

- (o) Racketeering.
- (p) Buying, receiving, concealing, possessing or otherwise dealing in stolen property.
- (q) Treason against the United States, or a state, district, or territory thereof.
- (r) Altering public documents.
- (s) Witness tampering.
- (t) Tax evasion.
- (u) Impersonating or attempting to impersonate a law enforcement officer.
- (v) Money laundering.
- (w) Murder in all degrees.
- (x) Arson.
- (y) Sale, importation, or distribution of controlled substances (drugs); or possession for sale, importation or distribution.
- (z) Aggravated Assault (e.g., as with a deadly weapon).
- (aa) Aggravated Battery (e.g., as with a deadly weapon).
- (bb) Rape.
- (cc) Sexually molesting any minor.
- (dd) Sexual battery.
- (ee) Battery of or threatening a law enforcement officer or public official in the performance of his/her duties.
- (ff) Kidnapping.
- (15) Class "B" Crimes any misdemeanor that involves fraud, dishonest dealing or any other act of moral turpitude.
- (16) Foreign Law Enforcement Records. If a law enforcement record includes convictions, charges, or arrests outside the United States, the Office shall consider the following factors to reduce, eliminate, or apply a disqualifying period:
 - (a) Whether the crime in the criminal record would be a crime under the laws of the United States or any state within the United States;
 - (b) The degree of penalty associated with the same or similar crimes in the United States; and
 - (c) The extent to which the foreign justice system provided safeguards similar to those provided criminal defendants under the Constitution of the United States; for example, the right of a defendant to a public trial, the right against self-incrimination, the right of notice of the charges; the right to confront witnesses, the right to call witnesses, and the right to counsel.
- (17) Form BD and Form ADV are incorporated by reference in subsection 69W-301.002(7), F.A.C.
- (18) For purposes of this rule, "certified" means that there must be a certification or attestation by the issuer of the record that the document is a true copy of a record contained in the issuer's office and the issuer's seal, if any.

Rulemaking Authority 517.1611(2) FS. Law Implemented 517.12, 517.161 FS. History—New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Pam Epting, Chief, Bureau of Regulatory Review, Division of Securities, Office of Financial Regulation, The Fletcher Building, 200 East Gaines Street, Tallahassee, Florida 32399-0375, (850)410-9500, pam.epting@flofr.com
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Financial Services Commission
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 25, 2010
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 24, 2009

Section III Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF STATE

Division of Elections

RULE NO.: IS-2.0091	RULE TITLE: Constitutional Amendment Initiative Petition; Submission Deadline; Signature Verification
------------------------	--

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. 17, April 30, 2010 issue of the Florida Administrative Weekly.

The changes have been made in response to written comments submitted by the staff of the Joint Administrative Procedures Committee and the provider of information technology services to the supervisors of elections.

1. Subsection (2)(a)3. shall now read:
 - 3.4. Had not ever previously signed a petition form containing the identical initiative which had been verified as valid.
2. Subsection (2)(b) shall now read:
 - (b) The Supervisor shall not verify as valid a signature on an initiative petition form unless all of the following information is contained on the petition form:
 1. The voter's name,
 2. The voter's ~~residential~~ street address (including city and county),
 3. The voter's date of birth or voter registration number,
 4. The voter's original signature, and
 5. The date the voter signed the petition, as recorded by the voter.
3. Subsections (6) and (7) shall now read:
 - ~~(6)(7)~~ Limitation on Use of Verified Signatures. Verified signatures used successfully to place a proposed amendment by initiative on the ballot that subsequently fails to be approved by the electors at the general election shall not be used again in

support of any future identical initiative petition. An identical initiative petition means an initiative petition that is circulated on an initiative petition form which contains the same serial number assigned to it pursuant to Rule 1S-2.009, F.A.C.

(7) Nothing in this rule prohibits a voter from signing a successive initiative petition form containing the text of a former petition if the successive petition form has a different serial number assigned to it pursuant to Rule 1S-2.009, F.A.C.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

AGENCY FOR HEALTH CARE ADMINISTRATION

Cost Management and Control

RULE NOS.:	RULE TITLES:
59B-16.001	Definitions
59B-16.002	Universal Patient Authorization Forms

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. 13, April 2, 2010 issue of the Florida Administrative Weekly.

The above referenced proposed rules are being changed to address comments from staff of The Florida Legislature Joint Administrative Procedures Committee (JAPC). The proposed rules were originally published in Vol. 36, No. 13, Florida Administrative Weekly, April 2, 2010. JAPC has indicated that the proposed definition of "electronic format" in Rule 59B-16.001, F.A.C., is vague and should be clarified. JAPC indicated that Rule 59B-16.002, F.A.C., does not contain any provisions related to electronic forms as required by Section 408.051, Florida Statutes and that the electronic versions of the forms should be incorporated by reference. JAPC commented that Florida Statutes prohibits an agency from collecting social security numbers unless it is imperative for the performance of that agency's duties and responsibilities. JAPC requested that the Agency review and revise the proposed forms. Accordingly, these sections have been changed so that when adopted they will read as follows:

59B-16.001 Definitions.

As used in Rules 59B-16.001 through 59B-16.003, F.A.C.:

(1) "Health care provider" means any other person or organization that furnishes, bills, or is paid for health care services in the normal course of business.

(2) "Electronic format" means an electronic copy of the forms provided in Rule 59B-16.002, F.A.C., in a Portable Document Format (PDF). "Electronic format" means a form as provided in Rule 59B-16.002, F.A.C., that is completed, signed

~~electronically and transmitted electronically to the health care provider if the signature is validated by the provider or third party on behalf of the provider through an authentication process consistent with national standards recognized by the Office of the National Coordinator for Health Information Technology.~~

Rulemaking Authority 408.15(8) FS. Law Implemented 408.051(4) FS. History--New _____.

59B-16.002 Universal Patient Authorization Forms.

(1) The Universal Patient Authorization Form for Full Disclosure of Health Information for Treatment and Quality of Care including instructions for completing the form is posted at: www.FHIN.net. The form may be printed, completed, signed and scanned into an electronic format as provided in subsection 59B-16.001(2), F.A.C. The Universal Patient Authorization Form for Full Disclosure of Health Information for Treatment and Quality of Care dated 3.1.10 is incorporated by reference as AHCA Form FC4200-004.

(2) The Universal Patient Authorization Form for Limited Disclosure of Health Information including instructions for completing the form is posted at: www.FHIN.net. The form may be printed, completed, signed and scanned into an electronic format as provided in subsection 59B-16.001(2), F.A.C. The Universal Patient Authorization Form for Limited Disclosure of Health Information dated 3.1.10 is incorporated by reference as AHCA Form FC4200-005.

Rulemaking Authority 408.15(8) FS. Law Implemented 408.051(4) FS. History--New _____.

AGENCY FOR HEALTH CARE ADMINISTRATION

Cost Management and Control

RULE NO.:	RULE TITLE:
59B-16.003	Rebuttable Presumption and Civil Liability

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 36, No. 13, April 2, 2010 issue of the Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Pilotage Rate Review Board

RULE NO.:	RULE TITLE:
61E13-2.012	Determination of Disputed Issues of Material Fact; Formal or Informal Hearings

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 36, No. 9, March 5, 2010 issue of the Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Electrical Contractors' Licensing Board

RULE NO.: 61G6-5.0061
 RULE TITLE: Registration of Additional New Business Entity or Transfers
 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 in response to a vote by the Board at the meeting held May 20 and 21, 2010.

Subsection (2) shall now read as follows:

(2) The Application for registration is form number DBPR ECLB 4452-1, effective May 2010, titled Application for Registered Electrical, Alarm System or Specialty Contractor, which is hereby incorporated by reference, copies of which may be obtained from the Board office, Electrical Contractors' Licensing Board, 1940 North Monroe Street, Tallahassee, FL 32399-0771 or via the internet at http://www.myfloridalicense.com/dbpr/pro/elboard/documents/registered_electrical_package_enterable.pdf.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Juanita Chastain, Executive Director, Electrical Contractors' Licensing Board, 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 JUVENILE JUSTICE

Residential Services

RULE NO.: 63E-7.011
 RULE TITLE: Delinquency Intervention and Treatment Services
 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. 17, April 30, 2010 issue of the Florida Administrative Weekly.

63E-7.011 Delinquency Intervention and Treatment Services.

A residential commitment program shall provide delinquency intervention and treatment services that are gender-specific pursuant to Section 985.02, F.S., and that focus on preparing youth to live responsibly in the community upon release from the program. The program shall design its services and service delivery system based on the common characteristics of its primary target population, including age, gender, and special

needs, and their impact on youths' responsibility to intervention or treatment. However, in accordance with Rule 63E-7.010, F.A.C., the program shall individualize and coordinate the provision of delinquency intervention and treatment services based on each youth's prioritized risk and needs as identified through the RPACT and document services delivered in the youth's individual management record.

