

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Gregory C. Oaks, Chief, Bureau of Regulatory Review – Finance, Division of Finance, Office of Financial Regulation, 200 East Gaines Street, Tallahassee, FL 32399-0376, phone (850)410-9805, Facsimile (850)410-9914, E-mail: Greg.Oaks@flofr.com

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

69V-85.006 Electronic Filing of Forms and Fees.

(1) For purposes of this rule, “REAL System” means the Office of Financial Regulation’s Regulatory Enforcement and Licensing System, which is accessible through the Office of Financial Regulation’s website at www.flofr.com.

(2) All forms adopted under Rules 69V-85.002 and 69V-85.003, F.A.C., must be filed with the Office of Financial Regulation through the REAL system.

(3) All fees required to be filed with the Office of Financial Regulation under Rule 69V-85.003, F.A.C., must be filed through the REAL System.

(4) Any person may petition for a waiver of the requirement of electronic filing of any form or fee under Rule Chapter 69V-85, F.A.C., by filing a petition under Rule 28-106.301, F.A.C. The petition must demonstrate a technological or financial hardship that entitles the person to file the form or fees in a paper format. The Office of Financial Regulation will provide any person granted a waiver under this subsection a hardcopy version of the applicable form.

Specific Authority 520.994(5) FS. Law Implemented 520.03, 520.32, 520.52, 520.63, 520.999 FS. History–New

FINANCIAL SERVICES COMMISSION

Finance

RULE NO.: 69V-160.036
RULE TITLE: Electronic Filing of Forms and Fees
PURPOSE AND EFFECT: The proposed rule requires the electronic filing of forms and fees through the Office of Financial Regulation’s Regulatory Enforcement And Licensing (REAL) System. This rule pertains to persons required to be licensed under Chapter 516, Florida Statutes, the Florida Consumer Finance Act.
SUBJECT AREA TO BE ADDRESSED: Consumer Finance.
SPECIFIC AUTHORITY: 516.03 FS.
LAW IMPLEMENTED: 516.03 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Gregory C. Oaks, Chief, Bureau of Regulatory Review – Finance, Division of Finance, Office of Financial Regulation, 200 East Gaines Street, Tallahassee, FL 32399-0376, phone (850)410-9805, Facsimile (850)410-9914, E-mail: Greg.Oaks@flofr.com

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

69V-160.036 Electronic Filing of Forms and Fees.

(1) For purposes of this rule, “REAL System” means the Office of Financial Regulation’s Regulatory Enforcement and Licensing System, which is accessible through the Office of Financial Regulation’s website at www.flofr.com.

(2) All forms adopted under Rule 69V-160.030, F.A.C., must be filed with the Office of Financial Regulation through the REAL system.

(3) All fees required to be filed with the Office of Financial Regulation under Rules 69V-160.030 and 69V-160.031, F.A.C., must be filed through the REAL System.

(4) Any person may petition for a waiver of the requirement of electronic filing of any form or fee under Rule Chapter 69V-160, F.A.C., by filing a petition under Rule 28-106.301, F.A.C. The petition must demonstrate a technological or financial hardship that entitles the person to file the form or fees in a paper format. The Office of Financial Regulation will provide any person granted a waiver under this subsection a hardcopy version of the applicable form.

Specific Authority 516.03 FS. Law Implemented 516.03 FS. History–New

**Section II
Proposed Rules**

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Aquaculture

RULE NO.: 5L-1.003
RULE TITLE: Shellfish Harvesting Area Standards
PURPOSE AND EFFECT: This amendment proposes to update the legal descriptions of all shellfish harvesting areas by making minor changes in order to make the legal descriptions easier to read. The simple changes do not require changing the maps, management plans or legal boundaries.

SUMMARY: The proposed update of the legal descriptions of shellfish harvesting areas will simply add clarifying language to the Conditionally Approved and Conditionally Restricted area legal descriptions similar to the language and phrases utilized in the Prohibited area. The Tallahassee office of the DACS Shellfish Environmental Assessment Section recommended updating the legal language for clarity. These amendments place descriptions, references to shellfish harvesting area map numbers and operating criteria for all shellfish harvesting areas in the document Shellfish Harvesting Area Classification Boundaries and Management Plans.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared.

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

SPECIFIC AUTHORITY: 597.020 FS.

LAW IMPLEMENTED: 597.020 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: March 20, 2009, 4:00 p.m.

PLACE: 1203 Governors Square Boulevard, 5th Floor, 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 7 days before the workshop/meeting by contacting: Chris Brooks, Division of Aquaculture, 1203 Governor’s Square Boulevard, 5th Floor, Tallahassee, Florida 32301, phone: (850)488-4033. 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: Chris Brooks, Division of Aquaculture, 1203 Governor’s Square Boulevard, 5th Floor, Tallahassee, Florida 32301, phone: (850)488-4033

THE FULL TEXT OF THE PROPOSED RULE IS:

5L-1.003 Shellfish Harvesting Area Standards.

(1) The Department shall describe and/or illustrate harvesting areas and provide harvesting area classifications as approved, conditionally approved, restricted, conditionally restricted, prohibited, or unclassified as defined herein, including criteria for opening and closing shellfish harvesting areas in accordance with Chapters II and IV of the National Shellfish Sanitation Program Model Ordinance. Copies of the ~~document~~ Shellfish Harvesting Area Classification Maps, revised July 28, 2008, and the document Shellfish Harvesting

Area Classification Boundaries and Management Plans, revised ~~July 28, 2008~~, containing shellfish harvesting area descriptions, references to shellfish harvesting area map numbers, and operating criteria herein incorporated by reference may be obtained by writing to the Department at 1203 Governor’s Square Boulevard, 5th Floor, Tallahassee, Florida 32301 or is available on the Division’s website at www.FloridaAquaculture.com/pub.htm.

(2) through (11) No change.

Specific Authority 597.020 FS. Law Implemented 597.020 FS. History–New 1-4-87, Amended 8-10-88, 7-9-89, 12-23-91, Formerly 16R-7.004, Amended 7-3-95, 6-18-97, 7-1-97, 7-22-97, 10-12-97, 12-16-97, 12-28-97, 2-12-98, 2-25-98, 7-1-98, 7-20-98, 11-13-98, 12-28-98, 3-18-99, 7-1-99, Formerly 62R-7.004, Amended 6-19-00, 8-9-00, 10-14-01 (1), 10-14-01 (1), 8-17-04, 9-28-04, 9-5-05, 6-11-06, 3-11-07, 10-2-07, 7-28-08,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Sherman Wilhelm, Director, Division of Aquaculture

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Charles H. Bronson, Commissioner, Department of Agriculture and Consumer Services

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 26, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 13, 2009

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

WATER MANAGEMENT DISTRICTS

Suwannee River Water Management District

RULE NO.:	RULE TITLE:
40B-1.901	General

PURPOSE AND EFFECT: The purpose of the proposed rule is to revise and simplify forms 40B-1.901(10) and (12), F.A.C., which are respectively Notice of Intent to Construct a Minor Surface Water Management System pursuant to paragraph 40B-4.2010(1) or (2)(a), F.A.C., and Petition for a Formal Wetland and Surface Water Determination. The effect of the proposed rule will provide for a better understanding of the forms by the public and staff.

SUMMARY: This proposed rule will revise and simplify these forms incorporated by reference, thereby allowing for better understanding by the public and staff.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared.

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

SPECIFIC AUTHORITY: 373.044, 373.113, 373.171 FS.

LAW IMPLEMENTED: 373.118, 373.413, 373.416, 373.426 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: Linda Welch, Administrative Assistant, Suwannee River Water Management District, 9225 C.R. 49, Live Oak, Florida 32060, (386)362-1001 or (800)226-1066 (FL only)

THE FULL TEXT OF THE PROPOSED RULE IS:

40B-1.901 General.

The District maintains a list of forms which is updated annually and is available upon request. All district forms and instructions may be obtained at the District headquarters or requested by mail or telephone and are hereby incorporated by reference as follows:

(1) through (9) No change.

(10) ~~40B-4.2010A Application for Noticed General Permit 40B-1.901(10) Notice of Intent to Construct a Minor Surface Water Management System Pursuant to paragraph 40B-4.2010(1) or (2)(a), F.A.C., Effective January 29, 2004, DATE;~~

(11) No change.

(12) ~~40B-400.046A 40B-1.901(12) Petition for a Formal Wetland and Surface Water Determination, Effective January 29, 2004, DATE;~~

(13) through (17) No change.

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.118, 373.413, 373.416, 373.426 FS. History—New 9-15-81, Amended 3-17-88, 12-21-88, 10-8-89, 6-17-93, 10-3-95, 1-3-96, 6-22-99, 1-29-01, 5-15-05, 7-7-08,_____.

Copies of the forms may be obtained by contacting Linda Welch, Administrative Assistant, SRWMD, 9225 CR 49, Live Oak, FL 32060, (386)362-1001

NAME OF PERSON ORIGINATING PROPOSED RULE: Jon Dinges, Director, Resource Management, Suwannee River Water Management District, 9225 County Road 49, Live Oak, Florida 32060, (386)362-1001

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Governing Board of the Suwannee River Water Management District

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 10, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 27, 2008

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Cosmetology

RULE NO.: 61G5-22.006

RULE TITLE: Facials (Including Skin Care and Hair Removal)

PURPOSE AND EFFECT: The purpose and effect is to clarify the minimum competency areas and hours of training.

SUMMARY: The minimum competency areas and hours of training is clarified.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The Board has determined that the proposed rule will not have an impact on small business. No Statement of Estimated Regulatory Cost was prepared.

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

SPECIFIC AUTHORITY: 477.016 FS.

LAW IMPLEMENTED: 477.0201, 477.023(2) 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: Robyn Barineau, Executive Director, Board of Cosmetology, 1940 North Monroe Street, Tallahassee, Florida 32399

THE FULL TEXT OF THE PROPOSED RULE IS:

61G5-22.006 Facials (Including Skin Care and Hair Removal).

(1) through (4) No change.

(5) Definition of Services: Services shall be a facial, a client consultation/skin analysis; exfoliation, either manual, mechanical or chemical; cleansing; toning; manipulations; and packs, masks, or other treatments as needed.

(6) At a minimum, the curriculum of schools and programs specified in Section 477.0201, F.S. shall include the following hours of instruction in the indicated theory items:

TOPIC	HOURS
<u>(a) Florida Laws and Rules</u>	<u>5</u>
<u>(b) HIV and AIDS</u>	<u>4</u>
<u>(c) Sanitation</u>	<u>10</u>
<u>(d) Ethics</u>	<u>2</u>
<u>(e) Basics of Electricity</u>	<u>8</u>
<u>(f) Facial Techniques and Contraindications</u>	<u>66</u>
<u>(g) Product Chemistry</u>	<u>8</u>
<u>(h) Hair Removal</u>	<u>2.5</u>
<u>(i) Makeup</u>	<u>2</u>
<u>(j) Skin Theory and Disease</u>	<u>85</u>

(7) The curriculum shall also include the performance of the following specified services as indicated as well as the estimated total number of hours needed to complete the required number services:

TYPE OF SERVICE	NUMBER OF SERVICES	HOURS REQUIRED
(a) <u>Facials, manual and mechanical, including masks, packs or treatments which must be performed on a variety of skin types including normal, oily, dry, combination, problem, and mature</u>	40	40
(b) <u>Set up, use and maintenance of electrical devices</u>	5	1.25
(c) <u>Hair removal, including tweezing, waxing, threading, and sugaring</u>	20	5
(d) <u>Makeup application for both day time and nighttime looks</u>	10	5
(e) <u>Lash and brow tinting</u>	10	5
(f) <u>Eyelash application, including strip lashes, individual lashes, and semi-permanent lashes</u>	10	10
(g) <u>Manual Extractions</u>	5	1.25

(8) Subsections (6) and (7) shall be effective January 2, 2010.

Specific Authority 477.016 FS. Law Implemented 477.0201, 477.023(2) FS. History—New 11-2-80, Amended 10-29-85, Formerly 21F-22.06, Amended 4-8-86, Formerly 21F-22.006, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Cosmetology

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 25, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 6, 2009

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Landscape Architecture

RULE NO.: 61G10-14.001
RULE TITLE: Probable Cause Determination
PURPOSE AND EFFECT: The Board proposes to amend the rule in order to clarify probable cause panel composition.

SUMMARY: Probable cause panel composition will be clarified.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared. The Board determined the proposed rule will not have an impact on small business.

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.

SPECIFIC AUTHORITY: 455.225(3) FS.

LAW IMPLEMENTED: 455.225(3) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Juanita Chastain, Executive Director, Board of Landscape Architecture, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G10-14.001 Probable Cause Determination.

The determination as to whether probable cause exists to believe that a violation of the provisions of Chapters 455 and 481, Part II, Florida Statutes, or of the rules promulgated thereunder, shall be made by a probable cause panel. The panel shall be composed of two persons ~~Board members~~ appointed by the chairman, ~~not more than one of which shall be a lay member.~~ One appointee must be a current board member. The panel must include a former or current professional board member. An appointee may be a former board member.

Specific Authority 455.225(4)(~~3~~) FS. Law Implemented 455.225(4)(~~3~~) FS. History—New 2-4-80, Amended 7-9-85, Formerly 21K-14.01, 21K-14.001, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Landscape Architecture

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Landscape Architecture

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 16, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 14, 2008

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Commission

RULE NO.: 61J2-24.002
RULE TITLE: Citation Authority

PURPOSE AND EFFECT: The purpose of this notice is to review for possible changes to bring the rules into compliance with statutory changes.

SUMMARY: The purpose of this notice is to review for possible changes to bring the rules into compliance with statutory changes.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: A Statement of Estimated Regulatory Costs was prepared.

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

SPECIFIC AUTHORITY: 475.05 FS.

LAW IMPLEMENTED: 455.224, 475.25(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 RULE IS: Lori Crawford, Deputy Clerk, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N802, Orlando, Florida 32801

THE FULL TEXT OF THE PROPOSED RULE IS:

61J2-24.002 Citation Authority.

(1) Pursuant to Section 455.224, F.S. (1999), the Commission sets forth violations for which there is no substantial threat to the public health, safety, and welfare; or, if there is a violation for which there is no substantial threat to the public health, safety, and welfare, such potential for harm has been removed prior to the issuance of the citation. Next to each violation is the fine or other conditions to be imposed.

