

(f) ~~Annually by On or before March 1, 1993 and in three year intervals thereafter,~~ files a written request for the exemption. This request for exemption shall be accompanied by an exemption fee of \$2000 to be deposited into the Chief Financial Officer’s Regulatory Trust Fund.

(3) Motor vehicle manufacturers, as defined in Section 634.011(7), Florida Statutes, must only comply with paragraph (2)(f) above to apply for exemption from examination.

Rulemaking Specific Authority 634.021 FS. Law Implemented 634.141 634.1216 FS. History–New 5-26-93, Formerly 4-200.014, Amended _____.

690-200.015 Forms Incorporated by Reference.

(1) The following forms are incorporated into this rule chapter by reference to implement the provisions of Chapter 634, Part I, Florida Statutes:

Title	Form Number
(a) Application Cover Letter	OIR-CI-982 (02/92)
(b) Application Instructions	OIR-CI-994 (02/92)
(c) Application Checklist	OIR-CI-993 (02/92)
(d) Invoice	OIR-CI-990 (02/92)
(e) Fingerprint Fee Invoice	OIR-CI-903 (09/91)
(f) Application for License as a Motor Vehicle Service Agreement Company	OIR-CI-469 (02/92)
(g) Consent to Service of Process	OIR-CI-144 (11/90)
(h) Resolution Form	OIR-CI-514 (11/90)
(i) Statement of Acquisition	OIR-CI-448 (05/89)
(j) Sample Contractual Liability Policy	OIR-CI-969 (08/92)
(k) Instructions for Deposit	OIR-CI-992 (05/94)
(l) List of Salesman	OIR-CI-995 (02/92)
(m) Management Information	OIR-CI-844 (10/91)
(n) Stockholder Listing	OIR-CI-973 (10/91)
(o) Biographical Statement	OIR-CI-1423422 (09/08) (11/90)
(p) Abbreviated Biographical	OIR-CI-449 (01/91)
(q)(r) Release of Information	OIR-CI-450 (08/92)
(q)(r) Equifax Instructions	OIR-CI-934 (10/91)
(r)(s) Fingerprint Instructions	OIR-CI-938 (04/91)
(s)(t) Annual Statement	OIR-A3-467 (01/92)
(t)(u) Quarterly Report	OIR-A3-466 (02/87)
(u) Application for License – Motor Vehicle Service Agreement Company – Manufacturer.	OIR-A3-1983 (02/09)
(v) Annual Report for Motor Vehicle Manufacturers.	OIR-A3-1984 (01/10) OIR-A3-1985 (01/10)
(w) Application for Exemption from Field Examination.	OIR-A3-2019 (01/10)
(x) Application for License Continuance – Motor Vehicle Service Agreement Company.	

(2) These forms are effective on the dates referenced above. Copies of the forms may be obtained from the Office of Insurance Regulation, Bureau of Specialty Insurers, Larson Building, Tallahassee, FL 32399-0300.

Rulemaking Specific Authority 634.021 FS. Law Implemented 634.041, 634.061, 634.161, 634.252 FS. History–New 6-25-90, Formerly 4-114.015, Amended 5-26-93, 6-6-94, Formerly 4-200.015, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Steve Szypula, Office of Insurance Regulation. E-mail Steve.Szypula@flor.com

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: The Financial Services Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 8, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 16, 2009

Section III Notices of Changes, Corrections and Withdrawals

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 BUSINESS AND PROFESSIONAL REGULATION

RULE NOS.:	RULE TITLES:
61-35.0271	Real Estate: Application for Sales Associate License
61-35.02711	Real Estate: Application for Broker License
61-35.02712	Real Estate: Application for Real Estate Instructor Permit
61-35.02713	Real Estate: Application for School Chief Administrator
61-35.02714	Real Estate: Application for School Permit
61-35.02715	Real Estate: Real Estate School Change of Status Transactions
61-35.02716	Real Estate: Application for Real Estate Company License
61-35.02717	Real Estate: Application for Branch Office
61-35.02718	Real Estate: Application for Additional School Location

- 61-35.02719 Real Estate: Sales Associate/Broker Sales Associate (SL/BL) Transactions
 - 61-35.0272 Real Estate: Broker (BK) Transactions
 - 61-35.02721 Real Estate: Real Estate Company Transactions
 - 61-35.02722 Real Estate: Instructor Transactions
 - 61-35.02723 Real Estate: School Chief Administrator Transactions
- 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. 45, November 13, 2009 issue of the Florida Administrative Weekly.

61-35.0271 Real Estate: Application for Sales Associate License.

Form number DBPR RE 1, Application for Sales Associate License, effective November 17, 2009, is adopted and incorporated by reference.

Rulemaking Authority 20.165(8), 455.203, 455.213 FS. Law Implemented ~~455.271~~, 475.161, 475.17, 475.175, 475.180, 475.181 FS. History–New_____.

61-35.02711 Real Estate: Application for Broker License.

Form number DBPR RE 2, Application for Broker License, effective November 17, 2009, is adopted and incorporated by reference.

Rulemaking Authority 20.165(8), 455.203, 455.213 FS. Law Implemented ~~455.271~~, 475.17, 475.175, 475.180, 475.181 FS. History–New_____.

61-35.02712 Real Estate: Application for Real Estate Instructor Permit.

Form number DBPR RE 3, Application for Real Estate Instructor Permit, effective November 17, 2009, is adopted and incorporated by reference.

Rulemaking Authority 20.165(8), 455.203, 455.213 FS. Law Implemented ~~455.271~~, 475.175, 475.180, 475.181, 475.183, 475.451 FS. History–New_____.

61-35.02713 Real Estate: Application for School Chief Administrator.

Form number DBPR RE 4, Application for School Chief Administrator, effective November 17, 2009, is adopted and incorporated by reference.

Rulemaking Authority 20.165(8), 455.203, 455.213 FS. Law Implemented ~~455.271~~, 475.175, 475.180, 475.181, 475.183, 475.451 FS. History–New_____.

61-35.02714 Real Estate: Application for School Permit.

Form number DBPR RE 5, Application for School Permit [2506/1020], effective November 17, 2009, is adopted and incorporated by reference.

Rulemaking Authority 20.165(8), 455.203, 455.213 FS. Law Implemented ~~455.271~~, 475.175, 475.180, 475.181, 475.451, 559.79 FS. History–New_____.

61-35.02715 Real Estate: Real Estate School Change of Status Transactions.

Form number DBPR RE 6, Real Estate School Change of Status Transactions, effective November 17, 2009, is adopted and incorporated by reference.

Rulemaking Authority 20.165(8), 455.203, 455.213 FS. Law Implemented ~~455.271~~, 475.183, 475.23, 559.79 FS. History–New_____.

61-35.02716 Real Estate: Application for Real Estate Company License.

Form number DBPR RE 7, Application for Real Estate Company License, effective November 17, 2009, is adopted and incorporated by reference.

Rulemaking Authority 20.165(8), 455.203, 455.213 FS. Law Implemented ~~455.271~~, 475.15, 475.181, 475.22, 559.79 FS. History–New_____.

61-35.02717 Real Estate: Application for Branch Office.

Form number DBPR RE 8, Application for Branch Office, effective November 17, 2009, is adopted and incorporated by reference.

Rulemaking Authority 20.165(8), 455.203, 455.213 FS. Law Implemented ~~455.271~~, 475.15, 475.180, 475.181, 475.23, 475.24, 559.79 FS. History–New_____.

61-35.02718 Real Estate: Application for Additional School Location.

Form number DBPR RE 9, Application for Additional School Location, effective November 17, 2009, is adopted and incorporated by reference.

Rulemaking Authority 20.165(8), 455.203, 455.213 FS. Law Implemented ~~455.271~~, 475.180, 475.451, 559.79 FS. History–New_____.

61-35.02719 Real Estate: Sales Associate/Broker Sales Associate (SL/BL) Transactions.

Form number DBPR RE 10, Sales Associate/Broker Sales Associate (SL/BL) Transactions, effective November 17, 2009, is adopted and incorporated by reference.

Rulemaking Authority 20.165(8), 455.203, 455.213 FS. Law Implemented ~~455.271~~, 475.161, 475.17, 475.180, 475.183, 475.215, 475.23 FS. History–New_____.

61-35.0272 Real Estate: Broker (BK) Transactions.

Form number DBPR RE 11, Broker (BK) Transactions, effective November 17, 2009, is adopted and incorporated by reference.

Rulemaking Authority 20.165(8), 455.203, 455.213 FS. Law Implemented ~~455.271~~, 475.180, 475.183, 475.215, 475.23 FS. History–New_____.

61-35.02721 Real Estate: Real Estate Company Transactions. Form number DBPR RE 12, Real Estate Company Transactions, effective November 17, 2009, is adopted and incorporated by reference.

Rulemaking Authority 20.165(8), 455.203, 455.213 FS. Law Implemented ~~455.271~~, 475.15, 475.180, 475.183, 475.23 559.79 FS. History–New_____.

61-35.02722 Real Estate: Instructor Transactions. Form number DBPR RE 13, Instructor Transactions, effective November 17, 2009, is adopted and incorporated by reference.

Rulemaking Authority 20.165(8), 455.203, 455.213 FS. Law Implemented ~~455.271~~, 475.180, 475.183, 475.23, 475.451 FS. History–New_____.

61-35.02723 Real Estate: School Chief Administrator Transactions. Form number DBPR RE 14, School Chief Administrator Transactions, effective November 17, 2009, is adopted and incorporated by reference.

Rulemaking Authority 20.165(8), 455.203, 455.213 FS. Law Implemented ~~455.271~~, 475.180, 475.181, 475.182, 475.183, 475.215, 475.23, 475.451, 559.79 FS. History–New_____.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS Thomas O’Bryant, Jr., Director, Division of Real Estate, Department of Business and Professional Regulation, 400 W. Robinson Street, Suite N801, Orlando, Florida 32801, (407)481-5662

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Pilotage Rate Review Board

RULE NO.: RULE TITLE:
61E13-2.010 Notice of Intended Agency Action
NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 36, No. 7, February 19, 2010 issue of the Florida Administrative Weekly has been withdrawn.

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:
62-306.200 Definitions
62-306.300 General Requirements

62-306.400 Eligibility for Generation of Credits
62-306.600 Use of Credits and Credit Tracking
62-306.800 Compliance with Trade Provisions

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. 36, No. 14, April 9, 2010 issue of the Florida Administrative Weekly.

In addition, notice is given that the Notice of Correction published in Vol. 36, No. 17, April 30, 2010 issue of the Florida Administrative Weekly incorrectly included two rules in the index that do not exist in Chapter 62-306, F.A.C. The Notice stated that technical corrections were being made to Rules 62-306.310 and 62-306.320, F.A.C.; however, those Rules were included in error. The only rules that exist within Chapter 62-306, F.A.C., are correctly listed above.

62-306.200 Definitions.

(1) through (7) No change.

(8) “Location Factors” (LFs) means the WBID-specific numbers, as listed in the LSJR BMAP Tables 22 and 23, that are used to ensure that trades do not result in localized impacts on the river. Location Factors representing the relative impact a given unit of nitrogen or phosphorus discharged at a WBID has on water quality in the worst case WBID compared to the same amount of nitrogen or phosphorus discharged directly to the worst case WBID. LFs are used in trades to provide reasonable assurance that the seller’s credits are functionally equivalent in protecting the water quality of the water body or water segment.

(9) through (17) No change.

(18) “Technology-Based Effluent Limitation” (TBEL) means a minimum waste treatment requirement established by the Department based on treatment technology.

~~(19)~~(18) “Uncertainty Factor” (UF) means the ratio of the estimated number of pounds or kilograms of reduction by a nonpoint source to the number of pounds or kilograms of credit that will be authorized. The UF reflects the uncertainty associated with estimates of nonpoint source pollutant reductions.

~~(20)~~(19) “Water Quality Credit Trading” means the exchange of credits between point and nonpoint sources in the LSJR Basin to achieve or maintain the TMDL.

~~(21)~~(20) “WBID” means the unique waterbody ~~identification number~~ that was used to divide the Lower St. Johns River Basin into water assessment polygons, as shown in LSJR BMAP Figure 1.

~~(22)~~(21) “Worst case WBIDs” means the WBIDs in the marine and freshwater portions of the river where adverse impacts due to nutrient loadings were greatest, and which controlled the maximum allowable nutrient loading to the LSJR.

Rulemaking Authority 403.067(9) FS. Law Implemented 403.067(8)-(10) FS. History--New _____.

62-306.300 General Requirements.

~~(1) The generation and trading of water quality credits must be consistent with federal law and regulation.~~

~~(1)(2)~~ To be eligible to generate and trade credits between point and nonpoint sources, the following must be met:

(a) No change.

(b) Credits generated by a nonpoint source can either be measured where treatment methods allow influent and effluent water quality to be measured, or can be estimated for the type of operation. However, if credits are estimated, the applicant must provide reasonable assurance, using peer reviewed literature-based estimates of removal efficiency, that the estimate is scientifically defensible, and any applicable uncertainty factor shall be applied.

(c) At least one of the trading parties must have an individual wastewater or stormwater permit. The activities necessary to generate credits must be authorized under the appropriate point source stormwater or wastewater NPDES permit. The permit application shall describe how the activities necessary to achieve ~~provide the Department with reasonable assurance that~~ the load reductions required to generate the credits will be implemented and monitored.

(d) through (f) No change.

~~(2)(3)~~ No facility or activity may generate or use water quality credits until such time as all required permits have been obtained. Facilities that meet their TMDL obligations via trading must demonstrate ~~provide reasonable assurance~~ that their discharge, including any trades, will not cause or contribute to violations of water quality standards. Credits generated under this part shall not be used to offset violations of a discharge permit or to comply with any applicable technology-based effluent limits (TBELs).

~~(3)(4)~~ No change.

~~(4)(5)~~ No change.

Rulemaking Authority 403.067(9) FS. Law Implemented 403.067(8)-(10) FS. History--New _____.

62-306.400 Eligibility for Generation of Credits.

(1) No change.

(2) Activities that are eligible to generate credits include:

(a) through (d) No change.

(e) Other similar pollution controls or management practices with a demonstrated ability to reduce the load of nutrients discharged ~~approved by the Department~~.

(3) No change.

Rulemaking Authority 403.067(9) FS. Law Implemented 403.067(8)-(10) FS. History--New _____.

62-306.600 Use of Credits and Credit Adjustments.

(1) Wastewater Facilities.

(a) The use of credits must be authorized in the buyer's permit. At the time of permit application, the buyer must submit an affidavit, signed by the buyer and seller, disclosing the term of the trade, the number of credits traded, the date when the credits will be generated, the unit price, and the amount of any state funding used to generate the credits traded. The affidavit used by the Department for Water Quality Credit Trading, Form 62-306, "Water Quality Credit Trading Affidavit" [Effective Date], is hereby adopted and incorporated. Copies of the form may be obtained from the Department's internet site at <http://www.dep.state.fl.us/water/tmdl>, the Northeast District Office, or by writing to the Florida Department of Environmental Protection, Bureau of Assessment and Restoration Support, 2600 Blair Stone Road (MS3560), Tallahassee, FL 32399.

(b) The Fact Sheet or Statement of Basis for the buyer's permit shall note that the permit authorizes a trade and identify the source of the credits purchased.

(c) If the buyer subsequently decides to change the source of credits during the permit cycle, the buyer must submit a new Water Quality Credit Trading Affidavit pursuant to paragraph (1)(a) and apply for a permit revision. The Department will evaluate the permit revision and determine whether ~~there is reasonable assurance that~~ the seller has credits available in accordance with Rules 62-306.300, 62-306.400, and 62-306.500, F.A.C.

(2) Municipal Separate Storm Sewer Systems (MS4s) and Nonpoint Sources.

(a) The buyer must submit a Water Quality Credit Trading Affidavit, signed by the buyer and seller, disclosing the term of the trade, the number of credits traded, the date when the credits will be generated, the unit price, and the amount of any state funding used to generate the credits traded. The Department will determine whether there is reasonable assurance that the seller has credits available. The Department shall notify the buyer within thirty days if the buyer has not provided reasonable assurance that the seller has credits available.

(b) If the buyer subsequently decides to change the source of credits, the buyer must submit a new Water Quality Credit Trading Affidavit ~~pursuant to paragraph (2)(a)~~ so that the Department can evaluate whether the buyer has provided reasonable assurance that the seller has credits available. The Department shall notify the NPS within thirty days if the NPS has not provided reasonable assurance that the seller has credits available.

(3) through (5) No change.

Rulemaking Authority 403.067(9) FS. Law Implemented 403.067(8)-(10) FS. History--New _____.

62-306.800 Compliance with Trade Provisions.

(1) If the credits traded are measured credits, the permittee shall report to the Department the quantity of the Total Nitrogen or Total Phosphorus discharged on a monthly basis ~~on a Discharge Monitoring Report (DMR) form, incorporated in subsection 62-620.910(10), F.A.C.,~~ to demonstrate compliance with the effluent limitations, and monitoring and reporting requirements specified in their NPDES permit. Permittees may use the precoded Discharge Monitoring Report form provided by the permitting office to the permit holder at the time of permit issuance to report the amount of Total Nitrogen or Total Phosphorus discharged ~~DMR forms and instructions may be obtained from the Department's internet website at <http://www.dep.state.fl.us/water/wastewater/forms.htm> or at the Department District Offices.~~

(2) No change.

(3) Liability.

(a) No change.

(b) Buyers of water quality credits are responsible for complying with all terms of their permit. In the event that credits purchased are determined to be invalid; but the buyer otherwise meets its applicable permit limit, the invalidation of credits shall not be a violation of the buyer's permit. In such cases, the Department shall re-open the permit and issue an Administrative Order requiring the buyer, within a reasonable amount of time, to obtain credits from another source, increase treatment, or otherwise reduce the discharged load to meet its baseline load ~~the invalidation of credits shall be addressed pursuant to paragraph 403.067(8)(g), F.S.~~

Rulemaking Authority 403.067(9) FS. Law Implemented 403.067(8)-(10) FS. History--New _____.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NO.: RULE TITLE:
62-306.900 Forms

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 36, No. 14, April 9, 2010 issue of the Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF HEALTH

Board of Dentistry

RULE NO.: RULE TITLE:
64B5-16.006 Remediable Tasks Delegable to a
 Dental Hygienist

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. 36, No. 6, February 12, 2010 issue of the Florida Administrative Weekly.

The change is in response to concerns of by the Joint Administrative Procedures Committee in letters dated March 16, 2010 and March 19, 2010. The change is as follows:

64B5-16.006 shall read as:

(6) The following remediable tasks may be performed by a Florida licensed dental hygienist in health access settings as defined by Section 466.003(14), F.S., without the supervision of a dentist:

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sue Foster, Executive Director, Board of Dentistry, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

DEPARTMENT OF HEALTH

Board of Medicine

RULE NOS.:	RULE TITLES:
64B8-9.0131	Standards of Practice for Physicians Practicing in Pain Management Clinics
64B8-9.0132	Requirement for Pain Management Clinic Registration; Inspection or Accreditation

NOTICE OF ADDITIONAL PUBLIC HEARING

The Board of Medicine hereby gives notice of an additional public hearing on Rules 64B8-9.0131 and 9.0132, F.A.C., to be held on Saturday, August 8, 2010, at 8:00 a.m., at the Renaissance Orlando, 5445 Forbes Place, Orlando, FL 32812. The rule was originally published in Vol. 36, No. 16, of the April 23, 2010, issue of the Florida Administrative Weekly. The Board held a public hearing on these rules on June 4, 2010, in Fort Lauderdale, Florida. The Board will consider the recommendations from the Boards of Medicine and Osteopathic Medicine Pain Management Clinic Standards of Practice Joint Committee which is scheduled to meet on July 24, 2010.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Larry McPherson, Executive Director, Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253

Any person requiring a special accommodation at this hearing because of a disability or physical impairment should contact the Board's Executive Director at least five calendar days prior to the hearing. If you are hearing or speech impaired, please contact the Board office using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

DEPARTMENT OF HEALTH

Board of Osteopathic Medicine

RULE NOS.:	RULE TITLES:
64B15-14.0051	Standards of Practice for Physicians Practicing in Pain Management Clinics
64B15-14.0052	Requirement for Pain Management Clinic Registration; Inspection or Accreditation

NOTICE OF ADDITIONAL PUBLIC HEARING

The Board of Osteopathic Medicine hereby gives notice of an additional public hearing on Rules 64B15-14.0051 and 64B15-14.0052, F.A.C., to be held on Friday, August 20, 2010, at 4:00 pm, at the Rosen Plaza Hotel, 9700 International Drive, Orlando, FL 32819. The rule was originally published in Vol. 36, No. 16, of the April 23, 2010, issue of the Florida Administrative Weekly. The Board held a public hearing on these rules on June 18, 2010, in Orlando, Florida. The Board will consider the recommendations from the Boards of Medicine and Osteopathic Medicine Pain Management Clinic Standards of Practice Joint Committee which is scheduled to meet on July 24, 2010.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Anthony Jusevitch, Executive Director, Board of Osteopathic Medicine, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

Any person requiring a special accommodation at this hearing because of a disability or physical impairment should contact the Board's Executive Director at least five calendar days prior to the hearing. If you are hearing or speech impaired, please contact the Board office using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

DEPARTMENT OF HEALTH

Board of Podiatric Medicine

RULE NO.: 64B18-17.002
 RULE TITLE: Board Approval of Continuing Education Programs

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. 36, No. 3, January 22, 2010 issue of the Florida Administrative Weekly.

64B18-17.002 Board Approval of Continuing Education Programs.

(1) Automatic approval.

Continuing education programs, in the areas of podiatric medicine and surgery or relevant to podiatric medicine in that the course will enhance the knowledge and abilities of the podiatric physician in terms of improved quality and delivery of patient care sponsored and approved by the American Podiatric Medical Association, formerly known as the America Podiatry Medical Association (APMA), the Council on Podiatric Medical Education, formerly known as the Council on Podiatry Education (CPE), the American Medical Association (AMA), the American Osteopathic Association (AOA), the American Hospital Association (AHA) or any of their component or affiliate organizations are hereby approved by the Board. Neither those providers nor the programs they provide need be submitted to the Board for approval.

(b) through (c) No change.

(2) through (6) No change.

Rulemaking Specific Authority 456.013, 456.025(3), 461.005, 461.007(3) FS. Law Implemented 456.013, 456.025(3), 461.007(3) FS. History--New 4-29-86, Amended 6-20-88, 6-19-90, Formerly 21T-17.0015, Amended 9-29-93, Formerly 61F12-17.0015, Amended 1-1-96, 6-12-96, Formerly 59Z-17.002, Amended.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Bruce Deterding, Executive Director, Board of Podiatric Medicine/MQA, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

DEPARTMENT OF HEALTH

Board of Podiatric Medicine

RULE NO.: 64B18-17.003
 RULE TITLE: Continuing Education Programs Not Requiring Pre-Approval from the Board

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. 36, No. 3, January 22, 2010 issue of the Florida Administrative Weekly.

64B18-17.003 Continuing Education Programs Not Requiring Pre-Approval from the Board.

(1) Hospital Scientific Programs. When a podiatric physician is a member of a hospital staff and attends scientific programs sponsored by the hospital in the areas of podiatric medicine and surgery or relevant to podiatric medicine in that the program will enhance the knowledge and abilities of the podiatric physician in terms of improved quality and delivery of patient care, then attendance at such programs may be credited toward satisfaction of the Board's continuing education requirement, except that the podiatric physician may only count four (4) hours so obtained each year of the biennium toward the forty (40) hours of continuing education required for the biennium. A podiatric physician who takes advantage of this provision and whose continuing education is audited must provide certification from the hospital authorities in charge of the hospital-sponsored scientific program which demonstrates that the podiatric physician has attended the requisite number of hours at a hospital-sponsored scientific program.

(2) through (4) No change.

Rulemaking Specific Authority 456.013, 456.033(7), 461.005, 461.007 FS. Law Implemented 456.013, 456.033(1), 461.007 FS. History--New 11-24-80, Formerly 21T-17.03, Amended 10-14-86, 2-22-87, 5-16-89, 6-19-90, Formerly 21T-17.003, Amended 7-6-94, Formerly 61F12-17.003, Amended 12-19-94, 1-1-96, 6-12-96, Formerly 59Z-17.003, Amended 8-8-99, _____.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Bruce Deterding, Executive Director, Board of Podiatric Medicine/MQA, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Agency for Persons with Disabilities

RULE NOS.:	RULE TITLES:
65G-11.001	DD Waiver Waitlist Prioritization
65G-11.002	Wait List Prioritization Criteria
65G-11.003	Wait List Prioritization Procedure

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. 36, No. 20, May 21, 2010 issue of the Florida Administrative Weekly.

2nd NOTICE OF CHANGE

65G-11.001(3) is amended:

(3) "Caregiver" is defined as the person who provides personal care, supervision, training or housing to an individual ~~and who is not paid by APD to perform these tasks. For purposes of this rule, a caregiver is defined as a parent, stepparent, grandparent, sibling, spouse or other relative or friend living in the same residence as the individual. Further, the caregiver must be a resident of the State of Florida for a minimum of 12 consecutive months and may not be receiving monetary compensation for the caregiver duties.~~

65G-11.001(10) is added:

(10) "Short term services" are not duplicative of any services required by other state agencies or departments and shall only be provided when other community resources are not available. The Agency shall provide short term services to individuals on the waitlist through the use of Social Services Block Grant funding as allocated by the legislature.

Rulemaking Authority 393.065(7) FS. Law Implemented 393.065(5) FS. History--New _____.

65G-11.002(2) is deleted:

~~(2) Determination of residency of the caregiver for 12 consecutive months shall be determined by documentation to be provided to the agency, such as Florida Driver's License, school records, utility bill, housing lease or rental agreement, or employment information.~~

65G-11.002(6) is amended:

(6) Category 3 includes the following individuals:

(a) Individuals for whom the caregiver has a condition or circumstance that is expected to render the caregiver unable to provide care within the next twelve months and other caregivers are unable, unwilling, or unavailable to provide care. The evaluation of the caregiver's condition or circumstance should consider the level of care necessitated by

the client's needs and the caregiver's ability to provide that level of care. The condition or circumstance that renders the caregiver unable must be documented by a physician's statement if it is a medical condition and must explain the reason the current caregiver can no longer provide the individual's care. If the Caregiver is paid by any source for their services to the individual there is a rebuttable presumption that another paid provider could be substituted and therefore that another caregiver is available to provide care. The Client May Present evidence to show that this presumption is not correct under their particular circumstances. Circumstances that are not medical in nature must be described and signed by the caregiver and notarized. This documentation will be provided to the Area Office for a determination of eligibility for Category 3.

65G-11.002(9) is amended:

(9) Category 6 includes individuals who are age 21 years of age older and do not meet the criteria for any other category. Documentation of this category is obtained through verification of the individual's date of birth and verification that documentation does not qualify the individual for any other category. ~~The Agency shall provide short term services to these individuals through the use of Social Services Block Grant funding as allocated by the legislature. These services shall not duplicate any services required by other state agencies or departments and shall only be provided when other community resources are not available.~~

65G-11.002(10) is amended:

(10) Category 7 includes those individuals who are younger than 21 years of age and who do not meet the criteria for any other category. Documentation of this category is obtained through verification of the individual's date of birth and absence of any documentation that places an individual into another category. ~~The Agency shall provide short term services to these individuals using Social Services Block Grant funding as allocated by the legislature. These services shall not duplicate any services required by other state agencies or departments and shall only be provided when other community resources are not available.~~ Prevention and early intervention services that are critical to the child's developmental growth shall be a high priority for services from the Agency as well as support to the parents or caregivers to maintain the child in the family home.

Rulemaking Authority Section 393.065(7) FS. Law Implemented 393.065(5) FS. History--New _____.

65G-11.003(5) is amended:

(5) Individuals will be removed from the wait list and the individual's Agency record will be closed if the individual:
(a) Becomes domiciled in another state.
(b)(*) Becomes ineligible for APD and the waiver, or

~~(c)(b)~~ Cannot be contacted or located over a 60 calendar day two month period using the information provided to the area office staff.

The individual can reapply for APD services at any time.

Rulemaking Authority 393.065(7) FS. Law Implemented 393.065(5) FS. History--New _____.

FISH AND WILDLIFE CONSERVATION COMMISSION

RULE NO.: 68-5.001
 RULE TITLE: Introduction of Non-native Species into the State

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. 36, No. 20, May 21, 2010 issue of the Florida Administrative Weekly.

Proposed amendment to Rule 68-5.001(3) has been changed to include the following modified subsection:

(3) Conditional Non-native Species – No person shall import into the state, sell, possess, or transport any live specimens of the species, or hybrids or eggs thereof, listed in Rule 68-5.002, F.A.C., except by Conditional/Prohibited/Nonnative species permit and as provided in paragraphs (a) through (f) below:

- (a) through (d) No change.
- (e) Snakes and lizards:

2. Identification: Conditional snakes and lizards shall be permanently identified with a unique passive integrated transponder (PIT tag). Identification shall consist of the implantation of a unique PIT tag under the specimen’s skin in a manner to maintain the PIT tag permanently in place.

a. For snakes implantation shall be in specimens with a one (1) inch or greater diameter. The PIT tag shall be implanted in the rear one-third (1/3) of the snake, forward of the anal plate.

b. For lizards implantation shall be in the body cavity in close proximity to and forward of a rear leg, or in a rear leg.

c. The requirement pertaining to the location of the PIT tag implantation shall not apply to specimens implanted prior to acquisition of the animal or prior to the effective date of this rule.

d. Records of identification including PIT tag number where applicable, along with information about the specimen being identified (species, specimen name or number, gender, and age) must be provided to the Commission within 72 hours of acquisition and maintained in the possessor’s records for as long as the specimen is possessed.

e. Exemption: Conditional snakes and lizards being held for export by any person who possesses such animals in accordance with Sections 379.304 and 379.372, F.S., are exempt from the permanent identification requirement of this section for a period not to exceed 180 days provided such animals or their enclosures are permanently marked so as to be traceable to written records indicating the date such conditional snakes and lizards were acquired.

~~f. Effective Date: All The permanent identification requirements for conditional snake and lizard species in this rule shall not take effect until August 1, 2010.~~

(f) No change.

No other changes were made to the rule amendments as proposed.

FISH AND WILDLIFE CONSERVATION COMMISSION

RULE NO.: 68-5.002
 RULE TITLE: Conditional Non-native Species

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. 36, No. 20, May 21, 2010 issue of the Florida Administrative Weekly.

Proposed amendment to Rule 68-5.002(4) has been changed to include the following modified subsection:

(4) Non-native Snakes and lizards: The following species possessed for personal use by reptile of concern license holders prior to July 1, 2010 may continue in the possession of the owner for the life of the animal. A valid license to possess these animals must be maintained pursuant to 379.372, F.S.

- (a) Indian or Burmese python (*Python molurus*)
- (b) Reticulated python (*Python reticulatus*)
- (c) Northern African python (*Python sebae*)
- (d) Southern African python (*Python natalensis*)
- (e) Amethystine python (*Morelia amethystinus*)
- (f) Scrub python (*Morelia kinghorni*)
- ~~(g) Black or Boelen’s python (*Morelia boeleni*)~~
- ~~(g)(h)~~ Green anaconda (*Eunectes murinus*)
- ~~(h)(i)~~ Nile monitor (*Varanus niloticus*).

No other changes were made to the rule amendments as proposed.

FISH AND WILDLIFE CONSERVATION COMMISSION

RULE NO.: 68-5.004
 RULE TITLE: Amnesty for Persons Relinquishing Non-native Pets

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. 36, No. 20, May 21, 2010 issue of the Florida Administrative Weekly.

Proposed amendment to Rule 68-5.004(3) has been changed to include the following modified subsection:

(3) Relinquishing reptiles of concern, or conditional snakes and lizards

(a) through (b) No change.

(c) Persons accepting unpermitted reptiles of concern, or conditional snakes and lizards, shall complete a Captive Wildlife Inventory-Donated Reptile form FWCDLE 624IV (06-10), which is adopted and incorporated herein by reference, which is available from the Florida Fish and Wildlife Conservation Commission, Division of Law Enforcement, 620 South Meridian Street, Tallahassee, Florida 32399-1600, and submit the form to the same address within 72 hours of acquisition.

(d) No change.

(e) Persons accepting unpermitted reptiles of concern, or conditional snakes or lizards, under this subsection must otherwise comply with all permit conditions and Commission rules, specifically including provisions in Rules 68A-6.007, 68A-6.0071, and 68A-6.0072, F.A.C. Chapter 68A-6.

No other changes were made to the rule amendments as proposed.

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE NO.: 68A-6.0072 RULE TITLE: Identification of Non-Native Venomous Reptiles and Reptiles of Concern; Escape

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. 36, No. 12, March 26, 2010 issue of the Florida Administrative Weekly.

Proposed amendment to Rule 68A-6.0072(6) has been changed to include the following modified subsection:

~~(6) Effective Date: The permanent identification requirements for reptiles of concern in this rule shall not take effect until July 1, 2010.~~

No other changes were made to the rule amendments as proposed.

DEPARTMENT OF FINANCIAL SERVICES

Finance

RULE NOS.: 69V-40.001 RULE TITLES: Definitions

69V-40.00112	Effect of Law Enforcement Records on Applications for Loan Originator, Mortgage Broker, and Mortgage Lender Licensure.
69V-40.002	Adoption of Forms
69V-40.003	Electronic Filing of Forms and Fees
69V-40.008	Fees and Commissions
69V-40.0113	Demonstrating Character, General Fitness, and Financial Responsibility
69V-40.021	Fictitious Name Registration
69V-40.022	Quarterly Report Filing Requirements
69V-40.025	Mortgage Broker Examination
69V-40.026	Curriculum for Mortgage Broker Pre-licensing Classroom Education
69V-40.027	Mortgage Broker Pre-licensing Education Requirement
69V-40.0271	Professional Continuing Education Requirements for Mortgage Brokers, Loan Originators, and Principal Representatives
69V-40.028	Permit for Mortgage Business School
69V-40.0281	Mortgage Business Schools Prohibited Practices and Advertising/Publicity
69V-40.029	Mortgage Business School Permit Renewal
69V-40.030	Accreditation Process for a Mortgage Business School
69V-40.031	Application Procedure for Mortgage Broker License
69V-40.0311	Effect of Law Enforcement Records on Applications for Mortgage Broker Licensure
69V-40.0312	Application Procedure for Loan Originator License
69V-40.0313	Loan Originator License Renewal
69V-40.0321	Application Procedure for a Mortgage Broker License
69V-40.0322	Mortgage Broker License Renewal
69V-40.033	Disciplinary Guidelines for Mortgage Business Schools
69V-40.0331	Declaration of Intent to Engage Solely in Loan Processing
69V-40.036	Application Procedure for a Mortgage Broker Branch Office License
69V-40.043	Mortgage Broker License Renewal and Reactivation
69V-40.051	Application Procedure for Mortgage Brokerage Business License

69V-40.0511	Effect of Law Enforcement Records on Applications for Mortgage Brokerage Business Licensure	69V-40.240	Application Procedure for Mortgage Lender or Correspondent Mortgage Lender Branch Office License
69V-40.053	Mortgage Brokerage Business License and Branch Office License Renewal and Reactivation	69V-40.242	Principal Representative
69V-40.058	Application Procedure for Mortgage Brokerage Business Branch Office License	69V-40.245	Independent Contractors
69V-40.060	Fees Earned Upon Obtaining a Bona Fide Commitment	69V-40.250	Documentation of Net Worth and Surety Bond
69V-40.0611	Application Procedure for a Mortgage Lender License	69V-40.260	Mortgage Lender Files
69V-40.0612	Mortgage Lender License Renewal	69V-40.265	Mortgage Brokerage and Lending Transaction Journal
69V-40.066	Application Procedure for a Mortgage Lender Branch Office License	69V-40.285	Noninstitutional Investor Funds Account
69V-40.088	Referrals	69V-40.290	Acts Requiring Licensure as a Mortgage Broker, Mortgage Brokerage Business, Mortgage Lender or Correspondent Mortgage Lender
69V-40.099	Amendments, Change of Name, Change of Entity and Change in Control or Ownership		
69V-40.100	Application Procedure for Transfer in Ownership or Control of Saving Clause Mortgage Lender Branch Office License for Transfer in Ownership or Control of Saving Clause Mortgage Lender		
69V-40.105	Lock-in Statement		
69V-40.155	Third-party Fee Accounts		
69V-40.156	Principal Brokers		
69V-40.160	Branch Brokers		
69V-40.165	Books and Records		
69V-40.170	Mortgage Brokerage Files		
69V-40.175	Mortgage Brokerage and Lending Transaction Journal		
69V-40.177	Application Procedure for Mortgage Lender License		
69V-40.200	Effect of Law Enforcement Records on Applications for Mortgage Lender and Correspondent Lender Licensure		
69V-40.201	Mortgage Lender License, Mortgage Lender License Pursuant to Saving Clause, and Branch Office License Renewal and Reactivation		
69V-40.205	Application Procedure for Correspondent Mortgage Lender License		
69V-40.220	Correspondent Mortgage Lender License and Branch Office License Renewal and Reactivation		
69V-40.225			

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 36, No. 24, June 18, 2010 issue of the Florida Administrative Weekly.

The notice of proposed rule is being corrected to indicate that a Statement of Estimated Regulatory Costs has been prepared and provide a summary of that statement.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: A Statement of Estimated Regulatory Costs has been prepared. The statement identifies the various fees that are imposed under Chapter 494, F.S., to implement the new licensure process for mortgage loan originators, mortgage brokers, and mortgage lenders. The statement also identifies fees and costs that are the result of the new requirements under the federal Secure and Fair Enforcement Mortgage Licensing Act of 2008, which include testing fees, registry fees, fingerprint processing fees, and costs associated with educational requirements. A possible impact of the new state and federal statutory licensure requirements is that some individuals and businesses that are currently operating in the mortgage industry or who hold licenses issued under the current requirements of Chapter 494, F.S., may no longer be able to continue to operate in the mortgage industry after October 1, 2010, because they will not meet the new minimum statutory requirements for licensure. A copy of the Statement of Estimated Regulatory Costs may be obtained by contacting Gregory C. Oaks, Chief, Bureau of Regulatory Review, Finance, Division of Finance, Office of Financial Regulation, 200 E. Gaines Street, Tallahassee, Florida 32399-0376, telephone (850)410-9805, Facsimile (850)410-9914, E-mail: Greg.Oaks@flofr.com.