(1) through (2) No change.

(3) Treatment Services. Treatment services shall be provided in accordance with the following provisions:

(a) Authority for Evaluation and Treatment.

1. through 8. No change.

9. The AET does not authorize or provide consent for substance abuse services. The youth's consent for substance abuse services must be obtained as specified in paragraph (b) below.

(b) Youth Consent for Substance Abuse Evaluation and Treatment.

1. A youth must consent to substance abuse evaluation and treatment unless such treatment is ordered by the court.

2. Youth consent for substance abuse services is addressed in ~~must be documented and obtained in accordance with Chapter 397, F.S., and Chapter 65D-30 F.A.C.~~

3. If a youth refuses to provide consent for necessary substance abuse evaluation and treatment, the department shall determine the need for a court order for the provision of such services.

4. Substance abuse records of service providers pertaining to the identity, diagnosis, and prognosis of and service provision to a youth may not be disclosed without the written consent of the youth to whom they pertain. However, appropriate disclosure may be made without written consent as specified in Section 397.501(7), Florida Statutes.

5. Any written consent for disclosure may be given only by the youth. This restriction on disclosure includes any disclosure of youth identifying information to the parent, legal guardian or custodian for the purpose of obtaining financial reimbursement.

6. Youth consent for release of substance abuse information and records is addressed in ~~must be documented and obtained in accordance with Chapter 397, F.S., Chapter 65D-30 F.A.C and 42 Code of Federal Regulations, Part 2.~~

(b) through (c) renumbered (c) through (d) No change.

Rulemaking Authority 985.64 FS. Law Implemented 985.601(3)(a) FS. History--New 12-9-08, Amended 12-21-09, 5-4-10,_____.

DEPARTMENT OF HEALTH

Board of Osteopathic Medicine

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

NOTICE OF PUBLIC HEARING

The Board of Osteopathic Medicine announces a public hearing regarding the above proposed rules, as noticed in Vol. 36, No. 16, April 23, 2010 Florida Administrative Weekly.

DATE AND TIME: Friday, June 18, 2010, 4:00 p.m.

PLACE: Hyatt Regency Orlando Airport, 9300 Airport Boulevard, Orlando, Florida 32827

GENERAL SUBJECT MATTER TO BE CONSIDERED: public hearing on Rules 64B15-14.0051 and 14.0052, F.A.C.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Christy Robinson, Acting 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

Division of Emergency Medical Operations

<p>RULE NO.: 64J-1.020</p>	<p>RULE TITLE: Training Programs</p>
--------------------------------	--

NOTICE OF WITHDRAWAL

Notice is hereby given that subsection (8) of the above rule, as noticed in Vol. 35, No. 52, December 31, 2009 issue of the Florida Administrative Weekly has been withdrawn and the remaining subsections are renumbered accordingly.

**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

<p>RULE NO.: 53ER10-17</p>	<p>RULE TITLE: Extension of Retailer POWERBALL® with Power Play® Bonus Commission Retailer Incentive</p>
--------------------------------	--

SUMMARY: The Department of the Lottery will extend the Retailer POWERBALL® with Power Play® Bonus Commission Retailer Incentive in Rule 53ER10-13, F.A.C., through June 12, 2010.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: 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:

53ER10-17 Extension of Retailer POWERBALL® with Power Play® Bonus Commission Retailer Incentive.

The end date of the POWERBALL® with Power Play® Retailer Bonus Sales Commission Program described in Rule 53ER10-13, F.A.C. is extended from May 19, 2010 to June 9, 2010.

Rulemaking Authority 24.105(9), 24.109(1) FS. Law Implemented 24.105(9), 24.115(1) FS. History—New 5-19-10.

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: May 19, 2010

DEPARTMENT OF THE LOTTERY

<p>RULE NO.: 53ER10-18</p>	<p>RULE TITLE: FLORIDA LOTTO™ with XTRA® Retailer Bonus Sales Commission</p>
--------------------------------	--

SUMMARY: The Florida Lottery will pay double the sales commissions to retailers that sell FLORIDA LOTTO™ with XTRA® tickets.

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:

53ER10-18 FLORIDA LOTTO™ with XTRA® Retailer Bonus Sales Commission.

(1) Beginning May 20, 2010 through June 9, 2010, the Florida Lottery will conduct, as a retailer sales incentive, a FLORIDA LOTTO™ with XTRA® Retailer Bonus Sales Commission program in which the Florida Lottery will double the sales commissions to retailers.