordance with Rule 69L-5.218, F.A.C.,

(3) The Net Worth of the parent company shall be used to determine the excess insurance requirements in accordance with paragraph 69L-5.219(1)(a), F.A.C.,

(4) The Net Worth of the parent company shall be used to apply the Net Worth requirements in subparagraph 69L-5.209(1)(a)3. and paragraph 69L-5.225(1)(a), F.A.C., and

(5) The Credit Rating of the parent company shall be used to apply the minimum requirements in paragraph 69L-5.225(1)(b), F.A.C., and the initial security deposit requirements of paragraph 69L-5.225(1)(e), F.A.C.

Rulemaking Authority 440.38(1), (2), (3), 440.385(6), 440.591 FS. Law Implemented 440.38(1), (2), (3), 440.385(1), (3), (6) FS. History--New \_\_\_\_\_.

#### 69L-5.216 Provision of Benefits and a Safe Working Environment by Self-Insurers.

(1) It shall be the sole responsibility of Current Self-Insurers and Former Self-Insurers to provide for competent persons to service their self-insurance program in the areas of claims adjusting, safety engineering and loss control. This shall be done through either the use of their own employees, who are determined by the Department to be competent in these areas, or by contracting with a Qualified Servicing Entity approved by the Department to provide these services. A list of Qualified Servicing Entities may be obtained by contacting the Department at:

Department of Financial Services  
Division of Workers' Compensation  
Bureau of Monitoring and Audit/Self-Insurance  
200 East Gaines Street  
Tallahassee, Florida 32399-4224

(2) Current Self-Insurers and Former Self-Insurers choosing to use their own employees to provide these services must obtain prior approval from the Department and shall submit Form DFS-F2-SI-19 (Certification of Servicing for Self-Insurers), as incorporated by reference into Rule 69L-5.231, F.A.C., within thirty (30) days of a change in servicing arrangement and at least every three (3) years thereafter.

(3) Current Self-Insurers or Former Self-Insurers contracting with Qualified Servicing Entities must file Form DFS-F2-SI-19 within thirty (30) days of entering into a servicing contract.

(a) For Governmental Entities, Form DFS-F2-SI-19 shall be obtained from and submitted to the:

Department of Financial Services  
Division of Workers' Compensation  
Bureau of Monitoring and Audit/Self-Insurance  
200 East Gaines Street  
Tallahassee, Florida 32399-4224

(b) For FSIGA Members, Form DFS-F2-SI-19 shall be obtained from and submitted to the:

Florida Self-Insurers Guaranty Association, Inc.  
1427 E. Piedmont Dr., 2nd Floor  
Tallahassee, Florida 32308

(4) Failure to submit the required Certification of Servicing shall constitute good cause for revocation of the self-insurance authorization in addition to civil penalties specified in Rule 69L-5.217, F.A.C.

(5) In the event that self-insured claims are transferred to a new Qualified Servicing Entity or the self-insurer assumes responsibility for provision of these services in-house, the previous Qualified Servicing Entity shall provide an accounting of all claims files and claims data sufficiently detailed to permit the new Qualified Servicing Entity or the self-insurer to establish accurate claims, reserving, and accounting data.

Rulemaking Authority 440.38(1), (2), (3), 440.385(6), 440.525(2), 440.591 FS. Law Implemented 440.38(1), (2), (3), 440.385(1), (3), (6), 440.525 FS. History--New \_\_\_\_\_.

#### 69L-5.217 Civil Penalties and Fines.

(1) Civil Penalties for Delinquent Reports – Failure to timely file legible and complete forms, reports or documents as required by Section 440.38(2)(b), F.S., or these rules, shall subject the party required to file such form, report, or

document to assessment by the Department of a civil penalty. For purposes of this rule, a form, report or document is considered timely filed if postmarked on or before the due date prescribed in this rule. Reports submitted by a Qualified Servicing Entity on behalf of the self-insurer shall be treated as if they were submitted by the self-insurer directly.

(a) Late filed forms, reports, and documents required pursuant to this rule shall be penalized as follows:

1. \$100 for filings 1 to 14 days late.
2. \$2,500 for filings 15 to 30 days late.
3. \$5,000 for filings 31 to 60 days late.

4. For periods greater than sixty (60) days, \$200 per day from the required filing date. Total penalties assessed under this section for a single late filed form, report, or document shall not exceed \$25,000.

(b) These civil penalties are to be applied per occurrence, per form, report, or document. Payment shall be made within fifteen (15) days after receipt of the notification and submitted along with the form, report, or document. Failure to submit the required forms, reports and documents constitutes good cause for revocation of the self-insurance authorization in addition to civil penalties specified in this rule.

(2) A request for an extension of time to file a form, report or document shall be made in writing by the self-insurer or its Qualified Servicing Entity and shall be postmarked no later than fifteen (15) days prior to the due date of the form, report or document. Extensions shall be granted in writing and notice provided to the self-insurer or Qualified Servicing Entity. Such extension shall establish a new one-time due date subject to the same provision for late filing.

(a) For forms, reports, or documents, other than Actuarial Reports requested by the Association and Financial Statements, extensions may be granted by the Division if proof is supplied by the self-insurer or Qualified Servicing Entity that circumstances entirely beyond the control of the self-insurer or its Qualified Servicing Entity have made it impossible to file in a timely manner. Such circumstances shall be limited to:

1. The destruction of the records of the self-insurer or its Qualified Servicing Entity,
2. Delays caused by Acts of God or nature; or,
3. Delays caused by other regulatory processes of the State of Florida or the United States Government.

(b) Clerical errors, personnel turnover, accidental or intentional destruction of forms and records by employees of the self-insurer or its Qualified Servicing Entity or any delays caused by the incompetence of the employees of the self-insurer or its Qualified Servicing Entity shall not be grounds for an extension.

(c) For Financial Statements, extensions may be granted by the Division if proof is supplied by the self-insurer that circumstances entirely beyond the control of the self-insurer have made it impossible to file in a timely manner. Extensions may be granted for up to sixty (60) days if the self-insurer submits draft Financial Statements and provides evidence that the reason for the delay in submittal is entirely beyond the control of the self-insurer. For extensions beyond sixty (60) days from the original due date, circumstances shall be limited to:

1. The destruction of the records of the self-insurer,
2. Delays caused by Acts of God or nature; or,
3. Delays caused by other regulatory processes of the State of Florida or the United States Government.

(3) For consideration of extensions beyond sixty (60) days from the original Financial Statements due date, clerical errors, personnel turnover, accidental or intentional destruction of forms and records by employees of the self-insurer or any delays caused by the incompetence of the employees of the self-insurer shall not be grounds for an extension.

(4) Fines for Delinquent Payment of Assessments – Assessments payable to the Florida Self-Insurers Guaranty Association, Inc., not postmarked by the due date, shall incur a fine of \$100 or 5% of the assessment due, whichever is greater, per month until paid.

(5) All civil penalty and fine payments shall be made payable to the Workers' Compensation Administration Trust Fund and mailed to the:

Department of Financial Services  
Division of Workers' Compensation  
Bureau of Monitoring and Audit/Self-Insurance  
200 East Gaines Street  
Tallahassee, FL 32399-4224

(6) Failure to submit forms, reports, documents, Financial Statements or Actuarial Reports or to remit civil penalties or fines shall be grounds for revocation of the self-insurance authorization.

Rulemaking Authority 440.38(1), (2), (3), 440.385(6), 440.525(2), 440.591 FS. Law Implemented 440.38(1), (2), (3), 440.385(1), (3), (6), 440.525 FS. History—New \_\_\_\_\_.

#### 69L-5.218 Security Deposits.

(1) Current Self-Insurers and Former Self-Insurers, other than Governmental Entities, that have a current Investment Grade Credit Rating shall maintain a minimum Security Deposit of \$100,000.

(2) Current Self-Insurers, other than Governmental Entities, that do not have a current Investment Grade Credit Rating shall provide a Security Deposit in an amount equal to the greater of the actuarially determined outstanding loss reserves discounted to present value, using a four percent (4%)

discount rate, or the actuarially determined outstanding loss reserves forecasted to a date one year in the future, discounted to such forecasted date using a four percent (4%) discount rate, as calculated in its Actuarial Report. In no case, shall the amount of the Security Deposit be less than \$100,000.

(3) Former Self-Insurers, other than Governmental Entities, that do not have an Investment Grade Credit Rating shall provide a Security Deposit equal to the actuarially determined outstanding loss reserves discounted to present value at a four percent (4%) discount rate. In no case shall the amount of the Security Deposit be less than \$100,000.

(4) In the event that a Current Self-Insurer or Former Self-Insurer does not have a current published Credit Rating, the Association or the Department shall determine an equivalent rating by performing an analysis of the Financial Statements provided in accordance with Rule 69L-5.209, F.A.C., and the amount of the Security Deposit shall be determined using the equivalent rating as the Credit Rating. A Current Self-Insurer or Former Self-Insurer that disagrees with the equivalent rating may provide a current Credit Rating. If the Current Self-Insurer or Former Self-Insurer provides a current Credit Rating, the security deposit requirement will be determined using the current Credit Rating instead of the equivalent rating and any excess security deposit will be released.

(5) As of the effective date of this rule, Current Self-Insurers and Former Self-Insurers that do not have an Investment Grade Credit Rating, or an equivalent rating at least equal to an Investment Grade Credit Rating as determined by the Association, shall provide the required security deposit increase amount in accordance with subparagraph (2) or (3) above, as applicable, within twelve (12) months of the effective date of this rule. However, within this twelve (12) month period, any Current Self-Insurer or Former Self-Insurer who experiences a deterioration in its Credit Rating or equivalent rating as determined by the Association to a Credit Rating that is less than an Investment Grade Credit Rating shall be required to provide an Actuarial Report and to post the security increase amount as determined by subsection (2) or (3) above, as applicable, immediately upon request by the Department. The provisions of this subparagraph expire twelve (12) months after the effective date of this rule.

(6) The Security Deposit shall be maintained until the authorization holder is a Former Self-Insurer who has demonstrated that there is no remaining value to its self-insured workers' compensation claims and the statute of limitations has run on closed claims. Prior to the release of the Security Deposit, the Former Self-Insurer and its Qualified Servicing Entity(ies) shall provide signed affidavits stating that all self-insured workers' compensation claims have been settled or the statute of limitations has run on closed claims.

(7) If the self-insurer is a FSIGA Member, the Security Deposit must be submitted to and executed in favor of the Association. The Security Deposit shall be held by the Association or the Department exclusively for the benefit of workers' compensation claimants. The Security Deposit shall not be subject to assignment, execution, attachment, or any legal process whatsoever, except as necessary to guarantee the payment of workers' compensation benefits under Chapter 440, F.S.

For FSIGA Members, security deposit forms can be obtained from and shall be submitted to the:

Florida Self-Insurers Guaranty Association, Inc.  
1427 E. Piedmont Dr., 2nd Floor  
Tallahassee, Florida 32308

(8) A Security Deposit shall consist of, at the option of the employer:

(a) A surety bond on Form DFS-F2-SI-4F (Self-Insurer's Surety Bond for FSIGA Member), as incorporated by reference into Rule 69L-5.231, F.A.C., which shall be issued by a corporation surety authorized to transact surety business by the Florida Department of Financial Services, Office of Insurance Regulation, and whose financial strength and size ratings from A. M. Best Company are not less than "A" and "V" respectively, or

(b) An irrevocable letter of credit on Form DFS-F2-SI-6 (Self-Insurer's Irrevocable Letter of Credit), as incorporated by reference into Rule 69L-5.231, F.A.C., which shall be issued by a financial institution located within the State of Florida and the deposits of which are insured through the Federal Deposit Insurance Corporation.

(9) No surety bond shall be terminated and no irrevocable letter of credit shall be allowed to expire, without ninety (90) days prior written notice and a deposit by the self-insurer of some other Security Deposit of equal value within ten (10) business days after such notice. Failure to provide such written notice or failure to timely provide a replacement Security Deposit after such notice shall constitute grounds for the Association or Division to call or sue upon the surety bond or to exercise its rights under the letter of credit. For Former Self-Insurers, a surety bond may be terminated without replacement, but shall not be released until such time as the Former Self-Insurer has demonstrated that there is no remaining value to its self-insured workers' compensation claims, the statute of limitations has run on closed claims, and the Former Self-Insurer has submitted the signed affidavits in accordance with these rules. Notice shall be submitted to:

For FSIGA Members,  
Florida Self-Insurers Guaranty Association, Inc.  
1427 E. Piedmont Dr., 2nd Floor  
Tallahassee, Florida 32308

Rulemaking Authority 440.38(1), (2), (3), 440.385(6), 440.591, FS.  
Law Implemented 440.38(1), (2), (3), 440.385(1), (3), (6) FS.  
History—New \_\_\_\_\_

69L-5.219 Excess Insurance.

(1) Current Self-Insurers, other than Governmental Entities, shall maintain a Specific Excess Insurance Policy. Such policy shall have a workers' compensation limit of not less than \$50,000,000.

(a) The self-insured retention of Specific Excess Insurance Policies shall be as follows:

1. The self-insurer's per occurrence retention shall be no more than \$500,000 or 1% of the self-insurer's Net Worth as shown on the self-insurer's latest audited Financial Statements, whichever is greater. The self-insured retention shall be rounded to the nearest \$50,000.

2. A higher self-insured retention may be allowed, if approved by the Department. The Department shall consider the Current Self-Insurer's financial strength in its review of the requested self-insured retention.

(b) Specific Excess Insurance Policies for Current Self-Insurers shall be written by insurance companies licensed in Florida pursuant to Chapter 624, 628 or 629, F.S., and shall be subject to the protection afforded by the Florida Workers' Compensation Insurance Guaranty Association Act (Chapter 631, Part V, F.S.).

(c) If coverage is not available from a company identified above, the Department may accept policies issued without the protection of the Florida Workers' Compensation Insurance Guaranty Association Act issued by insurance companies who have current financial strength and size ratings from A.M. Best Company of not less than "A-" and "VII" respectively.

(d) The Division shall reject any Specific Excess Insurance Policy written by an insurance company which:

1. Does not pay its claims when due; or,

2. Is not in compliance with any requirement of Chapter 624, F.S.

(e) The Specific Excess Insurance Policy shall meet the following requirements:

1. Shall be issued by an insurance company conforming to these rules and shall name the Department as an additional insured for the purpose of notification.

2. Shall not be cancelled except upon sixty (60) days written notice by certified mail to the other party to the policy and to the Department.

(f) Shall be automatically renewable at the expiration of the policy period unless written notice by certified mail is given to the other party to the policy and to the Department sixty (60) days prior to such expiration by the party desiring to cancel or not renew the policy.

(g) Shall provide that any commutation affected under the policy shall not relieve the underwriter of further liability in respect to claims and expenses unknown at the time of such commutation. The underwriter shall not be relieved in regard to closed claims, which may be subsequently revived by or through a competent authority. In the event the underwriter

proposes to redeem any future payments as compensation for accidents occurring during the term of the policy, not less than sixty (60) days prior notice of such commutation shall be given to the Department by certified mail by the underwriter or its agent.

(h) Provides that, in the event any commutation is effected, the Department shall have the right to direct that such sum either be placed in trust for the benefit of the injured employee or employees entitled to such future payments of compensation or be invested in approved securities and deposited with the Department to insure such future payments of compensation to the employee or employees entitled thereto. Said commutation must contain a provision that the Department may order that the monies due under the terms of the Specific Excess Insurance Policy be paid directly to the injured employee or such other party as the Department may appoint. Such an action shall be ordered only if the Department determines that it is necessary to ensure continued benefits to the injured employee.

(i) Contains the provision that in the event of the insolvency of a FSIGA Member, the policy shall reimburse the Association for any monies expended on behalf of the self-insured. Any reimbursement shall be subject to the terms of the contract between the FSIGA Member and the insurance company.

(j) The Specific Excess Insurance Policy shall have no more than one named insured. The named insured shall be the FSIGA Member and its subsidiaries. In the case of an Affiliated Self-Insurer, the named insured shall be all affiliated entities and their subsidiaries.

(k) Contains the provision that coverage under the Specific Excess Insurance Policy extends to all Florida, majority owned, self-insured subsidiaries of the principal named insured.

(2) A binder, providing for at least ninety (90) days coverage, or a certificate of insurance issued by the insurance company or its authorized agent and specifying the terms of the policy, shall be filed within thirty (30) days after the effective date of the policy, provided that this proof of specific excess insurance is not being submitted in support of an application for self-insurance. Excess renewal endorsements specifying the terms of the policy submitted to the Association within thirty (30) days after the renewal date satisfies this requirement. In the event of cancellation or non-renewal of the Specific Excess Insurance Policy, it shall be necessary for the Current Self-Insurer to file proof of replacement specific excess insurance coverage prior to the cancellation or non-renewal date. Copies of all Specific Excess Insurance Policies, complete with all endorsements in the name of the insured, shall be filed within ninety (90) days of the effective date of the policy.

(3) FSIGA Members shall submit Specific Excess Insurance Policies and all related documents and notices to the: Florida Self-Insurers Guaranty Association, Inc. 1427 E. Piedmont Dr., 2nd Floor Tallahassee, Florida 32308

(4) If requested by the Association or the Division, self-insurers shall provide copies of excess insurance policies to support estimated excess insurance recoveries included in their Actuarial Reports provided to the Association or the Division.

Rulemaking Authority 440.38(1), (2), (3), 440.385(6), 440.591 FS. Law Implemented 440.38(1), (2), (3), 440.385(1), (3), (6) FS. History—New \_\_\_\_\_.

69L-5.220 Drug-Free Workplace Premium Credit Program.

(1) In order for self-insurers to receive up to a five percent (5%) credit on the computation of premiums used in the determination of the assessments for the Workers' Compensation Administration Trust Fund, the Special Disability Trust Fund and the Florida Self-Insurers Guaranty Association, Inc., they must certify that they have established a drug-free workplace in accordance with Sections 440.101 and 440.102, F.S.

(2) The certification must be completed using NCCI Form 09-1 (Application for Drug-Free Workplace Premium Credit), as incorporated by reference into Rule 69L-5.231, F.A.C., and shall be filed annually, sixty (60) days prior to their Anniversary Rating Date. The completed Form 09-1 shall be mailed to the:

Department of Financial Services  
Division of Workers' Compensation  
Assessments Unit  
200 East Gaines Street  
Tallahassee, FL 32399-4221

(3) Certifications not received prior to the Anniversary Rating Date shall be applied pro rata as of the date the certification is received at the Division.

Rulemaking Authority 440.38(1), (2), (3), 440.385(6), 440.591 FS. Law Implemented 440.101, 440.102, 440.38(1), (2), (3), 440.385(1), (3), (6) FS. History—New \_\_\_\_\_.

69L-5.221 Safety Program Premium Credit.

(1) In order for self-insurers to receive up to a two percent (2%) credit on the computation of premiums used in the determination of the assessments for the Workers' Compensation Administration Trust Fund, the Special Disability Trust Fund and the Florida Self-Insurers Guaranty Association, Inc., they must certify that they have established a workplace safety program in accordance with Section 440.1025, F.S.

(2) The certification must be completed using the NCCI Form 09-3 (Certification of Employer Workplace Safety Program Premium Credit), as incorporated into Rule 69L-5.231, F.A.C., and shall be filed annually sixty (60) days prior to their Anniversary Rating Date. The completed Form 09-3 shall be mailed to the:

Department of Financial Services  
Division of Workers' Compensation  
Assessments Unit  
200 East Gaines Street  
Tallahassee, Florida 32399-4221

(3) Certifications not received prior to the Anniversary Rating Date shall be applied pro rata as of the date the certification is received at the Division.

Rulemaking Authority 440.38(1), (2), (3), 440.385(6), 440.591 FS. Law Implemented 440.1025, 440.38(1), (2), (3), 440.385(1), (3), (6) FS. History—New \_\_\_\_\_.

69L-5.222 Revocation and Employer Compliance.

(1) Failure to comply with any of the rules herein or with any order of the Department or court of competent jurisdiction within the time prescribed shall be considered good cause for revocation of the self-insurance authorization, within the meaning of Section 440.38(3), F.S. Noncompliance with any of the provisions of the Workers' Compensation Law, Chapter 440, F.S., particularly those relating to time and method of compensation payments, the furnishing of medical treatment and filing of accident and compensation reports, or failure to pay any assessment or penalty, shall likewise be deemed good cause.

(2) Material understatement or concealment of payroll, and material misrepresentation or concealment of employee duties, so as to avoid proper classification shall be considered good cause for revocation of the self-insurance authorization, within the meaning of Section 440.38(3), F.S. and/or action by the Department under Section 440.107, F.S. Material understatement or concealment of data pertinent to the computation and application of an experience modification factor shall be considered good cause for revocation of the self-insurance authorization, within the meaning of Section 440.38(3), F.S. and/or action by the Department under Section 440.107, F.S.

Rulemaking Authority 440.38(1), (2), (3), 440.385(6), 440.525(2), 440.591 FS. Law Implemented 440.38(1), (2), (3), 440.385(1), (3), (6), 440.525 FS. History—New \_\_\_\_\_.

SELF-INSURANCE PROCESS FOR GOVERNMENTAL ENTITIES

69L-5.223 Election Process.

(1) The state and its boards, bureaus, departments, and agencies and all of its political subdivisions which employ labor, and the state universities that are electing to self-insure



pursuant to Section 440.38(6), F.S., shall submit to the Division for review at least ninety (90) days prior to the preferred effective date of self-insured status, the following information:

(a) Copy of document(s) through which the entity is organized or authorized to operate as a Governmental Entity, including articles of incorporation, grant of authority, or charter, if applicable;

(b) Application for Governmental Self-Insurance, Form DFS-F2-SI-1G, as incorporated by reference into Rule 69L-5.231, F.A.C.;

(c) Application for Governmental Self-Insurance Estimated Payroll, Form DFS-F2-SI-GEP, as incorporated by reference into Rule 69L-5.231, F.A.C.;

(d) Certification of Servicing for Self-Insurers, Form DFS-F2-SI-19, incorporated by reference into Rule 69L-5.231, F.A.C.; and

(e) Workers' Compensation Experience Rating For Non-Affiliate Data, NCCI Form ERM-6, for the current and two (2) preceding years, as set forth in the National Council on Compensation Insurance (NCCI) Experience Rating Plan Manual for Workers' Compensation and Employers Liability Insurance. The notification and supporting documentation shall be submitted to the:

Department of Financial Services  
Division of Workers' Compensation  
Bureau of Monitoring and Audit/Self-Insurance  
200 East Gaines Street  
Tallahassee, Florida 32399-4224

(2) Upon receipt of the notification and supporting documentation from an entity defined within the scope of Section 440.38(6), F.S., the Division shall provide to the entity the "Insurer Code #" pursuant to Rule 69L-3.002, F.A.C., prior to the effective date of self-insured status for compliance with filing requirements of Rule Chapters 69L-3 and 69L-7, F.A.C.

(3) Forms adopted. The forms set forth in paragraphs 69L-5.223(1)(b)-(e), F.A.C., as well as the accompanying instructions to the forms, are hereby adopted and incorporated by reference. Copies of the forms are available from:

Department of Financial Services  
Division of Workers' Compensation  
Bureau of Monitoring and Audit/Self-Insurance  
200 East Gaines Street  
Tallahassee, Florida 32399-4224

(4) The form set forth in paragraph 69L-5.223(1)(e), F.A.C., is found within the National Council on Compensation Insurance, Inc. (NCCI) Experience Rating Plan Manual for Workers' Compensation and Employers Liability Insurance. A copy of the Manual and a one (1) year subscription to any and all updates may be obtained from:

(a) National Council on Compensation Insurance, Inc.  
750 Commerce Drive  
Boca Raton, FL 33487

Telephone (800)622-4123, at a cost of \$95.

A copy of the Manual is also available for viewing at:

(b) Department of Financial Services.  
Division of Workers' Compensation  
Bureau of Monitoring and Audit/Self-Insurance  
2012 Capital Circle, S.E., Hartman Building, Suite 200  
Tallahassee, FL 32399-4224.

Rulemaking Authority 440.38(1), (2), (3), 440.385(6), 440.591 FS.  
Law Implemented 440.38(1), (2), (3), 440.385(1), (3), (6) FS.  
History--New \_\_\_\_\_.

69L-5.224 Termination.

A Governmental Entity who ceases self-insurance shall notify the Division of such withdrawal and shall continue to file all reports required by this rule with the Division upon withdrawal and thereafter until such time as the employer has satisfied the Division that there is no remaining value to the claims incurred while the employer was self-insured.

Rulemaking Authority 440.38(1), (2), (3), 440.385(6), 440.591 FS.  
Law Implemented 440.38(1), (2), (3), 440.385(1), (3), (6) FS.  
History--New \_\_\_\_\_.

#### SELF-INSURANCE PROCESS FOR FSIGA MEMBERS

69L-5.225 Requirements.

An entity applying for a self-insurance authorization pursuant to Section 440.38(1)(b), F.S., shall meet the following requirements and shall submit a completed application package at least ninety (90) days prior to the desired effective date of the self-insurance authorization:

(1) Net Worth – The applicant's most recent audited Financial Statements shall show a Net Worth of the greater of \$10,000,000 U.S. or three (3) times Standard Premium.

(2) Financial Strength – A current Credit Rating of not less than "Ba3", "BB-", or "BB-" issued by Moody's Investors Services, Standard & Poor's or Fitch Ratings, respectively. In the event an applicant does not have a current published Credit Rating, the Association shall determine an equivalent rating by performing an analysis of the Financial Statements provided in accordance with Rules 69L-5.209 and 69L-5.225, F.A.C., the foregoing financial strength requirement shall be based on the equivalent rating as the Credit Rating. An applicant that disagrees with the equivalent rating may provide a current Credit Rating. If the applicant provides a current Credit Rating, the financial strength requirement shall be based on the current Credit Rating instead of the equivalent rating.

(3) Financial Statements – An applicant shall have at least three (3) years of Financial Statements in the name of the applicant. The Financial Statements for the most recent year

shall be audited in accordance with Generally Accepted Auditing Standards. If the Financial Statements for the two (2) years prior to the most recent year have been audited in accordance with Generally Accepted Auditing Standards, the audit reports(s) on these Financial Statements shall also be submitted.

(4) An applicant that does not have three (3) years of Financial Statements in its own name due to a recent purchase or merger, may use the Financial Statements of its predecessor(s), provided there has been no change to the structure of the entity or the line of business which would adversely affect the applicant's financial condition.

(5) Security Deposit – The applicant shall provide a Security Deposit that conforms to the requirements of Rule 69L-5.218, F.A.C. In the event the applicant meets the above financial strength requirement, but does not have an Investment Grade Credit Rating, the applicant shall provide a Security Deposit in an amount equal to the actuarially determined outstanding loss reserves forecasted to a date one year in the future, discounted to such forecasted date using a four percent (4%) discount rate, as calculated in its Actuarial Report. In no case, shall the amount of the Security Deposit be less than \$100,000.

(6) Specific Excess Insurance Policy Requirements – The applicant shall provide proof of a Specific Excess Insurance Policy that conforms to the requirements of Rule 69L-5.219, F.A.C.

(7) Provision of Benefits and a Safe Working Environment – The applicant shall provide a completed Form DFS-F2-SI-19 (Certification of Servicing for Self-Insurers) detailing the proposed servicing arrangements and accompanying documentation that conforms to the requirements of Rule 69L-5.216, F.A.C.

(8) In order for an application to be considered complete, all required documents must be submitted, including the Security Deposit, proof of Specific Excess Insurance Policy, and Certification of Servicing for Self-Insurers.

Rulemaking Authority 440.38(1), (2), (3), 440.385(6), 440.591 FS. Law Implemented 440.38(1), (2), (3), 440.385(1), (3), (6) FS. History—New \_\_\_\_\_.

#### 69L-5.226 Application Process.

(1) An application for self-insurance shall be made on Form DFS-F2-SI-1 (Application for Self-Insurance), as incorporated by reference into Rule 69L-5.231, F.A.C. An application may be obtained at:

Florida Self-Insurers Guaranty Association, Inc.

1427 E. Piedmont Dr., 2nd Floor

Tallahassee, FL 32308

or:

[www.fsig.org](http://www.fsig.org)

(2) All applications for self-insurance shall be submitted in duplicate at least ninety (90) days prior to the desired effective date. Self-insurance effective dates shall be determined by the Department with consideration given to the date selected by the applicant and shall always be on the first of the month. However, on no occasion shall the effective date be more than six (6) months after the approval date.

(3) The following information shall be submitted in duplicate with the application:

(a) The most recent three (3) years of Financial Statements that conform to the requirements of Rule 69L-5.225, F.A.C.

(b) If the date of the latest Financial Statements is over six (6) months old at the time of application, interim financial statements, up to and including at least the latest fiscal quarter, must be included and must be certified as to their accuracy by a corporate officer, general partner or sole proprietor.

(c) A completed Form DFS-F2-SI-19 (Certification of Servicing for Self-Insurers) detailing the proposed servicing arrangements and accompanying documentation that conforms to the requirements of Rule 69L-5.216, F.A.C.

(d) A list of all entities which the applicant intends to include under its self-insurance authorization in accordance with Rule 69L-5.202, F.A.C., that includes the following information:

1. Percentage of the applicant's ownership interest in each entity,

2. Federal Employer Identification Number (FEIN) of each entity,

3. Addresses of each entity and its operating locations within the State of Florida, and

4. Any fictitious names used by each entity within the State of Florida.

(e) If the applicant is seeking approval as an Affiliated Self-Insurer, Form DFS-F2-SI-11 (Indemnity Agreement) shall be executed by an officer of each affiliated company to be included under the self-insurance authorization.

(f) If the applicant is seeking approval using the Financial Statements of a parent company under Rule 69L-5.215, F.A.C., Form DFS-F2-SI-10 (Parental Guaranty and Corporate Resolution), as incorporate by reference into Rule 69L-5.231, F.A.C., must be executed by a corporate officer of the parent company.

(g) A list of corporate officers, general partners, or sole proprietor as applicable to the corporate structure of the applicant including the resident city and state and the full business address of each.

(h) Certification by a corporate officer, general partner, or sole proprietor stating that the applicant, at the time of application, and until approval of the application, will maintain workers' compensation insurance coverage in compliance with Section 440.38(1)(a), F.S.

(i) Certification by a corporate officer, general partner, or sole proprietor stating that the applicant has not experienced a material adverse change in its financial condition since the date of the latest provided Financial Statements.

(j) A certificate of status from the applicant's state of domicile, along with a certificate of status from the State of Florida, issued within the last six (6) months.

(k) If the name of the entity has changed in the last three (3) years, documentation of the change as filed with the applicant's state of domicile.

(l) Experience modification promulgation worksheet for the current and two (2) preceding years as set forth in the NCCI Experience Rating Plan Manual for Workers' Compensation and Employers Liability Insurance (filed and approved by the Florida Office of Insurance Regulation).

(m) A Security Deposit that conforms to the requirements of Rule 69L-5.218, F.A.C.

(n) Proof of a Specific Excess Insurance Policy that conforms to Rule 69L-5.219, F.A.C.

(4) Upon receiving the application, the Association shall review the application. Any additional information needed to complete the application shall be requested within thirty (30) days.

(5) The application is not complete for purposes of Section 120.60, F.S., until all of the above requirements are met and the required documents are submitted to the Association. The Department shall not approve any application for self-insurance until the application is complete including the submission of the Security Deposit, proof of Specific Excess Insurance Policy and Certification of Servicing for Self-Insurers.

Rulemaking Authority 440.38(1), (2), (3), 440.385(6), 440.591 FS. Law Implemented 440.38(1), (2), (3), 440.385(1), (3), (6) FS. History—New \_\_\_\_\_.

69L-5.227 Alien Corporations Additional Requirements.  
An Alien Corporation applying for self-insurance must submit the following documentation in duplicate at the time of application in addition to the application requirements outlined in Rule 69L-5.225, F.A.C.:

(1) An opinion from an attorney, whose qualifications are deemed satisfactory to the Department, that states that the Alien Corporation's country of domicile has substantially similar laws with respect to the jurisdiction of the Department and the Courts of the State of Florida for the purpose of securing timely payment of all current and future workers' compensation claims of the Alien Corporation.

(2) A stipulation that, notwithstanding other rights, all matters related to the self-insurance authorization and to workers' compensation claims under Chapter 440, F.S., will be resolved in Florida Courts under Florida law.

(3) Designation of a general agent for service of process in Florida.

Rulemaking Authority 440.38(1), (2), (3), 440.385(6), 440.591 FS. Law Implemented 440.38(1), (2), (3), 440.385(1), (3), (6) FS. History—New \_\_\_\_\_.

#### 69L-5.228 Termination.

(1) A FSIGA Member who obtains replacement coverage and desires to terminate its self-insurance authorization shall advise the Association in writing within thirty (30) days of the desired termination date and shall provide proof of replacement coverage in the form of a certificate of insurance effective as of the desired termination date. If a certificate of insurance effective as of the desired termination date cannot be provided, then:

(a) If the certificate of insurance indicates an effective date prior to the desired termination date, the certificate must be amended to show Florida being endorsed onto the policy effective as of the desired termination date or a copy of the endorsement itself must be attached.

(b) If the certificate of insurance indicates an effective date subsequent to the desired termination date, the self-insurance authorization shall be terminated as of the effective date of the certificate of insurance.

(c) If a FSIGA Member no longer has employees in the State of Florida and desires to terminate its self-insurance authorization, the FSIGA Member shall so advise the Association in writing within thirty (30) days of the desired termination date and shall provide proof that it no longer has employees in the State of Florida.

(2) A FSIGA Member who voluntarily terminates its self-insurance authorization or whose self-insurance authorization is revoked, on or after January 1, 1991, shall continue to file all reports required by this rule or Chapter 440, F.S., with the Association upon termination or revocation, until such time as the FSIGA Member has demonstrated to the Association that there is no remaining value to the claims incurred while the FSIGA Member was self-insured.

Rulemaking Authority 440.38(1), (2), (3), 440.385(6), 440.591 FS. Law Implemented 440.38(1), (2), (3), 440.385(1), (3), (6) FS. History—New \_\_\_\_\_.

#### QUALIFIED SERVICING ENTITIES

##### 69L-5.229 Application Process.

(1) Application to become a Qualified Servicing Entity shall be made on Form DFS-F2-SI-22 (Qualified Servicing Entity Application). Entities may apply to become a Qualified Servicing Entity in any or all of the following: claims-adjusting, loss control or safety engineering. The application shall be submitted to the Division at least ninety (90) days prior to the desired effective date. The application may be obtained at:

Department of Financial Services  
Division of Workers' Compensation  
Bureau of Monitoring and Audit/Self-Insurance  
200 East Gaines Street  
Tallahassee, FL 32399-4224

(a) Entities that are not insurance companies licensed to write workers' compensation insurance by the Florida Office of Insurance Regulation shall include the following in the application package:

1. A completed Form DFS-F2-SI-22 (Qualified Servicing Entity Application), as incorporated by reference into Rule 69L-5.231, F.A.C.

2. Proof that the management and ownership of the Qualified Servicing Entity is competent, trustworthy and possesses managerial experience that would make the proposed operation beneficial to the workers covered. In determining competency the Department shall consider the applicant's claims-handling history. If the applicant's history contains any of the following it shall be considered a demonstration of a lack of competency:

a. A repeated pattern or practice of questionable claims-handling techniques pursuant to Sections 440.525 or 440.20, F.S.,

b. A repeated pattern or practice of unreasonably controverting claims,

c. A repeated pattern or practice of failing to pay compensation orders as required by statute; or,

d. A repeated pattern or practice of arbitrarily or unreasonably disallowing or reducing payments to healthcare providers pursuant to Section 440.13(7)(f), F.S.

