

**Section I**

**Notices of Development of Proposed Rules and Negotiated Rulemaking**

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

**Division of Animal Industry**

<b>RULE NOS.:</b>	<b>RULE TITLES:</b>
5C-3.001	Definitions
5C-3.002	General Requirements and Limitations
5C-3.003	Equidae
5C-3.004	Cattle
5C-3.005	Goats or Sheep
5C-3.007	Swine
5C-3.009	Dogs or Domestic Cats
5C-3.011	Cervidae
5C-3.012	Domestic Fowl, Poultry, Poultry Products and Ratites

**PURPOSE AND EFFECT:** The purpose and effect of this rule is to specify, detail and clarify the importation requirements by species for animals and certain animal products into Florida from other states.

**SUBJECT AREA TO BE ADDRESSED:** This rule proposes modifications and updates in the general requirements, definitions, and species-specific requirements, tests and documentation by complying with the current national disease status regarding interstate animal transportation, animal movement, and disease control.

**RULEMAKING AUTHORITY:** 570.07(23), 585.002(4), 585.08(2)(a) FS.

**LAW IMPLEMENTED:** 570.07(15), 570.36(2), 585.003, 585.08(1), (2)(a), 585.11(1), (4), 585.14, 585.145(1), (2), 585.16, 828.29(1)(a), (2)(a) FS.

**IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.**

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS:** Dr. William C. Jeter, Chief, Bureau of Animal Disease Control, Division of Animal Industry, Room 332, 407 South Calhoun Street, Tallahassee, FL 32399-0800; Phone: (850)410-0900; Fax: (850)410-0957

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

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

**Division of Animal Industry**

<b>RULE NOS.:</b>	<b>RULE TITLES:</b>
5C-30.001	Definitions
5C-30.002	Procedures for Inspection of Animals to be Imported Into or Moved Within the State
5C-30.003	Penalties
5C-30.004	Incorporated Materials

**PURPOSE AND EFFECT:** This new rule provides definitions, incorporated materials, procedures for inspection of animals to be imported or moved within the state and to provides for penalties of violations of Title 5C.

**SUBJECT AREA TO BE ADDRESSED:** The new rule will provide procedures for quarantine and release of quarantine of animals moved into or within the state and implementation of penalties for violations related to such movements.

**RULEMAKING AUTHORITY:** 570.07(23), 585.002(4), 585.08(2)(a) FS.

**LAW IMPLEMENTED:** 570.07(15), 570.36(2), 585.003, 585.08(2)(a), 585.145(1)(2), 585.16, 585.23, 585.40 FS.

**IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.**

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS:** Dr. William C. Jeter, Chief, Bureau of Animal Disease Control, Division of Animal Industry, Room 332, 407 South Calhoun Street, Tallahassee, FL 32399-0800; phone: (850)410-0900; fax: (850)410-0957

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

**DEPARTMENT OF EDUCATION**

**State Board of Education**

<b>RULE NO.:</b>	<b>RULE TITLE:</b>
6A-1.0956	Suspension on the Basis of Felony Charges

**PURPOSE AND EFFECT:** The purpose of this rule development is to include legal guardians in hearings relating to student suspensions, to provide a deadline for decisions following the suspension hearing, and to update statutory references.

**SUBJECT AREA TO BE ADDRESSED:** Student suspensions due to felony charges.

**RULEMAKING AUTHORITY:** 1001.02(1), 1006.09(2) FS.

**LAW IMPLEMENTED:** 1006.09(2) FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Brooks Rumenik, Director, Office of Safe Schools, Department of Education, 325 West Gaines St., Suite 554, Tallahassee, FL 32399-0400. To request a rule development workshop, please contact: Lynn Abbott, Agency Clerk, Department of Education, (850)245-9661 or e-mail [lynn.abbott@fldoe.org](mailto:lynn.abbott@fldoe.org) or go to <https://app1.fldoe.org/rules/default.aspx>

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

**DEPARTMENT OF EDUCATION**

**State Board of Education**

RULE NO.:	RULE TITLE:
6A-1.09514	Excused Absences for Religious Instruction or Holiday

PURPOSE AND EFFECT: The purpose of this rule development is to revise the rule to apply to all public school students and not just grades 9-12. The effect is a rule that is aligned with Florida Statutes.

SUBJECT AREA TO BE ADDRESSED: Excused Absences for Religious Holidays or Religious Instruction.

RULEMAKING AUTHORITY: 1001.02(1), 1001.64, 1003.21(2)(b) FS.

LAW IMPLEMENTED: 1003.21(2)(b) FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Todd Clark, Bureau Chief, Bureau of Curriculum and Instruction, Department of Education, 325 West Gaines St., Suite 434, Tallahassee, FL 32399-0400, [Todd.clark@fldoe.org](mailto:Todd.clark@fldoe.org) or (850)245-0423. To request a rule development workshop, please contact: Lynn Abbott, Agency Clerk, Department of Education, (850)245-9661 or e-mail [lynn.abbott@fldoe.org](mailto:lynn.abbott@fldoe.org) or go to <https://app1.fldoe.org/rules/default.aspx>

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

**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."

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

RULE NOS.:	RULE TITLES:
18-2.017	Definitions
18-2.018	Policies, Standards, and Criteria for Evaluating, Approving or Denying Requests to Use Uplands
18-2.019	Procedures to Obtain Authorization Use of State Lands for Climate Change – Related Climate Change Purposes Including Carbon Sequestration, Carbon Mitigation or Carbon Offsets
18-2.022	

PURPOSE AND EFFECT: To comply with new statutory requirements, rules applying to the use of state lands for climate change-related purposes including carbon sequestration, carbon mitigation or carbon offsets shall be developed for consideration by the Board of Trustees.

SUBJECT AREA TO BE ADDRESSED: Potential use of state lands for climate change-related purposes including carbon sequestration, carbon mitigation or carbon offsets.

RULEMAKING AUTHORITY: 259.105(3)(c) FS.

LAW IMPLEMENTED: 259.105(3)(c) FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

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: Marianne Gengenbach, Department of Environmental Protection, Division of State Lands, 3900 Commonwealth Blvd., M.S. 140, Tallahassee, Florida 32399-3000; phone: (850)245-2773; E-mail: [Marianne.Gengenbach@dep.state.fl.us](mailto:Marianne.Gengenbach@dep.state.fl.us). 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: Marianne Gengenbach, Department of Environmental Protection,

Division of State Lands, 3900 Commonwealth Blvd., M.S. 140, Tallahassee, Florida 32399-3000; Phone: (850)245-2773; E-mail: Marianne.Gengenbach@dep.state.fl.us  
 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

**PUBLIC SERVICE COMMISSION**

RULE NO.: 25-6.0424  
 RULE TITLE: Petition for Mid-Course Correction  
 PURPOSE AND EFFECT: Rule 25-6.0424, F.A.C., would be created in order to codify existing Commission procedure for filing a petition for mid-course correction to fuel cost recovery or capacity cost recovery factors. Undocketed.  
 SUBJECT AREA TO BE ADDRESSED: Investor-owned electric utility regulation.  
 RULEMAKING AUTHORITY: 350.127(2), 366.05(1) FS.  
 LAW IMPLEMENTED: 366.041, 366.05(1), 366.06(1) FS.  
 IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.  
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Kathryn G. W. Cowdery, Florida Public Service Commission, Office of General Counsel, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850)413-6216

**DEPARTMENT OF CORRECTIONS**

RULE NOS.: 33-404.101  
 RULE TITLES: Mental Health Services Program – Purpose and Scope  
 33-404.102 Provision of Mental Health Services  
 33-404.103 Mental Health Services – Definitions  
 33-404.104 Mental Health Services – Classification System  
 33-404.105 Consent to Mental Health Evaluation and Treatment  
 33-404.106 Admission to Isolation Management, Transitional Care, or Crisis Stabilization  
 33-404.107 Use of Force with Mentally Disordered Inmates  
 33-404.108 Discipline and Confinement of Mentally Disordered Inmates  
 33-404.109 Mental Health Re-entry Services  
 33-404.110 Mental Health Outpatient Services  
 33-404.111 Mental Health Inpatient Privileges  
 33-404.201 Operation, Administration, and Designation of Mental Health Treatment Facilities

33-404.202 Mental Health Treatment Facilities – Definitions  
 33-404.203 Mental Health Treatment Facilities – Care of Inmates  
 33-404.204 Mental Health Treatment Facilities – Use of Force  
 33-404.205 Mental Health Treatment Facilities – Inmate Discipline  
 33-404.206 Mental Health Treatment Facilities – Administrative Confinement  
 33-404.207 Mental Health Treatment Facilities – Restrictions of Inmate Privileges  
 33-404.208 Mental Health Treatment Facilities – Admissible Reading Material  
 33-404.209 Mental Health Treatment Facilities – Forms  
 33-404.2095 Placement in Mental Health Treatment Facilities  
 33-404.2096 Emergency Placement in Mental Health Treatment Facilities  
 33-404.2097 Discharge From Mental Health Treatment Facilities  
 33-404.2098 Continued Placement in Mental Health Treatment Facilities  
 33-404.210 Mental Health Treatment Facilities – Consent to Psychiatric Treatment  
 33-404.211 Emergency Treatment in Mental Health Treatment Facilities  
 PURPOSE AND EFFECT: The purpose and effect of the proposed rulemaking is to revise the Department’s policies governing provision of mental health services to inmates in accordance with statutory changes outlined in Chapter 2008-250, Laws of Florida.  
 SUBJECT AREA TO BE ADDRESSED: Mental Health Services.  
 RULEMAKING AUTHORITY: 944.09, 944.11, 944.35, 945.21, 945.42, 945.48, 945.49 FS.  
 LAW IMPLEMENTED: 20.315, 120.55, 944.09, 944.11, 944.35, 945.21, 945.41-.49 FS.  
 IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.  
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Perri King Dale, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500  
 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

**WATER MANAGEMENT DISTRICTS**

**St. Johns River Water Management District**

RULE NO.: 40C-8.031  
 RULE TITLE: Minimum Surface Water Levels and Flows and Groundwater Levels

PURPOSE AND EFFECT: The purpose and effect of the proposed rule amendment will be to (1) adopt minimum water levels for the following lakes in the following counties: Lake Avalon and Lake Hiawassee in Orange County, and Johns Lake in Lake and Orange Counties; and (2) amend established minimum water levels for the following lakes in the following counties: Indian Lake in Volusia County, Lake Prevatt in Orange County, and Sylvan Lake in Seminole County.

SUBJECT AREA TO BE ADDRESSED: The proposed rule would establish or amend established minimum water levels for the above listed lakes pursuant to the mandate of Section 373.042, Florida Statutes. Each of the established or amended levels have an associated duration and return interval. The terms herein are already defined in Chapter 40C-8, F.A.C. As with all minimum levels established by the District, if adopted, the minimum levels in this rule amendment would be used as a basis for imposing limitations on withdrawals of groundwater and surface water in the consumptive use permit regulatory

process and for reviewing proposed surface water management systems in the environmental resource permit regulatory process.

RULEMAKING AUTHORITY: 373.044, 373.113 FS.  
 LAW IMPLEMENTED: 373.042, 373.0421 FS.

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

DATE AND TIME: February 10, 2010, 10:00 a.m. – 12:00 Noon

PLACE: City of Sanford, 300 North Park Avenue, Sanford, Florida 32771

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Wendy Gaylord, Rules Coordinator, Office of General Counsel, St. Johns River Water Management District, 4049 Reid Street, Palatka, Florida 32177-2529, (386)326-3026 or email address wgaylord@sjrwm.com

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40C-8.031 Minimum Surface Water Levels and Flows and Groundwater Levels.

(1) through (3) No change.

(4) The following minimum surface water levels are established:

System Name	County	Minimum Level	Level (ft NGVD)	Hydroperiod Category	Duration (days)	Return Interval (years)
Apshawa North	Lake	Frequent High	85.0	Seasonally flooded	—	—
		Average	83.3	Typically saturated	—	—
		Frequent Low	81.3	Semipermanently flooded	—	—
Apshawa South	Lake	Frequent High	86.0	Seasonally Flooded	—	—
		Average	84.7	Typically Saturated	—	—
		Frequent Low	83.2	Semipermanently Flooded	—	—
Argenta	Putnam	Frequent High	50.1	Seasonally Flooded	—	—
		Average	47.7	Typically Saturated	—	—
		Frequent Low	46.3	Semipermanently Flooded	—	—
Ashby	Volusia	Frequent High	12.3	—	60	2
		Frequent Low	11.1	—	120	5
<u>Avalon</u>	<u>Orange</u>	<u>Frequent High</u>	<u>90.0</u>	—	<u>30</u>	<u>3</u>
		<u>Frequent Low</u>	<u>86.4</u>	—	<u>120</u>	<u>3</u>
Banana	Putnam	Frequent High	38.0	Seasonally Flooded	—	—
		Average	36.2	Typically Saturated	—	—
		Frequent Low	34.4	Semipermanently Flooded	—	—
Bell	Putnam	Frequent High	42.5	Temporarily Flooded	—	—
		Average	40.5	Typically Saturated	—	—
		Frequent Low	38.7	Semipermanently Flooded	—	—
Big	Volusia	Frequent High	26.1	Seasonally Flooded	—	—
		Average	25.0	Typically Saturated	—	—
		Frequent Low	23.7	Semipermanently Flooded	—	—
Bird Pond	Putnam	Frequent High	41.8	Seasonally Flooded	—	—
		Average	39.5	Typically Saturated	—	—

Blue Pond	Clay	Frequent Low	38.1	Semipermanently Flooded	—	—
		Frequent High	174.1	Temporarily Flooded	—	—
		Average	173.3	Typically Saturated	—	—
Boggy Marsh	Lake	Frequent Low	171.7	Semipermanently Flooded	—	—
		Frequent High	117.3	Seasonally Flooded	—	—
		Average	115.9	Typically Saturated	—	—
Bowers	Marion	Frequent Low	114.5	Semipermanently Flooded	—	—
		Frequent High	57.1	Temporarily Flooded	—	—
		Average	54.0	Typically Saturated	—	—
Brantley	Seminole	Frequent Low	52.7	Semipermanently Flooded	—	—
		Frequent High	46.3	Seasonally Flooded	—	—
		Average	45.6	Typically Saturated	—	—
Brooklyn	Clay	Frequent Low	44.1	Semipermanently Flooded	—	—
		Frequent High	114.6	Temporarily Flooded	—	—
		Average	108.0	Typically Saturated	—	—
Broward	Putnam	Frequent Low	101.0	Semipermanently Flooded	—	—
		Frequent High	40.0	Temporarily Flooded	—	—
		Average	38.2	Typically Saturated	—	—
Burkett	Orange	Frequent Low	36.5	Semipermanently Flooded	—	—
		Frequent High	53.5	Seasonally Flooded	—	—
		Average	52.6	Typically Saturated	—	—
Charles	Marion	Frequent Low	51.2	Semipermanently Flooded	—	—
		Frequent High	40.2	Seasonally Flooded	—	—
		Average	39.3	Typically Saturated	—	—
Cherry	Lake	Frequent Low	37.9	Semipermanently Flooded	—	—
		Frequent High	96.0	Seasonally Flooded	—	—
		Average	94.9	Typically Saturated	—	—
Clear	Putnam	Frequent Low	93.4	Semipermanently Flooded	—	—
		Frequent High	37.4	Temporarily Flooded	—	—
		Average	36.4	Typically Saturated	—	—
Colby	Volusia	Frequent Low	34.9	Semipermanently Flooded	—	—
		Frequent High	27.6	—	30	3
		Frequent Low	22.9	—	120	3
Como	Putnam	Frequent High	38.0	Seasonally Flooded	—	—
		Average	36.2	Typically Saturated	—	—
		Frequent Low	34.4	Semipermanently Flooded	—	—
Como, Little Lake	Putnam	Frequent High	38.0	Seasonally Flooded	—	—
		Average	36.6	Typically Saturated	—	—
		Frequent Low	35.2	Semipermanently Flooded	—	—
Coon Pond	Volusia	Frequent High	35.7	Seasonally Flooded	—	—
		Average	34.6	Typically Saturated	—	—
		Frequent Low	33.1	Semipermanently Flooded	—	—
Cowpen	Putnam	Frequent High	89.1	Temporarily Flooded	—	—
		Average	85.7	Typically Saturated	—	—
		Frequent Low	84.2	Semipermanently Flooded	—	—
Cow Pond	Volusia	Frequent High	40.5	Seasonally Flooded	—	—
		Average	39.8	Typically Saturated	—	—
		Frequent Low	37.6	Semipermanently Flooded	—	—
Crystal/Baker	Putnam	Frequent High	35.5	Seasonally Flooded	—	—
		Average	33.9	Typically Saturated	—	—
		Frequent Low	33.0	Semipermanently Flooded	—	—
Daugharty	Volusia	Frequent High	44.8	Temporarily Flooded	—	—
		Average	42.6	Typically Saturated	—	—
		Frequent Low	41.2	Semipermanently Flooded	—	—

Davis	Volusia	Frequent High	36.2	Seasonally Flooded	—	—
		Average	35.4	Typically Saturated	—	—
		Frequent Low	34.0	Sempermanently Flooded	—	—
Deep	Putnam	Frequent High	35.0	Seasonally Flooded	—	—
		Average	33.1	Typically Saturated	—	—
		Frequent Low	32.2	Sempermanently Flooded	—	—
Dias	Volusia	Frequent High	34.6	Seasonally Flooded	—	—
		Average	33.5	Typically Saturated	—	—
		Frequent Low	32.2	Sempermanently Flooded	—	—
Disston	Flagler	Frequent High	13.8	Seasonally Flooded	—	—
		Average	13.2	Typically Saturated	—	—
		Frequent Low	12.5	Sempermanently Flooded	—	—
Dorr	Lake	Frequent High	43.5	Seasonally Flooded	—	—
		Average	43.1	Typically Saturated	—	—
		Frequent Low	42.1	Sempermanently Flooded	—	—
Dream Pond	Putnam	Frequent High	49.0	Seasonally Flooded	—	—
		Average	47.5	Typically Saturated	—	—
		Frequent Low	46.0	Sempermanently Flooded	—	—
Drudy	Volusia	Frequent High	42.1	Seasonally Flooded	—	—
		Average	40.6	Typically Saturated	—	—
		Frequent Low	39.1	Sempermanently Flooded	—	—
Echo	Putnam	Frequent High	38.8	Seasonally Flooded	—	—
		Average	36.7	Typically Saturated	—	—
		Frequent Low	35.2	Sempermanently Flooded	—	—
Emma	Lake	Frequent High	94.1	Seasonally Flooded	—	—
		Average	92.5	Typically Saturated	—	—
		Frequent Low	91.1	Sempermanently Flooded	—	—
Emporia	Volusia	Frequent High	38.9	Seasonally Flooded	—	—
		Average	35.8	Typically Saturated	—	—
		Frequent Low	34.3	Sempermanently Flooded	—	—
Estella	Putnam	Frequent High	38.6	Seasonally Flooded	—	—
		Average	37.2	Typically Saturated	—	—
		Frequent Low	36.5	Sempermanently Flooded	—	—
Fox	Brevard	Frequent High	16.7	Temporarily Flooded	—	—
		Average	15.3	Typically Saturated	—	—
		Frequent Low	13.8	Sempermanently Flooded	—	—
Geneva	Clay	Frequent High	103.0	Seasonally Flooded	—	—
		Average	101.0	Typically Saturated	—	—
		Frequent Low	98.5	Sempermanently Flooded	—	—
Georges Lake	Putnam	Frequent High	98.4	Seasonally Flooded	—	—
		Average	97.8	Typically Saturated	—	—
		Frequent Low	97.0	Sempermanently Flooded	—	—
Gertie	Volusia	Frequent High	27.5	Temporarily Flooded	—	—
		Average	25.6	Typically Saturated	—	—
		Frequent Low	23.3	Sempermanently Flooded	—	—
Gore	Flagler	Frequent High	21.1	—	30	3
		Average	20.6	—	180	1.5
		Frequent Low	19.2	—	120	5
Grandin	Putnam	Frequent High	81.5	—	30	2
		Frequent Low	78.6	—	120	5
Halfmoon	Marion	Frequent High	49.7	Seasonally Flooded	—	—
		Average	47.9	Typically Saturated	—	—
		Frequent Low	46.5	Sempermanently Flooded	—	—
Helen	Volusia	Frequent High	46.1	Temporarily Flooded	—	—

		Average	44.2	Typically Saturated	—	—
		Frequent Low	43.6	Semipermanently Flooded	—	—
Hiawassee	Orange	Frequent High	<u>76.4</u>	—	<u>30</u>	<u>3</u>
		Frequent Low	<u>72.9</u>	—	<u>120</u>	<u>3</u>
Hires	Volusia	Frequent High	41.0	Seasonally Flooded	—	—
		Average	39.5	Typically Saturated	—	—
		Frequent Low	38.0	Semipermanently Flooded	—	—
Hokey	Volusia	Frequent High	35.4	Seasonally Flooded	—	—
		Average	33.7	Typically Saturated	—	—
		Frequent Low	32.3	Semipermanently Flooded	—	—
Hopkins Prairie	Marion	Frequent High	25.8	Seasonally Flooded	—	—
		Average	23.4	Typically Saturated	—	—
		Frequent Low	22.0	Semipermanently Flooded	—	—
Howell	Putnam	Frequent High	34.5	Seasonally Flooded	—	—
		Average	33.6	Typically Saturated	—	—
		Frequent Low	31.8	Semipermanently Flooded	—	—
Howell	Seminole	Frequent High	53.7	Seasonally Flooded	—	—
		Average	52.9	Typically Saturated	—	—
		Frequent Low	51.5	Semipermanently Flooded	—	—
Indian	Volusia	Frequent High	<del>36.2</del> <del>37.0</del>	Seasonally Flooded	<u>30</u>	<u>3</u>
		Average	<del>35.0</del> <del>36.1</del>	Typically Saturated	<u>180</u>	<u>1.5</u>
		Frequent Low	<del>32.8</del> <del>34.4</del>	Semipermanently Flooded	<u>120</u>	<u>5</u>
Irma	Orange	Frequent High	55.1	Seasonally Flooded	—	—
		Average	54.8	Typically Saturated	—	—
		Frequent Low	53.4	Semipermanently Flooded	—	—
Johns	Orange and Lake	Infrequent High	<u>96.3</u>	—	<u>120</u>	<u>25</u>
		Infrequent Low	<u>86.1</u>	—	<u>90</u>	<u>17</u>
Kerr	Marion	Frequent High	24.4	Seasonally Flooded	—	—
		Average	22.9	Typically Saturated	—	—
		Frequent Low	21.5	Semipermanently Flooded	—	—
Lizzie	Putnam	Frequent High	43.9	Seasonally Flooded	—	—
		Average	42.7	Typically Saturated	—	—
		Frequent Low	41.7	Semipermanently Flooded	—	—
Louisa	Lake	Frequent High	96.5	Seasonally Flooded	—	—
		Average	95.4	Typically Saturated	—	—
		Frequent Low	94.0	Semipermanently Flooded	—	—
Lower Lake Louise	Volusia	Frequent High	31.8	Seasonally Flooded	—	—
		Average	31.2	Typically Saturated	—	—
		Frequent Low	29.7	Semipermanently Flooded	—	—
Lucy	Lake	Frequent High	94.1	Seasonally Flooded	—	—
		Average	92.5	Typically Saturated	—	—
		Frequent Low	91.1	Semipermanently Flooded	—	—
Magnolia	Clay	Frequent High	124.7	Seasonally Flooded	—	—
		Average	124.2	Typically Saturated	—	—
		Frequent Low	121.4	Semipermanently Flooded	—	—
Mall, Little Lake	Putnam	Frequent High	38.7	Seasonally Flooded	—	—
		Average	36.8	Typically Saturated	—	—
		Frequent Low	35.2	Semipermanently Flooded	—	—
Margaret	Putnam	Frequent High	35.2	Seasonally Flooded	—	—
		Average	34.5	Typically Saturated	—	—
		Frequent Low	32.5	Semipermanently Flooded	—	—
Martha	Orange	Frequent High	53.5	Seasonally Flooded	—	—
		Average	52.6	Typically Saturated	—	—

		Frequent Low	51.2	Sempermanently Flooded	—	—
Marvin	Putnam	Frequent High	38.6	Seasonally Flooded	—	—
		Average	37.3	Typically Saturated	—	—
		Frequent Low	36.3	Sempermanently Flooded	—	—
McGrady	Putnam	Frequent High	41.5	Seasonally Flooded	—	—
		Average	39.9	Typically Saturated	—	—
		Frequent Low	37.8	Sempermanently Flooded	—	—
McKasel	Putnam	Frequent High	36.7	Seasonally Flooded	—	—
		Average	35.5	Typically Saturated	—	—
		Frequent Low	34.1	Sempermanently Flooded	—	—
Melrose	Putnam	Frequent High	105.2	Seasonally Flooded	—	—
		Average	104.2	Typically Saturated	—	—
		Frequent Low	102.8	Sempermanently Flooded	—	—
Mills	Seminole	Frequent High	42.5	Seasonally Flooded	—	—
		Average	41.4	Typically Saturated	—	—
		Frequent Low	39.9	Sempermanently Flooded	—	—
Minneola	Lake	Frequent High	96.0	Seasonally Flooded	—	—
		Average	95.3	Typically Saturated	—	—
		Frequent Low	93.9	Sempermanently Flooded	—	—
Monroe	Seminole and Volusia	Frequent High	2.8	—	30	2
		Average	1.2	—	180	1.5
		Frequent Low	0.5	—	120	5
Nettles / English	Putnam	Frequent High	44.3	Seasonally Flooded	—	—
		Average	42.7	Typically Saturated	—	—
		Frequent Low	41.7	Sempermanently Flooded	—	—
Nicotoon	Marion	Frequent High	54.7	Seasonally Flooded	—	—
		Average	53.3	Typically Saturated	—	—
		Frequent Low	51.9	Sempermanently Flooded	—	—
Norris	Lake	Frequent High	30.5	Seasonally Flooded	—	—
		Average	29.7	Typically Saturated	—	—
		Frequent Low	29.1	Sempermanently Flooded	—	—
North Como Park	Putnam	Frequent High	41.3	Seasonally Flooded	—	—
		Average	39.7	Typically Saturated	—	—
		Frequent Low	38.5	Sempermanently Flooded	—	—
North Talmadge	Volusia	Frequent High	55.6	Seasonally Flooded	—	—
		Average	54.4	Typically Saturated	—	—
		Frequent Low	52.9	Sempermanently Flooded	—	—
Omega	Putnam	Frequent High	57.4	Temporarily Flooded	—	—
		Average	56.1	Typically Saturated	—	—
		Frequent Low	54.0	Sempermanently Flooded	—	—
Orio	Putnam	Frequent High	37.1	Seasonally Flooded	—	—
		Average	35.6	Typically Saturated	—	—
		Frequent Low	34.7	Sempermanently Flooded	—	—
Pam	Putnam	Frequent High	39.3	Seasonally Flooded	—	—
		Average	37.5	Typically Saturated	—	—
		Frequent Low	36.1	Sempermanently Flooded	—	—
Pearl	Orange	Frequent High	53.5	Seasonally Flooded	—	—
		Average	52.6	Typically Saturated	—	—
		Frequent Low	51.2	Sempermanently Flooded	—	—
Pierson	Volusia	Frequent High	34.4	Seasonally Flooded	—	—
		Average	33.8	Typically Saturated	—	—
		Frequent Low	32.4	Sempermanently Flooded	—	—



Pine Island	Lake	Frequent High	107.7	Seasonally Flooded	—	—
		Average	106.8	Typically Saturated	—	—
		Frequent Low	105.4	Semipermanently Flooded	—	—
Prevatt	Orange	Frequent High	<del>55.8</del> 56.0	Seasonally Flooded	<u>30</u>	<u>2</u>
		Average	53.0	Typically Saturated	—	—
		Frequent Low	<del>50.4</del> 50.9	Semipermanently Flooded	<u>120</u>	<u>5</u>
Prior	Putnam	Frequent High	42.3	Seasonally Flooded	—	—
		Average	40.0	Typically Saturated	—	—
		Frequent Low	39.0	Semipermanently Flooded	—	—
Purdom	Volusia	Frequent High	37.0	Seasonally Flooded	—	—
		Average	36.4	Typically Saturated	—	—
		Frequent Low	35.0	Semipermanently Flooded	—	—
Sand	Putnam	Frequent High	40.9	Seasonally Flooded	—	—
		Average	39.0	Typically Saturated	—	—
		Frequent Low	36.6	Semipermanently Flooded	—	—
Sand Hill	Clay	Frequent High	132.0	Seasonally Flooded	—	—
		Average	131.6	Typically Saturated	—	—
		Frequent Low	129.5	Semipermanently Flooded	—	—
Savannah	Volusia	Frequent High	31.1	Seasonally Flooded	—	—
		Average	29.5	Typically Saturated	—	—
		Frequent Low	28.0	Semipermanently Flooded	—	—
Scoggin	Volusia	Frequent High	35.0	Seasonally Flooded	—	—
		Average	34.1	Typically Saturated	—	—
		Frequent Low	32.7	Semipermanently Flooded	—	—
Shaw	Volusia	Frequent High	36.7	—	30	3
		Average	35.4	—	180	1.7
		Frequent Low	33.7	—	120	3
Silver	Putnam	Frequent High	36.8	Seasonally Flooded	—	—
		Average	35.1	Typically Saturated	—	—
		Frequent Low	33.7	Semipermanently Flooded	—	—
Smith	Marion	Frequent High	54.6	Temporarily Flooded	—	—
		Average	51.4	Typically Saturated	—	—
		Frequent Low	50.0	Semipermanently Flooded	—	—
South	Brevard	Frequent High	16.7	Temporarily Flooded	—	—
		Average	15.3	Typically Saturated	—	—
		Frequent Low	13.8	Semipermanently Flooded	—	—
South Como Park	Putnam	Frequent High	38.1	Seasonally Flooded	—	—
		Average	36.7	Typically Saturated	—	—
		Frequent Low	35.3	Semipermanently Flooded	—	—
Star	Putnam	Frequent High	77.5	Seasonally Flooded	—	—
		Average	75.4	Typically Saturated	—	—
		Frequent Low	74.0	Semipermanently Flooded	—	—
Stella	Putnam	Frequent High	39.4	Seasonally Flooded	—	—
		Average	38.6	Typically Saturated	—	—
		Frequent Low	37.2	Semipermanently Flooded	—	—
Sunset	Lake	Frequent High	85.9	Temporarily Flooded	—	—
		Average	83.5	Typically Saturated	—	—
		Frequent Low	81.0	Semipermanently Flooded	—	—
Swan	Putnam	Frequent High	93.0	Temporarily Flooded	—	—
		Average	90.3	Typically Saturated	—	—
		Frequent Low	87.5	Semipermanently Flooded	—	—
Sylvan	Seminole	Frequent High	<del>41.2</del> 40.4	Seasonally Flooded	<u>30</u>	<u>5</u>
		Average	38.9	Typically Saturated	<u>180</u>	<u>1.7</u>
		Frequent Low	<del>36.7</del> 37.5	Semipermanently Flooded	<u>120</u>	<u>5</u>
Tarhoe	Putnam	Frequent High	37.0	Seasonally Flooded	—	—

		Average	36.0	Typically Saturated	—	—
		Frequent Low	35.2	Sempermanently Flooded	—	—
Three Island Lakes	Volusia	Frequent High	23.7	—	30	5
		Frequent Low	19.4	—	120	10
Trone	Putnam	Frequent High	37.5	Seasonally Flooded	—	—
		Average	35.7	Typically Saturated	—	—
		Frequent Low	34.3	Sempermanently Flooded	—	—
Trout	Volusia	Frequent High	23.3	Seasonally Flooded	—	—
		Average	20.9	Typically Saturated	—	—
		Frequent Low	17.7	Sempermanently Flooded	—	—
Tusawilla	Alachua	Frequent High	77.6	Seasonally Flooded	—	—
		Average	74.6	Typically Saturated	—	—
		Frequent Low	73.2	Sempermanently Flooded	—	—
Upper Lake Louise	Volusia	Frequent High	35.3	Seasonally Flooded	—	—
		Average	34.6	Typically Saturated	—	—
		Frequent Low	33.2	Sempermanently Flooded	—	—
Washington	Brevard	Frequent High	15.6	Seasonally Flooded	—	—
		Average	14.2	Typically Saturated	—	—
		Frequent Low	12.8	Sempermanently Flooded	—	—
Wauberg	Alachua	Frequent High	67.4	Seasonally Flooded	—	—
		Average	67.1	Typically Saturated	—	—
		Frequent Low	65.6	Sempermanently Flooded	—	—
Weir	Marion	Frequent High	57.2	Seasonally Flooded	—	—
		Average	56.4	Typically Saturated	—	—
		Frequent Low	54.9	Sempermanently Flooded	—	—
Winnemissett	Volusia	Frequent High	59.5	Seasonally Flooded	—	—
		Average	57.8	Typically Saturated	—	—
		Frequent Low	56.0	Sempermanently Flooded	—	—
Winona	Volusia	Frequent High	36.1	Seasonally Flooded	—	—
		Average	33.5	Typically Saturated	—	—
		Frequent Low	32.0	Sempermanently Flooded	—	—
					—	—

(5) through (6) No change.

**Rulemaking Specific Authority** 373.044, 373.113 FS. Law Implemented 373.042, 373.0421, 373.103, 373.415 FS. History—New 9-16-92. Amended 8-17-94, 6-8-95, 1-17-96, 8-20-96, 10-20-96, 11-4-98, 6-27-00, 2-13-01, 3-19-02, 5-11-03, 11-10-03, 1-12-04, 2-1-06, 12-03-06,\_\_\_\_\_.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Division of Hotels and Restaurants**

**RULE NOS.:** **RULE TITLES:**  
 61C-5.007 Fees; Certificates of Competency, Renewal

61C-5.0085 Continuing Education Requirements

**PURPOSE AND EFFECT:** The purpose and effect of the rule development is to update the initial certificate of competency fee and license requirements, adopt forms, and provide a plain language update.

**SUBJECT AREA TO BE ADDRESSED:** The rule development will address certificate of competency fees, licensure requirements, and forms.

**RULEMAKING AUTHORITY:** 399.01, 399.10 FS.

**LAW IMPLEMENTED:** 399.001, 399.01(13), 399.01(14), 399.01(15), 399.01(17), 399.02, 399.049, 399.105 FS.

**IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.**

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS:** Michelle Comingore, Operations Review Specialist, Division of Hotels and Restaurants, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-1012, telephone: (850)488-1133

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Cosmetology**

RULE NO.: 61G5-24.002  
 RULE TITLE: Original Cosmetologist Licensure Fee, Cosmetologist Examination and Endorsement Fees, Initial Specialist Registration; Application and Endorsement Fees

PURPOSE AND EFFECT: The intent of the rule development is to assure that adequate resources are available in the Cosmetologist Trust Fund as required by Section 455.219, Florida Statutes.

SUBJECT AREA TO BE ADDRESSED: Fees.

RULEMAKING AUTHORITY: 455.2171, 477.016, 477.026 FS.

LAW IMPLEMENTED: 455.2171, 477.026(1)(b) FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Robyn Barineau, Executive Director, Board of Cosmetology, P. O. Box 5377, Tallahassee, Florida 32314-5377

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Cosmetology**

RULE NO.: 61G5-24.008  
 RULE TITLE: Biennial Renewal Fee for Cosmetologists and Specialists

PURPOSE AND EFFECT: The intent of the rule development is to assure that adequate resources are available in the Cosmetologist Trust Fund as required by Section 455.219, Florida Statutes.

SUBJECT AREA TO BE ADDRESSED: Biennial License Renewal Fees.

RULEMAKING AUTHORITY: 477.016, 477.026 FS.

LAW IMPLEMENTED: 477.026(1)(a), (e) FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Robyn Barineau, Executive Director, Board of Cosmetology, P. O. Box 5377, Tallahassee, Florida 32314-5377

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Cosmetology**

RULE NO.: 61G5-24.010  
 RULE TITLE: Delinquent License and Specialty Registration Fee

PURPOSE AND EFFECT: The intent of the rule development is to assure that adequate resources are available in the Cosmetologist Trust Fund as required by Section 455.219, Florida Statutes.

SUBJECT AREA TO BE ADDRESSED: Fees.

RULEMAKING AUTHORITY: 477.016 FS.

LAW IMPLEMENTED: 455.271(7), 477.026(1) FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Robyn Barineau, Executive Director, Board of Cosmetology, P. O. Box 5377, Tallahassee, Florida 32314-5377

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Cosmetology**

RULE NO.: 61G5-31.004  
 RULE TITLE: Hair Braiding and Hair Wrapping Course Requirements

PURPOSE AND EFFECT: To clarify and to bring into current usage and practice provisions of the rule relating to the education of the individual on matters addressed by the rule. In addition, to amend the title of the rule to include the term "body wrapping."

SUBJECT AREA TO BE ADDRESSED: Hair Braiding, Hair Wrapping and Body Wrapping Course Requirements.

RULEMAKING AUTHORITY: 477.016 FS.

LAW IMPLEMENTED: 477.0132 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Robyn Barineau, Executive Director, Board of Cosmetology, P. O. Box 5377, Tallahassee, Florida 32314-5377

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

**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 JUVENILE JUSTICE**

**Residential Services**

RULE NOS.:	RULE TITLES:
63E-7.002	Definitions
63E-7.009	Behavior Management
63E-7.010	Residential Case Management Services
63E-7.011	Delinquency Intervention and Treatment Services
63E-7.013	Safety and Security
63E-7.016	Program Administration

PURPOSE AND EFFECT: The amendments incorporate the use of enhanced programming in the behavior management and delinquency intervention systems for residential programs. The amendments provide for the use of promising practices, found by research to reduce recidivism or address criminogenic need. Administration and staffing requirements are amended to facilitate the programming. A form is updated and definitions are added.

SUBJECT AREA TO BE ADDRESSED: Amending rules governing behavior management, delinquency intervention and treatment services, and program administration in residential programs.

RULEMAKING AUTHORITY: 985.64, 985.601(3)(a) FS.

LAW IMPLEMENTED: 985.601(3) FS.

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

DATE AND TIME: Tuesday, January 5, 2010, 10:00 a.m.

PLACE: DJJ Headquarters, 2737 Centerview Drive, General Counsel's Conference Room 3223, Tallahassee, Florida. For information about participation by telephone, contact John Milla at (850)921-4129

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: John Milla, 2737 Centerview Dr., Ste. 3200, Tallahassee, FL 32399-3100, e-mail: john.milla@djj.state.fl.us

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

**DEPARTMENT OF HEALTH**

**Board of Chiropractic**

RULE NO.:	RULE TITLE:
64B2-16.003	Guidelines for the Disposition of Disciplinary Cases

PURPOSE AND EFFECT: The Board proposes the rule amendment in order to clarify the guidelines for the disposition of disciplinary cases.

SUBJECT AREA TO BE ADDRESSED: Guidelines for the Disposition of Disciplinary Cases.

RULEMAKING AUTHORITY: 456.039(3), 456.072, 456.079, 460.405, 460.413 FS.

LAW IMPLEMENTED: 456.039(3), 456.072, 456.079, 460.413(4) FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Joe Baker, Jr., Executive Director, Board of Chiropractic Medicine, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B2-16.003 Guidelines for the Disposition of Disciplinary Cases.

(1) No change.

(a) No change.

(b) Section 460.411(1)(a), F.S.: fraud – permanent revocation or denial of license (minimum and maximum same); other – from a minimum of an administrative fine of \$200 for each month of practice without an active license, up to a maximum of permanent revocation of license;

(c) Section 460.411(1)(b), 460.411(2)(a), 460.411(2)(b), F.S.: permanent revocation or denial of license (minimum and maximum same);

~~(d) Section 460.411(2)(a), F.S.: revocation or denial of license (minimum and maximum same);~~

~~(e) Section 460.411(2)(b), F.S.: revocation or denial of license (minimum and maximum same);~~

~~(d)(f)~~ No change.

~~(e)(g)~~ No change.

~~(f)(h)~~ Section 460.412 or 456.072(1)(v), F.S.: from a minimum of one (1) year suspension followed by two (2) years probation under terms and conditions set by the board to include supervision and a fine of not less than \$1,000 per violation, to permanent revocation; from a minimum of letter of concern and/or a PRN referral for evaluation up to a maximum fine of \$10,000 and/or permanent revocation.

~~(g)(i)~~ Section 460.413(1)(a) or 456.072(1)(h), F.S.:

Obtain license by bribery – from a minimum fine of \$500 and/or up to two years of probation to a maximum of permanent revocation. For a second offense, from a minimum fine of \$5,000 to permanent revocation. After the second offense, permanent revocation;

Obtain license by fraudulent misrepresentations – from six months probation and a fine of \$10,000 to a maximum of permanent revocation and a fine of \$10,000. For a second offense, a fine of \$10,000 and permanent revocation;

Obtain license by Department or Board error – from a minimum letter of concern and/or a fine of \$500, up to a maximum of suspension of license for one year, followed by two years of probation, and a fine of \$5,000. For a second offense, from a minimum fine of \$5,000 to permanent revocation of license, and after the second offense, permanent revocation of license;

~~(h)(j)~~ No change.

~~(i)(k)~~ Section 460.413(1)(c) or 456.072(1)(c), F.S.: guilt of a crime that relates to the practice or the ability to practice – misdemeanor: from a minimum fine of \$1,500 and six months probation, up to a fine of \$5,000 and a year's suspension with conditions; felony: from a minimum of a fine of \$7,500 and two years probation, up to a fine of \$10,000 and permanent revocation. After the first offense, from a minimum of six months of probation, up to a maximum fine of \$10,000 and/or permanent revocation of license;

~~(j)(l)~~ Section 460.413(1)(d), F.S.: false/misleading advertising – from a minimum fine of \$1,000, and a letter of concern, up to a maximum fine of \$7,500 and one year of probation. For a second offense, from a minimum fine of \$2,500 and/or one year of probation to a maximum fine of \$10,000 and/or three months suspension of license. After the second offense, a fine of up to \$10,000 and/or one year suspension to the maximum fine of \$10,000 and/or permanent revocation;

~~(k)(m)~~ Section 460.413(1)(e), or 456.072(1)(t), F.S.: non-identifying advertisement – from a minimum fine of \$500, up to a maximum of one year of probation. After the first offense, from a minimum fine of \$2,000 and one year of probation to a maximum fine of \$5,000 and/or three years suspension. After the second offense, up to a maximum fine of \$10,000 and/or one year of suspension up to permanent revocation;

~~(l)(n)~~ Section 460.413(1)(f), F.S.: phony name – from a minimum fine of \$3,500 and one year probation, up to a maximum fine of \$10,000 and/or suspension of license for six months, followed by one year of probation. After the first offense, a minimum fine of \$5,000 and six months suspension up to a maximum fine of \$10,000 and/or permanent revocation;

~~(m)(o)~~ Section 460.413(1)(g) or 456.072(1)(i), F.S.: failure to report another – from a minimum letter of concern and/or a fine of \$500, up to a maximum fine of \$2,000 and/or six months of probation. After the first offense, a minimum of six months of probation and a fine of \$2,000 to a maximum fine of \$10,000 and/or permanent revocation;

~~(n)(p)~~ Section 460.413(1)(h) or 456.072(1)(j), F.S.: assisting unlicensed person to practice – from a \$5,000 fine and/or one year of suspension to permanent revocation of license. After the first offense, from a fine of \$7,500 up to a maximum fine of \$10,000 and/or permanent revocation;

~~(o)(q)~~ Section 460.413(1)(i) or 456.072(1)(k), F.S.: failure to perform statutory or legal obligation – from a minimum fine of \$1,000 and a letter of concern, up to a maximum fine of \$7,500 and/or two years of suspension followed by two years of probation. For a second offense, from a minimum fine of \$2,500 and six months of probation up to a maximum fine of \$10,000 and/or permanent revocation. After the second offense, up to a fine of \$10,000 and/or permanent revocation;

~~(p)(r)~~ Section 460.413(1)(j) or 456.072(1)(l), F.S.: negligent filing of false report – from a minimum fine of \$1,000, up to a maximum of one year probation and a fine of \$5,000. For a second offense, a minimum fine of \$2,500 and a reprimand to a maximum fine of \$10,000 and two years suspension. After the second offense, up to a maximum fine of \$10,000 and/or permanent revocation;

Willful filing of false report, impeding, or inducing another to file false report – from a minimum fine of \$5,000 and/or suspension of license for three months, followed by six months of probation, up to a maximum of permanent revocation of license. After the first offense, up to a maximum fine of \$10,000 and/or permanent revocation.

~~(q)(s)~~ Section 460.413(1)(k) or 456.072(1)(m), F.S.: misrepresentations/trick or scheme – from six months of probation, up to a maximum of suspension of license for one year, followed by two years of probation and a \$10,000 fine per count or offense. After the first offense, from a minimum of two years of probation up to a maximum of permanent revocation and a \$10,000 fine per count or offense;

~~(r)(t)~~ Section 460.413(1)(l) or 456.072(1)(y)(\*), F.S.: soliciting patients or commercial solicitation from accident report information – from a minimum fine of \$1,000 and/or one year probation, up to a maximum fine of \$10,000 and/or permanent revocation. After the first offense, from a minimum fine of \$5,000 and/or six months suspension up to a maximum of \$10,000 and/or permanent revocation;

~~(s)(t)~~ Section 460.413(1)(m), F.S.: medical record-keeping – from a minimum fine of \$500 and/or one year of probation, up to a maximum fine of \$7,500, suspension of license for three months, followed by six months of probation. After the first offense, a minimum fine of \$1,500 and two years of probation up to a maximum fine of \$10,000 and/or permanent revocation;

~~(t)(v)~~ Section 460.413(1)(n) or 456.072(1)(n), F.S.: exploit patient for financial gain – from a minimum fine of \$1,000 and/or one year of probation, up to a maximum fine of \$10,000 and/or permanent revocation of license. After the first offense, from a minimum of two years of probation and a fine of \$2,500 up to a maximum fine of \$10,000 and/or permanent revocation;

~~(u)(w)~~ Section 460.413(1)(o), F.S.: unauthorized services – from a minimum fine of \$1,000 and/or one year of probation, up to a maximum fine of \$5,000 and/or two years of probation. After the first offense, from a minimum fine of \$2,500 and two years of probation up to a maximum fine of \$10,000 and/or permanent revocation;

~~(v)(x)~~ Section 460.413(1)(p), F.S.: dispensing drugs/performing surgery – from a minimum fine of \$5,000 and/or one year of probation, up to a maximum fine of \$10,000 and/or permanent revocation. After the first offense, a fine of \$10,000 and/or permanent revocation;

~~(w)(y)~~ Section 460.413(1)(q) or 456.072(1)(z)(y), F.S.: unable to practice with skill and safety – from a minimum fine of \$1,000, three years of probation and referral for a PRN evaluation, up to a maximum of suspension of license for one year, followed by up to five years of probation. After the first offense from a \$3,500 fine, referral for a PRN evaluation, and two years of probation to a maximum fine of \$10,000 and/or permanent revocation;

~~(x)(z)~~ Section 460.413(1)(r), F.S.: gross malpractice – from a minimum fine of \$1,000, up to a maximum fine of \$10,000 and/or permanent revocation;

Repeated malpractice – from a minimum fine of \$1,000 up to a maximum fine of \$10,000 and/or permanent revocation.

Unacceptable level of care, skill, and treatment – from a minimum fine of \$1,000 up to a maximum fine of \$10,000 and/or permanent revocation;

~~(y)(aa)~~ Section 460.413(1)(s), F.S.: experimentation on human subjects without consent – from a fine of \$1,000 and/or five years of probation, up to a maximum of permanent revocation. After the first offense, up to a maximum fine of \$10,000 and/or permanent revocation;

~~(z)(bb)~~ Section 460.413(1)(t) or 456.072(1)(o), F.S.: practicing beyond the scope permitted or competent to perform – from a minimum fine of \$2,500 and/or one year of probation, up to a maximum of suspension of license for two years followed by probation and a fine of \$10,000. After the first offense, up to a maximum fine of \$10,000 and/or permanent revocation;

~~(aa)(ee)~~ Section 460.413(1)(u) or 456.072(1)(p), F.S.: delegating responsibilities to unqualified person – from a minimum fine of \$1,000 and/or six months of probation, up to a maximum fine of \$5,000 and suspension of license for three years, followed by up to three years of probation. After the first offense, from a minimum fine of \$5,000 and/or suspension of license for one year followed by probation up to a maximum fine of \$10,000 and/or permanent revocation;

~~(bb)(dd)~~ Section 460.413(1)(v) or 456.072(1)(q), F.S.: violating any lawfully issued order or subpoena – from a minimum fine of \$1,000 and a letter of concern, up to a maximum fine of \$10,000 and/or permanent revocation. For a second offense, from a minimum fine of \$5,000 and/or two years of probation up to a maximum fine of \$10,000 and/or permanent revocation of license. After the second offense, from a minimum fine of \$7,500 and/or six months of suspension followed by probation up to a maximum fine of \$10,000 and/or permanent revocation of license;

~~(cc)(ff)~~ Section 460.413(1)(w), F.S.: conspiring or committing an act to prevent a licensee from advertising – from a minimum of fine \$1,000 and/or one year of probation, up to a maximum of suspension of license for six months, followed by one year of probation and a fine of \$5,000. After the first offense, from a minimum fine of \$5,000 and/or two years suspension of license followed by probation up to a maximum fine of \$10,000 and/or permanent revocation;

~~(dd)(ff)~~ Section 460.413(1)(x); or 456.072(1)(ee), F.S.: submitting claims for treatment not provided – from a minimum fine of \$1,000 and/or one year of probation, up to a maximum fine of \$10,000 and/or permanent revocation of license. For a second offense, from a minimum fine of \$5,000 and/or six months suspension followed by two years of probation to a maximum fine of \$10,000 and/or permanent revocation. After the second offense, up to a maximum fine of \$10,000 and/or permanent revocation;

~~(ee)(gg)~~ Section 460.413(1)(y), F.S.: commingling or conversion of patient funds and financial recordkeeping – from a minimum fine of \$2,000 and/or one year of probation, up to a maximum fine of \$10,000 and/or permanent revocation. After the first offense, from a minimum fine of \$5,000 and/or three months suspension followed by two years of probation up to a maximum fine of \$10,000 and/or permanent revocation;

~~(ff)(hh)~~ Section 460.413(1)(z), F.S.: offering or accepting payment by assignment if it appears to eliminate requirement for insured to pay deductible – from minimum fine of \$1,000, and/or a letter of concern up to a maximum fine of \$3,000 and/or two years of probation. For a second offense, from a minimum fine of \$3,000 and/or a year of probation to a maximum fine of \$7,500 and one year of suspension followed by probation. After the second offense, up to a fine of \$10,000 and/or permanent revocation;

~~(gg)(ii)~~ Section 460.413(1)(aa), F.S.: failure to provide insured with copy of claim – (citation offense) from a minimum fine of \$500 and one year of probation, up to a maximum fine of \$5,000 and/or two years of probation. For a second offense, from a minimum fine of \$3,500 and/or two years of probation to a maximum fine of \$7,500 and one year of suspension followed by probation. After the second offense, up to a maximum fine of \$10,000 and/or permanent revocation;

~~(hh)(jj)~~ Section 460.413(1)(bb), F.S.: advertised fee different from that submitted to payors – from a minimum fine of \$1,000 and up to one year of probation, to a maximum fine of \$5,000 and two years of probation. For a second offense, from a minimum fine of \$3,500 and/or six months of suspension up to a maximum fine of \$7,500 and two years of suspension. After the second offense, up to a maximum fine of \$10,000 and/or permanent revocation;

~~(ii)(kk)~~ Section 460.413(1)(cc), 456.062, F.S.: failure of advertisement to state usual fee when offers free or discount services – (citation offense) from a minimum fine of \$500 and one year of probation, up to a maximum fine of \$5,000 and two years of probation. For a second offense, from a minimum fine of \$3,500 and/or six months of suspension up to a maximum fine of \$7,500 and two years of suspension. After the second offense, up to a maximum fine of \$10,000 and/or permanent revocation;

~~(jj)(ll)~~ Section 460.413(1)(dd), F.S.: using acupuncture without certification – from a minimum fine of \$2,500, and/or one year of probation, up to a maximum of suspension of license for two years followed by probation and a fine of \$10,000. After the first offense, up to a maximum fine of \$10,000 and/or permanent revocation;

~~(kk)(mm)~~ Section 460.413(1)(ee), F.S.: failure to report violation in the facility – from a minimum letter of concern and/or a fine of \$500 up to a maximum fine of \$2,000 and/or six months of probation. After the first offense, a minimum of six months of probation and a fine of \$2,000 to a maximum fine of \$10,000 and/or permanent revocation;

~~(ll)(nn)~~ Section 460.413(1)(ff), 456.072(1)(b), or 456.072(1)(dd)(ee), F.S.: violating this chapter, Chapter 456, F.S., or any Board rules – from a minimum fine of \$1,000 and/or a letter of concern up to a maximum fine of \$10,000 and/or permanent revocation ~~suspension of license for two years followed by two years of probation~~. For a second offense, from a minimum fine of \$5,000 and/or two years of probation up to a maximum fine of \$10,000 and/or permanent revocation of license. After the second offense, from a minimum fine of \$7,500 and/or six months of suspension followed by probation up to a maximum fine of \$10,000 and/or permanent revocation;

~~(mm)(oo)~~ Section 456.082, F.S.: disclosure of confidential information – from a minimum fine of \$2,000 and/or six months of probation, up to a maximum fine of \$5,000 and

suspension of license for six months, followed by two years of probation. After the first offense, a minimum fine of \$5,000 and two years of probation up to a maximum fine of \$10,000 and/or permanent revocation;

~~(nn)(pp)~~ Section 456.057(4), F.S.: timely and appropriate release of medical records – from a minimum fine of \$1,000, and/or a letter of concern up to a maximum fine of \$5,000 and one year of probation. For a second offense, from a minimum fine of \$2,500 and/or one year of probation to a maximum fine of \$5,000 and three months of suspension followed by two years of probation. After the second offense, up to a maximum fine of \$10,000 and/or permanent revocation;

~~(oo)(qq)~~ Section 456.072(1)(a), F.S.: misleading, deceptive, or fraudulent representations – from a minimum of six months of probation and a fine of \$10,000 per count or offense up to a maximum of permanent revocation and a fine of \$10,000 per count or offense. After the first violation, a fine of \$10,000 per count or offense and/or a minimum of one year of suspension up to a maximum of permanent revocation;

~~(pp)(rr)~~ Section 456.072(1)(d), F.S.: improper usage of laser device – from a minimum fine of \$1,000 and/or one year of probation up to a maximum fine of \$10,000 and three years of suspension followed by probation. After the first offense, up to a maximum fine of \$10,000 and/or permanent revocation;

~~(qq)(ss)~~ Section 456.072(1)(e), F.S.: failure to comply with HIV/AIDS course requirements – from a minimum fine of \$1,000 and a letter of concern up to a maximum fine of \$7,500 and/or two years of suspension followed by two years of probation. For a second offense, from a minimum fine of \$2,500 and six months of probation up to a maximum fine of \$10,000 and/or permanent revocation. After the second offense, up to a fine of \$10,000 and/or permanent revocation;

~~(rr)(tt)~~ Section 456.072(1)(r), F.S.: improper interference with investigation, inspection, or discipline – from a minimum fine of \$1,000 and/or one year of probation up to a maximum fine of \$10,000 and/or permanent revocation. After the first offense, a minimum fine of \$2,500 up to a maximum fine of \$10,000 and/or permanent revocation;

~~(uu)~~ Section 456.072(1)(u), F.S.: sexual misconduct – from a minimum letter of concern and/or a PRN referral for evaluation, up to a maximum fine of \$10,000 and/or permanent revocation;

~~(ss)(vv)~~ Section 456.072(1)(v), F.S.: profiling and credentialing violations – from a minimum letter of concern and/or a fine of \$1,000, up to a maximum fine of \$10,000 and/or one year of suspension followed by two years of probation. After the first offense, from a minimum fine of \$2,000 up to a maximum fine of \$10,000 and/or permanent revocation;

~~(tt)(ww)~~ Section 456.072(1)(x)(w), F.S.: failure to comply with 30-day notification of convictions and nolo pleas – from a minimum fine of \$1,000 and/or a letter of concern, up to a maximum fine of \$9,000 and/or one month suspension of

license followed by probation. After the first offense, from a minimum fine of \$5,000 up to a maximum fine of \$10,000 and/or permanent revocation;

~~(uu)(xx)~~ Section 456.072(1)(z)(~~aa~~), F.S.: testing positive on drug screening – from a minimum fine of \$500 and/or two years of probation and referral for a PRN evaluation, up to a maximum of suspension of license for one year, followed by up to five years of probation, and a fine of up to \$10,000. After the first offense, from a \$2,500 fine, and/or referral for a PRN evaluation and two years of probation up to a maximum fine of \$10,000 and/or permanent revocation;

~~(vv)(yy)~~ Section 456.072(1)(bb)(~~aa~~), F.S.: wrong patient, wrong-site, or wrong or unnecessary procedure – from a minimum fine of \$1,000 and/or a reprimand, up to a maximum fine of \$10,000 and/or six months suspension of license followed by probation. After the first offense, from a minimum fine of \$5,000 and/or a year of probation up to a maximum fine of \$10,000 and/or permanent revocation;

~~(ww)(zz)~~ Section 456.039(3), F.S.: failing to update information pursuant to Section 456.039(1), F.S., in writing within 45 days after the occurrence of an event or attainment of a status required to be reported – from a minimum \$2,500 fine to a maximum of suspension to be followed by probation and \$5,000 fine for a first offense. After the first offense, from a minimum of probation and \$5,000 fine, to maximum of permanent revocation and \$10,000 fine.

~~(xx)(aaa)~~ Section 456.072(1)(hh)(~~gg~~), F.S., for being terminated from a treatment program for impaired practitioners, which is overseen by an impaired practitioner consultant as described in Section 456.076, F.S., for failure to comply, without good cause, with the terms of the monitoring or treatment contract entered into by the licensee, or for not successfully completing any drug treatment or alcohol treatment program – from a minimum of suspension until compliant with contract to \$1000 fine and/or permanent revocation. For subsequent offenses, suspension until compliant with contract to \$10,000 and/or permanent revocation.

~~(yy)~~ Section 456.072(1)(ii), F.S. for being convicted of or entering a plea of guilty or nolo contendere to, any misdemeanor or felony, regardless of adjudication, under 18 U.S.C. s. 669, ss. 285-287, s. 371, s. 1001, s. 1035, s. 1341, s. 1343, s. 1347, s. 1349, or s. 1518, or 42 U.S.C. ss. 1320a-7b, relating to Medicaid program- from a minimum of permanent revocation and a fine of \$10,000, or in the case of application for licensure, denial of license.

~~(zz)~~ Section 456.072(1)(jj), F.S., for failing to remit the sum owed to state for an overpayment from Medicaid program pursuant to a final order, judgment, or stipulation or settlement – from a minimum of a letter of concern to probation and a fine of \$500 to a maximum of a reprimand to permanent revocation

and fine of \$2,500 for a first offense. After the first offense, from a minimum of suspension and \$5,000 fine to maximum of permanent revocation and \$10,000 fine.

~~(aaa)~~ Section 456.072(1)(kk), F.S., for being terminated from the state Medicaid program pursuant to s. 409.913, any other state Medicaid program, or the federal Medicare program, unless eligibility to participate in the program from which the practitioner was terminated has been restored – from a minimum of letter of concern and \$1,000 fine to maximum of reprimand to permanent revocation and \$5,000 fine. After the first offense, from a minimum of suspension and \$5,000 fine to maximum of permanent revocation and \$10,000 fine.

~~(bbb)~~ Section 456.072(1)(ll), F.S., for being convicted of, or entering a plea of guilty or nolo contendere to, any misdemeanor or felony, regardless of adjudication, a crime in any jurisdiction which relates to health care fraud – permanent revocation or denial of license (minimum and maximum same).

(2) The Board may take into consideration the following factors in determining the appropriate disciplinary action to be imposed and in going outside of the disciplinary guidelines:

(a) through (m) No change.

(3) Any or all of the following conditions may be imposed as terms of probation:

(a) through (l) No change.

(m) Successful completion of the Special Purposes Examination (SPECS) examination of the National Board of Chiropractic Examiners;

(n) No change.

Rulemaking Specific Authority 456.039(3), 456.072, 456.079, 460.405, 460.413 FS. Law Implemented 456.039(3), 456.072, 456.079, 460.413(4) FS. History–New 1-10-80, Formerly 21D-16.03, Amended 1-28-87, 1-28-90, 6-24-93, Formerly 21D-16.003, Amended 10-26-93, Formerly 61F2-16.003, Amended 7-18-95, Formerly 59N-16.003, Amended 11-4-98, 6-6-02, 5-23-04, 4-13-05, 9-15-05, 2-6-06,\_\_\_\_\_.

**DEPARTMENT OF HEALTH**

**Board of Chiropractic**

RULE NO.: 64B2-16.011  
 RULE TITLE: Notice of Noncompliance  
 PURPOSE AND EFFECT: The Board proposes the rule amendment in order to clarify the deadline for notifying a change of address.  
 SUBJECT AREA TO BE ADDRESSED: Notice of Noncompliance.  
 RULEMAKING AUTHORITY: 120.695, 456.073(3), 460.405 FS.  
 LAW IMPLEMENTED: 120.695, 456.073(3) FS.



IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Joe Baker, Jr., Executive Director, Board of Chiropractic Medicine, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B2-16.011 Notice of Noncompliance.

In accordance with Sections 456.073 and 120.695, F.S., the Board shall issue a notice of noncompliance as a first response to a minor violation of a rule. Failure of a licensee 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 shall result in a notice of noncompliance are:

(1) Failure to notify of a change of address within ~~45~~ 60 days as required by Rule 64B2-10.0055, F.A.C.

(2) No change.

Rulemaking Specific Authority 120.695, 456.073(3), 460.405 FS. Law Implemented 120.695, 456.073(3) FS. History–New 11-1-04, Amended \_\_\_\_\_.

**DEPARTMENT OF HEALTH**

**Board of Medicine**

RULE NO.: 64B8-56.002  
 RULE TITLE: Equipment and Devices; Protocols for Laser and Light-Based Devices

PURPOSE AND EFFECT: To place the language of paragraph 64B8-56.002(2)(d), F.A.C., requiring an electrologist to operate a laser or light based devise for hair removal under “direct supervision & responsibility” of a physician before a public hearing, for public discussion and possible rule change.

SUBJECT AREA TO BE ADDRESSED: Paragraph 64B8-56.002(2)(d), F.A.C.; Protocols for Laser and Light-Based Devices.

RULEMAKING AUTHORITY: 478.43 FS.

LAW IMPLEMENTED: 458.331(1)(v), 458.348(3), 478.42(5), 478.43(4) FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Anna King, Electrolysis Council, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3258

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

**DEPARTMENT OF HEALTH**

**Board of Optometry**

RULE NO.: 64B13-4.001  
 RULE TITLE: Examination Requirements.

PURPOSE AND EFFECT: The Board is revising the font of the disclaimer for advertising free or discounted services.

SUBJECT AREA TO BE ADDRESSED: False, Fraudulent, Deceptive and Misleading Advertising Prohibited; Policy; Definitions; Affirmative Disclosure.

RULEMAKING AUTHORITY: 463.005 FS.

LAW IMPLEMENTED: 456.072(1)(a), (m), 463.014, 463.016(1)(f), (g) FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Joe Baker, Jr., Executive Director, Board of Optometry/MQA, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B13-4.001 Examination Requirements.

(1) through (7) No change.

(8) Any advertisement for free or discounted services must contain the disclaimer required by Section 456.062, F.S., in at least Times New Roman ~~14~~ 40 point font size or Courier New ~~12~~ 44 point font size.

Rulemaking Specific Authority 463.005 FS. Law Implemented 456.072(1)(a), (m), 463.014, 463.016(1)(f), (g) FS. History–New 11-13-79, Amended 4-17-80, 8-20-81, Formerly 21Q-3.09, Amended 1-8-86, 12-16-86, Formerly 21Q-3.009, 61F8-3.009, 59V-3.009, Amended 1-2-02, 11-13-06, 11-5-07, \_\_\_\_\_.

**DEPARTMENT OF HEALTH**

**Board of Optometry**

RULE NO.: 64B13-18.002  
 RULE TITLE: Formulary of Topical Ocular  
 Pharmaceutical Agents

PURPOSE AND EFFECT: The Board is adding the drug, Resivance, to the formulary.

SUBJECT AREA TO BE ADDRESSED: Addition of a topical ocular pharmaceutical agent.

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

LAW IMPLEMENTED: 463.0055 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Joe Baker, Jr., Executive Director, Board of Optometry/MQA, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B13-18.002 Formulary of Topical Ocular Pharmaceutical Agents.

The topical ocular pharmaceutical formulary consists of pharmaceutical agents which a certified optometrist is qualified to administer and prescribe in the practice of optometry pursuant to Section 463.0055(2)(a), F.S. The topical ocular pharmaceutical agents in the formulary include the following legend drugs alone or in combination in concentrations up to those specified, or any lesser concentration that is commercially available:

- (1) through (4)(o) No change.
- (p) Besifloxacin Ophthalmic Suspension – 0.6%.
- (5) through (9)(e) No change.

Rulemaking Authority 463.005, 463.0055(2)(a) FS. Law Implemented 463.0055 FS. History–New 3-30-87, Amended 4-5-88, 5-7-90, Formerly 21-18.002, Amended 5-10-92, 1-29-93, Formerly 21Q-18.002, Amended 8-31-93, 7-30-94, Formerly 61F8-18.002, Amended 2-11-96, 4-21-96, 1-12-97, 6-8-97, Formerly 59V-18.002, Amended 6-15-00, 6-7-05, 6-10-06, 6-26-08, 10-16-08, 3-23-09, 6-28-09, 10-18-09,\_\_\_\_\_.

**DEPARTMENT OF HEALTH**

**Board of Orthotists and Prosthetists**

RULE NO.: 64B14-4.001  
 RULE TITLE: Approved Examinations

PURPOSE AND EFFECT: The Board is deleting text from the rule as the portion of the authorizing statute no longer exists.

SUBJECT AREA TO BE ADDRESSED: Approved Examinations.

RULEMAKING AUTHORITY: 456.017(1)(c), 468.802, 468.803(2) FS.

LAW IMPLEMENTED: 456.017(1)(c), 468.803(2) FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Joe Baker, Jr., Executive Director, Board of Orthotists and Prosthetists /MQA, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B14-4.001 Approved Examinations.

~~(1)~~ The board accepts the examination results of the following nations standards organization in lieu of administering a state examination:

~~(1)(a)~~ Orthotist, prosthetist, prosthetist/orthotist – the ABC examination

~~(2)(b)~~ Pedorthist – the pedorthic BCP examination.

~~(3)(e)~~ Orthotic Fitter, Orthotic Fitter Assistant – Surgical Appliance Institute and Trulife Healthcare examinations.

~~(2) The board approves the following examinations for licensure pursuant to Section 468.805, F.S.:~~

~~(a) Orthotist prosthetist, prosthetist/orthotist – the written and written simulation modules of the ABC examination.~~

~~(b) Pedorthist – the BCP examination.~~

Rulemaking Specific Authority 456.017(1)(c), 468.802, 468.803(2) FS. Law Implemented 456.017(1)(c), 468.803(2) FS. History–New 11-1-99, Amended 9-21-06,\_\_\_\_\_.

**DEPARTMENT OF HEALTH**

**Board of Orthotists and Prosthetists**

RULE NO.: 64B14-5.001  
 RULE TITLE: Licensure Renewal

PURPOSE AND EFFECT: The Board is deleting text from the rule as the portion of the authorizing statute no longer exists.

SUBJECT AREA TO BE ADDRESSED: Licensure Renewal.

RULEMAKING AUTHORITY: 468.802, 468.806(2) FS.

LAW IMPLEMENTED: 468.805(2), 468.806 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Joe Baker, Jr., Executive Director, Board of Orthotists and Prosthetists/MQA, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B14-5.001 Licensure Renewal.

Each licensee, ~~including provisional licensees,~~ must renew his or her license no later than November 30 of each odd-numbered year. Each applicant shall remit the licensure renewal fee established in Rule 64B14-2.002, F.A.C.

~~Rulemaking Specific Authority 468.802, 468.806(2) FS. Law Implemented 468.805(2), 468.806 FS. History--New 7-1-98, Amended 12-10-98, 11-11-02, \_\_\_\_\_.~~

**DEPARTMENT OF HEALTH**

**Board of Orthotists and Prosthetists**

RULE NO.: RULE TITLE:

64B14-5.004 Provider Application

PURPOSE AND EFFECT: The Board proposes the rule amendment to delete language that applicants need to submit a completed Continuing Education Provider Application Form (Form No. DH-MQA 1024) and to renumber accordingly.

SUBJECT AREA TO BE ADDRESSED: Provider Applications.

RULEMAKING AUTHORITY: 456.013(8), 468.806 FS.

LAW IMPLEMENTED: 456.013(8), 468.806 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Joe Baker, Jr., Executive Director, Board of Orthotists and Prosthetists/MQA, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B14-5.004 Provider Application.

~~(1) Applicants for approval as a continuing education provider shall submit a completed Continuing Education Provider Application (Form No. DH-MQA 1024, effective 12/1/99, incorporated herein by reference), with the application fee stated in Rule 64B14-2.010, F.A.C. The Form may be obtained from the Board office 4052 Bald Cypress Way, BIN C-07, Tallahassee, Florida 32399-3257.~~

Providers seeking Board approval shall meet the following requirements:

~~(1)(2)~~ Provide an identifiable person to be responsible for ensuring that each program presented under their provider number meets program requirements set forth in subsection (3) below.

~~(2)(3)~~ Retain a “sign-in-sheet” with the signature of participants and copies of any promotional materials for at least 3 years following the course.

~~(3)(4)~~ Provide each participant with a certificate of attendance verifying the program has been completed. The certificate shall not be issued until completion of the program and shall contain the provider’s name and number title of program, and program number, instructor, date, number of contact hours of credit, the licensee’s name and license number.

~~(4)(5)~~ Notify the Board of any significant changes relative to the maintenance of standards as set forth in these rules.

~~(5)(6)~~ Each program presented by an approved provider shall meet the standards of subsection 64B14-5.003(2) or (3) and Rule 64B14-5.004, F.A.C.

~~(6)(7)~~ The Board retains the right and authority to audit and/or monitor programs given by any provider. The board will rescind provider status if the provider has disseminated any false or misleading information in connection with the continuing education program or if the provider has failed to conform to these rules or the rules of the Board.

~~(7)(8)~~ Provider numbers must be renewed biennially on or before the renewal date for licenses under Chapter 468, Part XIV, F.S. The provider must return the renewal form provided by the department together with the renewal fee stated in Rule 64B14-2.010, F.A.C. If the renewal form and renewal fee are not received by the department on or before the renewal date, the provider must submit a new application and, if approved, receive a new provider number.

~~Rulemaking Specific Authority 456.013(8), 468.806 FS. Law Implemented 456.013(8), 468.806 FS. History--New 5-18-00, Amended \_\_\_\_\_.~~

**DEPARTMENT OF HEALTH**

**Board of Orthotists and Prosthetists**

RULE NO.: RULE TITLE:

64B14-7.0011 Practitioner and Resident Identification

PURPOSE AND EFFECT: The Board proposes to clarify size of the photograph for the identification badge.

SUBJECT AREA TO BE ADDRESSED: Practitioner and Resident Identification.

RULEMAKING AUTHORITY: 468.808, 468.8095 FS.

LAW IMPLEMENTED: 468.808, 468.8095 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Joe Baker, Jr., Executive Director, Board of Orthotists and Prosthetists/MQA, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B14-7.0011 Practitioner and Resident Identification.