(2) The following violations with accompanying fine or other conditions may be disposed of by citation:

VIOLATION	FINE
(a) through (d) No change.	\$300.00
(e) Section 475.22(1), F.S. and Rule 61J2-10.022, F.A.C. – failed to maintain the required office as prescribed.	\$200.00
(f) No change.	
(g) Section 475.22(2), F.S. – failed to register an out of state Florida broker’s office.	\$500.00 100.00
(h) No change.	
(i) Section 475.25(1)(b) and (d), F.S. – misconduct involving economic loss resulting in full restitution to the complainant.	\$300.00
(j) Section 475.25(1)(k), F.S. and paragraph 61J2-14.008(1)(d), F.A.C. – failed to immediately deposit trust funds provided the deposit is not more than 3 days late.	\$200.00
(k) Section 475.25(1)(m) and 61J2-3.009, F.S. 1. Renewed a license without completing the continuing education requirement and the act is discovered by the DBPR but the licensee has completed the continuing education requirements within thirty (30) days after his or her renewal date.	\$200.00 and completion of the continuing education requirement for the previous renewal cycle.
2. Renewed a license without completing the continuing education requirement and the act is discovered by the DBPR but the licensee has completed the continuing education requirements within ninety (90) days after his or her renewal date.	\$500.00 and completion of the continuing education requirement for the previous renewal cycle
3. Renewed a license without having complied with Rule 61J2-3.009, F.A.C., and voluntarily notified the DBPR more than thirty (30) days but no more than 90 days after the renewal cycle ended.	\$500.00 and completion of the continuing education requirement for the previous renewal cycle
(l) Section 475.25(1)(q), F.S. – failed to give the appropriate disclosure or notice at the appropriate time under the provisions of Section 475.2755 or 475.278, F.S., (A citation may only be given for a first time violation.)	\$300.00
(m) Section 475.25(1)(r), F.S. – failed to include the required information in a listing agreement; failed to give a copy to a principal within 24 hours; contains a self renewal clause.	\$200.00
(n) Section 475.42(1)(b), F.S. – sales associate operating as a sales associate without a registered employer due to failure to renew or properly register.	\$500.00

(m) (o) Section 475.42(1)(j), F.S. – having a lis pendens placed by an attorney (Citation may be issued only if no other violation is present).	\$500.00
(o) (p) Section 475.42(1)(k), F.S. and Rule 61J2-10.034, F.A.C. – operated as a broker under a tradename without causing the trade name to be noted in the records of the Commission.	\$500.00 100.00
(p) (q) Section 475.451(3), F.S. – failed to obtain a multiple permit.	\$500.00
(q) (r) Section 475.4511(2), F.S. – advertised false, inaccurate, misleading, or exaggerated information.	\$500.00
(r) (s) Section 475.4511(4), F.S. – failed to have a distinctive separation in a joint advertisement of a school with an affiliated broker.	\$100.00
(s) (t) Subsection 61J2-3.008(6), F.A.C. – failed to certify classroom attendance per occurrence.	\$300.00
(t) (u) Paragraph 61J2-3.009(5)(e), F.A.C. – failed to have a distance education course instructor available per published schedule.	\$300.00
(u) (v) Subsection 61J2-3.009(6), F.A.C. – failed to inform students of course standards and requirements.	\$100.00
(v) (w) Subsection 61J2-3.015(2), F.A.C. – failed to provide a course completion report to a student; if a licensee, as the result of an audit/inspection, failed to provide a course completion report to the DBPR.	\$200.00
(w) (x) Rule 61J2-5.016, F.A.C. – sales associate or broker associate serving as an officer or director of a registered brokerage corporation.	\$200.00
(x) (y) Subsection 61J2-5.019(1), F.A.C. – failed to ensure that the corporation or partnership is properly registered; failed to ensure each officer, director and sales associate is properly licensed.	\$500.00
(y) (z) Rule 61J2-10.025, F.A.C. – advertised in a manner in which a reasonable person would not know one is dealing with a real estate licensee or brokerage; failed to include the registered name of the brokerage firm in the advertisement; failed to use the licensee’s last name as registered with the Commission in an advertisement.	\$500.00 200.00
(z) (aa) Rule 61J2-10.027, F.A.C. – used the name or identification of an association or organization when the licensee was not in good standing or otherwise not entitled to use same.	\$300.00
(aa) (bb) Subsection 61J2-10.032(1), F.A.C. – broker failed to notify the Commission within the prescribed 15 business days but does so within 25 business days; or, if a Notice of Noncompliance has been issued pursuant to Rule 61J2-24.003, F.A.C. and not timely complied with, failed to notify the Commission within 45 days but does so within 55 days.	\$100.00
(bb) (cc) Subsection 61J2-10.032(1) and (2), F.A.C. – broker failed to institute a settlement procedure within the prescribed 30 business days but does so within 40 business days; or, if a Notice of Noncompliance has been issued pursuant to Rule 61J2-24.003, F.A.C. and not timely complied with, failed to institute a settlement procedure within 60 days but does so within 70 days.	\$100.00

(cc)(dd) Subsection 61J2-10.032(2), F.A.C. – broker failed to notify the Commission that the dispute settled or went to court, or of the final accounting and disbursement within the prescribed 10 business days but broker does so within 20 business days; or, if a Notice of Noncompliance has been issued pursuant to Rule 61J2-24.003, F.A.C., and not timely complied with, failed to notify the Commission that the dispute settled or went to court, or of the final accounting and disbursement within 40 days but does so within 50 days.	\$100.00
(dd)(ee) Rule 61J2-10.038, F.A.C. – failed to <u>timely</u> notify the DBPR of the current mailing address or any change in the current mailing address.	\$500.00 100.00
(ee) Subsection 61J2-14.008(2)(b), F.A.C. – <u>Second offense failure to indicate the name, address and telephone number of the title company or attorney on the contract.</u>	\$200.00
(ff) Subsection 61J2-14.008(2)(b), F.A.C. – <u>Second offense failure to provide Seller’s broker, or Seller if not presented by a broker, within ten (10) business days of the date the Licensee’s broker made the written request for verification of the deposit with either a copy of the written verification, or if no verification is received by Licensee’s broker, written notice that Licensee’s broker did not receive verification of the deposit. 61J2-14.012(2), failure to properly reconcile an escrow account when the account balances.</u>	\$500.00 100.00
(gg) Subsection 61J2-14.012(1), F.A.C. – <u>failed to secure the written permission of all interested parties prior to placing trust funds in an interest bearing escrow account.</u>	\$300.00
(gg)(hh) Subsection 61J2-14.014(2), F.A.C. – failed to properly reconcile an escrow account when the account balances.	\$500.00 100.00
(hh) Subsection 61J2-14.012(1), F.A.C. – <u>failed to secure the written permission of all interested parties prior to placing trust funds in an interest bearing escrow account.</u>	\$300.00
(ii) Subsection 61J2-14.014(2), F.A.C. – <u>failed to stop interest from accruing prior to disbursement. Subsection 61J2-17.013(1), F.A.C. – guaranteed that a pupil would pass an examination.</u>	\$100.00 500.00
(jj) Subsection 61J2-17.013(1), F.A.C. – <u>guaranteed that a pupil would pass an examination. Failed to register a school location.</u>	\$500.00 100.00
(kk) Failure to register a school location. Rule 61J2-17.014, F.A.C. – <u>improper use of a guest lecturer</u>	\$500.00 100.00
(ll) Rule 61J2-17.014, F.A.C. – <u>improper use of a guest lecturer. Rule 61J2-17.015, F.A.C. – failed to post the required language regarding recruitment for employment; recruiting for employment opportunities during class time.</u>	\$100.00 300.00
(mm) Rule 61J2-17.015, F.A.C. – <u>failed to post the required language regarding recruitment for employment; recruiting for employment opportunities during class time. Rule 61J2-10.038, F.A.C. – failed to notify the DBPR of any change in address of a branch office within 10 days of the change in the current mailing address.</u>	\$300.00

(3) through (5) No change.

Specific Authority 475.05 FS. Law Implemented 455.224, 475.25(1) FS. History—New 12-29-91, Amended 4-16-92, 1-20-93, 6-28-93, Formerly 21V-24.002, Amended 8-23-93, 4-7-94, 4-12-95, 7-5-95, 2-13-96, 6-5-96, 7-23-96, 1-22-97, 3-30-97, 11-10-97, 3-24-98, 7-1-98, 10-25-98, 1-19-99, 1-18-00, 10-15-00, 2-21-02, 2-5-04, 1-30-06,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Florida Real Estate Commission
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Real Estate Commission
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 15, 2008
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 19, 2008

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Commission

RULE NO.: RULE TITLE:
 61J2-24.003 Notice of Noncompliance
 PURPOSE AND EFFECT: The purpose of this notice is to review for possible changes to bring the rules into compliance with statutory changes.

SUMMARY: The purpose of this notice is to review for possible changes to bring the rules into compliance with statutory changes.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: A Statement of Estimated Regulatory Costs was prepared.

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

SPECIFIC AUTHORITY: 475.05 FS.
 LAW IMPLEMENTED: 120.695, 455.225(3) FS.
 IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Lori Crawford, Deputy Clerk, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N802, Orlando, Florida 32801

THE FULL TEXT OF THE PROPOSED RULE IS:

61J2-24.003 Notification of Noncompliance.

(1)(a) through (d) No change.

~~(e) Subsection 61J2 5.019(1), F.A.C. — failure to ensure that the corporation or partnership is properly registered; failure to ensure each officer, director and sales associate is properly licensed.~~

~~(f) Rule 61J2-10.023, F.A.C. — failure to register a branch office.~~

~~(e)(g) Rule 61J2-10.024, F.A.C. — failure to maintain the office entrance sign as required.~~

~~(h) Subsection 61J2 10.025(1), F.A.C. — failure to use the brokerage firm name in an advertisement.~~

~~(i) Subsection 61J2-10.025(2), F.A.C. — failure to use the licensee’s last name in an advertisement.~~

~~(f)(j) Subsections 61J2-10.032(1) and (2), F.A.C. — failure to perform the required act within the stated time frame but does so no later than 30 days after the stated time frame.~~

~~(g)(k) Rule 61J2-10.034, F.A.C. — failure to register a trade name with the Division of Real Estate.~~

~~(h) Paragraph 61J2-14.008(2)(b), F.A.C. — initial offense of failure to indicate the name, address and telephone number of the title company or attorney on the contract will receive a notice of non-compliance without citation for a period of twelve months after the effective date of this rule.~~

~~(i) Paragraph 61J2-14.008(2)(b), F.A.C. — initial offense of failure to notify provide Seller’s broker, or Seller if not presented by a broker, within ten (10) business days of the date the Licensee’s broker made the written request for verification of the deposit with either a copy of the written verification, or if no verification is received by Licensee’s broker, written notice that Licensee’s broker did not receive verification of the deposit, will receive a notice of non-compliance without citation for a period of twelve months after the effective date of this rule.~~

~~(j)(l) Rule 61J2-14.012, F.A.C. — failure to sign the escrow account reconciliation if the account balances.~~

~~(k)(m) Subsection 61J2-14.014(2), F.A.C. — failure to stop interest from accruing prior to disbursement.~~

~~(l)(n) Section 475.451(8), F.S., Subsections 61J2-17.012(1) and (3), F.A.C. — failure to keep registration records, course, rosters, attendance records, a file copy of each examination and progress test, and all student answer sheets for a period of at least 3 years subsequent to the beginning of each course and make them available to the department for inspection and copying upon request maintain the course roster as required.~~

~~(o) Subsection 61J2 17.012(2), F.A.C. — failure to deliver the course roster as required.~~

~~(p) Subsection 61J2 17.013(2), F.A.C. — failure to obtain a permit for a school location.~~

~~(m)(q) Rule 61J2-17.014, F.A.C. — improper use of a guest lecturer.~~

~~(n)(r) Rule 61J2-17.015, F.A.C. — improper recruiting; failure to post the required statement.~~

~~(s) Section 475.25(1)(m), F.S., and Rule 61J2-3.009, F.A.C. — renewed license without having complied with Rule 61J2-3.009, F.A.C., and voluntarily notified the DBPR within thirty (30) days after the renewal cycle ended.~~

(2) through (3) No change.

Specific Authority 475.05 FS. Law Implemented 120.695, 455.225(3) FS. History–New 1-9-94, Amended 1-1-96, 11-10-97, 6-30-98, 10-25-98, 9-17-00, 7-4-06,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Florida Real Estate Commission

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Real Estate Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 15, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 19, 2008

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Notices for the Department of Environmental Protection between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled “Official Notices.”

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NOS.:	RULE TITLES:
62-730.020	Definitions
62-730.021	References, Variances and Case-by-Case Regulations
62-730.030	Identification of Hazardous Waste
62-730.160	Standards Applicable to Generators of Hazardous Waste
62-730.170	Standards Applicable to Transporters of Hazardous Waste
62-730.180	Standards Applicable to Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities
62-730.181	Standards for the Management of Specific Hazardous Wastes and Specific Types of Hazardous Waste Management Facilities
62-730.183	Land Disposal Restrictions
62-730.185	Standards for Universal Waste Management
62-730.200	Introduction, Scope and Procedures for Decision Making
62-730.220	Applications for Permits and Other Authorizations

PURPOSE, EFFECT AND SUMMARY: The proposed rule amendments incorporate by reference the changes made by the U.S. Environmental Protection Agency (EPA) between July 1, 2007 and June 30, 2008 to the federal hazardous waste regulations. The Florida Department of Environmental Protection (FDEP) is authorized by EPA to administer the state hazardous waste program in lieu of the federal program. As a result of that authorization, every year FDEP must adopt

changes that make state rules equivalent to and consistent with the existing federal regulations. The amendments in this notice serve that purpose.

SPECIFIC AUTHORITY: 403.8055 FS.

LAW IMPLEMENTED: 403.061, 403.151, 403.704, 403.707, 403.72, 403.721, 403.722, 403.723, 403.724, 403.727 FS.

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

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

THE FULL TEXT OF THE PROPOSED RULES IS:

62-730.020 Definitions.

(1) The Department adopts by reference the definitions contained in 40 Code of Federal Regulations (CFR) 260.10 revised as of July 1, 2008 ~~July 1, 2007~~, except for the optional addition of “or 267.101” to subsection (2) of the definition of “facility” in the Federal Register dated September 8, 2005 (70 FR 53419).

(2) through (5) No change.

Specific Authority 403.704, 403.721, 403.8055 FS. Law Implemented 403.704, 403.72, 403.721 FS. History–New 5-28-81, Amended 9-8-81, 12-6-81, 11-25-82, 5-19-83, 1-5-84, 8-24-84, 7-5-85, Formerly 17-30.02, Amended 9-19-86, 10-31-86, 4-13-88, Formerly 17-30.020, Amended 1-25-89, 8-13-90, 9-10-91, 10-14-92, 10-7-93, Formerly 17-730.020, Amended 1-5-95, 9-7-95, 4-30-97, 8-19-98, 2-4-00, 12-20-00, 8-1-02, 10-1-04, 1-29-06, 4-6-06, 5-1-07, 4-25-08,_____.

62-730.021 References, Variances and Case-by-Case Regulations.

The Department adopts by reference the following Sections of 40 CFR Part 260 revised as of July 1, 2008 ~~July 1, 2007~~: 260.11 except for the optional amendments to 260.11(c)(1), 260.11(c)(3)(xxvii) and 260.11(d)(1) in the Federal Register dated September 8, 2005 (70 FR 53419); 260.21; 260.23; 260.30; 260.31; 260.32; 260.33; 260.40 and 260.41. The language of 40 CFR 260.11 in effect on September 8, 2005 remains in effect.

Specific Authority 403.704, 403.721, 403.8055 FS. Law Implemented 403.704, 403.721 FS. History–New 7-5-85, Formerly 17-30.021, Amended 1-25-89, 8-13-90, 9-10-91, 10-14-92, 10-7-93, Formerly 17-730.021, Amended 1-5-95, 9-7-95, 4-30-97, 8-19-98, 2-4-00, 12-20-00, 8-1-02, 10-1-04, 4-6-06, 5-1-07, 4-25-08,_____.

62-730.030 Identification of Hazardous Waste.

(1) The Department adopts by reference 40 CFR Part 261 revised as of July 1, 2008 ~~July 1, 2007~~, and all appendices, with the exceptions described in paragraphs (1)(a) through (d) of this section.

(a) through (4) No change.

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

62-730.160 Standards Applicable to Generators of Hazardous Waste.

(1) The Department adopts by reference 40 CFR Part 262 revised as of July 1, 2008 ~~July 1, 2007~~, including the Appendix with the exception of 40 CFR 262.34(e) and the Project XL site-specific regulations in 262.10(j) and Subparts I and J.

(2) through (7) No change.

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

62-730.170 Standards Applicable to Transporters of Hazardous Waste.

(1) The Department adopts by reference 40 CFR Part 263 revised as of July 1, 2008 ~~July 1, 2007~~.

(2) through (3) No change.

Specific Authority 403.704, 403.721, 403.724, 403.8055 FS. Law Implemented 403.704, 403.721, 403.724 FS. History–New 11-8-81, Amended 5-31-84, 9-13-84, Formerly 17-30.17, Amended 9-19-86, 3-31-87, 5-26-87, 6-28-88, Formerly 17-30.170, Amended 1-25-89, 8-13-90, 9-10-91, 10-14-92, 10-7-93, Formerly 17-730.170, Amended 1-5-95, 4-30-97, 8-19-98, 2-4-00, 12-20-00, 8-1-02, 10-1-04, 1-29-06, 4-6-06, 5-1-07, 4-25-08,_____.

62-730.180 Standards Applicable to Owners and Operators of Hazardous Waste Treatment, Storage and Disposal Facilities.

(1) The Department adopts by reference 40 CFR Part 264 revised as of July 1, 2008 ~~July 1, 2007~~, including all appendices, with the exceptions described in paragraphs (1)(a) through (c) of this section.

(a) through (1)(c) No change.

(2) The Department adopts by reference 40 CFR Part 265 revised as of July 1, 2008 ~~July 1, 2007~~, including all appendices, with the exceptions described in paragraphs (2)(a) through (e) of this section.

(a) through (6) No change.

Specific Authority 403.704, 403.721, 403.724, 403.8055 FS. Law Implemented 403.704, 403.721, 403.724 FS. History–New 5-19-82, Amended 3-4-82, 5-20-82, 7-14-82, 8-30-82, 10-7-82, 11-25-82, 2-3-83, 3-31-83, 5-19-83, 1-5-84, 2-2-84, 11-7-84, 7-5-85, 10-3-85, Formerly 17-30.18, Amended 5-5-86, 9-19-86, 10-31-86, 3-31-87, 4-13-88, 6-28-88, Formerly 17-30.180, Amended 1-25-89, 8-13-90, 9-10-91, 10-14-92, 10-7-93, Formerly 17-730.180, Amended 1-5-95, 9-7-95, 4-30-97, 8-19-98, 2-4-00, 12-20-00, 8-1-02, 10-1-04, 1-29-06, 4-6-06, 5-1-07, 4-25-08,_____.

62-730.181 Standards for the Management of Specific Hazardous Wastes and Specific Types of Hazardous Waste Management Facilities.

(1) The Department adopts by reference 40 CFR Part 266 revised as of July 1, 2008 ~~July 1, 2007~~, except for the Project XL site-specific regulations in Subpart O.

(2) No change.

Specific Authority 403.704, 403.721, 403.8055 FS. Law Implemented 403.704, 403.721 FS. History–New 7-5-85, Amended 10-3-85, 5-5-86, 4-13-88, Formerly 17-30.181, Amended 1-25-89, 8-13-90, 9-10-91, 10-14-92, 10-7-93, Formerly 17-730.181, Amended 1-5-95, 9-7-95, 2-25-96, 4-30-97, 8-19-98, 2-4-00, 12-20-00, 8-1-02, 10-1-04, 1-29-06, 4-6-06, 5-1-07, 4-25-08,_____.

62-730.183 Land Disposal Restrictions.

The Department adopts by reference 40 CFR Part 268 revised as of July 1, 2008 ~~July 1, 2007~~, and all appendices, with the exception of subsections (1) and (2) of this section.

(1) through (2) No change.

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

62-730.185 Standards for Universal Waste Management.

(1) The Department adopts by reference 40 CFR Part 273 revised as of July 1, 2008 ~~July 1, 2007~~.

(2) No change.

Specific Authority 403.704, 403.721, 403.8055 FS. Law Implemented 403.061, 403.704, 403.721 FS. History–New 9-7-95, Amended 4-30-97, 8-19-98, 2-4-00, 12-20-00, 8-1-02, 10-1-04, 1-29-06, 4-6-06, 5-1-07, 4-25-08,_____.

62-730.200 Introduction, Scope and Procedures for Decision Making.

(1) through (2) No change.

(3) The Department will follow the procedures set forth in these sections of 40 CFR Part 124 revised as of July 1, 2008 ~~July 1, 2007~~: 124.3(a); 124.5(a), (c), and (d); except the optional amendment to 124.5(c)(1) in the Federal Register dated September 8, 2005 (70 FR 53419); 124.6(a), (d), and (e) except (d)(4)(ii) through (v); 124.8(a) and (b) except (b)(3) and (b)(8); 124.10(a) except (a)(1)(i) and (a)(1)(iv) through (a)(3); 124.10(b); 124.10(c) except (c)(1)(iv) through (viii); 124.10(d)

except (d)(1)(vii) through (ix) and (d)(2)(iv); 124.11; 124.12(a); and 124.17 except (b); 124.31 except for two sentences in 124.31(a) which include the phrase “over which EPA has permit issuance authority” and the optional amendments to 124.31(a), (b) and (c) in the Federal Register dated September 8, 2005 (70 FR 53419); 124.32 except for two sentences in 124.32(a) which include the phrase “over which EPA has permit issuance authority” and the optional amendment to 124.32(a) in the Federal Register dated September 8, 2005 (70 FR 53419); and 124.33 except for 124.33(a), which are hereby adopted by reference. For the optional amendments excepted in this section, the language in effect on September 8, 2005 remains in effect. Sections 124.31, 124.32, 124.33 apply to all applicants seeking construction or operation permits for hazardous waste management units.

(4) through (5) No change.

Specific Authority 403.704, 403.721, 403.722, 403.8055 FS. Law Implemented 403.704, 403.721, 403.722 FS. History—New 7-1-82, Formerly 17-30.20, Amended 9-23-87, 6-28-88, Formerly 17-30.200, Amended 9-10-91, 10-14-92, Formerly 17-730.200, Amended 1-5-95, 1-29-06, 4-6-06, 5-1-07, 4-25-08,_____.

Editorial Note: Formerly Rule 62-730.184, F.A.C.

62-730.220 Applications for Permits and Other Authorizations.

(1) The Department adopts by reference the following sections of 40 CFR Part 270 revised as of ~~July 1, 2008~~ ~~July 1, 2007~~: 270.1(c) except for the Project XL site-specific regulations in 270.1(c)(2)(ix); 270.2, except for the optional amendments to the definition of “permit” and “Standardized Permit” in the Federal Register dated September 8, 2005 (70 FR 53419); 270.3; 270.4; 270.6; 270.10 except for the optional amendments to 270.10(a) and (h) in the Federal Register dated September 8, 2005 (70 FR 53419); 270.11; 270.12 through 270.28; 270.30; 270.31; 270.32(b)(2); 270.33; 270.51 except for the optional amendments to 27051(e) in the Federal Register dated September 8, 2005 (70 FR 53419); 270.61; 270.62; 270.65; 270.66; 270.68; 270.72; 270.79 through 270.230; and 270.235. For the optional amendments excepted in this section, the language in effect on September 8, 2005 remains in effect.

(2)(a) through (11) No change.

Specific Authority 403.061, 403.087, 403.704, 403.721, 403.722 FS. Law Implemented 403.151, 403.704, 403.707, 403.721, 403.722, 403.723, 403.727 FS. History—New 7-9-82, Amended 1-5-84, 8-19-84, 7-22-85, Formerly 17-30.22, Amended 9-23-87, 6-28-88, 12-12-88, Formerly 17-30.220, Amended 8-13-90, 9-10-91, 10-14-92, 10-7-93, Formerly 17-730.220, Amended 1-5-95, 4-30-97, 8-19-98, 2-4-00, 12-20-00, 8-1-02, 10-1-04, 1-29-06, 4-6-06, 5-1-07, 4-25-08,_____.

DEPARTMENT OF HEALTH

Board of Chiropractic Medicine

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

PURPOSE AND EFFECT: The Board proposes the rule amendment in order to incorporate the application form by reference.

SUMMARY: The application form will be incorporated into the rule.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared. The Board determined the proposed rule will not have an impact on small business.

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.

SPECIFIC AUTHORITY: 460.405 FS.

LAW IMPLEMENTED: 460.403, 460.406 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joe Baker, Jr., Executive Director, Board of Chiropractic Medicine, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3258

THE FULL TEXT OF THE PROPOSED RULE IS:

64B2-11.012 Application for Acupuncture Certification.

(1) Any person licensed or applying for licensure by the Board who also desires to be certified in acupuncture shall apply to the Department of Health. Application shall be made on board approved form DH-MOA 1151, (Rev 11/08), Application for Chiropractic Acupuncture Certification, which is hereby incorporated by reference, and may be obtained from the Board of Chiropractic Medicine, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257.

(2) through (3) No change.

Specific Authority 460.405 FS. Law Implemented 460.403, 460.406 FS. History—New 10-6-86, Amended 7-5-87, 2-1-88, Formerly 21D-11.012, 61F2-11.012, 59N-11.012, Amended 2-15-98, 8-9-04,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Chiropractic Medicine

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 6, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 16, 2009

DEPARTMENT OF HEALTH

Board of Chiropractic Medicine

RULE NOS.: RULE TITLES:
 64B2-18.002 Application for Certification as a
 Chiropractic Physician’s Assistant
 64B2-18.005 Certification of Supervising
 Physicians

PURPOSE AND EFFECT: The Board proposes the rule amendments in order to incorporate application forms into the rules, to provide corrected reference to rule, and to change time for certification renewal.

SUMMARY: The application forms will be incorporated into the rule, a reference to a rule will be corrected, and the time period for certification renewal will be changed.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared. The Board determined the proposed rule will not have an impact on small business.

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.

SPECIFIC AUTHORITY: 460.405, 460.4165(6), (9) FS.

LAW IMPLEMENTED: 460.4165(3), (5), (6), (9) 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: Joe Baker, Jr., Executive Director, Board of Chiropractic Medicine, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3258

THE FULL TEXT OF THE PROPOSED RULES IS:

64B2-18.002 Application for Certification as a Chiropractic Physician’s Assistant.

(1) Any person desiring to be certified as a chiropractic physician’s assistant shall file an application with the Department on board approved form DH-MQA 1148, (Rev 11/08), Application for Certified Chiropractic Physicians Assistant (CCPA), which is hereby incorporated by reference, and may be obtained from the Board of Chiropractic Medicine, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257, and submit the required fees forms provided by the Board.

(2) through (4) No change.

(5) The application shall be accompanied by a diploma, written verification of completion of the 24 months of chiropractic education from the educational institution, or similar certificate evidencing successful completion of one of the types of education and training programs referred to in subsection ~~64B2-18.003~~ ~~64B2-18.002~~(3), F.A.C. For the

training program, successful completion is deemed to mean obtaining a raw score of 75% on a comprehensive examination covering the entire education and training program.

(6) through (7) No change.

Specific Authority 460.405, 460.4165(6), (9) FS. Law Implemented 460.4165(3), (5), (6), (9) FS. History–New 11-25-81, Formerly 21D-18.02, 21D-18.002, 61F2-18.002, 59N-18.002, Amended 6-7-98, 4-25-05, 7-11-07,_____.

64B2-18.005 Certification of Supervising Physicians.

(1) Any chiropractic physician desiring to supervise, employ or work with a certified chiropractic physician’s assistant shall make application to the Board on board approved form DH-MQA 1149, (Rev 11/08), Application to Modify Supervision for Certified Chiropractic Physicians Assistant (CCPA), which is hereby incorporated by reference, and may be obtained from the Board of Chiropractic Medicine, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257, accompanied by the required fees forms provided by the Board.

(2) As part of the application process, the Board shall interview the supervising chiropractic physician and the certified chiropractic physician’s assistant about the work arrangement proposed in the application.

(3) Upon approval of an application, the Board shall certify the physician or group of physicians to supervise a certified chiropractic physician’s assistant.

(4) Certifications to supervise assistants shall remain valid for ~~two one~~ years and must be renewed biennially annually.

~~(5) A fee of one hundred dollars (\$100.00) shall accompany the initial application and annual application by a chiropractic physician or group of chiropractic physicians for authorization to supervise a certified chiropractic physician’s assistant.~~

Specific Authority 460.405, 460.4165(9) FS. Law Implemented 460.4165(6) FS. History–New 11-25-81, Formerly 21D-18.05, Amended 10-15-92, Formerly 21D-18.005, 61F2-18.005, 59N-18.005, Amended 7-11-07,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Chiropractic Medicine

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 6, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 16, 2009

DEPARTMENT OF HEALTH

Board of Nursing

RULE NO.: 64B9-4.002 RULE TITLE: Requirements for Certification

PURPOSE AND EFFECT: The purpose and effect is to add two additional approved certification bodies for advanced registered nurse practitioners and to clarify that the certification requirements include a current national certification.

SUMMARY: In this amendment two additional approved certification bodies for advanced registered nurse practitioners are added and it is clarified that the certification requirements include a current national certification.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared. The Board has determined that the proposed rule will not have an impact on small business.

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.

SPECIFIC AUTHORITY: 456.048, 464.006, 464.012 FS.

LAW IMPLEMENTED: 456.048, 456.072(1)(f), (2), 464.012, 464.018(1)(b), (2) 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: Rick Garcia, Executive Director, Board of Nursing, 4052 Bald Cypress Way, Bin C07, Tallahassee, Florida 32399-3259

THE FULL TEXT OF THE PROPOSED RULE IS:

- 64B9-4.002 Requirements for Certification.
 - (1) No change.
 - (2) Applicant shall submit proof of national advanced practice certification from an approved nursing specialty board. After July 1, 2006, applications for certification as an Advanced Registered Nurse Practitioner pursuant to Section 464.012(3), F.S., shall submit proof of current national advanced practice certification from an approved nursing specialty board.
 - (3) Professional or national nursing specialty boards recognized by the Board include, but are not limited to:
 - (a) through (e) No change.
 - (f) National Board for Certification of Hospice and Palliative Nurses.
 - (g) American Academy of Nurse Practitioners (nurse practitioner level examination only).
 - (4) through (5) No change.

Specific Authority 456.048, 464.006, 464.012 FS. Law Implemented 456.048, 456.072(1)(f), (2), 464.012, 464.018(1)(b), (2) FS. History–New 8-31-80, Amended 3-16-81, 10-6-82, 6-18-85, Formerly 21O-11.23, Amended 3-19-87, 4-6-92, Formerly 21O-11.023, Amended 3-7-94, 7-4-94, Formerly 61F7-4.002, Amended 5-1-95, 5-29-96, Formerly 59S-4.002, Amended 2-18-98, 11-12-98, 4-5-00, 3-23-06,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Nursing

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD:

DATE NOTICES OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 18, 2008 and October 24, 2008

DEPARTMENT OF HEALTH

Board of Nursing

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

PURPOSE AND EFFECT: The purpose of the amendment is to revise the rule title and to eliminate actions that constitute violations of specific provisions of Chapters 464 and 456, F.S.

SUMMARY: The rule title is revised and actions that constitute violations of specific provisions of Chapters 464 and 456, F.S. are eliminated.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared. The Board has determined that the proposed rule will not have an impact on small business.

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.

SPECIFIC AUTHORITY: 464.006, 464.018(1)(h) FS.

LAW IMPLEMENTED: 464.018(1)(h) 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: Rick Garcia, Executive Director, Board of Nursing, 4052 Bald Cypress Way, Bin C07, Tallahassee, Florida 32399-3259

THE FULL TEXT OF THE PROPOSED RULE IS:

- 64B9-8.005 Unprofessional Conduct ~~Disciplinary Proceedings.~~
 - (1) Unprofessional conduct shall include:
 - (1)(a) Inaccurate recording; ~~or~~
 - (2)(b) Misappropriating drugs, supplies or equipment; ~~or~~
 - (3)(c) Leaving a nursing assignment without advising licensed nursing personnel; ~~or~~

~~(d) Practicing as a registered or practical nurse or as a certified nursing assistant in the State of Florida with a delinquent license for no more than 90 days; or~~

~~(e) Acts of negligence either by omission or commission; or~~

~~(f) Submitting the attestation of 24 hours of continuing education and one hour continuing education on domestic violence for licensure renewal under Rule 64B9-3.013, F.A.C., when the licensee has not attended or completed all such hours in the biennium; or~~

~~(g) Failure of an ARNP dispensing practitioner to comply with the registration and compliance requirements of Rule 64B9-4.011, F.A.C.; or~~

~~(4)(h) Stealing from a patient;~~

~~(5)(i) Violating the integrity of a medication administration system or an information technology system;~~

~~(2) Failing to meet or departing from minimal standards of acceptable and prevailing nursing practice shall include, but not be limited to, the following:~~

~~(6)(a) Falsifying or altering of patient records or nursing progress records, employment applications or time records; or~~

~~(b) Administering medications or treatments in negligent manner; or~~

~~(c) Misappropriating drugs; or~~

~~(7)(d) Violating the confidentiality of information or knowledge concerning a patient; or~~

~~(8)(e) Discriminating Discrimination on the basis of race, creed, religion, sex, age or national origin, in the rendering of nursing services as it relates to human rights and dignity of the individuals; or~~

~~(9)(f) Engaging in fraud, misrepresentation, or deceit in taking the licensing examination; or~~

~~(g) Aiding and abetting the practice of registered nursing or practical nursing by any person not licensed as a registered nurse or a licensed practical nurse; or~~

~~(10)(h) Impersonating another licensed practitioner, or permitting another person to use his certificate for the purpose of practicing nursing for compensation; or~~

~~(i) Acts of gross negligence, either by omission or commission; or~~

~~(j) Exercising influence on a patient in such a manner as to exploit the patient for financial gain of the licensee or a third party; or~~

~~(k) Testing positive for any drugs under Chapter 893, F.S., on any drug screen when the nurse does not have a prescription and legitimate medical reason for using such drug; or~~

~~(l) Violation of a Board order entered in a licensure proceeding; or~~

~~(11)(m) Providing false or incorrect information to the employer regarding the status of the license; or~~

(12) Testing positive for any drugs under Chapter 893, F.S., on any drug screen when the nurse does not have a prescription and legitimate medical reason for using such drug;

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

~~(14)(o) Using force against a patient, striking a patient, or throwing objects at a patient; or~~

(15)(p) Using abusive, threatening or foul language in front of a patient or directing such language toward a patient.

Specific Authority 464.006, 464.018(1)(h) FS. Law Implemented 464.018(1)(h) FS. History--New 11-28-79, Amended 3-16-81, 10-8-81, 9-11-83, Formerly 21O-10.05, Amended 4-21-86, 2-5-87, 8-2-90, 3-12-91, 9-16-91, 4-8-92, 9-29-92, Formerly 21O-10.005, Amended 9-7-93, Formerly 61F7-8.005, Amended 11-6-94, 5-1-95, 11-16-95, Formerly 59S-8.005, Amended 2-18-98, 3-23-00, 2-17-02, 7-5-06, 12-11-06,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Nursing

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 6, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 5, 2008

DEPARTMENT OF HEALTH

Board of Osteopathic Medicine

RULE NO.: 64B15-13.001
RULE TITLE: Continuing Education for Biennial Renewal

PURPOSE AND EFFECT: The Board proposes the rule amendment in order to clarify the requirements for continuing education for biennial renewal.

SUMMARY: The requirements for continuing education for biennial renewal will be clarified.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared. The Board determined the proposed rule will not have an impact on small business.

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.

SPECIFIC AUTHORITY: 459.005, 459.008(4) FS.

LAW IMPLEMENTED: 456.013(5), (6), (7), 459.008, 459.008(4) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kaye Howerton, Executive Director, Board of Osteopathic Medicine, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3253

THE FULL TEXT OF THE PROPOSED RULE IS:

64B15-13.001 Continuing Education for Biennial Renewal.

(1)(a) Every person licensed pursuant to Chapter 459, F.S., except those licensed as physician assistants pursuant to Section 459.022, F.S., shall be required to complete forty (40) hours of continuing medical education courses approved by the Board in the twenty-four (24) months preceding each biennial renewal period as established by the Department. Five of the continuing medical education hours for renewal shall include a one hour Risk Management Course, one hour Florida Laws and Rules, one hour on the laws regarding the use and abuses of controlled substances, and two hours Prevention of Medical Errors Course. Beginning in the 2010-2012 licensure biennium, five of the continuing medical hours for renewal shall include one hour of professional and medical ethics education, one hour Florida Laws and Rules, one hour on the federal and state laws related to the prescribing of controlled substances, and a two hour Prevention of Medical Errors Course.

(b) A licensee shall not be required to complete continuing medical education if the initial license is issued subsequent to July 1 of the second year of the biennium, except as found in paragraph 64B15-13.001(1)(a), F.A.C.

(c) A licensee shall complete a two (2) hour Domestic Violence Course as part of every third biennial renewal of licensure.

(d) A licensee shall complete a one (1) hour HIV/AIDS course no later than upon first biennial renewal of licensure.

(2) No change.

(3)(a) For purposes of this rule, risk management means the identification, investigation, analysis, and evaluation of risks and the selection of the most advantageous method of correcting, reducing, or eliminating identifiable risks and domestic violence as defined in Section 741.30, F.S.

(b) The continuing medical education found in paragraph 64B15-13.001(1)(a), F.A.C., with regard to Risk Management, Florida Laws and Rules, controlled substances, professional and medical ethics, and the prevention of medical errors shall be obtained by the completion of live, participatory attendance courses. However, the continuing medical education found in paragraph 64B15-13.001(1)(c) and (d), F.A.C., with regard to HIV/AIDS and domestic violence, may be obtained by the completion of non-live/participatory attendance.

(c) For purposes of this rule, Florida laws and rules means Chapters 456 and 459, F.S., and Rule Chapter 64B15, F.A.C.

(d) The One hour of Risk Management or professional and medical ethics education may be fulfilled by attending at least three (3) hours of disciplinary matters at a regular meeting of the Board of Osteopathic Medicine in compliance with the following:

1. The licensee must sign in with the Executive Director of the Board, or designee, before the meeting day begins.

2. The licensee must remain in continuous attendance.

3. The licensee must sign out with the Executive Director of the Board, or designee, at the end of the meeting day or at such other earlier time as affirmatively authorized by the Board. The licensee may receive CME credit in risk management or professional and medical ethics education for attending the disciplinary portion of a Board meeting only if the licensee is attending on that day solely for that purpose; the licensee may not receive such credit if appearing at the Board meeting for another purpose. Members of the Board of Osteopathic Medicine may receive risk management or professional and medical ethics credit for such attendance at one full day of disciplinary hearings at a regular meeting of the Board.

4. A licensee may use no more than five (5) hours of continuing education in the area of risk management for the purpose of completing the continuing education requirements for each biennial renewal.

