

**FINANCIAL SERVICES COMMISSION**

**OIR – Insurance Regulation**

RULE NO.: 69O-138.001  
 RULE TITLE: NAIC Financial Condition Examiners Handbook Adopted

PURPOSE AND EFFECT: This rule is being amended to adopt the 2010 NAIC Financial Condition Examiners Handbook. The current rule adopted the 2009 version.

SUMMARY: Section 624.316, Florida Statutes, requires the Office to examine insurer’s financial condition, using generally accepted accounting procedures. This statute also allows the Office to adopt the NAIC Financial Condition Examiners Handbook to facilitate these exams. By adopting the newest version of the handbook, this rule ensures that the procedures used by the Office to examine insurers are the current generally accepted accounting practices.

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(1), 624.316(1)(c) FS.  
 LAW IMPLEMENTED: 624.316(1)(c) 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: December 1, 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: Kerry Krantz, Bureau of Life and Health, Office of Insurance Regulation, E-mail [kerry.krantz@flor.com](mailto:kerry.krantz@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 IS: Kerry Krantz, Bureau of Life and Health, Office of Insurance Regulation, E-mail [kerry.krantz@flor.com](mailto:kerry.krantz@flor.com)

THE FULL TEXT OF THE PROPOSED RULE IS:

69O-138.001 NAIC Financial Condition Examiners Handbook Adopted.

~~(1)(a) The National Association of Insurance Commissioners Financial Condition Examiners Handbook (2006) is hereby adopted and incorporated by reference.~~

~~(b) The National Association of Insurance Commissioners Financial Condition Examiners Handbook 2010 2009 is hereby adopted and incorporated by reference.~~

(2) through (3) No change.

~~Rulemaking Specific Authority 624.308(1), 624.316(1)(c) FS. Law Implemented 624.316(1)(c) FS. History—New 3-30-92, Amended 4-9-97, 4-4-99, 11-30-99, 2-11-01, 12-25-01, 8-18-02, 7-27-03, Formerly 4-138.001, Amended 1-6-05, 9-15-05, 1-25-07, 3-16-08, 3-4-09, 1-4-10, \_\_\_\_\_.~~

NAME OF PERSON ORIGINATING PROPOSED RULE: Kerry Krantz, Bureau of Life and Health, Office of Insurance Regulation, E-mail [kerry.krantz@flor.com](mailto:kerry.krantz@flor.com)

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

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 12, 2010

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

**DEPARTMENT OF COMMUNITY AFFAIRS  
 Division of Housing and Community Development**

RULE NO.: 9B-70.002  
 RULE TITLE: Commission Approval and Accreditation of Advanced Building Code Training Courses  
 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. 29, July 23, 2010 issue of the Florida Administrative Weekly.

This is the second Notice of Change for this rule. The first notice was published in Vol. 36, No. 40, October 8, 2010, edition of the Florida Administrative Weekly.

(1) through (3)(f) No change.

(g) If an approved accredited course requires revision to correct or update a reference, table, diagram, or quoted provision of code, law, or administrative rule, the training provider may submit the revised course and complete Form FBC-ED-002 ~~9B-70.002(4)(a)~~, effective September 10, 2010, adopted herein by reference and available from the Building Code Information System at [www.floridabuilding.org](http://www.floridabuilding.org). The training provider must list the exact change, the specific location of the change, and reason for the change in the course and affirm this is the only change. The changes to the course shall be approved by the administrator of the education program subject to ratification by the Florida Building Commission.

(4) through (7) No change.

Rulemaking Authority 553.841(2) FS. Law Implemented 553.841 FS. History--New 6-8-05, Amended 4-30-07, 6-12-08, 3-4-09, 11-2-09, \_\_\_\_\_.

**DEPARTMENT OF REVENUE**

RULE NO.:                    RULE TITLE:  
 12-22.008                    Warrants and Liens List  
 NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 36, No. 40, October 8, 2010 issue of the Florida Administrative Weekly.

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: A Notice of Rule Development was published in the Florida Administrative Weekly on July 9, 2010 (Vol. 36, No. 27, p. 3161). No written comments were received by the Department. No one from the public attended.

**DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES**

**Division of Motor Vehicles**

RULE NOS.:                    RULE TITLES:  
 15C-17.001                    Provider Requirements  
 15C-17.002                    Exemptions, Restrictions and Enforcement  
 15C-17.003                    Dealer 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. 33, August 20, 2010 issue of the Florida Administrative Weekly.

15C-17.001 Provider 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) Providers must be authorized by the department to provide dealers with a system that allows connectivity to interface with the motor vehicle database. In order to be authorized to become an ETR provider, the provider must: Every motor vehicle dealer licensed under Chapter 320, F.S., 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.

(a) Enter into a contract with the department.

(b) Demonstrate to the department that the provider's system at a minimum can successfully process registration transactions, generate reports as set forth in (3) and provide information in "real-time" utilizing the interface designed by the department.

(c) Provide a performance bond or irrevocable letter of credit for \$50,000 with the department.

(3) ETR providers must ensure that their system can provide the following:

(a) Registration certificate.

(b) Provide a list to the department, by county, by dealer, of all provider authorized users of the ETR system.

(c) Inquiry capabilities subject to applicable fees as set forth in Section 320.05(3)(e), F.S.

~~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.~~

(4) Authorized ETR providers shall:

(a) Provide support, assistance, and training to any dealer using their system.

(b) Ensure that access and data are secure and that the ETR system is only used by authorized users.

(c) Follow installation procedures as set forth by the department.

(d) Maintain all contractual agreements with dealers 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 principals and prospective users have had a criminal history check conducted by the Florida Department of Law Enforcement and maintain lists of authorized users. Proof of verification of criminal history checks by the dealer must be maintained for a period of five fiscal years.

(g) Transfer all funds collected in connection with the processing of registration transactions via electronic funds transfer to the department within five business days of the date of the transaction.

(h) Provide at its own expense all equipment necessary to provide an interface between the ETR provider's server and the department's server.

Rulemaking Authority 320.0609(8)(c) FS. Law Implemented 320.0609(8) FS. History--New \_\_\_\_\_.

15C-17.002 Exemptions, and Restrictions and Enforcement.

(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.

(3) The following are prohibited acts that will result in termination of authorization as an ETR provider:

(a) Willful misrepresentation of ETR policies, procedures, contractual terms or other registration policies or procedures.

(b) Using department information for reasons other than ETR.

(c) Failure to correct errors as required by the department.

(d) Failure to execute electronic funds transfer in the specified time frame.

(e) Failure to ensure access is only provided to authorized users.

(4) The department will revoke a dealer's ability to use ETR for any violation that jeopardizes the integrity of the system. 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. After revocation of the use of ETR, a dealer will only be allowed access if it can prove to the department it has taken corrective measures to no longer jeopardize the integrity of the system.

Rulemaking Authority 320.0609(8)(c) FS. Law Implemented 320.0609(8) FS. History--New\_\_\_\_\_.

15C-17.003 Dealer Requirements Record Retention.

(1) Every motor vehicle dealer licensed under Chapter 320, F.S., shall report all temporary plate transfers 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.

(2) A dealer must provide verification to the ETR provider that criminal history 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 dealer's principals or prospective users must have no convictions involving a felony for the last 7 years except as provided in Section 112.011(1)(b), F.S. Regardless of the passage of time since the conviction and notwithstanding restoration of civil rights, anyone convicted of a felony involving dishonesty, including but not limited to,

identity fraud, embezzlement or other economic crimes is not eligible to be granted authorization to use the ETR system. The convictions listed above that would prohibit authorization to use the ETR system do not include any felony convictions involving the actual operation of a motor vehicle.

(3) Dealers shall ensure that only authorized users have access to the ETR system.

(4) If a dealer charges a fee to the customer for an electronic temporary plate transfer, the fee shall be disclosed separately and in a clear and conspicuous manner in the sales agreement. Sales agreement shall mean the document that the buyer and seller sign memorializing the terms of the sale and includes, but is not limited to, a buyer's order and a bill of sale. The dealer may not disclose or disguise the fee charged for the electronic temporary plate transfer as a State or Government fee.

(5) 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\_\_\_\_\_.

**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. 36, No. 38, September 24, 2010 issue of the Florida Administrative Weekly has been withdrawn.

**WATER MANAGEMENT DISTRICTS**

**Southwest Florida Water Management District**

RULE NO.: RULE TITLE:  
40D-4.091 Publications, Forms and Agreements Incorporated by Reference

**NOTICE OF CORRECTION**

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 36, No. 41, October 15, 2010 issue of the Florida Administrative Weekly.

Environmental Resource Permitting Information Manual Part B – Basis of Review

The following technical correction is made to Section 3.3.2.2.

The note “b. through d. No change” is moved up above “Appendix 4. Mitigation Banks”.

The remainder of the text remains as published.

3.3.2.2 Preservation

a. Preservation of important ecosystems can provide an improved level of protection over current regulatory programs. Wetlands, other surface waters, or uplands that comprise important ecosystems ~~Preservation~~ shall be preserved by donation of the fee title to the property or a conservation easement interest in the property or other comparable land use restriction, of wetlands, other surface waters, or uplands. ~~Conservation easements or restrictions~~ must be consistent with the requirements of subsection 3.3.8. In many cases it is not expected that preservation alone will be sufficient to offset adverse impacts. Preservation will most frequently be approved in combination with other mitigation measures.

b. through d. No change.

Appendix 4. Mitigation Banks

3. Use of a Mitigation Bank.

Use of a mitigation bank is an appropriate and permissible mitigation option when the mitigation bank will offset the adverse impacts of the project and meet all other criteria for permit issuance. Some examples of when the use of a mitigation bank may be preferred include: ~~and~~

a. on-site mitigation opportunities are not expected to have comparable long-term viability due to such factors as unsuitable hydrologic conditions or ecologically incompatible existing adjacent land uses or future land uses identified in a local comprehensive plan adopted according to Chapter 163, F.S.; and ~~or~~

b. use of the mitigation bank would provide greater improvement in ecological value than on-site mitigation. In some cases, a combination of on-site mitigation and participation in a mitigation bank will be appropriate to offset adverse impacts of a project.

**WATER MANAGEMENT DISTRICTS**

**Southwest Florida Water Management District**

RULE NO.: 40D-22.201  
 RULE TITLE: Year-Round Water Conservation Measures

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 36, No. 41, October 15, 2010 issue of the Florida Administrative Weekly.

Paragraph (3)(g) was inadvertently underlined as new language.

40D-22.201 Year-Round Water Conservation Measures.

(3) Irrigation Uses – The following requirements shall apply to all Irrigation except Agriculture, for example: Lawns, Landscapes, Golf Courses, and other Athletic Play Areas.

(g) New Plant Material shall only be irrigated as follows:

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Health Facility and Agency Licensing**

RULE NO.: 59A-3.2085  
 RULE TITLE: Department and Services

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 36, No. 39, October 1, 2010 issue of the Florida Administrative Weekly.

59A-3.2085 Department and Services.

(1) through (17) No change.

(18)(a) All licensed hospitals that operate burn units under Section 408.0361(2), F.S., shall comply with the guidelines published by the American College of Surgeons, Committee on Trauma. Hospitals are considered to be in compliance with the American College of Surgeons guidelines when they adhere to guidelines regarding staffing, physician training and experience, operating procedures, equipment, physical plant, and patient selection criteria to ensure patient quality and safety. ~~The~~ ~~the~~ applicable guidelines, herein incorporated by reference, are “Guidelines for the Operation of Burn Centers,” in *Resources for Optimal Care of the Injured Patient*, Committee on Trauma, American College of Surgeons, (2006); Chapter 14, pages 79 through 86. These guidelines are available at: <http://www.ameriburn.org/Chapter14.pdf>. The determination of compliance with the guidelines is based on the burn unit providing evidence of verification from the American Burn Association.

(b) No change.

(c) No change.

(d) At the time of licensure renewal, burn unit operators shall submit current documentation from the American Burn Association that verifies the hospital’s adherence to the guidelines incorporated in paragraph (18)(b). ~~adopted by reference and effective as of the effective date of this rule.~~

(e) through (f) No change.

Rulemaking Authority 395.1055, 395.3038, 395.401, 408.036, 408.036(1), 408.0361(2) FS. Law Implemented 395.001, 395.1055, 395.1065, 395.3038, 395.401, 408.036, 408.0361, 957.05 FS. History—New 4-17-97, Amended 3-29-98, 8-23-99, 3-23-06, 1-8-09, 11-3-09,\_\_\_\_\_.

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Health Facility and Agency Licensing**

RULE NO.: 59A-7.034  
 RULE TITLE: Alternate-Site Testing

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. 38, September 24, 2010 issue of the Florida Administrative Weekly.

Changes include revisions to subsection 59A-7.034(10), where subparagraph 6. was inadvertently placed in subparagraph 7.

59A-7.034 Alternate-Site Testing.

(1) through (4) No change.

(5) Approval of Alternate-Site Testing:

(a) A request for approval of any new instrument or testing methodology not currently listed by the Agency's Internet site Clinical Laboratory Hospital Alternate-Site Testing, November 2010: [http://ahca.myflorida.com/mchq/health\\_facility\\_regulation/laboratory\\_licensure/altsiterule.shtml](http://ahca.myflorida.com/mchq/health_facility_regulation/laboratory_licensure/altsiterule.shtml) and incorporated herein by reference, as approved for alternate-site testing, must be submitted to the Agency for review and approval prior to implementation. If the instrument is listed as an unapproved test, then it cannot be performed at an alternative-site. If a test is listed as approved under specific circumstances, those circumstances must be met in order for the test to be performed.

(b) A request for approval of any new instrument or testing methodology must include the location of the alternate-site, category of personnel who will perform the tests, name of the instrument or method to be used, instrument manufacturer and model number if applicable, and any other information necessary for the Agency to determine whether tests to be performed meet the criteria established in subparagraph 10.

(c) No change.

(d) Instruments or testing methodologies previously approved and listed on the Agency's alternate-site testing website Clinical Laboratory Hospital Alternate-Site Testing, November 2010 at: [http://ahca.myflorida.com/mchq/health\\_facility\\_regulation/laboratory\\_licensure/altsiterule.shtml](http://ahca.myflorida.com/mchq/health_facility_regulation/laboratory_licensure/altsiterule.shtml) do not require prior approval.

(f) No change.

(6) through (7) No change.

(8)(a)1.-9. No change.

10. Meets the staff training and education educational requirements set out in the alternate-site policy and procedure manual developed by the laboratory director for individuals performing tests categorized as waived.

(b) No change.

(c) The laboratory director shall, in consultation with medical staff designated by the hospital, establish the training needs for the test methods used at each site. This training at a minimum must ensure that alternate-site testing personnel have had instruction in the following areas:

1. Specimen collection, handling and storage including infection control procedures.
2. Instrument procedures including skills required to perform preventive maintenance, calibration and troubleshooting.
3. Skills required to implement quality control procedures and evaluate quality control results.
4. Skills required to perform specific test procedures.

5. Result reporting and documentation techniques including knowledge of reporting procedures for life threatening results.

6. Awareness of the factors that influence test results including the skills required to assess and verify the validity of patient test results through the assessment and correlation of pre-analytical and post-analytical phases of testing with laboratory data generated during the analytical phase of testing as they relate to common physiological conditions and quality control, and Awareness of the factors that influence test results including the skills required to assess and verify the validity of patient test results through the assessment and correlation of pre-analytical and post-analytical phases of testing with laboratory data generated during the analytical phase of testing as they relate to common physiological conditions and quality control, and

7. Monitoring of systems and results for errors including instruction on corrective action including whether or not results can be reported. Monitoring of systems and results for errors including instruction on corrective action including whether or not results can be reported.

(d) No change.

(9) through (10) No change.

(11) The Agency shall take administrative action pursuant to Sections 483.201, 483.221, 408.806, 408.813, 408.814, 408.816 and 483.23, F.S., up to and including revocation of the approval for operation of any or all alternate-testing sites where the agency determines that said sites have operated in violation of Chapter 483, Part I, F.S., and the provisions of Chapter 59A-7, F.A.C. In addition, pursuant to Sections 483.201, 483.221, and 483.23, F.S., in the event of such a violation, the Agency shall take administrative action up to and including revocation of the laboratory license of the laboratory maintaining the alternate-testing site.

Rulemaking Authority 483.051, 408.819 FS. Law Implemented 408.806, 408.813, 408.814, 408.816, 483.051, 483.181, 483.201, 483.221, 483.23, ~~483.813~~ FS. History--New 12-27-95, Amended 12-8-09, \_\_\_\_\_.

**DEPARTMENT OF MANAGEMENT SERVICES**

**Agency for Workforce Innovation**

RULE NO.:	RULE TITLE:
60BB-3.0254	How to Apply for Emergency Unemployment Compensation
	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. 35, September 3, 2010 issue of the Florida Administrative Weekly.

Proposed Rule 60BB-3.0254, Florida Administrative Code, and one of the forms incorporated by reference into it, were the subject of a public hearing conducted by the Agency for Workforce Innovation on October 25, 2010. At the hearing, the

Agency introduced testimony indicating that, due to a clerical error, language describing Tier II Emergency Unemployment Compensation appeared on the Form AWI-UCB11 EUC (Rev. 7/10), Emergency Unemployment Compensation Monetary Determination, which deals only with Tier I Emergency Unemployment Compensation.

The language on the form referenced above read: “The Unemployment Compensation Extension Act of 2010, P.L. 111-205, enacted on July 22, 2010, extends the time period during which an individual may qualify for and receive EUC. Under this law, an individual may establish eligibility for Tier II EUC for any week up to the week ending November 27, 2010. TIER II EUC benefits equal 54% of your regular state claim or 14 weeks of benefits, whichever is less.”

The testimony and documentary evidence presented at the October 25, 2010 public hearing establish that the language on the form should have read: “The Unemployment Compensation Extension Act of 2010, P.L. 111-205, enacted on July 22, 2010, extends the eligibility dates for EUC to claims filed by November 21, 2010. TIER I EUC benefits entitles you to 80% of your regular state claim or 20 weeks of benefits, whichever is less.”

The Agency has amended this form to reflect this change. The Agency also proposes the following change to the iteration of Rule 60BB-3.0254, F.A.C., that appeared in the Notice of Change that appeared in the Vol. 36, No. 40, October 8, 2010 edition of Florida Administrative Weekly.

60BB-3.0254 How to Apply for Emergency Unemployment Compensation.

- (1) through (3) No change.
- (4) Notice of Determination.
- (a) through (b) No change.

(c) Notice of the Agency’s determination of a claimant’s eligibility or ineligibility for emergency unemployment compensation under subsections (2) or (3) of Rule 60BB-3.0253, F.A.C., will be mailed to the claimant on a Form AWI-UCB11 EUC (Rev. 09/10 ~~7/10~~), Emergency Unemployment Compensation Monetary Determination, which is hereby incorporated by reference into this rule.

- (d) through (f) No change.

Rulemaking Authority 443.1317(1)(b) FS. Law Implemented 443.091, 443.101, 443.111, 443.151, 443.221(3) FS. History–New 8-11-10, Amended \_\_\_\_\_.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

RULE NOS.:	RULE TITLES:
61-35.027	Real Estate Forms
61-35.0271	Real Estate: Application for Sales Associate License
61-35.02711	Real Estate: Application for Broker License

61-35.02712	Real Estate: Application for Real Estate Instructor Permit
61-35.02713	Real Estate: Application for School Chief Administrator
61-35.02714	Real Estate: Application for School Permit
61-35.02715	Real Estate: Real Estate School Change of Status Transactions
61-35.02716	Real Estate: Application for Real Estate Company
61-35.02717	Real Estate: Application for Branch Office
61-35.02718	Real Estate: Application for Additional School Location
61-35.02719	Real Estate: Sales Associate/Broker Sales Associate (SL/BL) Transactions
61-35.0272	Real Estate: Broker (BK) Transactions
61-35.02721	Real Estate: Real Estate Company Transactions
61-35.02722	Real Estate: Instructor Transactions
61-35.02723	Real Estate: School Chief Administrator Transaction

**NOTICE OF CHANGE**

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 35, No. 45, November 13, 2009 issue of the Florida Administrative Weekly.

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

Form number DBPR RE 1, Application for Sales Associate License, effective November 17, 2009, is adopted and incorporated by reference. Forms are available at [www.myfloridalicense.com](http://www.myfloridalicense.com) and by mail from the Department of Business of Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-0783.

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

61-35.02711 Real Estate: Application for Broker License.

Form number DBPR RE 2, Application for Broker License, effective November 17, 2009, is adopted and incorporated by reference. Forms are available at [www.myfloridalicense.com](http://www.myfloridalicense.com) and by mail from the Department of Business of Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-0783.

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

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

Form number DBPR RE 3, Application for Real Estate Instructor Permit, effective November 17, 2009, is adopted and incorporated by reference. Forms are available at [www.myfloridalicense.com](http://www.myfloridalicense.com) and by mail from the Department of Business of Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-0783.

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

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

Form number DBPR RE 4, Application for School Chief Administrator, effective November 17, 2009, is adopted and incorporated by reference. Forms are available at [www.myfloridalicense.com](http://www.myfloridalicense.com) and by mail from the Department of Business of Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-0783.

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

61-35.02714 Real Estate: Application for School Permit.

Form number DBPR RE 5, Application for School Permit, effective November 17, 2009, is adopted and incorporated by reference. Forms are available at [www.myfloridalicense.com](http://www.myfloridalicense.com) and by mail from the Department of Business of Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-0783.

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

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

Form number DBPR RE 6, Real Estate School Change of Status Transactions, effective November 17, 2009, is adopted and incorporated by reference. Forms are available at [www.myfloridalicense.com](http://www.myfloridalicense.com) and by mail from the Department of Business of Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-0783.

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

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

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

[www.myfloridalicense.com](http://www.myfloridalicense.com) and by mail from the Department of Business of Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-0783.

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

61-35.02717 Real Estate: Application for Branch Office.

Form number DBPR RE 8, Application for Branch Office, effective November 17, 2009, is adopted and incorporated by reference. Forms are available at [www.myfloridalicense.com](http://www.myfloridalicense.com) and by mail from the Department of Business of Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-0783.

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

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

Form number DBPR RE 9, Application for Additional School Location, effective November 17, 2009, is adopted and incorporated by reference. Forms are available at [www.myfloridalicense.com](http://www.myfloridalicense.com) and by mail from the Department of Business of Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-0783.

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

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

Form number DBPR RE 10, Sales Associate/Broker Sales Associate (SL/BL) Transactions, effective November 17, 2009, is adopted and incorporated by reference. Forms are available at [www.myfloridalicense.com](http://www.myfloridalicense.com) and by mail from the Department of Business of Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-0783.

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

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

Form number DBPR RE 11, Broker (BK) Transactions, effective November 17, 2009, is adopted and incorporated by reference. Forms are available at [www.myfloridalicense.com](http://www.myfloridalicense.com) and by mail from the Department of Business of Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-0783.

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

61-35.02721 Real Estate: Real Estate Company Transactions.

Form number DBPR RE 12, Real Estate Company Transactions, effective November 17, 2009, is adopted and incorporated by reference. Forms are available at [www.myfloridalicense.com](http://www.myfloridalicense.com) and by mail from the Department of Business of Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-0783.

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

61-35.02722 Real Estate: Instructor Transactions.

Form number DBPR RE 13, Instructor Transactions, effective November 17, 2009, is adopted and incorporated by reference. Forms are available at [www.myfloridalicense.com](http://www.myfloridalicense.com) and by mail from the Department of Business of Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-0783.

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

61-35.02723 Real Estate: School Chief Administrator Transactions.

Form number DBPR RE 14, School Chief Administrator Transactions, effective November 17, 2009, is adopted and incorporated by reference. Forms are available at [www.myfloridalicense.com](http://www.myfloridalicense.com) and by mail from the Department of Business of Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-0783.

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

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Professional Engineers**

RULE NO.:                      RULE TITLE:  
61G15-31.011                  Design of Aluminum Structures

**NOTICE OF CORRECTION**

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 35, No. 33, August 21, 2009 issue of the Florida Administrative Weekly.

The changes are in response to concerns by the Joint Administrative Procedures Committee in letters dated December 16, 2009 and August 6, 2010. The change will correct the Summary of Statement of Estimated Regulatory Cost.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: A Statement of Estimated Regulatory Cost has been prepared and is available by contacting Carrie Flynn, Executive Director, 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:

- A good faith estimate of the number of individuals affected by this rule would be approximately 70.
- There is no anticipated impact on state and local revenues.
- There are no additional licensing requirements associated with the proposed rule. The proposed rule is not applicable to government entities.
- There is no impact expected on city and county building departments including small city and county building departments.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Carrie Flynn, Executive Director, Board of Cosmetology, P. O. Box 5377, Tallahassee, Florida 32399-5377

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Florida Real Estate Commission**

RULE NOS.:	RULE TITLES:
61J2-24.004	Mediation
61J2-24.006	Probation

**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. 38, September 24, 2010 issue of the Florida Administrative Weekly.

These changes are in response to written comments submitted by the staff of the Joint Administrative Procedures Committee in a letter dated September 29, 2010.

61J2-24.004 (2)(d) through (f) shall read as:

~~(d) Failure to give Commission 30 day written notice after a guilty or nolo contendere plea or convicted of any felony pursuant to Section 475.25(1)(p), F.S.~~

~~(e) Failure to have a current license as a broker or sales associate while listing or selling one or more timeshare periods per year pursuant to Section 475.42(1)(m), F.S.~~

~~(f) Failure to keep and make available to the department such books, accounts, and records as will enable the department to determine whether the broker is in compliance with the provisions of this chapter pursuant to Section 475.453, F.S.~~

61J2-24.006 (2)(c) shall read as:



(c) Economic hardship. This means that the respondent has completed all requirements of probation except for the payment of fines or costs and is presently unable to pay Any substantiated hardship.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Lori Crawford, Deputy Clerk, Division of Real Estate, 400 West Robinson Street, Suite N801, Orlando, Florida 32801

**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**

**Division of Medical Quality Assurance**

RULE NO.:                   RULE TITLE  
64B-7.001                   Pain Management Clinic  
  Registration Requirements

**NOTICE OF CORRECTION**

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 36, No. 38, September 24, 2010 issue of the Florida Administrative Weekly.

The SERC estimates the number of pain-management clinics subject to the rule and the physicians likely to be affected. The rule will not affect costs to the agency, other governmental entities, or state of local revenues. Transactional costs will occur when certain clinics will have to hire a new designated physician, but no transactional costs will be incurred by local governments. The rule should not otherwise impact small businesses and will not impact small counties or cities. Other related rules are being adopted by the regulatory boards.

The person to be contacted regarding the above notice is Larry McPherson, Executive Director, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253.

**DEPARTMENT OF HEALTH**

**Board of Nursing**

RULE NO.:                   RULE TITLE:  
64B9-8.005                   Unprofessional Conduct

**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. 33, August 20, 2010 issue of the Florida Administrative Weekly.

64B9-8.005 Unprofessional Conduct.

(1) through (12) No change.

~~(13) Practicing beyond the scope of the licensee's license, educational preparation or nursing experience;~~

~~(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) 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 paragraph (b) 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.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joe Baker, Jr., Executive Director, Board of Nursing, 4052 Bald Cypress Way, Bin #C02, Tallahassee, Florida 32399-3252

## DEPARTMENT OF HEALTH

### Office of Statewide Research

RULE NO.: 64H-1.002  
 RULE TITLE: Biomedical Research Grant Applications

#### 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. 7, February 19, 2010 issue of the Florida Administrative Weekly.

#### 64H-1.002 Biomedical Research Grant Applications.

(1) All documents incorporated by reference are available at [www.floridabiomed.com](http://www.floridabiomed.com).

(2) Grant applications will be accepted in accordance with the following calls for grant applications, incorporated by reference herein:

(a) James & Esther King Biomedical Research Program, Call for Grant Applications: Bridge Grants for Diseases Related to Tobacco Use, Fiscal Year 2011-12.

(b) James & Esther King Biomedical Research Program, Call for Grant Applications: New Investigator Research (NIR) Grant for Diseases Related to Tobacco Use, Fiscal Year 2011-12.

(c) James & Esther King Biomedical Research Program, Call for Grant Applications: Team Science Program (TSP) Grant for Diseases Related to Tobacco Use, Fiscal Year 2011-12.

(d) James & Esther King Biomedical Research Program, Call for Grant Applications: Technology Transfer Feasibility (TTF) Grant for Diseases Related to Tobacco Use, Fiscal Year 2010-11.

(e) James & Esther King Biomedical Research Program, Call for Grant Applications: Technology Transfer/Commercialization Partnership (TTCP) Grant for Diseases Related to Tobacco Use, Fiscal Year 2010-11.

(f) Bankhead-Coley Cancer Research Program, Call for Grant Applications: Bridge Grants for Cancer, Fiscal Year 2011-12.

(g) Bankhead-Coley Cancer Research Program, Call for Grant Applications: New Investigator Research (NIR) Grant for Cancer, Fiscal Year 2011-12.

(h) Bankhead-Coley Cancer Research Program, Call for Grant Applications: Team Science Program (TSP) Grant for Cancer, Fiscal Year 2011-12.

(i) Bankhead-Coley Cancer Research Program, Call for Grant Applications: Technology Transfer Feasibility (TTF) Grant for Cancer, Fiscal Year 2010-11.

(j) Bankhead-Coley Cancer Research Program, Call for Grant Applications: Technology Transfer/ Commercialization Partnership (TTCP) Grant for Cancer, Fiscal Year 2010-11.

(3) Grant applications will be reviewed by peer reviewers located outside Florida in accordance with the following review questions, incorporated by reference herein:

(a) 2011-2012 James & Esther King Program Bridge Grant Review Questions.

(b) 2011-2012 James & Esther King Program New Investigator Research Grant Review Questions.

(c) 2011-2012 James & Esther King Program Team Science Project Grant Review Questions.

(d) 2010-2011 James & Esther King Program Technology Transfer Feasibility Grant Review Questions.

(e) 2010-2011 James & Esther King Program Technology Transfer/Commercialization Partnership Grant Review Questions.

(f) 2011-2012 Bankhead-Coley Program Bridge Grant Review Questions.

(g) 2011-2012 Bankhead-Coley Program New Investigator Research Grant Review Questions.

(h) 2011-2012 Bankhead-Coley Program Team Science Project Grant Review Questions.

(i) 2010-2011 Bankhead-Coley Program Technology Transfer Feasibility Grant Review Questions.

(j) 2010-2011 Bankhead-Coley Program Technology Transfer/Commercialization Partnership Grant Review Questions.

(4) Grantees will execute their award in accordance with the following Terms & Conditions and attachments, incorporated by reference herein:

(a) Florida Biomedical Research Programs James and Esther King Biomedical Research Program and Bankhead-Coley Cancer Research Program Terms and Conditions.

(b) Florida Biomedical Research Programs Terms and Conditions Attachment 1.

(c) Florida Biomedical Research Programs Terms and Conditions Attachment 2 Bridget Grant Schedule of Deliverables and Payments

(d) Florida Biomedical Research Programs Terms and Conditions Attachment 2 New Investigator Research Grant Schedule of Deliverables and Payments.

(e) Florida Biomedical Research Programs Terms and Conditions Attachment 2 Team Science Project Grant Schedule of Deliverables and Payments.

(f) Florida Biomedical Research Programs Terms and Conditions Attachment 2 Technology Transfer Feasibility Grant Schedule of Deliverables and Payments.

(g) Florida Biomedical Research Programs Terms and Conditions Attachment 2 Technology Transfer/ Commercialization Partnership Grant Schedule of Deliverables and Payments.

(5) Grantees will manage their award in accordance with the Florida Biomedical Research Programs, Grant Administration Manual, Version 2.2.

Rulemaking Authority 215.5602(9) FS. Law Implemented 215.5602(5), 381.922(3)(a) FS. History—New \_\_\_\_\_.

**DEPARTMENT OF HEALTH**

**Prescription Drug Monitoring Program**

<b>RULE NOS.:</b>	<b>RULE TITLES:</b>
64K-1.001	Patient Advisory Alerts and Reports
64K-1.003	Accessing Database
64K-1.004	Management and Operation of Database
64K-1.005	Storage and Security of Information
64K-1.006	Program Evaluation and Other

**NOTICE OF CORRECTION**

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 36, No. 36, September 10, 2010 issue of the Florida Administrative Weekly.

The SERC estimates the number of pharmacies and practitioners including “Mom and Pop” operations that might be subject to the rule. It explains why there are no costs to the agency and no significant impact on other governmental entities. The transactional costs relate to computer ownership and the impact on small businesses is intended to be small. Additional information includes the goal of eliminating errors in the transmission of prescription information.

THE PERSON TO BE CONTACTED REGARDING THE ABOVE NOTICE IS: Rebecca R. Poston, 4052 Bald Cypress Way, Bin #C16, Tallahassee, Florida 32399

### 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.: 53ER10-57  
 RULE TITLE: Instant Game Number 1083, "FLAMINGO BINGO"

SUMMARY: This emergency rule relates to the Instant Game Number 1083, "FLAMINGO BINGO" 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; and the estimated odds of winning, value, and number and size of prizes in the game.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Faith L. Schneider, Department of the Lottery, 250 Marriott Drive, Tallahassee, Florida 32399-4011

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER10-57 Instant Game Number 1083, "FLAMINGO BINGO."

(1) Name of Game. Instant Game Number 1083, "FLAMINGO BINGO".

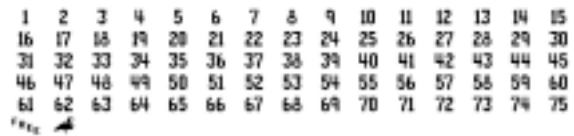
(2) Price. FLAMINGO BINGO lottery tickets sell for \$3.00 per ticket.

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

(4) The "CALLER'S CARD" play symbols are as follows:



(5) The player's cards play symbols are as follows:



(6) The legend is as follows:



(7) Determination of Prizewinners.

(a) There are six player's cards numbered 1 through 6 and one Caller's Card on each FLAMINGO BINGO ticket. A "FREE" space will appear in the center of each player's card. A "FREE" space can substitute as a number in a pattern of which it is a part.

(b) A ticket whose numbers on one of the player's cards match the Caller's Card numbers in one of the following patterns shall entitle the claimant to the prize shown for that pattern on that card:

1. Horizontal line of five numbers (or four numbers and one "FREE" space).
2. Vertical line of five numbers (or four numbers and one "FREE" space).
3. Diagonal line of four numbers and one "FREE" space.
4. Four corners (consisting of four numbers).
5. "X" (consisting of eight numbers and one "FREE" space).

(c) A " " symbol on a ticket is a "FREE" spot. If the symbol completes a winning line pattern that is described in paragraph (7)(b) above, the claimant shall be entitled to triple the line prize for that card.

(d) Prizes that appear in the player's cards area are: \$3, \$6, \$10, \$20, \$40, \$60, \$90, \$100, \$200, \$250, \$500, \$1,000, \$2,000, \$5,000, \$20,000 and \$50,000. Prize amounts for a particular pattern are different on each player's card.

(8) Players may win on one or more player's cards per ticket; however, players may not win more than one prize on each player's card.

(9) The estimated odds of winning, value, and number of prizes in Instant Game Number 1083 are as follows:

		ESTIMATED ODDS OF	NUMBER OF WINNERS IN 60 POOLS OF 180,000 TICKETS
GAME PLAY	WIN	1 IN	PER POOL
Line – Card 1	\$3	10.00	1,080,000
Line – Card 2	\$6	12.50	864,000