(1) Each licensed practitioner and each resident shall conspicuously display a current license issued by the Department and a photograph at his or her practice location.

(2) Each licensed practitioner and each resident shall wear an identification badge containing the information required by Section 468.8095, F.S., and a personal photograph of no less than 3/4 inch square in size, that is a minimum size of 2 by 3 inches with the text in a font equal to at least Times New Roman 14 point font or Courier New 12 point font.

(3) All unlicensed support personnel shall wear an identification badge that identifies the person as support personnel and meets the requirements set forth in subsection (2) above.

Rulemaking Authority 468.808, 468.8095 FS. Law Implemented 468.808, 468.8095 FS. History--New 3-22-09, Amended \_\_\_\_\_.

**DEPARTMENT OF HEALTH**

**Board of Physical Therapy Practice**

RULE NO.: RULE TITLE:

64B17-9.001 Continuing Education

PURPOSE AND EFFECT: To determine the amount of college credit that may be applied toward continuing education credits.

SUBJECT AREA TO BE ADDRESSED: Determination of the amount of college credit that may be applied toward continuing education credits.

RULEMAKING AUTHORITY: 486.025 FS.

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

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Allen Hall, Executive Director, Physical Therapy Practice Board, 4052 Bald Cypress Way, Bin #C05, Tallahassee, FL 32399-3255

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

**DEPARTMENT OF HEALTH**

**Board of Psychology**

RULE NO.: RULE TITLE:

64B19-11.001 Examination

PURPOSE AND EFFECT: The Board proposes the rule amendment to add new language regarding the application for reexamination forms.

SUBJECT AREA TO BE ADDRESSED: Examination forms.

RULEMAKING AUTHORITY: 456.017(1)(b),(c), 490.004(4) FS.

LAW IMPLEMENTED: 456.017(1)(b), (c), (d), (6), 490.005 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Allen Hall, Executive Director, Board of Psychology/MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

**DEPARTMENT OF HEALTH**

**Board of Psychology**

RULE NO.: RULE TITLE:

64B19-12.002 Application and Examination Fee for Licensure by Examination; Review Fee

PURPOSE AND EFFECT: The Board proposes the rule development to modify the examination fee.

SUBJECT AREA TO BE ADDRESSED: Examination Fee.

RULEMAKING AUTHORITY: 456.013(2), 490.004(4), 490.005(1)(a) FS.

LAW IMPLEMENTED: 456.013(2), 456.017, 490.005(1)(a) FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Allen Hall, Executive Director, Board of Psychology/MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

**DEPARTMENT OF HEALTH**

**Board of Psychology**

**RULE NO.:** 64B19-12.003 **RULE TITLE:** Reexamination Fee  
**PURPOSE AND EFFECT:** The Board proposes the rule amendment to modify the reexamination fee.  
**SUBJECT AREA TO BE ADDRESSED:** Reexamination fees.  
**RULEMAKING AUTHORITY:** 456.017(2), 490.004(4) FS.  
**LAW IMPLEMENTED:** 456.017(1)(c), (2) FS.  
**IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.**  
**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS:** Allen Hall, Executive Director, Board of Psychology/MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255  
**THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.**

**DEPARTMENT OF HEALTH**

**Board of Psychology**

**RULE NO.:** 64B19-17.002 **RULE TITLE:** Disciplinary Guidelines  
**PURPOSE AND EFFECT:** The Board proposes the rule amendment to modify the disciplinary guidelines for licensed psychologists and psychology licensure applicants; to reflect the inclusion of new and existing ground for discipline referenced in Section 456.072, F.S., and to make technical updates to existing violations to include references to the applicable underlying statute in Chapter 456, F.S.  
**SUBJECT AREA TO BE ADDRESSED:** Disciplinary guidelines.  
**RULEMAKING AUTHORITY:** 456.079, 490.004(4) FS.  
**LAW IMPLEMENTED:** 456.072, 456.079, 490.009 FS.  
**IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.**  
**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS:** Allen Hall, Executive Director, Board of Psychology/MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255  
**THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.**

**DEPARTMENT OF HEALTH**

**Board of Respiratory Care**

**RULE NO.:** 64B32-5.001 **RULE TITLE:** Disciplinary Guidelines  
**PURPOSE AND EFFECT:** The Board proposes the rule amendment to add new language to update and clarify disciplinary guidelines and penalties.  
**SUBJECT AREA TO BE ADDRESSED:** Disciplinary guidelines.  
**RULEMAKING AUTHORITY:** 456.079, 468.365(4) FS.  
**LAW IMPLEMENTED:** 456.072, 468.365 FS.  
**IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.**  
**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS:** Allen Hall, Executive Director, Board of Respiratory Care Specialists/MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255  
**THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.**

**DEPARTMENT OF HEALTH**

**Board of Respiratory Care**

**RULE NO.:** 64B32-6.001 **RULE TITLE:** Continuing Education Requirement  
**PURPOSE AND EFFECT:** The Board proposes to review the rule to update requirements for continuing education requirements.  
**SUBJECT AREA TO BE ADDRESSED:** Continuing education requirements.  
**RULEMAKING AUTHORITY:** 456.013(8), 468.361(2) FS.  
**LAW IMPLEMENTED:** 468.361 FS.  
**IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.**  
**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS:** Allen Hall, Executive Director, Board of Respiratory Care Specialists/MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255  
**THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.**

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

**FINANCIAL SERVICES COMMISSION**

**Finance**

RULE NOS.:	RULE TITLES:
69V-40.001	Definitions
69V-40.008	Fees and Commissions
69V-40.022	Quarterly Report Filing Requirements
69V-40.051	Application Procedure for Mortgage Brokerage Business License
69V-40.100	Application Procedure for Transfer in Ownership or Control of Saving Clause Mortgage Lender
69V-40.200	Application Procedure for Mortgage Lender License
69V-40.220	Application Procedure for Correspondent Mortgage Lender License
69V-40.290	Acts Requiring Licensure as a Mortgage Broker, Mortgage Brokerage Business, Mortgage Lender or Correspondent Mortgage Lender

PURPOSE AND EFFECT: Subsection 69V-40.001(5), F.A.C., is amended to remove an unnecessary definition. The current rule provides that for purposes of Section 494.001(26), F.S., the term “receive” means obtaining possession of money or a negotiable instrument prior to receipt by the lender or investor. The term “received” is not used in Section 494.001(26), F.S. While the term “received” is used in Section 494.001(28), F.S., this definition is unnecessary and could be construed to the limit the statutory definition of the term “service a mortgage loan.” Rule 69V-40.008, F.A.C., is amended to eliminate subsection (8) pertaining to fees that can be charged or collected on a loan modification if the mortgage brokerage business previously brokered the loan. The current rule limiting fees based on whether a mortgage brokerage business previously brokered the mortgage loan is not supported by statutory authority. Rule 69V-40.022, F.A.C., is amended to correct a cross reference to the statute that requires the filing of quarterly reports. Rules 69V-40.051, .100, .200, and .220, F.A.C., are amended to eliminate an exemption from the requirement that all persons who are required to be disclosed on the license application form must file a fingerprint card and biographical form as part of the application process under Chapter 494, F.S. The current exemptions apply to persons who hold an active mortgage broker license. Rule 69V-40.290, F.A.C., is amended to correct a statutory cross-reference.

SUBJECT AREA TO BE ADDRESSED: Mortgage Brokering and Mortgage Lending.

RULEMAKING AUTHORITY: 215.405, 494.0011(2), 494.0031(2) 494.004(7), 494.0061, 494.0062, 494.0065(3), 494.0067 FS.

LAW IMPLEMENTED: 120.60, 120.695, 494.001, 494.00115, 494.0025, 494.0031, 494.0035, 494.004, 494.0041, 494.0042, 494.0043, 494.0061, 494.0062, 494.0065, 494.0067, 494.0072, 943.053 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Andrea Moreland, Office of Financial Regulation, The Fletcher Building, Suite 118, 200 E. Gaines Street, Tallahassee, FL 32399-0370, (850)410-9601, andrea.moreland@flofr.com

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

69V-40.001 Definitions.

The definitions provided in Section 494.001, F.S., and the following defined terms, shall apply to this rule chapter and shall serve as the Office of Financial Regulation’s interpretation unless the language of the rule indicates to the contrary:

(1) through (4) No change.

~~(5) For the purposes of subsection 494.001(26), F.S., “receive” means obtaining possession of money or a negotiable instrument prior to receipt by the lender or investor.~~

~~(5)(6)~~ For the purposes of subsection 494.0043(1)(a), F.S., when providing an opinion of value of security property for brokering or selling a mortgage loan to a noninstitutional investor, “appraiser” means any person who is licensed, registered or certified in the State of Florida pursuant to the provisions of Chapter 475, F.S.

~~(6)(7)~~ For purposes of licensing and enforcement actions under Chapter 494, F.S., the phrase “Having a license, or the equivalent, to practice any profession or occupation revoked, suspended, or otherwise acted against . . .” as utilized in subsections 494.0041(2)(i) and 494.0072(2)(i), F.S., is deemed to include state or federal enforcement actions for orders of prohibition or removal of an officer, director, or employee of a state or federal financial institution, or any orders of prohibition or orders of removal, or any combination thereof, entered against or stipulated to by officers, directors, and employees of state or federal financial institutions.

~~(7)(8)~~ For the purpose of subsection 494.006(2)(a), F.S., “employed” or “employee” means a natural person engaged in the service of another for a salary or wages. Such person is subject to withholding, FICA, and other lawful deductions by the employer as a condition of employment and is subjected to the right of the employer to direct and control the actions of the employee.

~~(8)(9)~~ “Independent contractor” means a person who contracts with another to perform a service where this person is not directed or controlled by the other person or is required to maintain separate records regarding his contract for services in respect to, but not limited to, accounting and taxes.

~~(9)(10)~~ “Notice of noncompliance” means a notification by the Office of Financial Regulation that a person has violated an administrative rule which is classified as a minor offense as set forth in Section 120.695, F.S. The mandatory fine that is associated with the administrative rule is waived for the first offense.

~~(10)(11)~~ For purposes of Rules 69V-40.100, 69V-40.200, 69V-40.220, and 69V-40.242, F.A.C.:

(a) “Operate” shall mean to exercise power or influence over the business operations.

(b) “Exercise” shall mean the discharge of an official duty or function.

(c) “Control” shall mean to have the influence and power to make decisions for the business.

Rulemaking Specific Authority 494.0011(2) FS. Law Implemented 120.695, 494.001, 494.004(1), 494.0041(2)(a), (i), 494.0043, 494.0061(2), (8), 494.0062(2), (11), 494.0067(5), 494.0072(2)(i) FS. History–Revised 9-23-65, Renumbered from 3-3.01 to 3D-40.01 on 9-8-75, Formerly 3D-40.01, Amended 12-7-89, 6-23-91, 8-24-92, 2-11-93, 11-17-93, 4-14-94, 9-7-94, 5-14-95, 7-25-96, 12-12-99, 12-8-02, Formerly 3D-40.001, Amended 3-23-08,\_\_\_\_\_.

69V-40.008 Fees and Commissions.

(1) through (7) No change.

~~(8) If a mortgage brokerage business brokers an extension of the maturity date of the unpaid portion of an existing mortgage loan previously brokered by him, the total fees and commissions he may charge or receive on both the original transaction and the extension may not exceed in the aggregate the amount of costs and expenses permitted in subsection 494.0042(2), F.S.~~

~~(8)(9)~~ No person shall charge or exact, directly or indirectly, from the mortgagor or lender a fee or commission in excess of the maximum fees or commissions as set forth herein. All fees paid to or on behalf of the licensee including, but not limited to, bonus plans, advertisement allowances, incentive plans, kick-backs, premiums or discounts whether paid directly or indirectly or to an affiliate firm in which the licensee has an ownership interest, must be included in determining the maximum brokerage fees.

~~(9)(10)~~ All brokerage fees to other mortgage brokerage businesses disbursed from the loan proceeds shown on the closing statement shall reflect the name of each mortgage brokerage business or co-brokering mortgage brokerage business paid.

Rulemaking Specific Authority 494.0011(2) FS. Law Implemented 494.0025, 494.0041, 494.0042 FS. History–Revised 9-23-65, Amended 9-1-67, 5-8-68, Renumbered from 3-3.08 to 3D-40.08 on 9-8-75, Amended 9-29-75, 4-27-77, Joint Administrative Procedures Committee Objection Filed–See FAW Vol. 2, No. 19, May 7, 1976, Joint Administrative Procedures Committee Objection Withdrawn–See FAW Vol. 3, No. 30, July 29, 1977, Amended 7-6-78, 2-5-80, 8-17-83, Formerly 3D-40.08, Amended 1-5-87, 5-24-89, 8-24-92, Formerly 3D-40.008, Amended 3-23-08,\_\_\_\_\_.

69V-40.022 Quarterly Report Filing Requirements.

(1) Each mortgage brokerage business, correspondent mortgage lender, mortgage lender, and mortgage lender licensed pursuant to the savings clause, that was licensed with the Office of Financial Regulation on or before March 31, 2000, shall file an initial quarterly report on or before April 30, 2000 as required by subsections 494.004(7) ~~494.004(6)~~ and 494.0067(9), F.S. Thereafter, a quarterly report shall be filed as required by subsections 494.004(7) ~~494.004(6)~~ and 494.0067(9), F.S., within 30 days of the end of each calendar quarter.

(2) Each mortgage brokerage business, correspondent mortgage lender, mortgage lender and mortgage lender licensed pursuant to the savings clause, that becomes licensed with the Office of Financial Regulation after March 31, 2000, shall file an initial quarterly report within 30 days of the end of the calendar quarter in which the original license is issued, and thereafter shall file a quarterly report as required by subsections 494.004(7) ~~494.004(6)~~ and 494.0067(9), F.S.

(3) through (4) No change.

(5) If a correct initial report or correct quarterly report thereafter is not timely received (incidental and isolated clerical errors or omissions shall not be considered a violation) as required by subsection 494.004(7) ~~494.004(6)~~, F.S., or subsection 494.0067(9), F.S., the penalty shall be the issuance of a “notice of noncompliance” for the first offense. Any subsequent finding of a violation of this rule shall be a fine of \$500. The penalty for any intentional violations of this rule shall be a fine of \$500 and suspension of the license.

(6) Form OFR-494-08 is incorporated by reference in subsection 69V-40.002(1), F.A.C.

Rulemaking Specific Authority 494.0011(2), 494.004(7), 494.0067(9) FS. Law Implemented 494.0011(2), 494.004(7), 494.0067(9) FS. History–New 11-7-00, Formerly 3D-40.022, Amended 3-23-08,\_\_\_\_\_.

69V-40.051 Application Procedure for Mortgage Brokerage Business License.

(1) No change.

(2) Each ultimate equitable owner of 10% or greater interest, each chief executive officer, each chief financial officer, chief operations officer, chief legal officer, chief compliance officer, control person, member, partner, joint venturer, and each director of an entity applying for licensure as a mortgage brokerage business, shall submit a completed fingerprint card (FL921050Z) and Biographical Summary from Form OFR-494-01, to the Office of Financial Regulation along with a \$43.25 nonrefundable processing fee.

~~(a) If any ultimate equitable owner of 10% or greater interest, chief executive officer, chief financial officer, chief operations officer, chief legal officer, chief compliance officer, director, control person, member, partner, joint venturer, of the applicant holds an active mortgage broker's license with the Office of Financial Regulation, they are exempt from the provisions of subsection (2).~~

~~(b) If an entity holds an active license under Chapter 494, F.S., with the Office of Financial Regulation, it is exempt from the provisions of subsection (2) when it applies for a different type of license under Chapter 494, F.S., unless there has been a change of control of 25% or more of the ownership interest or in controlling interest since the time its initial license was approved by the Office of Financial Regulation.~~

~~(c) Any claim to any of the above exemptions shall be supported by attaching evidence of the exemption with the application for license.~~

(3) through (8) No change.

Rulemaking Specific Authority 215.405, 494.0011(2), 494.0031(2) FS. Law Implemented 494.0031, 494.0035, 494.004(6), 943.053 FS. History—New 10-30-86, Amended 1-30-89, 11-28-89, 10-1-91, 6-6-93, 5-14-95, 7-14-96, 11-24-97, 8-22-99, 12-12-99, 12-9-01, 12-11-03, Formerly 3D-40.051, Amended 3-23-08, 12-25-08,\_\_\_\_\_.

69V-40.100 Application Procedure for Transfer in Ownership or Control of Saving Clause Mortgage Lender.

(1) No change.

(2) Each ultimate equitable owner of 10% or greater interest, principal representative, chief executive officer, chief financial officer, chief operations officer, chief legal officer, chief compliance officer, director, control person, member, partner, or joint venturer of an entity applying for licensure as a mortgage lender licensed pursuant to the savings clause, shall submit a completed fingerprint card (FL921050Z) and Biographical Summary from Form OFR-494-01, to the Office of Financial Regulation along with a \$43.25 nonrefundable processing fee.

~~(a) If the individual owner, director, chief executive officer, chief financial officer, chief operations officer, chief legal officer, chief compliance officer, principal representative, control person, member, partner, or joint venturer holds an active mortgage broker's license with the Office of Financial Regulation, he or she is exempt from the provisions of subsection (2).~~

~~(b) If an entity holds an active license under Chapter 494, F.S., with the Office of Financial Regulation, it is exempt from the provisions of subsection (2) when it applies for a different type of license under Chapter 494, F.S., unless there has been a change of control of 25% or more of the ownership or in controlling interest since the time its initial license was approved by the Office of Financial Regulation.~~

~~(c) Any claim to any of the above exemptions shall be supported by attaching evidence of the exemption with the application for license.~~

(3) through (7) No change.

Rulemaking Specific Authority 494.0011(2), 494.0065(3) FS. Law Implemented 120.60, 494.001(30), 494.0061(1), (3), (8), 494.0065, 494.0067(3), (4) FS. History—New 8-24-93, Amended 9-3-95, 8-22-99, 12-12-99, 12-9-01, 12-8-02, 12-11-03, Formerly 3D-40.100, Amended 3-23-08, 12-25-08, 3-4-09,\_\_\_\_\_.

69V-40.200 Application Procedure for Mortgage Lender License.

(1) No change.

(2) Each ultimate equitable owner of 10% or greater interest, principal representative, chief executive officer, chief financial officer, chief operations officer, chief legal officer, chief compliance officer, control person, member, partner, joint venturer, and each director of an entity applying for licensure as a mortgage lender, shall submit a completed fingerprint card (FL921050Z) and Biographical Summary from Form OFR-494-01, to the Office of Financial Regulation along with a \$43.25 nonrefundable processing fee.

~~(a) If any ultimate equitable owner of 10% or greater interest, principal representative, chief executive officer, chief financial officer, chief operations officer, chief legal officer, chief compliance officer, control person, member, partner, joint venturer, or director of the applicant holds an active mortgage broker's license with the Office of Financial Regulation, they are exempt from the provisions of subsection (2).~~

~~(b) If an entity holds an active license under Chapter 494, F.S., with the Office of Financial Regulation, it is exempt from the provisions of subsection (2) when it applies for a different type of license under Chapter 494, F.S., unless there has been a change of control of 25% or more of the ownership or in controlling interest since the time its initial license was approved by the Office of Financial Regulation.~~

~~(c) Any claim to any of the above exemptions shall be supported by attaching evidence of the exemption with the application for license.~~

(3) through (8) No change.

Rulemaking Specific Authority 215.405, 494.0011(2), 494.0061(3) FS. Law Implemented 494.0061, 494.0067(4) FS. History—New 10-1-91, Amended 6-6-93, 5-14-95, 9-3-95, 11-5-95, 7-14-96, 11-24-97, 8-22-99, 12-12-99, 12-9-01, 12-8-02, 12-11-03, Formerly 3D-40.200, Amended 3-23-08, 12-25-08, 3-4-09,\_\_\_\_\_.



69V-40.220 Application Procedure for Correspondent Mortgage Lender License.

(1) No change.

(2) Each ultimate equitable owner of 10% or greater interest, principal representative, each chief executive officer, each chief financial officer, chief operations officer, chief legal officer, chief compliance officer, control person, member, partner, joint venturer, and each director of an entity applying for licensure as a correspondent mortgage lender, shall submit a completed fingerprint card (FL921050Z) and Biographical Summary from Form OFR-494-01, to the Office of Financial Regulation along with a \$43.25 nonrefundable processing fee.

~~(a) If the individual principal representative, owner, director, or chief executive officer holds an active mortgage broker's license with the Office of Financial Regulation, they are exempt from the provisions of subsection (2).~~

~~(b) If an entity holds an active license under Chapter 494, F.S., with the Office of Financial Regulation, it is exempt from the provisions of subsection (2) when it applies for a different type of license under Chapter 494, F.S., unless there has been a change of control of 25% or more of the ownership or in controlling interest since the time its initial license was approved by the Office of Financial Regulation.~~

~~(c) Any claim to any of the above exemptions shall be supported by attaching evidence of the exemption with the application for license.~~

(3) through (8) No change.

Rulemaking Specific Authority 215.405, 494.0011(2), 494.0062(3), (8), (11), (13) FS. Law Implemented 494.0062, 494.0067(4) FS. History--New 10-1-91, Amended 6-6-93, 5-14-95, 9-3-95, 11-5-95, 7-14-96, 11-24-97, 8-22-99, 12-12-99, 12-9-01, 12-8-02, 12-11-03, Formerly 3D-40.220, Amended 3-23-08, 12-25-08, 3-4-09, \_\_\_\_\_.

69V-40.290 Acts Requiring Licensure as a Mortgage Broker, Mortgage Brokerage Business, Mortgage Lender or Correspondent Mortgage Lender.

(1) No change.

(2) The phrase "holds himself out to the public in any manner" in Sections 494.00115(2)(e) and (f) subsection 494.006(1)(i) and (j), F.S., means that any person who does any of the following, but not limited to, is not exempt from mortgage lender or correspondent mortgage lender license requirements:

(a) Is a business entity which makes, sells, or offers to sell, mortgage loans to noninstitutional investors;

(b) Is employed or associated with a business where mortgage lending or mortgage brokering services may be received;

(c) Has placed himself in a position where he is likely to come into contact with borrowers or investors or buyers or sellers of mortgage loans;

(d) Advertises, related to mortgage loans, by soliciting for borrowers, lenders or purchasers in a telephone directory;

(e) Advertises in newspapers, magazines, or the like in a manner which would lead the reader to believe the person was in the business of buying, making or selling mortgage loans. For example, placing an advertisement which states "I buy and sell mortgages" would lead the public to believe the person was in the mortgage lending business; or

(f) Solicits in a manner which would lead the reader to believe the person was in the business of buying, making or selling mortgage loans.

Rulemaking Specific Authority 494.0011(2) FS. Law Implemented 494.001, 494.00115(2) 494.006(1) FS. History--New 1-10-93, Amended 12-12-99, Formerly 3D-40.290, Amended \_\_\_\_\_.

## Section II Proposed Rules

### DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

#### Division of Agricultural Environmental Services

<p>RULE NO.: 5E-14.117</p>	<p>RULE TITLE: Application for Examination for Pest Control Operator's Certificate and Special Identification Card and Limited Certificate for Urban Landscape Commercial Fertilizer Application</p>
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**PURPOSE AND EFFECT:** The application fee for structural pest control category examination for applicants who have failed the examination and reapply to take it will be increased from \$225 to \$300. Section 482.1562(1), F.S. directs the Department to establish a limited certification for urban landscape commercial fertilizer application. This proposed rule change will establish the requirements for the limited certification for urban landscape commercial fertilizer application and a procedure for obtaining the limited certificate.

**SUMMARY:** The application fee for structural pest control category certificate is increased from \$225 to \$300 for applicants who have failed the examination and reapply to take it. Pursuant to the provisions of Section 482.1561, F.S. the rule change establishes requirements for the limited certification for urban landscape commercial fertilizer application and a procedure for obtaining the limited certificate.

**SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS:** The agency has determined that this rule will have an impact on small business. A SERC has been prepared by the agency.

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.