(e) For purposes of this rule, a one (1) hour course on the federal and state laws related to the prescribing of controlled substances shall include: a review of the applicable federal and state laws and rules; review of the current Florida statistics regarding morbidity and mortality of controlled substance related deaths; pharmacology of opiate drugs; proper prescribing of opiate drugs; and a review of physician liability for overprescribing controlled substances.

(f)(e) For purposes of this rule, a two hour Prevention of Medical Errors course shall include a study of root cause analysis, error reduction and prevention, and patient safety. The course shall address medication errors, surgical errors, diagnostic inaccuracies, and system failures, and shall provide recommendations for creating safety systems in health care organizations. The course must include information relating to the five most mis-diagnosed conditions during the previous biennium, as determined by the Board. The following areas have been determined as the five most mis-diagnosed conditions: wrong-site/patient surgery; cancer; cardiac; timely diagnosis of surgical complications and failing to diagnose pre-existing conditions prior to prescribing contraindicated medications.

(4) No change.

(5) Home study hours up to a maximum of eight (8) hours per biennium may be utilized toward continuing education requirements for renewal. In order to be acceptable, said home study hours must be approved by the AOA, the AMA, the Board, or approved for credit as a college or university

extension course with approved grading and evaluation standards. Any licensee who is a member of the Armed Forces of the United States on active duty and for a period of six (6) months after discharge from active duty may obtain all forty (40) hours of continuing education through home study.

(6) In addition to the continuing medical education credits authorized above, a volunteer expert witness who is providing expert witness opinions for cases being reviewed pursuant to Chapter 459, F.S., shall receive 5.0 five (5) hours of credit in the area of risk management for each case reviewed. A volunteer expert may not accrue in excess of 15 hours of credit per biennium pursuant to this paragraph. Former board members serving on the Probable Cause Panel shall be allowed a maximum of 15 hours of credit per biennium pursuant to Section 456.013, F.S.

Specific Authority 459.005, 459.008(4) FS. Law Implemented 456.013(5), (6), (7), 459.008, 459.008(4) FS. History—New 10-23-79, Amended 1-29-86, Formerly 21R-13.01, Amended 12-5-89, 4-8-91, 2-16-92, Formerly 21R-13.001, Amended 1-10-94, Formerly 61F9-13.001, Amended 10-25-95, Formerly 59W-13.001, Amended 1-19-98, 6-3-98, 4-14-99, 5-26-02, 5-10-04, 7-27-04, 2-9-05, 2-14-06, 1-29-07,_____.

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 7, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 1, 2008

DEPARTMENT OF FINANCIAL SERVICES

Division of Funeral, Cemetery, and Consumer Services

RULE NO.: 69K-5.012 RULE TITLE: Application and Renewal Procedures for Broker of Burial Rights License

PURPOSE AND EFFECT: Section 497.281(1), F.S., authorizes the licensing authority to set by rule a license fee not to exceed \$250 for a broker of burial rights. Section 497.281(5), F.S., authorizes the Department to provide by rule for the biennial renewal of broker of burial rights licenses and to set a renewal fee not to exceed \$250.

SUMMARY: Rule 69K-5.012, F.A.C., is amended to update the requirements for obtaining and renewing a broker of burial rights license and sets the license fee at \$150 and the renewal fee at \$100.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared.

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

SPECIFIC AUTHORITY: 497.103(2)(c), (5)(b), 497.281 FS.

LAW IMPLEMENTED: 497.103(2)(c), 497.281 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: March 23, 2009, 2:00 p.m.

PLACE: Alexander Building, 2020 Capital Circle, S.E., 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: Doug Shropshire (850)413-3039 or doug.shropshire@myfloridacfo.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Doug Shropshire, Director, Division of Funeral, Cemetery, and Consumer Services, Alexander Building, 2020 Capital Circle S.E., Tallahassee, Florida 32399-0361, (850)413-3039 or doug.shropshire@myfloridacfo.com.

THE FULL TEXT OF THE PROPOSED RULE IS:

69K-5.012 Application and Renewal Procedures for Registration of Broker of Burial Rights License.

(1) Each person desiring to obtain licensure registration as a broker of burial rights shall apply to the Department by submitting the following:

(a) A completed application for Registration of Brokers of Burial Rights License Application, Form DFS-C-BBRI, revised 10/06 effective 3-3-97, which is hereby incorporated by reference in Rule 69K-1.001, F.A.C., and available on the Department's website at www.myfloridacfo.com/FuneralCemetery or by mail from the Department of Financial Services, Division of Funeral, Cemetery, and Consumer Services, 200 East Gaines Street, Tallahassee, Florida 32399-0361. The application shall for registration must be completed and signed within thirty (30) days prior to receipt by the Department; ~~and~~

(b) A non-refundable license initial registration fee of \$150, which shall be the fee for the biennial licensure registration period beginning October 1 of each odd numbered year or any part thereof;

(c) A \$5 unlicensed activity fee pursuant to Section 497.140(6)(a), F.S.; and

(d) A set of fingerprints (either electronic or on paper) pursuant to Rule 69K-1.002, F.A.C.

(2) Licensees shall submit renewal requests on Form DFS-N1-1771, Broker of Burial Rights Renewal, effective 10/06, which is incorporated by reference in Rule 69K-1.001, F.A.C., and is available from the Department at the address and website listed above. A renewal fee of \$100 and an unlicensed activity fee of \$5 shall accompany the form.

Request for Additional Information. Any request for additional information will be made by the Department within thirty (30) days after receipt of the application by the Department. The additional information must be received by the Department within forty five (45) days from the date of request. Failure to respond to the request within forty five (45) days from the date of request shall be construed by the Department as grounds for denial for failure to complete the application, and the application shall be denied pursuant to Section 120.60(2), F.S.

(3) Amendment of Registration. An applicant may amend the application for registration as to those factors generally within the control or selection of the applicant once, as a matter of course, at any time within thirty (30) days from its receipt for filing. Otherwise, the application may be amended only with prior permission from the Department. Requests to make changes which are material to the application or to the Department's evaluation of the registration filed at any time after the application has been received shall be deemed by the Department to be grounds for denial, and a new application for registration, accompanied by the appropriate filing fee, shall be required.

(4) Withdrawal of Registration. An applicant may request withdrawal of a registration prior to a determination of the registration being made by the Department by submitting a written request that the registration be withdrawn.

(5) Refunds. If the registration is withdrawn or denied, the registration fee is non-refundable.

(6) Upon approval of the registration, a license will be issued for the remainder of the biennial registration period.

Specific Authority 497.103(2)(c), (5)(b)(4), 497.281 FS. Law Implemented 497.103(2)(c), 497.281 FS. History--New 3-3-97, Formerly 3D-30.105, 69K-100.105, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Doug Shropshire, Director, Division of Funeral, Cemetery, and Consumer Services

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Alex Sink, Chief Financial Officer

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 10, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 31, 2008

Section III
Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF STATE

Division of Elections

RULE NO.: 1S-2.047
RULE TITLE: State Campaign Matching Funds Program

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 35, No. 6, February 13, 2009 issue of the Florida Administrative Weekly.

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Donald L. Palmer, Director, Division of Elections

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 27, 2009

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

WATER MANAGEMENT DISTRICTS

Suwannee River Water Management District

RULE NOS.: 40B-9.021, 40B-9.041, 40B-9.042, 40B-9.123, 40B-9.131, 40B-9.1381, 40B-9.142, 40B-9.145, 40B-9.151
RULE TITLES: Definitions, Acquisition Procedures - Negotiations, Inholding and Addition Property, Additional Definitions, Public Use of District Lands, Prohibited Activities, Easements, Leases, Closure of District Lands

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. 34, No. 50, December 12, 2008 issue of the Florida Administrative Weekly.

40B-9.021 Definitions.

When used in this part, the term herein:

(1) "Acquisition plan" means the work plan adopted by the Governing Board that describes the District's land acquisition strategies.