(b) A completed Form DFS-F2-SI-27 (Biographical Statement and Affidavit), as incorporated by reference into Rule 69L-5.231, F.A.C., for each owner and member of management, along with a brief resume.

(c) Independent background investigation reports on the owners and management performed by a company approved by the National Association of Insurance Commissioners (NAIC).

(d) Proof that the applicant has a sufficient number of workers' compensation claims adjusters licensed by the State of Florida and loss control and safety engineering personnel employed on a full-time basis to meet the needs of all self-insurers with which it intends to contract. The following information shall be submitted for each employee:

1. A copy of their Florida Adjusters License, for the adjusters.

2. A copy of a current resume for loss control and safety engineering personnel.

(e) Proof of a physical location within the State of Florida separate from the client's location. If the Qualified Servicing Entity is a subsidiary of the self-insurer that it services, then the physical location may be the same as that of the self-insurer.

(f) Proof that they have within the State of Florida, an insurance professional qualified in the field of workers' compensation and authorized to act in all matters concerning the company's claims-handling.

(g) A notarized statement that the Qualified Servicing Entity utilizes only authorized rehabilitation services pursuant to Section 440.491(7), F.S.,

(h) Two (2) letters of recommendation from prior or current customers.

(i) A statement detailing the record handling and maintenance practices, and.

(j) A copy of the standards and procedures used to develop safety programs for their clients if applicable.

(2) Entities that are insurance companies licensed to write workers' compensation insurance by the Florida Office of Insurance Regulation shall include the following in the application package:

(a) A completed Form DFS-F2-SI-22 (Qualified Servicing Entity Application), and

(b) Proof of their certificate of authority.

(3) The entity submitting an application must have no outstanding penalties or fines owed.

(4) The entity submitting an application must be approved by the Department before engaging in business in Florida as a Qualified Servicing Entity.

Rulemaking Authority 440.38(1), (2), (3), 440.385(6), 440.591 FS. Law Implemented 440.38(1), (2), (3), 440.385(1), (3), (6) FS. New \_\_\_\_\_.

69L-5.230 Contracting with a Qualified Servicing Entity.

(1) Each Qualified Servicing Entity shall file Form DFS-F2-SI-19 (Certification of Servicing for Self-Insurers) within thirty (30) days of entering into a contract for servicing.

(a) For Governmental Entities, Form DFS-F2-SI-19 shall be obtained from and submitted to the:

Department of Financial Services  
Division of Workers' Compensation  
Bureau of Monitoring and Audit/Self-Insurance  
200 East Gaines Street  
Tallahassee, FL 32399-4224

(b) For FSIGA Members, Form DFS-F2-SI-19 shall be obtained from and submitted to the:

Florida Self-Insurers Guaranty Association, Inc.  
1427 E. Piedmont Drive, 2nd Floor  
Tallahassee, FL 32308

(2) Each contract entered into by a Qualified Servicing Entity shall be open for inspection by the Division.

(3) Upon termination of a contract for servicing, the Qualified Servicing Entity agrees it shall continue to provide claims adjusting services on all claims incurred during the contract period for ninety (90) days if requested to do so by the self-insurer. The Qualified Servicing Entity shall be entitled to payment for its services at the rate agreed upon by the parties in the contract.

(4) If a self-insurer fails to adequately fund claims or becomes insolvent, the Qualified Servicing Entity shall immediately notify the Department or Association as appropriate. The Qualified Servicing Entity shall provide claims adjusting services for up to ninety (90) days or until relieved of this responsibility by the Division or the Association. The Qualified Servicing Entity shall not be required to pay claims or otherwise incur liabilities for unpaid claims due to the self-insurer's insolvency or failure to adequately fund claims if the Department or the Association is promptly notified. The Qualified Servicing Entity shall be entitled to payment for its services at the rate agreed upon by the self-insurer in the contract.

(5) When claims files and claims servicing responsibilities are transferred to a new Qualified Servicing Entity, the previous Qualified Servicing Entity shall provide an accounting of all claims files and claims data sufficiently detailed to permit the new Qualified Servicing Entity of the self-insurer to establish accurate claims, reserving, and accounting data.

(6) Files containing the records of the self-insurer's claims are the property of the self-insurer. Upon termination of the contract, the files shall be transferred to the new Qualified Servicing Entity or to the self-insurer along with the responsibility for handling them, and

(a) All files shall be transferred within thirty (30) days upon termination of the contract.

(b) Qualified Servicing Entities shall maintain in Florida, copies of all records relating to the self-insurer's claims that they service. The copies shall be sufficient in type and quantity to verify the accuracy and completeness of all reports and documents submitted to the Division.

(7) The Division shall be notified within thirty (30) days of any change in the location of any records.

(8) Records shall be open for inspection by representatives of the Division or Association during regular business hours. All records shall be retained for five (5) years.

(9) Qualified Servicing Entities may be audited by the Division without prior notice. If the Audit finds any of the following it shall be considered good cause for revocation of the Qualified Servicing Entity's authorization.

(a) A repeated pattern or practice of questionable claims-handling techniques pursuant to Sections 440.525 and 440.20, F.S.,

(b) A repeated pattern or practice of unreasonably controverting claims,

(c) A repeated pattern or practice of failing to pay compensation orders as required by statute, or

(d) A repeated pattern or practice of arbitrarily or unreasonably disallowing or reducing payments to health care providers pursuant to Section 440.13(7)(f), F.S.

(10) Failure to comply with Chapter 69L-24, F.A.C., shall be considered good cause for revocation of the Qualified Servicing Entity's authorization.

(11) Each Qualified Servicing Entity shall file with the Division no later than March 1 of each year, Form DFS-F2-SI-23 (Qualified Servicing Entity Annual Report Form), as incorporated by reference into Rule 69L-5.231, F.A.C. A copy of Form DFS-F2-SI-23 is available at the:

Department of Financial Services  
Division of Workers' Compensation  
Bureau of Monitoring and Audit/Self-Insurance  
200 East Gaines Street  
Tallahassee, FL 32399-4224

(12) A finding by the Department of repeated questionable claims handling techniques, or a pattern or practice of unreasonable delay in the handling of claims, or of repeated unreasonably controverting claims, or of a repeated practice of failing to pay compensation orders as required by statute, or of a repeated practice of arbitrarily or unreasonably disallowing or reducing payments to healthcare providers pursuant to Section 440.13(7)(f), F.S., shall be considered good cause for the revocation of the Qualified Servicing Entity's authorization.

(13) Failure to comply with these rules or orders within the time prescribed shall be considered good cause for revocation of the Qualified Servicing Entity's authorization.

Rulemaking Authority 440.38(1), (2), (3), 440.385(6), 440.525(2), 440.591 FS, Law Implemented 440.38(1), (2), (3), 440.385(1), (3), (6), 440.525 FS, History--New \_\_\_\_\_.

## FORMS AND INSTRUCTIONS

### 69L-5.231 Forms and Instructions.

The forms set forth in subsections (1) through (17) of this subsection, as well as the accompanying instructions to the forms, are hereby incorporated into Chapter 69L-5, F.A.C., by reference. Copies of the forms are available from the Division of Workers' Compensation, Bureau of Monitoring and Audit/Self-Insurance Section, 200 East Gaines Street, Tallahassee, Florida 32399-4224.

(1) Form DFS-F2-SI-1, Application for Self-Insurance (eff. \_\_\_\_\_).

(2) Form DFS-F2-SI-1G, Application for Governmental Self-Insurance (eff. \_\_\_\_\_).

(3) Form DFS-F2-SI-1GEP, Application for Governmental Self-Insurance Estimated Payroll (eff. \_\_\_\_\_).

(4) Form DFS-F2-SI-4F, Self-Insurer's Surety Bond for FSIGA Member (eff. \_\_\_\_\_).

- (5) Form DFS-F2-SI-5, Self-Insurer Payroll Report (eff. \_\_\_\_\_).
- (6) Form DFS-F2-SI-6, Self-Insurer’s Irrevocable Letter of Credit (eff. \_\_\_\_\_).
- (7) Form DFS-F2-SI-10, Parental Guaranty and Corporate Resolution (eff. \_\_\_\_\_).
- (8) Form DFS-F2-SI-11, Indemnity Agreement (eff. \_\_\_\_\_).
- (9) Form DFS-F2-SI-17, Unit Statistical Report (eff. \_\_\_\_\_).
- (10) Form DFS-F2-SI-19, Certification of Servicing for Self-Insurers (eff. \_\_\_\_\_).
- (11) Form DFS-F2-SI-20, Report of Outstanding Workers’ Compensation Liabilities (eff. \_\_\_\_\_).
- (12) Form DFS-F2-SI-22, Qualified Servicing Entity Application (eff. \_\_\_\_\_).
- (13) Form DFS-F2-SI-23, Qualified Servicing Entity Annual Report Form (eff. \_\_\_\_\_).
- (14) Form DFS-F2-SI-27, Biographical Statement and Affidavit (eff. \_\_\_\_\_).
- (15) Form DFS-F2-SI-206, Certificate of Self-Insurance (eff. \_\_\_\_\_).
- (16) NCCI Form 09-1, Application for Drug-Free Workplace Premium Credit (eff. \_\_\_\_\_).
- (17) NCCI Form 09-3, Certification of Employer Workplace Safety Program Premium Credit (eff. \_\_\_\_\_).

- 1A-31.0045
- 1A-31.030
- 1A-31.036
- 1A-31.040
- 1A-31.065
- 1A-31.075
- 1A-31.080
- 1A-31.085
- 1A-31.090

- Excluded Areas and Sites
- Project Archaeologist Qualifications
- Project Archaeologist Responsibilities
- Application Procedures
- Additional Requirements for Exploration Permits
- Permit Modification
- Permittee Required to Give Notice of Change
- Permit Suspension and Revocation
- Disposition of Archaeological Materials, Title to Archaeological Materials Conveyed

**NOTICE OF CHANGE**

Notice is hereby given that the following additional changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 34, No. 39, of the September 26, 2008, issue of the Florida Administrative Weekly (FAW). A previous Notice of Change was published in Vol. 35, No. 12, of the March 27, 2009, FAW. The following changes are being made in response to written comments submitted by the staff of the Joint Administrative Procedures Committee as well as comments received in response to the original notice of proposed rulemaking.

1. In Rule 1A-31.0012, in the second sentence, the word “salvage” shall be replaced with the word “recovery.”
2. In Rule 1A-31.0015, subsection (10) shall read:
  - (10) “Project Archaeologist” means the professional underwater archaeologist who meets both the Secretary of Interior’s minimum Standards for Professional Qualifications of January 1, 2009, which are incorporated herein by reference, and the specific standards set forth in Rule 1A-31.030, F.A.C.
3. In Rule 1A-31.0045(3), the phrase “herein incorporated by reference” shall be deleted.
4. In Rule 1A-31.0045, the last sentence of subsection (9) shall read: “Significance shall be measured against the criteria established for National Historic Landmark designation, per 36 C.F.R. sec. 65.4 “National Historic Landmark criteria,” effective as of February 2, 1983, which is herein incorporated by reference.”
5. In the second sentence of the introductory paragraph of Rule 1A-31.030, the phrase “or subsequent official version, herein incorporated by reference” shall be deleted.
6. In Rule 1A-31.036, subsection (1) shall read: “Ensure that professional archaeological standards, consistent with the standards and guidelines for archaeological reports in Rule 1A-46.001, F.A.C., are maintained throughout the course of the project;”
7. In Rule 1A-31.036, subsection (4) shall read: “Based on their professional judgment, personally be present and visually inspect excavations when significant archaeological material clusters and/or areas of articulated ship’s structure are being

NAME OF PERSON ORIGINATING PROPOSED RULE:  
 Robin Ippolito, Bureau Chief, Bureau of Monitoring and Audit, Division of Workers’ Compensation, Department of Financial Services

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Alex Sink, Chief of Financial Officer, Department of Financial Services

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 5, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 23, 2009

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

**DEPARTMENT OF STATE**

**Division of Historical Resources**

<b>RULE NOS.:</b>	<b>RULE TITLES:</b>
1A-31.0012	Purpose
1A-31.0015	Definitions