

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Medicaid**

RULE NO.: 59G-13.130  
 RULE TITLE: Traumatic Brain and Spinal Cord Injury Services

PURPOSE AND EFFECT: The purpose of the amendment to Rule 59G-13.130, F.A.C., is to incorporate by reference the Florida Medicaid Traumatic Brain and Spinal Cord Injury Waiver Services Coverage and Limitations Handbook, July 2012. The handbook includes a revised Prioritization Screening Instrument, AHCA-Med Serv Form 042; clarifies that services cannot be reimbursed through the waiver if they are available through another funding source; updates references for the Medicaid fiscal agent; adds language describing the addition of Medicaid Waiver Specialists to the operating structure of the waiver and identifies their functions; adds language describing Nursing Home Transition activities and the two services added to the waiver to assist individuals with transition from nursing home to community setting; and deletes Appendix A, Traumatic Brain Injury/Spinal Cord Injury Waiver Services Procedure Codes, Reimbursement and Maximum Limits.

SUBJECT AREA TO BE ADDRESSED: Traumatic Brain and Spinal Cord Injury Waiver Services.

An additional area to be addressed during the workshop will be the potential regulatory impact Rule 59G-13.130, F.A.C., will have as provided for under Sections 120.54 and 120.541, F.S.

RULEMAKING AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.902, 409.906, 409.907, 409.908, 409.912, 409.913 FS.

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

DATE AND TIME: Thursday, May 31, 2012, 2:00 p.m. – 3:30 p.m.

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Conference Room B, Tallahassee, Florida 32308-5407

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: Pamela Kyllonen at the Bureau of Medicaid Services, (850)412-4231. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Pamela Kyllonen, Medicaid Services, 2727 Mahan Drive, Mail Stop 20, Tallahassee, Florida 32308-5407, telephone: (850)412-4231, e-mail: [pamela.kyllonen@ahca.myflorida.com](mailto:pamela.kyllonen@ahca.myflorida.com)

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59G-13.130 Traumatic Brain and Spinal Cord Injury Services.

(1) No change.

(2) All traumatic brain and spinal cord injury waiver services providers enrolled in the Medicaid program must be in compliance with the Florida Medicaid Traumatic Brain and Spinal Cord Injury Waiver Services Coverage and Limitations Handbook, ~~July 2012~~ ~~April 2006~~, incorporated by reference; ~~and the Florida Medicaid Provider Reimbursement Handbook, Non-Institutional 081, which is incorporated by reference in Rule 59G-13.001, F.A.C.~~ The Both handbooks is are available from the Medicaid fiscal agent's Web site at [www.mymedicaid-florida.com](http://www.mymedicaid-florida.com). Select Public Information for Providers, then Provider Support, and then Provider Handbooks. Paper copies of the handbooks may be obtained by calling the Provider Contact Center at 1(800)289-7799 and selecting Option 7.

~~(3) The following forms that are included in the Florida Medicaid Traumatic Brain and Spinal Cord Injury Waiver Services Coverage and Limitations Handbook are incorporated by reference: Appendix C contains the Home and Community Based Waiver Referral Agreement, April 2006, seven pages; Appendix D contains the Brain and Spinal Cord Injury Program Request for Level of Care, April 2006, two pages; Appendix E contains the Notification of Level of Care, which is incorporated by reference in Rule 59G-13.030, F.A.C.; Appendix F contains the Brain and Spinal Cord Injury Program Waiting List Policy for the Traumatic Brain/ Spinal Cord Injury Medicaid Waiver Program, April 2006, five pages, and Home and Community Based Medicaid Waiver Prioritization Screening Instrument, four pages; Appendix G contains the Notice of Decision, April 2006, two pages; Appendix H contains the Brain and Spinal Cord Injury Program Medicaid Home and Community Based Waiver Service Plan, April 2006, one page.~~

Rulemaking Specific Authority 409.919 FS. Law Implemented 409.902, 409.906, 409.907, 409.908, 409.912, 409.913 FS. History–New 5-31-06, Amended \_\_\_\_\_.

**Section II  
 Proposed Rules**

**DEPARTMENT OF STATE**

**Division of Cultural Affairs**

RULE NO.: IT-1.038  
 RULE TITLE: Individual Artist Fellowship Program

**PURPOSE AND EFFECT:** The purpose of this rule amendment is to amend Rule IT-1.038, F.A.C., to include updated scoring criteria, review and award criteria for the Individual Artist Fellowship Program.

**SUMMARY:** This rule outlines the application process and award criteria for the Individual Artist Fellowship Program.

**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.

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

**RULEMAKING AUTHORITY:** 265.286(11) FS.

**LAW IMPLEMENTED:** 265.286(5)(d) FS.

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

**DATE AND TIME:** May 25, 2012, 10:00 a.m.

**PLACE:** R.A. Gray Building, Room 307, Tallahassee, FL

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Laura Blischke, (850)245-6470 or llblischke@dos.myflorida.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS:** Morgan Lewis, (850)245-6470 or Morgan.Lewis@dos.myflorida.com

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

IT-1.038 Individual Artist Fellowship Program.

(1) The Individual Artist Fellowship Program fosters the development of individual artists through a selection procedure that identifies individual artists of exceptional talent and demonstrated ability.

(2) To be eligible for a fellowship an applicant must:

(a) Be a legal resident of Florida as defined by Section 196.015 or 222.17, F.S., and agree to maintain Florida residency for the duration of the fellowship period;

(b) Be at least 18 years of age;

(c) Not be enrolled in any undergraduate or graduate degree-seeking program during the fellowship period;

(d) Not have received a fellowship award during the five-year period preceding the new award period; and

(e) Not be currently serving ~~have served~~ as a grant review panelist if he/she has an application before the same discipline panel.

(3) Eligible applicants must submit a completed Fellowship Application (Form CA2E012, Form CA2E158 for the Folk Arts category), effective 10/09 and respectively, incorporated by reference, and available at www.Florida-arts.org with all required samples of work in the discipline appropriate formats described in the program guidelines, on or before the announced deadline. Samples of work must be original and authentic representations of the applicant's work. Applications are accepted in each discipline on a rotating cycle. The disciplines of visual arts and media arts will apply together in odd years while the disciplines of literature, folk arts, music, interdisciplinary, dance, and theatre apply in even years. If additional funding becomes available and all disciplines can be accommodated in one application cycle, the two discipline groups will be combined.

(4) Review panel scoring for the ~~disciplines of dance, interdisciplinary, media arts, and folk arts~~ discipline must range from one (1) to ~~fifty ten~~ (50+0) and be scored according to the following criteria: Artistic Excellence (up to 20 points), Tradition and Authenticity (up to 15 points) and Community Impact and Engagement (up to 15 points), ~~based on the following criteria: the quality and consistency in the body of work, professional achievements, reputation, peer support and respect. Folk art applicants are also evaluated on the "traditionality" of the art form. These applications are evaluated in two (2) phases. During the first phase, applications are rated from 1-10 by each panel member and averaged. Only applications ranked eight (8) or higher are eligible for the second phase of review. For the second phase, panelists determine which applications will be funded based on available funding, professional judgement, and previously described evaluation criteria.~~

(5) Work submitted by applicants in the visual arts, music, literature, media arts, dance, interdisciplinary and theatre categories are initially evaluated through a blind review process, or without revealing the applicant's identity. During the first phase of the review, panelists will not know the applicant's identity and will assign each application a score between 1 and 40 for the criteria of Artistic Excellence based on the work samples submitted. Applications scoring a total of 32 points or higher will then move on to the second phase of the review and their identity will be released to the panel. During this phase panelists will review the applications based on the Professional Achievement of the applicant which may total up to 10 points. Applications scoring a total of 40 points or higher will be eligible for a fellowship award subject to budgetary considerations and panel recommendation. These applications are also evaluated in two (2) phases. During the first phase, applications are rated from one (1) to ten (10), based on the quality and consistency in the body of work, and

the panel's score for each application is averaged. Only applications ranked eight (8) or higher are eligible for the second phase of review. For the second phase, panelists evaluate eligible applicants and award funds based on professional achievements, reputation, peer support and respect, and available funding, and award funds accordingly.

(6) Panelists will award fellowships in the amount of \$2,500 or \$5,000 in order of score, starting with the highest score until funds are depleted. The panel may choose to award fellowships in the amount of \$2,500 or \$5,000.

~~(7)~~(6) Funds are administered through a Grant Agreement (Form CA2E076, effective 10/09, incorporated by reference, and available at [www.Florida-arts.org](http://www.Florida-arts.org)); and are awarded on a non-matching basis.

~~(8)~~(7) Grant Report. Grant recipients are required to complete a Grant Report (Form CA2E003, effective 10/09, incorporated by reference, and available at [www.Florida-arts.org](http://www.Florida-arts.org)); which details expenditures and activities during the grant period. The grant period is January 1 through ~~June 30~~ ~~December 31~~. The grant report is due 30 days after the end of the grant period.

Rulemaking Specific Authority 265.286(11) FS. Law Implemented 265.286(5)(d) FS. History--New 10-27-09, Amended

**DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES**

**Division of Driver Licenses**

| RULE NOS.: | RULE TITLES:  |
|------------|---|
| 15A-1.001  | Applications  |
| 15A-1.0011 | Definitions   |
| 15A-1.0012 | Identification and Proof of Date of Birth Required for Driver License or Identification Card  |
| 15A-1.002  | Restricted Licenses   |
| 15A-1.005  | Relinquishment  |
| 15A-1.006  | Identification Cards  |
| 15A-1.007  | Suspended, Disqualified, or Revoked Licenses; Approval  |
| 15A-1.011  | Service Fee   |
| 15A-1.018  | Point Determination; Suspensions  |
| 15A-1.020  | Duplicate and Replacement Licenses  |
| 15A-1.025  | Motorcycle Examinations; Written Knowledge Test; Pre-Test Motorcycle Inspection; On-Cycle Skill Test and Applicant Requirements; Scoring Criteria |
| 15A-1.029  | Distribution of Organ Donor Registration Forms  |
| 15A-1.0291 | Organ Donor Registration Form   |
| 15A-1.0292 | Funding of an Organ Donor Program   |
| 15A-1.0293 | Donor Registry  |
| 15A-1.0294 | Donor Identification  |
| 15A-1.0295 | Donor Withdrawal  |

15A-1.0297 School Attendance Required for Licensed Drivers Between 15-18 Years of Age

15A-1.0298 Insulin Dependent Diabetics License Issuance

15A-1.0299 Examination, Temporary Driving Permit and Driver's License Denial

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

SUMMARY: These rules were identified during the comprehensive rule review as containing provisions that are no longer applicable, are antiquated, or are duplicative, and, thus, are appropriate for repeal.

**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 these proposed rules are not expected to require legislative ratification because they are being repealed to reduce unnecessary regulation.

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: 20.05(6), 20.24, 322.02, 322.02(3), 732.921, 732.921(2) FS.

LAW IMPLEMENTED: 240.265, 316.211, 322.01, 322.03, 322.05(3), 322.05, 322.051, 322.0601, 322.08, 322.08(2), 322.09, 322.09(1)(b), 322.12, 322.121, 322.141, 322.16, 322.17, 322.25, 322.27, 322.29, 338.239, 732.915, 732.916, 732.921, 732.921(1) 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: May 29, 2012, 2:00 p.m.

PLACE: Department of Highway Safety and Motor Vehicles, 2900 Apalachee Parkway, Room #A432, Tallahassee, Florida 32399

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Stan Kirkland, 2900 Apalachee Parkway, Tallahassee, Florida 32399, [stankirkland@flhsmv.gov](mailto:stankirkland@flhsmv.gov),

(850)617-2902. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Stan Kirkland, 2900 Apalachee Parkway, Tallahassee, Florida 32399, stankirkland@flhsmv.gov, (850)617-2902

THE FULL TEXT OF THE PROPOSED RULES IS:

#### 15A-1.001 Applications.

Rulemaking Specific Authority 322.02 FS. Law Implemented 322.08 FS. History–New 11-20-75, Formerly 15A-1.01, Amended 12-22-92, Repealed.

#### 15A-1.0011 Definitions.

Rulemaking Specific Authority 322.02, 20.24 FS. Law Implemented 322.01 FS. History–New 12-22-92, Repealed.

15A-1.0012 Identification and Proof of Date of Birth Required for Driver License or Identification Card.

Rulemaking Specific Authority 322.02(3) FS. Law Implemented 322.051, 322.08(2), 322.09(1)(b) FS. History–New 12-22-92, Repealed.

#### 15A-1.002 Restricted Licenses.

Rulemaking Specific Authority 322.02 FS. Law Implemented 322.05, 322.16 FS. History–New 11-20-75, Formerly 15A-1.02, Amended 12-22-92, Repealed.

#### 15A-1.005 ~~Current Licenses~~; Relinquishment.

~~(1) An applicant for a driver license examination is required to relinquish all current driver licenses to the Department with the application prior to being permitted to take an examination; provided, however, that a nonresident who is not applying for a commercial driver license commuting to this state to work, or part-time resident from any other state or country license jurisdiction, shall upon affidavit of such facts be allowed to keep the license, but in such case any Florida driver's license issued shall be valid in this state only. Applicants for driver licenses, who do not have current driver's license at the time of the application, shall so state by affidavit.~~

~~(1)(2)~~ A notice of clearance from the issuing state may be required if the applicant has previously been licensed in another state, if necessary to establish eligibility.

~~(2)(3)~~ Out-of-state applicants who do not initially qualify on the examination when applying for a Florida driver's license can retain their out-of-state license until they again apply for a Florida license, unless the applicant's vision does not meet the Department's minimum vision standards, whereupon the out-of-state license would be revoked for inadequate vision.

Rulemaking Specific Authority 322.02 FS. Law Implemented 322.05, 322.16 FS. History–New 11-20-75, Formerly 15A-1.02, Amended 12-22-92, Repealed.

#### 15A-1.006 Identification Cards.

Rulemaking Specific Authority 322.02 FS. Law Implemented 322.051 FS. History–New 11-20-75, Formerly 15A-1.06, Amended 12-22-92, Repealed.

15A-1.007 Suspended, Disqualified, or Revoked Licenses; Approval.

Rulemaking Specific Authority 322.02 FS. Law Implemented 322.05(3) FS. History–New 11-20-75, Formerly 15A-1.07, Amended 12-22-92, Repealed.

#### 15A-1.011 Service Fee.

Rulemaking Specific Authority 322.02 FS. Law Implemented 322.12 FS. History–New 11-20-75, Formerly 15A-1.11, Amended 12-22-92, Repealed.

#### 15A-1.018 Point Determination; Suspensions.

Rulemaking Specific Authority 322.02 FS. Law Implemented 240.265, 322.27, 338.239 FS. History–New 11-20-75, Formerly 15A-1.18, Amended 12-22-92, Repealed.

#### 15A-1.020 Duplicate and Replacement Licenses.

Rulemaking Specific Authority 322.02 FS. Law Implemented 322.17, 322.29 FS. History–New 11-20-75, Formerly 15A-1.20, Amended 12-22-92, Repealed.

15A-1.025 Motorcycle Examinations; Written Knowledge Test; Pre-Test Motorcycle Inspection; On-Cycle Skill Test and Applicant Requirements; Scoring Criteria.

Rulemaking Specific Authority 322.02 FS. Law Implemented 316.211, 322.03, 322.12 FS. History–New 12-22-92, Repealed.

15A-1.029 Distribution of Organ Donor Registration Forms.

Rulemaking Specific Authority 322.02, 732.921(2) FS. Law Implemented 732.915, 732.921 FS. History–New 12-22-92, Repealed.

#### 15A-1.0291 Organ Donor Registration Form.

Rulemaking Specific Authority 322.02, 732.921(2) FS. Law Implemented 732.921(1) FS. History–New 12-22-92, Repealed.

#### 15A-1.0292 Funding of an Organ Donor Program.

Rulemaking Specific Authority 322.02, 732.921, 20.05(6) FS. Law Implemented 732.915, 732.921 FS. History–New 12-22-92, Repealed.

#### 15A-1.0293 Donor Registry.

Rulemaking Specific Authority 322.02, 732.921 FS. Law Implemented 732.915, 732.921 FS. History–New 12-22-92, Repealed.

15A-1.0294 Donor Identification.

Rulemaking Specific Authority 732.921 FS. Law Implemented 732.916, 732.921 FS. History–New 12-22-92, Repealed.

15A-1.0295 Donor Withdrawal.

Rulemaking Specific Authority 322.02, 732.921 FS. Law Implemented 732.916, 732.921 FS. History–New 12-22-92, Repealed.

15A-1.0297 School Attendance Required for Licensed Drivers Between 15-18 Years of Age.

Rulemaking Specific Authority 322.02 FS. Law Implemented 322.09, 322.0601 FS. History–New 12-22-92, Repealed.

15A-1.0298 Insulin Dependent Diabetics License Issuance.

Rulemaking Specific Authority 322.02 FS. Law Implemented 322.141 FS. History–New 12-22-92, Repealed.

15A-1.0299 Examination, Temporary Driving Permit and Driver’s License Denial.

Rulemaking Specific Authority 322.02 FS. Law Implemented 322.05, 322.12, 322.121, 322.25 FS. History–New 12-22-92, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Stan Kirkland, Division of Motorist Services  
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Governor and Cabinet  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 24, 2012

**DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES**

**Division of Driver Licenses**

RULE NO.: 15A-3.009  
RULE TITLE: Insurance Binders for the Purpose of Vehicle Registration

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

SUMMARY: These rules were identified during the comprehensive rule review as containing provisions that are no longer applicable, are antiquated, or are duplicative, and, thus, are appropriate for repeal.

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 these proposed rules are not expected to require legislative ratification because they are being repealed to reduce unnecessary regulation.

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: 324.042 FS.

LAW IMPLEMENTED: 324.031, 627.733, 320.02(5), 324.151, 324.021 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: May 29, 2012, 2:00 p.m.

PLACE: Department of Highway Safety and Motor Vehicles, 2900 Apalachee Parkway, Room #A432, Tallahassee, Florida 32399

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Stan Kirkland, 2900 Apalachee Parkway, Tallahassee, Florida 32399, stankirkland@flhsmv.gov, (850)617-2902. 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: Stan Kirkland, 2900 Apalachee Parkway, Tallahassee, Florida 32399, stankirkland@flhsmv.gov, (850)617-2902

THE FULL TEXT OF THE PROPOSED RULE IS:

15A-3.009 Insurance Binders for the Purpose of Vehicle Registration.

Rulemaking Specific Authority 324.042 FS. Law Implemented 324.021, 324.031, 320.02(5) FS. History–New 5-23-78, Formerly 15A-3.09, Amended 12-11-89, 3-25-93, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Stan Kirkland, Division of Motorist Services  
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Governor and Cabinet  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 24, 2012

**DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES**

**Division of Driver Licenses**

RULE NOS.:                   RULE TITLES:  
 15A-5.0011                Functions and Responsibilities  
 15A-5.003                 Seizure Disorders

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

SUMMARY: These rules were identified during the comprehensive rule review as containing provisions that are no longer applicable, are antiquated, or are duplicative, and, thus, are appropriate for repeal.

**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 these proposed rules are not expected to require legislative ratification because they are being repealed to reduce unnecessary regulation.

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

RULEMAKING AUTHORITY: 322.02(3), 322.126(1) FS.

LAW IMPLEMENTED: 322.05(7), 322.125, 322.125(1), (2), 322.126, 322.126(1), 322.221(2)(c), 120.62 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: May 29, 2012, 2:00 p.m.  
 PLACE: Department of Highway Safety and Motor Vehicles, 2900 Apalachee Parkway, Room #A432, Tallahassee, Florida 32399

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Stan Kirkland, 2900 Apalachee Parkway, Tallahassee, Florida 32399, stankirkland@flhsmv.gov, (850)617-2902. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Stan Kirkland, 2900 Apalachee Parkway, Tallahassee, Florida 32399, stankirkland@flhsmv.gov, (850)617-2902

THE FULL TEXT OF THE PROPOSED RULES IS:

15A-5.0011 Functions and Responsibilities.

Rulemaking Specific Authority 322.02(3), 322.126(1) FS. Law Implemented 322.05(7), 322.125, 322.126, 322.221(2)(c), 120.62 FS. History--New 6-27-82, Amended 7-29-84, 1-28-85, Formerly 15A-5.011, Repealed.

15A-5.003 Seizure Disorders.

Rulemaking Specific Authority 322.20(3), 322.126(1) FS. Law Implemented 322.05(7), 322.125(1), (2), 322.126(1), 120.62 FS. History--New 7-5-81, Amended 6-27-82, Formerly 15A-5.03, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Stan Kirkland, Division of Motorist Services  
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Governor and Cabinet  
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 24, 2012

**DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES**

**Division of Florida Highway Patrol**

RULE NOS.:                   RULE TITLES:  
 15B-1.001                 Safety Glazing Material;  
   Specifications

15B-1.006                 Motorcycle Safety Helmets

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

SUMMARY: These rules were identified during the comprehensive rule review as containing provisions that are no longer applicable, are antiquated, or are duplicative, and, thus, are appropriate for repeal.

**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 because the rule is being repealed to reduce unnecessary regulation.

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

RULEMAKING AUTHORITY: 320.062, 316.211 FS.

LAW IMPLEMENTED: 320.062, 316.211 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: May 29, 2012, 2:00 p.m.

PLACE: Department of Highway Safety and Motor Vehicles, 2900 Apalachee Parkway, Room #A432, Tallahassee, Florida 32399

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Major Richard Mechlin, 2900 Apalachee Parkway, Tallahassee, Florida 32399, richardmechlin@flhsmv.gov, (850)617-2377. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Major Richard Mechlin, 2900 Apalachee Parkway, Tallahassee, Florida 32399, richardmechlin@flhsmv.gov, (850)617-2377

THE FULL TEXT OF THE PROPOSED RULES IS:

15B-1.001 Safety Glazing Material; Specifications.

Rulemaking Specific Authority 320.062 FS. Law Implemented 320.062 FS. History--New 11-20-75, Formerly 15B-1.01, Repealed.

15B-1.006 Motorcycle Safety Helmets.

Rulemaking Specific Authority 316.211 FS. Law Implemented 316.211 FS. History--New 11-20-75, Formerly 15B-1.06, Amended 11-3-86, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Major Richard Mechlin, Division of Florida Highway Patrol  
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Governor and Cabinet  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 24, 2012

**DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES**

**Division of Florida Highway Patrol**

RULE NO.: 15B-4.001  
RULE TITLE: Specifications and Regulations for All Nonpublic School Buses in Operation on, or Purchased Before, July 1, 1969, Twenty-four (24) Passenger Capacity and Up

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

SUMMARY: This rule was identified during the comprehensive rule review as containing provisions that are no longer applicable, are antiquated, or are duplicative, and, thus, are appropriate for repeal.

**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 because the rule is being repealed to reduce unnecessary regulation.

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: 316.288 FS.

LAW IMPLEMENTED: 316.288 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: May 29, 2012, 2:00 p.m.

PLACE: Department of Highway Safety and Motor Vehicles, 2900 Apalachee Parkway, Room #A432, Tallahassee, Florida 32399

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Major Richard Mechlin, 2900 Apalachee Parkway, Tallahassee, Florida 32399, richardmechlin@flhsmv.gov, (850)617-2377. 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: Major Richard Mechlin, 2900 Apalachee Parkway, Tallahassee, Florida 32399, richardmechlin@flhsmv.gov, (850)617-2377

THE FULL TEXT OF THE PROPOSED RULE IS:

15B-4.001 Specifications and Regulations for All Nonpublic School Buses in Operation on, or Purchased Before, July 1, 1969, Twenty-four (24) Passenger Capacity and Up.

Rulemaking Specific Authority 316.288 FS. Law Implemented 316.288 FS. History—New 11-20-75, Transferred to 15C-6.01, 4-17-81, Transferred back to 15B-4.01, 11-6-81, Formerly 15B-4.01, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Major Richard Mechlin, Division of Florida Highway Patrol  
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Governor and Cabinet  
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 24, 2012

**DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES**

**Division of Florida Highway Patrol**

RULE NO.: 15B-5.001  
 RULE TITLE: Warranty on Sale and Titling of Motor Vehicles Absorption System; Certificate Filed with Department

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

SUMMARY: These rules were identified during the comprehensive rule review as containing provisions that are no longer applicable, are antiquated, or are duplicative, and, thus, are appropriate for repeal.

**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 because the rule is being repealed to reduce unnecessary regulation.

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: 325.26 FS.

LAW IMPLEMENTED: 501.125 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: May 29, 2012, 2:00 p.m.

PLACE: Department of Highway Safety and Motor Vehicles, 2900 Apalachee Parkway, Room #A432, Tallahassee, Florida 32399

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Major Richard Mechlin, 2900 Apalachee Parkway, Tallahassee, Florida 32399, richardmechlin@flhsmv.gov, (850)617-2377. 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: Major Richard Mechlin, 2900 Apalachee Parkway, Tallahassee, Florida 32399, richardmechlin@flhsmv.gov, (850)617-2377

THE FULL TEXT OF THE PROPOSED RULE IS:

15B-5.001 Warranty on Sale and Titling of Motor Vehicles Absorption System; Certificate Filed with Department.

Rulemaking Specific Authority 325.26 FS. Law Implemented 501.125 FS. History—New 11-20-75, Formerly 15B-5.01, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Major Richard Mechlin, Division of Florida Highway Patrol  
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Governor and Cabinet  
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 24, 2012

**DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES**

**Division of Florida Highway Patrol**

RULE NO.: 15B-6.001  
 RULE TITLE: Charges for Accident Photographs

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

SUMMARY: This rule was identified during the comprehensive rule review as containing provisions that are no longer applicable, are antiquated, or are duplicative, and, thus, are appropriate for repeal.

**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 because the rule is being repealed to reduce unnecessary regulation.

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: 119.07(1), 120.53(1)(a) FS.

LAW IMPLEMENTED: 119.07, 120.53, 320.05(1) 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: May 29, 2012, 2:00 p.m.

PLACE: Department of Highway Safety and Motor Vehicles, 2900 Apalachee Parkway, Room #A432, Tallahassee, Florida 32399

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Major Richard Mechlin, 2900 Apalachee Parkway, Tallahassee, Florida 32399, richardmechlin@flhsmv.gov, (850)617-2377. 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: Major Richard Mechlin, 2900 Apalachee Parkway, Tallahassee, Florida 32399, richardmechlin@flhsmv.gov, (850)617-2377

THE FULL TEXT OF THE PROPOSED RULE IS:

15B-6.001 Charges for Accident Photographs.

~~Rulemaking Specific~~ Authority 119.07(1), 120.53(1)(a) FS. Law Implemented 119.07, 120.53, 320.05(1) FS. History—New 4-29-79, Formerly 15B-6.01, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Major Richard Mechlin, Division of Florida Highway Patrol

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Governor and Cabinet

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 24, 2012

**DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES**

**Division of Motor Vehicles**

RULE NOS.:

RULE TITLES:

15C-1.002

Goat Tags, Requirement for

15C-1.009

Automobiles for Private Use; Definitions

15C-1.0110

Rule Review

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

SUMMARY: These rules were identified during the comprehensive rule review as containing provisions that are no longer applicable, are antiquated, or are duplicative, and, thus, are appropriate for repeal.

**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 these proposed rules are not expected to require legislative ratification because they are being repealed to reduce unnecessary regulation.

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

RULEMAKING AUTHORITY: 322.02(3), 322.126(1) FS.

LAW IMPLEMENTED: 322.05(7), 322.125, 322.125(1), (2), 322.126, 322.126(1), 322.221(2)(c), 120.62 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: May 29, 2012, 2:00 p.m.

PLACE: Department of Highway Safety and Motor Vehicles, 2900 Apalachee Parkway, Room #A432, Tallahassee, Florida 32399

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Stan Kirkland, 2900 Apalachee Parkway, Tallahassee, Florida 32399, stankirkland@flhsmv.gov, (850)617-2902. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Stan Kirkland, 2900 Apalachee Parkway, Tallahassee, Florida 32399, stankirkland@flhsmv.gov, (850)617-2902

THE FULL TEXT OF THE PROPOSED RULES IS:

15C-1.002 “Goat” Tags, Requirement for.

Rulemaking Specific Authority 320.011, 320.17 FS. Law Implemented 320.17, 320.08(3)(e) FS. History–New 6-22-76, Formerly 15C-1.02, Repealed.

15C-1.009 Automobiles for Private Use; Definitions.

Rulemaking Specific Authority 320.011 FS. Law Implemented 320.01(1)(a), 320.08(2) FS. History–New 6-22-76, Formerly 15C-1.09, Repealed.

15C-1.0110 Rule Review.

Rulemaking Specific Authority 320.011, 320.824(1), 320.8325(2) FS. Law Implemented 320.77(10), 320.822(12), 320.8285, 320.8325, 320.835(2) FS. History–New 1-10-94, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Stan Kirkland, Division of Motorist Services

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Governor and Cabinet

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 24, 2012

**DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES**

**Division of Motor Vehicles**

|            |                                   |
|------------|-----------------------------------|
| RULE NOS.: | RULE TITLES:                      |
| 15C-2.001  | Manufacturer and Dealer Licensing |
| 15C-2.0041 | Van Conversions                   |
| 15C-2.009  | General                           |
| 15C-2.010  | Forms                             |

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

SUMMARY: These rules were identified during the comprehensive rule review as containing provisions that are no longer applicable, are antiquated, or are duplicative, and, thus, are appropriate for repeal.

**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 these proposed rules are not expected to require legislative ratification because they are being repealed to reduce unnecessary regulation.

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

RULEMAKING AUTHORITY: 320.011, 320.824, 320.822, 120.53(1)(b) FS.

LAW IMPLEMENTED: 320.8225, 320.827, 320.77, 320.822(2), 320.8256, 320.822, 320.823, 320.824, 120.53(1)(b) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):

DATE AND TIME: May 29, 2012, 2:00 p.m.

PLACE: Department of Highway Safety and Motor Vehicles, 2900 Apalachee Parkway, Room #A432, Tallahassee, Florida 32399

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Stan Kirkland, 2900 Apalachee Parkway, Tallahassee, Florida 32399, stankirkland@flhsmv.gov, (850)617-2902. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Stan Kirkland, 2900 Apalachee Parkway, Tallahassee, Florida 32399, stankirkland@flhsmv.gov, (850)617-2902

THE FULL TEXT OF THE PROPOSED RULES IS:

15C-2.001 Manufacturer and Dealer Licensing.

Rulemaking Specific Authority 320.011, 320.824 FS. Law Implemented 320.8225, 320.827, 320.77 FS. History–New 1-25-75, Amended 9-11-78, Formerly 15C-2.01, Amended 12-10-92, 4-8-99, Repealed.

15C-2.0041 Van Conversions.

Rulemaking Specific Authority 320.011 FS. Law Implemented 320.822(2), 320.8256, 320.827, 320.8225 FS. History–New 12-10-92, 4-8-99, Repealed.

15C-2.009 General.

Rulemaking Specific Authority 320.011, 320.822, 320.824 FS. Law Implemented 320.822, 320.823, 320.824 FS. History–New 1-25-75, Amended 9-11-78, Formerly 15C-2.09, Repealed.

15C-2.010 Forms.

Rulemaking Specific Authority 120.53(1)(b) FS. Law Implemented 120.53(1)(b) FS. History–New 9-11-78, Formerly 15C-2.10, Amended 12-10-92, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Stan Kirkland, Division of Motorist Services  
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Governor and Cabinet  
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 24, 2012

**DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES**

**Division of Motor Vehicles**

|            |                         |
|------------|-------------------------|
| RULE NOS.: | RULE TITLES:            |
| 15C-8.001  | Purpose and Scope       |
| 15C-8.002  | Written Notice, Content |
| 15C-8.003  | Copy of Written Notice  |

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

SUMMARY: These rules were identified during the comprehensive rule review as containing provisions that are no longer applicable, are antiquated, or are duplicative, and, thus, are appropriate for repeal.

**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 these proposed rules are not expected to require legislative ratification because they are being repealed to reduce unnecessary regulation.

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: 316.1951(3) FS.

LAW IMPLEMENTED: 316.1951 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: May 29, 2012, 2:00 p.m.

PLACE: Department of Highway Safety and Motor Vehicles, 2900 Apalachee Parkway, Room #A432, Tallahassee, Florida 32399

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Stan Kirkland, 2900 Apalachee Parkway, Tallahassee, Florida 32399, stankirkland@flhsmv.gov,, (850)617-2902. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Stan Kirkland, 2900 Apalachee Parkway, Tallahassee, Florida 32399, stankirkland@flhsmv.gov, (850)617-2902

THE FULL TEXT OF THE PROPOSED RULES IS:

15C-8.001 Purpose and Scope.

Rulemaking Specific Authority 316.1951(3) FS. Law Implemented 316.1951 FS. History–New 2-22-89, Repealed.

15C-8.002 Written Notice, Content.

Rulemaking Specific Authority 316.1951(3) FS. Law Implemented 316.1951 FS. History–New 2-22-89, Repealed.

15C-8.003 Copy of Written Notice.

Rulemaking Specific Authority 316.1951(3) FS. Law Implemented 316.1951 FS. History–New 2-22-89, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Stan Kirkland, Division of Motorist Services

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Governor and Cabinet

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 24, 2012

**DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES**

**Division of Motor Vehicles**

|            |  |
|------------|--|
| RULE NOS.: | RULE TITLES:   |
| 15C-12.001 | Scope of Rules   |
| 15C-12.002 | Definitions  |
| 15C-12.003 | Privilege Tax Imposed  |
| 15C-12.004 | Procedures for Registration  |
| 15C-12.005 | Payment of Tax; Delinquencies; Discontinuance, Transfer or Sale of Business; Calculation of Fuel Used; Credits or Refunds; Forfeitures; Bonding Requirements |
| 15C-12.006 | Reports to be Filed Regardless of Tax or Registration  |

15C-12.007 Penalties and Interest for Untimely Filing; References to Amounts in Rules; When Assessments Final; Maintenance of Records; Other Penalties

15C-12.009 Estimate of Tax Due and Unpaid

15C-12.010 Change of Address

15C-12.011 Seizure of Vehicle, Other Equipment

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

**SUMMARY:** These rules were identified during the comprehensive rule review as containing provisions that are no longer applicable, are antiquated, or are duplicative, and, thus, are appropriate for repeal.

**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 these proposed rules are not expected to require legislative ratification because they are being repealed to reduce unnecessary regulation.

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:** 207.011(2), 207.005, 207.011(2), 213.06 FS., Ch. 87-198, Laws of Florida.

**LAW IMPLEMENTED:** 207.002, 207.003, 207.004, 207.005, 207.006, 207.007, 207.008, 207.011(4), 207.012, 207.013, 207.014, 207.015, 207.019(4), 207.023, 207.023(3) FS., Ch. 88-306, Ch. 87-198, Laws of Florida.

**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:** May 29, 2012, 2:00 p.m.

**PLACE:** Department of Highway Safety and Motor Vehicles, 2900 Apalachee Parkway, Room #A432, Tallahassee, Florida 32399

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Stan Kirkland, 2900 Apalachee Parkway, Tallahassee, Florida 32399, stankirkland@flhsmv.gov,

(850)617-2902. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS:** Stan Kirkland, 2900 Apalachee Parkway, Tallahassee, Florida 32399, stankirkland@flhsmv.gov, (850)617-2902

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

**15C-12.001 Scope of Rules.**

Rulemaking Specific Authority 207.011(2) FS., Ch. 87-198, Laws of Florida. Law Implemented 207.011(4) FS. History—New 10-14-82, Formerly 12B-9.01, Transferred from 12B-9.001, Amended 1-1-90, Repealed.

**15C-12.002 Definitions.**

Rulemaking Specific Authority 207.011(2) FS. Law Implemented 207.002, 207.003, 207.004 FS. History—New 10-14-82, Formerly 12B-9.02, Transferred from 12B-9.002, Amended 1-1-90, Repealed.

**15C-12.003 Privilege Tax Imposed.**

Rulemaking Specific Authority 207.011(2) FS. Law Implemented 207.002, 207.003, 207.004 FS. History—New 10-14-82, Formerly 12B-9.03, Transferred from 12B-9.003, Amended 1-1-90, Repealed.

**15C-12.004 Procedures for Registration.**

Rulemaking Specific Authority 207.011(2) FS. Law Implemented 207.003, 207.004, 207.005, 207.023 FS., Ch. 88-306, Laws of Florida. History—New 10-14-82, Amended 12-26-83, Formerly 12B-9.04, Transferred from 12B-9.004, Amended 1-1-90, Repealed.

**15C-12.005 Payment of Tax; Delinquencies; Discontinuance, Transfer or Sale of Business; Calculation of Fuel Used; Credits or Refunds; Forfeitures; Bonding Requirements.**

Rulemaking Specific Authority 207.005, 207.011(2) FS. Law Implemented 207.003, 207.004, 207.005, 207.007, 207.015 FS., Ch. 87-198, Laws of Florida. History—New 10-14-82, Amended 10-13-83, Formerly 12B-9.05, Transferred from 12B-9.005, Amended 1-1-90, Repealed.

**15C-12.006 Reports to be Filed Regardless of Tax or Registration.**

Rulemaking Specific Authority 207.011(2) FS. Law Implemented 207.003, 207.004, 207.005, 207.006, 207.015 FS. History—New 10-14-82, Formerly 12B-9.06, Transferred from 12B-9.006, Amended 1-1-90, Repealed.

15C-12.007 Penalties and Interest for Untimely Filing; References to Amounts in Rules; When Assessments Final; Maintenance of Records; Other Penalties.

Rulemaking Specific Authority 207.011(2) FS. Law Implemented 207.003, 207.005, 207.006, 207.007, 207.008, 207.012, 207.013, 207.014 FS. History—New 10-14-82, Amended 4-28-83, Formerly 12B-9.07, Transferred from 12B-9.007, Amended 1-1-90, Repealed.

15C-12.009 Estimate of Tax Due and Unpaid.

Rulemaking Specific Authority 207.011(2), 213.06 FS. Law Implemented 207.012, 207.014 FS. History—New 10-14-82, Amended 4-28-83, Formerly 12B-9.09, Transferred from 12B-9.009, Repealed.

15C-12.010 Change of Address.

Rulemaking Specific Authority 207.011(2) FS. Law Implemented 207.019(4) FS. History—New 10-14-82, Formerly 12B-9.10, Transferred from 12B-9.010, Amended 1-1-90, Repealed.

15C-12.011 Seizure of Vehicle, Other Equipment.

Rulemaking Specific Authority 207.011(2), 213.06 FS. Law Implemented 207.023(3) FS. History—New 10-14-82, Formerly 12B-9.11, Transferred from 12B-9.011, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Stan Kirkland, Division of Motorist Services  
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Governor and Cabinet  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 24, 2012

**DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES**

**Division of Motor Vehicles**

|            |                                |
|------------|--------------------------------|
| RULE NOS.: | RULE TITLES:                   |
| 15C-13.001 | Scope and Authority            |
| 15C-13.002 | Definitions                    |
| 15C-13.003 | Vehicles Covered               |
| 15C-13.004 | Plates and Cab Card Required   |
| 15C-13.005 | Florida Apportioned Plates     |
| 15C-13.006 | Application                    |
| 15C-13.007 | License Tax                    |
| 15C-13.008 | Renewal Applications; Late Fee |
| 15C-13.009 | Supplemental Applications      |
| 15C-13.010 | Replacement                    |
| 15C-13.011 | Temporary Operational Permits  |
| 15C-13.012 | Trip Permits; Hunter Permits   |

15C-13.014 Refunds and Credits; Construction  
15C-13.015 Records; Audits

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

SUMMARY: These rules were identified during the comprehensive rule review as containing provisions that are no longer applicable, are antiquated, or are duplicative, and, thus, are appropriate for repeal.

**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 these proposed rules are not expected to require legislative ratification because they are being repealed to reduce unnecessary regulation.

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

RULEMAKING AUTHORITY: 320.011 FS.

LAW IMPLEMENTED: 320.0104, 320.0715 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: May 29, 2012, 2:00 p.m.

PLACE: Department of Highway Safety and Motor Vehicles, 2900 Apalachee Parkway, Room #A432, Tallahassee, Florida 32399

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Stan Kirkland, 2900 Apalachee Parkway, Tallahassee, Florida 32399, stankirkland@flhsmv.gov, (850)617-2902. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Stan Kirkland, 2900 Apalachee Parkway, Tallahassee, Florida 32399, stankirkland@flhsmv.gov, (850)617-2902

THE FULL TEXT OF THE PROPOSED RULES IS:

15C-13.001 Scope and Authority.

Rulemaking Specific Authority 320.011 FS. Law Implemented 320.0104, 320.0715 FS. History–New 1-1-90, Repealed.

15C-13.002 Definitions.

Rulemaking Specific Authority 320.011 FS. Law Implemented 320.0104, 320.0715 FS. History–New 1-1-90, Repealed.

15C-13.003 Vehicles Covered.

Rulemaking Specific Authority 320.011 FS. Law Implemented 320.0104, 320.0715 FS. History–New 1-1-90, Repealed.

15C-13.004 Plates and Cab Card Required.

Rulemaking Specific Authority 320.011 FS. Law Implemented 320.0104, 320.0715 FS. History–New 1-1-90, Repealed.

15C-13.005 Florida Apportioned Plates.

Rulemaking Specific Authority 320.011 FS. Law Implemented 320.0104, 320.0715 FS. History–New 1-1-90, Repealed.

15C-13.006 Application.

Rulemaking Specific Authority 320.011 FS. Law Implemented 320.0104, 320.0715 FS. History–New 1-1-90, Repealed.

15C-13.007 License Tax.

Rulemaking Specific Authority 320.011 FS. Law Implemented 320.0104, 320.0715 FS. History–New 1-1-90, Repealed.

15C-13.008 Renewal Applications; Late Fee.

Rulemaking Specific Authority 320.011 FS. Law Implemented 320.0104, 320.0715 FS. History–New 1-1-90, Repealed.

15C-13.009 Supplemental Applications.

Rulemaking Specific Authority 320.011 FS. Law Implemented 320.0104, 320.0715 FS. History–New 1-1-90, Repealed.

15C-13.010 Replacement.

Rulemaking Specific Authority 320.011 FS. Law Implemented 320.0104, 320.0715 FS. History–New 1-1-90, Repealed.

15C-13.011 Temporary Operational Permits.

Rulemaking Specific Authority 320.011 FS. Law Implemented 320.0104, 320.0715 FS. History–New 1-1-90, Repealed.

15C-13.012 Trip Permits; Hunter Permits.

Rulemaking Specific Authority 320.011 FS. Law Implemented 320.0104, 320.0715 FS. History–New 1-1-90, Repealed.

15C-13.014 Refunds and Credits; Construction.

Rulemaking Specific Authority 320.011 FS. Law Implemented 320.0104, 320.0715 FS. History–New 1-1-90, Repealed.

15C-13.015 Records; Audits.

Rulemaking Specific Authority 320.011 FS. Law Implemented 320.0104, 320.0715 FS. History–New 1-1-90, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Stan Kirkland, Division of Motorist Services  
NAME OF AGENCY HEAD WHO APPROVED THE  
PROPOSED RULE: Governor and Cabinet  
DATE PROPOSED RULE APPROVED BY AGENCY  
HEAD: April 24, 2012

**DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES**

**Division of Motor Vehicles**

|            |                                      |
|------------|--------------------------------------|
| RULE NOS.: | RULE TITLES:                         |
| 15C-14.001 | Vessel Data Computer Products        |
| 15C-14.003 | Recordation of Antique Vessel Status |
| 15C-14.004 | Vessel Registration by Counties      |
| 15C-14.005 | Application of Definitions           |

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

SUMMARY: These rules were identified during the comprehensive rule review as containing provisions that are no longer applicable, are antiquated, or are duplicative, and, thus, are appropriate for repeal.

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 these proposed rules are not expected to require legislative ratification because they are being repealed to reduce unnecessary regulation.

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: 327.04 FS.

LAW IMPLEMENTED: 119.07, 327.25(10), 327.22(2), 327.02 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: May 29, 2012, 2:00 p.m.

PLACE: Department of Highway Safety and Motor Vehicles, 2900 Apalachee Parkway, Room #A432, Tallahassee, Florida 32399

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Stan Kirkland, 2900 Apalachee Parkway, Tallahassee, Florida 32399, stankirkland@flhsmv.gov, (850)617-2902. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Stan Kirkland, 2900 Apalachee Parkway, Tallahassee, Florida 32399, stankirkland@flhsmv.gov, (850)617-2902

THE FULL TEXT OF THE PROPOSED RULES IS:

15C-14.001 Vessel Data Computer Products.

Rulemaking Specific Authority 327.04 FS. Law Implemented 119.07 FS. History–New 2-10-81, Amended 10-16-84, Formerly 16N-33.01, 16N-33.001, 62N-33.001, Repealed.

15C-14.003 Recordation of Antique Vessel Status.

Rulemaking Specific Authority 327.04 FS. Law Implemented 327.25(10) FS. History–New 10-16-84, Formerly 16N-33.03, 16N-33.003, 62N-33.003, Repealed.

15C-14.004 Vessel Registration by Counties.

Rulemaking Specific Authority 327.04 FS. Law Implemented 327.22(2) FS. History–New 10-16-84, Formerly 16N-33.04, 16N-33.004, 62N-33.004, Repealed.

15C-14.005 Application of Definitions.

Rulemaking Specific Authority 327.04 FS. Law Implemented 327.02 FS. History–New 10-16-84, Formerly 16N-33.05, 16N-33.005, 62N-33.005, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Stan Kirkland, Division of Motorist Services

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Governor and Cabinet

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 24, 2012

**DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES**

**Division of Motor Vehicles**

RULE NO.: 15C-15.002                      RULE TITLE: Inspection of Homemade Vessels

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

SUMMARY: These rules were identified during the comprehensive rule review as containing provisions that are no longer applicable, are antiquated, or are duplicative, and, thus, are appropriate for repeal.

**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 these proposed rules are not expected to require legislative ratification because they are being repealed to reduce unnecessary regulation.

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: 327.04 FS.

LAW IMPLEMENTED: 328.01(6) 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: May 29, 2012, 2:00 p.m.

PLACE: Department of Highway Safety and Motor Vehicles, 2900 Apalachee Parkway, Room #A432, Tallahassee, Florida 32399

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Stan Kirkland, 2900 Apalachee Parkway, Tallahassee, Florida 32399, stankirkland@flhsmv.gov, (850)617-2902. 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: Stan Kirkland, 2900 Apalachee Parkway, Tallahassee, Florida 32399, stankirkland@flhsmv.gov, (850)617-2902

THE FULL TEXT OF THE PROPOSED RULE IS:

15C-15.002 Inspection of Homemade Vessels.

Rulemaking Specific Authority 327.04 FS. Law Implemented 328.01(6) FS. History--New 10-16-84, Formerly 16N-34.02, 16N-34.002, 62N-34.002, Repealed

NAME OF PERSON ORIGINATING PROPOSED RULE: Stan Kirkland, Division of Motorist Services
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Governor and Cabinet
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 24, 2012

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

Division of Motor Vehicles

Table with 2 columns: RULE NOS. and RULE TITLES. Rows include 15C-20.001 to 15C-20.008 with titles such as Secondary Metals Recyclers or Salvage Motor Vehicle Dealers, Electronic Notification System, etc.

PURPOSE AND EFFECT: To establish electronic notification systems for salvage motor vehicle dealers and secondary metals recyclers on salvage and derelict motor vehicles; establish fees for such system.

SUMMARY: These rules will allow the Agency to establish and provide an electronic notification system to secondary metals recyclers and salvage motor vehicle dealers, for "end of life" vehicles (vehicles that are to be destroyed or dismantled).

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

The SERC is available by contacting Selma Sauls at the address, telephone number or email listed below. The following is a summary of the SERC: No adverse impact on economic growth, private sector job creating or employment, or private sector investment. No adverse impact on business competitiveness or innovation. No increase in regulatory costs.

No increased spending of the Agency anticipated. No cost to other states, local governmental entities, small counties or small cities. No impact on state or local revenues.

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:

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: 319.30(8)(a), (h) FS.

LAW IMPLEMENTED: 319.30 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: May 30, 2012, 2:00 p.m.

PLACE: 2900 Apalachee Parkway, Room #A427, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Selma Sauls, Government Operations Consultant I, 2900 Apalachee Parkway, Tallahassee Florida 32399, selmasauls@flhsmv.gov, (850)617-3001. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Selma Sauls, Government Operations Consultant I, 2900 Apalachee Parkway, Tallahassee Florida 32399, selmasauls@flhsmv.gov, (850)617-3001

THE FULL TEXT OF THE PROPOSED RULES IS:

15C-20.001 Secondary Metals Recyclers or Salvage Motor Vehicle Dealers.

(1) Purpose and Scope. This rule prescribes and defines the procedures for secondary metals recyclers and salvage motor vehicle dealers to return certificates of title and salvage certificates of title to the Department for motor vehicles or mobile homes they receive and dismantle, destroy or change in such manner that it is not the motor vehicle or mobile home described in the certificate of title. This rule also prescribes and defines application procedures for derelict motor vehicle certificates. This includes procedures for secondary metals recyclers and salvage motor vehicle dealers to electronically submit information and apply for the derelict motor vehicle certificate.

(2) Definitions. The words or terms as used in this rule shall have the statutory meanings set forth in Section 319.30, F.S. and as follows:

(a) “Department” means the Department of Highway Safety and Motor Vehicles.

(b) “Electronic Notification System” means the system owned by the Department which allows authorized secondary metals recyclers and salvage motor vehicle dealers to notify the Department of receipt of a vehicle which has been or is to be dismantled or destroyed and allows a secondary metals recycler or salvage motor vehicle dealer to apply for a derelict motor vehicle certificate.

(c) “Electronic Notification Vendor” means a Department-approved entity who hosts an approved system for interface between secondary metals recyclers or salvage motor vehicle dealers and the Department.

(d) “National Motor Vehicle Titling Information System” (NMVTIS) means the nationwide electronic system that provides information about a vehicle’s condition and history to include a vehicle’s title, most recent odometer reading, brand history and historical theft data.

(3) Secondary metals recyclers and salvage motor vehicle dealers shall submit all certificates of title and salvage certificates of title within 30 days of dismantling, destroying or changing the motor vehicle or motor home.

(4) Secondary metals recyclers and salvage motor vehicle dealers may use the Department’s Electronic Notification System to submit title cancellation information in lieu of sending the titles to the Department. Electronic notification shall be made through a vendor approved by the Department and as prescribed in these rules.

(5) In the case of electronic titles (e-titles), secondary metals recyclers and salvage motor vehicle dealers may receive vehicles with e-titles. The secondary metals recyclers and salvage motor vehicle dealers will use the Electronic Notification System to verify the owner and that there are no liens on the vehicle. Notification to the Department on vehicles with e-titles must be done via the Electronic Notification System.

Rulemaking Authority 319.30(8)(a), (h) FS. Law Implemented 319.30(8)(a) FS. History—New \_\_\_\_\_.

15C-20.002 Secondary Metals Recycler and Salvage Motor Vehicle Dealer Participation Requirements.

(1) Secondary metals recyclers and salvage motor vehicle dealers requesting authorization to use the Electronic Notification System must meet the following requirements:

(a) Have a valid registration as a secondary metals recycler with the Department of Revenue or a valid license with the Department of Highway Safety and Motor Vehicles as a salvage motor vehicle dealer.

(b) Enter into a contract with a Department-approved electronic notification vendor.

(c) Ensure only those users authorized by the vendor shall have access to the system.

(d) Ensure they have a method for secure storage of required documentation to meet retention timeframes.

(e) Submit notification of intent to participate to the Department which includes:

1. License or registration number
2. Licensed or registered business name
3. Doing Business As (DBA) business name(s)
4. Valid physical address for the business
5. Valid mailing address for the business
6. Valid email and telephone number for the business
7. Valid EIN number if applicable

(2) Dealers with a “VF”, “VI”, “RU” or “RV” license which meet the requirements set forth in this rule may also request authorization to use the Electronic Notification System.

(3) The Department will notify the secondary metals recycler or salvage motor vehicle dealer of approval to use the Electronic Notification System.

(4) The secondary metals recycler and salvage motor vehicle dealers must keep their valid contact information up to date with the Department. Changes to contact information must be submitted within 10 days of the change.

Rulemaking Authority 319.30(8)(a), (h) FS. Law Implemented 319.30(8)(a) FS. History—New \_\_\_\_\_.

15C-20.003 Electronic Notification System Vendors; Certification; Requirements.

(1) The Department shall certify electronic notification vendors who meet the minimum requirements set forth in this rule.

(2) Entities requesting approval to become an Electronic Notification System vendor must meet the following requirements prior to being approved by the Department:

(a) Enter into a contract with the Department.

(b) Demonstrate to the Department that the vendor’s system at a minimum can successfully process title cancellations/junk titles.

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

(d) Attest that they have a method for secure storage of required documentation to meet retention schedules.

(3) The electronic notification vendor shall:

(a) Provide all support, assistance and training to any secondary metals recycler or salvage motor vehicle dealer using their system.

(b) Follow the installation procedures as set forth by the Department.

(c) Maintain all records of electronic transfers for a period of three years.

(d) Provide a verification of cancellation receipt to the secondary metals recycler or salvage motor vehicle dealer for each title record cancelled electronically.

(e) Maintain all contractual agreements for a period of three fiscal years after completion or termination of the contract.

(f) Make all records available for inspection or audit at any time during normal business hours by the Department or its agent.

(g) Make records available to any Law Enforcement Officer conducting an investigation who submits an official written request.

(h) Provide at its own expense all equipment necessary to provide an interface between the electronic notification vendor and the Department's server.

(i) Ensure that only authorized users have access to the Electronic Notification System with access limited to business purposes only.

(j) Ensure that all user accounts are unique and can be traced back to individuals and transactions processed.

(k) Electronic Notification System users whose access has been revoked, suspended or denied by the Department or an approved vendor for any reason noted in Rule 15C-20.008, F.A.C., will be prevented from and shall not access the system until all issues have been resolved to the satisfaction of the Department.

(4) Electronic notification vendors may charge a fee to secondary metals recyclers or salvage motor vehicle dealers for use of the system.

Rulemaking Authority 319.30(8)(a), (h) FS. Law Implemented 319.30(8)(a) FS. History--New \_\_\_\_\_.

#### 15C-20.004 Electronic System Procedure Requirements.

(1) The secondary metals recycler or salvage motor vehicle dealer shall submit the following information to the Department through the electronic notification vendor:

(a) Name, address, and contact information of the reporting secondary metals recycler or salvage motor vehicle dealer;

(b) Vehicle Identification Number (VIN);

(c) Florida Title Number;

(d) Previous State and Title Number (if no Florida title);

(e) Date of receipt of the motor vehicle or mobile home;

(f) Name of the individual and entity from whom the motor vehicle or mobile home was obtained.

(2) The vendor shall forward the information, including the secondary metals recycler registration or motor vehicle dealer license information, to the Department.

(3) The Department's database shall verify the record as a valid title which can be dismantled, destroyed or changed. If the Department's database indicates the vehicle has been stolen, the title is not valid or the Florida title information

provided does not reflect a current Florida title, notification will be provided back to the vendor. If the motor vehicle or mobile home has not been dismantled or destroyed it may not be dismantled or destroyed until this is resolved.

(4) After the Department's database verifies the record as a valid Florida title, the system will check NMVTIS. If NMVTIS indicates that the vehicle is stolen or otherwise should not be dismantled, destroyed or changed, a stop shall be placed on the record and notification provided back to the vendor of the problem.

(5) If both the Department's database and NMVTIS verify the title as valid for dismantling, destroying or changing, the Department shall cancel the title. Confirmation of the title cancellation shall be sent to the vendor.

(6) The secondary metals recycler or salvage motor vehicle dealer must keep the original certificate of title or salvage certificate of title for a period of 3 years after the date of purchase of the motor vehicle or motor home. These records must be maintained in chronological order. After 3 years, the secondary metals recycler or salvage motor vehicle dealer must destroy the titles by shredding or otherwise securely disposing of the paper records so that no further use of the paper can be made. Secondary metals recyclers and salvage motor vehicle dealers may retain copies of the destroyed titles. The secondary metal recycler or salvage motor vehicle dealer shall maintain a log or record of the destruction of each original certificate of title which shall include the vehicle information, the name of company representative who destroyed the certificate of title and the date of destruction.

Rulemaking Authority 319.30(8)(a), (h) FS. Law Implemented 319.30(8)(a) FS. History--New \_\_\_\_\_.

#### 15C-20.005 Derelict Motor Vehicles.

(1) If a secondary metals recycler or salvage motor vehicle dealer obtains a derelict motor vehicle for dismantling or destruction and the certificate of title, salvage certificate of title, or certificate of destruction is not available, the secondary metals recycler or salvage motor vehicle dealer must, within 24 hours of receiving the derelict motor vehicle, apply for a derelict motor vehicle certificate with a tax collector's office, license plate agency or via the Department's Electronic Notification System.

(2) For purposes of application and securing derelict motor vehicles, weekends are defined as between 5:00 PM Friday and 8:00 AM Monday. Holidays begin at 5:00 PM the day before the holiday and end at 8:00 a.m. the day following the holiday. The 10 model years for the derelict motor vehicle begins with the model year of the vehicle as year one.

Rulemaking Authority 319.30(8)(a), (h) FS. Law Implemented 319.30(8)(a) FS. History--New \_\_\_\_\_.

15C-20.006 Derelict Motor Vehicle Certificates.

(1) If applying for a derelict motor vehicle certificate at a tax collector's office or license plate agency, application must be made on Form HSMV 82137 S (Rev 04/12), incorporated herein by reference. The secondary metals recycler or salvage motor vehicle dealer must apply within 24 hours of receiving the derelict motor vehicle. If application is made at a tax collector's office or license plate agency, the 24 hour notice excludes weekends and holidays. The derelict motor vehicle certificate application must be completed by the seller or owner, transporter and purchaser prior to the purchaser taking possession of the derelict motor vehicle.

(2) The derelict motor vehicle certificate application must be accompanied by:

(a) A legible copy of the seller's or owners valid Florida driver license or Florida identification card, or a valid driver license or identification card issued by another state.

(b) If the seller is not the owner of record of the vehicle being sold, the secondary metals recycler or salvage motor vehicle dealer shall, at the time of sale, ensure that a smudge-free right thumbprint, or other digit if the seller has no right thumb, of the seller is imprinted upon the derelict motor vehicle certificate application.

(3) Secondary metals recyclers and salvage motor vehicle dealers must pay a fee to the Department of \$3 per derelict motor vehicle.

(4) The Department shall approve and issue a derelict motor vehicle certificate if the derelict motor vehicle is free of any stops or brands that would restrict dismantling, destroying or changing of the vehicle.

(5) If there are no active liens or a lien of 3 years or more on the derelict motor vehicle, the secondary metals recycler or salvage motor vehicle dealer must secure the vehicle for 3 full business days from the issuance date of the derelict motor vehicle certificate. The destruction date shall be included on the derelict motor vehicle certificate.

(6) If there is an active lien of less than 3 years on the derelict motor vehicle, the secondary metals recycler or salvage motor vehicle dealer must secure the derelict motor vehicle for 10 calendar days from the issuance date of the derelict motor vehicle certificate. If an out of state title with an active lien of less than 3 years is on the derelict motor vehicle, the secondary metals recycler or salvage motor vehicle dealer must secure the derelict motor vehicle for 30 calendar days from the date of the Department lienholder notification.

(a) The Department shall issue a derelict motor vehicle certificate without an authorized destruction date.

(b) Upon issuance of the derelict motor vehicle certificate, the Department shall notify the lienholder that the derelict motor vehicle certificate has been issued and the Department's intent to remove the lien from the record.

(c) The lienholder shall have 10 calendar days to protest removal of the lien.

1. If there is no written statement protesting removal of the lien received by the Department within the 10 calendar day period described above, the Department may remove the lien and update the title record with an authorized destruction date.

2. If the lienholder files a written statement to the Department that the lien is still outstanding within the 10 calendar day period described above, the Department will not remove the lien and shall place an administrative hold on the record for 30 calendar days from the date of the lienholder response notification.

a. During the 30 calendar day period:

(I) The lienholder must satisfy the lien or:

(A) Contact the secondary metals recycler or salvage motor vehicle dealer and/or owner to resolve the issue;

(B) Obtain the derelict motor vehicle along with a statement from the secondary metals recycler or salvage motor vehicle dealer stating the possession change and that they have no interest in the derelict motor vehicle;

(C) Apply for the title to the derelict motor vehicle or a repossession certificate with the local tax collector's office. The tax collector's office shall scan and send the paperwork to the Department as backup documentation for the cancellation of the derelict motor vehicle title action. The 30 day administrative stop shall be removed by the Department to allow the tax collector's office to process the certificate of repossession once the cancellation is completed.

b. If after this 30 calendar day period there is no transfer of title or issuance of a repossession certificate, the secondary metals recycler or salvage motor vehicle dealer shall be authorized to destroy the vehicle.

c. The secondary metals recycler or salvage motor vehicle dealer must secure the derelict motor vehicle until the Department issues an authorized destruction date.

d. The secondary metals recycler or salvage motor vehicle dealer must print the Department's issuance of a destruction date and store this along with the derelict motor vehicle certificate before destroying or dismantling the derelict motor vehicle.

(7) The secondary metals recycler or salvage motor vehicle dealer shall not dismantle or destroy a derelict motor vehicle without an authorized destruction date.

Rulemaking Authority 319.30(8)(a), (h) FS. Law Implemented 319.30(8)(a) FS. History--New \_\_\_\_\_.

15C-20.007 Electronic Application for Derelict Motor Vehicle Certificates.

(1) A secondary metals recycler or salvage motor vehicle dealer may apply electronically for a derelict motor vehicle certificate.

(2) Secondary metals recyclers and salvage motor vehicle dealers must first enter into a contract with a Department approved electronic notification vendor as set forth in Rule 15C-20.003, F.A.C., prior to participating in the electronic application process.

(3) The secondary metals recycler or salvage motor vehicle dealer must complete Form HSMV 82137 S (Rev. 04/12) obtaining the signatures of the seller or owner, transporter and purchaser and meeting all other derelict motor vehicle certificate application criteria. The secondary metals recycler or salvage motor vehicle dealer shall then enter the information required via the vendor's Electronic Notification System.

(4) The electronic application for a derelict motor vehicle certificate must be made within 24 hours of receiving the derelict motor vehicle.

(5) Electronic notification vendors must ensure the following is included in the electronic application process:

(a) The name of the owner/seller disposing of the derelict motor vehicle.

(b) The address of the owner/seller disposing of the derelict motor vehicle.

(c) The Personal ID number of the owner/seller disposing of the derelict motor vehicle.

1. This shall be a Florida driver license or Florida identification card; or

2. Out of state driver license or out of state identification card listing the state name.

(d) Purchase Price.

(e) The Make, Year, Body and Color of the derelict motor vehicle.

(f) The VIN and title number, with the state name if not Florida, of the derelict motor vehicle received.

(g) The date, time, and location of pickup of the derelict motor vehicle by transporter.

(h) Name and address of transporter business transporting the derelict motor vehicle.

(i) Name and Florida driver license number of driver transporting the derelict motor vehicle

(j) Registered or licensed business name of the secondary metals recycler or salvage motor vehicle dealer acquiring the derelict motor vehicle

(k) Valid physical and mailing address of the secondary metals recycler or salvage motor vehicle dealer acquiring the derelict motor vehicle.

(l) Valid email address and telephone number for the secondary metals recycler or salvage motor vehicle dealer acquiring the derelict motor vehicle.

(m) License or registration number of the secondary metals recycler or salvage motor vehicle dealer acquiring the derelict motor vehicle.

(n) Date and time of the acquisition of the derelict motor vehicle by the secondary metals recycler or salvage motor vehicle dealer.

(6) Secondary metals recycler and salvage motor vehicle dealers must pay a fee to the department of \$3 per derelict motor vehicle for electronic notification. Department-approved vendors are authorized to charge additional fees to administer the Electronic Notification System.

(7) The Department shall approve and issue an electronic derelict motor vehicle certificate if the vehicle is free of any stops or brands that would not allow the derelict motor vehicle to be dismantled, destroyed or changed.

(8) If there are no active liens or a lien of 3 years or more on the derelict motor vehicle, the secondary metals recycler or salvage motor vehicle dealer must secure the vehicle for 3 full business days from the issuance date of the derelict motor vehicle certificate. The destruction date shall be included on the derelict motor vehicle certificate.

(9) If there is an active lien of less than 3 years on the derelict motor vehicle, the secondary metals recycler or salvage motor vehicle dealer must secure the derelict motor vehicle for 10 calendar days from the issuance date of the derelict motor vehicle certificate. If an out of state title with an active lien of less than 3 years is on the derelict motor vehicle, the secondary metals recycler or salvage motor vehicle dealer must secure the derelict motor vehicle for 30 calendar days from the date of the Department lienholder notification.

(a) The Department shall electronically issue the derelict motor vehicle certificate and notify the secondary metals recycler or salvage motor vehicle dealer that there is a lien of less than 3 years along with information on the lienholder. There will be no authorized destruction date on the certificate.

(b) The Department shall notify the lienholder that the derelict motor vehicle certificate has been issued and the Department's intent to remove the lien from the record.

(c) The lienholder shall have 10 calendar days to protest removal of the lien.

1. If there is no written statement protesting removal of the lien received by the Department within the 10 calendar day period, the Department may remove the lien and update the title record with an authorized destruction date. Electronic notification and an updated derelict motor vehicle certificate with an authorized destruction date will be sent to the secondary metals recycler or salvage motor vehicle dealer.

2. If the lienholder files a written statement to the Department that the lien is still outstanding within the 10 calendar day period, the Department will not remove the lien and shall place an administrative hold on the record for 30 calendar days. Electronic notification shall be sent to the secondary metals recycler or salvage motor vehicle dealer holding the derelict motor vehicle certificate.

a. During the 30 calendar day period:

(I) The lienholder must satisfy the lien or:

(A) Contact the secondary metals recycler or salvage motor vehicle dealer and/or owner to resolve the issue;

(B) Obtain the derelict motor vehicle along with a statement from the secondary metals recycler or salvage motor vehicle dealer stating the possession change and that they have no interest in the derelict motor vehicle;

(C) Apply for the title to the derelict motor vehicle or a repossession certificate with the local tax collector's office. The tax collector's office shall scan and send the paperwork to the Department as backup documentation for the cancellation of the derelict motor vehicle title action. The 30 day administrative stop shall be removed by the Department to allow the tax collector's office to process the certificate of repossession once the cancellation is completed.

b. If after this 30 calendar day period there is no transfer of title or issuance of a repossession certificate, the secondary metals recycler or salvage motor vehicle dealer shall be authorized to destroy the vehicle.

c. The secondary metals recycler or salvage motor vehicle dealer must secure the derelict motor vehicle until the Department issues a derelict motor vehicle certificate with an authorized destruction date.

d. The secondary metals recycler or salvage motor vehicle dealer must print and retain the Department's derelict motor vehicle certificate with an authorized destruction date before destroying or dismantling the derelict motor vehicle.

e. The secondary metals recyclers and salvage motor vehicle dealers who use the Electronic Notification System shall not dismantle or destroy a derelict motor vehicle without a derelict motor vehicle certificate with an authorized destruction date.

Rulemaking Authority 319.30(8)(a), (h) FS. Law Implemented 319.30(8)(a) FS. History--New \_\_\_\_\_.

15C-20.008 Enforcement/Compliance.

(1) The Department shall enforce compliance with the requirements of the Electronic Notification System. The following are prohibited and may result in the termination of certification as an electronic notification vendor:

(a) Providing access to the Electronic Notification System to a client or person not authorized by the Department.

(b) Willful misrepresentation of electronic notification policies, procedures, contractual terms or other titling procedures.

(c) Using Department information for reasons other than authorized electronic notification services.

(d) Failure to correct errors as required by the Department.

(2) The Department shall enforce compliance with the requirements of the Electronic Notification System with regard to secondary metals recyclers and salvage motor vehicles dealers using the Electronic Notification System. The Department will revoke a secondary metals recycler or salvage

motor vehicle dealer's ability to use the system for any violation of these rules or for any action that jeopardizes the integrity of the system. This rule shall not prevent the Department from imposing any additional sanctions or fines as allowed by other applicable laws or rules including, but not limited to Section 320.27, F.S. Additionally, the following are prohibited:

(a) Failure to comply with Department procedures and rules.

(b) Unauthorized access of data by users.

(c) Failure to remain in good standing with the State

(d) Failure to correct errors or clear pending transactions as required by the Department.

(e) Entering any false information into the electronic notification service.

(f) Applying for a derelict motor vehicle certificate for any derelict motor vehicle not authorized by statute for such certificate.

(g) Any violation of Section 319.30 or 319.33, F.S.

Rulemaking Authority 319.30(8)(a), (h) FS. Law Implemented 319.30(8)(a) FS. History--New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Julie Baker, Bureau Chief, Department of Highway Safety and Motor Vehicles

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Governor and Cabinet

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 24, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 10, 2011

**STATE BOARD OF ADMINISTRATION**

RULE NO.:

RULE TITLE:

19-8.028

Reimbursement Premium Formula

PURPOSE AND EFFECT: This rule is promulgated to implement Section 215.555, Florida Statutes, regarding the Florida Hurricane Catastrophe Fund, for the 2012-2013 contract year.

SUMMARY: In accordance with Section 215.555(5), Florida Statutes, proposed amended Rule 19-8.028, F.A.C., Reimbursement Premium Formula, adopts the 2012-2013 reimbursement premium formula and 2012-2013 Reimbursement Premium Rates. In addition, obsolete or unnecessary language has been removed and in paragraph (4)(d) of the Rule, the title has been clarified and new language has been added to allow scheduled personal property with a limit equal to or exceeding \$10 million dollars and which predominantly covers one or more collectible types of property to be exempt from the FHCF coverage. The proposed amendments to Rule 19-8.028, F.A.C., are necessitated by Section 215.555(5), Florida Statutes, which requires the State Board of Administration to employ an independent consultant

to develop actuarially indicated premiums for the annual reimbursement contract, by the Governor's initiative to rid rules of duplicative, obsolete or unnecessary language and by the need to add clarification to the rule.

**OTHER RULES INCORPORATING THIS RULE:** There are no other rules incorporating this rule. However, there are three rules which reference this rule: subparagraph 19-8.012(3)(d)2., F.A.C., paragraph 19-8.013(2)(q), F.A.C., and paragraph 19-8.030(3)(m), F.A.C.

**EFFECT ON THOSE OTHER RULES:** The proposed changes to this rule have no impact on any of the three rules referencing this rule.

**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: Upon review of the proposed changes to the rule and the incorporated documents, the State Board of Administration of Florida has determined that the rule does not meet the statutory threshold for ratification by the legislature.

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:** 215.555(3) FS.

**LAW IMPLEMENTED:** 215.555(2), (3), (4), (5), (6), (7) 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:** May 29, 2012, 9:00 a.m. until conclusion of meeting

**PLACE:** Room 116 (Hermitage Conference Room), 1801 Hermitage Blvd., Tallahassee, Florida 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: Tracy Allen, 1801 Hermitage Blvd., Tallahassee, FL 32308, (850)413-1341, tracy.allen@sbafla.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: Tracy Allen, Senior Attorney, Florida Hurricane Catastrophe Fund, State Board of Administration, P.O. Box 13300, Tallahassee, FL 32317-3300, telephone (850)413-1341, tracy.allen@sbafla.com

THE FULL TEXT OF THE PROPOSED RULE IS:

19-8.028 Reimbursement Premium Formula.

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

(c) Citizens Property Insurance Corporation or Citizens means the entity formed under Section 627.351, F.S., and refers to both Citizens Property Insurance Corporation Coastal High-Risk Account and Citizens Property Insurance Corporation Personal Lines and Commercial Lines Accounts.

(d) through (e) No change.

(f) Data Call or Florida Hurricane Catastrophe Fund Data Call means the annual reporting of insured values forms-FHCF-D1A, as adopted and incorporated into Rule 19-8.029, F.A.C. ~~These forms, incorporated into and adopted by Rule 19-8.029, F.A.C., are the FHCF D1A for Contract Years after the 2002/2003 Contract Year and the FHCF D1A and FHCF D1B for the Contract Year 2002/2003 and all prior Contract Years.~~

~~(g) Excess Insurance is defined in the Reimbursement Contract adopted by and incorporated into Rule 19-8.010, F.A.C.~~

~~(g)(h)~~ Formula or the Premium Formula means the Formula approved by the SBA for the purpose of determining the Actuarially Indicated Premium to be paid to the FHCF. The Premium Formula is defined as an approach or methodology which leads to the creation of premium rates. The resulting rates are therefore incorporated as part of the Premium Formula, and are the result of the approach or methodology employed.

~~(h)(+)~~ FHCF or Fund means the Florida Hurricane Catastrophe Fund.

~~(i)(j)~~ Independent Consultant or Consultant means the independent individual, firm, or organization with which the SBA contracts to prepare the Premium Formula and any other actuarial services for the FHCF, as determined under the contract with the Consultant.

~~(j)(+)~~ New Participants. The term means all Companies which are granted a certificate of authority by the Department of Financial Services after the beginning of the FHCF's Contract Year on June 1 and which write Covered Policies, or which already have a certificate of authority and begin writing Covered Policies on or after the beginning of the FHCF's Contract Year on June 1 and did not or was not required to enter into a contract on June 1 of the Contract Year. A Company that enters into an assumption agreement with

Citizens that includes Covered Policies and is effective on or after June 1 and had written no other Covered Policies on or before June 1 is also considered a New Participant.

~~(k)(4)~~ Premium means the same as Reimbursement Premium, which is the Premium which is determined by multiplying each \$1,000 of insured value reported by the Company in accordance with paragraph (5)(b) of the statute, by the rate as derived from the Premium Formula.

~~(3)(a)~~ No change.

~~(b)~~ For the 1999-2000 Contract Year, the Formula developed by the Board's Independent Consultant, "Florida Hurricane Catastrophe Fund: 1999 Ratemaking Formula Report to the Florida State Board of Administration, March 5, 1999," which is supplemented by the "Florida Hurricane Catastrophe Fund Addendum to the March 5, 1999 Ratemaking Report, May 26, 1999," both of which are hereby adopted and incorporated by reference. The basic premium rates developed in accordance with the Premium Formula methodology approved by the Board on May 11, 1999, are hereby adopted and incorporated by reference in Form FHCF Rates 1999, "Florida Hurricane Catastrophe Fund/1999-2000 Rates," rev. 08/99.

~~(c)~~ For the 2000-2001 Contract Year, the Formula developed by the Board's Independent Consultant, "Florida Hurricane Catastrophe Fund: 2000 Ratemaking Formula Report to the Florida State Board of Administration, March 2, 2000," and the addendum thereto, "Florida Hurricane Catastrophe Fund: Addendum to the March 2, 2000 Ratemaking Report, April 6, 2000," are hereby adopted and incorporated by reference. The basic premium rates developed in accordance with the Premium Formula methodology approved by the Board on April 25, 2000, are hereby adopted and incorporated by reference in Form FHCF Rates 2000, "Florida Hurricane Catastrophe Fund/2000-2001 Rates," rev. 05/00.

~~(d)~~ For the 2001-2002 Contract Year, the Formula developed by the Board's Independent Consultant, "Florida Hurricane Catastrophe Fund: 2001 Ratemaking Formula Report to the Florida State Board of Administration, March 15, 2001, as revised May 4, 2001" and the "Addendum to the March 15, 2001 Ratemaking Report," are hereby adopted and incorporated by reference. The basic premium rates developed in accordance with the Premium Formula methodology approved by the Board on May 30, 2001, are hereby adopted and incorporated by reference in Form FHCF Rates 2001, "Florida Hurricane Catastrophe Fund/2001-2002 Rates," rev. 05/01.

~~(e)~~ For the 2002-2003 Contract Year, the Formula developed by the Board's Independent Consultant, "Florida Hurricane Catastrophe Fund: 2002 Ratemaking Formula Report to the Florida State Board of Administration, March 28, 2002" is hereby adopted and incorporated by reference. The basic premium rates developed in accordance with the

Premium Formula methodology approved by the Board on April 9, 2002, are hereby adopted and incorporated by reference in Form FHCF Rates 2002, "Florida Hurricane Catastrophe Fund Proposed 2002 Rates, March 28, 2002."

~~(f)~~ For the 2003-2004 Contract Year, the Formula developed by the Board's Independent Consultant, "Florida Hurricane Catastrophe Fund: 2003 Ratemaking Formula Report to the Florida State Board of Administration, March 18, 2003 (Revised)" is hereby adopted and incorporated by reference. The basic premium rates developed in accordance with the Premium Formula methodology approved by the Board on April 8, 2003, are hereby adopted and incorporated by reference in Form FHCF Rates 2003, "Florida Hurricane Catastrophe Fund Proposed 2003 Rates, March 18, 2003."

~~(b)(g)~~ For the 2004-2005 Contract Year, the Formula developed by the Board's Independent Consultant, "Florida Hurricane Catastrophe Fund: 2004 Ratemaking Formula Report to the State Board of Administration of Florida, March 17, 2004, Revised May 11, 2004" is hereby adopted and incorporated by reference. The basic premium rates developed in accordance with the Premium Formula methodology approved by the Board on April 13, 2004 and revised on May 11, 2004, are hereby adopted and incorporated by reference in Form FHCF-Rates 2004, a two-part form titled "Florida Hurricane Catastrophe Fund Proposed 2004 Rates, March 17, 2004, (Revised May 11, 2004) Layer: \$11 Billion xs \$4.866 Billion" and "Florida Hurricane Catastrophe Fund Proposed 2004 Rates, March 17, 2004, (Revised May 11, 2004) Layer: \$15 Billion xs \$4.5 Billion".

~~(c)(h)~~ For the 2005-2006 Contract Year, the Formula developed by the Board's Independent Consultant, "Florida Hurricane Catastrophe Fund: 2005 Ratemaking Formula Report to the State Board of Administration of Florida, March 16, 2005" is hereby adopted and incorporated by reference. The basic premium rates developed in accordance with the Premium Formula methodology approved by the Board on April 5, 2005, are hereby adopted and incorporated by reference in Form FHCF-Rates 2005, "Florida Hurricane Catastrophe Fund Proposed 2005 Rates, March 16, 2005." The forms may be obtained from the Fund's Administrator at the address stated in subsection (5).

~~(d)(i)~~ For the 2006-2007 Contract Year, the Formula developed by the Board's Independent Consultant, "Florida Hurricane Catastrophe Fund: 2006 Ratemaking Formula Report to the State Board of Administration of Florida, March 15, 2006" is hereby adopted and incorporated by reference. The basic premium rates developed in accordance with the Premium Formula methodology approved by the Board on April 4, 2006, are hereby adopted and incorporated by reference in Form FHCF-Rates 2006, "Florida Hurricane Catastrophe Fund Proposed 2006 Rates, March 15, 2006." The forms may be obtained from the Fund's Administrator at the address stated in subsection (5).

~~(e)(f)~~ For the 2007-2008 Contract Year, the Formula developed by the Board's Independent Consultant, "Florida Hurricane Catastrophe Fund: 2007 Ratemaking Formula Report to the State Board of Administration of Florida, March 20, 2007" is hereby adopted and incorporated by reference. The basic premium rates developed in accordance with the Premium Formula methodology approved by the Board on April 3, 2007, are hereby adopted and incorporated by reference in Form FHCF-Rates 2007, "Florida Hurricane Catastrophe Fund Proposed 2007 Rates, March 20, 2007." These incorporated documents may be obtained directly from the SBA website, [www.sbafla.com/fhcf](http://www.sbafla.com/fhcf) or by contacting the SBA by mail, P. O. Box 13300, Tallahassee, FL 32317-3300, with a request for the documents.

~~(f)(k)~~ For the 2008-2009 Contract Year, the Formula developed by the Board's Independent Consultant, "Florida Hurricane Catastrophe Fund: 2008 Ratemaking Formula Report to the State Board of Administration of Florida, March 26, 2008" is hereby adopted and incorporated by reference. The basic premium rates developed in accordance with the Premium Formula methodology approved by the Board on April 15, 2008, are hereby adopted and incorporated by reference in Form FHCF-Rates 2008, "Florida Hurricane Catastrophe Fund Proposed 2008 Rates, March 26, 2008." These incorporated documents may be obtained directly from the SBA website, [www.sbafla.com/fhcf](http://www.sbafla.com/fhcf) or by contacting the SBA by mail, P. O. Box 13300, Tallahassee, FL 32317-3300, with a request for the documents.

~~(g)(t)~~ For the 2009-2010 Contract Year, the Formula developed by the Board's Independent Consultant, "Florida Hurricane Catastrophe Fund: 2009 Ratemaking Formula Report to the State Board of Administration of Florida, March 20, 2009" and the Addendum to the 2009 Ratemaking Formula Report Dated May 27, 2009 are hereby adopted and incorporated by reference. The basic premium rates developed in accordance with the Premium Formula methodology approved by the Board on April 14, 2009, are hereby adopted and incorporated by reference in Form FHCF-Rates 2009, "Florida Hurricane Catastrophe Fund Proposed 2009 Rates, March 20, 2009, revised May 27, 2009." The Addendum to the 2009 Ratemaking Formula Report Dated May 27, 2009, was approved by the Board on May 27, 2009, and is hereby adopted and incorporated by reference. These incorporated documents may be obtained directly from the SBA website: [www.sbafla.com/fhcf](http://www.sbafla.com/fhcf) or by contacting the SBA by mail, P. O. Box 13300, Tallahassee, FL 32317-3300, with a request for the documents.

~~(h)(m)~~ For the 2010-2011 Contract Year, the Formula developed by the Board's Independent Consultant, "Florida Hurricane Catastrophe Fund: 2010 Ratemaking Formula Report Presented to the State Board of Administration of Florida, March 18, 2010" is hereby adopted and incorporated by reference into this rule. The basic premium rates developed

in accordance with the Premium Formula methodology approved by the Board on April 13, 2010, are hereby adopted and incorporated by reference in Form FHCF-Rates 2010, "Florida Hurricane Catastrophe Fund Proposed 2010 Rates Presented to the State Board of Administration of Florida, March 18, 2010" and is hereby adopted and incorporated by reference into this rule. These incorporated documents may be obtained directly from the SBA website: [www.sbafla.com/fhcf](http://www.sbafla.com/fhcf) or by contacting the SBA by mail, P. O. Box 13300, Tallahassee, FL 32317-3300, with a request for the documents.

~~(i)(n)~~ For the 2011-2012 Contract Year, the Formula developed by the Board's Independent Consultant, "Florida Hurricane Catastrophe Fund: 2011 Ratemaking Formula Report Presented to the State Board of Administration of Florida, March 17, 2011" is hereby adopted and incorporated by reference into this rule, <http://www.flrules.org/Gateway/reference.asp?No=ref-00275>. The basic premium rates developed in accordance with the Premium Formula methodology approved by the Board on May 3, 2011, are hereby adopted and incorporated by reference in Form FHCF-Rates 2011, "Florida Hurricane Catastrophe Fund Proposed 2011 Rates Presented to the State Board of Administration of Florida, March 17, 2011" is hereby adopted and incorporated by reference into this rule, <http://www.flrules.org/Gateway/reference.asp?No=ref-00276> and <http://www.flrules.org/Gateway/reference.asp?No=ref-00277>. These incorporated documents may be obtained directly from the SBA website: [www.sbafla.com/fhcf](http://www.sbafla.com/fhcf) or by contacting the SBA by mail, P. O. Box 13300, Tallahassee, FL 32317-3300, with a request for the documents.

~~(j)~~ For the 2012-2013 Contract Year, the Formula developed by the Board's Independent Consultant, "Florida Hurricane Catastrophe Fund: 2012 Ratemaking Formula Report Presented to the State Board of Administration of Florida, March 22, 2012" is hereby adopted and incorporated by reference into this rule. The basic premium rates developed in accordance with the Premium Formula methodology approved by the Board on April 24, 2012, are hereby adopted and incorporated by reference in Form FHCF-Rates 2012, "Florida Hurricane Catastrophe Fund Proposed 2012 Rates Presented to the State Board of Administration of Florida, March 22, 2012" is hereby adopted and incorporated by reference into this rule. These incorporated documents may be obtained directly from the SBA website: [www.sbafla.com/fhcf](http://www.sbafla.com/fhcf) or by contacting the SBA by mail, P. O. Box 13300, Tallahassee, FL 32317-3300, with a request for the documents.

(4)(a) No change.

(b) Forfeiture or Surrender of Certificates of Authority, Insurers Which Do Not Have Exposure For Covered Policies For an Entire Contract Year.

1. Insurers which have forfeited their certificates of authority or which have withdrawn from the state or discontinued writing all kinds of insurance in this state after the beginning of the Contract Year shall have their Premiums determined in accordance with subsection (3), above.

2. Special recognition is not given to insurers which do not have exposure for Covered Policies for an entire Contract Year, except for New Participants as described in paragraph (c) of this subsection (4).

~~3.2.~~ Any insurer which has forfeited its certificate of authority or which has discontinued writing in accordance with an order issued by the Department of Financial Services effective prior to June 1 of each calendar year shall not be required to execute a Reimbursement Contract with the Board provided that the insurer has no exposure to hurricane loss after June 1.

(c) New Participants.

1. All New Participants shall enter into a Reimbursement Contract with the Fund.

2. All New Participants shall pay a Reimbursement Premium to the Fund in accordance with the applicable subparagraphs below and in accordance with the applicable provisions of the Reimbursement Contract ~~adopted in Rule 19-8.010, F.A.C.~~

3. This subparagraph applies to Companies writing new business after June 1 but prior to December 1 of the Contract Year.

a. All New Participants writing new business during the period specified above shall pay a provisional Premium of \$1,000 to provide consideration for the contract.

b. On or before March 1 of the Contract Year, the Company shall report its actual exposure as of December 31 of the Contract Year to the Administrator in accordance with the Data Call on Form FHCF-D1A, "Florida Hurricane Catastrophe Fund Data Call" which is adopted and incorporated by reference in Rule 19-8.029, F.A.C., and is available from the Administrator as described in subsection (5), below. The Administrator shall calculate the Company's actual Reimbursement Premium for the period specified in subparagraph (c)2. based on its actual exposure. To recognize that New Participants have limited exposure during this period, the actual Premium as determined by processing the Company's exposure data shall then be divided in half, the provisional Premium shall be credited, and the resulting amount shall be the total Premium due for the Company for the remainder of the Contract Year. However, if that amount is less than \$1,000, then the Company shall pay \$1,000. The Premium payment is due no later than May 1 of the Contract Year. The Company's retention and coverage will be determined based on the total Premium due which is the Premium calculated based on the Company's December 31 exposure and divided in half as described in this sub-subparagraph.

(c)4. through 5. No change.

(d) Specialized Fine Arts Risks. The provisions of this paragraph apply to certain policies and endorsements predominantly or exclusively covering specialized fine arts risks that are subject to loss control measures as specified in subparagraph 1. and scheduled personal property as specified in subparagraph 2.

1. Any policy or endorsement exclusively covering Specialized Fine Arts Risks and not covering any residential structure and/or contents thereof other than such specialized fine arts items covered in the fine arts policy, shall be exempt from the Fund as a risk meeting specialized loss control requirements if the insurer employs underwriting criteria that and requires its policyholders to adhere to subparagraphs a.1. through c.7., immediately below. For purposes of the exemption in this ~~subparagraph~~ paragraph, a Specialized Fine Arts Risk is a policy or endorsement which insures paintings, works on paper, etchings, art glass windows, pictures, statuary, sculptures, tapestries, antique furniture, antique silver, antique rugs, rare books, and other bona fide works of art, of rarity, of historic value, or artistic merit; which charges a minimum premium of \$500; which insures scheduled items valued, in the aggregate, at no less than \$100,000; and which requires an investment by the insured in loss control measures to protect the Specialized Fine Arts Risks being insured.

~~1. The policyholder must demonstrate a willingness and determination to reduce the probability of loss.~~

~~a.2.~~ The insurer must perform a periodic and thorough specialized inspection and must provide a specialized loss prevention service designed to prevent or minimize loss.

~~3. Insurable values must be sufficient to produce a premium amount to warrant the furnishing of special inspection and loss prevention service by the insurer. For purposes of this rule, the insurable value of the scheduled items must be, in the aggregate, no less than \$100,000 and the minimum premium amount must be no less than \$500.~~

~~4. The structural design of the residence and the degree of protection, together with efficient specialized inspection and loss protection service, must have the effect of reducing the relative importance of such otherwise applicable rating factors as exposure and quality of public fire protection.~~

~~5. The structure in which the fine arts being insured are housed must be fire resistive or incombustible, made of heavy timber or other approved construction, and in good state of preservation and repair.~~

b.6. The structure and its fine arts contents must be provided with satisfactory watchman or alarm service or its equivalent where necessary.

c.7. The insurer must maintain a force of trained and competent loss prevention specialists, who perform the following tasks:

(1)a. Make complete loss prevention surveys of each Specialized Fine Arts Risk;

(II)b. Make available specialized loss prevention service for the purpose of providing consultation regarding hazards to the fine arts being insured;

(III)e. Confirm through periodic ~~and unannounced~~ inspections that loss prevention devices are properly maintained;

(IV)d. Investigate reported losses; and

(V)e. Confer with the policyholder and confirm through periodic and unannounced inspections that recommended safety and loss control improvements are actually made.

2. Any individual policy written to solely cover scheduled personal property with a policy limit equal to or exceeding \$10 million and which predominantly covers one or more classes of collectible types of property shall be exempt from coverage under the Fund. Generally such classes of collectible property have unusually high values due to their investible, artistic, or unique intrinsic nature. Additionally, such exempt policy may also include coverage for incidental items of personal property that may also be scheduled although such property may not be considered as a collectible. The predominant class of property covered under such excluded policy represents an unusually high exposure value and such policy is intended to provide coverage for a class or classes of property that is not typical for the contents coverage under residential property insurance policies. In many cases property may be located at various locations either in or outside the state of Florida or the location of the property may change from time to time.

(5) No change.

Rulemaking Authority 215.555(3) FS. Law Implemented 215.555(2), (3), (4), (5), (6), (7) FS. History—New 9-20-99, Amended 7-3-00, 9-17-01, 7-17-02, 7-2-03, 7-29-04, 7-17-05, 7-6-06, 7-17-07, 6-16-08, 8-2-09, 7-8-10, 7-3-11, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Jack E. Nicholson, FHCF Chief Operating Officer, State Board of Administration of Florida

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: The Trustees of the State Board of Administration of Florida

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 24, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 22, 2011, Vol. 37, No. 51

**ADMINISTRATION COMMISSION**

|            |              |
|------------|--------------|
| RULE NOS.: | RULE TITLES: |
| 28-35.010  | Purpose      |
| 28-35.020  | Definitions  |
| 28-35.030  | Authority    |
| 28-35.040  | Provisions   |

|           |                       |
|-----------|-----------------------|
| 28-35.050 | Applicant Eligibility |
| 28-35.060 | Policy and Condition  |
| 28-35.070 | Procedure             |

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

SUMMARY: The rulemaking authority for these rules no longer exists. The Coastal Energy Impact Program was transferred to the Department of Environmental Protection during the 2011 Legislative Session. The Administration Commission no longer has authority for implementation of the program.

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 Administration Commission has determined that the proposed rule repeal is not expected to require legislative ratification based on the fact that the rules are currently ineffective and without authority.

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: 20.05, 20.05(5), 120.53 FS.

LAW IMPLEMENTED: Section 308, Coastal Zone Management Act of 1972, (P.L. 92-583) as amended by P.L. 94-370.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Barbara Leighty, Office of the Governor, Room 1801, The Capitol, Tallahassee, Florida, (850)717-9513

THE FULL TEXT OF THE PROPOSED RULES IS:

28-35.010 Purpose.

Rulemaking Specific Authority 20.05(5), 120.53 FS. Law Implemented Section 308, Coastal Zone Management Act of 1972 (P. L. 92-583) as amended by P. L. 94-370. History—New 4-5-78, Formerly 22F-14.10, 27F-14.10, 27F-14.010, Repealed \_\_\_\_\_.

28-35.020 Definitions.

Rulemaking Specific Authority 20.05(5), 120.53 FS. Law Implemented Section 308, Coastal Zone Management Act of 1972, (P. L. 92-583) as amended by P. L. 94-370. History–New 4-5-78, Formerly 22F-14.20, 27F-14.20, 27F-14.020, Repealed.

28-35.030 Authority.

Rulemaking Specific Authority 20.05(5), 120.53 FS. Law Implemented Section 308, Coastal Zone Management Act of 1972 (P. L. 92-583) as amended by P. L. 94-370. History–New 4-5-78, Formerly 22F-14.20, 27F-14.30, 27F-14.030, Repealed.

28-35.040 Provisions.

Rulemaking Specific Authority 20.05, 120.53 FS. Law Implemented Section 308, Coastal Zone Management Act of 1972 (P. L. 92-583) as amended by P. L. 94-370. History–New 4-5-78, Formerly 22F-14.40, 27F-14.40, Repealed.

28-35.050 Applicant Eligibility.

Rulemaking Specific Authority 20.05(5), 120.53 FS. Law Implemented Section 308, Coastal Zone Management Act of 1972 (P. L. 92-583) as amended by P. L. 94-370. History–New 4-5-78, Formerly 22F-14.50, 27F-14.50, 27F-14.050, Repealed.

28-35.060 Policy and Condition.

Rulemaking Specific Authority 20.05(5), 120.53 FS. Law Implemented Section 308, Coastal Zone Management Act of 1972 (P. L. 92-583) as amended by P. L. 94-370. History–New 4-5-78, Formerly 22F-14.60, 27F-14.60, 27F-14.060, Repealed.

28-35.070 Procedure.

Rulemaking Specific Authority 20.05(5), 120.53 FS. Law Implemented Section 308, Coastal Zone Management Act of 1972 (P. L. 92-583) as amended by P. L. 94-370. History–New 4-5-78, Formerly 22F-14.70, 27F-14.070, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Administration Commission  
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Administration Commission  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 24, 2012

**ADMINISTRATION COMMISSION**

|            |                                 |
|------------|---------------------------------|
| RULE NOS.: | RULE TITLES:                    |
| 28-111.001 | Receipt and Investment of Funds |
| 28-111.002 | Expenditure of Funds            |
| 28-111.003 | Accounting and Reporting        |

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

SUMMARY: The rulemaking authority for these rules no longer exists. The Administration Commission's rulemaking authority was repealed in 2004.

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 Administration Commission has determined that the proposed rule repeal is not expected to require legislative ratification based on the fact that the rules are currently ineffective and without authority.

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: 939.18(1)(a) FS.

LAW IMPLEMENTED: 939.18 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Barbara Leighty, Office of the Governor, Room 1801, The Capitol, Tallahassee, Florida, (850)717-9513

THE FULL TEXT OF THE PROPOSED RULES IS:

28-111.001 Receipt and Investment of Funds.

Rulemaking Specific Authority 939.18(1)(a) FS. Law Implemented 939.18 FS. History–New 4-27-98, Repealed.

28-111.002 Expenditure of Funds.

Rulemaking Specific Authority 939.18(1)(a) FS. Law Implemented 939.18 FS. History–New 4-27-98, Repealed.

28-111.003 Accounting and Reporting.

Rulemaking Specific Authority 939.18(1)(a) FS. Law Implemented 939.18 FS. History–New 4-27-98, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Administration Commission  
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Administration Commission  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 24, 2012

**LAND AND WATER ADJUDICATORY COMMISSION**

**Twin Creeks Community Development District**

|             |               |
|-------------|---------------|
| RULE NOS.:  | RULE TITLES:  |
| 42DDD-1.001 | Establishment |
| 42DDD-1.002 | Boundary      |
| 42DDD-1.003 | Supervisors   |

**PURPOSE AND EFFECT:** The purpose and effect of the proposed rule amendment will be to repeal the rules as the District has been inactive since establishment and therefore the rules are obsolete.

**SUMMARY:** South Jacksonville Properties, LLC, (“majority landowner”) requests repeal of Rule Chapter 42DDD-1, F.A.C., to dissolve the Twin Creeks Community Development District (“Twin Creeks CDD” or “District”). The Twin Creeks CDD was originally created by the Commission in 2007 through adoption of Rule Chapter 42DDD-1, F.A.C., setting forth the name, boundaries, and initial board of supervisors of the District. The District consists of approximately 3,037 acres of land located entirely within the unincorporated boundaries of St. Johns County and has been inactive since establishment. All landowners within the District have either filed consent documents or letters of no objection to the dissolution of the District.

**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 Commission has determined that the proposed rule repeal is not expected to require legislative ratification based on the fact that the rules are currently obsolete as the District has been inactive since establishment.

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:** 190.005 FS.

**LAW IMPLEMENTED:** 190.004, 190.005 FS.

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

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS:** Barbara Leighty, Office of the Governor, Room 1801, The Capitol, Tallahassee, Florida, (850)717-9513

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

42DDD-1.001 Establishment.

Rulemaking Specific Authority 190.005 FS. Law Implemented 190.004 and 190.005 FS. History–New 9-5-07, Repealed.

42DDD-1.002 Boundary.

Rulemaking Specific Authority 190.005 FS. Law Implemented 190.004 and 190.005 FS. History–New 9-5-07, Repealed.

42DDD-1.003 Supervisors.

Rulemaking Specific Authority 190.005 FS. Law Implemented 190.004 and 190.005 FS. History–New 9-5-07, Repealed.

**NAME OF PERSON ORIGINATING PROPOSED RULE:** Florida Land and Water Adjudicatory Commission  
**NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE:** Florida Land and Water Adjudicatory Commission  
**DATE PROPOSED RULE APPROVED BY AGENCY HEAD:** April 24, 2012

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Miscellaneous Businesses and Professions – Asbestos Consultants/Asbestos Consultant Examination**

|            |   |
|------------|---|
| RULE NO.:  | RULE TITLE:                             |
| 61E1-2.006 | Asbestos Training Courses and Providers |

**PURPOSE AND EFFECT:** The purpose and effect of the proposed rule amendment is to provide specific rules for asbestos online refresher courses and to make necessary form and training course amendments.

**SUMMARY:** In Sections 1, 3 and 6 the Department amends text to correct form and course references. Section 11 is new text which provides specific rules for asbestos online refresher courses.

**SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:**

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

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

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

RULEMAKING AUTHORITY: 455.2035, 455.2123, 469.011 FS.

LAW IMPLEMENTED: 469.014 FS.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Sheri Snyder, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399, (850)717-1496. Sheri.Snyder@dbpr.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sheri Snyder, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399, (850)717-1496. Sheri.Snyder@dbpr.state.fl.us

THE FULL TEXT OF THE PROPOSED RULE IS:

61E1-2.006 Asbestos Training Courses and Providers.

(1) Each training course provider must be approved by the Department as a course provider and each training course must be approved by the Department. Provider and course approvals are valid until May 31st of odd numbered years and must be renewed prior to expiration. Applications for course provider and training course approval must be submitted using the form provided by the Department. Asbestos Licensing Unit Training Provider and Continuing Education Course Approval Application, Number DBPR ALU 4054, December 28, 2005, incorporated herein by reference. The form may be obtained by contacting the Department at the following address: Asbestos Licensing Unit, 1940 N. Monroe Street, Tallahassee, Florida 32399-1027 or at <http://www.myflorida.com/dbpr/pro/forms/asbest/>. Any substantial change in the course content will require the provider to reapply to the Department for approval.

(2) No change.

(3) A training course provider must meet the standard set forth in 40 C.F.R. Part 763, Appendix C to Subpart E, 59 FR 5251, as amended July 1, 2007 and Feb. 3, 1994, as amended at 60 FR 31922, June 19, 1995, which is incorporated herein by reference. Copies can be obtained by writing the Department at Department of Business and Professional Regulation, Asbestos Licensing Unit, 1940 North Monroe Street, Tallahassee, Florida 32399, or at <http://www.epa.gov/asbestos/pubs/2003pt763.pdf>. The following providers and courses shall be approved.

(a) Training providers and courses approved by a state that has a written reciprocating agreement with the Department.

(b) Training courses ~~completed prior to July 1, 1995, that are~~ recognized by the Environmental Protection Agency and listed in the National Directory of Asbestos Hazard Emergency Response Act Accredited Courses as set forth in 40 C.F.R. Part 763, as amended 7/1/2007 and it existed on September 1, 1997 which is incorporated herein by reference.

(4) through (5) No change.

(6) Training course audits.

(a) The Department shall, conduct on-site/online audits of training courses at no cost to the Department, which shall include:

1. Training course content;
2. Technical accuracy;
3. Instructor effectiveness; and
4. Course administration.

(b) Such audits may be conducted without advance notice if the Department has reasonable cause to believe that a violation of this rule or Chapter 469, Florida Statutes, has occurred.

(c) Training course providers who are located outside this state must meet the requirements of this section in either of the following ways:

1. The training course provider will make arrangements for the Department representatives to conduct an on-site review of the training course located outside the state at no charge, including travel, subsistence, and lodging costs as provided in Section 112.061, Florida Statutes.

2. Another state in which the training provider is approved has a reciprocal agreement with this state for auditing of training courses for compliance with the standards set forth in this rule.

(7) through (10) No change.

(11) The application for online courses shall include the total number of classroom or interactive distance learning hours, the course syllabus, a detailed outline of the contents of the course, the name and qualifications of all instructors and minimum qualifications of all instructors. Online training courses are only available for refresher courses. In addition, a course provider applying to offer interactive distance learning courses must meet applicable classroom course requirements and must submit documents indicating the following:

(a) The means by which the course provider is able to monitor student enrollment, involvement, participation, course completion, and comprehension of content at regular intervals.

(b) The means by which the course provider will be able to satisfactorily demonstrate that stated course hours are consistent with the actual hours spent by each student to complete the course.

(c) The means by which the provider will provide necessary support throughout the course including, but not limited to, the means by which the course provider will respond to student inquiries within 24 hours of receipt.

(d) That the student will be required to complete a statement at the beginning and end of the course that indicates that he/she personally completed each module/session of instruction.

(e) The means by which the course provider will verify student identification and completion of initial course.

Rulemaking Specific Authority 455.2035, 455.2123, 469.011 455.203(5), 469.011 FS. Law Implemented 469.014 FS. History—New 5-12-93, Formerly 21-23.006, Amended 8-17-94, 11-24-97, 3-23-04, 12-28-05,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Richard Morrison, Executive Director, Division of Professions, Department of Business and Professional Regulation

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 2, 2011

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 10, 2012

**DEPARTMENT OF HEALTH**

**Board of Medicine**

RULE NO.: 64B8-31.010  
 RULE TITLE: Disciplinary Guidelines

PURPOSE AND EFFECT: The proposed rule amendments are intended to clarify the disciplinary guidelines for anesthesia assistants by deleting language which is no longer applicable.

SUMMARY: The proposed rule amendments clarify continuing medical education (CME) disciplinary guidelines for anesthesia assistants by deleting language which is no longer applicable.

**SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:**

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

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

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

RULEMAKING AUTHORITY: 456.079, 458.309, 458.331(4) FS.

LAW IMPLEMENTED: 456.072, 456.079, 458.331(4), 458.3475 FS.

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

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

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

64B8-31.010 Disciplinary Guidelines.

(1) No change.

(2) Violations and Range of Penalties. In imposing discipline upon anesthesiologist assistant applicants and licensees, in proceedings pursuant to Sections 120.57(1) and (2), F.S., the Board shall act in accordance with the following disciplinary guidelines and shall impose a penalty within the range corresponding to the violations set forth below. The verbal identification of offenses are descriptive only; the full language of each statutory provision cited must be consulted in order to determine the conduct included.

| VIOLATIONS  | RECOMMENDED PENALTIES  |   |
|---|--|---|
|   | First Offense  | Subsequent Offenses   |
| (a) through (f) No change.  |  |   |
| (g) Failure to perform legal obligation. (Section 456.072(1)(k), F.S.); (Section 458.331(1)(g), F.S.) | (g) For any offense not specifically listed herein, based upon the severity of the offense and the potential for patient harm, from a reprimand to revocation or denial of licensure and an administrative fine from \$1,000.00 to \$5,000.00. | (g) For any offense not specifically listed herein, based upon the severity of the offense and the potential for patient harm, from a reprimand to revocation or denial and an administrative fine from \$2,500.00 to \$5,000.00. |

|  |   |   |
|--|---|---|
| I. Continuing medical education (CME) violations.<br>(Section 456.013(7), F.S.);<br>(Section 456.033, F.S.);<br>(Section 456.072(1)(e), F.S.);<br>(Section 456.072(1)(s), F.S.)  | I. Document compliance with the CME requirements for the relevant period;<br>AND: | I. Document compliance with the CME requirements for the relevant period;<br>AND: |
| a. Failure to document required HIV/AIDS, <del>or end of life care, or palliative health care.</del>   | a. An administrative fine ranging from \$250.00 to \$500.00.                      | a. An administrative fine ranging from \$500.00 to \$1,000.00.                    |
| b. Failure to document required domestic violence CME <del>or substitute end of life care CME</del> , or CME on the prevention of medical errors.<br>(h) through (tt) No change. | b. An administrative fine ranging from \$250.00 to \$500.00.                      | b. An administrative fine of \$500.00 to \$1,000.00.                              |

(3) through (4) No change.

Rulemaking Authority 456.079, 458.309, 458.331(4) FS. Law Implemented 456.072, 456.079, 458.331(4), 458.3475 FS. History—New 11-13-05, Amended 1-5-12, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Anesthesia Assistants Committee  
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Medicine  
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 4, 2012  
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 6, 2012

**DEPARTMENT OF HEALTH**  
**Board of Osteopathic Medicine**

RULE NO.: 64B15-7.010  
 RULE TITLE: Disciplinary Guidelines

PURPOSE AND EFFECT: The proposed rule amendments are intended to clarify the disciplinary guidelines for anesthesia assistants by deleting language which is no longer applicable.

SUMMARY: The proposed rule amendments clarify continuing medical education (CME) disciplinary guidelines for anesthesia assistants by deleting language which is no longer applicable.

**SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:**

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

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

herein: During discussion of the economic impact of this rule at its Board meeting, the Board, based upon the expertise and experience of its members, determined that a Statement of Estimated Regulatory Costs (SERC) was not necessary and that the rule will not require ratification by the Legislature. No person or interested party submitted additional information regarding the economic impact at that time.

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

RULEMAKING AUTHORITY: 456.079, 459.005, 459.015(5), 459.023 FS.

LAW IMPLEMENTED: 456.072, 456.079, 459.015(5), 459.023 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Anthony Jusevitch, Executive Director, Board of Osteopathic Medicine/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

THE FULL TEXT OF THE PROPOSED RULE IS:

64B15-7.010 Disciplinary Guidelines.

(1) No change.

(2) Violations and Range of Penalties. In imposing discipline upon anesthesiologist assistant applicants and licensees, in proceedings pursuant to Sections 120.57(1) and (2), F.S., the Board shall act in accordance with the following disciplinary guidelines and shall impose a penalty within the range corresponding to the violations set forth below. The verbal identification of offenses are descriptive only; the full language of each statutory provision cited must be consulted in order to determine the conduct included.

| VIOLATIONS   | RECOMMENDED PENALTIES  |   |
|--|--|---|
|  | First Offense  | Subsequent Offenses   |
| (a) through (f) No change.   |  |   |
| (g) Failure to perform legal obligation. (Section 456.072(1)(k), F.S.); (Section 459.015(1)(g), F.S.)  | (g) For any offense not specifically listed herein, based upon the severity of the offense and the potential for patient harm, from a reprimand to revocation or denial of licensure and an administrative fine from \$1,000.00 to \$5,000.00. | (g) For any offense not specifically listed herein, based upon the severity of the offense and the potential for patient harm, from a reprimand to revocation or denial and an administrative fine from \$2,500.00 to \$5,000.00. |
| 1. Continuing medical education (CME) violations. (Section 456.013(7), F.S.); (Section 456.033, F.S.) (Section 456.072(1)(e), F.S.); (Section 456.072(1)(s), F.S.) | 1. Document compliance with the CME requirements for the relevant period; AND:   | 1. Document compliance with the CME requirements for the relevant period; AND:  |
| a. Failure to document required HIV/AIDS, <del>or end of life care, or palliative health care.</del>   | a. An administrative fine ranging from \$250.00 to \$500.00.   | a. An administrative fine ranging from \$500.00 to \$1,000.00.  |
| b. Failure to document required domestic violence CME <del>or substitute end of life care CME,</del> or CME on the prevention of medical errors.                   | b. An administrative fine ranging from \$250.00 to \$500.00.   | b. An administrative fine of \$500.00 to \$1,000.00.  |
| (h) through (tt) No change.  |  |   |

(3) through (4) No change.

Rulemaking Authority 456.079, 459.005, 459.015(5), 459.023 FS.  
 Law Implemented 456.072, 456.079, 459.015(5), 459.023 FS.  
 History--New 11-13-05, Amended 1-5-12, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
 Anesthesia Assistants Committee  
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Osteopathic Medicine  
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 17, 2012  
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 6, 2012

**DEPARTMENT OF HEALTH**

**Board of Osteopathic Medicine**

RULE NO.: 64B15-12.003  
 RULE TITLE: Applications for Licensure  
 PURPOSE AND EFFECT: The proposed rule amendment is intended to remove the requirement for the HIV/AIDS and domestic violence courses at the time of initial licensure as those courses are no longer necessary at the time of initial licensure.  
 SUMMARY: The proposed rule amendment deletes the requirement for the HIV/AIDS and domestic violence courses at the time of initial licensure as those courses are no longer necessary at the time of initial licensure.

**SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:**

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

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

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

RULEMAKING AUTHORITY: 459.005, 459.0055 FS.  
 LAW IMPLEMENTED: 459.0055, 459.006, 459.0092 FS.  
 IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Anthony Jusevitch, Executive Director, Board of Osteopathic Medicine/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

THE FULL TEXT OF THE PROPOSED RULE IS:

64B15-12.003 Applications for Licensure.

(1) No change.

(2) Applicants for licensure examination must have their application forms and fees submitted and received by the Board office and all information and documentation complete at least 30 days before the scheduled Board meeting in order to be considered by the Board. Applicants making initial application for licensure shall complete educational courses approved by the Board pursuant to Rule 64B15-13.001, F.A.C., on ~~human immunodeficiency virus and acquired immune deficiency syndrome, domestic violence,~~ and prevention of medical errors. Any applicant who has not completed any such courses at the time of licensure shall, upon an affidavit showing good cause, be allowed 6 months to complete this requirement.

(3) No change.

Rulemaking Authority 459.005, 459.0055 FS. Law Implemented 459.0055, 459.006, 459.0092 FS. History--New 6-4-91, Formerly 21R-12.003, 61F9-12.003, Amended 10-15-95, Formerly 59W-12.003, Amended 9-26-00, 3-9-03, 6-1-09, 5-4-10, 9-16-10, 2-14-12,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Osteopathic Medicine

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Osteopathic Medicine

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 17, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 6, 2012

**DEPARTMENT OF HEALTH**

**Board of Osteopathic Medicine**

RULE NO.: RULE TITLE:

64B15-12.006 Active Status License

PURPOSE AND EFFECT: The Board proposes the repeal of this rule as it is unnecessary.

SUMMARY: This rule is unnecessary and is therefore being 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: During discussion of the economic impact of this rule at its Board meeting, the Board, based upon the expertise and experience of its members, determined that a Statement of Estimated Regulatory Costs (SERC) was not necessary and that the rule will not require ratification by the Legislature. No person or interested party submitted additional information regarding the economic impact at that time.

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

RULEMAKING AUTHORITY: 456.036 FS.

LAW IMPLEMENTED: 456.036 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Anthony Jusevitch, Executive Director, Board of Osteopathic Medicine/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

THE FULL TEXT OF THE PROPOSED RULE IS:

64B15-12.006 Active Status License.

Rulemaking Specific Authority 456.036 FS. Law Implemented 456.036 FS. History--New 11-28-94, Formerly 59W-12.006, Repealed\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Osteopathic Medicine

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Osteopathic Medicine

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 17, 2012

**DEPARTMENT OF HEALTH**

**Board of Osteopathic Medicine**

RULE NOS.: RULE TITLES:

64B15-12.007 Inactive Status License

64B15-12.008 Delinquent License

PURPOSE AND EFFECT: The proposed rule amendments are intended to clarify the inactive status and delinquent status rules by removing the references in the rules to Rule 64B15-12.006, F.A.C., which is being repealed.

SUMMARY: The proposed rule amendments delete the references to Rule 64B15-12.006, F.A.C., which is being 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: During discussion of the economic impact of this rule at its Board meeting, the Board, based upon the expertise and experience of its members, determined that a Statement of Estimated Regulatory Costs (SERC) was not necessary and that the rule will not require ratification by the Legislature. No person or interested party submitted additional information regarding the economic impact at that time.

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

RULEMAKING AUTHORITY: 456.036 FS.

LAW IMPLEMENTED: 456.036 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Anthony Jusevitch, Executive Director, Board of Osteopathic Medicine/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

THE FULL TEXT OF THE PROPOSED RULES IS:

64B15-12.007 Inactive Status License.

(1) Any licensee may elect ~~at the time of license renewal~~ to place the license into inactive status by submitting a request in writing to the Board, or to the Department at the time of renewal, and, depending upon when the licensee elects to place the license into inactive status, paying the appropriate fee set forth in Rule Chapter 64B15-10, F.A.C. filing with the Board a complete application for inactive status as defined in Rule 64B15-12.006, F.A.C., and paying the inactive status fee.

(2) No change.

Rulemaking Specific Authority 456.036 FS. Law Implemented 456.036 FS. History--New 11-28-94, Amended 3-28-95, Formerly 59W-12.007, Amended 12-30-01, 11-2-05,\_\_\_\_\_.

64B15-12.008 Delinquent License.

(1) through (2) No change.

(3) The delinquent status licensee who applies for active or inactive license status shall:

(a) File with the Board the complete application for either active or inactive status ~~as defined in Rule 64B15-12.006, F.A.C.;~~

(b) through (c) No change.

Rulemaking Specific Authority 456.036 FS. Law Implemented 456.036 FS. History--New 11-28-94, Formerly 59W-12.008, Amended 2-26-02,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Osteopathic Medicine

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Osteopathic Medicine

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 17, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 6, 2012

**DEPARTMENT OF HEALTH**

**Board of Osteopathic Medicine**

|               |  |
|---------------|--|
| RULE NO.:     | RULE TITLE:  |
| 64B15-14.0051 | Training Requirements for Physicians Practicing in Pain Management Clinics |

PURPOSE AND EFFECT: The proposed rule amendment is intended to clarify the rule by removing the time frame for completion of the 40 hour course.

SUMMARY: The proposed rule amendment removes the time frame for the completion of the 40 hour course.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

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

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

RULEMAKING AUTHORITY: 459.0137(4) FS.

LAW IMPLEMENTED: 459.0137 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Anthony Jusevitch, Executive Director, Board of Osteopathic Medicine/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

THE FULL TEXT OF THE PROPOSED RULE IS:

64B15-14.0051 Training Requirements for Physicians Practicing in Pain Management Clinics.

Effective July 1, 2012, physicians who have not met the qualifications set forth in subsections (1) through (6), below, shall have successfully completed a pain medicine fellowship that is accredited by the Accreditation Council for Graduate Medical Education (ACGME) or the American Osteopathic Association (AOA) or a pain medicine residency that is accredited by ACGME or the AOA. Prior to July 1, 2012, physicians prescribing or dispensing controlled substance medications in pain management clinics registered pursuant to Section 459.0137(1), F.S., must meet one of the following qualifications:

- (1) through (5) No change.
- (6) Three (3) years of documented full-time practice, which is defined as an average of 20 hours per week each year, in pain-management and ~~within six months of the effective date of this rule~~, attendance and successful completion of 40 hours of in-person, live-participatory AMA Category I or AOA Category IA CME courses in pain management that address all the following subject areas:
  - (a) through (l) No change.
  - (7) No change.

Rulemaking Authority 459.0137(4) FS. Law Implemented 459.0137 FS. History—New 11-8-10, Amended 3-16-11, 3-26-12, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Osteopathic Medicine  
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Osteopathic Medicine  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 17, 2012  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 6, 2012

**DEPARTMENT OF HEALTH**

**Board of Osteopathic Medicine**

RULE NO.: 64B15-19.002      RULE TITLE: Violations and Penalties

PURPOSE AND EFFECT: The proposed rule amendment is intended add an additional violation to the rule and to set forth the range of penalties for said violation.

SUMMARY: The proposed rule amendment identifies an additional violation in the rule and sets forth the appropriate range of penalties for said violation.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

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

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

RULEMAKING AUTHORITY: 456.079, 459.015(5) FS.

LAW IMPLEMENTED: 456.072, 456.079, 456.50 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Anthony Jusevitch, Executive Director, Board of Osteopathic Medicine/MQA, 4052 Bald Cypress Way, Bin # C06, Tallahassee, Florida 32399-3256

THE FULL TEXT OF THE PROPOSED RULE IS:

64B15-19.002 Violations and Penalties.

In imposing discipline upon applicants and licensees, the board shall act in accordance with the following disciplinary guidelines and shall impose a penalty within the range corresponding to the violations set forth below. The statutory language is intended to provide a description of the violation and is not a complete statement of the violation; the complete statement may be found in the statutory provision cited directly under each violation description.

|   |   |  |
|---|---|--|
| (1) through (78) No change.   |   |  |
| <u>(79) Dispensing a controlled substance listed in Schedule II or Schedule III in violation of Section 465.0276, F.S. (459.015(1)(uu), F.S.)</u> |   |  |
| <u>FIRST OFFENSE:</u>   | <u>probation and an administrative fine of \$1,000.00.</u>                                    | <u>revocation and an administrative fine of \$10,000.00.</u> |
| <u>SECOND OFFENSE:</u>  | <u>suspension followed by a period of probation and an administrative fine of \$5,000.00.</u> | <u>revocation and an administrative fine of \$10,000.00.</u> |

Rulemaking Authority 456.079, 459.015(5) FS. Law Implemented 456.072, 456.079, 456.50 FS. History—New 9-30-87, Amended 10-28-91, 1-12-93, Formerly 21R-19.002, 61F9-19.002, 59W-19.002, Amended 2-2-98, 2-11-01, 6-7-01, 2-26-02, 12-7-05, 11-14-06, 11-27-06, 5-10-10., 7-27-10, 11-10-11, 3-27-12\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Osteopathic Medicine  
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Osteopathic Medicine  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 17, 2012  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 6, 2012

**FINANCIAL SERVICES COMMISSION**

**Indexing Agency Orders**

RULE NO.: 69T-8.002                      RULE TITLE: Purpose  
PURPOSE AND EFFECT: The proposed rule amendment will repeal the rule. The Office identified the rule as unnecessary as the result of the comprehensive rule review that it undertook pursuant to Sections 120.74 and 120.745, F.S. Rule 69T-8.002 describes the purpose of the rules adopted under chapter, which is unnecessary.

SUMMARY: The proposed rule amendment will repeal the rule. The Office identified the rule as unnecessary as the result of the comprehensive rule review that it undertook pursuant to Sections 120.74 and 120.745, F.S. Rule 69T-8.002, F.A.C., describes the purpose of the rules adopted under chapter, which is unnecessary.

**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.

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: 288.99(14)(b), 494.0011(2), 516.23(3), 517.03(1), 520.994(5), 537.016(3), 560.105(2), 655.012(2) FS.

LAW IMPLEMENTED: 120.53 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Rob Vandiver, Chief Counsel, Division of Securities, (850)410-9707, robert.vandiver@flofr.com

THE FULL TEXT OF THE PROPOSED RULE IS:

69T-8.002 Purpose.  
~~The purpose of Rules 69T-8.001 through 69T-8.009, F.A.C., is to provide public access to and availability of final orders.~~

Rulemaking Specific Authority 288.99(14)(b), 494.0011(2), 516.23(3), 517.03(1), 520.994(5), 537.016(3), 560.105(2), 655.012(2) FS. Law Implemented 120.53 FS. History—New 10-26-92, Formerly 3-8.002, Amended 5-15-07, Repealed\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Rob Vandiver, Chief Counsel, Division of Securities, (850)410-9707, robert.vandiver@flofr.com

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 20, 2012

**FINANCIAL SERVICES COMMISSION**

**FSC – Financial Institution Regulation**

RULE NO.: 69U-150.730                      RULE TITLE: Association Assessments  
PURPOSE AND EFFECT: The proposed rule amendments will repeal the rule. The Office has identified the rule as unnecessary as the result of the comprehensive rule review that it undertook pursuant to Sections 120.74 and 120.745, F.S. The rule applies to assessments for capital stock associations

chartered under Chapter 665, F.S. There are no Florida-chartered capital stock associations operating in the state and there has not been any in recent times. In effect, this type of charter has been replaced by the provisions of Chapter 667, F.S., which governs the chartering of state-chartered savings banks.

SUMMARY: The proposed rule amendments will repeal the rule. The Office has identified the rule as unnecessary as the result of the comprehensive rule review that it undertook pursuant to Sections 120.74 and 120.745, F.S. The rule applies to assessments for capital stock associations chartered under Chapter 665, F.S. There are no Florida-chartered capital stock associations operating in the state and there has not been any in recent times. In effect, this type of charter has been replaced by the provisions of Chapter 667, F.S., which governs the chartering of state-chartered savings banks.

**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: 1) No requirement for a SERC was triggered under Section 120.541(1); and 2) The rule repeal will not exceed any one of the economic analysis criteria in a SERC, as set forth in Section 120.541(2)(a), F.S.

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

RULEMAKING AUTHORITY: 120.53, 655.012 FS.

LAW IMPLEMENTED: 655.013(34), 655.047, 658.73 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Jeffrey Jones, Assistant General Counsel, (850)410-9640, jeffrey.jones@flofr.com

THE FULL TEXT OF THE PROPOSED RULE IS:

69U-150.730 Association Assessments.

~~(1) Each state association shall pay to OFR a semiannual fee of \$250, plus a semiannual assessment computed on total assets as shown on the Consolidated Thrift Financial Report of the association as of the last business day in June and the last business day in December of each year. In the event that a~~

~~Consolidated Thrift Financial Report is amended, and such amendment results in a change in consolidated total assets, the semiannual assessment shall be computed on the adjusted total assets reported in the amended Consolidated Thrift Financial Report only if such report is postmarked no later than July 31 or January 31 of the current assessment period. No adjustment will be made for amended reports postmarked after this date.~~

~~(2) In addition to the semiannual fee in subsection (1), associations shall pay to OFR a semiannual assessment which shall be computed on the following schedule:~~

| Assets Over<br>(in thousands) | Base  | Plus | Of Assets Over<br>(in thousands) |
|-------------------------------|-------|------|----------------------------------|
| \$0                           | \$0   | 0.05 | \$0                              |
| 50,000                        | 2,500 | 0.03 | 50,000                           |

~~(3) OFR shall levy a late payment penalty of \$100.00 per day for each day that a semiannual assessment is past due, unless the late payment penalty is excused for good cause. For intentional late filing of a semiannual assessment, OFR shall levy a late payment penalty of \$1,000.00 per day for each day that a semiannual assessment is past due.~~

Rulemaking Specific Authority 120.53(1)(a), 655.012(3) FS. Law Implemented 655.013(34), 655.047, 658.73 FS. History—New 8-9-93, Formerly 3C-150.730, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Linda Charity, Director, Division of Financial Institutions

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 20, 2012

**FINANCIAL SERVICES COMMISSION**

**Finance**

RULE NOS.:  
69V-40.177

RULE TITLES:  
Mortgage Brokerage and Lending  
Transaction Journal

69V-40.265

Mortgage Brokerage and Lending  
Transaction Journal

PURPOSE AND EFFECT: The proposed rule amendments streamline regulations relating to recordkeeping requirements for mortgage loan transactions. Rule 69V-40.177, F.A.C., requires mortgage brokers, and mortgage lenders acting as mortgage brokers, to maintain certain information about each mortgage loan transaction. Rule 69V-40.265, F.A.C., requires the same information for mortgage lenders. To streamline regulations, Rule 69V-40.177, F.A.C., is being repealed and Rule 69V-40.265, F.A.C., is being amended to include mortgage brokers. These rules were identified for amendment as the result of the comprehensive rule review that the Office of Financial Regulation undertook pursuant to Sections 120.74 and 120.745, F.S.

SUMMARY: The proposed rule amendments streamline regulations relating to recordkeeping requirements for mortgage loan transactions. Rule 69V-40.177, F.A.C., requires mortgage brokers, and mortgage lenders acting as mortgage brokers, to maintain certain information about each mortgage loan transaction. Rule 69V-40.265, F.A.C., requires the same information for mortgage lenders. To streamline regulations, Rule 69V-40.177, F.A.C., is being repealed and Rule 69V-40.265, F.A.C., is being amended to include mortgage brokers. These rules were identified for amendment as the result of the comprehensive rule review that the Office of Financial Regulation undertook pursuant to Sections 120.74 and 120.745, F.S.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has 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: 1) No requirement for a SERC was triggered under Section 120.541(1) and (2) the proposed changes will not exceed any one of the economic analysis criteria in a SERC, as set forth in Section 120.541(2)(a), F.S.

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

RULEMAKING AUTHORITY: 120.695, 494.0016(4) FS.

LAW IMPLEMENTED: 120.695, 494.0016, 494.00255 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Andy Grosmaire, Chief, Bureau of Finance Regulation, (850)410-9848, andy.grosmaire@flofr.com

THE FULL TEXT OF THE PROPOSED RULES IS:

69V-40.177 Mortgage Brokerage and Lending Transaction Journal.

~~(1) Each mortgage brokerage business and lender acting in the capacity of a mortgage brokerage business shall maintain a journal of mortgage brokerage transactions, which shall include, at least, the following information:~~

~~(a) Name of applicant;~~

~~(b) Date applicant applied for the mortgage loan;~~

~~(c) Disposition of the mortgage loan application. The Mortgage Brokerage and Lending Transaction Journal shall indicate the result of the brokerage transaction. The disposition of the case shall be categorized as one of the following: loan funded, loan denied, application withdrawn, or other (with explanation);~~

~~(d) Name of lender, if applicable.~~

~~(2) The journal shall be maintained in a format which is substantially similar to Form OFR-494-10, Mortgage Brokerage and Lending Transaction Journal.~~

~~(3) The Mortgage Brokerage and Lending Transaction Journal shall be maintained in the principal office or in each branch office where mortgage brokerage transactions are originated. The Mortgage Brokerage and Lending Transaction Journal shall be kept current. The failure to initiate an entry to the Mortgage Brokerage and Lending Transaction Journal within seven (7) business days from the date the brokerage transaction is entered into, shall be deemed to be a failure to keep the Mortgage Brokerage and Lending Transaction Journal current.~~

~~(4) The penalty for failure to maintain the Mortgage Brokerage and Lending Transaction Journal or to keep the same current (incidental and isolated clerical errors or omissions shall not be considered a violation) shall be the issuance of a "notice of noncompliance" for a first offense. Any subsequent finding of a violation of this rule during an examination or investigation shall be a fine of \$500. The penalty for any intentional violation of this rule shall be a fine of \$500 and suspension of the license.~~

~~(5) Form OFR-494-10 is incorporated by reference in subsection 69V-40.002(1), F.A.C.~~

Rulemaking Specific Authority 494.0011(2), 494.0016(4) FS. Law Implemented 120.695, 494.0016, 494.0041 FS. History-New 2-16-92, Amended 7-25-96, 12-12-99, Formerly 3D-40.177, Amended 3-23-08, Repealed \_\_\_\_\_.

69V-40.265 Mortgage Brokerage and Lending Transaction Journal.

(1) Each mortgage broker and mortgage lender shall maintain a Mortgage Brokerage and Lending Transaction Journal, which shall include, at least, the following information:

(a) Name of applicant;

(b) Date applicant applied for the mortgage loan;

(c) Disposition of the mortgage loan application. The journal shall indicate the result of the lending transaction. The disposition of the transaction shall be categorized as one of the following: loan funded, loan denied, or application withdrawn.

(d) Name of lender, if applicable.

(2) The journal shall be maintained on Form OFR-494-10, Mortgage Brokerage and Lending Transaction Journal, or a form substantially similar.

(3) In lieu of maintaining Form OFR-494-10, a ~~each~~ mortgage lender or mortgage broker may maintain the Home Mortgage Disclosure Act loan/application register, Form FR HMDA-LAR, found at 12 C.F.R., part 203, Appendix A (2010) if all lending transactions are recorded on this form. The form is hereby incorporated by reference and may be accessed through the Government Printing Office website <http://www.gpoaccess.gov/cfr/>.

(4) The Mortgage Brokerage and Lending Transaction Journal shall be maintained in the principal office or in each branch office where ~~the mortgage lender~~ transactions are originated. The Mortgage Brokerage and Lending Journal shall be kept current. The failure to initiate an entry to the Mortgage Brokerage and Lending Transaction Journal within 7 business days from the date the transaction was entered into, shall be deemed to be a failure to keep the Mortgage Brokerage and Lending Transaction Journal current.

(5) through (6) No change.

Rulemaking Authority 494.0016(4) FS. Law Implemented 120.695, 494.0016, 494.00255 FS. History—New 1-10-93, Amended 7-25-96, 12-12-99, Formerly 3D-40.265, Amended 3-23-08, 10-1-10,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Greg Oaks, Director, Division of Finance

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 20, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 10, 2012

**FINANCIAL SERVICES COMMISSION**

**Finance**

|             |   |
|-------------|---|
| RULE NOS.:  | RULE TITLES:  |
| 69V-180.050 | Consumer Collection Agency<br>Registration Renewal Form and<br>Procedures   |
| 69V-180.060 | Commercial Collection Agency<br>Registration Renewal Form and<br>Procedures |

PURPOSE AND EFFECT: The proposed rule amendments will repeal the rules. The Office has identified the rules as unnecessary as the result of the comprehensive rule review that it undertook pursuant to Sections 120.74 and 120.745, F.S. The Office does not need a form in order to renew a registrant's registration. The Office does not collect any additional information at the time of renewal. Further, the renewal fee is set forth in statute. In addition, there is no need to extend deadlines for renewals because of weekends or holidays

because registrants can renew their registration electronically through the Office's REAL system 24 hours a day, 7 days a week.

SUMMARY: The proposed rule amendments will repeal the rules. The Office has identified the rules as unnecessary as the result of the comprehensive rule review that it undertook pursuant to Sections 120.74 and 120.745, F.S. The Office does not need a form in order to renew a registrant's registration. The Office does not collect any additional information at the time of renewal. Further, the renewal fee is set forth in statute. In addition, there is no need to extend deadlines for renewals because of weekends or holidays because registrants can renew their registration electronically through the Office's REAL system 24 hours a day, 7 days a week.

**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: 1) No requirement for a SERC was triggered under Section 120.541(1) and (2) the proposed changes will not exceed any one of the economic analysis criteria in a SERC, as set forth in Section 120.541(2)(a), F.S.

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

RULEMAKING AUTHORITY: 17.29 FS.

LAW IMPLEMENTED: 559.553(2), 559.555(3), 559.544(2), 559.545 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Andy Grosmaire, Chief, Bureau of Finance Regulation, (850)410-9848, [andy.grosmaire@flofr.com](mailto:andy.grosmaire@flofr.com)

THE FULL TEXT OF THE PROPOSED RULES IS:

69V-180.050 Consumer Collection Agency Registration Renewal Form and Procedures.

~~(1) Each active consumer collection agency registration shall be renewed for the annual period beginning January 1 of each year, upon submission of the renewal fee of \$200 and the renewal form. Form OFR-CCA 104, Consumer Collection Agency Registration Renewal Form, effective 1-1-95, which is hereby incorporated by reference and available by mail from the Office of Financial Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0375. If December 31 of the year is on a Saturday, Sunday, or legal holiday pursuant to Section 110.117, F.S., then the renewals received on the next business day will be considered timely received.~~

~~(2) Failure to submit the renewal fee and renewal form required in subsection (1) prior to January 1 of the renewal year shall automatically result in the registration becoming expired.~~

Rulemaking Specific Authority 17.29 FS. Law Implemented 559.553(2), 559.555(3) FS. History–New 1-1-95, Amended 2-5-01, Formerly 3D-180.050, Repealed.

69V-180.060 Commercial Collection Agency Registration Renewal Form and Procedures.

~~(1) Each active commercial collection agency registration shall be renewed for the annual period beginning January 1 of each year, upon submission of the renewal fee of \$500 and the renewal form. Form OFR-COM 105, Commercial Collection Agency Registration Renewal Form, effective 1-1-95, which is hereby incorporated by reference and available by mail from the Office of Financial Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0375. If December 31 of the year is on a Saturday, Sunday, or legal holiday pursuant to Section 110.117, F.S., then the renewals received on the next business day will be considered timely received.~~

~~(2) Failure to submit the renewal fee and renewal form required in subsection (1) prior to January 1 of the renewal year shall automatically result in the registration becoming expired.~~

Rulemaking Specific Authority 17.29 FS. Law Implemented 559.544(2), 559.545 FS. History–New 1-1-95, Amended 2-5-01, Formerly 3D-180.060, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
 Greg Oaks, Director, Division of Finance  
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Financial Services Commission  
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 20, 2012

**FINANCIAL SERVICES COMMISSION**

**Finance**

RULE NO.: 69V-560.901  
 RULE TITLE: Scope

PURPOSE AND EFFECT: The proposed rule amendment will repeal the rule. The Office has identified the rule as unnecessary as the result of the comprehensive rule review that it undertook pursuant to Sections 120.74 and 120.745, F.S. Rule 69V-560.901, F.A.C., relating to scope, is merely descriptive and does not impose any regulatory requirements.

SUMMARY: The proposed rule amendment will repeal the rule. The Office has identified the rule as unnecessary as the result of the comprehensive rule review that it undertook pursuant to Sections 120.74 and 120.745, F.S. Rule 69V-560.901, F.A.C., relating to scope, is merely descriptive and does not impose any regulatory requirements.

**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.

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: 560.105, 560.404(23) FS.

LAW IMPLEMENTED: 560.404 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Andy Grosmaire, Chief, Bureau of Finance Regulation, (850)410-9848, andy.grosmaire@flofr.com

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

69V-560.901 Scope.

~~This section contains the specific requirements for deferred presentment providers with respect to the procedures employed to accomplish a deferred presentment transaction.~~

Rulemaking Specific Authority 560.105, 560.404(23) FS. Law Implemented 560.404 FS. History–New 12-17-01, Formerly 3C-560.901, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
 Greg Oaks, Director, Division of Finance  
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Financial Services Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 20, 2012

**FINANCIAL SERVICES COMMISSION**

**Securities**

|            |  |
|------------|--|
| RULE NOS.: | RULE TITLES:   |
| 69W-7.001  | Definitions  |
| 69W-7.002  | Certification as a Certified Capital Company         |
| 69W-7.003  | Capital Requirements for Certified Capital Companies |
| 69W-7.004  | Annual Review  |
| 69W-7.005  | Requirement to Update Information                    |
| 69W-7.006  | Renewal of Certification                             |
| 69W-7.007  | Books and Records Requirements                       |
| 69W-7.008  | Forms, Instructions and Manuals                      |

PURPOSE AND EFFECT: The proposed amendments will repeal Rule Chapter 69W-7, F.A.C., relating to certified capital companies. The statute authorizing these rules, Section 288.99, F.S., was repealed effective December 31, 2010, by operation of law. See Fla. Stat., Section 288.99(17) (2010), which provides: "This section shall stand repealed December 31, 2010." During the 2011 legislative session, a reviser's bill was passed that removed Section 288.99, F.S., from the Florida Statutes. See s. 5, Ch. 2011-3, Laws of Florida.

SUMMARY: Rule Chapter 69W-7, relating to certified capital companies, is proposed for repeal. The statute authorizing these rules, Section 288.99, F.S., was repealed effective December 31, 2010, by operation of law. See Fla. Stat., Section 288.99(17) (2010), which provides: "This section shall stand repealed December 31, 2010." During the 2011 legislative session, a reviser's bill was passed that removed Section 288.99, F.S., from the Florida Statutes. See s. 5, Ch. 2011-3, Laws of Florida.

**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 statute authorizing these rules, Section 288.99, F.S., was repealed effective December 31, 2010, by operation of law. See Fla. Stat., Section 288.99(17) (2010), which provides: "This section shall stand repealed December 31, 2010." During the 2011 legislative session, a reviser's bill was

passed that removed Section 288.99, F.S., from the Florida Statutes. See s. 5, Ch. 2011-3, Laws of Florida. The rules lack statutory authority.

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: 288.99(4)(h) FS.

LAW IMPLEMENTED: 288.99(4) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Rob Vandiver, Chief Counsel, Division of Securities, (850)410-9707, robert.vandiver@flofr.com

THE FULL TEXT OF THE PROPOSED RULES IS:

69W-7.001 Definitions.

~~Definitions as used in Rule Chapter 69W-7, F.A.C.~~

~~(1) "Application" means all information required by the forms prescribed by the Financial Services Commission and any additional information required by the Financial Services Commission or Office of Financial Regulation together with all required statutory fees.~~

~~(2) "Management Company" means a company hired to perform management services for a business.~~

~~(3) "Predominantly engaged," as used in Section 288.99(3)(k), F.S., means any business engaged in retail sales, real estate development, insurance, banking, lending, oil and gas exploration or engaged in professional services provided by accountants, lawyers, or physicians for which: (i) over fifty percent of the revenues of such business, for the preceding fiscal year, are derived from a combination of one or more such activities, or (ii) if a new enterprise, over fifty percent of the projected revenues of such business, for its first fiscal year, are derived from a combination of one or more such activities.~~

~~(4) "Principal Office" means the place where the chief or principal affairs and business of the applicant are transacted.~~

~~Rulemaking Specific Authority 288.99(4)(h) FS. Law Implemented 288.99(4) FS. History--New 9-15-98, Amended 12-12-02, Formerly 3E-7.001, Repealed \_\_\_\_\_.~~

69W-7.002 Certification as a Certified Capital Company.

~~(1) Each applicant seeking certification as a certified capital company shall complete, execute, and file with the Office of Financial Regulation not later than ninety (90) days prior to the scheduled deadline for submission of tax credit allocation requests to the Office of Trade, Tourism, and Economic Development contained in Section 288.99(17), F.S.,~~

for the respective Program, Form OFR-C-1-98, Application for Certification as a Certified Capital Company, which is incorporated herein by reference.

(a) An application may be obtained directly from the Office of Financial Regulation in paper copy format, on 3.5" diskette, by e-mail, or by accessing the Office of Financial Regulation's website at [www.dbf.state.fl.us](http://www.dbf.state.fl.us).

(b) Diskette and e-mail versions of the application are available only in the following format: Microsoft Word for Windows Version 7.0a.

(2) An application shall be deemed filed with the Office of Financial Regulation when the Office of Financial Regulation receives the application, including an originally executed certification page, and the application fee.

(3) Any application filed after the date referenced in subsection (1) of this section shall be denied by the Office of Financial Regulation.

(4) Applications may be filed on paper copy, on diskette or by e-mail.

(5) Applications filed by mail shall be mailed to the Office of Financial Regulation at Office of Financial Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0375. Applications filed by e-mail shall be sent to the Office of Financial Regulation's e-mail address at [electroniclicensing@dfs.state.fl.us](mailto:electroniclicensing@dfs.state.fl.us).

(6) Applicants who file applications on diskette or by e-mail must also file an originally executed certification page which becomes part of the diskette or e-mail by reference.

(7) Applications filed on diskette or by e-mail shall be submitted in the following format: Microsoft Word for Windows Version 7.0a. No other software will be accepted unless authorized in writing by the Office of Financial Regulation.

(8) Application fees shall be paid by cashier's check, money order, certified check or wire transfer. Wire transfer instructions are provided on the application.

(9) Whenever an applicant has knowledge that information supplied on or with its application has become inaccurate or obsolete, the applicant shall file an amended application form within 30 days, including an originally executed certification page to the Office of Financial Regulation updating this information. Amended applications may be filed in the same manner as provided for original applications.

(10) The Office of Financial Regulation will make requests for additional information within 30 days, if necessary, after the Office of Financial Regulation receives the application and the full amount of the application fee.

(11) Upon approving an application, the Office of Financial Regulation shall issue a certificate evidencing certification effective through December 31 of that calendar year. No renewal fees shall be required within 6 months after the date of initial certification.

(12) Copies of all offering materials and advertising materials used by the CAPCO must be filed with the Office of Financial Regulation no later than the date on which the Certified Capital Company submits tax credit allocation request to the Office of Trade, Tourism, and Economic Development with respect to the Program for which the requests are being submitted.

Rulemaking Specific Authority 288.99(4)(h) FS. Law Implemented 288.99(4) FS. History-New 9-15-98, Amended 12-12-02, Formerly 3E-7.002, Repealed.

69W-7.003 Capital Requirements for Certified Capital Companies.

At the time of application and at all times prior to the receipt of an allocation of tax credits, the applicant shall maintain an equity capitalization in the form of cash and cash equivalents in accordance with Section 288.99(4)(b), (5), F.S. A certified capital company shall notify the Office of Financial Regulation within twenty-four hours of a failure to maintain such equity capitalization. Any certified capital company that receives an allocation of tax credits shall immediately be subject to the constraints of Section 288.99(3)(m), F.S., with respect to any distributions or payments.

Rulemaking Specific Authority 288.99(4)(h) FS. Law Implemented 288.99(4) FS. History-New 9-15-98, Amended 12-12-02, Formerly 3E-7.003, Repealed.

69W-7.004 Annual Review.

(1) After completing an annual review, the Office of Financial Regulation shall notify the certified capital company of the Office of Financial Regulation's findings regarding the certified capital company's compliance with the provisions of Section 288.99, F.S.

(2) The Office of Financial Regulation shall charge each certified capital company a fee of \$5000 to cover the cost of the Office of Financial Regulation's annual review. After completing an annual review, the Office of Financial Regulation shall issue the certified capital company an invoice for the cost of the annual review. A certified capital company shall pay the amount of the invoice in full within 30 days from the date of the invoice. Payment shall be made by certified check, money order, cashier's check or wire transfer.

Rulemaking Specific Authority 288.99(4)(h) FS. Law Implemented 288.99(10) FS. History-New 9-15-98, Formerly 3E-7.004, Repealed.

69W-7.005 Requirement to Update Information.

Within 30 days after actual knowledge that information supplied on or with its application has become inaccurate or obsolete, a certified capital company shall file an amended application with the Office of Financial Regulation on Form OFR-C-1-98, including an originally executed certification page.

~~Rulemaking Specific Authority 288.99(4)(h) FS. Law Implemented 288.99(4) FS. History–New 9-15-98, Formerly 3E-7.005, Repealed \_\_\_\_\_.~~

~~69W-7.006 Renewal of Certification.~~

~~(1) Each certified capital company seeking to renew its certification shall pay all renewal fees as required by Section 288.99(4), F.S.~~

~~(2) Renewal fees shall be paid by cashier’s check, money order, certified check or wire transfer.~~

~~(3) Renewal fees paid by cashier’s check, money order or certified check shall be mailed to the Office of Financial Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0375.~~

~~(4) Upon receipt of the required renewal fees, the Office of Financial Regulation shall issue a certificate evidencing renewal of the certification through December 31 of that calendar year.~~

~~Rulemaking Specific Authority 288.99(4)(h) FS. Law Implemented 288.99(4) FS. History–New 9-15-98, Amended 12-12-02, Formerly 3E-7.006, Repealed \_\_\_\_\_.~~

~~69W-7.007 Books and Records Requirements.~~

~~(1) Each certified capital company shall prepare and maintain on a current basis the following records:~~

~~(a) A complete executed copy of the application, any amendments thereto and the attached schedules.~~

~~(b) Files for each Director and Principal containing the following:~~

~~1. Evidence that at least two of the Principals meet the requirements of Section 288.99(4)(e)3., F.S.;~~

~~2. Full documentation and details pertaining to each affirmative response to the disciplinary questions on Schedule D to Form OFR-C-1-98; and~~

~~3. Documentation pertaining to any outstanding or resolved customer complaints, actions, internal reviews or investigations into each Director’s and Principal’s activities while associated with said certified capital company.~~

~~(c) Records concerning all securities issued by the certified capital company which include each of the following:~~

~~1. The type of security issued;~~

~~2. The name, address, and telephone number of the Investor(s);~~

~~3. The date of the transaction;~~

~~4. The total dollar amount invested;~~

~~5. Copies of any prospectus or offering material used in connection with the sale of securities by the certified capital company; and~~

~~6. Evidence that the offering security contains the statement required by Section 288.99(4)(g), F.S.~~

~~(d) Records relating to each certified investor in the certified capital company which include each of the following:~~

~~1. Evidence demonstrating that the certified investor is subject to premium tax liability pursuant to Section 624.509, F.S.;~~

~~2. The names of all affiliates and a description of the affiliation; and~~

~~3. The investor’s state and federal tax identification numbers and premium tax identification number.~~

~~(e) Records relating to each qualified business or early stage technology Business (collectively “business”) invested in by the certified capital company which include each of the following:~~

~~1. The name of the business;~~

~~2. The location of the headquarters and principal business operations of the business;~~

~~3. A description of the type of business engaged in;~~

~~4. Evidence that the business meets the definition of a qualified business as defined by Section 288.99(3)(k), F.S.;~~

~~5. The affidavit required by Section 288.99(3)(k)3., F.S. Such affidavit shall be duly sworn and notarized, and shall be completed by an authorized representative of such business;~~

~~6. A copy of any contractual agreement entered into between the certified capital company and the business;~~

~~7. The amount of investment made in the business;~~

~~8. The type of investment made along with all supporting documentation;~~

~~9. The date of the investment;~~

~~10. A description of the procedures used to select the business for investment including the names of all individuals associated with the certified capital company who participated in the decision;~~

~~11. A due diligence file on the business;~~

~~12. Copies of any prospectus or offering material used in connection with the sale of securities by the business to the certified capital company;~~

~~13. All correspondence between the certified capital company and the qualified business; and~~

~~14. A summary listing of all investments made in qualified businesses as of the end of each calendar year beginning with December 31, 2000.~~

~~15. Copies of annual financial statements and the quarterly and annual unemployment tax filings for each qualified business. For a qualified business that is not required to file quarterly and annual unemployment tax filings, the qualified business shall maintain end-of-quarter and end-of-year payroll records which shall include contracts for the leasing of staff.~~

~~(f) Organizational documents, and any amendments to these documents, as are applicable, based upon the type of organizational structure. These documents should include the following, as applicable:~~

~~1. Articles of Incorporation;~~

~~2. Partnership Agreement;~~

~~3. Articles of Organization;~~

4. Bylaws; and

5. Evidence of Registration with the Department of State.

~~(g) Records relating to capital of the certified capital company which is not invested in qualified businesses which include each of the following:~~

~~1. A ledger or customer statement from the financial institution or broker-dealer holding the assets which includes the details of all purchases, sales, receipts, and deliveries of securities; and~~

~~2. Evidence that each investment complies with the requirements of Section 288.99(5)(b)3., F.S.~~

~~(h) Records relating to all qualified distributions by the certified capital company which include each of the following:~~

~~1. The date of the distribution;~~

~~2. The amount of the distribution;~~

~~3. To whom the distribution was paid;~~

~~4. The purpose of the distribution; and~~

~~5. A statement describing how each distribution complies with the definition found in Section 288.99(3)(m), F.S.~~

~~(i) Records relating to all distributions by the certified capital company, other than qualified distributions, which include each of the following:~~

~~1. The date of the distribution;~~

~~2. The amount of the distribution;~~

~~3. Who the distribution was paid to;~~

~~4. The purpose of the distribution; and~~

~~5. A statement describing how each distribution complies with Section 288.99(9), F.S.~~

~~(j) Documentation to support the information provided to the Office of Financial Regulation pursuant to Section 288.99(8)(a), F.S.~~

~~(k) Financial records, prepared in accordance with generally accepted accounting principles, which include each of the following:~~

~~1. A journal or journals, including cash receipts and disbursements records, and any other records of original entry forming the basis of entries in any ledger;~~

~~2. General and auxiliary ledgers (or other comparable records) reflecting asset, liability, reserve, capital, income and expense accounts;~~

~~3. All check books, bank statements, canceled checks and cash reconciliations; and~~

~~4. All bills or statements (or copies thereof), paid or unpaid, relating to the business of the certified capital company.~~

~~(2) Records required by subsection (1) of this rule shall be preserved for a period of not less than ten (10) years while effectively registered with the Office of Financial Regulation, nor for less than five (5) years after decertification as a certified capital company.~~

~~(3) Records required by subsection (1) of this rule shall be preserved for a period of not less than three (3) years at the office located in this state as designated in Section 288.99(4)(c)3., F.S., and thereafter shall be preserved for the periods of time specified in subsection (2) at the certified capital company's principal place of business. Such records shall be accessible through the main office of the certified capital company.~~

~~Rulemaking Specific Authority 288.99(4)(h) FS. Law Implemented 288.99(3), (4), (5), (8), (9) FS. History-New 9-15-98, Amended 12-12-02, Formerly 3E-7.007, Repealed \_\_\_\_\_.~~

~~69W-7.008 Forms, Instructions and Manuals.~~

~~(1)(a) The forms set forth below, as well as any instructions accompanying them, are hereby adopted by the Office of Financial Regulation and incorporated by reference into Rule Chapter 69W-7, F.A.C.~~

~~(b) Form OFR-C-1-98, Application for Certification as a Certified Capital Company.~~

~~(2)(a) In addition to the forms incorporated by subsection (1), the following manuals and forms are hereby adopted by the Office of Financial Regulation and incorporated by reference into Rule Chapter 69W-7, F.A.C.~~

~~(b) GAAP Interpretation and Application of Generally Accepted Accounting Principles, copyright John Wiley & Sons, Inc., (1998).~~

~~Rulemaking Specific Authority 288.99(4)(h) FS. Law Implemented 288.99(4) FS. History-New 9-15-98, Formerly 3E-7.008, Repealed \_\_\_\_\_.~~

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

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 20, 2012

**FINANCIAL SERVICES COMMISSION**

**Securities**

RULE NOS.:                      RULE TITLES:

69W-301.001                      Scope

69W-301.003                      Right to Hearing

PURPOSE AND EFFECT: The proposed rule amendments will repeal the rules. The Office identified the rules as unnecessary as the result of the comprehensive rule review that it undertook pursuant to Sections 120.74 and 120.745, F.S. Rule 69W-301.001, F.A.C., describes the scope of the rule chapter, which is unnecessary. Rule 69W-301.003, F.A.C., is unnecessary because the procedures for requesting a hearing are already addressed under the Uniform Rules of Procedure. See Rule 28-106.111, F.A.C.

SUMMARY: The proposed rule amendments will repeal the rules. The Office identified the rules as unnecessary as the result of the comprehensive rule review that it undertook pursuant to Sections 120.74 and 120.745, F.S. Rule 69W-301.001, F.A.C., describes the scope of the rule chapter, which is unnecessary. Rule 69W-301.003, F.A.C., is unnecessary because the procedures for requesting a hearing are already addressed under the Uniform Rules of Procedure. See Rule 28-106.111, F.A.C.

**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: 1) No requirement for a SERC was triggered under Section 120.541(1); and (2) the proposed changes will not exceed any one of the economic analysis criteria in a SERC, as set forth in Section 120.541(2)(a), F.S.

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

RULEMAKING AUTHORITY: 517.03(1) FS.

LAW IMPLEMENTED: 120.57, 120.60, 517.081, 517.082, 517.12, 517.241(1) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Rob Vandiver, Chief Counsel, Division of Securities, (850)410-9707, robert.vandiver@flofr.com

THE FULL TEXT OF THE PROPOSED RULES IS:

**69W-301.001 Scope.**

~~These rules contain procedures related to actions taken by the Office of Financial Regulation, in connection with its responsibility to process applications pursuant to Chapter 517, F.S.~~

Rulemaking Authority 517.03(1) FS. Law Implemented 517.081, 517.12 FS. History--New 9-20-82, Formerly 3E-301.01, 3E-301.001, Repealed.

**69W-301.003 Right to Hearing.**

~~Should the Office of Financial Regulation refuse to grant the license, the Office of Financial Regulation shall notify the applicant of this decision stating the grounds for denial. The applicant aggrieved by such a refusal shall be entitled to an administrative hearing upon filing a written request for such a hearing. Procedures for requesting such hearing appear in Rules 28-106.201 and 28-106.301, F.A.C.~~

Rulemaking Authority 517.03(1) FS. Law Implemented 120.57, 120.60, 517.081, 517.082, 517.12, 517.241(1) FS. History--New 9-20-82, Formerly 3E-301.03, Amended 7-31-91, 6-22-98, Formerly 3E-301.003, Amended 9-30-10, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Pam Epting, Director, Division of Securities  
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Financial Services Commission  
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 20, 2012

**DEPARTMENT OF FINANCIAL SERVICES**

**Securities**

|                   |   |
|-------------------|---|
| <b>RULE NOS.:</b> | <b>RULE TITLES:</b>                                     |
| 69W-700.018       | Signing Required – Consents and Consents of Experts     |
| 69W-700.024       | Submission of Final Documents                           |
| 69W-700.028       | Small Corporate Offering Registration (“SCOR” Offering) |

PURPOSE AND EFFECT: The purpose of the proposed rule amendments is to repeal Rules 69W-700.018, 69W-700.0024, and 69W-700.028, F.A.C. The Office has identified the rules for repeal as the result of the comprehensive review that it undertook pursuant to Sections 120.74 and 120.745, F.S. Section 517.081, F.S., sets forth the procedures that must be followed when a person seeks to register a security with the Office. It also sets forth the information that the Office may request as part of the registration process. Rule 69W-700.018, F.A.C., requires information that is not specified in the implementing statute. Accordingly, the rule has been identified for repeal because it enlarges the scope of the statute. Rule 69W-700.024, F.A.C., has been designated for repeal because it may allow an issuer to sell securities in Florida prior to registration, which conflicts Section 517.081(1), F.S. Rule 69W-700.028, F.A.C., has been identified for repeal because it is redundant of statutory requirements. The documents specified in the rule are required by the following statutes: Section 517.081(2), F.S. (application); Section 517.081(3), F.S.; (offering circular/prospectus, allowance for use of a form of simplified offering circular and, filing of exhibits and financial statements and annual financial reports); Section 517.081(6), F.S.; (payment of statutory filing fee); Section 517.101, F.S., (consent to service and corporate resolution), and Section 517.12, F.S.; (registration of issuer as dealer).

SUMMARY: The purpose of the proposed rule amendments is to repeal Rules 69W-700.018, 69W-700.0024, and 69W-700.028, F.A.C. The Office has identified the rules for repeal as the result of the comprehensive review that it undertook pursuant to Sections 120.74 and 120.745, F.S. Section 517.081, F.S., sets forth the procedures that must be followed when a person seeks to register a security with the Office. It also sets forth the information that the Office may request as part of the registration process. Rule 69W-700.018, F.A.C., requires information that is not specified in the implementing statute. Accordingly, the rule has been identified for repeal because it enlarges the scope of the statute. Rule 69W-700.024, F.A.C., has been designated for repeal because it may allow an issuer to sell securities in Florida prior to registration, which conflicts Section 517.081(1), F.S. Rule 69W-700.028 has been identified for repeal because it is redundant of statutory requirements. The documents specified in the rule are required by the following statutes: Section 517.081(2), F.S. (application); Section 517.081(3), F.S.; (offering circular/prospectus, allowance for use of a form of simplified offering circular and, filing of exhibits and financial statements and annual financial reports); Section 517.081(6), F.S.; (payment of statutory filing fee); Section 517.101, F.S., (consent to service and corporate resolution), and Section 517.12, F.S.; (registration of issuer as 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: No requirement for a SERC was triggered under Section 120.541(1) and (2) The rule repeal will not exceed any one of the economic analysis criteria in a SERC, as set forth in Section 120.541(2)(a), F.S.

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

**RULEMAKING AUTHORITY:** 517.03 FS.

**LAW IMPLEMENTED:** 517.03(1), 517.081(3), (7) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Rob Vandiver, Chief Counsel, Division of Securities, (850)410-9707, robert.vandiver@floft.com

THE FULL TEXT OF THE PROPOSED RULES IS:

69W-700.018 Signing Required – Consents and Consents of Experts.

~~The following rule shall not apply if the registrant has submitted written consents:~~

~~(1) If any portion of the report of an expert is quoted or summarized as such in the offering circular or in a prospectus, the written consent of the expert shall expressly state that the expert consents to such quotation or summarization.~~

~~(2) If it is stated that any information contained in the offering circular or prospectus has been reviewed or passed upon by any person and that such information is set forth in the offering circular or prospectus upon the authority of or in reliance upon such person as an expert, the written consent of such person authorizing or approving such statement shall be filed with the offering circular or prospectus.~~

~~(3) If any person who has not signed the offering circular or prospectus is named therein as a director or named as about to become a director, the written consent of such person authorizing or approving such statement shall be filed with the offering circular or prospectus. Any such consent, however, may be omitted if there is filed with the offering circular or prospectus, a statement by the registrant, supported by an affidavit or affidavits, setting forth the reasons for such omission and establishing that the obtaining of such consent is impracticable or involves undue hardship on the registrant.~~

Rulemaking Specific Authority 517.03 FS. Law Implemented 517.081(3) FS. History—(Formerly 3E-20.16) New 9-20-82, Formerly 3E-700.18, 3E-700.018, Repealed

69W-700.024 Submission of Final Documents.

~~The Office of Financial Regulation may allow an Issuer to sell its securities in this state prior to furnishing all statements, exhibits and documents required by the Office of Financial Regulation which are supplemental in nature and are not related to the substantive merit standards required by the Office of Financial Regulation. Such final documents, however, must be submitted within 30 days of the effective registration granted by the Office of Financial Regulation or administrative action may be taken by the Office of Financial Regulation.~~

Rulemaking Specific Authority 517.03 FS. Law Implemented 517.03(1) FS. History—New 9-20-82, Formerly 3E-700.24, 3E-700.024, Repealed

69W-700.028 Small Corporate Offering Registration (“SCOR” Offering).

~~(1) For the purpose of compliance with the registration provisions of Section 517.081(3)(g)2., F.S., the issuer shall file an application on Form OFR S 12-97, SCOR (Small Corporate Offering Registration) Application to Register Securities, which is incorporated by reference in subsection 69W 301.002(7), F.A.C. The application shall include:~~

~~(a) Three (3) copies of Form U-7, Small Corporate Offering Registration Form, which is incorporated by reference in subsection 69W-301.002(7), F.A.C.;~~

~~(b) An irrevocable written Uniform Consent to Service of Process, Form U-2 or Form OFR S 5-91, and Uniform Corporate Resolution, Form U-2A or Form OFR S 6-91, which are incorporated by reference in subsection 69W-301.002(7), F.A.C., as described in Section 517.101, F.S. It shall be the choice of the applicant to file either the Form U-2 or the Form OFR S 5-91, either of which are acceptable to the office. It shall also be the choice of the applicant to file either the Form U-2A or Form OFR S 6-91;~~

~~(c) Payment of the statutory fee as required in Section 517.081, F.S.;~~

~~(d) Exhibits, where applicable, as prescribed in Part II to Form OFR S 12-97, SCOR (Small Corporate Offering Registration) Application to Register Securities, which is incorporated by reference in subsection 69W-301.002(7), F.A.C.~~

~~(2) Self-underwritten offerings shall be offered and sold by the issuer registered with the Office of Financial Regulation in compliance with Section 517.12, F.S. All offerees shall be furnished with a prospectus approved by the Office of Financial Regulation and a copy of Florida’s Guide to Small Business Investments.~~

~~(3) Annual financial reports shall be filed with the Office of Financial Regulation within 90 days after the close of the issuer’s fiscal year for a period of 5 years following the effective date of the registration. In the event the corporation ceases operations, such financial reports shall continue to be furnished to the Office of Financial Regulation unless the corporation is dissolved and all remaining assets distributed, if any. In such an event, the issuer shall furnish documentation to the Office of Financial Regulation to close the file.~~

Rulemaking Authority 517.03(1) FS. Law Implemented 517.081(3), (7) FS. History—New 11-30-97, Formerly 3E-700.028, Amended 11-22-10, Repealed \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Pam Epting, Director, Division of Securities  
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Financial Services Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 20, 2012

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

**DEPARTMENT OF STATE**

**Division of Elections**

|                      |   |
|----------------------|---|
| RULE NO.<br>1S-2.030 | RULE TITLE:<br>Absentee Ballots for Overseas<br>(Uniformed Services and Civilian)<br>Voters |
|----------------------|---|

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 37, No. 46, November 18, 2011 issue of the Florida Administrative Weekly.

The change is in response to written comments submitted by the staff of the Joint Administrative Procedures Committee and the public. The primary changes to the published proposed rule version are summarized below and the new text follows:

1. Removes reference to the e-mail return of voted absentee ballots by overseas voters.
2. Clarifies that the request for absentee ballot may be made online and that a blank ballot may be obtained online by an overseas voter but that the ballot can only be returned by mail or fax or may be delivered by someone on the voter’s behalf or by the voter if the voter is back in the country.
3. Removes the specified effective date.

1S-2.030 Electronic Transmission of Absentee Ballots for Overseas (Uniformed Services and Civilian) Voters.

(1) Application. This rule applies solely to the request, delivery and return ~~electronic transmission~~ of absentee ballots for overseas voters as defined in Section 97.021, F.S.

(2) ~~Requests for absentee ballot. A request for an absentee ballot shall be submitted in accordance with Section 101.62(1), F.S., which may be by phone or in writing (such as mail, fax, e-mail or online). In addition to telephone or written request, the supervisor of elections may accept a request for an absentee ballot via facsimile or electronic mail from an overseas voter. In addition to the information required by Section 101.62(1), F.S., the request for an absentee ballot must also include the following information:~~

- ~~(a) The name of the voter requesting the ballot.~~
- ~~(b) The voter’s legal residence in Florida.~~
- ~~(c) The voter’s date of birth.~~

(a)(d) One of the following: The overseas voter’s requested method of delivery for the blank absentee ballot (by mail or electronic means such as fax, e-mail or online).