

Section I  
 Notice of Development of Proposed Rules  
 and Negotiated Rulemaking

NONE

Section II  
 Proposed Rules

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Health Facility and Agency Licensing**

RULE NO.: 59A-8.025      RULE TITLE: Registration Requirements for Homemaker, Companion and Sitter Agencies

PURPOSE AND EFFECT: The Agency is proposing to amend the rules governing Registration Requirements for Homemaker, Companion and Sitter Agencies to update forms incorporated by reference and remove duplicative language found in Chapter 408, Part II, F.S. and Rule 59A-35, F.A.C. to conform to current statutory provisions. In addition, the minimum information to be included in client records will be added and geographic service areas for new registrations will be established as required in Section 400.497(8) and (9), F.S.

SUMMARY: The Agency is proposing to amend the rules governing Registration Requirements for Homemaker, Companion and Sitter Agencies to update forms incorporated by reference and remove duplicative language found in Chapter 408, Part II, F.S. and Rule 59A-35, F.A.C. to conform to current statutory provisions. In addition, the minimum information to be included in client records will be added and geographic service areas for new registrations will be established as required in 400.497(8) and (9), F.S.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION: The Agency has determined that this will 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.

A statement of estimated regulatory costs has been prepared for proposed rule revisions in Rule 59A-8.025, F.A.C., and is available from the person listed below. The following is a summary of the SERC:

For proposed rule subsection 59A-8.025, F.A.C., license fees are increased by the Consumer Price Index pursuant to Section 408.805(2), F.S. The biennial license fee will increase by \$4.50. Based on the number of currently licensed facilities and projected growth, the total regulatory impact for a 5 year period is \$10,980.00.

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: A SERC has been prepared by the agency for Rule 59A-8.025. For rules listed where no SERC was prepared, the Agency prepared a checklist for each rule to determine the necessity for a 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: 400.497, 400.509, 408.805, 408.819 FS.

LAW IMPLEMENTED: 400.509, 400.462 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:

DATE AND TIME: February 26, 2015, 2:00p.m. – 3:00p.m.

PLACE: Agency for Health Care Administration, Ft. Knox Bldg. 3, Conference Room C, 2727 Mahan Drive, Tallahassee, FL 32308

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: Noël Cronin Lawrence via e-mail: noel.lawrence@ahca.myflorida.com or by phone: (850)412-4403. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Noël Cronin Lawrence via e-mail: noel.lawrence@ahca.myflorida.com or by phone: (850)412-4403

THE FULL TEXT OF THE PROPOSED RULE IS:

59A-8.025 Registration Requirements for Homemaker ~~and~~ Companion ~~Services Providers and Sitter Agencies~~.

(1) Before any organization ~~entity~~ or individual shall directly or indirectly provide homemaker ~~and~~, companion, ~~or~~ ~~sitter~~ services for elderly or disabled adults, it shall make application for and become registered by the AHCA. Licensed home health agencies and nurse registries are exempt from registration for provision of homemakers, and companions, ~~and sitters~~ services.

(2) An application for renewal of registration or change of ownership, must be submitted to AHCA at least 60 days prior to the date of the expiration of the registration as required in 408.806(2), F.S. It is the responsibility of the homemaker, companion, or sitter service to submit an application within the specified time frames whether or not they receive separate notification from AHCA of the impending expiration of the registration.

(3) Application for initial, renewal and change of ownership registration to provide homemaker and, companion, or sitter services shall be made to the AHCA on the Health Care Licensing Application, Homemaker and Companion Services Provider, AHCA HRS Form 3110-1003, 2014 Aug. 1993, incorporated by reference and available at <http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX>, furnished for that. This form may be obtained online at <http://ahca.myflorida.com/HQAlicensureforms> from AHCA, 2727 Mahan Drive, Tallahassee, Florida 32308. The application shall be filed biennially as required in 408.806, F.S. annually, under oath, and shall contain the following information:

(a) The name, address, date of birth, and social security number of the individual, or the name and address of the agency providing the service;

(b) If the registrant is a firm or partnership, the name, address, date of birth, and social security number of its directors and officers and the names and addresses of each person having at least 10 percent interest in the firm or partnership;

(c) The name, address, date of birth, and social security number of each person employed or under contract; and

(d) The renewal application must be received by the AHCA at least 30 days prior to expiration of the registration.

(4) A non-refundable fee of \$50.75 \$25 made payable to the Agency for Health Care Administration shall accompany each the application for registration. State, county or municipal agencies applying for registration as an agency providing homemaker and, companion, or sitter services shall be exempt from payment of registration fees.

(5) The AHCA shall issue a certificate of registration valid for no more than two years, upon verification that all requirements for registration have been met.

(a) The certificate of registration shall be valid for no more than one year;

(b) Each certificate of registration shall be valid only for the person or agency for which it was issued;

(c) The certificate shall not be subject to sale, assignment, or other transfer;

~~(d) Upon change of ownership or classification, suspension, revocation, or voluntary cessation of operation, AHCA must be notified in writing at least 30 days prior to such action and the certificate of registration must be returned to the AHCA immediately.~~

~~(6) The AHCA shall deny, suspend, or revoke the registration of a person or agency which:~~

~~(a) Fails to comply with these rules;~~

~~(b) Causes to happen an intentional or negligent act which physically or materially affects the health or safety of a person receiving services.~~

~~(7) The AHCA will institute injunctive proceedings in a court of competent jurisdiction when violations of the provisions of Chapter 400, Part III, F.S., or any rules promulgated thereunder constitute an emergency affecting the immediate health and safety of a person receiving services.~~

~~(8) Any person or agency who offers or advertises to the public by any medium whatever that he provides homemaker, companion, or sitter services for which registration is required shall include in such advertising the registration number issued by the AHCA.~~

~~(9) It is unlawful for any person or agency to advertise to the public without first obtaining a valid certificate of registration from the AHCA.~~

~~(10) It is unlawful for a holder of a certificate to advertise or hold out to the public that he holds a certificate of registration for other than that for which he actually holds a certificate of registration.~~

~~(11) The homemaker, companion, or sitter service must inform the patient pursuant to Section 400.509(5), F.S.~~

~~(12) The AHCA shall make inspections and investigations by any duly authorized officer or employee of the AHCA as are necessary in order to respond to complaints or to determine compliance with the provisions of Chapter 400, Part III, F.S., and the rules adopted thereto.~~

~~(a) If, in responding to a complaint, an officer or employee of the AHCA has reason to believe that a crime has been committed, the appropriate law enforcement agency shall be notified; and~~

~~(b) If, in responding to a complaint, an officer or employee of the AHCA has reason to believe that abuse, neglect, or exploitation has occurred, as defined in Section 415.102, F.S., he shall file a report under the provisions of Section 415.103, F.S.~~

(6) An application for initial or change of ownership registration must include the specific geographic area to be served. Homemaker and companion services providers may apply for a geographic service area which encompasses one or more of the counties within the specific boundaries, as defined in 408.032(5), F.S., in which the address of record is located. Any homemaker and companion services provider holding a current registration from the AHCA, as of April XX, 2015, may continue to serve clients in the counties listed on its registration if an acceptable plan for supervision of any staff working in counties outside of the primary geographic service area is documented.

(7) Diligent effort shall have been made, to comply with the provisions of Chapter 400.509(4)(b), F.S., if the homemaker and companion services provider has documented two attempts to verify employment or contractual history of each employee or contractor, or in the case of a disconnected number, the attempt to find current contact information.

(8) All homemaker and companion services providers must maintain a confidential client record which shall include the following:

(a) The client’s full legal name, address, telephone number, age, disability if basis for client receiving service;

(b) The name and telephone number of the client’s emergency contact, next of kin or legal guardian, and physician;

(c) Copy of any contract or written service agreement, if applicable;

(d) Services provided including the duration and frequency of visits;

(e) Dietary restrictions, if the homemaker and companion services provider prepares, orders or accompanies the client to meals;

(f) Food allergies;

(g) Activity limitations pertaining to service delivery;

(h) Copy of any written termination notices, if the homemaker and companion services provider is terminating services;

(9) When a homemaker and companion services provider accepts a client, there shall be a reasonable expectation that the requested services can be provided safely in the client’s place of residence. The homemaker and companion services provider is responsible for obtaining all needed information pertaining to service delivery and for supplying employees or independent contractors capable of delivering contracted or agreed upon services. This responsibility includes assuring the client receives all assigned visits.

Rulemaking Specific Authority 400.497, 400.509, 408.805, 408.819 FS. Law Implemented 400.509, 400.462 FS. History—New 4-30-86, Amended 8-10-88, 5-30-90, Formerly 10D-68.025, Amended 10-27-94,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Noël Cronin Lawrence

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Elizabeth Dudek

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 27, 2015

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: October 31, 2014

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Health Facility and Agency Licensing**

RULE NO.: 59A-35.060      RULE TITLE: Licensure Application Process.

PURPOSE AND EFFECT: The Agency proposes to amend Rule 59A-35.060, Florida Administrative Code to update the Home for Special Services application form incorporated by reference, update the website where application forms can be obtained and delete forms incorporated into authorizing rules.

SUMMARY: Rule 59A-35.060 is amended to update the Home for Special Services application , AHCA Form 3110-3001 which is incorporated by reference, from July 2009 to July 2014; to update the amount of the per bed fee contained in the Home for Special Services application form; to update the website where application forms can be found online; to delete application forms that have been incorporated into authorizing rules.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION: The Agency has determined that this will 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.

A statement of estimated regulatory costs has been prepared for proposed rule revisions in Rule 59A-35.060 and is available from the person listed below. The following is a summary of the SERC:

For proposed rule section 59A-35.060, F.A.C., per bed fees contained within AHCA Form 3110-3001 are increased by the Consumer Price Index pursuant to 408.805(2), F.S. The per bed fee will increase by \$3.29. This is an increase of \$30.29 per facility based on the number of currently licensed facilities. There is currently one licensed Home for Special Services and no projected growth. Pursuant to ss. 400.801(1)(b), F.S. a Home for Special Services is defined as “a site licensed by the agency prior to January 1, 2006, where specialized health care services are provided, including personal and custodial care, but not continuous nursing services”. The total regulatory impact for a 5 year period is \$82.25.

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: A SERC has been prepared by the agency for Rule 59A-35.060.

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: 408.819 FS.

LAW IMPLEMENTED: 408.806 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:

DATE AND TIME: February 20, 2015, 9:00a.m. – 10:00a.m.

PLACE: Agency for Health Care Administration, Ft. Knox Bldg. 3, Conference Room C, 2727 Mahan Drive, Tallahassee, FL 32308

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: Ruby Grantham, via e-mail: Ruby.Grantham@ahca.myflorida.com or by phone: (850)412-4386. 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: Ruby Grantham, via e-mail: Ruby.Grantham@ahca.myflorida.com or by phone: (850)412-4386

THE FULL TEXT OF THE PROPOSED RULE IS:

59A-35.060 Licensure Application Process.

(1) The applicant must apply for licensure using the program specific forms listed below and the Health Care Licensing Application Addendum, AHCA Form 3110-1024, Rev. October 1, 2009, "Health Care Licensing Application Addendum" available at http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX. All forms are incorporated by reference and available online at http://ahca.myflorida.com/HQAlicensureforms ahca.myflorida.com/Publications/Forms/HQA.shtml.

(a) Drug Free Workplace Laboratories as provided under Sections 112.0455 and 440.102, F.S.; AHCA Form 3170-5001, Rev. July 2009.

~~(b) Birth Centers, as provided under Chapter 383, F.S.; AHCA Form 3130-3001, Rev. July 2009.~~

~~(c) Abortion Clinics, as provided under Chapter 390, F.S.; AHCA Form 3130-1000, Rev. July 2009.~~

~~(b)(d) Crisis Stabilization Units, as provided under Parts I and IV of Chapter 394, F.S.; AHCA Form 3180-5003, Rev. July 2009.~~

~~(c)(e) Short Term Residential Treatment Units, as provided under Parts I and IV of Chapter 394, F.S.; AHCA Form 3180-5003, Rev. July 2009.~~

~~(d)(f) Residential Treatment Facilities, as provided under Part IV of Chapter 394, F.S.; AHCA Form 3180-5003, Rev. July 2009.~~

~~(e)(g) Residential Treatment Centers for Children and Adolescents, as provided under Part IV of Chapter 394, F.S.; AHCA Form 3180-5004, Rev. July 2009.~~

~~(h) Hospitals, as provided under Part I of Chapter 395, F.S.; AHCA Form 3130-8001, Rev. July 2009.~~

~~(i) Ambulatory Surgical Centers, as provided under Part I of Chapter 395, F.S.; AHCA Form 3130-2001, Rev. July 2009.~~

~~(j) Mobile Surgical Facilities, as provided under Part I of Chapter 395, F.S.; AHCA Form 3130-2001, Rev. July 2009.~~

~~(f)(k) Health Care Risk Managers, as provided under Part I of Chapter 395, F.S.; AHCA Form RM-001, Rev. July 2009.~~

~~(g)(l) Nursing Homes, as provided under Part II of Chapter 400, F.S.; AHCA Form 3110-6001, Rev. July 2009.~~

~~(h)(m) Home Health Agencies, as provided under Part III of Chapter 400, F.S.; AHCA Form 3110-1011, Rev. July 2009.~~

~~(i)(n) Nurse Registries, as provided under Part III of Chapter 400, F.S.; AHCA Form 3110-7004, Rev. July 2009.~~

~~(j)(o) Companion Services or Homemaker Services, as provided under Part III of Chapter 400, F.S.; AHCA Form 3110-1003, Rev. July 2009.~~

~~(k)(p) Hospices, as provided under Part IV of Chapter 400, F.S.; AHCA Form 3110-4001, Rev. July 2009.~~

~~(l)(q) Home for Special Services as provided under Part V of Chapter 400, F.S.; AHCA Form 3110-3001, July 2014, February 2010 and available at http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX.~~

~~(r) Transitional Living Facilities, as provided under Part V of Chapter 400, F.S.; AHCA Form 3110-9001, Rev. July 2009.~~

~~(s) Prescribed Pediatric Extended Care Centers, as provided under Part VI of Chapter 400, F.S.; AHCA Form 3110-8002, Rev. July 2009.~~

~~(m)(t) Home Medical Equipment Providers, as provided under Part VII of Chapter 400, F.S.; AHCA Form 3110-1005, Rev. July 2009.~~

~~(n)(u)~~ Intermediate Care Facilities for the Developmentally Disabled, as provided under Part VIII of Chapter 400, F.S.; AHCA Form 3110-5003, Rev. July 2009.

~~(v) Health Care Services Pools, as provided under Part IX of Chapter 400, F.S.; AHCA Form 3110-1010, Rev. July 2009.~~

~~(w) Health Care Clinics, as provided under Part X of Chapter 400, F.S.; AHCA Form 3110-0013, Rev. July 2009 or for exempted clinics, AHCA Form 3110-0014, Rev. July 2009.~~

~~(o)(x)~~ Assisted Living Facilities, as provided under Part I of Chapter 429, F.S.; AHCA Form 3110-1008, Rev. July 2009.

~~(p)(y)~~ Adult Family-Care Homes, as provided under Part II of Chapter 429, F.S.; AHCA Form 3180-1022, Rev. July 2009.

~~(q)(z)~~ Adult Day Care Centers, as provided under Part III of Chapter 429, F.S.; AHCA Form 3180-1004, Rev. July 2009.

~~(r)(aa)~~ Clinical Laboratories, as provided under Part I of Chapter 483, F.S.; AHCA Form 3170-2004 (renewal), B (initial) or C (change of ownership), Rev. July 2009 or AHCA Form 3170-2004D, September 2009 (addition of specialty, or subspecialty or change in specialty).

~~(bb) Multiphasic Health Testing Centers, as provided under Part II of Chapter 483, F.S.; AHCA Form 3170-4001, Rev. July 2009.~~

~~(s)(ee)~~ Organ and Tissue Procurement Agencies, as provided under Chapter 381, F.S.; AHCA Form 3140-2001, July 2009.

(2) The licensure fee must be included with any application. Applications will be returned to the applicant unprocessed if the fee does not accompany the application. Applications from state agencies must include a copy of the posted journal transactions by State Wide Document Number (SWDN) within benefiting Operating Level Organization (OLO) and site.

(3) Applications received more than 120 days prior to the date of license expiration or the effective date will be returned to the applicant unprocessed.

(4) If an applicant, licensee, or controlling interest is required to register or file with the Florida Secretary of State, Division of Corporations, the principal, fictitious name and mailing addresses submitted with the licensure application for the applicant, licensee and controlling interests must be the same as the information registered with the Division of Corporations.

(5) Unresponsive applicant. If certified mail sent to the provider's address of record, or mailing address if applicable, is returned as unclaimed or undeliverable, the Agency will send a copy of the letter by regular mail to the provider's address of record, or mailing address if applicable, with a copy to the applicant's address if different from the provider. The applicant must respond to the request within 21 days of the date of the letter sent by regular mail. If timely response is not received, the application will be subject to withdrawal or denial.

(6) An application is considered complete upon receipt of:

(a) All required documents and information and appropriate fee,

(b) All required background screening results, and

(c) Completion of a satisfactory inspection if required by authorizing statutes or rules. Satisfactory inspection means no regulatory violations exist, or all prior violations found have been determined by the Agency to be corrected.

(7) A licensure inspection will not be authorized until paragraphs (6)(a) and (6)(b) of this section have been satisfied.

(8) An application for license renewal may only be filed by the licensee.

Rulemaking Authority 408.819 FS. Law Implemented 408.805, 408.806 FS. History—New 7-14-10, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Ruby Grantham

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Elizabeth Dudek

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 27, 2015

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: October 30, 2014

**DEPARTMENT OF FINANCIAL SERVICES**

**Division of State Fire Marshal**

RULE NOS.: RULE TITLES:

69A-58.008 Standards and Requirements for Existing Buildings; Exceptions to Rule Chapter 69A-60, the Florida Fire Prevention Code

69A-58.010 Other Applicable Codes and Standards

PURPOSE AND EFFECT: Section 1013.12, F.S., requires the State Fire Marshal, in coordination with the Department of Education, to adopt rules prescribing firesafety standards and requirements for educational facilities. Currently two rule chapters conflict regarding which rule chapter controls: Rule Chapter 69A-58, Uniform Firesafety Standards for Educational Facilities and Rule Chapter 69A-60, the Florida Fire Prevention Code. The proposed amendment will update the rule to clarify these requirements. Rule 69A-58.010, F.A.C., is unnecessary because it is duplicative.

SUMMARY: Rule 69A-58.008, F.A.C., provides the order of precedence between rule chapters regarding firesafety standards and requirements for local educational facilities. Rule 69A-58.010, F.A.C., identifies applicable codes and standards in Rule Chapter 69A-60, the Florida Fire Prevention Code.

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 Department conducted an economic analysis of the potential impact of the proposed rule and determined that there will be no adverse economic impact or regulatory increases that would require legislative ratification.

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: 633.104(1), 633.104(7), 1013.12(1) FS.

LAW IMPLEMENTED: 633.104(7), 633.206, 633.208, 1013.12, 1013.371, 1013.38 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: February 24, 2015, 10:00 a.m.

PLACE: 3rd floor conference room, Atrium Building, 325 John Knox Rd., Tallahassee, FL 32308

You may also attend telephonically by dialing: (850)413-1558, conference ID: 246827

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: Casia Sinco at (850)413-3620 or Casia.Sinco@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: Casia Sinco, Chief, Bureau of Fire Prevention, Division of State Fire Marshal, Department of Financial Services, 200 E. Gaines Street, Tallahassee, Florida 32399-0342 or (850)413-3620 or Casia.Sinco@myfloridacfo.com

THE FULL TEXT OF THE PROPOSED RULE IS:

69A-58.008 Standards and Requirements for Existing Buildings; ~~Exceptions~~ Additions to Rule Chapter 69A-60, the Florida Fire Prevention Code.

~~(1) General Safety Requirements for all Buildings in all Facilities or Plants.~~

~~(1)(2) Consistent with section~~ Except as set forth in Section 1013.12, F.S., and this rule chapter, educational facilities are subject to Rule Chapter 69A-60, F.A.C., the Florida Fire Prevention Code, which incorporates Rule Chapter 69A-58, F.A.C., by reference.

~~(3) The standards and requirements in this rule chapter pertain to educational facilities and are exceptions to Rule Chapter 69A-60, F.A.C. In the event of a conflict between this rule and Rule Chapter 69A-60, F.A.C., and notwithstanding paragraph 69A-60.002(3)(d), F.A.C., relating to this rule chapter, the provisions of this rule chapter control the standards and requirements for educational facilities.~~

~~(2)(4) Fire department access roads. Paved fire department access roads shall not completely encircle an educational plant or portions thereof.~~

Rulemaking Authority 633.104(1), (7), 1013.12(1) FS. Law Implemented 633.104(7), 633.206, 633.208, 1013.12, 1013.371, 1013.38 FS. History--New 2-18-03, Formerly 4A-58.008, Amended 11-26-06,\_\_\_\_\_.

69A-58.010 Other Applicable Codes and Standards.

Rulemaking Authority 633.104(1), (7), 1013.12(1) FS. Law Implemented 633.104(7), 633.206, 633.208, 1013.12, 1013.371, 1013.38 FS. History--New 2-18-03, Formerly 4A-58.010, Repealed\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Casia Sinco, Chief, Bureau of Fire Prevention, Division of State Fire Marshal, Department of Financial Services

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Jeff Atwater, Chief Financial Officer, Department of Financial Services

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 22, 2015

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: October 17, 2014

**DEPARTMENT OF FINANCIAL SERVICES**

**Securities**

**RULE NO.:** 69W-200.002  
**RULE TITLE:** General Industry Standards Incorporated by Reference

**PURPOSE AND EFFECT:** This rule is proposed to be amended to incorporate one new material by reference, SEC Rule 204-1 (17 C.F.R. 275.204-1), to be referenced in Rule 69W-600.0131, F.A.C. The effect of this incorporation is to require state investment advisers to comply with the requirements in SEC Rule 204-1, including annually updating their Form ADV.

**SUMMARY:** Subsection (50) is proposed to be amended to incorporate SEC Rule 204-1 by reference.

**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 Agency expressly relies on an analysis of potential economic impact conducted by persons with subject matter knowledge of this rule.

Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

**RULEMAKING AUTHORITY:** 517.03(1), 517.1215(2), 517.1217 FS.

**LAW IMPLEMENTED:** 517.081, 517.12(4), 517.1215, 517.1217, 517.161(1) FS.

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

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS:** John Kim, john.kim@flofr.com, (850)410-9781

**THE FULL TEXT OF THE PROPOSED RULE IS:**

69W-200.002 General Industry Standards Incorporated by Reference.

The following general industry standards as expressed in the statutes, rules and regulations of the various federal and self-regulatory agencies and regulatory associations and referenced in Chapter 69W, F.A.C., are hereby incorporated by reference and adopted by this rule. The material incorporated by reference in this rule may also be obtained from the Florida Office of Financial Regulation (Office), Division of Securities' website at <http://www.flofr.com/StaticPages/DivisionOfSecurities.htm>, except where noted for copyright restrictions. Materials subject to copyright restrictions may be inspected and examined by contacting the Florida Office of Financial Regulation, Division of Securities, at 200 E. Gaines Street, Tallahassee, Florida 32399, (850) 410-9500.

(1) through (49) No change.

(50) SEC Rule 204-1 (17 C.F.R. § 275.204-1); 204-3 (17 C.F.R. § 275.204-3); Rule 205-1 (17 C.F.R. § 275.205-1); Rule 205-2 (17 C.F.R. § 275.205-2); Rule 205-3 (17 C.F.R. § 275.205-3); Rule 206(3)-1 (17 C.F.R. § 275.206(3)-1); Rule 206(3)-2 (17 C.F.R. § 275.206(3)-2); Rule 206(4)-1 (17 C.F.R. § 275.206(4)-1); Rule 206(4)-3 (17 C.F.R. § 275.206(4)-3, (4-1-14 edition), accessible at <http://www.flrules.org/Gateway/reference.asp?No=Ref-04563>.

(51) through (72) No change.

Rulemaking Authority 517.03(1), 517.1215(2), 517.1217 FS. Law Implemented 517.081, 517.12(4), 517.1215, 517.1217, 517.161(1) FS. History--New 9-22-14, Amended.

**NAME OF PERSON ORIGINATING PROPOSED RULE:** Pamela Epting, Director, Division of Securities

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

**DATE PROPOSED RULE APPROVED BY AGENCY HEAD:** January 13, 2015

**DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR:** November 24, 2014

**DEPARTMENT OF FINANCIAL SERVICES**

**Securities**

RULE NO.:        RULE TITLE:

69W-300.002     Financial Statements and Reports

**PURPOSE AND EFFECT:** The Office proposes to repeal current financial reporting Rules 69W-300.002 and 69W-600.015 and net capital rule 69W-600.016, to be replaced by proposed new consolidated net capital/financial reporting rules in 69W-600.0151 and 69W-600.0161 for dealers/issuer-dealers and investment advisers, respectively. The purpose and effect of these changes are to remove outdated requirements, implement clearer requirements as to financial reporting and calculation of net capital, and improve rule organization by consolidating rules on the same subject while creating separate rules by registration type.

**SUMMARY:** This rule is proposed to be repealed.

**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 Agency expressly relies on an analysis of potential economic impact conducted by persons with subject matter knowledge of this rule.

Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

**RULEMAKING AUTHORITY:** 517.03 FS  
**LAW IMPLEMENTED:** 517.081, 517.12 FS  
**IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAR.**

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS:** John Kim, john.kim@flofr.com, (850)410-9781

THE FULL TEXT OF THE PROPOSED RULE IS:

69W-300.002 Financial Statements and Reports.

Rulemaking Authority 517.03 FS. Law Implemented 517.081, 517.12 FS. History—New 12-5-79, Amended 9-20-82, Formerly 3E-300.02, Amended 6-28-93, 11-22-93, 12-24-95, 9-19-00, 10-30-03, Formerly 3E-300.002, Amended 5-15-07, 9-30-10, 9-22-14, Repealed.

**NAME OF PERSON ORIGINATING PROPOSED RULE:**  
 Pamela Epting, Director, Division of Securities

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

**DATE PROPOSED RULE APPROVED BY AGENCY HEAD:** January 13, 2015

**DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR:** November 24, 2014

**DEPARTMENT OF FINANCIAL SERVICES**

**Securities**

RULE NO.:        RULE TITLE:

69W-400.002     Registration of Issuer Under Section 517.051(9), F.S., as Dealer

**PURPOSE AND EFFECT:** The purpose and effect of these proposed amendments is to update cross-references and reorganize provisions relating to financial reporting and net capital requirements for issuer-dealers under Section 517.051(9), F.S. References to "dealer" are changed to "issuer/dealer" for consistency with other rules.

**SUMMARY:** This rule is proposed to be amended to update cross-references to proposed new Rule 69W-600.0151, a consolidated financial reporting and net capital rule for dealers and issuer-dealers. The net capital requirement provisions of existing Rule 69W-400.002 are proposed to be stricken and moved to the new Rule 69W-600.0151, and references to "dealer" are changed to "issuer/dealer."

**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 Agency expressly relies on an analysis of potential economic impact conducted by persons with subject matter knowledge of this rule.



Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

RULEMAKING AUTHORITY: 517.03 FS.

LAW IMPLEMENTED: 517.051(9), 517.12(2) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: John Kim, john.kim@flofr.com, (850)410-9781

THE FULL TEXT OF THE PROPOSED RULE IS:

69W-400.002 Registration of Issuer Under Section 517.051(9), F.S., as Issuer/Dealer ~~Dealer~~.

(4) An issuer of securities who elects to offer or sell its own securities pursuant to Section 517.051(9), F.S., is required to be registered as an issuer/dealer ~~a dealer~~ pursuant to Section 517.12(2), F.S. The issuer shall comply with the rules of the Financial Services Commission for registration as an issuer/dealer ~~dealer~~ as set forth under Rule 69W-600.001 and subsection 69W-600.004(1), F.A.C., in addition to the following requirements:

(1)(a) ~~The financial statements required for registration as an issuer/dealer a dealer should be prepared in accordance with the provisions of subsection 69W-600.0151(5)(b)2, paragraphs 69W-300.002(2)(d) and (5)(e), F.A.C.~~

(2)(b) The applicant for registration as an issuer/dealer ~~a dealer~~ or principal shall comply with the examination requirements of Rule 69W-600.005, F.A.C.

(3)(e) The issuer/dealer shall comply with the net capital requirements of subsection 69W-600.0151(3)(b), F.A.C. ~~The applicant for registration as a dealer shall be deemed to have satisfied the financial responsibility and net capital requirements of Section 517.12, F.S., if the issuer has and will maintain a net capital of:~~

1. ~~\$5,000 when the securities of the issuer which are to be offered and sold are not in excess of \$250,000.~~

2. ~~\$25,000 when the securities of the issuer which are to be offered and sold are in excess of \$250,000.~~

(2) ~~For purposes of this rule, the term "net capital" shall mean total assets minus total liabilities. Assets shall be valued at cost.~~

Specific Authority 517.03 FS. Law Implemented 517.051(9), 517.12(2) FS. History—New 12-5-79, Amended 9-20-82, \_\_\_\_\_, Formerly 3E-400.02, 3E-400.002.

NAME OF PERSON ORIGINATING PROPOSED RULE: Pamela Epting, Director, Division of Securities

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 13, 2015

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: November 24, 2014

**DEPARTMENT OF FINANCIAL SERVICES**

**Securities**

RULE NO.: 69W-500.011  
 RULE TITLE: Registration of Issuer Under Section 517.061(11), F.S., as Dealer

PURPOSE AND EFFECT: This rule is proposed to be amended to change a cross-reference to current Rule 69W-300.002 to proposed new Rule 69W-600.0151, a consolidated financial reporting and net capital rule for dealers and issuer-dealers.

SUMMARY: The proposed amendment changes a cross-reference.

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 Agency expressly relies on an analysis of potential economic impact conducted by persons with subject matter knowledge of this rule.

Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

RULEMAKING AUTHORITY: 517.03 FS.

LAW IMPLEMENTED: 517.061(11), 517.12(1) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: John Kim, john.kim@flofr.com, (850)410-9781

THE FULL TEXT OF THE PROPOSED RULE IS:

69W-500.011 Registration of Issuer Under Section 517.061(11), F.S., as Dealer.

An issuer of securities who elects to offer or sell its own securities pursuant to Section 517.061(11), F.S., may register as a dealer pursuant to Section 517.12(1), F.S. The issuer shall comply with the rules of the Financial Services Commission for registration as a dealer as set forth under Rule 69W-600.001 and subsection 69W-600.004(1), F.A.C., in addition to the following requirements:

(1) The financial statements required for registration as a dealer should be prepared in accordance with the provisions of subsection ~~69W-600.0151(4)~~ ~~69W-300.002(5)~~, F.A.C.

(2) Since the securities will not be registered, a copy of the offering circular for each offering must be submitted although no determination will be made as to the merits of the securities.

(3) The outside front page of the offering circular shall bear the following in bold face type: "THE SECURITIES BEING OFFERED HAVE NOT BEEN REGISTERED WITH THE OFFICE OF FINANCIAL REGULATION. THE FIRM IS REGISTERED AS AN ISSUER/DEALER TO SELL ITS OWN SECURITIES."

Specific Authority 517.03 FS. Law Implemented 517.061(11), 517.12(1) FS. History—New 9-20-82, Formerly 3E-500.11, Amended 7-31-91,\_\_\_\_\_, Formerly 3E-500.011.

NAME OF PERSON ORIGINATING PROPOSED RULE:

Pamela Epting, Director, Division of Securities

NAME OF AGENCY HEAD WHO APPROVED THE

PROPOSED RULE: Financial Services Commission

DATE PROPOSED RULE APPROVED BY AGENCY

HEAD: January 13, 2015

DATE NOTICE OF PROPOSED RULE DEVELOPMENT

PUBLISHED IN FAR: November 24, 2014

DEPARTMENT OF FINANCIAL SERVICES

Securities

RULE NO.: RULE TITLE:

69W-600.014 Books and Records Requirements

PURPOSE AND EFFECT: The purpose and effect of these proposed amendments are to increase accountability and protection of client funds and securities in the event they are inadvertently held or obtained by the investment adviser.

SUMMARY: The rule is proposed to be amended to add certain recordkeeping requirements for investment advisers who inadvertently hold or obtain client securities or funds, in accordance with NASAA model rules.

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 Agency expressly relies on an analysis of potential economic impact conducted by persons with subject matter knowledge of this rule.

Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

RULEMAKING AUTHORITY: 517.03(1), 517.121(1), 517.1215 FS.

LAW IMPLEMENTED: 517.121(1), 517.1215 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: John Kim, john.kim@flofr.com, (850)410-9781

THE FULL TEXT OF THE PROPOSED RULE IS:

69W-600.014 Books and Records Requirements.

Except as otherwise provided herein, every dealer, investment adviser, branch office, and associated person conducting business in this state shall prepare and maintain on a current basis, and preserve for the periods of time specified, such records, prescribed herein, as are appropriate for said dealer's, investment adviser's, branch office's, or associated person's course of business, and are sufficient to provide an audit trail of all business transactions by said dealer, investment adviser, associated person, or branch office. Associated persons who conduct business from a branch office notice-filed in this state shall be exempt from the provisions of this rule.

(1) through (7) No change.

(8) Where the investment adviser inadvertently held or obtained a client’s securities or funds and returned them to the client within three business days or has forwarded third party checks within 24 hours, the investment adviser will be considered as not having custody but shall keep a ledger or other listing of all securities or funds held or obtained, including the following information:

- (a) Issuer;
- (b) Type of security and series;
- (c) Date of issue;
- (d) For debt instruments, the denomination, interest rate and maturity date;
- (e) Certificate number, including alphabetical prefix or suffix;
- (f) Name in which registered;
- (g) Date given to the adviser;
- (h) Date sent to client or sender;
- (i) Form of delivery to client or sender, or copy of the form of delivery to client or sender; and
- (j) Mail confirmation number, if applicable, or confirmation by client or sender of the fund’s or security’s return.

Rulemaking Authority 517.03(1), 517.121(1), 517.1215 FS. Law Implemented 517.121(1), 517.1215 FS. History—New 12-5-79, Amended 9-20-82, Formerly 3E-600.14, Amended 10-14-90, 8-1-91, 6-16-92, 1-11-93, 9-9-96, 6-22-98, 1-25-00, 10-30-03, Formerly 3E-600.014, Amended 10-23-06, 5-15-07, 11-22-10, 11-11-13, 9-22-14,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
 Pamela Epting, Director, Division of Securities  
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Financial Services Commission  
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 13, 2015  
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: November 24, 2014

**DEPARTMENT OF FINANCIAL SERVICES**

**Securities**

RULE NOS.:	RULE TITLES:
69W-600.015	Financial Reporting Requirements - Statement of Financial Condition - Dealers and Investment Advisers
69W-600.016	Net Capital Requirements for Dealers and Investment Advisers

PURPOSE AND EFFECT: The Office proposes to repeal current financial reporting Rules 69W-300.002 and 69W-600.015 and net capital rule 69W-600.016, to be replaced by proposed new consolidated net capital/financial reporting rules in 69W-600.0151 and 69W-600.0161 for dealers/issuer-dealers and investment advisers, respectively. The purpose and effect of these changes are to remove outdated requirements, implement clearer requirements as to financial reporting and calculation of net capital, and improve rule organization by consolidating rules on the same subject while creating separate rules by registration type.

SUMMARY: These rules are proposed to be repealed.

**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 Agency expressly relies on an analysis of potential economic impact conducted by persons with subject matter knowledge of this rule.

Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

RULEMAKING AUTHORITY: 517.03(1), 517.12(9), 517.121(2) FS

LAW IMPLEMENTED: 517.12(9), (16), 517.121(2) FS

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: John Kim, john.kim@flofr.com, (850)410-9781

## THE FULL TEXT OF THE PROPOSED RULE IS:

69W-600.015 Financial Reporting Requirements – Statement of Financial Condition – Dealers and Investment Advisers.

Rulemaking Authority 517.03(1), 517.12(9), 517.121(2) FS. Law Implemented 517.12(9), 517.121(2) FS. History—New 12-5-79, Amended 9-20-82, Formerly 3E-600.15, Amended 6-16-92, 10-30-03, 4-8-04, Formerly 3E-600.015, Amended 11-22-10, 9-22-14, Repealed.

69W-600.016 Net Capital Requirements for Dealers and Investment Advisers.

Rulemaking Authority 517.03(1) FS. Law Implemented 517.12(9), (16) FS. History—New 12-5-79, Amended 9-20-82, Formerly 3E-600.16, Amended 10-15-86, 8-1-91, 6-29-93, 11-22-93, Formerly 3E-600.016, Amended 11-22-10, 9-22-14, Repealed.

## NAME OF PERSON ORIGINATING PROPOSED RULE:

Pamela Epting, Director, Division of Securities

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 13, 2015

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: November 24, 2014

**DEPARTMENT OF FINANCIAL SERVICES****Securities**

RULE NO.: RULE TITLE:

69W-600.0131 Prohibited Business Practices for Investment Advisers and Their Associated Persons

PURPOSE AND EFFECT: The Office proposes to amend Rule 69W-600.0131 to add new prohibited business practices for investment advisers and associated persons: 1) violations of SEC Rule 204-1 (to be incorporated in 69W-200.002) which requires, among other things, investment advisers to annually update their registration form; 2) failure to concurrently send clients invoices for investment advisers who directly deduct fees from client accounts; and 3) failure to establish, maintain, and enforce written policies and procedures for compliance with Chapters 517, F.S., and 69W, F.A.C. Amendments also clarify the statutory implementation of the rule and the applicability of federal standards incorporated by reference. SEC Rule 206(4)-4 is also stricken from subsection (1)(a) as it no longer contains substantive language.

SUMMARY: The amendments to Rule 69W-600.0131 establish 3 new prohibited business practices for investment advisers and associated persons, clarify the statutory implementation and applicability of the rule, and strikes an outdated material incorporated by reference.

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 Agency expressly relies on an analysis of potential economic impact conducted by persons with subject matter knowledge of this rule.

Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

RULEMAKING AUTHORITY: 517.03(1), 517.1215 FS.

LAW IMPLEMENTED: 517.12(4), 517.1215, 517.161(1) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: John Kim, john.kim@flofr.com, (850)410-9781

## THE FULL TEXT OF THE PROPOSED RULE IS:

69W-600.0131 Prohibited Business Practices for Investment Advisers and ~~Their~~ Associated Persons.

(1) The following are prohibited business practices for investment advisers and associated persons pursuant to Section 517.1215(2), F.S., and are deemed demonstrations of unworthiness by an investment adviser or an associated person of an investment adviser under Section 517.161(1)(h), F.S., without limiting that term to the practices specified herein:

(a) With respect to any customer, transaction or business in, to or from this state, engaging in any conduct prohibited by, or failing to comply with the requirements of, the following, notwithstanding the fact that the investment adviser or associated person is not registered or required to be registered under the Investment Advisers Act of 1940:

Sections 204, 204A, 205, 206, 207, 208 of the Investment Advisers Act of 1940, (15 U.S.C.A. §§ 80b-4, 80b-4a, 80b-5, 80b-6, 80b-7, 80b-8), or SEC Rules 204-1, 204-3, 205-1, 205-2, 205-3, 206(3)-1, 206(3)-2, 206(4)-1, 206(4)-3 and ~~206(4)-4~~, (17 C.F.R. §§ 275.204-1, 275.204-3, 275.205-1, 275.205-2, 275.205-3, 275.206(3)-1, 275.206(3)-2, 275.206(4)-1, 275.206(4)-3 and ~~275.206(4)-4~~), which are incorporated by reference in Rule 69W-200.002, F.A.C.

(b) through (u) No change.

(v) Failing to send a customer an itemized invoice or statement each time a fee is directly deducted from the customer's account in accordance with the provisions of Rule 69W-600.0132(2)(i), F.A.C.

(w) Failing to establish, maintain, and enforce written policies and procedures reasonably designed to achieve compliance, by the investment adviser or its associated persons, with Chapters 517, F.S. and 69W, F.A.C.

(2) No change.

Rulemaking Authority 517.03(1), 517.1215 FS. Law Implemented 517.12(4), 517.1215, 517.161(1) FS. History—New 1-25-00, Amended 10-30-03, Formerly 3E-600.0131, Amended 10-23-06, 1-18-09, 11-22-10, 9-22-14,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
 Pamela Epting, Director, Division of Securities  
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Financial Services Commission  
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 13, 2015  
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: November 24, 2014

**DEPARTMENT OF FINANCIAL SERVICES**

**Securities**

RULE NO.: RULE TITLE:  
 69W-600.0132 Custody Requirements for Investment Advisers

PURPOSE AND EFFECT: The Office proposes to amend this rule to conform it more closely with the NASAA model rule. The purpose and effect of these changes are for more logical organization, clarifying certain provisions, adding a requirement for investment advisers with custody who do not meet certain exceptions to have an annual independent verification of client funds and securities, and modifying the exception for direct fee deduction. The existing custody exceptions for investment advisers acting as trustees and beneficial trustees are retained.

SUMMARY: The amendments make numerous substantive revisions to the rule regulating the custody of client funds and securities by investment advisers.

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 Agency expressly relies on an analysis of potential economic impact conducted by persons with subject matter knowledge of this rule.

Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

RULEMAKING AUTHORITY: 517.03(1), 517.1215 FS.

LAW IMPLEMENTED: 517.1215 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: John Kim, john.kim@flofr.com, (850)410-9781

THE FULL TEXT OF THE PROPOSED RULE IS:

69W-600.0132 Custody Requirements for Investment Advisers.

(1) Definitions. For purposes of this rule section:

(a) “Custody” means holding directly or indirectly, client funds or securities, or having any authority to obtain possession of them or has the ability to appropriate them. The investment adviser has custody if a related person holds, directly or indirectly, client funds or securities, or has any authority to obtain possession of them, in connection with advisory services the investment adviser provides to clients.

1. Custody includes:

a. Possession of client funds or securities unless the investment adviser receives them received inadvertently and returns them returned to the sender promptly, but in any case within three business days of receiving them;

b. through c. No change.

2. Receipt of checks drawn by clients and made payable to ~~unrelated~~ third parties will not meet the definition of custody if forwarded to the third party within 24 hours of receipt and the adviser maintains the records required under subsection 69W-600.014(8) ~~subsections 69W-600.014(3)-(7),~~ F.A.C.;

(b) “Independent certified public accountant” means a certified public accountant authorized to provide public accounting services in the State of Florida that meets the standards of independence described in Rule 2-01(b) and (c) of Regulation S-X (17 CFR 210.2-01(b) and (c)), which is incorporated by reference in Rule 69W-200.002, F.A.C.

~~(c)(b)~~ “Independent representative” means a person who:

1. through 3. No change.

~~(d)(e)~~ “Qualified custodian” means the following independent institutions or entities that are not affiliated with the adviser by any direct or indirect common control and have not had a material business relationship with the adviser in the previous two years:

1. A bank or savings association that has deposits insured by the Federal Deposit Insurance Corporation under the Federal Deposit Insurance Act;

2. A ~~registered~~ broker-dealer registered in Florida and with the United States Securities and Exchange Commission holding the client assets in customer accounts;

3. through 4. No change.

(e) “Related person” means any person, directly or indirectly, controlling or controlled by the investment adviser, and any person that is under common control with the investment adviser.

(2) Safekeeping required. If the investment adviser is registered or required to be registered, it is unlawful and deemed to be a fraudulent, deceptive, or manipulative act, practice or course of business for the investment adviser to have custody of client funds or securities unless the following requirements in sub-subsections (2)(a)-(i) are met:

(a) Notice to Office. The investment adviser notifies the Office of Financial Regulation (Office) within thirty (30) days ~~promptly~~ in writing that the investment adviser has or may have custody. Such notification is required to be given on Form ADV, which is incorporated by reference in subsection 69W-301.002(7), F.A.C.;

(b) Qualified Custodian. A qualified custodian maintains those funds and securities; ~~in a separate account for each client under that client’s name or in accounts that contain only the investment adviser’s clients’ funds and securities, under the investment adviser’s name as agent or trustee for the clients;~~

1. In a separate account for each client under that client’s name; or

2. In accounts that contain only the investment adviser’s clients’ funds and securities, under the investment adviser’s name as agent or trustee for the clients, or, in the case of a pooled investment vehicle that the investment adviser manages, in the name of the pooled investment vehicle.

(c) Notice to Clients. If the investment adviser opens an account with a qualified custodian on ~~its~~ ~~their~~ client’s behalf, under the client’s name, under the name of the investment adviser as agent, or under the name of a pooled investment vehicle, ~~either under the client’s name or under the investment adviser’s name as agent,~~ the investment adviser must notify the client in writing of the qualified custodian’s name, address, and the manner in which the funds or securities are maintained, promptly when the account is opened and following any changes to this information.

(d) Account Statements. The investment adviser has a reasonable basis, after due inquiry, for believing that the qualified custodian sends an account statement, at least quarterly, to each client for which it maintains funds or securities, identifying the amount of funds and of each security in the account at the end of the period and setting forth all transactions in the account during that period. Account statements must be sent to clients, either:

~~1. By a qualified custodian for which the investment adviser has a reasonable basis for believing that the qualified custodian sends an account statement, at least quarterly, to each of the adviser’s clients for which it maintains funds or securities, identifying the amount of funds and of each security in the account at the end of the period and setting forth all transactions in the account during that period; or~~

~~2. By the adviser who sends an account statement, at least quarterly, to each client for whom the adviser has custody of funds or securities, identifying the amount of funds and of each security of which the adviser has custody at the end of the period and setting forth all transactions during that period; and an independent certified public accountant verifies all client funds and securities by actual examination at least once during each calendar year at a time chosen by the accountant without prior notice or announcement to the adviser and that is irregular from year to year, and files a copy of the auditor’s report and financial statements with the Office of Financial Regulation within 30 days after the completion of the examination, along with a letter stating that it has examined the funds and securities and describing the nature and extent of the examination; and the independent certified public accountant, upon finding any material discrepancies during the course of the examination, notifies the Office of Financial Regulation within one business day of the finding, by means of a facsimile transmission or electronic mail, followed by first class mail, directed to the attention of the Office of Financial Regulation;~~

3. ~~If the investment adviser is a general partner of a limited partnership (or managing member of a limited liability company, or holds a comparable position for another type of pooled investment vehicle), the account statements required under paragraph (d) of this subsection must be sent to each limited partner (or member or other beneficial owner or their independent representative).~~

(e) Special rule for limited partnerships and limited liability companies. If the investment adviser or a related person is a general partner of a limited partnership (or managing member of a limited liability company, or holds a comparable position for another type of pooled investment vehicle), the account statements required under subsection (2)(d) of this rule must be sent to each limited partner (or member or other beneficial owner).

(f) Independent Verification. The client funds and securities of which the investment adviser has custody are verified by actual examination at least once during each calendar year, by an independent certified public accountant, pursuant to a written agreement between the investment adviser and the independent certified public accountant, at a time that is chosen by the independent certified public accountant without prior notice or announcement to the investment adviser and that is irregular from year to year. The written agreement must provide for the first examination to occur within six months of becoming subject to this paragraph, except that, if the investment adviser maintains client funds or securities pursuant to this rule as a qualified custodian, the agreement must provide for the first examination to occur no later than six months after obtaining the internal control report. The written agreement must require the independent certified public accountant to:

1. File a certificate on Form ADV-E electronically through the Investment Adviser Registration Depository (IARD) of the Financial Industry Regulatory Authority (FINRA) with the Office within 120 days of the time chosen by the independent certified public accountant in subsection (2)(f) of this rule, stating that it has examined the funds and securities and describing the nature and extent of the examination. Form ADV-E is hereby incorporated by reference and a sample form is accessible at <http://www.flrules.org> or <http://www.flofr.com/>.

2. Notify the Office in writing within one business day of the finding of any material discrepancies during the course of the examination; and

3. File within four business days of the resignation or dismissal from, or other termination of, the engagement, or removing itself or being removed from consideration for being reappointed, Form ADV-E accompanied by a statement that includes:

a. The date of such resignation, dismissal, removal, or other termination, and the name, address, and contact information of the independent certified public accountant; and

b. An explanation of any problems relating to examination scope or procedure that contributed to such resignation, dismissal, removal, or other termination.

(g) Investment advisers acting as qualified custodians. If the investment adviser maintains, or if the investment adviser has custody because a related person maintains client funds or securities pursuant to this rule as a qualified custodian in connection with advisory services the investment adviser provides to clients:

1. The independent certified public accountant the investment adviser retains to perform the independent verification required by subsection (2)(f) of this rule must be registered with, and subject to regular inspection as of the commencement of the professional engagement period, and as of each calendar year-end, by, the Public Company Accounting Oversight Board in accordance with its rules; and

2. The investment adviser must obtain, or receive from its related person, within six months of becoming subject to this paragraph and thereafter no less frequently than once each calendar year, a written internal control report prepared by an independent certified public accountant:

a. The internal control report must include an opinion of an independent certified public accountant as to whether controls have been placed in operation as of a specific date, and are suitably designed and are operating effectively to meet control objectives relating to custodial services, including the safeguarding of funds and securities held by either the investment adviser or a related person on behalf of the investment adviser's clients, during the year;

b. The independent certified public accountant must verify that the funds and securities are reconciled to a custodian other than the investment adviser or the investment adviser's related person; and

c. The independent certified public accountant must be registered with, and subject to regular inspection as of the commencement of the professional engagement period, and as of each calendar year-end, by the Public Company Accounting Oversight Board in accordance with its rules.

(h) ~~(e)~~ Independent Representative. A client may designate an independent representative to receive, on his behalf, notices and account statements as required under paragraphs (c) and (d) of this subsection.

(i) Direct Fee Deduction. An investment adviser who has custody as defined in sub-subparagraph (1)(a)1.b. of this rule as a consequence of its authority to make withdrawals from client accounts to pay its advisory fee must also provide the following safeguards:

1. The adviser must have written authorization from the client to deduct advisory fees from the account held with the qualified custodian;

2. Each time a fee is directly deducted from a client account, the adviser must concurrently:

a. Send the qualified custodian an invoice of the amount of the fee to be deducted from the client's account; and

b. Send the client an invoice itemizing the fee. Itemization includes the formula used to calculate the fee, the amount of assets under managements the fee is based on, and the time period covered by the fee; and

3. The investment adviser must notify the Office in writing that the investment adviser intends to use the safeguards provided above. Such notification is required to be given on Form ADV, which is incorporated by reference in subsection 69W-301.002(7), F.A.C.

~~(f) Direct Fee Deduction. An adviser who has custody as defined in sub-subparagraph (1)(a)1.b. of this rule by having fees directly deducted from client accounts must also provide the following safeguards:~~

~~1. Written Authorization. The adviser must have written authorization from the client to deduct advisory fees from the account held with the qualified custodian;~~

~~2. Notice of Fee Deduction. Each time a fee is directly deducted from a client account, the adviser must concurrently:~~

~~a. Send the qualified custodian an invoice of the amount of the fee to be deducted from the client's account; and~~

~~b. Send the client an invoice itemizing the fee. Itemization includes the formula used to calculate the fee, the amount of assets under managements the fee is based on, and the time period covered by the fee.~~

~~3. Notice of Safeguards. The investment adviser notifies the Office of Financial Regulation in writing that the investment adviser intends to use the safeguards provided above. Such notification is required to be given on Form ADV, which is incorporated by reference in subsection 69W-301.002(7), F.A.C.~~

~~4. Waiver of Net Capital Requirement. An investment adviser having custody solely because it meets the definition of custody as defined in sub-subparagraph (1)(a)1.b. of this rule and who complies with the safekeeping requirements in paragraphs (2)(a) (f) of this rule will not be required to meet the financial requirements for custodial advisers as set forth in paragraph 69W-600.016(3)(a), F.A.C.~~

~~5. Waiver of Audited Financial Statements. An investment adviser having custody solely because it meets the definition of custody as defined in sub-subparagraph (1)(a)1.b. of this rule and who complies with the safekeeping requirements in paragraphs (2)(a) (f) of this rule may file unaudited financial statements and must comply with the requirements as set forth in paragraph 69W-300.002(4)(e), F.A.C.~~

~~(g) Pooled Investments. An investment adviser who has custody as defined in sub-subparagraph (1)(a)1.c. of this rule and who does not meet the exception provided under paragraph (3)(c) of this rule must, in addition to the safeguards set forth in paragraphs (a) through (e) of this subsection, also comply with the following:~~

~~1. Engage an Independent Party. Hire an independent party to review all fees, expenses and capital withdrawals from the pooled accounts;~~

~~2. Review of Fees. Send all invoices or receipts to the independent party, detailing the amount of the fee, expenses or capital withdrawal and the method of calculation such that the independent party can determine that the payment is in accordance with the pooled investment vehicle standards (generally the partnership agreement or membership agreement) and forward, to the qualified custodian, approval for payment of the invoice with a copy to the investment adviser.~~

~~3. For purposes of this rule section, an Independent Party means a person that: is engaged by an investment adviser to act as a gatekeeper for the payment of fees, expenses and capital withdrawals from the pooled investment; does not control and is not controlled by and is not under common control with the investment adviser; and does not have, and has not had within the past two years, a material business relationship with the investment adviser. This shall not prohibit renewal of contracts with an existing independent third party.~~

~~4. Notice of Safeguards. The investment adviser notifies the Office of Financial Regulation in writing that the investment adviser intends to use the safeguards provided above. Such notification is required to be given on Form ADV, which is incorporated by reference in subsection 69W-301.002(7), F.A.C.~~

~~5. Waiver of Net Worth or Bonding Requirements and Audited Financial Statement. An investment adviser having custody solely because it meets the definition of custody as defined in sub-subparagraph (1)(a)1.c. of this rule and who complies with the safekeeping requirements under paragraphs (2)(a) (e) and (g) of this rule, will not be required to meet the financial requirements as set forth in paragraph 69W-600.016(3)(a), F.A.C.~~



~~(h) Investment Adviser or Investment Adviser as Trustee. When a trust retains an investment adviser, investment adviser representative or employee, director or owner of an investment adviser as trustee and the investment adviser acts as the investment adviser to that trust, the investment adviser will instruct the qualified custodian of the trust as follows:~~

~~1. Payment of fees. The qualified custodian will not deliver trust securities to the investment adviser, any investment adviser representative or employee, director or owner of the investment adviser, nor will the investment adviser instruct the qualified custodian to transmit any funds to the investment adviser, any investment adviser representative or employee, director or owner of the investment adviser, except that the qualified custodian may pay trustees' fees to the trustee and investment management or advisory fees to investment adviser, provided that:~~

~~a. The grantor of the trust or attorneys for the trust, if it is a testamentary trust, the co-trustee (other than the investment adviser, investment adviser representative or employee, director or owner of the investment adviser), or a defined beneficiary of the trust has authorized the qualified custodian in writing to pay those fees;~~

~~b. The statements for those fees show the amount of the fees for the trustee and, in the case of statements for investment management or advisory fees, show the value of the trust assets on which the fee is based and the manner in which the fee was calculated; and~~

~~c. The qualified custodian agrees to send to the grantor of the trust, the attorneys for a testamentary trust, the co-trustee (other than the investment adviser, investment adviser representative or employee, director or owner of the investment adviser), or a defined beneficiary of the trust, at least quarterly, a statement of all disbursements from the account of the trust, including the amount of investment management fees paid to the investment adviser and the amount of trustees' fees paid to the trustee.~~

~~2. Distribution of Assets. Except as otherwise set forth in sub-subparagraph a. below, the qualified custodian may transfer funds or securities, or both, of the trust only upon the direction of the trustee (who may be the investment adviser, investment adviser representative or employee, director or owner of the investment adviser), who the investment adviser has duly accepted as an authorized signatory. The grantor of the trust or attorneys for the trust, if it is a testamentary trust, the co-trustee (other than the investment adviser, investment adviser representative or employee, director or owner of the investment adviser), or a defined beneficiary of the trust, must designate the authorized signatory for management of the trust. The direction to transfer funds or securities, or both, can only be made to the following:~~

~~a. To a trust company, bank trust department or brokerage firm independent of the investment adviser for the account of the trust to which the assets relate;~~

~~b. To the named grantors or to the named beneficiaries of the trust;~~

~~c. To a third person independent of the investment adviser in payment of the fees or charges of the third person including, but not limited to:~~

~~(I) Attorney's accountant's or custodian's fees for the trust; and~~

~~(II) Taxes, interest, maintenance or other expenses, if there is property other than securities or cash owned by the trust;~~

~~d. To third persons independent of the investment adviser for any other purpose legitimately associated with the management of the trust; or~~

~~e. To a dealer in the normal course of portfolio purchases and sales, provided that the transfer is made on payment against delivery basis or payment against trust receipt.~~

~~3. Statements. If the qualified custodian agrees to these instructions and is authorized to pay the fees, the investment adviser will send to the grantor of the trust, the attorney of the trust if it is a testamentary trust, the co-trustee (other than the investment adviser, investment adviser representative or employee, director or owner of the investment adviser), or a defined beneficiary of the trust, at the same time that it sends any statement to the qualified custodian, a statement showing the amount of the trustees' fees or investment management or advisory fee, the value of the assets on which the fees were based, and the specific manner in which the fees were calculated.~~

~~4. Notice of Safeguards. The investment adviser notifies the Office of Financial Regulation in writing that the investment adviser intends to use the safeguards provided above. Such notification is required to be given on Form ADV, which is incorporated by reference in subsection 69W-301.002(7), F.A.C.~~

~~5. Waiver of Net Capital Requirements. An investment adviser having custody solely because it meets the definition of custody as defined in sub-subparagraph (1)(a)1.c. of this rule and who complies with the safekeeping requirements under paragraphs (2)(a) (e) and (h) of this rule, will not be required to meet the financial requirements for custodial advisers as set forth in paragraph 69W-600.016(3)(a), F.A.C.~~

~~(3) Exceptions to certain safekeeping requirements.~~

~~(a) No change.~~

~~(b) Certain privately offered securities.~~

~~1. The investment adviser is not required to comply with subsection (2)(b) (2) of this rule with respect to securities that are:~~

a. Acquired from the issuer in a transaction or chain of transactions not involving any public offering;

b. Uncertificated, and ownership thereof is recorded only on books of the issuer or its transfer agent in the name of the client; and

c. Transferable only with prior consent of the issuer or holders of the outstanding securities of the issuer.

2. ~~Notwithstanding subsection (3)(b)1. of this rule subparagraph (b)1. of this subsection,~~ the provisions of paragraph (b) of this subsection are available with respect to securities held for the account of a limited partnership (or limited liability company, or other type of pooled investment vehicle) only if the limited partnership is audited, the audited financial statements are distributed, as described in paragraph (3)(d) of this rule ~~(e) of this subsection~~ and the investment adviser notifies the Office of Financial Regulation in writing that the investment adviser intends to provide audited financial statements, as described above. Such notification is required to be given on Form ADV, which is incorporated by reference in subsection 69W-301.002(7), F.A.C.

(c) Direct Fee Deduction. An investment adviser is not required to obtain an independent verification of client funds and securities maintained by a qualified custodian under paragraph (2)(f) of this rule if the investment adviser has custody solely as a consequence of its authority to make withdrawals from client accounts to pay its advisory fee and has written authorization from the client to deduct advisory fees from the account held with the qualified custodian.

(d) ~~(e)~~ Limited partnerships subject to annual audit. An investment adviser is not required to comply with paragraphs (2)(c) and (2)(d) and shall be deemed to have complied with paragraph (2)(f) of this rule with respect to the account of a limited partnership (or limited liability company, or any other type of pooled investment vehicle) if each of the following conditions in subparagraphs 1. through 6. are met: ~~The investment adviser is not required to comply with paragraph (2)(d) of this rule with respect to the account of a limited partnership (or limited liability company, or another type of pooled investment vehicle) that is subject to audit at least annually and distributes its audited financial statements prepared in accordance with generally accepted accounting principles to all limited partners (or members or other beneficial owners) within 120 days of the end of its fiscal year. The investment adviser must also notify the Office of Financial Regulation in writing that the investment adviser intends to employ the use of the audit safeguards described above. Such notification is required to be given on Form ADV, which is incorporated by reference in subsection 69W-301.002(7), F.A.C.~~

1. The adviser sends to all limited partners (or members or other beneficial owners) at least quarterly, a statement showing:

a. The total amount of all additions to and withdrawals from the fund as a whole as well as the opening and closing value of the fund at the end of the quarter based on the custodian's records;

b. A listing of all long and short positions on the closing date of the statement in accordance with FASB Rule ASC 946-210-50, which is incorporated by reference in Rule 69W-200.002, F.A.C.;

c. The total amount of additions to and withdrawals from the fund by the investor as well as the total value of the investor's interest in the fund at the end of the quarter;

2. At least annually the fund is subject to an audit and distributes its audited financial statements prepared in accordance with generally accepted accounting principles to all limited partners (or members or other beneficial owners) within 120 days of the end of its fiscal year;

3. The audit is performed by an independent certified public accountant that is registered with, and subject to regular inspection as of the commencement of the professional engagement period, and as of each calendar year-end, by the Public Company Accounting Oversight Board in accordance with its rules;

4. Upon liquidation, the adviser distributes the fund's final audited financial statements prepared in accordance with generally accepted accounting principles to all limited partners (or members or other beneficial owners) and the Office promptly after the completion of such audit;

5. The written agreement with the independent certified public accountant must require the independent certified public accountant to, upon resignation or dismissal from, or other termination of, the engagement, or upon removing itself or being removed from consideration for being reappointed, notify the Office within four business days accompanied by a statement that includes:

a. The date of such resignation, dismissal, removal, or other termination, and the name, address, and contact information of the independent certified public accountant; and

b. An explanation of any problems relating to audit scope or procedure that contributed to such resignation, dismissal, removal, or other termination; and

6. The investment adviser must also notify the Office in writing that the investment adviser intends to employ the use of the statement delivery and audit safeguards described above. Such notification is required to be given on Form ADV, which is incorporated by reference in subsection 69W-301.002(7), F.A.C.

7. An investment adviser that meets the conditions of subparagraphs 1. through 6. above shall only be required to meet the net capital requirements of subsection 69W-600.0161(1)(b), Florida Administrative Code, and the financial reporting requirements of subsection 69W-600.0161(2)(b), Florida Administrative Code.

(e) Investment Adviser as Trustee. When a trust retains an investment adviser, investment adviser representative or employee, director or owner of an investment adviser as trustee and the investment adviser acts as the investment adviser to that trust, an investment adviser is not required to obtain an independent verification of client funds and securities maintained by a qualified custodian under subsection (2)(f) of this rule, if all of the following conditions in subparagraphs 1. through 3. are met: The investment adviser will instruct the qualified custodian of the trust as follows:

1. Payment of fees. The qualified custodian will not deliver trust securities to the investment adviser, any investment adviser representative or employee, director or owner of the investment adviser, nor will the investment adviser instruct the qualified custodian to transmit any funds to the investment adviser, any investment adviser representative or employee, director or owner of the investment adviser, except that the qualified custodian may pay trustees' fees to the trustee and investment management or advisory fees to investment adviser, provided that:

a. The grantor of the trust or attorneys for the trust, if it is a testamentary trust, the co-trustee (other than the investment adviser, investment adviser representative or employee, director or owner of the investment adviser), or a defined beneficiary of the trust has authorized the qualified custodian in writing to pay those fees;

b. The statements for those fees show the amount of the fees for the trustee and, in the case of statements for investment management or advisory fees, show the value of the trust assets on which the fee is based and the manner in which the fee was calculated; and

c. The qualified custodian agrees to send to the grantor of the trust, the attorneys for a testamentary trust, the co-trustee (other than the investment adviser, investment adviser representative or employee, director or owner of the investment adviser), or a defined beneficiary of the trust, at least quarterly, a statement of all disbursements from the account of the trust, including the amount of investment management fees paid to the investment adviser and the amount of trustees' fees paid to the trustee.

2. Distribution of Assets. Except as otherwise set forth in sub-subparagraph a. below, the qualified custodian may transfer funds or securities, or both, of the trust only upon the direction of the trustee (who may be the investment adviser, investment adviser representative or employee, director or owner of the investment adviser), who the investment adviser has duly accepted as an authorized signatory. The grantor of the trust or attorneys for the trust, if it is a testamentary trust, the co-trustee (other than the investment adviser, investment adviser representative or employee, director or owner of the investment adviser), or a defined beneficiary of the trust, must designate the authorized signatory for management of the trust. The direction to transfer funds or securities, or both, can only be made to the following:

a. To a trust company, bank trust department or brokerage firm independent of the investment adviser for the account of the trust to which the assets relate;

b. To the named grantors or to the named beneficiaries of the trust;

c. To a third person independent of the investment adviser in payment of the fees or charges of the third person including, but not limited to: Attorney's, accountant's, or custodian's fees for the trust; and taxes, interest, maintenance or other expenses, if there is property other than securities or cash owned by the trust;

d. To third persons independent of the investment adviser for any other purpose legitimately associated with the management of the trust; or

e. To a dealer in the normal course of portfolio purchases and sales, provided that the transfer is made on payment against delivery basis or payment against trust receipt; and

3. Statements. If the qualified custodian agrees to these instructions and is authorized to pay the fees, the investment adviser will send to the grantor of the trust, the attorney of the trust if it is a testamentary trust, the co-trustee (other than the investment adviser, investment adviser representative or employee, director or owner of the investment adviser), or a defined beneficiary of the trust, at the same time that it sends any statement to the qualified custodian, a statement showing the amount of the trustees' fees or investment management or advisory fee, the value of the assets on which the fees were based, and the specific manner in which the fees were calculated.

4. An investment adviser that meets the conditions of subparagraphs 1. through 3. above shall only be required to meet the net capital requirements of subsection 69W-600.0161(1)(b), Florida Administrative Code, and the financial reporting requirements of subsection 69W-600.0161(2)(b), Florida Administrative Code.

(f) Beneficial Trusts. The investment adviser is not required to comply with safekeeping requirements of subsection (2) of this rule if the investment adviser has custody solely because the investment adviser, investment adviser representative or employee, director or owner of the investment adviser is the trustee for a beneficial trust, and if all of the following conditions in subparagraphs 1. and 2. are met for each trust:

1. The beneficial owner of the trust is a parent, a grandparent, a spouse, a sibling, a child or a grandchild of the trustee. These relationships shall include "step" relationships; and

2. For each account under subparagraph 1. the investment adviser complies with the following:

a. Provide a written statement to each beneficial owner of the account setting forth a description of the requirements of subsection (2) of this rule and the reasons why the investment adviser will not be complying with those requirements;

b. Obtain from each beneficial owner a signed and dated statement acknowledging the receipt of the written statement required under sub-subparagraph a. above;

c. Maintain a copy of both documents described in subparagraphs a. and b. above until the account is closed or the investment adviser is no longer trustee.

3. An investment adviser that meets the conditions of subparagraphs 1. and 2. above shall only be required to meet the net capital requirements of subsection 69W-600.0161(1)(b), Florida Administrative Code, and the financial reporting requirements of subsection 69W-600.0161(2)(b), Florida Administrative Code.

(g) ~~(d)~~ Registered investment companies. The investment adviser is not required to comply with this rule with respect to the account of an investment company registered under the Investment Company Act of 1940 (15 U.S.C. § 80a-1 through 80a-64), which is incorporated by reference in Rule 69W-200.002, F.A.C.

~~(e) Beneficial Trusts. The investment adviser is not required to comply with safekeeping requirements of subsection (2) of this rule or the net capital requirements of paragraph 69W 600.016(3)(a), F.A.C., if the investment adviser has custody solely because the investment adviser, investment adviser representative or employee, director or owner of the investment adviser is the trustee for a beneficial trust, if all of the following conditions are met for each trust:~~

~~1. The beneficial owner of the trust is a parent, a grandparent, a spouse, a sibling, a child or a grandchild of the trustee. These relationships shall include "step" relationships.~~

~~2. For each account under subparagraph 1. the investment adviser complies with the following:~~

~~a. Provide a written statement to each beneficial owner of the account setting forth a description of the requirements of subsection (2) of this rule and the reasons why the investment adviser will not be complying with those requirements;~~

~~b. Obtain from each beneficial owner a signed and dated statement acknowledging the receipt of the written statement required under sub-subparagraph a. above;~~

~~c. Maintain a copy of both documents described in subparagraphs a. and b. above until the account is closed or the investment adviser is no longer trustee.~~

~~(f) Any investment adviser who intends to have custody of client funds or securities, but does not utilize a qualified custodian as defined in subsection (1) of this rule must obtain approval from the Office of Financial Regulation before conducting business in this manner. Any investment adviser who seeks to conduct business in this manner must submit such request to the Office using OFR Form IA-CF-01, Application to Maintain Custody of Client Funds or Securities Without Utilizing a Qualified Custodian, effective October, 2006, which is incorporated by reference. The Office will approve the request if the investment adviser agrees to comply with all of the applicable safekeeping provisions under subsection (2) of this rule, including taking responsibility for those provisions that are designated to be performed by a qualified custodian.~~

(4) Delivery to Related Persons. Sending an account statement under subsection (2)(e) of this rule or distributing audited financial statements under subsection (3)(d) of this rule shall not satisfy the requirements of this rule if such account statements or financial statements are sent solely to limited partners (or members or other beneficial owners) that themselves are limited partnerships (or limited liability companies, or another type of pooled investment vehicle) and are related persons of the investment adviser.

Rulemaking Authority 517.03(1), 517.1215 FS. Law Implemented 517.1215 FS. History—New 10-23-06, Amended 11-22-10, 9-22-14,

NAME OF PERSON ORIGINATING PROPOSED RULE:

Pamela Epting, Director, Division of Securities

NAME OF AGENCY HEAD WHO APPROVED THE

PROPOSED RULE: Financial Services Commission

DATE PROPOSED RULE APPROVED BY AGENCY

HEAD: January 13, 2015

DATE NOTICE OF PROPOSED RULE DEVELOPMENT

PUBLISHED IN FAR: November 24, 2014

**DEPARTMENT OF FINANCIAL SERVICES****Securities**

RULE NOS.:      RULE TITLES:  
 69W-600.0151    Net Capital and Financial Reporting  
                       Requirements for Dealers and Issuer/Dealers  
 69W-600.0161    Net Capital and Financial Reporting  
                       Requirements for Investment Advisers

PURPOSE AND EFFECT: The Office proposes to replace current financial reporting Rules 69W-300.002 and 69W-600.015 and current net capital rule 69W-600.016 with new consolidated net capital/financial reporting rules 69W-600.0151 and 69W-600.0161 for dealers/issuer-dealers and investment advisers, respectively. The purpose and effect of these changes are to remove outdated requirements, implement clearer requirements as to financial reporting and calculation of net capital, and improve rule organization by consolidating rules on the same subject while creating separate rules by registration type.

SUMMARY: The proposed new rules amend definitions and requirements, consolidate provisions previously contained in various rules, and separate requirements into different rules for dealers and investment advisers.

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 Agency expressly relies on an analysis of potential economic impact conducted by persons with subject matter knowledge of this rule.

Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

RULEMAKING AUTHORITY: 517.03(1), 517.12(9), 517.121(2) FS

LAW IMPLEMENTED: 517.12(9), 517.121(2) FS

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: John Kim, john.kim@flofr.com, (850)410-9781

## THE FULL TEXT OF THE PROPOSED RULE IS:

69W-600.0151 Net Capital and Financial Reporting Requirements for Dealers and Issuer/Dealers.

(1) For purposes of this rule:

(a) "Audited financial statements" means financial statements that must be:

1. Examined in accordance with United States generally accepted auditing standards and prepared in conformity with generally accepted accounting principles;

2. Audited by a certified public accountant that meets the standards of independence described in Rule 2-01(b) and (c) of Regulation S-X (17 C.F.R. §210.2-01(b) and (c)), which is incorporated by reference in Rule 69W-200.002, F.A.C.; and

3. Accompanied by an opinion of the accountant with respect to the financial statements, and by a note stating the principles used to prepare it, the basis of included securities, and any other explanations required for clarity.

(b) "Net capital," for purposes of subsection (3) of this rule, means assets minus liabilities, as determined by United States generally accepted accounting principles. The Office of Financial Regulation (Office) may require a current appraisal be submitted in order to establish the worth of any asset.

(c) "Unaudited financial statements," means financial statements prepared in accordance with United States generally accepted accounting principles and which must include:

1. A Statement of Financial Condition or Balance Sheet;

2. A Statement of Income;

3. An oath or affirmation that such statement or report is true and correct to the best knowledge, information, and belief of the person making such oath or affirmation. Such oath or affirmation shall be made before a person authorized to administer such oath or affirmation, and shall be made by a duly authorized representative of the entity for whom the financial statements were prepared; and

4. When specifically requested by the Office, a Statement of Changes in Financial Position, Statement of Changes in Stockholder's/Partner's/Proprietor's Equity, and a Statement of Changes in Liabilities Subordinated to Claims of General Creditors.

(2) Net capital requirements for dealers. All dealer applicants and registrants shall meet and at all times maintain the net capital and ratio requirements as prescribed by United States Securities and Exchange Commission (SEC) Rule 15c3-1 including any appendices thereto (17 C.F.R. § 240.15c3-1, 240.15c3-1a, 240.15c3-1b, 240.15c3-1c, and 240.15c3-1d, 240.15c3-1e, 240.15c3-1f, and 240.15c3-1g), computed in accordance with said rule. The foregoing are incorporated by reference in Rule 69W-200.002, F.A.C.

(a) All reporting requirements as specified in 17 C.F.R. § 240.17a-11, which is incorporated by reference in Rule 69W-200.002, F.A.C., when such regulation is referred in SEC Rule 15c3-1 shall be applicable with the exception that such reports and notifications required by said rule shall be forwarded to the Office as well as the other regulatory agencies specified, if applicable.

(b) All references to 17 C.F.R. § 240.17a-3 and 17 C.F.R. § 240.17a-4, in the foregoing and subsequent provisions of Office of Financial Regulation or SEC Rules as incorporated by the Office, shall be read as to mean Rule 69W-600.014, F.A.C. The foregoing SEC Rules are incorporated by reference in Rule 69W-200.002, F.A.C.

(3) Net capital requirements for issuer-dealers.

(a) Every issuer/dealer registered or required to be registered pursuant to Section 517.12, F.S., except those described in subsection (3)(b) of this rule, shall maintain net capital of least \$5,000.

(b) An issuer who elects to offer or sell its own securities pursuant to Section 517.051(9), F.S., is required to be registered pursuant to Section 517.12(2), F.S., and shall maintain net capital of:

1. \$5,000 when the securities of the issuer which are to be offered and sold are not in excess of \$250,000.

2. \$25,000 when the securities of the issuer which are to be offered and sold are in excess of \$250,000.

(4) Financial reporting requirements for dealers.

(a) Requirement for dealer applicants. Every dealer applicant, unless exempted under subsection (4)(c) of this rule, shall file with the Office:

1. A completed SEC Form X-17A-5 Part IIA (FOCUS Report) [version date], which is hereby incorporated by reference and accessible at <http://www.flrules.org/> or <http://www.flofr.com/>, or

2. Financial statements as of a date within ninety (90) days prior to the date of filing for registration. Dealer applicants may file unaudited financial statements provided that the dealer applicants shall also file audited financial statements as of said applicant's most recent fiscal year end. Those dealer applicants which have been in operation for a period of time less than twelve (12) months, and for whom audited financial statements have not been prepared or are not available, may file unaudited financial statements provided the applicant is effectively registered with the SEC or Financial Industry Regulatory Authority, and such financial statements are as of a date within thirty (30) days prior to the date of filing for registration.

(b) Requirement for dealers. Every dealer registered or required to be registered pursuant to Section 517.12, F.S., shall annually file with the Office of Financial Regulation audited financial statements as of the end of the dealer's fiscal year within ninety (90) days after the conclusion of said fiscal year, unless exempted under subsection (4)(c) of this rule.

(c) The financial statements and reports required by subsection (4)(a) and (4)(b) of this rule are not required to be filed with the Office by a dealer applicant or registrant, if the dealer registrant is a current member of a securities association registered pursuant to section 15A of the Securities Exchange Act of 1934 (15 U.S.C. § 78o-3) and such association requires financial reports to be filed with it.

(d) Financial statements and reports prepared and filed in accordance with the provisions of SEC Rule 17a-5 (17 C.F.R. § 240.17a-5), which is incorporated by reference in Rule 69W-200.002, F.A.C., shall be deemed to be in compliance with and fulfill the requirements of subsections (4)(a) through (4)(d) of this rule.

(5) Financial reporting requirements for issuer-dealers.

(a) Requirements for issuer-dealer applicants. Every issuer-dealer applicant shall file with the Office:

1. Financial statements as described in subsection (5)(b) of this rule, as of a date within ninety (90) days prior to the date of filing for registration;

2. Written notice of designation of an independent certified public accountant, which notice shall include name, address and telephone number of the accountant so designated;

3. Written notice of fiscal year end or audit date of such issuer-dealer; and

4. Disclosure of any contingent, civil or criminal liabilities of such issuer-dealer.

(b) Issuer-dealer applicants may file unaudited financial statements provided that the issuer-dealer applicants shall also file audited financial statements as of said applicant's most recent fiscal year end, except:

1. This subsection (5)(b) does not apply to issuer-dealer applicants who concurrently submit an application for registration of securities pursuant to Section 517.081, F.S. and who are required to file audited financial statements under that section.

2. Issuer-dealer applicants who will offer or sell their own securities pursuant to Section 517.051(9), F.S. shall only file unaudited financial statements.

(c) Requirements for issuer-dealers. An issuer-dealer shall annually file with the Office audited financial statements as of the end of the issuer-dealer's fiscal year within ninety (90) days after the conclusion of said fiscal year, except issuer-dealer applicants offering or selling its own securities pursuant to Section 517.051(9), F.S. may file unaudited financial statements within ninety (90) days after the conclusion of the end of their fiscal year.

(6) Registration as a dealer or issuer-dealer may be denied, revoked, or suspended if financial statements reflect:

1. Net capital less than required under this rule; or

2. An audit opinion qualified as to the scope of the audit, the entity's ability to continue on a going-concern basis, or other material qualifications; or

3. An adverse audit opinion or a disclaimer of opinion.

Rulemaking Authority 517.03(1), 517.12(9), 517.121(2) FS. Law Implemented 517.12(9), 517.121(2) FS. History—New \_\_\_\_\_.

#### 69W-600.0161 Net Capital and Financial Reporting Requirements for Investment Advisers.

(1) Net capital requirements for investment advisers. The net capital of an investment adviser applicant or registrant under Section 517.12, F.S., shall be maintained at a level required by this rule.

(a) An investment adviser registered or required to be registered with the Office of Financial Regulation (Office) who has custody of client funds or securities shall maintain minimum net capital of \$25,000 except:

1. An investment adviser having custody solely due to direct fee deduction shall be required to comply with the net capital requirements of subsection (1)(b) of this rule.

2. An investment adviser having custody solely due to advising pooled investment vehicles and complying with the terms described under Rule 69W-600.0132(3)(d), F.A.C., shall be required to comply with the net capital requirements of subsection (1)(b) of this rule.

3. An investment adviser having custody solely because the investment adviser, associated person of the investment adviser, or employee, director, or owner of the investment adviser is the trustee for a trust, and where the investment adviser acts as the investment adviser to that trust and complies with the terms described under Rule 69W-600.0132(3)(e), F.A.C., shall be required to comply with the net capital requirements of subsection (1)(b) of this rule.

4. An investment adviser having custody solely because the investment adviser, associated person of the investment adviser, or employee, director or owner of the investment adviser is the trustee for a beneficial trust and complies with the terms described under Rule 69W-600.0132(3)(f), F.A.C., shall be required to comply with the net capital requirements of subsection (1)(b) of this rule.

(b) An investment adviser registered or required to be registered with the Office who does not have custody of client funds or securities, or who is described in subsections (1)(a)1. through 4. above, shall maintain minimum net capital of \$2,500.

(c) For purposes of this rule, the term "net capital," shall mean assets minus liabilities, as determined by United States generally accepted accounting principles. The Office may require a current appraisal be submitted in order to establish the worth of any asset.

(2) Financial reporting requirements for investment advisers.

(a) Every registered investment adviser who requires payment of advisory fees six months or more in advance and in excess of \$500 per client, or who has custody of client funds or securities except those who have custody solely due to direct fee deduction or who meet the requirements of Rule 69W-600.0132 (3)(d), (3)(e) or (3)(f), F.A.C., shall annually file with the Office audited financial statements as of the end of the investment adviser's fiscal year within 90 days following the end of the fiscal year. Audited financial statements filed pursuant to this rule must be:

1. Examined in accordance with generally accepted auditing standards and prepared in conformity with United States generally accepted accounting principles;

2. Audited by a certified public accountant that meets the standards of independence described in Rule 2-01(b) and (c) of Regulation S-X (17 C.F.R. §210.2-01(b) and (c)), which is incorporated by reference in Rule 69W-200.002, F.A.C.; and

3. Accompanied by an opinion of the accountant with respect to the financial statements, and by a note stating the principles used to prepare it, the basis of included securities, and any other explanations required for clarity.

(b) Every registered investment adviser who does not have custody of client funds or securities, or those who have custody solely due to direct fee deduction or who meet the requirements of Rule 69W-600.0132 (3)(d), (3)(e), or (3)(f), F.A.C., shall annually file with the Office unaudited financial statements as of the end of the investment adviser's fiscal year within 90 days following the end of the fiscal year. Unaudited financial statements filed pursuant to this rule must be prepared in accordance with United States generally accepted accounting principles and must include:

1. A Statement of Financial Condition or Balance Sheet;

2. A Statement of Income; and

3. An oath or affirmation that such statement or report is true and correct to the best knowledge, information, and belief of the person making such oath or affirmation. Such oath or affirmation shall be made before a person authorized to administer such oath or affirmation, and shall be made by a duly authorized representative of the entity for whom the financial statements were prepared.

4. The Office may also specifically request an investment adviser to include a Statement of Changes in Financial Position, Statement of Changes in Stockholder's/Partner's/Proprietor's Equity, and a Statement of Changes in Liabilities Subordinated to Claims of General Creditors.

(c) This rule shall not apply to an investment adviser also registered as a dealer with the Office if the dealer registrant is a current member of a securities association registered pursuant to section 15A of the Securities Exchange Act of 1934 (15 U.S.C. § 78o-3), which is incorporated by reference in Rule 69W-200.002, F.A.C., and such association requires financial reports to be filed with it.

(d) Registration as an investment adviser may be denied, revoked, or suspended if financial statements reflect:

- 1. Net capital less than required under this rule; or
- 2. An audit opinion qualified as to the scope of the audit, the entity's ability to continue on a going-concern basis, or other material qualifications; or
- 3. An adverse audit opinion or a disclaimer of opinion.

(3) For purposes of this rule, "custody" is defined in Rule 69W-600.0132(1)(a), F.A.C.

Rulemaking Authority 517.03(1), 517.12(9), 517.121(2) FS. Law Implemented 517.12(9), 517.121(2) FS. History—New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
 Pamela Epting, Director, Division of Securities  
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Financial Services Commission  
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 13, 2015  
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: November 24, 2014

**DEPARTMENT OF FINANCIAL SERVICES**

**Securities**

RULE NO.:           RULE TITLE:

69W-1000.001   Disciplinary Guidelines

PURPOSE AND EFFECT: The proposed changes make conforming changes to the proposed repeal and adoption of certain rules described below. In addition, the changes adopt disciplinary guidelines for violations of sections of the Investment Advisers Act of 1940 currently referenced in Rule 69W-600.0131 and incorporated by reference, and make other corrective changes. A copy of the proposed incorporated disciplinary guidelines can be obtained at <http://www.flrules.org/Gateway/reference.asp?No=Ref-05076>

SUMMARY: The Office proposes to amend the disciplinary guidelines contained in the rule to reflect proposed rule changes to Chapter 69W, F.A.C., including the repeal of Rules 69W-300.002, 600.015, and 600.016, and promulgation of proposed Rules 69W-600.0151 and .0161. The changes also adopt disciplinary guidelines for violations of sections of the Investment Advisers Act of 1940 currently referenced in Rule 69W-600.0131 and incorporated by reference, and make other corrective changes. A copy of the proposed incorporated disciplinary guidelines can be obtained at <http://www.flrules.org/Gateway/reference.asp?No=Ref-05076>.

**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 Agency expressly relies on an analysis of potential economic impact conducted by persons with subject matter knowledge of this rule.

Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.



RULEMAKING AUTHORITY: 517.1611(1) FS.  
LAW IMPLEMENTED: 517.1611(1), 517.191(4), 517.221(3) FS.  
IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAR.  
THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: John Kim, john.kim@flofr.com, (850)410-9781

THE FULL TEXT OF THE PROPOSED RULE IS:

69W-1000.001 Disciplinary Guidelines.

(1) Pursuant to Section 517.1611, F.S., disciplinary guidelines applicable to each ground for which disciplinary action may be imposed by the Office against an individual or a firm under Chapter 517, F.S., are hereby adopted. The disciplinary guidelines are contained in "Office of Financial Regulation, Division of Securities, Disciplinary Guidelines for Dealers, Investment Advisers and Associated Persons", which is hereby incorporated by reference. A copy of the disciplinary guidelines may be obtained by mail from the Florida Office of Financial Regulation, Division of Securities, 200 E. Gaines Street, Tallahassee, Florida 32399, or may be obtained electronically through the following website: <http://www.flrules.org/Gateway/reference.asp?No=Ref-05076> <https://www.flrules.org/gateway/reference.asp?NO=Ref-03347>.

(2) through (9) No change.

Rulemaking Authority 517.1611(1) FS. Law Implemented 517.1611(1), 517.191(4), 517.221(3) FS. History--New 11-22-10, Amended 11-14-13,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Pamela Epting, Director, Division of Securities  
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Financial Services Commission  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 13, 2015  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: November 24, 2014

Section III

Notice of Changes, Corrections and Withdrawals

NONE

Section IV  
Emergency Rules

NONE

Section V  
Petitions and Dispositions Regarding Rule Variance or Waiver

DEPARTMENT OF LAW ENFORCEMENT  
Criminal Justice Standards and Training Commission

RULE NO.: 11B-27.002  
RULE TITLE: Certification, Employment or Appointment, Reactivation, and Terminating Employment or Appointment of Officers

NOTICE IS HEREBY GIVEN that on January 26, 2015, the Criminal Justice Standards and Training Commission, received a petition for a permanent waiver of paragraphs 11B-27.002(4)(a) and (b), F.A.C., from Major Robert Van Reeth of the Palm Beach County Sheriff's Office on behalf of John T. Derby. The Petitioner wishes to waive that portion of the rule that states within four years of the beginning date of a Commission-approved Basic Recruit Training Program, an individual shall successfully complete the program, achieve a passing score on the applicable State Officer Certification Examination, and gain employment, and certification as an officer. Petitioner also wishes to waive that portion of the rule which states that an individual who has not complied with the requirements in paragraph (4)(a) of this rule section for the discipline in which the training was completed, within four years of the date of beginning such training, shall as a condition for obtaining employment comply with the following: 1. Successfully complete a Commission-approved Basic Recruit Training Program pursuant to Rule 11B-35.002, F.A.C., or qualify for an exemption from a Commission-approved Basic Recruit Training Program, pursuant to Section 943.131(2), F.S., to include demonstration of proficiency in the High-Liability Basic Recruit Training Courses pursuant to Rule 11B-35.0024, F.A.C.; and 2. Achieve a passing score on the State Officer Certification Examination.

Petitioner states that Mr. Derby’s eligibility expired on January 9, 2015 because he had not become employed in a sworn capacity within four years of the date Mr. Derby began basic recruit training. Petitioner state that in late 2014 Mr. Derby was given a conditional offer of employment as a reserve Deputy Sheriff with the Palm Beach County Sheriff’s Office pending successful completion of the application process. Petitioner states that Mr. Derby passed the medical exam section on December 10, 2014; psychological exam on November 25, 2014; polygraph examination on January 13, 2015; and, background investigation on January 20, 2015.

Petitioner states that if the waiver is approved, the Palm Beach County Sheriff’s Office intends to employ Mr. as a Reserve (Auxiliary) Deputy Sheriff and have him attend the next available field training class which is in May, 2015. Petitioner states that strict application of a rule(s) would create a substantial economic hardship on Mr. Derby in that he would have pay for the basic law enforcement academy a second time. Petitioner states that the purpose of Section 943.13, F.S. will have been achieved if the waiver is granted.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Linton B. Eason, Assistant General Counsel, Florida Department of Law Enforcement, P.O. Box 1489, Tallahassee, FL 32302 or by telephone: (850)410-7676.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

RULE NO.: RULE TITLE:

61C-5.001 Safety Standards

The Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety hereby gives notice:

On January 28, 2015, the Division issued an order. The Final Order was in response to a Petition for a temporary Variance from Embassy Suites Tampa Airport/Westshore, filed November 12, 2014, and advertised on November 14, 2014 in Vol. 40, No. 222, of the Florida Administrative Register. No comments were received in response to the petition. The Final Order on the Petition for Variance grants the Petitioner a variance from Rule 3.11.3 ASME A17.3, 1996 edition, as adopted by paragraph 61C-5.001(1)(a), F.A.C., that requires upgrading the elevators with firefighters’ emergency operations because the Petitioner has demonstrated that the purpose of the underlying statute has been met and that Petitioner would suffer a substantial hardship if required to comply with this rule (VW2014-421).

A copy of the Order or additional information may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

RULE NO.: RULE TITLE:

61C-5.001 Safety Standards

The Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety hereby gives notice:

On January 28, 2015, the Division issued an order. The Final Order was in response to a Petition for a temporary Variance from Barkeley Square Berkshire, filed December 18, 2014, and advertised on December 23, 2014, in Vol. 40, No. 247, of the Florida Administrative Register. No comments were received in response to the petition. The Final Order on the Petition for Variance grants the Petitioner a variance from Rule 303.3d ASME A17.1a, 1980 edition, as adopted by paragraph 61C-5.001(1)(a), F.A.C., that requires upgrading the elevators supply line shutoff valve because the Petitioner has demonstrated that the purpose of the underlying statute has been met and that Petitioner would suffer a substantial hardship if required to comply with this rule (VW2014-467).

A copy of the Order or additional information may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

RULE NO.: RULE TITLE:

61C-5.001 Safety Standards

The Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety hereby gives notice:

On January 28, 2015, the Division issued an order. The Final Order was in response to a Petition for a temporary Variance from Lake Destiny Executive Center, filed December 4, 2014, and advertised on December 10, 2014, in Vol. 40, No. 238, of the Florida Administrative Register. No comments were received in response to the petition. The Final Order on the Petition for Variance grants the Petitioner a variance from Rule 3.11.3 ASME A17.3, 1996 edition, as adopted by paragraph 61C-5.001(1)(a), F.A.C., that requires upgrading the elevators with firefighters’ emergency operations because the Petitioner has demonstrated that the purpose of the underlying statute has been met and that Petitioner would suffer a substantial hardship if required to comply with this rule (VW2014-444).

A copy of the Order or additional information may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

RULE NO.:      RULE TITLE:

61C-5.001      Safety Standards

The Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety hereby gives notice:

On January 28, 2015, the Division issued an order. The Final Order was in response to a Petition for an emergency Variance from Orlando Science Center (sump pump), filed January 13, 2015, and advertised on January 15, 2015, in Vol. 41, No. 10, of the Florida Administrative Register. No comments were received in response to the petition. The Final Order on the Petition for Variance grants the Petitioner a variance from Rule 2.2.2.3 ASME A17.1b, 2007 edition, as adopted by paragraph 61C-5.001(1)(a), F.A.C., that requires upgrading the elevators sump pump because the Petitioner has demonstrated that the purpose of the underlying statute has been met and that Petitioner would suffer a substantial hardship if required to comply with this rule (VW2015-019).

A copy of the Order or additional information may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

RULE NO.:      RULE TITLE:

61C-5.001      Safety Standards

The Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety hereby gives notice:

On January 28, 2015, the Division issued an order. The Final Order was in response to a Petition for an emergency Variance from Ring Power, filed January 12, 2015, and advertised on January 15, 2015, in Vol. 41, No. 10, of the Florida Administrative Register. No comments were received in response to the petition. The Final Order on the Petition for Variance grants the Petitioner a variance from Rule 3.4.4 ASME A17.1b, 2009 edition, as adopted by paragraph 61C-5.001(1)(a), F.A.C., from maximum upward movement which requires a minimum of 43 inches of clear area from the top of the elevator because the Petitioner has demonstrated that the purpose of the underlying statute has been met and that

Petitioner would suffer a substantial hardship if required to comply with this rule (VW2015-008).

A copy of the Order or additional information may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

RULE NO.:      RULE TITLE:

61C-5.001      Safety Standards

The Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety hereby gives notice:

On January 28, 2015, the Division issued an order. The Final Order was in response to a Petition for an emergency Variance from Orlando Science Center (handrail), filed January 13, 2015, and advertised on January 15, 2015, in Vol. 41, No. 10, of the Florida Administrative Register. No comments were received in response to the petition. The Final Order on the Petition for Variance grants the Petitioner a variance from rule 2.4.6.2(c), ASME A17.1b, 2007 edition, and Rule 2.10.2.1, ASME A17.1b, 2009 edition as adopted by paragraph 61C-5.001(1)(a), F.A.C., that requires upgrading the elevators top rail and components of the top car clearances because the Petitioner has demonstrated that the purpose of the underlying statute has been met and that Petitioner would suffer a substantial hardship if required to comply with this rule (VW2015-018).

A copy of the Order or additional information may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

RULE NO.:      RULE TITLE:

61C-5.001      Safety Standards

The Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety hereby gives notice:

On January 28, 2015, the Division issued an order. The Final Order was in response to a Petition for an emergency Variance from Orlando Science Center (toe guard), filed January 13, 2015, and advertised on January 15, 2015, in Vol. 41, No. 10, of the Florida Administrative Register. No comments were received in response to the petition. The Final Order on the Petition for Variance grants the Petitioner a variance from Rule 2.4.1.5 and 2.15.9.2 ASME A17.1b, 2009 edition, as adopted by paragraph 61C-5.001(1)(a), F.A.C., request use of

a retractable toe guard because the Petitioner has demonstrated that the purpose of the underlying statute has been met and that Petitioner would suffer a substantial hardship if required to comply with this rule (VW2015-017).

A copy of the Order or additional information may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

Division of Hotels and Restaurants

**RULE NO.:**      **RULE TITLE:**

61C-5.001      Safety Standards

The Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety hereby gives notice:

On January 28, 2015, the Division issued an order. The Final Order was in response to a Petition for an emergency Variance from 105 S. MacDill, filed January 12, 2015, and advertised on January 15, 2015, in Vol. 41, No. 10, of the Florida Administrative Register. No comments were received in response to the petition. The Final Order on the Petition for Variance grants the Petitioner a variance from Rule 3.19.4.1, 3.19.4.4, 3.19.4.5, and 3.26.8 ASME A17.1b, 2009 edition, as adopted by paragraph 61C-5.001(1)(a), F.A.C., that requires upgrading the elevators shutoff valve, manual lowering valve, pressure gauge fittings and pressure switch (Endura design) because the Petitioner has demonstrated that the purpose of the underlying statute has been met and that Petitioner would suffer a substantial hardship if required to comply with this rule (VW2015-011).

A copy of the Order or additional information may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

Division of Hotels and Restaurants

**RULE NO.:**      **RULE TITLE:**

61C-5.001      Safety Standards

The Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety hereby gives notice:

On January 28, 2015, the Division issued an order. The Final Order was in response to a Petition for an emergency Variance from Next Generation Village, filed January 12, 2015, and advertised on January 15, 2015, in Vol. 41, No. 10, of the Florida Administrative Register. No comments were received in response to the petition. The Final Order on the Petition for Variance grants the Petitioner a variance from Rule 3.19.4.1, 3.19.4.4, 3.19.4.5, and 3.26.8 ASME A17.1b, 2009 edition, as adopted by paragraph 61C-5.001(1)(a), F.A.C., that requires upgrading the elevators shutoff valve, manual lowering valve, pressure gauge fittings and pressure switch (Endura design) because the Petitioner has demonstrated that the purpose of the underlying statute has been met and that Petitioner would suffer a substantial hardship if required to comply with this rule (VW2015-012).

A copy of the Order or additional information may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

Division of Hotels and Restaurants

**RULE NO.:**      **RULE TITLE:**

61C-5.001      Safety Standards

The Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety hereby gives notice:

On January 28, 2015, the Division issued an order. The Final Order was in response to a Petition for an emergency temporary Variance from Casa de Marco, filed January 12, 2015, and advertised on January 15, 2015, in Vol. 41, No. 10, of the Florida Administrative Register. No comments were received in response to the petition. The Final Order on the Petition for Variance grants the Petitioner a variance from Rule 3.11.3 ASME A17.3, 1996 edition, as adopted by paragraph 61C-5.001(1)(a), F.A.C., that requires upgrading the elevators with firefighters' emergency operations because the Petitioner has demonstrated that the purpose of the underlying statute has been met and that Petitioner would suffer a substantial hardship if required to comply with this rule (VW2015-009).

A copy of the Order or additional information may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

RULE NO.: RULE TITLE:

61C-5.001 Safety Standards

The Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety hereby gives notice:

On January 28, 2015, the Division issued an order. The Final Order was in response to a Petition for an emergency Variance from JTA Operations Building, filed January 7, 2015, and advertised on January 13, 2015, in Vol. 41, No. 08, of the Florida Administrative Register. No comments were received in response to the petition. The Final Order on the Petition for Variance grants the Petitioner a variance from Rule 2.2.2.3 ASME A17.1b, 2007 edition, as adopted by paragraph 61C-5.001(1)(a), F.A.C., that requires upgrading the elevators sump pump because the Petitioner has demonstrated that the purpose of the underlying statute has been met and that Petitioner would suffer a substantial hardship if required to comply with this rule (VW2015-007).

A copy of the Order or additional information may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

RULE NO.: RULE TITLE:

61C-5.001 Safety Standards

The Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety hereby gives notice:

On January 28, 2015, the Division issued an order. The Final Order was in response to a Petition for an emergency temporary Variance from Lakeside Point Apartments-Building 11, filed January 7, 2015, and advertised on January 13, 2015, in Vol. 41, No. 8, of the Florida Administrative Register. No comments were received in response to the petition. The Final Order on the Petition for Variance grants the Petitioner a variance from Rule ASME A17.3, Section 3.11.3, as adopted by paragraph 61C-5.001(1)(a), F.A.C., that requires upgrading the elevators with firefighters' emergency operations because the Petitioner has demonstrated that the purpose of the underlying statute has been met and that Petitioner would suffer a substantial hardship if required to comply with this rule (VW2015-006).

A copy of the Order or additional information may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

DEPARTMENT OF HEALTH

Division of Environmental Health

RULE NO.: RULE TITLE:

64E-6.009 Alternative Systems

The Florida Department of Health hereby gives notice:

On January 16, 2015, the Department of Health issued an order in response to a petition for a variance filed on December 17, 2013, by Martha Chumbler, representing Infiltrator Systems, Inc., regarding the "Chamber Product spacing". Petitioner sought a variance from subsection 64E-6.009(7), subparagraphs (7)(a)3. and 4., and paragraph (7)(d), F.A.C., which require requests for approval of system components and designs which are not specifically addressed in Chapter 64E-6, FAC, to be submitted to the Bureau after innovative system testing is completed; requires research results; requires test results; and prohibits approval of drainfield products resulting in drainfields smaller than mineral aggregate drainfields. Notice of the petition was published in the December 31, 2013, edition of the Florida Administrative Register.

The Department found that the Petitioner demonstrated that the underlying intent of the statute could be achieved by alternative means and that strict application of the rules would create a substantial hardship in the Petitioner's particular circumstance. Therefore, pursuant to the requirements of Section 120.542(2), Florida Statutes, the Department GRANTED WITH CONDITIONS Petitioner's request for a variance.

A copy of the Order or additional information may be obtained by contacting: Agency Clerk, Department of Health, Office of the General Counsel, 4052 Bald Cypress Way, Bin A02, Tallahassee, Florida 32399-1703.

## Section VI Notice of Meetings, Workshops and Public Hearings

### DEPARTMENT OF LEGAL AFFAIRS

The Florida Commission on the Status of Women announces telephone conference calls to which all persons are invited.

DATE AND TIME: February 5, 2015, 9:30 a.m.  
PLACE: Please call (850)414-3300 for instructions on participation  
GENERAL SUBJECT MATTER TO BE CONSIDERED: Equal Pay Day Task Force.

DATE AND TIME: February 5, 2015, 1:00 p.m.  
PLACE: Please call (850)414-3300 for instructions on participation  
GENERAL SUBJECT MATTER TO BE CONSIDERED: Annual Report Committee.

DATE AND TIME: February 9, 2015, 9:30 a.m.  
PLACE: Please call (850)414-3300 for instructions on participation  
GENERAL SUBJECT MATTER TO BE CONSIDERED: Public Policy Committee.

DATE AND TIME: February 10, 2015, 10:00 a.m.  
PLACE: Please call (850)414-3300 for instructions on participation  
GENERAL SUBJECT MATTER TO BE CONSIDERED: Awards and Recognition Committee.

DATE AND TIME: February 12, 2015, 3:00 p.m.  
PLACE: Please call (850)414-3300 for instructions on participation  
GENERAL SUBJECT MATTER TO BE CONSIDERED: Bylaws Committee.

DATE AND TIME: February 16, 2015, 9:30 a.m.  
PLACE: Please call (850)414-3300 for instructions on participation  
GENERAL SUBJECT MATTER TO BE CONSIDERED: Public Policy Committee.

DATE AND TIME: February 17, 2015, 1:30 p.m.  
PLACE: Please call (850)414-3300 for instructions on participation  
GENERAL SUBJECT MATTER TO BE CONSIDERED: Public Outreach Committee.

DATE AND TIME: February 18, 2015, 10:00 a.m.  
PLACE: Please call (850)414-3300 for instructions on participation  
GENERAL SUBJECT MATTER TO BE CONSIDERED: Women's Hall of Fame Committee.

DATE AND TIME: February 19, 2015, 9:30 a.m.  
PLACE: Please call (850)414-3300 for instructions on participation  
GENERAL SUBJECT MATTER TO BE CONSIDERED: Equal Pay Day Task Force.

DATE AND TIME: February 23, 2015, 9:30 a.m.  
PLACE: Please call (850)414-3300 for instructions on participation  
GENERAL SUBJECT MATTER TO BE CONSIDERED: Public Policy Committee.

NOTE: In the absence of quorum, items on this agenda will be discussed as workshop, and notes will be recorded although no formal action will be taken. If you have any questions, please call (850)414-3300.

A copy of the agenda may be obtained by contacting: Florida Commission on the Status of Women at the Office of the Attorney General, The Capitol, Tallahassee, FL 32399-1050, phone: (850)414-3300, fax: (850)921-4131.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting: Florida Commission on the Status of Women at the Office of the Attorney General, The Capitol, Tallahassee, FL 32399-1050, PHONE: (850)414-3300 FAX: (850)921-4131. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Florida Commission on the Status of Women at the Office of the Attorney General, The Capitol, Tallahassee, FL 32399-1050, phone: (850)414-3300 fax: (850)921-4131.

**DEPARTMENT OF TRANSPORTATION**

The Florida Department of Transportation, District 1 announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, February 12, 2015, 1:30 p.m.

PLACE: District 1 Headquarters, 801 N. Broadway, Bartow, FL 33830

**GENERAL SUBJECT MATTER TO BE CONSIDERED:**

This AMRC meeting has been requested by Race Trac. They are seeking a driveway on SR 72 at the Sawyer Road intersection. Access Management has denied their request because it is an outparcel of a parent track of land and all outparcel access is from internal roads only as stipulated on the parent track parcel permit.

**DEPARTMENT OF TRANSPORTATION**

The Florida Department of Transportation, District 1 announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, March 2, 2015, 1:30 p.m.

PLACE: District 1 Headquarters, 801 N. Broadway, Bartow, FL 33880

**GENERAL SUBJECT MATTER TO BE CONSIDERED:**

RaceTrac is requesting this AMRC meeting to discuss access options for property on the northwest corner of SR 70 and Caruso Road. Access for this property was permitted under the Manatee Technical Institute to share access and no further non-conforming direct connections would be allowed to SR 70.

**FLORIDA COMMISSION ON OFFENDER REVIEW**

The Florida Commission on Offender Review announces a public meeting to which all persons are invited.

DATE AND TIME: February 26, 2015, 9:00 a.m.

PLACE: The Hearing Room, Suite 101, 4070 Esplanade Way, Tallahassee, FL 32399-2450

**GENERAL SUBJECT MATTER TO BE CONSIDERED:**

Regularly Scheduled Commission Business Meeting.

A copy of the agenda may be obtained by contacting: Allen Overstreet, Office of Commissioner Richard Davison, (850)488-0476, email: allenoverstreet@fcor.state.fl.us.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 days before the workshop/meeting by contacting: Allen Overstreet, Office of Commissioner Richard Davison, (850)488-0476, email: allenoverstreet@fcor.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).

**PUBLIC SERVICE COMMISSION**

The Florida Public Service Commission announces a public customer meeting in the following docket to which all persons are invited.

DATE AND TIME: Thursday, February 19, 2015, 6:00 p.m.

PLACE: Highlands County Administration Building, Board Chambers (Room B104), 600 South Commerce Avenue, Sebring, Florida

**GENERAL SUBJECT MATTER TO BE CONSIDERED:**

Docket No. 140158-WS – Application for increase in water/wastewater rates in Highlands County by HC Waterworks, Inc.

The purpose of the meeting is to give customers and other interested persons an opportunity to offer comments regarding the quality of service the utility provides; the proposed rate increase; and to ask questions and comment on other issues. One or more of the Commissioners of the Florida Public Service Commission may attend and participate in this meeting. For questions, contact Commission staff, Sonica Bruce at (850)413-6994.

In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate at this proceeding should contact the Office of Commission Clerk no later than five days prior to the conference at 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, via 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD), Florida Relay Service.

Emergency cancellation of meeting: if settlement of the case or a named storm or other disaster requires cancellation of the proceedings, Commission staff will attempt to give timely direct notice to the parties. Notice of cancellation will also be provided on the Commission's website (<http://www.psc.state.fl.us/>) under the Hot Topics link found on the home page. Cancellation can also be confirmed by calling the Office of the General Counsel at (850)413-6199.

**WATER MANAGEMENT DISTRICTS**

**Northwest Florida Water Management District**

The Northwest Florida Water Management District announces a public meeting to which all persons are invited.

DATE AND TIME: February 12, 2015, 1:00 p.m., ET, Governing Board Meeting; 1:05 p.m., ET, Public Hearing on Regulatory Matters; 1:10 p.m., ET, Public Hearing on Land Acquisition Matters

PLACE: District Headquarters, 81 Water Management Drive, Havana, Florida 32333

**GENERAL SUBJECT MATTER TO BE CONSIDERED:**  
 Governing Board Meeting – to consider District business. Amendment No. 4 requests the realignment of budget with no increase or decrease to the District budget.

A copy of the agenda may be obtained by contacting: Savannah White at (850)539-5999 or on the District’s website: <https://www.nwfwater.com>.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 72 hours before the workshop/meeting by contacting: Ms. Wendy Dugan. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

**SPACE FLORIDA**

Space Florida announces a public meeting to which all persons are invited.

**DATE AND TIME:** February 10, 2015, 9:00 a.m., EST

**PLACE:** Space Life Sciences Laboratory, 505 Odyssey Way, Exploration Park, FL 32953

**GENERAL SUBJECT MATTER TO BE CONSIDERED:**  
 The Space Florida Evaluation Committee members will be considering the proposals submitted by vendors in response to the competitive solicitation for the request for qualifications for Design/Build Services for Refurbishment & Construction of Facilities at CCAFS Area 57 & Launch Complex 46. RFQ-SF-01-0-2015/SS.

Vendors will be making oral presentations and answering questions as part of the competitive solicitation process during which time the meeting will be closed to the public in accordance with Subsection 286.0113(2)(b) of the Florida Statutes.

A copy of the agenda may be obtained by contacting Debbie Hebert at [dhebert@spaceflorida.gov](mailto:dhebert@spaceflorida.gov).

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 days before the workshop/meeting by contacting: Debbie Hebert. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

**RULE NO.:** 62-304.305      **RULE TITLE:** Ochlockonee Basin TMDLs

The Department of Environmental Protection announces a workshop to which all persons are invited.

**DATE AND TIME:** February 12, 2015, 7:00 p.m.

**PLACE:** First Baptist Church of Havana, 116 E. 6th Ave., Havana, Florida

**GENERAL SUBJECT MATTER TO BE CONSIDERED:**  
 This public workshop is for interested stakeholders to discuss with the Department issues related to development of nutrient total maximum daily loads (TMDLs) for Lake Tallavana (WBID 540A) in the Ochlockonee River Basin. The workshop will provide an opportunity for the Department to present the general approach to establish nutrient TMDLs for this impaired lake. Furthermore, the Department intends for the nutrient TMDL, if adopted, to constitute site specific numeric interpretations of the narrative nutrient criteria set forth in paragraph 62-302.530(47)(b), F.A.C., that will supersede the otherwise applicable numeric nutrient criteria in Rule 62-302.531, F.A.C., for the particular surface water segment. Written comments on the TMDL approach should be directed to: Douglas Gilbert, Environmental Manager, Watershed Evaluation and TMDL Section, Florida Department of Environmental Protection, MS 3555, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400 or via email: [Douglas.Gilbert@dep.state.fl.us](mailto:Douglas.Gilbert@dep.state.fl.us).

A copy of the agenda may be obtained by contacting: Ms. Linda Quinn-Godwin, Water Quality Evaluation and TMDL Program, MS 3555, Department of Environmental Protection, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400 or by calling: (850)245-8449.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Ms. Linda Quinn-Godwin, (850)245-8449. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).



**QCAUSA**

The Blueprint 2000 Intergovernmental Agency announces a hearing to which all persons are invited.

DATE AND TIME: Tuesday, February 24, 2015, 6:00 p.m. – 7:30 p.m., Open House; 6:30 p.m., Formal Presentation

PLACE: Tallahassee Community College, Workforce Development Center, Building 38, Room 105, 444 Appleyard Drive, Tallahassee, FL 32304

GENERAL SUBJECT MATTER TO BE CONSIDERED: Project Description: Capital Circle Southwest/State Road (SR) 263 (Crawfordville Road to Blountstown Highway) Project Development and Environment (PD&E) Study in Leon County, FL; FPID: 415782-4.

This is the second public hearing regarding this project. All comments submitted during the first public hearing phase have been retained and are part of the permanent project record; the public is not required to resubmit any previously provided comments. With input from the community, and the engineering and environmental analysis complete, the Intergovernmental Agency has selected a locally preferred alternative that will be presented at the hearing. Attendees will be given an opportunity to review and comment on the locally preferred alternative. A court reporter will be present to record a formal transcript of the hearing. Study limits are Crawfordville Highway to the south and Blountstown Highway to the northwest. Attendees will be given an opportunity to review and comment on the locally preferred alternative. The study documents will be available for public review during business hours at the following location from February 3, 2015 through March 6, 2015: Tallahassee Museum, 3945 Museum Drive, Tallahassee, FL 32310 from 9:00 a.m. to 5:00 p.m. Monday – Saturday and 11:00 a.m. to 5:00 p.m. Sundays.

A copy of the agenda may be obtained by contacting: Susan Emmanuel, Public Information Officer, by phone: (850)219-1060 or via email: [susan.emmanuel@blueprint2000.org](mailto:susan.emmanuel@blueprint2000.org).

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Susan Emmanuel at the telephone number or email address listed above. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Ryan Wetherell, Project Manager at (850)553-3500 or via e-mail: [ryan.wetherell@kimley-horn.com](mailto:ryan.wetherell@kimley-horn.com) and/or Autumn Calder, Senior Planner at (850)219-1060 or via e-mail: [autumn.calder@blueprint2000.org](mailto:autumn.calder@blueprint2000.org).

**HDR ENGINEERING, INC. - PENSACOLA**

The Okaloosa County Public Works Department announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, February 12, 2015, 6:00 p.m. – 7:00 p.m.

PLACE: Crestview Chamber of Commerce, 1447 Commerce Drive, Crestview, FL 32539

GENERAL SUBJECT MATTER TO BE CONSIDERED: Okaloosa County will hold a public information meeting to present alternatives under study for Foy Shaw Parkway which will be a new roadway to provide access from U.S. Highway 90 (East James Lee Boulevard) to the Crestview Bob Sikes Airport.

Persons wishing to submit written statements or other exhibits may do so by sending them to the consultant Project Manager, Jonathon Burchfield, P.E., (850)432-6800, HDR Engineering, Inc., 25 West Cedar Street, Suite 200, Pensacola, FL 32502, via email: [Jonathon.Burchfield@hdrinc.com](mailto:Jonathon.Burchfield@hdrinc.com) or to Okaloosa County Public Works Director, Jason T. Autrey, P.E., (850)689-5772, [jautrey@co.okaloosa.fl.us](mailto:jautrey@co.okaloosa.fl.us). All exhibits or statements must be postmarked on or before Friday, February 27, 2015 to be considered part of the official meeting document.

A copy of the agenda may be obtained by contacting: Jonathon Burchfield at (850)432-6800.

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: Okaloosa County Public Works Director Jason T. Autrey, P.E., (850)689-5772, [jautrey@co.okaloosa.fl.us](mailto:jautrey@co.okaloosa.fl.us). If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Jonathon Burchfield, P.E., (850)432-6800, HDR Engineering, Inc., 25 West Cedar Street, Suite 200, Pensacola, FL 32502 or via email: [Jonathon.Burchfield@hdrinc.com](mailto:Jonathon.Burchfield@hdrinc.com).

**FLORIDA IS FOR VETERANS INC.**

Florida is for Veterans, Inc. announces a public meeting to which all persons are invited.

DATE AND TIME: February 9, 2015, 8:30 a.m.

PLACE: Room 28 House Office Building, 402 South Monroe Street, Tallahassee, FL 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED:  
Continuation of strategic planning discussions.  
Discussion and approval of corporate bylaws and market research statement of work.

To participate by telephone:  
<https://www.uberconference.com/floridaisforveterans>;  
optional dial-in number: 1(877)619-2945; alternate number: (850)610-2158; no pin needed.

A copy of the agenda may be obtained by contacting: Bobby Carbonell, (850)321-6010, [bobby.carbonell1@gmail.com](mailto:bobby.carbonell1@gmail.com). Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Bobby Carbonell, (850)321-6010, [bobby.carbonell1@gmail.com](mailto:bobby.carbonell1@gmail.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).

**Section VII**

**Notice of Petitions and Dispositions Regarding Declaratory Statements**

NONE

**Section VIII**

**Notice of Petitions and Dispositions Regarding the Validity of Rules**

Notice of Petition for Administrative Determination has been filled with the Division of Administrative Hearings on the following rules:

NONE

Notice of Disposition of Petition for Administrative Determination has been filled with the Division of Administrative Hearings on the following rules:

NONE

**Section IX**

**Notice of Petitions and Dispositions Regarding Non-rule Policy Challenges**

NONE

**Section X  
Announcements and Objection Reports of the Joint Administrative Procedures Committee**

NONE

**Section XI  
Notices Regarding Bids, Proposals and Purchasing**

DEPARTMENT OF EDUCATION

Florida Polytechnic University

NOTICE OF INVITATION TO NEGOTIATE

Florida Polytechnic University is soliciting proposals for the following:

15-001 CREATIVE SERVICES

Description/Scope of Work: The Florida Polytechnic University is seeking proposals from highly creative firms interested in providing marketing, advertising, and related services to Florida Polytechnic University for inclusion into the currently established vendor pool.

Location: Florida Polytechnic University, 4700 Research Way, Lakeland, Florida 33805-8531

Instructions: Copies of the solicitation document may be obtained via the University's website at <https://floridapolytechnic.org/about/current-competitive-solicitations>.

Response Due Date: On or prior to 2:00 p.m. EST, Monday, February 18, 2014, to the Point of Contact, as further described in the solicitation document.

Point of Contact: All questions must be in writing and should reference the above solicitation number and title. Submit all questions to Kari L. Kennedy via email at [Kkennedy@Flpoly.org](mailto:Kkennedy@Flpoly.org).

Notice of Rights: Notice of Intent to Protest the Invitation to Negotiate must be filed with (received by) the Point of Contact within 72 hours after posting. Failure to file a Notice of Intent to Protest or a formal written protest in accordance with State University System Board of Governors' Regulation 14.023 shall constitute a waiver of the right to a hearing on the protest.

ADA Requirements: Any person with a qualified disability shall not be denied equal access and effective communication regarding any documents or the attendance at any related meeting or bid/proposal opening. If accommodations are needed because of disability, please contact the Point of Contact at least five (5) business days in advance. If you are hearing or speech impaired, please contact the Florida Relay Services by calling 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

**Section XII  
Miscellaneous**

**DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES**

Division of Motor Vehicles

Adventure Motorsports of NWF, Inc. for the establishment of SLNG motorcycles

Notice of Publication for a New Point

Franchise Motor Vehicle Dealer in a County of More than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Polaris Sales and Service, Inc., intends to allow the establishment of Adventure Motorsports of NWF, Inc., d/b/a Indian Motorcycle of Pensacola as a dealership for the sale of motorcycles manufactured by Polaris Industries, Inc. (line-make SLNG) at 6330 Pensacola Boulevard, Pensacola, (Escambia County), Florida 32505, on or after March 2, 2015.

The name and address of the dealer operator(s) and principal investor(s) of Adventure Motorsports of NWF, Inc., are dealer operator(s): Courtney A. Pereira, 3013 Lake Pointe Circle, Pensacola, Florida 32505; principal investor(s): Courtney A. Pereira, 3013 Lake Pointe Circle, Pensacola, Florida 32505.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS 65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Tom Triano, Polaris Sales and Service, Inc., 9959 59<sup>th</sup> Avenue North, Plymouth, Minnesota 55442.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

**DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES**

Division of Motor Vehicles

Boca Scooters, LLC, for the establishment of LMLL motorcycles

Notice of Publication for a New Point

Franchise Motor Vehicle Dealer in a County of More than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Genuine Scooters LLC, intends to allow the establishment of Boca Scooters LLC, as a dealership for the sale of motorcycles manufactured by LML Limited (line-make LMLL) at 389 Northwest 1<sup>st</sup> Avenue, Boca Raton, (Palm Beach County), Florida 33432, on or after March 2, 2015.

The name and address of the dealer operator(s) and principal investor(s) of Boca Scooters LLC, are dealer operator(s): Colton Ralston, 389 Northwest 1<sup>st</sup> Avenue, Boca Raton, Florida 33432; principal investor(s): Colton Ralston, 389 Northwest 1<sup>st</sup> Avenue, Boca Raton, Florida 33432.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS 65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Trey Duren, Genuine Scooters, LLC, 2700 West Grand Avenue, Chicago, Illinois 60612.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

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DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

Division of Motor Vehicles

Boca Scooters, LLC, for the establishment of MOTI motorcycles

Notice of Publication for a New Point  
Franchise Motor Vehicle Dealer in a County of More  
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Genuine Scooters LLC, intends to allow the establishment of Boca Scooters LLC, as a dealership for the sale of motorcycles manufactured by Motive Power Industry Co., Ltd. (line-make MOTI) at 389 Northwest 1<sup>st</sup> Avenue, Boca Raton, (Palm Beach County), Florida 33432, on or after March 2, 2015.

The name and address of the dealer operator(s) and principal investor(s) of Boca Scooters LLC, are dealer operator(s): Colton Ralston, 389 Northwest 1<sup>st</sup> Avenue, Boca Raton, Florida 33432; principal investor(s): Colton Ralston, 389 Northwest 1<sup>st</sup> Avenue, Boca Raton, Florida 33432.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS 65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Trey Duren, Genuine Scooters LLC, 2700 W Grand Avenue, Chicago, Illinois 60612.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

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DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

Division of Motor Vehicles

JP Cycles, Inc. for the establishment of HUSQ motorcycles

Notice of Publication for a New Point  
Franchise Motor Vehicle Dealer in a County of More  
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Husqvarna Motorcycles North America, Inc., intends to allow the establishment of JP Cycles, Inc., as a dealership for the sale of motorcycles manufactured by Husqvarna Motorcycles North America, Inc. (line-make HUSQ) at 1200 Rinehart Road, Sanford, (Seminole County), Florida 32771, on or after March 2, 2015.

The name and address of the dealer operator(s) and principal investor(s) of JP Cycles, Inc. are dealer operator(s): Stephen R. Parks, 3505 North US Highway 17-92, Longwood, Florida 32752, Kirby Mullins, 1200 Rinehart Road, Sanford, Florida 32771 and Greg Corless, 3505 North Highway 17-92, Longwood, Florida 32771; principal investor(s): Stephen R. Parks, 3505 North US Highway 17-92, Longwood, Florida 32752, Kirby Mullins, 1200 Rinehart Road, Sanford, Florida 32771 and Greg Corless, 3505 North Highway 17-92, Longwood, Florida 32771.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS 65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Tom Buttleman, Husqvarna Motorcycles North America, Inc., 30100 Technology Drive, Murrieta, California 92563.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

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DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

Division of Motor Vehicles

Kat-lar, Inc. for the establishment of DAIX motorcycles

Notice of Publication for a New Point

Franchise Motor Vehicle Dealer in a County of Less than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Pacific Rim International West, Inc., intends to allow the establishment of Kat-lar, Inc., as a dealership for the sale of motorcycles manufactured by Huzhou Daixi Zhenhua Technology Trade Co., Ltd. (line-make DAIX) at 3238 South Florida Avenue, Inverness, (Citrus County), Florida 34450, on or after March 2, 2015.

The name and address of the dealer operator(s) and principal investor(s) of Kat-lar, Inc., are dealer operator(s): Larry McKinsey, 3238 South Florida Avenue, Inverness, Florida 34450, principal investor(s): Larry McKinsey, 3238 South Florida Avenue, Inverness, Florida 34450.

The notice indicates intent to establish the new point location in a county of less than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS 65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Wendy Yu, Pacific Rim International West, Inc., 2181 East Francis Street, Ontario, California 91761.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

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DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

Division of Motor Vehicles

Team Savage, Inc. for the establishment of KYMC motorcycles

Notice of Publication for a New Point

Franchise Motor Vehicle Dealer in a County of More than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Kymco USA, Inc., intends to allow the establishment of Team Savage, Inc., d/b/a Cycle Springs as a dealership for the sale of motorcycles manufactured by Kwang Yang Motor Co., Ltd. (line-make KYMC) at 29703 US 19 North, Clearwater, (Pinellas County), Florida 33761, on or after March 2, 2015.

The name and address of the dealer operator(s) and principal investor(s) of Team Savage, Inc., are dealer operator(s): Noel Hughes, 2132 Cedar Drive, Dunedin, Florida 34698; principal investor(s): Noel Hughes, 2132 Cedar Drive, Dunedin, Florida 34698.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS 65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Bruce Ramsey, Kymco USA, Inc., 5 Stan Perkins Road, Spartanburg, South Carolina 29307.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

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DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

Division of Motor Vehicles

Topical Scooters, LLC for the establishment of KAIK motorcycles

Notice of Publication for a New Point Franchise Motor Vehicle Dealer in a County of More than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Value Group Enterprises, Inc., intends to allow the establishment of Tropical Scooters, LLC, as a dealership for the sale of motorcycles manufactured by Zhejiang Kaikai Meiduo Locomotive Co., Ltd. (line-make KAIK) at 11610 Seminole Boulevard, Largo, (Pinellas County), Florida 33778, on or after March 2, 2015.

The name and address of the dealer operator(s) and principal investor(s) of Tropical Scooters, LLC, are dealer operator(s): Michele R. Stanley, 11610 Seminole Boulevard, Largo, Florida 33778; principal investor(s): Michele R. Stanley, 11610 Seminole Boulevard, Largo, Florida 33778.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS 65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Wendy Wang, Value Group Enterprises, Inc., 12825 Alondra Boulevard, Norwalk, California 90650.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

AGENCY FOR HEALTH CARE ADMINISTRATION

Certificate of Need

EXEMPTION

The Agency for Health Care Administration approved the following exemption on January 28, 2015 pursuant to Section 408.036(3), Florida Statutes:

ID # E150002 District: 4 (Duval County)  
 Facility/Project: Baptist Medical Center Jacksonville  
 Applicant: Southern Baptist Hospital of Florida, Inc.  
 Project Description: Add three child psychiatric beds  
 Proposed Project Cost: \$40,000

DEPARTMENT OF HEALTH

Board of Nursing

Emergency Action

On January 28, 2015, the State Surgeon General issued an Order of Emergency Restriction of Certificate with regard to the Certificate of Elizabeth Kollar, C.N.A., Certificate No.: CNA93477. This Emergency Restriction Order was predicated upon the State Surgeon General's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes (2012-2013). The State Surgeon General determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

DEPARTMENT OF FINANCIAL SERVICES

FSC - Financial Institution Regulation

Division of Financial Institutions

NOTICE OF FILINGS

Financial Services Commission

Office of Financial Regulation

Notice is hereby given that the Office of Financial Regulation, Division of Financial Institutions, has received the following application. Comments may be submitted to the Division Director, 200 East Gaines Street, Tallahassee, Florida 32399-0371, for inclusion in the official record without requesting a hearing. However, pursuant to provisions specified in Chapter 69U-105, Florida Administrative Code, any person may request a public hearing by filing a petition with the Agency Clerk as follows:

By Mail or Facsimile	OR	By Hand Delivery
Agency Clerk		Agency Clerk
Office of Financial Regulation		Office of Financial Regulation
P.O. Box 8050		The Fletcher Building, Suite 118
Tallahassee, Florida 32314-8050		101 East Gaines Street
Phone: (850)410-9800		Tallahassee, Florida 32399-0379
Fax: (850)410-9548		Phone: (850)410-9643

The Petition must be received by the Clerk within twenty-one (21) days of publication of this notice (by 5:00 p.m., February 18, 2015):

APPLICATION FOR CONVERSION OF A FEDERAL  
CREDIT UNION  
TO A STATE CREDIT UNION

Applicant and Location: IBM Southeast Employees' Federal  
Credit Union, 1000 NW 17<sup>th</sup> Avenue, Delray Beach, Florida  
33445

With Title: IBM Southeast Employees' Credit Union

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DEPARTMENT OF ECONOMIC OPPORTUNITY  
Division of Community Development

Final Order No.: DEO-15-019

NOTICE IS HEREBY GIVEN that the Florida Department of  
Economic Opportunity issued Final Order No. DEO-15-019  
on January 27, 2015, in response to an application submitted  
by Riverbend Acres Property Association, Inc. for covenant  
revitalization under Chapter 720, Part III, Florida Statutes.

The Department's Final Order granted the application for  
covenant revitalization after determining that the application  
met the statutory requirements for covenant revitalization.

Copies of the final order may be obtained by writing to the  
Agency Clerk, Department of Economic Opportunity, 107 E.  
Madison Street, MSC 110, Tallahassee, FL.

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Section XIII  
Index to Rules Filed During Preceding  
Week

NOTE: The above section will be published on Tuesday  
beginning October 2, 2012, unless Monday is a holiday, then it  
will be published on Wednesday of that week.

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