

Section I
Notices of Development of Proposed Rules
and Negotiated Rulemaking

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Forestry

RULE NO.: RULE TITLE:
 5I-4.002 Purpose and Definitions
 PURPOSE AND EFFECT: Adoption of revised list of user fees for Division of Forestry managed lands.
 SUBJECT AREA TO BE ADDRESSED: Division of Forestry Managed Lands User Fees.
 RULEMAKING AUTHORITY: 570.07(23), 589.011(4), 589.071, 589.12 FS.

LAW IMPLEMENTED: 589.011(3), 589.071 FS.
 IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Steve Bohl, 3125 Conner Blvd., Tallahassee, FL 32399-1650, (850)414-9914

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

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: RULE TITLE:
 6A-1.0014 Comprehensive Management Information System

PURPOSE AND EFFECT: The purpose of this rule development is to revise existing requirements of the statewide comprehensive management information system which are necessary in order to implement changes recommended by school districts and to make changes in state reporting and local recordkeeping procedures for state and/or federal programs. The effect is to maintain compatibility among state and local information systems components. The statewide comprehensive management information system provides the data on which the measurement of school improvement and accountability is based.

SUBJECT AREA TO BE ADDRESSED: DOE Information Data Base Requirements, 2010-2011.

RULEMAKING AUTHORITY: 120.53(1)(b), 1001.02(1), 1008.385(3) FS.

LAW IMPLEMENTED: 1001.23, 1002.22(3)(d)3., 1008.385(2), 1010.305(2) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Lavan Dukes, Education Information and Accountability Services Section, Department of Education, 325 West Gaines Street, Tallahassee, Florida 32399-0400, (850)245-0400. To request a rule development workshop, please contact: Lynn Abbott, Agency Clerk, Department of Education, (850)245-9661 or e-mail lynn.abbott@fldoe.org or go to <https://app1.fldoe.org/rules/default.aspx>

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

6A-1.0014 Comprehensive Management Information System.

(1) No change.

(2) The data elements, procedures and timelines for state reporting, local recordkeeping and statewide records transfer to be implemented by each school district and the Department within its automated information system component as prescribed in the publications entitled "DOE Information Data Base Requirements: Volume I – Automated Student Information System, 2010 ~~2009~~," "DOE Information Data Base Requirements: Volume II – Automated Staff Information System, 2010 ~~2009~~," and "DOE Information Data Base Requirements: Volume III – Automated Finance Information System, 1995." These publications which include the Department procedures for the security, privacy and retention of school district student and staff records collected and maintained at the state level are hereby incorporated by reference and made a part of this rule. Copies of these publications may be obtained from Education Information and Accountability Services, Department of Education, 325 West Gaines Street, Tallahassee, Florida 32399.

(3) No change.

Rulemaking Authority 1001.02(1), 1008.385(3) FS. Law Implemented 1001.23, 1002.22(3)(d)3., 1008.385(2) FS. History–New 2-19-87, Amended 12-21-87, 12-13-88, 3-25-90, 3-24-91, 3-17-92, 12-23-92, 2-16-94, 3-21-95, 7-3-96, 5-20-97, 10-13-98, 10-18-99, 10-17-00, 5-19-03, 7-20-04, 4-21-05, 3-1-07, 3-24-08, 11-26-08, 12-15-09,_____.

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: RULE TITLE:
 6A-6.0251 Use of Epinephrine Auto-Injectors

PURPOSE AND EFFECT: The purpose and effect of this rule development is to address self-administration of medication by students enrolled in the public school system.

SUBJECT AREA TO BE ADDRESSED: The self-administration of pancreatic enzyme medication by students with cystic fibrosis, as well as self-management and care of students with diabetes, and the use of inhalers by students with asthma.

RULEMAKING AUTHORITY: 1002.20(3) FS.

LAW IMPLEMENTED: 1002.20(3) FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: September 28, 2010, 9:00 a.m. – 3:00 p.m.

PLACE: Department of Education, 325 West Gaines Street, Room 1721/25, Turlington Building, Tallahassee, Florida 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Bambi J. Lockman, Chief, Bureau of Exceptional Education and Student Services, 325 West Gaines Street, Suite 614, Tallahassee, Florida 32399; (850)245-0475. To request a rule development workshop, please contact: Lynn Abbott, Agency Clerk, Department of Education, (850)245-9661 or e-mail lynn.abbott@fldoe.org or go to <https://app1.fldoe.org/rules/default.aspx>

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

DEPARTMENT OF COMMUNITY AFFAIRS

Division of Community Planning

RULE NOS.:	RULE TITLES:
9J-5.003	Definitions
9J-5.005	General Requirements
9J-5.006	Future Land Use Element

PURPOSE AND EFFECT: The purpose and effect are to amend the rule to provide greater detail and explanation relating to the statutory requirements that the future land use element be based upon the amount of land required to accommodate anticipated growth and the projected population of the area.

SUBJECT AREA TO BE ADDRESSED: The statutory requirements that the future land use element be based upon, inter alia, the amount of land required to accommodate anticipated growth and the projected population of the area.

RULEMAKING AUTHORITY: 163.3177(9), (10) FS.

LAW IMPLEMENTED: 163.3177(6)(a), (h)2. FS.

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

DATE AND TIME: September 14, 2010, 1:30 p.m.

PLACE: Tampa Convention Center, 333 South Franklin Street, Room 5, Ground Level. Tampa, Florida 33602

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Sheri Coven, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100, (850)922-1681. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Robert Pennock, Strategic Planning Coordinator, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)922-1735, robert.pennock@dca.state.fl.us.

THE PRELIMINARY TEXT OF THE PROPOSED RULE IS AVAILABLE AT: <http://www.dca.state.fl.us/> (click on “public notices” on the horizontal bar on the home page)

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

DEPARTMENT OF TRANSPORTATION

RULE NO.:	RULE TITLE:
14-10.0052	Zoning

PURPOSE AND EFFECT: The amendments will implement changes to Section 479.01, F.S., relating to the permitting of outdoor advertising signs, as enacted by the 2010 Legislature.

SUBJECT AREA TO BE ADDRESSED: The amendments address the zoning requirements for the permitting of outdoor advertising signs.

RULEMAKING AUTHORITY: 334.044(2), 479.02(7) FS.

LAW IMPLEMENTED: 479.07(10) FS.

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

DATE AND TIME: September 9, 2010, 1:30 p.m.

PLACE: Florida Department of Transportation, Haydon Burns Building, Room 479, 605 Suwannee Street, Mail Station 58, Tallahassee, Florida 32399-0458

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Deanna R. Hurt, Assistant General Counsel and Clerk of Agency Proceedings, Florida Department of Transportation, Office of the General Counsel, 605 Suwannee Street, Mail Station 58, Tallahassee, Florida 32399-0458. If

you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Deanna R. Hurt, Assistant General Counsel and Clerk of Agency Proceedings, Florida Department of Transportation, Office of the General Counsel, 605 Suwannee Street, Mail Station 58, Tallahassee, Florida 32399-0458

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

14-10.0052 Zoning ~~Enacted Primarily to Permit Outdoor Advertising Signs.~~

(1) Definitions:

(a) "Comprehensively Enacted Zoning" means ordinances or other laws adopted by the county or municipal government pertaining to and designating the currently allowable uses of property within its jurisdiction, pursuant to and consistent with a comprehensive plan enacted in accordance with Chapter 163, F.S.

(b) "Parcel" means all contiguous lands under a single ownership and having a single zoning category assigned.

(c) The terms "allowable uses," "commercial use," "industrial use," and "zoning category" shall be as defined in Section 479.01, F.S.

(2) Where the sign site is in an area of the Future Land Use Map in which the allowable uses include commercial or industrial land uses, the Land Development Regulations will determine whether the parcel on which the sign is located or proposed to be located is designated for commercial or industrial uses, as follows:

(a) A parcel will be determined to be designated for commercial or industrial uses if the Land Development Regulations indicate the nature of the zoning category to be essentially commercial or industrial. In making this determination the Department will consider:

1. Any statement in the Land Development Regulations indicating the intended nature of the zoning category;

2. The ratio of commercial and industrial uses to non-commercial and non-industrial uses within the allowable uses for the zoning category;

3. Any documentation within the Land Development Regulations indicating the intended extent of commercial and industrial uses to be allowed within the zoning category.

4. Any actual use which may exist on the parcel.

(b) If the Land Development Regulations do not designate the parcel for commercial or industrial uses but the allowable uses within the assigned zoning category include commercial or industrial uses in addition to other uses, the parcel shall be evaluated in accordance with the criteria set forth in Section

479.01(26), F.S., to determine whether the parcel can be considered an unzoned commercial or industrial area. For the purposes of this determination, an existing activity will be considered conforming when it is conforming as to land use. In addition to the activities listed in Section 479.01(26), F.S., the following uses shall not be considered commercial or industrial for the purposes of this rule:

1. Infrastructure, to mean the man-made structures which serve the common needs of the population, such as: sewage collection systems; potable water distribution systems; potable water wells serving a system; retention areas; stormwater systems; utility distribution systems; breakwaters; bulkheads; seawalls; bulwarks; revetments; causeways; navigation channels; bridges; and roadways.

2. Governmental uses to mean a governmental activity that is expressly or impliedly mandated or authorized by constitution, statute, or other law and that is carried out for the benefit of the general public, excluding governmental activities which are commercial or industrial in nature and would be so classified if privately owned and/or operated.

3. Uses which are not included in the allowable uses for the zoning category.

(3) Where a parcel is subject to zoning which is time-limited or the zoning is granted subject to the completion of a specified condition and the time limit or condition has not been satisfied, the zoning category assigned immediately prior to the time-limited or conditional zoning action shall determine whether the parcel is a commercial or industrial zone. The time limit or specified condition referenced herein does not include those conditions which a zoning authority may impose on the permitting of an allowable use within the zoning category, such as conditional uses or uses allowed by special exception.

(4) Even if comprehensively enacted, the following criteria, including public records related thereto, shall be considered in determining whether such zoning is enacted primarily to permit signs:

(a) Whether the size of the property and the public access to the property would be sufficient, given set back requirements, vehicular access requirements, and parking needs, to conduct any of the allowable commercial or industrial uses, other than signs, under the zoning category. The land use or zoning designation provides for limited commercial or industrial activity only as an incident to other primary land uses.

(b) Whether the property shares a common boundary with other properties designated for commercial or industrial uses: The commercial and industrial activities, separately or together, are permitted only by variance or special exceptions.

(c) The physical dimensions or other attributes of the affected parcel would not reasonably accommodate traditional commercial or industrial uses and the area surrounding the affected parcel is not predominantly commercial or industrial.

Rulemaking Specific Authority 334.044(2), 479.02(7) FS. Law Implemented 479.07(10) FS. History–New 3-16-04, Amended 5-5-05,_____.

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.”

STATE BOARD OF ADMINISTRATION

Florida Prepaid College Board

RULE NO.: 19B-4.001
 RULE TITLE: Application

PURPOSE AND EFFECT: To update the form for the Florida Prepaid College Plan and Florida College Investment Plan New Account Application, to adopt by reference the form for the Florida Prepaid College Plan Add-a-Plan Application, and to clarify that the contract prices associated with application submitted to the Board during the annual application period are the contract prices for that application period.

SUBJECT AREA TO BE ADDRESSED: The Florida Prepaid College Plan and Florida College Investment Plan new account application form and Florida Prepaid College Plan Add-a-Plan application form.

RULEMAKING AUTHORITY: 1009.971(1), (4), (6) FS.

LAW IMPLEMENTED: 1009.98 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: September 7, 2010, 2:00 p.m.

PLACE: Suite 210, Hermitage Building, 1801 Hermitage Boulevard, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Thomas J. Wallace, Executive Director, 1801 Hermitage Boulevard, Suite 210, Tallahassee, Florida 32308, telephone (850)488-8514. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Thomas J. Wallace, Executive Director, 1801 Hermitage Boulevard, Suite 210, Tallahassee, Florida 32308, telephone (850)488-8514

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

19B-4.001 Application.

(1)(a) Rule Chapters 19B-4 through 19B-13 and 19B-15, F.A.C., apply to advance payment contracts for the prepayment of postsecondary registration, local fees, tuition differential fees and/or dormitory residency fees under the Stanley G. Tate Florida Prepaid College Program, the “Program.”

(b) The application period shall commence and terminate on dates set annually by the Board and published in the Florida Administrative Weekly. Applications for advance payment contracts purchased through the Board’s direct support organization, The Florida Prepaid College Foundation, Inc., for purchasers participating in employer participation programs or by purchasers pursuant to a court order will be accepted by the Board at any time. Other applications for advance payment contracts submitted to the Board outside the annual application period will be processed for data collection and administrative purposes, but will not be accepted by the Board until the beginning of the next succeeding annual application period.

(c) The contract prices associated with applications submitted to the Board during the annual application period shall be the contract prices applicable to advance payment contracts for that annual application period. The contract prices associated with applications submitted to the Board outside the annual application period, except for those purchased through the Board’s direct support organization, The Florida Prepaid College Foundation, Inc., for purchasers participating in employer participation programs or by purchasers pursuant to a court order, shall be the contract prices applicable to advance payment contracts for the next succeeding annual application period. After acceptance by the Board of the purchaser’s application, a participation and payment schedule shall be mailed to the purchaser.

(d) The advance payment contract shall be comprised of the application, master covenant, and participation and payment schedule.

(2) The Florida Prepaid College Plan and Florida College Investment Plan New Account Application, Form No. FPCB 2011-01 ~~2009-10a~~, is hereby incorporated by reference and may be obtained from the Board by calling (800)552-GRAD (4723) (prompt 1). The Florida Prepaid College Plan Master Covenant, Form No. FPCB 2011-02 ~~2010-02~~, is hereby incorporated by reference and may be obtained from the Board by calling (800)552-GRAD (4723) (prompt 1). The Florida Prepaid College Plan Add-a-Plan Application, Form No. FPCB 2011-03, is hereby incorporated by referenced and may be obtained from the Board by calling (800)552-GRAD (4723) (prompt 1).

Rulemaking Authority 1009.971(1), (4), (6) FS. Law Implemented 1009.98 FS. History–New 3-29-89, Amended 2-6-90, 3-19-92, Formerly 4G-4.001, Amended 12-5-93, 5-31-95, 6-20-96, 10-20-96, 12-16-97, 2-18-99, 6-6-99, 2-8-00, 5-21-00, 1-3-01, 10-9-01, 11-27-02, 10-1-03, 1-29-04, 12-28-04, 6-2-05, 12-20-05, 1-1-07, 11-27-07, 12-17-07, 11-18-08, 1-28-09, 4-5-09, 10-26-09,_____.

STATE BOARD OF ADMINISTRATION**Florida Prepaid College Board**

RULE NO.: 19B-4.002
 RULE TITLE: Contract Prices

PURPOSE AND EFFECT: The rule is amended to establish the actuarial assumptions which will be used to establish prices for the 4-Year Florida University Plan, 2 + 2 Florida Plan, 4-Year Florida College Plan and 2-Year Florida College Plan and to update the actuarial assumptions which will be used to establish prices for Tuition Differential Fee Plans, Local Fee Plans and the Dormitory Plan, in the Stanley G. Tate Florida Prepaid College Program.

SUBJECT AREA TO BE ADDRESSED: The actuarial assumptions used to establish plan prices for the various plans available in the Stanley G. Tate Florida Prepaid College Plan.

RULEMAKING AUTHORITY: 1009.971(1), (4), (6) FS.

LAW IMPLEMENTED: 1009.98(2) FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: September 7, 2010, 2:00 p.m.

PLACE: Suite 210, Hermitage Building, 1801 Hermitage Boulevard, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Thomas J. Wallace, Executive Director, 1801 Hermitage Boulevard, Suite 210, Tallahassee, Florida 32308, telephone (850)488-8514. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Thomas J. Wallace, Executive Director, 1801 Hermitage Boulevard, Suite 210, Tallahassee, Florida 32308, telephone (850)488-8514

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

19B-4.002 Contract Prices.

(1) The Board will evaluate the advance payment contract prices for revision annually. All advance payment contract prices will be published annually in the Florida Administrative Weekly. ~~tuition plans are based on the actuarial assumption that university tuition will rise at an average of 6.5 percent per annum, community college tuition will rise at an average of 6 percent per annum and dormitory fees will rise at an average of 6 percent per annum.~~

(2) The advance payment contract prices for:

(a) The 4-Year Florida University Plan are based on the actuarial assumptions that Registration Fees at State Universities will rise at an average of 6.5 percent per annum, Local Fees at State Universities will rise at an average of 6.5 percent per annum, and the Tuition Differential Fee will rise annually at the maximum increase permitted pursuant to Section 1009.24(16), F.S.

(b) The 2 + 2 Florida Plan are based on the actuarial assumptions that Registration Fees at State Universities will rise at an average of 6.5 percent per annum, Local Fees at State Universities will rise at an average of 6.5 percent per annum, the Tuition Differential Fee will rise annually at the maximum increase permitted pursuant to Section 1009.24(16), F.S., the Registration Fees at Florida Colleges will rise at an average of 6 percent per annum and Local Fees at Florida Colleges will rise at an average of 6 percent per annum.

(c) The 4-Year Florida College Plan are based on the actuarial assumptions that the Registration Fees at Florida Colleges will rise at an average of 6 percent per annum and Local Fees at Florida Colleges will rise at an average of 6 percent per annum.

(d) The 2-Year Florida College Plan are based on the actuarial assumptions that Registration Fees at Florida Colleges will rise at an average of 6 percent per annum and Local Fees at Florida Colleges will rise at an average of 6 percent per annum.

(e) The Dormitory Plan are based on the actuarial assumption that dormitory fees at State Universities will rise at an average of 6 percent per annum.

(f) Local Fee Plans ~~fee plan prices~~ are based on the actuarial ~~assumptions~~ ~~assumption~~ that ~~the Local Fees at State Universities~~ ~~university local fees~~ will rise at an average of ~~6.5~~ 5 percent per annum and ~~Local Fees at Florida Colleges~~ ~~community college local fees~~ will rise at an average of 6 percent per annum.

(g) Tuition Differential Fee Plans ~~The tuition differential fee plan prices~~ are based on the actuarial ~~assumption~~ ~~assumption~~ that the ~~Tuition Differential Fee~~ ~~tuition differential fee~~ will rise ~~annually at the maximum increase permitted pursuant to Section 1009.24(16), F.S.~~ ~~an average of 8.5 percent per annum until such time as the sum of the tuition differential fee and the fees specified in Section 1009.24(16)(b)4., F.S., reaches the maximum amount permitted pursuant to Section 1009.24(16)(b)4., F.S., as determined by the Education Estimating Conference pursuant to Section 216.134(4)(a), F.S.~~ ~~Once the sum of the tuition differential fee and the fees specified in Section 1009.24(16)(b)4., F.S., equals the maximum amount permitted pursuant to Section 1009.24(16)(b)4., F.S., the actuarial assumption is that the tuition differential fee will rise an average of 6.5 percent per annum thereafter.~~

Rulemaking Authority 1009.971(1), (4), (6) FS. Law Implemented 1009.98(2) FS. History--New 3-29-89, Amended 2-6-90, 3-19-92, Formerly 4G-4.002, Amended 5-31-95, 2-18-99, 2-8-00, 12-28-03, 12-28-04, 12-20-05, 12-17-07, 11-30-09,_____.

STATE BOARD OF ADMINISTRATION

Florida Prepaid College Board

RULE NO.: 19B-4.005 RULE TITLE: Maximum Account Balance Limit
 PURPOSE AND EFFECT: The rule is being amended to specify how the maximum account balance for the Florida Prepaid College Plan and the Florida College Investment Plan will apply with respect to the 4-Year Florida University Plan, 2 + 2 Florida Plan, 4-Year Florida College Plan, and 2-Year Florida College Plan and to revise how the maximum account balance will apply with respect to Tuition Plans, Local Fee Plans, Tuition Differential Fee Plans and Dormitory Plans.
 SUBJECT AREA TO BE ADDRESSED: The maximum account balance limit for the Florida Prepaid College Plan and the Florida College Investment Plan.
 RULEMAKING AUTHORITY: 1009.971(1), (4), (6) FS.
 LAW IMPLEMENTED: 1009.98, 1009.981 FS.
 IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: September 7, 2010, 2:00 p.m.
 PLACE: Suite 210, Hermitage Building, 1801 Hermitage Boulevard, Tallahassee, Florida
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Thomas J. Wallace, Executive Director, 1801 Hermitage Boulevard, Suite 210, Tallahassee, Florida 32308, telephone (850)488-8514

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

- 19B-4.005 Maximum Account Balance Limit.
- (1) No change.
 - (2) For purposes of the maximum account balance limit, the redemption value of an advance payment contract for:
 - (a) The 4-Year Florida University Plan shall be the most expensive lump-sum contract price for the 4-Year Florida University Plan, as determined annually by the Board's actuary.
 - (b) A 2 + 2 Florida Plan shall be the most expensive lump-sum contract price for the 2 + 2 Florida Plan, as determined annually by the Board's actuary.
 - (c) A 4-Year Florida College Plan shall be the most expensive lump-sum contract price for the 4-Year Florida College Plan, as determined annually by the Board's actuary.

(d) A 2-Year Florida College Plan shall be the most expensive lump-sum contract price for the 2-Year Florida College Plan, as determined annually by the Board's actuary.

(e) A Tuition Plan shall be the most expensive lump-sum price for a 4-Year University Tuition Plan, as determined by the Board's actuary in the actuarial report prepared by the Board's actuary dated August 19, 2009.

(f) A Local Fee Plan shall be the most expensive lump-sum contract price for a 4-Year University Local Fee Plan, as determined annually by the Board's actuary.

(g) A Tuition Differential Fee Plan shall be the most expensive lump-sum contract price for a 4-Year University Tuition Differential Fee Plan, as determined annually by the Board's actuary.

~~Tuition, local fee, and tuition differential fee plans shall be the most expensive lump sum contract price for the university tuition, university local fee and university tuition differential fee plans, as determined annually by the Board's actuary.~~

~~(h) A Dormitory Plan shall be the most expensive lump-sum four (4) year dormitory contract price (8 semesters), as determined annually by the Board's actuary.~~

(3) No change.

Rulemaking Specific Authority 1009.971(1), (4), (6) FS. Law Implemented 1009.98, 1009.981 FS. History--New 11-27-02, Amended 12-28-03, 7-13-06, 12-17-07, 7-9-08,_____.

STATE BOARD OF ADMINISTRATION

Florida Prepaid College Board

RULE NO.: 19B-5.001 RULE TITLE: Plan Types
 PURPOSE AND EFFECT: This rule is amended to: a) reflect the addition of the 4-Year Florida University Plan, 2 + 2 Florida Plan, 4-Year Florida College Plan and 2-Year Florida College Plan to the prepaid plans offered through the Florida Prepaid College Plan; b) provide definitions used with respect to the description of the prepaid plans offered through the Florida Prepaid College Plan; c) provide that all plans offered for sale through the Florida Prepaid College Plan are available for beneficiaries that are in the eleventh grade or below; d) reflect that Tuition Plans are no longer available for purchase; and e) revise the names and descriptions of the Tuition Plans Local Fee Plans, Tuition Differential Fee Plans and the Dormitory Plans.

SUBJECT AREA TO BE ADDRESSED: The four new prepaid plans which will be offered through the Florida Prepaid College Plan.

RULEMAKING AUTHORITY: 1009.971(1), (4), (6) FS.
 LAW IMPLEMENTED: 1009.98 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: September 7, 2010, 2:00 p.m.

PLACE: Suite 210, Hermitage Building, 1801 Hermitage Boulevard, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Thomas J. Wallace, Executive Director, 1801 Hermitage Boulevard, Suite 210, Tallahassee, Florida 32308, telephone (850)488-8514. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Thomas J. Wallace, Executive Director, 1801 Hermitage Boulevard, Suite 210, Tallahassee, Florida 32308, telephone (850)488-8514

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

19B-5.001 ~~Plan Contract~~ Types.

(1) Definitions.

(a) “Florida College” means any public postsecondary educational institution in the Florida College System as defined in Section 1000.21(3), Florida Statutes.

(b) “Local Fee” means: (a) the activity and service, health, and athletic fees authorized in Section 1009.24(9)-(12), F.S., charged by a State University; or (b) the student activity fee authorized in Section 1009.23, F.S., and charged by a Florida College. The technology fee authorized in Section 1009.23(10), F.S., charged by a Florida College is also covered by Local Fee Plans purchased after July 1, 1999.

(c) “Registration Fee” means: (a) the tuition fee authorized in Section 1009.24(4), F.S., financial aid fee authorized in Section 1009.24(7), F.S., building fee authorized in Section 1009.24(8), F.S., and Capital Improvement Trust Fund fee authorized in Section 1009.24(8), F.S., charged by a State University; or (b) the tuition fee, authorized in Section 1009.23(3), F.S., the fee for capital improvements authorized in Section 1009.23(11), F.S., and the financial aid fee authorized in Section 1009.23(8), F.S., charged by a Florida College.

(d) “State University” means any university in the State University System as defined in Section 1000.21(6), Florida Statutes.

(e) “Tuition Differential Fee” means the fee charged by a State University pursuant to Section 1009.24(16), F.S.
~~The Florida Prepaid College Board’s advance payment contracts offer purchasers four (4) different plans: tuition, local fees, tuition differential fees and dormitory. All advance payment contracts include a tuition plan, unless the advance payment contract is an exception, pursuant to the Rules of this Chapter 19B-5, F.A.C. Purchasers may add corresponding local fee, tuition differential fee and/or dormitory plans in~~

~~conjunction with or as addendums to advance payment contracts. The tuition plans cover the matriculation fee, the building fee, the capital improvement fee and the financial aid fee. Local fee plans cover the activity and service, health, and athletics fees imposed by the state universities and the student activity fee imposed by the community colleges. Local fee plans purchased after July 1, 1999 also cover the technology fee imposed by the community colleges. Tuition differential fee plans cover the supplemental fee charged by the same universities pursuant to Section 1009.24(16), F.S. The dormitory plan covers the housing rate specified by the university for inclusion in the plan of a double occupancy, air-conditioned room. The amount payable under each plan will be determined pursuant to Section 1009.98(10), F.S.~~

(2) The 4-Year Florida University Plan. The 4-Year Florida University Plan prepays the Registration Fees, Tuition Differential Fee and Local Fees, for 120 semester credit hours at a State University. The 4-Year Florida University Plan initially is available for purchase during 2010-2011 open enrollment period which begins on October 18, 2010. The 4-Year Florida University Plan may be purchased only for a qualified beneficiary who is in the eleventh grade or below at the time the application for the purchase of the 4-Year Florida University Plan is accepted by the Board.

(3) The 2 + 2 Florida Plan. The 2 + 2 Florida Plan prepays the Registration Fees and Local Fees for 60 lower division semester credit hours at a Florida College and the Registration Fees, Tuition Differential Fee and Local Fees for 60 semester credit hours at a State University. The 2 + 2 Plan initially is available for purchase during the 2010-2011 open enrollment period which begins on October 18, 2010. The 2 + Florida Plan may be purchased only for a qualified beneficiary who is in the eleventh grade or below at the time the application for the purchase of the 2 + 2 Florida Plan is accepted by the Board.

(4) The 4-Year Florida College Plan. The 4-Year Florida College Plan prepays the Registration Fees and Local Fees for 60 lower division semester credit hours at a Florida College and for 60 upper division semester credit hours at a Florida College. The 4-Year Florida College Plan initially is available for purchase during the 2010-2011 open enrollment period which begins on October 18, 2010. The 4-Year Florida College Plan may be purchased only for a qualified beneficiary who is in the eleventh grade or below at the time the application for the purchase of the 4-Year Florida College Plan is accepted by the Board.

(5) The 2-Year Florida College Plan. The 2-Year Florida College Plan prepays the Registration Fees and Local Fees for 60 lower division semester credit hours at a Florida College. The 2-Year Florida College Plan initially is available for purchase during the 2010-2011 open enrollment period which begins on October 18, 2010. The 2-Year Florida College Plan may be purchased only for a qualified beneficiary who is in the

eleventh grade or below at the time the application for the purchase of the 2-Year Florida College Plan is accepted by the Board.

~~(6)(4)~~ Tuition Plans ~~plans~~ consist of three (3) separate plans:

(a) 4-Yr University Tuition Plan – The purchase of a 4-Yr University Tuition Plan prepays the Registration Fees for ~~university plan specifies that~~ 120 credit hours at a State University state university ~~are purchased~~ for the benefit of the qualified beneficiary.

(b) 2-Yr FL College Tuition (formerly the Community College Plan) – The purchase of a 2-Yr FL College Tuition Plan prepays the Registration Fees for ~~community college plan specifies that~~ 60 lower division credit hours at a Florida College state community college ~~are purchased~~ for the benefit of the qualified beneficiary. For 2 Yr- FL College Plans community college plans purchased prior to the 1996-97 application period, the number of credit hours purchased through the 2-Yr FL College Tuition Plan community college plan shall be the number specified in the advance payment contract.

(c) 2 + 2 Tuition Plan (formerly the Community College Plus University Plan) – The purchase of a 2 + 2 Tuition Plan prepays the Registration Fees for ~~community college plus university plan specifies that~~ 60 lower division credit hours at a Florida College state community college and the Registration Fees for 60 upper division level credit hours at a State University state university ~~are purchased~~ for the benefit of the qualified beneficiary. For 2 + 2 Tuition Plans community college plus university plans purchased prior to the 1996-97 application period, the number of credit hours purchased through the 2 + 2 Plan community college plus university plan shall be the number specified in the advance payment contract. Tuition Plans plans do not cover Local Fees, the Tuition Differential Fee or other institutionally-imposed fees such as health, athletic, activity and service, technology, tuition differential or student activity fees. Tuition Plans are not available for purchase after January 31, 2010.

~~(7)(2)~~ Local Fee Plans ~~fee plans~~ consist of three (3) separate plans:

(a) 4-Yr University Local Fee Plan – The purchase of a 4-Yr University Local Fee Plan prepays the Local Fees ~~university local fee plan specifies that~~ local fees for 120 credit hours at a State University state university ~~are purchased~~ for the benefit of the qualified beneficiary. The 4-Yr University Local Fee Plan may only be purchased as an addition to a 4-Yr University Tuition Plan.

(b) 2-Yr FL College Local Fee Plan (formerly the Community College Local Fee Plan) – The purchase of a 2-Yr FL College Local Fee Plan prepays the Local Fees ~~community college plan specifies that~~ local fees for 60 lower division credit hours at a Florida College state community college ~~are~~

~~purchased~~ for the benefit of the qualified beneficiary. The 2-Yr FL College Local Fee Plan may only be purchased as an addition to a 2-Yr FL College Tuition Plan.

(c) 2 + 2 Local Fee Plan (formerly the Community College Plus University Local Fee Plan) – The purchase of a 2 + 2 Local Fee Plan prepays the Local Fees ~~community college plus university plan specifies that~~ local fees for 60 lower division credit hours at a Florida College state community college and 60 upper division level credit hours at a State University state university ~~are purchased~~ for the benefit of the qualified beneficiary. The 2 + 2 Local Fee Plan may only be purchased as an addition to the 2 + 2 Tuition Plan.

Local Fee Plans fee plans may be purchased only for a qualified beneficiary who is in the eleventh grade or below at the time the application for the purchase of the Local Fee Plan is accepted by the Board ~~for those contract beneficiaries four (4) or more years away from their anticipated matriculation date at the time the application is filed.~~ The Local Fee Plans do local fee plan does not include payment of the Tuition Differential Fee or other institutionally-imposed fees cover the tuition differential fee.

~~(8)(3)~~ Tuition Differential Fee Plans consist of two (2) separate plans: ~~Beneficiaries for whom advance payment contracts were in effect prior to July 1, 2007 and consist of the university tuition plan or the community college plus university tuition plan, are exempt from the tuition differential fee.~~

(a) 4-Yr University TDF Tuition Differential Fee Plan – The purchase of a 4-Yr University TDF Plan prepays the Tuition Differential Fee for university tuition differential fee plan specifies that 120 credit hours at a State University state university ~~are purchased~~ for the benefit of the qualified beneficiary. The 4-Yr University TDF Plan 120 credit hour university tuition differential fee plan may be purchased only as an addition to a 4-Yr University Tuition Plan in conjunction with a university tuition plan.

(b) 2 + 2 TDF Plan (formerly the Community College Plus University Tuition Differential Fee Plan) – The 2 + 2 TDF Plan prepays the Tuition Differential Fee for community college plus university tuition differential fee plan specifies that only 60 credit hours at a State University state university ~~are purchased~~ for the benefit of the qualified beneficiary. The 2 + 2 TDF Plan 60 credit hour tuition differential fee plan may be purchased only as an addition to a 2 + 2 Tuition Plan in conjunction with a community college plus university tuition plan.

Tuition Differential Fee Plans differential fee plans may be purchased only for a qualified beneficiary who is in the eleventh grade or below for those qualified beneficiaries who are four (4) or more years away from their anticipated matriculation date at the time the application for the Tuition Differential Fee Plan is accepted received by the Board. Beneficiaries for whom advance payment contracts were in

effect prior to July 1, 2007 and include the 4-Yr University Tuition Plan or the 2 + 2 Tuition Plan, are exempt from the tuition differential fee. Tuition Differential Fee Plans do not include payment of Local Fees or other institutionally-imposed fees.

~~(9)(4)~~ Dormitory Plan.

(a) The Dormitory Plan provides payment for a double-occupancy, air-conditioned room in a dormitory specified by the State University and approved by the Board in which the qualified beneficiary is enrolled. Where a State University does not offer a double-occupancy, air-conditioned dormitory room, the Dormitory Plan will pay the State University, on behalf of the qualified beneficiary, the average cost of an eligible double-occupancy, air-conditioned dormitory room in the State University System.

~~(b)(a)~~ The Dormitory Plan may be purchased only for a qualified beneficiary who is in the eleventh grade or below at the time the application for the purchase of the Dormitory Plan is accepted by the Board ~~dormitory plan may be purchased only for those contract beneficiaries four (4) or more years away from their anticipated matriculation date at the time that the contract application is filed.~~

~~(c)(b)~~ A Dormitory Plan which is ~~dormitory plan~~ purchased in conjunction with or as an addendum to the 2 + 2 Florida Plan or which is purchased as an addendum to a 2 + 2 Tuition Plan ~~community college plus university plan may only be used is intended for use~~ after the beneficiary is admitted to a State University ~~state university. A Dormitory Plan dormitory plan may only be transferred for use at a Florida College community college pursuant to Rule 19B-9.004, F.A.C.~~

~~(d)(e)~~ A purchaser may purchase a Dormitory Plan ~~dormitory plan~~ for a beneficiary who was adopted from the Department of Children and Family Services after May 5, 1997, without purchasing a 4-Year Florida University Plan or 2 + 2 Florida Plan or without having purchased tuition Plan ~~tuition plan contract~~ for that beneficiary.

~~(10)(5)~~ The advance payment contract does ~~contracts do~~ not cover fees and costs related to books, meals, transportation, and institutionally-imposed fees, including, but not limited to ~~such~~ as laboratory fees.

Rulemaking Authority 1009.971(1), (4), (6) FS. Law Implemented 1009.98(2), (10) FS. History--New 3-29-89, Amended 5-17-92, 8-23-92, Formerly 4G-5.001, Amended 5-31-95, 6-20-96, 10-20-96, 8-18-97, 2-18-99, 2-8-00, 8-27-02, 12-17-07, 11-30-09, _____.

STATE BOARD OF ADMINISTRATION

Florida Prepaid College Board

RULE NO.: 19B-5.002
 RULE TITLE: Contract Benefits

PURPOSE AND EFFECT: This rule is amended to update the names of the prepaid plans offered through the Florida Prepaid College Plan and to delete the description of the type of dormitory rooms available through the Dormitory Plan as that provision is being transferred to Rule 19B-5.001, F.A.C.

SUBJECT AREA TO BE ADDRESSED: Provisions concerning usage of contract benefits under advance payment contracts in the Florida Prepaid College Plan.

RULEMAKING AUTHORITY: 1009.971(1), (4), (6) FS.

LAW IMPLEMENTED: 1009.98 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: September 7, 2010, 2:00 p.m.

PLACE: Suite 210, Hermitage Building, 1801 Hermitage Boulevard, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Thomas J. Wallace, Executive Director, 1801 Hermitage Boulevard, Suite 210, Tallahassee, Florida 32308, telephone (850)488-8514. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Thomas J. Wallace, Executive Director, 1801 Hermitage Boulevard, Suite 210, Tallahassee, Florida 32308, telephone (850)488-8514

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

19B-5.002 Contract Benefits.

(1) No change.

~~(2)(a)~~ To be eligible to receive Dormitory Plan ~~dormitory plan~~ benefits, qualified beneficiaries must file a complete and timely residence application with the applicable postsecondary institution. Beneficiaries must comply with all housing authority rules and regulations. The housing prepayment fee will be waived for the first housing application. Subsequent applications to alternate housing authorities will require payment by the purchaser of the appropriate prepayment fee. The Dormitory Plan ~~dormitory residence plan~~ is not available for use during the summer term.

~~(b)~~ The dormitory plan provides payment for a double occupancy, air conditioned room in a dormitory specified by the state university. Where a state university does not offer a double occupancy, air conditioned dormitory room, the dormitory plan will pay the university, on behalf of the qualified beneficiary, the average cost of an eligible double occupancy, air conditioned dormitory room in the State University System.

(3) Local Fee Plans ~~Local fee~~ and Tuition Differential Fee Plans ~~tuition differential fee plans~~ are tied to the corresponding type of Tuition Plan purchased for the qualified beneficiary ~~tuition contracts~~ for matriculation purposes. Payment for the

~~Local Fees local and the Tuition Differential Fee tuition differential fees will be remitted with the tuition payment for Registration Fees, upon the receipt of an tuition invoice for a qualified beneficiary whose advance payment contract includes those is composed of these fee plans.~~

Rulemaking Authority 1009.971(1), (4), (6) FS. Law Implemented 1009.98 FS. History—New 3-29-89, Amended 2-6-90, 3-19-92, Formerly 4G-5.002, Amended 5-31-95, 6-20-96, 2-18-99, 1-1-07, 12-17-07, 11-30-09,_____.

STATE BOARD OF ADMINISTRATION

Florida Prepaid College Board

RULE NO.: 19B-5.003
 RULE TITLE: Contract Requirements

PURPOSE AND EFFECT: This rule is amended to update the names of certain of the prepaid plans in the Florida Prepaid College Plan and clarify the requirements for usage of the contract benefits under those plans.

SUBJECT AREA TO BE ADDRESSED: Provisions concerning usage of benefits of advance payment contracts in the Florida Prepaid College Plan.

RULEMAKING AUTHORITY: 1009.971(1), (4), (6) FS.

LAW IMPLEMENTED: 1009.98(4) FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: September 7, 2010, 2:00 p.m.
 PLACE: Suite 210, Hermitage Building, 1801 Hermitage Boulevard, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Thomas J. Wallace, Executive Director, 1801 Hermitage Boulevard, Suite 210, Tallahassee, Florida 32308, telephone (850)488-8514. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Thomas J. Wallace, Executive Director, 1801 Hermitage Boulevard, Suite 210, Tallahassee, Florida 32308, telephone (850)488-8514

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

- 19B-5.003 Contract Requirements.
- (1) through (5) No change.
- (6) ~~Contract benefits associated with advance Advance~~ payment contracts that are composed of a Tuition Plan, a Local Fee Plan and a Tuition Differential Fee Plan tuition, local fee and tuition differential fee plans will only be paid if the Tuition

~~Plan, Local Fee Plan and Tuition Differential Fee Plan tuition plan, local fee plans and tuition differential fee plan are in good standing. Payments for the contract benefits associated with Local Fee Plans and Tuition Differential Fee Plan Local fee payments and tuition differential fee payments shall not be remitted to pay the Registration Fees tuition for any beneficiary attending a State University Florida public university or Florida College community college. Payments for the contract benefits associated with Local Fee Plans and Tuition Differential Fee Plans Local fee payments and tuition differential fee payments may be remitted to pay tuition at private and out-of-state colleges for any qualified beneficiary.~~

Rulemaking ~~Specific~~ Authority 1009.971(1), (4), (6) FS. Law Implemented 1009.98(4) FS. History—New 3-29-89, Amended 2-6-90, 3-19-92, Formerly 4G-5.003, Amended 5-31-95, 6-20-96, 2-18-99, 6-6-99, 11-6-01, 8-27-02, 12-17-07, 1-28-09,_____.

STATE BOARD OF ADMINISTRATION

Florida Prepaid College Board

RULE NO.: 19B-5.004
 RULE TITLE: Contract Purchasers

PURPOSE AND EFFECT: This rule is amended to specify the rights of purchasers and co-purchasers for 4-Year Florida University Plans, 2 + 2 Florida Plans, 4-Year Florida College Plans and 2-Year Florida College Plans. The amendment provides that the purchaser's and co-purchaser's approval is required for changes of the purchaser, co-purchaser or beneficiary for advance payment contracts which include one of those plans, the purchaser and co-purchaser of those plans each enjoy a survivorship right for each other, the purchaser and co-purchaser must authorize termination of an advance payment contract which includes one of those plans and the purchaser and co-purchaser must approve any refund request associated with a terminated advance payment contract which included one of those plans.

SUBJECT AREA TO BE ADDRESSED: The rights of purchasers and co-purchasers for 4-Year Florida University Plans, 2 + 2 Florida Plans, 4-Year Florida College Plans and 2-Year Florida College Plans

RULEMAKING AUTHORITY: 1009.971(1), (4), (6) FS.

LAW IMPLEMENTED: 1009.98 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: September 7, 2010, 2:00 p.m.
 PLACE: Suite 210, Hermitage Building, 1801 Hermitage Boulevard, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Thomas J. Wallace, Executive Director, 1801

Hermitage Boulevard, Suite 210, Tallahassee, Florida 32308, telephone (850)488-8514. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Thomas J. Wallace, Executive Director, 1801 Hermitage Boulevard, Suite 210, Tallahassee, Florida 32308, telephone (850)488-8514

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

19B-5.004 Contract Purchasers.

(1) No change.

(2) For advance payment contracts that include a 4-Year Florida University Plan, 2 + 2 Florida Plan, 4-Year Florida College Plan or 2-Year Florida College Plan:

(a) Co-purchasers are permitted, but are not required. When a co-purchaser is designated on an advance payment contract, the purchaser and co-purchaser each will enjoy a right of survivorship.

(b) Changes to the purchaser, co-purchaser or beneficiary designated on the advance payment contract, requests for voluntary termination of the advance payment contract, and refund requests associated with the termination of an advance payment contract must be in writing and contain the notarized signature of the purchaser and co-purchaser. All other changes to the advance payment contract must be in writing and approved by the purchaser.

(3)(2) For advance payment contracts that include a Tuition Plan for tuition plans purchased prior to February 1, 2009:

(a) Co-purchasers are permitted, and will enjoy only a right of survivorship. However, the purchaser may, without the consent or authorization of the co-purchaser, execute all contract changes, conversions, transfers, cancellations, and refund requests.

(b) Any requests to change the purchaser designated on the advance payment contract must be signed by the purchaser and notarized by a notary. Refunds shall be made payable to the purchaser only.

(c) If a purchaser terminates a contract pursuant to Rule 19B-10.002, F.A.C., the co-purchaser must be notified in writing.

(d) Purchasers may elect to change the rights of a co-purchaser to be the same as those for advance payment contracts purchased on or after February 1, 2009, by submitting a written request to the Board. The request must be signed by the purchaser and the co-purchaser and both signatures must be notarized by a notary. If a purchaser changes the rights enjoyed by the co-purchaser to those for advance payment contracts purchased on or after February 1, 2009, the change in the co-purchaser's rights is irrevocable, the

provisions of paragraphs 19B-5.004(2)(a), (b) and (c), F.A.C., shall not apply to the advance payment contract and the provisions of subsection 19B-5.004(3), F.A.C., shall apply to the advance payment contract.

(4)(3) For advance payment contracts that include a Tuition Plan for tuition plans purchased on or after February 1, 2009:

(a) Co-purchasers are permitted, but are not required. When a co-purchaser is designated on an advance payment contract, the purchaser and co-purchaser each will enjoy a right of survivorship.

(b) Changes to the purchaser, co-purchaser or beneficiary designated on the advance payment contract, requests for voluntary termination of the advance payment contract, and refund requests associated with the termination of an advance payment contract must be in writing and contain the notarized signature of the purchaser and co-purchaser. All other changes to the advance payment contract must be in writing and approved by the purchaser.

(5)(4) The provisions of subsection 19B-5.004(3)(2), F.A.C., also apply to advance payment contracts for Dormitory Plan dormitory, Local Fee Plans local fee and Tuition Differential Fee Plans tuition differential fee plans, regardless of the date of their purchase, that are associated with Tuition Plans tuition plans that were purchased prior to February 1, 2009. The provisions of subsection 19B-5.004(4)(3), F.A.C., apply to advance payment contracts for Dormitory Plans, Local Fee Plans and Tuition Differential Fee Plans dormitory, local fee and tuition differential fee plans associated with Tuition Plans tuition plans that were are purchased on or after February 1, 2009.

Rulemaking Specific Authority 1009.971(1), (4), (6) FS. Law Implemented 1009.98 FS. History—New 3-29-89, Amended 3-19-92, Formerly 4G-5.004, Amended 12-5-93, 6-20-96, 7-28-98, 11-27-02, 1-28-09.

STATE BOARD OF ADMINISTRATION

Florida Prepaid College Board

RULE NO.: 19B-5.006
 RULE TITLE: Limitations on Plan Option Changes
 PURPOSE AND EFFECT: This rule is amended to make changes to reflect the updated names for the plans available under the Florida Prepaid College Plan and to make technical revisions to the text of the rule.
 SUBJECT AREA TO BE ADDRESSED: Limitations on changes to plan options under the Florida Prepaid College Plan.
 RULEMAKING AUTHORITY: 1009.971(1), (4), (6) FS.
 LAW IMPLEMENTED: 1009.98(4) FS.
 IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

TIME AND DATE: September 7, 2010, 2:00 p.m.
 PLACE: Suite 210, Hermitage Building, 1801 Hermitage Boulevard, Tallahassee, Florida
 Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Thomas J. Wallace, Executive Director, 1801 Hermitage Boulevard, Suite 210, Tallahassee, Florida 32308, telephone (850)488-8514. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Thomas J. Wallace, Executive Director, 1801 Hermitage Boulevard, Suite 210, Tallahassee, Florida 32308, telephone (850)488-8514

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

19B-5.006 Limitations on Plan Option Changes.

- (1) No change.
- (2)(a) Advance payment contract purchasers may make a lump sum prepayment to fully prepay the installments payments then remaining due for any plan included in an advance payment contract ~~an installment contract~~ with no prepayment penalty.

(b) Advance payment contract purchasers may make one (1) or more partial prepayments for any plan included in the advance payment ~~on an installment~~ contract. For purposes of this Rule, a partial prepayment is a payment made on a plan on which payments are due and ~~an installment contract~~ which is received by the Board prior to the regularly scheduled time for a payment and ~~which~~ is less than the lump sum amount required to fully prepay the installment payments due on a plan included in the advance payment contract at the time such payment is received by the Board. An advance payment contract purchaser shall not receive any refund or reduction of the total amount due for all of the installment payments due for any plan included in an advance payment ~~on an installment~~ contract, including any amount for implied interest pursuant to subsection 19B-4.003(2), F.A.C., as the result of one (1) or more partial prepayments.

(3) No plan option, including a Dormitory Plan, Local Fee Plan or Tuition Differential Fee Plan ~~dormitory, local fee or tuition differential fee plan~~, may be added or deleted except during this change period, during an open enrollment period, or by approval of the Board in cases of hardship and pursuant to the special petition procedure outlined in Rule 19B-12.001, F.A.C.

Rulemaking Specific Authority 1009.971(1), (4), (6) FS. Law Implemented 1009.98(4) FS. History--New 2-6-90, Formerly 4G-5.006, Amended 6-20-96, 3-20-97, 2-18-99, 12-17-07, _____.

STATE BOARD OF ADMINISTRATION

Florida Prepaid College Board

RULE NO.: 19B-6.001
 RULE TITLE: Fee Schedule

PURPOSE AND EFFECT: This rule is amended to specify the fee to add a Dormitory Plan to a 4-Year Florida University Plan, 2 + 2 Florida Plan, 4-Year Florida College Plan and 2-Year Florida College Plan, to specify that the Termination Fee and Reinstatement Fee that will apply with respect to such plans and to revise the names of other plans in the Florida Prepaid College Plan.

SUBJECT AREA TO BE ADDRESSED: Fees applicable to the Florida Prepaid College Plan.

RULEMAKING AUTHORITY: 1009.971(1), (4), (6) FS.

LAW IMPLEMENTED: 1009.971(4), 1009.98 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

TIME AND DATE: September 7, 2010, 2:00 p.m.
 PLACE: Suite 210, Hermitage Building, 1801 Hermitage Boulevard, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Thomas J. Wallace, Executive Director, 1801 Hermitage Boulevard, Suite 210, Tallahassee, Florida 32308, telephone (850)488-8514. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Thomas J. Wallace, Executive Director, 1801 Hermitage Boulevard, Suite 210, Tallahassee, Florida 32308, telephone (850)488-8514

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

19B-6.001 Fee Schedule.

The following fee schedule will apply for all advance payment contract applicants and purchasers:

- (1) Application Fee –
 - (a) through (c) No change.
 - (d) A fee of ten dollars (\$10.00) will be assessed for any purchaser of a 4-Year Florida University Plan, 2 + 2 Florida Plan, 4-Year Florida College Plan, 2-Year Florida College Plan or Tuition Plan ~~tuition plan~~ who subsequently adds a Dormitory Plan ~~dormitory plan~~ to the previously purchased 4-Year Florida University Plan, 2 + 2 Florida Plan, 4-Year Florida College Plan, 2-Year Florida College Plan or Tuition Plan ~~tuition plan~~.

(e) A fee of ten dollars (\$10.00) will be assessed for any purchaser of a Tuition Plan ~~tuition plan~~ who subsequently adds the corresponding Local Fee Plan ~~local fee plan~~ to the previously purchased Tuition Plan ~~tuition plan~~.

(f) A fee of ten dollars (\$10.00) will be assessed for any purchaser of a Tuition Plan ~~tuition plan~~ who subsequently adds the corresponding Tuition Differential Fee Plan ~~tuition differential fee plan~~ to the previously purchased Tuition Plan ~~tuition plan~~.

(2) Termination Fee – Fifty percent (50%) of the amount paid into a 4-Year Florida University Plan, 2 + 2 Florida Plan, 4-Year Florida College Plan, 2-Year Florida College Plan or Tuition Plan ~~the tuition plan~~ up to a cap of fifty dollars (\$50.00) will be assessed upon termination of a 4-Year Florida University Plan, 2 + 2 Florida Plan, 4-Year Florida College Plan, 2-Year Florida College Plan or Tuition Plan ~~any tuition plan purchased, respectively~~, unless:

- (a) The purchaser or beneficiary dies or is disabled; or
- (b) The beneficiary receives a scholarship which renders the plan unusable; or
- (c) The purchaser holds the advance payment contract for a period of at least two (2) years immediately preceding the request for termination and refund.
- (3) No change.
- (4) Late Fee.

(a) A late fee of ten dollars (\$10.00) will be assessed on each monthly payment received twenty (20) days past the due date. This charge shall be separate from and in addition to any termination fee that might be imposed pursuant to subsection (2) of this Rule. If Tuition Plan ~~the tuition~~, Local Fee Plan ~~local fee~~ and Tuition Differential Fee Plan ~~tuition differential fee~~ payments are received twenty (20) or more days past the due date, only the Tuition Plan ~~tuition plan~~ will be assessed a ten dollar (\$10.00) late fee. The Board will grant an additional four (4) days' grace period when a federal holiday occurs within the twenty (20) days mentioned above.

(b) When an advance payment contract is terminated, not more than seventy dollars (\$70.00) in outstanding late fees may be deducted from the refund for the advance payment contract.

(c) When an advance payment contract is paid-in-full, the Board will waive:

- 1. Any outstanding late fees in excess of seventy dollars (\$70.00).
- 2. The outstanding late fee balance when the outstanding late fee balance is fifty dollars (\$50.00) or less.
- (5) through (6) No change.

(7) Reinstatement Fee – A fifty dollar \$50.00 fee shall be assessed for the reinstatement of a voluntarily canceled or involuntarily canceled plan. This fee shall be due ~~for on~~ each 4-Year Florida University Plan, 2 + 2 Florida Plan, 4-Year Florida College Plan, 2-Year Florida College Plan, Tuition

Plan, Local Fee Plan, Tuition Differential Fee Plan and Dormitory Plan ~~tuition, local fee, tuition differential fee and dormitory plan~~. The fee shall be due from the purchaser at the time the request for reinstatement is made and shall be in addition to all payments and fees required to bring a plan current.

Rulemaking Specific Authority 1009.971(1), (4), (6) FS. Law Implemented 1009.971(4), 1009.98 FS. History–New 3-29-89, Amended 2-6-90, 3-19-92, 8-23-92, Formerly 4G-6.001, Amended 12-5-93, 6-20-96, 12-16-97, 2-18-99, 2-8-00, 11-6-01, 11-27-02, 12-17-07, _____.

STATE BOARD OF ADMINISTRATION

Florida Prepaid College Board

RULE NO.: 19B-9.001
 RULE TITLE: Flexibility

PURPOSE AND EFFECT: This rule is amended to: a) update references to the fees included in the contract benefits for the types of prepaid plans offered in the Florida Prepaid College Plan; b) update the example used to explain how plan benefits are converted for use at a different type of Florida state postsecondary education institution; c) specify that a Dormitory Plan may not be used at a Florida College and may not be an addendum to a 4-Year Florida College Plan, 2-Year Florida College Plan or 2-Yr FL College Tuition Plan; d) specify that a Tuition Differential Fee Plan may not be used at a Florida College and may not be an addendum to a 2-Yr FL College Tuition Plan; and e) revise references to the community college plan to the 2-Yr College FL Tuition Plan.

SUBJECT AREA TO BE ADDRESSED: The flexibility of use for the prepaid plans available through the Florida Prepaid College Plan.

RULEMAKING AUTHORITY: 1009.971(1), (4), (6) FS.

LAW IMPLEMENTED: 1009.971, 1009.98(3), (5) FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: September 7, 2010, 2:00 p.m.

PLACE: Suite 210, Hermitage Building, 1801 Hermitage Boulevard, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Thomas J. Wallace, Executive Director, 1801 Hermitage Boulevard, Suite 210, Tallahassee, Florida 32308, telephone (850)488-8514. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Thomas J. Wallace, Executive Director, 1801 Hermitage Boulevard, Suite 210, Tallahassee, Florida 32308, telephone (850)488-8514

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

19B-9.001 Flexibility.

The benefits of advance payment contracts are designed to be flexible in order to allow beneficiaries to attend the postsecondary institutions of their choice regardless of the type of plans included in the advance payment ~~contract~~ ~~contracts~~ purchased.

(1) Plan benefits will be automatically converted upon receipt of a valid postsecondary institution invoice based upon the respective rates of tuition and/or fees included among the contract benefits for the plan or plans included in the qualified beneficiary's advance payment contract ~~tuition rate~~ at the time of the qualified beneficiaries' actual matriculation dates. For example, if the qualified beneficiary has a 2-YR FL College Tuition Plan and if the Florida College Registration Fees (the benefits provided by a 2-YR FL College Tuition Plan) are ~~community college tuition rate~~ is two-thirds (2/3) of the State University Registration Fees ~~university rate~~ at the time of matriculation, three Florida College ~~community college~~ credit hours will be used to pay for two (2) State University ~~university~~ credit hours.

(2) A Dormitory Plan may not be used at a Florida College except as provided in Rule 19B-9.004, F.A.C. and dormitory plan may not be an addendum transferred to a 4-Year Florida College Plan, 2-Year Florida College Plan or 2-Yr FL College Tuition Plan ~~community college plan~~.

(3) A Tuition Differential Fee Plan may not be used at a Florida College and ~~tuition differential fee plan~~ may not be an addendum transferred to a 2-Yr FL College Tuition Plan ~~community college plan~~.

(4) For the purchaser to convert plan benefits and receive a refund, pursuant to Rule 19B-11.002, F.A.C., a written conversion/refund request must be received from the purchaser no earlier than one (1) year and before April 1 of the year of matriculation of the qualified beneficiary.

Rulemaking Specific Authority 1009.971(1), (4), (6) FS. Law Implemented 1009.971, 1009.98(3) FS. History--New 3-29-89, Amended 3-19-92, Formerly 4G-9.001, Amended 6-20-96, 8-18-97, 12-17-07, _____.

STATE BOARD OF ADMINISTRATION

Florida Prepaid College Board

RULE NO.: 19B-9.002
 RULE TITLE: Use of Benefits at In-State Private Colleges or Universities, Out-of-State Colleges and Universities and Vocational-Technical Schools

PURPOSE AND EFFECT: This rule is amended to specify the redemption rates for the 4-Year Florida University Plan, 2 + 2 Florida Plan, 4-Year Florida College Plan and 2-Year Florida College Plan and to clarify the redemption rate for Tuition Plans, Local Fee Plans Tuition Differential Fee Plans and Dormitory Plan, which will apply when the benefits of one of those plans is used at an eligible educational institution, as defined in s. 529 of the Internal Revenue Code.

SUBJECT AREA TO BE ADDRESSED: The redemption rates payable under the prepaid plans offered through the Florida Prepaid College Plans, when the contract benefits of a prepaid plan are used at an eligible educational institution as defined in s. 529 of the Internal Revenue Code.

RULEMAKING AUTHORITY: 1009.971(1), (4), (6) FS.

LAW IMPLEMENTED: 1009.98 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: September 7, 2010, 2:00 p.m.

PLACE: Suite 210, Hermitage Building, 1801 Hermitage Boulevard, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Thomas J. Wallace, Executive Director, 1801 Hermitage Boulevard, Suite 210, Tallahassee, Florida 32308, telephone (850)488-8514. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Thomas J. Wallace, Executive Director, 1801 Hermitage Boulevard, Suite 210, Tallahassee, Florida 32308, telephone (850)488-8514

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

19B-9.002 Use of Benefits at In-State Private Colleges or Universities, Out-of-State Colleges and Universities and Vocational-Technical Schools.

(1) In the event the beneficiary matriculates to any eligible education institution, as defined in s. 529 of the Internal Revenue Code, (other than a State University in Florida or a Florida College), the redemption value will be forwarded to the institution.

(2) For purposes of the transfer of 4-Year Florida University Plans, the redemption value shall be the sum of the average amounts payable to State Universities for Registration Fees, Local Fees and Tuition Differential Fees under the beneficiary's plan, at the time of matriculation.

(3) For purposes of the transfer of 2 + 2 Florida Plans, the redemption value shall be the sum of the average amounts payable to State Universities for Registration Fees, Local Fees and Tuition Differential Fees under the beneficiary's plan, at the time of matriculation, and the sum of the average amounts payable to Florida Colleges for Registration Fees and Local Fees under the beneficiary's plan, at the time of matriculation.

(4) For purposes of the transfer of 4-Year Florida College Plans, the redemption value shall be the sum of the average amounts payable to Florida Colleges for Registration Fees and Local Fees under the beneficiary's plan, at the time of matriculation.

(5) For purposes of the transfer of 2-Year Florida College Plans, the redemption value shall be the sum of the average amounts payable to Florida Colleges for Registration Fees and Local Fees under the beneficiary's plan, at the time of matriculation.

(6) For purposes of such transfers of Tuition Plans, Local Fee Plans and Tuition Differential Fee Plans ~~the tuition, local fee and tuition differential fee plans~~, the redemption value shall be the average amount payable to State Universities for Registration Fees, Local Fees and Tuition Differential Fees ~~of tuition, local fees and tuition differential fees~~, respectively, under the beneficiary's plan or plans to a state university or the average amount payable to Florida Colleges for Registration Fees and Local Fees, respectively, under the beneficiary's plan or plans ~~community college~~, at the time of matriculation.

(7) For purposes of such transfers of the Dormitory Plan ~~dormitory plan~~, the redemption value shall be the average of the State University ~~state university~~ dormitory fees payable under the beneficiary's plan to a State University ~~state university~~ or Florida College ~~community college~~, at the time of matriculation for the number of semesters reflected in each beneficiary's Dormitory Plan ~~dormitory plan~~.

Rulemaking Authority 1009.971(1), (4), (6) FS. Law Implemented 1009.98 FS. History--New 3-29-89, Formerly 4G-9.002, Amended 2-6-90, 12-5-93, 6-20-96, 10-20-96, 2-18-99, 10-9-01, 12-17-07, 11-30-09, _____.

STATE BOARD OF ADMINISTRATION

Florida Prepaid College Board

RULE NO.: 19B-9.004
 RULE TITLE: Dormitory Transfer to Florida Colleges and State University-Held Residences Other than Dormitories

PURPOSE AND EFFECT: To update references to the Dormitory Plan and to change references from "community college" to "Florida College".

SUBJECT AREA TO BE ADDRESSED: Transfer of Dormitory Plans to Florida Colleges and State University-Held Residences other than dormitories.

RULEMAKING AUTHORITY: 1009.971(1), (4), (6) FS.

LAW IMPLEMENTED: 1009.98(3), (10) FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: September 7, 2010, 2:00 p.m.

PLACE: Suite 210, Hermitage Building, 1801 Hermitage Boulevard, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Thomas J. Wallace, Executive Director, 1801 Hermitage Boulevard, Suite 210, Tallahassee, Florida 32308, telephone (850)488-8514. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Thomas J. Wallace, Executive Director, 1801 Hermitage Boulevard, Suite 210, Tallahassee, Florida 32308, telephone (850)488-8514

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

19B-9.004 Dormitory Transfer to Florida ~~Community~~ Colleges and State University-Held Residences Other than Dormitories.

(1) A Dormitory Plan ~~dormitory plan~~ may be transferred to a Florida College ~~community college~~ or Florida College ~~community college~~ direct-support organization that operates a residence facility for students attending the Florida College ~~community college~~. Funds transferred to the Florida College ~~community college~~ or Florida College ~~community college~~ direct-support organization shall not exceed the lesser of the actual fees charged by the Florida College ~~community college~~ or the Florida College ~~community college~~ direct-support organization for dormitories or residency opportunities or the

average dormitory fees payable under the beneficiary's Dormitory Plan ~~dormitory plan~~ for State University ~~state university~~ dormitories designated for inclusion in the Program.

(2) A Dormitory Plan ~~dormitory plan~~ may be transferred to other State University ~~university~~-held residences designated by a State University ~~state university~~ for inclusion in the Program. Funds transferred to other State University ~~university~~-held residences shall not exceed the average of fees payable under the beneficiary's Dormitory Plan ~~dormitory plan~~ for dormitories at the State University ~~state university~~ that are designated for inclusion in the Program. The terms of the State University ~~university housing~~ contract shall take precedence over the terms of the advance payment contract for the purpose of transferring Dormitory Plans ~~dormitory plans~~.

Rulemaking Authority 1009.971(1), (4), (6) FS. Law Implemented 1009.98(3), (10) FS. History—New 10-20-96, Amended 1-28-09, 11-30-09, _____.

STATE BOARD OF ADMINISTRATION

Florida Prepaid College Board

RULE NO.: 19B-11.001
 RULE TITLE: General

PURPOSE AND EFFECT: This rule is amended to specify the redemption value for death and disability refunds and scholarship refunds associated with the 4-Year Florida University Plan, 2 + 2 Florida Plan, 4-Year Florida College Plan and 2-Year Florida College Plan, clarify the redemption value for death and disability refunds and scholarship refunds associated with Tuition Plans, Local Fee Plans, Tuition Differential Fee Plans and Dormitory Plans, and to delete obsolete text.

SUBJECT AREA TO BE ADDRESSED: Death and disability refunds and scholarship refunds associated with the Florida Prepaid College Plan.

RULEMAKING AUTHORITY: 1009.971(1), (4), (6) FS.

LAW IMPLEMENTED: 1009.971 1009.98(5) FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: September 7, 2010, 2:00 p.m.

PLACE: Suite 210, Hermitage Building, 1801 Hermitage Boulevard, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Thomas J. Wallace, Executive Director, 1801 Hermitage Boulevard, Suite 210, Tallahassee, Florida 32308, telephone (850)488-8514. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Thomas J. Wallace, Executive Director, 1801 Hermitage Boulevard, Suite 210, Tallahassee, Florida 32308, telephone (850)488-8514

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

19B-11.001 General.

Except as provided herein, refunds shall not exceed the amount paid for any plan included in the advance payment contract bought by the purchaser, except for conversions pursuant to Rule 19B-11.002, F.A.C., and dormitory plan refunds due to insufficient housing pursuant to Rule 19B-11.004, F.A.C. Termination of student status after the official drop/add period eliminates the refund option for that semester. The Board will process a refund associated with an account that was terminated pursuant to Rule 19B-10.001 or 19B-10.002, F.A.C., upon the receipt of a notarized, written request that is signed by the person or persons required pursuant to Rule 19B-5.004, F.A.C. The refund will be paid only to the purchaser ~~of the terminated account~~.

(1) For participants in the Florida Prepaid College Board Program's advance payment contracts, a scholarship is defined as a financial or in-kind award or grant given to an individual for study, training, or research, and which does not constitute compensation for personal services.

(2) Refunds may exceed the amount paid for a plan in the following circumstances:

(a) If a beneficiary is awarded a scholarship, the terms of which cover the benefits included in the beneficiary's advance payment ~~contract contracts~~, moneys paid for the purchase of the advance payment ~~contract contracts~~ shall be returned to the purchaser in semester installments coinciding with the matriculation by the beneficiary in an amount not to exceed the redemption value of the advance payment contract at the time the scholarship benefits are used. Proof of scholarship shall be given to the Board as required by the Master Covenant.

(b) In the event of death or total disability of the beneficiary, the advance payment contract may be terminated pursuant to Rule 19B-10.002, F.A.C., and the moneys paid for the purchase of an advance payment contract shall be refunded in lump sum in an amount not to exceed the redemption value of the advance payment contract at the time of the refund request. Proof of death or disability shall be in such form as required by the Board.

(3) For the purposes of refunds pursuant to paragraph 19B-11.001(2), F.A.C., the redemption value for the:

(a) 4-Year Florida University Plan shall be the sum of the average amounts payable to State Universities for Registration Fees, Local Fees and Tuition Differential Fees, under the beneficiary's plan.

(b) 2 + 2 Florida Plan shall be the sum of the average amounts payable to the State Universities for Registration Fees, Local Fees and Tuition Differential Fees, under the beneficiary's plan, and the sum of the average amounts payable to Florida Colleges for Registration Fees and Local Fees, under the beneficiary's plan.

(c) 4-Year Florida College Plan shall be the sum of the average amounts payable to Florida Colleges for Registration Fees and Local Fees, under the beneficiary's plan.

(d) 2-Year Florida College Plan shall be the sum of the average amounts payable to Florida Colleges for Registration Fees and Local Fees, under the beneficiary's plan.

(e) Tuition Plans, Local Fee Plans and Tuition Differential Fee Plans For purposes of refunds pursuant to paragraph 19B-11.001(2)(a) or (b), F.A.C., for tuition, local fee and tuition differential fee plans, the redemption value shall be the average amount payable to State Universities for Registration Fees of tuition, Local Fees local fees and Tuition Differential Fees tuition differential fees, respectively, payable under the beneficiary's plan or plans to the state universities or the average amount payable to Florida Colleges for Registration Fees and Local Fees, respectively, under the beneficiary's plan or plans community colleges at the time of the refund request.

(f) Dormitory Plans For purposes of refunds pursuant to paragraph 19B-11.001(2)(a) or (b), F.A.C., for the dormitory plan, the redemption value shall be the average of the State University state university dormitory fees payable under the beneficiary's Dormitory Plan dormitory plan at the time of the refund request, for the number of semesters reflected in the beneficiary's advance payment contract. For purposes of refunds pursuant to paragraph 19B-11.001(2)(c) F.A.C., for tuition differential fee plans, the redemption value shall be the average amount of tuition differential fees payable under the beneficiary's tuition differential plan to state universities in Florida at the time of the refund.

Rulemaking Authority 1009.971(1), (4), (6) FS. Law Implemented 1009.971, 1009.98(5), (10) FS. History—New 3-29-89, Amended 2-6-90, 3-19-92, Formerly 4G-11.001, Amended 8-18-97, 11-6-01, 12-17-07, 1-28-09, 11-30-09,_____.

STATE BOARD OF ADMINISTRATION

Florida Prepaid College Board

RULE NO.: RULE TITLE:

19B-11.004 Dormitory Refund

PURPOSE AND EFFECT: This rule is amended to correct capitalization for references to the Dormitory Plan and the term "State University."

SUBJECT AREA TO BE ADDRESSED: References to the Dormitory Plan and references to "State University" in the rule dealing with Dormitory Plan refunds.

RULEMAKING AUTHORITY: 1009.971(1), (4), (6) FS.

LAW IMPLEMENTED: 1009.971, 1009.98(5) FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: September 7, 2010, 2:00 p.m.

PLACE: Suite 210, Hermitage Building, 1801 Hermitage Boulevard, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Thomas J. Wallace, Executive Director, 1801 Hermitage Boulevard, Suite 210, Tallahassee, Florida 32308, telephone (850)488-8514. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Thomas J. Wallace, Executive Director, 1801 Hermitage Boulevard, Suite 210, Tallahassee, Florida 32308, telephone (850)488-8514

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

19B-11.004 Dormitory Refund.

If there is insufficient housing to accommodate a qualified beneficiary under the Dormitory Plan dormitory plan, the actual value of dormitory rates at the specified institution at the time of the application for dormitory space at the university will be refunded to the purchaser. Insufficient housing means that sufficient numbers of double-occupancy, air-conditioned dormitory rooms are not available for the qualified beneficiaries who attend that State University state university. If the qualified beneficiary is placed upon an university admission wait list and is therefore prohibited by university regulations from submitting a timely housing application and, as a consequence, does not receive a housing assignment, this shall constitute insufficient housing pursuant to this section. The Board shall require documentation from the university housing authority and/or admission office prior to processing a dormitory refund due to insufficient housing. If the qualified beneficiary elects not to apply for the dormitory residence, the refund will be the amount paid for the dormitory plan after assessment of the termination fee pursuant to subsection 19B-6.001(2), F.A.C. Where a State University state university does not offer a double-occupancy, air-conditioned dormitory room, the Program will refund the purchaser the average cost of an eligible double-occupancy, air-conditioned dormitory room in the State University System.

Rulemaking Speciffe Authority 1009.971(1), (4), (6) FS. Law Implemented 1009.971, 1009.98(5) FS. History—New 3-29-89, Amended 2-6-90, Formerly 4G-11.004, Amended 5-31-95, 2-18-99,_____.

STATE BOARD OF ADMINISTRATION

Florida Prepaid College Board

RULE NO.: RULE TITLE:

19B-11.005 Other Refunds

PURPOSE AND EFFECT: This rule is amended to specify that when the beneficiary does not complete use of a 4-Year Florida University Plan, 2 + 2 Florida Plan, 4-Year Florida College Plan, 2-Year Florida College Plan, Tuition Plan, Local Fee Plan, Tuition Differential Fee Plan or Dormitory Plan that a pro rata refund will be available.

SUBJECT AREA TO BE ADDRESSED: Pro rate refunds available for Florida Prepaid College Plans that are not completely used.

RULEMAKING AUTHORITY: 1009.971(1), (4), (6) FS.

LAW IMPLEMENTED: 1009.971, 1009.98(5) FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: September 7, 2010, 2:00 p.m.

PLACE: Suite 210, Hermitage Building, 1801 Hermitage Boulevard, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Thomas J. Wallace, Executive Director, 1801 Hermitage Boulevard, Suite 210, Tallahassee, Florida 32308, telephone (850)488-8514. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Thomas J. Wallace, Executive Director, 1801 Hermitage Boulevard, Suite 210, Tallahassee, Florida 32308, telephone (850)488-8514

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

19B-11.005 Other Refunds.

If a beneficiary does not complete a 4-Year Florida University Plan, 2 + 2 Florida Plan, 4-Year Florida College Plan, 2-Year Florida College Plan, Tuition Plan, Local Fee Plan, Tuition Differential Fee Plan or Dormitory Plan ~~Community College Plan, University Plan, or a Community College/University Plan~~ for reasons other than those specified in Rules 19B-11.001 through 19B-11.004, F.A.C., the ~~plan account~~ may be terminated pursuant to Rule 19B-10.002, F.A.C., and a pro-rata refund of the amount paid ~~for the plan or plans into the fund~~ is available. A refund under this rule will not include funds for any school year partially attended but not completed. A school year partially attended but not completed shall mean

any one semester of a two semester school year whereby the student is enrolled at the conclusion of the official drop/add period, but withdraws before the end of such semester.

~~Rulemaking Specific~~ Authority 1009.971(1), (4), (6) FS. Law Implemented 1009.971, 1009.98(5) FS. History–New 3-29-89, Amended 2-6-90, 3-19-92, Formerly 4G-11.005, Amended 1-28-09, _____.

STATE BOARD OF ADMINISTRATION

Florida Prepaid College Board

RULE NO.: RULE TITLE:

19B-11.007 Unclaimed Refunds

PURPOSE AND EFFECT: This rule is amended to update the Board’s web address where information will be available pertaining to refunds for terminated advance payment contracts when the refund for the terminated advance payment contract has been available for six years.

SUBJECT AREA TO BE ADDRESSED: The website address where information will be made available pertaining to refunds for terminated advance payment contracts when the refund for the terminated advance payment contract has been available for six years.

RULEMAKING AUTHORITY: 1009.971(1), (4), (6) FS.

LAW IMPLEMENTED: 1009.971, 1009.972(5), 1009.98(5) FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: September 7, 2010, 2:00 p.m.

PLACE: Suite 210, Hermitage Building, 1801 Hermitage Boulevard, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Thomas J. Wallace, Executive Director, 1801 Hermitage Boulevard, Suite 210, Tallahassee, Florida 32308, telephone (850)488-8514. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Thomas J. Wallace, Executive Director, 1801 Hermitage Boulevard, Suite 210, Tallahassee, Florida 32308, telephone (850)488-8514

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

19B-11.007 Unclaimed Refunds.

(1) The Board will mail written notice to the purchaser of a terminated advance payment contract when a refund for the account has been available for six (6) years. Such refund will

consist of any monies paid into the program minus any applicable fees due against the account. The notice will indicate the procedure which must be followed to obtain a refund of the monies held by the Board and that if a refund claim is not timely made that the funds will escheat to the Florida Prepaid College Trust Fund. An alphabetical list of the names and city of residence of such purchasers will be posted on the Board's website on the Internet (www.myfloridaprepaid.com ~~www.florida529plans.com~~). Any refund which remains unclaimed seven (7) years after an account is terminated will escheat to the Florida Prepaid College Trust Fund.

(2) through (4) No change.

Rulemaking Specific Authority 1009.971(1), (4), (6) FS. Law Implemented 1009.971, 1009.972(5), 1009.98(5) FS. History--New 6-20-96, Amended 12-29-98, 4-15-04, 1-28-09, _____.

STATE BOARD OF ADMINISTRATION

Florida Prepaid College Board

RULE NO.: RULE TITLE:
19B-14.001 Scope

PURPOSE AND EFFECT: This rule is amended to update and capitalize the names of various prepaid plans associated with advance payment contracts under the Florida Prepaid College Plan and to update the name of the Florida Prepaid College Board.

SUBJECT AREA TO BE ADDRESSED: Contract dispute resolution.

RULEMAKING AUTHORITY: 1009.971(1), (4), (6) FS.

LAW IMPLEMENTED: 1009.971 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: September 7, 2010, 2:00 p.m.

PLACE: Suite 210, Hermitage Building, 1801 Hermitage Boulevard, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Thomas J. Wallace, Executive Director, 1801 Hermitage Boulevard, Suite 210, Tallahassee, Florida 32308, telephone (850)488-8514. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Thomas J. Wallace, Executive Director, 1801 Hermitage Boulevard, Suite 210, Tallahassee, Florida 32308, telephone (850)488-8514

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

19B-14.001 Scope.

These rules shall apply to the resolution of all claims, disputes or controversies related to or arising from contracts, including any extensions of contracts, entered by the Florida Prepaid ~~College Postsecondary Education Expenses~~ Board on or after the effective date of these rules. These rules shall constitute the sole procedure for the resolution of all claims under all such contracts. These rules do not apply to advance payment contracts for the prepayment of Registration Fees, Local Fees, the Tuition Differential Fee ~~postsecondary registration fees and dormitory registration fees.~~

Rulemaking Specific Authority 1009.971(1), (4), (6) FS. Law Implemented 1009.971 FS. History--New 6-20-96, Amended _____.

STATE BOARD OF ADMINISTRATION

Florida Prepaid College Board

RULE NO.: RULE TITLE:
19B-16.002 Application for Participation in the Program

PURPOSE AND EFFECT: This rule is amended to reflect the updated form for the Florida Prepaid College Plan and Florida College Investment Plan New Account Application.

SUBJECT AREA TO BE ADDRESSED: The Florida Prepaid College Plan and Florida College Investment Plan new account application form.

RULEMAKING AUTHORITY: 1009.971(1), (4), (6) FS.

LAW IMPLEMENTED: 1009.981 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: September 7, 2010, 2:00 p.m.

PLACE: Suite 210, Hermitage Building, 1801 Hermitage Boulevard, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Thomas J. Wallace, Executive Director, 1801 Hermitage Boulevard, Suite 210, Tallahassee, Florida 32308, telephone (850)488-8514. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Thomas J. Wallace, Executive Director, 1801 Hermitage Boulevard, Suite 210, Tallahassee, Florida 32308, telephone (850)488-8514

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

19B-16.002 Application for Participation in the Program.

(1) No change.

(2) The Florida Prepaid College Plan and Florida College Investment Plan New Account Application, Form No. FPCB 2011-01 2009-10a, is hereby incorporated by reference. The form may be obtained from the Board by calling (800)552-GRAD (4723) (prompt 1).

(3) No change.

Rulemaking Authority 1009.971(1), (4), (6) FS. Law Implemented 1009.981 FS. History--New 11-27-02, Amended 1-29-04, 12-28-04, 6-2-05, 12-20-05, 1-1-07, 11-27-07 11-18-08, 01-28-09, 4.5.09, 10-26-09,_____.

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-108.201
RULE TITLE: Sanitary Practices Relating to Correctional Facilities

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to provide a process for the processing of and response to complaints related to sanitary conditions in correctional facilities.

SUBJECT AREA TO BE ADDRESSED: Sanitary conditions in correctional facilities.

RULEMAKING AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 20.315, 944.09, 944.31 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Perri King Dale, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-108.201 Sanitary Practices Relating to Correctional Facilities.

(1) Pursuant to Section 944.31, F.S., the Office of the Inspector General is charged with inspection of each correctional facility with reference to its physical conditions, cleanliness, sanitation, safety and comfort; the quality and supply of all bedding; the quality, quantity and diversity of food served and the manner in which it is served; the number and condition of the prisoners confined therein; and the general conditions of each institution.

(2) Each facility will be inspected monthly by the facility environmental health and safety officer and annually by the regional safety consultant and records of such inspections shall be maintained for three years in order to facilitate review in assuring maintenance of safety standards.

(3) Complaints regarding the matters outlined in subsection (1) above shall be forwarded to the Office of the Inspector General. Upon receipt of a complaint, the Office of the Inspector General shall review the complaint to determine whether further inspection of the facility is necessary in order to ensure compliance with state law and administrative regulations.

(4) If a determination is made that a violation exists, the Department will take the necessary steps to bring the facility into compliance with the applicable regulation.

Rulemaking Authority 944.09 FS. Law Implemented 20.15, 944.09, 944.31 FS. History--New _____.

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-601.901
RULE TITLE: Confidential Records

PURPOSE AND EFFECT: The proposed rule amendment deletes those provisions related to medical and substance abuse files as those sections are being moved to a new Rule 33-401.701, F.A.C., Medical and Substance Abuse Clinical Files.

SUBJECT AREA TO BE ADDRESSED: Confidential Records.

RULEMAKING AUTHORITY: 20.315, 944.09, 945.10 FS.

LAW IMPLEMENTED: 119.07, 944.09, 945.10, 945.25 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Kendra Lee Jowers, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-601.901 Confidential Records.

(1) Inmate and offender access to records or information.

(a) No change.

(b) Inmate and offender access to their own medical or substance abuse clinical files is addressed in Rule 33-401.701, F.A.C records.

1. Definitions.

a. "Medical record" as used in this rule includes the inmate's medical, mental health, and dental files maintained by the department.

b. "Protected health information" or "PHI" as used in this rule means individually identifiable health information about an inmate or offender.

e. "Psychotherapy notes" as used in this rule means notes recorded by a mental health professional documenting or analyzing the contents of conversation during a private or group session. The term does not include medication prescription and monitoring, session start and stop times, the modalities and frequencies of treatment furnished, results of clinical tests, and any summary of the following: diagnosis, functional status, treatment plan, symptoms, prognosis, and progress to date.

d. "Substance abuse clinical record" as used in this rule means the department inmate file containing all written documents and records, including department forms compiled to detail an inmate's substance abuse history, substance abuse screening, assessment, intervention, and other substance abuse services, including the results of urinalysis testing done for treatment, program participation, and admission and discharge summaries.

e. "Substance abuse progress notes" as used in this rule means notes recorded by a substance abuse health care professional documenting or analyzing the contents of conversation during a private or group session. The term does not include session start and stop times, the modalities and frequencies of treatment furnished, results of clinical tests, and any summary of the following: diagnosis, functional status, treatment plan, symptoms, prognosis, and progress to date.

2. An inmate shall be allowed to have access to his own medical record and, if such exists, his own substance abuse clinical record. An inmate desiring access to his own medical record shall submit a written request to the health services administrator or his designee; an inmate desiring access to his own substance abuse clinical record shall submit a written request to the substance abuse program manager or his designee.

3. The department does not maintain medical records or substance abuse clinical records on offenders under community supervision. Access to records maintained by treatment providers under contract with the department should be requested by contacting the treatment provider.

4.a. Inmates shall have no access to psychotherapy notes or substance abuse progress notes maintained in the department's records.

b. Inmates and offenders shall have no access to health information compiled in reasonable anticipation of, or for use in, a civil, criminal, or administrative action or proceeding.

5. The request for access shall be denied in whole or in part due to any of the following reasons:

a. The request is for records or information identified in subparagraph 4. above.

b. The request is for PHI that was obtained from someone other than a health care provider under a promise of confidentiality and the access requested would with reasonable likelihood reveal the source of the information.

e. The request is for information not maintained or no longer maintained by the department in its files.

d. There has been a determination by a licensed or certified health care professional that:

I. The requested access is reasonably likely to endanger the life or physical safety of the inmate or another person;

II. The requested access is to PHI that makes reference to another person (other than a health care provider) and such access is reasonably likely to cause substantial harm to such other person; or

III. The access is requested by a personal representative of the inmate and such access is likely to cause substantial harm to the inmate.

6. All requests shall be granted, including providing access or copies or both, or denied, in whole or in part, by the health services administrator or his designee or substance abuse program manager or his designee in writing within 30 days of the date of receipt of the request, except that where the requested records are not maintained on-site, the department shall provide or deny access, in whole or in part, within 60 days from receipt of the request. If the department is unable to grant or deny, in whole or in part, the request for access within the 30 or 60 day time periods, the department is authorized to extend the time for such action an additional 30 days by providing the inmate a written statement that the time period has been extended for 30 days and the reason(s) for the extension. This extension is available only one time.

7. Denials must provide:

a. The basis for the denial;

b. Information on where the requested information is maintained if sub subparagraph 5.e. applies, and the department knows where the information is maintained;

c. Notification that the inmate may request a review of the denial by submitting a written request to the health services administrator or his designee in the case of medical records, or the substance abuse program manager or his designee in the case of substance abuse clinical records; and

d. That the inmate may grieve the denial through the inmate grievance process pursuant to Chapter 33-103, F.A.C.

8. Upon written request of the inmate to the staff member designated above, denials based on sub subparagraph 5.d. shall be reviewed by a licensed or certified health care professional who is designated by the health services administrator or his designee or substance abuse program manager or his designee, and who did not participate in the original decision to deny the request. Review of the denial must be completed within a reasonable time after receipt of the request for review. Immediately upon determination on review, the inmate shall be notified in writing of the decision. The determination on review shall be followed by the department.

~~9. Where a request for access to an inmate's medical record or substance abuse clinical record is denied in part, the department shall provide access to the requested record after excluding the information for which access was denied.~~

~~(e) Copies will be provided upon receipt of payment as provided in subsection (2) of this rule, except that when providing the inmate a copy of the requested information would jeopardize either the health, safety, security, custody of the inmate or of other inmates; or the safety of any officer, employee, or other person at the correctional institution or a person responsible for the transporting of the inmate, no copies shall be provided. A denial of copies on this basis shall not be subject to review under subparagraph (b)8. above.~~

~~(2) No change.~~

~~(3) The following records or information contained in department files shall be confidential and shall be released for inspection or duplication only as authorized in this rule or in Rule 33-401.701, F.A.C.:~~

~~(a) Medical reports, opinions, memoranda, charts or any other medical record of an inmate or offender, including dental and medical classification reports as well as clinical drug treatment and assessment records; letters, memoranda or other documents containing opinions or reports on the description, treatment, diagnosis or prognosis of the medical or mental condition of an inmate or offender; the psychological screening reports contained in the admission summary; the psychological and psychiatric evaluations and reports on inmates or offenders; health screening reports; Mentally Disordered Sex Offender Status Reports. Other persons may review medical records only when necessary to ensure that the inmate's or offender's overall health care needs are met, or upon a specific written authorization from the inmate or offender whose records are to be reviewed, or as provided by law. If a request for inmate or offender medical records is submitted upon consent or authorization given by the patient inmate or offender, the department's Consent and Authorization for Use and Disclosure, Inspection and Release of Confidential Information, Form DC4-711B, or a legally approved, HIPAA compliant release of protected health information form from another governmental agency shall be utilized in accordance with Rule 33-401.701, F.A.C. Form DC4-711B is hereby incorporated by reference. Copies of this form are available from the Forms Control Administrator, Office of Research, Planning and Support Services, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. The effective date of this form is November 27, 2007. Offenders under supervision, or previously under supervision, who desire information from their own records, shall be referred to the agency or office originating the report or document to obtain such information.~~

~~(b) through (8) No change.~~

~~(9) Any information, whether recorded or not, concerning the identity, diagnosis, prognosis or treatment of any inmate or offender which is maintained in connection with the~~

~~performance of any alcohol or drug abuse prevention or treatment function shall be confidential and shall be disclosed only as follows:~~

~~(a) With the prior written consent of the inmate or offender. The written consent shall include the following information:~~

~~1. The specific name or general designation of the program or person permitted to make the disclosure;~~

~~2. The name or title of the individual or the name of the organization to which disclosure is to be made;~~

~~3. The name of the inmate or offender;~~

~~4. The purpose of the disclosure;~~

~~5. How much and what kind of information is to be disclosed;~~

~~6. The signature of the inmate or offender; or, when required for an inmate or offender who is incompetent or deceased, the signature of a person authorized to sign in lieu of the inmate or offender;~~

~~7. The date on which the consent is signed;~~

~~8. A statement that the consent is subject to revocation at any time except to the extent that the program or person which is to make the disclosure has already acted in reliance on it.~~

~~9. The date, event, or condition upon which the consent will expire if not revoked before. This date, event, or condition must ensure that the consent will last no longer than reasonably necessary to serve the purpose for which it is given.~~

~~If a request for inmate medical records is submitted upon consent given by the patient inmate/offender, the department's Consent and Authorization for Use and Disclosure, Inspection and Release of Confidential Information, Form DC4-711B, or a legally approved, HIPAA compliant release of protected health information form from another governmental agency shall be utilized in order to obtain medical records held by the department.~~

~~(b) Pursuant to 42 C.F.R. Part 2, the department is authorized to disclose information about an inmate or offender to those persons within the criminal justice system who have made participation in the program a condition of the disposition of any criminal proceedings against the inmate or offender or of the inmate or offender's parole or other release from custody if:~~

~~1. The disclosure is made only to those individuals within the criminal justice system who have a need for the information in connection with their duty to monitor the inmate or offender's progress; and~~

~~2. The inmate or offender has signed Form DC4-711B meeting the requirements of paragraph (9)(a) except for the revocation provision in subparagraph (9)(a)8. This written consent shall state the period during which it remains in effect. This period shall be reasonable, taking into account:~~

~~a. The anticipated length of the treatment;~~

b. The type of criminal proceeding involved, the need for the information in connection with the final disposition of that proceeding, and when the final disposition will occur; and

e. Such other factors as the program, the inmate or offender, and the persons who will receive the disclosure consider pertinent. The written consent shall state that it is revocable upon the passage of a specified amount of time or the occurrence of a specified, ascertainable event. The time or occurrence upon which consent becomes revocable shall be no later than the final disposition of the action in connection with which consent was given.

(c) A disclosure may not be made on the basis of a consent which:

1. Has expired;
2. On its face substantially fails to conform to any of the requirements set forth in paragraph (9)(a) above;
3. Is known to have been revoked; or
4. Is known, or through a reasonable effort could be known, by the person holding the records to be materially false.

(d) Each disclosure made with the inmate or offender written consent shall be accompanied by the following written statement:

This information has been disclosed to you from records protected by federal confidentiality rules (42 C.F.R. Part 2). The federal rules prohibit you from making any further disclosure of this information unless further disclosure is expressly permitted by the written consent of the person to whom it pertains or as otherwise permitted by 42 C.F.R. Part 2. A general authorization for the release of medical or other information is NOT sufficient for this purpose. The federal rules restrict any use of the information to criminally investigate or prosecute any alcohol or drug abuse patient.

(e) Whether or not the inmate or offender has given written consent, 42 C.F.R. Part 2 permits disclosure of information as follows:

1. To medical personnel to the extent necessary to meet a medical emergency and for continuity of care;
2. To qualified personnel for the purpose of conducting scientific research, management audits, financial audits, or program evaluation, but such personnel shall not identify, directly or indirectly, any individual inmate or offender in any report of such research, audit, or evaluation, or otherwise disclose inmate or offender identities in any manner.
3. To communicate within a program or between a program and an entity having direct administrative control over that program;
4. To law enforcement officers concerning crimes on program premises or against program personnel, or when a threat to commit such a crime has been made;
5. Reports of suspected child abuse and neglect; and
6. If authorized by a court order.

(10) Each employee of the Department of Corrections shall maintain as confidential all medical and mental health, including substance abuse information, regarding any inmate or offender that the employee obtains in conjunction with his or her duties and responsibilities, and shall not disseminate the information or discuss the medical, mental health or substance abuse condition of the inmate or offender with any person except persons directly necessary to the performance of the employee's duties and responsibilities. An employee who has been designated as a member of the healthcare transfer team or is part of a mental health or substance abuse treatment team shall not disseminate inmate medical or substance abuse information or discuss the medical or mental health or substance abuse condition of an inmate with any person except other members of the healthcare transfer team, medical, mental health or substance abuse staff, upper level management at the institution or facility level, regional level and central office level, inspectors from the Inspector General's Office, or department attorneys. Breach of this confidentiality shall subject the employee to disciplinary action. Each employee shall acknowledge receipt and review of Form DC2-813, Acknowledgement of Responsibility to Maintain Confidentiality of Medical Information, indicating that he understands the medical and substance abuse confidentiality requirements. Form DC2-813 is hereby incorporated by reference. Copies of this form are available from the Forms Control Administrator, Office of Research, Planning and Support Services, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. The effective date of this form is 2-9-06.

(11) Each inmate assigned as an inmate worker, inmate assistant, substance abuse peer facilitator, or other assignment involving possible contact with health or substance abuse information about other inmates shall maintain as confidential all health or substance abuse information that he sees or hears while performing his duties and responsibilities, and shall not disseminate the information or discuss the medical or substance abuse information with any person except health care staff or substance abuse program staff. Failure to keep health or substance abuse information confidential and private shall subject the inmate to disciplinary action. Each inmate assigned as an inmate worker, inmate assistant, substance abuse peer facilitator, or other assignment involving possible contact with health or substance abuse information about other inmates shall acknowledge receipt and review of Form DC1-206, Inmate Acknowledgement of Responsibility to Maintain Confidentiality of Health or Substance Abuse Information, indicating that he understands the medical and substance abuse confidentiality requirements. Form DC1-206 is hereby incorporated by reference. Copies of this form are available from the Forms Control Administrator, Office of Research, Planning and Support Services, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. The effective date of this form is 7-8-03.

~~Rulemaking Specific Authority 20.315, 944.09, 945.10 FS. Law Implemented 119.07, 944.09, 945.10, 945.25 FS., 42 USCS 290 ee 3, 45 CFR Parts 160 and 164. History--New 10-8-76, Amended 6-10-85, Formerly 33-6.06, Amended 1-12-89, 7-21-91, 9-30-91, 6-2-92, 8-4-93, 6-12-96, 10-15-97, 6-29-98, Formerly 33-6.006, Amended 9-19-00, 7-8-03, 2-9-06, 11-27-07.~~

WATER MANAGEMENT DISTRICTS

St. Johns River Water Management District

RULE NO.: 40C-1.603
 RULE TITLE: Permit Fees

PURPOSE AND EFFECT: The purpose and effect of this rulemaking is to adopt and charge a fee when a request for modification of a consumptive use permit (CUP) is submitted by letter. Currently, if a letter modification request qualifies under Rule 40C-2.331, F.A.C., then the District does not charge a fee for the modification. As part of related proposed rule amendments to Chapter 40C-2, F.A.C., the scope of allowed letter modifications will be expanded to include modifications that currently cost more than the proposed fees for letter modifications.

SUBJECT AREA TO BE ADDRESSED: The proposed rule amendment would: (1) create a \$100 fee for letter modifications of Chapter 40C-2, F.A.C., (individual) CUPs; and (2) create a \$50 fee for letter modifications of Chapter 40C-20, F.A.C., (standard general) CUPs.

RULEMAKING AUTHORITY: 373.044, 373.109, 373.113 FS.

LAW IMPLEMENTED: 373.109 FS.

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

DATE AND TIME: September 16, 2010, 10:00 a.m. – 12:00 Noon

PLACE: East Central Florida Regional Planning Council, 309 Cranes Roost Blvd., Altamonte Springs, Florida 32701

DATE AND TIME: September 17, 2010, 10:00 a.m. – 12:00 Noon

PLACE: Florida Department of Environmental Protection, 7825 Baymeadows Way, Jacksonville, Florida 32256

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Wendy Gaylord, Rules Coordinator, St. Johns River Water Management District, Office of General Counsel, 4049 Reid Street, Palatka, Florida 32177, (386)326-3026, or wgaylord@sjrwmd.com

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40C-1.603 Permit Fees.

A fee is required and shall be paid to the District when certain applications or petitions are filed pursuant to District rules or permit programs delegated to the District. Effective October 1, 1990, governmental entities shall be required to submit the fees

established except as provided in subsection (17). This fee recovers some of the District’s costs of processing applications. The fee schedule is:

(1) Chapter 40C-2, F.A.C., consumptive use permits:

(a) through (b) No change.

(c) ~~The No fee will be~~ charged for requests for modification by letter of an existing permit ~~applied for by letter~~ pursuant to Rule 40C-2.331, F.A.C., shall be regardless of withdrawal amount. \$100.

(2) Chapter 40C-20, F.A.C., standard general consumptive water use permits:

(a) through (f) No change.

(g) ~~The No fee will be~~ charged for requests for modification by letter of an existing permit ~~applied for by letter~~ pursuant to Rule 40C-2.331, F.A.C., shall be regardless of withdrawal amount. \$50.

(3) through (17) No change.

Rulemaking Authority 373.044, 373.109, 373.113, 373.421(2) FS. Law Implemented 218.075, 373.109, 373.421(2) FS. History--New 10-1-87, Amended 6-1-88, 10-17-88, Formerly 40C-1.202, Amended 8-1-89, 10-19-89, 8-19-90, 7-21-91, 7-23-91, 8-11-91, 9-25-91, 11-12-91, 10-20-92, 11-30-92, 1-6-93, 12-6-93, 1-23-94, 4-12-95, 1-4-96, 4-25-96, 10-2-96, 10-11-01, 4-10-02, 11-11-03, 2-1-05, 2-16-10.

WATER MANAGEMENT DISTRICTS

St. Johns River Water Management District

RULE NOS.:	RULE TITLES:
40C-2.101	Publications Incorporated by Reference
40C-2.331	Modification of Permits
40C-2.381	Limiting Conditions
40C-2.501	Permit Classification
40C-2.900	Forms and Applications

PURPOSE AND EFFECT: The purposes and effects of this rulemaking are to: (1) expand the types of modifications to consumptive use permits (CUPs) that can be requested by letter (rather by filling out and submitting a complete CUP application form); (2) clarify the procedures and criteria for all CUP modifications, including letter modifications; (3) revise and update the permit limiting conditions, and allow a permit limiting condition to be waived or modified when the condition is inapplicable to the activity authorized by the CUP; (4) repeal outdated general permit conditions (by type of use) and outdated special conditions; (5) reduce the number of water use types from 23 down to seven, define the water use types, and make changes to parts of the CUP Handbook incorporated by reference in Rule 40C-2.900, F.A.C., and the CUP application form and other forms incorporated by reference in Rule 40C-2.900, F.A.C., to conform to the new water use type categories; (6) revise and update the CUP application form and update rule references to this form; (7) adopt Water Use Record (EN-50) and Water Use Reporting Verification (EN-51) forms incorporated by reference in Rule 40C-2.900, F.A.C.; (8)

adopt Annual Statement of Continuing Use form incorporated by reference in Rule 40C-2.900, F.A.C., as part of rulemaking to reduce water use reporting requirements for small water users (described below); (9) define “domestic use,” consistent with the statutory definition in subsection 373.019(6), F.S.; (10) revise the drought frequency used in determining the supplemental irrigation needed for agriculture from a two in ten year drought to a one in ten year drought, for consistency with the statutory requirement in Section 373.0361, F.S.; (11) define “one in ten year drought” and repeal definition of “two in ten year drought” and make conforming changes; (12) clarify the requirements for supplemental irrigation models and expand the types of supplemental irrigations models allowed; (13) clarify rules that apply to permit transfers; (14) clarify monitoring requirements regarding water withdrawal quantities for CUPs initially issued prior to July 23, 1991 and clarify such monitoring for CUPs initially issued on or after July 23, 1991; (15) reduce water use reporting requirements for small users (with permitted CUP allocations not exceeding 100,000 gallons per day on an annual average), who will be allowed to annually submit an “Annual Statement of Continuing Use” rather than semi-annually submitting EN-50 forms; and (16) clarify that individual and standard general CUP applicants must submit a water conservation plan in their permit application.

SUBJECT AREA TO BE ADDRESSED: The proposed rule amendments would: (1) expand modifications of CUPs by letter; (2) clarify the procedures and criteria for all CUP modifications (including letter modifications); (3) revise and update permit limiting conditions and repeal outdated permit conditions; (4) condense the water use type categories; (5) revise and update the CUP application form; (6) adopt Water Use Record (EN-50) and Water Use Reporting (EN-51) forms; (7) define “domestic use”; (8) change the drought frequency used in determining the supplemental irrigation needed for agriculture from a two in ten year drought to a one in ten year drought; (9) define “one in ten year drought” and repeal the definition of “two in ten year drought”; (10) clarify the requirements for supplemental irrigation models and expand the types of such models allowed; (11) clarify permit transfer criteria; (12) clarify monitoring requirements for water withdrawal quantities; (13) reduce water use reporting requirements for certain small users if they annually submit an “Annual Statement of Continuing Use”; (14) clarify who must submit a water conservation plan as part of a CUP application; and (15) miscellaneous conforming changes.

RULEMAKING AUTHORITY: 373.044, 373.113, 373.118, 373.171 FS.

LAW IMPLEMENTED: 373.0361, 373.183(5), 373.118, 373.216, 373.219, 373.223, 373.229, 373.239 FS.

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

DATE AND TIME: September 16, 2010, 10:00 a.m. – 12:00 Noon

PLACE: East Central Florida Regional Planning Council, 309 Cranes Roost Blvd., Altamonte Springs, Florida 32701

DATE AND TIME: September 17, 2010, 10:00 a.m. – 12:00 Noon

PLACE: Florida Department of Environmental Protection, 7825 Baymeadows Way, Jacksonville, Florida 32256

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40C-2.101 Publications Incorporated by Reference.

(1) The Governing Board hereby adopts by reference Parts I, II and III, the “Water Conservation Public Supply” requirements in Appendix I, and “Legal Description of the Central Florida Coordination Area of the St. Johns River Water Management District” in Appendix L of the document entitled “Applicant’s Handbook, Consumptive Uses of Water”, (effective date) ~~3-8-09~~. The purpose of the document is to provide information regarding the policy, procedure, criteria, and conditions that pertain to the District’s administration of the consumptive use permitting program.

(2) No change.

Rulemaking Authority 373.044, 373.113, 373.118, 373.171 FS. Law Implemented ~~373.0361~~, 373.073, 373.079, 373.103, 373.109, 373.196, 373.219, 373.223, 373.229, 373.233, 373.236, 373.239, 373.250, 373.62 FS. History—New 1-1-83, Amended 5-31-84, Formerly 40C-2.101, 40C-2.0101, Amended 10-1-87, 1-1-89, 8-1-89, 10-4-89, 7-21-91, 7-23-91, 11-12-91, 9-16-92, 1-20-93, 12-6-93, 2-15-95, 7-10-95, 4-25-96, 10-2-96, 1-7-99, 2-9-99, 4-10-02, 2-15-06, 2-13-08, 8-12-08, 3-8-09, _____.

(Substantial rewording of Rule 40C-2.331 follows. See Florida Administrative Code for present text.)

40C-2.331 Modification of Permits.

(1) A request for modification of a valid permit issued pursuant to Chapters 40C-2 or 40C-20, F.A.C., shall be made as set forth in this section:

(a) By application on District Form Number 40C-2-1082-1 or 40C-2-1082-2, as applicable; or

(b) By letter that describes the proposed modification, provided that the modification is not excluded under paragraph (1)(c) below. The letter must include the full permit number for the requested permit modification.

(c) The following requests for modification are specifically excluded from the letter modification process and must be requested by application under paragraph (1)(a) above:

1. Requests to increase the duration of the consumptive use authorization;

2. Requests to increase the consumptive use allocation(s), except for:

(i) Increases in use of reclaimed water or water from a man-made surface water management system, or

(ii) The addition of landscape irrigation of less than one acre;

3. Requests to change the permitted use type;

4. Requests to change the permitted use within a use type that has been allocated in the permit, unless it does not increase the consumptive use allocation(s);

5. Requests to add withdrawal points, unless the addition is for a well only for backup-allocation purposes to increase the permittee's ability to meet peak demands;

6. Requests to change the source(s) of withdrawal(s), unless the change is to use a source of reclaimed water or water from a man-made surface water management system;

7. Requests to change the location(s) of withdrawal point(s), unless the change:

(i) Is for the relocation of withdrawal point(s) to a source of reclaimed water or water from a man-made surface water management system, or

(ii) Is for the relocation of a proposed well or replacement of an existing well with a well producing from the same hydrostratigraphic unit as the proposed well or existing well so long as the relocated or replacement well is within 1000 feet of the proposed or existing well it is intended to replace, and the total withdrawal capacity of the relocated or replacement well is less than or equal to the withdrawal capacity of the proposed or existing well that was authorized under the current consumptive use permit; or

8. Requests to change any permit condition concerning:

(i) Decreasing the use of alternative or supplemental water supplies, or

(ii) Development of alternative or supplemental water supplies.

(2) When a request for modification by letter is excluded from the letter modification process under paragraph (1)(c) above, then the request shall be processed under paragraph (1)(a) above.

(3) A request for modification must meet the conditions for issuance in Rule 40C-2.301, F.A.C. A permit which has expired or which has been revoked shall not be subject to modification.

(4) Modification by letter in accordance with paragraph (1)(b) above must be approved and acknowledged in writing through correspondence to the applicant by a District staff member designated by the District Executive Director.

Rulemaking Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.083(5), 373.219, 373.223, 373.229, 373.239 FS. History—New 1-2-77, Amended 1-1-83, Formerly 40C-2.33, 40C-2.331, 40C-2.0331. Amended 4-25-96, 10-2-96, _____.

40C-2.381 Limiting Conditions.

(1) The District Board will impose upon any permit granted pursuant to this Chapter such reasonable conditions as necessary to assure that the permitted use of water will continue to be consistent with the conditions for issuance in provisions of Rule 40C-2.301041, F.A.C., and will not be harmful to the water resources of the District.

(2)(a) The Board hereby determines and finds that the inclusion of the following limiting conditions on standard general permits issued under Chapter 40C-20, F.A.C., and permits issued under this chapter are necessary in order to meet the requirements set forth in subsection 40C-2.381(1), F.A.C., and will be imposed at the time a consumptive use permit is issued or granted by rule unless waived or modified by the District upon a determination that the conditions are inapplicable to the activity authorized by the permit:

1. through 4. No change.

5. The permittee's consumptive use of water as authorized by this permit shall not interfere with legal uses of water existing at the time of permit application may not be significantly adversely impacted by the consumptive use. If interference unanticipated significant adverse impacts occurs, the District shall revoke the permit, in whole or in part to curtail or abate the interference adverse impacts, unless the interference is impacts can be mitigated by the permittee pursuant to a District-approved plan.

6. The permittee's consumptive use of water as authorized by this permit shall not have adverse hydrologic impacts to off-site land uses existing at the time of permit application may not be significantly adversely impacted as a result of the consumptive use. If unanticipated significant adverse hydrologic impacts occur, the District shall revoke the permit in whole or in part, to curtail or abate the adverse impacts, unless the impacts are can be mitigated by the permittee pursuant to a District-approved plan.

7. through 8. No change.

9. The permittee's consumptive use of water as authorized by this permit shall not adversely impact wetlands, lakes, rivers, or springs. If adverse impacts occur, the District shall revoke the permit, in whole or in part to curtail or abate the adverse impacts, unless the impacts are mitigated by the permittee pursuant to a District-approved plan.

10. The permittee's consumptive use of water as authorized by this permit shall not cause or contribute to a violation of any minimum flow or level adopted in Chapter 40C-8, F.A.C. If the permittee's use of water causes or contributes to such a violation, then the District shall revoke the permit, in whole or in part, unless the permittee implements all provisions applicable to the use in a District-approved recovery strategy.

11. The permittee's consumptive use of water as authorized by the permit shall not cause or contribute to significant saline water intrusion. If significant saline water

intrusion occurs, the District shall revoke the permit, in whole or in part to curtail or abate the saline water intrusion, unless the saline water intrusion is mitigated by the permittee pursuant to a District-approved plan.

12. The permittee's consumptive use of water as authorized by the permit shall not cause or contribute to flood damage. If the permittee's consumptive use causes or contributes to flood damage, the District shall revoke the permit, in whole or in part to curtail or abate the flood damage, unless the flood damage is mitigated by the permittee pursuant to a District-approved plan.

13. The permittee's consumptive use of water as authorized by the permit shall not cause or contribute to a violation of state water quality standards in receiving waters of the state, as set forth in Chapters 62-3, 62-4, 62-302, 62-520, and 62-550, F.A.C., including any anti-degradation provisions of paragraphs 62-4.242(1)(a) and (b), subsections 62-4.242(2) and (3), and Rule 62-302.300, F.A.C., and any special standards for Outstanding National Resource Waters set forth in subsections 62-4.242(2) and (3), F.A.C. If violations occur, the District shall revoke the permit, in whole or in part to curtail or abate the violations, unless the violations are mitigated by the permittee pursuant to a District-approved plan.

Rulemaking Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.216, 373.219(1) FS. History—New 1-1-83, Amended 5-31-84, Formerly 40C-2.381, 40C-2.0381, Amended 8-1-89, 7-23-91, 2-15-06,_____.

40C-2.501 Permit Classification.

- (1) No change.
- (2) ~~Use Types~~ Type of Use Classes: Each permit shall be identified with one or more of the following use classifications:
 - (a) ~~Agricultural Aesthetic use~~
 - (b) ~~Commercial/Industrial/Institutional Agricultural use~~
 - (c) ~~Environmental Aquaculture use~~
 - (d) ~~Landscape/Recreation/Aesthetic Commercial and industrial process use~~
 - (e) ~~Mining/Dewatering Cooling and air conditioning use~~
 - (f) ~~Public Supply Dewatering use~~
 - (g) ~~Other Diversion and impoundment into non-District facilities~~
 - (h) ~~Essential use~~
 - (i) ~~Freeze protection~~
 - (j) ~~Golf course use~~
 - (k) ~~Household type use~~
 - (l) ~~Livestock use~~
 - (m) ~~Navigation use~~
 - (n) ~~Nursery use~~
 - (o) ~~Outside Uses~~
 - (p) ~~Power production~~
 - (q) ~~Recreation area use~~

- (r) ~~Soil flooding~~
- (s) ~~Urban landscape irrigation~~
- (t) ~~Water based recreation use~~
- (u) ~~Water utility use~~
- (v) ~~Wetland Enhancement/creation — the use of water to saturate the soils to promote or restore wetland functions.~~
- (3) through (5) No change.

Rulemaking Specific Authority 373.044, 373.113 FS. Law Implemented 373.175, 373.219, 373.246 FS. History—New 1-1-83, Amended 5-31-84, Formerly 40C-2.501, 40C-2.0501, Amended 1-20-93, 2-15-95,_____.

40C-2.900 Forms and Applications.

- (1) Individual and Standard General Consumptive Use Permit Application, Form Number 40C-2-1082-1, effective (effective date) ~~1-7-99~~, is hereby incorporated by reference.
- (2) Standard General Consumptive Use Permit for Landscape Irrigation, Form Number 40C-2-1082-2, effective 3-8-09, is hereby incorporated by reference.
- (3)~~(2)~~ No change.
- (4) Water Use Record (EN-50), Form Number 40C-2.900(4), effective (effective date), is hereby incorporated by reference.
- (5) Water Use Reporting Verification (EN-51), Form Number 40C-2.900(5), effective (effective date), is hereby incorporated by reference.
- (6) Annual Statement of Continuing Use, Form Number 40C-2.900(6), effective (effective date), is hereby incorporated by reference.
- (7)~~(3)~~ Copies of these forms ~~this form~~ are available without charge from the following District offices:

District Headquarters
 St. Johns River Water Management District
 4049 Reid Street
 Palatka, Florida 32177-2529
 (386)329-4500

St. Johns River Water Management District
 7775 Baymeadows Way, Suite 102
 Jacksonville, Florida 32256
 (904)730-6270

St. Johns River Water Management District
 975 Keller Road
 Altamonte Springs, Florida 32714-1618
 (407)659-4800

St. Johns River Water Management District
 525 Community College Pkwy., S.E.
 Palm Bay, Florida 32909
 (321)984-4940

Rulemaking Authority 373.044, 373.113, 373.118 FS. Law Implemented 373.109, 373.116, 373.118, 373.219, 373.229 FS. History—New 5-30-90, Amended 7-21-91, 7-23-91, 1-20-93, 2-15-95, 4-25-96, 10-2-96, 1-7-99, 2-15-06, 3-8-09, _____.

APPLICANT’S HANDBOOK SECTION:

2.0 Definitions

(a) through (i) No change.

(j) Domestic use – the use of water for the individual personal household purposes of drinking, bathing, cooking, or sanitation. All other uses shall not be considered domestic (subsection 373.019(6), F.S.).

(j) through (v) reletter (k) through (w) No change.

(x) One in Ten Year Drought – A drought, the severity of which statistically may be expected on the average of one year in a ten-year period.

(w) through (ii) reletter (y) through (kk) No change.

(jj) Two in Ten Year Drought – A drought, the severity of which statistically may be expected on the average of two years in a ten-year period.

(kk) through (tt) reletter (ll) through (uu) No change.

3.2 Thresholds

3.2.1 through 3.2.8 No change.

3.2.9 If the permittee seeks to change the requirements and circumstances under which the existing permit was issued, the permittee must submit an application to modify the permit, except as provided in subsection 3.3.3 3.3.2(b) below.

3.3 Permits Required

3.3.1 No change.

3.3.2 Transfers ~~and Modifications~~

~~(a)~~ The District must be notified, in writing, within 30 days of any sale, conveyance, or other transfer of a well or facility from which the permitted consumptive use is made or within 30 days of any transfer of ownership or control of the real property at which the permitted consumptive use is located. All transfers of ownership or transfers of a permit are subject to the requirements of Rule 40C-1.612, F.A.C chapter 40C 1.

~~(b) A permit holder must apply to the District for a modification if he intends to increase the amount of withdrawal beyond that specified on the permit, put the water to a use other than that specified on the permit, or otherwise modify the conditions of the permit. However, a modification involving one or more of the following changes may be applied for by submitting a letter to the District provided that the water use is not increased:~~

~~1. Moving the location of a proposed well within 200 feet of the permitted location.~~

~~2. The addition of a domestic use with irrigation of landscape less than one acre of and.~~

~~3. Change in crop type.~~

~~4. Adding a surface water pump to the same source.~~

~~5. Reduction in allocation a reduction in the number of wells, or a reduction in the project acreage.~~

~~6. Changing to a reclaimed or stormwater source~~

~~7. Changing the method of monitoring water use.~~

~~8. Replacement of an existing well with a well producing from the same aquifer horizon so long as the replacement well is within 200 feet of the existing well it is intended to replace.~~

See Section 11.2 for information regarding evaluation criteria which will be applied to transfer of a permit. See Section 4.2 for information regarding application procedure and sections 11.1 and 11.2 for information regarding evaluation criteria which will be applied to an application to modify or transfer a permit.

3.3.3 Modification of Permits

(a) A request for modification of a valid permit may be made by submitting a letter or an application form, as set forth in subsection 3.3.3. Many permit modifications may be requested by submittal of a letter; however, the following permit modifications are specifically excluded from the letter modification process:

1. Requests to increase the duration of the consumptive use authorization;

2. Requests to increase the consumptive use allocation(s), except for:

(i) Increases in use of reclaimed water or water from a man-made surface water management system, or

(ii) The addition of landscape irrigation of less than one acre;

3. Requests to change the permitted use type;

4. Requests to change the permitted use within a use type that has been allocated in the permit (e.g., change from potato irrigation to cabbage irrigation), unless it does not increase the consumptive use allocation(s);

5. Requests to add withdrawal points, unless the addition is for a well only for backup-allocation purposes to increase the permittee’s ability to meet peak demands;

6. Requests to change the source(s) of withdrawal(s), unless the change is to use a source of reclaimed water or water from a man-made surface water management system;

7. Requests to change the location(s) of withdrawal point(s), unless the change:

(i) Is for the relocation of withdrawal point(s) to a source of reclaimed water or water from a man-made surface water management system, or

(ii) Is for the relocation of a proposed well or replacement of an existing well with a well producing from the same hydrostratigraphic unit as the proposed well or existing well so long as the relocated or replacement well is within 1000 feet of

the proposed or existing well it is intended to replace, and the total withdrawal capacity of the relocated or replacement well is less than or equal to the withdrawal capacity of the proposed or existing well that was authorized under the current consumptive use permit; or

8. Requests to change any permit condition concerning:

(i) Decreasing the use of alternative or supplemental water supplies, or

(ii) Development of alternative or supplemental water supplies.

(b) When a request for modification submitted by letter is excluded from the letter modification process under paragraph 3.3.3(a) above, then the request shall be processed by the applicant submitting an application using Form Number 40C-2-1082-1 or 40C-2-1082-2, as applicable. Such a request for modification shall be processed as an individual permit application if the permit requested to be modified was processed as an individual permit application. If the permit requested to be modified was processed as a standard general permit application, then the request for modification shall be processed as a standard general permit application, unless section 5.5.2 is applicable. In such a case, the request shall be reviewed as an individual permit application. See sections 5.4 and 5.5 for information on individual and standard general permits.

(c) A permit which has expired or which has been revoked shall not be subject to modification.

See Sections 4.2 and 5 for information regarding application procedure and section 11.1 for information regarding evaluation criteria that will be applied to an application to modify a permit.

3.3.3.1 Letter Modification

(a) A request for modification submitted by letter must be accompanied by the appropriate fee required by Rule 40C-1.603, F.A.C., must reference the full permit number, and must describe the proposed modification.

(b) Within 30 days after a request for modification submitted by letter is complete, the District staff shall issue the new modification if District staff find that the request meets the criteria in Section 9.0 (see also subsection 40C-4.301(2), F.A.C). If District staff find that these criteria are not met, the permit holder shall be notified within 30 days after completeness that the request shall be processed as an individual permit application; however, no additional fee shall be required.

(c) Modification by letter in accordance with subsection 3.3.3(a) above must be approved and acknowledged in writing through correspondence to the applicant by a District staff member designated by the District Executive Director.

Renumber 3.3.3 to 3.3.4 No change.

4.0 Application Preparation

4.1 No change.

4.2 Forms and Instructions

The application forms for application for an individual and standard general consumptive use permit have been adopted as a rules in Rule Section 40C-2.900, F.A.C., as Form Numbers 40C-2-1082-1 and 40C-2-1082-2. Copies ~~A copy~~ of these forms ~~are~~ is included in Appendix C of this Handbook. The appropriate form must be used for the application for a permit as well as an application for a modification, renewal, or temporary use, or modification unless the modification request qualifies for a letter modification under Section 3.3.2(b). An application which includes a request for a temporary use permit must be accompanied by a letter stating why such a permit is needed.

4.3 through 4.6 No change.

5.0 Procedures for Processing

5.1 through 5.4 No change.

5.5 Standard General Permits

5.5.1 Standard general permits differ from individual permits in that they are granted by rule to all non-exempt consumptive uses which meet the following requirements:

(a) through (b) No change.

(c) The person who seeks a standard general permit must submit a complete permit application Form Number 40C-2-1082-1 or 40C-2-1082-2, as applicable, to the District at least 30 days prior to undertaking the consumptive use and must receive the permit prior to commencing the withdrawal.

5.5.2 through 5.5.5 No change.

6.0 Permits

6.1 Permit Conditions

Each consumptive use permit which is issued by the District will include certain conditions with which the permittee must comply. General conditions are those to which all users are subject, ~~other standardized conditions may be included for agricultural, industrial, mining and public supply types uses.~~ Additionally, other special conditions specific to the project may also be included. A more detailed discussion of general conditions, ~~conditions by type of use,~~ and other special conditions is presented in Part III of this Handbook.

6.2 Use/Source Classifications

Each permit issued by the District shall identify ~~will be classified according to~~ the source of withdrawal, the use type of use, and the location of the withdrawal, ~~as a sub class of such class or category of source.~~

6.2.1 and 6.2.2 No change.

6.2.3 Use Types of Use Classes: Each permit shall be identified with one or more of the following use types classifications:

(a) Agricultural – The use of water associated with the production and freeze protection of crops, nursery products, sod, and pasture, as well as the cultivation of animals and plants associated with farming and aquacultural activities.

(b) Commercial/Industrial/Institutional – The use of water associated with the production of goods or provision of services by a commercial, industrial, or institutional establishment.

(c) Environmental – The use of water to avoid or mitigate environmental harm. Examples include enhancing, restoring, or creating wetlands or other surface waters, or the use of water for groundwater remediation.

(d) Landscape/Recreation/Aesthetic – The use of water for landscape irrigation; the use of water associated with the creation, maintenance, and operation of recreational facilities such as golf courses, water-based recreational areas, and athletic fields; or the use of water for ornamental or decorative purposes, such as fountains and waterfalls.

(e) Mining/Dewatering – The use of water associated with the extraction of subsurface materials or to control surface or ground water when performing activities such as construction or excavation.

(f) Public Supply – The use of water provided by any municipality, county, regional water supply authority, special district, public or privately owned water utility, or multijurisdictional water supply authority for human consumption and other purposes.

(g) Other – The use of water for a purpose other than as described in subsections 6.2.3(a)-(f).

~~(a) Aquacultural use – The use or withdrawal of water for the commercial cultivation of animal and plant life in a water environment, including but not limited to food fish, aquatic bait, game fish, aquatic plants (i.e. watercress), alligators, tropical fish, shellfish, and turtles.~~

~~(b) Aesthetic use – the use of water for fountains, waterfalls, and landscape lakes and ponds where such uses are entirely ornamental and decorative.~~

~~(c) Agricultural use – the use of water for the commercial production of crops, commercial nursery production, or the growing of farm products including, but not limited to, vegetables, citrus and other fruits, pasture, rice and other commodities for human consumption or domestic animal feed.~~

~~(d) Commercial and industrial process use – the use of water essential to the production of the goods or services provided by a business establishment.~~

~~(e) Cooling and air conditioning use – the use of water for heating or cooling, or for air conditioning.~~

~~(f) Dewatering use – the removal of water from a specific area to facilitate mining or construction.~~

~~(g) Diversion and impoundment into non-District facilities – the diversion or extraction of water into non-District impoundments and delivery systems designed for purposes including, but not limited to, maintaining structural integrity, providing agricultural water and other non recreational, non-aesthetic uses.~~

~~(h) Domestic use – the use of water for the individual personal household purposes of drinking, bathing, cooking, or sanitation.~~

~~(i) Essential use – the use of water strictly for fire fighting purposes, health and medical purposes and the use of water to satisfy federal, state or local public health and safety requirements.~~

~~(j) Freeze protection – the use of water to protect agricultural and nursery crops from damage due to low temperatures.~~

~~(k) Golf course use – water used to irrigate an establishment designed and used for playing golf.~~

~~(l) Household type use – the use of water for personal needs or for household purposes such as drinking, bathing, heating, cooking, sanitation or cleaning, whether the use occurs in a residence or in a business or industrial establishment.~~

~~(m) Landscape irrigation – the outside watering of plants in a landscape such as shrubbery, trees, lawns, grass, ground covers, plants, vines, gardens and other such flora that are situated in such diverse locations as residential and recreation areas, cemeteries, public, commercial, and industrial establishments, and public medians and rights-of-way.~~

~~(n) Livestock use – the use of water for watering or washing of livestock.~~

~~(o) Navigation use – water discharged from ground or surface sources either to tidewater or to downstream lakes or reaches of rivers or canals for the purpose of permitting or promoting boating activity.~~

~~(p) Nursery use – the use of water on premises on or in which nursery stock is grown, propagated or held for sale or distribution or sold or reshipped, including but not limited to sod, ferns, ornamental foliage and greenhouses.~~

~~(q) Outside uses – the use of water outdoors for the maintenance, cleaning and washing of structures and mobile equipment including automobiles and the washing of streets, driveways, and sidewalks.~~

~~(r) Power production – the use of water for power generation and the use of water for cooling and for replenishment of cooling reservoirs.~~

~~(s) Recreation area use – the use of water for the maintenance and support of intensive recreational areas such as, but not limited to, playgrounds, football, baseball, and soccer fields.~~

~~(t) Soil flooding – use of water for raising of water levels on agricultural lands for purposes not directly related to crop growth including but not limited to soil preservation and pest control.~~

~~(u) Water-based recreation use – water used for public or private swimming and wading pools, including water slides. This term does not include pools specifically maintained to provide habitat for aquatic life.~~

~~(v) Water utility use — water used for withdrawal, treatment, transmission and distribution by potable water systems.~~

~~(w) Wetland enhancement/creation — the use of water to saturate the soils to promote or restore wetland functions.~~

6.2.4 through 6.6 No change.

6.7 Monitoring Requirements

Issuance of a Consumptive Use Permit requires that the withdrawals will not result in significant unmitigated adverse impacts on the water resources and existing legal users, and that the use continues to be in the public interest. To ensure that these criteria continue to be met after a permit is issued, monitoring and reporting activities are required as conditions of any individual permit. Where appropriate, the District's monitoring requirements may be satisfied by providing reports required by other agencies.

6.7.1 Withdrawal Quantity

6.7.1.1 All individual consumptive use permittees issued permits under subsection 40C-2.041(1), F.A.C., must measure the quantity of water used, diverted or withdrawn from any source in accordance with the requirements of this section. Measuring of actual pumpage provides a means to develop historical records in order to accurately project future reasonable demand, to assess impacts to the resource and existing water and land uses, to enable the District to assess the effectiveness of conservation measures, and to ensure that quantities withdrawn do not exceed permitted allocations. Each source must be measured, but monitoring plans should be developed that do not require duplicative monitoring of water that is withdrawn from a source for storage and then withdrawn from storage for use.

Whenever flow meters are used, they must maintain a 95% accuracy, be verifiable and be installed according to manufacturer's specifications. Whenever an alternative method to flow meters is used to measure withdrawals, it must be verifiable and 90% accurate.

6.7.1.2 Uses Initially Permitted On or After July 23, 1991

Applicants for proposed uses of water that will be issued their initial consumptive use permit under subsection 40C-2.041(1), F.A.C., on or after July 23, 1991, with total combined allocations exceeding 100,000 gallons per day on an average annual basis must install in-line totalizing flow meters on all withdrawal points prior to beginning the permitted use. If an applicant demonstrates that it is not economically or technologically feasible to use a flow meter to measure water withdrawals, the District shall ~~may~~ approve the use of an alternative method for measuring flow upon a demonstration that the method is verifiable and 90% accurate at measuring the withdrawals. ~~In addition, if the District determines that flow meters are inappropriate for measuring the flow, an alternative method for measuring the flow may be approved.~~

Applicants for proposed uses of water with total allocations less than or equal to 100,000 gallons per day on an average annual basis must install either in-line totalizing flow meters or alternatives to flow meters on all withdrawal points prior to beginning the permitted use. If an alternative to flow meters is used to calculate the withdrawal quantity, such method must be fully described and any calculations necessary included with the initial submittal of data, for District staff approval. The District shall accept such alternative methods upon a demonstration that the method is verifiable and 90% accurate at measuring the withdrawals.

6.7.1.3 Uses Initially Permitted Prior to July 23, 1991

All consumptive use permittees issued initial permits under subsection 40C-2.041(1), F.A.C., Beginning March 1, 1993, permitted users with individual permits issued prior to July 23, 1991, must measure the quantity of water used by either installing in-line totalizing flow meters or implementing an alternative for measuring flow. Examples of alternative methods for measuring water use are provided in Appendix J.

If an alternative to flow meters is used to calculate the withdrawal quantity, such method must be fully described and any calculations necessary included with the initial submittal of data, for District staff approval. The District shall accept such alternative methods upon a demonstration that the method is verifiable and 90% accurate at measuring the withdrawals. ~~Acceptance of an alternative will be made on a case-by-case basis.~~ If after a period of one year, the selected alternative fails to accurately measure the withdrawal quantities, in-line flow meters or another alternative must be used.

In addition, in specific cases where the District determines that flow meters are necessary to ensure that the consumptive use complies with the reasonable-beneficial use criteria in subsection 40C-2.301(4), F.A.C., flow meters shall be required by permit condition.

6.7.1.4 Changes to Uses Initially Permitted Prior to July 23, 1991

If any permit issued under subsection 40C-2.041(1), F.A.C., prior to July 23, 1991 with total combined allocations exceeding 100,000 gallons per day on an average annual basis ~~an individual permit~~ is modified or renewed after July 23, 1991, to add new withdrawal points, change withdrawal points or increase allocation, ~~then~~ in-line totalizing flow meters must be installed to measure any water used from the new withdrawal points proposed ~~proposed~~ uses prior to beginning the use. In the case of permitted users seeking only an increase in allocation from an existing ~~permitted~~ withdrawal point permitted initially prior to July 23, 1991, the District shall ~~may~~ authorize the continued use of an alternative method to measure flow provided the applicant demonstrates that the alternative being used is verifiable and 90% accurate. ~~If~~ In addition, if an applicant demonstrates that it is not economically or technologically feasible to use a flow meter to measure water from the new ~~or modified~~ withdrawal points,

the District ~~shall~~ may approve the use of an alternative method for measuring flow upon a demonstration that the alternative method is verifiable and 90% accurate at measuring the withdrawals. If the District determines that flow meters are inappropriate for measuring the flow, an alternative method for measuring flow may be approved.

6.7.1.5 In areas delineated in section 6.7.1.6:

(a) All applicants for proposed uses that will be issued their initial CUP under subsection 40C-2.041(1), F.A.C., on or after July 23, 1991 for allocations exceeding 100,000 gallons per day on an average annual basis must install totalizing flow meters prior to beginning the permitted use, and

(b) All consumptive use permittees issued initial permitted users with individual permits under subsection 40C-2.041(1), F.A.C., issued prior to July 23, 1991, with total combined allocations exceeding 100,000 gallons per day on an average annual basis must install in-line, totalizing flow meters on all withdrawal points within 90 days of the District providing the meter(s) with a manufacturer's warranty. ~~To ensure that the District provides the correct meter for each withdrawal point, within 60 days of receiving a written request from the District, all permittees must supply the following information:~~

1. ~~a plan view and longitudinal cross section of the well head area showing the location of all pumps, pressure gauges, valves, backflow preventers, junctions, bends, and slopes, with all elevations refereneed to land surface,~~

2. ~~inside and outside pipe diameters,~~

3. ~~a description of the pipe material, and~~

4. ~~an estimate of the average flow rate.~~

~~The District shall provide one meter for each withdrawal point within a permittee's project. Where the District determines that additional meters are required to provide more accurate information, to avoid excessive retrofit costs associated with meter installation, or to prevent excessive pressure losses, the District may provide more than one meter per withdrawal point.~~

~~Meter replacement, when necessary, shall be at the permittee's expense. If within 5 years of installation the meter is destroyed by an act of God, the manufacturer or the District shall replace the meter.~~

~~If a permittee demonstrates that it is not economically or technologically feasible to use a flow meter to measure water withdrawals, the District shall may approve the use of an alternative method for measuring flow upon a demonstration that the. Any proposed alternative method is verifiable and must be 90% accurate at measuring the withdrawals, verifiable and approved by the District prior to implementation.~~

6.7.1.6 and 6.7.1.7 No change.

6.7.1.8.1 Recording and Reporting Water Use

Total monthly withdrawal quantities shall be recorded continuously by the permittee, and totaled monthly, and. For any permittee with total combined allocations exceeding 100,000 gallons per day on an average annual basis, the

monthly totals of water withdrawal must be reported to the District at least every six months (semi-annually) on District Form Number 40C-2.900(4) No. (Water Use Record) (EN-50)) or District Form No. EN-52. For any permittee whose total combined allocation is equal to or less than 100,000 gallons per day on an average annual basis and whose permit was issued after [effective date], the permittee must annually submit, by January 31st, a completed District Form Number 40C-2.900(6) (Annual Statement of Continuing Use). Such a permittee shall maintain records of water quantity used on a monthly basis for the life of the permit and shall provide those records to the District when requested by District staff. For any permittee with a permit issued before [effective date] whose total combined allocation is equal to or less than 100,000 gallons per day on an average annual basis, the permittee may submit a completed District Form Number 40C-2.900(6), as an alternative to submitting EN-50 forms as required by their permit. In such case, the permittee shall maintain records of water quantity used on a monthly basis for the life of the permit and shall provide those records to the District when requested by District staff. However, a permittee may be required by permit condition to record pumpage on a daily basis from each withdrawal point and report the daily withdrawal totals on a monthly basis to the District when the District determines that special circumstances warrant.

Any ~~The~~ required flow meter(s) must be tested for accuracy once every 3 years within 30 days of the anniversary date of permit issuance, and recalibrated if the difference between the actual flow and the meter reading is greater than 5%. District Form Number 40C-2.900(5) (Water Use Reporting Verification (EN-51)) No. EN-51 must be submitted to the District within 10 days of each ~~the~~ inspection/calibration.

6.7.1.9 No change.

12.0 Evaluation of Proposed Use of Water

12.1 Annual Allocation

(a) Annual Allocation

The particular quantity of water permitted on an annual basis is that amount of water which the Governing Board has permitted for use on a yearly basis. The District staff will calculate a recommended annual allocation using methodologies based upon use type of use (see Sections 12.2, 12.3, 12.4, 12.5, 12.6, and 12.7 of this Handbook).

(b) and (c) No change.

12.1.2 No change.

12.2 Public Supply – Use Type Uses

An amount of water required for reasonable-beneficial uses must be demonstrated by the applicant. For Public water Supply systems, this amount is calculated based upon the projected requirements of the population as to its industrial, commercial and other users supplied by the permittee. Population requirements are calculated by multiplying the 10-year projected population for an authorized service area by

the calculated or estimated per capita daily water use. Projected population shall be determined using the methods and data sources specified in Subsection 12.2.1; use shall be calculated or estimated as prescribed in Subsection 12.2.2. Other methods of determining water requirement may be used as approved by staff.

If the applicant's requested quantity exceeds the amount of water required for reasonable-beneficial uses as calculated pursuant to this Section, the staff will recommend a projected requirement based on its analysis of population projections for the service area and historical or design per capita use of water.

Reasonable-beneficial requirement for the Public Supply Use Type use is the highest allocation which staff can recommend. If all other criteria are satisfied, staff will recommend this amount as the ~~annual~~ allocation.

12.2.1 through 12.2.4 No change.

12.2.5 Water Conservation Plan

12.2.5.1 All permit applicants for a Public Supply Use Type water use who satisfy the following water conservation requirements at the time of permit application are deemed to meet the criterion in 10.3(e):

(a) through (h) No change.

2.2.5.2 No change.

12.3 Commercial/Industrial/Institutional – Use Type ~~Type~~ Uses

12.3.1 Allocation

The reasonable need for a requested allocation must be based upon the amount of water needed to perform an commercial/industrial/institutional process in an efficient, non-wasteful and economic manner. If the criteria listed in section 8.0 or 9.0 are satisfied, the allocation will be equal to the reasonable need for water. A reasonable need for water is the greatest allocation which staff will recommend.

12.3.2 Water Conservation Plan

12.3.2.1 All ~~individual—permit~~ applicants for commercial/industrial/institutional-type water uses must submit a water conservation plan for their facility to the District at the time of permit application. The plan must contain specific activities designed to conserve water.

(a) through (e) No change.

Applicants may be able to fulfill some or all of the water conservation plan elements (b) and (d) by demonstrating present water conserving activities which meet the intent of each element. In evaluating whether existing water conserving activities are sufficient to meet the applicable criteria in Rule 40C-2.301, F.A.C., the District will take into consideration the use type and efficiency of the specific use relative to other similar users.

12.3.2.2 No change.

12.4 Mining/Dewatering Use-Type Uses

The reasonable need for a requested allocation must be based on the amount of water needed to ~~be discharged from a mining pit in order to~~ economically and effectively extract subsurface materials or control surface or ground water when performing activities such as excavation or construction ~~mine the pit~~. In some cases, dewatering may involve lowering the water table several feet in order to lower the level below "Caprock" which is used as an operating floor and drying surface. In other cases, it may involve completely dewatering a pit in order to remove minable rock and sand using pans and scrapers. The reasonable allocation may vary for a particular dewatering operation depending upon the excavation method. Staff may recommend the greater reasonable allocation if all other criteria are satisfied. However, if the greater reasonable allocation will generate adverse impacts, staff will recommend the excavation method with a lower reasonable allocation which satisfies all criteria. For example, a rockpit may be excavated using either draglines or scrapers. Drag-lining may require dewatering only several feet in order to expose "Caprock" as an operating surface. The use of scrapers requires totally dewatering the pit in order to use the floor of the pit as an operating surface. If staff cannot recommend total dewatering of a mining pit because of adverse impacts then staff may recommend the second alternative, drag-lining, with its smaller discharge if it satisfies all criteria.

If all criteria listed in Section 8.0 or 9.0 are satisfied, the allocation is equal to the reasonable need for water. The reasonable need for water is the greatest volume which staff can recommend.

12.5 Agricultural Use Type, Nursery, and Aquacultural Uses

12.5.1 Supplemental Irrigation Requirement

The reasonable need for an agricultural use is based on the amount of water needed to supply the supplemental irrigation requirements of the type of crop grown. ~~The Supplemental irrigation requirements are determined through use of supplemental irrigation models the modified Blaney-Criddle formula for evapotranspiration. The formula is explained in detail in Appendix H. Supplemental irrigation models must accurately determine supplemental irrigation water use needs and be~~ The is based on the type of crop grown, the irrigation method employed, the season in which the water is used to grow the crop ~~is grown~~, general crop location, including soil type, and associated atmospheric conditions. In determining reasonable need, the supplemental irrigation requirements used are those which would be needed requested in a one two in ten year drought. ~~Where supplemental irrigation data are not available from the modified Blaney Criddle method, an average annual industry water figure is used.~~

12.5.2 through 12.5.5 No change.

12.5.6 The maximum monthly withdrawal as recommended by District staff is generally specified on agricultural-type ~~or other irrigation~~ permits. This amount is

determined by the dry month needs of the CUP (calculated for a 1 ± in 10 year drought) or that amount needed for freeze protection.

12.5.7 Water Conservation Plan

12.5.7.1 All ~~individual~~ permit applicants for agricultural ~~use-types, nursery, and aquacultural~~ uses must submit a water conservation plan for their operation to the District at the time of permit application. The plan must contain specific activities designed to conserve water. The water conservation plan must include provision for the following:

- (a) through (c) No change.

Applicants may be able to fulfill the water conservation plan element (a) by demonstrating present water conserving activities which meet the intent of the element. In evaluating whether existing water conserving activities are sufficient to meet the applicable criteria in Rule 40C-2.301, F.A.C., the District will take into consideration the use type and efficiency of the specific use relative to other similar users.

- 12.5.7.2 and 12.5.7.3 No change.

12.6 ~~Landscape/Golf Course and Recreational/Aesthetic Use – Type Use~~

12.6.1 Water Conservation Plan

12.6.1.1 Each applicant for ~~an individual~~ consumptive use permit for a ~~golf course or landscape/recreational/aesthetic use-types~~ water use must submit a water conservation plan for their facility to the District at the time of permit application. The plan must contain specific activities designed to conserve water. At a minimum, the water conservation plan must include:

- (a) through (d) No change.

Applicants may be able to fulfill the water conservation plan element (a) by demonstrating present water conserving activities which meet the intent of the element. In evaluating whether existing water conserving activities are sufficient to meet the applicable criteria in Rule 40C-2.301, F.A.C., the District will take into consideration the use type and efficiency of the specific use relative to other similar users.

- 12.6.1.2 No change.

12.7 Other Use Types.

All ~~individual~~ permit applicants for use types not specified above must submit a water conservation plan for their proposed use. The plan must contain specific measures designed to conserve water to demonstrate that the proposed use will meet the criterion in section 10.3(e). At a minimum the ~~water conservation plan must include the applicable elements described above in sections 12.2.5, 12.3.2, 12.5.7, and 12.6.1~~

- 12.8 through 12.10 No change.

15.0 Introduction to Permit Conditions

15.1 Purpose

~~In order to properly manage the water resource, the District must place certain stipulations on each permit which is granted. Part III provides a listing of those typical limiting conditions which may be added to a consumptive use permit.~~

~~15.2 Organization~~

~~The District will apply three types of limiting conditions:~~

- ~~(a) those that will be applied to all permits (General Conditions);~~
- ~~(b) those that will be applied to all permits of a particular type of use; and~~
- ~~(c) those which are applied on a project-specific basis.~~

~~15.0 16.0 Permit General Conditions~~

In order to properly manage the water resource, the District will impose upon any permit issued or granted pursuant to Chapter 40C-2 or 40C-20, F.A.C., such reasonable conditions as are necessary to assure that the permitted use of water will continue to be consistent with the conditions for issuance in Rule 40C-2.301, F.A.C. The following ~~General conditions are those limiting conditions which will be applied to all permits unless waived or modified by the District upon a determination that the conditions are inapplicable to the activity authorized by the permit. These are applied pursuant to Rule 40C-2.381, F.A.C., and are necessary to assure that the permitted use of water will be consistent with the provisions of Rule 40C-2.011 and will not be harmful to the water resources of the District.~~

- (a) through (d) No change.

(e) The permittee's consumptive use of water as authorized by this permit shall not interfere with ~~legal~~ uses of water existing at the time of permit application ~~may not be significantly adversely impacted as a result of the consumptive use. If interference unanticipated significant adverse impacts occurs, the District shall revoke the permit in whole or in part, to curtail or abate the interference adverse impacts, unless the interference is impacts can be mitigated by the permittee pursuant to a District-approved plan.~~

NOTE: Adverse impacts are exemplified by but not limited to:

- (1) reduction of well water levels resulting in a reduction of 10% in the ability of an adjacent well to produce water;
- (2) reduction of water levels in an adjacent surface water body resulting in a significant impairment of the use of water in that water body.
- (3) saline water intrusion or introduction of pollutants into the water supply of an adjacent water use resulting in a significant reduction of water quality; and
- (4) change in water quality resulting in either impairment or loss of use of a well or water body.

(f) The permittee's consumptive use of water as authorized by this permit shall not have adverse hydrologic impacts to ~~off-site~~ land uses existing at the time of permit application may not be significantly adversely impacted as a result of the consumptive use. If unanticipated significant adverse

hydrologic impacts occur, the District shall revoke the permit in whole or in part, to curtail or abate the adverse impacts, unless the impacts are can be mitigated by the permittee pursuant to a District-approved plan.

NOTE: Adverse impacts are exemplified by but not limited to:

(1) significant reduction in water levels in an adjacent surface water body;

(2) and collapse or subsidence caused by a reduction in water levels; and

(3) damage to crops and other types of vegetation.

(g) The District must be notified, in writing, within 30 days of any sale, conveyance, or other transfer of a well or facility from which the permitted consumptive use is made or within 30 days of any transfer of ownership or control of the real property at which the permitted consumptive use is located. All transfers of ownership or transfers of permits are subject to the provisions of Rule section 40C-1.612, F.A.C.

(h) A District-issued identification tag shall be prominently displayed at each withdrawal site by permanently affixing such tag to the pump, headgate, valve, or other withdrawal facility as provided by Rule section 40C-2.401, F.A.C. Permittee shall notify the District in the event that a replacement tag is needed.

(i) The permittee's consumptive use of water as authorized by this permit shall not adversely impact wetlands, lakes, rivers, or springs. If adverse impacts occur, the District shall revoke the permit, in whole or in part to curtail or abate the adverse impacts, unless the impacts are mitigated by the permittee pursuant to a District-approved plan.

(j) The permittee's consumptive use of water as authorized by this permit shall not cause or contribute to a violation of any minimum flow or level adopted in Chapter 40C-8, F.A.C. If the permittee's use of water causes or contributes to such a violation, then the District shall revoke the permit, in whole or in part, unless the permittee implements all provisions applicable to the use in a District-approved recovery strategy.

(k) The permittee's consumptive use of water as authorized by the permit shall not cause or contribute to significant saline water intrusion. If significant saline water intrusion occurs, the District shall revoke the permit, in whole or in part to curtail or abate the saline water intrusion, unless the saline water intrusion is mitigated by the permittee pursuant to a District-approved plan.

(l) The permittee's consumptive use of water as authorized by the permit shall not cause or contribute to flood damage. If the permittee's consumptive use causes or contributes to flood damage, the District shall revoke the permit, in whole or in part to curtail or abate the flood damage, unless the flood damage is mitigated by the permittee pursuant to a District-approved plan.

(m) The permittee's consumptive use of water as authorized by the permit shall not cause or contribute to a violation of state water quality standards in receiving waters of the state, as set forth in Chapters 62-3, 62-4, 62-302, 62-520,

and 62-550, F.A.C.), including any anti-degradation provisions of paragraphs 62-4.242(1)(a) and (b), subsections 62-4.242(2) and (3), and Rule 62-302.300, F.A.C., and any special standards for Outstanding National Resource Waters set forth in subsections 62-4.242(2) and (3), F.A.C. If violations occur, the District shall revoke the permit, in whole or in part to curtail or abate the violations, unless the violations are mitigated by the permittee pursuant to a District-approved plan.

17.0 General Conditions by Type of Use

17.1 Public Supply Type Uses

The following general conditions are generally applied to permits for public supply type uses:

~~(a) If the permittee does not serve a new projected demand located within the service area upon which the annual allocation was calculated, the annual allocation will be subject to modification.~~

~~(b) If water source is from wells, permittee must develop, implement, and submit to the District a wellfield operating program within six (6) months of permit issuance. This program must explain which wells are primary, secondary, standby (reserve), the order of preference in turning on wells, criteria for shutting down and restarting wells, and any other aspects of wellfield management and operation.~~

~~(c) On the tenth day following the month of record, permittee must submit to the District copies of the DER monthly water treatment plant reports on a monthly basis following the month of record. The permit number must be attached to all reports.~~

~~(d) The permittee must ensure that all service connections are metered.~~

~~(e) Landscape irrigation shall be in conformity with the requirements set forth in subsection 40C-2.042(2), F.A.C. (Revised 3-8-09)~~

~~(f) The water conservation plan submitted to the District on (date), must be implemented in accordance with the implementation schedule contained therein.~~

17.2 Commercial/Industrial Type Uses

The following general conditions are generally applied to permits for commercial/industrial type uses:

~~(a) The permittee must maintain records of total daily withdrawals from each source on a monthly basis for each year ending December 31st. These records must be submitted to the District on Form EN-3 by January 31st of each year.~~

~~(b) If water source is from wells, permittee must develop and implement a Wellfield Operating Program within six (6) months of permit issuance. This program must explain which wells are primary, secondary, standby (reserve), the order of preference in turning on wells, criteria for shutting down and restarting wells, and any other aspects of wellfield management and operation. This program must be submitted to the District within six (6) months of permit issuance.~~

17.3 Mining Type Uses

The following general conditions are generally applied to permits for mining type uses:

(a) ~~Dewatering operations which cause shoaling in adjacent water bodies are an interference. Should the permittee's dewatering operation create shoaling in adjacent water bodies, the permittee is responsible for clearing such shoaling.~~

(b) ~~Permittee must establish an elevation reference point which has been determined from a USGS datum bench mark in order to record and monitor existing water level elevations.~~

17.4 Agricultural Uses

The following conditions are generally applied to individual permits for agricultural type uses:

(a) ~~The allocations stated above may be exceeded when the permittee must use water for freeze protection. Freeze protection is defined as the periodic and infrequent use of water to protect agricultural and nursery crops from permanent damage due to low temperatures. This action would be taken in response to forecasts of freezing temperatures by weather forecasting services. The permittee must maintain records of when water withdrawals for freeze protection are taking place, including the date of such withdrawal, duration of each withdrawal, and the rate at which withdrawals are taking place. These records must be submitted along with any required withdrawal records.~~

(b) ~~Irrigation of agricultural crops shall be in conformity with the requirements set forth in subsection 40C-2.042(1), F.A.C. (Revised 3-8-09)~~

(c) ~~The water conservation plan submitted to the District on (date), must be implemented in accordance with the implementation schedule contained therein.~~

17.5 Nursery Use

The following conditions are generally applied to individual permits for nursery type uses:

(a) ~~Irrigation of nursery plants shall be in conformity with the requirements set forth in subsection 40C-2.042(1), F.A.C. (Revised 3-8-09)~~

(b) ~~The water conservation plan submitted to the District on (date), must be implemented in accordance with the implementation schedule contained therein.~~

17.6 Aquaculture Use

The following limiting conditions are generally applied to aquaculture type uses:

(a) ~~The permittee must install an aerator(s) to add oxygen to the facilities when necessary.~~

(b) ~~Facilities using reclaimed water may do so anytime provided appropriate signs are placed on the property to inform the general public and District enforcement personnel of such use. Such signs must be in accordance with local restrictions.~~

(c) ~~The water conservation plan submitted to the District on (date), must be implemented in accordance with the implementation schedule contained therein.~~

17.7 Golf Course/Recreation Use

~~The following conditions are generally applied to individual permits for golf course type uses and recreational area type uses:~~

(a) ~~Irrigation of golf courses and recreational areas shall be in conformity with the requirements set forth in subsection 40C-2.042(1), F.A.C. (Revised 3-8-09)~~

(b) ~~The water conservation plan submitted to the District on (date), must be implemented in accordance with the implementation schedule contained therein.~~

16.0 ~~18.0~~ Special Conditions

In addition to the General Conditions (section 15.0 ~~16.0~~) and the General Conditions by Type of Use (section 17.0) listed above, the District may find that special conditions should be applied on a site-specific basis. The following are special conditions which the District may apply:

Renumber 18.0.1 to 16.0.1

(a) through (f) No change.

(g) ~~Maximum daily pumpage must not exceed _____ million gallons unless otherwise specified by District staff as a consequence of drought conditions. If the need to exceed the above withdrawal arises, the permittee must notify District staff of the reason for the need.~~

(h) ~~The permittee must measure and record the maximum withdrawal rate in gallons per minute of well number(s) _____ in May and October of each year. These records must be submitted to the District on Form EN-2 by July 31st of each year.~~

(i) ~~Permittee must record water levels in the pit, rates, and volumes of water pumped on a daily basis. These records shall be tabulated on a monthly basis, and submitted to the District on Form EN-6 and EN-3 (on a monthly basis) by March 31st of each year.~~

(j) ~~Permittee shall not lower the surface water level, water table level or potentiometric level below NGVD.~~

(k) ~~A water sample must be taken from well number(s) in May and October of the following years: _____. The sample(s) must be collected immediately following an irrigation cycle, whenever possible. If this is not possible, the well must be allowed to discharge at design capacity for at least 20 minutes before the sample is collected. The samples must be analyzed for chlorides (C-), sodium (Na), potassium (K), calcium (Ca), magnesium (Mg), sulfate (SO4), total alkalinity (HCO3 + CO3) and pH. In addition to the analyses, the report submitted to the District must include the date of sampling, well number, the length of time the well discharged before the sample was taken, the name of the person collecting the sample and the name of the company or person doing the actual analysis. These reports must be submitted to the District within 30 days of sampling.~~

(l) ~~A water sample must be taken from well number(s) in May of the following years _____. The sample(s) must be collected immediately following an irrigation cycle,~~

whenever possible. If this is not possible, the well must be allowed to discharge at design capacity for at least 20 minutes before the sample is collected. The samples must be analyzed for calcium (Ca), magnesium (Mg), sulfate (SO4), total iron (Fe), and specific conductance. In addition to the analyses, the report submitted to the District must include the date of sampling, well number, the length of time the well discharged before the sample was taken, the name of the person collecting the sample, and the name of the company or person doing the actual analyses. These reports must be submitted to the District within 30 days of sampling.

~~(m) The permittee must maintain records of total monthly withdrawals from each source. These reports must consist of either a monthly log of when withdrawals are taking place from each source and the average rate at which these withdrawals are taking place, or figures for total withdrawals for each month from each source. The monthly logs must be recorded on District form EN 2. The figures for total withdrawals for each month from each source must be recorded on District form EN 2. These records must be tabulated for one year period ending June 30th of each year, and submitted to the District by July 31st of each year.~~

~~(n) Prior to initiation of use, the following withdrawal points must be equipped with in line totalizing flow meters: (District Identification Nos.). Such meters must have and maintain an accuracy to within 95 percent of the actual flow.~~

~~(o) The Permittee must maintain the required flow meter(s) or other District approved flow measuring device(s). In case of failure or breakdown of any meter or other device, the District must be notified in writing within 5 days of its discovery. A defective meter or other device must be repaired or replaced within 30 days of its discovery.~~

~~(p) Total withdrawal from each monitored source must be recorded continuously, totaled monthly, and reported to the District at least every six months using District Form No. EN-50.~~

~~(q) The permittee must have the required flow meter(s) tested once every 3 years within 30 days of the anniversary date of permit issuance, and recalibrated if the difference between the actual flow and the meter reading is greater than 5%. District Form No. EN-51 must be submitted to the District within 10 days of the inspection/calibration.~~

The next section is section 19.0.

20.0 Other Conditions

In addition to the special conditions listed in subsection 16.0 18.0.1 and 19.0, the District Governing Board may apply such other reasonable special conditions to meet localized problems as it deems necessary to ensure that the use meets the criteria established in Rule 40C-2.301, F.A.C.

WATER MANAGEMENT DISTRICTS

St. Johns River Water Management District

RULE NOS.:	RULE TITLES:
40C-2.100	Content and Processing of Applications
40C-2.101	Publications Incorporated by Reference
40C-2.900	Forms and Instructions

PURPOSE AND EFFECT: The purposes and effects of the proposed rule amendments are to: (1) require that when a CUP application is requesting authorization to use water to irrigate landscape, golf course, or recreational areas for a project that will require a 40C-4 or 40C-40 environmental resource permit (ERP) that such applicant must also apply concurrently for the ERP; (2) require that such concurrent CUP and ERP applications will be reviewed by the District in a consolidated manner, with the CUP application not being considered complete until the ERP application is also complete, and if either application fails to meet the conditions for issuance then both the CUP and ERP applications will be denied; (3) clarify that at a preapplication conference, the District will also be available to discuss consolidated review of any related ERP application; (4) establish that a CUP application must either be submitted electronically via the District’s website or delivered to the address indicated on the application form and clarify the content and processing of CUP applications; (5) require that when a CUP application requires a concurrent ERP application submittal that the applicant must submit the required ERP application and all appropriate permit processing fees; (6) amend the conditions for issuance in Rule 40C-2.301, F.A.C., to reflect the new requirements regarding consolidated review of CUP and ERP applications (no text is available yet for the proposed change to Rule 40C-2.301); (7) revise the CUP application form to update the contents and include the concurrent application requirements.

SUBJECT AREA TO BE ADDRESSED: The proposed rule amendment would: (1) require, for a CUP application to irrigate landscape, golf course, or recreational areas for a project that will require a 40C-4 or 40C-40 ERP to construct a system, a concurrent ERP application and concurrent review and processing of both applications; (2) clarify application processing requirements; and (3) clarify preapplication conferencing.

RULEMAKING AUTHORITY: 369.318, 373.044, 373.113, 373.118, 373.171 FS.

LAW IMPLEMENTED: 369.318, 373.1131, 373.219, 373.223, 373.226, 373.229 FS.

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

DATE AND TIME: September 16, 2010, 1:00 p.m. – 5:00 p.m.

PLACE: East Central Florida Regional Planning Council, 309 Cranes Roost Blvd., Altamonte Springs, Florida 32701

DATE AND TIME: September 17, 2010, 1:00 p.m. – 5:00 p.m.

PLACE: Florida Department of Environmental Protection, 7825 Baymeadows Way, Jacksonville, Florida 32256

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Wendy Gaylord, Rules Coordinator, St. Johns River Water Management District, Office of General Counsel, 4049 Reid Street, Palatka, Florida 32177, (386)326-3026, or wgaylord@sjrwmd.com

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40C-2.100 Content and Processing of Applications.

(1) Consumptive use permit applications shall be filed and processed in accordance with Chapters 120 and 373, F.S., Chapters 40C-1, 40C-2, 40C-20, and 40C-22, F.A.C., and the Applicant's Handbook: Consumptive Uses of Water adopted by reference in Rule 40C-2.101, F.A.C.

(2) Each application for an individual or standard general consumptive use permit shall be filed upon District form no. 40C-2-1082-1. The application must either be submitted electronically via the District website at www.sjrwmd.com or delivered to the address indicated on the form.

(3) When a consumptive use permit applicant is requesting authorization to irrigate landscape, golf course, or recreational areas for a project that will require an individual or standard environmental resource permit to construct a surface water management system under paragraph 40C-4.041(2)(b), F.A.C., the consumptive use permit applicant must also concurrently submit an application for the environmental resource permit for the system.

Rulemaking Authority 369.318, 373.044, 373.118, 373.171 FS. Law Implemented 369.318, 373.1131, 373.219, 373.223, 373.226, 373.229 FS. History—New _____.

40C-2.101 Publications Incorporated by Reference.

(1) The Governing Board hereby adopts by reference Parts I, II and III, the "Water Conservation Public Supply" requirements in Appendix I, and "Legal Description of the Central Florida Coordination Area of the St. Johns River Water Management District" in Appendix L of the document entitled "Applicant's Handbook, Consumptive Uses of Water", (effective date) ~~3-8-09~~. The purpose of the document is to provide information regarding the policy, procedure, criteria, and conditions that pertain to the District's administration of the consumptive use permitting program.

(2) No change.

Rulemaking Authority 369.318, 373.044, 373.113, 373.118, 373.171 FS. Law Implemented 369.318, 373.073, 373.079, 373.103, 373.109, 373.1131, 373.196, 373.219, 373.223, 373.229, 373.233, 373.236, 373.239, 373.250, 373.62 FS. History—New 1-1-83, Amended 5-31-84, Formerly 40C-2.101, 40C-2.0101, Amended 10-1-87, 1-1-89, 8-1-89, 10-4-89, 7-21-91, 7-23-91, 11-12-91, 9-16-92, 1-20-93, 12-6-93, 2-15-95, 7-10-95, 4-25-96, 10-2-96, 1-7-99, 2-9-99, 4-10-02, 2-15-06, 2-13-08, 8-12-08, 3-8-09, _____.

40C-2.900 Forms and Instructions.

(1) Individual and Standard General Consumptive Use Permit Application, form number 40C-2-1082-1, effective (effective date) ~~4-7-99~~, is hereby incorporated by reference.

(2) through (3) No change.

Rulemaking Authority 369.318, 373.044, 373.113, 373.118 FS. Law Implemented 369.318, 373.109, 373.116, 373.118, 373.1131, 373.219, 373.229 FS. History—New 5-30-90, Amended 7-21-91, 7-23-91, 1-20-93, 2-15-95, 4-25-96, 10-2-96, 1-7-99, 2-15-06, 3-8-09, _____.

APPLICANT'S HANDBOOK SECTION:

4.1 Preapplication Conference

4.1.1 At the applicant's request, District staff will arrange for and participate in a preapplication conference. At a preapplication conference the staff will be prepared to discuss with the applicant such information as:

(a) application completion, processing and evaluation procedures;

(b) hydrologic information which will be required for evaluation of the application (see Section 14.0 of this Handbook);

(c) hydrologic information which is available at that time;

(d) the criteria which will be utilized in evaluation of the application; ~~and~~

(e) consolidated review of environmental resource permit application (if applicable); and

~~(f)(e)~~ other hydrologic, environmental or water quality concerns known to the staff, based on published reports and available information.

4.2 Forms and Instructions

4.2.1 The form for application for an individual and standard general consumptive use permit has been adopted as a rule in Rule 40C-2.900, F.A.C. A copy of the form is included in Appendix C of this Handbook. The form must be used for the application for a permit as well as application for a modification, renewal or temporary use. An application which includes a request for a temporary use permit must be accompanied by a letter stating why such a permit is needed.

4.2.2 When a consumptive use permit applicant is requesting authorization to irrigate landscape, golf course, or recreational areas for a project that will require an individual or standard environmental resource permit to construct a surface water management system under paragraph 40C-4.041(2)(b), F.A.C., the consumptive use permit applicant must also concurrently submit an application for the environmental resource permit for the system.

4.6 Checklist for Application Completeness

The following items must be submitted at the time of an application:

(a) an application form with all spaces filled in;

(b) the application fee;

(c) a listing of adjacent property owners as prescribed in subsection 4.4.1 of this Handbook; ~~and~~

(d) a water conservation plan, if applicable under section 12.0, Applicant's Handbook: Consumptive Uses of Water; and (e) an environmental resource permit if concurrent review requirements are applicable (see subsection 4.2.1 of this Handbook).

5.0 Procedures for Processing

5.2 Initial Receipt

5.2.1 When the application form is completed and signed, it must either be submitted electronically via the District website at www.sjrwmd.com or delivered to the address indicated on the form. The application should include any supporting documentation, and the appropriate permit processing fee (see Section 4.6 for completion checklist).

5.2.2 When a consumptive use permit applicant is requesting authorization to irrigate landscape, golf course, or recreational areas for a project that will require an individual or standard environmental resource permit to construct a surface water management system under paragraph 40C-4.041(2)(b), F.A.C., the consumptive use permit applicant must also concurrently submit an application for the environmental resource permit for the system.

Renumber 5.2.2 to 5.2.3 No change.

5.3 Request for Additional Information

5.3.1 The first step of this review process is to determine if all the technical data needed for a complete review of the application has been provided. In most cases the information requested on the application form is sufficient to evaluate the use against the criteria listed in Part II of this Handbook. In those cases where the information is not sufficient, the District staff will request that the additional information be supplied and will inform the applicant as to the reason that such information is required. The type and amount of information varies, depending upon the impact of the proposed use. Examples of data that may be required include:

- historical records (withdrawals and water quality),
- well construction data,
- well logs,
- aquifer pumping tests,
- well surveys,
- projections of future use,
- information supporting need for quantities requested, and
- information regarding any permits required under the provisions of Chapter 40C-4, F.A.C., which may impact upon, or be impacted by the use.

5.3.2 When a consumptive use permit applicant must submit a concurrent environmental resource permit application, the review of these two applications will be consolidated and the consumptive use permit application will not be considered complete until the District has also received all of the information necessary to complete the required environmental resource permit application.

Renumber 5.3.2 through 5.3.4 to 5.3.3 through 5.3.5 No change.

5.4 Individual Permits

5.4.1.1 When the individual permit application is complete, the staff will commence with the technical review of the application. Criteria used in the evaluation are defined and discussed in Part II of this Handbook.

When a consumptive use permit applicant is required to submit a concurrent environmental resource permit, the review of these applications is consolidated and the District will not issue the consumptive use permit unless the permitting criteria applicable to the environmental resource permit application are also satisfied. If the applicant fails to meet the criteria for either the consumptive use permit or the environmental resource permit, then both permit applications will be denied.

5.5 Standard General Permits

5.5.1 The requirements for a standard general permit are: Standard general permits differ from individual permits in that they are granted by rule to all non-exempt consumptive uses which meet the following requirements:

- (a) The proposed consumptive use must not exceed 500,000 gallons per day on an average annual basis.
- (b) The criteria in Rule 40C-2.301, F.A.C., must be met.
- (c) The person who seeks a standard general permit must submit a complete permit application form 40C-2-1082-1 to the District at least 30 days prior to undertaking the consumptive use and must receive the permit prior to commencing the withdrawal.

(d) When a person who seeks a standard general consumptive use permit must also submit a concurrent environmental resource permit, the environmental resource permit must meet the permitting criteria in Chapter 40C-4, F.A.C. (see subsections 4.2.2 and 5.2.2 of this Handbook).

5.5.2 and 5.5.3 No change.

5.5.4 Staff Evaluation

5.5.4.1 Upon completion of the standard general permit application, the staff will technically review the application using the criteria defined and discussed in Part II of this Handbook.

When a consumptive use permit applicant is required to submit a concurrent environmental resource permit, the review of these applications is consolidated and the District will not issue the consumptive use permit unless the permitting criteria applicable to the environmental resource permit application are also satisfied. If the applicant fails to meet the criteria for either the consumptive use permit or the environmental resource permit, then both permit applications will be denied.

9.4 Reasons for Recommendation of Denial

9.4.1 A permit will also be denied if, at the time of permit consideration, a proposed use is not a reasonable-beneficial use, will interfere with presently existing use, ~~or~~ is not in the public interest as described in Sections 9.1, 9.2 or 9.3 above or

if the applicant fails to meet the criteria for issuance of the environmental resource permit when the concurrent submittal of an environmental resource permit is required. As a complement to the criteria described in 9.1, 9.2 and 9.3 above, the Governing Board has established that certain conditions, by their very nature, will not meet the three tests for issuance of a permit. These are described in subsections 9.4.2 – 9.4.7 below. These six conditions are of such significance that they are listed as reasons for denials. The six conditions are:

(a) through (f) No change.

11.0 Evaluation Criteria for Other Types of Applications

11.1 through 11.3.2 No change.

11.4 Concurrent Review of Environmental Resource Permit Application

When a consumptive use permit applicant is requesting authorization to irrigate landscape, golf course, or recreational areas for a project that will require an individual or standard environmental resource permit to construct surface water management system under paragraph 40C-4.041(2)(b), F.A.C., the consumptive use permit applicant must also concurrently submit an application for the environmental resource permit for the system. The review of these applications is consolidated and the District will not issue the consumptive use permit unless the permitting criteria applicable to the environmental resource permit application are also satisfied. If the applicant fails to meet the criteria for either the consumptive use permit or the environmental resource permit, then both permits will be denied.

WATER MANAGEMENT DISTRICTS

St. Johns River Water Management District

RULE NOS.:	RULE TITLES:
40C-4.041	Permits Required
40C-4.091	Publications Incorporated by Reference
40C-4.101	Content and Processing of the Application
40C-4.201	Permit Processing Fee
40C-4.301	Conditions for Issuance of Permits
40C-4.900	Forms and Instructions

PURPOSE AND EFFECT: The purposes and effects of the proposed rule amendments are to: (1) require ERP applicants under Chapter 40C-4 or 40C-40, F.A.C., to concurrently submit CUP applications where their proposed projects will contain irrigated landscape, golf course, or recreation areas that require a CUP; (2) require that such concurrent ERP and CUP applications will be reviewed by the District in a consolidated manner, with the ERP application not being considered complete until the CUP application is also complete and if either application fails to meet the applicable conditions for issuance then both the ERP and CUP applications will be denied; (3) create a new ERP criterion that a proposed system that will contain irrigated landscape, golf course, or

recreational areas “not adversely impact the availability of water for reasonable-beneficial uses;” (4) create water conservation requirements, which satisfy the new criterion to not adversely impact the availability of water for reasonable-beneficial uses, including: (i) require an irrigation plan that meets criteria to conserve water, including requirements that no more than 60% of the pervious portion of a lot can be irrigated with high-volume sprinklers, sprinkler spacing and precipitation rate limits, prohibiting irrigation of non-vegetated areas, limiting irrigation of landscaped road medians to certain highly efficient irrigation methods unless the water source is stormwater or reclaimed water, and requiring that all in-ground irrigation systems are separately metered; (ii) require use of lower quality water sources unless the applicant demonstrates that it is not economically, environmentally, or technologically feasible; and (iii) require that the use of Florida-Friendly landscaping not be prohibited; (5) create requirements to ensure that the long-term operation and maintenance entity will enforce the water conservation plan requirements; (6) clarify that at preapplication conferences, the District will also be available to discuss consolidated review of other permits and authorizations; (7) require that when an ERP application requires a concurrent application to be submitted that the applicant must submit all required applications and all appropriate permit processing fees; (8) clarify the 40C-40 standard ERP process; (9) clarify that an ERP application may be submitted electronically via the District’s website; (10) update the nomenclature in 40C-4 that 40C-40 permits are called “standard” ERPs; (11) clarify that an applicant can request that the District begin processing an incomplete ERP application; (12) revise the ERP application form to update the contents and include the concurrent application requirements; and (13) update statutory authority.

SUBJECT AREA TO BE ADDRESSED: The proposed rule amendments would: (1) create a new ERP permitting criteria; (2) require, for a system that will contain irrigated landscape, golf course, or recreational areas, a water conservation plan that includes three components: (i) irrigation plans; (ii) use of lower quality water sources; and (iii) no prohibitions on Florida-Friendly landscaping; (3) require, for a system that will contain irrigated landscape, golf course, or recreational areas that will require a CUP, that the applicant concurrently apply for and obtain a CUP; (4) clarify application processing requirements; (5) clarify preapplication conferencing; and (6) update statutory authority.

RULEMAKING AUTHORITY: 369.318, 373.044, 373.113, 373.171 FS.

LAW IMPLEMENTED: 369.318, 373.1131, 373.185, 373.413, 373.4141, 373.416, 373.427 FS.

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

DATE AND TIME: September 16, 2010, 1:00 p.m. – 5:00 p.m.

PLACE: East Central Florida Regional Planning Council, 309 Cranes Roost Blvd., Altamonte Springs, Florida 32701

DATE AND TIME: September 17, 2010, 1:00 p.m. – 5:00 p.m.

PLACE: Florida Department of Environmental Protection, 7825 Baymeadows Way, Jacksonville, Florida 32256

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Wendy Gaylord, Rules Coordinator, St. Johns River Water Management District, Office of General Counsel, 4049 Reid Street, Palatka, Florida 32177, (386)326-3026, or wgaylord@sjrwmd.com

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40C-4.041 Permits Required.

(1) Unless expressly exempt, an individual, standard, or general environmental resource permit must be obtained from the District under Chapter 40C-4, 40C-40, 40C-42, 40C-44 or 40C-400, F.A.C., prior to the construction, alteration, operation, maintenance, abandonment or removal of any stormwater management system, dam, impoundment, reservoir, appurtenant work or works, including dredging or filling, and for the maintenance and operation of existing agricultural surface water management systems or the construction of new agricultural surface water management systems.

(2) through (4) No change.

Rulemaking Authority 373.044, 373.113, 373.118, 373.406, 373.4136, 373.414, 373.415, 373.418, 380.06(9) FS. Law Implemented 373.083, 373.118, 373.406, 373.413, 373.4135, 373.4136, 373.414, 373.415, 373.416, 373.418, 373.426, 380.06(9) FS. History—New 1-31-77, Formerly 16I-4.04, 40C-4.04, Amended 2-3-81, 12-7-83, Formerly 40C-4.041, 40C-4.0041, Amended 8-28-88, 8-1-89, 4-3-91, 8-11-91, 9-25-91, 10-20-92, 2-27-94, 10-3-95, 11-25-98, 10-11-01,_____.

40C-4.091 Publications Incorporated by Reference.

(1) The Governing Board hereby adopts by reference:

(a) Part I “Policy and Procedures,” Part II “Criteria for Evaluation,” subsections 18.0, 18.1, 18.2, and 18.3 of Part III and Appendix K “Legal Description Upper St. Johns River Hydrologic Basin,” “Legal Description Ocklawaha River Hydrologic Basin,” “Legal Description of the Wekiva River Hydrologic Basin,” “Legal Description of the Wekiva Recharge Protection Basin,” “Legal Description of the Econlockhatchee River Hydrologic Basin,” “Legal Description of the Sensitive Karst Areas Basin, Alachua County,” “Legal Description Tomoka River Hydrologic Basin,” “Legal Description Spruce Creek Hydrologic Basin,” “Legal Description of the Sensitive Karst Areas Basin, Marion County,” and “Legal Description of the Lake Apopka Hydrologic Basin,” and Appendix M “Regional Watersheds for

Mitigation Banking,” of the document entitled “Applicant’s Handbook: Management and Storage of Surface Waters,” effective (effective date) ~~February 16, 2010~~.

(b) through (d) No change.

(2) No change.

Rulemaking Authority 369.318, 373.044, 373.046(4), 373.113, ~~373.171~~, 373.4136, 373.414, 373.415, 373.416, 373.418, 373.421, 375.461 FS. Law Implemented 120.60, 369.316, 369.318, 373.016(2), 373.042, 373.0421, 373.046, 373.085, 373.086, 373.103, 373.109, ~~373.1131~~, 373.146(1), ~~373.185~~, 373.406, 373.413, 373.4135, 373.4136, 373.414, 373.4141, 373.415, 373.416, 373.417, 373.418, 373.421(2)-(6), 373.423, 373.426, ~~373.427~~, 373.461(3), 380.06(9), 403.813(2) FS. History—New 12-7-83, Amended 10-14-84, Formerly 40C-4.091, Amended 5-17-87, Formerly 40C-4.0091, Amended 8-20-87, 10-1-87, 10-11-87, 11-26-87, 8-30-88, 1-1-89, 8-1-89, 10-19-89, 4-3-91, 9-25-91, 11-12-91, 3-1-92, 7-14-92, 9-8-92, 9-16-92, 11-12-92, 11-30-92, 1-6-93, 1-23-94, 2-27-94, 11-22-94, 10-3-95, 8-20-96, 11-25-98, 12-3-98, 1-7-99, 1-11-99, 8-21-00, 7-8-01, 10-11-01, 4-10-02, 9-26-02, 3-7-03, 11-11-03, 2-1-05, 12-3-06, 7-1-07, 5-13-08, 11-5-08, 10-29-09, 2-16-10,_____.

40C-4.101 Content and Processing of the Application.

(1) No change.

(2)(a) Each application for an individual, standard, general, or conceptual approval environmental resource permit shall be filed upon District form 40C-4.900(1). The applicant shall submit five copies of the application package (which package includes the signed application form, construction plans, and any supporting documents describing the proposed system). The requirement to submit five copies shall not apply when the application package is received electronically via the District’s E-Permitting website at floridaswater.com ~~www.sjrwmd.com~~. For any application to construct a surface water management system under Chapter 40C-4 or 40C-40, F.A.C., that will contain irrigated landscape, golf course, or recreational areas and the irrigation will require a consumptive use permit under subsection 40C-2.041(1), F.A.C., the applicant must also concurrently submit an application for a consumptive use permit.

(b) Each application for an individual, standard, or general environmental resource permit or a conceptual approval environmental resource permit which seeks authorization to alter, abandon, or remove a system, or a portion of a system, which is exempt from permitting under the provisions of subsection 40C-4.051(2), F.A.C., shall contain the plans and information required by paragraph 40C-4.101(2)(a), F.A.C., for the system as it was originally constructed, as it exists on the date of the permit application, and as it is proposed to be modified.

(3) A complete application for an individual, standard, or general environmental resource permit shall also constitute an application for certification of compliance with state water quality standards where necessary pursuant to Section 401, Public Law 92-500, 33 USC Section 1341. Issuance of the permit shall constitute certification of compliance with water

quality standards, unless the permit is issued pursuant to the net improvement provision in paragraph 373.414(1)(b), F.S., or the permit specifically states otherwise.

(4) through (6) No change.

Rulemaking Authority ~~369.318, 373.044, 373.113, 373.171~~ FS. Law Implemented ~~369.318, 373.1131~~, 373.146, 373.413, 373.416, 373.417, ~~373.427~~ FS. History—New 1-31-77, Formerly 16I-4.10, 40C-4.10, Amended 2-3-81, 12-7-83, Formerly 40C-4.101, 40C-4.0101, Amended 8-1-89, 2-27-94, 10-3-95, 1-4-96, 2-1-05,_____.

40C-4.201 Permit Processing Fee.

There shall be a non-refundable permit processing fee as specified by Rule 40C-1.603. F.A.C., payable to the District at the time that an application for a general, standard, or individual permit or for a conceptual approval permit is submitted.

Rulemaking Authority 373.044, 373.109, 373.113, 373.171 FS. Law Implemented 373.109, 373.413, 373.416, 373.426 FS. History—New 1-31-77, Formerly 16I-4.10, 40C-4.20, Amended 2-3-81, 12-7-83, Formerly 40C-4.201, 40C-4.0201, Amended 10-1-87, 8-1-89,_____.

40C-4.301 Conditions for Issuance of Permits.

(1) In order to obtain a standard, individual, or conceptual approval permit under this chapter or Chapter 40C-40, F.A.C., an applicant must provide reasonable assurance that the construction, alteration, operation, maintenance, removal or abandonment of a surface water management system:

(a) through (i) No change.

(j) Will be conducted by an entity with the financial, legal and administrative capability of ensuring that the activity will be undertaken in accordance with the terms and conditions of the permit, if issued; ~~and~~

(k) Will comply with any applicable special basin or geographic area criteria established in Chapter 40C-41, F.A.C.; and

(l) Will not adversely impact the availability of water for reasonable-beneficial uses.

(2) through (3) No change.

Rulemaking Authority 369.318, 373.016, 373.044, 373.113, 373.171, 373.415 FS. Law Implemented 369.318, 373.016, 373.042, 373.0421, ~~373.1131, 373.185~~, 373.409, 373.413, 373.414, 373.415, 373.416, 373.418, 373.426, 373.461 FS. History—New 1-31-77, Formerly 16I-4.10, 40C-4.10, Amended 2-3-81, 12-7-83, Formerly 40C-4.301, 40C-4.030, Amended 9-25-91, 9-16-92, 6-7-93, 10-3-95, 10-11-01, 12-3-06,_____.

40C-4.900 Forms and Instructions.

The following forms and instructions incorporated by reference have been approved the Governing Board and are available upon request from any of the District offices listed in Rule 40C-4.091, F.A.C.

(1) Joint Application for Environmental Resource Permit/Authorization to Use State Lands/Federal Dredge and Fill Permit, form number 40C-4.900(1), adopted (effective date) ~~12-3-06~~.

(2) through (10) No change.

Rulemaking Authority 373.044, 373.113, 373.118, 373.406, 373.413, 373.4136, 373.414, 373.418 FS. Law Implemented 369.318, 373.085, ~~373.1131~~, 373.116, 373.117, 373.118, ~~373.185~~, 373.406, 373.413, 373.4136, 373.414, 373.415, 373.416, 373.418, 373.421 373.426, 373.461, 403.0877 FS. History—New 5-30-90, Amended 11-12-91, 2-27-94, 10-3-95, 1-7-99, 2-1-05, 12-3-06,_____.

APPLICANT’S HANDBOOK SECTION:

4.0 Application Preparation

4.1 Preapplication Conference

4.1.1 At the applicant’s request, District staff will arrange for and participate in a preapplication conference. At a preapplication conference the staff will be prepared to discuss with the applicant such information as:

(a) application completion, processing and evaluation procedures;

(b) information which will be required for evaluation of the application;

(c) information regarding surface water data which is known to be available at that time;

(d) the criteria which will be utilized in evaluation of the application; ~~and~~

(e) consolidated review of any related consumptive use permit application or proprietary authorization to use submerged lands (if applicable); and

~~(f)(e)~~ other hydrologic, environmental or water quality data.

The District staff may advise the applicant regarding information requested on the application form referenced in paragraph 40C-4.101(2)(a), F.A.C., which is not applicable to the applicant’s proposed project.

4.2 Forms and Instructions

4.2.1 The application form including the required site and system design information for an individual and standard environmental resource permit under chapters 40C-4 and 40C-40, F.A.C., respectively, has been adopted as a rule in subsections 40C-4.900(1), and 40C-40.900, F.A.C. A copy of this application form is included in Appendix B of this Handbook. This form must be used to apply for a permit to construct, maintain, alter, remove, or abandon a system pursuant to these respective chapters. An application to operate a system is made automatically with an application for construction, maintenance, removal, or alteration. Information regarding operation of the system must be included in the permit application submittal.

4.2.2 For any application to construct a surface water management system that will contain irrigated landscape, golf course, or recreational areas and the irrigation will require a

consumptive use permit under subsection 40C-2.041(1), F.A.C., the applicant must also concurrently submit an application for a consumptive use permit, with the required permit processing fees and all supporting documentation needed to demonstrate that the consumptive use of water meets the permitting criteria in Chapter 40C-2, F.A.C.

Renumber 4.2.2 and 4.2.3 to 4.2.3 and 4.2.4 No change.

5.0 Procedures for Processing Individual Environmental Resource Permits

5.2 Initial Receipt

5.2.1 When the permit application form is completed and signed, it must either be submitted electronically via the District's website at floridaswater.com or delivered to the District headquarters or to the nearest address indicated on the form. (See section 1.3 of this Handbook for the addresses and phone numbers of these offices). In order to be processed in a timely manner, the application must include any other permit application required to be submitted concurrently, supporting documentation, and all the appropriate permit processing fees.

5.2.2 An applicant must submit a concurrent application when any part of the proposed surface water management system:

(a) will require concurrent review under Section 373.427, F.S., for proprietary authorization under Chapter 253 or 258, F.S., to use submerged lands; or

(b) will contain irrigated landscape, golf course, or recreational areas and the irrigation will require a consumptive use permit under subsection 40C-2.041(1), F.A.C.

Renumber 5.2.2 as 5.2.3 No change.

5.3 Request for Additional Information

5.3.1 The first step of this review process is to determine if all the technical data required on the application form have been provided. In those cases where the information provided is not complete, the District staff will request that the additional information be supplied, and will inform the applicant as to the reason that such information is required.

When an environmental resource permit applicant must submit a concurrent consumptive use permit, the review of these two applications will be consolidated and the environmental resource permit application will not be considered complete until the District has also received all of the information necessary to complete the required consumptive use permit application.

5.3.2 If the application is determined to be incomplete, the District will request the necessary additional information within 30 days after the receipt of the application. The District will take action on the application within 90 days after the requested information has been received or upon a written request by the applicant to process the application pursuant to Section 373.4141, F.S. Such requests for additional information will be accompanied by citation to a specific rule pursuant to section 373.417, F.S.

5.3.3 and 5.3.4 No change.

5.4 Staff Evaluation

5.4.1 When the application is complete, the staff will commence the technical review of the application. Criteria used in the evaluation are defined and discussed in Part II of this Handbook.

5.4.2 All review will be completed and the application will be presented to the Board for action within 90 days after the complete application is received.

5.4.3 The goal of the permit evaluation procedure is to assure that the proposed design is consistent with the standards and criteria for evaluation. If the reviewer determines that the design as submitted in the application is inconsistent with the standards and criteria, the District staff will endeavor to assist the applicant in submission of changes in design that will correct the deficiencies in the original application where possible. The responsibility for changing the permit application and designing corrections remains that of the applicant.

5.4.4 When an environmental resource permit applicant is required to submit a concurrent consumptive use permit, the review of these applications is consolidated and the District will not issue the environmental resource permit unless the permitting criteria applicable to the consumptive use permit application are also satisfied. If the applicant fails to meet the criteria for either the environmental resource permit or the consumptive use permit, then both permit applications will be denied.

Renumber 5.4.4 as 5.4.5 No change.

6.0 Procedures for Processing Standard and Noticed General Environmental Resource Permits

6.2 Standard Permits

~~6.2.1 District standard permits differ from individual permits in that they are granted by rule to all systems which meet certain requirements.~~

6.2.1~~2~~ These requirements for a standard permit are:

(a) The systems must meet certain threshold requirements (see Rule 40C-40.302, F.A.C., and section 3.3 of this Handbook); and

(b) The systems must be designed, constructed, and operated in accordance with District design criteria (see Rules 40C-4.301, 40C-4.302, 40C-40.302, and 40C-41.063, F.A.C., and Part II of this Handbook); ~~and~~

(c) The person who seeks a standard permit must submit a complete permit application at least 30 days prior to undertaking the activity which would otherwise require an individual permit and must receive District authorization prior to proceeding; ~~and~~

(d) When the person who seeks a standard environmental resource permit must also submit a concurrent consumptive use permit application, the consumptive use must meet the permitting criteria in Chapter 40C-2, F.A.C. (See sections 4.2.1 and 6.3.2(b) of this Handbook).

Renumber 6.2.3 and 6.2.4 to 6.2.2 and 6.2.3 No change.

6.3 Initial Receipt of a Standard Permit Application

6.3.1 When the application for a standard permit is completed and signed, it must be delivered to the District headquarters or to one of the District offices indicated on the form. In order to be processed in a timely manner, the application must include any other permit application required to be concurrently submitted, all supporting documentation, and all the appropriate permit processing fees.

6.3.2 An applicant must submit a concurrent application when any part of the proposed surface water management system

(a) will require concurrent review under Section 373.427, F.S., for proprietary authorization under Chapters 253 and 258, F.S., to use submerged lands; or

(b) will contain irrigated landscape, golf course, or recreational areas and the irrigation will require a consumptive use permit under subsection 40C-2.041(1), F.A.C.

Renumber 6.3.2 as 6.3.3 No change.

6.4 Request for Additional Information Regarding a Standard Permit

6.4.1 The first step of this review process is to determine whether all the technical data needed for a complete review of the application has been provided. In those cases where the information contained in the submitted application for a standard permit is not complete, the District staff will request that the additional information be supplied and will inform the permittee as to the reason that such information is required. Such requests for additional information will be accompanied by citation to a specific rule pursuant to Section 373.417, F.S.

When an application is submitted for a surface water management system that will contain irrigated landscape, golf course, or recreational areas, and the irrigation will require a consumptive use permit under subsection 40C-2.041(1), F.A.C., the District will conduct a consolidated review of both applications and the environmental resource permit application will not be considered complete until the District has also received all of the information necessary to complete the required consumptive use permit application.

6.4.2 If the standard permit application is determined to be incomplete, the District will request the necessary additional technical information within 30 days after the receipt of the application. The District will take action on the application within 30 days after the requested information has been received or upon a written request by the applicant to process the application pursuant to Section 373.4141, F.S.

6.4.3 and 6.4.4 No change.

7.0 Permits

7.1 Operation Permits

7.1.1 No change.

7.1.2 Profit or non-profit corporations such as homeowners associations, property owners associations, condominium owners associations or master associations are acceptable operation and maintenance entities only if the corporation has the financial, legal, and administrative capability to provide for

the long term operation and routine custodial maintenance of the surface water management system and enforcement of the water conservation plan approved by the District including the regulation of the design, installation, and operation of in-ground irrigation systems within the development.

(a) If a homeowner, property owner, condominium or master association is proposed, the applicant must submit draft Articles of Incorporation, Declaration, Restrictive Covenants, Deed Restrictions or other organizational or operation documents, or draft amendments thereto, that:

1. affirmatively assign responsibility for the operation or routine custodial maintenance of the surface water management system and enforcement of the water conservation plan approved by the District; and

2. affirmatively state that there is no prohibition of the use of Florida Friendly landscaping.

These documents must be submitted to the District as part of the permit application.

(b) The association must have sufficient powers reflected in its organizational or operational documents to:

1. operate and perform routine custodial maintenance of the surface water management system as exempted or permitted by the District,

2. enforce the water conservation plan approved by the District including the regulation of the design, installation, and operation of in-ground irrigation systems within the development,

~~3.2-~~ establish rules and regulations,

~~4.3-~~ assess members for the cost of operating and maintaining the system, and enforce the collection of such assessments,

~~5.4-~~ contract for services to provide for operation and routine custodial maintenance (if the association contemplates employing a maintenance company), and

~~6.5-~~ exist in perpetuity; the articles of incorporation must provide that if the association is dissolved, the system shall be transferred to and maintained by an entity described in paragraphs 7.1.1(a) through (e) prior to the association's dissolution.

7.4 Related Permits

7.4.1 through 7.4.3 No change.

7.4.4 Application to construct a surface water management system that will contain irrigated landscape, golf course, or recreational areas where such irrigation will require a consumptive use permit under subsection 40C-2.041(1), F.A.C., must also include the required consumptive use permit application. Please refer to Chapter 40C-2, F.A.C.

7.4.5 Application to construct a surface water management system that will require proprietary authorization under Chapter 253 or 258, F.S., to use submerged lands must include a request for such authorization pursuant to Section 373.427, F.S.

9.0 Conditions for Issuance of Permits

9.1 Section 40C-4.301, F.A.C., Conditions

9.1.1 In order to obtain an individual, standard, or conceptual environmental resource permit under Chapter 40C-4 or 40C-40, F.A.C., an applicant must provide reasonable assurance that the construction, alteration, operation, maintenance, removal, or abandonment of a surface water management system:

(a) through (i) No change.

(j) Will be conducted by an entity with the financial, legal and administrative capability of ensuring that the activity will be undertaken in accordance with the terms and conditions of the permit, if issued; ~~and~~

(k) Will comply with any applicable special basin or geographic area criteria established in Chapter 40C-41, F.A.C.; and

(l) Will not adversely impact the availability of water for reasonable-beneficial uses.

10.2 Harm to the Water Resources and Objectives of the District Criteria

10.2.1 No change.

10.2.2 Compliance with the following criteria shall constitute reasonable assurance that a proposed system meets the requirements of paragraphs 9.1.1 (d), (e), (f), (j), ~~and~~ (k), and (l) and 10.1.1 (a) through (d):

(a) No change.

(b) The applicant must establish financial responsibility and provide for an operation and maintenance entity, as set forth in subsections 10.98 through 10.98.3.

(c) through (d) No change.

(e) The water conservation requirements set forth in subsections 10.8 through 10.8.2 must be met.

10.2.3 and 10.2.4 No change.

10.8 Water Conservation

10.8.1 Water Conservation Plans

An applicant proposing to construct a surface water management system pursuant to Chapter 40C-4 or 40C-40, F.A.C., that will contain irrigated landscape, golf course, or recreational areas, must submit and implement a water conservation plan that includes the following:

(a) Irrigation Plan

The environmental resource permit application must include an irrigation plan that meets the following criteria:

1. The plan must identify all landscape, golf course, and recreational areas to be irrigated.

2. The plan must delineate all irrigation zones and be designed such that turf and non-turf areas are irrigated on separate zones.

3. The plan must identify the location of all zones that will utilize high-volume irrigation. A high volume irrigation zone is defined as a zone of an irrigation system that utilizes sprinklers with a capacity of greater than 30 gallons per hour. The plan must indicate the location and type of all sprinklers within

zones that will utilize high-volume irrigation. Sprinkler spacing must not exceed 50 percent of each sprinkler's diameter of coverage within these zones. The precipitation rates for sprinklers in the same zone must be matched.

4. For each residential or commercial lot, the irrigation system must be designed such that high-volume irrigation zones are not used to irrigate more than 60% of the pervious portion of the lot.

5. The irrigation system must be designed to prevent the direct irrigation of non-vegetated areas.

6. Irrigation systems serving landscaped road medians must be designed to utilize only micro-spray, micro-jet, drip, or bubbler irrigation unless the source of water is stormwater or reclaimed water.

7. The system must be designed such that all in-ground irrigation systems are separately metered to allow for irrigation water use monitoring.

(b) Use of Lower Quality Water Sources

The environmental resource permit application must identify all irrigated landscape, golf course, and recreational areas and for each area indicate the source of water that will be used for irrigation purposes. The irrigation system must be designed to use lower quality water sources, including reclaimed water and stormwater, and must be operated using such sources, unless the applicant demonstrates that it is not economically, environmentally, or technologically feasible.

The following shall also apply where wet detention is proposed as part of the system:

1. When wet detention is utilized for stormwater treatment, use of water from wet detention ponds is technologically feasible.

2. To establish how much water from a wet detention pond is environmentally feasible as a lower quality water source for irrigation, the applicant shall submit an analysis demonstrating that withdrawals from wet detention ponds will not adversely impact wetlands or other surface water levels or water quality.

3. To the extent feasible, applicants must locate wet detention ponds within the project plan to minimize drawdown impacts to wetlands or other surface waters due to reuse of stormwater from ponds.

(c) Florida Friendly Landscaping

The use of Florida-Friendly landscaping shall not be prohibited by any association covenants and restrictions or deed restrictions.

10.8.2 Concurrent Applications for Consumptive Use of Water

When an application is submitted for a surface water management system that will contain irrigated landscape, golf course, or recreational areas and the irrigation will require a consumptive use permit under subsection 40C-2.041(1), F.A.C., the environmental resource permit application will not be considered complete until the District has also received all of the information necessary to complete the required consumptive use permit application. If the applicant fails to

meet the criteria for either the environmental resources permit or the consumptive use permit, then both permit applications will be denied.

10.8 through 10.8.3 Renumber as 10.9 through 10.9.3 No change.

WATER MANAGEMENT DISTRICTS

St. Johns River Water Management District

RULE NOS.:	RULE TITLES:
40C-20.042	General Permit for Water Use
40C-20.900	Forms and Instructions

PURPOSE AND EFFECT: The purposes and effects of the proposed rule amendments are to: (1) require that when a CUP application is requesting authorization to use water to irrigate landscape, golf course, or recreational areas for a project that will require a Chapter 40C-4 or 40C-40, F.A.C., environmental resource permit (ERP) that such applicant must also apply concurrently for the ERP; (2) require that such concurrent CUP and ERP applications will be reviewed by the District in a consolidated manner, with the CUP application not being considered complete until the ERP application is also complete, and if either application fails to meet the conditions for issuance then both the CUP and ERP applications will be denied; (3) clarify that at a preapplication conference, the District will also be available to discuss consolidated review of any related ERP application; (4) establish that a CUP application must either be submitted electronically via the District’s website or delivered to the address indicated on the application form and clarify the content and processing of CUP applications; (5) require that when a CUP application requires a concurrent ERP application submittal that the applicant must submit the required ERP application and all appropriate permit processing fees; (6) amend the conditions for issuance in Rule 40C-2.301, F.A.C., to reflect the new requirements regarding consolidated review of CUP and ERP applications (no text is available yet for the proposed change to Rule 40C-2.301); (7) revise the CUP application form to update the contents and include the concurrent application requirements.

SUBJECT AREA TO BE ADDRESSED: The proposed rule amendment would: (1) require, for a CUP application to irrigate landscape, golf course, or recreational areas for a project that will require a 40C-4 or 40C-40 ERP to construct a system, a concurrent ERP application and concurrent review and processing of both applications; (2) clarify application processing requirements; and (3) clarify preapplication conferencing.

RULEMAKING AUTHORITY: 369.318, 373.044, 373.113, 373.118, 373.171 FS.

LAW IMPLEMENTED: 369.318, 373.116, 373.1131, 373.219, 373.223, 373.229 FS.

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

DATE AND TIME: September 16, 2010, 1:00 p.m. – 5:00 p.m.

PLACE: East Central Florida Regional Planning Council, 309 Cranes Roost Blvd., Altamonte Springs, Florida 32701

DATE AND TIME: September 17, 2010, 1:00 p.m. – 5:00 p.m.

PLACE: Florida Department of Environmental Protection, 7825 Baymeadows Way, Jacksonville, Florida 32256

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Wendy Gaylord, Rules Coordinator, St. Johns River Water Management District, Office of General Counsel, 4049 Reid Street, Palatka, Florida 32177, (386)326-3026, or wgaylord@sjrwmd.com

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40C-20.042 General Permit for Water Use.

(1) No change.

(2) When a consumptive use permit applicant is requesting authorization to irrigate landscape, golf course, or recreational areas for a project that requires an individual or standard environmental resource permit to construct surface water management system under paragraph 40C-4.041(2)(b), F.A.C., the consumptive use permit applicant must also concurrently submit an environmental resource permit for the system.

(2) through (3) renumbered (3) through (4) No change.

Rulemaking Authority 369.318, 373.044, 373.113, 373.118, 373.171 FS. Law Implemented 369.318, 373.1131, 373.219, 373.223 FS. History—New 7-23-91, Amended 4-25-96,_____.

40C-20.900 Forms and Instructions.

District form no. 40C-2-1082-1, Individual and Standard General Consumptive Use Permit Application, and the accompanying instructions are incorporated by reference and are available from:

District Headquarters
 St. Johns River Water Management District
 4049 Reid Street
 Palatka, Florida 32177-2529
 (386)329-4500

St. Johns River Water Management District
 7775 Baymeadows Way, Suite 102
 Jacksonville, Florida 32256
 (904)730-6270

St. Johns River Water Management District
 975 Keller Road
 Altamonte Springs, Florida 32714-1618
 (407)659-4800

St. Johns River Water Management District
 525 Community College Pkwy., S.E.
 Palm Bay, Florida 32909
 (321)984-4940

Rulemaking Authority 120.53(1), 369.318, 373.044, 373.113, 373.118, 373.171 FS. Law Implemented 120.52(16), 369.318, 373.116, 373.1131, 373.219, 373.223, 373.229 FS. History—New 7-23-91, Amended 4-25-96, 10-2-96.

DEPARTMENT OF ELDER AFFAIRS

RULE NOS.:	RULE TITLES:
58-2.001	Definitions
58-2.003	Background Screening Requirements
58-2.005	Implementation and Retention
58-2.007	Exceptions
58-2.009	Electronic Submission of Fingerprints
58-2.011	Background Screeners
58-2.013	Sharing of Screening Results

PURPOSE AND EFFECT: The purpose of this rule chapter is to establish criteria and procedures in order to comply with the requirements of Section 430.0402, F.S., regarding a Level 2 background screening for direct service providers.

SUBJECT AREA TO BE ADDRESSED: This rule chapter establishes criteria and procedures for complying with the new requirement of a Level 2 background screening for all employees or volunteers, who have direct contact with recipients receiving services under jurisdiction of the Department.

RULEMAKING AUTHORITY: 430.08, 435.01(2) FS.

LAW IMPLEMENTED: 430.0402 FS.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATES, TIMES AND PLACES SHOWN BELOW:

DATES AND TIMES: September 14, 2010, 10:00 a.m. – 5:00 p.m. EST in Tallahassee; and September 16, 2010, 10:00 a.m. – 5:00 p.m. EST in Orlando

PLACES: September 14, 2010 workshop will be conducted at the Department of Elder Affairs, 4040 Esplanade Way, Conference Room 225F, Tallahassee, Florida 32399-7000;

September 16, 2010 workshop will be conducted at the Department of Children and Families, Hurston Building, 400 W. Robinson Street, Conference Rooms C and D, First Floor South Tower, Orlando, Florida 32801

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 72 hours before the workshop/meeting by contacting: Jim Crochet, Department of Elder Affairs, Office of the General Counsel, 4040 Esplanade Way, Tallahassee, Florida 32399-7000; telephone number: (850)414-2113; Email address: crocethj@elderaffairs.org. If you are hearing or

speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Jim Crochet, Department of Elder Affairs, Office of the General Counsel, 4040 Esplanade Way, Tallahassee, Florida 32399-7000; Telephone number: (850)414-2113; Email address: crocethj@elderaffairs.org

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

58-2.001 Definitions.

In addition to the term “direct service provider,” as defined in Section 430.0402(1)(b), F.S., the following definitions are included in this rule chapter:

(1) “Agency” means the Agency for Health Care Administration.

(2) “Disqualifying Offense” means any criminal offense prohibited in Section 430.0402 or 435.04, F.S.

(3) “DOEA” or “Department” means the Florida Department of Elder Affairs.

(4) “DOH” means the Florida Department of Health.

(5) “FBI” means the Federal Bureau of Investigation.

(6) “FDLE” means the Florida Department of Law Enforcement.

(7) “Level 1 Screening” means an assessment of employment history checks, statewide criminal correspondence checks, local criminal history checks and a check of the Dru Sjodin National Sex Offender Public Website coordinated through FDLE. The purpose is to determine whether screened individuals have any disqualifying offenses pursuant to Section 430.0402 or 435.04, F.S.

(8) “Level 2 Screening” means an assessment of the criminal history record obtained through a fingerprint search coordinated through FDLE and the FBI to determine whether screened individuals have any disqualifying offenses pursuant to Section 430.0402 or 435.04, F.S.

Rulemaking Authority 430.08, 435.01(2) FS. Law Implemented 430.0402 FS. History—New _____.

58-2.003 Background Screening Requirements.

Pursuant to Section 430.0402(1)(a), F.S., a Level 2 background screening, consistent with the requirements of Chapter 435, F.S., is required for all direct service providers as defined in Section 430.0402(1)(b), F.S.

Rulemaking Authority 430.08, 435.01(2) FS. Law Implemented 430.0402 FS. History—New _____.

58-2.005 Implementation and Retention.

Pursuant to Section 430.0402, F.S., beginning August 1, 2010, the following is required:

(1) NEW DIRECT SERVICE PROVIDERS. Prior to employment or volunteerism, all new direct service providers must undergo a Level 2 background screening pursuant to Chapter 435, F.S., as a condition of employment or volunteerism and continued employment or volunteerism. Such screening shall ensure that a direct service provider has not been arrested awaiting final disposition of, has been found guilty of, regardless of adjudication, or entered a plea of nolo contendere or guilty to, or has been adjudicated delinquent and the record has not been sealed or expunged for, any offense prohibited under Section 430.0402 or 435.04, F.S., or a similar law of another jurisdiction.

(2) CURRENTLY EMPLOYED DIRECT SERVICE PROVIDERS.

(a) Employers of direct service providers, who have not been previously screened according to the screening standards of Chapter 435, F.S., must ensure that at least twenty percent (20%) of the available population of such individuals are screened pursuant to the Level 2 screening standards of Chapter 435, F.S., within 120 calendar days of August 1, 2010; and an additional twenty percent (20%) every 90 calendar days thereafter, until all direct service providers have successfully satisfied the screening standards of Chapter 435, F.S., or have applied for and received an exemption pursuant to Section 435.07, F.S.

(b) Employers having fewer than 5 direct service providers, who have not been previously screened according to the screening standards of Chapter 435, F.S., must ensure that all such direct service providers undergo a Level 2 background screening within the initial 120 calendar day window after August 1, 2010.

(3) EMPLOYER COORDINATION WITH DOEA. Employers of direct service providers are responsible for coordinating with the Department to ensure applicant fingerprint retention by FDLE in the Applicant Fingerprint Retention and Notification Program, whereby notification is automatically sent to the Department's Background Screening Coordinator, according to the procedures specified in Section 954.05, F.S., in the event of a direct service provider's subsequent arrest.

(4) RESCREENING REQUIREMENTS. Employers of direct service providers who previously qualified for employment or volunteer work under Level 1 screening standards and individuals required to be screened according to the Level 2 screening standards contained in Chapter 435, F.S., pursuant to Section 430.0402, F.S., shall be required to be rescreened every 5 years from the date of their last background screening or exemption, unless such individual's fingerprints are continuously retained and monitored by FDLE in the Applicant Fingerprint Retention and Notification Program, according to the procedures specified in Section 943.05, F.S., as indicated in subsection (3) of this rule.

Rulemaking Authority 430.08, 435.01(2) FS. Law Implemented 430.0402 FS. History–New _____.

58-2.007 Exceptions.

The following are exceptions to the background screening requirements specified in this rule:

(1) DEPARTMENT OF HEALTH: Licensed physicians, nurses, or other professionals licensed by DOH are not subject to the background screening requirements of Chapter 435, F.S., if they are providing a service that is within the scope of their licensed practice.

(2) AGENCY FOR HEALTH CARE ADMINISTRATION: Individuals qualified for employment by the Agency pursuant to the Agency's background screening standards for licensure or employment contained in Section 408.809, F.S., are not subject to subsequent or additional Level 2 background screening pursuant to Chapter 435, F.S., or the unique screening requirements of Section 430.0402, F.S., by virtue of their employment as a direct service provider, if they are providing a service that is within the scope of their licensed practice.

Rulemaking Authority 430.08, 435.01(2) FS. Law Implemented 430.0402 FS. History–New _____.

58-2.009 Electronic Submission of Fingerprints.

Beginning August 1, 2010, fingerprints submitted pursuant to Chapter 435, F.S., must be submitted electronically to FDLE, pursuant to Rule 58-2.005, F.A.C., unless a hardship exists. The hardship must prevent an individual's fingerprints from being submitted electronically, such as "flat prints." "Flat prints" occur when an individual's ridges on the skin have been worn so that an electronic fingerprint is ineffective. In such instances, ink-based fingerprints are sufficient to satisfy the provisions of this rule until July 1, 2012, when all must be submitted electronically pursuant to Section 435.04, F.S., with no exceptions

Rulemaking Authority 430.08, 435.01(2) FS. Law Implemented 430.0402 FS. History–New _____.

58-2.011 Background Screeners.

One of the entities listed in the subsections below may be utilized for Level 2 background screening as long as the entity verifies in writing to the employer that all background screeners have been subject to, and passed, a Level 1 background screening under the standards set forth in Chapter 435, F.S.

(1) Any screening company listed on the FDLE website as authorized to perform Level 2 LiveScan background screenings.

(2) Any local law enforcement capable of performing Level 2 Livescan background screenings, provided the equipment and electronic fingerprint data submission have been evaluated by FDLE to verify compliance with both FDLE and FBI regulations and standards.

Rulemaking Authority 430.08, 435.01(2) FS. Law Implemented 430.0402 FS. History--New _____.

58-2.013 Sharing of Screening Results.

The information that a particular direct service provider has successfully passed a Level 2 background screening may be shared among DOEA programs and providers. In addition, passage of a Level 2 background screening for one program or provider shall constitute passage for all programs and providers. However, the use of a Level 2 background screening by a subsequent program or provider shall not affect the applicable date for rescreening pursuant to Rule 58-2.005, F.A.C., if any. No information other than the fact that the applicant passed a Level 2 screening may be shared.

Rulemaking Authority 430.08, 435.01(2) FS. Law Implemented 430.0402 FS. History--New _____.

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.: 64B8-4.029
 RULE TITLE: Registration as a Dispensing Practitioner

PURPOSE AND EFFECT: The Board proposes the development of a rule amendment to incorporate the revised Dispensing Physician form and to address the delegation of dispensing to a prescribing physician assistant.

SUBJECT AREA TO BE ADDRESSED: The revised dispensing registration for physicians and delegation of dispensing to prescribing physician assistants.

RULEMAKING AUTHORITY: 458.309, 465.0276 FS.

LAW IMPLEMENTED: 465.0276, 458.347(4)(e) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Larry McPherson, Jr., Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253

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

DEPARTMENT OF HEALTH

Board of Medicine

RULE NO.: 64B8-8.001
 RULE TITLE: Disciplinary Guidelines

PURPOSE AND EFFECT: The Board proposes the development of rule amendments to address disciplinary guidelines for various violations.

SUBJECT AREA TO BE ADDRESSED: Amendments to the disciplinary guidelines.

RULEMAKING AUTHORITY: 456.0375(4)(c), 456.50(2), 456.0575, 456.079, 458.309, 458.331(5) FS.

LAW IMPLEMENTED: 456.0375(4)(c), 456.50(2), 456.0575, 456.072, 456.079, 458.331(5) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Larry McPherson, Jr., Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253

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

DEPARTMENT OF HEALTH

Board of Medicine

RULE NO.: 64B8-9.009
 RULE TITLE: Standard of Care for Office Surgery

PURPOSE AND EFFECT: The Board proposes the development of rule amendments to address the American Society of Anesthesiologists' most recent guidelines for office based anesthesia.

SUBJECT AREA TO BE ADDRESSED: The American Society of Anesthesiologists' most recent guidelines for office based anesthesia.

RULEMAKING AUTHORITY: 458.309(1), 458.331(1)(v) FS.

LAW IMPLEMENTED: 458.331(1)(g), (t), (v), (w) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Larry McPherson, Jr., Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253

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

DEPARTMENT OF HEALTH

Board of Optometry

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

PURPOSE AND EFFECT: The Board is correcting the concentration percentage of Bromfenac and the spelling of Nepafenac.

SUBJECT AREA TO BE ADDRESSED: Formulary of Topical Ocular Pharmaceutical Agents.

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

LAW IMPLEMENTED: 463.0055 FS.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B13-18.002 Formulary of Topical Ocular Pharmaceutical Agents.

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

- (1) through (5)(l) No change.
- (m) Bromfenac – .09 ~~0.0999~~%;
- (n) Nepafenac ~~Nopafenac~~ – 0.1%;
- (o) through (9)(e) No change.

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

DEPARTMENT OF HEALTH

Board of Speech-Language Pathology and Audiology

RULE NO.: 64B20-3.007
 RULE TITLE: Active Status License Fee
 PURPOSE AND EFFECT: Board proposes the rule amendment to reduce the renewal fee.
 SUBJECT AREA TO BE ADDRESSED: Active Status license Fee.

RULEMAKING AUTHORITY: 468.1145(1) FS.

LAW IMPLEMENTED: 456.036, 468.1145(8) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Christy Robinson, Acting Executive Director, Board of Speech-Language Pathology, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32314-3256

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

DEPARTMENT OF HEALTH

Board of Speech-Language Pathology and Audiology

RULE NO.: 64B20-7.001
 RULE TITLE: Disciplinary Guidelines

PURPOSE AND EFFECT: Board proposes to review the rule for possible updates to the disciplinary guidelines.

SUBJECT AREA TO BE ADDRESSED: Disciplinary Guidelines.

RULEMAKING AUTHORITY: 456.078, 468.1135(4) FS.

LAW IMPLEMENTED: 456.063, 456.072, 456.076, 456.078, 468.1295, 468.1296 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Christy Robinson, Acting Executive Director, Board of Speech-Language Pathology, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32314-3256

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

DEPARTMENT OF HEALTH

Division of Environmental Health

RULE NOS.:	RULE TITLES:
64E-18.001	General Provisions
64E-18.002	Definitions
64E-18.003	Requirements for Certification
64E-18.004	Issuance of Certificates and Renewals
64E-18.005	Notifications of Changes
64E-18.006	Suspension, Revocation, or Denial of Certifications
64E-18.007	Standards of Practice
64E-18.008	Disciplinary Guidelines
64E-18.010	Fees

PURPOSE AND EFFECT: The proposed changes will incorporate language which will maintain consistency with current statutory language; provide enforcement flexibility to attorneys by including existing statutory language into this rule; clarify a very complicated fee structure; and strengthen continuing education requirements.

SUBJECT AREA TO BE ADDRESSED: The areas to be addressed include standards of practice and disciplinary guidelines, fees, continuing education, certification renewals, forms and definitions.

RULEMAKING AUTHORITY: 381.0101(4), 381.0101(5), 381.0101(7) FS.

LAW IMPLEMENTED: 381.0101 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: David B. Wolfe, Environmental Health Consultant, 4052 Bald Cypress Way, Bin #A08, Tallahassee, Florida 32399-1710, (850)245-4277

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

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Family Safety and Preservation Program

RULE NOS.:	RULE TITLES:
65C-22.005	Food and Nutrition
65C-22.008	School Age Child Care
65C-22.010	Enforcement

PURPOSE AND EFFECT: The rule revision is to clarify food hygiene, preparation and storage standards, and update background screening requirements to ensure the safety and well-being of the children attending child care licensed by Department of Children and Families.

SUBJECT AREA TO BE ADDRESSED: Proposed changes to child care.

RULEMAKING AUTHORITY: 402.305 FS.

LAW IMPLEMENTED: 402.305 FS.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIMES AND PLACES SHOWN BELOW:

DATE AND TIMES: September 3, 2010:

Workshop 1: 9:00 a.m – Tallahassee

Workshop 2: 1:00 p.m. – Teleconference

PLACES: Workshop 1: Meeting held at 1317 Winewood Blvd., Bldg. 4, Tallahassee, Florida 32399

Workshop 2: Meeting held via teleconference. Please visit www.myflorida.com/childcare, for more instructions.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Department of Children and Family Services, Child Care Program Office-Policy Unit, 1317 Winewood Blvd., Bldg. 6, 3rd Floor, Rm 389A, Tallahassee, Florida 32399-0700, or by calling (850)488-4900. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Department of Children and Family Services, Child Care Program Office-Policy Unit, 1317 Winewood Blvd., Bldg. 6, 3rd Floor, Rm 389A, Tallahassee, Florida 32399-0700, or by calling (850)488-4900

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

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Family Safety and Preservation Program

RULE NOS.:	RULE TITLES:
65C-36.001	Definitions
65C-36.002	General Provisions
65C-36.003	Responsibilities of the Florida Abuse Hotline
65C-36.004	Responsibilities Related to the Child Protective Investigation
65C-36.005	Responsibilities of the Department of Children and Family Services Region Director
65C-36.006	Responsibilities of the Lead Agency

- 65C-36.007 State Child Fatality Prevention Specialist Responsibilities
- 65C-36.008 Region Child Fatality Prevention Specialist Responsibilities
- 65C-36.009 Dispute Resolution

PURPOSE AND EFFECT: The rule is being promulgated to specify roles and responsibilities of staff involved with the intake, child protective investigation and review of circumstances when a child dies due to alleged abuse, neglect or abandonment; during the course of a child protective investigation; or while receiving child welfare services. Upon promulgation of this rule, Rules 65C-30.020 and 65C-30.021, F.A.C., will be repealed.

SUBJECT AREA TO BE ADDRESSED: Intake, investigation and review of child deaths due to alleged abuse, neglect or abandonment.

RULEMAKING AUTHORITY: 39.012, 39.0121, 39.301, 409.1671 FS.

LAW IMPLEMENTED: 39.012, 39.0121, 39.201, 39.202, 39.301, 39.306, 383.402, 409.165 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Keith Perlman, 1317 Winewood, Bldg. 1, Suite 307A, Tallahassee, FL 32399-0700, phone: (850)922-2195; email: keith_perlman@dcf.state.fl.us

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

DEPARTMENT OF FINANCIAL SERVICES

Division of State Fire Marshal

- RULE NO.: 69A-3.012
- RULE TITLE: Standards of the National Fire Protection Association and Other Standards Adopted

PURPOSE AND EFFECT: The purpose is to promulgate the triennial update of the Florida Fire Prevention Code as directed by Section 633.0215(1), F.S.

SUBJECT AREA TO BE ADDRESSED: Florida Fire Prevention Code.

RULEMAKING AUTHORITY: 633.01(1), 633.022, 633.0215, 633.027 FS.

LAW IMPLEMENTED: 633.01, 633.022, 633.0215, 633.027 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATES, TIMES AND PLACES SHOWN BELOW:

DATES AND TIMES: Monday, September 20, 2010, 10:00 a.m. Central Standard Time, Tuesday, September 21, 2010, 2:00 a.m., Wednesday, September 22, 2010, 10:00 a.m., Thursday, September 23, 2010, 10:00 a.m.

PLACE: Callaway Arts & Conference Center, 500 Callaway Park Way, Callaway, Florida 32404, Jimmy B. Keel Library – Community Room, 2902 Bearss Avenue, Tampa, Florida 33618-1828, Dimick Building, 111 South Sapodilla Avenue, Room 112-A/113-B, West Palm Beach, Florida 33401, Florida Department of Law Enforcement, 4700 Terminal Drive, Suite 1, Ft. Myers, Florida 33907

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Jim Goodloe, Chief, Bureau of Fire Prevention, 325 John Knox Road, Tallahassee, Florida – (850)413-3620, Jim.Goodloe@myfloridacfo.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Jim Goodloe, Chief, Bureau of Fire Prevention, 325 John Knox Road, Tallahassee, Florida, (850)413-3620, Jim.Goodloe@myfloridacfo.com

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

DEPARTMENT OF FINANCIAL SERVICES

Division of State Fire Marshal

- RULE NOS.: 69A-43.018
- RULE TITLES: One and Two Family Dwellings, Recreational Vehicles and Mobile Homes Licensed as Public Lodging Establishments
- 69A-43.019
- Standards of the National Fire Protection Association Adopted

PURPOSE AND EFFECT: The purpose of the rule amendments is to conform the rules to Section 49, House Bill 663, adopting Section 633.025(11), Florida Statutes, effective July 1, 2010. The effect is to allow one and two family residential dwellings to be offered for rent without having installed an automatic fire sprinkler system.

SUBJECT AREA TO BE ADDRESSED: Automatic fire sprinkler systems in one and two family residential dwellings.

RULEMAKING AUTHORITY: 509.215(5), 633.01, 633.022(1)(b), 721.24(5) FS.

LAW IMPLEMENTED: 509.215, 633.022(1)(b), 633.025(11) FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATES, TIMES AND PLACES SHOWN BELOW:

DATES AND TIMES: Tuesday, September 21, 2010, 1:00 a.m., Wednesday, September 22, 2010, 9:00 a.m., Thursday, September 23, 2010, 9:00 a.m.

PLACES: Jimmy B. Keel Library – Community Room, 2902 Bearss Avenue, Tampa, Florida 33618-1828; Dimick Building, 111 South Sapodilla Avenue, Room 112-A/113-B, West Palm Beach, Florida 33401: Florida Department of Law Enforcement, 4700 Terminal Drive, Suite 1, Ft. Myers, Florida Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Jim Goodloe, Chief, Bureau of Fire Prevention, 325 John Knox Road, Tallahassee, Florida – (850)413-3620, Jim.Goodloe@myfloridacfo.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Jim Goodloe, Chief, Bureau of Fire Prevention, 325 John Knox Road, Tallahassee, Florida – (850)413-3620, Jim.Goodloe@myfloridacfo.com

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

DEPARTMENT OF FINANCIAL SERVICES

Division of State Fire Marshal

RULE NOS.:	RULE TITLES:
69A-60.002	Scope; Description of Florida Fire Prevention Code
69A-60.003	Standards of the National Fire Protection Association, NFPA 1, the Uniform Fire Code, Florida 2006 Edition, Adopted
69A-60.004	Standards of the National Fire Protection Association, NFPA 101, the Life Safety Code, Florida 2006 Edition, Adopted
69A-60.005	Publications Referenced in NFPA 1, the Florida 2006 Edition, and NFPA 101, the Florida 2006 Edition, Added to the Florida Fire Prevention Code

PURPOSE AND EFFECT: The purpose is to promulgate the triennial update of the Florida Fire Prevention Code as directed by Section 633.0215(1), F.S.

SUBJECT AREA TO BE ADDRESSED: Florida Fire Prevention Code.

RULEMAKING AUTHORITY: 633.01, 633.0215, 633.025 FS.

LAW IMPLEMENTED: 633.01, 633.0215, 633.025 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATES, TIMES AND PLACES SHOWN BELOW:

DATES AND TIMES: Monday, September 20, 2010, 10:00 a.m. Central Standard Time, Tuesday, September 21, 2010, 2:00 a.m., Wednesday, September 22, 2010, 10:00 a.m., Thursday, September 23, 2010, 10:00 a.m.

PLACES: Callaway Arts & Conference Center, 500 Callaway Park Way, Callaway, Florida 32404, Jimmy B. Keel Library – Community Room, 2902 Bearss Avenue, Tampa, Florida 33618-1828, Dimick Building, 111 South Sapodilla Avenue, Room 112-A/113-B, West Palm Beach, Florida 33401: Florida Department of Law Enforcement, 4700 Terminal Drive, Suite 1, Ft. Myers, Florida 33907

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Jim Goodloe, Chief, Bureau of Fire Prevention, 325 John Knox Road, Tallahassee, Florida – (850)413-3620, Jim.Goodloe@myfloridacfo.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Jim Goodloe, Chief, Bureau of Fire Prevention, 325 John Knox Road, Tallahassee, Florida – (850)413-3620, Jim.Goodloe@myfloridacfo.com

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

DEPARTMENT OF FINANCIAL SERVICES

Division of Worker’s Compensation

RULE NOS.:	RULE TITLES:
69L-7.020	Florida Workers’ Compensation Health Care Provider Reimbursement Manual
69L-7.100	Florida Workers’ Compensation Reimbursement Manual for Ambulatory Surgical Centers (ASCs)

PURPOSE AND EFFECT: To adopt the new versions of the Florida Workers' Compensation Reimbursement Manual for Health Care Providers and the Florida Workers' Compensation Reimbursement Manual for Ambulatory Surgical Centers, 2010 Editions, and to implement the reimbursement rates authorized by the Three Member Panel, pursuant to Section 440.13(12), F.S., at its meeting on December 18, 2009. In addition, both proposed rules will adopt updated versions of the American Medical Association Current Procedural Terminology, CPT© 2010 Professional Edition, Copyright 2009, the American Medical Association's "Healthcare Common Procedure Coding System, Medicare's National Level II Codes Manual" HCPCS 2010, Copyright 2009, Ingenix Publishing Group, and the American Dental Association Current Dental Terminology, CDT© 2009/2010, Copyright 2008.

SUBJECT AREA TO BE ADDRESSED: Reimbursement to health care providers and ambulatory surgical centers for services performed for injured workers pursuant to Section 440.13, Florida Statutes.

RULEMAKING AUTHORITY: 440.13(4), (14)(b), 440.591 FS.

LAW IMPLEMENTED: 440.13(7), (12), (14)(c) FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIMES AND PLACE SHOWN BELOW:

DATE AND TIMES: Thursday, September 16, 2010, 9:00 a.m. – 10:30 a.m. and 11:00 a.m. – 12:30 p.m.

PLACE: Room 104J, Hartman Building., 2012 Capital Circle Southeast, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Samuel Willis III, (850)413-1898 or Sam.Willis@myfloridacfo.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Samuel Willis III, Medical/Health Care Analyst, Division of Workers' Compensation, Office of Medical Services, Department of Financial Services, 200 E. Gaines Street, Tallahassee, Florida 32399-4226, (850)413-1898, SAM.WILLIS@MYFLORIDACFO.COM

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

69L-7.020 Florida Workers' Compensation Health Care Provider Reimbursement Manual.

(1) The Florida Workers' Compensation Health Care Provider Reimbursement Manual, 2010 ~~2008~~ Edition, is adopted by reference as part of this rule. The manual contains the Maximum Reimbursement Allowances determined by the Three-Member Panel, pursuant to Section 440.13(12), F.S., and establishes reimbursement policies, guidelines, codes and maximum reimbursement allowances for services and supplies provided by health care providers. Also, the manual includes reimbursement policies and payment methodologies for pharmacists and medical suppliers.

(2) The CPT® 2010 ~~2009~~ Current Procedural Terminology Professional Edition, Copyright 2009 ~~2008~~, American Medical Association; the Current Dental Terminology, CDT-2009/2010 ~~2007/2008~~, Copyright 2008 ~~2006~~, American Dental Association; and in part for D codes and for injectable J codes, and for other medical services and supply codes, the "Healthcare Common Procedure Coding System, Medicare's National Level II Codes, HCPCS 2010 ~~2009~~", American Medical Association, ~~Twenty-first Edition~~, Copyright 2009 ~~2008~~, Ingenix Publishing Group, are adopted by reference as part of this rule. When a health care provider performs a procedure or service which is not listed in the Florida Workers' Compensation Health Care Provider Reimbursement Manual, 2010 ~~2008~~ Edition incorporated above, the provider must use a code contained in the CPT®-2010 ~~2009~~, CDT-2009/2010 ~~2007/2008~~ or HCPCS-2010 ~~2009~~ as specified in this section.

(3) The Florida Workers' Compensation Health Care Provider Reimbursement Manual, 2010 ~~2008~~ Edition incorporated above, is available for inspection during normal business hours at the Florida Department of Financial Services, Document Processing Section, 200 East Gaines Street, Tallahassee, Florida 32399-0311, or via the Department's web site at <http://www.fldfs.com/wc>.

Rulemaking Specific Authority 440.13(14)(b), 440.591 FS. Law Implemented 440.13(7), (12), (14)(c) FS. History—New 10-1-82, Amended 3-16-83, 11-6-83, 5-21-85, Formerly 38F-7.20, Amended 4-1-88, 7-20-88, 6-1-91, 4-29-92, 2-18-96, 9-1-97, 12-15-97, 9-17-98, 9-30-01, 7-7-02, Formerly 38F-7.020, 4L-7.020, Amended 12-4-03, 1-1-04, 7-4-04, 5-9-05, 9-4-05, 11-16-06, 10-18-07, _____.

69L-7.100 Florida Workers' Compensation Reimbursement Manual for Ambulatory Surgical Centers (ASCs).

(1) The Florida Workers' Compensation Reimbursement Manual for Ambulatory Surgical Centers, 2010 ~~2006~~ Edition, (ASC Reimbursement Manual) is incorporated by reference as part of this rule. The ASC Reimbursement Manual contains the Maximum Reimbursement Allowances determined by the Three-Member Panel, pursuant to Section 440.13(12), Florida Statutes and establishes reimbursement policies, guidelines, codes and maximum reimbursement allowances (MRAs) for services provided to an injured worker in connection with a

surgical procedure performed in an Ambulatory Surgical Center. The ASC Reimbursement Manual is available for inspection during normal business hours at the Florida Department of Financial Services, Document Processing Section, 200 East Gaines Street, Tallahassee, Florida 32399-0311, or via the Department’s web site at <http://www.fldfs.com/wc>.

(2) The ASC Reimbursement Manual refers to a number of procedure codes and modifiers that are consistent with the Current Procedural Terminology (CPT®), developed and published by the American Medical Association. When a service or procedure is performed that does not have a code listed in the ASC Reimbursement Manual, the Ambulatory Surgical Center shall refer to the Current Procedural Terminology (CPT®), 2010 ~~2007~~ Copyright 2009 ~~2006~~, American Medical Association, which is hereby incorporated by reference as part of this rule.

(3) The Current Dental Terminology (CDT-2009/2010 ~~2007/2008~~), Copyright 2008 ~~2006~~, American Dental Association, and the Healthcare Common Procedure Coding System, Medicare’s National Level II Codes, HCPCS 2010 ~~2007~~, Twenty-second ~~Nineteenth~~ Edition, Copyright 2009 ~~2006~~, Ingenix Publishing Group, are incorporated by reference as part of this rule, for dental D codes, injectable J codes, and other medical services or supply codes as specified in the ASC Reimbursement Manual.

(4) The Florida Workers’ Compensation Health Care Provider Reimbursement Manual, 2010 ~~2006~~, incorporated by reference into Rule 69L-7.020, F.A.C., is also incorporated by reference into this rule. The Florida Workers’ Compensation Health Care Provider Reimbursement Manual, 2010 ~~2006~~, is available for inspection during normal business hours at the Florida Department of Financial Services, Document Processing Section, 200 East Gaines Street, Tallahassee, Florida 32399-0311, or via the Department’s web site at <http://www.fldfs.com/wc>.

Rulemaking Specific Authority 440.13(4), ~~(14)~~, 440.591 FS. Law Implemented 440.13(7), (12), (14) FS. History–New 8-7-91, Amended 12-31-92, Formerly 38F-7.100, 4L-7.100, Amended 9-4-05,_____.

FINANCIAL SERVICES COMMISSION

OIR – Insurance Regulation

RULE NO.: 69O-170.0155 RULE TITLE: Forms
 PURPOSE AND EFFECT: To update Form OIR-B1-1802 “Uniform Mitigation Verification Inspection Form” to reflect 2010 statutory changes and other issues related to the form.
 SUBJECT AREA TO BE ADDRESSED: Revisions to Form OIR-B1-1802 titled “Uniform Mitigation Verification Inspection Form” used in conducting inspections for hurricane premium discounts.

RULEMAKING AUTHORITY: 624.308(1), 627.711, 627.736 FS.

LAW IMPLEMENTED: 215.5586, 624.307(1), 627.062, 627.0629, 627.0645, 626.711, 627.736 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: September 22, 2010, 9:30 a.m.
 PLACE: 116 Larson Building, 200 East Gaines Street, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Michael Milnes, Bureau of Property and Casualty, Office of Insurance Regulation, E-mail michael.milnes@flor.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Michael Milnes, Bureau of Property and Casualty, Office of Insurance Regulation, E-mail michael.milnes@flor.com.

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

FINANCIAL SERVICES COMMISSION

Office of Financial Regulation

RULE NO.: 69V-85.006 RULE TITLE: Electronic Filing of Forms and Fees
 PURPOSE AND EFFECT: The proposed rule amendments simplify the process of requesting an exemption from the requirement that forms and fees be filed electronically through the Office of Financial Regulation’s Regulatory Enforcement and Licensing (REAL) System. This rule pertains to persons and businesses required to be licensed under Chapter 520, Florida Statutes.

SUBJECT AREA TO BE ADDRESSED: Retail Installment Sales.

RULEMAKING AUTHORITY: 520.994(5) FS.
 LAW IMPLEMENTED: 520.03, 520.32, 520.63, 520.999 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Gregory C. Oaks, Chief, Bureau of Regulatory Review, Finance, Division of Finance,

Office of Financial Regulation, 200 East Gaines Street, Tallahassee, FL 32399-0376, phone (850)410-9805, Facsimile (850)410-9914, E-mail: Greg.Oaks@flofr.com

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

69V-85.006 Electronic Filing of Forms and Fees.

(1) For purposes of this rule, "REAL System" means the Office of Financial Regulation's Regulatory Enforcement and Licensing System, which is accessible through the Office of Financial Regulation's website at www.flofr.com.

(2) All forms adopted under Rules 69V-85.002 and 69V-85.003, F.A.C., must be filed with the Office of Financial Regulation through the REAL system.

(3) All fees required to be filed with the Office of Financial Regulation under Rule 69V-85.003, F.A.C., must be filed through the REAL System.

(4) Any person may request an exemption from the electronic filing requirements of this rule by submitting Form OFR-520-04, Request for Exemption from Electronic Filing Requirements, ~~a written request~~ to: Office of Financial Regulation, Division of Finance, Bureau of Regulatory Review, 200 E. Gaines Street, Tallahassee, Florida 32399-0351. ~~The request must set forth the person's technological or financial hardship that makes it difficult for the person to file forms and pay fees electronically. The request must be legible and include the applicant's or licensee's name, contact person, address and telephone number.~~ The Office of Financial Regulation will provide any person granted an exemption under this subsection with instructions on how to file forms and fees in paper format. Form OFR-520-04 is hereby incorporated by reference and available on the Office's website at www.flofr.com and by mail from the Office of Financial Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0376.

Rulemaking Authority 520.994(5) FS. Law Implemented 520.03, 520.32, 520.52, 520.63, 520.999 FS. History--New 9-20-09, Amended _____.

FINANCIAL SERVICES COMMISSION

Office of Financial Regulation

RULE NO.: RULE TITLE:

69V-160.036 Electronic Filing of Forms and Fees

PURPOSE AND EFFECT: The proposed rule amendments simplify the process of requesting an exemption from the requirement that forms and fees be filed electronically through the Office of Financial Regulation's Regulatory Enforcement and Licensing (REAL) System. The amendments also set forth the types of technological or financial hardships that will enable a person to qualify for an exemption. This rule pertains to persons and businesses required to be licensed under Chapter 516, Florida Statutes.

SUBJECT AREA TO BE ADDRESSED: Consumer Finance.
RULEMAKING AUTHORITY: 516.03 FS.

LAW IMPLEMENTED: 516.03 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Gregory C. Oaks, Chief, Bureau of Regulatory Review, Finance, Division of Finance, Office of Financial Regulation, 200 East Gaines Street, Tallahassee, FL 32399-0376, phone (850)410-9805, Facsimile (850)410-9914, E-mail: Greg.Oaks@flofr.com

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

69V-160.036 Electronic Filing of Forms and Fees.

(1) For purposes of this rule, "REAL System" means the Office of Financial Regulation's Regulatory Enforcement and Licensing System, which is accessible through the Office of Financial Regulation's website at www.flofr.com.

(2) All forms adopted under Rule 69V-160.030, F.A.C., must be filed with the Office of Financial Regulation through the REAL system.

(3) All fees required to be filed with the Office of Financial Regulation under Rules 69V-160.030 and 69V-160.031, F.A.C., must be filed through the REAL System.

(4) Any person may request an exemption from the electronic filing requirements of this rule by submitting Form OFR-516-02, Request for Exemption from Electronic Filing Requirements, ~~a written request~~ to: Office of Financial Regulation, Division of Finance, Bureau of Regulatory Review, 200 E. Gaines Street, Tallahassee, Florida 32399-0351. ~~The request must set forth the person's technological or financial hardship that makes it difficult for the person to file forms and pay fees electronically. The request must be legible and include the applicant's or licensee's name, contact person, address and telephone number.~~ The Office of Financial Regulation will provide any person granted an exemption under this subsection with instructions on how to file forms and fees in paper format. Form OFR-516-02 is hereby incorporated by reference and available on the Office's website at www.flofr.com and by mail from the Office of Financial Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0376.

Rulemaking Authority 516.03 FS. Law Implemented 516.03 FS. History--New 9-20-09, Amended _____.

FINANCIAL SERVICES COMMISSION

Office of Financial Regulation

RULE NOS.: RULE TITLES:
 69V-560.1012 Adoption of Forms
 69V-560.1013 Electronic Filing of Forms and Fees

PURPOSE AND EFFECT: The proposed rule amendments simplify the process of requesting an exemption from the requirement that forms and fees be filed electronically through the Office of Financial Regulation’s Regulatory Enforcement and Licensing (REAL) System. This rule pertains to persons and businesses required to be licensed under Chapter 560, Florida Statutes.

SUBJECT AREA TO BE ADDRESSED: Money Services Businesses.

RULEMAKING AUTHORITY: 560.105 FS.

LAW IMPLEMENTED: 560.105 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Gregory C. Oaks, Chief, Bureau of Regulatory Review, Finance, Division of Finance, Office of Financial Regulation, 200 East Gaines Street, Tallahassee, FL 32399-0376, phone (850)410-9805, Facsimile (850)410-9914, E-mail: Greg.Oaks@flofr.com

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

69V-560.1012 Adoption of Forms.

(1) The following forms are incorporated by reference and readopted by this rule for the purposes of Rules 69V-560.102-.913, F.A.C.:

(a) Application for Licensure as a Money Services Business, Form OFR-560-01, effective 10-18-09.

(b) Location Notification Form, Form OFR-560-02, effective 1-13-09.

(c) Declaration of Intent to Engage in Deferred Presentment Transactions, Form OFR-560-03, effective 1-13-09.

(d) Money Services Business Quarterly Report Form, Form OFR-560-04, effective 1-13-09.

(e) Pledge Agreement, Form OFR-560-05, effective 1-13-09.

(f) Money Services Business Surety Bond Form, Form OFR-560-06, effective 1-13-09.

(g) Security Device Calculation Form, Form OFR-560-07, effective 10-18-09.

(h) Request for Exemption from Electronic Filing Requirements, Form OFR-560-08, effective _____.

~~(i)(h)~~ Florida Fingerprint Card (FL922720Z), effective 1-13-09.

~~(j)(f)~~ Currency Transaction Report, FinCEN Form 104, effective 1-13-09.

~~(k)(f)~~ Suspicious Activity Report by Money Services Business, FinCEN Form 109, effective 1-13-09.

~~(l)(k)~~ Report of International Transportation of Currency or Monetary Instruments, FinCEN Form 105, effective 1-13-09.

(2) All forms adopted by this rule are available on the Office’s website at www.flofr.com and by mail from the Office of Financial Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0376.

Rulemaking Authority 560.105, 560.118, 560.141, 560.2085, 560.209, 560.403 FS. Law Implemented 560.118, 560.140, 560.141, 560.205, 560.2085, 560.209, 560.403, 943.053 FS. History–New 1-13-09, Amended 10-18-09, _____.

69V-560.1013 Electronic Filing of Forms and Fees.

(1) For purposes of this rule, “REAL System” means the Office of Financial Regulation’s Regulatory Enforcement and Licensing System, which is accessible through the Office’s website at www.flofr.com.

(2) All forms adopted under paragraphs 69V-560.1012(1)(a) through (1)(g), F.A.C., must be filed electronically with the Office through the REAL system.

(3) All fees required to be filed with the Office under Chapter 69V-560, F.A.C., must be paid electronically through the REAL System.

~~(4) Any person may request an exemption from the petition for a waiver of the requirement of electronic filing requirements of this rule by submitting Form OFR-560-08, Request for Exemption from Electronic Filing Requirements, to: Office of Financial Regulation, Division of Finance, Bureau of Regulatory Review, 200 E. Gaines Street, Tallahassee, Florida 32399-0351. The Office of Financial Regulation will provide any person granted an exemption under this subsection with instructions on how to file forms and fees in paper format. Form OFR-560-08 is incorporated by reference in Rule 69V-560.1012, F.A.C. of any form or fee under Chapter 69V-560, F.A.C., by filing a petition under Rule 28-106.301, F.A.C. The petition must demonstrate a technological or financial hardship that entitles the person to file the form or fees in a paper format. The Office will provide any person granted a waiver under this subsection a hardcopy version of the applicable form.~~

Rulemaking Specific Authority 560.105 FS. Law Implemented 560.105 FS. History–New 1-13-09, Amended _____.

Section II
Proposed Rules

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: 6A-1.0404
 RULE TITLE: Zero Tolerance for School Related Violent Crime

PURPOSE AND EFFECT: Section 1006.13, Florida Statutes, requires district school boards to adopt policies that address zero-tolerance for violet crime and victimization. The statute further outlines the specific criteria to be addressed by each school district relating to the development of these policies. As the State Board is not provided rulemaking authority but rather the responsibility is placed on each school district, the rule is recommended for repeal.

SUMMARY: The rule is to be repealed.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared.

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

RULEMAKING AUTHORITY: 1001.02 FS.

LAW IMPLEMENTED: 1001.02 FS.

A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: September 21, 2010, 9:00 a.m.
 PLACE: Room LL03, The Capitol, 400 South Monroe Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joe Davis, Bureau Chief, Family and Community Outreach, Department of Education, 325 West Gaines Street, Room 544, Tallahassee, Florida; (850)245-0847 or joseph.davis@fldoe.org

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-1.0404 Zero Tolerance for School Related Violent Crime.

Rulemaking Specific Authority 229.053(1), 229.592(5) FS. Law Implemented 229.591(3), 229.592, 230.23(6)(c), (d), 230.335, 231.06, 232.26 FS., Sections 126 and 136 through 143 of Chapter 94-209, Laws of Florida. History--New 1-2-95, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Dr. Frances Haithcock, Chancellor, K-12 Public Schools.

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Dr. Eric Smith, Commissioner, Department of Education.

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 10, 2010

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: 6A-1.0955
 RULE TITLE: Education Records

PURPOSE AND EFFECT: The 2009 Legislature revised Florida's student records law in order to ensure that it aligns with federal requirements. Section 1002.22, F.S., now directs the Department of Education to review the provisions of the Family Education Rights and Privacy Act (FERPA) to ensure that it complies with certain protections and notices and adopt rules to administer Florida's student records laws provisions. The revised rule reflects recent revisions to Section 1002.22, F.S., and 34 C.F.R. 99.1, et seq. and the creation of Section 1002.221, F.S., in order to ensure that Florida's student records law is complaint with FERPA. The revisions update statutory references, delete obsolete references and provisions, amend definitions, revise record keeping and notice requirements, and make other revisions necessary to ensure compliance with FERPA and establish the obligations of public schools and agencies when managing these records. The result will be a rule that reflects the current requirements of FERPA and provides public schools with a framework for complying with student records requirements.

SUMMARY: This rule amendment will further ensure continued compliance with state and federal laws on student record maintenance, access, and privacy.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared.

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

RULEMAKING AUTHORITY: 1001.02(1), 1002.22(3), 1003.25 FS.

LAW IMPLEMENTED: 1001.42(13), 1001.52(2), (3), 1002.22, 1002.221, 1003.25, 1008.386, 1008.39, 1008.405 FS.

A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: September 21, 2010, 9:00 a.m.
 PLACE: The Florida Capitol, 400 S. Monroe Street, Room LL03, Tallahassee, Florida 32399

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Lynn Abbott at (850)245-9661 or email: lynn.abbott@fldoe.org. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Margaret O'Sullivan Parker, Office of the General Counsel, 325 West Gaines Street, Suite 1244, Tallahassee, FL 32399, (850)245-0443

THE FULL TEXT OF THE PROPOSED RULE IS:

(Substantial rewording of Rule 6A-1.0955 follows. See Florida Administrative Code for present text.)

6A-1.0955 Education Records of ~~Pupils and Adult Students~~.

(1) Purposes. This rule applies to education records maintained to facilitate the instruction, guidance, and educational progress of pupils and adult students in programs operated under the authority and direction of a district school board or other agency or institution as defined in Section 1002.22(1), F.S. This rule is intended to further the intent of Section 1002.22(2), F.S., that the rights of students and their parents with respect to education records created, maintained, or used by public educational institutions and agencies shall be protected in accordance with the Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. s. 1232g, the implementing regulations issued pursuant thereto, and Sections 1002.22 and 1002.221, F.S. For the purpose of this rule, the term "education records" refers to those records that are included in the definition of "education records" found in 34 CFR § 99.3.

(2) Information contained in education records shall be classified as follows:

(a) Category A: Information for each student which shall be kept current while the student is enrolled and retained permanently in the manner prescribed by Section 1001.52(2), F.S.

(b) Category B: Information which is subject to periodic review and elimination when the information is no longer useful in the manner prescribed by Section 1001.52(3), F.S.

(3) Content of Category A records. The following information shall be maintained for each student:

(a) Student's full legal name.

(b) Authenticated birthdate, place of birth, race, ethnicity and sex.

(c) Last known address of the student.

(d) Names of the student's parent(s) or guardian(s).

(e) Name and location of last school attended.

(f) Number of days present and absent, date enrolled and date withdrawn.

(g) Courses taken and record of achievement, such as grades, units, or certification of competence.

(h) Date of graduation or date of program completion, and

(i) Records of requests for access to and disclosure of personally identifiable information from the education records of the student as required by FERPA.

(4) Content of Category B records. These records may include but are not limited to the following:

(a) Health information and health care plans.

(b) Family background data.

(c) Standardized test scores.

(d) Educational and career plans.

(e) Honors and activities.

(f) Work experience reports.

(g) Teacher comments.

(h) Reports of student services or exceptional student staffing committees including all information required by Section 1001.42(13), F.S..

(i) Correspondence from community agencies or private professionals.

(j) Driver education certificate.

(k) List of schools attended.

(l) Written agreements of corrections, deletions or expunctions as a result of meetings or hearings to amend educational records, and

(m) Records designated for retention by the Florida Department of State in General Records Schedule GS7 for *Public Schools Pre-K – 12, Adult and Vocational/Technical*.

(5) School districts shall maintain sufficient information, to include social security numbers for adult students enrolled in a postsecondary program so that they can be located after they have either withdrawn or completed a program of study.

(6) Each school board shall adopt a policy for educational records which shall include:

(a) Provisions for an annual written notice and other notices necessary to inform the adult students or the parent or guardian of students of their rights as defined in Section 1002.22(2), F.S., and FERPA. The district shall develop methods of notice for informing the parent or guardian of students, or adult students unable to comprehend a written notice in English.

(b) Provisions for permitting the adult student or the parent or guardian of the student who is or has been in attendance in the school district to inspect and review the education records of the student. The district shall comply with a request within a reasonable period of time, but in no case more than thirty (30) days after it has been made.

(c) Provisions for adult students or the parent or guardian of students to exercise the right of waiver of access to confidential letters or statements. School districts may not require that adult students or the parent or guardian of students waive any of their rights under Section 1002.22(2), F.S., and FERPA.

(d) A schedule of fees and charges for copies of education records which charges no more than the fees and charges for public records as set forth in Section 119.07, F.S. In no circumstance shall the cost reflect the costs to retrieve the education records.

(e) A listing of the types and locations of education records maintained by the educational agency and the titles and addresses of the officials responsible for those records.

(f) Provisions for disclosure of personally identifiable information where prior written consent of the adult student or the parent or guardian of students is not required.

(g) Provisions for disclosure of personally identifiable information where prior written consent of the adult student or the parent or guardian of a student, as appropriate, is required, and provisions for maintaining records of requests and disclosures.

(h) Provisions for the maintenance and security of student records, including procedures to ensure the confidentiality of student records and safeguard records from unauthorized or unintentional access.

(i) Provisions for disclosure of personally identifiable information in health and safety emergencies.

(j) Provisions for disclosure of directory information.

(k) Provisions for challenging the content of any record which the adult student or the parent or guardian of a student believe to be inaccurate, misleading or a violation of the right of privacy and for providing an opportunity for amendment of such information, and

(l) Provisions for ensuring the accuracy of information maintained and for periodic review and elimination of information no longer useful, in the manner prescribed by Section 1001.52(3), F.S.

(7) Procedures for transfer of education records.

(a) The transfer of records shall be made immediately upon written request of an adult student, a parent or guardian of a student or a receiving school. The principal or designee shall transfer a copy of all Category A and Category B information and shall retain a copy of Category A information; however, student records which are required for audit purposes for programs listed in Section 1010.305, F.S., shall be maintained in the district for the time period indicated in Rule 6A-1.04513, F.A.C.

(b) The transfer of education records shall not be delayed for nonpayment of a fee or fine assessed by the school.

(8) Security of education records.

(a) The school principal or designee shall be responsible for the privacy and security of all student records maintained in the school.

(b) The superintendent of schools or designee shall be responsible for the privacy and security of all student records that are not under the supervision of a school principal.

(c) Institutions and agencies that are not part of a school district shall designate the office or position responsible for the privacy and security of all student records.

Rulemaking Specific Authority 1001.02(1), 1002.22(3), 1003.25(2) FS. Law Implemented 1001.42(13)(4)(4), 1001.52(2), (3), 1002.22(3), 1002.221, 1003.25, 1008.386, 1008.39, 1008.405 FS. History—New 4-11-70, Repromulgated 12-5-74, Revised 6-1-75, Amended 10-7-75, 2-21-77, 3-1-78, 5-24-81, Formerly 6A-1.955, Amended 6-17-87, 1-2-95, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Deborah Kearney, Office of General Counsel

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Dr. Eric Smith, Commissioner, Department of Education

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 10, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 22, 2010

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.:
6A-1.099821

RULE TITLE:
Voluntary Prekindergarten (VPK)
Provider Kindergarten Readiness
Rate

PURPOSE AND EFFECT: The purpose of the amendment is to adopt procedures for the Department to calculate each Voluntary Prekindergarten Provider's 2009-2010 Kindergarten Readiness Rate. These readiness rates must be based exclusively upon the results of the statewide kindergarten screening for students completing the VPK education program during the 2009-10 school year and who are administered the statewide kindergarten screening during the 2010-11 school year. The effect is to implement the requirements of Section 1002.69, F.S., and continued implementation of the calculation of kindergarten provider readiness rates.

SUMMARY: This rule prescribes the procedures for the Department of Education to use to calculate each Voluntary Prekindergarten Provider's 2009-10 Kindergarten Readiness Rate.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The costs to the Department are estimated to be \$80,000. There are no estimated costs to other states or local governmental entities. Although small businesses will be subject to the rule, the Department estimates no regulatory cost increase as a result of the proposed revisions.

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

RULEMAKING AUTHORITY: 1002.69(5), (6), 1002.73(2)(d) FS.

LAW IMPLEMENTED: 1002.69(5), (6) FS.

A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: September 21, 2010, 9:00 a.m.
 PLACE: The Capitol, Room LL03, 400 South Monroe Street, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Lynn Abbott at (850)245-9661 or email: lynn.abbott@fldoe.org. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Stuart Greenberg, Executive Director, Office of Early Learning, Department of Education, 325 West Gaines Street, Tallahassee, Florida, (850)245-0445

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-1.099821 Voluntary Prekindergarten (VPK) Provider Kindergarten Readiness Rate.

(1) Purpose. The purpose of this rule is to implement the requirements of Section 1002.69, F.S.

(2) Accuracy of Data.

(a) Prior to the calculation of the VPK Provider Kindergarten Readiness Rate, as described in subsection (4) of this rule, private and public school VPK providers shall have the opportunity to review a cumulative list of all of the children served in their program and the total number of hours they attended.

(b) If a private or public provider disputes the accuracy of the cumulative list of VPK participants or the total number of hours they attended when such change would result in their inclusion or exclusion in the calculation of the VPK Provider Kindergarten Readiness Rate, as measured by the threshold of seventy (70) percent, as described in subparagraph (3)(a)1. of this rule, the provider may submit corrective information to the Office of Early Learning of the Department of Education within 14 days after publication of the cumulative list on the Department's website (vpk.fldoe.org). The Department, in collaboration with the Agency for Workforce Innovation and the respective Early Learning Coalition, shall review the corrective information and accept or reject the requested corrective information within 21 days after publication of the cumulative list on the Department's website. Upon completion of the corrective process, the Department shall calculate a preliminary VPK Provider Kindergarten Readiness Rate in accordance with the method described in subsection (4) of this rule.

(c) If a private or public school provider disputes the accuracy of the preliminary VPK Provider Kindergarten Readiness Rate as published on the Department's website or if a private provider disputes ownership at the time of the ~~2009-10~~ ~~2008-09~~ VPK program, the provider may file a dispute on the Department's website and submit

documentation to the Department for its review and consideration within 21 days after publication of the preliminary rate. The Department shall review and accept or reject any changes to the data within 14 days after publication. The VPK Provider Kindergarten Readiness Rate will be recalculated in accordance with the method described in subsection (4) of this rule and submitted to the State Board of Education for the purpose of adopting a minimum readiness rate, as required by Section 1002.69(6), F.S.

(3) Criteria for Inclusion in the VPK Provider Kindergarten Readiness Rate for 2009-10 ~~2008-09~~.

(a) through (b) No change.

(4) Procedures for Calculating the VPK Provider Kindergarten Readiness Rate for 2009-10 ~~2008-09~~.

(4)(a) through (6) No change.

Rulemaking Authority 1002.69(5), (6), 1002.73(2)(d) FS. Law Implemented 1002.69(5), (6) FS. History--New 6-3-07, Amended 1-16-08, 1-5-09, 12-15-09, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Dr. Frances Haithecock, Chancellor, K-12 Public Schools

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Dr. Eric Smith, Commissioner, Department of Education

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 10, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 23, 2010

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.:	RULE TITLE:
6A-6.03315	Private School Scholarship Compliance

PURPOSE AND EFFECT: The purpose of the rule amendment is to clarify the current compliance reporting requirements for private schools to be eligible to participate in the state scholarship programs and to revise the Scholarship Compliance Form to reflect legislative changes. The effect will be a rule that is consistent with the current procedures and the governing statutes.

SUMMARY: The rule amendment clarifies the deadline by which private schools that are renewing participation in the state scholarship programs must resolve outstanding compliance issues and revises the Scholarship Compliance Form to correct the citations and reflect legislative changes.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared.

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

RULEMAKING AUTHORITY: 1002.39, 1002.42, 1002.421 FS.

LAW IMPLEMENTED: 220.187, 316.615, 381.006, 381.0072, 404.056, 440.02, 443.1216, 607.0128, 617.0128, 623.03, 1002.39, 1002.42, 1002.421, 1003.22, 1003.23 FS.

A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: September 21, 2010, 9:00 a.m.

PLACE: The Capitol, Room LL03, 400 South Monroe Street, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Lynn Abbott at (850)245-9661 or email: lynn.abbott@fldoe.org. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Michael Kooi, Executive Director, Office of Independent Education and Parent Choice, 325 West Gaines Street, Tallahassee, Florida, (850)245-0878

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-6.03315 Private School Scholarship Compliance.

Compliance reporting requirements for the participation of a Florida private school registered with the Department of Education to be determined eligible to participate in one or more state scholarship program(s) are specified in Form IEP SCF-1, Scholarship Compliance Form for Private School Participants in State Scholarship Programs October 2010 ~~2008~~, hereinafter Scholarship Compliance Form, which is hereby incorporated by reference to become a part of this rule effective upon the effective date of this rule.

(1) No change.

(2) Renewing schools. The signed, notarized Scholarship Compliance Form must be postmarked by March 1 of each year for participation in the subsequent school year. Following the timely submission of the Scholarship Compliance Form, any outstanding compliance issues, including submission of the annual survey required by Section 1002.42, F.S., must be resolved by the private school on or before ~~prior to~~ May 1 of each year or within forty-five (45) days of receipt of notification from the Department of any noncompliance issue, whichever is later, for the school to remain eligible to participate in the scholarship programs. Renewing schools as a part of the renewal process are required to have a review of compliance documentation every third year. The Department shall mail notice to renewing schools subject to the compliance documentation review by December 1 of each year. This does not limit the Department's ability to request compliance related documentation at other times.

(3) through (5) No change.

Rulemaking Specific Authority 1002.39, 1002.42, 1002.421 FS. Law Implemented 220.187, 316.615, 381.006, 381.0072, 404.056, 440.02, 443.1216, 607.0128, 617.0128, 623.03, 1002.39, 1002.42, 1002.421, 1003.22, 1003.23 FS. History—New 10-13-04, Amended 9-20-05, 1-18-07, 1-5-09, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Michael Kooi, Executive Director, Office of Independent Education and Parental Choice

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Dr. Eric Smith, Commissioner, Department of Education

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 14, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 16, 2010

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.:	RULE TITLE:
6A-6.0781	Procedures for Charter School Appeals

PURPOSE AND EFFECT: This rule is substantially rewritten to be consistent with governing statutes and to provide clear procedures for applicants as well as sponsors when addressing an appeal relating to the denial of a charter school application or termination, non-renewal, or immediate termination of an existing charter school. The effect is a rule consistent with law and which clearly outlines procedure relating to the denial of a charter school application or the termination, non-renewal or immediate termination of an existing charter school.

SUMMARY: This rule is substantially rewritten to address procedures relating to the denial of a charter school application or the termination, non-renewal or immediate termination of an existing charter school.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared.

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

RULEMAKING AUTHORITY: 1002.33(24) FS.

LAW IMPLEMENTED: 1002.33(6), 1002.335 FS.

A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: September 21, 2010; 9:00 a.m.

PLACE: Room LL03, The Capitol, 400 South Monroe Street, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by

contacting: Lynn Abbott, Department of Education, (850)245-9661 or lynn.abbott@tds.net. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Michael Kooi, Executive Director, Office of Independent Education and Parent Choice, 325 West Gaines Street, Tallahassee, Florida; (850)245-0878

THE FULL TEXT OF THE PROPOSED RULE IS:

(Substantial rewording of Rule 6A-6.0781 follows. See Florida Administrative Code for present text.)

6A-6.0781 Procedures for ~~Charter~~ ~~Appealing a District School Appeals Board Decision Denying Application for Charter School.~~

The purpose of this rule is to establish the procedures for filing and reviewing all appeals to the State Board of Education under provisions of Section 1002.33 F.S.

(1) Definitions.

(a) "Applicant" means:

1. The entity applying for a charter school for purposes relating to the denial of a charter school application; and

2. The charter school governing board for purposes relating to terminations, non-renewals, and immediate terminations of charters.

(b) "Good cause for immediate termination" means greater cause than other legally sufficient causes that govern non-immediate termination, taking into account the exigent circumstances that necessitate immediate emergency action.

(c) "Good cause for termination" means a legally sufficient reason. Empirical evidence, as opposed to conjecture or opinion, shall be used to demonstrate good cause.

(d) "Immediate" means "prompt action, without interval of time."

(e) "Sponsor's written determination" means the written specifications by a sponsor of its grounds for denying an application pursuant to Section 1002.33(6)(b)3., F.S., or for nonrenewal, termination, or immediate termination of a charter pursuant to Section 1002.33(8)(c) or (d), F.S.

(2) Due Process. The sponsor shall conduct a hearing that satisfies basic tenets of due process when deciding whether to deny a charter school application, nonrenew a charter, terminate a charter, or immediately terminate a charter. Although due process is flexible and calls for such procedural protections as the particular situation demands, the components of a fair hearing must generally include:

(a) Reasonable notice;

(b) An opportunity to hear the evidence against the applicant;

(c) An opportunity to present evidence in the applicant's defense;

(d) An opportunity to make arguments in the applicant's defense; and

(e) A decision based on information in the record.

(3) Hearing Process. The following applies to a sponsor's decision to deny an application, terminate a charter, non-renew a charter, or immediately terminate a charter.

(a) Irrelevant, immaterial, or unduly repetitious evidence shall be excluded, but all other evidence of a type commonly relied upon by a reasonably prudent person in the conduct of their affairs shall be allowed.

(b) The length of time provided for the applicant to present evidence can vary depending on the facts, issues and circumstances; however, the sponsor shall allow a reasonable amount of time for the applicant to present testimony and documentation as evidence.

(c) The sponsor shall clearly mark the evidence received in the record and identify such evidence on the record.

(d) The sponsor may delegate to an informal hearing officer the authority to conduct a hearing. The hearing may contemplate the submission of written documentation, testimony, oral arguments, or a combination thereof. Upon conducting a hearing, the informal hearing officer shall file a proposed recommended order that includes findings of fact and conclusions of law to the sponsor. While the sponsor may reject conclusions of law, the sponsor shall not reject findings of fact unless the sponsor stated with particularity that the specific findings of fact that are not supported by competent, substantial evidence or that the hearing did not comply with the requirements of a fair hearing.

(4) Specific Hearing Procedures.

(a) Application Denials. Hearings shall be as informal as fairness and principles of due process allow. Notwithstanding subsection (3) of this rule, testimony need not be taken. The sponsor may base its decision solely on the documentation and arguments presented in the record. A sponsor may take testimony if the sponsor finds it necessary to clarify information submitted by the applicant or sponsor staff as part of the application process. If evidence or arguments are taken from district staff or the applicant, a reasonable period of time for rebuttal shall be allowed.

(b) Immediate Terminations.

1. Immediate terminations are for emergency situations that address circumstances requiring an immediate response by the sponsor, such as an immediate threat to the health, safety or welfare of students, or other good cause.

2. Depending on the exigent circumstances that necessitate immediate emergency action, the sponsor's hearing shall occur contemporaneously with or within a reasonable time after the sponsor's decision to immediately terminate the charter.

3. If conducting an immediate termination, a sponsor shall include the following with its notice of hearing and the notice of decision to terminate the charter:

a. The specific facts and reasons for finding an immediate danger to the student health, safety, or welfare, or other good cause; and

b. The reasons for concluding that the notice and hearing procedure used is fair under the circumstances.

4. If the grounds necessitating immediate action are not demonstrated, the sponsor shall rescind the vote to immediately terminate the charter and proceed with a non-immediate termination by providing new notice of the sponsor's intended action.

(5) The applicant may need a record of the hearings in the event the applicant decides to appeal the decision of the sponsor, in which case the applicant will need to ensure that transcripts of the hearing are created by a certified court reporter. If the applicant does not provide transcripts, and the issues revolve around questions of fact or exercise of the sponsor's discretion, the entire appeal or applicable issues therein may summarily be denied.

(6) The applicant may request a copy of the record on appeal from the sponsor. Within ten (10) days of receipt of a request for the record on appeal from the applicant, the sponsor shall submit a hard copy of the record on appeal and a copy in a fixed layout format similar to a paper publication that is viewable for free. An example is adobe acrobat format, which is viewable via adobe reader. The copy shall be provided via compact disk, usb memory card, or other substantially similar memory device to the Department's Agency Clerk, with a copy contemporaneously provided to the applicant by hard copy or electronic copy in the same format and media. If the applicant does not request a copy of the record on appeal, the sponsor shall include a hard copy of the record on appeal with the sponsor's written arguments and an electronic copy in the same format and media.

(7) Issues on appeal. The issues on appeal are limited to the following:

(a) Whether the grounds for denial, non-renewal, termination, or immediate termination in the sponsor's written determination are supported by the record;

(b) Whether the grounds for denial, non-renewal, termination, or immediate termination in the sponsor's written determination constitute good cause for the denial, non-renewal, termination, or immediate termination; and

(c) Whether the applicant was denied due process.

(8) Record on Appeal.

(a) The record on appeal shall be tabbed and page numbered for reference as exhibits. Tabs, or equivalent markings, shall be visible in any electronic copy of the record on appeal.

(b) The record on appeal shall consist of:

1. The charter school application and charter contract (or proposed charter contract);

2. Transcripts, if necessary, of all hearings before the sponsor in which its decision was considered or made;

3. All documents filed by the applicant with the sponsor or its officers or employees involving the application, review, recommendation or decision making process, in support of or against the staff's recommendation or sponsor's decision, whether provided before the hearing, at the hearing, or before the sponsor's decision was made;

4. All other documents made or received by the sponsor or its officers or employees in support of or against the staff's recommendation or sponsor's decision, whether the documents were provided before the hearing, at the hearing, or before the sponsor's decision was made;

5. Any decisions overruling objections;

6. All matters placed on the record after an ex parte communication;

7. Any decision, opinion, order, or report by the sponsor;

8. Those matters officially recognized by the sponsor;

9. Proffers of proof and objections and rulings thereon;

10. All documents, notes, memoranda, and other information reviewed or considered by the sponsor in making its decision.

(9) Briefs.

(a) Within thirty (30) days after receipt of the written decision of a sponsor's denial of an application for a charter school, nonrenewal of a charter, termination of a charter, or immediate termination of a charter, the applicant may file a written appeal (brief) by submitting three (3) hard copies of the appeal and one (1) copy in electronic format as previously described in this rule to the Agency Clerk for the Department of Education, 325 West Gaines Street, Suite 1520, Tallahassee, Florida 32399-0400. The applicant shall send a copy of the brief by mail or hand delivery to the sponsor's chief executive officer no later than the date the written appeal is filed with the Agency Clerk.

(b) Within thirty (30) days after receipt of the appeal, the sponsor may respond by filing three (3) copies of its written arguments (brief) and one (1) copy in electronic format as previously described in this rule with the Agency Clerk for the Department of Education. The written arguments in the sponsor's brief are limited to responding to the issues raised by the applicant.

(c) The briefs of both parties must include the following:

1. The name and address of the applicant;

2. The name and address of the sponsor;

3. The date of the sponsor's decision;

4. The name and address of applicant's attorney, if any;

5. Written argument limited to argument concerning the grounds identified in the sponsor's written determination to deny the application, terminate the charter, non-renew the charter, or immediately terminate the charter. The written arguments shall identify the standard of review for each issue.

(d) The briefs of both parties must comply with the following:

1. Briefs shall be printed, typewritten, or duplicated on opaque, white, unglossed eight and a half by eleven inch paper;

2. The lettering in briefs shall be black and in distinct type, double-spaced, with margins no less than 1 inch. Lettering in script or type made in imitation of handwriting shall not be permitted. Footnotes and quotations may be single spaces and shall be in the same size type, with the same spacing between characters, as the text. Computer-generated briefs shall be submitted in either Times New Roman fourteen-point font or Courier New twelve-point font;

3. Briefs shall be securely bound in book form and fastened along the left side in a manner that will allow them to lie flat when opened or be securely stapled in the upper left corner. Headings and subheadings shall be at least as large as the brief text and may be single spaced;

4. The cover sheet of each brief shall state that it is before the State Board of Education, the style of the cause including the case number if assigned, the lower tribunal, the part on whose behalf the brief is filed, the type of brief and the name and address of the attorney filing the brief;

5. The brief shall not exceed twenty (20) pages;

6. A table of contents listing the issues presented for review, with references to pages;

7. A statement of the case and the facts, which shall include the nature of the case, the course of the proceedings, and the disposition in the lower tribunal. No exhibits are to be attached to the brief; rather, references to the appropriate volume and pages of the record or transcript shall be made.

(e) Failure to meet the requirements of this rule may cause rejection of the submission by the Agency Clerk or Chair of the Charter School Appeal Commission. The State Board of Education does not have jurisdiction to hear appeals that are untimely filed by the applicant.

(10) Upon receipt of a timely filed appeal the Commissioner of Education shall convene a meeting of the Charter School Appeal Commission to consider the appeal, with notice to the applicant and the district school board of that hearing date.

(a) At the hearing before the Charter School Appeal Commission, each party will be given a maximum of fifteen (15) minutes to allow its representatives to summarize the written arguments previously submitted to the State Board. No evidence or testimony, only oral argument, will be heard by the Charter School Appeal Commission.

(b) The Charter School Appeal Commission will review only those issues identified in the sponsor's written determination and due process, if raised. No new grounds may be raised by the sponsor or applicant.

(c) The Charter School Appeal Commission may question the parties. During questioning, the Charter School Appeal Commission may, in its discretion, gather other applicable information regarding the appeal and request information to

clarify the documentation presented in the record on appeal. However, the Charter School Appeal Commission will take no new evidence.

(11) Upon reviewing the record on appeal and hearing oral summaries of written arguments, if presented, and consideration of the answers to questions, if asked, the Charter School Appeal Commission shall vote to recommend to either accept or reject the decision of the sponsor or remand the appeal to the sponsor for the provision of due process.

(12) The Charter School Appeal Commission's recommendation, record on appeal, written arguments of the parties, and a copy of the Charter School Appeal Commission transcripts will be forwarded to the State Board of Education.

(a) The State Board of Education shall consider the appeal at the next available scheduled State Board of Education meeting. Each party shall have five (5) minutes to summarize its arguments. The State Board of Education shall accept, reject or remand the decision of the sponsor.

(b) The standard of review for the Charter School Appeal Commission and the State Board of Education depends on the issues raised and may be any one or a combination of:

1. Competent, substantial evidence for decisions based on a finding of fact;

2. Abuse of discretion for decisions that are within the discretion of the sponsor; or

3. De novo for decisions based on interpretations of law or contract, and for determining good cause.

(13) Motions.

(a) Motions before the Charter School Appeal Commission or State Board of Education shall be filed with the Agency Clerk in the same format as required in paragraph (9)(d) of this rule, except that the motion is limited to two (2) pages, excluding the certificate of service. Motions shall include a statement that the movant has conferred with the non-moving party, shall state whether the non-moving party has any objection to the motion, and shall certify that the non-moving party has been served with a copy of the motion. The non-moving party may file a response, subject to the same filing requirements as the motion, within three (3) business days of receipt of the motion, or the day before the hearing, whichever occurs first.

(b) The Chair of the Charter School Appeal Commission is authorized to rule upon procedural motions filed before the Charter School Appeal Commission meets.

(c) The Commissioner of Education is authorized to rule upon procedural motions filed before the State Board of Education meets.

Rulemaking Specific Authority 1002.33(24) 229.053(1) FS., Chapter 96-186, Laws of Florida. Law Implemented 1002.33(6), 1002.335 FS, Chapter 96-186, Laws of Florida. History—New 2-2-97, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Michael Kooi, Executive Director, Office of Independent
Education and Parent Choice

NAME OF AGENCY HEAD WHO APPROVED THE
PROPOSED RULE: Dr. Eric Smith, Commissioner,
Department of Education

DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: August 11, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: July 10, 2009

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: RULE TITLE:
6A-6.0786 Model Forms for Charter School
Applicants and Sponsors

PURPOSE AND EFFECT: The purpose of this new rule is to implement the Model Florida Charter School Application, Florida Charter School Application Evaluation Instrument, and the Florida Model Charter Contract Format, pursuant to Section 1002.33, F.S.. The effect will be a rule that is aligned with Florida Statutes.

SUMMARY: The proposed rule will provide a model application that all potential charter school developers shall be required to use when submitting a charter school application to a sponsor, an evaluation instrument that sponsors shall be required to use when evaluating charter school applications, and a model charter school contract format that shall be used by sponsors and charter schools.

SUMMARY OF STATEMENT OF ESTIMATED
REGULATORY COSTS: No Statement of Estimated
Regulatory Cost was prepared.

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

RULEMAKING AUTHORITY: 1002.33(26) FS.

LAW IMPLEMENTED: 1002.33(6), 1002.33(21) FS.

A HEARING WILL BE HELD AT THE DATE, TIME AND
PLACE SHOWN BELOW:

DATE AND TIME: September 21, 2010, 9:00 a.m.

PLACE: The Capitol, Room LL03, 400 South Monroe Street,
Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Lynn Abbott at (850)245-9661 or email: lynn.abbott@fldoe.org. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE
PROPOSED RULE IS: Adam Miller, Director of Charter
Schools, Office of Independent Education and Parental Choice,
325 West Gaines Street, Suite 522, Tallahassee, Florida
32399-0400

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-6.0786 Model Forms for Charter School Applicants and Sponsors.

(1) Persons or entities submitting a charter school application must use Form IEPC-M1, Model Florida Charter School Application, October 2010, pursuant to Section 1002.33, F.S.. Form IEPC-M1 is hereby incorporated by reference to become effective with the effective date of this rule. Copies of the form may be obtained electronically on the Department's website at <http://www.floridaschoolchoice.org> or from the Office of Independent Education and Parental Choice, Department of Education, 325 West Gaines Street, Tallahassee, Florida 32399-0400.

(2) Sponsors shall evaluate Model Florida Charter School Applications using Form IEPC-M2, Florida Charter School Application Evaluation Instrument, October 2010. Form IEPC-M2 is hereby incorporated by reference to become effective with the effective date of this rule. Copies of the form may be obtained electronically on the Department's website at <http://www.floridaschoolchoice.org> or from the Office of Independent Education and Parental Choice, Department of Education, 325 West Gaines Street, Tallahassee, Florida 32399-0400.

(3) Upon approval of a charter school application, the sponsor shall have sixty (60) days to propose an initial proposed charter contract to the charter school. The sponsor shall use Form IEPC-M3, Florida Model Charter Contract Format, October 2010, as the basis for the initial contract. Charter school contracts must address, at a minimum, the components included in Form IEPC-M3. Additional components may be included in a charter school contract if mutually agreed upon by both parties. Form IEPC-M3 is hereby incorporated by reference to become effective with the effective date of this rule. Copies of the form may be obtained electronically on the Department's website at <http://www.floridaschoolchoice.org> or from the Office of Independent Education and Parental Choice, Department of Education, 325 West Gaines Street, Tallahassee, Florida 32399-0400.

Rulemaking Authority 1002.33(26) FS. Law Implemented 1002.33(6), 1002.33(21) FS. History--New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Mike Kooi, Executive Director, Office of Independent
Education and Parental Choice

NAME OF AGENCY HEAD WHO APPROVED THE
PROPOSED RULE: Dr. Eric Smith, Commissioner,
Department of Education

DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: August 10, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: July 10, 2009

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: RULE TITLE:
6A-6.0960 Florida Tax Credit Scholarship
 Program

PURPOSE AND EFFECT: The purpose of the amendment is to include the Division of Alcoholic Beverages and Tobacco of the Department of Business and Professional Regulation as an entity to receive a list of organizations determined to be eligible by the Department to be listed as a nonprofit scholarship-funding organization for participation in the Florida Tax Credit Scholarship Program. In addition, should it be necessary to remove a nonprofit scholarship-funding organization from the eligibility list, the Division of Alcoholic Beverages and Tobacco of the Department of Business and Professional Regulation must be notified as well. The amendment will also revise Form IEPC SFO-1, Nonprofit Scholarship Funding Organization Participation Renewal for State Scholarship Programs, and Form IEPC SFO-2, Nonprofit Scholarship Funding Organization Participation Application for State Scholarship Programs. The effect is consistency with changes made in Chapter 2010-24, Laws of Florida by the 2010 Legislature.

SUMMARY: This amendment will require the Department to submit to the Division of Alcoholic Beverages and Tobacco of the Department of Business and Professional Regulation a list of nonprofit scholarship-funding organizations which are eligible for participation in the Florida Tax Credit Scholarship Program. In addition, should a non-profit scholarship-funding organization become ineligible, notice would be provided as well. The amendment will also require revisions to Form IEPC SFO-1, Nonprofit Scholarship Funding Organization Participation Renewal for State Scholarship Programs, and Form IEPC SFO-2, Nonprofit Scholarship Funding Organization Participation Application for State Scholarship Programs, to reflect legislative changes.

SUMMARY OF STATEMENT OF ESTIMATED
REGULATORY COSTS: No Statement of Estimated
Regulatory Cost was prepared.

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

RULEMAKING AUTHORITY: 1002.395(9)(i), (13)(d) FS.

LAW IMPLEMENTED: 1002.395 FS.

A HEARING WILL BE HELD AT THE DATE, TIME AND
PLACE SHOWN BELOW:

DATE AND TIME: September 21, 2010, 9:00 a.m.

PLACE: The Capitol, Room LL03, 400 South Monroe,
Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Lynn Abbott at (850)245-9661 or email: lynn.abbott@fldoe.org. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE
PROPOSED RULE IS: Mike Kooi, Executive Director, Office
of Independent Education and Parental Choice, Department of
Education, 325 West Gaines Street, Tallahassee, Florida;
(850)245-0878

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-6.0960 Florida Tax Credit Scholarship Program.

The Florida Tax Credit Scholarship Program will be implemented as required by Section 220.187, F.S., to allow nonprofit scholarship-funding organizations to provide scholarships from eligible contributions to qualified students attending eligible private schools or public schools outside the school district in which the student resides or in a laboratory school.

(1) Eligibility of nonprofit scholarship-funding organizations.

(a) A nonprofit charitable organization may apply to be an eligible scholarship-funding organization by having its principal officer or legal representative submit documentation to the Department of Education as specified in Form IEPC SFO-1, 2010 Nonprofit Scholarship Funding Organization Participation Renewal Florida Tax Credit for State Scholarship Programs, or Form IEPC SFO-2, 2010 Nonprofit Scholarship Funding Organization Participation Application Florida Tax Credit for State Scholarship Programs, which are hereby incorporated by reference to become a part of this rule to become effective upon the effective date of this rule. The appropriate Nonprofit Scholarship-Funding Organization Form must be signed by the owner or operator, submitted annually, and be postmarked no later than February 1.

(b) through (d) No change.

(e) No later than March 15 of each year, the Department shall submit to the Florida Department of Revenue and the Division of Alcoholic Beverages and Tobacco of the Department of Business and Professional Regulation a list of organizations that it has determined to be eligible to be listed as a nonprofit scholarship-funding organization for participation in the Florida Tax Credit Scholarship Program.

(f) through (g) No change.

(h) Upon removal of an approved nonprofit scholarship-funding organization, the Department shall notify the Department of Revenue and the Division of Alcoholic Beverages and Tobacco of the Department of Business and Professional Regulation that the organization is no longer approved to participate in the program.

(2) through (9) No change.

Rulemaking Authority 1002.395(9)(i), (13)(d) FS. Law Implemented 1002.395 FS. History--New 2-5-07, Amended 11-26-08, 6-22-10,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Mike Kooi, Executive Director, Office of Independent Education and Parental Choice

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Dr. Eric Smith, Commissioner, Department of Education

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 10, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 30, 2010

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.:	RULE TITLE:
6A-10.041	Substitution for Requirements for Eligible Disabled Students at Florida Colleges and Postsecondary Career Centers

PURPOSE AND EFFECT: The purpose and effect of the rule amendment is to add the definitions of disability types to align with statute, allow students who are eligible for a course substitution in a skill area to be waived from taking the college preparatory coursework in the respective skill area so that students will not be prevented from continuing their education, and clarify when and to whom colleges should submit the report of the number of granted substitutions by type of disability, the substitutions provided, the substitutions identified as available for each documented disability and the number of requests for substitutions which were denied.

SUMMARY: The rule provides definitions for the types of disabilities eligible for a reasonable substitution of admission, entry into a program of study, for entry into the upper division, and graduation requirements. The rule change includes the addition of definitions for all categories identified in statute so

that the rule is aligned with statute as well as the Federal Americans with Disabilities Act. Students with a disability affecting their ability to learn in a skill area (reading, writing, mathematics) and not planning to pursue an academic program which requires knowledge in the skill area, would have the college preparatory course requirement waived and be required to complete substitute courses to fulfill graduation requirements.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared.

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

RULEMAKING AUTHORITY: 1001.02, 1007.264, 1007.265 FS.

LAW IMPLEMENTED: 1007.02, 1007.264, 1007.265 FS.

A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: September 21, 2010, 9:00 a.m.

PLACE: The Capitol, Room LL03, 400 South Monroe Street, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Lynn Abbott at (850)245-9661 or email: lynn.abbott@fldoe.org. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Amy Albee, Florida Department of Education, Division of Florida Colleges, amy.albee@fldoe.org, (850)245-9488

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-10.041 Substitution for Requirements for Eligible Disabled Students at ~~Florida State Universities, Community Colleges;~~ and Postsecondary Career Centers.

(1) Each ~~university and community college~~ board of trustees within the Florida College System and each district school board which operates a postsecondary career center shall develop and implement policies and procedures for providing reasonable substitution for eligible students as required by Sections 1007.264 and 1007.265, F.S. In determining whether to grant a substitution, documentation to substantiate that the disability can be reasonably expected to prevent the individual from meeting requirements for admission to the institution, admission to a program of study, entry to upper division, or graduation shall be provided. In

determining whether to grant a substitution, a college may consider pertinent educational records. For purposes of this rule, the following definitions shall apply.

(a) Deaf/Hard of Hearing Impairment. A hearing loss of thirty (30) decibels or greater, pure tone average of 500, 1000, 2000, and 4000 (Hz), ~~ANSI~~, unaided, in the better ear. Examples include, but are not limited to, conductive hearing impairment or deafness, sensorineural hearing impairment or deafness, high or low tone hearing loss or deafness, and acoustic trauma hearing loss or deafness.

(b) Visual Impairment. Disorders in the structure and function of the eye as manifested by at least one of the following: visual acuity of 20/70 or less in the better eye after the best possible correction, a peripheral field so constricted that it affects one's ability to function in an educational setting, or a progressive loss of vision which may affect one's ability to function in an educational setting. Examples include, but are not limited to, cataracts, glaucoma, nystagmus, retinal detachment, retinitis pigmentosa, and strabismus.

(c) Specific Learning Disability. A disorder in one or more of the basic psychological or neurological processes involved in understanding or in using spoken or written language. Disorders may be manifested in listening, thinking, reading, writing, spelling, or performing arithmetic calculations. Examples include dyslexia, dysgraphia, dysphasia, dyscalculia, and other specific learning disabilities in the basic psychological or neurological processes. Such disorders do not include learning problems which are due primarily to visual, hearing, or motor handicaps, to mental retardation, to emotional disturbance, or to an environmental deprivation.

(d) Orthopedic Impairment. A disorder of the musculoskeletal, connective tissue disorders, and neuromuscular system. Examples include but are not limited to cerebral palsy, absence of some body member, clubfoot, nerve damage to the hand and arm, cardiovascular aneurysm (CVA), head injury and spinal cord injury, arthritis and rheumatism, epilepsy, intracranial hemorrhage, embolism, thrombosis (stroke), poliomyelitis, multiple sclerosis, Parkinson's disease, congenital malformation of brain cellular tissue, and physical disorders pertaining to muscles and nerves, usually as a result of disease or birth defect, including but not limited to muscular dystrophy and congenital muscle disorders.

(e) Speech/ Language Impairment. Disorders of language, articulation, fluency, or voice which interfere with communication, pre-academic or academic learning, vocational training, or social adjustment. Examples include, but are not limited to, cleft lip and/or palate with speech impairment, stammering, stuttering, laryngectomy, and aphasia.

(f) Emotional or Behavioral Disability. Any mental or psychological disorder including but not limited to organic brain syndrome, emotional or mental illness, or attention deficit disorders.

(g) Autism Spectrum Disorder. Disorders characterized by an uneven developmental profile and a pattern of qualitative impairments in social interaction, communication, and the presence of restricted repetitive, and/or stereotyped patterns of behavior, interests, or activities. These characteristics may manifest in a variety of combinations and range from mild to severe.

(h) Traumatic Brain Injury. An injury to the brain, not of a degenerative or congenital nature but caused by an external force, that may produce a diminished or altered state of consciousness, which results in impairment of cognitive ability and/or physical functioning.

(i) Other Health Impairment. Any disability not identified in paragraphs (1)(a) through (h) of this rule, except those students who have been documented as having an intellectual disability, deemed by a disability professional to make completion of the requirement impossible.

(2) The policies and procedures shall include at least the following:

(a) A mechanism to inform ~~identify~~ persons eligible for reasonable substitutions due to ~~vision impairment, hearing impairment, dyslexia or other specific learning a~~ disability,

(b) A mechanism for identifying reasonable substitutions for criteria for admission to the institution, admission to a program of study, entry to upper division, or graduation related to each disability,

(c) A mechanism for making the designated substitutions known to affected persons,

(d) A mechanism for making substitution decisions on an individual basis, and

(e) A mechanism for a student to appeal denial of a substitution or a determination of eligibility.

(3) The policies shall provide for articulation with other state institutions which shall include, at a minimum, acceptance of all substitutions previously granted by a state postsecondary institution.

(4) The policies shall include a provision for students who qualify for a course substitution which would allow such students to be exempt from the college preparatory requirements, as provided in State Board Rule 6A-10.0315, F.A.C., in the basic skill area for which the student is eligible for a course substitution, provided that successful completion of the college preparatory coursework is not considered an essential part of the curriculum in the student's academic program.

(5)(4) The Commissioner of Education shall coordinate with the Chancellor of the State University System to provide for coordination of the provision of technical assistance in the implementation of this rule.

(6)(5) Each ~~public university, community~~ Florida college and postsecondary career center operated by a school district shall maintain and report records on the number of students granted substitutions by type of disability, the substitutions

provided, the substitutions identified as available for each documented disability and the number of requests for substitutions which were denied. Each college within The Florida College System shall report such information to the Department of Education, Division of Florida Colleges once a year by July 1. The Course Substitution Report is incorporated by reference herein and can be obtained at <http://www.fldoe.org/cc/educators/Disability/dss.asp>.

Rulemaking Specific Authority 1007.264, 1007.265 FS. Law Implemented 1007.264, 1007.265 FS. History--New 4-13-87, Amended 12-18-05,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Dr. Willis Holcombe, Chancellor, Florida College System
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Dr. Eric Smith, Commissioner, Department of Education
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 26, 2010
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 23, 2010

DEPARTMENT OF EDUCATION

State Board of Education

RULE NOS.:	RULE TITLES:
6A-18.042	Issuance of License
6A-18.0421	Conditions for Removal from a Facility; Suspension or Revocation of License

PURPOSE AND EFFECT: The purpose and effect of these rule amendments is to enable criminal history record checks of licensed vending facility vendors and applicants for licensing as vending facility vendors in the Division of Blind Services' Business Enterprises Program.

SUMMARY: Rule 6A-18.042, F.A.C., is amended to enable the Division of Blind Services to conduct checks of local, state, juvenile and federal criminal history records through the Florida Department of Law Enforcement and the Federal Bureau of Investigation pursuant to Sections 413.041 and 413.051(12), Florida Statutes. The criminal history records of licensees and applicants for licensing must be free of conviction of crimes constituting first-degree misdemeanors, felonies or any felonies or misdemeanors involving moral turpitude, in order for the Division, through its Business Enterprises program, to effectively establish and maintain vending facilities in consideration of the public's health, safety and welfare and its charter to provide employment opportunities to eligible blind persons. Rule 6A-18.0421, F.A.C., is amended to be consistent with proposed Rule 6A-18.042, F.A.C.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared.

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

RULEMAKING AUTHORITY: 413.051(12) FS.

LAW IMPLEMENTED: 413.011(2), 413.041, 413.051 FS.

A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: September 21, 2010, 9:00 a.m.

PLACE: The Capitol, Room LL03, 400 South Monroe Street, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Lynn Abbott at (850)245-9661 or email: lynn.abbott@fldoe.org. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joyce Hildreth, Director, Division of Blind Services, Department of Education, 325 West Gaines Street, Room 1114, Tallahassee, FL 32399, (850)245-0300

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-18.042 Issuance of License.

(1) In order to be eligible for and maintain a license to operate a vending facility, an individual applicant must be:

- (a) Legally blind as defined in 34 CFR 395.1, Terms, and Section 413.033(1), Florida Statutes;
- (b) A citizen of the United States;
- (c) Eighteen (18) years of age or older; ~~and~~
- (d) Possess a high school diploma or equivalency; and-
- (e) Must undergo a security background investigation, which shall include, but not be limited to, fingerprinting, statewide criminal and juvenile records checks through the Florida Department of Law Enforcement and federal criminal records checks through the Federal Bureau of Investigation, and may include local criminal records checks through local law enforcement agencies.

(2) An individual who is found to have been convicted of or pled guilty or nolo contendere to, whether or not adjudication is withheld, a crime which is a first degree misdemeanor, a felony, or any misdemeanor or felony involving moral turpitude shall be disqualified from eligibility for a license to operate a vending facility unless the agency exempts the individual from disqualification based on a consideration of:

- (a) The passage of time since commission of the crime(s);
- (b) The circumstances surrounding the crime(s);
- (c) The nature of the harm caused any victim of the crime(s); and

(d) Other evidence provided by the applicant demonstrating to a clear and convincing standard that the applicant should not be disqualified from eligibility.

~~(3)(2)~~ The Division shall issue a license to operate a vending facility after an individual applicant has satisfactorily completed the Application for the Vending Facility Training Program and the subsequent Vending Facility Training Program (See subsection 6A-18.046(2), F.A.C.).

~~(4)(3)~~ The license shall be continuously valid, subject to:
(a) through (d) No change.

Rulemaking Specific Authority 413.051(12) FS. Law Implemented ~~413.011(2), 413.041,~~ 413.051 FS. History--New 4-5-83, Amended 11-5-85, Formerly 6A-18.04, Amended 7-8-87, Formerly 6A-18.004, Amended 10-20-98, Formerly 38K-1.004, Amended.

6A-18.0421 Conditions for Removal from a Facility; Suspension or Revocation of License.

(1) A vendor shall be removed from a vending facility or a license shall be suspended or revoked for failing or refusing to comply with these rules, the terms and conditions for licensure, the Licensed Operator Facility Agreement between the vendor and the Division, or the terms and conditions of any permit or lease for property on which a vending facility is located.

(2) A vendor shall also be removed from a vending facility, or a license shall be suspended or revoked for any of the following reasons:

(a) through (j) No change.

(3) A vendor's license to operate a vending facility may be revoked for failure to meet the criminal record requirements of Rule 6A-18.042, F.A.C.

~~(4)(3)~~ The Division shall serve written notice of its intent to remove a vendor from a facility or to suspend or revoke a license by hand delivery or certified mail, to the vendor's last known address. Such action shall be governed by Chapter 120, F.S.

Rulemaking Specific Authority 413.051(12) FS. Law Implemented ~~413.011(2), 413.041,~~ 413.051 FS. History--New 10-20-98, Formerly 38K-1.0041, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE: Joyce Hildreth, Director, Division of Blind Services

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Dr. Eric Smith, Commissioner, Department of Education

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 10, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 21, 2010

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: RULE TITLE:

6A-20.027 Rosewood Family Scholarship Fund

PURPOSE AND EFFECT: The purpose of the proposed rulemaking is to amend the requirements in rule to align with statutory requirements under the scholarship program. The effect will be a rule which is consistent with governing law.

SUMMARY: The 2009 Florida Legislature amended Section 1009.55, Florida Statutes, to restrict program eligibility to direct descendants of the Rosewood Family. The proposed rule change is to align the rule with current statute. In addition, language is proposed to align renewal requirements with other state scholarships and grants.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared.

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

RULEMAKING AUTHORITY: 1001.02(1), 1009.55(2) FS.

LAW IMPLEMENTED: 1009.402, 1009.55 FS.

A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: September 21, 2010, 9:00 a.m.

PLACE: The Florida Capitol, 400 South Monroe, Room LL03, The Capitol, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Lynn Abbott at (850)245-9661 or email: lynn.abbott@fldoe.org. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Theresa Antworth, Director, State Programs, Office of Student Financial Assistance, Department of Education, 325 West Gaines Street, Tallahassee, Florida; (850)410-5185

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-20.027 Rosewood Family Scholarship Fund.

(1) General eligibility criteria for awards. To receive aid, a student shall meet the provisions of Sections 1009.40, 1009.42, and 1009.55, F.S., and Rules 6A-20.001 and 6A-20.0371, F.A.C., and:

(a) Be a direct descendent of the Rosewood Family minority individual belonging to one (1) of the following race/ethnic categories: Black, Hispanic, Asian or Pacific Islander, American Indian or Alaskan native.

(b) through (3) No change.

(4) Restoration and reinstatement awards. A student who failed to earn the minimum number of credit or clock hours required for renewal, or who failed to meet the requirements for renewal of a probationary award, is eligible to apply for restoration after one (1) academic year if the student has earned a cumulative grade point average of 2.0 on a 4.0 scale as of the end of the second semester or third quarter of the academic year preceding the year the award is sought. A student who met the requirements for a renewal award but did not receive an award during a full year of eligibility and wishes to reestablish use of the scholarship may apply for reinstatement in any subsequent year ~~provided that the student has earned a cumulative grade point average of 2.0 on a 4.0 scale as of the end of the second semester or third quarter of the academic year preceding the year the award is sought.~~

(5) through (7) No change.

(8) Award procedures. The Department will make awards based on the annual appropriation, not to exceed twenty-five (25) scholarship awards per year.

(a) A direct descendant of an African-American Rosewood family is an applicant whose ancestor is a member of a family identified as an affected Rosewood resident as provided in Section 1009.55, Florida Statutes. The applicant shall provide the Department proof sufficient to establish eligibility as a Rosewood descendant as defined by this rule. The Department may verify eligibility by using records already in possession of the State of Florida. ~~Among eligible Rosewood family descendant applicants:~~

~~(b) Among eligible Rosewood family descendant applicants: Other minority applicants. If awards remain after all eligible applicants who are direct descendants of Rosewood families have received awards, all other eligible minority applicants will be divided into renewal, initial and reinstatement applicants. Among eligible minority applicants:~~

~~1. First priority will be given to renewal applicants. First priority for awards will be given to renewal applicants. If the number of awards remaining is insufficient to award all renewal applicants, they will be ranked and selected by the least family contribution as specified on the need analysis report. If the number of awards remaining is insufficient to award all equally ranked applicants, the tie will be broken through random selection.~~

~~2. Second priority for awards will be given to initial applicants. If the number of awards remaining is insufficient to award all such applicants, they will be ranked and selected first by the least family contribution as specified on the need analysis report and second by the earliest postmark or electronic receipt date of the application. If the number of awards remaining is insufficient to award all equally ranked applicants, the tie will be broken through random selection. Second priority for awards will be given to initial applicants. If~~

~~the number of awards remaining is insufficient to award all initial applicants, they will be ranked and selected using the procedures specified in subparagraph (8)(a)2., of this rule.~~

~~3. Third priority for awards will be given to reinstatement applicants. If the number of awards remaining is insufficient to award all such applicants, they will be ranked and selected first by the least family contribution as specified on the need analysis report and second by the earliest postmark or electronic receipt date of the application. If the number of awards remaining is insufficient to award all equally ranked applicants, the tie will be broken through random selection. Third priority for awards will be given to reinstatement applicants. If the number of awards remaining is insufficient to award all reinstatement applicants, they will be ranked and selected using the procedures specified in subparagraph (8)(a)3., of this rule.~~

~~4. Fourth priority for awards will be given to restoration applicants. If the number of awards remaining is insufficient to award all such applicants, they will be ranked and selected first by the least family contribution as specified on the need analysis report and second by the earliest postmark or electronic receipt date of the application. If the number of awards remaining is insufficient to award all equally ranked applicants, the tie will be broken through random selection.~~

(9) through (10) No change.

~~Rulemaking Specific Authority 1001.02(1), 1009.55(2) FS. Law Implemented 1009.402, 1009.55 FS. History—New 10-30-94, Amended 10-15-02, 9-22-08,_____.~~

NAME OF PERSON ORIGINATING PROPOSED RULE:
Linda Champion, Deputy Commissioner for Finance and Operations

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Dr. Eric Smith, Commissioner, Department of Education

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 13, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 9, 2010

DEPARTMENT OF REVENUE

Property Tax Oversight Program

RULE NOS.:	RULE TITLES:
12D-15.001	Certification for Approved Bidder's List
12D-15.004	General Provisions of Minimum Standards Contract
12D-15.005	Minimum Standards Contract Provisions for Mass Data Reappraisals
12D-15.006	Minimum Standards Contract Provisions for Computer Software Development

- 12D-15.007 Minimum Standards Contract Provisions for Procurement of Electronic Data Processing Equipment
- 12D-15.008 Minimum Standards Contract Provisions for Data Processing Services
- 12D-15.009 Supplemental Agreement to Minimum Standards Contract

PURPOSE AND EFFECT: Section 195.095, Florida Statutes, created the Approved Bidder List which required property appraisers, tax collectors and county commissions to select an approved vendor from the list to provide services for assessment or collection services or for the sale of electronic data processing programs or equipment. Vendors were required to submit an application, Form DR-415, to the Department for review. The approved vendors were placed on the Approved Bidder List and posted to the Department’s website. Counties were also required to follow a standard contract format to be included in all contracts. This approval process and standards are outlined in Chapter 12D-15, Florida Administrative Code. The purpose of this rulemaking is necessary to implement the provisions of Section 25 of Chapter 2010-138, Laws of Florida, by repealing Chapter 12D-15, F.A.C. The effect of this repeal is to remove the requirement of a vendor to complete the application and submit to the Department; removes the requirement that the Department is to establish a list of approved bidders; property appraisers, tax collectors and county commissions do not have to use approved vendors on the Department’s list; and the Department no longer requires a standard contract format.

SUMMARY: The proposed repeal of Chapter 12D-15, F.A.C. (Approved Bidders and The Minimum Standards Contract) removes the requirement of the Approved Bidder’s List and standards to be used in contracts entered into with the counties.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The agency has determined that this rule will not have an impact on small business. A SERC has not been prepared by the agency.

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

RULEMAKING AUTHORITY: 195.027(1), 213.06(1) FS.

LAW IMPLEMENTED: 195.095, 213.05 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Janice Forrester, Tax Law Specialist, telephone (850)617-8886 or email ForrestJ@dor.state.fl.us

THE FULL TEXT OF THE PROPOSED RULES IS:

12D-15.001 Certification for Approved Bidder’s List.

Rulemaking Specific Authority 195.027(1), 213.06(1) FS. Law Implemented 195.095, 213.05 FS. History–New 11-9-76, Formerly 12D-15.01, Amended 11-21-91, 4-18-94, Repealed.

12D-15.004 General Provisions of Minimum Standards Contract.

Rulemaking Specific Authority 195.027(1), 213.06(1) FS. Law Implemented 195.095, 213.05 FS. History–New 11-9-76, Formerly 12D-15.04, Repealed.

12D-15.005 Minimum Standards Contract Provisions for Mass Data Reappraisals.

Rulemaking Specific Authority 195.027(1), 213.06(1) FS. Law Implemented 195.095, 213.05 FS. History–New 11-9-76, Formerly 12D-15.05, Repealed.

12D-15.006 Minimum Standards Contract Provisions for Computer Software Development.

Rulemaking Specific Authority 195.027(1), 213.06(1) FS. Law Implemented 195.095, 213.05 FS. History–New 11-9-76, Formerly 12D-15.06, Repealed.

12D-15.007 Minimum Standards Contract Provisions for Procurement of Electronic Data Processing Equipment.

Rulemaking Specific Authority 195.027(1), 213.06(1) FS. Law Implemented 195.095, 213.05 FS. History–New 11-9-76, Formerly 12D-15.07, Repealed.

12D-15.008 Minimum Standards Contract Provisions for Data Processing Services.

Rulemaking Specific Authority 195.027(1), 213.06(1) FS. Law Implemented 195.095, 213.05 FS. History–New 11-9-76, Formerly 12D-15.08, Repealed.

12D-15.009 Supplemental Agreement to Minimum Standards Contract.

Rulemaking Specific Authority 195.027(1), 213.06(1) FS. Law Implemented 195.095, 213.05 FS. History–New 11-9-76, Formerly 12D-15.09, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Janice Forrester, Tax Law Specialist, Property Tax Oversight Program, Department of Revenue, Capital Circle Office Complex, 2450 Shumard Oak Blvd., Tallahassee, Florida 32399-0100, telephone (850)617-8886

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: The Governor and Cabinet of Florida

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 10, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: No Notice of Proposed Rule Development is required to be published in the Florida Administrative Weekly when repealing a rule section or rule chapter.

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

RULE NO.: 15-1.012
 RULE TITLE: Delegation of Authority

PURPOSE AND EFFECT: The purpose of the proposed rule action is to amend the current rule to incorporate planning, budgeting, and other specified acts authorized by Chapter 120, F.S.

SUMMARY: The proposed rule action revises the current Rule 15-1.012, F.A.C., by incorporating the Executive Director’s authority to take action concerning planning and budgeting for the department, to enter into agreements with other governmental agencies, and to conduct rulemaking procedures.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared.

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

RULEMAKING AUTHORITY: 322.02(6), 324.042 FS.

LAW IMPLEMENTED: 322.02(2), 324.0221, 324.051 FS.

IF REQUESTED WITHIN 21 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: September 20, 2010, 3:00 p.m.

PLACE: Department of Highway Safety and Motor Vehicles, 2900 Apalachee Parkway, Room Number A427, Tallahassee, Florida 32399

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Douglas D. Sunshine, Assistant General Counsel, 2900 Apalachee Parkway, Room A432, MS-02, Tallahassee, Florida 32399, dougsunshine@flhsmv.gov. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Douglas D. Sunshine, Assistant General Counsel, 2900 Apalachee Parkway, Room A432, MS-02, Tallahassee, Florida 32399, dougsunshine@flhsmv.gov. Telephone Number: (850)617-3101

THE FULL TEXT OF THE PROPOSED RULE IS:

15-1.012 Delegation of Authority.

Authority to take the following action is hereby delegated by the Governor and Cabinet acting as the head of the Department to the Executive Director of the Department of Highway Safety and Motor Vehicles or the Executive Director’s designee:

(1) To approve the transfer of appropriations pursuant to Section 216.292, F.S.

(2) To administer personnel rules for career service employees and persons paid from OPS and to administer personnel actions for employees exempt from the career service system.

(3) To add, delete, transfer authorized positions within each budget entity in accordance with Sections 216.262 and 216.141, F.S.

(4) To administer travel and per diem expenses of public officers, employees and authorized persons on official business, pursuant to Section 112.061, F.S.

(5) To negotiate, execute and enter into contracts and agreements; except as provided in subsection (8), required for operation of the Department or to carry out programs approved by the Legislature or Governor and Cabinet; except, however, this delegation shall exclude awards of commodity contracts by the Department of Management Services.

(6) To take any action concerning planning and budgeting for the Department, as authorized pursuant to Chapter 216, F.S., or other laws, or by rules adopted by the Governor and Cabinet, or in directives issued by the Governor and Cabinet acting as the head of the Department.

~~(7)(6)~~ To expend appropriated funds and make purchases including operating capital outlay to carry out the day-to-day operations of the Department. However, all purchases over \$100 ~~25~~,000 which are not made from a state contract established by the Department of Management Services shall be reported at least quarterly.

~~(8)(7)~~ To execute contracts and orders approved by or on behalf of the Governor and Cabinet.

~~(9)(8)~~ To contract for consultant and professional services up to \$100,000. However, selection of consultant and professional services, other than sole source, shall be by procedures set forth in the Consultants Competitive Negotiations Act or other competitive selection process established by rule.

(10) To enter into agreements with other federal, state, and local governmental agencies when authorized by law.

~~(11)(9)~~ To enter into lease of real property for departmental operations.

~~(12)(40)~~ To designate appropriate officials or employees to act as custodian of the records of the Department, to accept service of process on behalf of the Department or Executive Director in accordance with law.

~~(13)(41)~~ To bring suit in the name of the Department and in consultation with the Attorney General, or to defend suit in the name of the Department.

~~(14)(42)~~ To compromise and settle, in the best interest of the Department, subject to Section 45.062, F.S., all claims, actions, causes of action and legal proceedings, whether sounding in tort or contract, that are brought against the Department or any of its employees acting within the scope of

their employment. Such compromises and settlements shall be limited to cases where the total amount paid is less than \$100,000.00, and shall be reported to the Governor and Cabinet on at least a quarterly basis. To settle claims, actions, causes of action and legal proceedings brought against the Department or its employees acting within the scope of his/her employment. Such settlement shall be limited to \$25,000.

~~(15)~~(13) To notify state attorneys, sheriffs or other law enforcement agencies of activity in violation of state law or department rules when such violation is beyond the capacity of the Department to halt or prosecute.

~~(16)~~(14) To accept donations and gifts of property or grants of money on behalf of the Department in compliance with the law, provided such gifts are unencumbered and have no impact on any other agency of the state.

~~(17)~~(15) To act on behalf of the agency in carrying out the provisions of Chapter 120, F.S., unless prohibited by law or by directives issued by the Governor and Cabinet acting as the head of the Department. This delegation specifically includes, but is not limited to the following:

(a) To initiate rulemaking by publishing a notice of rule development.

(b) To publish a notice of intended rulemaking, after approval of such proposed notice by the Governor and Cabinet pursuant to Section 120.54(1)(k), F.S.

(c) To certify that a proposed rule has been approved by the Governor and Cabinet pursuant to Section 120.54(3)(e)1., F.S.

(d) To file with the Department of State the approved rule pursuant to Section 120.54(3)(e)1., F.S.

(e) To explain in writing when appropriate why a rule development workshop is unnecessary.

(f) To issue declaratory statements pursuant to Section 120.565, F.S.

(g) To provide methods for making available a description of the agency's organization and general course of its operations, pursuant to Section 120.54(5)(b)7., F.S.

(h) To issue an immediate final order pursuant to Section 120.569(2)(n), F.S., that states the particular facts supporting a finding that there is an immediate danger to the public health, safety, or welfare.

(i) To issue a written statement pursuant to Section 120.57(3)(c), F.S., explaining why a bid solicitation process or contract award process must be continued without delay due to an immediate and serious danger to the public health, safety, or welfare.

(j) Pursuant to Section 120.63(1)(a), F.S., to apply on behalf of the Department and certify to the Administration Commission that a proceeding required by Chapter 120, F.S., conflicts with a provision of federal law or rule.

(k) To prepare, certify, and file the rule review report mandated by Section 120.74(2), F.S., with the presiding officers and affected standing committees of the Florida Legislature.

~~(a) To initiate rulemaking by publishing a notice of intended action. However, before a notice of intended action is published, the Department must submit the proposed notice, including the proposed rule text, to the Governor and each member of the Cabinet. Upon the written request of the Governor or any member of the Cabinet, the Department shall submit the proposed rules for action by the Governor and Cabinet at the next appropriate Cabinet meeting. If, after being given 10 working days to review the Department's proposed notice of intended action and rule text, neither the Governor nor any member of the Cabinet notifies the Department of his/her objection to such publication, the Department shall proceed to initiate rulemaking pursuant to Section 120.54(3)(a), F.S. The power to determine whether proposed rules should be approved for final adoption is hereby reserved to the Governor and Cabinet acting as the head of the Department.~~

~~(b) To respond on behalf of the Department to petitions filed pursuant to Sections 120.54 and 120.57(1) and (2), F.S., and to issue declaratory statements pursuant to Section 120.565, F.S.~~

~~(c) To take final agency action in any proceedings within the scope of the Department's authority pursuant to Section 120.569, F.S.~~

~~(d) To provide methods for making available a description of the agency's organization and general course of its operations, pursuant to Section 120.54(5)(b)5., F.S.~~

~~(e) To issue a written statement pursuant to Section 120.57(3)(e), F.S., explaining why a bid solicitation process or contract award must be continued without delay due to an immediate and serious danger to the public health, safety, or welfare.~~

~~(f) Pursuant to Section 120.63(1)(a), F.S., to apply on behalf of the Department and certify to the Administration Commission that a proceeding required by Chapter 120, F.S., conflicts with a provision of the federal law or rule.~~

~~(g) To prepare, certify, and file the rule review report mandated by Section 120.74(2), F.S., with the presiding officers and affected standing committees of the Florida Legislature.~~

~~(18)~~(16) To approve memberships in professional and other organizations in which state funds appropriated to the Department will be used in payments of dues pursuant to Section 216.345, F.S.

~~(17) To initiate rule making.~~

~~(19)~~(18) To perform other such functions as may be necessary to supervise, direct, conduct and administer the day-to-day duties of the Department as authorized by law or by

rules and policies adopted by the Governor and Cabinet, or in directives issued by the Governor and Cabinet acting as the head of the Department.

~~(20)(19)~~ To convene complaint review boards, select members of such boards, serve notice and otherwise exercise authority related to duties in Section 112.532, F.S.

~~(21)(20)~~ A brief summary of the final disposition of the actions taken by the Executive Director as authorized by this rule shall be included in the quarterly report submitted by the Department. ~~The Executive Director shall report to the Governor and Cabinet at least quarterly actions taken under sub sections (5), (8), (9), (11), (12), (13), (14) and (18).~~

~~(22)(21)~~ To take final agency action based on recommendations of hearings officers who conducted driver license hearings pursuant to Chapter 322, F.S.

~~(23)(22)~~ To conduct hearings and take final agency action concerning financial responsibility matters authorized by Chapter 324, F.S.

~~(24)(23)~~ To execute reciprocal agreements with appropriate authority of other states as authorized by Section 320.30, F.S.

~~(25)(24)~~ To take final agency action pursuant to Section 120.57 and Chapter 320, F.S., on manufacturer and dealer license hearings held under and pursuant to Chapters 120 and 320, F.S.

~~(25)~~ To take final agency action pursuant to Section 120.57 and Chapter 325, F.S., on emissions control self inspector and reinspection facility licensure hearings held under and pursuant to Chapters 120 and 325, F.S.

Rulemaking Specific Authority 20.05(5), 120.53(1)(a), 320.011, 322.02(6), 324.042 FS. Law Implemented 20.05(1)(b), 120.53(1)(a), 322.02(2), 324.0221, 324.051 FS. History—New 6-26-80, Amended 11-6-80, Formerly 15-1.12, Amended 6-6-93, 11-17-98, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Douglas D. Sunshine, Assistant General Counsel, 2900 Apalachee Parkway, Room A432, MS-02, Tallahassee, Florida 32399

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Julie Jones, Executive Director

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 7, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 27, 2010

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

Division of Driver Licenses

RULE NOS.:	RULE TITLES:
15A-12.001	Purpose
15A-12.002	Definitions and Course Curriculum
15A-12.003	Reciprocity
15A-12.004	Application to Become a Sponsor

15A-12.005	Additional Program Requirements
15A-12.006	Regulation of Authorized Program
15A-12.007	RiderCoaches
15A-12.008	Program Compliance
15A-12.009	Forms

PURPOSE AND EFFECT: This rule chapter sets forth the standards for the Florida Motorcycle Safety Education Program, hereafter referred to as the Florida Rider Training Program (FRTP), with organizations to provide motorcycle safety training, the certification of instructors, hereafter referred to as RiderCoaches (RC), and regulating the conduct of these programs and courses by the Department of Highway Safety and Motor Vehicles (DHSMV)/Florida Rider Training Program (FRTP) pursuant to Sections 322.0255, 322.12(5)(a), F.S.

SUMMARY: Compliance with these rules is required to obtain and to maintain licensure and certification by FRTP.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The agency has determined that this rule will not have an impact on small business. A SERC has not been prepared by the agency.

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

RULEMAKING AUTHORITY: 322.0255 FS.

LAW IMPLEMENTED: 322.0255, 322.12(5) FS.

IF REQUESTED WITHIN 21 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: Monday, September 20, 2010, 9:00 a.m.

PLACE: Department of Highway Safety and Motor Vehicles, Conference Room B211, 2900 Apalachee Parkway, Tallahassee, Florida 32399

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Barbara Lauer, Bureau of Driver Education and DUI Programs, 2900 Apalachee Parkway, Room B214, Tallahassee, FL 32399-0500, (850)617-2534. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Barbara Lauer, Bureau of Driver Education and DUI Programs, 2900 Apalachee Parkway, Room B214, Tallahassee, FL 32399-0500, (850)617-2534

THE FULL TEXT OF THE PROPOSED RULES IS:

15A-12.001 Purpose.

The Florida Motorcycle Safety Education Program shall be known as the Florida Rider Training Program (FRTTP). Its purpose is to provide motorcycle safety training, course curriculum and the certification of instructors.

Rulemaking Authority 322.02(6), 322.025, 322.0255(1), (6), (7), 322.12(5)(a) FS. Law Implemented 322.0255, 322.12(5)(a) FS. History—New

15A-12.002 Definitions and Course Curriculum.

(1) Basic Rider Course (BRC) – Standard beginner 15 hour motorcycle rider course as adopted by the Motorcycle Safety Foundation (MSF) and required for licensure to operate a motorcycle. The course curriculum shall be that prescribed by the Motorcycle Safety Foundation (MSF) and will include the Basic rider Course Rider Coach Guide, the Basic Rider Course Handbook and Basic Rider Course Range Cards, copies of which can be obtained by contacting the Motorcycle Safety Foundation, 2 Jennifer Street, Suite 150, Irvine, CA 92618, (949)727-3227, or from its website, www.msf-usa.org.

(2) Certified Range Aid – RiderCoach candidate or other person who successfully completed the skills portion of the Basic Rider Course (BRC) and who is employed by a Sponsor to assist in approved training.

(3) Consultants – Individuals providing contract services for regulation of the Program, including performing Quality Assurance inspections and assisting with the RCP.

(4) Department – The Department of Highway Safety and Motor Vehicles (DHSMV).

(5) Experienced Rider Course (ERC) – Advanced motorcycle rider course as adopted by the Motorcycle Safety Foundation (MSF), designed as a skill enhancement course. The student may use their own motorcycle. This course is not required for licensure. The curriculum shall consist of the Experienced Rider Course RiderCoach Guide as adopted by the Motorcycle Safety Foundation (MSF) for RiderCoaches covering advanced rider course materials and administration, facilities and equipment, instructional planning, course teaching, classroom units, range exercises, and RiderCoach training, including the Experienced Rider Course Suite (Rider Classroom Cards and RiderCoach Range and Classroom Cards), copies of which can be obtained by contacting the Motorcycle Safety Foundation, Communications Department, 2 Jennifer Street, Suite 150, Irvine, CA 92618, (949)727-3227, or from its website, www.msf-usa.org.

(6) Intern/Mentoring Program – Program for candidates seeking Florida recognition as a RiderCoach.

(7) Letter of Authorization – Letter from the Department to the Sponsor authorizing the Program.

(8) Motorcycle Safety Foundation (MSF) – A national, non-profit organization promoting the safety of motorcyclists with programs in rider education, operator licensing and public information.

(9) Online Data Exchange System – An online Reporting system used by Sponsors to submit student Rider Course scores to the Department.

(10) Program – Florida Motorcycle Safety Education Program or Florida Rider Training Program.

(11) Program Manager – The individual who oversees the day-to-day operation of the state motorcycle safety program for the Department. FRTTP Regional coordinators operate under the supervision of the Program Manager.

(12) Quality Assurance – On site inspections conducted by MSF or FRTTP staff of contractors pursuant to a program adopted by MSF, to ensure the program and instructional quality.

(13) RiderCoach – FRTTP Certified Rider Course Instructor, as set forth in these rules.

(14) RiderCoach Intern – Candidate/Individual who gains supervised professional experience through the Intern/Mentoring Program.

(15) RiderCoach Trainer – RiderCoach certified by MSF that trains RiderCoaches.

(16) Rules of Professional Conduct – Statement of conduct by which all FRTTP recognized RiderCoaches are to abide by when conducting courses, as set forth in HSMV Form 72201 (10/2006), a copy of which may be obtained as described in Rule 15A-12.009, F.A.C.

(17) Sidecar/Trike Education Program (S/TEP) – Motorcycle course for individuals who intend to drive a motorcycle with more than two wheels or attached sidecar as adopted by the Evergreen Safety Council (ESC); Sidecar/Trike Education program Instructor Manual, copies of which can be obtained by contacting Evergreen Safety Council, 401 Pontius Avenue North, Seattle, WA 98109, (206)382-4090 or (800)521-0778, or at esc@esc.org, or visit www.esc.org/sidecar.html.

(18) Sponsor – The individual or entity which provides or intends to provide motorcycle safety training program services in Florida.

(19) Update – Program or course updates for RiderCoaches.

Rulemaking Authority 322.02(6), 322.025, 322.0255(2), (6), (7) FS. Law Implemented 322.0255, 322.12(5)(a) FS. History—New

15A-12.003 Reciprocity.

(1) Motorcycle training programs recognized, approved, licensed, or certified by another state or country's driver license authority, that are recognized by FRTTP as being similar to the motorcycle safety training program in this State.

(2) The motorcycle endorsement requirements are waived if an individual has a driver license that includes a motorcycle endorsement from any one of the following:

(a) Any State (except Alabama)

(b) United States Territories, Possessions (including Panama Canal Zone if issued prior to January 1, 2000)

- (c) Canada
- (d) France
- (e) Germany
- (f) Taiwan
- (g) United States Military

Rulemaking Authority 322.02(6), 322.025, 322.0255(6), (7), 322.12(5)(a), (b) FS. Law Implemented 322.0255, 322.12(5)(a) FS. History--New _____.

15A-12.004 Application to Become a Sponsor.

(1) Locate a suitable area for a range. An unobstructed area of 200' x 300' is recommended. Potential alternatives can be found on the MSF website, www.msf-usa.org. A request for any range approval shall be made electronically or in writing to FRTP to secure a letter of authorization with FRTP.

(2) Obtain a written statement from the property owner providing permission to use the property for motorcycle safety courses.

(3) Complete the forms listed below which are available from MSF website, www.msf-usa.org, Training Site Support, Rider Education Recognition Program (RERP) Forms:

(a) Rider Education Recognition Program (RERP) Agreement.

(b) Rider Education Recognition Program (RERP) Application.

(c) Rider Education Recognition Program (RERP) Range Application.

(d) MSF Rider Course Range Information Form.

(4) The regional coordinator will verify the range area and all forms will be sent to the FRTP Program Manager who will sign and forward them to MSF for approval.

(5) MSF will send a letter of approval to the applicant with a copy to the FRTP Program Manager.

(6) Once FRTP receives clearance from MSF, FRTP will initiate the letter of authorization process.

(7) The Letter of Authorization will be signed by the Director of the Division of Driver License or her designee and provided to the Sponsor.

(8) Only when the applicant receives both official documents, will they be able to start classes.

(9) Any change in the information provided by the applicant must be approved by FRTP. A letter of authorization shall not be transferable. The program shall notify FRTP at least 90 days prior to the effective date of a proposed change in the program's corporate structure. FRTP shall review the proposed changes and may request additional information from the program.

(10) The Sponsor shall be given Primary and Secondary signatory templates designed to designate approval authority for the motorcycle safety course classes. The Sponsor shall keep a record of Online Data Exchange System signatories, signatory ID's and clerical additions.

Rulemaking Authority 322.02(6), 322.025, 322.0255(1), (2), (4), (6), (7), 322.12(5)(a) FS. Law Implemented 322.0255, 322.12(5)(a) FS. History--New _____.

15A-12.005 Additional Program Requirements.

(1) An organization authorized to conduct the motorcycle safety education program shall adhere to the following:

(a) All RiderCoaches must abide by the FRTP Rules of Professional Conduct, HSMV Form 72201 (a copy of which may be obtained as set forth in Rule 15A-12.009, F.A.C., Forms).

(b) Sponsors must attend required meetings, advise FRTP of organizational changes, location of services, schedules of classes and provide copies of incident reports.

(c) Sponsors must submit reports on student completion in the format required by the FRTP. All completions will be entered within three days of the conclusion of the class into the Online Data Exchange System.

(d) Sponsors must provide proper insurance coverage as required by MSF.

(e) Sponsors and RiderCoaches will cooperate with FRTP staff or their consultants during program regulation visits.

(f) Sponsor shall produce and maintain specific records as identified below:

(i) Student Observation/Incident Report, HSMV Form 77008 (a copy of which may be obtained as set forth in Rule 15A-12.009, F.A.C., Forms), where applicable. The Sponsor shall submit copies of all incident reports to the Department within 30 days of occurrence.

(ii) The student has one year from completion date of a license waiver course to secure the endorsement on their driver license. DHSMV Driver License Operations Manual, Motorcycle Licensing Procedures, MP 3 – Motorcycle Also Requirements, DHSMV Issued: 08/00/05, Revised: 04/21/10.

(g) The Sponsor, upon request, shall permit FRTP and its representatives to inspect the program, its public facilities, equipment and records that are required by these administrative rules to be maintained in the operation of the program.

(h) Sponsors must maintain training materials and equipment. All cosmetic damage to state loaned motorcycles must be repaired at least annually. Any motorcycle that has been involved in a crash will be immediately removed from service. The Sponsor must ensure that it is inspected and ridden by a RiderCoach or Certified Range Aid to ensure proper repair prior to student use.

(i) Sponsors must maintain all ranges and meet safety codes.

(j) The Sponsor is solely responsible for the performance of all aspects of these administrative rules. The Sponsor may subcontract aspects of these requirements but assumes full responsibility for the performance of that subcontractor.

(2) A Sponsor shall not use any name other than its registered name with the Secretary of State, for advertising or publicity purposes, nor shall a Sponsor advertise or imply that it is "recommended," or "endorsed" by FRTP or the State of Florida.

(3) No Sponsor, RiderCoach or employee shall advertise or represent themselves to be an agent or employee of FRTP or allow the use of any advertisement which would reasonably have the effect of leading the public to believe that they are or were an employee or representative of FRTP.

(4) No Sponsor shall make a false or misleading claim in any of its advertisements.

(5) No Sponsor shall use any form of advertising which is obscene, lewd, or pornographic.

(6) The electronic Online Data Exchange System requires reports to be submitted within three days of course completion. If any portion of the documentation is incorrect or incomplete, it may be addressed via email to the Sponsor or the documentation will be returned to the Sponsor for correction and must be resubmitted by the Sponsor within 3 working days of receipt.

(7) By submission of the online reports, the Sponsor certifies their correctness. All such reports are subject to audit by the State or its designee.

(8) The Sponsor shall direct all required correspondence and reports to the Department which shall bear an original signature of the Sponsor's designated representative.

(9) The Sponsor shall issue each student a current edition of the BRC Student Handbook or S/TEP Student Handbook, which shall be an original and not photocopied. For the ERC, the Sponsor shall provide a set of classroom cards to the students for use during the program.

(10) A student who fails either the Rider Course knowledge test or skills test shall be allowed one retest. The retest shall not be on the same day as the failure. The retest shall be at no cost to the student and shall occur within 60 days of the date of the failure.

Rulemaking Authority 322.02(6), 322.025, 322.0255(1), (2), (3), (6) (7), 322.12(5)(a) FS. Law Implemented 322.0255, 322.12(5)(a) FS. History—New _____.

15A-12.006 Regulation of Authorized Program.

(1) FRTP will regulate and periodically visit each Sponsor site to ensure compliance and quality assurance with these administrative rules, Florida Statutes, and compliance with all applicable MSF or ESC Agreements and course requirements. FRTP staff and contractors are authorized by MSF and ESC to act in their behalf to insure program compliance. The FRTP staff, consultants or representatives under these administrative rules shall:

(a) Conduct announced or unannounced site visits, or place unannounced rider(s) in a class.

(b) Check the range for size and safety compliance. If there is an immediate safety issue the range shall be shut down. A formal report shall be made on the Quality Assurance Audit Form, HSMV 92786.

(c) During a site visit, all representatives of the Sponsor shall cooperate with FRTP's representative(s), and, upon request, shall exhibit all records, instructional aids, manuals, or such other materials as necessary for the review.

(2) The FRTP representative visiting the Sponsors will produce a report on the Quality Assurance Audit Form, HSMV Form 92786 (a copy of which may be obtained as set forth in Rule 15A-12.009, F.A.C., Forms). A copy of the report shall be provided to the Sponsor.

(a) Sponsors shall be responsible for ensuring any deficiencies noted in the report are remedied in the time allotted. Failure to do so shall be considered administrative rule violations, which are cause for suspension or termination of authorization to provide motorcycle safety education.

(b) The Quality Assurance Audit Form, HSMV Form 92786 (a copy of which may be obtained as set forth in Rule 15A-12.009, F.A.C., Forms), outlines the steps that will be taken by the FRTP, when the Code of Conduct or the Department "Letter of Authorization", are not adhered to.

(c) On the first observation the FRTP representative documents in a comprehensive report what they saw and why it was viewed as a problem. This report is submitted to FRTP for review. A notice will be provided to the RiderCoach and Sponsor. The RiderCoach and Sponsor will be allowed to provide explanations and reasoning as to their actions. If the explanation and/or reasoning is/are acceptable, then no further action will be deemed necessary. If the explanations and reasoning so warrant, advise the RiderCoach and Sponsor of the necessary corrective measure(s) to be implemented by them to correct it.

(3) In order to better facilitate site visits, the Sponsor shall provide the Department a quarterly Rider Course schedule no later than the 15th of the month preceding the new quarter, listing the dates of the classes and the names of the RiderCoaches who will be teaching on those dates. The course schedule shall be sent to FRTP-Schedules@flhsmv.gov. The Sponsor shall notify the Department of any changes in course schedules (a monthly submission is permissible).

Rulemaking Authority 322.02(6), 322.0255(2), (3), (6) FS. Law Implemented 322.0255, 322.12(5)(a) FS. History—New _____.

15A-12.007 RiderCoaches.

(1) RiderCoaches, as personnel, must complete the RiderCoach Apprentice Program (RCAP), as established by the MSF, prior to being employed by any Sponsor.

(2) RiderCoaches are to be MSF certified and Florida recognized, maintaining certification, so that they may instruct the motorcycle safety courses. Prospective Rider Coaches must comply with the following:

- (a) Find a Sponsor School in their area to sponsor them.
 - (b) Complete a Basic Rider Course.
 - (c) Fill out the RiderCoach Apprentice Program Application, HSMV Form 77058, copies of which may be obtained as set forth in Rule 15A-12.009, F.A.C., Forms, and submit it to the address on the application.
 - (d) The RiderCoach will be placed in a RiderCoach Preparation Course (RCP).
 - (e) After successful completion of the RCP, the student will be a recognized FRTP RiderCoach and certified by the Motorcycle Safety Foundation (MSF). The RiderCoach identification card will be sent to the RiderCoach by MSF.
- (3) RiderCoaches are to be Motorcycle Safety Foundation (MSF) certified and Florida recognized maintaining certification so that they may instruct the motorcycle safety courses.
- (a) Maintaining Florida RiderCoach Status:
 - (i) For RiderCoaches initially trained at an FRTP sponsored or recognized RiderCoach Preparation Course (RCP), a probationary recognition is automatic. This is based on the individual completing the RCAP and attending an RCP.
 - (ii) In order to gain full recognition, the RiderCoach must be observed and receive an average grade in all areas of the Quality Assurance Audit.
 - (iii) Continued FRTP recognition is predicated upon successful completion of the one-year probationary period, and the RiderCoach maintaining national Rider Course RiderCoach Certification, teach or team teach a minimum of one complete Basic Rider Course annually, and attend one FRTP RiderCoach Update in a certification period. Updates will not be more than 30 months apart.
 - (b) RiderCoaches trained outside Florida can gain FRTP recognition by doing the following:
 - (i) Contact Course Sponsor in the area you want to teach in and discuss the possibility of employment.
 - (ii) If Sponsor School agrees to employment, complete a RiderCoach Personal Information Qualification Form (provided by Sponsor School), HSMV Form 77122, copies of which may be obtained as set forth in Rule 15A-12.009, F.A.C., Forms, and submit the form to the appropriate Regional Coordinator.
 - (iii) The Sponsor can use the RiderCoach, with a current FRTP recognized RiderCoach, for two classes before they are observed.
 - (iv) The RiderCoach must be observed by an FRTP or FRTP approved RiderCoach Trainer (RCT).
 - (v) The RiderCoach must attend the next available FRTP update. Updates must be within six months of observation.
 - (vi) All new FRTP recognized RiderCoaches will be placed on probationary status for one year.
- (4) The Sponsors shall employ only RiderCoaches who are recognized by FRTP and certified by MSF or ESC.

(5) RiderCoaches and Sponsors must adhere to the professional standards adopted by FRTP as established by the MSF and the ESC: FRTP Rules of Professional Conduct, HSMV Form 72201, a copy of which may be obtained as set forth in Rule 15A-12.009, F.A.C., Forms.

(6) RiderCoaches trained in another state, must, prior to teaching in Florida, complete a BRC RiderCoach Information Sheet; submit a driver's record and criminal history background, and a copy of their MSF RiderCoach card to the area Regional Coordinator. Then they will be evaluated by FRTP staff or their designee. They must also attend a RiderCoach update within six months of evaluation.

(7) RiderCoaches must maintain their certification and a valid driver license with a motorcycle endorsement.

(8) RiderCoaches must sign and abide by the FRTP's RiderCoach Rules of Professional Conduct, teach or team teach a minimum of one complete BRC or S/TEP annually, attend one FRTP RiderCoach Update and one professional development activity in their certification period (two years).

(9) RiderCoaches must recertify with MSF on-line and must forward recertification surveys to Sponsors.

(10) RiderCoaches shall ensure that no assistance is given any student in a manner that provides unfair advantage in passing the skills and/or knowledge tests. RiderCoaches cannot conduct tests for their relatives.

(11) RiderCoaches can also gain Florida recognition by completing the FRTP Intern/Mentoring Program.

(a) For RiderCoaches who were initially trained at an FRTP sponsored RiderCoach Preparation Course (RCP) or Sidecar and Trike Education program (S/TEP), recognition is automatic upon completion of the Intern/Mentoring Program.

(b) RiderCoaches seeking Florida recognition must complete the Intern/Mentoring Program and attend an FRTP Update. Both must be completed within 9 months of applying for FRTP recognition.

(i) RiderCoach candidates will automatically be entered into the Intern/Mentoring Program when they successfully complete the RCP.

(ii) Under the Intern/Mentoring Program, new RiderCoaches and those seeking Florida recognition will be required to team-teach a minimum of 3 Basic Rider Courses (BRC) with an FRTP recognized RiderCoach.

(iii) An Internship Report – RiderCoach Mentor Form, HSMV Form 77079 (copies of which may be obtained as set forth in Rule 15A-12.009, F.A.C., Forms), will need to be completed for each class. The RiderCoach Intern will also need to complete a RiderCoach Intern Form, HSMV Form 77078 (copies of which may be obtained as set forth in Rule 15A-12.009, F.A.C., Forms), for each class. Completed forms will be sent to the e-mail or mailing address on the forms.

(iv) Once FRTP receives all of the forms listed in (10)(b)(iii), above, the candidate will gain full FRTP RiderCoach recognition.

Rulemaking Authority 112.011, 322.02(6), 322.0255(3), (6) FS. Law Implemented 322.0255, 322.12(5)(a) FS. History–New _____.

15A-12.008 Program Compliance.

(1) Administrative non-compliance is the failure to meet requirements for reporting, notifications, record keeping and similar acts that do not compromise testing integrity or public safety. The first occurrence requires a written reprimand and further violations requires a suspension of the authorization to provide motorcycle safety education.

(2) Discrepancy in test procedure is the failure to properly administer a required portion of a test procedure, such as the omission of a required maneuver. The first occurrence will result in a suspension of the authorization to provide motorcycle safety education, and a repeated occurrence may result in program termination.

(3) A major discrepancy in testing procedures is a failure to include all required parts, use of an unsafe vehicle for testing, or other action that significantly compromises the integrity of the testing process. A violation will result in a suspension of the authorization to provide motorcycle safety education for the first occurrence and further violations may result in program termination.

(4) Fraud is defined as the abuse of authorities granted under these administrative rules to gain profit through the issuance of test waivers for students who have not passed a complete test or have not completed the course in its entirety.

(5) The authorization to conduct motorcycle safety education may be cancelled if a Sponsor refuses to allow public access to all documents subject to Chapter 119, F.S., fails to comply with any part of these administrative rules, commits an act that compromises the integrity of the program, or uses a RiderCoach who is not Florida recognized.

(6) Upon termination of the authorization, all loaned equipment and program materials must be returned to FRTP within 10 calendar days of the termination.

Rulemaking Authority 120.60, 322.02(6), 322.0255(1), (3), (4), (6), FS. Law Implemented 322.0255, 322.12(5)(a) FS. History–New _____.

15A-12.009 Forms.

The forms listed below are incorporated by reference for administration of the FRTP program. Copies of the forms may be obtained from the FRTP website, under forms “Forms”, or by contacting the Department of Highway Safety and Motor Vehicles, Bureau of Driver Education and DUI Programs, Florida Rider Training Program, 2900 Apalachee Parkway, Neil Kirkman Building, MS 88, Room B211 B214, Tallahassee, Florida 32399-0571.

(1) Form HSMV 72201. “FRTP Rules of Professional Conduct”; October 2006; Rules 15A-12.005 and 15A-12.007, F.A.C.

(2) Form HSMV 77008. “Student Observation/Incident Report”; October 2009; Rule 15A-12.005, F.A.C.

(3) Form HSMV 77108. “BRC Skill Evaluation Score Sheet”; October 2003.

(4) Form HSMV 77110. “ERC Skill Evaluation Score Sheet”; October 2003.

(5) Form HSMV 92786. “Quality Assurance Audit Form”; February 2010; Rule 15A-12.006, F.A.C.

(6) Form HSMV 77076S. “Florida Rider Training Program (FRTP), Motorcycle Riding Course for Endorsement Approval Form for Newly Developed Course”; February 2010.

(7) Form HSMV 77077S. “Florida Rider Training Program (FRTP), Advanced Motorcycle Riding Course, Approval Form for Newly Developed Course”; February 2010.

(8) Form HSMV 77079. “Internship Report – RiderCoach Mentor Form”; June 2010.

(9) Form HSMV 77078. “RiderCoach Intern Form”; June 2010.

(10) Form HSMV 77058. “RiderCoach Apprentice Program Application”; April 2009.

(11) Form HSMV 77122. “RiderCoach Personal Information Qualification Form”; July 2010.

Rulemaking Authority 322.02(6), 322.0255(2), (6), 322.12(5)(a) FS. Law Implemented 322.0255, 322.12(5)(a) FS. History–New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Barbara Lauer, Bureau of Driver Education and DUI Programs,
2900 Apalachee Parkway, Room B214, Tallahassee, FL
32399-0500, (850)617-2534

NAME OF AGENCY HEAD WHO APPROVED THE
PROPOSED RULE: Julie Jones, Executive Director

DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: July 29, 2010

DATE NOTICES OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: December 11, 2009; November 26,
2008

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

Division of Motor Vehicles

RULE NOS.:	RULE TITLES:
15C-17.001	Requirements
15C-17.002	Exemptions and Restrictions
15C-17.003	Record Retention

PURPOSE AND EFFECT: The Purpose and Effect of this rule is to implement a secure electronic process for the temporary transfer of license plates.

SUMMARY: Electronic Temporary Registration (ETR) is a legislatively authorized program associated with issuing temporary license plates. This program allows all temporary license plate issuers to electronically report the issuance of temporary license plates to the Department. Dealerships issue temporary license plates to customers and electronically submit customer and vehicle information to the Department in

real time. Real time access to temporary license plate data provides law enforcement with critical information in protecting the citizens of Florida.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The agency has determined that this rule will not have an impact on small business. A SERC has been prepared by the agency.

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

RULEMAKING AUTHORITY: 320.0609(8)(c) FS.

LAW IMPLEMENTED: 320.0609(8)(c) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Julie Baker, Assistant Bureau Chief, 2900 Apalachee Parkway, MS-70, Tallahassee, Florida 32399; juliebaker@flhsmv.gov

THE FULL TEXT OF THE PROPOSED RULES IS:

15C-17.001 Requirements.

(1) Every Electronic Temporary Registration (ETR) provider pursuant to Chapter 15C-16, F.A.C. must also provide a method to issue an electronic temporary plate transfer.

(2) Every motor vehicle dealer licensed under Chapter 320 shall report a temporary plate transfer via the ETR System, a tax collector's office, or a license plate agency prior to the license plate being placed on a newly acquired vehicle.

(3) The dealer must provide verification to the ETR provider that background checks are performed on all principals or prospective users and meet the requirements set forth in this rule prior to the ETR provider allowing access to the system and registering authorized users. The principals or prospective users shall have no convictions of a felony involving fraudulent crimes related to motor vehicles including, but not limited to, identity fraud, embezzlement or other related economic crimes by the principals or prospective users within the last five years. If there were any felony convictions against any principal or prospective user beyond the five years, they must have had their civil rights restored and provide proof of this prior to being authorized to access the system. This does not include any felony convictions involving the actual operation of a motor vehicle.

Rulemaking Authority 320.0609(8)(c) FS. Law Implemented 320.0609(8) FS. History--New _____.

15C-17.002 Exemptions and Restrictions.

(1) In order to be temporarily transferred, the registration must have more than 30 days of valid registration remaining. If the current registration does not meet this requirement, an electronic temporary registration must be issued pursuant to Chapter 15C-16, F.A.C.

(2) When a temporary plate transfer transaction cannot be performed due to connectivity issues, every issuer of temporary plate transfers must perform the following:

(a) Provide written documentation to the customer indicating the transfer could not take place due to a connection failure.

(b) Issue a pre-printed temporary license plate pursuant to subsection 15C-16.002(2), F.A.C.

Rulemaking Authority 320.0609(8)(c) FS. Law Implemented 320.0609(8) FS. History--New _____.

15C-17.003 Record Retention.

Any person or entity authorized to conduct temporary plate transfers shall maintain all records relating to the transfer for a period of 5 years, and such records shall be open to inspection by the department or its agents during reasonable business hours.

Rulemaking Authority 320.0609(8)(c) FS. Law Implemented 320.0609(8) FS. History--New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Boyd Walden, Chief, Bureau of Titles and Registrations, Division of Motor Vehicles, 2900 Apalachee Parkway, MS-68, Tallahassee, Florida 32399-0500

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Julie Jones, Executive Director

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 9, 2010

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

Division of Motor Vehicles

RULE NOS.:	RULE TITLES:
15C-18.001	Electronic Filing System
15C-18.002	Electronic Filing System Features
15C-18.003	Tax Collector Responsibilities
15C-18.004	EFS Agent Participation Requirements
15C-18.005	Service Providers; Certification; Requirements
15C-18.006	Electronic Filing System Requirements; Disclosure to Customer
15C-18.007	Enforcement; Service Providers; EFS Agents; Tax Collectors

PURPOSE AND EFFECT: To administer and establish operating requirements for the electronic filing system and for the users of the Department's electronic filing system, including but not limited to: establishing participation requirements; certification of service providers; electronic filing system requirements; and enforcement authority for noncompliance.

SUMMARY: The electronic filing system allows authorized users to conduct title and registration transactions for their customers.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The agency has determined that this rule will not have an impact on small business. A SERC has not been prepared by the agency.

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

RULEMAKING AUTHORITY: 320.03(10) FS.

LAW IMPLEMENTED: 320.03(10) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Julie Baker, Assistant Bureau Chief, 2900 Apalachee Parkway, MS-70, Tallahassee, Florida 32399; juliebaker@flhsmv.gov

THE FULL TEXT OF THE PROPOSED RULES IS:

15C-18.001 Electronic Filing System.

(1) Purpose and Scope. This rule prescribes and defines the Department of Highway Safety and Motor Vehicles' Electronic Filing System and the participation requirements, certification of service providers, system requirements and enforcement authority for noncompliance.

(2) Definitions. The words or terms as used in this rule shall have the following meanings:

(a) "Certified Service Provider" means a Department approved provider of electronic registration and titling or other motor vehicle, vessel, mobile home, or off-highway vehicle transactions allowed under the Electronic Filing System. The Certified Service Provider hosts an approved system for interface between EFS agents and the Department.

(b) "Department" means the Department of Highway Safety and Motor Vehicles.

(c) "Electronic Filing System" means the system owned by and under the jurisdiction of and regulated by the Department which allows authorized EFS agents to process title and registration transactions.

(d) "Electronic Filing System (EFS) agent" means an entity authorized by the Department to process title and registration transactions using the Electronic Filing System as defined in Section 320.03(10), F.S.

(e) "Indicia" means any document, validation decal, paper stock or metal license plate necessary in titling and registration transactions.

(f) "Inquiry" means accessing the Department's database for information that does not result in the issuance of a title certificate or registration credential.

(g) "Motor Vehicle" includes, for the purposes of this rule only, motor vehicles, vessels, mobile homes or off-highway vehicles.

(h) "Tax Collector" means one of the 64 state constitution or 3 charter appointed tax collectors in the 67 counties of Florida who serve as agents of the Department for the delivery of title and registration services.

(3) The Department and all Tax Collectors must allow any entity who meets the requirements set forth in this rule to participate as an EFS agent. Neither the Department nor a Tax Collector may deny an eligible EFS agent from participating. The Department, Tax Collectors, EFS agents, and Certified Service Providers shall comply with the provisions of these rules and may not add additional requirements not set forth in either the statute or these rules.

Rulemaking Authority 320.03(10)(a) FS. Law Implemented 320.03(10)(a), (b) FS. History--New _____.

15C-18.002 Electronic Filing System Features.

The Electronic Filing System allows an authorized EFS agent to process title and registration transactions for products they sell including, but not limited to:

(1) New and used motor vehicles.

(2) Direct and lease purchases.

(3) License plates transferred from one motor vehicle to another.

(4) Registration renewal for customers at the time of purchase.

(5) Inquiry capabilities subject to applicable fees as set forth in Section 320.05(3)(e), F.S.

Rulemaking Authority 320.03(10)(a) FS. Law Implemented 320.03(10)(a), (b) FS. History--New _____.

15C-18.003 Tax Collector Responsibilities.

Tax Collectors are responsible for:

(1) Appointing EFS agents in their county after the Department notifies said Tax Collector that the entity is authorized.

(2) Referring any requests to become an authorized EFS agent to the Department.

(3) Reviewing supporting documentation from EFS transactions processed in the county. The Tax Collector shall ensure all transactions and corrections are processed in accordance with law and Department procedure.

(4) Receiving funds collected electronically from EFS transactions from the Certified Service Provider and remitting State funds in accordance with law and Department procedure.

(5) Distribution of indicia to authorized EFS agents. The Tax Collector's responsibility is limited to distribution of indicia pursuant to Department procedure.

Rulemaking Authority 320.03(10)(a) FS. Law Implemented 320.03(10)(a), (b) FS. History--New _____.

15C-18.004 EFS Agent Participation Requirements

(1) Entities requesting authorization to become an EFS agent must meet the following requirements:

- (a) Sell products that must be titled or registered.
- (b) Provide title and registration services on behalf of its consumers.
- (c) Enter into a contract with a Certified Service Provider.
- (d) Apply to the Department on a form prescribed by the Department.
- (e) Have no unresolved issues regarding non-sufficient funds received by either the Department or Tax Collector.
- (f) Have no convictions of a felony involving fraudulent crimes related to motor vehicles including, but not limited to, identity fraud, embezzlement or other related economic crimes by the principals or prospective users within the last five years. If there were any felony convictions against any principal or prospective user beyond the five years, they must have had their civil rights restored and provide proof of this prior to being authorized to access the system. This does not include any felony convictions involving the actual operation of a motor vehicle. The EFS agent must provide verification to the Certified Service Provider that background checks are performed on all principals or prospective users and meet the requirements set forth in this rule prior to the Certified Service Provider allowing access to the system and registering authorized users.

- (g) Must be current on all applicable tax payments.
- (h) Must be current on all State and or local licenses.
- (i) Prior disciplinary actions by the Department may be used as a determining factor in denial of an entity as an EFS agent.

(2) EFS agents may only stock regular series license plates and registration decals unless they receive specific authority from the Department to stock additional indicia types.

(a) The EFS agent must ensure that all indicia is secured in a locked area during non-business hours. Indicia not being used shall also be secured in a locked area.

(b) Only those users authorized by the Certified Service Provider shall have access to indicia.

(3) Upon authorization from the Department the Tax Collector shall appoint an entity as an authorized electronic filing system agent for that county.

Rulemaking Authority 320.03(10)(a) FS. Law Implemented 320.03(10)(a), (b) FS. History--New _____.

15C-18.005 Service Providers; Certification; Requirements.

(1) The Department shall certify Service Providers who meet minimum requirements as set forth in this rule.

(2) Entities requesting approval to become a Certified Service Provider must meet the following requirements prior to being approved by Department:

- (a) Enter into a contract with the Department.
- (b) Pass a structured test with the Department.
- (c) Provide a performance bond for \$2 million with the Department.
- (3) The Certified Service Provider shall:
 - (a) Provide support, assistance and training to any EFS agents using their system.
 - (b) Follow installation procedures as set forth by the Department.
 - (c) Maintain all records of electronic fund transfers, inventories and files of transactions for a period of three fiscal years.
 - (d) Maintain all contractual agreements for a period of five fiscal years after completion or termination of the contract.
 - (e) Make all records available for inspection or audit at any time during normal business hours by the Department.
 - (f) Ensure all EFS agent principals or prospective users have had background checks and maintain lists of authorized users.
 - (g) Transfer all funds collected in connection with the processing of all registration and title transactions and other approved services via Electronic Funds Transfer to the applicable Tax Collector office within two business days of the date the transaction is electronically submitted to the Tax Collector's office.
 - (h) Provide at its own expense all equipment necessary to provide an interface between the Certified Service Provider's server and the Department's server.

(d) Maintain all contractual agreements for a period of five fiscal years after completion or termination of the contract.

(e) Make all records available for inspection or audit at any time during normal business hours by the Department.

(f) Ensure all EFS agent principals or prospective users have had background checks and maintain lists of authorized users.

(g) Transfer all funds collected in connection with the processing of all registration and title transactions and other approved services via Electronic Funds Transfer to the applicable Tax Collector office within two business days of the date the transaction is electronically submitted to the Tax Collector's office.

(h) Provide at its own expense all equipment necessary to provide an interface between the Certified Service Provider's server and the Department's server.

Rulemaking Authority 320.03(10)(a) FS. Law Implemented 320.03(10)(a), (b) FS. History--New _____.

15C-18.006 Electronic Filing System Requirements; Disclosure to Customer.

(1) Certified Service Providers must provide reports as set forth below. The Electronic Filing System developed by a Certified Service Provider must at a minimum include the following reporting capabilities:

(a) Bundle reporting which includes all completed transactions from the prior business day and includes the following data: transaction ID number, owner name, number of license plate, expiration date, title number, agency fees, system control number, customer number, stock number, sales tax revenue, registration tax, title fees, total registration tax and title fees and total funds remitted.

(b) An inventory report reflecting inventory on hand, unassigned, available, issued, transmitted, damaged, missing, returned, or reserved. Such report shall include series of inventory with beginning and ending numbers.

(c) A pull ticket report which includes a control number, new owner of vehicle or vessel being purchased, VIN or hull number, make and body or vessel type. If the license plate is being transferred, the plate number shall be included.

(d) Registration certificate.

(e) Title application receipt.

(f) Provide an approved HSMV 84003 with a list of license plates that have been voided, along with a reason for the void.

(g) Provide a report for each county, by authorized EFS agent, listing all current users.

(h) Provide a list to the Department of all authorized users of the Electronic Filing System.

(2) The system must provide a report of all completed transactions for the previous date.

(3) Certified Service Providers must ensure that access and data are secure. The EFS agent must ensure that access and data are only used by authorized persons.

(4) An EFS agent that desires to change its Certified Service Provider shall submit the request to the Department on a form prescribed by the Department.

(5) If an EFS agent charges a fee to the customer for use of the electronic filing system in a title or registration transaction, the EFS agent may not disclose or disguise this as a State or Government fee.

Rulemaking Authority 320.03(10)(a) FS. Law Implemented 320.03(10)(a), (b) FS. History—New _____.

15C-18.007 Enforcement; Service Providers; EFS Agents; Tax Collectors.

(1) Enforcement authority for compliance with the requirements of the electronic filing system with regard to Certified Service Providers is granted to the Department. The Department shall have the authority to terminate any contract or agreement with any Certified Service Provider for any violation of the statute, the rules, or the terms of the contract. Additionally, the following are prohibited and may result in the termination of certification as a service provider:

(a) Providing Electronic Filing System services to a client who is not an authorized EFS agent.

(b) Distributing indicia to a client who is not an authorized EFS agent.

(c) Willful misrepresentation of EFS policies, procedures, contractual terms or other title and registration policies or procedures.

(d) Using Department information for reasons other than authorized Electronic Filing System services.

(e) Failure to correct errors as required by the Department.

(f) Failure to execute electronic funds transfer in the specified time frame.

(2) Enforcement authority for compliance and the requirements of the electronic filing system with regard to EFS agents is granted to the Department. The Department shall have the authority to revoke an EFS agent's ability to use the electronic filing system for any violation of the statute, the rules or the terms of the contract. This rule shall not prevent the Department from imposing any additional sanctions or fines as allowed by other applicable laws or rules including, but not limited to Section 320.27, F.S. Additionally, the following are prohibited:

(a) Failure to comply with Department procedures.

(b) Unauthorized access of data by users.

(c) Failure to pay applicable Department records fees for information not resulting in the issuance of a title certification or registration credential.

(d) Failure to comply with minimum security requirements, including failure to safeguard equipment which provides access to the Electronic Filing System.

(e) Failure to execute electronic funds transfer.

(f) Failure to remain in good standing with the Tax Collector or State, including lapse or revocation of any state of local license.

(g) Failure to correct errors or clear pending transactions as required by the Department.

(h) Charging title and registration fees in excess of those allowed by law.

(i) Improper security and control of license plate and decal inventory or other Tax Collector provided indicia.

(3) Enforcement authority for non-compliance with Rule 15C-18.003, F.A.C., is granted to the Department and may result in the Department or its authorized representative handling EFS services for that county.

Rulemaking Authority 320.03(10)(a) FS. Law Implemented 320.03(10)(a), (b) FS. History—New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Boyd Walden, Chief, Bureau of Titles and Registrations,
Division of Motor Vehicles, 2900 Apalachee Parkway, MS-68,
Tallahassee, Florida 32399-0500

NAME OF AGENCY HEAD WHO APPROVED THE
PROPOSED RULE: Lee Ann Korst, Deputy Executive
Director

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 27, 2010
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 18, 2010

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-404.107
 RULE TITLE: Use of Force with Mentally Disordered Inmates

PURPOSE AND EFFECT: The purpose and effect is to repeal Rule 33-404.107, F.A.C.

SUMMARY: Rule 33-404.107, F.A.C., is being repealed, as the language of the rule is duplicative of language in proposed Rule 33-602.210, F.A.C.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The agency has determined that this rule will not have an impact on small business. A SERC has not been prepared by the agency.

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

RULEMAKING AUTHORITY: 944.09, 944.35, 945.49 FS.

LAW IMPLEMENTED: 944.09, 944.35, 945.49 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kendra Lee Jowers, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE FULL TEXT OF THE PROPOSED RULE IS:

33-404.107 Use of Force with Mentally Disordered Inmates.

Rulemaking Specific Authority 944.09, 944.35, 945.49 FS. Law Implemented 944.09, 944.35, 945.49 FS. History–New 5-27-97, Formerly 33-40.007, Repealed _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Dean Aufderheide, Mental Health Services Director
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Walter A. McNeil, Secretary
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 23, 2010

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-601.217
 RULE TITLE: Elderly Offender Housing

PURPOSE AND EFFECT: The purpose and effect of the proposed rulemaking is to remove reference to the Correctional Privatization Commission, as the commission no longer exists.

SUMMARY: The proposed rule removes references to the Correctional Privatization Commission, as the commission no longer exists, and is amended to reflect recent changes to Section 944.804, F.S.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The agency has determined that this rule will not have an impact on small business. A SERC has not been prepared by the agency.

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

RULEMAKING AUTHORITY: 944.09, 944.804 FS.

LAW IMPLEMENTED: 944.09, 944.804 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kendra Lee Jowers, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE FULL TEXT OF THE PROPOSED RULE IS:

33-601.217 Elderly Offender Housing.

(1) Definitions.

(a) No change.

(b) State Classification Office (SCO) – refers to a staff member at the central office level who is responsible for the review of inmate classification decisions. Duties include approving, disapproving, or modifying or rejecting ICT recommendations.

(c) Elderly Offender – an inmate age 50 or older in a state correctional institution or facility operated by the Department of Corrections or a state correctional facility operated by a private entity under contract with the Department of Management Services or the Correctional Privatization Commission.

(d) Geriatric Facility or Dorm River Junction Work Camp – a geriatric facility or dorm within a facility authorized designated by Section 944.804, F.S., for generally healthy elderly offenders who can perform general work appropriate for their physical and mental condition.

(e) No change.

(2) Placement criteria. Inmates shall be recommended for placement at a geriatric facility or dorm River Junction Work Camp through routine classification assignment.

(a) Inmates shall meet the following criteria for housing at a geriatric facility or dorm RJCI:

- 1. No change.
- 2. Medium, minimum, or community custody;
- 3. No change.
- 4. Are not otherwise deemed to be a security risk for placement; and
- 5. No change.

(b) An inmate The following inmates shall not be eligible for housing at a geriatric facility or dorm RJCI if he:

- 1. Is close ~~Close~~ or maximum custody;
- 2. ~~Has~~ ~~Have~~ a current or prior conviction for any sex offense;
- 3. ~~Has~~ ~~Have~~ a current or prior conviction for first degree murder;
- 4. ~~Has~~ ~~Have~~ an escape history or escape arrest with unknown disposition;
- 5. ~~Has~~ ~~Have~~ a violent felony or INS detainer;
- 6. ~~Has~~ ~~Have~~ an ex-death sentence;
- 7. ~~Has~~ ~~Have~~ a life sentence without parole eligibility;
- 8. ~~Has~~ ~~Have~~ been released from close management status within the last six months; or
- 9. ~~Has~~ ~~Have~~ a special medical need that which cannot be accommodated in the work camp setting.

Rulemaking Specific Authority 944.09, 944.804 FS. Law Implemented 944.09, 944.804 FS. History–New 9-15-02, Amended 4-1-04,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
George Sapp, Deputy Secretary of Institutions
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Walter McNeil, Secretary
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 23, 2009
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 11, 2009

DEPARTMENT OF MANAGEMENT SERVICES

Technology Program

RULE NO.: 60FF-5.003 RULE TITLE: E911 State Grant Programs

PURPOSE AND EFFECT: The Board proposes the rule amendment to delete unnecessary language and to add new language to clarify E911 state grant programs.

SUMMARY: The rule amendment will delete unnecessary language and to add new language to clarify E911 state grant programs.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: A Statement of Estimated Regulatory Cost has been prepared and is available by contacting John C. Ford, Chair, at the address listed below. 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 following is a summary of the SERC:

- The number of individuals and entities likely to be required to comply with the rule is 67.
- The costs associated with this rule are minimal and limited to the grant application costs and costs for grant reporting.
- No increased reporting, staffing, legal or fee requirements are anticipated.
- The proposed change is not expected to impact small business.

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

RULEMAKING AUTHORITY: 365.172(6)(a)11. FS.
LAW IMPLEMENTED: 365.172(6)(a)3.b., 365.172(9)(a), (b), (c), 365.173(2)(i) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: John C. Ford, Chair, E911 Board, 4030 Esplanade Way, Suite 160Q, Tallahassee, Florida 32399-0950

THE FULL TEXT OF THE PROPOSED RULE IS:

60FF-5.003 E911 State Grant Programs.

The E911 State Grant program is a grant program provided for the purpose of assisting State of Florida counties with the installation of Enhanced 911 (E911), Phase II and Next Generation 911 systems.

- (1) No change.
- (2) General conditions.

(a) Each county applying for E911 State Grant funds shall complete and submit W Form 3A, "Application for the E911 State Grant Program," effective 08/1/10 ~~7/1/2008~~, which is incorporated herein by reference and which may be obtained from the E911 Board office at the following address:

State of Florida E911 Board
 ATTN: Administrative Assistant
 4050 Esplanade Way
 Building 4030 – Suite 160
 Tallahassee, Florida 32399-0950

The applicant must provide one ~~the~~ original of the pages for Application Form items 1 through 10 and the associated quotes for the grant application postmarked or delivered on or before November 1 ~~grant application and nine copies postmarked or delivered to the E911 Board's Administrative Office on or before the date specified in the announcement notification and the grant application.~~

(b) The E911 Board will approve grants for leased equipment only if the applicant county can demonstrate that a lease agreement would be financially beneficial to the grant program as a whole.

(c) No change.

(d) Grant applications totaling \$25,000.00 or more must be accompanied by at least three written substantiated competitive quotes from different vendors. The E911 Board will compare the three quotes to any existing state contract in order to determine appropriate funding. Any county that has made a good faith effort to obtain three competitive quotes and has not been able to obtain the quotes can request E911 Board review based on substantiated proof of request for quotes or posting of the request with documentation of the limited responses. Sole source funding will be considered on a case-by-case basis. Justification and documentation for sole source funding should be provided with this application. Sole source funding will be approved if provided in accordance with Chapter 287, F.S., or with provision of a letter from the county's purchasing department that the project is a sole source procurement based on the county's purchasing requirements and it. ~~The letter~~ should be provided with this ~~the~~ application.

(e) through (g) No change

(h) Grant funds shall be deposited in a bank account maintained by the grantee county, and each grant shall be assigned a unique accounting code designation for deposits, disbursements, and expenditures. All E911 State Grant funds in the account shall be accounted for separately from other grantee funds. Utilization of the earned interest funds shall be authorized through an approved Request for Change Form and expenditure documentation shall be included in the final report. Grant funds including accrued interest may be used between the beginning and ending dates of the grant, unless an extension is requested and authorized by the E911 Board. Extension of time will not be granted unless the county has executed a contract for the grant equipment and/or services, or demonstrates good cause for failure to execute a contract within twelve months of award. Grant extensions shall be limited to a maximum of one additional year when approved by the Board.

(i) Grantee counties must submit quarterly reports to the E911 Board, summarizing the expenditures and activities of the grant funds activities. The reports are due 30 days after the end of the reporting period, which ends March 31, June 30, September 30, and December 31, ~~March 31, and June 30.~~ In lieu of submitting a signed quarterly Grant Budget/Expenditure Report form, the updated form can be e-mailed to the Board's administrative/technical staff. The quarterly and final reports will be considered late if not received by the Board Staff prior to the next scheduled Board Meeting after the due date.

(j) No change.

(k) The County's Board of County Commission Chairperson shall be notified when overdue quarterly reports, final document and final reports are not received before the next E911 Board meeting following the month after the end of the quarter in which they are due. Grant funds are not transferable to any other entity. If equipment purchased using grant funds is sold or transferred within three (3) years of the end of the grant period, the grantee county must return the grant funds to the E911 Board on a pro-rata basis.

(l) Funding continuance will be based on timely submission of quarterly reports. The E911 Board will adjust the amount awarded to a county based upon the availability of funds, eligibility of requested items, published quotes, increased effectiveness of grant funds, minimum system requirements for performing the needed E911 function as specified in the State E911 plan, or documented factors provided in the grant application submission.

(m) Grant awards will be withheld for any county that has a grant with a past-due quarterly report or past-due final documentation and closeout, of previous E911 board grant awards.

(n) Responsibility for property and equipment obtained under a grant cannot be transferred under any circumstances. If a sale or transfer of such property or equipment occurs within five years after a grant ends, funds must be returned on a pro rata basis.

(o) The amount availability of funds in the Trust Fund for allocation each year is subject to an annual appropriation by the Legislature. The E911 Board will adjust the amount awarded to a county based upon the availability of funds, eligibility of requested items, published quotes, increased effectiveness of grant funds, minimum system requirements for performing the needed E911 function as specified in the State E911 plan, or documented factors provided in the grant application submission.

(3)(a) The E911 State Grant program will operate on the following schedule:

(b) Schedule:

1. Counties submit applications: by November ~~October~~ 1;
2. E911 Board evaluates applications: November – December ~~October – November;~~
3. Board votes on applications at regularly scheduled meetings: November ~~October~~ – December;
4. Board notification of award and issuance of checks to counties approved for funding before January 30 is contingent upon legislative funding release.;

5. Implementation period: One year from receipt of award and funds;

6. Expiration of the right to incur costs: Two years from receipt of award and funds.

Rulemaking Specific Authority 365.172(6)(a)11. FS. Law implemented 365.172(6)(a)3.b., 365.173(2)(i), 365.172(9)(a), (b), (c) FS. History–New 12-7-08, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
E911 Board
NAME OF AGENCY HEAD WHO APPROVED THE
PROPOSED RULE: E911 Board
DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: July 13, 2010
DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: July 9, 2010

DEPARTMENT OF MANAGEMENT SERVICES

Technology Program

RULE NO.: 60FF-5.005
RULE TITLE: Emergency Grants

PURPOSE AND EFFECT: The Board proposes the rule amendment to delete unnecessary language and to add new language to clarify the emergency grants program.

SUMMARY: The rule amendment will delete unnecessary language and to add new language to clarify the emergency grants program.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: A Statement of Estimated Regulatory Cost has been prepared and is available by contacting John C. Ford, Chair, at the address listed below. 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 following is a summary of the SERC:

- The number of individuals and entities likely to be required to comply with the rule is 67.
- The costs associated with this rule are minimal and limited to the grant application costs and costs for grant reporting.
- No increased reporting, staffing, legal or fee requirements are anticipated.
- Only counties applying for grants are impacted.
- The proposed change is not expected to impact small business.

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

RULEMAKING AUTHORITY: 365.172(6)(a)11. FS.

LAW IMPLEMENTED: 365.172(6)(a)3.b., 365.172(2)(g), 365.172(i) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: John C. Ford, Chair, E911 Board, 4030 Esplanade Way, Suite 160Q, Tallahassee, Florida 32399-0950

THE FULL TEXT OF THE PROPOSED RULE IS:

60FF-5.005 Emergency Grants.

The E911 Emergency Grant program is a grant program establishing an expedited schedule for approval of grants, provided to assist counties with the emergency restoration of Enhanced 911 throughout the State of Florida resulting from natural and man-made disasters or events.

(1) No change.

(2) General conditions:

(a) Each County applying for Emergency grant funds shall complete and submit W Form 5A, "Application for the E911 Emergency Grant Program," effective 07/01/2010 ~~7/1/2008~~, which is incorporated herein by reference and which may be obtained from the E911 Board office at the following address:

State of Florida E911 Board
ATTN: Administrative Assistant
4050 Esplanade Way, Building 4030 – Suite 160
Tallahassee, Florida 32399-0950.

The applicant must provide one the original of the pages for Application Form items 1 through 9 and the associated quotes for the grant application.

(b) through (c) No change.

(d) Grant applications totaling \$25,000.00 or more must be accompanied by at least three written substantiated competitive quotes from different vendors. The E911 Board will compare the three quotes to any existing state contract in order to determine appropriate funding. Any county that has made a good faith effort to obtain three competitive quotes and has not been able to obtain the quotes can request E911 Board review based on substantiated proof of request for quotes or posting of the request with documentation of the limited responses. Sole source funding will be approved on a case-by-case basis. Justification and documentation for sole source funding shall ~~should~~ be provided with the this application. Sole source funding will be approved if provided in accordance with Chapter 287, F.S., or with provision of a letter from the county's purchasing department that the project is a sole source procurement based on the county's purchasing requirements, which should be provided with this the application.

(e) Priorities for awarding of grants will be determined by the E911 Board. Grant priorities may be adjusted by the Board and published with the grant application package three (3) months prior to the application submission date. The grant priority list is available as an addendum with the grant application at the start of each grant cycle at the address shown in paragraph (2)(a) above.

~~(f) The E911 Board may approve funding salary requests on an annual basis.~~

~~(f)(e)~~ No change.

~~(g)(h)~~ No change.

~~(h)(i)~~ Grant funds shall be deposited in a bank account maintained by the grantee county, and each grant shall be assigned a unique accounting code designation for deposits,

disbursements, and expenditures. All ~~E911 Emergency Grant~~ funds in the account shall be accounted for separately from other grantee funds. Utilization of the earned interest funds shall be authorized through an approved Request for Change Form and expenditure documentation shall be included in the final report. Grant funds including accrued interest may be used only between the beginning and ending dates of the grant, unless an extension is requested and authorized by the E911 Board. Extension of time will not be granted unless the county ~~has executed a submits an executed~~ contract for the grant equipment and/or services, or demonstrates good cause for failure to execute a contract within twelve months of award during the grant period. Grant extensions shall be limited to a maximum of one additional year when approved by the Board.

~~(i)(j)~~ Grantee counties must submit quarterly reports to the E911 Board, summarizing the expenditures and activities of the grant funds. The reports are due 30 days after the end of the reporting period, which ends March 31 and June 30 September 30, December 31, March 31, and June 30. In lieu of submitting a signed quarterly Grant Budget/Expenditure Report form, the updated form can be e-mailed to the Board’s administrative/technical staff. The quarterly and final reports will be considered late if not received by the Board Staff prior to the next scheduled Board Meeting after the due date.

~~(j)(k)~~ No change.

(k) The County’s Board of County Chairperson shall be notified when overdue quarterly reports, final document and final reports are not received before the next E911 Board meeting following the month after the end of the quarter in which they are due.

~~(l) Funding continuance will be based on timely submission of quarterly reports. Grant funds are not transferable to any other entity. If equipment purchased using grant funds is sold or transferred within three (3) years of the end of the grant period, the grantee county must return the grant funds to the E911 Board on a pro rata basis.~~

~~(m) Grant awards will be withheld for any county that has a grant with a past-due quarterly report or past-due final documentation and closeout, of previous E911 Board grant awards. The E911 Board will adjust the amount awarded to a county based upon the availability of funds, eligibility of requested items, published quotes, increased effectiveness of grant funds, minimum system requirements for performing the needed E911 function as specified in the State E911 plan, or documented factors provided in the grant application submission.~~

(n) Responsibility for property and equipment obtained under a grant cannot be transferred under any circumstances. If a sale or transfer of such property or equipment occurs within five years after a grant ends, funds must be returned on a pro rata basis.

(o) The amount and availability of funds in the Trust Fund for allocation each year is subject to an annual appropriation by the Legislature. The E911 Board will adjust the amount awarded to a county based upon the availability of funds, eligibility of requested items, published quotes, increased effectiveness of grant funds, minimum system requirements for performing the needed E911 function as specified in the State E911 plan, or documented factors provided in the grant application submission.

~~(3)(a)~~ E911 Emergency Grant Program Schedule – Following the natural and man-made disasters or events and submission of the grant application, the E911 Board will hold an emergency meeting in accordance with Uniform Rule 28-102.003, F.A.C., for the purpose of acting upon emergency matters affecting the public health, safety or welfare.

(b) Schedule:

	Schedule
<u>1. Counties submit aApplications: Event</u>	<u>Event</u>
<u>2. E911 Board Members evaluate applications: Within 5 days</u>	<u>Within 5 days</u>
<u>3. Board votes on applications to fund at regularly scheduled meeting: within 5 days</u>	<u>Within 5 days</u>
<u>4. Board sends notification of award and issuance of funding and issues checks to counties approved for funding: Within 10 days</u>	<u>Within 10 days</u>
<u>5. Implementation period: One year from receipt of award and funds</u>	<u>One year from receipt of award and funds.</u>
<u>6. Expiration of the right to incur costs: Two years from receipt of award and funds</u>	

Rulemaking Authority 365.172(6)(a)11, FS. Law implemented 365.172(6)(a)3.b., 365.173(2)(g), 365.173(2)(i) FS. History–New 10-19-09, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: E911 Board

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: E911 Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 13, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 9, 2010

DEPARTMENT OF MANAGEMENT SERVICES

Technology Program

RULE NO.: 60FF-5.006

RULE TITLE: Requirements for County Carry Forward Funds and Excess Funding

PURPOSE AND EFFECT: The Board proposes the rule amendment to delete unnecessary language and to add new language to clarify the requirements for county carry forward funds and excess funding.

SUMMARY: The rule amendment will delete unnecessary language and to add new language to clarify the requirements for county carry forward funds and excess funding.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: A Statement of Estimated Regulatory Cost has been prepared and is available by contacting John C. Ford, Chair, at the address listed below. 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 following is a summary of the SERC:

- The number of individuals and entities likely to be required to comply with the rule is 67.
- No cost to the department in implementing the proposed rule.
- No increased reporting, staffing, legal or fee requirements are anticipated.
- The proposed change is not expected to impact small business.

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

RULEMAKING AUTHORITY: 265.172(6)(a)11. FS.

LAW IMPLEMENTED: 365.173(2)(c) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: John C. Ford, Chair, E911 Board, 4030 Esplanade Way, Suite 160Q, Tallahassee, Florida 32399-0950

THE FULL TEXT OF THE PROPOSED RULE IS:

60FF-5.006 Requirements for County Carry Forward Funds and Excess Funding.

The carry forward funding provision provides counties with the ability to carry forward funding for E911 capital outlay, capital improvements, or equipment replacement expenditures. The excess recovery provision provides a 30 ~~20~~ percent limitation on the total E911 fee revenue retained during a calendar year as carry forward. Any overage not utilized by the County for allowable E911 expenditures shall be returned to the E911 Board in accordance with this rule.

(1) No change.

(2) General conditions: All counties shall provide financial information on the calendar year fee revenues received, the county calendar year E911 expenditures and the carry forward amount for the calendar year. The information shall be

provided on the E911 Board Form 6A, "County Carry Forward Funds and Excess Funding Form," effective 07/02/2010 ~~3/20/2009~~, which is incorporated herein by reference and which may be obtained on the Florida E911 website at URL <http://florida911.myflorida.com/> or from the E911 Board office at the following address:

State of Florida E911 Board
 Attn: Administrative Assistant
 4050 Esplanade Way, Building 4030 – Suite 160
 Tallahassee, Florida 32399-0950

(3) Carry Forward Funding and Excess Recovery Parameters. The county shall determine the calculated total fee revenue funding disbursed to the county by the E911 Board during a calendar year.

(a) The 30 ~~20~~ percent limitation does not apply to funds disbursed to a county:

1. Through the E911 State Grant Program;
2. Through the Emergency Grant Program;
- ~~3.2. No change~~
- ~~4.3. No change~~

(b) No change.

(4) Excess recovery.

(a) Any excess calendar year E911 funding greater than the county's total expenditures for permissible E911 costs described in paragraph (3)(b), including the 30 ~~20~~ percent carry forward allowance, must be returned to the E911 Board. Counties shall deliver revenues from the fee to the E911 Board within 120 days after the end of the calendar year. If unused in a project in accordance with sub-subparagraph (3)(b)1. and 2. ~~(a)1.d. or (3)(a)1.e.~~ the fee revenue shall be returned within 60 days of project completion. If not under contract a project in accordance sub-subparagraph (3)(b)2. ~~(a)1.e.~~, the fee revenue shall be returned by the end of the fiscal year.

(b) through (c) No change.

Rulemaking Authority 365.172(6)(a)11. FS. Law implemented 365.173(2)(c) FS. History--New 10-6-09, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE: E911 Board

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: E911 Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 13, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 9, 2010

DEPARTMENT OF MANAGEMENT SERVICES

Technology Program

RULE NO.: 60FF-5.007
 RULE TITLE: Requirements for T1 and Primary Rate Interface Fee Remittance Submitted by or on Behalf of Non-wireless Service Providers

PURPOSE AND EFFECT: The Board proposes the new rule to clarify procedures for non-wireless service provider fee remittance collections for T1/PRI Circuits.

SUMMARY: The new rule will clarify procedures for non-wireless service provider fee remittance collections for T1/PRI Circuits.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: A Statement of Estimated Regulatory Cost has been prepared and is available by contacting John C. Ford, Chair, at the address listed below. 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 following is a summary of the SERC:

- The number of individuals and entities likely to be required to comply with the rule is 115.
- No cost to the department in implementing the proposed rule.
- No increased reporting, staffing, legal or fee requirements are anticipated.
- The proposed change is not expected to impact small business.

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

RULEMAKING AUTHORITY: 365.172(2)(a) FS.
 LAW IMPLEMENTED: 365.172(9)(a), (b), (c), 365.173(2)(b), (c) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: John C. Ford, Chair, E911 Board, 4030 Esplanade Way, Suite 160Q, Tallahassee, Florida 32399-2334

THE FULL TEXT OF THE PROPOSED RULE IS:

60FF-5.007 Requirements for T1 and Primary Rate Interface Fee Remittance Submitted by or on Behalf of Non-wireless Service Providers.

(1) All non-wireless service providers shall remit fees pursuant to Section 365.172(8), F.S.

(2) Fees shall be submitted to the E911 Board within 60 days after the end of the month in which the fee was collected, together with a monthly report of the number of service

identifiers in each county. Fee remittance submission information and requirements are detailed in Rule 60FF-5.004. The information shall be submitted to the E911 Board at the following address:

State of Florida E911 Board
 ATTN: Financial Management Services
 Post Office Box 7117
 Tallahassee, Florida 32399-0950.

(a) The rate of the fee shall be set by the board, but may not exceed 50 cents per month per each service identifier. The fee shall apply uniformly and be imposed throughout the state, except for those counties that, before July 1, 2007, had adopted an ordinance or resolution establishing a fee less than 50 cents per month per access line.

(3) Definitions

(a) "Primary Rate Interface" (PRI) A digital transmission link and service that can be channelized and split into 23 or 24 voice or data grade channels for communications.

(b) "T-1" A digital transmission link and service that can be channelized and split into 23 or 24 voice or data grade channels for communications.

(4) Each local exchange carrier shall bill the fee to the local exchange subscribers as five service-identified access lines for each digital transmission link and service (T-1 and PRI) basis, up to a maximum of 25 access lines per account bill rendered.

Rulemaking Authority 365.172(6)(a)11., 365.172(8) FS. Law Implemented 365.172(8) FS. History--New

NAME OF PERSON ORIGINATING PROPOSED RULE: E911 Board

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: E911 Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 13, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 2, 2010

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 NO.: 62-304.325
 RULE TITLE: Choctawhatchee River Basin TMDLs

PURPOSE AND EFFECT: The purpose of the rule is to adopt new Total Maximum Daily Loads (TMDLs), and their allocations, for total nitrogen (TN) and total phosphorus (TP)

that have caused low dissolved oxygen (DO) in the Choctawhatchee River Basin. This rule also renumbers certain existing TMDLs.

SUMMARY: These new TMDLs address low DO impairments in the Choctawhatchee River Basin. Specifically, the TMDL rules being proposed for adoption are for Minnow Creek and Sikes Creek. These waterbodies were verified as impaired using the methodology established in Chapter 62-303, F.A.C., Identification of Impaired Surface Waters. The TN and TP targets were set to meet a DO criterion of 5.0 mg/L. The target loads of TN and TP were modeled using the Hydrologic Simulation Program – Fortran (HSPF) model. This rulemaking has been given OGC Case Number 10-1869.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared.

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

RULEMAKING AUTHORITY: 403.061, 403.067 FS.

LAW IMPLEMENTED: 403.061, 403.062, 403.067 FS.

IF REQUESTED WITHIN 21 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: Thursday, September 16, 2010, 2:00 p.m.

PLACE: Florida Department of Environmental Protection, Bob Martinez Center, 2600 Blair Stone Road, Room 609, Tallahassee, FL 32399

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Ms. Pat Waters at (850)245-8449. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice). If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Jan Mandrup-Poulsen, Division of Environmental Assessment and Restoration, Bureau of Watershed Restoration, Mail Station 3555, Florida Department of Environmental Protection, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, telephone (850)245-8448

THE FULL TEXT OF THE PROPOSED RULE IS:

62-304.325 Choctawhatchee River Basin TMDLs.

(1) through (2) No change.

(3) Camp Branch. The TMDL for Camp Branch is 400 counts/100mL for fecal coliform, and is allocated as follows:

(a) The WLA for wastewater sources must meet the facility's permit condition. The WLA is granted to the City of Bonifay Wastewater Treatment Facility (WWTF);

(b) The WLA for discharges subject to the Department's NPDES Municipal Stormwater Permitting Program is not applicable;

(c) The LA for nonpoint sources is to address anthropogenic sources in the basin such that in-stream concentrations meet the fecal coliform criteria which, based on the measured concentrations from the 2002 to 2009 period, will require an 88 percent reduction of sources contributing to exceedances of the criteria, and

(d) The Margin of Safety is implicit.

(e) While the LA and WLA for fecal coliform have been expressed as the percent reductions needed to attain the applicable Class III criteria, it is the combined reductions from both anthropogenic point and nonpoint sources that will result in the required reduction of in-stream fecal concentration. However, it is not the intent of the TMDL to abate natural background conditions.

~~Minnow Creek. The TMDL for Minnow Creek is 400 counts/100mL for fecal coliform, and is allocated as follows:~~

~~(a) The WLA for wastewater sources is not applicable;~~

~~(b) The WLA for discharges subject to the Department's NPDES Municipal Stormwater Permitting Program is not applicable;~~

~~(c) The LA for nonpoint sources is to address anthropogenic sources in the basin such that in-stream concentrations meet the fecal coliform criteria which, based on the measured concentrations from the 2002 to 2009 period, will require an 81 percent reduction of sources contributing to exceedances of the criteria, and~~

~~(d) The Margin of Safety is implicit.~~

~~(e) While the LA for fecal coliform has been expressed as the percent reduction needed to attain the applicable Class III criteria, it is the combined reductions from both anthropogenic point and nonpoint sources that will result in the required reduction of in-stream fecal concentration. However, it is not the intent of the TMDL to abate natural background conditions.~~

(4) Minnow Creek. The TMDL for Minnow Creek is 400 counts/100mL for fecal coliform, and is allocated as follows:

(a) The WLA for wastewater sources is not applicable;

(b) The WLA for discharges subject to the Department's NPDES Municipal Stormwater Permitting Program is not applicable;

(c) The LA for nonpoint sources is to address anthropogenic sources in the basin such that in-stream concentrations meet the fecal coliform criteria which, based on the measured concentrations from the 2002 to 2009 period, will require an 81 percent reduction of sources contributing to exceedances of the criteria, and

(d) The Margin of Safety is implicit.

(e) While the LA for fecal coliform has been expressed as the percent reduction needed to attain the applicable Class III criteria, it is the combined reductions from both anthropogenic point and nonpoint sources that will result in the required reduction of in-stream fecal concentration. However, it is not the intent of the TMDL to abate natural background conditions.

Camp Branch. The TMDL for Camp Branch is 400 counts/100mL for fecal coliform, and is allocated as follows:

(a) The WLA for wastewater sources must meet the facility's permit condition. The WLA is granted to the City of Bonifay Wastewater Treatment Facility (WWTF);

(b) The WLA for discharges subject to the Department's NPDES Municipal Stormwater Permitting Program is not applicable;

(c) The LA for nonpoint sources is to address anthropogenic sources in the basin such that in-stream concentrations meet the fecal coliform criteria which, based on the measured concentrations from the 2002 to 2009 period, will require an 88 percent reduction of sources contributing to exceedances of the criteria, and

(d) The Margin of Safety is implicit.

(e) While the LA and WLA for fecal coliform have been expressed as the percent reductions needed to attain the applicable Class III criteria, it is the combined reductions from both anthropogenic point and nonpoint sources that will result in the required reduction of in-stream fecal concentration. However, it is not the intent of the TMDL to abate natural background conditions.

(5) Minnow Creek. The dissolved oxygen TMDLs for Minnow Creek are 21,310 lbs/year of TN and 3,195lbs/year of TP, and are allocated as follows:

(a) The WLA for wastewater sources is not applicable;

(b) The WLA for discharges subject to the Department's NPDES Municipal Stormwater Permitting Program is not applicable;

(c) The LAs for nonpoint sources are to address anthropogenic sources in the basin such that in-stream concentrations meet the dissolved oxygen criterion, which, based on the average of the calculated loadings from the 2003 – 2008 period, will require a 30 percent reduction of TN and 31 percent reduction of TP at sources contributing to exceedances of the criteria, and

(d) The Margin of Safety is implicit.

(e) While the LAs for TN and TP have been expressed as the percent reductions needed to attain the applicable Class III criteria, it is the combined reductions from both anthropogenic point and nonpoint sources that will result in the required reduction of in-stream TN and TP concentrations. However, it is not the intent of the TMDL to abate natural background conditions.

Sikes Creek. The TMDL for Sikes Creek is 400 counts/100mL for fecal coliform, and is allocated as follows:

(a) The WLA for wastewater sources is not applicable.

(b) The WLA for discharges subject to the Department's NPDES Municipal Stormwater Permitting Program is not applicable;

(c) The LA for nonpoint sources is to address anthropogenic sources in the basin such that in-stream concentrations meet the fecal coliform criteria which, based on the measured concentrations from the 2002 to 2009 period, will require a 48 percent reduction of sources contributing to exceedances of the criteria, and

(d) The Margin of Safety is implicit.

(e) While the LA for fecal coliform has been expressed as the percent reduction needed to attain the applicable Class III criteria, it is the combined reductions from both anthropogenic point and nonpoint sources that will result in the required reduction of in-stream fecal concentration. However, it is not the intent of the TMDL to abate natural background conditions.

(6) Sikes Creek. The TMDL for Sikes Creek is 400 counts/100mL for fecal coliform, and is allocated as follows:

(a) The WLA for wastewater sources is not applicable.

(b) The WLA for discharges subject to the Department's NPDES Municipal Stormwater Permitting Program is not applicable;

(c) The LA for nonpoint sources is to address anthropogenic sources in the basin such that in-stream concentrations meet the fecal coliform criteria which, based on the measured concentrations from the 2002 to 2009 period, will require a 48 percent reduction of sources contributing to exceedances of the criteria, and

(d) The Margin of Safety is implicit.

(e) While the LA for fecal coliform has been expressed as the percent reduction needed to attain the applicable Class III criteria, it is the combined reductions from both anthropogenic point and nonpoint sources that will result in the required reduction of in-stream fecal concentration. However, it is not the intent of the TMDL to abate natural background conditions.

(7) Sikes Creek. The dissolved oxygen TMDL for Sikes Creek is 21,819 lbs/year of TN, and is allocated as follows:

(a) The WLA for wastewater sources is not applicable;

(b) The WLA for discharges subject to the Department's NPDES Municipal Stormwater Permitting Program is not applicable;

(c) The LA for nonpoint sources is to address anthropogenic sources in the basin such that in-stream concentrations meet the dissolved oxygen criterion, which, based on the average of the calculated loadings from the 2004-2008 period, will require a 24 percent reduction of TN at sources contributing to exceedances of the criteria, and

(d) The Margin of Safety is implicit.

(e) While the LA for TN has been expressed as the percent reductions needed to attain the applicable Class III criteria, it is the combined reductions from both anthropogenic point and nonpoint sources that will result in the required reduction of in-stream TN concentration. However, it is not the intent of the TMDL to abate natural background conditions.

Rulemaking Specific Authority 403.061, 403.067 FS. Law Implemented 403.061, 403.062, 403.067 FS. History--New 8-3-06, Amended 8-26-10,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Drew Bartlett, Deputy Director, Division of Environmental Assessment and Restoration

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Michael Sole, Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 10, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 5, 2010

DEPARTMENT OF HEALTH

Board of Medicine

RULE NO.: 64B8-9.013
RULE TITLE: Standards for the Use of Controlled Substances for the Treatment of Pain

PURPOSE AND EFFECT: The proposed rule amendments are intended to set forth the appropriate standards for all physicians who prescribe or dispense controlled substances for the treatment of pain.

SUMMARY: The proposed rule amendments clarify the Board’s rule with regard to the appropriate standards for all physicians who prescribe or dispense controlled substances for the treatment of pain.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared. The Board has determined that the proposed rule amendments will not have an impact on small business.

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

RULEMAKING AUTHORITY: 458.309(1), 458.331(1)(v) FS.

LAW IMPLEMENTED: 458.326, 458.331(1)(g), (t), (v) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

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

THE FULL TEXT OF THE PROPOSED RULE IS:

64B8-9.013 Standards for the Use of Controlled Substances for the Treatment of Pain.

(1) through (2) No change.

(3) Standards. The Board has adopted the following standards for the use of controlled substances for pain control:

(a) Evaluation of the Patient. A complete medical history and physical examination must be conducted and documented in the medical record. The medical record ~~shall~~ ~~should~~ document the nature and intensity of the pain, current and past treatments for pain, underlying or coexisting diseases or conditions, the effect of the pain on physical and psychological function, and history of substance abuse. The medical record also ~~shall~~ ~~should~~ document the presence of one or more recognized medical indications for the use of a controlled substance.

(b) Treatment Plan. The written treatment plan ~~shall~~ ~~should~~ state objectives that will be used to determine treatment success, such as pain relief and improved physical and psychosocial function, and ~~shall~~ ~~should~~ indicate if any further diagnostic evaluations or other treatments are planned. After treatment begins, the physician ~~shall~~ ~~should~~ adjust drug therapy, if necessary, to the individual medical needs of each patient. Other treatment modalities or a rehabilitation program may be necessary depending on the etiology of the pain and the extent to which the pain is associated with physical and psychosocial impairment.

(c) Informed Consent and Agreement for Treatment. The physician ~~shall~~ ~~should~~ discuss the risks and benefits of the use of controlled substances with the patient, persons designated by the patient, or with the patient’s surrogate or guardian if the patient is incompetent. The patient ~~shall~~ ~~should~~ receive prescriptions from one physician and one pharmacy where possible. If the patient is determined to be at high risk for medication abuse or have a history of substance abuse, the physician ~~shall~~ ~~should~~ employ the use of a written agreement between physician and patient outlining patient responsibilities, including, but not limited to:

1. through 3. No change.

(d) Periodic Review. ~~Based At reasonable intervals based~~ on the individual circumstances of the patient, the physician ~~shall~~ ~~should~~ review the course of treatment and any new information about the etiology of the pain. Continuation or modification of therapy ~~shall~~ ~~should~~ depend on the physician’s evaluation of the patient’s progress. If treatment goals are not being achieved, despite medication adjustments, the physician

~~shall~~ ~~should~~ reevaluate the appropriateness of continued treatment. The physician ~~shall~~ ~~should~~ monitor patient compliance in medication usage and related treatment plans.

(e) Consultation. The physician ~~shall~~ ~~should~~ be willing to refer the patient as necessary for additional evaluation and treatment in order to achieve treatment objectives. Special attention ~~must~~ ~~should~~ be given to those pain patients who are at risk for misusing their medications and those whose living arrangements pose a risk for medication misuse or diversion. The management of pain in patients with a history of substance abuse or with a comorbid psychiatric disorder requires extra care, monitoring, and documentation, and may require consultation with or referral to an expert in the management of such patients.

(f) Medical Records. The physician is required to keep accurate and complete records to include, but not be limited to:

- 1. The complete medical history and a physical examination, including history of drug abuse or dependence, as appropriate;
- 2. through 7. No change.
- 8. Instructions and agreements; ~~and~~
- 9. Drug testing results; and
- ~~10.9.~~ Periodic reviews. Records must remain current, ~~and~~ be maintained in an accessible manner, ~~and~~ readily available for review, and must be in full compliance with Rule 64B8-9.003, F.A.C., and Section 458.331(1)(m), F.S.

(g) No change.

Rulemaking Specific Authority 458.309(1), 458.331(1)(v) FS. Law Implemented 458.326, 458.331(1)(g), (t), (v) FS. History--New 12-21-99, Amended 11-10-02, 10-19-03,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Rules Committee, Board of Medicine
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Medicine
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 6, 2010
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 18, 2010

DEPARTMENT OF HEALTH

Board of Medicine

RULE NO.: RULE TITLE:
64B8-11.001 Advertising

PURPOSE AND EFFECT: The proposed rule amendment is intended to add the American Board of Interventional Pain Physicians to the Board's rule of recognizing agencies for the purpose of advertising.

SUMMARY: The American Board of Interventional Pain Physicians is being added to the Board's advertising rule as a recognizing agency.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared. The Board has determined that the proposed rule amendments will not have an impact on small business.

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

RULEMAKING AUTHORITY: 458.309 FS.

LAW IMPLEMENTED: 456.072(1)(t), 458.331(1)(d), (l), (n), (o), 458.3312 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

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

THE FULL TEXT OF THE PROPOSED RULE IS:

- 64B8-11.001 Advertising.
- (1) through (7) No change.
- (8) The recognizing agencies currently approved by the Board of Medicine include:
 - (a) through (c) No change.
 - (d) American Board of Interventional Pain Physicians (Approved June 2010).

Rulemaking Specific Authority 458.309 FS. Law Implemented 456.072(1)(t), 458.331(1)(d), (l), (n), (o), 458.3312 FS. History--New 3-31-80, Formerly 21M-24.01, Amended 11-15-88, Formerly 21M-24.001, Amended 12-5-93, Formerly 61F6-24.001, Amended 4-3-95, 4-16-96, 5-29-97, 5-7-97, Formerly 59R-11.001, Amended 1-31-01, 9-1-02, 1-16-07,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Rules Committee, Board of Medicine
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Medicine
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 6, 2010
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 18, 2010

DEPARTMENT OF HEALTH

Board of Nursing

RULE NO.: RULE TITLE:
64B9-3.002 Qualifications for Examination

PURPOSE AND EFFECT: The Board proposes these changes to delete the health certification, require the submission of a high school diploma, to adopt and incorporate by reference licensure forms and add the Board's website where the forms may be obtained.

SUMMARY: The purpose of this amendment is to delete the health care certification, require the submission of a high school diploma, to adopt and incorporate by reference licensure forms and add the Board's website where the forms may be obtained.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared.

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

RULEMAKING AUTHORITY: 464.006 FS.

LAW IMPLEMENTED: 456.013, 464.008 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joe R. Baker, Jr., Executive Director, Board of Nursing, 4052 Bald Cypress Way, Bin #C02, Tallahassee, Florida 32399

THE FULL TEXT OF THE PROPOSED RULE IS:

64B9-3.002 Qualifications for Examination.

(1) An applicant seeking certification to take the licensure examination shall submit a completed Application for Nursing Licensure by Examination, form number DH-MQA 1094, 08/10, Application for Nursing Licensure by Re-Examination, form number DH-MQA 1120 10/08, or Application for Nursing Licensure by Endorsement, form number DH-MQA 1095, 08/10, hereby incorporated by reference demonstrating, on forms provided by the Department, evidence that he or she meets the qualifications prescribed by the Nurse Practice Act, Chapter 464, F.S. These forms are available from the Board office or on the Board's website: www.doh.state.fl.us/mqa/nursing. The demonstration shall include such evidence shall consist of:

~~(a) Certification by a physician licensed pursuant to Chapter 458 or 459, F.S., physician's assistant licensed pursuant to Chapter 458 or 459, F.S., or A.R.N.P. certified pursuant to Chapter 464, F.S., that the applicant is in good mental and physical health.~~

~~(a)(b) A high school diploma, or a high school diploma equivalent.~~

~~(b)(e) For graduates of an approved nursing program, a notice of graduation or of completion of the requirements for graduation. For graduates of an approved program equivalent, an official transcript or equivalent documentation which identifies all courses completed with a minimum acceptable passing score established by the institution or program at which each course was completed that meet graduation requirements. For graduates of programs in~~ if the applicant is

~~seeking to qualify to write the examination on the basis of education received in a country other than the United States, the applicant must obtain a report by a credentialing agency that meets the requirements of Rule 64B9-3.014, F.A.C.~~

~~(c)(d) For an applicant writing the examination for practical nurses on the basis of practical nursing education equivalency, a completed Practical Nurse Equivalence (PNEQ) Application Letter, form number DH-MQA 1233, 03/10, hereby incorporated by reference documentation from the professional nursing school which states the number of completed clock hours or theoretical and clinical instruction comparable to practical nursing program requirements as set forth in Rule Chapter 64B9-2, F.A.C., or an official certified transcript which sets forth graduation from an approved professional program. The form is available from the Board office or on the Board's website: www.doh.state.fl.us/mqa/nursing.~~

~~(d)(e) Successful completion of any one of the approved English competency examinations with:~~

~~1. through 8. No change;~~

~~9. A valid U.S. High School Diploma;~~

~~10. Completion of a college level course for academic credit in a U.S. institution; or~~

~~(2) through (5) No change.~~

Rulemaking Specific Authority 464.006 FS. Law Implemented 456.013, 464.008 FS. History—New 4-27-80, Amended 3-16-81, 8-2-81, 7-11-83, Formerly 21O-8.21, Amended 3-3-87, 12-8-87, 6-8-88, Formerly 21O-8.021, Amended 1-30-94, Formerly 61F7-3.002, Amended 9-25-96, Formerly 59S-3.002, Amended 7-27-98, 4-19-00, 5-8-01, 9-23-03, 1-29-07, 11-22-07, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Nursing

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Nursing

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 6, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 23, 2010

DEPARTMENT OF HEALTH

Board of Nursing

RULE NO.: 64B9-8.005
 RULE TITLE: Unprofessional Conduct

PURPOSE AND EFFECT: The proposed rule is to establish professional guidelines for the administration of conscious sedation and to update the instances of unprofessional conduct.

SUMMARY: The proposed rule is to establish guidelines for the administration of conscious sedation and to update the instances of unprofessional conduct in the nursing occupation.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared.

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

RULEMAKING AUTHORITY: 464.006, 464.018(1)(h) FS.

LAW IMPLEMENTED: 464.018(1)(h) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joe R. Baker, Jr., Executive Director, Board of Nursing, 4052 Bald Cypress Way, Bin #C02, Tallahassee, Florida 32399

THE FULL TEXT OF THE PROPOSED RULE IS:

64B9-8.005 Unprofessional Conduct.

(1) through (12) No change.

~~(13)(14)~~ Using force against a patient, striking a patient, or throwing objects at a patient;

~~(14)(15)~~ Using abusive, threatening or foul language in front of a patient or directing such language toward a patient;

~~(15)(13)~~ Practicing beyond the scope of the licensee's license, educational preparation or nursing experience, including but not limited to: administration or monitoring the administration of any medication intended to create an altered level of consciousness that is a deeper level than moderate sedation for a surgical, diagnostic or therapeutic procedure by a registered nurse or licensed practical nurse; provided:

(a) A registered nurse may, pursuant to physician order, administer or monitor the administration of medications to achieve deep sedation to a patient who is continuously monitored and mechanically ventilated with a secured, artificial airway. Examples of medications used for deep sedation in this situation include, but are not limited to, propofol, pentothal and dexmedetomidine. Due to the potential for rapid, profound changes in sedative/anesthetic depth and the lack of antagonist medications, even if moderate sedation is intended, patients receiving propofol should receive care consistent with that required for deep sedation. Therefore the administration of propofol should only be performed by a practitioner experienced in general anesthesia and not by a registered nurse, with the exception of a patient who is continuously monitored and mechanically ventilated with a secured, artificial airway. When a physician is actively managing a patient's sedation, a registered nurse may monitor the patient under circumstances that may include both moderate and deep sedation.

(b) A registered nurse may administer prescribed pharmacologic agents to non-mechanically ventilated patients for the purpose of moderate sedation in anticipation of anxiety and or discomfort during a time-limited surgical, diagnostic or therapeutic procedure. The registered nurse must continuously

monitor the patient throughout the procedure and have no other responsibilities that would require leaving the patient unattended or would compromise continuous monitoring during the procedure. The registered nurse must document the patient's level of consciousness at least every five minutes during the procedure. In the event a deeper level of sedation (such as deep sedation or general anesthesia) results from the administration of prescribed pharmacologic agents, the procedure must be stopped and the level of sedation returned to moderate sedation with the assistance of the prescribing physician or credentialed anesthesia provider.

(c) A registered nurse or licensed practical nurse may, pursuant to physician order, administer or monitor the administration of medications for palliative sedation in a hospice program.

(d) In order to administer or monitor any pharmacologic agents in accordance with paragraph (a) or (b) above, a registered nurse must:

1. Prior to any administration or monitoring of any pharmacologic agents, successfully complete a program of study which reflects the extent of privileges requested and which will include a criteria-based competency evaluation. At a minimum, course content will include: pharmacology and physiology, physical assessment and monitoring techniques, airway anatomy, airway management techniques and an opportunity for skill development. The evaluative criteria will cover knowledge and psychomotor skills in assessment and monitoring, principles of pharmacodynamics and pharmacokinetics (onset, duration, distribution, metabolism, elimination, intended and adverse effects, interactions, dosages and contraindications), basic and difficult airway management, mechanical ventilation, and cardiopulmonary resuscitation. The registered nurse must also be certified in advanced cardiac life support;

2. Complete a patient assessment and ensure that the practice setting requires that the physician prescribing the pharmacologic agent has evaluated the patient based on established criteria;

3. Pharmacologic agents that may be administered by a registered or practical nurse pursuant to paragraphs (b) and (c) shall not include medications that are intended to result in loss of consciousness such as propofol, pentothal, dexmedetomidine, or any medication which the manufacturer's package insert states should be administered only by individuals trained in the administration of general anesthesia.

4. Ensure that the practice setting requires that the prescribing physician is immediately available throughout the procedure and recovery period;

5. Ensure that written policies and procedures for managing patients who receive moderate sedation are reviewed periodically and are readily available within the practice setting;

6. Ensure that the practice setting has in place a quality assurance and performance improvement process that measures patient, process and structural outcome indicators; and

7. Evaluate the patient for discharge readiness based on specific discharge criteria and ensure that the practice setting requires that the physician approves of the patient discharge.

(e) The following definitions apply for purposes of this rule:

1. Deep sedation means a medication-induced depression of consciousness that allows patients to respond purposefully only after repeated or painful stimulation. The patient cannot be aroused easily, and the ability to maintain a patent airway independently may be impaired with spontaneous ventilation possibly inadequate. Cardiovascular function usually is adequate and maintained.

2. General anesthesia means the patient cannot be aroused, even by painful stimulation, during this medication-induced loss of consciousness. Patients usually require assistance in airway maintenance and often require positive pressure ventilation due to depressed spontaneous ventilation or depression of neuromuscular function. Cardiovascular function may also be impaired.

3. Moderate sedation means a minimally depressed level of consciousness that allows a surgical patient to retain the ability to maintain a patent airway independently and continuously and respond appropriately to verbal commands and physical stimulation.

4. Immediately available means having a health care provider trained in advanced cardiac life support and resuscitation skills available to assist with patient care within five minutes.

5. Palliative sedation means the use of medications intended to provide relief of intractable or refractory symptoms by inducing varying degrees of unconsciousness in imminently dying patients.

6. Refractory symptoms means symptoms that cannot be adequately controlled in a tolerable time frame despite use of alternate therapies, and seem unlikely to be controlled by further invasive or noninvasive therapies without excessive or intolerable acute or chronic side effects or complications.

Rulemaking Authority 464.006, 464.018(1)(h) FS. Law Implemented 464.018(1)(h) FS. History—New 11-28-79, Amended 3-16-81, 10-8-81, 9-11-83, Formerly 210-10.05, Amended 4-21-86, 2-5-87, 8-2-90, 3-12-91, 9-16-91, 4-8-92, 9-29-92, Formerly 210-10.005, Amended 9-7-93, Formerly 61F7-8.005, Amended 11-6-94, 5-1-95, 11-16-95, Formerly 59S-8.005, Amended 2-18-98, 3-23-00, 2-17-02, 7-5-06, 12-11-06, 4-28-09,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Nursing

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Nursing

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 6, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 1, 2009

DEPARTMENT OF HEALTH

Board of Nursing Home Administrators

RULE NO.: RULE TITLE:

64B10-16.002 Preceptor

PURPOSE AND EFFECT: The Board proposes the rule amendment to add new language to clarify preceptor training.

SUMMARY: The rule amendment will add new language to clarify preceptor training.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared. The Board determined that small businesses would not be affected by this rule.

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

RULEMAKING AUTHORITY: 456.013(1)(a), 468.1685 (1), 468.1695(4) FS.

LAW IMPLEMENTED: 468.1695 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

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

THE FULL TEXT OF THE PROPOSED RULE IS:

64B10-16.002 Preceptor.

(1) through (3) No change.

(4) The applicant must have attended a six-hour preceptor training seminar approved by the Board as set forth in Rule 64B10-16.0025, F.A.C., within three years immediately preceding the application and a two-hour refresher course as set forth in Rule 64B10-16.0025, F.A.C. every bi-ennium thereafter. Failure to complete the refresher course shall result in the loss of preceptor certification.

(5) through (9) No change.

Rulemaking Specific Authority 456.013(1)(a), 468.1685(1), 468.1695(4) FS. Law Implemented 468.1695 FS. History—New 9-24-81, Formerly 21Z-16.02, Amended 12-18-88, 11-11-92, Formerly 21Z-16.002, Amended 2-28-94, Formerly 61G12-16.002, Amended 2-22-96, 9-4-96, 10-20-96, Formerly 59T-16.002, Amended 10-12-97, 6-5-07, 10-2-08, 3-25-09,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Nursing Home Administrators
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Nursing Home Administrators
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 23, 2010
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 26, 2010

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Nursing Home Administrators
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Nursing Home Administrators
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 23, 2010
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 26, 2010

DEPARTMENT OF HEALTH

Board of Nursing Home Administrators

RULE NO.: 64B10-16.0025
RULE TITLE: Preceptor Training Seminar
PURPOSE AND EFFECT: The Board proposes the rule amendment to add new language to clarify the procedure for continued Board approval for preceptor training seminars.

SUMMARY: The rule amendment will add new language to clarify the procedure for continued Board approval for preceptor training seminars.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared. The Board determined that small businesses would not be affected by this rule.

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

RULEMAKING AUTHORITY: 468.1685(1) FS.

LAW IMPLEMENTED: 468.1695(5) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

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

THE FULL TEXT OF THE PROPOSED RULE IS:

64B10-16.0025 Preceptor Training Seminar.

(1) To receive Board approval, preceptor training seminars shall consist of six (6) hours of training in the supervision of AITs and interns to include:

(1) through (5) renumbered (a) through (e) No change.

(2) To continue Board approval, preceptor refresher courses shall consist of (2) hours of training in the areas listed in subsection 1.

Rulemaking Specific Authority 468.1685(1) FS. Law Implemented 468.1695(5) FS. History--New 11-21-95, Formerly 59T-16.0025, Amended 8-6-97,_____.

DEPARTMENT OF HEALTH

Board of Optometry

RULE NO.: 64B13-3.009
RULE TITLE: False, Fraudulent, Deceptive and Misleading Advertising Prohibited; Policy; Definitions; Affirmative Disclosure

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

SUMMARY: The font size for advertising free or discounted services is being revised.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared.

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

RULEMAKING AUTHORITY: 463.005 FS.

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

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

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

THE FULL TEXT OF THE PROPOSED RULE IS:

64B13-3.009 False, Fraudulent, Deceptive and Misleading Advertising Prohibited; Policy; Definitions; Affirmative Disclosure.

(1) through (7) No change.

(8) Any advertisement for free or discounted services must contain the disclaimer required by Section 456.062, F.S., no less than Times New Roman 6 in at least Times New Roman 14 point font size or Courier New 12 point font size.

Rulemaking Specific Authority 463.005 FS. Law Implemented 456.072(1)(a), (m), 463.014, 463.016(1)(f), (g) FS. History--New 11-13-79, Amended 4-17-80, 8-20-81, Formerly 21Q-3.09, Amended 1-8-86, 12-16-86, Formerly 21Q-3.009, 61F8-3.009, 59V-3.009, Amended 1-2-02, 11-13-06, 11-5-07, 4-21-10,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Optometry
NAME OF AGENCY HEAD WHO APPROVED THE
PROPOSED RULE: Board of Optometry
DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: May 14, 2010
DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: May 28, 2010

DEPARTMENT OF HEALTH

Board of Optometry

RULE NO.: 64B13-4.001
RULE TITLE: Examination Requirements
PURPOSE AND EFFECT: The Board is revising the examination requirements.
SUMMARY: The rule will revise the passing grade score the applicant must attain.
SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared.

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

RULEMAKING AUTHORITY: 456.017(1), 463.005, 463.006(2) F.S.

LAW IMPLEMENTED: 456.017(1), 463.006(2) F.S.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

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

THE FULL TEXT OF THE PROPOSED RULE IS:

- 64B13-4.001 Examination Requirements.
- (1) through (2) No change.
 - (3) Part II of the Florida licensure examination shall consist of a clinical portion and a pharmacology/ocular disease portion.
 - (a) through (e) No change.
 - (f) An applicant must attain a score of 80 ~~70~~ percent or better in order to secure a passing grade on the pharmacology/pathology portion of the practical examination.
 - (4) No change.

Rulemaking Authority 456.017(1), 463.005, 463.006(2) FS. Law Implemented 456.017(1), 463.006(2) FS. History--New 11-13-79, Amended 5-28-80, 7-10-80, 8-20-81, 2-14-82, 6-6-82, 10-3-82, 4-10-84, 5-29-85, Formerly 21Q-4.01, Amended 7-21-86, 11-20-86, 7-27-87, 7-11-88, 7-18-91, 4-14-92, Formerly 21Q-4.001, Amended 2-14-94, Formerly 61F8-4.001, Amended 8-8-94, 11-21-94, 4-21-96, Formerly 59V-4.001, Amended 7-27-99, 7-15-02, 3-8-04, 4-22-10,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Optometry
NAME OF AGENCY HEAD WHO APPROVED THE
PROPOSED RULE: Board of Optometry
DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: July 8, 2010
DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: July 16, 2010

DEPARTMENT OF HEALTH

Board of Optometry

RULE NO.: 64B13-4.007
RULE TITLE: Optometry Faculty Certificate
PURPOSE AND EFFECT: The Board proposes the rule amendment to update and incorporate by reference the application form.
SUMMARY: The rule will update the application form.
SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared.

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

RULEMAKING AUTHORITY: 456.017(1), 463.005 FS.

LAW IMPLEMENTED: 463.0057 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

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

THE FULL TEXT OF THE PROPOSED RULE IS:

64B13-4.007 Optometry Faculty Certificate.
To obtain a optometric faculty certificate pursuant to Section 463.007, F.S., the applicant must submit an Initial Optometry Faculty Certificate Application, form number DH-MQA 1134,(5/10 8/08) incorporated herein by reference and the fees set forth in Rule 64B13-6.001, F.A.C. The form is available from the Board office or website: <http://www.doh.state.fl.us/mqa/optometry>.

Rulemaking Authority 463.005 FS. Law Implemented 463.0057 FS. History--New 4-2-09, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Optometry
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Optometry
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 14, 2010
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 28, 2010

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Economic Self-Sufficiency Program

RULE NOS.:	RULE TITLES:
65A-24.010	Purpose
65A-24.011	Implementation
65A-24.012	Legal Base and Authority
65A-24.014	Terms, Definitions, Abbreviations, Acronyms
65A-24.015	General Eligibility
65A-24.016	Eligible Categories
65A-24.017	Time Limitations for Program Administration
65A-24.018	Ineligible Categories of Assistance
65A-24.019	Reconsideration Review and State Fair Hearing
65A-24.020	Fraud, Duplication of Benefits, Grant Misapplication, Exemptions from Garnishment
65A-24.021	Criminal and Civil Penalties
65A-24.023	Applications, Locations, Time Limitations
65A-24.024	Document, Substantiate, Verify

PURPOSE AND EFFECT: Chapter 65A-24, F.A.C., Individual and Family Grant Program, will be repealed as the program was combined into the Federal Assistance to Individuals and Households Program administered by the Federal Emergency Management Agency under the authority of 42 U.S.C. §5174.

SUMMARY: Chapter 65A-24, F.A.C., Individual and Family Grant Program will be repealed.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared.

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

RULEMAKING AUTHORITY: 414.45 FS.

LAW IMPLEMENTED: 414.35 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES 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

THE FULL TEXT OF THE PROPOSED RULES IS:

65A-24.010 Purpose.

Rulemaking Specific Authority 414.45 FS. Law Implemented 414.35 FS. History--New 10-1-87, Formerly 10C-24.010, Repealed.

65A-24.011 Implementation.

Rulemaking Specific Authority 414.45 FS. Law Implemented 414.35 FS. History--New 10-1-87, Formerly 10C-24.011, Repealed.

65A-24.012 Legal Base and Authority.

Rulemaking Specific Authority 414.45 FS. Law Implemented 414.35 FS. History--New 10-1-87, Formerly 10C-24.012, Amended 9-28-99, Repealed.

65A-24.014 Terms, Definitions, Abbreviations, Acronyms.

Rulemaking Specific Authority 414.45 FS. Law Implemented 414.35 FS. History--New 10-1-87, Formerly 10C-24.014, Amended 9-28-99, Repealed.

65A-24.015 General Eligibility.

Rulemaking Specific Authority 414.45 FS. Law Implemented 414.35 FS. History--New 10-1-87, Formerly 10C-24.015, Amended 9-28-99, Repealed.

65A-24.016 Eligible Categories.

Rulemaking Specific Authority 414.45 FS. Law Implemented 414.35 FS. History--New 10-1-87, Formerly 10C-24.016, Amended 9-28-99, Repealed.

65A-24.017 Time Limitations for Program Administration.

Rulemaking Specific Authority 414.45 FS. Law Implemented 414.35 FS. History--New 10-1-87, Formerly 10C-24.017, Amended 9-28-99, Repealed.

65A-24.018 Ineligible Categories of Assistance.

Rulemaking Specific Authority 414.45 FS. Law Implemented 414.35 FS. History--New 10-1-87, Formerly 10C-24.018, Amended 9-28-99, Repealed.

65A-24.019 Reconsideration Review and State Fair Hearing.

Rulemaking Specific Authority 414.45 FS. Law Implemented 414.35 FS. History–New 10-1-87, Formerly 10C-24.019, Amended 9-28-99, Repealed.

65A-24.020 Fraud, Duplication of Benefits, Grant Misapplication, Exemptions from Garnishment.

Rulemaking Specific Authority 414.45 FS. Law Implemented 414.35 FS. History–New 10-1-87, Formerly 10C-24.020, Amended 9-28-99, Repealed.

65A-24.021 Criminal and Civil Penalties.

Rulemaking Specific Authority 414.45 FS. Law Implemented 414.35 FS. History–New 10-1-87, Formerly 10C-24.021, Repealed.

65A-24.023 Applications, Locations, Time Limitations.

Rulemaking Specific Authority 414.45 FS. Law Implemented 414.35 FS. History–New 10-1-87, Formerly 10C-24.023, Amended 9-28-99, Repealed.

65A-24.024 Document, Substantiate, Verify.

Rulemaking Specific Authority 414.45 FS. Law Implemented 414.35 FS. History–New 10-1-87, Formerly 10C-24.024, Amended 9-28-99, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Nathan Lewis

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: George H. Sheldon

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 6, 2010

DEPARTMENT OF FINANCIAL SERVICES

Division of Insurance Agents and Agency Services

RULE NO.: RULE TITLE:

69B-210.005 Unlawful Inducements, Generally

PURPOSE AND EFFECT: Section 626.9521(1), F.S., provides that no person shall engage in any trade practice which is defined in this part as an unfair method of competition or an unfair or deceptive act or practice involving the business of insurance. Section 626.9611(1), F.S., authorizes the Department to adopt reasonable rules as are necessary or proper to identify specific unfair methods of competition or unfair or deceptive acts or practices which are prohibited by Section 626.9541, F.S.

SUMMARY: The proposed rule defines the term “unlawful inducement” and also provides examples of acts and practices that are unlawful inducements to purchase insurance prohibited by Section 626.9541(1)(h), F.S.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The agency has determined that this rule will not have an impact on small business.

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

RULEMAKING AUTHORITY: 624.308 (1), 626.9611 FS.

LAW IMPLEMENTED: 626.112(8), 626.572, 626.611(11), 626.621(6), 626.753, 626.9521, 626.9541(1)(h), (m), 626.9611 FS.

IF REQUESTED WITHIN 21 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: September 20, 2010, 9:30 a.m.

PLACE: Room 116, Larson Building, 200 E. Gaines Street, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Lorna Noren at (850)413-5634 or Lorna.Noren@MyFloridaCFO.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Lorna Noren, Special Investigator, Division of Insurance Agents and Agency Services, Bureau of Investigation, 200 E. Gaines Street, Tallahassee, FL 32399-0320, (850)413-5634 or Lorna.Noren@MyFloridaCFO.com

THE FULL TEXT OF THE PROPOSED RULE IS:

69B-210.005 Unlawful Inducements, Generally.

(1) The term “unlawful inducement” as used in this rule means, except as otherwise provided by law or by any filed or approved rates or rating manuals:

(a) Permitting, or offering to make, or making, any contract or agreement concerning a contract other than that which is plainly expressed in the insurance contract issued thereon; or

(b) Paying, allowing, or giving, or offering to pay, allow, or give, directly or indirectly, as an inducement to the insurance contract or a renewal of the insurance contract, any unlawful rebate of premiums payable on the insurance contract, any special favor or advantage in the dividends or other benefits thereon, or any valuable consideration or inducement whatsoever which is not specified in the insurance contract.

(2) This rule is not applicable to the business of title insurance and does not apply to insurers. All lists contained within this rule are intended as examples and are not exhaustive.

(3) Except as otherwise expressly provided by law, by Section 626.572, F.S., and Section 626.9541(1)(m), F.S., or by any filed or approved rates or rating manuals, the following examples of inducements, when not specified by the insurance contract, are unlawful inducements and constitute unfair insurance trade practices under Sections 626.9521 and 626.9541, F.S.:

(a) Paying, crediting, allowing, or giving, or offering to pay, credit, allow, or give, directly or indirectly, an inducement to the purchase of insurance.

(b) Facilitating any discount, reduction, credit, or paying any portion of any premium, fee or cost of underwriting, policy fee, or claim cost.

(c) Facilitating any discount, reduction, credit, or paying any fee or portion of the cost of an inspection, inspection report, appraisal, or survey, including wind inspection.

(d) Bringing about any discount, reduction, credit, or paying any portion of the premium or any portion of the cost of premium financing.

(e) Making possible any lowered, credited, or discounted commission, except as provided in Section 626.572, F.S.

(f) Providing membership in any organization, society, association, guild, union, alliance or club at a discount, reduced rate, or at no cost.

(g) Making or offering to make a charitable or other tax-deductible contribution on behalf of the purchaser.

(h) Offering or providing any service or incentive in conjunction with the sale of insurance.

(i) Providing or offering stocks, bonds, securities, property, or any dividend or profit accruing or to accrue thereon.

(j) Providing or offering employment in exchange for the purchase of insurance.

(k) Providing, or offering to provide, any other payment, award, special favor, advantage, or incentive, tangible or intangible, direct or indirect, that encourages or is reasonably calculated to encourage a consumer to enter into a contract for insurance.

Rulemaking Authority 624.308 (1), 626.9611 FS. Law Implemented 626.112(8), 626.572, 626.611(11), 626.621(6), 626.753, 626.9521, 626.9541(1)(h), (m), 626.9611 FS. History—New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Lorna Noren, Division of Insurance Agents and Agency Services

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Alex Sink, Chief Financial Officer

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 22, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 5, 2010

DEPARTMENT OF FINANCIAL SERVICES

Division of Insurance Agents and Agency Services

RULE NO.: 69B-210.010
RULE TITLE: Unlawful Inducements, Title Insurance

PURPOSE AND EFFECT: Section 626.9521(1), F.S., provides that no person shall engage in any trade practice which is defined in this part as an unfair method of competition or an unfair or deceptive act or practice involving the business of insurance. Section 626.9611(1), F.S., authorizes the Department to adopt reasonable rules as are necessary or proper to identify specific unfair methods of competition or unfair or deceptive acts or practices which are prohibited by Section 626.9541, F.S.

SUMMARY: The proposed rule defines the term “unlawful inducement” and also provides examples of acts and practices that are unlawful inducements to purchase title insurance prohibited by Section 626.9541(1)(h), F.S.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The agency has determined that this rule will not have an impact on small business.

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

RULEMAKING AUTHORITY: 624.308(1), 626.9611 FS.

LAW IMPLEMENTED: 626.112(8), 626.572, 626.611(11), 626.621(6), 626.8411, 626.8437(8), 626.844(5), 626.9521, 626.9541(1)(h), (m), 626.9611 FS.

IF REQUESTED WITHIN 21 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: September 20, 2010, 2:30 p.m.

PLACE: Room 116, Larson Building, 200 E. Gaines Street, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Lorna Noren at (850)413-5634 or Lorna.Noren@MyFloridaCFO.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Lorna Noren, Special Investigator, Division of Insurance Agents and Agency Services, Bureau of Investigation, 200 E. Gaines Street, Tallahassee, FL 32399-0320 (850)413-5634 or Lorna.Noren@MyFloridaCFO.com.

THE FULL TEXT OF THE PROPOSED RULE IS:

69B-210.010 Unlawful Inducements, Title Insurance.

(1) The term “unlawful inducement” as used in this rule means, except as otherwise provided by law or by any filed or approved rates or rating manuals:

(a) Permitting, or offering to make, or making, any contract or agreement concerning a contract other than that which is plainly expressed in the title insurance contract issued thereon; or

(b) Paying, allowing, or giving, or offering to pay, allow, or give, directly or indirectly, as an inducement to the title insurance contract, any unlawful rebate of premiums payable on the title insurance contract, any special favor or advantage in the dividends or other benefits thereon, or any valuable consideration or inducement whatsoever which is not specified in the title insurance contract.

(2) All lists contained within this rule are intended as examples and are not exhaustive.

(3) For purposes of this rule, the term “interested party” means a real estate professional, real estate salesperson, mortgage broker, lender, real estate developer, builder, property appraiser, surveyor, escrow agent, closing agent, or any other person or entity involved in a real estate transaction for which title insurance could be issued; or any representative of such a person or entity.

(4) As they relate to the transaction of title insurance, except as otherwise expressly provided by law, by Section 626.572, F.S., and Section 626.9541(1)(m), F.S., or by any filed and approved rates or rating manuals, the following inducements, when not specified by the title insurance contract, are unlawful inducements and constitute unfair insurance trade practices under Sections 626.9521 and 626.9541, F.S.:

(a) Facilitating any discount, reduction, credit, or paying any fee or portion of the cost of an inspection, inspection report, appraisal, or survey, including wind inspection.

(b) Providing membership in any organization, society, association, guild, union, alliance or club at a discount, reduced rate, or at no cost.

(c) Making or offering to make a charitable or other tax-deductible contribution on behalf of the purchaser.

(d) Offering or providing any service or incentive in conjunction with the sale of title insurance not specified in the policy or contract.

(e) Providing or offering stocks, bonds, securities, property, or any dividend or profit accruing or to accrue thereon.

(f) Providing or offering employment in exchange for the purchase of title insurance.

(g) Printing or paying for the printing of bulletins, flyers, post cards, labels, etc. for an interested party.

(h) Furnishing or paying for the furnishing of office equipment (fax machines, telephones, copy machines, etc.) to an interested party.

(i) Providing or paying for cellular telephone contracts for an interested party.

(j) Providing simulated panoramic home and property tours to real estate salespersons or real estate professionals which they in turn utilize in order to promote their listings.

(k) Providing or paying for giftcards or gift certificates to or for an interested party.

(l) Sponsoring and hosting, or paying for the sponsoring and hosting, of open houses for real estate salespersons or real estate professionals to promote their listings.

(m) Providing or paying for food or beverages at events designed to promote an interested party’s businesses.

(n) Paying advertising costs to advertise and promote the listings of real estate salespersons or real estate professionals in periodicals or publications.

(o) Paying an interested party to fill out processing (order) forms in exchange for title insurance contracts.

(p) Providing “leads” or mailing lists to an interested party at no cost or a reduced cost.

(q) Entering into affiliated business arrangements in an attempt to provide kickbacks to an interested party.

(r) Providing, or offering to provide, any other payment, award, special favor, advantage, or incentive, tangible or intangible, direct or indirect, that encourages or is reasonably calculated to encourage an interested party to refer business to a title insurance agent or agency, regardless of whether a written or verbal agreement exists regarding the referral.

Rulemaking Authority 624.308(1), 626.9611 FS. Law Implemented 626.112(8), 626.572, 626.611(11), 626.621(6), 626.8411, 626.8437(8), 626.844(5), 626.9521, 626.9541(1)(h), (m), 626.9611 FS. History—New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Lorna Noren, Division of Insurance Agents and Agency Services

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Alex Sink, Chief Financial Officer

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 22, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 5, 2010

DEPARTMENT OF FINANCIAL SERVICES

Division of Insurance Agents and Agency Services

RULE NOS.:	RULE TITLES:
69B-211.011	Photo Identification Required
69B-211.012	Exemptions to Photo Identification Requirement

PURPOSE, EFFECT AND SUMMARY: The rule repeals the requirement that licensees must have a photograph on their licensure identification cards and repeals the exemptions for

that requirement. The Department will permit licensees to print insurance license identification cards electronically via internet connection.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared.

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

RULEMAKING AUTHORITY: 624.308 FS.

LAW IMPLEMENTED: 624.307(1), 624.501(20)(c), 626.301 FS.

IF REQUESTED WITHIN 21 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: Wednesday, September 15, 2010, 9:30 a.m.

PLACE: 142 Larson Building, 200 East Gaines Street, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Matt Tamplin, (850)413-5460 or Matt.Tamplin@myfloridacfo.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Matt Tamplin, Chief, Bureau of Agent & Agency Licensing, Division of Agent & Agency Services, Department of Financial Services, 200 E. Gaines Street, Room 416, Larson Building, Tallahassee, FL 32399-0320, (850)413-5460

THE FULL TEXT OF THE PROPOSED RULES IS:

69B-211.011 Photo Identification Required.

Rulemaking Specific Authority 624.308 FS. Law Implemented 624.307(1), 624.501(20)(c), 626.301 FS. History--New 6-4-92, Formerly 4-211.011, Repealed.

69B-211.012 Exemptions to Photo Identification Requirement.

Rulemaking Specific Authority 624.308 FS. Law Implemented 624.307(1), 626.301 FS. History--New 6-4-92, Formerly 4-211.012, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Matt Tamplin, Chief, Bureau of Agent & Agency Licensing, Division of Agent & Agency Services, Department of Financial Services

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Alex Sink, Chief Financial Officer, Department of Financial Services

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 20, 2010

FINANCIAL SERVICES COMMISSION

Office of Financial Regulation

RULE NO.: 69W-301.002 **RULE TITLE:** Processing of Applications

PURPOSE AND EFFECT: Rule 69W-301.002, F.A.C., is amended to reflect the latest versions of applicable forms incorporated by reference in the rule. The rule is also amended to clarify and consolidate the procedures for filing documents and fees with the Office. The process for filing documents and fees with the Office is currently spread throughout Rule Chapters 69W-600, 69W-700, 69W-800, and 69W-900, F.A.C. For clarity, these provisions are relocated to Rule 69W-301.002, F.A.C., which is the general provision governing the application submission process. The rule is also amended to implement electronic filing requirements for Canadian dealers, dealers that are not members of the Financial Industry Regulation Authority (FINRA), issuer/dealers, securities registrations filings submitted under Section 517.081, F.S., and securities notification filings submitted under Section 517.082, F.S. Currently, the Office accepts paper submissions for these particular filings. Under the proposed rule amendments, these filings will be required to be made electronically through the Office's Regulatory Enforcement and Licensing (REAL) System. Electronic filing is currently required under the rules for FINRA dealers (through the Central Registration Depository) and investment advisers (through the Investment Adviser Registration Depository).

SUMMARY: The proposed rule amendments: 1) reflect the latest versions of applicable forms incorporated by reference in the rule; 2) clarify and consolidate the procedures for filing documents and fees with the Office, and 3) implement electronic filing requirements for Canadian dealers, dealers that are not members of the FINRA (including their branch offices and associated persons), issuer/dealers (including their associated persons and branch offices), securities registrations filings submitted under Section 517.081, F.S., and securities notification filings under Section 517.082, F.S.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: A statement of estimated regulatory costs has been prepared. Under the proposed rule, issuer dealers (including their branch offices and associated persons), Canadian dealers, non-FINRA dealers (including their branch offices and associated persons), offerings for securities registrations submitted under Section 517.081, F.S., and securities notification filings submitted under Section 517.082, F.S., will be required to file applicable forms and fees through the Office's REAL System. Currently, the individuals and

entities identified above may file forms and fees manually (“in paper”) or electronically with the Office. The rule eliminates the ability to file forms manually. There are no additional fees associated with filing electronically. In order to file electronically, an applicant/registrant would need a desk or lap-top computer, and internet access. There will be no additional costs to the agency as the result of the proposed changes.

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

RULEMAKING AUTHORITY: 517.03(1), 517.12, 517.1201, 517.081, 517.082 FS.

LAW IMPLEMENTED: 120.60(1), 517.051, 517.081, 517.082, 517.12, 517.161(5) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: 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

THE FULL TEXT OF THE PROPOSED RULE IS:

69W-301.002 Processing of Applications.

(1) Forms. Application forms for all license actions covered by these rules may be obtained from the Office of Financial Regulation at no cost. All applications must be in the format required by the Office of Financial Regulation. Requests for forms should be sent directly to: The Office of Financial Regulation, Division of Securities, 200 East Gaines Street, Tallahassee, Florida 32399-0375.

(2) Electronic Filing of Application and Fee. Applications in the format required by the Office of Financial Regulation, accompanied by the prescribed fee for the requested license action, shall be filed electronically with the Office of Financial Regulation. Forms and fees deemed received are subject to the Office’s Request for Additional Information requirements found in subsection 69W-301.002(3), F.A.C. Application forms and fees shall be filed as follows:

~~(a) at the address indicated in subsection (1) above; however, All all~~ dealers who are members of the Financial Industry Regulatory Authority (formerly known as the National Association of Securities Dealers) (FINRA), Inc. (“NASD”) shall file such items through the Central Registration Depository (CRD) of the FINRA in accordance with the provisions of Rules 69W-600.001 and 69W-600.0091, F.A.C. Chapter 69W-600, F.A.C., as prescribed therein.

~~(b) All However, all~~ Federal Covered Advisers shall file such items through the Investment Adviser Registration Depository (IARD) of the FINRA in accordance with the provisions of Section 517.1201, Florida Statutes, and Rule 69W-600.0092, F.A.C.

~~(c) Investment advisers shall~~ may file the required forms and fees with the Investment Adviser Registration Depository (IARD) in accordance with the provisions of Rules 69W-600.001 and 69W-600.0093, F.A.C. Issuers may file the required forms and fees with the Securities Registration Depository (SRD) in accordance with the provisions of Rule 69W-400.004 or 69W-800.001, F.A.C., upon implementation of the system in this state.

(d) Issuer/Dealers shall file the required forms and fees electronically on the Office’s website at www.flofr.com through the Regulatory Enforcement and Licensing (REAL) System of the OFR and shall be deemed received on the date the Office issues a confirmation of submission and payment to the applicant via the Office’s website. A confirmation of submission is issued by the Office upon successful filing of an application and payment of all fees. Such filings shall be made in accordance with Rules 69W-400.002, 69W-600.001 and 69W-600.004, F.A.C.

(e) Dealers that are not members of FINRA shall file the required forms and fees electronically on the Office’s website at www.flofr.com through the Regulatory Enforcement and Licensing (REAL) System of the OFR and shall be deemed received on the date the Office issues a confirmation of submission and payment to the applicant via the Office’s website. A confirmation of submission is issued by the Office upon successful filing of an application and payment of all fees. Such filings shall be made in accordance with Rule 69W-600.001, F.A.C.

(f) Canadian dealers shall file the required forms and fees electronically on the Office’s website at www.flofr.com through the Regulatory Enforcement and Licensing (REAL) System of the OFR and shall be deemed received on the date the Office issues a confirmation of submission and payment to the applicant via the Office’s website. A confirmation of submission is issued by the Office upon successful filing of an application and payment of all fees. Such filings shall be made in accordance with Rule 69W-600.0015, F.A.C.

(g) All dealers who are members of the Financial Industry Regulatory Authority (FINRA) shall file requests for Branch Office registration through the Central Registration Depository (CRD) of the FINRA in accordance with the provisions of Rules 69W-600.004 and 69W-600.0091, F.A.C.

(h) Investment Advisers shall file requests for Branch Office registration through the Central Registration Depository (CRD) of the FINRA in accordance with the provisions of Rules 69W-600.004 and 69W-600.0093, F.A.C.

(i) Issuer/Dealers shall file requests for Branch Office registration on the Office's website at www.flofr.com through the Regulatory Enforcement and Licensing (REAL) System of the OFR and shall be deemed received on the date the Office issues a confirmation of submission and payment to the applicant via the Office's website. A confirmation of submission is issued by the Office upon successful filing of an application and payment of all fees. Such filings shall be made in accordance with Rule 69W-600.004, F.A.C.

(j) Dealers that are not members of FINRA shall file requests for Branch Office registration electronically on the Office's website at www.flofr.com through the Regulatory Enforcement and Licensing (REAL) System of the OFR and shall be deemed received on the date the Office issues a confirmation of submission and payment to the applicant via the Office's website. A confirmation of submission is issued by the Office upon successful filing of an application and payment of all fees. Such filings shall be made in accordance with Rule 69W-600.004, F.A.C.

(k) All dealers who are members of the Financial Industry Regulatory Authority (FINRA) shall file requests for Associated Person registration through the Central Registration Depository (CRD) of the FINRA in accordance with the provisions of Rules 69W-600.002 and 69W-600.0091, F.A.C.

(l) Federal Covered Advisers shall file requests for Associated Person registration through the Central Registration Depository (CRD) of the FINRA in accordance with the provisions of Rules 69W-600.002 and 69W-600.0092, F.A.C.

(m) Investment Advisers shall file requests for Associated Person registration through the Central Registration Depository (CRD) of the FINRA in accordance with the provisions of Rules 69W-600.002 and 69W-600.0093, F.A.C.

(n) Issuer/Dealers shall file requests for Associated Person registration on the Office's website at www.flofr.com through the Regulatory Enforcement and Licensing (REAL) System of the OFR and shall be deemed received on the date the Office issues a confirmation of submission and payment to the applicant via the Office's website. A confirmation of submission is issued by the Office upon successful filing of an application and payment of all fees. Such filings shall be made in accordance with Rules 69W-600.002 and 69W-600.004, F.A.C.

(o) Dealers that are not members of FINRA shall file requests for Associated Person registration electronically on the Office's website at www.flofr.com through the Regulatory Enforcement and Licensing (REAL) System of the OFR and shall be deemed received on the date the Office issues a confirmation of submission and payment to the applicant via the Office's website. A confirmation of submission is issued by the Office upon successful filing of an application and payment of all fees. Such filings shall be made in accordance with Rule 69W-600.002, F.A.C.

(p) An applicant for registration of securities pursuant to Section 517.081, F.S., shall file electronically on the Office's website at www.flofr.com through the Regulatory Enforcement and Licensing (REAL) System of the OFR and shall be deemed received on the date the Office issues a confirmation of submission and payment to the applicant via the Office's website. A confirmation of submission is issued by the Office upon successful filing of an application and payment of all fees. Such filings shall be made in accordance with Rule Chapter 69W-700, F.A.C.

(q) An applicant for Notification Registration pursuant to Section 517.082, F.S., shall file electronically on the Office's website at www.flofr.com through the Regulatory Enforcement and Licensing (REAL) System of the OFR and shall be deemed received on the date the Office issues a confirmation of submission and payment to the applicant via the Office's website. A confirmation of submission is issued by the Office upon successful filing of an application and payment of all fees. Such filings shall be made in accordance with Rule Chapter 69W-800, F.A.C.

(3) through (6) No change.

(7)(a) The forms referred to in this section below are incorporated by reference and readopted by this rule for the purposes of Rule Chapters 69W-100 through 69W-900, F.A.C.:

1. OFR-S-1-91, Application for Registration of Securities, effective ~~(Revised 10/97)~~;
2. OFR-S-7-91, Exhibit 1 (General Issue), effective ~~(Revised 10/97)~~;
3. OFR-S-5-91, Uniform Consent to Service of Process, effective ~~(Revised 1/91)~~;
4. OFR-S-6-91, Corporate Resolution, effective ~~(Revised 1/91)~~;
5. OFR-S-10-91, Report of Sales of Securities and Use of Proceeds Therefrom, effective ~~(Revised 1/91)~~;
6. Form BD, Uniform Application for Broker-Dealer Registration (5/2002), effective ~~(Revised 7/99)~~;
7. Form ADV, Uniform Application for Investment Adviser Registration (1/2008), effective ~~(Revised 10/03)~~;
8. Form U-4, Uniform Application for Securities Industry Registration or Transfer (5/2009), effective ~~(Revised 10/05)~~;
9. Form BDW, Uniform Request for Broker-Dealer Withdrawal (4/2007), effective ~~(Revised 8/99)~~;
10. Form ADV-W, Notice of Withdrawal from Registration as Investment Adviser (3/2008), effective ~~(Revised 10/03)~~;
11. Form U-5, Uniform Termination Notice for Securities Industry Registration (5/2009), effective ~~(Revised 10/05)~~;
12. Form BR, Uniform Branch Office Registration Form (10/2005), effective ~~(Revised 10/05)~~;

13. OFR Form DA-5-91, Issuer/Dealer Compliance Form, effective (~~Revised 1/91~~);

14. Form FL921250Z, Florida Fingerprint Card (5/11/99), effective (~~Revised 1/91~~); and

15. OFR Form CAN, Canadian Dealer Notification, effective (~~New 6-10-07~~).

(b) This rule also incorporates by reference:

1. OFR Form S-3-91, Notification Registration, effective (~~Revised 1/91~~);

2. Form U-1, Uniform Application to Register Securities (Effective 10/97);

3. Form U-2, Uniform Consent to Service of Process (Effective 10/1/96);

4. Form U-2A, Uniform Corporate Resolution (Effective 10/1/96);

5. Form U-7, Small Corporate Offering Registration Form (Effective 10/97);

6. OFR-S-12-97, SCOR (Small Corporate Offering Registration) Application to Register Securities, effective (~~Effective 10/97~~);

7. OFR-S-13-97, Florida Guide to Small Business Investments, effective (~~Effective 10/97~~); and

8. OFR-S-14-97, Promotional Shares Escrow Agreement, effective (~~Effective 10/97~~); and

9. CUBA FORM, Disclosure of Business Activities in Cuba Form, effective .

(c) Social security number. The following forms contain a field that allows, but does not require, an individual to submit his or her social security number: Form ADV, Uniform Application for Investment Adviser Registration (1/2008 Revised 10/03); Form U-4, Uniform Application for Securities Industry Registration or Transfer (5/2009 Revised 10/05); and Form U-5, Uniform Termination Notice for Securities Industry Registration (5/2009 Revised 10/05). If provided, an individual's social security number will be used by the Office of Financial Regulation to facilitate the identification of the individual to obtain the required criminal justice information, which may expedite the processing of the forms. Social security numbers obtained through the submission of the above-listed forms are subject to the confidentiality provisions of Section 119.071(5), F.S.

(d) All forms referenced in this rule are incorporated by referenced and may be obtained by mail from the Florida Office of Financial Regulation, Division of Securities, 200 E. Gaines Street, Tallahassee, Florida 32399.

Rulemaking Specific Authority 517.03(1), 517.12, 517.1201, 517.081(2), 517.082(4) FS. Law Implemented 120.60(1), 517.051, 517.081, 517.082, 517.12, 517.161(5) FS. History—Revised and Transferred from 3E-300.01, 9-20-82, Formerly 3E-301.02, Amended 10-15-86, 2-1-87, 12-8-87, 7-29-90, 7-31-91, 6-16-92, 1-10-93, 3-13-94, 10-1-96, 10-23-97, 6-22-98, 6-10-99, 5-7-00, 7-10-02, Formerly 3E-301.002, Amended 3-16-06, 6-10-07, _____.

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: July 29, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 24, 2009

FINANCIAL SERVICES COMMISSION

Office of Financial Regulation

RULE NOS.:	RULE TITLES:
69W-600.001	Application for Registration as a Dealer, Issuer/Dealer, or Investment Adviser
69W-600.0015	Canadian Dealer Notification
69W-600.002	Application for Registration as Associated Person
69W-600.004	Registration of Issuer/Dealers, Principals and Branch Offices
69W-600.005	Examinations/Qualifications
69W-600.006	Fingerprint Requirements
69W-600.007	Changes in Name and Successor Registration Requirements
69W-600.008	Termination of Registration as Dealer, Investment Adviser, Branch Office, Principal or Agent
69W-600.009	Registration Renewals
69W-600.0091	Central Registration Depository System
69W-600.0092	Investment Adviser Registration Depository for Federal Covered Advisers
69W-600.0093	Investment Adviser Registration Depository for Investment Advisers
69W-600.010	Notice of Civil, Criminal or Administrative Action
69W-600.012	Rules of Conduct
69W-600.013	Prohibited Business Practices for Dealers and Their Associated Persons
69W-600.0131	Prohibited Business Practices for Investment Advisers and Their Associated Persons
69W-600.0132	Custody Requirements for Investment Advisers
69W-600.014	Books and Records Requirements
69W-600.015	Financial Reporting Requirements – Statement of Financial Condition – Dealers and Investment Advisers

69W-600.016 Net Capital Requirements for Dealers and Investment Advisers

69W-600.017 Customer Protection Rule – Reserve Requirements and Custody of Customer Funds and Securities

69W-600.020 Continuing Education Requirements

PURPOSE AND EFFECT: The rules are amended to reflect the latest versions of materials incorporated by reference in the rules, including federal regulations, federal statutes, forms, Financial Industry Regulatory Authority (FINRA) rules, New York Stock Exchange rules, other stock exchange rules, National Association of Securities Dealers (NASD) rules, and Municipal Securities Rulemaking Board (MSRB) rules. The rules are amended to reflect the changes that are being proposed to Rule 69W-301.002, F.A.C., which is the general rule governing the application submission process. Currently, the process for filing applications and fees with the Office is spread throughout Rule Chapters 69W-600, 69W-700, 69W-800 and 69W-900, F.A.C. For clarity, the provisions specifying the process for filing the applications and fees with the Office are relocated to Rule 69W-301.002, F.A.C. This rule is also amended to require the electronic filing of certain applications, documents and fees that are currently accepted by the Office in paper form. The rules are also amended to replace references to the National Association of Securities Dealers (NASD) with the Financial Industry Regulatory Authority (FINRA). FINRA was created in July 2007 through the consolidation of NASD and the member regulation, enforcement and arbitration functions of the New York Stock Exchange. Rule 69W-600.005, F.A.C., is amended to remove the reference to the examination requirement for investment adviser principals as there is no longer a principal investment adviser designation. Rule 69W-600.006, F.A.C., is amended to reflect the statutory requirement for fingerprint submissions for any direct owner, principal, or indirect owner that is required to be reported on the Form BD, Uniform Broker-Dealer Registration, or Form ADV, Uniform Application for Investment Adviser Registration, under Section 517.12(7), F.S. Rule 69W-600.0132, F.A.C., is amended to allow investment advisers under certain conditions to file unaudited financial statements with the Office in lieu the requirement for audited financial statements.

SUMMARY: The rules are amended to: 1) reflect the latest versions of materials incorporated by reference in the rules; 2) reflect the changes to the application filing process that are being proposed to Rule 69W-301.002, F.A.C.; 3) replace references to the National Association of Securities Dealers with the Financial Industry Regulatory Authority; 4) remove the reference to the examination requirement for investment adviser principals; 5) reflect the statutory requirement for fingerprint submissions for any direct owner, principal, or indirect owner that is required to be reported on the Form BD, Uniform Broker-Dealer Registration, or Form ADV, Uniform Application for Investment Adviser Registration, under

Section 517.12(7), F.S.; and 6) allow investment advisers under certain conditions to file unaudited financial statements with the Office in lieu the requirement for audited financial statements.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost has been prepared. The Office has determined that the rules will not have an adverse impact on small businesses.

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

RULEMAKING AUTHORITY: 517.03(1), 517.12(6), 517.12(9), 517.12(13), 517.12(15), 517.12(17), 517.1201, 517.121(1), 517.121(2), 517.1215, 517.1217, 215.405 FS.

LAW IMPLEMENTED: 517.081, 517.12, 517.12(4), 517.12(5), 517.12(6), 517.12(7), 517.1205, 517.12(8), 517.12(9), 517.12 (10), 943.053, 517.12(11), 517.12(12), 517.12(12)(b), 517.12(13), 517.12(15), 517.12(16), 517.12(18), 517.161, 517.161(1), 517.161(5), 517.1201(1), 517.1201(2), 517.121, 517.121(1), 517.121(2), 517.1215, 517.1217, 517.301(1) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Bill Reilly, Chief, Bureau of Securities Regulation, Division of Securities, Office of Financial Regulation, 200 East Gaines Street, Tallahassee, FL 32399, phone (850)410-9805, E-mail: Bill.Reilly@flofr.com

THE FULL TEXT OF THE PROPOSED RULES IS:

69W-600.001 Application for Registration as a Dealer, Issuer/Dealer, or Investment Adviser.

(1)(a) Applications for initial and renewal registration of dealers, issuer/dealers, and investment advisers shall be filed as on the forms prescribed by the Financial Services Commission in Rule subsection 69W-301.002(7), F.A.C., and shall include all information required by such forms, any other information the Financial Services Commission or Office of Financial Regulation may require, and payment of the statutory fees required by Sections 517.12(10) and 517.131, F.S. ~~Except as otherwise provided in Rule 69W-600.0091 or 69W-600.0093, F.A.C., the Office of Financial Regulation shall deem an application to be received at such time as it and the appropriate fee have been date stamped by the cashier's office of the Department of Financial Services. For dealers that are members of the National Association of Securities Dealers (NASD), such application shall be filed with the Office of Financial Regulation through the Central Registration Depository (CRD) of the NASD in accordance with Rule 69W-600.0091, F.A.C. For investment advisers, such~~

~~application shall be filed with the Office of Financial Regulation through the Investment Adviser Registration Depository (IARD) of the NASD in accordance with Rule 69W-600.0093, F.A.C.~~

(b) A complete application must include the following exhibits or forms that are appropriate for the type of registration requested:

1. For registration as a dealer or issuer/dealer, a Uniform Application for Broker-Dealer Registration, Form BD, which is incorporated by reference in subsection 69W-301.002(7), F.A.C. ~~For dealers that are members of the NASD, such application shall be filed with the Office of Financial Regulation through the CRD in accordance with Rule 69W-600.0091, F.A.C.~~ For registration as an investment adviser, a Uniform Application for Investment Adviser Registration, Form ADV, which is incorporated by reference in subsection 69W-301.002(7), F.A.C. ~~shall be filed with the Office of Financial Regulation. Such application shall be filed with the Office of Financial Regulation through the Investment Adviser Registration Depository (IARD) of the NASD in accordance with Rule 69W-600.0093, F.A.C.;~~

2. No change.

3. A Uniform Application for Securities Industry Registration or Transfer, Form U-4, which is incorporated by reference in subsection 69W-301.002(7), F.A.C., to register at least one principal as set forth in Rule 69W-600.002, F.A.C. ~~For any dealer that is a member of the NASD, or any investment adviser, the application for registration of any principal shall be filed through the CRD as set forth in Rule 69W-600.002, F.A.C.~~ In conjunction with filing its Form BD or Form ADV with the Office of Financial Regulation, the dealer, issuer/dealer, or investment adviser shall provide the Office of Financial Regulation written notification of the principal's name, CRD number, and social security number;

4. No change.

5. Proof of effective registration for dealers with the Securities and Exchange Commission (SEC). Where required by Section 517.12(16), F.S., applicants for registration as a dealer shall also provide the Office of Financial Regulation with proof of insurance coverage by the Securities Investor Protection Corporation. Evidence of current membership as a dealer with the FINRA NASD shall satisfy this requirement;

6. No change.

7. Applicants for registration as an issuer/dealer must file Issuer/Dealer Compliance Form (OFR-DA-5-91), which is incorporated by reference in subsection 69W-301.002(7), F.A.C., (Revised 1-91) to meet requirements under paragraphs 69W-600.004(1)(b), 69W-600.005(2)(d) and Rule 69W-400.002, F.A.C.;

8. through 9 No change.

(2) If the information contained in any application for registration as a dealer or investment adviser or in any amendment thereto, becomes inaccurate for any reason, the

dealer or investment adviser shall file an amendment on the Form BD or the Form ADV, respectively, correcting such information within 30 days. For applicants and registrants that are members of the FINRA NASD, each such amendment, including those required by Rule 69W-600.007, F.A.C., shall be filed with the Office of Financial Regulation through the CRD system. For investment adviser applicants and registrants who file via the IARD, each such amendment, including those required by Rule 69W-600.007, F.A.C., may be filed with the Office of Financial Regulation through the IARD system in accordance with Rule 69W-600.0093, F.A.C. All other applicants and registrants shall file such amendments, including those required by Rule 69W-600.007, F.A.C., directly with the Office of Financial Regulation electronically through the Regulatory Enforcement and Licensing System.

(3) No change.

Rulemaking Specific Authority 517.03(1), 517.12(6) FS. Law Implemented 517.12(6), (7), 517.1205 FS. History—New 12-5-79, Amended 9-20-82, Formerly 3E-600.01, Amended 7-29-90, 8-1-91, 6-16-92, 1-11-93, 11-14-93, 4-30-96, 6-22-98, 5-10-00, 9-19-00, 7-31-02, Formerly 3E-600.001, Amended 3-16-06, 5-15-07,

69W-600.0015 Canadian Dealer Notification.

All Canadian dealers making initial and renewal notice filing, or terminating a notice filing in this state shall file OFR Form CAN, Canadian Dealer Notification, which is incorporated by reference in subsection 69W-301.002(7), F.A.C., and shall include all information required by such form, any other information the Office of Financial Regulation may require, and the fee required by Section 517.12(17)(b), F.S., with the Office of Financial Regulation. Such forms and fees shall be filed electronically in accordance with Rule 69W-301.002, F.A.C. Any notice filing made by a Canadian dealer with the Office of Financial Regulation shall be deemed received by the Office of Financial Regulation at such time as OFR Form CAN and the fee have been date stamped by the cashier's office of the Department of Financial Services. When requested by the Office of Financial Regulation, ~~OFR Form CAN~~ and all responses to any other requests for additional information shall be filed directly with the Office of Financial Regulation. ~~OFR Form CAN, Canadian Dealer Notification, is incorporated by reference in subsection 69W-301.002(7), F.A.C.~~

Rulemaking Specific Authority 517.03 FS. Law Implemented 517.12 FS. History—New 5-15-07, Amended _____.

69W-600.002 Application for Registration as Associated Person.

(1)(a) Applications for initial, reaffiliation, and renewal registrations of a principal or associated person shall be filed on Form U-4, Uniform Application for Securities Industry Registration or Transfer, which is incorporated by reference in subsection 69W-301.002(7), F.A.C., and shall include all information required by such form, any other information the

Office of Financial Regulation may require, and payment of the statutory fees required by Section 517.12(10), F.S. Such forms and fees shall be filed electronically in accordance with Rule 69W-301.002, F.A.C. Except as otherwise provided in Rule 69W-600.0091, 69W-600.0092, or 69W-600.0093, F.A.C., the Office of Financial Regulation shall deem an application to be received at such time as it and the appropriate fee have been date stamped by the cashier's office of the Department of Financial Services. For dealers that are members of the National Association of Securities Dealers ("NASD"), such application shall be filed with the Office of Financial Regulation through the Central Registration Depository ("CRD") of the NASD in accordance with Rule 69W-600.0091, F.A.C. For federal covered advisers, such application shall be filed with the Office of Financial Regulation through the Central Registration Depository ("CRD") of the NASD in accordance with Rule 69W-600.0092, F.A.C. For investment adviser applicants and registrants who file via the IARD, such application shall be filed with the Office of Financial Regulation through the CRD of the NASD in accordance with Rule 69W-600.0093, F.A.C.

(b) A complete initial application must include the following exhibits or forms that are appropriate for the type of registration requested:

1. Form U-4. As used on the Form U-4, the term "Office of Employment Address" shall mean the location where the person seeking registration will regularly conduct business on behalf of the dealer or investment adviser. ~~For dealers that are members of the NASD, such application shall be filed with the Office of Financial Regulation through the CRD of the NASD.~~ Form U-4, Uniform Application for Securities Industry Registration or Transfer, is incorporated by reference in subsection 69W-301.002(7), F.A.C.

2. through 3. No change.

4. Evidence of examinations/qualifications set forth in Rule subsection 69W-600.005(2), F.A.C.

5. A complete Florida Fingerprint Card (FL921250Z) when required under Section 517.12(7), F.S., and Rule 69W-600.006, F.A.C., provided by the Office of Financial Regulation and taken by an authorized law enforcement agency and accompanied by a non-refundable \$43.25 processing fee. Form FL921250Z, Florida Fingerprint Card, is incorporated by reference in subsection 69W-301.002(7), F.A.C.

(c) If the information contained in any Form U-4 becomes inaccurate for any reason before or after the associated person becomes registered, the associated person through the dealer or investment adviser, as applicable, shall be responsible for correcting the inaccurate information within thirty (30) days. If the information being updated relates to the applicant's or registrant's disciplinary history, in addition to updating the Form U-4, the associated person through the dealer or investment adviser shall also provide the Office of Financial

Regulation with notice and copies of each civil, criminal or administrative action initiated against the associated person as provided in Rule 69W-600.010, F.A.C. For associated persons who have filed by using the CRD of the FINRA NASD, such amendments shall be made through the CRD system of the NASD. All other applicants and registrants shall file such amendments electronically with the Office of Financial Regulation through the Regulatory Enforcement and Licensing System. Form U-4, Uniform Application for Securities Industry Registration or Transfer, is incorporated by reference in subsection 69W-301.002(7), F.A.C.

(2) No change.

Rulemaking Specific Authority 215.405, 517.03(1), 517.12(6) FS. Law Implemented 517.12(6), (7), (10), 517.1205, 943.053 FS. History-New 9-20-82, Formerly 3E-301.02, Amended 10-15-86, 10-4-88, 6-24-90, 7-29-90, 10-14-90, 8-1-91, 6-16-92, 6-28-93, 11-14-93, 3-13-94, 4-30-96, 12-29-96, 6-22-98, 5-10-00, 9-19-00, 7-31-02, 12-11-03, Formerly 3E-600.002, Amended 3-16-06, 5-15-07, 12-24-07, 12-25-08, _____.

69W-600.004 Registration of Issuer/Dealers, Principals and Branch Offices.

(1) through (2) No change.

(3)(a) Every branch office of a registered Florida dealer or investment adviser shall be registered with the Office of Financial Regulation prior to engaging in business therefrom. Such registration shall consist of an application filed with the Office of Financial Regulation on the forms prescribed by the Office of Financial Regulation and payment of the statutory fees required by Section 517.12(10), F.S. Such forms and fees shall be filed electronically in accordance with Rule 69W-301.002, F.A.C. ~~The Office of Financial Regulation shall deem an application to be received at such time as it and the appropriate fee have been date stamped by the cashier's office of the Department of Financial Services.~~ Such office may or may not be designated as an Office of Supervisory Jurisdiction (OSJ) at the discretion of the registrant. A manager for each branch office shall be designated and registered with the Office of Financial Regulation as a principal. For such offices not designated as an OSJ, the branch office manager need not be located at the office(s) for which he is delegated supervisory responsibility; however, in such cases, the registrant must specify in writing to the Office of Financial Regulation, the names of the associated persons designated as resident agent in charge as well as the branch office manager. ~~For any dealer that is a member of the NASD, or any investment adviser, the application for registration of any branch office shall be filed with the Office of Financial Regulation through the CRD.~~

(b) No change.

(c) If the information contained in any branch office registration form becomes inaccurate or incomplete for any reason before or after the branch office becomes registered, including changing the location of the branch office or the supervisory personnel thereof, the dealer or investment adviser

shall amend the information by filing a complete and originally executed Form BR, with the Office of Financial Regulation within thirty (30) days of the change and denoting thereon that the information reported is an amendment to a previous filing. For any dealer that is a member of the FINRA NASD, or any investment adviser, the Form BR shall be filed with the Office of Financial Regulation through the CRD, as set forth in Rules 69W-301.002, 69W-600.0091 and 69W-600.0093, F.A.C. this rule. Issuer/Dealers and Dealers that are not members of FINRA ~~A non-NASD member registrant~~ may amend the branch office registration information by submitting a Form BR directly with the Office of Financial Regulation electronically through the Regulatory Enforcement and Licensing System, in accordance with Rule 69W-301.002, F.A.C. Form BR, Uniform Branch Office Registration Form, is incorporated by reference in subsection 69W-301.002(7), F.A.C. Failure to file any amendment or written notification, as provided herein, shall be considered a violation of Section 517.12(13), F.S.

(d) No change.

Rulemaking Specific Authority 517.03(1), 517.12(6) FS. Law Implemented 517.12(5), (6), (10) FS. History--New 12-5-79, Amended 9-20-82, Formerly 3E-600.04, Amended 10-14-90, 6-16-92, 1-11-93, 11-7-93, 11-14-93, 12-29-96, 10-20-97, 6-10-99, 8-19-99, 5-27-01, 7-31-02, Formerly 3E-600.004, Amended 3-16-06, 5-15-07, _____.

69W-600.005 Examinations/Qualifications.

(1) through (2) No change.

(3) Examination Requirements for Investment Adviser Representative ~~and Principal~~: An individual applying to be registered as an investment adviser or investment adviser representative shall provide the Office of Financial Regulation with proof of passing, within two years of the date of application for registration, one of the following examinations: 1. the Uniform Investment Adviser Law Examination (Series 65) or 2. the General Securities Representative Examination (Series 7) and the Uniform Combined State Law Examination (Series 66).

(4) No change.

(5) The examination requirement for ~~investment adviser principals~~, investment adviser representatives, and associated persons of issuer dealers shall not apply to an individual who currently holds one of the following professional designations: 1. Certified Financial Planner (TM) or CFP® awarded by the Certified Financial Planner Board of Standards, Inc.; 2. Chartered Financial Consultant (ChFC) awarded by the American College, Bryn Mawr, PA; 3. Personal Financial Specialist (PFS) awarded by the American Institute of Certified Public Accountants; 4. Chartered Financial Analyst (CFA) awarded by the Institute of Chartered Financial Analysts; 5. Chartered Investment Counselor (CIC) awarded by the Investment Counsel Association of America, Inc.

Rulemaking Specific Authority 517.03(1) FS. Law Implemented 517.12(8) FS. History--New 12-5-79, Amended 9-20-82, Formerly 3E-600.05, Amended 8-1-91, 1-11-93, 4-18-96, 4-2-00, 10-30-03, Formerly 3E-600.005, Amended _____.

69W-600.006 ~~Associated Persons'~~ Fingerprints Requirements.

(1) Fingerprints filed in accordance with Section 517.12(7), F.S., shall be on fingerprint cards supplied by the Office of Financial Regulation taken by an authorized law enforcement agency, and accompanied by a non-refundable \$43.25 processing fee. Form FL921250Z, Florida Fingerprint Card, is incorporated by reference in subsection 69W-301.002(7), F.A.C.

(2) ~~The fingerprint card requirement to file a fingerprint card and fee with the Office of Financial Regulation is waived for those associated persons pending requesting registration in Florida with a Financial Industry Regulatory Authority (FINRA) member firm and such fingerprint card has with a dealer which is registered with a national securities exchange or national securities association or the Securities and Exchange Commission, provided that fingerprints have been submitted and processed by FINRA on behalf of the member firm with which said associated person is pending registration, for such persons pursuant to the provisions of SEC rule 17f-2 (17 C.F.R. § 240.17f-2 (2010) 2006), which is hereby incorporated by reference, by said person's current employer.~~

(3) Notwithstanding any exemptions found in SEC rule 17f-2 (17 C.F.R. § 240.17f-2 (2010)), any direct owner, principal, or indirect owner that is required to be reported on Form BD, Uniform Application for Broker-Dealer Registration, or Form ADV, Uniform Application for Investment Adviser Registration, pursuant to Section 517.12(7), F.S., who is not currently registered in Florida with the firm they are seeking to join or act as a direct owner, principal, or indirect owner shall submit to the Office fingerprint cards supplied by the Office of Financial Regulation taken by an authorized law enforcement agency, and accompanied by a non-refundable \$43.25 processing fee. Such fingerprint card and fee shall be filed directly with the Office until such time as FINRA has the capability to electronically display the fingerprint card results to Florida via the CRD system. Form FL921250Z (Florida Fingerprint Card), Form BD, and Form ADV are incorporated by reference in subsection 69W-301.002(7), F.A.C.

(4) The federal regulations referenced in this rule are hereby incorporated by reference and may be obtained by mail from the Florida Office of Financial Regulation, Division of Securities, 200 E. Gaines Street, Tallahassee, Florida 32399. Copies of the Code of Federal Regulation are also available online through the U.S. Government Printing Office via GPO Access: <http://www.gpoaccess.gov/cfr/index.html>.

Rulemaking Specific Authority 215.405, 517.03 FS. Law Implemented 517.12(7), 943.053 FS. History--New 12-5-79, Amended 9-20-82, Formerly 3E-600.06, Amended 8-1-91, Formerly 3E-600.006, Amended 5-15-07, 12-24-07, 12-25-08, _____.

69W-600.007 Changes in Name and Successor Registration Requirements.

(1) Where only a change in the name of an applicant or registrant as dealer, investment adviser or associated person occurs, notices of such fact shall be filed as an amendment on the forms prescribed by the Office of Financial Regulation within thirty (30) calendar days of the date of such change. For registrants who are a member of the Financial Industry Regulatory Authority (FINRA) NASD, such amendment shall be filed with the Office of Financial Regulation through the CRD System pursuant to subsection 69W-600.001(2), F.A.C. Any amendments to organizational documents or accompanying letters of explanation shall be promptly submitted directly to the Office of Financial Regulation when specifically requested by the Office of Financial Regulation.

(2) Where there is a change in legal entity of a proprietary, partnership, or corporate registrant, the successor entity shall file with the Office of Financial Regulation an amendment to Form BD, Uniform Application for Broker-Dealer Registration, which is incorporated by reference in subsection 69W-301.002(7), F.A.C. or Form ADV, Uniform Application for Investment Adviser Registration, which is incorporated by reference in subsection 69W-301.002(7), F.A.C., within thirty (30) calendar days of the date of such change. For registrants who are a member of the FINRA NASD, such amendment shall be filed with the Office of Financial Regulation through the CRD System pursuant to subsection 69W-600.001(2), F.A.C. Any amendments to organizational documents, accompanying letters of explanation, or current financial statements of the successor shall be promptly submitted directly to the Office of Financial Regulation when specifically requested by the Office of Financial Regulation.

(3) Merger Situations: Where there is a merger of dealer or investment adviser registrants involving (a) the assumption by the successor of substantially all assets and liabilities of the merged entities, and (b) the continuation of the activities of the merged entities successor entity, the merging entities shall file notification with the Office of Financial Regulation denoting such changes as are applicable within thirty (30) calendar days prior to the date of such change. The successor entity shall file an amendment to Form BD, which is incorporated by reference in subsection 69W-301.002(7), F.A.C., or Form ADV, which is incorporated by reference in subsection 69W-301.002(7), F.A.C. denoting such changes as are applicable within thirty (30) calendar days of date of such change. For registrants who are a member of the FINRA NASD, each such amendment shall be filed with the Office of Financial Regulation through the CRD System pursuant to subsection 69W-600.001(2), F.A.C. A copy of the plan of merger/merger agreement,

amended organizational documents, accompanying letters of explanation, or current financial statements of the successor (merged) entity shall be promptly provided directly to the Office of Financial Regulation when specifically requested by the Office of Financial Regulation.

(4) through (6) No change.

Rulemaking Specific Authority 517.03(1), 517.12(13) FS. Law Implemented 517.12(13) FS. History--New 12-5-79, Amended 9-20-82, Formerly 3E-600.07(4), Amended 10-15-86, 12-8-87, 8-1-91, 6-16-92, 1-11-93, 6-22-98, 8-9-98, 6-10-99, 5-10-00, 7-31-02, Formerly 3E-600.007, Amended 3-16-06, _____.

C.f. See Rule 69W-301.002(7) for forms referenced herein which have been previously adopted by the Office of Financial Regulation.

69W-600.008 Termination of Registration as Dealer, Investment Adviser, Branch Office, Principal or Agent.

(1) Where a registrant withdraws, cancels, or otherwise terminates registration, or is terminated for any reason, notice of such fact shall be filed with the Office of Financial Regulation on the forms prescribed by the Financial Services Commission, in accordance with Rule 69W-301.002(7), F.A.C., within twenty (20) calendar days of the date of termination. Such forms shall be filed electronically in accordance with Rules 69W-301.002, 69W-600.0091, 69W-600.0092 and 69W-600.0093, F.A.C.

(2) Any dealer which is a member of the Financial Industry Regulatory Authority (FINRA) National Association of Securities Dealers ("NASD") or any associated person or branch office of a member firm shall file any withdrawals, cancellations, or terminations of registrations with the Office of Financial Regulation through the Central Registration Depository ("CRD") of the FINRA NASD.

(3) Any investment adviser shall file any withdrawals, cancellations, or terminations of registration with the Office of Financial Regulation through the Investment Adviser Registration Depository ("IARD") of the FINRA. Any associated person or branch office of an investment adviser shall file any withdrawals, cancellations, or terminations of registration with the Office of Financial Regulation through the Central Registration Depository of the FINRA. Any withdrawals, cancellations, or terminations of registrations for branch offices shall be filed directly with the Office of Financial Regulation as prescribed in paragraph 69W-600.004(3)(e), F.A.C.

(4) through (5) No change.

(6) The forms to be utilized for providing notice to the Office of Financial Regulation under subsections (1), (2) and (3) above, and which are incorporated by reference in subsection 69W-301.002(7), F.A.C., are:

(a) Notice of Withdrawal from Registration as Investment Adviser (Form ADV-W).

(b) Uniform Request for Broker Dealer Withdrawal (Form BDW).

(c) Uniform Branch Office Registration Form (Form BR).

(d) Uniform Termination Notice for Securities Industry Registration (Form U-5).

Rulemaking Specific Authority 517.03(1) FS. Law Implemented 517.12(12)(b), 517.161(5) FS. History—New 12-5-79, Amended 9-20-82, Formerly 3E-600.08, Amended 7-29-90, 8-1-91, 6-16-92, 1-11-93, 6-22-98, 6-10-99, 5-10-00, 5-27-01, Formerly 3E-600.008, Amended 3-16-06,_____.

69W-600.009 Registration Renewals.

(1) No change.

(2) In addition to verifying registration with the Office of Financial Regulation as provided in subsection (1), to renew its registration and that of its branch offices and associated persons, each dealer or investment adviser shall pay all renewal fees as required by Section 517.12(11), F.S.

(a) Renewal fees for ~~FINRA NASD~~ member firms, associated persons of ~~FINRA NASD~~ member firms, and branch offices of ~~FINRA NASD~~ member firms, shall be submitted through the CRD by December 31 of the year the registration expires.

(b) No change.

(c) Renewal fees for ~~non-FINRA non-NASD~~ member firms, associated persons of ~~non-FINRA non-NASD~~ member firms and all branch offices of ~~non-FINRA non-NASD~~ member firms shall be filed electronically on the Office's website at www.flofr.com through the Regulatory Enforcement and Licensing (REAL) System of the OFR and shall be deemed received on the date the Office issues a confirmation of submission and payment to the applicant via the Office's website sent directly to the Office of Financial Regulation. A confirmation of submission is issued by the Office upon successful filing of a renewal and payment of all fees. The Office of Financial Regulation shall deem a fee received as payment at such time as it has been date stamped by the cashier's office of the Department of Financial Services. All renewal fees must be received by the Office of Financial Regulation by December 31 of the year the registration expires.

(3) For FINRA members, federal covered advisers and investment advisers, failure ~~Failure~~ to submit the requisite amount of fees as provided for in subsection (2) of this rule by December 31 of the year of expiration of the registration shall result in such registration not being renewed. If December 31 falls on a Saturday, Sunday or legal holiday pursuant to Section 110.117, F.S., the renewals received on the next business day will be considered timely received. However, an expired registration may be reinstated in accordance with the provisions of Section 517.12(11), F.S., provided that all requisite information and fees are date stamped by the cashier's office of the Department of Financial Services on or before January 31 of the year following the year of expiration. Failure to submit the requisite amount of fees necessary to reinstate registration by January 31 of the year following the

year of expiration shall result in such registration not being reinstated. If January 31 falls on a Saturday, Sunday, or legal holiday pursuant to Section 110.117, F.S., the reinstatement received on the next business day will be considered timely received. In the event that the renewal or reinstatement is withdrawn or not granted, any fees filed to renew or reinstate registration shall become the revenue of the state pursuant to Section 517.12(10), F.S., and shall not be returnable.

(4) For issuer/dealers, Canadian dealers, and dealers that are not members of FINRA, failure to submit the requisite amount of fees as provided for in subsection (2) of this rule by December 31 of the year of expiration of the registration shall result in such registration not being renewed. If December 31 falls on a Saturday, Sunday or legal holiday pursuant to Section 110.117, F.S., the renewals received on the next business day will be considered timely received. However, an expired registration may be reinstated in accordance with Section 517.12(11), F.S., provided that all requisite information and fees are filed electronically on the Office's website at www.flofr.com through the Regulatory Enforcement and Licensing (REAL) System of the OFR on or before January 31 of the year following the year of expiration. Failure to submit the requisite amount of fees necessary to reinstate registration by January 31 of the year following the year of expiration shall result in such registration not being reinstated. If January 31 falls on a Saturday, Sunday, or legal holiday pursuant to Section 110.117, F.S., the reinstatement received on the next business day will be considered timely received. If the renewal or reinstatement is withdrawn or not granted, any fees filed to renew or reinstate registration shall become the revenue of the state pursuant to Section 517.12(10), F.S., and shall not be returnable.

Rulemaking Specific Authority 517.03(1), 517.12(6), (15) FS. Law Implemented 517.12(6), (10), (11), (15) FS. History—New 12-5-79, Amended 9-20-82, 8-29-83, Formerly 3E-600.09, Amended 1-7-88, 6-16-92, 11-14-93, 2-5-01, 5-27-01, Formerly 3E-600.009, Amended 5-15-07,_____.

69W-600.0091 Central Registration Depository System.

(1) All ~~FINRA NASD~~ member dealers requesting initial registration, amendment or termination of registration in this state shall file the appropriate Form BD or BDW, which are incorporated by reference in subsection 69W-301.002(7), F.A.C., and the assessment fee required by Section 517.12(10) or (11), F.S., with the Central Registration Depository System ("CRD") of the ~~FINRA NASD~~. However, responses to requests by the Office of Financial Regulation for additional information shall be filed directly with the Office of Financial Regulation. Any application for registration as a dealer filed with the Office of Financial Regulation through the CRD shall be deemed received by the Office of Financial Regulation upon receipt of the Form BD and the application fee. The application

fee shall be deemed received by the Office of Financial Regulation on the “payment date” reflected on the CRD “disbursement detail” report.

(2) All ~~FINRA NASD~~ member dealers registered in this state requesting initial registration, amendment, or termination of a branch office of such member dealer shall file the appropriate Form BR and the application fee required by Section 517.12(10) or (11), F.S., with the CRD. However, responses to requests by the Office of Financial Regulation for additional information shall be filed directly with the Office of Financial Regulation. Any application for registration as a branch office filed with the Office of Financial Regulation through the CRD shall be deemed received by the Office of Financial Regulation upon receipt of the Form BR and the application fee. The application fee shall be deemed received by the Office of Financial Regulation on the “payment date” reflected on the CRD “disbursement detail” report.

(3) All ~~FINRA NASD~~ member dealers registered in this state requesting initial registration, amendment, reaffiliation or termination of an associated person of such member dealer shall file Form U-4 or U-5, which are incorporated by reference in subsection 69W-301.002(7), F.A.C., and the assessment fee required by Section 517.12(10) or (11), F.S., with the CRD of the ~~FINRA NASD~~. However, responses to requests by the Office of Financial Regulation for additional information shall be filed directly with the Office of Financial Regulation. Any application for registration as an associated person of an ~~FINRA NASD~~ member dealer filed with the Office of Financial Regulation through the CRD shall be deemed received by the Office of Financial Regulation on the date designated in the “Status Date” field on the line notated “FL” with a “Registration Status” of “pending” as indicated on the CRD “Registrations with Current Employers” screen.

Rulemaking Specific Authority 517.03, 517.12(15) FS. Law Implemented 517.12(10), (11), (15) FS. History—New 8-29-83, Formerly 3E-600.091, Amended 8-1-91, 6-16-92, 4-30-96, 9-19-00, Formerly 3E-600.0091, Amended 5-15-07,_____.

69W-600.0092 Investment Adviser Registration Depository for Federal Covered Advisers.

(1) All federal covered advisers making, amending, or terminating a notice filing in this state shall file Form ADV, Part 1, or Form ADV-W and the assessment fee required by Section 517.1201(1) or (2), F.S., with the Investment Adviser Registration Depository (IARD) of the FINRA in accordance with subsection 69W-301.002(2), F.A.C. NASD. When requested by the Office of Financial Regulation, Form ADV, Part 2, and all responses to requests by the Office of Financial Regulation for additional information shall be filed directly with the Office of Financial Regulation. Any notice filing made by a federal covered adviser with the Office of Financial Regulation through the IARD shall be deemed received by the Office of Financial Regulation upon receipt of the Form ADV and the filing fee. The filing fee shall be deemed received by

the Office of Financial Regulation on the “payment date” reflected on the CRD “disbursement detail” report. Forms ADV and ADV-W are incorporated by reference in subsection 69W-301.002(7), F.A.C.

(2) All federal covered advisers who notice file in this state and who request initial registration, amendment, reaffiliation or termination of an associated person of such federal covered adviser shall file the Form U-4 or Form U-5, and the assessment fee required by Section 517.12(10) or (11), F.S. with the CRD of the FINRA in accordance with Rule 69W-301.002(2), F.A.C. NASD. However, responses to requests by the Office of Financial Regulation for additional information shall be filed directly with the Office of Financial Regulation. Forms U-4 and U-5 are incorporated by reference in subsection 69W-301.002(7), F.A.C.

Rulemaking Specific Authority 517.03, 517.12(6), (15), 517.1201 FS. Law Implemented 517.1201(1), (2), (15) FS. History—New 7-31-02, Formerly 3E-600.0092, Amended 3-16-06, 5-15-07,_____.

69W-600.0093 Investment Adviser Registration Depository for Investment Advisers.

(1) All investment advisers requesting initial registration, amendment, or termination of registration in this state shall file the Form ADV, Part 1 and 2, or ADV-W and the assessment fee required by Section 517.12(10) or (11), F.S., with the Investment Adviser Registration Depository (IARD) of the FINRA in accordance with subsection 69W-301.002(2), F.A.C. NASD. Form ADV, Part 2, and a All responses to requests by the Office of Financial Regulation for additional information shall be filed directly with the Office of Financial Regulation. ~~Investment advisers shall file Form ADV, Part 2 with the IARD at such time as the IARD develops the capability to process the form.~~ Applications for registration as an investment adviser filed with the Office of Financial Regulation through the IARD shall be deemed received by the Office of Financial Regulation upon receipt of the Form ADV and the filing fee. The filing fee shall be deemed received by the Office of Financial Regulation on the “payment date” reflected on the CRD “disbursement detail” report. Forms ADV and ADV-W are incorporated by reference in subsection 69W-301.002(7), F.A.C.

(2) All investment advisers registered in this state through the IARD requesting initial registration, amendment, or termination of a branch of such investment adviser shall file Form BR and the assessment fee required by Section 517.12(10) or (11), F.S., with the CRD of the FINRA in accordance with subsection 69W-301.002(2), F.A.C. NASD. However, all responses to requests by the Office of Financial Regulation for additional information shall be filed directly with the Office of Financial Regulation. Applications for registration as a branch office filed with the Office of Financial Regulation through the CRD shall be deemed received by the Office of Financial Regulation upon receipt of the Form BR and the application fee. The application fee shall be deemed received by the Office of Financial Regulation on the

“payment date” reflected on the CRD “disbursement detail” report. Form BR is incorporated by reference in subsection 69W-301.002(7), F.A.C.

(3) All investment advisers registered in this state through the IARD requesting initial registration, amendment, reaffiliation or termination of an associated person of such investment adviser may file Form U-4 or Form U-5 and the assessment fee required by Section 517.12(10) or (11), F.S., with the CRD of the FINRA in accordance with subsection 69W-301.002(2), F.A.C. NASD. However, all responses to requests by the Office of Financial Regulation for additional information shall be filed directly with the Office of Financial Regulation. Forms U-4 and U-5 are incorporated by reference in subsection 69W-301.002(7), F.A.C.

~~(4) All investment advisers currently registered with the Office of Financial Regulation shall transition their Florida registrations onto IARD of the NASD, and the Florida registrations of their associated persons onto the CRD of the NASD, by June 30, 2007. All investment advisers who transition onto IARD of the NASD shall file a complete Form ADV through the IARD of the NASD within 30 days after the transition date. All associated persons who transition onto the CRD of the NASD shall file a complete Form U-4 through the CRD of the NASD within 30 days after the transition date. Form U-4 and Form ADV are incorporated by reference in subsection 69W-301.002(7), F.A.C.~~

Rulemaking Specific Authority 517.03, 517.12(6), (15) FS. Law Implemented 517.12(10), (11), (15) FS. History—New 7-31-02, Formerly 3E-600.0093, Amended 3-16-06, 5-15-07,_____.

69W-600.010 Notice of Civil, Criminal or Administrative Action.

(1) through (2) No change.

(3) Any applicant or registrant in this state who is a member of the Financial Industry Regulatory Authority (FINRA) (formerly known as the National Association of Securities Dealers, Inc.) (“NASD”) shall file such notifications with the Office of Financial Regulation through the Central Registration Depository (“CRD”) of the FINRA NASD in accordance with Rule 69W-600.0091, F.A.C. However, responses to requests by the Office of Financial Regulation for additional information shall be filed directly with the Office of Financial Regulation.

(4) Any applicant or registrant in this state who is a federal covered adviser or investment adviser shall file such notifications with the Office of Financial Regulation through the Investment Adviser Registration Depository (IARD) of the FINRA in accordance with Rules 69W-600.0092 and 69W-600.0093, F.A.C. However, responses to requests by the Office of Financial Regulation for additional information shall be filed directly with the Office of Financial Regulation.

Rulemaking Specific Authority 517.03 FS. Law Implemented 517.12(6), (12), 517.161 FS. History—New 12-5-79, Amended 9-20-82, Formerly 3E-600.10, Amended 9-19-00, Formerly 3E-600.010, Amended_____.

69W-600.012 Rules of Conduct.

(1) Confirmation of Transactions: Every dealer registered in this state, including those defined as issuer/dealers under Rule 69W-200.001, F.A.C., shall give or send to the customer a written confirmation at or before completion of each transaction. Such confirmation shall set forth at least the following:

(a) through (c) No change.

(d) Compliance with SEC Rule 10b-10 (17 CFR § 240.10b-10 (2010)) and the confirmation, preparation and disclosure requirements of SEC Rule 17a-3 (17 CFR § 240.17a-3 (2010)) or MSRB Rules G-8 and G-15, as those rules existed on June 23, 2010 July 1, 2003, shall be deemed compliance with this rule.

(2) through (4) No change.

(5) It shall be ~~unlawful and~~ a violation of Section 517.301(1), F.S., for any dealer or associated person to engage in any “device, scheme, or artifice to defraud” which shall include selling or effecting the purchase of any security into, in, or from offices in this state in violation of: ~~sections 9, 10, 11A or 15(c) of the Securities Exchange Act of 1934 or of SEC Rules 9b-1, 10b-1 et seq., 11Aa3-1, 15c1-1 et seq., or 15c2-1 et seq. (17 CFR 240.9b-1; 17 CFR 240.10b-1 et seq.; 17 CFR 240.11Aa3-1; 17 CFR 240.15c1-1 et seq.; or 17 CFR 240.15c2-1 et seq., respectively), as such provisions existed on July 1, 2003; or section 15(g) of the Securities Exchange Act of 1934 or of SEC Rules 15g-1, et seq. (17 CFR 240.15g-1 et seq.) as such provisions existed on July 1, 2003; or Regulation M (17 CFR 242.100-105) as such provisions existed on July 1, 2003.~~

(a) Sections 9, 10, 11A, 15(c) or 15(g) of the Securities Exchange Act of 1934 (15 U.S.C. §§ 78i, 78j, 78k-1, 78o(c) or 78o(g) (2006 & Supp. III));

(b) SEC Rules 9b-1 (17 CFR § 240.9b-1(2010));

(c) SEC Rules 10b-1 through 10b-21 (17 CFR §§ 240.10b-1 through 240.10b-21 (2010));

(d) SEC Rules 15c1-1 through 15c1-9 (17 CFR §§ 240.15c1-1 through 240.15c1-9 (2010));

(e) SEC Rules 15c2-1 through 15c2-12 (17 CFR §§ 240.15c2-1 through 240.15c2-12 (2010));

(f) SEC Rules 15g-1 through 15g-9 (17 CFR §§ 240.15g-1 through 240.15g-9 (2010));

(g) Regulation M (17 CFR 242.100 through 242.105 (2010)); or

(h) SEC Rule 601 (17 C.F.R. § 242.601 (2010)).

(6) All federal statutes, federal regulations, and Municipal Securities Rulemaking Board (MSRB) rules referenced in this rule are incorporated by reference and may be obtained by mail

from the Florida Office of Financial Regulation, Division of Securities, 200 E. Gaines Street, Tallahassee, Florida 32399. Copies of the United States Code are also available online through the U.S. House of Representatives, Office of the Law Revision Counsel: <http://uscode.house.gov/download/downloadPDF.shtml>. Copies of the Code of Federal Regulation are available online through the U.S. Government Printing Office via GPO Access: <http://www.gpoaccess.gov/cfr/index.html>.

Rulemaking Specific Authority 517.03(1) FS. Law Implemented 517.121, 517.301(1) FS. History—New 12-5-79, Amended 9-20-82, Formerly 3E-600.12, Amended 12-25-89, 10-14-90, 8-1-91, 6-16-92, 1-11-93, 4-11-94, 1-3-99, 8-19-99, 10-30-03, Formerly 3E-600.012, Amended.

69W-600.013 Prohibited Business Practices for Dealers and Their Associated Persons.

(1) The following are deemed demonstrations of unworthiness by a dealer under Section 517.161(1)(h), F.S., without limiting that term to the practices specified herein:

(a) Extending, arranging for, or participating in arranging for credit to a customer in violation of Regulation T, Credit by Brokers and Dealers, (12 C.F.R. §§ 220.1-220.132 (2010 2006)), which is incorporated by reference.

(b) Executing any transaction in a margin account without obtaining from its customer a written margin agreement prior to settlement date for the initial transaction in the account.

(c) Failing to segregate customers' free securities or securities in safekeeping.

(d) Hypothecating a customer's securities in violation of SEC Rule 8c-1, (17 C.F.R. § 240.8c-1 (2010 2006)), which is incorporated by reference.

(e) Failing to execute a customer's order.

(f) Executing orders for the purchase by a customer of securities not registered under Section 517.081 or 517.082, F.S., unless the securities are exempted under Section 517.051, F.S., or the transaction is exempted under Section 517.061, F.S.

(g) Representing itself as a financial or investment planner, consultant, or advisers, when the representation does not fairly describe the nature of the services offered, the qualifications of the person offering the services, and the method of compensation for the services.

(h) With respect to any customer, transaction or business in this state, violating any of the following:

1. Financial Industry Regulatory Authority (FINRA) Rules 2000 through 7740, National Association of Securities Dealers (NASD) Conduct Rules 2000 through 3370, Conduct Rules, Marketplace Rules, or the Uniform Practice Code of the NASD National Association of Securities Dealers (NASD), Rules 11100 through 11900, as such rules existed on June 23, 2010. The foregoing NASD regulations, along with the

interpretive materials for those regulations, are published in the NASD manual dated March 2006, which is incorporated by reference.

2. For members of the New York Stock Exchange, Rule 405, 412, or 435, or 445 of the New York Stock Exchange, as such rules and interpretative supplementary materials existed on June 23, 2010 May 31, 2006. The foregoing New York Stock Exchange rules, including the interpretative supplementary materials, are incorporated by reference.

3. Section 2, 4, 5, or 6 of the Securities Act of 1933, (15 U.S.C.A. §§ 77b, 77c, 77d, 77e, or 77f (2006 & Supp. III Thomson/West 2006 (current through P.L. 109-229)), or SEC Rules 134, 134a, 135a, 144, 144A, 156, 419, 481, or 482, (17 C.F.R. §§ 230.134, 230.134a, 230.135a, 230.144, 230.144A, 230.156, 230.419, 230.481 or 230.482 (2010 2006)). The foregoing sections of the Securities Act of 1933 and rules of the SEC are incorporated by reference.

4. Section 15(b)(4)(E) of the Securities Exchange Act of 1934, (15 U.S.C.A. § 78o(b)(4)(E) (2006 & Supp. III Thomson/West 2006 (current through P.L. 109-229)); Regulation SHO, Regulation of Short Sales, (17 C.F.R. §§ 242.200-242.203 (2010 2006)); or NASD Conduct Rule 3210, as it existed on June 23, 2010. The foregoing provisions of the Securities Exchange Act of 1934 and Regulation SHO, Regulation of Short Sales, are incorporated by reference. NASD Conduct Rule 3210, as it existed on July 3, 2006, is incorporated by reference.

5. Section 15B of the Securities Exchange Act of 1934, (15 U.S.C.A. § 78o-4 (2006 & Supp. III Thomson/West 2006 (current through P.L. 109-229))), or the following rules of the Municipal Securities Rulemaking Board (MSRB), which have been promulgated under Section 15B: MSRB Definitional Rules D-1 to D-12, inclusive, and General Rules G-1 to G-41 G-34, inclusive, as those rules existed on June 23, 2010 May 31, 2006. Section 15B of the Securities Act of 1934 and the foregoing MSRB rules, including the MSRB interpretative letters and notices construing those rules, are incorporated by reference.

6. To the extent that any of the rules described in subparagraphs 1. through 5. of this section or their interpretation by the FINRA, NASD, NYSE, MSRB, or SEC, as appropriate, conflict or are inconsistent with other provisions of the Florida Securities and Investor Protection Act or rules promulgated pursuant thereto, this paragraph of this rule shall not be deemed controlling.

(i) through (l) No change.

(m) Selling or offering for sale any security in a transaction exempt from registration pursuant to Section 517.061(17)(a)1., F.S., where the issuer of such securities has not filed with the SEC within the specified period of time all reports required by Sections 13 or 15D of the Securities Exchange Act of 1934, (15 A. §§ 78m, 78o-6 (2006 & Supp.

~~III Thomson/West 2006 (current through P.L. 109-229)). The foregoing sections of the Securities Exchange Act of 1934 are incorporated by reference.~~

(n) through (o) No change.

(2) The following are deemed demonstrations of unworthiness by an associated person of a dealer under Section 517.161(1)(h), F.S., without limiting that term to the practices specified herein:

(a) Borrowing money or securities from a customer, except when persons are in compliance with FINRA NASD Conduct Rule 32402370(a)(1), (a)(2)(A)-(C) only, and FINRA NASD Conduct Rule 32402370(b)-(c), as these rules existed on June 23, 2010 which are incorporated by reference in subparagraph (1)(h)1;

(b) Acting as a custodian for money, securities or an executed stock power of a customer;

(c) Effecting transactions in securities, or investments as defined by Section 517.301(2), F.S., not recorded on the regular books or records of the dealer, which the associated person represents, unless the transactions are disclosed to, and authorized in writing by, the dealer prior to execution of the transactions;

(d) Operating an account under a fictitious name, unless disclosed to the dealer, which the associated person represents;

(e) Sharing directly or indirectly in profits or losses in the account of any customer without the written authorization of the customer and the dealer, which the associated person represents;

(f) Dividing or otherwise splitting commissions, profits or other compensation in connection with the purchase or sale of securities in this state with any person not also licensed as an associated person for the same dealer, or for a dealer under direct or in indirect common control;

(g) Failing to furnish to each offeree of a Small Corporate Offering Registration (SCOR) a copy of the "Florida Guide to Small Business Investments", OFR-S-13-97, revised May 1, 2004, which is incorporated by reference in subsection 69W-301.002(7), F.A.C.; and

(h) Engaging in any of the practices specified in paragraph (1)(a), (b), (e), (f), (g), (h), (i), (k), (l), (m), (n) or (o).

(3) The federal statutes, federal regulations, Financial Industry Regulatory Authority (FINRA) rules, National Association of Securities Dealers (NASD) rules, New York Stock Exchange rules, and Municipal Securities Rulemaking Board (MSRB) rules referenced in this rule are hereby incorporated by reference and All materials incorporated by reference in this rule may be obtained by mail from the Office of Financial Regulation, Bureau of Securities Regulation, 200 E. Gaines Street, Tallahassee, Florida 32399-0374. Copies of the United States Code are also available through the U.S. House of Representatives, Office of the Law Revision Counsel: <http://uscode.house.gov/download/downloadPDF>.

html. Copies of the Code of Federal Regulation are available online through the U.S. Government Printing Office via GPO Access: <http://www.gpoaccess.gov/cfr/index.html>.

Rulemaking Specific Authority 517.03(1), 517.1217 FS. Law Implemented 517.081, 517.1217, 517.161(1) FS. History--New 12-5-79, Amended 9-20-82, Formerly 3E-600.13, Amended 8-1-91, 6-16-92, 1-11-93, 11-7-93, 5-5-94, 9-9-96, 10-20-97, 1-25-00, 10-30-03, Formerly 3E-600.013, Amended 10-23-06, 1-18-09,

69W-600.0131 Prohibited Business Practices for Investment Advisers and Their Associated Persons.

(1) The following are deemed demonstrations of unworthiness by an investment adviser or an associated person of an investment adviser under Section 517.161(1)(h), F.S., without limiting that term to the practices specified herein:

(a) With respect to any customer, transaction or business in, to or from this state, engaging in any conduct prohibited by, or failing to comply with the requirements of, the following: Sections 204, 204A, 205, 206, 207, 208 of the Investment Advisers Act of 1940, (15 U.S.C.A. §§ 80b-4, 80b-4a, 80b-5, 80b-6, 80b-7, 80b-8 (2006 & Supp. III Thomson/West 2006 (current through P.L. 109-237)), or SEC Rules 204-3, 205-1, 205-2, 205-3, 206(3)-1, 206(3)-2, 206(4)-1, 206(4)-3, and 206(4)-4, (17 C.F.R. §§ 275.204-3, 275.205-1, 275.205-2, 275.205-3, 275.206(3)-1, 275.206(3)-2, 275.206(4)-1, 275.206(4)-3, and 275.206(4)-4 (2010 2006)), ~~promulgated under the Investment Advisers Act of 1940. The foregoing provisions of the Investment Advisers Act of 1940 and rules of the SEC are incorporated by reference.~~

(b) through (q) No change.

(r) Entering into, extending or renewing any investment advisory contract contrary to the provisions of Section 205 of the Investment Advisers Act of 1940, 15 U.S.C.A. § 80b-5 (2006 & Supp. III) ~~(Thomson/West 2006 (current through P.L. 109-237)), which is incorporated by reference in paragraph (a) of this subsection.~~ This provision shall apply to all advisers and investment adviser representatives registered or required to be registered under this Act, notwithstanding whether such adviser or representative would be exempt from federal registration pursuant to Section 203(b) of the Investment Advisers Act of 1940, (15 U.S.C.A. § 80b-3(b) (2006 & Supp. III Thomson/West 2006 (current through P.L. 109-237))), which is incorporated by reference;

(s) Including, in an advisory contract, any condition, stipulation, or provisions binding any person to waive compliance with any provision of Chapter 517, F.S., or with any provision of, or with any rule, regulation, or order issued under, the Investment Advisers Act of 1940 (15 U.S.C. § 80b-1 through 80b-21 (2006 & Supp. III)); ~~which is incorporated by reference;~~

(t) Taking any action, directly or indirectly, with respect to those securities or funds in which any client has any beneficial interest, where the investment adviser has custody or

possession of such securities or funds when the adviser's action is subject to and does not comply with the requirements of Rule 69W-600.0132, F.A.C.

(u) No change.

(2) The federal statutory and regulatory provisions referenced herein shall apply to investment advisers, investment adviser representatives and federal covered advisers, to the extent permitted by the National Securities Markets Improvement Act of 1996 (Pub. L. 110-290).

(3) ~~The federal statutes and federal regulations referenced in this rule are hereby incorporated by reference and all materials incorporated by reference in this rule~~ may be obtained by mail from the Office of Financial Regulation, Bureau of Securities Regulation, 200 E. Gaines Street, Tallahassee, Florida 32399-0374. Copies of the United States Code are also available online through the U.S. House of Representatives, Office of the Law Revision Counsel: <http://uscode.house.gov/download/downloadPDF.shtml>. Copies of the Code of Federal Regulation are available online through the U.S. Government Printing Office via GPO Access: <http://www.gpoaccess.gov/cfr/index.html>.

~~Rulemaking Specific~~ Authority 517.03(1), 517.1215 FS. Law Implemented 517.12(4), 517.1215, 517.161(1), FS. History--New 1-25-00, Amended 10-30-03, Formerly 3E-600.0131, Amended 10-23-06, 1-18-09, _____.

69W-600.0132 Custody Requirements for Investment Advisers.

(1) Definitions. For purposes of this section:

(a) through (b) No change.

(c) "Qualified custodian" means the following independent institutions or entities that are not affiliated with the adviser by any direct or indirect common control and have not had a material business relationship with the adviser in the previous two years:

1. through 2. No change.

3. A registered futures commission merchant registered under Section 4f(a) of the Commodity Exchange Act (7 U.S.C. § 6f (2006 & Supp. III)), holding the client assets in customer accounts, but only with respect to clients' funds and security futures, or other securities incidental to transactions in contracts for the purchase or sale of a commodity for future delivery and options thereon; and

4. No change.

(2) Safekeeping required. If the investment adviser is registered or required to be registered, it is unlawful and deemed to be a fraudulent, deceptive, or manipulative act, practice or course of business for the investment adviser to have custody of client funds or securities unless:

(a) through (e) No change.

(f) Direct Fee Deduction. An adviser who has custody as defined in sub-subparagraph (1)(a)1.b. of this rule by having fees directly deducted from client accounts must also provide the following safeguards:

1. through 4. No change.

5. Waiver of Audited Financial Statements. An investment adviser having custody solely because it meets the definition of custody as defined in sub-subparagraph (1)(a)1.b. of this rule and who complies with the safekeeping requirements in paragraphs (2)(a)-(f) of this rule may file unaudited financial statements and must comply with the requirements as set forth in paragraph 69W-300.002(4)(c), F.A.C.

(g) through (h) No change.

(3) Exceptions.

(a) Shares of mutual funds. With respect to shares of an "open-end company" as defined in Section 5(a)(1) of the Investment Company Act of 1940, (15 U.S.C. § 80a-5(a)(1) (2006 & Supp. III)), ("mutual fund"), the investment adviser may use the mutual fund's transfer agent in lieu of a qualified custodian for purposes of complying with subsection (2) of this rule;

(b) through (c) No change.

(d) Registered investment companies. The investment adviser is not required to comply with this rule with respect to the account of an investment company registered under the Investment Company Act of 1940 (15 U.S.C. § 80a-1 through 80a-64 (2006 & Supp. III)) [~~15 U.S.C. 80a-1 to 80a-64~~].

(e) through (f) No change.

(4) The federal statutes referenced in this rule are hereby incorporated by reference and all materials incorporated by reference in this rule may be obtained by mail from the Office of Financial Regulation, Bureau of Securities Regulation, 200 E. Gaines Street, Tallahassee, Florida 32399-0374. Copies of the United States Code are also available online through the U.S. House of Representatives, Office of the Law Revision Counsel: <http://uscode.house.gov/download/downloadPDF.shtml>.

~~Rulemaking Specific~~ Authority 517.03(1), 517.1215 FS. Law Implemented 517.1215 FS. History--New 10-23-06, Amended _____.

69W-600.014 Books and Records Requirements.

Except as otherwise provided herein, every dealer, investment adviser, branch office, and associated person conducting business in this state shall prepare and maintain on a current basis, and preserve for the periods of time specified, such records, prescribed herein, as are appropriate for said dealer's, investment adviser's, branch office's, or associated person's course of business, and are sufficient to provide an audit trail of all business transactions by said dealer, investment adviser, associated person, or branch office. Associated persons who conduct business from a registered branch office in this state shall be exempt from the provisions of this rule.

(1) All dealers are required to prepare and maintain appropriate books and records relating to their business as described in either SEC Rules 17a-3 or 17a-4, (17 C.F.R. §§ 240.17a-3, 240.17a-4 (2010 2006)), or MSRB Rules G-7, G-8 and G-9, as such rules existed on June 23, 2010; and records evidencing compliance with NASD Conduct rule 3000, as such rule existed on June 23, 2010. ~~SEC Rules 17a-3 and 17a-4 are incorporated by reference.~~ MSRB Rules G-7, G-8, and G-9 are incorporated by reference in subparagraph 69W-600.013(1)(h)5., F.A.C. NASD Conduct Rule 3000 is incorporated by reference in subparagraph 69W-600.013(1)(h)1., F.A.C.

(2) All issuer/dealers are required to maintain at least the following records:

(a) through (b) No change.

(c) A record of all sales of securities made by, or on behalf of, the issuer as described in and in compliance with SEC Rule 17a-3(a)(1), (17 C.F.R. § 17a-3(a)(1) (2010 2006)), ~~which is incorporated by reference in subsection (1);~~

(d) through (e) No change.

(3) All investment advisers, notwithstanding the fact that the investment adviser is not registered or required to be registered under the Investment Advisers Act of 1940, shall prepare and maintain true, accurate and current records relating to their business as described in SEC Rule 204-2, (17 C.F.R. § 275.204-2 (2010 2006)), ~~which is incorporated by reference;~~ and have available for the Office of Financial financial Regulation at least the following records:;

(a) through (c) No change.

(d) A file containing a copy of each record required by SEC Rule 204-2(11), (17 C.F.R. § 275.204-2(11) (2010 2006)), ~~which is incorporated by reference in this subsection,~~ including any communication by electronic media that the investment adviser circulates or distributes, directly or indirectly, to two or more persons, other than persons connected with the investment adviser.

(e) A copy of each written statement and each amendment or revision given or sent to any client or prospective client of the investment adviser in accordance with the provisions of SEC Rule 204-3, (17 C.F.R. § 275.204-3 (2010 2006)), which is incorporated by reference in paragraph 69W-600.0131(1)(a), F.A.C., and a record of the dates that each written statement, and each amendment or revision was given or offered to be given to any client or prospective client who subsequently becomes a client.

(f) For each client that was obtained by the adviser by means of a solicitor to whom a cash fee was paid by the adviser, records required by SEC Rule 206(4)-3, (17 C.F.R. § 275.206(4)-3 (2010 2006)), which is incorporated by reference in paragraph 69W-600.0131(1)(a), F.A.C.

(g) All records required by SEC Rule 204-2(16), (17 C.F.R. § 275.204-2(16) (2010 2006)), ~~which is incorporated by reference in this subsection.~~

(h) through (k) No change.

(4) Notwithstanding other record preservation requirements of this rule, the following records or copies shall be required to be maintained in the business location of the investment adviser from which the customer or client is being provided or has been provided with investment advisory services:

(a) Records required to be preserved under paragraphs (a)(3), (a)(7)-(11), (a)(14)-(15), (b) and (c) inclusive, of SEC Rule 204-2 of the Investment Advisers Act of 1940, (17 C.F.R. § 275.204-2 (2010 2006)), which is incorporated by reference in subsection (3); and

(b) Records or copies required under the provision of paragraphs (a)(11) and (a)(16) of SEC Rule 204-2 of the Investment Advisers Act of 1940 (17 C.F.R. § 275.204-2 (2010)), which records or related records identify the name of the investment adviser representative providing investment advice from that business location, or which identify the business location's physical address, mailing address, electronic mailing address, or telephone number. ~~SEC Rule 204-2, 17 C.F.R. § 275.204-2 (2006), is incorporated by reference in subsection (3);~~

(5) through (6) No change.

(7) All books and records described in this rule shall be preserved in accordance with the following:

(a) Those records required under subsection (1) of this rule shall be preserved for such periods of time as specified in either SEC Rule 17a-4, (17 C.F.R. § 240.17a-4 (2010 2006)), ~~which is incorporated by reference in subsection (1);~~ or MSRB Rule G-9, as such rule existed on June 23, 2010, which is incorporated by reference in paragraph 69W-600.013(1)(h), F.A.C.

(b) through (d) No change.

(e) Each investment adviser registered or required to be registered in this state and which has a business location in this state shall maintain at such business location:

1. The records or copies required under the provisions of paragraphs (a)(3), (a)(7)-(10), (a)(14)-(15), (b), and (c) of SEC Rule 204-2, (17 C.F.R. § 275.204-2 (2010 2006)), ~~which is incorporated by reference in subsection (3);~~ and

2. The records or copies required under the provisions of paragraphs (3)(a)-(k)(~~+~~) above related to customers or clients for whom the investment adviser representative provides or has provided investment advisory services; and

3. The records or copies required under the provisions of paragraphs (a)(11) and (a)(16) of SEC Rule 204-2, (17 C.F.R. § 275.204-2 (2010 2006)), which records or related records identify the name of the investment adviser representative or which identify the business location's physical address, mailing address, electronic mailing address, or telephone number. The records will be maintained for the period described in subsections (d) and (e) of SEC Rule 204-2, (17 C.F.R. § 275.204-2 (2010 2006)). The investment adviser shall

be responsible for ensuring compliance with the provision of this subsection. SEC Rule 204-2, (17 C.F.R. § 275-204-2 (2010 2006)), is incorporated by reference in subsection (3).

(8) The federal regulations, federal statutes, and Municipal Securities Rulemaking Board (MSRB) rules referenced in this rule are hereby incorporated by reference and All materials incorporated by reference in this rule may be obtained by mail from the Office of Financial Regulation, Bureau of Securities Regulation, 200 E. Gaines Street, Tallahassee, Florida 32399-0374. Copies of the United States Code are also available online through the U.S. House of Representatives, Office of the Law Revision Counsel: <http://uscode.house.gov/download/downloadPDF.shtml>. Copies of the Code of Federal Regulation are available online through the U.S. Government Printing Office via GPO Access: <http://www.gpoaccess.gov/cfr/index.html>.

Rulemaking Specific Authority 517.03(1), 517.121(1), 517.1215 FS. Law Implemented 517.121(1), 517.1215 FS. History--New 12-5-79, Amended 9-20-82, Formerly 3E-600.14, Amended 10-14-90, 8-1-91, 6-16-92, 1-11-93, 9-9-96, 6-22-98, 1-25-00, 10-30-03, Formerly 3E-600.014, Amended 10-23-06, 5-15-07, _____.

69W-600.015 Financial Reporting Requirements – Statement of Financial Condition – Dealers and Investment Advisers.

(1) No change.

(2) Every dealer registered pursuant to Section 517.12, F.S., and rules thereunder shall file annually with the Office of Financial Regulation, within ninety (90) days after the conclusion of said registrant's fiscal year, audited financial statements as prepared by an independent outside auditor, unless exempted under Rule 69W-300.002, F.A.C.

(a) through (b) No change.

(c) In lieu of the provisions of paragraph (b) above, the Office of Financial Regulation will accept those statements prepared and filed by a dealer in accordance with the provisions of SEC Rule 17a-5 (17 C.F.R. CFR § 240.17a-5 (2010)) and SEC Rule 17a-10 (17 C.F.R. CFR § 240.17a-10 (2010)), ~~as such rules existed on July 1, 2003.~~

(3) and (4) No change.

(5) The federal regulations referenced in this rule are hereby incorporated by reference and may be obtained by mail from the Florida Office of Financial Regulation, Division of Securities, 200 E. Gaines Street, Tallahassee, Florida 32399. Copies of the Code of Federal Regulation are also available online through the U.S. Government Printing Office via GPO Access: <http://www.gpoaccess.gov/cfr/index.html>.

Rulemaking Specific Authority 517.03(1), 517.12(9), 517.121(2) FS. Law Implemented 517.12(9), 517.121(2) FS. History--New 12-5-79, Amended 9-20-82, Formerly 3E-600.15, Amended 6-16-92, 10-30-03, 4-8-04, Formerly 3E-600.015, Amended _____.

69W-600.016 Net Capital Requirements for Dealers and Investment Advisers.

(1) No change.

(2) All dealer applicants and registrants shall meet and at all times maintain the net capital and ratio requirements as prescribed by SEC Rule 15c3-1 including any appendices thereto (17 C.F.R. § 240.15c3-1, 240.15c3-1a, 240.15c3-1b, 240.15c3-1c and 240.15c3-1d (2010)), computed in accordance with said rule, ~~as such rule existed on January 1, 1993.~~

(a) All reporting requirements as specified in (17 C.F.R. § 240.17a-11 (2010)), ~~as such rule existed on January 1, 1993,~~ when such regulation is referred in SEC Rule 15c3-1 shall be applicable with the exception that such reports and notifications required by said rule shall be forwarded to the Office of Financial Regulation as well as the other regulatory agencies specified, if applicable.

(b) All references to (17 C.F.R. § 240.17a-3 (2010)) and (17 C.F.R. § 240.17a-4 (2010)), ~~as such provisions existed on January 1, 1993,~~ in the foregoing and subsequent provisions of Office of Financial Regulation or SEC Rules as adopted by the Office of Financial Regulation, shall be read as to mean Office of Financial Regulation, Rule 69W-600.014, F.A.C.

(3) Issuer/dealer or investment adviser applicants or registrants shall meet the net capital requirements of this section:

(a) Investment advisers who have custody of client funds or securities or who receive payment of advisory fees six months or more in advance and in excess of \$500 per client shall maintain net capital in the amount of \$25,000 calculated as prescribed by SEC Rule 15c3-1 (17 C.F.R. CFR § 240.15c3-1 (2010)), including any ratio requirements and appendices thereto, ~~as such provisions existed on January 1, 1993.~~

(b) Investment advisers who do not have custody of client funds or securities or who do not receive payment for advisory services six months or more in advance and in excess of \$500 per client shall maintain net capital: (1) in the amount of \$5,000 calculated as prescribed by SEC Rule 15c3-1 (17 C.F.R. CFR § 240.15c3-1 (2010)), including any ratio requirements and appendices thereto, ~~as such provisions existed on January 1, 1993;~~ or (2) of at least \$2,500. For purposes of option (2) of this subsection, net capital shall be defined as assets minus liabilities in accordance with United States Generally Accepted Accounting Principles as adopted by the American Institute of Certified Public Accountants, as such provisions existed on June 1, 1992.

(c) Investment advisers who compute net capital in accordance with SEC Rule 15c3-1, ~~as such rule existed on January 1, 1993,~~ may exclude liabilities which are subordinated to the claims of creditors pursuant to a subordination agreement, provided such agreement complies with all terms and conditions specified in Appendix D to SEC

Rule 15c3-1 (17 ~~C.F.R. CFR~~ § 240.15c3-1 and 240.15c3-1d (2010)), ~~as such provision existed on January 1, 1993~~, except for the requirement that such agreement be filed with and approved by the Securities and Exchange Commission. Those investment advisers who have subordination agreements in effect prior to the effective date of this subsection shall not be required to comply with the conditions specified in Appendix D to SEC Rule 15c3-1. Should the investment adviser renegotiate or enter into a new subordination agreement, the agreement must comply with the provisions of Appendix D of SEC Rule 15c3-1.

(d) An issuer/dealer shall maintain net capital, defined as assets minus liabilities and computed in accordance with United States Generally Accepted Accounting Principles as adopted by the American Institute of Certified Public Accountants, as such provisions existed on June 1, 1992, of at least \$5,000, unless required elsewhere by these rules to maintain a greater minimum net capital.

(4) through (5) No change.

(6) The federal regulations referenced in this rule are hereby incorporated by reference and may be obtained by mail from the Florida Office of Financial Regulation, Division of Securities, 200 E. Gaines Street, Tallahassee, Florida 32399. Copies of the Code of Federal Regulation are also available online through the U.S. Government Printing Office via GPO Access: <http://www.gpoaccess.gov/cfr/index.html>.

Rulemaking Specific Authority 517.03(1) FS. Law Implemented 517.12(9), (16) FS. History—New 12-5-79, Amended 9-20-82, Formerly 3E-600.16, Amended 10-15-86, 8-1-91, 6-29-93, 11-22-93, Formerly 3E-600.016, Amended _____.

69W-600.017 Customer Protection Rule – Reserve Requirements and Custody of Customer Funds and Securities. All Dealer applicants and registrants subject to the net capital provisions of subsection 69W-600.016(2), F.A.C., shall be required to prepare and maintain such records and accounts as specified in, and to comply in all other respects with, the provisions of SEC Rule 15c3-3 (17 ~~C.F.R. CFR~~ § 240.15c3-3 (2010)), which is hereby incorporated by reference and may be obtained by mail from the Florida Office of Financial Regulation, Division of Securities, 200 E. Gaines Street, Tallahassee, Florida 32399 as such provisions existed on February 28, 1992. Copies of the Code of Federal Regulation are also available online through the U.S. Government Printing Office via GPO Access: <http://www.gpoaccess.gov/cfr/index.html>.

Rulemaking Specific Authority 517.03(1), 517.12(9), 517.121(2) FS. Law Implemented 517.12(9), 517.121(2) FS. History—New 12-5-79, Formerly 3E-600.17, Amended 6-16-92, Formerly 3E-600.017, Amended _____.

69W-600.020 Continuing Education Requirements.

(1) Failure to comply with any of the applicable continuing education requirements set forth in any one of the following shall be deemed a demonstration of unworthiness by a dealer or associated person under Section 517.161(1)(h), F.S.:

~~(a)(4) NASD Membership and Registration Rule 1120 of the Financial Industry Regulatory Authority National Association of Securities Dealers~~, as such provisions existed on ~~June 23, 2010 July 1, 2003~~;

~~(b)(2) Rule 345A 345-A~~ of the New York Stock Exchange, as such provisions existed on ~~June 23, 2010 July 1, 2003~~;

~~(c)(3) Rule G-3(h) of the Municipal Securities Rulemaking Board~~, as such provisions existed on ~~June 23, 2010 July 1, 2003~~;

~~(d)(4) Rule 341A 341-A~~ of the American Stock Exchange, as such provisions existed on ~~June 23, 2010 July 1, 2003~~;

~~(5) Rule 9.3A of the Chicago Board of Options Exchange~~, as such provisions existed on ~~July 1, 2003~~;

~~(e)(6) Article VI, Rule 11 9~~ of the Chicago Stock Exchange, as such provisions existed on ~~June 23, 2010 July 1, 2003~~;

~~(7) Rule 9.27(e) of the Pacific Stock Exchange~~, as such provisions existed on ~~July 1, 2003~~; or

~~(8) Rule 640 of the Philadelphia Stock Exchange~~, as such provisions existed on ~~July 1, 2003~~.

(2) The rules of the NASD, New York Stock Exchange, Municipal Securities Rulemaking Board, American Stock Exchange and Chicago Stock Exchange referenced in this rule are hereby incorporated by reference and may be obtained by mail from Florida Office of Financial Regulation, Division of Securities, 200 E. Gaines Street, Tallahassee, Florida 32399.

Rulemaking Specific Authority 517.03(1) FS. Law Implemented 517.12(18), 517.161(1) FS. History—New 12-21-95, Amended 8-19-99, 10-30-03, Formerly 3E-600.020, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Bill Reilly, Chief, Bureau of Securities Regulation, Division of Securities, Office of Financial Regulation, 200 East Gaines Street, Tallahassee, FL 32399, phone (850)410-9805, E-mail: Bill.Reilly@fiofr.com

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 29, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 24, 2009

FINANCIAL SERVICES COMMISSION

Office of Financial Regulation

<p>RULE NOS.:</p> <p>69W-700.002</p> <p>69W-700.015</p> <p>69W-700.028</p>	<p>RULE TITLES:</p> <p>Filing of Prospectus</p> <p>Offering Price of Equity Securities</p> <p>Small Corporate Offering Registration (“SCOR” Offering)</p>
--	---

PURPOSE AND EFFECT: The rules are amended to reflect the latest versions of federal regulations, federal statutes, and forms referenced in the rules. The rules are also clarified to reflect the appropriate forms that must be filed in connection with small corporate offering registrations.

SUMMARY: The rules are amended to reflect the latest versions of federal regulations, federal statutes, and forms referenced in the rules. The rules are also clarified to reflect the appropriate forms that must be filed in connection with small corporate offering registrations.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory was prepared. The Office has determined that the proposed amendments will not have an adverse impact on small businesses.

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

RULEMAKING AUTHORITY: 517.03(1), 517.061(19) FS.

LAW IMPLEMENTED: 517.081(3), 517.081(7) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: 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@fiofr.com

THE FULL TEXT OF THE PROPOSED RULES IS:

69W-700.002 Filing of Prospectus.

(1) No change.

(2) Any prospectus which depicts the United States Securities and Exchange Commission’s statement pursuant to a registration statement filed under the Securities Act of 1933 or a letter of notification under Regulation A of the Securities Act of 1933 (17 C.F.R. §§ 230.251 through 230.263 (2010)) will be considered to be in substantial compliance with the requirement of subsection (1) above. The federal regulations referenced in this rule are hereby incorporated by reference and may be obtained by mail from the Florida Office of Financial Regulation, Division of Securities, 200 E. Gaines Street, Tallahassee, Florida 32399. Copies of the Code of Federal

Regulation are also available online through the U.S. Government Printing Office via GPO Access: <http://www.gpoaccess.gov/cfr/index.html>.

Rulemaking Specific Authority 517.03(1) FS. Law Implemented 517.081(3) FS. History—(Formerly 3E-20.01) New 9-20-82, Formerly 3E-700.02, Amended 10-26-97, Formerly 3E-700.002, Amended _____.

69W-700.015 Offering Price of Equity Securities.

(1) The offering price of securities that an issuer is seeking to register shall not exceed:

(a) The established market price, for the securities of the same class as that proposed to be offered; or

(b) A proposed price that reflects a price earnings ratio of securities of similar issuers in the same industry; and further provided that the issuer has a consistent record of earnings for the preceding three (3) fiscal years; or

(c) The proposed offering price established by an underwriter under a firm underwriting commitment, if the underwriter is registered under the Securities Exchange Act of 1934 (15 U.S.C. §§ 78a through 78oo (2006 & Supp. III)) and has the financial ability to perform its commitment in light of its net capital position. The federal statutes referenced in this rule are hereby incorporated by reference and may be obtained by mail from the Florida Office of Financial Regulation, Division of Securities, 200 E. Gaines Street, Tallahassee, Florida 32399. Copies of the United States Code are also available online through the U.S. House of Representatives, Office of the Law Revision Counsel: <http://uscode.house.gov/download/downloadPDF.shtml>.

(2) through (3) No change.

(4) As a condition to registration, the Office of Financial Regulation shall require an escrow of all promotional securities issued where the Office of Financial Regulation determines that the promoters are unfairly benefiting at the expense of the public shareholders. The escrow agreement shall comply with Section 517.181, F.S., on Form OFR-S-14-97, SCOR (Small Corporate Offering Registration) Application to Register Securities, which is incorporated by reference in subsection 69W-301.002(7), F.A.C., and shall include but not be limited to the following:

(a) through (d) No change.

Rulemaking Specific Authority 517.03(1) FS. Law Implemented 517.081(3), (7) FS. History—(Formerly 3E-20.15) New 9-20-82, Formerly 3E-700.15, Amended 11-30-97, Formerly 3E-700.015, Amended _____.

69W-700.028 Small Corporate Offering Registration (“SCOR” Offering).

(1) For the purpose of compliance with the registration provisions of Section 517.081(3)(g)2., the issuer shall file an application on Form OFR-S-12-97, SCOR (Small Corporate

Offering Registration) Application to Register Securities, which is incorporated by reference in subsection 69W-301.002(7), F.A.C. The application shall include:

(a) Three (3) copies of Form U-7, Small Corporate Offering Registration Form, which is incorporated by reference in subsection 69W-301.002(7), F.A.C.;

(b) An irrevocable written Uniform Consent to Service of Process, Form U-2 or Form OFR-S-5-91, and Uniform Corporate Resolution, Form U-2A or Form OFR-S-6-91, which are incorporated by reference in subsection 69W-301.002(7), F.A.C., as described in Section 517.101, F.S. It shall be the choice of the applicant to file either the Form U-2 or the Form OFR-S-5-91, either of which are acceptable to the office. It shall also be the choice of the applicant to file either the Form U-2A or Form OFR-S-6-91;

(c) Payment of the statutory fee as required in Section 517.081, F.S.;

(d) Exhibits, where applicable, as prescribed in Part II to Form OFR-S-12-97, SCOR (Small Corporate Offering Registration) Application to Register Securities, which is incorporated by reference in subsection 69W-301.002(7), F.A.C.

(2) through (3) No change.

Rulemaking Specific Authority 517.03(1) FS. Law Implemented 517.081(3), (7) FS. History—New 11-30-97, Formerly 3E-700.028, Amended _____.

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: July 29, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 24, 2009

FINANCIAL SERVICES COMMISSION

Office of Financial Regulation

RULE NOS.:	RULE TITLES:
69W-800.001	Filing – Notification Registration Including Shelf Filings
69W-800.003	Effective Registration
69W-800.004	Circulation of Preliminary Prospectus

PURPOSE AND EFFECT: Rule 69W-800.001, F.A.C., is amended to reflect the latest versions of federal regulations referenced in the rule, clarify the appropriate forms that must be filed for notification registrations and shelf filings, and reference the latest versions of forms. Rule 69W-800.003, F.A.C., is amended to clarify the registration process. The

proposed amendments to Rule 69W-800.003, F.A.C., reference Rule 69W-300.002, F.A.C., which is being amended to require the electronic filing of registration documents and fees through the Office's Regulatory Enforcement and Licensing System. Rule 69W-800.004, F.A.C., is amended to reflect the latest version of the Notification Registration form.

SUMMARY: Rule 69W-800.001, F.A.C., is amended to reflect the latest versions of federal regulations referenced in the rule, clarify the appropriate forms that must be filed for notification registrations and shelf filings, and reference the latest versions of forms. Rule 69W-800.003, F.A.C., is amended to clarify the registration process. The proposed amendments to Rule 69W-800.003, F.A.C., reference Rule 69W-300.002, F.A.C., which is being amended to require the electronic filing of registration documents and fees through the Office's Regulatory Enforcement and Licensing System. Rule 69W-800.004, F.A.C., is amended to reflect the latest version of the Notification Registration form.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared. The Office has determined that the proposed amendments will not have an adverse impact on small businesses.

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

RULEMAKING AUTHORITY: 517.03(1) FS.

LAW IMPLEMENTED: 517.082 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: 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

THE FULL TEXT OF THE PROPOSED RULE IS:

69W-800.001 Filing – Notification Registration Including Shelf Filings.

(1) An application for Notification Registration or a shelf filing not in conflict with the provisions of Section 517.082(3), Florida Statutes, shall be filed on OFR FORM-S-3-91, Notification Registration (~~Revised 1-91~~), and Form U-1, Uniform Application to Register Securities (~~Effective 10-97~~), which are hereby incorporated by reference in subsection 69W-301.002(7), F.A.C. The application shall include:

(a) One (1) copy of the initial registration statement as filed with the United States Securities and Exchange Commission unless effective upon filing with the Office of Financial Regulation;

(b) An irrevocable written Uniform Consent to Service of Process, Form U-2 or Form OFR-S-5-91 and Uniform Corporate Resolution, Form U-2A or Form OFR-S-6-91, which are incorporated by reference in subsection 69W-301.002(7), F.A.C., as described in Section 517.101, Florida Statutes. It shall be the choice of the applicant to file either the Form U-2 or the Form OFR-S-5-91, either of which are acceptable to the office. It shall also be the choice of the applicant to file either the Form U-2A or Form OFR-S-6-91;

(c) Payment of the statutory fee as required in Section 517.082, Florida Statutes;

(d) One (1) copy of the final pricing amendment/final prospectus as per the effective registration date with the Securities and Exchange Commission, except for Shelf Registration offerings to be made on a delayed or continuous basis pursuant to SEC Rule 415 (17 C.F.R. § 230.415 (2010)), which is incorporated by reference and may be obtained by mail from the Florida Office of Financial Regulation, Division of Securities, 200 E. Gaines Street, Tallahassee, Florida 32399; and

(e) No change.

(2) through (6) No change.

~~(7) The forms adopted by the Office of Financial Regulation for registration under this section are as follows:~~

~~(a) OFR FORM S-3-91, Notification Registration (Revised 1-91).~~

~~(b) Form U-1, Uniform Application to Register Securities (effective 10/97).~~

~~(c) Form U-2, Uniform Consent to Service of Process and Form U-2A, Uniform Corporate Resolution (effective 10-1-96).~~

~~(d) OFR-S-5-91, Uniform Consent to Service of Process (Revised 1-91).~~

~~(e) OFR-S-6-91, Corporate Resolution (Revised 1-91).~~

Rulemaking Specific Authority 517.03(1) FS. Law Implemented 517.082 FS. History–New 10-15-86, Amended 12-8-87, 7-31-91, 10-1-96, 10-20-97, Formerly 3E-800.001, Amended _____.

69W-800.003 Effective Registration.

(1) No change.

~~(2) A registration under Section 517.082, F.S., shall be filed in accordance with subsection 69W-301.002(2), F.A.C. The Office of Financial Regulation shall deem an application to be officially received at such time as it has been date stamped by the cashier's office of the Office of Financial Regulation accompanied by the required fee or upon acceptance by the Securities Registration Depository (SRD) and notice by SRD to this state of such filing.~~

(3) No change.

Rulemaking Specific Authority 517.03(1) FS. Law Implemented ~~420.53(1)(a), (b), 517.051(11),~~ 517.082 FS. History–New 10-15-86, Amended 11-14-93, 10-1-96, Formerly 3E-800.003, Amended _____.

69W-800.004 Circulation of Preliminary Prospectus.

A preliminary prospectus if designated as such may be used by dealers registered with the Office of Financial Regulation, provided that the Notification Registration (OFR FORM-S-3-91) ~~(Revised 1-91), which is incorporated by reference in subsection 69W-301.002(7), F.A.C.,~~ has been filed with the Office of Financial Regulation and each purchaser of securities is provided not later than the time of the sale of securities with the offering circular contained in the definitive registration statement effective under the Securities Act of 1933 as referenced in Section 517.082, Florida Statutes.

Rulemaking Specific Authority 517.03(1) FS. Law Implemented 517.082 FS. History–New 10-15-86, Amended 12-8-87, 7-31-91, 10-1-96, 10-20-97, Formerly 3E-800.004, Amended _____.

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@loflr.com

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 29, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 24, 2009

FINANCIAL SERVICES COMMISSION

Office of Financial Regulation

RULE NO.: 69W-900.001
RULE TITLE: Disclosure of Business Activities in Cuba

PURPOSE AND EFFECT: The rule is amended to reflect the latest versions of federal regulations and federal statutes referenced in the rule. The rule is also amended to reflect the latest version of the Disclosure of Business Activities in Cuba Form.

SUMMARY: The rule is amended to reflect the latest versions of federal regulations and federal statutes referenced in the rule. The rule is also amended to reflect the latest version of the Disclosure of Business Activities in Cuba Form.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared. The Office has determined that the proposed changes will not impact small businesses.

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

RULEMAKING AUTHORITY: 517.075 FS.

LAW IMPLEMENTED: 517.075 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: 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

THE FULL TEXT OF THE PROPOSED RULE IS:

69W-900.001 Disclosure of Business Activities in Cuba.

(1) For purposes of Section 517.075, Florida Statutes, a prospectus shall be defined as:

(a) A final prospectus containing the information required by Section 10(a) of the Securities Act of 1933 (15 U.S.C. § 77j(a) (2006 & Supp. III)), for securities registered pursuant to Section 517.082, Florida Statutes; or

(b) A final prospectus in the form prescribed by Rule 69W-700.003, F.A.C., for securities registered pursuant to Section 517.081, Florida Statutes.

(c) The term prospectus shall not include amendments or supplements to a prospectus that is part of a registration statement filed with the Securities and Exchange Commission under Rule 415 of the Securities Act of 1933 (17 C.F.R. CFR § 230.415 (2010)).

(d) The federal regulations and federal statutes referenced in this subsection are hereby incorporated by reference and may be obtained by mail from the Florida Office of Financial Regulation, Division of Securities, 200 E. Gaines Street, Tallahassee, Florida 32399. Copies of the United States Code are also available online through the U.S. House of Representatives, Office of the Law Revision Counsel: <http://uscode.house.gov/download/downloadPDF.shtml>. Copies of the Code of Federal Regulation are also available online through the U.S. Government Printing Office via GPO Access: <http://www.gpoaccess.gov/cfr/index.html>.

(2) The disclosure and notice requirements of Section 517.075, Florida Statutes, apply only to issuers filing initial or renewal applications for securities registration pursuant to Section 517.081 or 517.082, Florida Statutes, on or subsequent to April 10, 1992, who:

(a) Conduct business or have affiliates who conduct business in or with Cuba;

(b) Commence doing business in or with Cuba after the issuer's securities become effective with the Office of Financial Regulation; or

(c) Are required by Florida Law to report a material change in information previously reported regarding business conducted in or with Cuba.

(3) The Office of Financial Regulation's CUBA FORM (4/92), which is hereby incorporated by reference in subsection 69W-301.002(7), F.A.C., and available from the Office of Financial Regulation, shall be used to notify the Office of Financial Regulation of any business or change in business as required by subsection (3) of Section 517.075, Florida Statutes.

(a) When required by Section 517.075, Florida Statutes, such form shall be filed with the Office of Financial Regulation.

(b) The obligation to provide updated information required by subsection 517.075(3), Florida Statutes, shall terminate when the distribution of the securities has been completed.

Rulemaking Specific Authority 517.075 FS. Law Implemented 517.075 FS. History--New 8-17-92, Formerly 3E-900.001, Amended _____.

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: July 29, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 24, 2009

FINANCIAL SERVICES COMMISSION

Office of Financial Regulation

RULE NO.: 69W-1000.001
RULE TITLE: Disciplinary Guidelines

PURPOSE AND EFFECT: Section 517.1611(1), F.S., requires the Financial Services Commission to adopt disciplinary guidelines for each ground for which disciplinary action may be imposed by the Office of Financial Regulation against individuals and firms that are subject to regulation under Chapter 517, F.S., the Florida Securities and Investor Protection Act. The proposed rule implements this statutory requirement.

SUMMARY: The proposed rule sets forth disciplinary guidelines for each ground for which disciplinary action may be imposed by the Office of Financial Regulation against individuals and firms that are subject to regulation under Chapter 517, F.S., the Florida Securities and Investor Protection Act. Each violation of any provision of Chapter 517, F.S., or the rules adopted under the rulemaking authority of Chapter 517, F.S., constitutes a ground for disciplinary action by the Office. The level of sanction imposed for each violation of a ground for disciplinary action is reflected in the disciplinary guidelines. A list of aggravating and mitigating factors is provided in the rule. These factors will be used to determine the appropriate level of sanction within the range of

sanctions provided in the disciplinary guidelines. These factors will also be used when determining whether a deviation from the range of sanctions prescribed in the disciplinary guidelines is warranted.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: A Statement of Estimated Regulatory Costs has been prepared. Under Chapter 517, F.S., the Florida Securities and Investor Protection Act, the Office may impose sanctions against any person who violates any provision of the chapter, including rules adopted or orders issued under the authority of the chapter. Sanctions authorized under Chapter 517, F.S., include, but are not limited to, fines, suspensions, and revocations. The disciplinary guidelines provide a framework for imposing sanctions. Anyone who commits a violation of Chapter 517, F.S., will be subject to statutorily authorized sanctions that are determined in accordance with the disciplinary guidelines. There are no transactional costs associated with the implementation of this rule. There will be no impact to small counties, cities or other state agencies.

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

RULEMAKING AUTHORITY: 517.1611(1) FS.

LAW IMPLEMENTED: 517.1611(1) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Bill Reilly, Chief, Bureau of Securities Regulation, Division of Securities, Office of Financial Regulation, 200 East Gaines Street, Tallahassee, FL 32399, phone (850)410-9805, E-mail: Bill.Reilly@flofr.com

THE FULL TEXT OF THE PROPOSED RULE IS:

69W-1000.001 Disciplinary Guidelines.

(1) Pursuant to Section 517.1611, F.S., disciplinary guidelines applicable to each ground for which disciplinary action may be imposed by the Office against an individual or a firm under Chapter 517, F.S., are hereby adopted. The disciplinary guidelines are contained in "Office of Financial Regulation, Division of Securities, Disciplinary Guidelines for Dealers, Investment Advisers and Associated Persons", which is hereby incorporated by reference. A copy of the disciplinary guidelines may be obtained by mail from the Florida Office of Financial Regulation, Division of Securities, 200 E. Gaines Street, Tallahassee, Florida 32399, or may be obtained electronically through the following website: <http://www.flofr.com/Securities/index.htm>.

(2) Each violation of any provision of Chapter 517, F.S., or the rules adopted under the rulemaking authority of Chapter 517, F.S., constitutes a ground for disciplinary action by the

Office. The level of sanction imposed for each violation of a ground for disciplinary action is reflected in the disciplinary guidelines. In determining an appropriate sanction for each violation of a ground for disciplinary action, the Office shall consider the circumstances set forth in subsection (5).

(3) In accordance with the disciplinary guidelines contained in this rule:

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

(b) The Office has determined that repeated disciplinary action for violations of the same or similar ground for disciplinary action should be punished more severely than a first disciplinary action for violation of a ground for disciplinary action. In most instances of repeated violations of a ground for disciplinary action, the disciplinary guidelines allow for increasingly severe sanctions.

(4) The list of grounds for disciplinary action is intended to be comprehensive, but the omission of a violation from the list does not preclude the Office from taking any action authorized by Chapter 517, F.S.

(5) In accordance with Section 517.1611(1)(a), F.S., the Office will consider the following mitigating and aggravating circumstances in determining the appropriate level of sanction within the range of sanctions prescribed in this rule for each violation of a ground for disciplinary action:

(a) The individual's or firm's disciplinary history;

(b) Whether the individual or firm self-reported the conduct to regulatory authorities prior to examination or discovery by regulatory authorities;

(c) Whether the firm implemented corrective measures, prior to examination or discovery by regulatory authorities, to revise procedures to avoid recurrence of misconduct;

(d) Whether the individual or firm, prior to the entry of a Final Order, voluntarily made restitution or otherwise remedied the misconduct;

(e) Whether, at the time of the violation, the firm had controls and procedures that were implemented and reasonably designed to prevent or detect such a violation;

(f) Whether, at the time of the violation, the firm developed and implemented adequate training and educational initiatives;

(g) Whether the individual or firm demonstrated reasonable reliance on competent legal advice;

(h) Whether the individual or firm engaged in numerous acts to facilitate the violation or whether multiple clients were impacted by the acts or both;

(i) Whether the individual or firm engaged in the misconduct over an extended period of time;

(j) Whether the individual or firm attempted to conceal his or her misconduct or to lull into inactivity, mislead, deceive or intimidate a customer, regulatory authorities or, in the case of an individual respondent, the firm with which he or she is or was associated;

(k) With respect to other parties, including the investing public, the firm with which an individual respondent is associated or other market participants:

1. Whether the individual's or firm's misconduct resulted directly or indirectly in injury to such other parties, and

2. The nature and extent of the injury;

(l) Whether the individual or firm provided substantial assistance to the Office in its examination or investigation of the underlying misconduct, or whether the respondent attempted to impede or delay Office's examination or investigation, to conceal or withhold information from the Office, or to provide incomplete, inaccurate or misleading testimony or documentary information to the Office;

(m) Whether the individual's or firm's misconduct was the result of an intentional act, recklessness or negligence;

(n) Whether the firm with which an individual is or was associated disciplined the individual for the misconduct at issue prior to discovery by regulatory authorities and the extent of the discipline imposed by the firm;

(o) Whether the individual or firm engaged in the misconduct at issue, notwithstanding prior direct notice from the Office, another regulatory authority or the firm's staff, that the conduct may or will violate the provisions of Chapter 517, F.S.;

(p) Whether the individual or firm can demonstrate that the misconduct at issue was not reflective of their historical compliance record;

(q) Whether the individual's or firm's misconduct resulted in actual or potential financial or other gain or the value of such gain.

(r) The number, size and character of the transactions at issue;

(s) The age, financial status, and level of investment sophistication of the investor;

(t) Whether the violation is attributable to a principal, manager, supervisor or person exercising a similar function;

(u) The financial resources of the firm, nature of the firm's business, the number of individuals registered with the firm, the level of trading activity of the firm, other entities the firm controls, is controlled by, or is under common control with;

(v) Whether the violation of the ground for disciplinary action is the result of an individual acting alone or the result of two or more persons acting in furtherance of an agreement, scheme or plan; and

(w) Other relevant, case-specific circumstances.

(6) In accordance with Section 517.1611(1)(b), F.S., the Office will consider the circumstances in subsection (5) when determining whether a deviation from the range of sanctions prescribed in the disciplinary guidelines is warranted.

(7)(a) The fines imposed for violation of a ground for disciplinary action are up to \$2,000 for a level "A" fine, \$2,001 to \$5,000 for a level "B" fine, \$5,001 to \$7,500 for a level "C" fine and \$7,501 to \$10,000 for a level "D" fine. The mitigating and aggravating circumstances provided in subsection (5) may be applied to the fines imposed for violation of a ground for disciplinary action resulting in a range of fines of up to \$2,000 for a level "A" fine, \$2,001 to \$5,000 for a level "B" fine, \$5,001 to \$7,500 for a level "C" fine and \$7,501 to \$10,000 for a level "D" fine.

(b) A Notice of Noncompliance shall be a statement issued by the Office as described in Section 120.695, F.S. For the purpose of this rule, a Notice of Noncompliance is not considered an occurrence of a violation.

(c) A previous "occurrence" is the same or similar misconduct which was the subject of a Final Order entered by the Office prior to the acts or omissions which are the subject of the current action by the Office.

(8) The ranges for suspensions imposed by this rule are up to 5 days for an "A" level suspension; 6 to 30 days for a "B" level suspension; and, over 30 days for a "C" level suspension. A business day is defined as a day the major stock exchanges are open. Suspensions of 30 or fewer days are measured in business days while a suspension of 31 or more days is measured in calendar days. The mitigating and aggravating circumstances provided in subsection (5) may be applied to the suspensions imposed for violation of a ground for disciplinary action resulting in a range of suspension of up to 5 days for an "A" level suspension; 6 to 30 days for a "B" level suspension; and over 30 days for a "C" level suspension.

(9) In addition to the provisions of this rule, the Office may, when appropriate, seek civil remedies including the entry of an injunction, the appointment of a receiver by a court of competent jurisdiction, or any other remedy authorized by law.

Rulemaking Authority 517.1611(1) FS. Law Implemented 517.1611(1) FS. History--New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Bill Reilly, Chief, Bureau of Securities Regulation, Division of Securities, Office of Financial Regulation, 200 East Gaines Street, Tallahassee, FL 32399, phone (850)410-9805, E-mail: Bill.Reilly@flofr.com

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 29, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 24, 2009 and May 28, 2010

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 CORRECTIONS

RULE NO.:	RULE TITLE:
33-108.201	Sanitary Practices Relating to Correctional Facilities

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 35, No. 28, July 17, 2009 issue of the Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF CORRECTIONS

RULE NO.:	RULE TITLE:
33-404.107	Use of Force with Mentally Disordered Inmates

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 CORRECTIONS

RULE NO.:	RULE TITLE:
33-601.901	Confidential Records

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 36, No. 18, May 7, 2010 issue of the Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF MANAGEMENT SERVICES

Agency for Workforce Innovation

RULE NOS.:	RULE TITLES:
60BB-3.0261	Definitions Relating to Extended Benefits
60BB-3.0262	Eligibility for Extended Benefits
60BB-3.0263	How to Apply for Extended Benefits

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 35, No. 42, October 23, 2009 issue of the Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

RULE NO.:	RULE TITLE:
61C-1.004	General Sanitation and Safety Requirements

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. 18, May 7, 2010 issue of the Florida Administrative Weekly.

Paragraph (1)(d) of the Notice of Change for the above rule which was published in Vol. 36, No. 30, July 30, 2010 issue of the FAW was inadvertently not stricken out.

61C-1.004 General Sanitation and Safety Requirements.

The following general requirements and standards shall be met by all public lodging establishments and public food service establishments.

(1) Water, plumbing and waste.

~~(d) Sewage shall be disposed of in a public sewage system or other approved sewage system in accordance with the provisions of Chapter 64E-6 or 62-601, F.A.C., whichever is applicable. Grease interceptors shall be designed and installed in accordance with provisions of Chapter 64E-6, F.A.C., or the local building authority having jurisdiction.~~

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Regulatory Council of Community Association Managers

RULE NO.:	RULE TITLE:
61E14-4.005	Prelicensure Education Provider Approval

SECOND 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. 42, of the October 23, 2009, issue of the Florida Administrative Weekly. A previous Notice of Change was published in Vol. 36, No. 32 of the Florida Administrative Weekly on August 13, 2010. These changes are in addition to those changes outlined in the previous Notice of Change. The changes are in response to written comments submitted by the staff of the Joint Administrative Procedure Committee. The changes shall be as follows:

Subsection (4) of the rule shall read:

(4) Prelicensure education provider status shall be valid from the date of approval until May 31 of every even numbered year. Those seeking renewal of provider status must reapply on Forms DBPR 0020-1 and DBPR CAM 4306, referenced in subsection (2) above, to the Council and submit the appropriate renewal fee pursuant to subsection 61E14-3.001(16) ~~61-20.504(16)~~, F.A.C. Providers who fail to

renew their provider status on a timely basis in accordance with this rule shall not offer or advertise a course as an approved course for Prelicensure education.

Subsection (8) is being deleted and subsection (9) shall be renumbered as subsection (8).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Anthony Spivey, Executive Director, Regulatory Council of Community Managers, 1940 North Monroe Street, Tallahassee, FL 32399-0762

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 Massage

RULE NO.: 64B7-27.008
 RULE TITLE: Initial Fee for Licensure

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule published in Vol. 36, No. 30, of the July 30, 2010, issue of the Florida Administrative Weekly. The rule notice did not contain the required language regarding requests for a public hearing. The correction is as follows:

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

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

THE PERSON TO BE CONTACTED REGARDING THE ABOVE CHANGE IS: Anthony Jusevitch, Executive Director, Board of Massage Therapy/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

DEPARTMENT OF HEALTH

Board of Medicine

RULE NOS.: 64B8-9.0131
 RULE TITLES: Standards of Practice for Physicians Practicing in Pain Management Clinics

64B8-9.0132
 Requirement for Pain Management Clinic Registration; Inspection or Accreditation

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. 16, April 23, 2010 issue of the Florida Administrative Weekly.

The Board held a public hearing on these rules on June 4, 2010, and again on August 7, 2010. The Board, at its meeting of August 7, 2010, voted to make the following changes to the rules in response to comments received at the public hearings, and in response to written comments submitted by the staff of the Joint Administrative Procedures Committee (JAPC). The changes are as follows:

For Rule 64B8-9.0131:

1. The preamble to the rule shall now read: "THIS RULE IS APPLICABLE TO PHYSICIANS PRACTICING IN PRIVATELY OWNED PAIN MANAGEMENT CLINICS THAT ARE REQUIRED TO BE REGISTERED PURSUANT TO SECTION 458.3265, F.S., WHO PRIMARILY ENGAGE IN THE TREATMENT OF PAIN BY PRESCRIBING OR DISPENSING CONTROLLED SUBSTANCE MEDICATIONS."

2. In subsection (1) of the rule the following language shall be inserted following the word "Definitions." "The following definitions apply to this rule only."

3. In paragraph (1)(d), the word "currently" shall be deleted.

4. In subparagraph (2)(c)3., "i.e." shall be changed to "e.g."

5. The last sentence of paragraph (2)(e) shall be changed to read as follows: "The management of pain in patients with a history of substance abuse or with a comorbid psychiatric disorder requires extra care, monitoring, and documentation, and requires consultation with or referral to an addictionologist or psychiatrist."

6. Subparagraph (2)(f)1., shall be changed to read as follows: "Referral to an outside laboratory. A physician shall send the patient to a Clinical Laboratory Improvement Amendments (CLIA)-certified laboratory or a collection site owned or operated by a CLIA-certified laboratory;"

7. In subparagraph (2)(f)3., the phrase "CLIA-certified test" shall be changed to "CLIA-approved test"

8. Subparagraph (2)(h)1., shall be reworded to read as follows: "If a patient's initial drug testing reflects the adulteration of the specimen or the presence of illegal or controlled substances (other than medications with approved prescriptions), or when the testing result is questioned by either the patient or the physician, the specimen will be sent to a CLIA-certified laboratory for gas or liquid chromatography/mass spectrometry (GC/MS or LC/MS or LC/MS/MS or GC/MS/MS) confirmation. If the result of the GC/MS or LC/MS or LC/MS/MS or GC/MS/MS testing is positive, the physician shall refer the patient for further consultation with a board-certified pain management physician, an addiction medicine specialist, or from a mental health addiction facility as it pertains to drug abuse or addiction. After consultation is obtained, the physician shall document in the medical record the results of the consultation. The treating physician shall not prescribe or dispense any

controlled substances until there is written concurrence of medical necessity of continued controlled substance therapy provided by a board-certified pain management physician, an addiction medicine specialist, or to a mental health addiction facility. If the treating physician is a board-certified pain management physician, or an addiction specialist, the physician does not need to refer the patient for further consultation. If the physician suspects diversion, then the patient shall be discharged and all results of testing and actions taken by the physician shall be documented in the patient's medical record."

9. In sub-subparagraph (2)(i)1.i., the words "Medical Director or" shall be deleted.

10. In sub-subparagraph (2)(j)3.d., the word "clinics" shall be changed to "clinic's."

11. In paragraph (2)(l), all references to "Medical Director or Designated Physician" shall be changed to "Designated Physician."

12. Paragraph (2)(m) shall be reworded to read:

(m) Data Collection and Reporting.

1. Reporting of adverse incidents. The Designated Physician for each pain-management clinic shall report all adverse incidents to the Department of Health as set forth in Section 458.351, F.S.

2. The Designated Physician shall also report to the Board of Medicine, in writing, on a quarterly basis the following data:

a. Number of new and repeat patients seen and treated at the clinic who are prescribed or dispensed controlled substance medications for the treatment of chronic, non-malignant pain;

b. The number of patients discharged due to drug abuse;

c. The number of patients discharged due to drug diversion; and

d. The number of patients treated at the pain clinic whose domicile is located somewhere other than in Florida. A patient's domicile is the patient's fixed or permanent home to which he intends to return even though he may temporarily reside elsewhere.

3. All physicians practicing in pain-management clinics shall advise the Board of Medicine in writing, within 10 calendar days of beginning or ending his or her practice at a pain-management clinic."

13. Paragraph (2)(n) shall be reworded to read as follows:

(n) Training Requirements. Effective July 1, 2012, physicians who have not met the qualifications set forth in subparagraphs 1. through 6., below, shall have successfully completed a pain medicine fellowship that is accredited by the Accreditation Council for Graduate Medical Education (ACGME) or a pain medicine residency that is accredited by ACGME. Prior to July 1, 2012, physicians prescribing or dispensing controlled substance medications in pain-management clinics registered pursuant to Section 458.309(4), F.S., must meet one of the following qualifications:

1. Board certification by a specialty board recognized by the American Board of Medical Specialties (ABMS) and holds a sub-specialty certification in pain medicine;

2. Board certification in pain medicine by the American Board of Pain Medicine (ABPM);

3. Successful completion of a pain medicine fellowship that is accredited by the Accreditation Council for Graduate Medical Education (ACGME) or a pain medicine residency that is accredited by the ACGME;

4. Successful completion of a residency program in physical medicine and rehabilitation, anesthesiology, neurology, neurosurgery, or psychiatry approved by the ACGME;

5. Current staff privileges at a Florida-licensed hospital to practice pain medicine or perform pain medicine procedures;

6. Three (3) years of documented full-time practice, which is defined as an average of 20 hours per week each year, in pain-management and within six months of the effective date of this rule, attendance and successful completion of 40 hours of in-person, live-participatory AMA Category I CME courses in pain management that address all the following subject areas:

a. The goals of treating both short term and ongoing pain treatment;

b. Controlled substance prescribing rules, including controlled substances agreements;

c. Drug screening or testing, including usefulness and limitations;

d. The use of controlled substances in treating short-term and ongoing pain syndromes, including usefulness and limitations;

e. Evidenced-based non-controlled pharmacological pain treatments;

f. Evidenced-based non-pharmacological pain treatments;

g. A complete pain medicine history and a physical examination;

h. Appropriate progress note keeping;

i. Comorbidities with pain disorders, including psychiatric and addictive disorders;

j. Drug abuse and diversion, and prevention of same;

k. Risk management; and

l. Medical ethics.

In addition to the CME set forth in paragraph 6. above, physicians must be able to document hospital privileges at a Florida-licensed hospital; practice under the direct supervision of a physician who is qualified in subparagraph 1. through 4. above; or have the practice reviewed by a Florida-licensed risk manager and document compliance with all recommendations of the risk management review.

7. Upon completion of the 40 hours of CME set forth above, physicians qualifying under 6. above, must also document the completion of 15 hours of live lecture format, Category I CME in pain management for every year the physician is practicing pain management.

14. Paragraph (2)(o) shall be deleted.

15. The Rulemaking Authority and Law Implemented shall include Ch. 2010-211, Laws of Florida.

For Rule 64B8-9.0132:

1. All references in the rule to “Medical Director or Designated Physician” shall be changed to “Designated Physician.”

2. Paragraph (1)(c) shall be changed to read as follows: “(c) The Designated Physician must notify the Board within 10 calendar days, in writing, of any changes to the registration information, including the termination of his or her employment with the pain management clinic.”

3. Paragraph (2)(d) shall be changed to read as follows: “(d) The inspector(s) shall determine compliance with the requirements of Rule 64B8-9.0131, F.A.C. This shall include review of a random selection of patient records for patients who are treated for pain, selected by the inspector(s) for each physician practicing in the clinic or who has practiced in the clinic during the past six months.”

4. In the third sentence of paragraph (2)(e), the phrase “corrective action” shall be changed to “corrective action plan.”

5. Section 458.309(5), F.S. and Chapter 2010-211, Laws of Florida, shall be added to the Rulemaking Authority and the Law Implemented citations.

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

DEPARTMENT OF HEALTH

Board of Nursing

RULE NO.: 64B9-8.005 RULE TITLE: Unprofessional Conduct

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 36, No. 11, March 19, 2010 issue of the Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF HEALTH

Board of Nursing Home Administrators

RULE NO.: 64B10-11.001 RULE TITLE: Application for Examination

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. 38, September 25, 2009 issue of the Florida Administrative Weekly.

The change is in response to concerns stated by the Joint Administrative Procedures Committee in a letter dated October 8, 2009.

The changes are as follows:

64B10-11.001, second line, shall read as “The application shall be made on the Application for Nursing Home Administrators Examination and Endorsement/Temporary form.....”

The revision date of form DH-MQA-NHA002 shall be corrected to read as “7/10”.

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

DEPARTMENT OF HEALTH

Board of Nursing Home Administrators

RULE NO.: 64B10-11.003 RULE TITLE: Reexamination

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. 4, January 29, 2010 issue of the Florida Administrative Weekly.

The change is in response to an incorrect revision date on form DH MQA 1129. The change will correct the revision date from 10/09 to 7/10 on the form.

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

DEPARTMENT OF HEALTH

Board of Nursing Home Administrators

RULE NO.: 64B10-15.001 RULE TITLE: Continuing Education for Licensure Renewal

SECOND NOTICE OF CHANGE

Notice is hereby given that the following change has been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 36, No. 9, of the March 3, 2010, and the Notice of Change Vol. 36, No. 17, April 30, 2010 issue of the Florida Administrative Weekly. The change is in response to concerns stated by the Joint Administrative Procedures Committee in letters dated April 28, 2010 and May 18, 2010.

The change is as follows:

(7) Licensees who participate in the development of Florida exam questions may be awarded up to five hours of continuing education credit, comprised of two (2) hours of laws and rules and three (3) hours optional, upon request of the Board.

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

DEPARTMENT OF HEALTH

Board of Optometry

RULE NO.: 64B13-4.004
 RULE TITLE: Manner of Application
 NOTICE OF CHANGE

Notice is hereby given that the following change has been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 36, No. 21, of the May 28, 2009, issue of the Florida Administrative Weekly. The change updates the revision date on the form incorporated by reference. The change is as follows:

(2) All applications for examination shall be made on the form titled "Application for Optometry Examination" number DH-MQA 1128 (Revised 5/10 ~~6/09~~), which is hereby incorporated by reference and can be obtained from the board office or from the Board of Optometry's website at: <http://www.doh.state.fl.us/mqa/optometry>. All applications for examination shall include the application fee as specified in subsection 64B13-6.001(7)(8), F.A.C., the department administrative cost as specified in Rule 64B13-1.016, F.A.C. ~~examination fee as specified in subsection 64B13-6.001(1), F.A.C.,~~ and the initial licensure fee as specified in subsection 64B13-6.001(1) ~~or (2)~~, F.A.C. No application shall be deemed complete which does not set forth all the information required by said forms and which fails to include all fees as set forth in this rule. Applications for licensure must be received by the Department at least 120 ~~60~~ days prior to the examination.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Bruce Deterding., Executive Director, Board of Orthotists and Prosthetists, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

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. 36, No. 24, June 18, 2010 issue of the Florida Administrative Weekly.

The correction is needed for the typographical error on page two of the application form to correct the word "blank ink" to "black ink". The citation to rule "64B32-2.001(2)(d)2." in

section six, page three, is corrected to read as rule "64B32-2.001(3)(d)". The quotation marks around the phrase "Voluntarily relinquish your CRT license" on page five have been removed.

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

FISH AND WILDLIFE CONSERVATION COMMISSION

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

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 36, No. 2, January 15, 2010 issue of the Florida Administrative Weekly has been withdrawn.

FISH AND WILDLIFE CONSERVATION COMMISSION

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

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 36, No. 12, March 26, 2010 issue of the Florida Administrative Weekly has been withdrawn.

FISH AND WILDLIFE CONSERVATION COMMISSION

Vessel Registration and Boating Safety

RULE NOS.: 68D-21.001, 68D-21.002, 68D-21.003, 68D-21.004
 RULE TITLES: Requirements for Applications, Procedures for Reviewing Applications, Procedures for Providing for Public Notice and Participation, Criteria for Approval of Ordinances

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. 21, May 28, 2010 issue of the Florida Administrative Weekly.

The following reflects proposed rule changes intended to improve clarity and consistency within the rule and in response to public comments received during an open period for comments. The Florida Fish and Wildlife Conservation Commission, sitting as agency head, approved the changes at its public meeting held on June 23-24, 2010, in Winter Park,

Florida. Amendments were also made in response to comments provided by the Joint Administrative Procedures Committee on July 12, 2010.

THE FULL TEXT OF THE PROPOSED RULE IS:

68D-21.001 Requirements for Applications.

(1) Approval by the Florida Fish and Wildlife Conservation Commission is not required for ordinances adopted pursuant to paragraph 327.46(1)(b), ~~F.S. Florida Statutes~~ Regulatory markers necessary for implementing those ordinances must be permitted as required in Sections 327.40 and 327.41, ~~F.S. Florida Statutes~~, and as provided in Chapter 68D-23, F.A.C.

(2) Any municipality or county application for approval of an ordinance establishing a boating-restricted area pursuant to paragraph 327.46(1)(c), ~~F.S. Florida Statutes~~, must be submitted to: Florida Fish and Wildlife Conservation Commission, Division of Law Enforcement, Boating and Waterways Section.

(3) Each application must include:

(a) through (c) No change.

(d) A statement identifying the provision within paragraph 327.46(1)(c), ~~F.S. Florida Statutes~~ authorizing regulation of vessel speed or operation by the ordinance.

(e) One or more scaled drawings no larger than 8 1/2 inches by 11 inches, reproducible in black and white on standard office photocopying equipment which clearly show the following:

1. through 4. No change.

5. The location of any of the following within a proposed boating-restricted area or used as a basis for establishing a boating restricted area:

a. through c. No change.

d. Any bend or other intervening obstruction to visibility that may obscure other vessels or other users of the waterway in a narrow channel, fairway, or other similar area within the meaning of Inland Navigation Rule 9 (33 U.S.C. § 2009) as adopted by Section 327.33, ~~F.S. Florida Statutes~~.

e. Any specific hazards to navigation (with a label or legend describing the hazard).

6. If relied upon as a basis for establishing the boating-restricted area, the location and description of any of the following:

a. Any specific area subject to unsafe levels of vessel traffic congestion.

b.f. Any specific area subject to hazardous water levels or currents.

~~g. Any specific hazards to navigation (with a label or legend describing the hazard).~~

~~c.h.~~ Any reported boating accident, ~~if relied upon as a basis for establishing the boating restricted area.~~

~~d.i.~~ Any issuance of a Uniform Boating Citation, ~~if relied upon as a basis for establishing the boating restricted area.~~

~~7.6.~~ The shoreline-to-shoreline width of the body of water upon which the boating restricted area is to be established and, if the water body is a lake or pond, the total surface area expressed in acres.

(f) Documentation that the ordinance was developed, prior to presenting language for adoption to the governing body, in consultation and coordination with:

1. The governing body of every other the county or municipality sharing jurisdiction over the area in which the boating-restricted area is located.

2. The United States Coast Guard if the boating-restricted area is to be established on navigable waters of the United States as defined in 33 C.F.R. § 2.36(a) ~~(2009)~~, which is adopted by reference and is available at <http://www.gpoaccess.gov/cfr/index.html>.

3. The United States Army Corps of Engineers if the boating-restricted area is to be established on navigable waters of the United States as defined in 33 C.F.R. § 329.4 ~~(2009)~~, which is adopted by reference and is available at <http://www.gpoaccess.gov/cfr/index.html>.

(g) through (h) No change.

(i) Proof that the applicant has at its own cost published, as provided by Sections 50.011-50.031, ~~F.S. Florida Statutes~~, once a week for 2 consecutive weeks, prior a notice of the public hearing on the ordinance application in a newspaper of general circulation in the area(s) affected by the ordinance. ~~The notices must be published at least 7 days, but not more than 30 days, before the application is submitted.~~

(j) through (k) No change.

(4) through (5) No change.

Rulemaking Authority 327.04, 327.46 FS. Law Implemented 327.46 FS. History—New_____.

68D-21.002 Procedures for Reviewing Applications.

(1) No change.

(2) Within 30 days following receipt of a completed application, the Boating and Waterways Section will provide notice of such receipt: to the applicant by mail or by email using the same method by which the application was submitted and to the public as provided in Rule 68D-21.003, F.A.C.

~~(a) To the applicant by mail or by email using the same method by which the application was submitted and to the public as provided in Rule 68D-21.003.~~

~~(b) In order to receive further notifications pertaining to an application, including copies of notices and correspondence, a person must so notify the Boating and Waterways Section within 21 days following the publication of the notice of receipt in the Florida Administrative Weekly.~~

(3) The Boating and Waterways Section will within 90 days following receipt of a completed application, review and act upon the application as follows:

(a) The Boating and Waterways Section will determine whether or not each boating-restricted area created in the ordinance is authorized under paragraph 327.46(1)(b) or (c), ~~F.S. Florida Statutes~~. If any boating-restricted area created in the ordinance is not authorized pursuant to one of those paragraphs, the application will be denied. As provided in subsection 68D-21.001(1), F.A.C., approval is not required for ordinances in which every boating-restricted area established therein is authorized under paragraph 327.46(1)(b), ~~F.S. Florida Statutes~~.

(b) The Boating and Waterways Section will determine whether or not each boating-restricted area established in the ordinance was developed prior to adoption ~~the first reading~~ of the ordinance:

1. through 3. No change.

(c) The Boating and Waterways Section will determine whether or not the application and appendix establish a *prima facie* showing that the ordinance is necessary to protect public safety by evaluating if at least one of the criteria in Rule 68D-21.004, F.A.C., has been met.

(d) If there is a *prima facie* showing that the ordinance is necessary to protect public safety and that at least one of the criteria in Rule 68D-21.004, F.A.C., has been met, the Boating and Waterways Section will:

1. Review all written public comments received within 21 days following the notice provided to the public as required in Rule 68D-21.003, F.A.C. ~~publication in the Florida Administrative Weekly of the notice of receipt of a complete application~~ and all testimony, evidence, and exhibits presented at a public hearing if one was requested;
2. No change.
3. Conduct a public hearing within the applicant’s jurisdiction if a written request for such a hearing is received within 21 days following the notice provided to the public as required in Rule 68D-21.003, F.A.C ~~publication in the Florida Administrative Weekly of the notice of receipt of the application~~.

(e) Based on the totality of the information received, the Boating and Waterways Section will determine whether or not there is substantial competent evidence that the ordinance is necessary to protect public safety.

1. An ordinance will be considered necessary to protect public safety only if it is required for the purposes of protecting human life and limb, vessel traffic safety, and, as defined in Rule 68D-23.103, F.A.C., maritime property.

2. No ordinance establishing a boating restricted area will be approved for the purpose of noise abatement or for the protection of shoreline, shore-based structures, or upland property from vessel wake or shoreline wash. As provided in Section 327.33(2), ~~F.S. Florida Statutes~~, “vessel wake and

shoreline wash resulting from the reasonable and prudent operation of a vessel shall, absent negligence, not constitute damage or endangerment to property.” The wake resulting from the reasonable and prudent operation of a vessel is a force which should be anticipated by the owners of property adjacent to the navigable waters of this state.

(4) The Boating and Waterways Section will act to approve or deny the application within the time limits specified in Section 327.46(1)(c), ~~F.S. Florida Statutes~~. Upon approval or denial of the application, the Boating and Waterways Section will provide notice of the approval or denial as provided in Rule 68D-21.003, F.A.C. If no request for review is timely received, this notice will constitute final agency action.

(5) The Florida Fish and Wildlife Conservation Commission, sitting as agency head at its next available regularly scheduled meeting, will review any approval or denial determination made by the Boating and Waterways Section upon timely receipt of a request for review. Any substantially affected person may request review of the approval or denial; the request must be received by the Boating and Waterway Section within 21 days following the notice provided to the public as required in Rule 68D-21.003, F.A.C ~~publication in the Florida Administrative Weekly of the notice of approval or denial~~.

Rulemaking Authority 327.04, 327.46 FS. Law Implemented 327.46 FS. History–New_____.

68D-21.003 Procedures for Providing for Public Notice and Participation.

(1) Public Notice. The Boating and Waterways Section will provide notice of complete applications received, public meetings or hearing concerning applications, and denial or approval of applications: on the Boating and Waterways Section’s web page at http://www.myfwc.com/RECREATION/boat_index.htm and to all parties listed in the “Boating and Waterways Section’s Public Distribution List – Ordinances” in which any member of the public may join by a request to the mailing or email address found below in paragraph 68D-21.003(2)(a), F.A.C.

(2) Public Participation.

(a) No change.

(b) If a public hearing is requested under subparagraph 68D-21.002(3)(d)3., F.A.C. or review by the agency head is requested under subsection 68D-21.002(5), F.A.C., members of the public may:

1. through 2. No change.

Rulemaking Authority 327.04, 327.46 FS. Law Implemented 327.46 FS. History–New_____.

68D-21.004 Criteria for Approval of Ordinances ~~Adopted Pursuant to Section 327.46(1)(c), F.S., Florida Statutes.~~

(1) Any ordinance submitted pursuant to Section 327.46(1)(c), ~~F.S., Florida Statutes~~, and in compliance with Chapter 68D-21, F.A.C., is subject to review and approval by the Commission.

(2) An ordinance establishing either an “idle speed, no wake” or a “slow speed, minimum wake” boating restricted area will be approved for areas not more than 300 feet from a confluence (intersection) of water bodies presenting a blind corner, a bend in a narrow channel or fairway, or such other area if an intervening obstruction to visibility may obscure other vessels or other users of the waterway.

(a) No change.

(b) A bend or other intervening obstruction to visibility in a narrow channel, fairway, or other similar water body within the meaning of Inland Navigation Rule 9 (33 U.S.C. § 2009) as adopted by Section 327.33, ~~F.S., Florida Statutes~~, is presented where a decision sight distance of less than 300 feet exists and prevents the operator of a vessel from seeing other vessels or other users of the waterway.

~~Any ordinance submitted for approval under this subsection must also contain the following provision: The operator of every vessel within this boating restricted area must navigate with particular alertness and caution as required by Navigation Rule 9(f) and must, upon entering this boating restricted area, sound a 4 to 6 second blast on the vessel's horn or whistle as required by Navigation Rules 9(f) and 34(e). This signal must be answered with a 4 to 6 second blast by the operator of any approaching vessel that may be within hearing around the bend or behind the intervening obstruction as required by Navigation Rule 34(e).~~

(3) An ordinance establishing a “slow speed, minimum wake” boating-restricted area or numerical speed limit boating-restricted area regulated at 25 or 30 miles per hour will be approved for areas:

(a) No change.

(b) Containing a documented navigational hazard of a nature that vessel operation in its vicinity at speed in excess of slow speed, minimum wake endangers the vessel or its occupants. Navigational hazards are presumed to exist within the marked boundaries of mooring fields as permitted by Section 327.40, ~~F.S., Florida Statutes~~.

(c) Subject to unsafe levels of vessel traffic congestion, seasonal or year-round, such that:

1. The traffic density including concentration of fishing vessels or any other vessels would require that vessels slacken speed under Inland Navigation Rule 6(a)(ii) (33 U.S.C. § 2006) as adopted by Section 327.33, ~~F.S., Florida Statutes~~, or

2. It presents a significant risk of collision or a significant threat to boating safety.

3. Unsafe levels of vessel traffic congestion, a significant risk of collision, or a significant threat to boating safety may be demonstrated by:

a. Accident reports – The following reports of boating accidents are acceptable if prepared contemporaneously with the boating accident being reported and if vessel traffic congestion or the speed or wake of a vessel involved in the accident caused or contributed to the accident:

i. Florida Boating Accident Investigation Report, form FWCDLE 146, or Florida Boating Accident Report Self Report, form FWCDLE 146C, supplied by the ~~Ce~~Commission as provided in Section 327.302, ~~F.S., Florida Statutes~~; United States Coast Guard Recreational Boating Accident Report, form CG-3865, as provided in 33 C.F.R. §§ 173.55, 173.57; United States Coast Guard Report of Marine Casualty, Injury or Death, form CG-2692, as provided in 46 C.F.R. § 4.05-10. The current versions of these forms are adopted by reference in subsection ~~(5)(3)~~; prior editions of these forms are also acceptable.

ii. A law enforcement agency's official offense or incident report prepared and signed by an officer authorized under Section 327.70, ~~F.S., Florida Statutes~~, to enforce the provisions of chapters 327 and 328, ~~F.S., Florida Statutes~~.

iii. No change.

b. Uniform boating citations issued on citation forms supplied by the ~~Ce~~Commission as provided in Section 327.74, ~~F.S., Florida Statutes~~, if the violation alleged in the citation is related to the cited vessel's speed or wake.

c. No change.

d. Other creditable data. For the purposes of this subparagraph, “other creditable data” means facts or data that are of a type reasonably relied upon by experts in the fields of boating safety, maritime safety, navigation safety, ports and waterways safety assessments, or vessel traffic management, as contemplated in Section 90.704, ~~F.S., Florida Statutes~~.

(d) ~~Areas T~~that could have been established as an idle speed, no wake boating-restricted area under paragraph 327.46(1)(b)1, ~~F.S., Florida Statutes~~, provided the applicant demonstrates by competent substantial evidence how the specific regulation will adequately solve public safety concerns in the area.

(4) An ordinance establishing a vessel exclusion zone (an area from which all vessels or certain classes of vessels are excluded) will be approved if the area is reserved exclusively:

1. As a canoe trail or otherwise limits vessel propulsion if the applicant demonstrates by competent substantial evidence how the restriction is necessary to protect public safety pursuant to Section 327.46, F.S., and limited to vessels under oars or under sail if:

a. One of the following restrictions, as defined in Rule 68D-23.103, F.A.C. is imposed: “No Motorized Vessels” or “No Motorboats” or “Motorboats Prohibited”; “No Power-driven Vessels”; “No Internal Combustion Motors”; “Manually Propelled Vessels Only” and

- b. No change.
- 2. No change.

(5) The following forms are adopted and incorporated by reference:

(a) Florida Boating Accident Investigation Report, form FWCDLE 146 (07/2010 ~~10/08~~), and Florida Boating Accident Report Self Report, form FWCDLE 146C (07/2010 ~~12/06~~), supplied by the Commission as provided in Section 327.302, F.S. ~~Florida Statutes~~. These forms may be obtained from the Boating and Waterways Section, 620 South Meridian Street, Tallahassee, FL 32399-1600.

(b) United States Coast Guard Recreational Boating Accident Report, form CG-3865 (Rev. 07/08), as provided in 33 C.F.R. §§ 173.55, 173.57. This form may be obtained from Commandant (CG-5422), U.S. Coast Guard Headquarters, 2100 Second St. ~~S.W. S. W.~~, Stop 7581, Washington, DC 20593-7581, or downloaded at <http://www.uscgboating.org/assets/1/Publications/cg3865barform2008.pdf>.

(c) No change.

Rulemaking Authority 327.04, 327.302, 327.46 FS. Law Implemented 327.302, 327.46 FS. History—New_____.

FISH AND WILDLIFE CONSERVATION COMMISSION

Vessel Registration and Boating Safety

RULE NOS.:	RULE TITLES:
68D-23.103	Definitions
68D-23.104	Permits Required; Application for Permits
68D-23.109	Additional Specifications for Information, Danger, and Regulatory Markers

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. 21, May 28, 2010 issue of the Florida Administrative Weekly.

The following reflects proposed rule changes intended to clarify and improve the organization within the rule as approved by the Florida Fish and Wildlife Conservation Commission, sitting as agency head, at its public meeting held on June 23-24, 2010, in Winter Park, Florida

THE FULL TEXT OF THE PROPOSED RULES IS:

68D-23.103 Definitions.

For purposes of this chapter and Chapters 68C-22 and 68D-24, F.A.C., the following definitions shall apply:

(1) Types of markers:

(a) “Aid to navigation” means any device external to a vessel intended to assist a navigator to determine position or safe course, or to warn of dangers or obstructions to navigation.

(b) “Information marker” means a device external to a vessel intended to provide the mariner with information concerning matters other than dangers or obstructions to navigation, or regulatory matters.

(c) “Danger marker” means a device external to the vessel intended to provide the mariner with information concerning dangers or obstructions to navigation such as shoals, shallows, rocks, submerged pipes or cables, dams, or low clearance obstructions above the water such as power lines, trestles, or bridges.

~~(d)~~ (e) “Regulatory marker” means a device used to alert the mariner to various regulatory matters such as horsepower, speed, wake, or entry restrictions.

~~(e)~~ (f) “Special mark” means a marker not primarily intended to assist safe navigation, but to indicate special areas or features referred to in charts or other nautical publications. They may be used, for example, to mark anchorages, mooring fields, park boundaries, cable or pipeline areas, marine events, etc. Special marks are colored solid yellow.

~~(f)~~ (e) “Mooring buoy” means a device that is permanently secured to the bottom of a body of water and to which a vessel may be secured when not underway.

~~(g)~~ (f) “Buoy” means any device designed to float which is anchored in the waters of the state and which is used to convey a message, carry a sign, or support a mooring pennant.

~~(h)~~ (g) “Sign” means an object which displays a message and which is attached to another object such as a piling, buoy, structure, or the land itself.

~~(i)~~ (h) “Symbol” means the orange geometric shape displayed on a danger, information, or regulatory marker. The meanings associated with the orange geometric shapes are as follows:

- 1. through 4. No change.

~~(j)~~ (i) “Display area” means the area on danger, information or regulatory marker within which the symbol is displayed.

(2) General definitions:

~~(a)~~ (j) “Boating-restricted area” means an area of the waters of the state within which the operation of vessels is subject to specified restrictions or from which vessels are excluded.

~~(b)~~ (k) “Shore” means that area of land immediately adjacent or contiguous to the waters of the state such that a sign or marker erected thereon is readily visible to the operator of a vessel who might reasonably believe that the sign or marker displays navigational, regulatory or other information relevant to the operation of the vessel.

~~(c)~~⁽⁴⁾ “Florida Intracoastal Waterway” means:

1. All waters within the right-of-way of the Atlantic Intracoastal Waterway, the Georgia state line north of Fernandina to Miami; the Port Canaveral lock and canal to the Atlantic Intracoastal Waterway; the Atlantic Intracoastal Waterway, Miami to Key West; the Okeechobee Waterway Route 1 across Lake Okeechobee and Route 2 along the southern perimeter of the lake, from Port Mayaca to Clewiston; the Gulf Intracoastal Waterway, Anclote to Fort Myers; the Gulf Intracoastal Waterway, Carrabelle to Tampa Bay; the Gulf Intracoastal Waterway, Carrabelle to Anclote open bay section (using the Gulf of Mexico); and the Gulf Intracoastal Waterway, Carrabelle to the Alabama state line west of Pensacola; and

2. All waters from shoreline to shoreline within the Okeechobee Waterway, Stuart to Fort Myers, not including Route 1 across Lake Okeechobee and Route 2 along the southern perimeter of the lake, from Port Mayaca to Clewiston; the St. Johns River, Jacksonville to Sanford; and, the Apalachicola, Chattahoochee, and Flint Rivers in Florida.

~~(d)~~^(m) “Uniform State Waterway Marking System” means the system of aids to navigation, information markers, regulatory markers, and mooring buoys, as specified in Part 66 of Title 33 of the Code of Federal Regulations.

~~(e)~~⁽ⁿ⁾ “United States Aids to Navigation System” means the system of aids to navigation, information markers, regulatory markers, and mooring buoys, as specified in Part 62 of Title 33 of the Code of Federal Regulations.

~~(f)~~^(o) “Private Aid to Navigation” means an aid to navigation the establishment of which is authorized by a permit issued by the United States Coast Guard pursuant to Part 66 of Title 33 of the Code of Federal Regulations.

~~(g)~~^(p) “Maritime property” means vessels and their engines, tackle, gear, equipment, appurtenances, furnishings, cargoes, stores, personal property then on board belonging to the vessels’ occupants, and such other similar property as is consistent with the general maritime law of the United States. This definition does not include littoral or riparian property, the shores thereof, seawalls, docks, wharfs, or other property intentionally and permanently attached to the shore.

~~(h)~~^(q) “Inland lake” means a naturally occurring or man-made fresh water lake or pond. The term does not include reservoirs, impoundments, or any portion of the Florida Intracoastal Waterway.

~~(i)~~^(r) “Associated canal” means a man-made canal that is directly attached to an inland lake and that does not connect to other waters or that connects only to another inland lake. The term does not include any portion of a state or federally funded navigation project or any portion of the Florida Intracoastal Waterway.

~~(j)~~^(s) “In writing” means any written or printed form of communication and includes electronic mail, files transferred as attachments to electronic mail, and telefacsimiles.

~~(3)~~⁽²⁾ When used on markers, the terms:

(a) through (e) No change.

(f) “Vessel-exclusion zone” means an area from which all vessels or certain classes of vessels are excluded. The following list includes the most common examples of vessel exclusion zones. Whenever the following messages are displayed on vessel-exclusion zone markers, they have the meaning provided. Other messages on vessel-exclusion zone markers are permissible, so long as the markers display language that accurately describes the vessels or classes of vessel that are excluded from the area. All vessel-exclusion zones must be marked with the crossed-diamond symbol as specified in subparagraph ~~(1)~~⁽ⁱ⁾~~(h)~~^{2.}, above.

1. through 4. No change.

(g) through (i) No change.

~~(4)~~⁽³⁾ The Boating and Waterways Section will authorize the use of other terminology on regulatory markers if the message is clear, unambiguous, and accurately describes a lawfully imposed restriction.

Rulemaking Authority 327.04, 327.40, 327.41, 327.46, 379.2431 FS. Law Implemented 327.40, 327.41, 327.46, 379.2431 FS. History—New 12-23-01, Amended 10-5-06, _____.

(Substantial rewording of Rule 68D-23.104 follows. See Florida Administrative Code for present text.)

68D-23.104 Permits Required; Application for Permits.

(1) Except as provided in subsection 68D-23.112(4), F.A.C., no person, municipality, county or other governmental entity shall place, cause to be placed, or maintain in place any marker in, on or over the waters of the state or the shores thereof without a permit from the Boating and Waterways Section.

(2) Any person, municipality, county, or other governmental entity desiring to place a marker shall apply to the Boating and Waterways Section on the Florida Uniform Waterway Marker Application form, FWCDLE 153 (0704/2010), which is adopted and incorporated herein by reference. Application forms may be obtained by submitting a request to: Florida Fish and Wildlife Conservation Commission, Division of Law Enforcement, Boating and Waterways Section, 620 South Meridian Street, Tallahassee, Florida 32399-1600 or by downloading the application from the Commission webbiest at: http://www.myfwc.com/RECREATION/boat_waterways_index.htm. Each application must include:

(a) One or more scale drawings no larger than 8 1/2 inches by 11 inches, reproducible on standard office photocopying equipment, showing the intended locations for the placement of all proposed markers with each proposed marker labeled to correspond to the list required in paragraph (b) below.

1. If the application is for regulatory markers, the drawing must also depict the exact boundaries of the area within which regulation or restriction is to be in effect.

2. If the application is for the following information markers the drawing must also depict:

a. The location of the danger, hazard to navigation, or obstruction if the application is for a danger marker, isolated danger mark, or inland waters obstruction mark ~~the drawing must also depict.~~

b. Water depths within and adjacent to the area being marked if the application is for lateral marks, preferred channel marks, or safe water marks.

c. The location and boundaries of the anchorage, mooring field, park, cable or pipeline area, marine event, or other special area or feature for which the markers are proposed if the application is for special marks.

d. Any information needed to identify and support the proposed information marker.

3. If the application is for mooring buoys of any type, the drawing must also depict the watch circle and water depth for each mooring and any channels or fairways within 500 feet of the proposed mooring buoys.

(b) through (c) No change.

(d) A statement of the purpose for placing the proposed markers.

1. through 3. No change.

4. If the application is for special marks, this statement must include a description of the anchorage, mooring field, park, cable or pipeline area, marine event, or other special area or feature for which the markers are proposed in sufficient detail to permit the Boating and Waterways Section to ascertain whether there are a proper number of markers proposed to be installed in proper locations so that the boating public is given adequate notice of the area's or feature's nature, location, and boundaries.

~~5.4.~~ If the application is for mooring buoys, this statement must include the following:

a. through g. No change.

~~5. If the application is for special marks, this statement must include a description of the anchorage, mooring field, park, cable or pipeline area, marine event, or other special area or feature for which the markers are proposed in sufficient detail to permit the Boating and Waterways Section to ascertain whether there are a proper number of markers proposed to be installed in proper locations so that the boating public is given adequate notice of the area's or feature's nature, location, and boundaries.~~

(e) through (f) No change.

Rulemaking Authority 327.04, 327.40, 327.41 FS. Law Implemented 327.40, 327.41 FS. History—New 12-23-01, Amended 10-5-06, _____.

68D-23.109 Additional Specifications for Information, Danger, and Regulatory Markers.

(1) All information, danger, and regulatory markers shall be white in color and shall display international orange symbols.

(2) When a buoy is used as an information, danger, or regulatory marker, it shall be white with horizontal bands of international orange placed completely around the circumference of the buoy. One band shall be at the top of the buoy body, the second band shall be placed sufficiently just above the waterline so that both international orange bands are clearly visible to approaching vessels. The international orange bands shall be not less than two inches in width. The display area shall be that portion of the buoy body between the bands and shall be white. Symbols shall be centered between the international orange bands. Only a cylindrical buoy may be used. The buoy shall have a diameter of not less than nine inches.

(3) When a sign is used for an information, danger, or regulatory marker it must be rectangular. ~~It must be~~ white with an international orange border. The display area is the portion of the sign within the border. Symbols must be centered within the display area. The size of the sign must be appropriate to the size of the waterway where the sign is located and the nature of the vessels transiting the waterway, however, no such sign shall be smaller than three feet by three feet.

(a) Information or regulatory marker signs shall be rectangular.

(b) Danger marker signs shall be rectangular or diamond-shaped (a square sign rotated 45 degrees so that one corner is pointed straight down). If a diamond-shaped sign is used, the international orange border shall serve as the vertical open-faced diamond symbol and no additional symbol shall be displayed.

(4) No change.

Rulemaking Authority 327.04, 327.40, 327.41 FS. Law Implemented 327.40, 327.41 FS. History—New 12-23-01, Amended 10-5-06, _____.

Section IV Emergency Rules

DEPARTMENT OF LEGAL AFFAIRS

Division of Victim Services and Criminal Justice Programs

RULE NO.: RULE TITLE:

2AER10-1 Stalking

SPECIFIC REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY OR WELFARE: The Legislature found that it was a public necessity to exempt from public disclosure the names, addresses, and telephone numbers of victims of stalking or aggravated stalking and legislated that these victims be included in the Address Confidentiality Program. These

emergency rules address that exemption and make changes that allow inclusion of these victims in the Address Confidentiality Program.

REASON FOR CONCLUDING THAT THE PROCEDURE IS FAIR UNDER THE CIRCUMSTANCES: Current rules do not include victims of stalking or aggravated stalking as mandated by the 2010 Legislature. Although the agency is addressing the issue through traditional rulemaking, the health, safety and welfare of these victims is of immediate concern. The legislation became effective May 26, 2010.

SUMMARY: Provides procedures and requirements for victims of stalking to participate in the Address Confidentiality Program under Sections 741.401-.465, Florida Statutes.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Christina Harris, Chief, Bureau of Advocacy and Grants Management, Department of Legal Affairs, PL-01 The Capitol, Tallahassee, FL 32399-1050

THE FULL TEXT OF THE EMERGENCY RULE IS:

2AER10-1 Stalking.

(1) Definitions:

(a) "Applicant" means a person who is applying for participation in the Address Confidentiality Program.

(b) "Stalking" means an act as defined in Section 784.048, F.S.

(2) Any person who is a victim of stalking as defined in Section 784.048, F.S., may apply for participation in the program.

(3) The following information for each applicant must be submitted to the department:

(a) Name.

(b) Gender.

(c) Date of birth.

(d) Last four digits of social security number.

(e) Home address (street number and name, city, state, zip code) and

(f) Mailing address (if different).

(g) Home telephone number.

(h) Work telephone number.

(i) Cell telephone number.

(j) Work address.

(k) School address.

(l) Signature, and

(m) Date signed.

(4) If the applicant is a minor, the parent or guardian must sign and date the application.

(5) Any person who applies for participation in the program must produce a government-issued photo identification, a copy of which must be forwarded with the application to the department. If the minor applicant does not

have a government-issued identification, the parent or guardian must certify that he or she is the parent or guardian of the minor.

(6) When an application is received and the government-issued photo identification is not provided, the applicant may be granted a conditional certification, pending receipt of the photocopy of the government-issued photo identification. If the required documentation is not received by the department within 30 calendar days after the date the application is signed by the applicant, the conditional certification will be revoked and the applicant will need to reapply pursuant to subsection (3) above in order to be considered for acceptance into the program.

(7) Any person who meets the criteria for participation in the program must abide by all provisions of Sections 741.401-.465 and 97.0585, F.S.

(8) A victim of stalking seeking program participation shall attest to the following: "I certify that I am a victim of stalking as defined in Section 784.048, F.S. I declare under penalty of perjury that the foregoing is true and correct."

(9) Upon acceptance, each participant will be issued an authorization code and an authorization card, which will include the following:

(a) Participant's name.

(b) Authorization code.

(c) Substitute mailing address, and

(d) Certification expiration date.

(10) The participant's authorization code shall be included in the address for all participants' mail that is received by the department. Any mail received by the department that does not include the participant's authorization code may not be able to be forwarded.

(11) It is the participant's responsibility to keep the department informed of her or his current mailing address. The last known address provided to the department will be the address of record.

(12) Cancellation of certification in the program will result in cancellation for the primary and all secondary participants.

Rulemaking Authority 741.401-.465 FS. Law Implemented 741.401-.465 FS. History--New 8-9-10.

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: August 9, 2010

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.: 53ER10-36
 RULE TITLE: Instant Game Number 1069, 5X LUCKY

SUMMARY: This emergency rule describes Instant Game Number 1069, "5X LUCKY," for which the Department of the Lottery will start selling tickets on a date to be determined by the Secretary of the Department. The rule sets forth the specifics of the game; determination of prizewinners; estimated odds of winning, value and number 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:

53ER10-36 Instant Game Number 1069, 5X LUCKY.

(1) Name of Game. Instant Game Number 1069, "5X LUCKY."

(2) Price. 5X LUCKY lottery tickets sell for \$2.00 per ticket.

(3) 5X LUCKY lottery tickets shall have a series of numbers in machine readable code (or bar code) on the back of the ticket, along with a validation number under the latex area on the ticket. To be a valid winning 5X LUCKY lottery ticket, the ticket must meet the applicable requirements of Rule 53ER10-1, F.A.C.

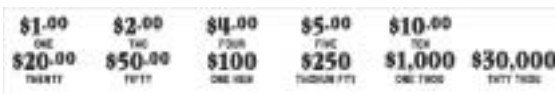
(4) The "YOUR NUMBERS" play symbols and play symbol captions are as follows:



(5) The "WINNING NUMBERS" play symbols and play symbol captions are as follows:



(6) The prize symbols and prize symbol captions are as follows:



(7) The legends are as follows:



(8) Determination of Prizewinners.

(a) A ticket having a play symbol and corresponding play symbol caption in the "YOUR NUMBERS" play area that matches a play symbol and corresponding play symbol caption in the "WINNING NUMBERS" play area shall entitle the

claimant to the corresponding prize shown for that symbol. A ticket having a "5X" symbol and corresponding caption in the "YOUR NUMBERS" play area shall entitle the claimant to five times the prize shown for that symbol.

(b) The prizes are: \$1.00, \$2.00, \$4.00, \$5.00, \$10.00, \$20.00, \$50.00, \$100, \$250, \$1,000 and \$30,000.

(9) The estimated odds of winning, value, and number of prizes in Instant Game Number 1069 are as follows:

GAME PLAY	WIN	ESTIMATED ODDS OF 1 IN	NUMBER OF WINNERS IN 60 POOLS OF 180,000 TICKETS PER POOL
\$2	\$2	10.71	1,008,000
\$1 x 4	\$4	50.00	216,000
(\$1 x 2) + \$2	\$4	75.00	144,000
\$2 x 2	\$4	50.00	216,000
\$4	\$4	50.00	216,000
\$1 (5X)	\$5	375.00	28,800
(\$1 x 3) + \$2	\$5	375.00	28,800
(\$2 x 2) + \$1	\$5	375.00	28,800
\$1 + \$4	\$5	375.00	28,800
\$5	\$5	375.00	28,800
\$1 x 10	\$10	250.00	43,200
\$2 (5X)	\$10	250.00	43,200
\$2 x 5	\$10	250.00	43,200
\$5 x 2	\$10	250.00	43,200
\$10	\$10	250.00	43,200
\$2 x 10	\$20	750.00	14,400
\$2 (5X) + \$10	\$20	750.00	14,400
\$4 (5X)	\$20	750.00	14,400
\$10 x 2	\$20	750.00	14,400
\$20	\$20	750.00	14,400
\$5 x 10	\$50	900.00	12,000
\$10 (5X)	\$50	900.00	12,000
\$5 + \$5 (5X) + \$20	\$50	900.00	12,000
\$10 + (\$20 x 2)	\$50	900.00	12,000
\$50	\$50	900.00	12,000
\$10 x 10	\$100	3,600.00	3,000
\$20 (5X)	\$100	4,500.00	2,400
(\$5 x 2) + \$10	\$100	4,500.00	2,400
(5X) + (\$20 x 2)	\$100	3,600.00	3,000
\$50 x 2	\$100	3,600.00	3,000
\$100	\$100	3,600.00	3,000
\$50 (5X)	\$250	45,000.00	240
\$20 (5X) + \$50 + \$100	\$250	45,000.00	240
(\$50 x 3) + \$100	\$250	45,000.00	240
\$50 + (\$100 x 2)	\$250	45,000.00	240
\$250	\$250	45,000.00	240
\$100 x 10	\$1,000	180,000.00	60

\$100 (5X) + (\$250 x 2)	\$1,000	90,000.00	120
\$50 + \$50 (5X) + (\$100 x 2) + (\$250 x 2)	\$1,000	180,000.00	60
\$250 x 4	\$1,000	180,000.00	60
\$1,000	\$1,000	180,000.00	60
\$30,000	\$30,000	720,000.00	15

(10) The estimated overall odds of winning some prize in Instant Game Number 1069 are 1 in 4.68. Prizes, including the top prizes, are subject to availability at the time of ticket purchase. Prizes may be unavailable due to prior sale or other causes occurring in the normal course of business including, but not limited to, ticket damage, defect, theft, or loss.

(11) For reorders of Instant Game Number 1069, the estimated odds of winning, value, and number of prizes shall be proportionate to the number of tickets reordered.

(12) Payment of prizes for 5X LUCKY lottery tickets shall be made in accordance with the rule of the Florida Lottery governing payment of prizes.

A copy of the current rule can be obtained from the Florida Lottery, Office of the General Counsel, 250 Marriott Drive, Tallahassee, Florida 32399-4011.

Rulemaking Authority 24.105(9)(a), (b), (c), 24.109(1), 24.115(1) FS. Law Implemented 24.105(9)(a), (b), (c), 24.115(1) FS. History—New 8-6-10.

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: August 6, 2010

DEPARTMENT OF THE LOTTERY

RULE NO.: 53ER10-37
 RULE TITLE: Instant Game Number 1068, ACE IN THE HOLE

SUMMARY: This emergency rule describes Instant Game Number 1068, “ACE IN THE HOLE,” for which the Department of the Lottery will start selling tickets on a date to be determined by the Secretary of the Department. The rule sets forth the specifics of the game; determination of prizewinners; estimated odds of winning, value, and number 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:

53ER10-37 Instant Game Number 1068, ACE IN THE HOLE.

(1) Name of Game. Instant Game Number 1068, “ACE IN THE HOLE.”

(2) Price. ACE IN THE HOLE lottery tickets sell for \$1.00 per ticket.

(3) ACE IN THE HOLE lottery tickets shall have a series of numbers in machine readable code (or bar code) on the back of the ticket, along with a validation number under the latex area on the ticket. To be a valid winning ACE IN THE HOLE lottery ticket, the ticket must meet the applicable requirements of Rule 53ER10-1, F.A.C.

(4) The “YOUR CARD” play symbols and play symbol captions are as follows:



(5) The “DEALER’S CARD” play symbols and play symbol captions are as follows:



(6) The “HOLE CARD” play symbols and play symbol captions are as follows:



(7) The prize symbols and prize symbol captions are as follows:



(8) The legends are as follows:



(9) Determination of Prizewinners.

(a) There are four games on a ticket. Each game is played separately. A ticket having a card in the “YOUR CARD” play area of a game that beats the card in the “DEALER’S CARD” play area of the same game shall entitle the claimant to the corresponding prize shown for that game.

(b) A ticket having a “A” play symbol and corresponding caption in the “HOLE CARD” play area shall entitle the claimant to all four prizes shown.

(c) The prizes are: \$1.00, \$2.00, \$3.00, \$4.00, \$5.00, \$10.00, \$15.00, \$20.00, \$25.00, \$40.00, \$50.00, \$100 and \$6,000.

(10) The estimated odds of winning, value, and number of prizes in Instant Game Number 1068 are as follows:

GAME PLAY	WIN	ESTIMATED ODDS OF 1 IN	NUMBER OF WINNERS IN 50 POOLS OF 240,000 TICKETS PER POOL
\$1	\$1	10.71	1,120,000
\$1 x 2	\$2	30.00	400,000
\$2	\$2	30.00	400,000
\$1 x 4 (ACE)	\$4	150.00	80,000
(\$1 x 2) + \$2	\$4	300.00	40,000
\$2 x 2	\$4	150.00	80,000
\$4	\$4	150.00	80,000
\$1 + (\$2 x 2)	\$5	750.00	16,000
(\$1 x 3) + \$2 (ACE)	\$5	750.00	16,000
\$2 + \$3	\$5	750.00	16,000
\$1 + \$4	\$5	750.00	16,000
\$5	\$5	750.00	16,000
(\$1 x 2) + (\$4 x 2) (ACE)	\$10	500.00	24,000
(\$2 x 3) + \$4 (ACE)	\$10	500.00	24,000
(\$2 x 2) + (\$3 x 2)	\$10	500.00	24,000
\$5 x 2	\$10	500.00	24,000
\$10	\$10	500.00	24,000
\$5 + \$15	\$20	1,500.00	8,000
\$5 x 4 (ACE)	\$20	1,500.00	8,000
(\$5 x 2) + \$10	\$20	1,500.00	8,000
\$10 x 2	\$20	1,500.00	8,000
\$20	\$20	1,500.00	8,000
(\$5 x 2) + \$10 + \$20 (ACE)	\$40	4,800.00	2,500
\$10 x 4 (ACE)	\$40	4,800.00	2,500
(\$5 x 2) + (\$15 x 2)	\$40	4,800.00	2,500
\$20 x 2	\$40	4,800.00	2,500
\$40	\$40	4,800.00	2,500
(\$20 x 3) + \$40 (ACE)	\$100	12,000.00	1,000
\$25 x 4 (ACE)	\$100	12,000.00	1,000
(\$40 x 2) + \$20	\$100	12,000.00	1,000
\$50 x 2	\$100	12,000.00	1,000
\$100	\$100	20,000.00	600
\$6,000	\$6,000	240,000.00	50

(11) The estimated overall odds of winning some prize in Instant Game Number 1068 are 1 in 4.88. Prizes, including the top prizes, are subject to availability at the time of ticket purchase. Prizes may be unavailable due to prior sale or other causes occurring in the normal course of business including, but not limited to, ticket damage, defect, theft, or loss.

(12) For reorders of Instant Game Number 1068, the estimated odds of winning, value, and number of prizes shall be proportionate to the number of tickets reordered.

(13) By purchasing an ACE IN THE HOLE lottery ticket the player agrees to comply with and abide by all prize payment rules of the Florida Lottery.

(14) Payment of prizes for ACE IN THE HOLE lottery tickets shall be made in accordance with rules of the Florida Lottery governing payment of prizes.

A copy of the current rule can be obtained from the Florida Lottery, Office of the General Counsel, 250 Marriott Drive, Tallahassee, Florida 32399-4011.

Rulemaking Authority 24.105(9)(a), (b), (c), 24.109(1), 24.115(1) FS. Law Implemented 24.105(9)(a), (b), (c), 24.115(1) FS. History—New 8-6-10.

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: August 6, 2010

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."

**Section V
Petitions and Dispositions Regarding Rule
Variance or Waiver**

DEPARTMENT OF COMMUNITY AFFAIRS

NOTICE IS HEREBY GIVEN THAT on August 6, 2010, the Department of Community Affairs, received a petition for waiver from the Board of County Commissioners of Wakulla County. The petitioner seeks a waiver of paragraph 9B-43.0051(7)(c), F.A.C. (effective 2-26-07), which assigns penalty points for failure to create or retain jobs under the Community Development Block Grant program. This waiver is being requested pursuant to the provisions of Section 120.542, F.S., and Chapter 28-104.002, F.A.C. It has been assigned the number DCA10-WAI-160.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Paula P. Ford, Agency Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

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

NOTICE IS HEREBY GIVEN THAT on August 3, 2010, the Florida Agency for Health Care Administration, received a petition for Waiver of paragraph 59A-4.1295(7)(e), F.A.C., by Plantation Nursing and Rehabilitation Center. The facility is located at 4250 N. W. 5th Street, Plantation, Florida 33317. This rule limits the number of pediatric residents in a skilled nursing facility to no more than 40 residents. The Petitioner seeks to waive this rule to allow for its entire 152 bed census to consist of pediatric residents.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Lorraine M. Novak, Assistant General Counsel, Agency for Health Care Administration, 2727 Mahan Drive, Mail Stop #3, Tallahassee, FL 32308, Lorraine.Novak@ahca.myflorida.com, (850)412-3630.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

NOTICE IS HEREBY GIVEN THAT on July 14, 2010, the Division of Florida Condominiums, Timeshares, and Mobile Homes has issued an order.

The Division granted Waterbrook Peninsula, LLC's Petition for Emergency Temporary Waiver of paragraph 61B-17.005(3)(b), F.A.C., which was filed on June 17, 2010, by Alexa Guevara, Esq. on behalf of Petitioner, Waterbrook Peninsula, LLC, Docket No.: 2010031215. The Notice of Petition for Emergency Temporary Waiver was published in Vol. 36, No. 27, of the July 9, 2010, Florida Administrative Weekly. Petitioner seeks a waiver of a condominium filing subsection 61B-17.005(3), F.A.C. that operates as an automatic expiration of the division's filing acceptance and requires purchaser refunds. The division found that a limited extension was warranted in order to comply with a bankruptcy court order staying action on the filing and refunding all purchasers through the court and Petitioner is not offering units to the public so the consumer protection purposes of the rule have been met.

A copy of the Order may be obtained by contacting: Ronda Bryant, Agency Clerk, Department of Business and Professional Regulation, 1940 N. Monroe Street, Tallahassee, Florida 32399-2202 (850)921-0342.

NOTICE IS HEREBY GIVEN THAT on July 13, 2010, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety received a petition from Clarion Hotel Maingate. Petitioner seeks a variance of the requirements of ASME A17.3, Section 3.11.3, 3.3.2 and 2.7.4, as adopted by Chapter 30, Section 3001.2 Florida Building Code, adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires upgrading the elevators for firefighters' emergency operations, platform guards and restricted door openings which poses a significant economic/financial hardship. Any interested person may file comments within 14 days of the publication of this notice with: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013 (VW 2010-482).

A copy of the Petition may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on July 22, 2010, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety received a petition from Riverdome Apartments, Inc. Petitioner seeks a variance of the requirements of ASME A17.3, Section 3.11.3, as adopted by Chapter 30, Section 3001.2 Florida Building Code, adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires upgrading the elevators for firefighters' emergency operations which poses a significant economic/financial hardship. Any interested person may file comments within 14 days of the publication of this notice with: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013 (VW 2010-483).

A copy of the Petition may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on July 22, 2010, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety received a petition from Shipmaster. Petitioner seeks a variance of the requirements of ASME A17.3, Section 3.11.3, 2.7.4 and 3.3.2, as adopted by Chapter 30, Section 3001.2 Florida Building Code, adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires upgrading the elevators for firefighters' emergency operations, restricted door openings and platform guards which poses a significant economic/financial hardship. Any interested person may file comments within 14 days of the publication of this notice with: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013 (VW 2010-484).

A copy of the Petition may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on July 22, 2010, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety received a petition from Sailmaster. Petitioner seeks a variance of the requirements of ASME A17.3, Section 3.11.3, 2.7.4 and 3.3.2, as adopted by Chapter 30, Section 3001.2 Florida Building Code, adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires upgrading the elevators for firefighters' emergency operations, restricted door openings and platform guards which poses a significant economic/financial hardship. Any interested person may file comments within 14 days of the publication of this notice with: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013 (VW 2010-485).

A copy of the Petition may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on July 26, 2010, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety received a petition from Halifax Professional Building. Petitioner seeks a variance of the requirements of ASME A17.3, Section 2.7.4 and of ASME A17.1, Section 1002.2(f), as adopted by Chapter 30, Section 3001.2 Florida Building Code, adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires upgrading the elevators for restricted door openings and firefighters' emergency operations which poses a significant economic/financial hardship. Any interested person may file comments within 14 days of the publication of this notice with: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013 (VW 2010-486).

A copy of the Petition may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on July 26, 2010, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety received a petition from UCF – Arts Complex II. Petitioner seeks a variance of the requirements of ASME A17.1, Section 2.2.2.5, as adopted by Chapter 30, Section 3001.2 Florida Building Code, adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires upgrading the elevators by having a sump pump which poses a significant economic/financial hardship. Any interested person may file comments

within 14 days of the publication of this notice with: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013 (VW 2010-487).

A copy of the Petition may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on July 26, 2010, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety received a petition from UCF – Public Safety. Petitioner seeks a variance of the requirements of ASME A17.1, Section 2.2.2.5, as adopted by Chapter 30, Section 3001.2 Florida Building Code, adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires upgrading the elevators by adding a sump pump which poses a significant economic/financial hardship. Any interested person may file comments within 14 days of the publication of this notice with: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013 (VW 2010-488).

A copy of the Petition may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on July 26, 2010, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety received a petition from Halifax Professional Building. Petitioner seeks a variance of the requirements of ASME A17.1, Section 1001.2(a)(1), as adopted by Chapter 30, Section 3001.2 Florida Building Code, adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires a routine inspection of door reopening device which poses a significant economic/financial hardship. Any interested person may file comments within 14 days of the publication of this notice with: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013 (VW 2010-489).

A copy of the Petition may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on July 28, 2010, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety received a petition from Embassy Suites. Petitioner seeks a variance of the requirements of an unspecified Section of A17.3, as adopted by Chapter 30, Section 3001.2 Florida Building Code, adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, which poses a significant economic/financial hardship. Any interested person may file comments within 14 days of the publication of this notice with: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013 (VW 2010-490).

A copy of the Petition may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on July 28, 2010, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety received a petition from 333 Southern Blvd. Petitioner seeks a variance of the requirements of ASME A17.3, Section 3.11.3, as adopted by Chapter 30, Section 3001.2 Florida Building Code, adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires upgrading the elevators for firefighters' emergency operations which poses a significant economic/financial hardship. Any interested person may file comments within 14 days of the publication of this notice with: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013 (VW 2010-491).

A copy of the Petition may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on July 29, 2010, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety received a petition from Lemon Bay View East Condo Assoc. Petitioner seeks a variance of the requirements of ASME A17.3, Section 3.11.3, as adopted by Chapter 30, Section 3001.2 Florida Building Code, adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires upgrading the elevators for firefighters' emergency operations which poses a significant economic/financial hardship. Any interested person may file comments within 14 days of the publication of this notice with: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013 (VW 2010-492).

A copy of the Petition may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on July 29, 2010, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety received a petition from 200 E Forsyth Street, Inc. Petitioner seeks a variance of the requirements of ASME A17.3, Section 3.11.3 and 3.10.3, as adopted by Chapter 30, Section 3001.2 Florida Building Code, adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires upgrading the elevators for firefighters' emergency operations and top of car operating devices which poses a significant economic/financial hardship. Any interested person may file comments within 14 days of the publication of this notice with: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013 (VW 2010-493).

A copy of the Petition may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on July 30, 2010, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety received a petition from Springlake. Petitioner seeks a variance of the requirements of ASME A17.3, Section 3.11.3 and 2.7.4, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires upgrading the elevators for firefighters' emergency operations and restricted door openings which poses a significant economic/financial hardship. Any interested person may file comments within 14 days of the publication of this notice with: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013 (VW 2010-495).

A copy of the Petition may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on July 30, 2010, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety received a petition from Harbor Oaks Professional Center. Petitioner seeks a variance of the requirements of ASME A17.1, Section 2.2.2.5, as adopted by Chapter 30, Section 3001.2 Florida Building Code, adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires upgrading the elevators for firefighters' emergency operations which poses a significant economic/financial hardship. Any interested person may file comments within 14 days of the publication of this notice with: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013 (VW 2010-496).

A copy of the Petition may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on July 30, 2010, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety received a petition from Medical Arts Bldg. Petitioner seeks a variance of the requirements of an unspecified Section of A17.3, as adopted by Chapter 30, Section 3001.2 Florida Building Code, adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, which poses a significant economic/financial hardship. Any interested person may file comments within 14 days of the publication of this notice with: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013 (VW 2010-497).

A copy of the Petition may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on August 2, 2010, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety received a petition from Waters Edge IV, Bldg. A. Petitioner seeks a variance of the requirements of ASME A17.3, Section 3.11.3 and 3.3.2, as adopted by Chapter 30, Section 3001.2 Florida Building Code, adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires upgrading the elevators for firefighters' emergency operations and platform guards which poses a significant economic/financial hardship. Any interested person may file comments within 14 days of the publication of this notice with: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013 (VW 2010-498).

A copy of the Petition may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on August 2, 2010, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety received a petition from Menorah Manor. Petitioner seeks a variance of the requirements of ASME A17.3, Section 3.11.3, as adopted by Chapter 30, Section 3001.2 Florida Building Code, adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires upgrading the elevators for firefighters' emergency operations which poses a significant economic/financial hardship. Any interested person may file comments within 14 days of the publication of this notice with: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013 (VW 2010-499).

A copy of the Petition may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on August 2, 2010, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety received a petition from Schooner Bay. Petitioner seeks a variance of the requirements of an unspecified Section of A17.3, as adopted by Chapter 30, Section 3001.2 Florida Building Code, adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, which poses a significant economic/financial hardship. Any interested person may file comments within 14 days of the publication of this notice with: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013 (VW 2010-500).

A copy of the Petition may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on August 2, 2010, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety received a petition from Waters Edge IV, Bldg. B. Petitioner seeks a variance of the requirements of ASME A17.3, Section 3.11.3 and 3.3.2, as adopted by Chapter 30, Section 3001.2 Florida Building Code, adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires upgrading the elevators for firefighters' emergency operations and platform guards which poses a significant economic/financial hardship. Any interested person may file comments within 14 days of the publication of this notice with: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013 (VW 2010-501).

A copy of the Petition may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on August 2, 2010, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety received a petition from Renaissance Orlando at Seaworld. Petitioner seeks a variance of the requirements of ASME A17.3, Section 3.11.3, as adopted by Chapter 30, Section 3001.2 Florida Building Code, adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires upgrading the elevators for firefighters' emergency operations which poses a significant economic/financial hardship. Any interested person may file comments within 14 days of the publication of this notice with: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013 (VW 2010-502).

A copy of the Petition may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on August 2, 2010, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety received a petition from Robb & Stucky Bldg. Petitioner seeks a variance of the requirements of ASME A17.3, Section 3.11.3, as adopted by Chapter 30, Section 3001.2 Florida Building Code, adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires upgrading the elevators for firefighters' emergency operations which poses a significant economic/financial hardship. Any interested person may file comments within 14 days of the publication of this notice with: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013 (VW 2010-503).

A copy of the Petition may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on August 2, 2010, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety received a petition from John R. Kelly Generating Station. Petitioner seeks a variance of the requirements of ASME A17.1, Section 111.5, as adopted by Chapter 30, Section 3001.2 Florida Building Code, adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires upgrading the elevators with restricted door openings which poses a significant economic/financial hardship. Any interested person may file comments within 14 days of the publication of this notice with: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013 (VW 2010-504).

A copy of the Petition may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on July 30, 2010, the Department of Business and Professional Regulation, Division of Hotels and Restaurants has issued an order.

The Department received a Routine Variance petition on July 23, 2010 for paragraph 61C-1.004(2)(a), subsections 61C-4.010(6), (7), Florida Administrative Code, and Section 6-402.11, 2001 FDA Food Code, from Axum Coffee LLC, Winter Garden, FL. The above referenced F.A.C. addresses the requirement that at least one accessible bathroom on the same level be provided for use by customers and employees. They are requesting to utilize public bathrooms located on a different level of the building than the food service establishment.

The petition will publish in Vol. 36, No. 32 on 8/13/10 and approval is contingent upon the Petitioner ensuring the public bathrooms located on the second level within the building are available during all hours of operation. The Petitioner shall also ensure directional signage is installed within the establishment clearly stating the location of the bathrooms.

A copy of the Order may be obtained by contacting: Lydia.Gonzalez@DBPR.state.fl.us, Division of Hotels and Restaurants, 1940 North Monroe Street, Tallahassee, Florida 32399-1011.

NOTICE IS HEREBY GIVEN THAT on July 27, 2010, the Department of Business and Professional Regulation, Division of Hotels and Restaurants has issued an order.

The Department received a Routine Variance on June 25, 2010 for Paragraph 4-301.12(A), 2001 FDA Food Code, subsection 61C-4.010(5), F.A.C., from Fitness San Jose Country Club Snack Bar, Jacksonville, FL. The above referenced F.A.C. addresses the requirement that dishwashing facilities for washing, rinsing and sanitizing are provided within each public

food service establishment. They are requesting to utilize dishwashing facilities located within another licensed facility under the same ownership.

The Petition was published in Vol. 36, No. 28 on 7/16/10 and variance approval was contingent upon The Petitioner must ensure the dishwashing facility located within San Jose Co Club D R, are maintained in a clean and sanitary manner and provided with hot and cold running water under pressure and available during all hours of operation. If the ownership of San Jose Co Club D R changes, an updated signed agreement for use of the dishwashing facility is required immediately.

A copy of the Order may be obtained by contacting: Lydia.Gonzalez@DBPR.state.fl.us, Division of Hotels and Restaurants, 1940 North Monroe Street, Tallahassee, Florida 32399-1011.

NOTICE IS HEREBY GIVEN THAT on July 30, 2010, the Department of Business and Professional Regulation, Division of Hotels and Restaurants has issued an order.

The Department received a Routine Variance petition on July 6, 2010 for subsection 61C-1.004(1), Florida Administrative Code and Paragraph 5-202.11(A), 2001 FDA Food Code, from Florida Mutts, Springhill, FL. The above referenced F.A.C. addresses the requirement that each establishment have an approved plumbing system installed to transport wastewater. They are requesting to utilize holding tanks to provide potable water and to collect wastewater.

The petition was published in Vol. 36, No. 31 on 8/6/10 and approval is contingent upon the Petitioner ensuring the wastewater holding tanks for the three-compartment sink and handwash sink are installed as to not create a sanitary nuisance and disposed of into an approved sewer system.

A copy of the Order may be obtained by contacting: Lydia.Gonzalez@DBPR.state.fl.us, Division of Hotels and Restaurants, 1940 North Monroe Street, Tallahassee, Florida 32399-1011.

NOTICE OF WITHDRAWAL

Notice is hereby given that the Notice of Petition for Wavier and Variance filed by Michael Froncek for the above rule, as noticed in Vol. 36, No. 26, July 2, 2010, 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 HEALTH

NOTICE IS HEREBY GIVEN THAT on August 9, 2010, the Board of Medicine, received a petition for waiver or variance filed on behalf of Simon B. Santos, M.D., from subsection 64B8-2.001(2), F.A.C., with regard to the requirement for the passing score on the FLEX examination to be obtained in one administration of the examination. Comments on this petition should be filed with the Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3053, within 14 days of publication of this notice.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Larry McPherson, Jr., Executive Director, Board of Medicine, at the above address, or telephone (850)245-4131.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE IS HEREBY GIVEN THAT on July 29, 2010, the Department of Children and Families, received a petition for waiver of paragraph 65C-13.027(2)(a), Florida Administrative Code, assigned Case No.: 10-041W, from Florida Mentor and Brenda Peart-Anderson. Paragraph 65C-13.027(2)(a), F.A.C., states that is a licensed out-of-home caregiver marries or reconciles with a unlicensed spouse shall complete an "Application for License to Provide Out-of-Home Care for Dependent Children."

A copy of the Petition for Variance or Waiver may be obtained by contacting: Agency Clerk, Department of Children and Families, 1317 Winewood Blvd., Bldg. 2, Room 204, Tallahassee, FL 32399-0700.

FLORIDA HOUSING FINANCE CORPORATION

NOTICE IS HEREBY GIVEN THAT on August 6, 2010, the Florida Housing Finance Corporation, received a petition for Waiver/Variance from subsection 67-48.004(14), F.A.C., from HTG VERANDA SENIOR, LTD. The petition is seeking a waiver from subsection 67-48.004(14), F.A.C., permitting Petitioner to revise its Application to state that the Total Number of units in the Development is ninety-nine (99).

A copy of the Petition for Variance or Waiver may be obtained by contacting: Della Harrell, Corporation Clerk, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329. The Petition has also been posted on Florida Housing's website at: www.floridahousing.org. Florida Housing will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m. (Eastern Standard Time), on the 14th day after publication of this notice at Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329.

NOTICE IS HEREBY GIVEN THAT on August 9, 2010, the Florida Housing Finance Corporation, received a petition for Waiver/Variance from Rule 67-48.004, F.A.C., from American Opportunity For Housing-Greenview Manor, LP. The petition is seeking a waiver from the provisions in FHFC's Universal Application (2006 Cycle) and Instructions Part III.D.1.f., which require "Horizontal grab bars around shower per ANSI requirements" for classification as Elderly housing.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Della Harrell, Corporation Clerk, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329. The Petition has also been posted on Florida Housing's website: www.loridahousing.org. Florida Housing will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m. (Eastern Standard Time), on the 14th day after publication of this notice at Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329.

NOTICE IS HEREBY GIVEN THAT on August 5, 2010, the Florida Housing Finance Corporation, received a petition for Waiver/Variance from subsections 67-48.009(2) and 67-48.0105(4), F.A.C., from NOAH Development Corporation. The petition is seeking a waiver of certain rules and regulations of its existing SAIL-Loan 90S-001 in order to restore Doveland Villas (property) to financial stability in order to continue the provision of housing to the very low income and low income Farm Worker families in the Western region of Palm Beach County (The Glades).

A copy of the Petition for Variance or Waiver may be obtained by contacting: Della Harrell, Corporation Clerk, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329. The Petition has also been posted on Florida Housing's website at: floridahousing.org. Florida Housing will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m. (Eastern Standard Time), on the 14th day after publication of this notice at: Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329.

Section VI Notices of Meetings, Workshops and Public Hearings

DEPARTMENT OF STATE

The Florida **Department of State, Division of Elections on behalf of the Elections Canvassing Commission** announces a public meeting to which all persons are invited.

DATE AND TIME: September 2, 2010, 9:00 a.m.

PLACE: Cabinet Meeting Room, LL03, The Capitol, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To certify official election results for the 2010 Primary Election.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Amber Barrett, Division of Elections at (850)245-6224, anbarrett@dos.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Donald Palmer, Director, Division of Elections, Florida Department of State at (850)245-6200, dlpalmer@dos.state.fl.us.

The **Division of Cultural Affairs** in conjunction with **Citizens for Florida Arts, Inc.** announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, September 2, 2010, 10:00 a.m.

PLACE: For instructions on how to participate please visit <http://www.florida-arts.org/about/calendar/>, and click on the Citizens for Florida Arts, Inc. meeting listing

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss, review, and take action on funding and any other business that may appropriately come before the board.

A copy of the agenda may be obtained by contacting: Morgan Lewis, Division of Cultural Affairs at mblewis@dos.state.fl.us or by calling (850)245-6356.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Laura Blischke at (850)245-6475 or by email: llblischke@dos.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Morgan Lewis, Division of Cultural Affairs at mblewis@dos.state.fl.us or by calling (850)245-6356.

The **Division of Cultural Affairs** and the **Florida Council on Arts and Culture** announces a telephone conference call to which all persons are invited.

DATE AND TIME: September 16, 2010, 8:30 a.m. – conclusion

PLACE: Teleconference, R. A. Gray Building, Room 307, Tallahassee, Florida. For participation instructions, please call the Division at (850)245-6470 or visit the website at www.florida-arts.org

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss, review and take action on funding recommendations for grants and any other business which may appropriately come before the Council. Note: If a quorum of members does not attend, items on the agenda for formal action will be discussed as a workshop by those present, and written minutes will be taken although no formal action will be taken.

A copy of the agenda may be obtained by contacting: Michelle Proctor at (850)245-6337 or email: mproctor@dos.state.fl.us or via the Division's website: www.florida-arts.org.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 days before the workshop/meeting by contacting: Jennifer Hoelsing at (850)245-6462 or email: jshoelsing@dos.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Michelle Proctor at mproctor@dos.state.fl.us.

DEPARTMENT OF LEGAL AFFAIRS

The **Florida Commission on the Status of Women** announces a telephone conference call to which all persons are invited.

DATE AND TIME: September 2, 2010, 11:00 a.m.

PLACE: Please call (850)414-3300 for instructions on participation

GENERAL SUBJECT MATTER TO BE CONSIDERED: Executive Committee.

DATE AND TIME: September 8, 2010, 10:00 a.m.

PLACE: Please call (850)414-3300 for instructions on participation

GENERAL SUBJECT MATTER TO BE CONSIDERED: Annual Report Committee.

DATE AND TIME: September 9, 2010, 9:00 a.m.

PLACE: Please call (850)414-3300 for instructions on participation

GENERAL SUBJECT MATTER TO BE CONSIDERED: Finance/Budget Committee.

DATE AND TIME: September 14, 2010, 11:00 a.m.

PLACE: Please call (850)414-3300 for instructions on participation

GENERAL SUBJECT MATTER TO BE CONSIDERED: Awards and Recognition Task Force.

DATE AND TIME: September 15, 2010, 10:00 a.m.

PLACE: Please call (850)414-3300 for instructions on participation

GENERAL SUBJECT MATTER TO BE CONSIDERED: Women's Hall of Fame Committee.

DATE AND TIME: September 16, 2010, 1:00 p.m.

PLACE: Please call (850)414-3300 for instructions on participation

GENERAL SUBJECT MATTER TO BE CONSIDERED: Mentoring Task Force.

DATE AND TIME: September 23, 2010, 10:00 a.m.

PLACE: Please call (850)414-3300 for instructions on participation

GENERAL SUBJECT MATTER TO BE CONSIDERED: Public Outreach Task Force.

DATE AND TIME: September 25, 2010, 9:00 a.m.

PLACE: Please call (850)414-3300 for instructions on participation

GENERAL SUBJECT MATTER TO BE CONSIDERED: The 3rd Quarterly Meeting of 2010 of the Florida Commission on the Status of Women.

NOTE: In the absence of quorum, items on this agenda will be discussed as workshop, and notes will be recorded although no formal action will be taken. If you have any questions, please call (850)414-3300.

A copy of the agenda may be obtained by contacting: Florida Commission on the Status of Women, Office of the Attorney General, The Capitol, Tallahassee, Florida 32399-1050, (850)414-3300, Fax: (850)921-4131.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting: Florida Commission on the Status of Women, Office of the Attorney General, The Capitol, Tallahassee, FL 32399-1050, (850)414-3300, Fax: (850)921-4131. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Florida Commission on the Status of Women, Office of the Attorney General, The Capitol, Tallahassee, FL 32399-1050, (850)414-3300, Fax: (850)921-4131.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

The Florida **Department of Agriculture and Consumer Services, Division of Food Safety** announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, September 3, 2010, 9:00 a.m. – until business is completed

PLACE: Eyster Auditorium, 3125 Conner Boulevard, Tallahassee, Florida, 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: Working meeting of the Florida Food Safety and Food Defense Advisory Council’s Small Farm Subcommittee.

A copy of the agenda may be obtained by contacting: Carol Windham at (850)488-0295.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 1 day before the workshop/meeting by contacting: Carol Windham at (850)488-0295. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Carol Windham at windhac@doacs.state.fl.us.

The **Florida Forestry Council** announces a public meeting to which all persons are invited.

DATE AND TIME: September 7, 2010, 1:30 p.m. (CDT)

PLACE: Sandestin Golf and Beach Resort, Baytowne Conference Center, 9300 Emerald Coast Parkway West, Destin, Florida 32550-7268

GENERAL SUBJECT MATTER TO BE CONSIDERED: Florida Division of Forestry Programs.

A copy of the agenda may be obtained by contacting: Jim Karels, Director, Division of Forestry, 3125 Conner Boulevard, Tallahassee, Florida 32399-1650, (850)488-4274.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Jim Karels, Director, Division of Forestry, 3125 Conner Boulevard, Tallahassee, Florida 32399-1650, (850)488-4274. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Jim Karels, Director, Division of Forestry, 3125 Conner Boulevard, Tallahassee, Florida 32399-1650, (850)488-4274.

DEPARTMENT OF EDUCATION

The **Office of Independent Education and Parental Choice**, Charter School Appeal Commission announces a hearing to which all persons are invited.

DATE AND TIME: August 31, 2010, 10:00 a.m. – until completion

PLACE: 401 Senate Building, 404 S. Monroe Street, Tallahassee, Florida 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Charter School Appeal Commission will be hearing the termination Rise Academy South Dade Charter School vs. Miami-Dade County School Board.

Persons with disabilities who require assistance to participate in these hearings are requested to contact: The Office of Independent Education and Parental Choice, 325 West Gaines Street, Suite 522, Tallahassee, Florida 32399, (850)245-0502.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 1 day before the workshop/meeting by contacting: Persons with disabilities who require assistance to participate in these hearings are requested to contact: Office of Independent Education and Parental Choice, 325 West Gaines Street, Suite 522, Tallahassee, Florida 32399, (850)245-0502. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The **Florida Mental Health Institute** announces a public meeting to which all persons are invited.

DATES AND TIME: September 10-11, 2010, 9:00 a.m. – 4:00 p.m.

PLACE: Renaissance Tampa International Plaza Hotel, 4200 Jim Walter Blvd., Tampa, FL 33607

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Florida Medicaid Drug Therapy Management Program for Behavioral Health at the Florida Mental Health Institute, University of South Florida will update the Florida Best Practice Child/Adolescent Medication Guidelines. Experts in child/adolescent mental health will review the latest available scientific evidence behind the appropriate use of psychotherapeutic medications for children and adolescents.

A copy of the agenda may be obtained by contacting: Marie McPherson at email: mmcpherson@fmhi.usf.edu or phone: (813)974-5378.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Marie McPherson at (813)974-5378 or email: mmcpherson@fmhi.usf.edu. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Marie McPherson at (813)974-5378 or email: mmcpherson@fmhi.usf.edu.

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."

STATE BOARD OF ADMINISTRATION

The **Florida Prepaid College Board** announces a workshop to which all persons are invited.

DATE AND TIME: Tuesday, September 7, 2010, 1:30 p.m. or soon thereafter – until completion

PLACE: The Hermitage Centre, Hermitage Room, 1801 Hermitage Boulevard, Tallahassee, Florida 32308

GENERAL SUBJECT MATTER TO BE CONSIDERED: To provide the members with information on how to communicate key messages regarding the Prepaid College Plans that will be offered by the Board during the 2010-2011 enrollment period.

A copy of the agenda may be obtained by contacting: Thomas J. Wallace, Executive Director, Florida Prepaid College Board, 1801 Hermitage Blvd., Suite 210, Tallahassee, Florida 32308, (850)488-8514.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by Faxing a written request for same to: Thomas J. Wallace, Executive Director, Florida Prepaid College Board at (850)488-3555. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

The **Florida Prepaid College Board** announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, September 7, 2010, 6:30 p.m. or soon thereafter – until completion

PLACE: Georgio's Restaurant, 3425 Thomasville Road, Carriage Gate Center, Tallahassee, Florida 32308

GENERAL SUBJECT MATTER TO BE CONSIDERED: The members of the Florida Prepaid College Board will have a dinner in advance of the Board meeting on September 8, 2010, in Tallahassee, Florida.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by faxing a written request for same to: Thomas J. Wallace, Executive Director, Florida Prepaid College Board at (850)488-3555. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

The **Florida Prepaid College Board** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, September 8, 2010, 9:00 a.m. or soon thereafter – until completion

PLACE: The Hermitage Centre, Hermitage Room, 1801 Hermitage Boulevard, Tallahassee, Florida 32308

GENERAL SUBJECT MATTER TO BE CONSIDERED: Board Meeting. The purpose of this meeting is to conduct the regular business of the Florida Prepaid College Board Investment Committee, to which all persons are invited.

A copy of the agenda may be obtained by contacting: Thomas J. Wallace, Executive Director, Florida Prepaid College Board, 1801 Hermitage Boulevard, Suite 210, Tallahassee, Florida 32308, (850)488-8514.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by Faxing a written request for same to: Thomas J. Wallace, Executive Director, Florida Prepaid College Board at (850)488-3555. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

The **Florida Prepaid College Foundation Board** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, September 8, 2010, following the adjournment of the meeting of the Florida Prepaid College Board – until completion

PLACE: The Hermitage Centre, Hermitage Room, 1801 Hermitage Boulevard, Tallahassee, Florida 32308

GENERAL SUBJECT MATTER TO BE CONSIDERED: Board Meeting. The purpose of this meeting is to conduct the regular business of the Florida Prepaid College Foundation Board to which all persons are invited.

A copy of the agenda may be obtained by contacting: Thomas J. Wallace, Executive Director, Florida Prepaid College Board, 1801 Hermitage Boulevard, Suite 210, Tallahassee, Florida 32308, (850)488-8514.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by faxing a written request for same to: Thomas J. Wallace, Executive Director, Florida Prepaid College Board at (850)488-3555. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

The **Florida Prepaid College Board** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, September 8, 2010, 11:00 a.m. or soon thereafter – until completion

PLACE: The Hermitage Centre, Hermitage Room, 1801 Hermitage Boulevard, Tallahassee, Florida 32308

GENERAL SUBJECT MATTER TO BE CONSIDERED: Board Meeting. The purpose of this meeting is to conduct the regular business of the Florida Prepaid College Board to which all persons are invited.

A copy of the agenda may be obtained by contacting: Thomas J. Wallace, Executive Director, Florida Prepaid College Board, 1801 Hermitage Boulevard, Suite 210, Tallahassee, Florida 32308, (850)488-8514.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by Faxing a written request for same to: Thomas J. Wallace, Executive Director, Florida Prepaid College Board at (850)488-3555. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

FLORIDA PAROLE COMMISSION

The **Florida Parole Commission** announces a public meeting to which all persons are invited.

DATES AND TIME: Wednesday, September 1, 2010; September 15, 2010; September 22, 2010, 8:30 a.m.

PLACE: Florida Parole Commission, 4070 Esplanade Way, Tallahassee, FL 32399-2450

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regularly scheduled meeting for all Parole, Conditional Release, Conditional Medical Release, Addiction Recovery, Control Release and all other Commission business.

A copy of the agenda may be obtained by contacting: Florida Parole Commission at (850)488-1293.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Florida Parole Commission at ada@fpc.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

PUBLIC SERVICE COMMISSION

The Florida **Public Service Commission** announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, September 10, 2010, 9:30 a.m.

PLACE: Betty Easley Conference Center, Room 148, 4075 Esplanade Way, Tallahassee, FL 32399-0850

GENERAL SUBJECT MATTER TO BE CONSIDERED: The staff workshop is to discuss potential amendments to Rule 25-22.033, F.A.C., Communications Between Commission Employees and Parties. One or more Commissioners may be in attendance and participate at the workshop. Undocketed.

A copy of the agenda may be obtained by contacting: Samantha Cibula, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, scibula@psc.state.fl.us or (850)413-6202 on or after August 27, 2010. The agenda and draft rule will be posted on the Commission's Web site: www.floridapsc.com on August 27, 2010.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Office of Commission Clerk, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850)413-6770. If you are

hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

EXECUTIVE OFFICE OF THE GOVERNOR

The **Office of Drug Control** announces a telephone conference call to which all persons are invited.

DATES AND TIMES: September 9 and 23, 2010, 4:00 p.m. – 5:00 p.m.; October 14 and 28, 2010, 4:00 p.m. – 5:00 p.m.

PLACE: 2105, The Capitol, Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Prescription Drug Monitoring Program.

A copy of the agenda may be obtained by contacting: Claude Shipley at (850)414-8820.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 days before the workshop/meeting by contacting: Claude Shipley at (850)414-8820. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Claude Shipley at (850)414-8820.

The **Trust for Florida's Children** announces a public meeting to which all persons are invited.

DATE AND TIME: September 16, 2010, 9:30 a.m. – 12:30 p.m.

PLACE: Contact: Office of Adoption and Child Protection at (850)921-2015 for conference call information

GENERAL SUBJECT MATTER TO BE CONSIDERED: The meeting will focus on general meeting topics and potential opportunities.

A copy of the agenda may be obtained by contacting: Office of Adoption and Child Protection at (850)921-2015.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting: The Office of Adoption and Child Protection at (850)921-2015. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

REGIONAL PLANNING COUNCILS

The **North Central Florida Regional Planning Council** announces a public meeting to which all persons are invited.

DATE AND TIME: September 1, 2010, 10:30 a.m.

PLACE: Suwannee Valley Transit Authority Board Room, 1907 Voyles Street, Live Oak, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Suwannee County Transportation Disadvantaged Coordinating Board.

A copy of the agenda may be obtained by contacting: North Central Florida Regional Planning Council, 2009 N. W. 67 Place, Gainesville, Florida 32653-1603.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 business days before the workshop/meeting by contacting: (352)955-2200. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

The **North Central Florida Regional Planning Council** announces a public meeting to which all persons are invited.

DATE AND TIME: September 1, 2010, 1:30 p.m.

PLACE: Santa Fe Meeting Room, Florida Department of Transportation, District 2, Jeffery Maintenance Complex, 710 Lake Jeffery Road, Lake City, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Columbia County Transportation Disadvantaged Coordinating Board.

A copy of the agenda may be obtained by contacting: North Central Florida Regional Planning Council, 2009 N. W. 67 Place, Gainesville, Florida 32653-1603.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 business days before the workshop/meeting by contacting: (352)955-2200. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

The **Baker County Transportation Disadvantaged**, Local Coordinating Board announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, September 9, 2010, 10:00 a.m.

PLACE: Baker County Health Department, 480 West Lowder Street, Macclenny, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Quarterly Meeting.

A copy of the agenda may be obtained by contacting: Northeast Florida Regional Council, Mr. Ed Lehman at (904)279-0880.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting: Mr. Ed Lehman at (904)279-0880. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The **Nassau County Transportation Disadvantaged**, Local Coordinating Board announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, September 9, 2010, 2:00 p.m.

PLACE: Nassau County Council on Aging, 1367 South 18th Street, Fernandina Beach, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Quarterly Meeting.

A copy of the agenda may be obtained by contacting: Northeast Florida Regional Council, Mr. Ed Lehman at (904)279-0880.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting: Mr. Ed Lehman at (904)279-0880. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The **Southwest Florida Regional Planning Council** announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, September 2, 2010, 10:00 a.m.

PLACE: Southwest Florida Regional Planning Council, 2nd Floor, Meeting Room, 1926 Victoria Avenue, Fort Myers, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: The SWFRPC's Lower West Coast Watersheds Implementation Committee will be holding their monthly meeting to discuss regional water issues.

A copy of the agenda may be obtained by contacting: Mr. David Crawford at (239)338-2550, ext. 226 or dcrawford@swfrpc.org.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Ms. Deborah Kooi at (239)338-2550, ext. 210 or dkooi@swfrpc.org. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Mr. James Beever at (239)338-2550, ext. 224 or jbeever@swfrpc.org.

The **Treasure Coast Regional Planning Council** announces a public meeting to which all persons are invited.

DATE AND TIME: September 17, 2010, 9:30 a.m.

PLACE: Indian River State College (Chastain Campus), Wolf High Technology Center, 2400 S. E. Salerno Road, Stuart, FL 34997

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the monthly meeting of the Treasure Coast Regional Planning Council.

A copy of the agenda may be obtained by contacting: Liz Gulick at (772)221-4060.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Liz Gulick at (772)221-4060. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

COMMISSION ON ETHICS

The **Commission on Ethics** announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, September 3, 2010, 8:30 a.m.

PLACE: Senate Office Building, Room 37, 404 South Monroe Street, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Commission Meeting.

A copy of the agenda may be obtained by contacting: Commission on Ethics at www.ethics.state.fl.us or (850)488-7864.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Commission on Ethics at (850)488-7864. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

WATER MANAGEMENT DISTRICTS

The **R. O. Ranch Inc.**, a Florida non-profit corporation announces a public meeting to which all persons are invited.

DATE AND TIME: September 2, 2010, 6:30 p.m.

PLACE: Morgan Fieldstation Office, Cooks Hammock, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Monthly Board of Directors meeting to discuss the development of equestrian facilities on Suwannee River Water Management District properties.

A copy of the agenda may be obtained by contacting: Pennie Flickinger, Business Resource Specialist at (386)362-1001 or pff@srwmd.org.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 days before the workshop/meeting by contacting: Pennie Flickinger, Business Resource Specialist at (386)362-1001 or pff@srwmd.org. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Brian Kauffman, Facilities Director at (386)362-1001 or bck@srwmd.org.

The **St. Johns River Water Management District** announces a public meeting to which all persons are invited.

DATE AND TIME: August 31, 2010, 1:00 p.m. – 5:00 p.m.

PLACE: Governing Board Room, St. Johns River Water Management District Headquarters, 4049 Reid Street, Palatka, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Scientific Peer Review Meeting for Proposed Minimum Lake Levels for Johns Lake in Lake and Orange Counties. The draft report for Johns Lake and reference information are on the District's website: <http://floridaswater.com/minimumflowsandlevels/peerreviewdocuments.html>.

A copy of the agenda may be obtained by contacting: Dina Hutchens at (386)329-4239 or dhutchens@sjrwmd.com.

The **Southwest Florida Water Management District** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, September 1, 2010, 9:00 a.m.

PLACE: Tampa Service Office, 7601 US Highway 301 North, Tampa, Florida 33537-6749

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Executive Director, or his designee, will conduct a public meeting to receive public comment on pending permit applications. Permit No. and Project Name: 20010224.003 City of Sarasota Downtown R.O. Well; 20013354.001 Buckeye Road Farm.

A copy of the agenda may be obtained by contacting: Patty McLeod, Southwest Florida Water Management District, PMO, 2379 Broad Street, Brooksville, FL 34609-6749 or by visiting the District's website: www.watmatters.org.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: SWFWMD Human Resources Director at 1(800)423-1476 (FL Only) or (352)796-7211, ext. 4702, TDD (FL Only) or 1(800)231-6103, email: ADACoordinator@swfwmd.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The **Big Cypress Basin** announces a public meeting to which all persons are invited.

DATE AND TIME: August 27, 2010, 9:00 a.m.

PLACE: City of Naples, City Hall's Council Chamber, 735 Eighth St. South, Naples, Florida 34102

GENERAL SUBJECT MATTER TO BE CONSIDERED: Conduct regular Basin Board business, including the Adoption of the FY 2011 Basin Budget and Final Millage Rate.

A copy of the agenda may be obtained by contacting: Kathleen Tetrault at (239)263-7615.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Kathleen Tetrault at (239)263-7615. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Kathleen Tetrault at (239)263-7615.

The **Water Resources Advisory Commission (WRAC)** announces a public meeting to which all persons are invited.

DATE AND TIME: September 2, 2010, 9:00 a.m. – 4:00 p.m.

PLACE: City of St. Cloud, Lakefront Park and Marina, 1104 Lakeshore Blvd., St. Cloud, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: A Public Meeting of the Water Resources Advisory Commission (WRAC) regarding water resources protection, water supply and flood protection issues. The public is advised that it is possible that one or more members of the Governing Board of the South Florida Water Management District may attend and participate in this meeting.

A copy of the agenda may be obtained by contacting: Rick Smith at (561)682-6517 or website: <http://my.sfwmd.gov/wrac>.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: District's Clerk Office, Jacki McGorty at (561)682-2087. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The **South Florida Water Management District** announces a public meeting to which all persons are invited.

DATE AND TIME: Special Governing Board Meeting, September 3, 2010, 10:00 a.m.

PLACE: SFWMD Headquarters, Building B-1, 3301 Gun Club Road, West Palm Beach, Florida 33406

Special Governing Board Meeting

DATE AND TIME: September 17, 2010, 10:00 a.m.

PLACE: SFWMD Headquarters, Building B-1, 3301 Gun Club Road, West Palm Beach, Florida 33406

Special Governing Board Meeting

DATE AND TIME: September 24, 2010, 10:00 a.m.

PLACE: SFWMD Headquarters, Building B-1, 3301 Gun Club Road, West Palm Beach, Florida 33406

Special Governing Board Meeting

DATE AND TIME: October 1, 2010, 10:00 a.m.

PLACE: SFWMD Headquarters, Building B-1, 3301 Gun Club Road, West Palm Beach, Florida 33406

Special Governing Board Meeting

DATE AND TIME: October 8, 2010, 10:00 a.m.

PLACE: SFWMD Headquarters, Building B-1, 3301 Gun Club Road, West Palm Beach, Florida 33406

Special Governing Board Meeting

DATE AND TIME: October 22, 2010, 10:00 a.m.

PLACE: SFWMD Headquarters, Building B-1, 3301 Gun Club Road, West Palm Beach, Florida 33406

Special Governing Board Meeting

DATE AND TIME: October 29, 2010, 10:00 a.m.

PLACE: SFWMD Headquarters, Building B-1, 3301 Gun Club Road, West Palm Beach, Florida 33406

All or part of these meetings may be conducted as a teleconference in order to permit maximum participation by Governing Board members. The Governing Board may take official action at the meeting on any item appearing on the agenda and on any item that is added to the agenda as a result of a change to the agenda approved by the presiding officer of the meeting pursuant to Section 120.525, Florida Statutes.

GENERAL SUBJECT MATTER TO BE CONSIDERED: The sole and exclusive purpose of the meetings are to conduct Attorney Client Sessions regarding pending District litigation.

A copy of the agenda may be obtained by contacting: Jacki McGorty at (561)682-2087 or https://my.sfwmd.gov/portal/page/portal/pg_grp_sfwmd_governingboard/pg_sfwmd_governingboard_agendasminutes.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: District Clerk's Office at (561)682-2087. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: District Clerk's Office at (561)682-2087.

LAND AND WATER ADJUDICATORY COMMISSION

The Florida **Land and Water Adjudicatory Commission** announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, September 14, 2010, 9:00 a.m.

PLACE: Cabinet Meeting Room, Room LL-03, The Capitol, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: This meeting is a regularly scheduled Cabinet meeting. The Florida Land and Water Adjudicatory Commission will consider repeal of Rule Chapter 42LLL-1, F.A.C. Huntington Hammocks Community Development District. The District's Board of Supervisors filed a petition requesting the Commission dissolve the District through the repeal of Rule Chapter 42LLL-1, F.A.C. Section 190.046(9), F.S., allows for the dissolution of a community development district which has no outstanding financial obligations and no operating or maintenance responsibilities by the repeal of the rule chapter

that established the district. The proposed rule chapter repeal was published in the June 18, 2010, edition of the Florida Administrative Weekly (Vol. 36, No. 24).

A copy of the agenda may be obtained by contacting: Barbara Leighty, Florida Land and Water Adjudicatory Commission, The Capitol, Room 1801, Tallahassee, Florida 32399-0001, (850)487-1884.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least two days before the workshop/meeting by contacting: Barbara Leighty, Florida Land and Water Adjudicatory Commission, The Capitol, Room 1801, Tallahassee, Florida 32399-0001, (850)487-1884. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

MIAMI-DADE EXPRESSWAY AUTHORITY

The **Miami-Dade Expressway Authority (MDX)** announces a public meeting to which all persons are invited.

DATE AND TIME: September 15, 2010, 6:00 p.m. – 8:00 p.m.

PLACE: Miami-Dade College, North Campus, MJ Taylor Lounge, 11380 N. W. 27th Avenue, Miami, FL 33167

GENERAL SUBJECT MATTER TO BE CONSIDERED: MDX is hosting a Public Kick-off Meeting for the SR 924/Gratigny Parkway East Extension to I-95 Project Development and Environment (PD&E) Study. This project provides a potential new expressway extension from the Gratigny's current end at N. W. 32nd Avenue to I-95. The study will evaluate alternatives to improve mobility, reduce congestion and improve safety for commuters and residents. The Public Kick-off Meeting will give property owners, residents and interested parties an opportunity to receive information and provide input on the project during this phase of the study. Your participation and input is appreciated.

The same day, September 15, 2010, 10:00 a.m. – 12:00 Noon, an Elected Officials and Agency Kick-off Meeting will take place at William M. Lehman MDX Building, 3790 N. W. 21 Street, Miami, FL 33142.

A copy of the agenda may be obtained by contacting: Tere Garcia at tgarcia@mdxway.com or at (786)277-9292.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Tere Garcia at tgarcia@mdxway.com or at (786)277-9292. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Tere Garcia at tgarcia@mdxway.com or at (786)277-9292 or visit the MDX website at www.mdxway.com. You can also write: Mayra Diaz at MDX, 3790 N. W. 21 Street, Miami, FL 33142.

DEPARTMENT OF ELDER AFFAIRS

The **Department of Elder Affairs**, Long-Term Care Ombudsman Program announces a public meeting to which all persons are invited.

DATES AND TIME: September 9, 2010; October 14, 2010; November 11, 2010; December 9, 2010; 10:00 a.m. – 12:00 Noon (EDT)

PLACE: St. Anne Byzantine Catholic Church, 7120 Massachusetts Avenue, New Port Richey, FL 34653

GENERAL SUBJECT MATTER TO BE CONSIDERED: Pasco & North Pinellas District Long-Term Care Ombudsman Council business.

A copy of the agenda may be obtained by contacting: Lynn Penley, Department of Elder Affairs, 11351 Ulmerton Road, Suite 110, Largo, Florida 33778, (727)518-3065 or email: penleyl@elderaffairs.org.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 72 hours before the workshop/meeting by contacting: Lynn Penley, Department of Elder Affairs, 11351 Ulmerton Road, Ste. 110, Largo, FL 33778, (727)518-3065 or email: penleyl@elderaffairs.org. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Lynn Penley, Department of Elder Affairs, 11351 Ulmerton Road, Ste. 110, Largo, Florida 33778, (727)518-3065 or email: penleyl@elderaffairs.org.

AGENCY FOR HEALTH CARE ADMINISTRATION

The **Agency for Health Care Administration** announces a hearing to which all persons are invited.

DATE AND TIME: September 9, 2010, 1:00 p.m. – 3:00 p.m.

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Conference Room A, Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Any comments from the public on the proposed rule revisions to Chapter 59A-8, F.A.C., as published in the July 16, 2010 Florida Administrative Weekly and posted at the Agency’s web site: http://ahca.myflorida.com/licensing_cert.shtml.

A copy of the agenda may be obtained by contacting: Anne Menard by email: Anne.Menard@ahca.myflorida.com or by telephone (850)412-4403.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 days before the workshop/meeting by contacting: Anne Menard, Anne.Menard@ahca.myflorida.com or (850)412-4403. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Anne Menard at Anne.Menard@ahca.myflorida.com or (850)412-4403.

The **Agency for Health Care Administration** announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, August 31, 2010, 1:00 p.m. – 4:00 p.m.

PLACE: Agency for Health Care Administration, Fort Knox Business Center, 2727 Mahan Drive, Bldg. 3, Conference Room C, Tallahassee, FL 32308, Dial In Number: 1(877)836-3623, Conference ID: 93788821#

GENERAL SUBJECT MATTER TO BE CONSIDERED: Medical Care Advisory Committee Meeting.

A copy of the agenda may be obtained by contacting: Carla Sims, Office of the Deputy Secretary, Medicaid at (850)412-4013 or email: simsc@ahca.myflorida.com.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 days before the workshop/meeting by contacting: Carla Sims, Office of the Deputy Secretary, Medicaid at (850)412-4013, simsc@ahca.myflorida.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Carla Sims, Office of the Deputy Secretary, Medicaid, (850)412-4013 or by email: simsc@ahca.myforida.com.

DEPARTMENT OF MANAGEMENT SERVICES

The **Agency for Workforce Innovation**, Unemployment Compensation Claims and Benefits Information System, Executive Steering Committee announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, August 27, 2010, 10:30 a.m. – 12:00 Noon

PLACE: Caldwell Building, Conference Room 114, 107 E. Madison Street, Tallahassee, Florida 32399; Conference Call: 1(888)808-6959, Conference Code:7532872126#

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular recurring meeting to review project status and act on any decisions required of the Committee.

A copy of the agenda may be obtained by contacting: <http://www.floridajobs.org/Events/index.html>.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Dianne Corbett at (850)245-7285. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

The **Board of Auctioneers** announces a telephone conference call to which all persons are invited.

DATE AND TIME: Wednesday, September 1, 2010, 3:00 p.m.

PLACE: Conference Call: 1(888)808-6959, Conference Code: 4879597#

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business.

A copy of the agenda may be obtained by contacting: Board of Auctioneers at (850)922-5012 or by Fax: (850)617-4458.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Board of Auctioneers at (850)922-5012 or by Fax: (850)617-4458. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Board of Auctioneers at (850)922-5012 or by Fax: (850)617-4458.

The Florida **Barber's Board** announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, November 15, 2010, 9:00 a.m.

PLACE: Intercontinental Hotel, 4860 West Kennedy Blvd., Tampa, Florida 33609, (813)286-4050

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular board business.

A copy of the agenda may be obtained by contacting: Florida Barbers' Board, 1940 N. Monroe Street, Tallahassee, Florida 32399, (850)922-6096.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by

contacting: Florida Barbers' Board, 1940 N. Monroe Street, Tallahassee, Florida 32399, (850)922-6096. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Florida Barbers' Board, 1940 N. Monroe Street, Tallahassee, Florida 32399, (850)922-6096.

The Probable Cause Panel of the Florida **Real Estate Appraisal Board** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, September 8, 2010, 8:30 a.m.

PLACE: Division of Real Estate, Room N901, North Tower, 400 West Robinson Street, Orlando, Florida 32801

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a private meeting to review cases to determine probable cause and to conduct a public meeting to review cases where probable cause was previously found. Portions of the probable cause proceedings are not open to the public. All or part of this meeting may be conducted by teleconference in order to permit maximum participation of the Board members or its counsel.

A copy of the agenda may be obtained by contacting: Deputy Clerk, Division of Real Estate, 400 W. Robinson Street, Suite N801, Orlando, Florida 32801-1772. Only public portions of the agenda are available upon request.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least five (5) days before the workshop/meeting by contacting: Division of Real Estate at (407)481-5632. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The Probable Cause Panel of the Florida **Real Estate Commission** announces a hearing to which all persons are invited.

DATE AND TIME: Monday, September 13, 2010, 2:30 p.m. or the soonest thereafter (Portions of the probable cause proceedings are not open to the public.)

PLACE: Zora Neale Hurston Building, North Tower, Suite N901, 400 West Robinson Street, Orlando, Florida 32801

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a private meeting to review cases to determine probable cause and to conduct a public meeting to review cases where probable cause was previously found.

All or part of this meeting may be conducted as a teleconference in order to permit maximum participation of the Commission members or its counsel.

A copy of the agenda may be obtained by contacting: Deputy Clerk, Florida Real Estate Commission, 400 W. Robinson Street, Suite N801, Orlando, Florida 32801-1772. Only public portions of the agenda are available upon request.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Division of Real Estate at (407)481-5662. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The Florida **Real Estate Commission** announces a public meeting to which all persons are invited.

DATES AND TIME: Tuesday, September 14, 2010; Wednesday, September 15, 2010, 8:30 a.m.

PLACE: Zora Neale Hurston Building, North Tower, Suite N901, 400 West Robinson Street, Orlando, Florida 32801

GENERAL SUBJECT MATTER TO BE CONSIDERED: Official business of Commission – among topics included, but not limited to, are proposed legislation affecting Chapter 475, Part I, F.S., rule development workshops, Chapter 61J2, F.A.C., rule amendments, budget discussions, escrow disbursement requests, recovery fund claims, education issues, petitions for declaratory statement, petitions for rule variance/waiver, and disciplinary actions.

All or part of this meeting may be conducted as a teleconference in order to permit maximum participation of the Commission members or its counsel.

A copy of the agenda may be obtained by contacting: Deputy Clerk, Florida Real Estate Commission, 400 W. Robinson Street, Suite N801, Orlando, Florida 32801-1772.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Division of Real Estate at (407)481-5662. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Deputy Clerk, Florida Real Estate Commission, 400 W. Robinson Street, Suite N801, Orlando, Florida 32801-1772.

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."

NOTICE OF CHANGE – The **Department of Environmental Protection**, Bureau of Assessment and Restoration Support, announces a public meeting to which all persons are invited.

DATES AND TIMES: Tuesday, August 31, 2010, 1:00 p.m.; Wednesday, September 1, 2010, 9:00 a.m.

PLACE: Flagler County Commission Board Chambers, Government Services Building, 1769 E. Moody Boulevard, Bunnell, Florida 32110

GENERAL SUBJECT MATTER TO BE CONSIDERED: This meeting is being held to discuss draft reports that summarize available information and present proposed approaches for development of numeric nutrient criteria for estuaries and coastal areas from the Indian River Lagoon to St. Marys River Estuary.

Please note that the meeting location has changed from that previously advertised in the August 6, 2010 issue of the Florida Administrative Weekly. The draft reports will be posted to the Department's internet site: <http://www.dep.state.fl.us/water/wqssp/nutrients/estuarine.htm>. To ensure constructive dialogue, attendees are encouraged to read the reports prior to the meetings. While not intended as a meeting of the Marine Numeric Nutrient Criteria Technical Advisory Committee (MTAC), one or more members of the MTAC may participate and provide comments at these meetings.

A copy of the agenda may be obtained by contacting: Eric Shaw, Department of Environmental Protection, Bureau of Assessment and Restoration Support, MS #6511, 2600 Blair Stone Road, Tallahassee, FL 32399-2400, (850)245-8429 or email: eric.shaw@dep.state.fl.us.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Eric Shaw at (850)245-8429. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The Florida **Department of Environmental Protection, Division of Recreation and Parks** announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, September 21, 2010, 7:00 p.m. (ET)

PLACE: Okeechobee County Civic Center, 1750 Highway 98 North, Okeechobee, Florida 34972

GENERAL SUBJECT MATTER TO BE CONSIDERED: Presentation and discussion of the proposed management plan for Okeechobee Battlefield Historic State Park.

A copy of the agenda may be obtained by contacting: Mark Nelson, Park Manger at (561)744-9814 or email: Mark.Nelson@dep.state.fl.us.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Mark Nelson, Park Manger at (561)744-9814 or email: Mark.Nelson@dep.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Mark Nelson, Park Manger at (561)744-9814 or email: Mark.Nelson@dep.state.fl.us.

The Florida **Department of Environmental Protection, Division of Recreation and Parks** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, September 22, 2010, 9:00 a.m. (ET)

PLACE: Okeechobee County Civic Center, 1750 Highway 98 North, Okeechobee, Florida 34972

GENERAL SUBJECT MATTER TO BE CONSIDERED: Presentation and discussion of the proposed management plan for Okeechobee Battlefield Historic State Park with the Advisory Group members.

A copy of the agenda may be obtained by contacting: Mark Nelson, Park Manger at (561)744-9814 or email: Mark.Nelson@dep.state.fl.us.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Mark Nelson, Park Manger at (561)744-9814 or email: Mark.Nelson@dep.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Mark Nelson, Park Manger at (561)744-9814 or email: Mark.Nelson@dep.state.fl.us.

DEPARTMENT OF HEALTH

The Florida **Department of Health** announces a public meeting to which all persons are invited.

DATE AND TIMES: Governor's Fitness Challenge Subcommittee, Friday, August 27, 2010, 10:30 a.m. – 11:30 a.m.; Governor's Council on Physical Fitness, 1:30 p.m. – 2:30 p.m.

PLACE: Conference Call: 1(888)808-6959, Code: 2454479#

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review and vote on recommendations for the Governor's Fitness Challenge initiative for the 2010-2011 school year.

A copy of the agenda may be obtained by contacting: Jenna Lockwood at (850)245-4259 or email: FitnessCouncil@doh.state.fl.us.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Jenna Lockwood at (850)245-4259 or email: FitnessCouncil@doh.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

These are public meetings. If you would like to participate, have questions, or require further information, please contact: Jenna Lockwood at (850)245-4259 or email: FitnessCouncil@doh.state.fl.us.

The Florida **Board of Speech-Language Pathology and Audiology** announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, September 9, 2010, 9:00 a.m. or soon thereafter

PLACE: Embassy Suites, 9300 Baymeadow Road, Jacksonville, FL 32256, (904)731-3555

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct general business of the Board.

A copy of the agenda may be obtained by contacting: Kaye Howerton, Executive Director, Board of Speech-Language Pathology and Audiology, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256, (850)245-4161.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Christy Robinson at (850)245-4161. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

The **Department of Health** announces a public meeting to which all persons are invited.

DATE AND TIME: September 23, 2010, 9:00 a.m.

PLACE: Marriott Orlando Airport, 7499 Augusta National Drive, Orlando, FL 32822

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Technical Review and Advisory Panel will discuss numerous issues relating to onsite sewage treatment and disposal systems which may require changes to Chapter 64E-6, Florida Administrative Code. Issues to discuss will include proposed rules implementing provisions of Laws of Florida, 2010-205 (SB 550) related to the statewide evaluation of onsite sewage treatment and disposal systems on a five-year recurring basis. The panel may also discuss research proposals as requested by the Research review and Advisory Committee.

A copy of the agenda may be obtained by contacting: Shirley Kugler, Department of Health, Bureau of Onsite Sewage Programs, 4052 Bald Cypress Way, Bin #A08, Tallahassee, Florida 32399-1713.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Shirley Kugler, Department of Health, Bureau of Onsite Sewage Programs, 4052 Bald Cypress Way, Bin #A08, Tallahassee, Florida 32399-1713. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Gerald Briggs, Department of Health, Bureau of Onsite Sewage Programs, 4052 Bald Cypress Way, Bin #A08, Tallahassee, Florida 32399-1713.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

The **Department of Children and Families** announces a public meeting to which all persons are invited.

DATE AND TIME: Friday August 27, 2010, 8:30 a.m. – 10:30 a.m.

PLACE: Children's Service Council, St. Lucie County, 546 N. W. University Blvd., Suite 201, Port St. Lucie, FL 34986

GENERAL SUBJECT MATTER TO BE CONSIDERED: Bi-monthly meeting.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting: Linda Poston at (772)467-4177. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Linda Poston at (772)467-4177.

The **Department of Children and Families** announces a telephone conference call to which all persons are invited.

DATE AND TIME: September 8, 2010, 10:00 a.m.

PLACE: This will be a webinar. You can access the webinar by using the following link: https://admin.na6.acrobat.com/_a302921195/accesstraining/. You will enter the webinar as a guest. Please log in using your name and the name of your organization

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion of the Food Assistance outreach program. Main topics will include tasks, applications, budget/invoice, templates and staffing. The outreach plan guidance is available at: <http://www.fns.usda.gov/snap/outreach/guidance/stateplan.htm>.

A copy of the agenda may be obtained by contacting: Greg Ferguson at greg_ferguson@dcf.state.fl.us.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Greg Ferguson at greg_ferguson@dcf.state.fl.us or (850)921-6960. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice). If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The **Refugee Services Program** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, September 8, 2010, 1:30 p.m. – 3:30 p.m.

PLACE: Department of Children and Families, 5920 Arlington Expressway, Jacksonville, Florida 32211

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of the Jacksonville Refugee Task Force meetings is to increase awareness of the refugee populations, share best practices, build collaborations between agencies, spot trends in refugee populations, help create good communication among

service providers, get informed about upcoming community events, and discuss refugee program service needs and possible solutions to meeting those needs.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Debbie Ansbacher at email: Debbie_Ansbacher@dcf.state.fl.us, Fax: (904)723-2144 or mail: Debbie Ansbacher, 5920 Arlington Expressway, Room 216L, Jacksonville, Florida 32211. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Debbie Ansbacher at (904)726-1540, email: Debbie_Ansbacher@dcf.state.fl.us, Fax: (904)723-2144 or mail: Debbie Ansbacher, 5920 Arlington Expressway, Room 216L, Jacksonville, Florida 32211; Taddese Fessehaye at email: Taddese_Fessehaye@dcf.state.fl.us.

The **Agency For Persons with Disabilities** announces a public meeting to which all persons are invited.

DATE AND TIMES: August 30, 2010, 3:00 p.m. – 5:00 p.m. and 6:00 p.m. – 8:00 p.m.

PLACE: Tallahassee Community College, Grand Banquet Hall, Economic Workforce Development Building, 444 Appleyard Drive, Tallahassee, Florida 32304-2895

DATE AND TIME: August 31, 2010, 6:00 p.m. – 8:00 p.m.

PLACE: Madison Public Library, Meeting Room, 378 N. W. College Loop, Madison, Florida 32340-1611

DATE AND TIME: September 1, 2010, 6:00 p.m. – 8:00 p.m.

PLACE: Carrabelle City Commission Chambers, 1001 Gray Avenue, Carrabelle, Florida 32322-6847

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Agency for Persons with Disabilities is holding a series of public information meetings regarding the phase-in and initial implementation of iBudget Florida.

A copy of the agenda may be obtained by contacting: <http://apd.myflorida.com/>.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting: Arthur Barndt, iBudget Florida Operations Manager, Agency for Persons with Disabilities, 4030 Esplanade Way, Suite 380, Tallahassee, Florida 32399-0950, (850)410-2424, email: arthur_barndt@apd.state.fl.us. If you

are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Arthur Barndt, iBudget Florida Operations Manager, Agency for Persons with Disabilities, 4030 Esplanade Way, Suite 380, Tallahassee, FL 32399-0950, (850)410-2424, arthur_barndt@apd.state.fl.us.

FLORIDA HOUSING FINANCE CORPORATION

The **Florida Housing Finance Corporation** announces a public meeting to which all persons are invited.

DATE AND TIME: August 27, 2010, 10:00 a.m. (Eastern Time)

PLACE: Rick Seltzer Conference Room, Suite 6000, Florida Housing Finance Corporation, 227 North Bronough Street, Tallahassee, Florida, 32301-1329

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Review Committee meeting will be to discuss and score the proposals submitted for RFQ 2010-07 for counseling services for the HFA Hardest Hit Fund Mortgage Intervention Strategy.

A copy of the agenda may be obtained by contacting: Sherry Green at (850)488-4197 or sherry.green@floridahousing.org.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Sherry Green at (850)488-4197 or email: sherry.green@floridahousing.org. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

FINANCIAL SERVICES COMMISSION

NOTICE OF CHANGE – The **Financial Services Commission, Office of Insurance Regulation** announces a hearing to which all persons are invited.

DATE AND TIME: September 13, 2010, 9:30 a.m.

PLACE: Larson Conference Room 116, Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: The rule hearing for Rules 69M-236.001, .002, .003, .004, .005., F.A.C., that was scheduled for September 8, 2010, 1:30 p.m. in the notice published August 13, 2010 is being rescheduled for September 13, 2010, 9:30 a.m. Location will be Larson room 116.

A copy of the agenda may be obtained by contacting: Debra Seymour, Office of Insurance Regulation at email: Debra.Seymour@florid.com.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Debra Seymour, Office of Insurance Regulation at email: Debra.Seymour@flor.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Debra Seymour, Office of Insurance Regulation at email: Debra.Seymour@flor.com.

The Financial Services Commission, Office of Insurance Regulation announces a hearing to which all persons are invited.

DATE AND TIME: September 14, 2010, 9:00 a.m., during a regular meeting of the Financial Services Commission

PLACE: Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is the Final Public Hearing on the adoption of proposed amendments to Rules 690-200.004, .005, .006, .009, .011, .013, .014, .015, Florida Administrative Code, published on July 9, 2010 in Vol. 36, No. 27, of the Florida Administrative Weekly.

A copy of the agenda may be obtained by contacting: The Governor and Cabinet Website at <http://www.myflorida.com/myflorida/cabinet/mart.html>.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Steve Szypula, Office of Insurance Regulation at email: Steve.Szypula@flor.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Steve Szypula, Office of Insurance Regulation at email: Steve.Szypula@flor.com.

The Financial Services Commission, Office of Insurance Regulation announces a public meeting to which all persons are invited.

DATE AND TIME: September 14, 2010, 10:00 a.m.

PLACE: Office of Insurance Regulation, 200 East Gaines Street, Larson Building, Room B33, Tallahassee, FL 32399-0327

GENERAL SUBJECT MATTER TO BE CONSIDERED: To appoint a new chairperson and vice chairperson for the Advisory Council and discuss issues currently facing the continuing care industry.

A copy of the agenda may be obtained by contacting: Mr. Christopher Struk at Christopher.Struk@flor.com or (850)413-2480.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Mr. Christopher Struk at Christopher.Struk@flor.com or (850)413-2480. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Mr. Christopher Struk at Christopher.Struk@flor.com or (850)413-2480.

AGENCY FOR ENTERPRISE INFORMATION TECHNOLOGY

The Agency for Enterprise Information Technology (AEIT) announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, August 30, 2010, 1:00 p.m. – 3:00 p.m.

PLACE: Room 225A, 4030 Esplanade Way, Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Enterprise Services Strategic Plan – meeting of the technical workgroup to discuss and document enterprise services plan.

A copy of the agenda may be obtained by contacting: Damu Kuttikrishnan at Damu.Kuttikrishnan@aeit.myflorida.com or (850)410-2954.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 days before the workshop/meeting by contacting: Damu Kuttikrishnan at (850)410-2954. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The Agency for Enterprise Information Technology (AEIT), Chief Information Officers Steering Committee announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, September 3, 2010, 9:00 a.m. – 11:00 a.m.

PLACE: Collins Building, Room 138, 107 W. Gaines Street (Public Entrance on Bloxham Street), Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: To enhance communication among the Chief Information Officers of all state agencies and assist in identifying critical statewide information technology issues.

A copy of the agenda may be obtained by contacting: Margie (Rainey) Drury, Florida Department of Legal Affairs, Office of Information Technology at (850)414-3525, margie.rainey@myfloridalegal.com.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 days before the workshop/meeting by contacting: Margie (Rainey) Drury at (850)414-3525. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

MID-FLORIDA AREA AGENCY ON AGING

The **Elder Options** announces a public meeting to which all persons are invited.

DATE AND TIME: September 1, 2010, 10:00 a.m.

PLACE: Elder Options Board Room, 5700 S. W. 34th Street, Suite 222 (Florida Farm Bureau Building), Gainesville, Florida 32608

GENERAL SUBJECT MATTER TO BE CONSIDERED: Scheduled meeting of the Elder Options Board of Directors. The Board will take action on matters to be determined by the members of the Board, which may include matters such as the Executive Director's Report.

A copy of the agenda may be obtained by contacting: Cindy Roberts at (352)378-6649.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 days before the workshop/meeting by contacting: Cindy Roberts at (352)378-6649. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Cindy Roberts at (352)378-6649.

FLORIDA AUTOMOBILE JOINT UNDERWRITING ASSOCIATION

The **Florida Automobile Joint Underwriting Association** announces a public meeting to which all persons are invited.

DATES AND TIMES: Monday, September 13, 2010, 2:00 p.m., Finance/Audit Committee; 3:00 p.m., Budget Committee; Tuesday, September 14, 2010, 8:30 a.m., Board Meeting

PLACE: Intercontinental Tampa Hotel, 4860 West Kennedy Boulevard, Tampa, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Finance/Audit Committee – to review and discuss matters relating to FAJUA Financial/Audit Reporting and any other matters that may come before the committee.

Budget Committee – to discuss proposed FY 2010-2011 budget, make recommendations to the Board, and to consider other matters that may come before the committee.

Board Meeting – to receive reports of the general manager, committees, and counsel; to consider and take actions based on those reports; and consider any other matters that may come before the Board.

A copy of the agenda may be obtained by contacting: Lisa Stoutamire, 1425 Piedmont Drive East, #201A, Tallahassee, FL, (850)681-2003, loutamire@fajua.org.

ORANGE COUNTY RESEARCH AND DEVELOPMENT AUTHORITY

The **Orange County Research and Development Authority** announces a public meeting to which all persons are invited.

DATE AND TIME: September 9, 2010, 8:00 a.m.

PLACE: Central Florida Research Park, 12424 Research Parkway, Suite 100, Orlando, FL 32826

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business Meeting.

A copy of the agenda may be obtained by contacting: Joe Wallace at (407)282-3944.

NORTHWEST FLORIDA TRANSPORTATION CORRIDOR AUTHORITY

The **Northwest Florida Transportation Corridor Authority** announces a public meeting to which all persons are invited.

DATE AND TIME: August 26, 2010, 10:00 a.m. (CST)

PLACE: Panama City, City Hall, Commission Room (2nd Floor), 9 Harrison Avenue, Panama City, FL 32401

GENERAL SUBJECT MATTER TO BE CONSIDERED:

- A. Outline of new FDOT agreement procedures.
- B. FDOT Procurement Office presentation.
- C. Discussion of CPA firm.

A copy of the agenda may be obtained by contacting: Alicia Stephen, HDR Engineering, Inc. at (850)432-6800 or by email: alicia.stephen@hdrinc.com.

For more information, you may contact: Alicia Stephen, HDR Engineering, Inc. at (850)432-6800 or email: alicia.stephen@hdrinc.com.

CENTER FOR INDEPENDENT LIVING IN CENTRAL FLORIDA, INC.

The **Center for Independent Living in Central Florida, Inc.** announces a public meeting to which all persons are invited.

DATE AND TIME: Saturday, August 28, 2010, 9:00 a.m. – 12:00 Noon

PLACE: 720 North Denning Drive; Winter Park, FL 32790

GENERAL SUBJECT MATTER TO BE CONSIDERED: Strategic Planning.

A copy of the agenda may be obtained by contacting: Luana Kutz at (407)623-1070 or lkutz@cilorlando.org.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Luana Kutz at (407)623-1070 or lkutz@cilorlando.org. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Luana Kutz at (407)623-1070 or lkutz@cilorlando.org.

NORTHWOOD SHARED RESOURCE CENTER

The **NSRC Technical Committee** announces a public meeting to which all persons are invited.

DATE AND TIME: September 2, 2010, 3:00 p.m.

PLACE: Department of Juvenile Justice, Knight Building, Room 1134, Tallahassee, Florida 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: General meeting.

A copy of the agenda may be obtained by contacting: monica_cash@nsrc.myflorida.com.

The **NSRC Administration Committee** announces a public meeting to which all persons are invited.

DATE AND TIME: September 9, 2010, 1:30 p.m.

PLACE: Department of State, 1949 N. Monroe Street, Suite 79, Room 115, Tallahassee, Florida 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: General meeting.

A copy of the agenda may be obtained by contacting: monica_cash@nsrc.myflorida.com.

The **NSRC Finance Committee** announces a public meeting to which all persons are invited.

DATE AND TIME: September 10, 2010, 9:00 a.m.

PLACE: Agency for Persons with Disabilities, Southwood, Bldg. 4030, Room 301, Tallahassee, Florida 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: General meeting.

A copy of the agenda may be obtained by contacting: monica_cash@nsrc.myflorida.com.

SOUTHWOOD SHARED RESOURCE CENTER

The **Southwood Shared Resource Center** announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, August 27, 2010, 9:00 a.m.

PLACE: Department of Transportation, Burns Building, Room 129, 605 Suwannee Street, Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular bi-monthly meeting of the SSRC Technology Committee. The committee is scheduled to meet every 2nd and 4th Friday depending on need.

Please contact: Faye Hall at (850)414-4772 or email: faye.hall@dot.state.fl.us for meeting information and cancellations.

A copy of the agenda may be obtained by contacting: Faye Hall at (850)414-4772 or email: faye.hall@dot.state.fl.us.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 days before the workshop/meeting by contacting: Faye Hall at (850)414-4772 or email: faye.hall@dot.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Faye Hall at (850)414-4772 or email: faye.hall@dot.state.fl.us.

The **Southwood Shared Resource Center** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, September 1, 2010, 10:00 a.m.

PLACE: Conference Room 101, 4050 Esplanade Way, Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular monthly meeting of the Primary Data Center Management Group: Board Chairs and Executive Directors of the three State Primary Data Centers and the CIO Council Chairperson.

A copy of the agenda may be obtained by contacting: Ann Barfield at email: ann.barfield@dms.myflorida.com or (850)922-9698.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 days before the workshop/meeting by contacting: Ann Barfield at email: ann.barfield@dms.myflorida.com or (850)922-9698. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Ann Barfield at email: ann.barfield@dms.myflorida.com or (850)922-9698.

CITIZENS PROPERTY INSURANCE CORPORATION

The **Citizens Property Insurance Corporation**, Market Accountability Advisory Committee announces a telephone conference call to which all persons are invited.

DATE AND TIME: Wednesday, August 25, 2010, 1:00 p.m.

PLACE: Please Dial: 1(866)526-0550 to join the meeting

GENERAL SUBJECT MATTER TO BE CONSIDERED: Items of discussion include, but are not limited to, business before the committee.

A copy of the agenda may be obtained by contacting: Sara Golding at 1(800)807-7647, extension 3874.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Sara Golding at 1(800)807-7647, extension 3874. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Sara Golding at 1(800)807-7647, extension 3874.

The **Citizens Property Insurance Corporation** announces a public meeting to which all persons are invited.

DATE AND TIME: August 25, 2010, 4:00 p.m.

PLACE: Orlando, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Finance and Investment Committee Meeting.

DATE AND TIME: August 25, 2010, 4:00 p.m. (EDT)

PLACE: Hyatt Regency Orlando International Airport, Orlando, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Items of discussion include, but are not limited to, Overview of Investment Portfolio.

For additional information, please call: Jill Booker at 1(800)807-7647.

In accordance with the Americans with Disabilities Act, people with disabilities or physical impairments who require assistance to participate in this meeting are requested to contact Jill Booker at least five days prior to the meeting.

A copy of the agenda may be obtained by contacting: Jill Booker at 1(800)807-7647.

FLORIDA DEVELOPMENT FINANCE CORPORATION

The **Florida Development Finance Corporation** (the "Corporation") announces a hearing to which all persons are invited.

DATE AND TIME: August 27, 2010, 2:30 p.m. or as soon thereafter as practicable

PLACE: Enterprise Florida, Inc. Offices, 325 John Knox Road, Tallahassee, Florida 32303

GENERAL SUBJECT MATTER TO BE CONSIDERED: Adoption of a resolution approving the issuance by the Corporation of not exceeding \$75,000,000 of its Educational Facilities Revenue Bonds (Renaissance Charter Schools Project) (the "Bonds") in one or more series of tax-exempt and taxable bonds. The proceeds of the Bonds will be loaned by the Corporation to Renaissance Charter School, Inc., and/or affiliates, subsidiaries or related entities thereof, or such other entities designated by Renaissance Charter School, Inc. (collectively, the "Borrowers"). The Borrowers will use the proceeds of the Bonds to: (A) finance and/or refinance the cost of (or reimburse itself for prior expenditures for) the acquisition, construction, renovation and improving of certain educational facilities located within the State of Florida (collectively, the "Project"), and (B) pay costs and fund necessary reserves associated with the issuance of the Bonds. The Project will be located at the following locations: (a) a 4-acre parcel located at 100 Bell Tel Way, Jacksonville, Florida 32216, (b) 300 N. W. Cashmere Boulevard, Port St. Lucie, Florida 34986, (c) 8200 S. W. 17th Street, North Lauderdale, Florida 33068, (d) 1601 Kingman Road (S. E. 28th Avenue), Homestead, Florida 33035, and (e) on a 4-acre parcel at 10651 N. W. 19th Street, Doral, Florida 33172. The Bonds are being issued under the authority of the Florida Development Financing Corporation Act of 1993, as amended (the "Act"), and are being loaned to the Borrowers to finance and refinance the costs of the Project pursuant to the Act. The Bonds shall be payable solely from the revenues derived from a loan and other financing documents to be executed between the Corporation and the Borrowers prior to or contemporaneously with the issuance of the Bonds. Such Bonds and the interest thereon shall not constitute an indebtedness or pledge of the general credit or taxing power of the State of Florida or any political subdivision or agency thereof. Issuance of the Bonds is subject to several conditions including satisfactory documentation and receipt of necessary approvals for the financing. The aforementioned meeting shall be a public meeting and all persons who may be interested will be given an opportunity to be heard concerning the same.

A copy of the agenda may be obtained by contacting: Executive Director, Florida Development Finance Corporation, 800 North Magnolia Avenue, Suite 1100, Orlando, Florida 32803.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting: The Executive Director, Florida Development Finance Corporation, 800 North Magnolia Avenue, Suite 1100, Orlando, Florida 32803, (407)956-5696. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

ST. LUCIE TRANSPORTATION PLANNING ORGANIZATION

The **St. Lucie Transportation Planning Organization (TPO)** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, September 8, 2010, 2:00 p.m.

PLACE: St. Lucie County BOCC Chambers, 2300 Virginia Avenue, Fort Pierce, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular quarterly meeting of the St. Lucie Local Coordinating Board for the Transportation Disadvantaged (LCB).

A copy of the agenda may be obtained by contacting: Marceia Lathou, Senior Planner-Transit, St. Lucie TPO at (772)462-1671.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Dan Lutzke, St. Lucie County Risk Manager, (772)462-1546. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Marceia Lathou, Senior Planner-Transit, St. Lucie TPO at (772)462-1671.

SOIL AND WATER CONSERVATION DISTRICT

The **Orange Soil and Water Conservation District** announces a public meeting to which all persons are invited.

DATES AND TIME: Second Wednesday of Every Month for the period September 2010 – December 2010, 5:30 p.m.

PLACE: Orlando City Hall, Conference Room R, Orlando, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Monthly meeting of the Board of Supervisors.

A copy of the agenda may be obtained by contacting: Timothy D. Blevins at (407)254-3269.

For more information, you may contact: Timothy D. Blevins, Supervisor, Secretary for the Board at blevinst@gmail.com.

FLORIDA SURPLUS LINES SERVICE OFFICE

The **Florida Surplus Lines Service Office**, Budget Committee announces a telephone conference call to which all persons are invited.

DATE AND TIME: Tuesday, September 21, 2010, 2:00 p.m.

PLACE: Conference call

GENERAL SUBJECT MATTER TO BE CONSIDERED: Proposed FLSLO 2011 Annual Budget.

A copy of the agenda may be obtained by contacting: Georgie Barrett at gbarrett@fslso.com.

The **Florida Surplus Lines Service Office**, Budget Committee announces a telephone conference call to which all persons are invited.

DATE AND TIME: Wednesday, September 22, 2010, 10:00 a.m.

PLACE: Conference Call

GENERAL SUBJECT MATTER TO BE CONSIDERED: Proposed FLSLO 2011 Annual Budget.

A copy of the agenda may be obtained by contacting: Georgie Barrett at gbarrett@fslso.com.

The **Florida Surplus Lines Service Office**, Board of Governors' announces a telephone conference call to which all persons are invited.

DATE AND TIME: Thursday, September 23, 2010, 10:00 a.m.

PLACE: Conference Call

GENERAL SUBJECT MATTER TO BE CONSIDERED: Proposed FLSLO 2011 Annual Budget.

A copy of the agenda may be obtained by contacting: Georgie Barrett at gbarrett@fslso.com.

The **Florida Surplus Lines Service Office**, Board of Governors' announces a telephone conference call to which all persons are invited.

DATE AND TIME: Friday, September 24, 2010, 10:00 a.m.

PLACE: Conference Call

GENERAL SUBJECT MATTER TO BE CONSIDERED: Proposed FLSLO 2011 Annual Budget.

A copy of the agenda may be obtained by contacting: Georgie Barrett at gbarrett@fslso.com.

The **Florida Surplus Lines Service Office**, Board of Governors' announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, November 9, 2010, 9:00 a.m.

PLACE: 1441 Maclay Commerce Drive, Suite 200, Tallahassee, FL 32312

GENERAL SUBJECT MATTER TO BE CONSIDERED: General business matters.

A copy of the agenda may be obtained by contacting: Georgie Barrett at gbarrett@fslso.com.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Georgie Barrett at 1(800)562-4496, ext. 111 or gbarrett@fslso.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

FLORIDA WORKERS' COMPENSATION INSURANCE GUARANTY ASSOCIATION

The Board of Directors of the **Florida Workers' Compensation Insurance Guaranty Association** announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, September 9, 2010, 10:00 a.m. (Eastern)

PLACE: Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Board of Directors will meet regarding the general business of the Association. The agenda will include but is not limited to: Receiver's Report, Claims Report, Operations Report and Financial Report.

A copy of the agenda may be obtained by contacting: Tom Streukens at (850)386-9200.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 days before the workshop/meeting by contacting: Tom Streukens at (850)386-9200. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

FLORIDA WORKERS' COMPENSATION JOINT UNDERWRITING ASSOCIATION, INC.

The **FWCJUA Operations Committee** announces a telephone conference call to which all persons are invited.

DATE AND TIME: August 30, 2010, 10:00 a.m.

PLACE: To participate in the teleconference meeting, please contact Kathy Coyne at (941)378-7408

GENERAL SUBJECT MATTER TO BE CONSIDERED: Agenda topics may include primary bank selection; telecommuting policy; preliminary 2011 business plan and forecast; service provider audit results; IT audit results; disaster recovery; document management; budget expense considerations; 401k Plan administration and management; and report on operations.

A copy of the agenda may be obtained by contacting: Kathy Coyne at (941)378-7408 or the FWCJUA's website: www.fwcjua.com.

Section VII Notices of Petitions and Dispositions Regarding Declaratory Statements

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 MANAGEMENT SERVICES

NOTICE IS HEREBY GIVEN THAT the Public Employees Relations Commission has received the petition for declaratory statement from James M. Duggan, Case No.: DS-2010-002, filed on July 23, 2010. The petition seeks the agency's opinion as to the applicability of Certification 582 as it applies to the petitioner.

The Petitioner, an "interim" paraprofessional employed by the School Board of Palm Beach County, poses the following questions: 1. Has the Commission either specifically included or specifically excluded "interim" paraprofessional II's from the FPSU/SEIU collective bargaining unit, Group D, which is the certified and recognized agent for paraprofessionals bargaining collectively with the School Board? 2. If the Commission has excluded "interim" paraprofessional II's from the FPSU/SEIU collective bargaining unit, Group D, has the Commission established standards protecting "interim" paraprofessionals' right to collective bargaining?

A copy of the Petition for Declaratory Statement may be obtained by contacting: The Clerk, Public Employees Relations Commission, 4050 Esplanade Way, Suite 135, Tallahassee, Florida 32399-0950.

Please refer all comments to: The Clerk, Public Employees Relations Commission, 4050 Esplanade Way, Suite 135, Tallahassee, Florida 32399-0950.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

NOTICE IS HEREBY GIVEN THAT the Division of Florida Condominiums, Timeshares, and Mobile Homes, Department of Business and Professional Regulation, State of Florida, has declined to rule on the petition for declaratory statement filed by Peter Klein, Unit Owner, In Re: Hamptons West Master

Association, Inc., Docket No.: 2010027961 on June 7, 2010. The following is a summary of the agency's declination of the petition:

The Division declined to issue a declaratory statement because it cannot issue a statement concerning events that have already taken place; or because it may not determine the rights of third parties who are not parties to the declaratory statement; or because it will not issue a declaratory statement while the relevant question is under investigative review with the Division's compliance authority.

A copy of the Order Declining of the Petition for Declaratory Statement may be obtained by contacting: Division Clerk, Department of Business and Professional Regulation, Division of Florida Condominiums, Timeshares, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2217.

Please refer all comments to: Janis Sue Richardson, Chief Assistant General Counsel, Department of Business and Professional Regulation, Division of Florida Condominiums, Timeshares, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2202.

NOTICE IS HEREBY GIVEN THAT the Division of Florida Condominiums, Timeshares, and Mobile Homes, Department of Business and Professional Regulation, State of Florida, has declined to rule on the petition for declaratory statement filed by Pauline Schultz, Petitioner/Unit Owner, In Re: Tregate East Condominium Association, Inc., Docket No.: 2010033318, on July 7, 2010. The following is a summary of the agency's declination of the petition:

The Division declined to issue a declaratory statement because it cannot determine rights of third parties who are not parties to the declaratory statement; or because the division did not receive a complete set of governing documents and the minutes of the board meeting referenced in the petition.

A copy of the Order Declining of the Petition for Declaratory Statement may be obtained by contacting: Division Clerk, Department of Business and Professional Regulation, Division of Florida Condominiums, Timeshares, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2217.

Please refer all comments to: Janis Sue Richardson, Chief Assistant General Counsel, Department of Business and Professional Regulation, Division of Florida Condominiums, Timeshares, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2202.

NOTICE IS HEREBY GIVEN THAT the Division of Florida Condominiums, Timeshares, and Mobile Homes, Department of Business and Professional Regulation, State of Florida, has received the petition for declaratory statement from Edward Vanharasz, Petitioner/Unit Owner, Castle Beach Club Condominium Association, Inc., on August 4, 2010. The

petition seeks the agency's opinion as to the applicability of 2010-174, Section 16, Laws of Florida, as it applies to the petitioner.

Whether Castle Beach Club Condominium Association, Inc. may suspend the voting rights of owners who are 90 days delinquent in payment of assessments without notice and right to a hearing under Chapter 2010-174, Section 16, Laws of Florida.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Division Clerk, Department of Business and Professional Regulation, Division of Florida Condominiums, Timeshares, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2217.

Please refer all comments to: Janis Sue Richardson, Chief Assistant General Counsel, Department of Business and Professional Regulation, Division of Florida Condominiums, Timeshares, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2202.

NOTICE IS HEREBY GIVEN THAT the Division of Florida Condominiums, Timeshares, and Mobile Homes, Department of Business and Professional Regulation, State of Florida, has received the petition for declaratory statement from Joseph Walsh, Petitioner/Unit Owner, Conquistador Condominium Apartments of St. Augustine, Inc., on August 4, 2010. The petition seeks the agency's opinion as to the applicability of Declaration of Condominium for Conquistador Condominium as it applies to the petitioner.

Whether the unit owners or the association is responsible for maintaining the doors and windows in the perimetrical boundaries of the units under the Declaration of Condominium for Conquistador Condominium.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Division Clerk, Department of Business and Professional Regulation, Division of Florida Condominiums, Timeshares, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2217.

Please refer all comments to: Janis Sue Richardson, Chief Assistant General Counsel, Department of Business and Professional Regulation, Division of Florida Condominiums, Timeshares, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2202.

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

NOTICE IS HEREBY GIVEN THAT on August 6, 2010, the Board of Clinical Laboratory Personnel has received the petition for declaratory statement from Linda Valdes on behalf of Florida Hospital Laboratory. The petition seeks the agency’s opinion as to the applicability of subsection 64B3-10.005(1), and paragraph 64B3-10.005(12)(c), F.A.C. as it applies to the petitioner.

The petition seeks the Board’s interpretation of subsection 64B3-10.005(1) and paragraph 64B3-10.005(12)(c), F.A.C., and whether a Florida licensed Cytotechnologist may perform the two procedures/tests that are listed in the petition.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Bruce Deterding, Executive Director, Board of Clinical Laboratory Personnel, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257.

NOTICE IS HEREBY GIVEN THAT on July 13, 2010, the Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling has received the petition for declaratory statement from Dean R. Cauley, Ph.D. MBA. The petition seeks the agency’s opinion as to the applicability of Section 491.003(9), Florida Statutes, as it applies to the petitioner.

The petition seeks the Board’s interpretation of a perceived conflict between Sections 491.003(9) and 490.014, Florida Statutes, related to the use of the term “psychological testing.”

A copy of the Petition for Declaratory Statement may be obtained by contacting: Susan Foster, Executive Director, Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258.

Section VIII

**Notices of Petitions and Dispositions
Regarding the Validity of Rules**

Notice of Petition for Administrative Determination has been filed with the Division of Administrative Hearings on the following rules:

Bernadette Rodriguez vs. Department of Corrections; Case No.: 10-5866RP; Rule No.: 33-501.301

Worldwide Wide Appraisal SVS, Inc., Fred Catchpole, William Woods, and Fred Bowermaster vs. Department of State and Department of Business and Professional Regulation,

Florida Real Estate Appraisal Board (FREAB) and, the Division of Real Estate; Case No.: 10-5153RX; Rule No.: 61J1-4.010

Mladen Antloic, M.D., and Philip Miller, M.D. vs. Department of Health; Case No.: 10-5821RX; Rule Nos.: 64B-4.005, 64B-4.006

Nicole Nicodemo vs. Department of Health, Board of Physical Therapy; Case No.: 10-5136RX; Rule No.: 64B17-3.001(4)(j)

Eva Etienne vs. Department of Children and Family Services; Case No.: 10-5141RX; Rule No.: 65A-1.400(1)(d)

Florida Association of Public Insurance Adjusters, Inc., A Florida Corporation; Mark Dimmit Boardman, an Individual; and Kimberly S. Pope, an Individual vs. Department of Financial Services, Division of Insurance Agents and Agency Services; Case No.: 10-6141RP; Rule Nos.: 69B-220.051, 69B-220.201

Moshe Leib vs. Hillsborough County Public Transportation Commission an Legislatively Created Independent Special District of the State of Florida; Case No.: 10-5714RX

N.W. and the Advocacy Center for Persons with Disabilities, Inc. vs. Department of Education, Division of Vocational Rehabilitation; Case No.: 10-4980RU

Roland Guidry, as Co-Trustee of the Guidry Living Trust, and Oceania Owner’s Association, Inc. vs. Department of Environmental Protection and Board of Trustees of the Internal Improvement Trust Fund; Case No.: 10-5348RU

David H. Sherry; Rebecca R. Sherry; and John S. Donovan vs. Department of Environmental Protection and Board of Trustees of the Internal Improvement Trust Fund; Case No.: 10-6205RU

Notice of Disposition of Petition for Administrative Determination have been filed by the Division of Administrative Hearings on the following rules:

The Florida Education Association vs. Florida State Board of Education and Department of Education; Case No.: 10-1694RP; Rule No.: 6A-1.099811; Voluntarily Dismissed

Las Mercedes Home Care Corp. vs. Agency for Health Care Administration; Case No.: 10-0860RX; Rule No.: 59G-4.130; Ordered that page 1-8 of the Florida Medicaid Home Health Services Coverage and Limitations Handbook of July 2008, adopted by reference in Florida Administrative Code Rule 54G-4.130, constitutes an invalid exercise of delegated legislative authority within the meaning of Sections 120.52(8)(b), (c), and (e), Florida Statutes.

Worldwide Wide Appraisal SVS, Inc., Fred Catchpole, William Woods, and Fred Bowermaster vs. Department of State and Department of Business and Professional Regulation, Florida Real Estate Appraisal Board (FREAB) and, the Division of Real Estate; Case No.: 10-5153RX; Rule No.: 61J1-4.010; Withdrawal

Mladen Antloic, M.D., and Philip Miller, M.D. vs. Department of Health; Case No.: 10-5821RX; Rule Nos.: 64B-4.005, 64B-4.006; Voluntarily Dismissed

St. Johns Riverkeeper, Inc. and Henry O. Palmer vs. Department of Environmental Protection and Florida Pulp & Paper Association Environmental Affairs, Inc., and Buckeye Florida, Limited Partnership (Intervenors); Case No.: 09-7054RX; Rule No.: 62-302.800(2); Dismissed

Section IX
Notices of Petitions and Dispositions
Regarding Non-rule Policy Challenges

NONE

Section X
Announcements and Objection Reports of
the Joint Administrative Procedures
Committee

NONE

Section XI
Notices Regarding Bids, Proposals and
Purchasing

DEPARTMENT OF EDUCATION

Notice of Bid

The University of Florida, Purchasing and Disbursement Services will receive sealed bids for the following: ITB11MB-113, SCADA Rest of Campus, estimated budget: \$1.4M, to be opened September 30, 2010, 2:00 p.m., in 101 Elmore Hall, Radio Road, Gainesville, FL.

Scope of work: The work includes all labor, equipment, materials to install new SCADA relays, and at the same time remove old relays and replace with new substation switchboard wiring. Install new DC battery back-up system. Bidders will have to pre-qualify to bid the project. Eligible bids will be evaluated based upon lowest bidder (Base+Alternates) within available budget limitations.

Mandatory pre-bid meeting will be held: September 9, 2010, 9:00 a.m., in the PPD A/E Conference Room 150, Building 700, Radio Road, Gainesville, FL.

Questions should be directed to: Mercedes Bongiovanni, moongio@ufl.edu or (352)392-1331.

For more information visit www.purchasing.ufl.edu.

AMERICANS WITH DISABILITY ACT OF 1991 – If special accommodations are needed in order to attend the Pre-Bid Meeting or the Bid opening, contact: Purchasing, purchasing@ufl.edu or (352)392-1331 within three (3) days of the event.

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 MANAGEMENT SERVICES

PUBLIC ANNOUNCEMENT FOR PROFESSIONAL SERVICES FOR CONTINUING CONTRACTS FOR ARCHITECTURAL SERVICES NORTHWEST FLORIDA REGION

The State of Florida, Department of Management Services requests qualifications from Architectural firms to provide Professional Services primarily in the Northwest Florida Region. These services may be used for projects anywhere in the State of Florida, however, it is anticipated that the vendors selected during this process will be activated for projects located in the Northwest part of the State. Projects may vary in size up to \$2,000,000.00 for construction and up to \$200,000.00 for planning or study fees.

Respond Due Date: Tuesday, September 21, 2010

Please visit the Department’s Website listed below and click on “Search Advertisements – Division of Real Estate Development and Management” http://fcn.state.fl.us/owa_vbs/owa/vbs_www.main_menu.

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.”

TECHNOLOGICAL RESEARCH AND DEVELOPMENT AUTHORITY

Request for Proposal – Information Technology Consultancy and Web-Hosting Services

A Request for Proposals (RFP) for Information Technology (IT) Consultancy Services and Web Hosting Services is released by the Technological Research and Development Authority (TRDA) for the purpose of identifying an individual or firm that can provide IT operation and support, and web hosting services. Responses must be submitted in accordance with the RFP: http://www.trda.org/contact_us/rfps.asp.

SCHOOL BOARD OF PASCO COUNTY

Corkboards and Markerboards

NOTICE IS HEREBY GIVEN THAT sealed bids will be received and publicly opened thereafter at the office of the Purchasing Department, District School Board of Pasco County, 20430 Gator Lane, Land O’ Lakes, FL 34638 on or until September 15, 2010, 2:30 p.m., for investment

management services for the Florida Education Investment Trust Fund (FEITF). Bids will be accepted and publicly opened on September 15, 2010 if date/time stamped 2:30 p.m. or earlier; date/time stamps of 2:30:01 or later will be rejected.

NAME OF PROJECT: Bid #11-045-LR

Corkboards and Markerboards

DOCUMENTS: Available through <http://purchasing.pasco.k12.fl.us> under “Vendor Bid”

The District School Board of Pasco County reserves the right to waive minor formalities in any bid, to accept any bid which they consider to be in the best public interest, and to reject any part of, or any and all bids. Award will be made to the highest scoring, responsive and responsible bidder, in the opinion and at the option of the District School Board of Pasco County. Their decision shall be final and conclusive.

INVITATION TO BID

11-046-LR Combination Locks – “As Needed” / FEPC

On behalf of Florida Education Purchasing Consortium

NOTICE IS HEREBY GIVEN THAT sealed bids will be accepted, and publicly opened thereafter, at the office of the Purchasing Agent, 20430 Gator Lane, Land O’ Lakes, FL 34638-2803 on or until September 27, 2010, 2:30 p.m. (EST). Bids will be accepted and publicly opened on September 27, 2010 if date/time stamped 2:30 p.m.; date/time stamps of 2:30:01 p.m. or later will be rejected and returned unopened. Late bids, regardless of reason, will be considered non-responsive.

PROJECT: BID NO. 11-046-LR, Combination Locks

The intent of this bid is to establish a three-year contract (renewable annually upon mutual consent of both parties) between the District School Board of Pasco County and a supplier for Combination Locks on an “as needed” basis for various members of the Florida Education Purchasing Consortium, throughout the state of Florida. The award of this bid will be based on an “all or none” basis to the lowest and best, responsive and responsible, bidder meeting written specifications for the estimated quantities listed.

DOCUMENTS: Available through <http://purchasing.pasco.k12.fl.us/>

INSURANCE: Standard Workman’s Comprehensive, General Liability, etc.

PLANS: None

The District School Board of Pasco County reserves the right to waive minor formalities in any bid and to accept any bid which they consider to be in the best public interest, and to reject any part of, or any and all bids. Award will be made to the lowest and best, responsive and responsible, bidder in the opinion and at the option of the Board. Their decision shall be final and conclusive.

l/s Heather Fiorentino
 Superintendent of Schools
 District School Board of Pasco County

**Section XII
 Miscellaneous**

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

Notice of Publication for a New Point
 Franchise Motor Vehicle Dealer in a County of Less
 than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Ruff & Tuff Electric Vehicles, Inc., intends to allow the establishment of Electric Cart Company, LLC, as a dealership for the sale of low-speed vehicles manufactured by Ruff & Tuff Electric Vehicles, Inc. (RUFF) at 5480 US Highway 98 West, Santa Rosa Beach (Walton County), Florida 32459, on or after September 20, 2010.

The name and address of the dealer operator(s) and principal investor(s) of Electric Cart Company, LLC, are dealer operator(s): Thomas B. Waldrop, 5480 US Highway 98 West, Santa Rosa Beach, Florida 32459, Jonathan C. Waldrop, 5480 US Highway 98 West, Santa Rosa Beach, Florida 32459, principal investor(s): Thomas B. Waldrop, 5480 US Highway 98 West, Santa Rosa Beach, Florida 32459, Jonathan C. Waldrop, 5480 US Highway 98 West, Santa Rosa Beach, Florida 32459.

The notice indicates intent to establish a new point location in a county of less than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be

submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS #65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: Dan Rhoad, Ruff & Tuff Electric Vehicles, Inc., 1 Ruff Tuff Drive, Winnsboro, South Carolina 29180.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point
 Franchise Motor Vehicle Dealer in a County of More
 than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Columbia ParCar Corp., intends to allow the establishment of Golf Coast Golf Cars, as a dealership for the sale of low-speed vehicles manufactured by Columbia ParCar Corp (COLB) at 1770 North Washington Boulevard, Sarasota (Sarasota County), Florida 34234, on or after September 20, 2010.

The name and address of the dealer operator(s) and principal investor(s) of Golf Coast Golf Cars, are dealer operator(s): Rick Mills, 1770 North Washington Boulevard, Sarasota, Florida 34234; principal investor(s): Rick Mills, 1770 North Washington Boulevard, Sarasota, Florida 34234.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS #65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: Scott Breckley, Columbia ParCar Corp., 1115 Commercial Avenue, Reedsburg, Wisconsin 53959.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

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

Brooksville Regional Hospital Emergency Service Exemption
The Agency for Health Care Administration has received an application for an emergency service exemption from Brooksville Regional Hospital, 17240 Cortez Boulevard, Brooksville, FL 34601 pursuant to Section 395.1041(3), Florida Statutes and Rule 59A-3.255, Florida Administrative Code. The hospital is requesting an emergency service exemption for Thoracic Surgery. Comments received within 15 days of publication will be considered by the Agency prior to making a determination of exemption status.

Additional information may be obtained by writing: Agency for Health Care Administration, Attention: Julie Young, 2727 Mahan Drive, MS #31, Tallahassee, Florida 32308, by phone: (850)412-4549 or e-mail: Julie.Young@ahca.myflorida.com.

North Florida Regional Medical Center
Emergency Service Exemption

The Agency for Health Care Administration has received an application for an emergency service exemption from North Florida Regional Medical Center, 6500 Newberry Road, Gainesville, FL 32605 pursuant to Section 395.1041(3), Florida Statutes and Rule 59A-3.255, Florida Administrative Code. The hospital is requesting an emergency service exemption for Neurosurgery. Comments received within 15 days of publication will be considered by the Agency prior to making a determination of exemption status.

Additional information may be obtained by writing: Agency for Health Care Administration, Attention: Julie Young, 2727 Mahan Drive, MS #31, Tallahassee, Florida 32308, by phone: (850)412-4549 or e-mail: Julie.Young@ahca.myflorida.com.

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."

NOTICE OF INTENT TO GRANT VARIANCE

The Department of Environmental Protection gives notice of its intent to grant a variance under Section 403.201, F.S., from the provisions of Subsection 3.2.5 of the Basis of Review for Environmental Resource Permit Applications within the Southwest Florida Water Management District adopted by reference in paragraph 62-330.200(3)(e), F.A.C., to the Oakwater Cove Condominium Association, Inc., 6005 North Beach Road, Englewood, Florida 34223, File No.: 08-0296351-002, OGC Case No.: 10-0842-08-EP to allow the removal of the existing dock and construction of a new dock (4.7'w x 96'1 access walkway to a 5'w x 44.6'1 terminal platform with three 2'w x 20'1 finger piers extending off the access walkway), in the same location, at Oakwater Cove Condominium, 6005 North Beach Road, Englewood, Florida, on privately-owned submerged lands within Lemon Bay, Class II Outstanding Florida Waters, conditionally approved for shellfish harvesting, Section 2, Township 41 South, Range 19 East, Charlotte County. The Department's file on this matter is available for public inspection during normal business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays, at the Department of Environmental Protection, South District Office, 2295 Victoria Avenue, Suite 364, Fort Myers, Florida 33901, (239)332-6975.

A person whose substantial interests are affected by the Department's action may petition for an administrative proceeding (hearing) under Sections 120.569 and 120.57 of the Florida Statutes. The petition must contain the information set forth below and must be filed (received by the clerk) in the: Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000.

Mediation under Section 120.573 of the Florida Statutes is not available.

Because the administrative hearing process is designed to redetermine final agency action on the application, the filing of a petition for an administrative hearing may result in a modification of the agency action or even a denial of the application. If a sufficient petition for an administrative hearing or request for an extension of time to file a petition is timely filed, this agency action automatically becomes only proposed agency action on the application, subject to the result of the administrative review process. Accordingly, the applicant is advised not to commence construction or other activities in accordance with this variance until the deadlines noted below for filing a petition for an administrative hearing, or request for an extension of time has expired.

Under subsections 28-106.111(3) and 62-110.106(4), F.A.C., a person whose substantial interests are affected by the Department's action may also request an extension of time to file a petition for an administrative hearing. The Department may, for good cause shown, grant the request for an extension of time. Requests for extension of time must be filed with the: Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida 32399-3000, before the applicable deadline. A timely request for extension of time shall toll the running of the time period for filing a petition until the request is acted upon. If a request is filed late, the Department may still grant it upon a motion by the requesting party showing that the failure to file a request for an extension of time before the deadline was the result of excusable neglect.

In the event that a timely and sufficient petition for an administrative hearing is filed, other persons whose substantial interests will be affected by the outcome of the administrative process have the right to petition to intervene in the proceeding. Any intervention will be only at the discretion of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205, F.A.C.

In accordance with subsections 28-106.111(2) and 62-110.106(3)(a), (4), F.A.C., petitions for an administrative hearing by the applicant must be filed within 14 days of receipt of this written notice. Petitions filed by any persons other than the applicant, and other than those entitled to written notice under Section 120.60(3), F.S., must be filed within 14 days of publication of the notice or within 14 days of receipt of the written notice, whichever occurs first.

Under Section 120.60(3), F.S., however, any person who has asked the Department for notice of agency action may file a petition within 14 days of receipt of such notice, regardless of the date of publication.

The petitioner shall mail a copy of the petition to the applicant at the address indicated above at the time of filing. The failure of any person to file a petition for an administrative hearing within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under Sections 120.569 and 120.57, F.S.

A petition that disputes the material facts on which the Department's action is based must contain the following information: (a) The name and address of each agency affected and each agency's file or identification number, if known; (b) The name, address, and telephone number of the petitioner; the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests are or will be affected by the agency determination; (c) A statement of when and how the petitioner received notice of the agency decision; (d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate; (e) A concise statement of the ultimate facts alleged, including the specific facts that the petitioner contends warrant reversal or modification of the agency's proposed action; and (f) A statement of the specific rules or statutes that the petitioner contends require reversal or modification of the agency's proposed action, including an explanation of how the alleged facts relate to the specific rules or statutes; (g) A statement of the relief sought by the petitioner, stating precisely the action that the petitioner wishes the agency to take with respect to the agency's proposed action.

A petition that does not dispute the material facts on which the Department's action is based shall state that no such facts are in dispute and otherwise shall contain the same information as set forth above, as required by Rule 28-106.301, F.A.C. Under Sections 120.569(2)(c) and (d), F.S., a petition for administrative hearing must be dismissed by the agency if the petition does not substantially comply with the above requirements or is untimely filed.

This action is final and effective on the date filed with the Clerk of the Department unless a petition is filed in accordance with the above. Upon the timely filing of a petition this order will not be effective until further order of the Department.

This variance constitutes an order of the Department. The applicant has the right to seek judicial review of the order under Section 120.68, Florida Statutes, by the filing of a notice of appeal under Rule 9.110, Florida Rules of Appellate Procedure, with: The Clerk of the Department in the Office of General Counsel, 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000; and by filing a copy of the notice of appeal accompanied by the applicable filing fees with the appropriate district court of appeal. The notice of appeal must be filed within 30 days from the date when the final order is filed with the Clerk of the Department.

FLORIDA STATE CLEARINGHOUSE

The state is coordinating reviews of federal activities and federally funded projects as required by Section 403.061(40), F.S. A list of projects, comments deadlines and the address for providing comments are available at http://www.dep.state.fl.us/secretary/oip/state_clearinghouse/. For information, call: (850)245-2161. This public notice fulfills the requirements of 15 CFR 930.

Notice of Availability of Florida Coastal Management Program Funds for State Agencies and Water Management Districts

The Florida Coastal Management Program (FCMP) announces the availability of funds for activities related to implementation of the statutory authorities included in the federally-approved FCMP. A complete list of these statutes can be found at: http://www.dep.state.fl.us/cmp/federal/23_statutes.htm. Funding proposals should contribute to the protection, management and enhancement of Florida's ocean and coastal resources, and also focus on achieving the policy issues identified in the Coastal Zone Management Act, including natural resource protection and management; hazard mitigation; water quality protection; siting of major developments; public access; redevelopment of urban, cultural and historic features; expedited governmental decision-making; effective coordination with federal agencies; effective public and local government participation; comprehensive planning and management of living marine resources; shoreline erosion and land subsidence; and ocean resource management. Within the context of these established

coastal management priorities, the current national focus is on the effects of climate change, energy use and development, and improving the ability of coastal communities to recover from, and adapt to, both short- and long-term changes related to coastal hazards, climate change, resource management, commerce and business, fisheries, public access, and land use.

Priority consideration for funding will be given to proposals that complement other state and federal ocean and coastal resource management programs and meet or reduce unmet needs. State agencies and water management districts may apply for the grants. Applicants should note the following:

- Financial assistance is available in the form of reimbursement grants in amounts ranging from \$20,000 to \$150,000, depending on the availability of federal coastal management funds received from the National Oceanic & Atmospheric Administration (NOAA). Although the FCMP anticipates that grant recipients will not be required to provide non-federal matching funds or services, the application budget should include matching funds in the event FCMP matching funds are not available for FY 11-12.
- Projects must be able to be completed within one year. The funding cycle begins July 1, 2011, and ends June 30, 2012. Selected proposals will be included in the FCMP application to NOAA for FY 2011-12.
- Chapter 62S-5, F.A.C., describes the procedures for submitting applications and the criteria and procedures by which applications will be evaluated. A copy of the rule may be printed from the FCMP website at <http://www.dep.state.fl.us/cmp/grants/files/62S-5.pdf>. No specific application form is required, but proposals must not exceed 10 pages in length (excluding the cover page).
- Applicants must submit one original signed application, four paper copies of the application and one CD-DVD copy of the application.
- Applications must be received no later than 4:00 p.m. (EDT), October 19, 2010. Mail applications to: Susan Goggin, Florida Coastal Management Program, MS 47, 3900 Commonwealth Blvd., Tallahassee, FL 32399-3000.

Questions regarding this notice should be directed to: Susan Goggin at (850)245-2161 or by email: Susan.Goggin@dep.state.fl.us.

DEPARTMENT OF HEALTH

On August 6, 2010, Ana M. Viamonte Ros, M.D., M.P.H., State Surgeon General, issued an Order of Emergency Suspension Order with regard to the license of Lolita Noblefranca Blostein, R.N. License #RN 856402. This Emergency Suspension Order was predicated upon the State Surgeon General's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes. The State Surgeon General determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

On August 6, 2010, Ana M. Viamonte Ros, M.D., M.P.H., State Surgeon General, issued an Order of Emergency Suspension Order with regard to the license of John Michael Choix, D.O. License #OS 8298. This Emergency Suspension Order was predicated upon the State Surgeon General's

findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes. The State Surgeon General determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

On August 6, 2010, Ana M. Viamonte Ros, M.D., M.P.H., State Surgeon General, issued an Order of Emergency Suspension Order with regard to the license of Josiah T. Akinsoji, R.Ph. License #PS 30125. This Emergency Suspension Order was predicated upon the State Surgeon General's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes. The State Surgeon General determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

Section XIII
Index to Rules Filed During Preceding Week

**RULES FILED BETWEEN August 2, 2010
 and August 6, 2010**

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
----------	-----------	----------------	-------------------	------------------

DEPARTMENT OF STATE

Division of Elections

1S-2.034	8/5/10	8/25/10	36/20	
1S-2.049	8/5/10	8/25/10	36/25	

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Agricultural Environmental Services

5E-2.031	8/6/10	8/26/10	36/11	36/25
----------	--------	---------	-------	-------

DEPARTMENT OF COMMUNITY AFFAIRS

Division of Housing and Community Development

9B-76.001	8/5/10	8/25/10	35/25	36/19
-----------	--------	---------	-------	-------

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

40E-3.035	8/6/10	8/26/10	36/22	
-----------	--------	---------	-------	--

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Pilot Commissioners

61G14-17.005	8/5/10	8/25/10	36/24	
--------------	--------	---------	-------	--

DEPARTMENT OF ENVIRONMENTAL PROTECTION

62-304.325	8/6/10	8/26/10	36/23	
62-304.800	8/6/10	8/26/10	36/23	
62-304.805	8/6/10	8/26/10	36/23	

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
----------	-----------	----------------	-------------------	------------------

DEPARTMENT OF HEALTH

Board of Dentistry

64B5-2.013	8/5/10	8/25/10	36/19	
64B5-13.0046	8/5/10	8/25/10	36/19	

Board of Medicine

64B8-30.019	8/5/10	8/25/10	36/25	
-------------	--------	---------	-------	--

Board of Osteopathic Medicine

64B15-6.013	8/5/10	8/25/10	36/25	
-------------	--------	---------	-------	--

FISH AND WILDLIFE CONSERVATION COMMISSION

68-5.001	8/3/10	8/23/10	36/20	36/27
68-5.002	8/3/10	8/23/10	36/20	36/27
68-5.003	8/6/10	8/26/10	36/27	
68-5.004	8/3/10	8/23/10	36/20	36/27

Freshwater Fish and Wildlife

68A-6.007	8/6/10	8/26/10	36/27	
68A-6.0072	8/3/10	8/23/10	36/12	36/27
68A-15.005	8/5/10	8/25/10	36/18	
68A-15.064	8/6/10	8/26/10	36/27	

Marine Fisheries

68B-23.004	8/3/10	8/3/10	36/27	
68B-33.0034	8/3/10	8/3/10	36/27	
68B-33.004	8/3/10	8/3/10	36/27	

DEPARTMENT OF FINANCIAL SERVICES

Division of State Fire Marshal

69A-62.050	8/3/10	8/23/10	36/20	
------------	--------	---------	-------	--