

(a) Acceptable materials for an identification tag for a cremation container shall include only the following:

1. through 5. No change.

6. An electronic identification marker encased in plastic which uses a passive radio frequency signal to allow for communication between the marker and a hand held receiver, that will identify the deceased.

(b) through (c) No change.

(4) Outer Burial Containers.

(a) Acceptable materials for a tag or permanent marker for outer burial containers shall include only the following:

1. through 3. No change.

4. An electronic identification marker encased in plastic which uses a passive radio frequency signal to allow for communication between the marker and a hand held receiver, that will identify the deceased.

(b) No change.

(5) Cremation Interment Containers.

(a) Acceptable materials for a tag or permanent marker for cremation interment containers shall include only the following:

1. through 3. No change.

4. An electronic identification marker encased in plastic which uses a passive radio frequency signal to allow for communication between the marker and a hand held receiver, that will identify the deceased.

(b) No change.

Rulemaking Specific Authority 497.103(1)(n), (5)(a), 497.171 FS. Law Implemented 497.103(1)(n), 497.171 FS. History--New 2-6-07, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Doug Shropshire, Executive Director, Board of Funeral, Cemetery, and Consumer Services

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Funeral, Cemetery, and Consumer Services

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 8, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 23, 2009

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

#### DEPARTMENT OF EDUCATION

##### State Board of Education

RULE NO.:  
6A-6.0907

RULE TITLE:  
Inservice Requirements for  
Personnel of Limited English  
Proficient Students

#### NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 35, No. 5, February 6, 2009 issue of the Florida Administrative Weekly.

Paragraph (1)(a) is amended to read:

(1)(a) Any teacher using ESOL strategies to teach mathematics, science, social studies, or computer literacy assigned to instruct English Language Learners on September 15, 1990, or for the first time in any given school year thereafter shall complete at least sixty points of inservice training or three semester hours of college credit in methods of teaching English to speakers of other languages, ESOL curriculum and materials development, cross-cultural communications and understanding, and ~~or~~ testing and evaluation of ESOL by September 15 of the following year.

#### 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."

#### DEPARTMENT OF CORRECTIONS

RULE NO.:  
33-501.401

RULE TITLE:  
Admissible Reading Material

#### NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 35, No. 7, February 20, 2009 issue of the Florida Administrative Weekly.

33-501.401 Admissible Reading Material.

(1) through (16) No change.

(17) Bindings and covers.

(a) Bindings

1. through 2. No change.

3. If a publication is only available with a metal or spiral binding and no alternatives exist to allow access to it, the inmate may receive the publication only after the metal or spiral binding has been removed. The inmate shall make the decision whether to return the publication to the sender or to receive it after the institution has excised the metal or spiral binding, and the inmate may appeal an institution's determination that the metal or spiral binding must be excised or returned. The institution shall not take any action to excise the metal or spiral binding or return the publication to sender until the inmate's appeal is concluded or the time for appeal has passed. Documentation of the inmate agreeing to the removal of the metal or spiral binding shall be obtained prior to removal of the binding. This documentation shall at a minimum be filed in the inmate file. If the inmate does not agree or does not provide documentation that he wishes to have the metal or spiral binding removed, the publication shall be returned to the publisher or sender.

(b) Covers.

1. Due to security concerns, inmates at Florida State Prison Main Unit or in death row or close management status in any institution shall not be allowed to receive hard-cover publications. However, if a publication is unavailable in soft-cover and no alternatives exist to allow access to the publication, the inmate may receive the publication only after the hard cover has been removed. The inmate shall make the decision whether to return the publication to the sender or to receive ~~it~~ the admissible portions after the institution has excised the hard-cover, and the inmate may appeal an institution's determination that the hard cover must be excised or returned. The institution shall not take any action to excise the hard-cover or return the publication to sender until the inmate's appeal is concluded or the time for appeal has passed. Documentation of the inmate agreeing to the removal of the hard-cover shall be obtained prior to removal of the cover. This documentation shall at a minimum be filed in the inmate file. If the inmate does not agree or does not provide documentation that he wishes to have the cover removed, the publication shall be returned to the publisher or sender.

2. No change.

(18) through (25) No change.

Rulemaking Specific Authority 944.09, 944.11 FS. Law Implemented 944.11 FS. History–New 10-8-76, Amended 3-3-81, 9-24-81, Formerly 33-3.12, Amended 6-9-87, 3-11-91, 12-17-91, 3-30-94, 11-2-94, 5-10-98, 10-20-98, Formerly 33-3.012, Amended 3-21-00, 8-10-00, 10-13-02, 7-2-03, 12-30-04, 9-5-05, 8-1-06, Amended \_\_\_\_\_.

**DEPARTMENT OF ELDER AFFAIRS**

**Training Requiring Provider and Curriculum Approvals**

RULE NOS.:

RULE TITLES:

58T-1.201

Purpose of Assisted Living Facility (ALF) Core Training Provider and Curriculum Approvals

58T-1.203

ALF Core Training Provider Qualifications

58T-1.205

ALF Minimum Core Training Curriculum Requirements

58T-1.207

ALF Core Training Provider Initial Registration Process

58T-1.209

Process for Maintaining ALF Core Training Provider Registration

58T-1.211

Registered ALF Core Training Provider Responsibilities

**NOTICE OF CHANGE**

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 35, No. 11, March 20, 2009 issue of the Florida Administrative Weekly.

58T-1.201 Purpose of Assisted Living Facility (ALF) Core Training Provider and Curriculum Approvals.

The purpose of Rules 58T-1.203 through 58T-1.211, F.A.C., is to comply with the ALF core training provider and curriculum requirements as specified in Section 429.52, F.S.

Rulemaking Authority 429.52 FS. Law Implemented 429.52 FS. History–New \_\_\_\_\_.

58T-1.203 ALF Core Training Provider Qualifications.

(1) **PRIMARY REQUIREMENTS.** In order to register as an assisted living facility core training provider (hereafter referred to as “core training provider,” “training provider,” or “provider”), all applicants must meet the requirements outlined in Section 429.52(9), F.S.; The requirements are as follows which include proof of the following:

(a) No change.

(b) Successful passage of the competency test, which requires a minimum score of 75%; and

(c) No change.

(2) **ADDITIONAL REQUIREMENTS.** In addition to meeting the 3 primary requirements set forth in subsection (1) of this rule, applicants must meet one of the requirements outlined in Section 429.52(10), F.S., or one of the requirements established in this subsection; The requirements are as follows which include the following:

(a) through (e) No change.

Rulemaking Authority 429.52 FS. Law Implemented 429.52 FS. History–New \_\_\_\_\_.

58T-1.205 ALF Minimum Core Training Curriculum Requirements.

(1) No change.

(2) **MONITORING.** The department ~~or its designee~~ (hereafter referred to as “approval authority”) reserves the right to do the following:

(a) through (c) No change.

Rulemaking Authority 429.52 FS. Law Implemented 429.52 FS. History--New \_\_\_\_\_.

58T-1.207 ALF Core Training Provider Initial Registration Process.

(1) No change.

(a) Before core training can be conducted, an applicant must meet the training provider qualifications outlined in Section 429.52(9), F.S., and Rule 58T-1.203, F.A.C. Additionally, an applicant must register with, and obtain from, the ~~department approval authority~~ a unique provider registration number as set forth in this subsection.

(b) No change.

(2) APPROVAL PROCESS. Within 30 calendar days after receiving a core training provider application, the ~~department approval authority~~ must submit written notification approving or denying the application, or requesting supplemental information or clarification.

(a) If the application is approved, the ~~department approval authority~~ must include a unique provider registration number in the notice.

(b) If the application is denied, the ~~department approval authority~~ must provide the reason or reasons for denial in the notice.

(c) If the application is determined to require supplemental information or clarification, the ~~department approval authority~~ must state the supplemental information or clarification that is being requested.

1. If the ~~department approval authority~~ does not receive the requested information within 30 calendar days of the request, the application will be deemed incomplete and closed.

2. If the ~~department approval authority~~ receives the requested information within 30 calendar days of the request, the ~~department approval authority~~ must process the training provider application within 30 calendar days after all required information is received.

Rulemaking Authority 429.52 FS. Law Implemented 429.52 FS. History--New \_\_\_\_\_.

58T-1.209 Process for Maintaining ALF Core Training Provider Registration.

(1) MAINTAINING ALF CORE TRAINING PROVIDER REGISTRATION.

(a) After receiving the initial core training provider registration, the approved provider must re-register with the ~~department approval authority~~ every 2 years by submitting documentation of his or her compliance with the continuing education requirement as specified in Section 429.52(4), F.S., and this rule.

(b) No change.

(2) APPROVAL AUTHORITY PROCESS.

(a) Within 30 calendar days after receiving the required continuing education documentation, the ~~department approval authority~~ must notify the provider in writing that the continuing education requirement:

1. through 2. No change.

3. Has omissions or additional information is requested.

a. If the ~~department approval authority~~ does not receive the omitted or additional information as requested within 30 calendar days of the request, the provider's registration shall be cancelled. The ~~department approval authority~~ must provide written notification of its decision, including the reason for the cancellation, no later than ~~30~~ 60 calendar days after the deadline for the request for the omitted or additional information from the date of the original request.

b. If the ~~department approval authority~~ receives the omitted or additional information as requested within the 30 calendar day time period, the ~~department approval authority~~ must process the core training provider's registration within 30 calendar days after all required information is received. The ~~department approval authority~~ must provide written notification to the provider of its decision.

(b) Failure to submit proof of the continuing education requirement as specified in this rule shall result in cancellation of the core training provider's registration. The ~~department approval authority~~ must provide written notification of such action no later than 30 calendar days after the information was due.

(c) No change.

Rulemaking Authority 429.52 FS. Law Implemented 429.52 FS. History--New \_\_\_\_\_.

58T-1.211 Registered ALF Core Training Provider Responsibilities.

The following are the responsibilities of a registered core training provider:

(1) USE OF MINIMUM CORE TRAINING CURRICULUM. A registered core training provider is responsible for the following:

(a) Conducting core training using the minimum core training curriculum required by pursuant to Rule 58T-1.205, F.A.C.; and

(b) No change.

(2) through (5) No change.

Rulemaking Authority 429.52 FS. Law Implemented 429.52 FS. History-- New \_\_\_\_\_.

This notice of change as well as the original text can be found on the department's website at: <http://elderaffairs.state.fl.us/english/rulemaking.php> under the heading "Assisted Living

Facilities, Rule Chapter 58T-1, F.A.C., Core Training Rules. Minor changes to DOEA Form ALFCT-002 may also be found on this website.

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

Notices for the Department of Environmental Protection between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

RULE NOS.:	RULE TITLES:
62-520.310	General Provisions for Ground Water
62-520.470	Permit Renewal and Modification Procedures for Installations Discharging to Ground Water
62-520.500	Exemptions for Installations Discharging Into Class G-I or G-II Ground Water
62-520.600	Ground Water Monitoring Requirements and Exemptions

**NOTICE OF CHANGE**

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 34, No. 26, June 27, 2008 issue of the Florida Administrative Weekly.

62-520.310 General Provisions for Ground Water.

(1) through (9) No change.

(10) Discharges that may cause an imminent hazard to the public or the environment through contamination of underground supplies of drinking water or surface water affected by the ground water because of the proximity and nature of the contaminants, shall not be allowed a zone of discharge.

62-520.470 Modification Procedures for Zones of Discharge or Monitoring Requirements.

(1) At any time, including the time of permit renewal, the Department ~~shall~~ may order or a permittee may petition for modification of the zone of discharge or monitoring requirements for any of the following reasons, or reasons contained in Rule 62-4.080, F.A.C.

(a) through (f) No change.

(2) through (3) No change.

62-520.500 Water Quality Criteria Exemptions for Installations Discharging Into Class G-I or G-II Ground Water.

(1) In order for a specific installation to seek an exemption from water quality criteria, which include the primary and secondary standards and minimum criteria set forth in this chapter, the permittee or permit applicant must file a petition with the agency clerk in the Department's Office of General Counsel, 3900 Commonwealth Blvd., MS 35, Tallahassee, Florida 32399-3000. The petitioner must provide the fee of

\$6000 per parameter with the petition. The petition shall include alternative compliance levels for the parameters from which an exemption is being sought. The petitioner will be granted the exemption if the petitioner ~~must~~ affirmatively demonstrates each of the following:

(a) through (f) No change.

(2) through (3) No change.

62-520.600 Ground Water Monitoring Requirements and Exemptions.

(1) The purpose of a ground water monitoring plan is to provide the data needed to evaluate an installation's compliance with the ground water requirements contained in this chapter. Unless otherwise exempted by Department rule, any installation discharging into ground water shall establish a monitoring program as described in subsection (3) below. Subsection 62-520.310(4), F.A.C., provides that other Department rules with different ground water requirements for specific types of installations will supersede these generally applicable requirements. If requested by the permittee, a monitoring program instituted under some other state, federal, or local government regulation or permit shall be substituted for this program if it is in substantial compliance with subsection (3) below. All field and laboratory activities performed under a monitoring program ~~and~~ shall meet the quality assurance requirements in Chapter 62-160, F.A.C.

(2) No change.

(3) Monitoring Plan Contents. Unless otherwise specified in program-specific Department rules, the installation owner shall provide the Department with a plan containing findings and recommendations for ground water monitoring derived from site-specific information. Any information submitted as part of a permit application does not have to be resubmitted as part of the ground water monitoring plan. The plan shall evaluate facility operations, discharges, actual and potential environmental risk, and provide a design that ensures compliance with applicable program-specific rules and water quality criteria depending on where the discharge will take place. The design shall be such that the permittee can detect and monitor adverse impact upon ground water and upon surface waters affected by ground water by facility activities. Design of a ground water monitoring plan is variable and dependant on the complexity of the site hydrogeology, type of facility, and method and characteristics of the discharge. The Department's document, Guidance for Ground Water Monitoring Plan Design, 2008, is adopted as guidance to assist permittees and installation owners in designing and placing monitoring wells to demonstrate whether compliance with the requirements in this chapter are being achieved. Copies of this document are available from the Department of Environmental Protection, Bureau of Water Facilities Regulation, MS 3580, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400 or at the Department Internet site at <http://www.dep.state.fl.us/water/groundwater/pubs.htm>. Pursuant to Chapters 492 and

471, F.S., the ground water monitoring plan shall be signed and sealed by the professional geologist or professional engineer who prepared or approved it. The Department shall evaluate the adequacy of the plan upon submittal; however, the applicant should arrange a pre-application meeting with the Department to resolve the needed information at an early stage. The plan shall:

(a) through (h) No change.

(i) Identify the location and use of all wells within 1000 ~~500~~ feet of the site ~~and all wells within the installation's property boundary.~~

(4) Plan Approval. The plan shall be approved if it will provide the data needed to evaluate an installation's compliance with the ground water requirements contained in this chapter. If the plan is approved, it will become part of the permit. If a permit is not associated with the plan, a letter of approval, denial, or request for modification will be sent to the applicant. A letter of approval or denial shall have a notice of rights for an administrative hearing under Sections 120.569 and 120.57, F.S.

(5) No change.

(6) Location, Design, and Construction of Monitoring Wells to Detect Migration of Contaminants. Monitoring wells shall be as follows:

(a) through (k) No change.

(1) If any monitoring well becomes inoperable or damaged to the extent that sampling or well integrity may be affected, the permittee shall notify the Department's office that issued the permit within two business days from discovery and a detailed written report shall follow within seven days. The written report shall detail what problem has occurred and remedial measures that have been taken to prevent recurrence or request approval for replacement of the monitoring well. All monitoring well design and replacement shall be approved by the Department before installation.

**DEPARTMENT OF FINANCIAL SERVICES**

**Division of Funeral, Cemetery, and Consumer Services**

RULE NO.: 69K-17.0035  
 RULE TITLE: Education Required for Operational Personnel and Non-Licensed Individuals

**NOTICE OF CHANGE**

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 34, No. 43, October 24, 2008 issue of the Florida Administrative Weekly.

When adopted, Rule 69K-17.0035, F.A.C., will read:

(1) All operational personnel as defined in Rule 69K-15.005, F.A.C., shall successfully complete one Board approved course on communicable diseases, within 10 days after the date they are employed by any entity that is subject to Chapter 497, F.S. The course shall be at least two (2) hours and

may include the use of approved video-cassette courses, or other types of audio, video, Internet, or home study courses. All persons subject to this rule shall maintain a certificate of completion showing proof of meeting the communicable disease education requirement as a condition of employment with any establishment, facility or service regulated under Chapter 497, F.S.

(2) Courses approved for two (2) or more hours pursuant to paragraph 69K-17.0042(3)(c), F.A.C., can be used to fulfill the two (2) hour communicable disease educational requirement. The name, address, telephone number and email address for approved continuing education providers that offer courses that will satisfy this communicable disease educational requirement can be found on the Department's website ([http://www.myfloridacfo.com/Funeral Cemetery](http://www.myfloridacfo.com/Funeral%20Cemetery)).

**FINANCIAL SERVICES COMMISSION**

**Finance**

RULE NO.: 69V-560.1000  
 RULE TITLE: Disciplinary Guidelines  
 NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 34, No. 51, December 19, 2008 issue of the Florida Administrative Weekly.

A notice of change for this rule was previously published in Vol. 35, No. 8, February 27, 2009, issue of the Florida Administrative Weekly. The final hearing on the proposed rule was held on April 14, 2009. Prior to the final hearing, the Financial Services Centers of Florida submitted written comments recommending clarifying changes to the introductory paragraph of the proposed rule and the introductory paragraph to subsection (148). The rule was amended to adopt the written recommendations. These changes were approved by the Financial Services Commission at the final hearing on April 14, 2009.

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

69V-560.1000 Disciplinary Guidelines.

Pursuant to Section 560.1141, F.S., listed below are disciplinary guidelines applicable to each ground for disciplinary action that may be imposed by the Office against a Chapter 560, F.S., licensee for a material violation of Chapter 560, F.S. In determining an appropriate penalty within the range of penalties prescribed in this rule for each violation as based upon the citation number, the Office shall consider the circumstances set forth in subsection (148). For purposes of this rule, the term "citation" means any written notice provided to and received by the licensee that specifies a violation of Chapter 560, F.S., or any rule promulgated under that chapter.

	<u>Statute</u>	<u>Violation Description</u>	<u>1st Citation</u>	<u>2nd Citation</u>	<u>3rd Citation</u>
(1)	560.109(3)(a)	Failure to make available to the Office within 3 days all required books and records after written notice.	Fine: A Suspension: A	Fine: B Suspension: B	Fine: C Suspension: C
(2)	560.109(7)	Failure to pay reasonable and necessary costs for exams or investigations based on actual costs incurred.	Fine: A Suspension: A	Fine: B Suspension: B	Fine: C Suspension: C
(3)	560.1092(1)	Failure to pay to the Office the expenses of an examination at a rate adopted by rule.	Fine: A Suspension: A	Fine: B Suspension: B	Fine: C Suspension: C
(4)	560.1105	Failure to maintain all records for 5 years.	Fine: A Suspension: A Revocation	Fine: B Suspension: B Revocation	Fine: C Suspension: C Revocation
(5)	560.1105(1)	Failure to make books and records available to the Office within 3 business days after receipt of a written request.	Fine: A Suspension: A	Fine: B Suspension: B	Fine: C Suspension: C
(6)	560.111(1)(a)	Receiving or possessing property, except in payment of a just demand, and, with intent to deceive or defraud, to omit to make or to cause to be made a full and true entry thereof in its books and accounts, or to concur in omitting to make any material entry thereof.	Fine: C Revocation	N/A	N/A
(7)	560.111(1)(b)	Embezzle, abstract, or misapply any money, property, or other thing of value belonging to the money services business, an authorized vendor, or customer with intent to deceive or defraud.	Fine: C Revocation	N/A	N/A
(8)	560.111(1)(c)	Making false entry in books and records with intent to deceive or defraud another person, appropriate regulator, or authorized third party appointed by the Office to examine or investigate a licensee or its authorized vendor.	Fine: C Suspension: C Revocation	N/A	N/A
(9)	560.111(1)(d)	Engaging in acts that violate 18 U.S.C. s. 1956, 31 U.S.C. s. 5324, or any law or rule of another state or the United States relating to a money services business, deferred presentment provider, or usury which is a ground for the denial or revocation of a money services business or deferred presentment provider or its equivalent.	Fine: C Revocation	N/A	N/A
(10)	560.111(1)(e)	Filing with the Office, signing as a duly authorized representative, or delivering or disclose to the Office any books and records known to be fraudulent or false as to any material matter.	Fine: C Revocation	N/A	N/A
(11)	560.111(1)(f)	Placing among a money services business any note, obligation, or security that the money services business or its authorized vendor does not own or is known to be fraudulent or otherwise worthless or to represent to the Office that these documents are known to be fraudulent or otherwise worthless.	Fine: C Revocation	N/A	N/A
(12)	560.114 (1)(a)	Failure to comply with any order of the Office or any written agreement entered into with the Office.	Fine: B Suspension: B Revocation	Fine: C Suspension: C Revocation	Fine: C Revocation
(13)	560.114(1)(b)	Fraud, misrepresentation, deceit, or gross negligence in any transaction by a money services business, regardless of reliance thereon by, or damage to, a customer.	Fine: C Suspension: C Revocation	Fine: C Revocation	N/A

(14)	560.114(1)(c)	<u>Fraudulent misrepresentation, circumvention, or concealment of any matter that must be stated or furnished to a customer pursuant to Chapter 560, F.S., regardless of reliance thereon by, or damage to, such customer.</u>	Fine: C <u>Revocation</u>	N/A	N/A
(15)	560.114(1)(d)	<u>False, deceptive, or misleading advertising.</u>	Fine: C <u>Suspension: C</u>	Fine: C <u>Suspension: C</u> <u>Revocation</u>	Fine: <u>Suspension: C</u> <u>Revocation</u>
(16)	560.114(1)(e)	<u>Failure to maintain, preserve, keep available for examination, and produce all books, accounts, files, or other documents required by Chapter 560, F.S.</u>	Fine: A <u>Suspension: A</u>	Fine: B <u>Suspension: B</u> <u>Revocation</u>	Fine: C <u>Suspension: C</u> <u>Revocation</u>
(17)	560.114(1)(f)	<u>Refusing to allow the examination or inspection of books, accounts, files, or other documents by the Office pursuant to Chapter 560, F.S., or to comply with a subpoena issued by the Office.</u>	Fine: B <u>Suspension: B</u> <u>Revocation</u>	Fine: C <u>Revocation</u>	<u>Revocation</u>
(18)	560.114(1)(g)	<u>Failure to pay a judgment recovered in any court by a claimant in an action arising out of a money transmission transaction within 30 days after the judgment became final.</u>	Fine: A <u>Suspension: A</u>	Fine: B <u>Suspension: B</u>	Fine: C <u>Revocation</u>
(19)	560.114(1)(h)	<u>Engaging in acts prohibited under Section 560.111, F.S.</u>	Fine: C <u>Revocation</u>	N/A	N/A
(20)	560.114(1)(i)	<u>Insolvency</u>	Fine: A <u>Suspension: A</u> <u>Revocation</u>	Fine: B <u>Suspension: B</u> <u>Revocation</u>	Fine: C <u>Suspension: B</u> <u>Revocation</u>
(21)	560.114(1)(j)	<u>Failure to remove an affiliated party after the Office has issued and served a final order setting forth a finding that the affiliated party has violated a provision of Chapter 560, F.S.</u>	Fine: A <u>Suspension: A</u> <u>Revocation</u>	Fine: B <u>Suspension: B</u> <u>Revocation</u>	Fine: C <u>Suspension: C</u> <u>Revocation</u>
(22)	560.114(1)(k)	<u>Making a material misstatement, misrepresentation, or omission in an application, amendment, or appointment of an authorized vendor.</u>	Fine: A <u>Suspension: A</u> <u>Revocation</u>	Fine: B <u>Suspension: B</u> <u>Revocation</u>	Fine: C <u>Suspension: C</u> <u>Revocation</u>
(23)	560.114(1)(l)	<u>Committing any act that results in a license, or its equivalent, to practice any profession or occupation, being denied, suspended, revoked, or otherwise acted against by a licensing authority in any jurisdiction.</u>	Fine: A <u>Suspension: A</u> <u>Revocation</u>	Fine: B <u>Suspension: B</u> <u>Revocation</u>	Fine: C <u>Suspension: C</u> <u>Revocation</u>
(24)	560.114(1)(m)	<u>Being the subject of final agency action or its equivalent, issued by an appropriate regulator, for engaging in unlicensed money services business or deferred presentment provider activity in any jurisdiction.</u>	Fine: C	Fine: C <u>Suspension: C</u>	Fine: C <u>Suspension: C</u>
(25)	560.114(1)(n)	<u>Committing any act resulting in a license or its equivalent to practice any profession or occupation being denied, suspended, revoked, or otherwise acted against by a licensing authority in any jurisdiction for a violation of 18 U.S.C. s. 1956, 18 U.S.C. s. 1957, and 18 U.S.C. s. 1960, 31 U.S.C. s. 5324, or any law or rule of another state or the United States relating to a money services business, deferred presentment provider, or usury.</u>	Fine: C <u>Suspension: C</u> <u>Revocation</u>	Fine: C <u>Suspension: C</u> <u>Revocation</u>	Fine: C <u>Suspension: C</u> <u>Revocation</u>

(26)	560.114(1)(o)	Having been convicted of, or entered a plea of guilty or nolo contendere to any felony or crime punishable by imprisonment of 1 year or more under the law of any state of the United States which involves fraud, moral turpitude, or dishonest dealing, regardless of adjudication.	Fine: C Revocation	N/A	N/A
(27)	560.114(1)(p)	Having been convicted of, or entered a plea of guilty or nolo contendere to a crime under 18 U.S.C. s. 1956 or 31 U.S.C. s. 5324 regardless of adjudication.	Fine: C Revocation	N/A	N/A
(28)	560.114(1)(q)	Having been convicted of, or entered a plea of guilty or nolo contendere to misappropriation, conversion, or unlawful withholding of moneys belonging to others, regardless of adjudication.	Fine: C Revocation	N/A	N/A
(29)	560.114(1)(r)	Failure to inform the Office in writing within 30 days after having pled guilty or nolo contendere to, or being convicted of, any felony or crime punishable by imprisonment of 1 year or more under the law of any state or the US, or any crime involving fraud, moral turpitude, or dishonest dealing.	Fine: B	Fine: C Revocation	N/A
(30)	560.114(1)(s)	Aiding, assisting, procuring, advising, or abetting any person in violating a provision of Chapter 560, F.S., or any order or rule of the Office or Commission.	Fine: B Suspension: B Revocation	Fine: C Suspension: C Revocation	N/A
(31)	560.114(1)(t)	Failure to pay any fee, charge, or cost imposed or assessed under Chapter 560, F.S.	Fine: A Suspension: A	Fine: B Suspension: B	Fine: C Revocation: C
(32)	560.114(1)(u)	Failure to pay a fine assessed by the Office within 30 days after the due date as stated in the final order.	Fine: B Suspension: B Revocation	Fine: C Revocation	Fine: C Revocation
(33)	560.114(1)(v)	Failure to pay any judgment entered by any court within 30 days after the judgment becomes final.	Fine: A Suspension: A	Fine: B Suspension: B	Fine: C Suspension: C
(34)	560.114(1)(x)	Payment to the Office for a license or other fee, charge, cost, or fine with a check or electronic transmission of funds that is dishonored by the applicant's or licensee's financial institution.	Fine: A Suspension: A	Fine: B Suspension: B	Fine: C Revocation
(35)	560.114(1)(y)	Violations of 31 C.F.R. ss. 103.20, 103.22, 102.23, 103.27, 103.28, 103.29, 103.33, 103.37, 103.41, and 103.125, and United States Treasury Interpretative Release 2004-1. Note: For purposes of the application of this violation, the distinct federal codes referenced shall be treated as separate violations and penalties shall be applied separately for each code violation cited.	Fine: B Suspension: B Revocation	Fine: C Suspension: C Revocation	Fine: C Suspension: C Revocation
(36)	560.114(1)(z)	Engaging in any practice or conduct that creates the likelihood of material loss, insolvency, or dissipation of assets of a money services business or otherwise materially prejudices the interests of its customers.	Fine: C Suspension: C Revocation	Fine: C Suspension: C Revocation	Fine: C Suspension: C Revocation
(37)	560.114(2)	Immediate Suspension for failure to provide required records upon written request.	Fine: A Suspension: A	Fine: B Suspension: B	Fine: C Suspension: C



(38)	560.118(1)	Failure to file annual financial audit reports with the Office pursuant to this Chapter 560, F.S., or related rules.	Fine: C Revocation if later than 90 days from due date	Fine: C Revocation if later than 90 days from due date	Fine: C Revocation if later than 90 days from due date
(39)	560.118(2)	Failure to submit quarterly reports to the Office in the format specified by rule.	Fine: A Suspension: A	Fine: B Suspension: B	Fine: C Suspension: C Revocation
(40)	560.123(3)	Failure to maintain a record of every transaction, which occurs in this state that involves currency greater than \$10,000, in one or in aggregate in one day, and involves the proceeds of unlawful activity or is designed to evade reporting requirements of Section 560.123, F.S. or Chapter 896, F.S.	Fine: C Revocation	N/A	N/A
(41)	560.123(3)(c)	Failure to file a currency transaction report for every transaction noted in Section 560.123(3), F.S.	Fine: A Suspension: A Revocation	Fine: B Suspension: B Revocation	Fine: C Suspension: C Revocation
(42)	560.123(4)	Failure to comply with the money laundering, enforcement, and reporting provisions of Section 655.50, F.S., involving currency transactions and payment instruments, and Chapter 896, F.S., concerning offenses relating to financial transactions.	Fine: A Suspension: A Revocation	Fine: B Suspension: B Revocation	Fine: C Suspension: C Revocation
(43)	560.1235(1)	Failure to comply with all state and federal laws and rules relating to money laundering, including Section 560.123, F.S.; and 31 C.F.R. ss. 103.20, 103.22, 103.23, 103.27, 103.28, 103.29, 103.33, 103.37, and 103.41.	Fine: A Suspension: A Revocation	Fine: B Suspension: B Revocation	Fine: C Suspension: C Revocation
(44)	560.1235(2)	Failure to maintain, review, and update an anti-money laundering program.	Fine: A Suspension: A Revocation	Fine: B Suspension: B Revocation	Fine: C Suspension: C Revocation
(45)	560.1235(3)	Failure to comply with United States Treasury Interpretive Release 2004-1.	Fine: B Suspension: B Revocation	Fine: B Suspension: B Revocation	Fine: C Suspension: C Revocation
(46)	560.126(1)(a)	Failure to provide the Office notice within 30 days after occurrence of a bankruptcy filing.	Fine: C Suspension: C	Fine: C Suspension: C	Fine: C Suspension: C
(47)	560.126(1)(b)	Failure to provide the Office notice within 30 days after occurrence of the commencement of an administrative or judicial suspension, revocation, or denial of a license from any other state in the United States.	Fine: A Suspension: A	Fine: B Suspension: B	Fine: C Suspension: C
(48)	560.126(1)(c)	Failure to provide the office notice within 30 days after occurrence of a felony indictment relating to a money services business or deferred presentment provider involving the licensee, a vendor, or affiliated party. Note: Any licensee suspended under this provision shall be suspended until a final disposition has been reached by the court for the case defined in the suspension order. Any rights to appeal with not be considered in the application of this section.	Fine: B Suspension: B	Fine: C Suspension: C	Fine: C Suspension: C
(49)	560.126(1)(d)	Failure to provide the office notice within 30 days after occurrence of a felony conviction, guilty plea, or plea of nolo contendere, regardless of adjudication, of a licensee, vendor, or affiliated party.	Revocation	Revocation	Revocation

(50)	560.126(1)(e)	Failure to provide the office notice within 30 days after occurrence of an interruption of any corporate surety bond required.	Fine: B Suspension: B	Fine: B Suspension: B	Fine: C Suspension: C
(51)	560.126(1)(g)	Failure to provide the office with written notice sent by registered mail within 30 days after the occurrence or knowledge of the notification by law enforcement or a prosecutorial agency that the licensee or vendor is under criminal investigation.	Fine: B Suspension: B	Fine: C Suspension: C	Fine: C Revocation
(52)	560.126(2)	Failure to report to the Office any change in application or renewal information on Form OFR 560-01, which is incorporated by reference in Rule 69V-560.1012, F.A.C., within 30 days after the change.	Fine: A	Fine: B	Fine: C Suspension: C
(53)	560.126(3)	Failure to report any change in ownership, control, or responsible persons of the licensee.	Fine: A	Fine: B	Fine: C Suspension: C
(54)	560.128(1)	Failure to provide each customer with a toll-free number or the office's toll-free number and address for consumer contact.	Fine: A	Fine: A	Fine: B
(55)	560.208(4)	Failure to place assets that are the property of a customer in a segregated account in a federally insured institution or the failure to maintain separate accounts for operating capital and the clearing of customer funds.	Fine: B	Fine: C Suspension: C	Fine: C Revocation
(56)	560.208(5)	Failure to ensure that money transmitted is available to the designated recipient within 10 business days after receipt.	Fine: B	Fine: C	Fine: C Suspension: C
(57)	560.208(6)	Failure to immediately upon receipt of currency or payment instrument provide a confirmation or sequence number to the customer verbally, by paper, or electronically.	Fine: A	Fine: C	Fine: C Suspension: C
(58)	560.2085(1)	Failure to notify the Office within 60 days after a vendor commences or terminates licensed activity.	Fine: A	Fine: B	Fine: C Suspension: C
(59)	560.2085(2)	Failure to enter into a written contract with an authorized vendor, signed by the licensee and the authorized vendor.	Fine: A	Fine: B	Fine: C Suspension: C
(60)	560.2085(2)(a)	The vendor contract must set forth the nature and scope of the relationship between the licensee and the vendor, including rights and responsibilities of the parties	Fine: A	Fine: B	Fine: C Suspension: C
(61)	560.2085(2)(b)	Failure to enter into a written contract that includes requirements of Section 560.2085(2)(b)1.-8., F.S.	Fine: A	Fine: B Suspension: B	Fine: C Suspension: C
(62)	560.2085(3)	Failure to develop and implement written policies and procedures to monitor compliance with applicable state and federal law by a licensee's authorized vendors.	Fine: B	Fine: B	Fine: C Suspension: C
(63)	560.209(1)	Failure to maintain at all times net worth of at least \$100,000 plus and additional \$10,000 for each location up to \$2 million. Note: Suspension will be ordered until adequate net worth has been obtained and accepted by the Office	Fine: B Suspension: B Revocation	Fine: B Suspension: B Revocation	Fine: C Suspension: C Revocation
(64)	560.209(2)	Failure to obtain an annual financial audit report and submit it to the Office within 120 days after the end of the licensee's fiscal year end.	Fine: B Suspension: B Revocation	Fine: B Suspension: B Revocation	Fine: C Suspension: C Revocation

(65)	<u>560.209(3)(a)-(b)</u>	<u>Failure to provide and pledge to the Office a surety bond not less than \$50,000 or more than \$2 million.</u>	<u>Fine: C Revocation</u>	<u>N/A</u>	<u>N/A</u>
(66)	<u>560.209(3)(c)</u>	<u>Canceling a surety bond without written notice to the Office by registered mail or a canceling a bond within 30 days after receipt by the Office of the written notice. Note: Suspension will be ordered until adequate surety device has been obtained and accepted by the Office</u>	<u>Fine: C Suspension: C</u>	<u>Fine: C Suspension: C</u>	<u>Fine: C Suspension: C</u>
(67)	<u>560.209(3)(e)</u>	<u>Failure to furnish a new or additional surety bond so that the total or aggregate principal sum of the bond equals the required bond under Section 560.209(3)(e), F.S.</u>	<u>Fine: C Suspension: C</u>	<u>Fine: C Suspension: C</u>	<u>Fine: C Suspension: C</u>
(68)	<u>560.209(4)(a)-(b)</u>	<u>Failure to deposit collateral cash, securities, or alternative security devices as provided by Rule 69V-560.402, F.A.C., in at least the amount required by Form OFR-560-07.</u>	<u>Fine: C Suspension: C</u>	<u>Fine: C Suspension: C</u>	<u>Fine: C Suspension: C</u>
(69)	<u>560.209(4)(c)</u>	<u>Failure to pledge collateral cash, securities, or alternative security devices on Form OFR-560-05, which is incorporated by reference in Rule 69V-560.1012, F.A.C., or to maintain such collateral in an insured financial institution as set forth in Rule 69V-560.402, F.A.C.</u>	<u>Fine: C Suspension: C</u>	<u>Fine: C Suspension: C</u>	<u>Fine: C Suspension: C</u>
(70)	<u>560.210(1)</u>	<u>Failure to possess, at all times, permissible investments with an aggregate market value of at least the aggregate face amount of all outstanding money transmissions and payment instruments issued or sold by the licensee or authorized vendor in the United States.</u>	<u>Fine: B</u>	<u>Fine: B Suspension: B</u>	<u>Fine: C Revocation</u>
(71)	<u>560.211(1)</u>	<u>Failure to maintain all records required to be kept by Section 560.211, F.S., for 5 years.</u>	<u>Fine: B Suspension: B</u>	<u>Fine: B Suspension: B</u>	<u>Fine: C Revocation</u>
(72)	<u>560.211(1)(a)</u>	<u>Failure to maintain a daily record of payment instruments sold and money transmitted.</u>	<u>Fine: B Suspension: B</u>	<u>Fine: B Suspension: B</u>	<u>Fine: C Revocation</u>
(73)	<u>560.211(1)(b)</u>	<u>Failure to maintain a general ledger containing all asset, liability, capital, income, and expense accounts, which must be posted at least monthly.</u>	<u>Fine: B Suspension: B</u>	<u>Fine: B Suspension: B</u>	<u>Fine: C Revocation</u>
(74)	<u>560.211(1)(c)</u>	<u>Failure to maintain daily settlement records received from authorized vendors.</u>	<u>Fine: B Suspension: B</u>	<u>Fine: B Suspension: B</u>	<u>Fine: C Revocation</u>
(75)	<u>560.211(1)(d)</u>	<u>Failure to maintain monthly financial institution statements and reconciliation records.</u>	<u>Fine: B Suspension: B</u>	<u>Fine: B Suspension: B</u>	<u>Fine: C Revocation</u>
(76)	<u>560.211(1)(e)</u>	<u>Failure to maintain records of outstanding payment instruments and money transmitted.</u>	<u>Fine: B Suspension: B</u>	<u>Fine: B Suspension: B</u>	<u>Fine: C Revocation</u>
(77)	<u>560.211(1)(f)</u>	<u>Failure to maintain records of each payment instrument paid and money transmission delivered.</u>	<u>Fine: B Suspension: B</u>	<u>Fine: B Suspension: B</u>	<u>Fine: C Revocation</u>
(78)	<u>560.211(1)(g)</u>	<u>Failure to maintain a list of the names and addresses of all of the licensee's authorized vendors.</u>	<u>Fine: B Suspension: B</u>	<u>Fine: B Suspension: B</u>	<u>Fine: C Revocation</u>
(79)	<u>560.211(1)(h)</u>	<u>Failure to maintain records that document the establishment, monitoring, and termination of relationships with authorized vendors and foreign affiliates.</u>	<u>Fine: B Suspension: B</u>	<u>Fine: B Suspension: B</u>	<u>Fine: C Revocation</u>

(80)	<u>560.211(1)(1)</u>	<u>Failure to maintain any records, as prescribed by rule, designed to detect and prevent money laundering as set forth in Rules 69V-560.608, 69V-560.609, 69V-560.610, 69V-560.702, 69V-560.703, and 69V-560.706, F.A.C.</u>	<u>Fine: B</u> <u>Suspension: B</u>	<u>Fine: B</u> <u>Suspension: B</u>	<u>Fine: C</u> <u>Revocation</u>
(81)	<u>560.213</u>	<u>Failure of each payment instrument sold or issued by a licensee, directly or through its authorized vendor, to bear the name of the licensee.</u>	<u>Fine: B</u> <u>Suspension: B</u>	<u>Fine: B</u> <u>Suspension: B</u>	<u>Fine: C</u> <u>Revocation</u>
(82)	<u>560.303(3)</u>	<u>Charging fees in excess of those provided by Section 560.309, F.S., by a person exempt from licensure under Chapter 560, Part III, F.S.</u>	<u>Fine: A</u> <u>Restitution</u>	<u>Fine: B</u> <u>Restitution</u> <u>Suspension: B</u>	<u>Fine: C</u> <u>Revocation</u>
(83)	<u>560.309(1)</u>	<u>Failure to transact business under Chapter 560, Part III, F.S., under the legal name under which the person is licensed.</u>	<u>Fine: B</u>	<u>Fine: B</u> <u>Suspension: B</u>	<u>Fine: C</u> <u>Revocation</u>
(84)	<u>560.309(2)</u>	<u>Failure to endorse a payment instrument that is accepted or cashed by the licensee using the legal name under which the licensee is licensed.</u>	<u>Fine: B</u> <u>Suspension: B</u>	<u>Fine: C</u> <u>Revocation</u>	<u>N/A</u>
(85)	<u>560.309(3)</u>	<u>Failure to deposit payment instruments into a commercial account at a federally insured financial institution or sell payment instruments within 5 business days after the acceptance of the payment instrument.</u>	<u>Fine: B</u>	<u>Fine: B</u> <u>Suspension: B</u>	<u>Fine: C</u> <u>Revocation</u>
(86)	<u>560.309(4)</u>	<u>Accepting or cashing multiple payment instruments from a person who is not the original payee, unless the person is licensed to cash payment instruments pursuant to Chapter 560, Part III, F.S., and all payment instruments accepted are endorsed with the legal name of the person.</u>	<u>Fine: B</u> <u>Suspension: B</u>	<u>Fine: C</u> <u>Revocation</u>	<u>N/A</u>
(87)	<u>560.309(5)</u>	<u>Failure to report all suspicious activity to the office in accordance with the criteria set forth in 31 C.F.R. s. 103.20.</u>	<u>Fine: B</u>	<u>Fine: B</u> <u>Suspension: B</u>	<u>Fine: C</u> <u>Revocation</u>
(88)	<u>560.309(6)</u>	<u>Failure to equip each location of a licensee where checks are cashed with a security camera system that is capable of recording and retrieving an image in order to assist in identifying and apprehending an offender unless the licensee has installed a bulletproof or bullet-resistant partition or enclosure in the area where checks are cashed.</u>	<u>Fine: B</u>	<u>Fine: B</u> <u>Suspension: B</u>	<u>Fine: C</u> <u>Revocation</u>
(89)	<u>560.309(7)</u>	<u>Failure to post a notice listing the charges for cashing payment instruments.</u>	<u>Fine: A</u>	<u>Fine: B</u> <u>Suspension: B</u>	<u>Fine: C</u> <u>Revocation</u>
(90)	<u>560.309(8)(a)</u>	<u>Charged fees, except otherwise provided by Section 560.309, F.S., and exclusive of the direct costs of verification in excess of 5 percent of the face amount of the payment instrument, or \$5, whichever is greater.</u>	<u>Fine: A</u> <u>Restitution</u>	<u>Fine: B</u> <u>Restitution</u> <u>Suspension: B</u>	<u>Fine: C</u> <u>Restitution</u> <u>Revocation</u>
(91)	<u>560.309(8)(b)</u>	<u>Charged fees, except otherwise provided by Section 560.309, F.S., and exclusive of the direct costs of verification in excess of 3 percent of the face amount of the payment instrument, or \$5, whichever is greater for a payment instrument that is any kind of state public assistance or federal social security benefit payable to the bearer of the payment instrument.</u>	<u>Fine: A</u> <u>Restitution</u>	<u>Fine: B</u> <u>Restitution</u> <u>Suspension: B</u>	<u>Fine: C</u> <u>Restitution</u> <u>Revocation</u>

(92)	560.309(8)(c)	Charged fees, except otherwise provided by Section 560.309, F.S., and exclusive of the direct costs of verification in excess of 10 percent of the face amount for personal checks or money orders, or \$5, whichever is greater.	Fine: C Restitution	Fine: C Restitution Suspension: C	Fine: C Restitution Revocation
(93)	560.309(9)	Assessed the cost of collections, other than fees for insufficient funds provided by law, without judgment from a court of competent jurisdiction.	Fine: A Restitution	Fine: B Restitution Suspension: B	Fine: C Restitution Revocation
(94)	560.309(10)	Failed to comply with the provisions of Section 68.065, F.S., and failed to comply with the prohibitions against harassment or abuse, false or misleading representations, and unfair practices in the Fair Debt Collections Act, U.S.C. ss. 1692d, 1692d, 1962f.	Fine: B Suspension: B	Fine: C Suspension: C	Fine: C Revocation
(95)	560.310(1)(a)	Failed to maintain customer files on all customers who cash corporate or third-party payment instruments exceeding \$1,000, as required by paragraph 69V-560.704(4)(d), F.A.C.	Fine: B Suspension: B	Fine: C Suspension: C	Fine: C Revocation
(96)	560.310(1)(b)1.	Failed to maintain a copy of the personal identification as used as identification as presented by the customer for a payment instrument accepted having a face value of \$1,000 or more.	Fine: B Suspension: B	Fine: C Suspension: C	Fine: C Revocation
(97)	560.310(1)(b)2.	Failed to maintain a thumbprint of the customer, taken by the licensee, for a payment instrument accepted having a face value of \$1,000 or more.	Fine: B Suspension: B	Fine: C Suspension: B	Fine: C Revocation
(98)	560.310(1)(c)	Failed to maintain an electronic payment instrument log which reports aggregate payment instruments whose total cashed is greater than \$1,000.	Fine: B Suspension: B	Fine: C Suspension: B	Fine: C Revocation
(99)	460.404(1)	Failed to document each deferred presentment transaction in a written agreement signed by the deferred presentment provider and the drawer.	Fine: B	Fine: C Suspension: C	Fine: C Revocation
(100)	560.404(2)	Each deferred presentment transaction agreement failed to be executed on the day the deferred presentment provider furnishes currency or a payment instrument to the drawer.	Fine: A	Fine: B Suspension: B	Fine: C Suspension: C
(101)	560.404(3)(a)	Each deferred presentment transaction agreement failed to contain the name or trade name, address, and telephone number of the deferred presentment provider and the name and title of the person who signs the agreement on behalf of the provider.	Fine: A	Fine: B Suspension: B	Fine: C Suspension: C
(102)	560.404(3)(b)	Each deferred presentment transaction agreement failed to contain the date the deferred presentment transaction was made.	Fine: A	Fine: B Suspension: B	Fine: C Suspension: C
(103)	560.404(3)(c)	Each deferred presentment agreement failed to contain the amount of the drawer's check.	Fine: A	Fine: B Suspension: B	Fine: C Suspension: C
(104)	560.404(3)(d)	Each deferred presentment agreement failed to contain the length of the deferment period.	Fine: A	Fine: B Suspension: B	Fine: C Suspension: C
(105)	560.404(3)(e)	Each deferred presentment agreement failed to contain the last day of the deferment period.	Fine: A	Fine: B Suspension: B	Fine: C Suspension: C

(106)	560.404(3)(f)	Each deferred presentment agreement failed to contain the address and telephone number of the office.	Fine: A	Fine: B Suspension: B	Fine: C Suspension: C
(107)	560.404(3)(g)	Each deferred presentment agreement failed to contain a clear description of the drawer's payment obligations under the deferred presentment transaction.	Fine: A	Fine: B Suspension: B	Fine: C Suspension: C
(108)	560.404(3)(h)	Each deferred presentment agreement failed to contain the transaction number assigned by the office's database.	Fine: A	Fine: B Suspension: B	Fine: C Suspension: C
(109)	560.404(4)	Failed to furnish a copy of the deferred presentment transaction agreement to the drawer.	Fine: A	Fine: B Suspension: B	Fine: C Suspension: C
(110)	560.404(5)	Accepting a check for a deferred presentment transaction where the face amount of the check taken exceeds \$500 exclusive of the fees allowed under Part IV of Chapter 560, F.S.	Fine: A	Fine: B Suspension: B	Fine: C Suspension: C
(111)	560.404(6)	Charging fees that exceed 10 percent of the currency or payment instrument provided for a deferred presentment transaction.	Fine: A Restitution	Fine: B Restitution Suspension: B	Fine: C Restitution Revocation
(112)	560.404(7)	Collecting the fees authorized for a deferred presentment transaction before the drawer's check is presented or redeemed.	Fine: A	Fine: B Suspension: B	Fine: C Suspension: C
(113)	560.404(8)	Accepting a deferred presentment transaction for a term longer than 31 days or less than 7 days.	Fine: A	Fine: B Suspension: B	Fine: C Suspension: C
(114)	560.404(9)	Requiring a drawer to provide additional security or guaranty for a deferred presentment transaction.	Fine: A	Fine: B Suspension: B	Fine: C Suspension: C
(115)	560.404(10)(a)	Including a hold harmless clause in a deferred presentment agreement.	Fine: A	Fine: B Suspension: B	Fine: C Suspension: B
(116)	560.404(10)(b)	Including a confession of judgment clause in a deferred presentment agreement.	Fine: A	Fine: B Suspension: B	Fine: C Suspension: C
(117)	560.404(10)(c)	Including an assignment of or order for a payment of wages or other compensation for services in a deferred presentment agreement.	Fine: A	Fine: B Suspension: B	Fine: C Suspension: C
(118)	560.404(10)(d)	Including a provision in which the drawer agrees not to assert any claim or defense arising out of the agreement in a deferred presentment agreement.	Fine: A	Fine: B Suspension: B	Fine: C Suspension: C
(119)	560.404(10)(e)	Including a waiver of any provision of Chapter 560, Part IV, F.S., in a deferred presentment agreement.	Fine: A	Fine: B Suspension: B	Fine: C Suspension: C
(120)	560.404(11)	A deferred presentment provider shall immediately provide the drawer with the full amount of any check to be held, less only the fee allowed by Section 560.404, F.S.	Fine: B	Fine: C Suspension: C	Fine: C Revocation
(121)	560.404(12)	Holding a deferred presentment agreement or a drawer's check that is altered, the date is deleted, or fails to bear the same date for a deferred presentment transaction.	Fine: A	Fine: B Suspension: B	Fine: C Suspension: C
(122)	560.404(13)	Failure to ensure that each deferred presentment transaction complies with the disclosure requirements of 12 C.F.R., part 226, relating to the federal Truth-in-Lending Act, and Regulation Z of the Board of Governors of the Federal Reserve Board.	Fine: A	Fine: B Suspension: B	Fine: C Suspension: C

(123)	560.404(14)	<u>Accepting or holding an undated check or a check dated on a date other than the date on which the deferred presentment provider agreed to hold the check and signed the deferred presentment transaction agreement.</u>	Fine: A	Fine: B <u>Suspension: B</u>	Fine: C <u>Suspension: C</u>
(124)	560.404(15)	<u>Failure to hold the drawer's check for the agreed number of days, unless the drawer chose to redeem the check before the presentment date.</u>	Fine: A	Fine: B <u>Suspension: B</u>	Fine: C <u>Suspension: C</u>
(125)	560.404(16)	<u>Charging an additional fee for issuing or cashing a deferred presentment provider's payment instrument, if licensed under Part II of Chapter 560, F.S.</u>	Fine: B <u>Restitution</u>	Fine: B <u>Restitution</u> <u>Suspension: B</u>	Fine: B <u>Restitution</u> <u>Revocation</u>
(126)	560.404(17)	<u>Requiring a drawer to accept a payment instrument issued by the licensee in lieu of currency in a deferred presentment transaction.</u>	Fine: A	Fine: B <u>Suspension: B</u>	Fine: C <u>Suspension: C</u>
(127)	560.404(18)	<u>Engaging in the rollover of a deferred presentment agreement. Redeeming, extending, or otherwise consolidating a deferred presentment agreement with the proceeds of another deferred presentment transaction made by the same deferred presentment provider or an affiliate.</u>	Fine: B <u>Restitution of any fees received for each subsequent rollover</u>	Fine: B <u>Restitution of any fees received for each subsequent rollover</u> <u>Suspension: B</u>	Fine: C <u>Restitution of any fees received for each subsequent rollover</u> <u>Revocation</u>
(128)	560.404(19)	<u>Entering into a deferred presentment transaction with a drawer who has an outstanding deferred presentment transaction with that provider or with any other deferred presentment provider, or with a person whose previous deferred presentment transaction with that provider or with any other provider has been terminated for less than 24 hours.</u>	Fine: B <u>Restitution of any fees received for each subsequent rollover</u>	Fine: B <u>Restitution of any fees received for each subsequent rollover</u> <u>Suspension: B</u>	Fine: C <u>Restitution of any fees received for each subsequent rollover</u> <u>Revocation</u>
(129)	560.404(19)(a)	<u>Failure to verify whether the deferred presentment provider or an affiliate has an outstanding deferred presentment transaction with a particular person or has terminated a transaction with that person within the previous 24 hours.</u>	Fine: B <u>Restitution of any fees received for each subsequent rollover</u>	Fine: B <u>Restitution of any fees received for each subsequent rollover</u> <u>Suspension: B</u>	Fine: C <u>Restitution of any fees received for each subsequent rollover</u> <u>Revocation</u>
(130)	560.404(19)(b)	<u>Failure to access the office's database and verify whether any other deferred presentment provider has an outstanding deferred presentment transaction with a particular person or has terminated a transaction with that person within the previous 24 hours.</u>	Fine: B <u>Restitution of any fees received for each subsequent rollover</u>	Fine: B <u>Restitution of any fees received for each subsequent rollover</u> <u>Suspension: B</u>	Fine: C <u>Restitution of any fees received for each subsequent rollover</u> <u>Revocation</u>
(131)	560.404(20)	<u>Failure to provide the notice defined in Section 560.404(20), F.S., in a prominent place on each deferred presentment agreement in at least 14-point type in substantially the form provided by Section 560.404(20), F.S., and must obtain the signature of the drawer where indicated.</u>	Fine: A	Fine: B	Fine: C <u>Suspension: C</u>
(132)	560.404(21)	<u>Presenting a drawer's check if the drawer informs the provider in person that the drawer cannot redeem or pay in full in cash the amount due and owing the deferred presentment provider or charging an additional fee or penalty by virtue of any misrepresentation made by the drawer as to the sufficiency of funds in the drawer's account.</u>	Fine: A <u>Restitution</u>	Fine: B <u>Restitution</u> <u>Suspension: B</u>	Fine: C <u>Restitution</u> <u>Revocation</u>

(133)	<u>560.404(22)</u>	<u>Failure to provide a grace period extending the term of an agreement for an additional 60 days after the original termination date, without any additional charge if by the end of the deferment period, the drawer informs the deferred presentment provider in person that the drawer cannot redeem or pay in full in cash the amount due and owing.</u>	<u>Fine: B Restitution</u>	<u>Fine: C Restitution Suspension: C</u>	<u>Fine: C Restitution Revocation</u>
(134)	<u>560.404(22)(a)</u>	<u>Failure to comply with and adhere to, including depositing the drawer's check before the end of the 60-day grace period, a repayment plan that a drawer agrees to comply with and adhere to, which was approved by a credit counseling agency. Discouraging a drawer from using the 60-day grace period.</u>	<u>Fine: B Restitution</u>	<u>Fine: C Restitution Suspension: C</u>	<u>Fine: C Restitution Revocation</u>
(135)	<u>560.404(22)(b)1.</u>	<u>Failure to provide verbal notice of the availability of the 60-day grace period consistent with the written notice in Section 560.404(20), F.S.</u>	<u>Fine: A</u>	<u>Fine: B</u>	<u>Fine: C Suspension: C</u>
(136)	<u>560.404(22)(b)2.</u>	<u>Failure to provide a drawer a list of approved consumer credit counseling agencies prepared by the office.</u>	<u>Fine: A</u>	<u>Fine: B</u>	<u>Fine: C Suspension: C</u>
(137)	<u>560.404(22)(b)3.</u>	<u>Failure to provide a drawer the written notice in Section 560.404(22)(b)3., F.S., in at least 14-point type in substantially the form in the section detailing the drawer's rights under the 60-day grace period.</u>	<u>Fine: A</u>	<u>Fine: B</u>	<u>Fine: C Suspension: C</u>
(138)	<u>560.404(22)(c)</u>	<u>Failure to pay one-half of the drawer's fee for a deferred presentment agreement to the consumer credit counseling agency if a drawer completes an approved payment plan.</u>	<u>Fine: A</u>	<u>Fine: B</u>	<u>Fine: C Suspension: C</u>
(139)	<u>560.404(23)</u>	<u>Failure to submit data, including but not limited to the drawer's name, social security number or employment authorization alien number, address, driver's license number, amount of the transaction, date of transaction, the date that the transaction is closed, and such additional information as is required by rule before entering into each deferred presentment transaction in order to verify whether any deferred presentment transactions are outstanding for a particular person.</u>	<u>Fine: A</u>	<u>Fine: B Suspension: B</u>	<u>Fine: C Suspension: C</u>
(140)	<u>560.404(24)</u>	<u>Accepting more than one check or authorization to initiate more than one automated clearinghouse transaction to collect on a deferred presentment transaction for a single deferred presentment transaction.</u>	<u>Fine: A</u>	<u>Fine: B</u>	<u>Fine: C Suspension: C</u>
(141)	<u>560.405(1)</u>	<u>Presenting a drawer's check before the end of the deferment period, as reflected in the deferred presentment transaction agreement.</u>	<u>Fine: A</u>	<u>Fine: B</u>	<u>Fine: C Suspension: C</u>
(142)	<u>560.405(2)</u>	<u>Failure to endorse a drawer's check with the name under which the deferred presentment provider is doing business before the deferred presentment provider presents the drawer's check.</u>	<u>Fine: A</u>	<u>Fine: B</u>	<u>Fine: C Suspension: C</u>



(143)	560.405(3)	<u>Failure to return a drawer's check, upon redemption, and provide a signed, dated receipt showing that the drawer's check has been redeemed.</u>	<u>Fine: A</u>	<u>Fine: B</u>	<u>Fine: C</u> <u>Suspension: C</u>
(144)	560.406(1)	<u>Sending or collecting on collection notices containing references to treble damages and criminal prosecution used for the collection of worthless check in a deferred presentment transaction.</u>	<u>Fine: A</u>	<u>Fine: B</u> <u>Suspension: B</u>	<u>Fine: C</u> <u>Revocation</u>
(145)	560.406(2)	<u>Failure to comply with the prohibitions against harassment or abuse, false or misleading representations, and unfair practices that are contained in the Fair Debt Collections Practices Act, 15 U.S.C. ss. 1692d, 1692e, 1692f.</u>	<u>Fine: B</u> <u>Suspension: B</u>	<u>Fine: C</u> <u>Suspension: B</u>	<u>Fine: C</u> <u>Revocation</u>
(146)	560.406(3)	<u>Assessing the cost of collection, other than charges for insufficient funds as allowed by law, without a judgment from a court of competent jurisdiction for a deferred presentment transaction.</u>	<u>Fine: A</u> <u>Restitution</u>	<u>Fine: B</u> <u>Restitution</u> <u>Suspension: B</u>	<u>Fine: C</u> <u>Restitution</u> <u>Revocation</u>

(147) In accordance with this rule:

(a) Depending on the severity and repetition of specific violations, the Office may impose an administrative fine, suspension of a license, or revocation of a license or any combination thereof;

(b) The Office may impose a cease and desist order in conjunction with and in addition to any of the designated sanctions set forth in this rule when appropriate under the circumstances;

(c) Notwithstanding this rule, the Office may, when appropriate, enter orders of removal or prohibition or orders denying applications, and may seek the entry of an injunction and appointment of a receiver by a court of competent jurisdiction; and

(d) The Office will consider the licensee's disciplinary history for the past five years in determining an appropriate penalty, and may impose a more severe penalty when the disciplinary history includes past violations.

(148) In accordance with Sections 560.1141(2) and (3), F.S., the Office shall consider the following circumstances in determining an appropriate penalty within the range of penalties prescribed in this rule for each violation as based upon the citation number. The Office also shall consider these circumstances in determining a penalty that deviates from the range of penalties prescribed for each violation and citation number as a result of such circumstances:

(a) Whether the violation rate is less than 5% when compared to the overall sample size reviewed;

(b) The degree of harm to the customers or the public;

(c) The disciplinary history of the licensee;

(d) Whether the licensee detected and voluntarily instituted corrective responses or measures to avoid the recurrence of a violation prior to detection and intervention by the Office;

(e) Whether the licensee's violation was the result of willful misconduct or recklessness;

(f) Whether at the time of the violation, the licensee had developed and implemented reasonable supervisory, operational or technical procedures, or controls to avoid the violation;

(g) Where the violation is attributable to an individual officer, director, responsible person, or authorized vendor, whether the licensee removed or otherwise disciplined the individual prior to detection and intervention by the Office;

(h) Whether the licensee attempted to conceal the violation or mislead or deceive the Office;

(i) The length of time over which the licensee engaged in the violations;

(j) Whether the licensee engaged in numerous violations or a pattern of misconduct;

(k) The number, size and character of the transactions in question;

(l) Whether the licensee provided substantial assistance to the Office in its examination or investigation of the underlying misconduct;

(m) Other relevant, case-specific circumstances.

(149) The list of violations cited in this rule is intended to be comprehensive, but the omission of a violation from the list does not preclude the Office from taking any action authorized by Section 560.114, F.S.

(150) The ranges for administrative fines imposed by this rule are \$1,000 – \$3,500 for an "A" level fine; \$3,500 – \$7,500 for a "B" level fine; and \$7,500 – \$10,000 for a "C" level fine.

(151) The ranges for suspensions imposed by this rule are 3 to 10 days for an "A" level suspension; 10 to 20 days for a "B" level suspension; and 20 to 30 days for a "C" level suspension.

Rulemaking Authority 560.105, 560.1141 FS. Law Implemented 560.109, 560.1105, 560.111, 560.114, 560.1141, 560.118, 560.123, 560.1235, 560.125, 560.126, 560.128, 560.204, 560.208, 560.2085, 560.209, 560.210, 560.211, 560.213, 560.303, 560.309, 560.310, 560.403, 560.404, 560.405, 560.406 FS. History—New \_\_\_\_\_.

Rulemaking Authority 24.105(9)(i), 24.109(1), 24.112(1) FS. Law Implemented 24.105(9)(i), 24.112(1) FS. History—New 4-10-09.

THIS RULE TAKES EFFECT UPON BEING FILED WITH THE DEPARTMENT OF STATE UNLESS A LATER TIME AND DATE IS SPECIFIED IN THE RULE.

EFFECTIVE DATE: APRIL 10, 2009

## Section IV Emergency Rules

### 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."

### DEPARTMENT OF THE LOTTERY

RULE NO.: 53ER09-16  
 RULE TITLE: Florida POWERBALL® Power Play® Retailer Bonus Sales Commission Promotion.

SUMMARY: Effective April 13, 2009 through May 3, 2009, the Florida Lottery will conduct Florida POWERBALL® Power Play® Retailer Bonus Sales Commission Promotion.

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

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER09-16 Florida POWERBALL® Power Play® Retailer Bonus Sales Commission Promotion.

(1) Beginning April 13, 2009 through May 3, 2009, the Florida Lottery will pay retailers a bonus sales commission of two and one-half percent (2.5%), in addition to the regular commission set forth in Rule 53ER05-14, F.A.C., for each Florida Powerball with Power Play ticket sold in their store.

(2) The bonus sales commissions will be reflected on the retailer's weekly settlement report within three weeks of the end of the promotion. The Lottery reserves the right to apply a bonus commission earned against a retailer's outstanding debt to the Lottery and to award the remaining balance of the bonus commission, if any.

(3) Bonus sales commissions will be considered compensation to the retailer for Internal Revenue Service purposes.

(4) Retailers whose Florida Lottery contracts are terminated or inactivated prior to the bonus commission award shall be paid the bonus commission earned provided said termination or inactivation was not due to noncompliance with Chapter 24, F.S., Chapter 53, F.A.C., or contract terms.

### DEPARTMENT OF MANAGEMENT SERVICES

#### Division of State Employees' Insurance

RULE NO.: 60PER09-1  
 RULE TITLE: Employees Not on Payroll/Return to Payroll

SPECIFIC REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY OR WELFARE: The American Economic Recovery and Reinvestment Act of 2009 (the Act), Pub. L. 111-5, includes a provision under which the federal government will pay a portion of COBRA premiums for certain individuals whose employer group health plan coverage would otherwise end due to an involuntary job loss between September 1, 2008, and December 31, 2009. Given the economic conditions, state employees may suffer layoffs. Those who are in layoff status and cannot afford regular COBRA premiums will lose their health insurance. Health care is a matter of great public concern.

REASON FOR CONCLUDING THAT THE PROCEDURE IS FAIR UNDER THE CIRCUMSTANCES: Emergency rulemaking is fair under the circumstances because without the amendment those persons involuntarily in layoff status may not be able to take advantage of the COBRA subsidy that is designed to help people afford the cost of continuing health care insurance. Immediate clarification is necessary to reduce the potential for ambiguity and to ensure that employees in layoff are eligible to receive the nine months of COBRA subsidy provided under the Act.

SUMMARY: This rule amendment clarifies that employees who are involuntarily put in layoff status between September 1, 2008, and December 31, 2009, are "assistance eligible individuals" eligible for 18 months of COBRA followed by an additional 6 months of coverage eligibility under Rule 60P-2.012, F.A.C. This clarification removes the potential for ambiguity and ensures that layoffs are eligible to receive the nine months of COBRA subsidy provided under the Act.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Michelle Robleto, Director, Division of State Group Insurance, Department of Management Services, 4050 Esplanade Way, Tallahassee, FL 32399-0905; telephone (850)921-4658; telecopier (850)488-0252

THE FULL TEXT OF THE EMERGENCY RULE IS: