

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

#### DEPARTMENT OF EDUCATION

##### State Board of Education

RULE NO.:	RULE TITLE:
6A-6.0781	Procedures for Appealing a District School Board Decision Denying Application for Charter School

#### NOTICE OF CONTINUATION

Notice is hereby given that the above rule, as noticed in Vol. 36, No. 33, August 20, 2010 Florida Administrative Weekly has been continued from September 21, 2010 to December 17, 2010.

#### DEPARTMENT OF TRANSPORTATION

RULE NO.:	RULE TITLE:
14-85.022	Permits

#### 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. 27, July 9, 2010 issue of the Florida Administrative Weekly.

In response to comments received during a public hearing held on July 26, 2010, the Department has modified its proposed rule to recognize the distinct economic hardships faced by businesses in areas of critical economic concern, as identified by the Governor's Office.

The proposed rule has been modified to include the following paragraph:

(2)(b) An annual permit fee of \$1,300.00 is established for all interchanges located within the boundaries of rural communities designated as within a Rural Area of Critical Economic Concern (RACEC) as defined by Section 288.0656(2)(d) & (e), Florida Statutes. The list of rural communities and areas designated as RACEC is published by the Governor's Office of Tourism, Trade and Economic Development. The RACEC status will be that which is in effect at the time the invoice for either the initial or renewal billing for participation in the Logo Sign Program is generated. If a RACEC designation is secured subsequent to the generation of the invoice, no refund, credit, or pro rata distribution of funds received by the Department for that year will be made to the permittee.

#### 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

##### Agency for Workforce Innovation

RULE NOS.:	RULE TITLES:
60BB-8.300	Provider and Class Registration Procedures; Application; Eligibility Determination
60BB-8.301	Statewide Provider Agreement for the VPK Program

#### NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 36, No. 19, May 14, 2010 issue of the Florida Administrative Weekly has been withdrawn.

#### DEPARTMENT OF MANAGEMENT SERVICES

##### Technology Program

RULE NO.:	RULE TITLE:
60FF-5.004	Requirements for Fee Remittance Submitted by or on Behalf of Wireless and Non-wireless Service Providers

#### 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. 15, April 16, 2010 issue of the Florida Administrative Weekly.

The change is in response to concerns by the Joint Administrative Procedures Committee in a letter dated June 9, 2010. The change is as follows:

60FF-5.004 Requirements for Fee Remittance Submitted by or on Behalf of Wireless and Non-Wireless Service Providers.

(1) All non-wireless and 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 billed, together with a monthly report of the number of service identifiers in each county. 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) For service providers collecting less than \$50 per month of total fee remittances. The E911 Board will not take collection action provided the reports and fee remittance are received on a quarterly basis.

(b) All service providers providing fee remittance for 911 or E911 service disbursements pursuant to Section 365.172(8)(f), F.S., shall provide the following information with the fee remittance. The information shall be provided in the appropriate categories, either the wireless, non-wireless LEC, non-wireless VoIP or non-wireless Specialty categories.

This information shall be provided in a form format referred to as a Florida Emergency Communications Number E911 System Remittance Report. The form shall include:

1. Service provider's name and address: Contact person: Contact Phone Number: E-mail Address;

2. Date remittance report;

3. Service collection period;

4. Itemization of fee remittance revenue per county, including:

a. County: (if the county information is not available, the remittance should include a statement from the service provider that the county location information is not available);

b. Total Subscribers; each provider shall report the number of service identifiers for subscribers, or access lines billed based on the county;

c. Gross Fees Collected;

d. 1% Provider Allowance;

e. Additional Adjustment;

f. Billing Adjustment;

g. Uncollected;

h. Comment or description of any adjustment or other pertinent notation; and

i. Net Fees Collected.

5. Remittance Check Amount, Check Date, and Check Number; and

6. The following certification shall be a part of the form: These amounts are submitted in compliance with Florida Statutes 365.172, 365.173 and 365.174, along with ordinances and definitions held within. Under penalties of perjury, I declare that I have verified the foregoing and the amounts alleged are true, to the best of my knowledge and belief.

(c) Fee Remittance Definitions:

1. Total Subscribers: The number of billed service-identifiers, as described in Florida Statutes 365.172(8), subject to the E911 fee. (Item (2)(b)4.b.)

2. Gross Fees Collected: A calculated quantity equal to the product of the "subscribers" and the E911 fee, plus any "billing adjustment," minus the "uncollected." (Item (2)(b)4.c.)

3. 1% Provider Allowance: The 1 percent amount of the E911 fees collected and retained by the provider as reimbursement for the administrative costs incurred by the provider to bill, collect, and remit the fee, as described in Florida Statutes 365.172(8). It is deducted from the "gross fees collected," in the calculation of the "net fees collected." (Item (2)(b)4.d.)

4. Additional Adjustment: An adjustment enabling service providers to correct errors in previous monthly remittances that are not subject to the "1 percent provider allowance." (Item (2)(b)4.e.)

5. Billing Adjustment: An adjustment, provided to reconcile differences between the service provider's actual E911 fees collected and the product of the "subscribers" and

the E911 fee. Enables corrections to the amounts billed to subscribers caused by new subscriber partial billing issues. (Item (2)(b)4.f.)

6. Uncollected: The amount billed by the service provider that was not collected. Enables resolution of differences between the service provider's actual E911 fees collected and the product of the "subscribers" and the E911 fee. (Item (2)(b)4.g.)

7. Net Fees Collected: Revenues derived from the E911 fee levied on subscribers in Florida Statutes 365.172(8) that must be delivered to the E911 Board for deposit by the E911 Board into the Emergency Communications Number E911 System Fund. It is equal to the "gross fees collected," minus the "1 percent provider allowance," plus any "additional adjustment." (Item (2)(b)4.i.)

(d) In lieu of submitting a signed Florida Emergency Communications Number E911 System Remittance Report, it can be electronically transmitted to the E911 Board's e-mail address: E911BoardElectronicRemittanceReports@dms.myflorida.com.

(e) Third party companies submitting fee remittances on behalf of wireless and non-wireless service providers shall provide a contact person, address, contact phone number and e-mail address on fee remittance information to respond to all E911 Staff inquiries about the fee remittance.

(3) The service providers shall provide their company contact person, address, contact phone number and e-mail address on fee remittance information to explain any irregularities noticed in the monthly fee remittance submittals. In the event of multiple irregularities or failures to submit the fee remittances in a timely manner, the providers representative will be encouraged to attend the E911 Board meeting, either in person or via teleconference, to explain these issues at the monthly E911 Board meeting.

(4) Service providers that fail to collect or deliver collected E911 fee revenue and remittance information within the 60 day submission time frame shall be subject to collection costs required to obtain the fee revenue and lost interest revenue, calculated in accordance with Section 55.03, F.S., on the unpaid E911 fee revenues due. The one percent provider allowance will be applied to offset the total amount of collection costs and lost interest due to the E911 Board, and the service provider shall be obligated to the E911 Board for any remaining balance due.

(5) A service provider may request relief from the monetary obligations resulting from its noncompliance by showing good cause in writing explaining in detail the facts and circumstances purporting to excuse its noncompliance. The service provider's representative will be encouraged to appear, either in person or via teleconference, at the next ensuing E911 Board meeting to present its position and answer any questions from the E911 Board. The E911 Board, in the exercise of its powers enumerated in Sections 365.172(5) and (6), F.S., shall consider the facts and circumstances and determine whether relief is justified to avoid imposition of a

substantial hardship or a violation of the principles of fairness, and whether relief would serve the purpose of Sections 365.172, 365.173, 365.174, F.S., and particularly Section 365.172(8), F.S.

Rulemaking Authority 365.172(6)(a)11., 365.172(8) FS. Law Implemented 365.172(8) FS. History--New.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: John C. Ford, Chair, 4030 Esplanade Way, Suite 160, Tallahassee, Florida 32399-0950

#### 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 Chiropractic

RULE NO.: RULE TITLE:  
64B2-11.012 Application for Acupuncture  
Certification

##### 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. 50, December 18, 2009 issue of the Florida Administrative Weekly.

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

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

(1) Any person licensed or applying for licensure by the Board who also desires to be certified in acupuncture shall apply to the Department of Health. Application shall be made on board approved form DH-MQA 1151, (Rev 08/2010), Application for Chiropractic Acupuncture Certification, which is hereby incorporated by reference, and may be obtained from the Board of Chiropractic Medicine, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257, or from its website at [www.doh.state.fl.us/mqa/chiro/chiro\\_lic\\_req.html](http://www.doh.state.fl.us/mqa/chiro/chiro_lic_req.html). Applicants may apply on online at [www.doh.state.fl.us/mqa/chiro/chiro\\_lic\\_req.html](http://www.doh.state.fl.us/mqa/chiro/chiro_lic_req.html).

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

#### DEPARTMENT OF HEALTH

##### Board of Chiropractic

RULE NO.: RULE TITLE:  
64B2-12.0155 Fee for Registered Chiropractic  
Assistants

##### 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. 22, June 4, 2010 issue of the Florida Administrative Weekly.

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

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

(1) Any person desiring to become a registered chiropractic assistant (RCA) shall make application to the Board on board approved form DH-MQA 1150 (Rev. 08/2010), Application for Registered Chiropractic Assistant (RCA), which is hereby incorporated by reference, and may be obtained from the Board of Chiropractic Medicine, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257, or from its website at [www.doh.state.fl.us/mqa/chiro/chiro\\_lic\\_req.html](http://www.doh.state.fl.us/mqa/chiro/chiro_lic_req.html), and submit the required fees. Applicants may apply on online at [www.doh.state.fl.us/Mac/Cairo/chiro\\_lic\\_req.html](http://www.doh.state.fl.us/Mac/Cairo/chiro_lic_req.html).

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

#### DEPARTMENT OF HEALTH

##### Board of Chiropractic

RULE NO.: RULE TITLE:  
64B2-12.022 Medical Faculty Certificate Fees

##### NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 36, No. 22, June 4, 2010 issue of the Florida Administrative Weekly.

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

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

(1) Any chiropractic physician desiring to obtain a chiropractic medicine faculty certificate shall make application to the Board on board approved form DH-MQA 1146, (Rev 08/2010), Application for Chiropractic Medical Faculty Certificate which is hereby incorporated by reference, and may be obtained from the Board of Chiropractic Medicine, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257, or from its website at [www.doh.state.fl.us/mqa/chiro/chiro\\_lic\\_req.html](http://www.doh.state.fl.us/mqa/chiro/chiro_lic_req.html), and submit the required fees. Applicants may apply on online at [www.doh.state.fl.us/mqa/chiro/chiro\\_lic\\_req.html](http://www.doh.state.fl.us/mqa/chiro/chiro_lic_req.html).

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

## DEPARTMENT OF HEALTH

### Board of Chiropractic

RULE NO.:	RULE TITLE:
64B2-18.002	Application for Certification as a Chiropractic Physician's Assistant

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. 22, June 4, 2010 issue of the Florida Administrative Weekly.

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

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

(1) Any person desiring to be certified as a chiropractic physician's assistant shall file an application with the Department on board approved form DH-MQA 1148, (Rev 08/2010), Application for Certified Chiropractic Physicians Assistant (CCPA), which is hereby incorporated by reference, and may be obtained from the Board of Chiropractic Medicine, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257, or from its website at [www.doh.state.fl.us/mqa/chiro/chiro\\_lic\\_req.html](http://www.doh.state.fl.us/mqa/chiro/chiro_lic_req.html), and submit the required fees. Applicants may apply on online at [www.doh.state.fl.us/mqa/chiro/chiro\\_lic\\_req.html](http://www.doh.state.fl.us/mqa/chiro/chiro_lic_req.html).

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

## DEPARTMENT OF HEALTH

### Board of Medicine

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

#### NOTICE OF ADDITIONAL PUBLIC HEARING

The Board of Medicine hereby gives notice of an additional public hearing on Rules 64B8-9.0131 and 64B8-9.0132, F.A.C. to be held on Saturday, October 2, 2010, at 8:00 a.m., at the Renaissance Orlando, 5445 Forbes Place, Orlando, FL 32812. The rules were originally published in Vol. 36, No. 16, of the April 23, 2010, issue of the Florida Administrative Weekly (FAW). The Board held public hearings on these rules on June

4, 2010, and on August 7, 2010. The hearing is in response to a request for a hearing based upon the Notice of Change published in Vol. 36, No. 33, of the FAW on August 20, 2010.

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

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

## FISH AND WILDLIFE CONSERVATION COMMISSION

### Vessel Registration and Boating Safety

RULE NOS.:	RULE TITLES:
68D-18.004	Special Purpose Marker Buoys
68D-18.005	Restricted Areas

#### NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 36, No. 21, May 28, 2010 issue of the Florida Administrative Weekly has been withdrawn.

## DEPARTMENT OF FINANCIAL SERVICES

### Division of Insurance Agents and Agency Services

RULE NOS.:	RULE TITLES:
69B-220.051	Conduct of Public Adjusters
69B-220.201	Ethical Requirements

#### NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 36, No. 26, July 2, 2010 issue of the Florida Administrative Weekly has been withdrawn.

## AGENCY FOR ENTERPRISE INFORMATION TECHNOLOGY

### Office of Information Security

RULE NOS.:	RULE TITLES:
71A-1.001	Purpose and Scope
71A-1.002	Definitions
71A-1.003	Agency Information Security Program
71A-1.004	Agency Information Technology Workers
71A-1.005	Agency Contracts, Providers, and Partners
71A-1.006	Confidential and Exempt Information
71A-1.007	Access Control
71A-1.008	Awareness and Training
71A-1.009	Audit and Accountability

71A-1.010	Certification, Accreditation, and Security Assessments
71A-1.011	Configuration Management
71A-1.012	Contingency Planning
71A-1.013	Identification and Authentication
71A-1.014	Incident Response
71A-1.015	Maintenance
71A-1.016	Media Protection
71A-1.017	Physical and Environmental Protection
71A-1.018	System and Application Security Planning
71A-1.019	Personnel Security and Acceptable Use
71A-1.020	Risk Assessment
71A-1.021	Systems, Applications and Services Acquisition and Development
71A-1.022	Systems and Communications Protection
71A-1.023	Systems and Information Integrity

#### NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 36, No. 24, June 18, 2010 issue of the Florida Administrative Weekly. The notice published on June 18, 2010, should have stated that the agency head who approved the rule was Mike Russo, State Chief Information Officer.

## Section IV Emergency Rules

### BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

### DEPARTMENT OF THE LOTTERY

RULE NO.: 53ER10-44  
 RULE TITLE: Instant Game Number 1075, CHERRY JUBILEE

SUMMARY: This emergency rule describes Instant Game Number 1075, "CHERRY JUBILEE," 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:

#### 53ER10-44 Instant Game Number 1075, CHERRY JUBILEE.

(1) Name of Game. Instant Game Number 1075, "CHERRY JUBILEE."

(2) Price. CHERRY JUBILEE lottery tickets sell for \$2.00 per ticket.

(3) CHERRY JUBILEE 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 CHERRY JUBILEE lottery ticket, the ticket must meet the applicable requirements of Rule 53ER10-1, F.A.C.

(4) The play symbols and play symbol captions are:



(5) The prize symbols and prize symbol captions are as follows:

\$1.00 ONE	\$2.00 TWO	\$4.00 FOUR	\$5.00 FIVE	\$10.00 TEN
\$15.00 FIFTEEN	\$20.00 TWENTY	\$30.00 THIRTY	\$40.00 FORTY	\$100 ONE HUNDRED
\$200 TWO HUNDRED	\$400 FOUR HUNDRED	\$1,000 ONE THOUSAND	\$5,000 FIVE THOUSAND	\$25,000 TWENTY FIVE THOUSAND

(6) The legends are as follows:



(7) Determination of Prizewinners.

(a) There are ten (10) spins on a ticket. Each spin is played separately. A ticket having three like play symbols and corresponding play symbol captions in a spin shall entitle the claimant to the prize shown for that spin. A ticket having three

(3) "DOUBLE" play symbols and play symbol captions in a spin shall entitle the player to double the prize shown for that spin.

(b) The prizes are: \$1.00, \$2.00, \$4.00, \$5.00, \$10.00, \$15.00, \$20.00, \$30.00, \$40.00, \$100, \$200, \$400, \$1,000, \$5,000 and \$25,000.

(8) The estimated odds of winning, value and number of prizes in Instant Game Number 1075 are as follows: