

Section II Proposed Rules

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

RULE NO.: 61-35.010 RULE TITLE:
Construction Industry Departmental
Forms

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to adopt new application forms.

SUMMARY: Within the first paragraph the Department proposes to add language to provide the contact information for individuals/organizations who want to obtain a Construction Industry application form. The following subsections provide information for a person/organization desiring licensure and the necessary application to submit. A subsection is provided for each type of licensure and application.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: the economic review conducted 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: 455.203, 455.213 FS.

LAW IMPLEMENTED: 455.213(1), 489.109, 489.111, 489.113, 489.1136, 489.114, 489.115, 489.116, 489.117, 489.118, 489.119 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

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 Snyder, Division of Professions, 1940 North Monroe St., Tallahassee, FL 32399-0783, (850)717-1496, Sheri.Snyder@dbpr.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 PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sheri Snyder, Division of Professions, 1940 North Monroe St., Tallahassee, FL 32399-0783, (850)717-1496, Sheri.Snyder@dbpr.state.fl.us

THE FULL TEXT OF THE PROPOSED RULE IS:

61-35.010 Construction Industry Departmental Forms.

The following Construction Industry Departmental forms can be obtained at www.myfloridalicense.com/dbpr/ or by mail from the Department of Business and Professional Regulation, Northwood Centre, 1940 N. Monroe Street, Tallahassee, FL 32399-0790, (850)487-1395. After July 16, 2012, the Department will only accept these forms for application purposes.

(1) REGISTERED CONTRACTOR. – Persons applying to become licensed as a Registered Contractor shall use the following forms:

(a) Form DBPR CILB 2 – Application for Registered Contractor as an Individual, effective April 10, 2012, is adopted and incorporated by reference.

(b) Form DBPR CILB 3 – Application for Registered Contractor Qualifying a Business, effective April 10, 2012, is adopted and incorporated by reference.

(c) Form DBPR CILB 4 – Application for Registered Contractor Qualifying an Additional Business Entity, effective April 10, 2012, is adopted and incorporated by reference.

(2) CERTIFIED CONTRACTOR.

(a) Persons applying to become licensed as a General Contractor shall use the following forms:

1. Form DBPR CILB 5-A – Application for Certified General Contractor as an Individual, effective April 10, 2012, is adopted and incorporated by reference.

2. Form DBPR CILB 6-A – Application for Certified General Contractor Who is Qualifying a Business, effective April 10, 2012, is adopted and incorporated by reference.

3. Form DBPR CILB 7-A – Application for Certified General Contractor Qualifying an Additional Business Entity, effective April 10, 2012, is adopted and incorporated by reference.

(b) Persons applying to become licensed as a Building Contractor shall use the following forms:

1. Form DBPR CILB 5-B – Application for Certified Building Contractor as an Individual, effective April 10, 2012, is adopted and incorporated by reference.

2. Form DBPR CILB 6-B – Application for Certified Building Contractor Who is Qualifying a Business, effective April 10, 2012, is adopted and incorporated by reference.

3. Form DBPR CILB 7-B – Application for Certified Building Contractor Qualifying an Additional Business Entity, effective April 10, 2012, is adopted and incorporated by reference.

(c) Persons applying to become licensed as a Residential Contractor shall use the following forms:

1. Form DBPR CILB 5-C – Application for Certified Residential Contractor as an Individual, effective April 10, 2012, is adopted and incorporated by reference.

2. Form DBPR CILB 6-C – Application for Certified Residential Contractor Who is Qualifying a Business, effective April 10, 2012, is adopted and incorporated by reference.

3. Form DBPR CILB 7-C – Application for Certified Residential Contractor Qualifying an Additional Business Entity, effective April 10, 2012, is adopted and incorporated by reference.

(d) Persons applying to become licensed as a Sheet Metal Contractor shall use the following forms:

1. Form DBPR CILB 5-D – Application for Certified Sheet Metal Contractor as an Individual, effective April 10, 2012, is adopted and incorporated by reference.

2. Form DBPR CILB 6-D – Application for Certified Sheet Metal Contractor Who is Qualifying a Business, effective April 10, 2012, is adopted and incorporated by reference.

3. Form DBPR CILB 7-D – Application for Certified Sheet Metal Contractor Qualifying an Additional Business Entity, effective April 10, 2012, is adopted and incorporated by reference.

(e) Persons applying to become licensed as a Specialty Structure Contractor shall use the following forms:

1. Form DBPR CILB 5-E – Application for Certified Specialty Structure Contractor as an Individual, effective April 10, 2012, is adopted and incorporated by reference.

2. Form DBPR CILB 6-E – Application for Certified Specialty Structure Contractor Who is Qualifying a Business, effective April 10, 2012, is adopted and incorporated by reference.

3. Form DBPR CILB 7-E – Application for Certified Specialty Structure Contractor Qualifying an Additional Business Entity, effective April 10, 2012, is adopted and incorporated by reference.

(f) Persons applying to become licensed as a Mechanical Contractor shall use the following forms:

1. Form DBPR CILB 5-F – Application for Certified Mechanical Contractor as an Individual, effective April 10, 2012, is adopted and incorporated by reference.

2. Form DBPR CILB 6-F – Application for Certified Mechanical Contractor Who is Qualifying a Business, effective April 10, 2012, is adopted and incorporated by reference.

3. Form DBPR CILB 7-F – Application for Certified Mechanical Contractor Qualifying an Additional Business Entity, effective April 10, 2012, is adopted and incorporated by reference.

(g) Persons applying to become licensed as a Class-A Air Conditioning Contractor shall use the following forms:

1. Form DBPR CILB 5-G – Application for Certified Class-A Air Conditioning Contractor as an Individual, effective April 10, 2012, is adopted and incorporated by reference.

2. Form DBPR CILB 6-G – Application for Certified Class-A Air Conditioning Contractor Who is Qualifying a Business, effective April 10, 2012, is adopted and incorporated by reference.

3. Form DBPR CILB 7-G – Application for Certified Class-A Air Conditioning Contractor Qualifying an Additional Business Entity, effective April 10, 2012, is adopted and incorporated by reference.

(h) Persons applying to become licensed as a Class-B Air Conditioning Contractor shall use the following forms:

1. Form DBPR CILB 5-H – Application for Certified Class-B Air Conditioning Contractor as an Individual, effective April 10, 2012, is adopted and incorporated by reference.

2. Form DBPR CILB 6-H – Application for Certified Class-B Air Conditioning Contractor Who is Qualifying a Business, effective April 10, 2012, is adopted and incorporated by reference.

3. Form DBPR CILB 7-H – Application for Certified Class-B Air Conditioning Contractor Qualifying an Additional Business Entity, effective April 10, 2012, is adopted and incorporated by reference.

(i) Persons applying to become licensed as a Roofing Contractor shall use the following forms:

1. Form DBPR CILB 5-I – Application for Certified Roofing Contractor as an Individual, effective April 10, 2012, is adopted and incorporated by reference.

2. Form DBPR CILB 6-I – Application for Certified Roofing Contractor Who is Qualifying a Business, effective April 10, 2012, is adopted and incorporated by reference.

3. Form DBPR CILB 7-I – Application for Certified Roofing Contractor Qualifying an Additional Business Entity, effective April 10, 2012, is adopted and incorporated by reference.

(j) Persons applying to become licensed as a Commercial Pool Contractor shall use the following forms:

1. Form DBPR CILB 5-J – Application for Certified Commercial Pool Contractor as an Individual, effective April 10, 2012, is adopted and incorporated by reference.

2. Form DBPR CILB 6-J – Application for Certified Commercial Pool Contractor Who is Qualifying a Business, effective April 10, 2012, is adopted and incorporated by reference.

3. Form DBPR CILB 7-J – Application for Certified Commercial Pool Contractor Qualifying an Additional Business Entity, effective April 10, 2012, is adopted and incorporated by reference.

(k) Persons applying to become licensed as a Residential Pool Contractor shall use the following forms:

1. Form DBPR CILB 5-K – Application for Certified Residential Pool Contractor as an Individual, effective April 10, 2012, is adopted and incorporated by reference.

2. Form DBPR CILB 6-K – Application for Certified Residential Pool Contractor Who is Qualifying a Business, effective April 10, 2012, is adopted and incorporated by reference.

3. Form DBPR CILB 7-K – Application for Certified Residential Pool Contractor Qualifying an Additional Business Entity, effective April 10, 2012, is adopted and incorporated by reference.

(l) Persons applying to become licensed as a Pool Servicing Contractor shall use the following forms:

1. Form DBPR CILB 5-L – Application for Certified Pool Servicing Contractor as an Individual effective April 10, 2012, is adopted and incorporated by reference.

2. Form DBPR CILB 6-L – Application for Certified Pool Servicing Contractor Who is Qualifying a Business, effective April 10, 2012, is adopted and incorporated by reference.

3. Form DBPR CILB 7-L – Application for Certified Pool Servicing Contractor Qualifying an Additional Business Entity, effective April 10, 2012, is adopted and incorporated by reference.

(m) Persons applying to become licensed as a Plumbing Contractor shall use the following forms:

1. Form DBPR CILB 5-M – Application for Certified Plumbing Contractor as an Individual, effective April 10, 2012, is adopted and incorporated by reference.

2. Form DBPR CILB 6-M – Application for Certified Plumbing Contractor Who is Qualifying a Business, effective April 10, 2012, is adopted and incorporated by reference.

3. Form DBPR CILB 7-M – Application for Certified Plumbing Contractor Qualifying an Additional Business Entity, effective April 10, 2012, is adopted and incorporated by reference.

(n) Persons applying to become licensed as a Underground Utility and Excavation Contractor shall use the following forms:

1. Form DBPR CILB 5-N – Application for Certified Underground Utility and Excavation Contractor as an Individual, effective April 10, 2012 is adopted and incorporated by reference.

2. Form DBPR CILB 6-N – Application for Certified Underground Utility and Excavation Contractor Who is Qualifying a Business, effective April 10, 2012, is adopted and incorporated by reference.

3. Form DBPR CILB 7-N – Application for Certified Underground Utility and Excavation Contractor Qualifying an Additional Business Entity, effective April 10, 2012, is adopted and incorporated by reference.

(o) Persons applying to become licensed as a Solar Contractor shall use the following forms:

1. Form DBPR CILB 5-O – Application for Certified Solar Contractor as an Individual, effective April 10, 2012, is adopted and incorporated by reference.

2. Form DBPR CILB 6-O – Application for Certified Solar Contractor Who is Qualifying a Business, effective April 10, 2012, is adopted and incorporated by reference.

3. Form DBPR CILB 7-O – Application for Certified Solar Contractor Qualifying an Additional Business Entity, effective April 10, 2012, is adopted and incorporated by reference.

(p) Persons applying to become licensed as a Pollutant Storage Systems Contractor shall use the following forms:

1. Form DBPR CILB 5-P – Application for Certified Pollutant Storage Systems Contractor as an Individual, effective April 10, 2012, is adopted and incorporated by reference.

2. Form DBPR CILB 6-P – Application for Certified Pollutant Storage Systems Contractor Who is Qualifying a Business, effective April 10, 2012, is adopted and incorporated by reference.

3. Form DBPR CILB 7-P – Application for Certified Pollutant Storage Systems Contractor Qualifying an Additional Business Entity, effective April 10, 2012, is adopted and incorporated by reference.

(q) Persons applying to become licensed as a Drywall Contractor shall use the following forms:

1. Form DBPR CILB 5-Q – Application for Certified Drywall Contractor as an Individual, effective April 10, 2012, is adopted and incorporated by reference.

2. Form DBPR CILB 6-Q – Application for Certified Drywall Contractor Who is Qualifying a Business, effective April 10, 2012, is adopted and incorporated by reference.

3. Form DBPR CILB 7-Q – Application for Certified Drywall Contractor Qualifying an Additional Business Entity, effective April 10, 2012, is adopted and incorporated by reference.

(r) Persons applying to become licensed as a Gas Line Specialty Contractor shall use the following forms:

1. Form DBPR CILB 5-R – Application for Certified Gas Line Specialty Contractor as an Individual, effective April 10, 2012, is adopted and incorporated by reference.

2. Form DBPR CILB 6-R – Application for Certified Gas Line Specialty Contractor Who is Qualifying a Business, effective April 10, 2012, is adopted and incorporated by reference.

3. Form DBPR CILB 7-R – Application for Certified Gas Line Specialty Contractor Qualifying an Additional Business Entity, effective April 10, 2012, is adopted and incorporated by reference.

(s) Persons applying to become licensed as a Glass and Glazing Specialty Contractor shall use the following forms:

1. Form DBPR CILB 5-S – Application for Certified Glass and Glazing Specialty Contractor as an Individual, effective April 10, 2012, is adopted and incorporated by reference.

2. Form DBPR CILB 6-S – Application for Certified Glass and Glazing Specialty Contractor Who is Qualifying a Business, effective April 10, 2012, is adopted and incorporated by reference.

3. Form DBPR CILB 7-S – Application for Certified Glass and Glazing Specialty Contractor Qualifying an Additional Business Entity, effective April 10, 2012, is adopted and incorporated by reference.

(t) Persons applying to become licensed as a Marine Specialty Contractor shall use the following forms:

1. Form DBPR CILB 5-T – Application for Certified Marine Specialty Contractor as an Individual, effective April 10, 2012, is adopted and incorporated by reference.

2. Form DBPR CILB 6-T – Application for Certified Marine Specialty Contractor Who is Qualifying a Business, effective April 10, 2012, is adopted and incorporated by reference.

3. Form DBPR CILB 7-T – Application for Certified Marine Specialty Contractor Qualifying an Additional Business Entity, effective April 10, 2012, is adopted and incorporated by reference.

(3) CERTIFIED SWIMMING POOL SPECIALTY CONTRACTOR.

(a) Persons applying to become licensed as a Swimming Pool Layout Specialty Contractor shall use the following forms:

1. Form DBPR CILB 5-U – Application for Certified Swimming Pool/Spa Layout Specialty Contractor as an Individual, effective April 10, 2012, is adopted and incorporated by reference.

2. Form DBPR CILB 6-U – Application for Certified Swimming Pool/Spa Layout Specialty Contractor Who is Qualifying a Business, effective April 10, 2012, is adopted and incorporated by reference.

3. Form DBPR CILB 7-U – Application for Certified Swimming Pool/Spa Layout Specialty Contractor Qualifying an Additional Business Entity, effective April 10, 2012, is adopted and incorporated by reference.

(b) Persons applying to become licensed as a Swimming Pool Structural Specialty Contractor shall use the following forms:

1. Form DBPR CILB 5-V – Application for Certified Swimming Pool/Spa Structural Specialty Contractor as an Individual, effective April 10, 2012, is adopted and incorporated by reference.

2. Form DBPR CILB 6-V – Application for Certified Swimming Pool/Spa Structural Specialty Contractor Who is Qualifying a Business, effective April 10, 2012, is adopted and incorporated by reference.

3. Form DBPR CILB 7-V – Application for Certified Swimming Pool/Spa Structural Specialty Contractor Qualifying an Additional Business Entity, effective April 10, 2012, is adopted and incorporated by reference.

(c) Persons applying to become licensed as a Swimming Pool Excavation Specialty Contractor shall use the following forms:

1. Form DBPR CILB 5-W – Application for Certified Swimming Pool/Spa Excavation Specialty Contractor as an Individual, effective April 10, 2012, is adopted and incorporated by reference.

2. Form DBPR CILB 6-W – Application for Certified Swimming Pool/Spa Excavation Specialty Contractor Who is Qualifying a Business, effective April 10, 2012, is adopted and incorporated by reference.

3. Form DBPR CILB 7-W – Application for Certified Swimming Pool/Spa Excavation Specialty Contractor Qualifying an Additional Business Entity, effective April 10, 2012, is adopted and incorporated by reference.

(d) Persons applying to become licensed as a Swimming Pool Trim Specialty Contractor shall use the following forms:

1. Form DBPR CILB 5-X – Application for Certified Swimming Pool/Spa Trim Specialty Contractor as an Individual, effective April 10, 2012, is adopted and incorporated by reference.

2. Form DBPR CILB 6-X – Application for Certified Swimming Pool/Spa Trim Specialty Contractor Who is Qualifying a Business, effective April 10, 2012, is adopted and incorporated by reference.

3. Form DBPR CILB 7-X – Application for Certified Swimming Pool/Spa Trim Specialty Contractor Qualifying an Additional Business Entity, effective April 10, 2012, is adopted and incorporated by reference.

(e) Persons applying to become licensed as a Swimming Pool Decking Specialty Contractor shall use the following forms:

1. Form DBPR CILB 5-Y – Application for Certified Swimming Pool/Spa Decking Specialty Contractor as an Individual, effective April 10, 2012, adopted herein by reference.

2. Form DBPR CILB 6-Y – Application for Certified Swimming Pool/Spa Decking Specialty Contractor Who is Qualifying a Business, effective April 10, 2012, is adopted and incorporated by reference.

3. Form DBPR CILB 7-Y – Application for Certified Swimming Pool/Spa Decking Specialty Contractor Qualifying an Additional Business Entity, effective April 10, 2012, is adopted and incorporated by reference.

(f) Persons applying to become licensed as a Swimming Pool Piping Specialty Contractor shall use the following forms:

1. Form DBPR CILB 5-Z – Application for Certified Swimming Pool/Spa Piping Specialty Contractor as an Individual, effective April 10, 2012, is adopted and incorporated by reference.

2. Form DBPR CILB 6-Z – Application for Certified Swimming Pool/Spa Piping Specialty Contractor Who is Qualifying a Business, effective April 10, 2012, is adopted and incorporated by reference.

3. Form DBPR CILB 7-Z – Application for Certified Swimming Pool/Spa Piping Specialty Contractor Qualifying an Additional Business Entity, effective April 10, 2012, is adopted and incorporated by reference.

(g) Persons applying to become licensed as a Swimming Pool Finishes Specialty Contractor shall use the following forms:

1. Form DBPR CILB 5-AA – Application for Certified Swimming Pool/Spa Finishes Specialty Contractor as an Individual, effective April 10, 2012, is adopted and incorporated by reference.

2. Form DBPR CILB 6-AA – Application for Certified Swimming Pool/Spa Finishes Specialty Contractor Who is Qualifying a Business, effective April 10, 2012, is adopted and incorporated by reference.

3. Form DBPR CILB 7-AA – Application for Certified Swimming Pool/Spa Finishes Specialty Contractor Qualifying an Additional Business Entity, effective April 10, 2012, is adopted and incorporated by reference.

(4) MAINTAIN AN EXISTING LICENSE.

(a) Persons applying to change license status to active or inactive shall use the following forms:

1. Form DBPR CILB 11 – Application for Change of Status-Inactive to Active Individual, effective April 10, 2012, is adopted and incorporated by reference.

2. Form DBPR CILB 12 – Application for Change of Status-Inactive to Active and Qualify a Business, effective April 10, 2012, is adopted and incorporated by reference.

3. Form DBPR CILB 13 – Application for Change of Status-Inactive to Active and Qualify an Additional Business Entity, effective April 10, 2012, is adopted and incorporated by reference.

4. Form DBPR CILB 14 – Application for Change of Status-Active to Inactive, effective April 10, 2012, is adopted and incorporated by reference.

(b) Persons/Entities applying to change license status, Individual-Business-Qualifying Business, shall use the following forms:

1. Form DBPR CILB 15 – Application for Change of Status-Individual to Qualifying Business, effective April 10, 2012, is adopted and incorporated by reference.

2. Form DBPR CILB 16 – Application for Change of Status-Individual to Qualifying an Additional Business Entity, effective April 10, 2012, is adopted and incorporated by reference.

3. Form DBPR CILB 17 – Application for Change of Status-From Qualifying a Business to Individual License, effective April 10, 2012, is adopted and incorporated by reference.

4. Form DBPR CILB 18 – Application for Change of Status-One Qualified Business to Another Qualified Business, effective April 10, 2012, is adopted and incorporated by reference.

5. Form DBPR CILB 19 – Application for Change of Status-One Qualified Business to Another-Qualifying an Additional Business Entity, effective April 10, 2012, is adopted and incorporated by reference.

(c) Persons applying to change names or addresses shall use the following forms:

1. Form DBPR CILB 22 – Request for Address or Name Change, effective April 10, 2012, is adopted and incorporated by reference.

2. Form DBPR CILB 23 – Request for Name Change for Construction Business Entities, effective April 10, 2012, is adopted and incorporated by reference.

(5) ADDITIONAL FORMS.

(a) To add, change or remove a financially responsible officer: Form DBPR CILB 8 Application for Financially Responsible Officer, effective April 10, 2012, is adopted and incorporated by reference.

(b) To qualify an additional business entity with an existing license: Form DBPR CILB 9 – Application for Qualifying an Additional Business Entity Under the Same License Category, effective April 10, 2012, is adopted and incorporated by reference.

(c) To obtain certification by endorsement: Form DBPR CILB 10 – Application for Certification by Endorsement, effective April 10, 2012, is adopted and incorporated by reference.

(d) To obtain limited non-renewable registration: Form DBPR CILB 20 – Application for Limited Non-Renewable Registration, effective April 10, 2012, is adopted and incorporated by reference.

(e) To obtain registration as a swimming pool specialty contractor practical examiner: Form DBPR CILB 21 – Application for Registration as a Swimming Pool Specialty Contractor Practical Examiner, effective April 10, 2012, is adopted and incorporated by reference.

(f) For a qualifying agent to change their status: Form DBPR CILB 24 – Request for Change of Status for Qualifying Agent(s), effective April 10, 2012, is adopted and incorporated by reference.

(g) To obtain a duplicate license: Form DBPR CILB 25 – Request for Duplicate License, effective April 10, 2012, is adopted and incorporated by reference.

(h) To reinstate null and void certification or registration: Form DBPR CILB 26 – Application to Reinstate Null and Void Certification or Registration, effective April 10, 2012, is adopted and incorporated by reference.

(i) To obtain continuing education provider approval: Form DBPR CILB 27 – Continuing Education Provider Approval Application, effective April 10, 2012, is adopted and incorporated by reference.

(j) To obtain approval or renewal of a continuing education course: Form DBPR CILB 28 – Continuing Education Course Approval Application, effective April 10, 2012, is adopted and incorporated by reference.

Rulemaking Authority 455.203, 455.213 FS. Law Implemented 455.213(1), 489.109, 489.111, 489.113, 489.1136, 489.114, 489.115, 489.116, 489.117, 489.118, 489.119 FS. History–New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Drew Winters, Executive Director, Division of Professions, Department of Business and Professional Regulation
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Ken Lawson, Secretary, Department of Business and Professional Regulation
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 16, 2012
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 28, 2011

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Pari-Mutuel Wagering

RULE NOS.:	RULE TITLES:
61D-4.001	Cost of Investigation
61D-4.003	Application for Lease Addendum to Permit

PURPOSE AND EFFECT: The purpose and effect of the proposed rule amendments will be to repeal rules identified during the comprehensive rule review required by Executive Order 11-01 as duplicative, unnecessarily burdensome, or no longer necessary.

SUMMARY: Elimination of Rules 61D-4.001 and 61D-4.003, F.A.C., identified during the comprehensive rule review as no longer necessary.

OTHER RULES INCORPORATING THIS RULE: None

EFFECT ON THOSE OTHER RULES: None

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: the Division of Pari-Mutuel Wagering conducted an analysis of the proposed rules’ potential economic impact and determined that they did not exceed any of the criteria established in Section 120.541(2)(a), F.S.

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: 550.0251(3), 550.054(8)(b), 550.1815(5) FS.

LAW IMPLEMENTED: 550.0251, 550.054, 550.1815, 550.475 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: June 18, 2012, 2:00 p.m. – 5:00 p.m.

PLACE: Florida Department of Business and Professional Regulation, Northwood Centre, Board Room, 1940 N. Monroe Street, 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: Mary Polombo at (850)717-1098. 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: Mary Polombo, Clerk, Division of Pari-Mutuel Wagering, 1940 North Monroe Street, Tallahassee, Florida 32399-1035

THE FULL TEXT OF THE PROPOSED RULES IS:

61D-4.001 Cost of Investigation.

Rulemaking Specific Authority 550.0251(3), 550.054(8)(b), 550.1815(5) FS. Law Implemented 550.0251, 550.054, 550.1815 FS. History–New 10-20-96, Amended 4-12-06, Repealed _____.

61D-4.003 Application for Lease Addendum to Permit.

Rulemaking Specific Authority 550.0251(3) FS. Law Implemented 550.0251, 550.475 FS. History–New 4-12-06, Repealed _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Leon M. Biegalski, Director, Division of Pari-Mutuel Wagering
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Ken Lawson, Secretary, Department of Business and Professional Regulation
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 29, 2012

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Pari-Mutuel Wagering

RULE NOS.:	RULE TITLES:
61D-4.002	Evaluating a Permit Application for a Pari-Mutuel Facility
61D-4.004	Application for Annual Racing License

PURPOSE AND EFFECT: The purpose and effect of the proposed rules will be to implement Florida Statutes pertaining to forms for applications for pari-mutuel permits and annual racing licenses.

SUMMARY: These proposed rules are amended to appropriately reference revised forms for applications for pari-mutuel permits and annual racing licenses. Revised Form DBPR PMW-3010, Permit Application, removes the reference to Rule 61D-4.001, F.A.C., which has been identified for proposed repeal during the comprehensive rule review required by Executive Order 11-01. Revised Form DBPR PMW-3060, Permitholder Application for Annual License and Operating Dates, adds lease agreement information to the form, which eliminates the need for Rule 61D-4.003, F.A.C., identified for proposed repeal during the comprehensive rule review required by Executive Order 11-01.

OTHER RULES INCORPORATING THIS RULE: None

EFFECT ON THOSE OTHER RULES: None

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: the Division of Pari-Mutuel Wagering conducted an analysis of the proposed rules' potential economic impact and determined that they did not exceed any of the criteria established in Section 120.541(2)(a), F.S.

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: 550.01215(2), 550.0251(3), 550.054(8)(b), 550.1815(5) FS.

LAW IMPLEMENTED: 550.0115, 550.01215, 550.0251, 550.054, 550.0951, 550.155, 550.1815, 550.5251 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: June 18, 2012, 2:00 p.m. – 5:00 p.m.

PLACE: Florida Department of Business and Professional Regulation, Northwood Centre, Board Room, 1940 N. Monroe Street, 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: Mary Polombo at (850)717-1098. 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: Mary Polombo, Clerk, Division of Pari-Mutuel Wagering, 1940 North Monroe Street, Tallahassee, Florida 32399-1035

THE FULL TEXT OF THE PROPOSED RULES IS:

61D-4.002 Evaluating a Permit Application for a Pari-Mutuel Facility.

An applicant for a Florida Pari-Mutuel Facility permit shall submit a Form DBPR PMW-3010, Permit Application, a Form DBPR PMW-3030, Personal History Record, ~~adopted and incorporated by Rule 61D-10.001, F.A.C.~~, and a Form DBPR PMW-3195, Request for Release of Information and Authorization to Release Information, effective, adopted herein by reference, which can be obtained at www.myfloridalicense.com/dbpr/pmw or by contacting the Division of Pari-Mutuel Wagering at 1940 North Monroe Street, Tallahassee, Florida 32399-1037 ~~adopted and incorporated by Rule 61D-10.001, F.A.C.~~

(1) through (2) No change.

(3) A pari-mutuel wagering permitholder who transfers an ownership or equity interest in its permit to another licensed pari-mutuel wagering permitholder or who transfers a permit to an entity exclusively composed of ownership interests that have been approved under the provisions of Sections 550.054 and 550.1815, F.S., Florida Statutes, must file with the division Form DBPR PMW-3040, Permit Transfer Application From One Existing Permitholder to Another Existing Permitholder,

effective _____, adopted herein by reference, which can be obtained at www.myfloridalicense.com/dbpr/pmw or by contacting the Division of Pari-Mutuel Wagering at 1940 North Monroe Street, Tallahassee, Florida 32399-1037 with the division.

Rulemaking Specific Authority 550.0251(3), 550.054(8)(b)(5), 550.155(1), 550.1815(5) FS. Law Implemented 550.0251, 550.054, 550.0951, 550.155, 550.1815 FS. History--New 10-20-96, Amended 12-15-97, 3-4-07, _____.

61D-4.004 Application for Annual Racing License.

(1) Any permitholder authorized to submit an application for an annual license to conduct races or games pursuant to Section 550.0115, F.S., shall make such application to the division on Form DBPR PMW-3060, Permitholder Application for Annual License and Operating Dates, and Form DBPR PMW-3080, Permitholder Calendar, ~~both adopted and incorporated by Rule 61D-10.001, F.A.C.,~~ and Form DBPR PMW-3190, Officers and Directors, effective _____, adopted herein by reference, which can be obtained at www.myfloridalicense.com/dbpr/pmw or by contacting the Division of Pari-Mutuel Wagering at 1940 North Monroe Street, Tallahassee, Florida 32399-1037. The required forms shall be submitted adopted and incorporated by Rule 61D-10.001, F.A.C., during the period between December 15 and January 4 for performances to be conducted during the next state fiscal year.

(2) No change.

Rulemaking Specific Authority 550.0251(3), 550.01215(2) FS. Law Implemented 550.0115, 550.01215, 550.5251 FS. History--New 3-4-07, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Leon M. Biegalski, Director, Division of Pari-Mutuel Wagering.

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Ken Lawson, Secretary, Department of Business and Professional Regulation

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 27, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 16, 2011

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Pari-Mutuel Wagering

RULE NOS.:	RULE TITLES:
61D-7.015	Trifecta and Superfecta Combinations
61D-7.024	Totalisator Requirements

PURPOSE AND EFFECT: The purpose and effect of the proposed rules will be to implement Florida Statutes pertaining to the calculation and distribution of pari-mutuel wagering activity on wagering pools, and totalisator reports and requirements.

SUMMARY: Amends Rule 61D-7.015, F.A.C., regarding pool calculation and distribution requirements for pari-mutuel wagering activity on trifecta and superfecta combinations by removing the requirement to cap the jackpot of specific amounts, and allowing a shorter period prior to implementation for providing notice to the division. Amends Rule 61D-7.024, F.A.C., to remove obsolete and duplicative requirements for totalisator forms, systems, and reporting, and to appropriately reference revised forms for reporting of pari-mutuel and totalisator activity. The amendment to these proposed rules also removes the reference to Rule 61D-7.017, F.A.C., which has been identified for proposed repeal during the comprehensive rule review required by Executive Order 11-01. OTHER RULES INCORPORATING THIS RULE: Rule 61D-9.005 incorporates Rule 61D-7.024, F.A.C.

EFFECT ON THOSE OTHER RULES: None
SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: the Division of Pari-Mutuel Wagering conducted an analysis of the proposed rules' potential economic impact and determined that they did not exceed any of the criteria established in Section 120.541(2)(a), F.S.

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: 550.0251(3), (7), 550.155(1), 550.495(4) FS.

LAW IMPLEMENTED: 550.0251, 550.155, 550.495 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: June 18, 2012, 2:00 p.m. – 5:00 p.m.

PLACE: Florida Department of Business and Professional Regulation, Northwood Centre, Board Room, 1940 N. Monroe Street, 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: Mary Polombo at (850)717-1098. 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: Mary Polombo, Clerk, Division of Pari-Mutuel Wagering, 1940 North Monroe Street, Tallahassee, Florida 32399-1035

THE FULL TEXT OF THE PROPOSED RULES IS:

61D-7.015 Trifecta and Superfecta Combinations.

(1) through (a) No change.

(b) Corresponding Trifecta and Superfecta combinations from matinee to evening performances need not share a common jackpot. A permitholder may opt for a common jackpot or separate jackpots for matinee and evening performances. Where separate jackpots are opted for, the division shall be notified in writing at least ~~three~~ five days prior to implementation and the patrons shall be informed of such prior to each performance.

(c) through (5) No change.

(6) Winning first half tickets eligible for exchange must be exchanged after the declaration of the official order of finish for the first half contest and prior to the close of wagering for the second half contest. Winning ticket holders shall be paid the winnings resulting from the first half contest and receive a ticket reflecting their selection for the second half contest in exchange for the first half ticket. If a winning ticket for the first half contest is not presented for cashing and exchanged within the time provided, the bettor may still collect the price attached to the ticket. However, the bettor forfeits all rights to any distribution of the winnings resulting from the second half contest unless paragraph 61D-7.015(9)(d), F.A.C., Florida Administrative Code, applies.

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

1. A permitholder may have a higher minimum of betting interests as a condition of offering Tri-Super wagering provided that the patrons are made aware of the minimum prior to each performance through the official racing program or ~~prominently~~ displayed at ~~on each level~~ of the facility.

2. through (9)(d) No change.

(e) In the event of communications or power failures or totalisator malfunctions that preclude exchange rights from being fully exercised by holders of first half winning tickets, the second half of the Trifecta and Superfecta combination shall be canceled and the provisions of paragraph (9)(d) shall apply. Any technical problems which may require additional time for the exchange process or possible cancellation of the

second half of the Trifecta and Superfecta combination are the responsibility of the ~~mutuels manager~~ Mutuels Manager at the host site and, where applicable, the hub tote manager. The guest ~~mutuels manager~~ Mutuels Manager must notify the host ~~mutuels manager~~ Mutuels Manager immediately upon the finding of any communications problems complicating the exchange of tickets.

(10) The Tri-Super Jackpot ~~may~~ shall be capped at a level designated by the permitholder, ~~in \$1,000 increments but not exceeding the following:~~

	CAP FOR \$1.00 MINIMUM WAGER:	CAP FOR \$2.00 MINIMUM WAGER:
COMBINATION:		
Trifecta-Trifecta	\$50,000	\$100,000
Trifecta-Superfecta	\$500,000	\$1,000,000
Superfecta-Trifecta	\$500,000	\$1,000,000
Superfecta-Superfecta	\$1,000,000	\$1,000,000

~~(a) If at the close of any performance, the amount accumulated in the Tri-Super Jackpot equals or exceeds the designated cap, the Tri-Super jackpot shall be frozen until it is distributed under the provisions of this rule.~~

~~(11)(b) If the permitholder offers more than one type of Trifecta and Superfecta combination in a given performance, there shall be separate jackpots for each type of Trifecta and Superfecta combination. However, only one jackpot shall be offered when the permitholder offers one or more corresponding Trifecta and Superfecta combinations in a given performance.~~

~~(12)(11) The net Tri-Super pool shall be distributed in the following manner when the jackpot cap has not been reached:~~

~~(a) through (c) No change.~~

~~(13)(12)(a) If the permitholder does not offer a seed pool, and the jackpot cap has been reached or exceeded, 100 ~~one~~ hundred percent of the net Tri-Super pool will be distributed to the winning wagers of the first half contest following the priorities indicated in subsection (4).~~

~~(b) If the permitholder offers a seed pool, the provisions of Rule 61D-7.017, Florida Administrative Code Seed Pools for Jackpot Wagers, shall apply.~~

~~(14)(13) The jackpot will be paid only to the ticket holders who correctly selected the Trifecta or Superfecta in the second half of the Trifecta and Superfecta combination unless there is a forced payout or an optional early payout has been designated by the permitholder.~~

~~(15)(14)(a) With respect to a forced payout:~~

~~(a)(b) A forced payout of the jackpot is required on the last performance;~~

1. through (b) No change.

~~(15) The permitholder may provide for an early distribution of the Tri-Super jackpot on a specified date or payout schedule upon prior notification to the division at least 5 days prior to implementation.~~

~~(16) through (17)(c)4. No change.~~

~~(d) The decision of how the forced payout will be managed under these conditions must be submitted to the division in writing at least three days prior to implementation of such forced payout the meet along with other Jackpot related wagering information on Form DBPR PMW 3520, Notification of Pari-Mutuel Operations, adopted and incorporated by Rule 61D-10.001, Florida Administrative Code.~~

~~(18) If for any reason beyond the control of the permitholder the Tri-Super jackpot cannot be awarded as required by this rule, the jackpot shall be deposited in an interest bearing account. The jackpot plus any interest earned shall become part of the Trifecta and Superfecta combination net pool in one of the first five performances of the same permitholder's subsequent meet. The permitholder shall notify the division in writing as to the designated performance prior to the beginning of the meet. For pari-mutuel facilities being utilized by more than one pari-mutuel permitholder, the jackpot plus any interest earned shall become part of the Trifecta and Superfecta combination jackpot for the first performance of the other permitholder's subsequent meet at that same facility. The permitholder(s) shall notify the division in writing prior to the beginning of the meet as to the designated performance.~~

~~(19) through (22) No change.~~

~~Rulemaking Specific Authority 550.0251(3), ~~(7)~~, 550.155(1), 550.495(4) FS. Law Implemented 550.0251, 550.155 FS. History—New 10-20-96, Amended 9-19-04, 4-12-06, _____.~~

~~61D-7.024 Totalisator Requirements.~~

~~(1) No change.~~

~~(2) Permitholders operating as a remote site for the first time or changing from one remote totalisator server to another shall inform the division in writing not later than three 40 days prior to implementation.~~

~~(a) Each totalisator company shall have a the following equipment located and operational at any facility which is a totalisator server or linked as a totalisator remote site:~~

- ~~1. A report printer with adequate backup.~~
- ~~2. A tote control console, and a printer where the console activity is recorded. The console record of activity shall be delivered upon request to the division hub personnel.~~
- ~~3. A voice line and facsimile machine with separate phone line. This equipment shall be accessible to the division hub personnel.~~

~~(b) There shall be dedicated data lines linking the remote site to the totalisator serving the remote site. Dedicated lines shall be the primary means of transmitting wagering data from~~

~~the terminals to the tote. For every two primary lines there shall be no less than one back-up line. However, in the event that only one primary line is needed, there shall be no less than one back-up line. The back-up lines may be dedicated or dial-up lines.~~

~~(3) through (d) No change.~~

~~(4) Each totalisator system shall be programmed to record, classify, accumulate wagering data, automatically determine winning priorities, perform calculations and provide reports as required in the rules governing pari-mutuel wagering. In addition:~~

~~(a) If the totalisator is being used as a hub or the permitholder is conducting intertrack wagering as a guest or host, then the totalisator shall be programmed to comply with the calculation and reporting requirements in the rules governing intertrack wagering.~~

~~(b) If the permitholder is maintaining interstate common pools, the totalisator shall be programmed to comply with the calculations and reporting requirements in the rules governing interstate common pools.~~

~~(c) Where a remote totalisator server is used, the wagering data and related accounting reports shall be kept logically separate for each pari-mutuel facility linked to the system.~~

~~(d) Where a remote totalisator server is also being used as a hub or for For intertrack wagering purposes, the intertrack wagering data and related accounting reports shall be kept logically separate by host, and under no circumstances will the ability of the tote to produce reports for on-track wagering be compromised.~~

~~(5) The system shall have primary and back-up processing capabilities. This shall be accomplished by the use of independent circuits, power supplies, computers and central processing units which conduct identical functions.~~

~~(6) Each totalisator licensee shall submit to the division not later than three days prior to the beginning of each meet Form DBPR PMW-3610, Totalisator System Checklist, effective _____, adopted herein by reference, which can be obtained at www.myfloridalicense.com/dbpr/pmw or by contacting the Division of Pari-Mutuel Wagering at 1940 North Monroe Street, Tallahassee, Florida 32399-1035 adopted and incorporated by Rule 61D-10.001, Florida Administrative Code, to the division not later than 10 days prior to the beginning of each meet. If for any reason the information on the checklist changes prior to the beginning of the meet, an updated checklist shall be submitted via facsimile machine not later than 2 days prior to the first performance. In addition to the checklist, the following information shall be provided to the division:~~

- ~~(a) No change.~~
- ~~(b) Not later than 45 days prior to implementation, any plans to introduce new totalisator hardware or software to existing systems affecting the distribution following areas:~~

1. Distribution of the pools, including prices, payout total, breaks, and takeout;

2. Reporting requirements, including frequency or content;

3. Built-in accounting and security controls;

4. Requirements on transmission of wagering data, as applicable to intertrack and interstate wagering; and

5. Required peripheral equipment and display devices.

(e) Totalisator companies wishing to introduce new types of totalisator services which are not addressed in Chapter 61D, Florida Administrative Code, shall request, in writing, approval from the division. The request shall include the following:

1. A description of the new type of service;

2. A target date for implementation;

3. Prototype accounting reports; and

4. A description of the applicable accounting controls and procedures.

The division shall approve the request if, upon evaluation of the submitted information, it is determined that the new services conform to requirements in Chapter 550, Florida Statutes, and will not negatively impact the ability of the division to regulate and supervise pari-mutuel wagering activity.

(7) Each permitholder and each totalisator licensee, upon request from the division, shall arrange for an audit of the totalisator system. The test will be performed by the division staff in conjunction with appropriate permitholder and totalisator personnel, and will include procedures to determine if the totalisator system is operating in compliance with pari-mutuel wagering rules and regulations. The audit shall be under the direction and control of division audit personnel. Each totalisator licensee shall notify the division 48 hours in advance of any test other than routine daily procedures or emergency tests to be conducted by the totalisator company. In the case of emergency tests, an appointed division representative shall observe the test and be notified as soon as possible prior to the actual testing.

(8) In the event of a computer, peripheral equipment or data transmission malfunction at any affected site, the totalisator operator shall inform the Mutuels Manager and the division hub personnel promptly of the type of problem, malfunction or error and estimated time of repair.

(a) In the event of malfunctions before a contest begins, the Mutuels Manager may suspend wagering on that contest and declare all wagers refundable. For types of wagers which require more than one contest, the rules governing the type of wager may require a payout based on the finished contests. The refund will apply to guest sites wagering into the common pools of the host totalisator. Any greyhound track maintaining separate pools shall not be affected by the decision to refund. Where interstate wagering is applicable, the pools of the out-of-state guest are subject to the laws and rules of the state where the guest is located.

(7)(b) Once the contest begins, the mutuels manager Mutuels Manager shall not have the option to declare the wagers refundable unless a "no contest" is declared by the judges or stewards. The permitholder shall be bound by the outcome of the contest as declared official or "no contest" by the judges or stewards.

(8)(e) Totalisator problems are sufficient cause to cancel contests before they start. However, once the contest has started, it shall not be canceled or declared null or "no race" solely because of totalisator problems.

(9) Where intertrack or interstate wagering is applicable, any problem or malfunction affecting the transmission of wagering data shall be governed by the emergency procedures in Rule 61D-9.003, Florida Administrative Code.

(10) In the event of a malfunction occurring before the start of a contest which causes a loss of wagering data, the Mutuels Manager may issue a refund of all affected pools if it is determined that the data cannot be recovered. Patrons shall be informed over the public address system.

(9)(11) Within 48 hours of a malfunction, the tote representative and the mutuels manager shall file with the division Form DBPR PMW-3580, Report of System Event or Malfunction, effective _____, adopted herein by reference, which _____ can be obtained _____ at www.myfloridalicense.com/dbpr/pmw or by contacting the Division of Pari-Mutuel Wagering at 1940 North Monroe Street, Tallahassee, Florida 32399-1035 adopted and incorporated by Rule 61D-10.001, Florida Administrative Code, shall be filed with the division hub personnel by both the tote representatives and the Mutuels Managers involved.

(10)(12) The totalisator licensee shall be responsible for the correctness of the final line of odds and all payout prices posted on the tote boards. If due to errors in programming or other circumstances the payout is incorrect the following shall apply:

(a) Both the incorrect and corrected calculations reports shall be kept as part of the mutuels records and copies of each shall be provided to the division hub personnel.

(b) The If the calculations cannot be corrected as indicated in subsection (14), then the calculations will be done manually by the Mutuels Manager. The Mutuels Manager shall attest to the correctness of the manual calculation. Whenever possible, the incorrect prices shall be deleted and the correct prices entered in the system so as to allow the tote to assign the correct values to the tickets and to display those corrected values to the public. In the event that this cannot be accomplished, the correct manually-calculated payout shall be used to pay each winning bettor, unless the Mutuels Manager decides to continue to pay the higher incorrect price on a correct order of finish.

(c) through (d) No change.

(e) With respect to a liability resulting from either an underpayment or overpayment, underpayments and overpayments from distinct and separate pools shall be managed by permitholders within the meet. Underpayments may be used to offset overpayments with the provision that any remaining underpayment at the end of a meet be distributed in a pool approved by the division within the last seven days of a meet. Permitholders shall report all underpayments and overpayments to the division, as well as notify the division when using underpayments to offset overpayments. Adjustments to pools when offsetting ~~must follow the procedures detailed in paragraph 61D-9.003(4)(b) and subsection (7), Florida Administrative Code, and must be supported with documentation.~~

(f) No change.

~~(11)(13)~~ Whenever there is a difference in any pool or pools between the price calculation report and the tables of wagers, the amount per table of wagers shall be used in the computation of the payout. Whenever there is a difference between the pool amount reported by different computers, the highest pool amount shall be used in the computation of the payout, ~~unless the higher figure is determined to be unreliable, in which case the Mutuels Manager and totalisator personnel shall determine the correct pool amounts by analysis of the pari-mutuel totalisator reports.~~

~~(14)~~ If an error is made in posting the official results or official prices on the totalisator board or display devices it shall be corrected promptly and only the correct winners and amounts shall be used in the payout. If it is impossible to promptly correct the posted winners or prices, a statement shall be made over the public address system stating the facts and information.

~~(a)~~ The Mutuels Manager may decide to continue to pay a higher incorrect price on a correct order of finish. Any liabilities resulting from a decision to pay higher prices shall be resolved between the permitholder and the totalisator company.

~~(15)~~ Regardless of the location of the totalisator, each totalisator company and, where applicable, permitholder shall ensure that an uninterruptable power supply (UPS) is available to provide sufficient power to operate the totalisator and related equipment. The UPS must supply a constant level of power to the totalisator system and allow enough time to back up all of the wagering data for the affected performances.

~~(16)~~ Permitholders housing totalisators operating as either hubs or remote totalisator servers shall not interfere with the normal operations of the hub or remote totalisator servers. Division representatives shall have access to hub or remote totalisator server sites without restriction.

~~(12)(a)~~ A totalisator system located at a site other than a licensed pari-mutuel facility shall operate under Chapter 550, F.S., Florida Statutes, and the rules and regulations of the F.A.C. Florida Administrative Code pertaining to totalisators.

~~(13)(17)~~ The totalisator company is responsible for maintaining a current copy of the pari-mutuel rules of the Florida Administrative Code at its Florida facilities. The totalisator company shall appoint its an employee to as a manager or manager designee for each stand alone system, hub system, remote totalisator server, remote totalisator site. The ~~hub site manager, remote totalisator server and system operator shall be under the direction of each host track Mutuels Manager. The system operator shall be under the direction of the Mutuels Manager.~~ There shall be a totalisator operator at each pari-mutuel facility during live performances.

~~(14)(18)~~ Each totalisator shall maintain an outs file segregated by meet and permitholder and, where applicable, segregated by live and intertrack wagering. The outs file shall include the date, performance, contest, complete ticket identification number, amount wagered, winning combination, and the value for each ticket.

(a) The outs file shall be updated at the end of each performance or operating day ~~and reports as required by this chapter shall be printed and provided to the state hub personnel.~~

(b) Both the totalisator licensee and the permitholder will be responsible for the integrity of the outs file and shall have documented internal controls to prevent unauthorized access. Such internal controls shall be included in the security description required by subsection 61D-7.021(12), F.A.C. 61D-7.017(12), Florida Administrative Code.

Rulemaking Specific Authority 550.0251(3), ~~(7)~~; 550.155(1), 550.495(4) FS. Law Implemented 550.0251, 550.155, 550.495 FS. History—New 10-20-96, Amended 12-15-97, 9-19-04, 4-12-06,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Leon M. Biegalski, Director, Division of Pari-Mutuel Wagering

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Ken Lawson, Secretary, Department of Business and Professional Regulation

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 10, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 16, 2011

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Pari-Mutuel Wagering

RULE NO.: 61D-7.017 RULE TITLE: Seed Pools for Jackpot Wagers

PURPOSE AND EFFECT: The purpose and effect of the proposed rule amendment will be to repeal this rule identified during the comprehensive rule review required by Executive Order 11-01 as duplicative, unnecessarily burdensome, or no longer necessary.

SUMMARY: Elimination of Rule 61D-7.017, F.A.C., identified during the comprehensive rule review as no longer necessary.

OTHER RULES INCORPORATING THIS RULE: None

EFFECT ON THOSE OTHER RULES: None

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: the Division of Pari-Mutuel Wagering conducted an analysis of the proposed rule’s potential economic impact and determined that it did not exceed any of the criteria established in Section 120.541(2)(a), F.S.

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: 550.0251(3), (7), 550.155(1), 550.495(4) FS.

LAW IMPLEMENTED: 550.0251, 550.155, 550.495 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: June 18, 2012, 2:00 p.m. – 5:00 p.m.

PLACE: Florida Department of Business and Professional Regulation, Northwood Centre, Board Room, 1940 N. Monroe Street, 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: Mary Polombo at (850)717-1098. 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: Mary Polombo, Clerk, Division of Pari-Mutuel Wagering, 1940 North Monroe Street, Tallahassee, Florida 32399-1035

THE FULL TEXT OF THE PROPOSED RULE IS:

61D-7.017 Seed Pools for Jackpot Wagers.

Rulemaking Specific Authority 550.0251(3), (7), 550.155(1), 550.495(4) FS. Law Implemented 550.0251, 550.155, 550.495 FS. History–New 10-20-96, Repealed _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Leon M. Biegalski, Director, Division of Pari-Mutuel Wagering.

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Ken Lawson, Secretary, Department of Business and Professional Regulation

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 29, 2012

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Pari-Mutuel Wagering

RULE NOS.:	RULE TITLES:
61D-14.013	Pari-Mutuel Occupational License Transition Period Provisions
61D-14.023	Slot Machine Base Doors
61D-14.026	Cabinet Wiring
61D-14.077	Procedure for Electronic Fund Transfers
61D-14.078	Patron Slot Machine Gaming Accounts
61D-14.083	Compliance with Federal Reporting Requirements
61D-14.091	Jobs Compendium Requirement
61D-14.092	Content of Jobs Compendium
61D-14.094	Department Agreement to the Minimum Critical Staff Level (MCSL) List Requirement for Security and Surveillance

PURPOSE AND EFFECT: The purpose and effect of the proposed rule amendments will be to repeal these rules identified during the comprehensive rule review required by Executive Order 11-01 as duplicative, unnecessarily burdensome, or no longer necessary.

SUMMARY: Elimination of Rules 61D-14.013, 61D-14.023, 61D-14.026, 61D-14.077, 61D-14.078, 61D-14.083, 61D-14.091, 61D-14.092, and 61D-14.094, F.A.C., identified during the comprehensive rule review as no longer necessary.

OTHER RULES INCORPORATING THIS RULE: None

EFFECT ON THOSE OTHER RULES: None

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: the Division of Pari-Mutuel Wagering conducted an analysis of the proposed rules' potential economic impact and determined that they did not exceed any of the criteria established in Section 120.541(2)(a), F.S.

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: 551.103(1), 551.122 FS.

LAW IMPLEMENTED: 551.103(1)(a), (b), (c), (d), (e), (g), (i), 551.107(2)(b) 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: June 18, 2012, 2:00 p.m. – 5:00 p.m.

PLACE: Florida Department of Business and Professional Regulation, Northwood Centre, Board Room, 1940 N. Monroe Street, 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: Mary Polombo at (850)717-1098. 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: Mary Polombo, Clerk, Division of Pari-Mutuel Wagering, 1940 North Monroe Street, Tallahassee, Florida 32399-1035

THE FULL TEXT OF THE PROPOSED RULES IS:

61D-14.013 Pari-Mutuel Occupational License Transition Period Provisions.

Rulemaking Specific Authority 551.103(1), 551.122 FS. Law Implemented 551.103(1)(a), (b), 551.107(2)(b) FS. History–New 7-30-06, Repealed_____.

61D-14.023 Slot Machine Base Doors.

Rulemaking Specific Authority 551.103(1), 551.122 FS. Law Implemented 551.103(1) FS. History–New 6-25-06, Amended 6-21-10, Repealed_____.

61D-14.026 Cabinet Wiring.

Rulemaking Specific Authority 551.103(1), 551.122 FS. Law Implemented 551.103(1)(c), (d), (e), (i) FS. History–New 6-25-06, Repealed_____.

61D-14.077 Procedure for Electronic Fund Transfers.

Rulemaking Specific Authority 551.103(1), 551.122 FS. Law Implemented 551.103(1)(d), (e) FS. History–New 1-16-07, Repealed_____.

61D-14.078 Patron Slot Machine Gaming Accounts.

Rulemaking Specific Authority 551.103(1), 551.122 FS. Law Implemented 551.103(1)(d), (e) FS. History–New 1-16-07, Repealed_____.

61D-14.083 Compliance with Federal Reporting Requirements.

Rulemaking Specific Authority 551.103(1), 551.122 FS. Law Implemented 551.103(1)(d), (g), (i) FS. History–New 6-25-06, Repealed_____.

61D-14.091 Jobs Compendium Requirement.

Rulemaking Specific Authority 551.103, 551.122 FS. Law Implemented 551.103 FS. History–New 3-27-08, Repealed_____.

61D-14.092 Content of Jobs Compendium.

Rulemaking Specific Authority 551.103, 551.122 FS. Law Implemented 551.103 FS. History–New 3-27-08, Repealed_____.

61D-14.094 Department Agreement to the Minimum Critical Staff Level (MCSL) List Requirement for Security and Surveillance.

Rulemaking Specific Authority 551.103, 551.122 FS. Law Implemented 551.103 FS. History–New 3-27-08, Repealed_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Leon M. Biegalski, Director, Division of Pari-Mutuel Wagering

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Ken Lawson, Secretary, Department of Business and Professional Regulation

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 29, 2012

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Pari-Mutuel Wagering

RULE NO.:	RULE TITLE:
61D-14.042	Accounting and Occurrence Meter Specifications

PURPOSE AND EFFECT: The purpose and effect of the proposed rule will be to implement Florida Statutes pertaining to the regulation of slot machine operations at pari-mutuel racing facilities.

SUMMARY: The amendment to this proposed rule removes the reference to Rule 61D-14.078, F.A.C., which has been identified for proposed repeal during the comprehensive rule review required by Executive Order 11-01.

OTHER RULES INCORPORATING THIS RULE: Rules 61D-14.047, 61D-14.073, and 61D-14.081 incorporate Rule 61D-14.042, F.A.C.

EFFECT ON THOSE OTHER RULES: None

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: the Division of Pari-Mutuel Wagering conducted an analysis of the proposed rule’s potential economic impact and determined that it did not exceed any of the criteria established in Section 120.541(2)(a), F.S.

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: 551.103(1), 551.122 FS.

LAW IMPLEMENTED: 551.103(1)(c), (d), (e), (g) 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: June 18, 2012, 2:00 p.m. – 5:00 p.m.

PLACE: Florida Department of Business and Professional Regulation, Northwood Centre, Board Room, 1940 N. Monroe Street, 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: Mary Polombo at (850)717-1098. 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: Mary Polombo, Clerk, Division of Pari-Mutuel Wagering, 1940 North Monroe Street, Tallahassee, Florida 32399-1035

THE FULL TEXT OF THE PROPOSED RULE IS:

61D-14.042 Accounting and Occurrence Meter Specifications.

(1) through (2)(b) No change.

(c) The drop meter shall maintain a cumulative count of the credit value of all bills and tickets inserted into the bill acceptor ~~and Advanced Funds Transfer as identified in Rule 61D-14.078, F.A.C.~~, processed for play;

(d) through (6) No change.

Rulemaking Authority 551.103(1), 551.122 FS. Law Implemented 551.103(1)(c), (d), (e), (g) FS. History—New 7-30-06, Amended 6-21-10, 7-14-11, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Leon M. Biegalski, Director, Division of Pari-Mutuel Wagering

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Ken Lawson, Secretary, Department of Business and Professional Regulation

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 29, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 16, 2011

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Architecture and Interior Design

RULE NO.:	RULE TITLE:
61G1-16.005	Procedures for Signing and Sealing Electronically Transmitted Plans, Specifications, Reports or Other Documents

PURPOSE AND EFFECT: The Board proposes the rule amendment to update the procedures for signing and sealing electronically transmitted plans, specifications, reports or other documents.

SUMMARY: Procedures for signing and sealing electronically transmitted plans, specifications, reports or other documents will be updated.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: During discussion of the economic impact of this rule at its Board meeting, the Board, based upon the expertise and experience of its members, determined that a Statement of

Estimated Regulatory Costs (SERC) was not necessary and that the rule will not require ratification by the Legislature. No person or interested party submitted additional information regarding the economic impact at that time.

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: 481.2055, 481.221(2), (3) FS.
LAW IMPLEMENTED: 481.221(2), (3) 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: Anthony Spivey, Executive Director, Board of Architecture and Interior Design, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G1-16.005 Procedures for Signing and Sealing Electronically Transmitted Plans, Specifications, Reports or Other Documents.

(1) Information stored in electronic files representing plans, specifications, plats, reports, or other documents which must be sealed under the provisions of Chapter 481, F.S., shall be signed, dated and sealed by the architect or interior designer in responsible charge.

(a) A scanned image of an original signature shall not be used in lieu of a digital or electronic signature.

(b) The date that the electronic signature file was created or the digital signature was placed into the document must appear on the document in the same manner as date is required to be applied when a licensee uses the manual sealing procedure set out in Rule 61G1-16.003, F.A.C.

(2) An architect or interior designer utilizing a digital signature to seal construction documents shall assure that the digital signature is:

(a) Unique to the person using it;

(b) Capable of verification;

(c) Under the sole control of the person using it; and

(d) Linked to a document in such a manner that the electronic signature is invalidated if any data in the document are changed.

~~(3)(2) Electronic files may be signed and sealed by creating a "signature" file that contains the architect's or interior designer's name and license number, a brief overall description of the documents, and a list of the electronic files to be sealed. Each file in the list shall be identified by its file name utilizing relative Uniform Resource Locators (URL) syntax described in the Internet Architecture Board's Request for Comments (RFC) 1738, December 1994, which is hereby adopted and incorporated by reference by the Board and can be~~

~~obtained from the Internet Website: ftp://ftp.isi.edu/in_notes/rfc1738.txt. Each file shall have an authentication code defined as an ~~an~~ ~~SHA-1~~ a message digest described in Federal Information Processing Standard Publication ~~180-4~~ ~~180-1~~ "Secure Hash Standard," ~~March 2012,~~ ~~1995~~ ~~April 17~~ which is hereby adopted and incorporated by reference by the Board and can be obtained from the Internet Website: <http://csrc.nist.gov/publications/fips/fips180-4/fips-180-4.pdf> ~~http://www.itl.nist.gov/fipspubs/fip180-1.htm~~. A report shall be created that contains the architect's or interior designer's license number, a brief overall description of the documents in question and the authentication code of the signature file. This report shall be printed and manually signed, dated, and sealed by the architect or interior designer in responsible charge. The signature file is defined as sealed if its authentication code matches the authentication code on the printed, manually signed, dated and sealed report. Each electronic file listed in a sealed signature file is defined as sealed if the listed authentication code matches the file's computed authentication code.~~

Rulemaking Specific Authority 481.2055, 481.221(2), (3) FS. Law Implemented 481.221(2), (3) FS. History—New 4-23-06, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Architecture and Interior Design

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Architecture and Interior Design

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 10, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 24, 2012

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NOS.:	RULE TITLES:
62-730.030	Identification of Hazardous Waste
62-730.160	Standards Applicable to Generators of Hazardous Waste
62-730.183	Land Disposal Restrictions

PURPOSE, EFFECT AND SUMMARY: The proposed rule amendments incorporate by reference changes made by the U.S. Environmental Protection Agency (EPA) between July 1, 2010 and June 30, 2011 to the federal hazardous waste regulations. The Florida Department of Environmental Protection (FDEP) is authorized by EPA to administer the state hazardous waste program in lieu of the federal program. As a result, at least once a year FDEP incorporates federal rule changes into Chapter 62-730, F.A.C., the state hazardous waste rule in order to maintain consistency with federal regulations.

RULEMAKING AUTHORITY: 403.704, 403.72, 403.721, 403.8055 FS.

LAW IMPLEMENTED: 403.704, 403.72, 403.721 FS.

THIS RULEMAKING IS UNDERTAKEN PURSUANT TO SECTION 403.8055, F.S. WRITTEN COMMENTS MAY BE SUBMITTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE TO: Ms. Julie Rainey, Hazardous Waste Regulation Section, Mail Station 4560, Department of Environmental Protection, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, or julie.c.rainey@dep.state.fl.us.

SUBSTANTIALLY AFFECTED PERSONS MAY WITHIN 14 DAYS OF THE DATE OF THIS NOTICE, FILE AN OBJECTION TO THIS RULEMAKING WITH THE AGENCY. THE OBJECTION SHALL SPECIFY THE PORTIONS OF THE PROPOSED RULE TO WHICH THE PERSON OBJECTS AND THE SPECIFIC REASONS FOR THE OBJECTION.

THE FULL TEXT OF THE PROPOSED RULE IS:

62-730.030 Identification of Hazardous Waste.

(1) The Department adopts by reference 40 CFR Part 261 revised as of July 1, 2008, and all appendices, the amendments to 40 CFR Part 261 as published in the Federal Register dated December 1, 2008 (73 FR 72912), the corrections as published in the Federal Register dated March 18, 2010 (75 FR 12989) <https://www.flrules.org/Gateway/reference.asp?No=Ref-00590>, the partial withdrawal of the corrections published in the Federal Register dated June 4, 2010 (75 FR 31716) <https://www.flrules.org/Gateway/reference.asp?No=Ref-00591>, and the amendments to 261.4(a)(16) and 261.38 as published in the Federal Register dated June 15, 2010 (75 FR 33712) <https://www.flrules.org/Gateway/reference.asp?No=Ref-00592>, and the amendments to 261.33 and 261 Appendix VIII as published in the Federal Register dated December 17, 2010 (75 FR 78918) _____, with the exceptions described in paragraphs (1)(a) through (d) of this section.

(a) through (4) No change.

Rulemaking Authority 403.72, 403.721, 403.8055 FS. Law Implemented 403.72, 403.721 FS. History—New 5-28-81, Amended 9-8-81, 12-6-81, 3-4-82, 11-25-82, 5-19-83, 1-5-84, 8-24-84, 12-18-84, 7-5-85, 10-3-85, Formerly 17-30.03, Amended 5-5-86, 8-25-86, 9-19-86, 10-31-86, 3-31-87, 4-13-88, Formerly 17-30.030, Amended 1-25-89, 8-13-90, 9-10-91, 10-14-92, 10-7-93, Formerly 17-730.030, Amended 1-5-95, 9-7-95, 4-30-97, 8-19-98, 2-4-00, 12-20-00, 8-1-02, 10-1-04, 1-29-06, 4-6-06, 5-1-07, 4-25-08, 5-8-09, 6-8-10, 10-12-11, _____.

62-730.160 Standards Applicable to Generators of Hazardous Waste.

(1) The Department adopts by reference 40 CFR Part 262 revised as of July 1, 2011 ~~July 1, 2010~~ <https://www.flrules.org/Gateway/reference.asp?No=Ref-00595>, including the Appendix with the exception of 40 CFR 262.34(e) and the Project XL site-specific regulations in 262.10(j) and Subparts I and J.

(2) through (7) No change.

Rulemaking Authority 403.704, 403.721, 403.8055 FS. Law Implemented 403.704, 403.72, 403.721 FS. History—New 5-19-82, Amended 5-20-82, 3-31-83, 1-5-84, 2-2-84, 8-24-84, 7-5-85, 10-3-85, Formerly 17-30.16, Amended 9-19-86, 10-31-86, 3-31-87, 5-26-87, 6-28-88, Formerly 17-30.160, Amended 1-25-89, 8-13-90, 9-10-91, 10-14-92, 10-7-93, Formerly 17-730.160, Amended 1-5-95, 9-7-95, 4-30-97, 8-19-98, 2-4-00, 12-20-00, 8-1-02, 10-1-04, 1-29-06, 4-6-06, 5-1-07, 4-25-08, 5-8-09, 6-8-10, 10-12-11, _____.

62-730.183 Land Disposal Restrictions.

The Department adopts by reference 40 CFR Part 268 revised as of ~~July 1, 2011~~ July 1, 2010 <https://www.flrules.org/Gateway/reference.asp?No=Ref-00606>, and all appendices, with the exception of subsections (1) and (2) of this section.

(1) through (2) No change.

Rulemaking Authority 403.704, 403.721, 403.8055 FS. Law Implemented 403.704, 403.721 FS. History—New 1-25-89, Formerly 17-30.183, Amended 8-13-90, 9-10-91, 10-14-92, 10-7-93, Formerly 17-730.183, Amended 1-5-95, 9-7-95, 4-30-97, 8-19-98, 2-4-00, 12-20-00, 8-1-02, 10-1-04, 4-6-06, 5-1-07, 4-25-08, 5-8-09, 10-12-11, _____.

DEPARTMENT OF HEALTH

Board of Nursing

RULE NO.: 64B9-8.009
 RULE TITLE: Payment of Fines

PURPOSE AND EFFECT: The Board proposes this rule amendment to clarify the deadline for payment of fines and costs when a license is revoked.

SUMMARY: The purpose of this amendment is to clarify the deadline for payment of fines and costs when a license is revoked.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: During discussion of the economic impact of this rule at its Board meeting, the Board, based upon the expertise and experience of its members, determined that a Statement of Estimated Regulatory Costs (SERC) was not necessary and that the rule will not require ratification by the Legislature. No person or interested party submitted additional information regarding the economic impact at that time.

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: 456.072(4), 456.006 FS.

LAW IMPLEMENTED: 456.072(4) 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 32399-3252

THE FULL TEXT OF THE PROPOSED RULE IS:

64B9-8.009 Payment of Fines.

Unless stated otherwise in the Final Order, fines and costs are payable within 12 months of the filing of the order for each \$1,000.00 or portion thereof. If the penalty in the Final Order is revocation, the fine and costs are payable within 60 days.

Rulemaking Specific Authority 456.072(4), 464.006 FS. Law Implemented 456.072(4) FS. History—New 9-11-83, Formerly 21O-10.06, 21O-10.006, 61F7-8.009, 59S-8.009, Amended 3-19-09, _____.

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: March 30, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 27, 2012

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE NO.:	RULE TITLE:
68A-13.004	Open Season for Taking and Bag Limits for Non-Migratory Game and Issuance of Antlerless Deer Permits

PURPOSE AND EFFECT: The purpose of the proposed rule amendment is to change the opening of gray squirrel season from the second Saturday in November to the second Saturday in October and specify the closing as the first Sunday in March. The effect of the proposed rule amendment will be to increase the gray squirrel season by up to 35 days depending on the calendar year, and enable the agency to better manage fish and wildlife resources.

SUMMARY: The proposed rule amendment would allow the open season for the taking of gray squirrels to begin 28 or 35 days earlier depending on calendar year and maintain a comparable ending date.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: the nature of the rule and the preliminary analysis conducted to determine whether a SERC was required.

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: Article IV, Section 9, Florida Constitution.

LAW IMPLEMENTED: Article IV, Section 9, Florida Constitution.

A HEARING WILL BE HELD AT THE DATES, TIME AND PLACE SHOWN BELOW:

DATES AND TIME: During the regular meeting of the Commission, June 27-28, 2012, 8:30 a.m. – 5:00 p.m., each day

PLACE: PGA National Resort & Spa, 400 Avenue of the Champions, Palm Beach Gardens, FL 33418

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: The ADA Coordinator, at (850)488-6411. 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: Diane R. Eggeman, Director, Division of Hunting and Game Management, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

THE FULL TEXT OF THE PROPOSED RULE IS:

68A-13.004 Open Season for Taking and Bag Limits for Non-Migratory Game and Issuance of Antlerless Deer Permits. The open season and bag limits for non-migratory game shall be as follows unless otherwise amended by the Commission, provided that regulations for hunting on wildlife management areas shall be as established by specific rule.

- (1) No change.
- (2) Open seasons:
 - (a) through (d) No change.
 - (e) Gray squirrel: Opening the second Saturday of ~~October November~~ and closing ~~the first Sunday in March 413 days thereafter~~. Opening October 1 and closing March 31 for falconry.

No open season on fox squirrels.

- (f) through (h) No change.
- (3) No change.

PROPOSED EFFECTIVE DATE: AS SOON AS POSSIBLE FOLLOWING COMMISSION ACTION

Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 8-1-79, Amended 5-19-80, 6-4-81, 6-21-82, 7-1-83, 7-1-84, 7-1-85, Formerly 39-13.04, Amended 6-1-86, 5-10-87, 6-8-87, 5-1-88, 7-1-89, 7-1-90, 7-1-91, 7-1-92, 7-1-93, 3-1-94, 7-1-94, 7-1-96, 10-28-97, 4-27-98, 12-28-98, Formerly 39-13.004, Amended 7-1-01, 5-13-02, 10-16-02, 7-1-05, 7-1-06, 7-1-08, 7-1-10, 1-1-11, _____.

BE ADVISED THAT THESE PROPOSED RULES MAY BE FILED FOR ADOPTION AS SOON AS POSSIBLE FOLLOWING THE COMMISSION MEETING AT WHICH THEY ARE CONSIDERED IF THE RULES ARE NOT CHANGED. IF CHANGED, THE RULES MAY BE FILED AS SOON AS POSSIBLE AFTER PUBLICATION OF A NOTICE OF CHANGE IN THE F.A.W.

NAME OF PERSON ORIGINATING PROPOSED RULE: Diane R. Eggeman, Director, Division of Hunting and Game Management, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Fish and Wildlife Conservation Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 2, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 22, 2011

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE NO.:	RULE TITLE:
68A-15.065	Specific Regulations for Wildlife Management Areas – Northeast Region

PURPOSE AND EFFECT: The purpose of the proposed rule amendment is to clarify the opening day of gray squirrel season on Lake Monroe and small game season on Marshall Swamp wildlife management areas (WMAs). The effect of the proposed rule amendment will be to enable the agency to better manage fish and wildlife resources.

SUMMARY: The proposed rule amendment would clarify that there is no change to the current opening of gray squirrel season on Lake Monroe WMA and the opening of small game season on Marshall Swamp WMA.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: the nature of the rule and the preliminary analysis conducted to determine whether a SERC was required.

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: Article IV, Section 9, Florida Constitution.

LAW IMPLEMENTED: Article IV, Section 9, Florida Constitution; 379.2223, 375.313 FS.

A HEARING WILL BE HELD AT THE DATES, TIME AND PLACE SHOWN BELOW:

DATES AND TIME: During the regular meeting of the Commission, June 27-28, 2012, 8:30 a.m. – 5:00 p.m., each day

PLACE: PGA National Resort & Spa, 400 Avenue of the Champions, Palm Beach Gardens, FL 33418

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: The ADA Coordinator, at (850)488-6411. 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: Diane R. Eggeman, Director, Division of Hunting and Game Management, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

THE FULL TEXT OF THE PROPOSED RULE IS:

68A-15.065 Specific Regulations for Wildlife Management Areas – Northeast Region.

(1) through (33) No change.

(34) Lake Monroe.

(a) Open season:

1. Non-migratory game – Zonal seasons established under Rule 68A-13.004, F.A.C., except that open season for rabbit and gray squirrel will open the first Saturday in November and run through the close of zonal squirrel season only, antlered deer season will open the first Saturday in November and close 57 days thereafter and there shall be no crossbow season.

2. through 4. No change.

(b) through (d) No change.

(35) No change.

(36) Marshall Swamp Wildlife Management Area.

(a) Open season:

1. through 3. No change.

4. Small game – Opening the second Saturday in November through the close of ~~During the open season for~~ gray squirrel season established in Rule 68A-13.004, F.A.C.

5. through 7. No change.

(b) through (d) No change.

PROPOSED EFFECTIVE DATE: AS SOON AS POSSIBLE FOLLOWING COMMISSION ACTION.

Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const., 379.2223, 375.313 FS. History—New 6-21-82, Amended 6-29-82, 7-1-83, 7-5-84, 10-1-84, 7-1-85, 5-7-86, 5-10-87, 5-1-88, 7-1-89, 12-19-89, 7-1-90, 7-1-91, 7-2-91, 7-2-92, 7-1-93, 7-1-94, 7-1-95, 7-1-96, 9-15-96, 6-1-97, 7-1-98, 7-2-98, 8-11-98, 12-28-98, 7-1-99, Formerly 39-15.065, Amended 12-20-99, 7-1-00, 12-26-00, 7-1-01, 6-2-02, 7-28-02, 5-1-03, 7-1-03, 10-12-03, 7-1-04, 7-1-05, 1-4-06, 7-1-06, 8-22-06, 7-1-07, 7-1-08, 7-1-09, 7-1-10, 7-1-11, 8-11-11, 7-1-12,_____.

BE ADVISED THAT THESE PROPOSED RULES MAY BE FILED FOR ADOPTION AS SOON AS POSSIBLE FOLLOWING THE COMMISSION MEETING AT WHICH THEY ARE CONSIDERED IF THE RULES ARE NOT CHANGED. IF CHANGED, THE RULES MAY BE FILED AS SOON AS POSSIBLE AFTER PUBLICATION OF A NOTICE OF CHANGE IN THE F.A.W.

NAME OF PERSON ORIGINATING PROPOSED RULE: Diane R. Eggeman, Director, Division of Hunting and Game Management, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Fish and Wildlife Conservation Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 2, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 22, 2011

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE NO.: 68A-17.005
 RULE TITLE: Specific Regulations for Wildlife and Environmental Areas

PURPOSE AND EFFECT: The purpose of the proposed rule amendment is to clarify the opening day of small game and gray squirrel seasons on Apalachicola River and L. Kirk Edwards wildlife and environmental areas (WEAs). The effect of the proposed rule amendment will be to enable the agency to better manage fish and wildlife resources.

SUMMARY: The proposed rule amendment would clarify that there is no change to the current opening of gray squirrel or small game seasons on Apalachicola River and L. Kirk Edwards WEAs.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: the nature of the rule and the preliminary analysis conducted to determine whether a SERC was required.

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: Article IV, Section 9, Florida Constitution.

LAW IMPLEMENTED: Article IV, Section 9, Florida Constitution; 379.2223, 375.313 FS.

A HEARING WILL BE HELD AT THE DATES, TIME AND PLACE SHOWN BELOW:

DATES AND TIME: During the regular meeting of the Commission, June 27-28, 2012, 8:30 a.m. – 5:00 p.m., each day

PLACE: PGA National Resort & Spa, 400 Avenue of the Champions, Palm Beach Gardens, FL 33418

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: The ADA Coordinator, at (850)488-6411. 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: Diane R. Eggeman, Director, Division of Hunting and Game Management, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

THE FULL TEXT OF THE PROPOSED RULE IS:

68A-17.005 Specific Regulations for Wildlife and Environmental Areas.

(1) through (2) No change.

(3) Northwest Region.

(a) No change.

(b) Apalachicola River – Gulf, Franklin, and Liberty counties.

1. Open seasons:

a. through c. No change.

d. Small game – During the open seasons established in Rule 68A-13.004, F.A.C., except gray squirrel season shall open the second Saturday of November.

e. through k. No change.

2. through 4. No change.

(c) L. Kirk Edwards – Leon County.

1. Open seasons for that portion of the area west of Chaires Cross Road:

a. Gray squirrel – Opening the second Saturday in November through the close of the ~~During the open season for~~ gray squirrel season established in Rule 68A-13.004, F.A.C.

b. through c. No change.

2. Open seasons for that portion of the area east of Chaires Cross Road:

a. through c. No change.

d. Small game – During the eleventh, thirteenth, fifteenth, seventeenth and nineteenth ~~seventh, ninth, eleventh, thirteenth and fifteenth~~ weekends of the gray squirrel season established in Rule 68A-13.004, F.A.C. (Friday through Sunday only).

e. through g. No change.

3. through 4. No change.

(4) through (5) No change.

PROPOSED EFFECTIVE DATE: AS SOON AS POSSIBLE FOLLOWING COMMISSION ACTION

Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const., 379.2223, 375.313 FS. History—New 7-1-83, Amended 11-30-83, 7-1-84, 8-21-85, Formerly 39-17.05, Amended 6-1-86, 8-13-87, 8-18-88, 8-17-89, 4-11-90, 7-1-91, 10-31-91, 4-14-92, 4-20-93, 7-1-94, 9-15-94, 3-30-95, 8-15-95, 7-1-96, 4-3-97, 10-28-97, 7-1-98, 8-11-98, 7-1-99, Formerly 39-17.005, Amended 7-1-00, 5-1-01, 6-2-02, 5-25-03, 7-1-04, 7-1-05, 7-1-06, 7-1-07, 7-1-08, 1-6-09, 7-1-09, 10-29-09, 7-1-10, 7-1-11, 11-14-11, 7-1-12,_____.

BE ADVISED THAT THESE PROPOSED RULES MAY BE FILED FOR ADOPTION AS SOON AS POSSIBLE FOLLOWING THE COMMISSION MEETING AT WHICH THEY ARE CONSIDERED IF THE RULES ARE NOT CHANGED. IF CHANGED, THE RULES MAY BE FILED AS SOON AS POSSIBLE AFTER PUBLICATION OF A NOTICE OF CHANGE IN THE F.A.W.

NAME OF PERSON ORIGINATING PROPOSED RULE: Diane R. Eggeman, Director, Division of Hunting and Game Management, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Fish and Wildlife Conservation Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 2, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 22, 2011

DEPARTMENT OF FINANCIAL SERVICES

Division of Funeral, Cemetery, and Consumer Services

RULE NO.: 69K-17.0036
 RULE TITLE: Course Required for Initial Licensure
 PURPOSE AND EFFECT: To remove references to Section 497.367, F.S., which section was repealed in 2010, and to specify criteria for approval of a communicable disease course that is taken to satisfy a requirement for initial or renewal licensure under Chapter 497, F.S. This proposed rule was approved by the Board of Funeral, Cemetery, and Consumer Services at its monthly meeting on 1-6-2011.

SUMMARY: Specifies criteria for approval of a communicable disease course that is taken to satisfy a requirement for initial or renewal licensure under Chapter 497, F.S.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has been prepared by the agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: See SERC.

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: 497.103(5), 497.141(2), 497.147(1), (2), (4) FS.

LAW IMPLEMENTED: 497.368(1)(e), 497.369(1)(c), 497.373(1)(e), 497.374(1)(c), 497.378(1), 497.602(3)(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: June 20, 2012, 10:00 a.m.

PLACE: Room 332, Pepper Building, 111 W. Madison 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: LaTonya Bryant-Parker, at (850)413-4957, or by email at LaTonya.Bryant-Parker@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: Douglas Shropshire, Executive Director, Board of Funeral, Cemetery, and Consumer Services, Division of Funeral, Cemetery, and Consumer Services, Department of Financial Services, 200 East Gaines Street, Tallahassee, FL 32399-0361, (850)413-4984, shropshired@MyFloridaCFO.com. Direct any request for a hearing to Mr. Shropshire

THE FULL TEXT OF THE PROPOSED RULE IS:

69K-17.0036 Course Required for Initial Licensure ~~and Registration.~~

In any instance in which, under Chapter 497, Florida Statutes, an applicant for license is required as a condition of licensure to take a communicable disease course, the course shall be a course approved by the Board for at least 2 hours of credit in the communicable disease category under Rule 69K-17.0042, Florida Administrative Code, covering the basic elements of communicable disease risks and risk prevention and mitigation in the deathcare industry context. The applicant shall provide with their application for license proof of completing the required communicable disease course. Such proof shall comply with the requirements of Rule 69K-100.036, F.A.C., "Proof of satisfying educational requirements." The course shall have been completed within 24 months prior to the date the application for licensure is received by the Division.

~~No license or registration governed under Chapter 497, F.S., shall be granted after October 1, 1993 unless the applicant has successfully completed a Board approved course on communicable diseases, except as provided in Sections 497.367(4) and (6), F.S.~~

~~Rulemaking Specific Authority 497.103(5), 497.141(2), 497.147(1), (2), (4) FS. Law Implemented 497.367, 497.368(1)(e), 497.369(1)(c), 497.373(1)(e), 497.374(1)(c), 497.378(1), 497.602(3)(c) FS. History--New 4-10-94, Amended 6-24-01, Formerly 61G8-17.0036, Amended _____.~~

NAME OF PERSON ORIGINATING PROPOSED RULE: Douglas Shropshire, Director, Division of Funeral, Cemetery, and Consumer Services, on behalf of the Board of Funeral, Cemetery, and Consumer Services

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Funeral, Cemetery, and Consumer Services, under Chapter 497, F.S.

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 6, 2011

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 9, 2011

DEPARTMENT OF FINANCIAL SERVICES

Division of Funeral, Cemetery, and Consumer Services

RULE NO.: 69K-100.036
 RULE TITLE: Proof of Satisfying Educational Requirements

PURPOSE AND EFFECT: Section 497.375, F.S., was substantially amended by the Florida legislature in Ch. 2010-125, Laws of Florida, and provides alternatives as to timing of required education for licensure requirements. This rule specifies how applicants provide the required evidence of meeting the educational requirements of Section 497.375, F.S., as well as other statutes in Chapter 497, F.S.

SUMMARY: This rule specifies how the applicant for license under Chapter 497, F.S., provides the evidence of meeting the statutory educational requirements for licensure.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has been prepared by the agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: See SERC.

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: 497.103(5), 497.141(2) FS.

LAW IMPLEMENTED: 497.368(1)(d), (e), 497.369(1)(b)2., (c), 497.370(2), 497.373(1)(d), (e), 497.374(1)(b)2., (c), 497.375(1)(b), 497.602(3)(b), (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: June 20, 2012, 11:00 a.m.

PLACE: 332, Pepper Building, 111 W. Madison 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: LaTonya Bryant-Parker, at (850)413-4957 or by email at LaTonya.Bryant-Parker@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: Douglas Shropshire, Executive Director, Board of Funeral, Cemetery, and Consumer Services, Division of Funeral, Cemetery, and Consumer Services, Department of Financial Services, 200 East Gaines Street, Tallahassee, FL 32399-0361, (850)413-4984, shropshired@MyFloridaCFO.com. Direct any request for a hearing to Mr. Shropshire

THE FULL TEXT OF THE PROPOSED RULE IS:

69K-100.036 Proof of Satisfying Educational Requirements.

(1) This rule specifies procedures for use by licensure applicants to establish that they have satisfied educational requirements for licensure imposed pursuant to Chapter 497, F.S.

(2) PROOF OF CURRENT ENROLLMENT. An applicant for licensure who pursuant to Chapter 497, F.S., is subject to a licensure pre-requisite of being currently enrolled in a specified course of study, shall submit with their application proof of current enrollment complying with paragraph (a) or (b) below:

(a) An official academic transcript issued by the college or university conducting the course of study, identifying the applicant by name, stating the name of the course, showing applicant as enrolled in the course, and showing on the transcript an as-of date concerning the information shown in the transcript. No such transcript shall be accepted as proof of current enrollment unless the transcript shows an as-of date that is within 45 days of the date the application for licensure is received by the Division.

(b) A certificate of enrollment issued by the college or university conducting the course, signed by an employee or faculty member of the college or university, naming the course enrolled in, stating that applicant is enrolled in the course as of the date the certificate is issued, and showing the date on which the certificate is issued. No such certificate shall be accepted as

proof of current enrollment unless the certificate was issued within 45 days of the date the application for licensure is received by the Division.

(3) PROOF OF COMPLETION OF A COURSE. An applicant for licensure who pursuant to Chapter 497, F.S., is subject to a licensure pre-requisite of having completed a specified course of study, shall submit with their application for such licensure proof of completion of the required course of study consisting of:

(a) An original academic transcript issued by the college or university conducting the course of study, identifying the applicant by name, stating the name of the course completed, and the date completed; or

(b) An original certificate of course completion issued by the college or university conducting the course, signed by an employee or faculty member of the college or university, identifying the applicant by name, stating the name of the course completed, and the date completed.

(4) PROOF OF AWARD OF COLLEGE DEGREE. An applicant for licensure who pursuant to Chapter 497, F.S., is subject to a licensure pre-requisite of having been awarded a college degree, shall submit with their application for such licensure proof of award of the degree in the form of an original academic transcript issued by the college or university awarding the degree, identifying the applicant by name, the courses taken, major area of study, degree awarded, and date degree awarded.

(5) EDUCATIONAL RECORDS NO LONGER AVAILABLE.

(a) If an applicant shall assert that he or she has fulfilled the educational requirements for licensure but that he or she is unable through no fault of their own to obtain a required academic transcript, certificate of completion, or other required records, the applicant shall submit with their application for license their signed, dated, written statement concerning the matter. The written statement shall:

1. Identify the name and address of the person or entity that provided the education.

2. State why the applicant is unable to provide the required transcript, certificate, or other record.

3. Describe in as much detail as the applicant can recall or obtain, the education they received.

(b) The applicant shall attach to the written statements all educational and other records the applicant has or can obtain, that support the applicant's assertion that they have satisfied the education requirements of Section 497.373 or 497. 374, F.S., as applicable.

(c) The applicant shall attach any written, signed statements by any persons who corroborate or otherwise support applicant's assertions or who can provide other information in support of applicant's assertions.

(d) The Division shall conduct such investigation of the applicant's assertions as the Division deems appropriate.

(e) The Board shall review the application, written statements, and attachments, and other pertinent materials. The application for license shall be denied unless there is clear and convincing evidence that the applicant received an education complying with the applicable requirements of Sections 497.373, 497.374, F.S.

Rulemaking Authority 497.103(5), 497.141(2) FS. Law Implemented 497.368(1)(d), (e), 497.369(1)(b)2., (c), 497.370(2), 497.373(1)(d), (e), 497.374(1)(b)2., (c), 497.375(1)(b), 497.602(3)(b), (c), 497.141 FS. History—New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Douglas Shropshire, Director, Division of Funeral, Cemetery, and Consumer Services, on behalf of the Board of Funeral, Cemetery, and Consumer Services

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Funeral, Cemetery, and Consumer Services, under Chapter 497, F.S.

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 2, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 4, 2011

Section III Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: 6A-5.056 RULE TITLE: Criteria for Suspension and Dismissal

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. 38, No. 15, April 13, 2012 issue of the Florida Administrative Weekly.

The opening paragraph and subsection (7) of Rule 6A-5.056 were changed as shown:

6A-5.056 Criteria for Suspension and Dismissal.

“Just cause” means cause that is legally sufficient. Each of the
~~The bases for~~ charges upon which just cause for dismissal action against specified school personnel may be pursued are set forth in Sections 1012.33 and 1012.335, Florida Statutes. In fulfillment of these laws, the ~~The~~ basis for each such charges is hereby defined:

(7) Multiple annual performance ratings of
~~Unsatisfactory or needs improvement ineffective performance evaluation ratings as specified defined~~ in Section 1012.33(1)(a)., Florida Statutes.

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: 6A-6.0786 RULE TITLE: Model Forms for Charter School Applicants and Sponsors

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. 38, No. 15, April 13, 2012 issue of the Florida Administrative Weekly.

In addition to technical changes to Florida Statute citations, Forms IEPC-HP1, IPEC-M1, and IEPC-V1 as incorporated by reference, have been changed to delete the inclusion of an authorized representative of an applicant group to certify under the penalty of perjury to the accuracy of the charter application.

DEPARTMENT OF REVENUE

Property Tax Oversight Program

RULE NOS.: 12D-7.0055 RULE TITLES: Exemption for Deployed Servicemembers.
12D-7.019 Tangible Personal Property Exemption

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. 38, No. 14, April 6, 2012 issue of the Florida Administrative Weekly.

The Department has made changes to these proposed rules based on comments received from the Joint Administrative Procedures Committee of the Florida Legislature.

A revised version of these proposed rules will be available at: <http://dor.myflorida.com/dor/property/legislation/rules/10ruledrafts.html>. These revised versions include the proposed changes discussed below to the original text that was published in the Notice of Proposed Rule on April 6, 2012.

Paragraph (c) of subsection (2) of proposed new Rule 12D-7.0055, F.A.C., is amended, so that, when adopted, the paragraph will read as follows:

(c) In addition to the application, the servicemember must submit to the property appraiser deployment orders or other proof of the qualifying deployment which includes the dates of that deployment and other information necessary to verify eligibility for this exemption. If the servicemember fails to include this documentation with the application, the property appraiser has the authority to request the needed documentation from the servicemember before denying the exemption.

Paragraph (b) of subsection (4) of proposed new Rule 12D-7.019, F.A.C., is amended, so that, when adopted, the paragraph will read as follows: