

Oversight at 200 East Gaines Street, Tallahassee, Florida 32399. The form is also available from the Office of Insurance Regulation's website located at the following address: www.fldfs.com/companies/.

(d) The requirements of paragraph (7)(c) shall be in effect for audits of the year beginning January 1, 2010 and thereafter.

(e) The requirements of subsection (14) are to be in effect January 1, 2010. An insurer or Group of insurers that is not required to have independent Audit committee members or only a majority of independent Audit committee members (as opposed to a super majority) because the total written and assumed premium is below the threshold and subsequently becomes subject to one of the independence requirements due to changes in premium shall have one (1) year following the year the threshold is exceeded (but not earlier than January 1, 2010) to comply with the independence requirements. Likewise, an insurer that becomes subject to one of the independence requirements as a result of a business combination shall have one (1) calendar year following the date of acquisition or combination to comply with the independence requirements.

(f) The requirements of subsection (16) and other modified sections, except for subsection (14) covered above, are effective beginning with the reporting period ending December 31, 2010 and each year thereafter. An insurer or Group of insurers that is not required to file a report because the total written premium is below the threshold and subsequently becomes subject to the reporting requirements shall have two (2) years following the year the threshold is exceeded (but not earlier than December 31, 2010) to file a report. Likewise, an insurer acquired in a business combination shall have two (2) calendar years following the date of acquisition or combination to comply with the reporting requirements.

~~(18)~~(15) Canadian and British Companies.

(a) In the case of Canadian and British insurers, the annual Audited Financial Report shall be defined as the annual statement of total business on the form filed by the companies with their domiciliary supervision authority duly audited by an independent chartered accountant.

(b) For these insurers, the letter required in paragraph subsection (6)(b), above, shall state that the accountant is aware of the requirements relating to the annual Audited Financial Report statement filed with the Office pursuant to subsection (4), above, and shall affirm that the opinion expressed is in conformity with these requirements.

(19) Severability Provision.

If any section or portion of this rule or its applicability to any person or circumstance is held invalid by a court, the remainder of the rule or the applicability of the provision to other persons or circumstances shall not be affected.

Rulemaking Specific Authority 624.308(1), 624.424(8)(e) FS. Law Implemented 624.307(1), 624.324, 624.424(8) FS. History--New 3-31-92, Amended 3-14-94, 8-17-98, 4-4-01, 8-14-02, Formerly 4-137.002, Amended 11-3-05,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Paul Johns, Life and Health Financial Oversight, Office of Insurance Regulation, E-mail Paul.Johns@flor.com

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 26, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 2, 2009

Section III Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Animal Industry

RULE NOS.:	RULE TITLES:
5C-3.001	Definitions
5C-3.003	Equidae
5C-3.007	Swine
5C-3.011	Cervidae (Farmed or Captive)

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. 52, December 21, 2009 issue of the Florida Administrative Weekly.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS:

The agency has determined that this rule will have an impact on small business. A SERC has been prepared by the agency.

With the exception of added bovine tuberculosis test requirements for dairy cattle, rodeo bulls and roping steers and the Equine Piroplasmiasis (EP) requirements on horses imported for endemic areas, there is negligible impact on other animals that are already regulated by the existing rule.

Tuberculosis. In recent years, cases of bovine tuberculosis have increased in a number of states across the U.S. Most of the current increase is associated with Mexican cattle brought into the U.S. for feeding purposes. Mexican-origin tuberculosis found in U.S. cattle have been most often associated with dairy cattle, rodeo bulls and roping steers.

The small businesses impacted by this rule are those dairies and rodeo-type operations that import animals into the state and are considered the greatest risk for disease introduction. The impact on these operations would be the added costs of buying animals already tested and found to be negative in other

states prior to importation. We estimate this cost to be \$25/head on average with greater cost with fewer animals imported and less with higher numbers imported. No additional work or costs are anticipated for Florida small businesses.

Equine Piroplasmiasis (EP). The additional EP test requirement, horse examination, and treatment for ticks required for horses being imported into Florida from EP endemic states, areas, or localities will add minimal cost to Florida small businesses. The majority of the cost will be borne by those residing outside of Florida and most likely will only affect a small percentage of horses in the U. S. For those Florida owners and businesses owning horses being imported into the state, from an area determined to be endemic, the additional costs per horse for testing, veterinary services and tick treatment is less than \$100 (estimated at \$55-\$85/horse). The benefits of ensuring no positive EP horses or competent tick vectors enter Florida far outweigh these added costs. While there will be a few owners that incur some expense, most owner's costs will be small.

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

5C-3.001 Definitions.

(1) through (17) No change.

(18) Official Certificate of Veterinary Inspection (OCVI).

A legible record or certificate made on an official form from the animal's state of origin, ~~or from the USDA, or a Division approved electronic format~~ issued and signed by veterinarians licensed and accredited in the animal's state of origin for the purpose of certifying the official individual identification, test requirements, and health status of specific animals for movement, exhibition, and other designated purposes.

(19) through 5C-3.002(6) No change.

5C-3.003 Equine.

(1) through (7) No change.

Rulemaking Authority 570.07(23), 585.002(4), 585.08(2) FS. Law Implemented 570.07(15), 570.36(2), ~~585.002(5)~~, 585.08(1), (2)(a), 585.14 585.145(1), (2), 585.16 FS. History—Amended 11-21-65, 6-26-66, 3-1-72, 10-15-73, 3-17-76, 9-14-82, 2-5-85, Formerly 5C-3.03, Amended 9-6-89, 3-23-94, 6-4-95, 12-12-04,_____.

5C-3.004 through 5C-3.007(3)(a)1. No change.

5C-3.007 Swine.

(3)(a)1.a. Originate from herds not known to be infected with or exposed to brucellosis and be accompanied by proof of an official negative brucellosis test, as provided in 9 CFR § 78.1 (2009) and 9 CFR § 78.33(b)(2) (2009), conducted within thirty (30) days prior to importation; or

b. through (b)4.c. No change.

(4) Materials. 9 CFR §§ 78.1, 78.33(b)(2), ~~74-85.1~~ and 85.7(c)(2) (2009), are hereby incorporated by reference. Copies may be obtained from: www.gpoaccess.gov.

Rulemaking Authority 570.07(23), 585.002(4), 585.08(2) FS. Law Implemented 570.07(15), 570.36(2), 585.08(1), (2)(a), 585.145(1), (2), 585.16 FS. History—Amended 3-24-65, 11-7-67, 6-20-68, 1-1-71, 3-1-72, 8-4-77, 2-5-85, 10-23-85, Formerly 5C-3.07, Amended 9-6-89, 3-23-94, 12-12-04,_____.

5C-3.009 through 5C-3.010 No change.

5C-3.011 Cervids (Farmed or Captive).

(1) through (4) No change.

~~(5) Consignee shall possess a valid Florida Fish and Wildlife Conservation Commission (FWCC) Game Farm license (GFL) and meet the requirements of Chapter 379.302, F.S., for operation of private game preserves and farms, unless imported for slaughter.~~

~~(5)(6) Consignee's herd shall be registered and comply with requirements of the Florida Department of Agriculture and Consumer Services Cervidae Herd Health Plan as provided in Chapter 5C-26, F.A.C., unless imported for slaughter.~~

~~(6)(7) Movement to Slaughter. All cervids imported into Florida for immediate slaughter must be consigned to a recognized slaughtering establishment and accompanied by an Owner-Shipper Statement and a prior permission number. The prior permission number must be written on the Owner-Shipper Statement.~~

~~(7)(8) Materials. 9 CFR § 55, Subpart B (2009), 9 CFR §§ 77.20 and 77.33(f) (2009), and USDA, APHIS APHIS 91-45-16, Brucellosis in Cervidae, Uniform Methods and Rules, Effective (September 30, 2003), are hereby incorporated by reference. Copies may be obtained from: www.gpoaccess.gov.~~

Rulemaking Authority 570.07(23), 585.002(4), 585.08(2) FS. Law Implemented 570.07(15), ~~570.36(2)~~, 585.08(1), (2)(a), 585.145(1), (2) FS. History—New 3-23-94, Amended 12-12-04,_____.

5C-3.012 No change.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Animal Industry

RULE NOS.:	RULE TITLES:
5C-30.001	Definitions
5C-30.002	Procedures For Inspection of Animals to be Imported into or Moved Within the State
5C-30.003	Penalties
5C-30.004	Incorporated Materials

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. 52, December 31, 2009 issue of the Florida Administrative Weekly.

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

This proposed rule provides procedures utilized by the Department for handling inspection of animals imported into the state and for certain animals moving within the state and establishes administrative penalties for violations of animal health requirements for movement of animals as provided in Chapters 5C-3 and 5C-4, F.A.C.

The purpose of this rule to help protect Florida’s livestock and poultry industries and the citizens of the state from the potential introduction of certain dangerous transmissible diseases that, if introduced into the state, may have a severe economic impact on the state’s agricultural economy and the welfare of its citizens.

The overall economic impact of this rule on small businesses is minimal when compared to the potential devastating economic impact that may result if such inspection procedures and penalties for violations to the Department’s animal importation rule were not in place and enforced on a 24/7 basis. Penalties contained in this proposed rule would only impact those individuals or small businesses found to be in violations of the Department’s animal import rule. Additionally, specific fines under the administrative actions are provide for the most serious violations that involve fraudulent documentation related to movement of animals or movement of animals in violation of animal quarantines. There are no expected additional costs to the Department, other state agencies and local governments by implementation of this rule chapter and no expected transactional costs for individuals who comply with these rules.

5C-30.001 Definitions.

(1) through (4) No change.

(5) Quarantine. A strict isolation and restriction of movement of animals infected with, suspected of being infected with, or exposed to dangerous transmissible diseases or other infectious diseases or pests that may be foreign or newly emerging and that may result in significant animal loss, economic damage or are suspected of causing human illness, to a premises or area, to prevent the spread of diseases or pests. The lack of appropriate health documentation as provided in 5C-3 and 5C-4, F.A.C., and Chapter 585.145, F.S., is sufficient to determine that there is a risk of disease transmission requiring quarantine.

(a) Animal Quarantine. Quarantine of animals to specified premises.

(b) Area Quarantine. Quarantine of specified geographic areas within the state.

Rulemaking Authority 570.07(23), 585.002(4), 585.08(2)(a) FS. Law Implemented 570.07(15), 570.36(2), 585.003, 585.08(2)(a), 585.145(1), (2), 585.16, 585.23, 585.40 FS. History–New_____.

5C-30.002 Procedures for Inspection of Animals to be Imported into or Moved within the State.

(1) Any person importing animals into the State of Florida or moving animals within the state is subject to inspection by a Department representative to determine whether the animal has the appropriate health documentation as provided in Chapters 5C-3 and 5C-4, F.A.C., and Chapter 585.145, F.S., shows signs of illness, or is deceased.

(a) through (5) No change.

Rulemaking Authority 570.07(23), 585.002(4), 585.08(2)(a) FS. Law Implemented 570.07(15), 570.36(2), 585.003, 585.08(2)(a), 585.145(1), (2), 585.16, 585.23, 585.40 FS. History–New_____.

5C-30.003 Penalties.

(1) No change.

(2) The provision of specified penalties in this rule shall not preclude the Department from seeking any legal remedy or injunctive relief available under Sections 585.005 and 585.007, F.S. its authorizing statutes.

(3) The penalties for failure to comply with the health standards for importation or intrastate movement of animals are as provided in Table #1.

TABLE #1 Decision and Penalty Matrix for Division of Animal Industry Movement Violations Division of Animal Industry – AI Equine Infectious Anemia – EIA Individually Identified – ID National Poultry Improvement Plan – NPPI Official Certificate of Veterinary Inspection – OCVI (valid for 30 days) Pullorum-Typhoid – PT Test Tuberculosis – TB				
SPECIES	VIOLATION	INTRASTATE (Within State)	INTERSTATE (Import into State)	ADMINISTRATIVE ACTION*
All Animals	Use of forged, altered or counterfeited document.	Quarantine back to premises of origin. *The violator could be charged criminally, to be determined by OALE.	Refuse entry into state. *The violator could be charged criminally, to be determined by OALE.	1 st \$500 2 nd \$2,500 3 rd \$5,000 4 th and subsequent violations within 24 months of last violation – \$10,000.
All Animals	Animals showing signs of illness or dead animals.	Contact Division of Animal Industry.	<u>Refuse entry for dead animals. All other animals showing signs of illness, contact the Division of Animal Industry.</u> Quarantine to premises of destination or refuse entry based upon signs presented and/or clinical evaluation.	Contact Division of Animal Industry.
All Animals	Movement of animals in violation of quarantine.	Quarantine back to premises of origin. *The violator could be charged criminally, to be determined by OALE.	Refuse entry into state. *The violator could be charged criminally, to be determined by OALE.	1 st \$500 2 nd \$2,500 3 rd \$5,000 4 th and subsequent violations within 24 months of last violation – \$10,000.
All Animals (Except poultry and deer-see below).	No prior permission number.	N/A	Allow entry into state. Division of Animal Industry will contact issuing veterinarian.	1 st Advisory Notice 2 nd Advisory Notice 3 rd and subsequent violations within 24 months of last violation – refuse entry into state.
Cattle and Bison (Bovine)	No tuberculosis (TB) test, brucellosis test, ID, or invalid OCVI /no OCVI.	N/A	Quarantine to destination.	1 st Quarantine 2 nd Quarantine 3 rd and subsequent violations within 24 months of last violation – refuse entry into state.
Deer (Cervidae)	No OCVI or prior permission.	Quarantine back to premises of origin.	Refuse entry into state.	Intrastate Movement Quarantine back to premises of origin. Interstate Movement-Refuse entry into state.

Goats and Sheep (Caprine and Ovine)	No ID (USDA scrapie tags-required unless consigned to a USDA-approved livestock market).	Quarantine back to premises of origin.	Refuse entry into state.	Intrastate Quarantine back to premises of origin. Interstate Refuse entry into state.
Goats and Sheep (Caprine and Ovine)	No OCVI/invalid OCVI, TB test, or brucellosis test.	N/A	Quarantine to destination.	1st Quarantine 2nd Quarantine 3rd and subsequent violations within 24 months of last violation – refuse entry into state.
Goats and Sheep (Caprine and Ovine)	No veterinary disease-free statement as required in paragraph 5C-3.005(1)(b), F.A.C.	N/A	Advisory notice.	Advisory notice.
Horses (Equine)	No EIA test, outdated EIA test, EIA not accurate/ legible, or EIA does not match horse.	Quarantine back to premises of origin.	Refuse entry into state if consigned to a show, sale or exhibition. All other shipments-refuse entry into state; <u>or at owner's request and expense, call a Florida accredited veterinarian to test for EIA, and quarantine to destination pending outcome of the test</u> or call a Florida veterinarian, at owner's expense, to submit EIA test and quarantine to destination.	Intrastate: Quarantine back to premises of origin. Interstate: Refuse entry or quarantine to destination with pending EIA test.
Horses (Equine)	No OCVI, invalid OCVI, or OCVI does not match the horse.	N/A	Call a Florida veterinarian to issue OCVI, at owner's expense, and allow entry. If no veterinarian is available, then quarantine to destination.	1 st Quarantine 2 nd Quarantine 3 rd and subsequent violations within 24 months of last violation – refuse entry into state.
Horses (Equine)	No equine piroplasmiasis (EP) test or treatment if from endemic area.	Quarantine back to premises of origin.	Refuse entry into state.	Refuse entry.
Horses (Equine)	No temperature reading on OCVI.	N/A	Allow entry into state and issue an advisory notice.	Advisory notice.

Pigs (Swine/Porcine)	No pseudorabies test, brucellosis test, no ID, or OCVI/invalid OCVI.	N/A	Quarantine to destination.	1 st Quarantine 2 nd Quarantine 3 rd and subsequent violations within 24 months of last violation – refuse entry into state.
Poultry (Avian)	No OCVI/invalid OCVI, PT test, or NPIP/VS 9-3.	N/A	Refuse entry into state.	Refuse entry into state.
Poultry (Avian)	No prior permission number with VS 9-3.	N/A	Allow entry and issue an advisory notice.	1 st Advisory notice. 2 nd Advisory notice. 3 rd and subsequent violations within 24 months of last violation – refuse entry into state.
Poultry (Avian)	No prior permission number with OCVI.	N/A	Allow entry to a single destination and quarantine.	1 st Quarantine 2 nd Quarantine 3 rd and subsequent violations within 24 months of last violation – refuse entry into state.

*The penalties in Table #1 are listed in the order that they will apply with each succeeding violation.

(4) No change.

5C-30.004 Incorporated Materials.

(1) through (2) No change.

(3) USDA APHIS Permit for Movement of Restricted Animals, VS Form 1-27 (JUN 89) and USDA APHIS Report of Sales of Hatching Eggs, Chicks, and Poults, VS Form 9-3 (AUG 2005) may be obtained from the United States Government Printing Office, Superintendent of Documents, Mail Stop SSOP, Washington, D.C. 20402-9328.

~~(4)(3)~~ All of the foregoing forms are hereby incorporated by reference. Samples of the Department’s ~~foregoing~~ forms may be viewed or obtained by contacting the Florida Department of Agriculture and Consumer Services, Division of Animal Industry, 407 South Calhoun Street, Room 331, Mayo Building, Tallahassee, Florida 32399-0800 or by visiting: <http://www.doacs.state.fl.us/onestop/index.html>.

Rulemaking Authority 570.07(23), 585.002(4), 585.08(2)(a) FS. Law Implemented 570.07(15), 570.36(2), 585.003, 585.08(2)(a), 585.145(1), (2), 585.16, 585.23, 585.40 FS. History—New_____.

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 ELDER AFFAIRS

Federal Aging Programs

RULE NO.:
58A-14.0061

RULE TITLE:
Admission and Appropriateness of Placement

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 35, No. 49, December 11, 2009 issue of the Florida Administrative Weekly has been withdrawn.

AGENCY FOR HEALTH CARE ADMINISTRATION

Health Facility and Agency Licensing

RULE NO.:
59A-24.006

RULE TITLE:
Drug Testing Laboratories

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. 26, July 2, 2009 issue of the Florida Administrative Weekly.

59A-24.006 Drug Testing Laboratories.

(1) through (11) No change.

(12) Administrative Enforcement and Hearings.

(a) The agency shall enforce the provisions of Section 112.0455(12) and (13), F.S., Part II of Chapter 408, F.S., and Chapter 59A-24, F.A.C., by administering remedies for statutory and rule violations as provided in Sections 408.813, 408.814, 480.815 and 408.816, 112.0455(14), F.S.

~~(b) Whenever the agency has reason to believe that immediate action is necessary in order to protect the interests of an employer, employee, or job applicant, the agency shall immediately suspend or revoke a laboratory’s license to conduct drug testing.~~

~~(b)(e)~~ Grounds for Disciplinary Action. The following actions shall result in the agency taking administrative action:

1. Failure to accurately analyze and report donor drug tests;
 2. Unsuccessful participation in proficiency testing surveys;
 3. A violation of a licensure standard;
 4. Participation in a pretrial intervention or other first-offender agreement respecting a charge of, the entering of a plea of nolo contendere or guilty to a charge of, a finding of guilt regardless of adjudication of, or a conviction or any criminal offense under federal law or the law of any state relating to the operation of any laboratory;
 5. Making a fraudulent statement on an application for a forensic toxicology license or any other document required by the agency;
 6. Permitting unauthorized persons to perform technical procedures or issue reports;
 7. Demonstrating incompetence or making consistent errors in the performance and reporting of drug free workplace testing or proficiency testing samples;
 8. Performing a test and rendering a report thereon to a person not authorized by law to receive such services;
 9. Knowingly having professional connection with or knowingly lending the use of the name of the licensed forensic toxicology laboratory or the license of the director to an unlicensed forensic toxicology laboratory;
 10. Violating or aiding and abetting in the violation of any provision of this part or the rules promulgated hereunder;
 11. Failing to file any report required by the provisions of this part or the rules promulgated hereunder;
 12. Reporting a drug test result when no such test was performed;
 13. Knowingly advertising false services or credentials;
 14. Failure to correct deficiencies within the time required by the agency;
 15. Failing to maintain a secured area for toxicology tests;
- or
16. Any other cause which affects the ability of the laboratory to ensure the full reliability and accuracy of drug tests and the accurate reporting of results.
 17. Failure to submit statistical reports as required in subsection 59A-24.009(3), F.A.C.

~~(d) Hearings. All administrative hearings shall be in accordance with Chapter 120, F.S., and applicable rules and regulations. Those proceedings brought in the circuit courts of Florida to enjoin or restrain the unlawful operation of a forensic laboratory without a valid license under Section 112.0455, F. S., shall be governed by Section 112.0455, F.S., and the Florida Rules of Civil Procedure.~~

(13) No change.

(14) Licensure Fee.

(a) Laboratories seeking licensure must complete licensure application form, AHCA Form 3170-5001 July 95, which is hereby incorporated by reference. This form is available from the agency.

1. Initial and ~~biennial~~ ~~annual~~ licensure renewal fees shall be ~~\$16,000~~ ~~\$8,000~~ and shall be made payable to the agency.

2. For late filing of an application for renewal, the provisions of Section 408.806(2)(a), F.S., ~~Section 112.0455(17), F.S.~~, shall apply.

(b) Refunds are authorized pursuant to provisions of Section 215.26, F.S., and shall be approved only in the following instances:

1. An overpayment of a fee;
2. A payment where no fee is due; and
3. Any payment made into the State Treasury in error.

(c) Applications for refunds shall be filed with the Chief Financial Officer ~~Comptroller~~ within 3 years from the date of the payment into the State Treasury, or else such right shall be barred. Refund claims shall not otherwise be barred under the laws of this state.

(15) Statistical Information Reporting.

(a) The laboratory shall submit statistical information on drug testing to the agency. No statistical information reported to the agency shall reveal the names of the persons tested, nor shall it reveal the employer's identity. This data shall contain the following information on specimens received for all drug testing conducted under Section 112.0455, F.S.:

1. The total number of specimens received for testing.
2. The total number of specimens that tested positive on the initial screening.
3. The total number of specimens that were confirmed and reported as positive for each drug class tested.
4. The total number of samples that were received but not tested.

(b) Statistical summaries shall be submitted to the agency on a monthly basis no later than 14 working days after the end of a reporting month. Reporting is required even if no Florida Drug Free Workplace testing has been done for that reporting month.

(c) Failure of a laboratory to submit the statistical reports as ~~required~~ ~~authorized~~ in Section 112.0455(12)(~~d~~)(~~e~~), F.S., shall result in administrative action pursuant to paragraph 59A-24.006(12)(a), F.A.C.

Rulemaking Specific Authority 112.0455(12)(e); (13)(a), 408.819 FS. Law Implemented 112.0455(12), (13), 408.805, 408.806, 408.813, 408.814, 408.815, 408.816 FS. History—New 3-15-90, Amended 6-28-91, Formerly 10E-18.006, Amended 5-1-96, 12-5-96, 3-11-98, 3-29-00, _____.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Barbers' Board

RULE NO.: RULE TITLE:
61G3-16.007 Examination for Restricted Licensure
NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 35, No. 49, December 11, 2009 issue of the Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Cosmetology

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

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. 10, March 12, 2010 issue of the Florida Administrative Weekly.

The change is as follows:

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE NEXT AVAILABLE EDITION OF THE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THIS CHANGE IS: Robyn Barineau, Executive Director, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Cosmetology

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

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. 10, March 12, 2010 issue of the Florida Administrative Weekly.

The change is as follows:

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE NEXT AVAILABLE EDITION OF THE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THIS CHANGE IS: Robyn Barineau, Executive Director, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Cosmetology

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

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. 10, March 12, 2010 issue of the Florida Administrative Weekly.

The change is as follows:

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THE PERSON TO BE CONTACTED REGARDING THIS CHANGE IS: Robyn Barineau, Executive Director, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

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 HEALTH

Board of Medicine

RULE NO.: RULE TITLE:
64B8-51.001 Manner of Application

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. 2, January 15, 2010 issue of the Florida Administrative Weekly.

The rule was under a preliminary review by the Joint Administrative Procedures Committee. The comments made in the Joint Administrative Procedures Committee preliminary review dated March 2, 2010, were well founded. The changes are in response to the Joint Administrative Procedures Committee comments. The changes are as follows:

Form DH-MQA 1164, Electrologist Application (Instructions).
First page.

Fees: ~~\$340~~ ~~355~~ Total

(\$100 application processing fee; ~~\$135~~ ~~150~~ examination fee; \$100 licensure fee; \$5 unlicensed activity fee)

Form DH-MQA 1164, Electrologist Application, Application Checklist.

2. FEES: ~~\$340~~ ~~355~~ examination

Form DH-MQA 1164, Electrologist Application. (Confidential and Exempt from Public Records Disclosure).

* This page is exempt from public records disclosure. The Department of Health is required and authorized to collect Social Security Numbers relating to applications for professional licensure pursuant to Title 42 USC § 666 (a)(13). For all professions regulated under chapter 456, Florida Statutes, the collection of Social Security Numbers is required by Section 456.013(1)(a), Florida Statutes.

Form DH-MQA 1164, Electrologist Application. Page 1.

2. APPLICATION TYPE... CHECK ONLY ONE

Examination: \$~~340~~ ~~355~~ total (\$100 application fee; \$~~135~~ ~~150~~ exam fee; \$100 licensure fee; \$5 unlicensed activity fee).

The Application Licensure Verification Form.

~~Verif. Rev. 9/99~~

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Allen Hall, Executive Director, Board of Medicine: Electrolysis Council/MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3256

DEPARTMENT OF HEALTH

Board of Orthotists and Prosthetists

RULE NO.: RULE TITLE:
64B14-7.001 Standards of Practice

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 35, No. 52, December 31, 2009 issue of the Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF HEALTH

Board of Pharmacy

RULE NO.: RULE TITLE:
64B16-26.2031 Licensure by Examination; Foreign Pharmacy Graduates

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. 49, December 11, 2009 issue of the Florida Administrative Weekly.

The change is in response to written comments submitted by the staff of the Joint Administrative Procedures Committee. The changes are as follows:

1. Subsection (1) shall now read as follows:

(1) All applications for licensure by examination must be made on form DH-MQA 103 (Rev. 09/09), Pharmacist Examination Application For Foreign Graduates and Instructions, which is hereby incorporated by reference. Contact the Board of Pharmacy, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254 or (850)488-0595 to request an application or download the application from the board's website at <http://www.doh.state.fl.us/mqa/pharmacy>.

The application must be accompanied with a non-refundable examination fee and an initial license fee set forth in Rules 64B16-26.1001 and 64B16-26.1002, F.A.C.

2. Subsection (2) shall now read as follows:

(2) Complete 2080 hours of supervised work activity, of which a minimum of 500 hours must be completed within the State of Florida. Such experience must be equivalent to that required in the internship program as set forth in Rule 64B16-26.2033, F.A.C. The work experience program including both the preceptor and the permittee must be approved by the Board of Pharmacy. The work experience shall be documented on form DH-MQA 1153 (Rev. 01/10), Foreign Graduate Registered Intern Work Activity Manual, which is hereby incorporated by reference. Contact the Board of Pharmacy, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254 or (850)488-0595 to request a manual or download the manual from the board's website at <http://www.doh.state.fl.us/mqa/pharmacy>. Further, no program of supervised work activity shall be approved for any applicant until said applicant has obtained the specified passing scores on the Foreign Pharmacy Graduate Equivalency Examination.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Rebecca Poston, Executive Director, Board of Pharmacy, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254

DEPARTMENT OF HEALTH

Board of Pharmacy

RULE NO.: RULE TITLE:
64B16-26.2033 Pharmacy Intern Registration and Internship Requirements (Foreign Pharmacy Graduates)

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. 39, October 2, 2009 issue of the Florida Administrative Weekly.

The change is in response to written comments submitted by the staff of the Joint Administrative Procedures Committee. The changes are as follows:

1. Subsection (15) shall now read as follows:

(15) All foreign pharmacy graduates must complete 500 hours of supervised work activity within the state of Florida as provided by Section 465.007(1)(b)2. F.S. The supervised work activity program experience shall be documented on form DH-MQA 1153, "Foreign Graduate Registered Intern Work Activity Manual," effective 01/10. Contact the Board of Pharmacy at 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254 or (850)488-0595 to request a form or download the form from the board's website at <http://www.doh.state.fl.us/mqa/pharmacy>. Further, this 500 hours of work activity program shall not be recognized for any

applicant until said applicant has obtained the passing score on the Foreign Pharmacy Graduate Equivalency Exam as provided in Section 465.007, F.S.

2. 456.033 and 456.0075, F.S., shall be removed from the Rulemaking Authority.

3. 456.003, F.S., shall be removed from the Law Implemented. 456.013, F.S., shall be added to the Law Implemented.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Rebecca Poston, Executive Director, Board of Pharmacy, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254

DEPARTMENT OF HEALTH

Board of Physical Therapy Practice

RULE NO.: 64B17-3.001
 RULE TITLE: Licensure as a Physical Therapist by Examination

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 35, No. 50, December 18, 2009 issue of the Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF HEALTH

Board of Respiratory Care

RULE NO.: 64B32-2.001
 RULE TITLE: License by Endorsement

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 35, No. 50, December 18, 2009 issue of the Florida Administrative Weekly.

Although the rule notice stated that a Statement of Estimated Regulatory Costs (SERC) had been prepared and was available, the notice did not summarize the SERC. The following is a Summary of the Statement of Estimated Regulatory Costs:

1. The number of applications received each year will vary so the precise number impacted in future years is not available.
2. The only costs to be incurred are rule making costs.
3. No transitional costs are expected to be incurred by applicants or other entities by the proposed modifications.
4. The new questions are the result of SB 1986 that modified Section 456.0635, Florida Statutes. The proposed rule is not expected to impact small business, small counties or small cities since the rule change is being made to implement the new requirements in Section 456.0635, Florida Statutes.

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

The correction does not affect the substance of the rule as it appeared in the Florida Administrative Weekly as outlined above.

The person to be contacted regarding this rule is: Allen Hall, Executive Director, Board of Respiratory Care Specialists/MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Economic Self-Sufficiency Program

RULE NO.: 65A-1.900
 RULE TITLE: Overpayment and Benefit Recovery
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. 13, April 3, 2009 issue of the Florida Administrative Weekly.

(6) Compromising Food Stamp Claims. Effective August 1, 2001, a food stamp claim or any portion of a food stamp claim may be compromised with the exception of court ordered restitutions or IPV's. The Department reserves the right to approve or not approve the compromise.

(a) Individuals with an overpayment claim in the Food Stamp Program may request a compromise of their claim at any time after they are notified of the claim.

(b) For purposes of a compromise request made pursuant to this rule, the Department will determine the economic household circumstances reasonably demonstrate the overpayment claim will not be paid within three years of being notified of the overpayment claim and will compromise to zero dollars when at least one of the following is present:

1. The death or prognosis of death of any liable individual within three years of being notified;
2. Pending litigation in a court, including a bankruptcy court, that involves any liable individual's obligation to repay the overpayment within three years of being notified;
3. Any liable individual is sentenced to a period of incarceration that will expire after the three-year period the overpayment is expected to be paid; or
4. The liable individual(s) sole household's income is based only on either age or disability projecting a fixed, limited economic potential to repay the overpayment within three years.

(c) The Department requires verification of subparagraphs 1. through 4. above. When a decision is made concerning the compromise request, the Department will provide written notice of the decision including information about hearing appeal rights.

(d) Liable individual(s) can request a compromise even if subparagraphs (b)1. through 4. above do not apply. The request and any other related information provided must clearly show the overpayment claim will not be paid within the three-year period. The Department will not speculate about the liable individual's ability to repay the overpayment. If the

Department must speculate about the liable individual's ability to repay the overpayment, the Department will deny the request and provide written notice of the decision.

(12) The following forms, incorporated by reference, are used by the Department in the process of establishing and recovering overpayment: Information Concerning Administrative Disqualification Hearings, CF-ES 3057, 09/2009; Request for Additional Information, CF-ES 3400, 09/2009; Waiver of Administrative Disqualification Hearing With a Program Loss, CF-ES 3410, 09/2006; Waiver of Administrative Disqualification Hearing Without a Program Loss, CF-ES 3410A, 09/2006; Disqualification Consent Agreement, CF-ES 3414, 11/2007; ~~and~~ Notice of Compromise Decision, CF-ES 3110, 03/2010; and Request for Information to Determine Compromise, CF-ES 3111, 03/2010 ~~09/2009~~. Copies of the forms and materials incorporated by reference are available from the ACCESS Florida Headquarters Office, 1317 Winewood Boulevard, Tallahassee, Florida 32399-0700. Forms are also available on the Department's web site at <http://www.dcf.state.fl.us/dcfforms/Search/DCFFormSearch.aspx>.

IF REQUESTED WITHIN 7 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):

DATE AND TIME: April 7, 2010, 10:00 a.m.
 PLACE: 1317 Winewood Boulevard, Building 3, Room 455, Tallahassee, FL 32399
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Cindy Keil, ACCESS Florida Program Policy, 1317 Winewood Boulevard, Building 3, Tallahassee, Florida 32399-0700, (850)410-3291, cindy_keil@dcf.state.fl.us.

DEPARTMENT OF FINANCIAL SERVICES

Division of State Fire Marshal

RULE NO.: 69A-51.020 RULE TITLE: Certificates of Competency
 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.

Notice is hereby given that the title of Form DFS-K3-404, adopted by reference in the above captioned rule has been changed in accordance with Section 120.54(3)(d)1., F.S. The rule notice was published in Vol. 36, No. 6, February 12, 2010 issue of the Florida Administrative Weekly. For a copy of the revised form, contact Mike Burns, Chief Boiler Inspector, (850)413-3614; Mike.Burns@myfloridacfo.com\

FINANCIAL SERVICES COMMISSION

Finance
 RULE NO.: 69V-40.003 RULE TITLE: Electronic Filing of Forms and Fees
 NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 35, No. 47, November 25, 2009 issue of the Florida Administrative Weekly has been withdrawn.

FINANCIAL SERVICES COMMISSION

Finance
 RULE NO.: 69V-560.1013 RULE TITLE: Electronic Filing of Forms and Fees
 NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 35, No. 47, November 25, 2009 issue of the Florida Administrative Weekly has been withdrawn.

**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.: 53ER10-7 RULE TITLE: Instant Game Number 1053, \$250,000 MONOPOLY™

SUMMARY: Instant Game Number 1053, "\$250,000 MONOPOLY™," will be sold by Florida Lottery retailers on a date to be determined by the Secretary of the Department. The rule sets forth the specifics of the game, procedures to be followed on how to play the game, and the estimated number and size of prizes in the game.

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:

53ER10-7 Instant Game Number 1053, \$250,000 MONOPOLY™.

(1) Name of Game. Instant Game Number 1053, "\$250,000 MONOPOLY™."

(2) Price. \$250,000 MONOPOLY tickets sell for \$5.00 per ticket.