

**Section II
Proposed Rules**

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Agricultural Environmental Services

RULE NO.: 5E-2.040
 RULE TITLE: Pesticide Active Ingredients Subject to Supplemental Registration Fee

PURPOSE AND EFFECT: The Department’s purpose in applying these guidelines is to achieve compliance with Chapters 2009-20 and 2009-66, Laws of Florida, amending Chapter 487, F.S.

SUMMARY: The proposed rule is required to implement the provisions of Section 487.041(1)(d), F.S., a new section of the Florida Pesticide Law which establishes a supplemental registration fee for each registered brand of pesticide that contains an active ingredient listed in 40 Code of Federal Regulations Part 180.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The Department has determined that this rule will have an impact on small business. A SERC has been prepared by the Department.

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: 487.041(1)(d)1., 570.074(23) FS.

LAW IMPLEMENTED: 487.041(1)(d) 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: Dr. Dennis Howard, Chief, Bureau of Pesticides, 3125 Conner Boulevard, Building 6, Tallahassee, Florida 32399; (850)487-0532

THE FULL TEXT OF THE PROPOSED RULE IS:

5E-2.040 Pesticide Active Ingredients Subject to Supplemental Registration Fee.

(1) The pesticide active ingredients published in the list of “Registered Pesticide Active Ingredients for which a Brand of Pesticide is Subject to a Supplemental Fee” (07/17/09) are subject to the supplemental registration fee established in Section 487.041(1)(d), F.S.

(2) All forms, filing specifications, and materials contained in this rule are hereby adopted and incorporated by reference and may be obtained from the Florida Department of Agriculture and Consumer Services, Bureau of Pesticides,

3125 Conner Boulevard, Building 6, Tallahassee, Florida, 32399-1650; (850)487-0532 or by visiting the department’s website at: http://www.flaes.org/pdf/Supplemental_Registration_Fee_Ingredient_List.pdf.

Rulemaking Authority 487.041(1)(d)1., 570.07(23) FS. Law Implemented 487.041(1)(d) FS. History—New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Mr. Anderson H. Rackley, Director, Agricultural Environmental Services

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 29, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 17, 2009

DEPARTMENT OF TRANSPORTATION

RULE NO.: 14-33.002
 RULE TITLE: Florida Road Numbering Plan

PURPOSE AND EFFECT: Rule 14-33.002, F.A.C., is being amended in order to simplify the classification and numbering plan of public roads.

SUMMARY: The amendments address the types of roads that will be affected by the numbering plan.

RULEMAKING AUTHORITY: 334.044(2) FS.

LAW IMPLEMENTED: 334.03(2), 334.044(11), 335.01, 335.02, 335.08 FS.

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.

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: Deanna R. Hurt, Assistant General Counsel and Clerk of Agency Proceedings, Florida Department of Transportation, Office of the General Counsel, 605 Suwannee Street, Mail Station 58, Tallahassee, Florida 32399-0458

THE FULL TEXT OF THE PROPOSED RULE IS:

14-33.002 Florida Road Numbering Plan.

(1) Numbering Plan. The Florida road numbering plan will generally prescribe numbers in accordance with road orientation and geographic location within the state. Extended roads of state-wide or inter-regional significance will maintain one-digit or two-digit road numbers. Roads of regional significance will be assigned three-digit road numbers. Roads of generally local significance may be assigned four-digit numbers.

(a) All roads ~~extending leading from~~ north to south shall bear odd numbers with ~~the~~ number 1 assigned to the extreme easterly road. All roads ~~extending leading from~~ east to west shall bear even numbers with ~~the~~ number 2 assigned to the extreme northerly road.

(b) Certain control roads have been selected for the purpose of dividing the state into segments. The north-south control roads are one-digit and two-digit numbers ending in 5; the east-west control roads are two-digit numbers ending in zero. (See figure 1.)



(c) Major connecting roads are assigned two-digit numbers between the control routes. For example, Road 77 is a north-south route located between control routes 75 and 85 and is found near the westernmost portion of the state. Minor connecting routes are assigned three-digit or four-digit numbers between the control routes. For example, Road 510 is an east-west route located between control routes 50 and 60 and would be found near the central portion of the state.

(d) Connecting roads which cross control routes will not be required to change numbers, but will retain the number assigned at the beginning of the route to ensure route continuity.

(2) Assignment of Numbers and Responsibility for Signs.

(a) The Department will assign numbers, and erect and maintain corresponding signs for roads on the State Highway System.

(b) The Department will assign numbers for other public roads upon request by the county or municipality having jurisdiction. The county or municipality that requests the number assignment will be responsible for erecting and maintaining the corresponding sign.

~~(a) Category I, State Highway System. The Department will assign numbers and erect and maintain corresponding signs.~~

~~(b) Category II, roads on the county road system and city street system functionally classified as collector roads and arterial roads. The Department will assign numbers for Category II roads; however, the jurisdictions maintaining these roads will have the responsibility for erecting and maintaining corresponding signs.~~

~~(c) Category III, the state park roads system and county roads or streets not functionally classified as collector or arterial roads. The Department will number a Category III road upon request by the entity having jurisdiction over the road; however that jurisdiction would have responsibility for erecting and maintaining corresponding signs.~~

(3) Signs and Symbols. Signs and symbols to be utilized in the uniform state numbering plan will be in accordance with the standards of the American Association of State Highway and Transportation Officials (AASHTO), the Florida Department of Transportation, and the National Association of Counties as referenced in the Manual of Uniform Traffic Control Devices, which is incorporated by reference under Rule 14-15.010, F.A.C. Appropriate symbols will be employed with the road numbers for usage on the Official State Highway Map and the County General Highway Map series.

(4) Renumbering of Roads. The Florida Road Numbering Plan will generally utilize existing state road numbers. In cases where the existing state road numbers cause public confusion, e.g., multiple usage of the same road number in a region, or where the road numbering plan in a region might be improved by a general revision of the existing numbering scheme, changes in the existing road numbers shall be

~~instituted however, where such numbers have caused public confusion, e.g., multiple usage of the same road number in a region, or where the road numbering plan in a region might be improved by a general revision of the existing numbering scheme. In such instances, when revisions to the existing state road numbers are proposed, it shall be the policy of the Department to conduct a public hearing in accordance with Section 335.02(1), F.S.~~

Rulemaking Specific Authority 334.044(2) FS. Law Implemented 334.03(2), 334.044(11), 335.01, 335.02, 335.08 FS. History—New 3-18-76, Formerly 14-33.02, Amended 8-5-96, 4-9-07, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Gordon R. Morgan, Manager, Highway Data Analysis Section
NAME OF AGENCY HEAD WHO APPROVED
PROPOSED RULE: Stephanie C. Kopelousos, Secretary
DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: September 22, 2009
DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: August 14, 2009

DEPARTMENT OF TRANSPORTATION

RULE NO.: RULE TITLE:
14-48.0011 Safety Inspection of Bridges
PURPOSE AND EFFECT: This is an amendment to Rule Chapter 14-48, F.A.C., which incorporates the newest revisions to federal standards of bridge inspection. The amendments also update the criteria for bridge inspector certification.
SUMMARY: Rule Chapter 14-48, F.A.C., is being amended to update the criteria and standards for bridge safety inspections.
SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared.

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

RULEMAKING AUTHORITY: 334.044(2) FS.

LAW IMPLEMENTED: 334.044(28), 335.074 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: Deanna R. Hurt, Assistant General Counsel and Clerk of Agency Proceedings, Florida Department of Transportation, Office of the General Counsel, 605 Suwannee Street, Mail Station 58, Tallahassee, Florida 32399-0458

THE FULL TEXT OF THE PROPOSED RULE IS:

14-48.0011 Safety Inspection of Bridges.

(1) Purpose. The purpose of this rule is to establish standards for safety inspection of bridges, as well as certification requirements for bridge inspectors.

(2) The Manual for Bridge Evaluation, 2008, First Edition, Condition Evaluation of Bridges, 1994, Second Edition, as revised by the 1995, 1996, 1998, and 2000, interim revisions, published by the American Association of State Highway and Transportation Officials (AASHTO), is hereby incorporated by reference and made a part of this rule. Copies of this manual are available from AASHTO, 444 North Capitol Street, Northwest, Suite 249, Washington, D.C. 20001.

(3) The Federal Highway Administration Recording and Coding Guide for the Structure Inventory and Appraisal of the Nation's Bridges, December 1995, is hereby incorporated by reference and made a part of this rule. This manual is available on line and can be downloaded at <http://www.fhwa.dot.gov/bridge/mtguide.pdf>.

(4) Training Course. Bridge inspectors must complete and pass the final examination for the Safety Inspection of In-Service Bridges course provided by the National Highway Institute. Information regarding this training can be obtained by contacting the National Highway Institute at its website: <http://www.nhi.fhwa.dot.gov/home.aspx> <http://www.nhi.fhwa.dot.gov/default.asp>

(5) The Department will certify persons with a minimum of five years of bridge construction or maintenance inspection experience working in a responsible capacity, who have completed the training course as bridge inspectors. The five years of ~~constructive~~ experience must include at least one year of experience conducting bridge safety inspections which meet ~~meeting~~ the requirements of the National Bridge Inspection Standards, 23 C.F.R., Part 650, Subpart C, incorporated herein by reference. To receive bridge inspection experience, the inspections must have been done under the supervision of an onsite P.E. or CBI. Also incorporated herein by reference is the Bridge Inspector's Reference Manual, U.S. Department of Transportation Publication No. FHWA NHI 03-001, December, 2006 ~~October, 2002~~, which is available for review and downloading at: <http://www.fhwa.dot.gov/bridge/bripub.htm>. The other four years shall may include credit for any combination of the following: engineering education, structure design, bridge construction, bridge maintenance, materials testing, or additional bridge safety inspection. Credit for engineering education is as follows:

(a) An individual who holds a bachelor's degree in engineering from an accredited college or university, which is determined to be substantially equivalent by the Accreditation Board for Engineering and Technology, and has passed the National Council of Examiners for Engineering and Surveying Fundamentals of Engineering Exam, will receive 3 years credit;

(b) An individual who has an associate's degree in engineering or engineering technology from an accredited college or university, or is determined to be substantially equivalent by the Accreditation Board for Engineering and Technology, will receive 1 year credit.

The Application for Bridge Inspection Certification, DOT Form 850-010-16, Rev. ~~06/09~~ ~~09/04~~, is hereby incorporated by reference and made a part of this rule. Copies of this form can be downloaded from the Department's Office of Forms and Procedures website at: <http://www.dot.state.fl.us/proceduraldocuments/> ~~obtained from State Maintenance Office, 605 Suwannee Street, MS 52, Tallahassee, Florida 32399-0450.~~

(6) Effective January 1, 2012, and every 4 years thereafter, all individuals serving as a bridge inspection team leader must have successfully completed the Safety Inspection of In Service Bridge course. If the course was not taken in the previous 4 years, the individual must have successfully completed at least 12 personal development hours in bridge inspection training within the previous 4 years. An individual not meeting this requirement will be ineligible to serve as a bridge inspection team leader until this requirement is met. The Office of Maintenance will maintain a list of courses that meet the continuing education requirements. This list can be found at: <http://www.dot.state.fl.us/statemaintenanceoffice/Safety%20Bridge%20Inspection%20Team%20Leader%20Requirements%20in%20Florida.pdf>

Rulemaking Specific Authority 334.044(2) FS. Law Implemented 334.044(28), 335.074 FS. History--New 1-30-05, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Richard I. Kerr, State Management Inspection Engineer
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Stephanie C. Kopelousos, Secretary
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 22, 2009
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 14, 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."

**STATE BOARD OF ADMINISTRATION
 Florida Prepaid Postsecondary Education Expense Board**

RULE NO.: 19B-4.002
 RULE TITLE: Contract Prices

PURPOSE AND EFFECT: This rule is amended to reflect the changes made to the maximum amount of the tuition differential fee by Chapter 2009-98, Laws of Florida. This law permits all state universities to impose the tuition differential fee and provides that the sum of the tuition differential fee, tuition and other fees may not exceed the national average of tuition and fees at public postsecondary education institutions. The changes revise the assumptions used for pricing tuition differential fee plans to conform to the new maximum amounts for the tuition differential fee.

SUMMARY: This rule change is being made to reflect the changes made to the maximum amount of the tuition differential fee by Chapter 2009-98, Laws of Florida. This law permits all state universities to impose the tuition differential fee and provides that the sum of the tuition differential fee, tuition and other fees may not exceed the national average of tuition and fees at public postsecondary education institutions. The changes revise the assumptions used for pricing tuition differential fee plans to conform to the new maximum amounts for the tuition differential fee.

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

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

RULEMAKING AUTHORITY: 1009.971(1), (4), (6) FS.

LAW IMPLEMENTED: 1009.98(2) 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: November 2, 2009, 2:00 p.m.

PLACE: Suite 210, Hermitage Building, 1801 Hermitage Boulevard, 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: fax a written request for same to: Thomas J. Wallace, Executive Director, 1801 Hermitage Blvd., Suite 210, Tallahassee, FL 32308, (850)488-3555. 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: Thomas J. Wallace, Executive Director, 1801 Hermitage Boulevard, Suite 210, Tallahassee, Florida 32308, telephone (850)488-8514

THE FULL TEXT OF THE PROPOSED RULE IS:

19B-4.002 Contract Prices.

The Board will evaluate the advance payment contract prices for revision annually. All advance payment contract prices will be published annually in the Florida Administrative Weekly. The advance payment contract prices for tuition plans are based on the actuarial assumption that university tuition will rise at an average of 6.5 percent per annum, community college tuition will rise at an average of 5 percent per annum and dormitory fees will rise at an average of 6 percent per annum. Local fee plan prices are based on the actuarial assumption that university local fees will rise at an average of 5 percent per annum and community college local fees will rise at an average of 6 percent per annum. The tuition differential fee plan prices are based on the actuarial assumption that the tuition differential fee will rise an average of 8.5 percent per annum until such time as the sum of the tuition differential fee and the fees specified in Section 1009.24(16)(b)4., F.S., reaches the maximum amount permitted pursuant to Section 1009.24(16)(b)4., F.S., as determined by the Education Estimating Conference pursuant to Section 216.134(4)(a), F.S reaches forty percent (40%) of tuition at Funding Level 1 schools and thirty percent (30%) of tuition at Funding Level 2 schools. Once the sum of the tuition differential fee and the fees specified in Section 1009.24(16)(b)4., F.S., equals reaches the maximum amount permitted pursuant to Section 1009.24(16)(b)4., F.S. level, the actuarial assumption is that the tuition differential fee will rise an average of 6.5% per annum thereafter.

Rulemaking Specific Authority 1009.971(1), (4), (6) FS. Law Implemented 1009.98(2) FS. History—New 3-29-89, Amended 2-6-90, 3-19-92, Formerly 4G-4.002, Amended 5-31-95, 2-18-99, 2-8-00, 12-28-03, 12-28-04, 12-20-05, 12-17-07, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Florida Prepaid College Board
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Prepaid College Board
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 2, 2009
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 18, 2009

STATE BOARD OF ADMINISTRATION

Florida Prepaid Postsecondary Education Expense Board

RULE NO.: 19B-5.001
 RULE TITLE: Contract Types

PURPOSE AND EFFECT: This rule is amended to: a) correct a cross-reference to the statute that authorizes the tuition differential fee; b) clarify that the Community College Plan and the Community College Plus University Plan each include sixty (60) “lower division” credit hours at a community college (an institution in the Florida College System); c) delete provisions related to the tuition differential fee which that are no longer needed since all state universities are authorized by

law to and do impose the tuition differential fee; and d) clarify that the amount payable under each respective plan will be determined pursuant to Section 1009.98(10), F.S.

SUMMARY: This rule change revises the descriptions of the types of advance payment contracts offered under the Florida Prepaid College Plan.

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

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

RULEMAKING AUTHORITY: 1009.971(1), (4), (6) FS.

LAW IMPLEMENTED: 1009.98(2), (10) 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: November 2, 2009, 2:00 p.m.

PLACE: Suite 210, Hermitage Building, 1801 Hermitage Boulevard, 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: fax a written request for same to: Thomas J. Wallace, Executive Director, 1801 Hermitage Boulevard, Suite 210, Tallahassee, FL, (850)488-3555. 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: Thomas J. Wallace, Executive Director, 1801 Hermitage Boulevard, Suite 210, Tallahassee, Florida 32308, telephone (850)488-8514

THE FULL TEXT OF THE PROPOSED RULE IS:

19B-5.001 Contract Types.

The Florida Prepaid College Board’s advance payment contracts offer purchasers four (4) different plans: tuition, local fees, tuition differential fees and dormitory. All advance payment contracts include a tuition plan, unless the advance payment contract is an exception, pursuant to the Rules of this Chapter 19B, F.A.C. Purchasers may add corresponding local fee, tuition differential fee and/or dormitory plans in conjunction with or as addendums to advance payment contracts. The tuition plans cover the matriculation fee, the building fee, the capital improvement fee and the financial aid fee. Local fee plans cover the activity and service, health, and athletics fees imposed by the state universities and the student activity fee imposed by the community colleges. Local fee plans purchased after July 1, 1999 also cover the technology

fee imposed by the community colleges. Tuition differential fee plans cover the supplemental fee charged by the state universities pursuant to Section 1009.24(16) public universities in the state pursuant to Section 1009.24(15), F.S. The dormitory plan covers the housing rate specified by the university for inclusion in the plan of a double occupancy, air-conditioned room. The amount payable under each plan will be determined pursuant to Section 1009.98(10), F.S.

(1) No change.

(a) No change.

(b) Community College Plan – The community college plan specifies that 60 lower division credit hours at a state community college are purchased for the benefit of the qualified beneficiary. For community college plans purchased prior to the 1996-97 application period, the number of credit hours purchased through the community college plan shall be the number specified in the advance payment contract.

(c) Community College Plus University Plan – The community college plus university plan specifies that 60 lower division credit hours at a state community college and 60 upper division level credit hours at a state university are purchased for the benefit of the qualified beneficiary. For community college plus university plans purchased prior to the 1996-97 application period, the number of credit hours purchased through the community college plus university plan shall be the number specified in the advance payment contract.

Tuition plans do not cover institutionally-imposed fees such as health, athletic, activity and service, technology, tuition differential or student activity fees.

(2) No change.

(a) No change.

(b) Community College Local Fee Plan – The community college plan specifies that local fees for 60 lower division credit hours at a state community college are purchased for the benefit of the qualified beneficiary.

(c) Community College Plus University Local Fee Plan – The community college plus university plan specifies that local fees for 60 lower division credit hours at a state community college and 60 upper division level credit hours at a state university are purchased for the benefit of the qualified beneficiary.

Local fee plans may be purchased only for those contract beneficiaries four (4) or more years away from their anticipated matriculation date at the time the application is filed. The local fee plan does not cover the tuition differential fee.

(3) No change.

(a) University Tuition Differential Fee Plan – The university tuition differential fee plan specifies that 120 credit hours at a state university ~~authorized to assess the tuition differential fee~~ are purchased for the benefit of the qualified

beneficiary. The 120 credit hour university tuition differential fee plan may be purchased only in conjunction with a university tuition plan.

(b) Community College Plus University Tuition Differential Fee Plan – The community college plus university tuition differential fee plan specifies that only 60 credit hours at a state university ~~authorized to assess the tuition differential fee~~ are purchased for the benefit of the qualified beneficiary. The 60 credit hour tuition differential fee plan may be purchased only in conjunction with a community college plus university tuition plan.

Tuition differential fee plans may be purchased only for those qualified beneficiaries who are four (4) or more years away from their anticipated matriculation date at the time the application is received by the Board.

(4) through (5) No change.

Rulemaking Specific Authority 1009.971(1), (4), (6) FS. Law Implemented 1009.98(2), (10) FS. History–New 3-29-89, Amended 5-17-92, 8-23-92, Formerly 4G-5.001, Amended 5-31-95, 6-20-96, 10-20-96, 8-18-97, 2-18-99, 2-8-00, 8-27-02, 12-17-07, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Florida Prepaid College Board

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Prepaid College Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 2, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 18, 2009

STATE BOARD OF ADMINISTRATION

Florida Prepaid Postsecondary Education Expense Board

RULE NO.: RULE TITLE:

19B-5.002 Contract Benefits

PURPOSE AND EFFECT: This rule is amended to delete an obsolete provision concerning disbursements related to tuition differential fee plans where the state university attended by the beneficiary does not impose the tuition differential fee. All state universities are now authorized to and do impose the tuition differential fee.

SUMMARY: This rule change revises the descriptions of the benefits of advance payment contracts offered under the Florida Prepaid College Plan by deleting an obsolete provision related to the tuition differential fee plan.

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

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

RULEMAKING AUTHORITY: 1009.971(1), (4), (6) FS.

LAW IMPLEMENTED: 1009.98 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: November 2, 2009, 2:00 p.m.

PLACE: Suite 210, Hermitage Building, 1801 Hermitage Boulevard, 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: fax a written request for same to: Thomas J. Wallace, Executive Director, 1801 Hermitage Blvd., Suite 210, Tallahassee, FL 32308, (850)488-3555. 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: Thomas J. Wallace, Executive Director, 1801 Hermitage Boulevard, Suite 210, Tallahassee, Florida 32308, telephone (850)488-8514

THE FULL TEXT OF THE PROPOSED RULE IS:

19B-5.002 Contract Benefits.

(1) through (2) No change.

(3) Local fee and tuition differential fee plans are tied to tuition contracts for matriculation purposes. Payment for the local and tuition differential fees will be remitted with the tuition payment upon the receipt of a tuition invoice for a beneficiary whose advance payment contract is composed of these fee plans. ~~If the state university does not charge a tuition differential fee, payment for only the local fees will be remitted with the tuition payment, upon receipt of a tuition invoice for a beneficiary whose advance payment contract is composed of these fee plans.~~

Rulemaking Specific Authority 1009.971(1), (4), (6) FS. Law Implemented 1009.98 FS. History—New 3-29-89, Amended 2-6-90, 3-19-92, Formerly 4G-5.002, Amended 5-31-95, 6-20-96, 2-18-99, 1-1-07, 12-17-07, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Florida Prepaid College Board

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Prepaid College Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 2, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 18, 2009

STATE BOARD OF ADMINISTRATION

Florida Prepaid Postsecondary Education Expense Board

RULE NO.:

19B-9.002

RULE TITLE:

Use of Benefits at In-State Private Colleges or Universities, Out-of-State Colleges and Universities and Vocational-Technical Schools

PURPOSE AND EFFECT: This rule is amended to reflect the amendment enacted during the 2009 regular session of the Legislature to Section 1009.98(3), F.S., which revised and expanded the types of postsecondary educational institutions at which the benefits from Prepaid College Plans may be used. Under this law, Prepaid Plans may be used at “any eligible educational institution as defined in s. 529 of the Internal Revenue Code.” The rule is also amended to revise the amount which will be paid under a Prepaid Plan to such institutions to be the average amount of the tuition, local fees, tuition differential fees, respectively, payable under the beneficiary’s plan or plans. This later change is needed due to the enactment by the 2009 regular session of the Legislature of Section 1009.98(10), F.S., which specifies the amounts which the Board is required to pay state universities on behalf of beneficiaries of Prepaid College Plans.

SUMMARY: This rule change revises the requirements for educational institutions to which the benefits of advance payment contracts offered under the Florida Prepaid College Plan by may be transferred and the amount which will be paid when the benefits of an advance payment contract is transferred to an eligible educational institution.

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

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

RULEMAKING AUTHORITY: 1009.971(1), (4), (6) FS.

LAW IMPLEMENTED: 1009.98 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: November 2, 2009, 2:00 p.m.

PLACE: Suite 210, Hermitage Building, 1801 Hermitage Boulevard, 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: fax a written request to: Thomas J. Wallace, Executive Director, 1801 Hermitage Blvd., Suite 210, Tallahassee, FL 32308, (850)488-3555. 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: Thomas J. Wallace, Executive Director, 1801 Hermitage Boulevard, Suite 210, Tallahassee, Florida 32308, telephone (850)488-8514

THE FULL TEXT OF THE PROPOSED RULE IS:

19B-9.002 Use of Benefits at Transfers to In-State Private Colleges Independent College or Universities University, Out-of-State Colleges and Universities and Vocational-Technical Schools.

In the event the beneficiary matriculates to any eligible education institution, as defined in s. 529 of the Internal Revenue Code in an independent college or university in Florida, the redemption value will be forwarded to the institution. For purposes of such transfers of the tuition, local fee and tuition differential fee plans, the redemption value shall be the average amount of tuition, local fees and tuition differential fees, respectively, payable under the beneficiary's plan or plans to a state university or community college, charged by the state universities or community colleges at the time of matriculation. For purposes of such transfers of the dormitory plan, the redemption value shall be the average of the state university dormitory fees payable under the beneficiary's plan to a state university or community college, charged at the time of matriculation for the number of semesters reflected in each beneficiary's dormitory plan purchaser's advance payment contract.

Rulemaking Specific Authority 1009.971(1), (4), (6) FS. Law Implemented 1009.98 FS. History—New 3-29-89, Formerly 4G-9.002, Amended 2-6-90, 12-5-93, 6-20-96, 10-20-96, 2-18-99, 10-9-01, 12-17-07, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Florida Prepaid College Board

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Prepaid College Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 2, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 18, 2009

STATE BOARD OF ADMINISTRATION

Florida Prepaid Postsecondary Education Expense Board

RULE NO.: 19B-9.003
 RULE TITLE: Transfer to Out-of-State Schools

PURPOSE AND EFFECT: This rule is being repealed due to the enactment of the amendment to Section 1009.98(3), F.S., which revised and expanded the types of postsecondary educational institutions at which the benefits from Prepaid College Plans may be used. This rule change is related to the

amendment to Rule 19B-9.002, F.A.C. The current rule permits the transfer of the benefits of an advance payment contract to an out-of-state community college, college or university and specifies the amount that will be transferred to those institutions under a tuition plan, local fee plan, tuition differential fee plan and dormitory plan.

SUMMARY: This rule permits the transfer of the benefits of an advance payment contract to an out-of-state community college, college or university and specifies the amount that will be transferred to those institutions under a tuition plan, local fee plan, tuition differential fee plan and dormitory plan. This rule is being repealed due to the enactment of the amendment to Section 1009.98(3), F.S., which revised and expanded the types of postsecondary educational institutions at which the benefits from Prepaid College Plans may be used. This rule change is related to the amendment to Rule 19B-9.002, F.A.C. SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared.

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

RULEMAKING AUTHORITY: 1009.971(1), (4), (6) FS.

LAW IMPLEMENTED: 1009.98(3) 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: November 2, 2009, 2:00 p.m.

PLACE: Suite 210, Hermitage Building, 1801 Hermitage Boulevard, 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: fax a written request for same to: Thomas J. Wallace, Executive Director, 1801 Hermitage Blvd., Suite 210, Tallahassee, FL 32308, (850)488-3555. 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: Thomas J. Wallace, Executive Director, 1801 Hermitage Boulevard, Suite 210, Tallahassee, Florida 32308, telephone (850)488-8514

THE FULL TEXT OF THE PROPOSED RULE IS:

19B-9.003 Transfer to Out-of-State Schools.

Rulemaking Specific Authority 1009.971(1), (4), (6) FS. Law Implemented 1009.98(3) FS. History—New 3-29-89, Formerly 4G-9.003, Amended 12-5-93, 6-20-96, 2-18-99, 1-3-01, 10-9-01, 12-17-07, Repealed _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Florida Prepaid College Board
 NAME OF AGENCY HEAD WHO APPROVED THE
 PROPOSED RULE: Florida Prepaid College Board
 DATE PROPOSED RULE APPROVED BY AGENCY
 HEAD: September 2, 2009
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT
 PUBLISHED IN FAW: September 18, 2009

STATE BOARD OF ADMINISTRATION

Florida Prepaid Postsecondary Education Expense Board

RULE NO.:	RULE TITLE:
19B-9.004	Dormitory Transfer to Community Colleges and State University-Held Residences Other than Dormitories

PURPOSE AND EFFECT: This rule is amended to clarify that the amount which will be paid for transfers of dormitory plans to: a) residence facilities owned by a community college or community college direct support organization will not exceed the average of fees payable under the beneficiary’s dormitory plan for state university dormitories approved for inclusion in the Prepaid Plan, and b) state university-held residences other than dormitories will be the average amount of the dormitory fee payable under the beneficiary’s dormitory plan for dormitories at the state university that are approved for inclusion under in Prepaid Plan. These changes are needed due to the enactment by the 2009 regular session of the Legislature of Section 1009.98(10), F.S., which specifies the amounts which the Board is required to pay state universities on behalf of beneficiaries of dormitory plans.

SUMMARY: This rule change revises the rule concerning the amounts that will be paid when dormitory plans are transferred for use at residence facilities owned by a community college or community college direct support organization and state university-held residences other than dormitories.

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

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

RULEMAKING AUTHORITY: 1009.971(1), (4), (6) FS.

LAW IMPLEMENTED: 1009.98(3), (10) 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: November 2, 2009, 2:00 p.m.

PLACE: Suite 210, Hermitage Building, 1801 Hermitage Boulevard, 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: fax a written request for same to: Thomas J. Wallace, Executive Director, 1801 Hermitage Blvd., Suite 210, Tallahassee, FL 32308, (850)488-3555. 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: Thomas J. Wallace, Executive Director, 1801 Hermitage Boulevard, Suite 210, Tallahassee, Florida 32308, telephone (850)488-8514

THE FULL TEXT OF THE PROPOSED RULE IS:

19B-9.004 Dormitory Transfer to Community Colleges and State University-Held Residences Other than Dormitories.

(1) A dormitory plan may be transferred to a community college or community college direct-support organization that operates a residence facility for students attending the community college. Funds transferred to the community college or community college direct-support organization shall not exceed the lesser of the actual fees charged by the community college or the community college direct-support organization for dormitories or residency opportunities or the average fees payable under the beneficiary’s dormitory plan ~~charged~~ for state university dormitories designated for inclusion in the Program.

(2) A dormitory plan may be transferred to other university-held residences designated by a state university for inclusion in the Program. Funds transferred to other university-held residences shall not exceed the average of fees payable under the beneficiary’s dormitory plan ~~charged~~ for dormitories at the state university that are designated for inclusion in the Program. The terms of the university housing contract shall take precedence over the terms of the advance payment contract for the purpose of transferring dormitory plans.

Rulemaking Specific Authority 1009.971(1), (4), (6) FS. Law Implemented 1009.98(3), (10) FS. History—New 10-20-96, Amended 1-28-09, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Florida Prepaid College Board
 NAME OF AGENCY HEAD WHO APPROVED THE
 PROPOSED RULE: Florida Prepaid College Board
 DATE PROPOSED RULE APPROVED BY AGENCY
 HEAD: September 2, 2009
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT
 PUBLISHED IN FAW: September 18, 2009

STATE BOARD OF ADMINISTRATION

Florida Prepaid Postsecondary Education Expense Board

RULE NO.: 19B-9.005
 RULE TITLE: Transfer to In-State Vocational-Technical Schools

PURPOSE AND EFFECT: This rule is being repealed due to the enactment of the amendment to Section 1009.98(3), F.S., which revised and expanded the types of postsecondary educational institutions at which the benefits from Prepaid College Plans may be used. This rule change is related to the amendment to Rule 19B-9.002, F.A.C. The current rule permits the transfer of the benefits of an advance payment contract to an applied technology diploma program or vocational certificate program conducted by a community college or an area technical center operated by a district school board and specifies the amount that will be transferred to those institutions under a tuition plan, local fee plan, tuition differential fee plan and dormitory plan.

SUMMARY: This rule permits the transfer of the benefits of an advance payment contract to an applied technology diploma program or vocational certificate program conducted by a community college or an area technical center operated by a district school board and specifies the amount that will be transferred to those institutions under a tuition plan, local fee plan, tuition differential fee plan and dormitory plan. This rule is being repealed due to the enactment of the amendment to Section 1009.98(3), F.S., which revised and expanded the types of postsecondary educational institutions at which the benefits from Prepaid College Plans may be used. This rule change is related to the amendment to Rule 19B-9.002, F.A.C.

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

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

RULEMAKING AUTHORITY: 1009.971(1), (4), (6) FS.

LAW IMPLEMENTED: 1009.98(3) 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: November 2, 2009, 2:00 p.m.

PLACE: Suite 210, Hermitage Building, 1801 Hermitage Boulevard, 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: fax a written request for same to: Thomas J. Wallace, Executive Director, 1801 Hermitage Blvd., Suite 210, Tallahassee, FL 32308, (850)488-3555. 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: Thomas J. Wallace, Executive Director, 1801 Hermitage Boulevard, Suite 210, Tallahassee, Florida 32308, telephone (850)488-8514

THE FULL TEXT OF THE PROPOSED RULE IS:

19B-9.005 Transfer to In-State Vocational-Technical Schools.

Rulemaking Specific Authority 1009.971(1), (4), (6) FS. Law Implemented 1009.98(3) FS. History–New 1-3-01, Amended 12-17-07, Repealed _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Florida Prepaid College Board

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Prepaid College Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 2, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 18, 2009

STATE BOARD OF ADMINISTRATION

Florida Prepaid Postsecondary Education Expense Board

RULE NO.: 19B-11.001
 RULE TITLE: General

PURPOSE AND EFFECT: This rule is amended to delete provisions concerning refunds in circumstances where the beneficiary does not attend a state postsecondary educational institution which imposes the tuition differential fee. All state universities are now authorized to and do impose the tuition differential fee. The rule is also amended to clarify that the amount payable pursuant to a scholarship refund or a death or disability refund for a tuition, local fee, tuition differential fee or dormitory plan will be the average amount payable under the beneficiary’s plan or plans to state universities or community colleges at the time of the refund request. This later change is needed due to the enactment by the 2009 regular session of the Legislature of Section 1009.98(10), F.S., which specifies the amounts which the Board is required to pay state universities on behalf of beneficiaries of Prepaid Plans.

SUMMARY: This rule change revises the rule concerning refunds for tuition differential fee plans where the beneficiary does not attend a state postsecondary educational institution which imposes the tuition differential fee as all state universities are now authorized to and do impose the tuition differential fee. The rule is also amended to clarify that the amount payable pursuant to a scholarship refund or a death or disability refund for a tuition, local fee, tuition differential fee or dormitory plan.

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

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

RULEMAKING AUTHORITY: 1009.971(1), (4), (6) FS.

LAW IMPLEMENTED: 1009.971, 1009.98(5), (10) 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: November 2, 2009, 2:00 p.m.

PLACE: Suite 210, Hermitage Building, 1801 Hermitage Boulevard, 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: fax a written request for same to Thomas J. Wallace, Executive Director, 1801 Hermitage Blvd., Suite 210, Tallahassee, FL 32308, (850)488-3555. 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: Thomas J. Wallace, Executive Director, 1801 Hermitage Boulevard, Suite 210, Tallahassee, Florida 32308, telephone (850)488-8514

THE FULL TEXT OF THE PROPOSED RULE IS:

19B-11.001 General.

Except as provided herein, refunds shall not exceed the amount paid for any plan included in the advance payment contract bought by the purchaser, except for conversions pursuant to Rule 19B-11.002, F.A.C., and dormitory plan refunds due to insufficient housing pursuant to Rule 19B-11.004, F.A.C. Termination of student status after the official drop/add period eliminates the refund option for that semester. The Board will process a refund associated with an account that was terminated pursuant to Rule 19B-10.001 or 19B-10.002, F.A.C., upon the receipt of a notarized, written request that is signed by the person or persons required pursuant to Rule 19B-5.004, F.A.C. The refund will be paid only to the purchaser of the terminated account.

(1) For participants in the Florida Prepaid College Board Program's advance payment contracts, a scholarship is defined as:

~~(a) a~~ A financial or in-kind award or grant given to an individual for study, training, or research, and which does not constitute compensation for personal services; ~~or~~

~~(b) The refund of a tuition differential fee plan of an advance payment contract if the advance payment contract's designated qualified beneficiary does not attend a state educational institution that meets the criteria for Funding Level 1 or Funding Level 2 pursuant to Section 1004.635(3), F.S.~~

(2) Refunds may exceed the amount paid for a plan in the following circumstances:

(a) through (b) No change.

~~(c) If a beneficiary with a tuition differential fee contract attends a state educational institution that does not charge a tuition differential fee, moneys paid for purchase of the tuition differential fee contract shall be returned to the purchaser in an amount not to exceed the redemption value of the tuition differential fee plan.~~

(3) For purposes of refunds pursuant to paragraph 19B-11.001(2)(a) or (b), F.A.C., for tuition, ~~and~~ local fee and tuition differential fee plans, the redemption value shall be the average amount of tuition, ~~and~~ local fees and tuition differential fees, respectively, payable under the beneficiary's plan or plans to charged by the state universities or community colleges at the time of the refund request. For purposes of refunds pursuant to paragraph 19B-11.001(2)(a) or (b), F.A.C., for the dormitory plan, the redemption value shall be the average of the state university dormitory fees payable under the beneficiary's dormitory plan charged at the time of the refund request, for the number of semesters reflected in the beneficiary's purchaser's advance payment contract. For purposes of refunds pursuant to paragraph 19B-11.001(2)(c), F.A.C., for tuition differential fee plans, the redemption value shall be the average amount of tuition differential fees payable under the beneficiary's tuition differential plan to state univerities in Florida charged by the state educational institution at the time of the refund.

Rulemaking Specific Authority 1009.971(1), (4), (6) FS. Law Implemented 1009.971, 1009.98(5), (10) FS. History--New 3-29-89, Amended 2-6-90, 3-19-92, Formerly 4G-11.001, Amended 8-18-97, 11-6-01, 12-17-07, 1-28-09, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Florida Prepaid College Board

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Prepaid College Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 2, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 18, 2009

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE NOS.:	RULE TITLES:
40D-24.001	Policy and Purpose
40D-24.010	Definitions
40D-24.020	Incentive Program
40D-24.030	Incentive Program – Qualifying

PURPOSE AND EFFECT: The purpose and effect of this rulemaking is to repeal Chapter 40D-24, F.A.C., which established the District’s Xeriscape Incentive Program.

SUMMARY: Chapter 40D-24, F.A.C., sets forth an incentive program adopted in 1992 that encouraged local governments within the District to adopt ordinances to promote xeriscape landscaping, or landscaping practices that conserves water and protects the environment by using site appropriate plants, efficient watering, proper planning and design and proper maintenance. These practices are now generally regarded as “Florida-friendly” landscape principles. Effective July 1, 2009, the Florida Legislature enacted Chapter 2009-243, Laws of Florida, which sets forth the principles of Florida-friendly Landscaping.™ The legislation requires water management districts to implement an incentive program to encourage local governments to adopt landscape ordinances that promote water conservation and includes criteria for participation in such programs as well as specific landscaping principles to be promoted. This renders the District’s Chapter 40D-24, F.A.C, as redundant and unnecessary.

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

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

RULEMAKING AUTHORITY: 373.044, 373.113, 373.185 FS.

LAW IMPLEMENTED: 373.185 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: Martha Moore, Senior Attorney, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4651

THE FULL TEXT OF THE PROPOSED RULES IS:

40D-24.001 Policy and Purpose

Rulemaking Specific Authority 373.044, 373.113, 373.185 FS. Law Implemented 373.185 FS. History–New 8-23-92, Repealed.

40D-24.010 Definitions.

Rulemaking Specific Authority 373.044, 373.113, 373.185 FS. Law Implemented 373.185 FS. History–New 8-23-92, Repealed.

40D-24.020 Incentive Program.

Rulemaking Specific Authority 373.044, 373.113, 373.185 FS. Law Implemented 373.185 FS. History–New 8-23-92, Repealed.

40D-24.030 Incentive Program – Qualifying.

Rulemaking Specific Authority 373.044, 373.113, 373.185 FS. Law Implemented 373.185 FS. History–New 8-23-92, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Martha Moore

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Southwest Florida Water Management District Governing Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 29, 2009

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

RULE NO.:	RULE TITLE:
61-5.007	Disciplinary Guidelines for Unlicensed Activity

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to inform the public of the possible penalties for unlicensed activity and to comply with Section 455.2273(6), F.S.

SUMMARY: The proposed rule will set administrative penalty guidelines for violations of the unlicensed activity statutes articulated by Chapter 455, F.S., and the professional practice acts administered by the Department of Business and Professional Regulation.

OTHER RULES INCORPORATING THIS RULE: None

AFFECT ON THOSE OTHER RULES: None

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

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

RULEMAKING AUTHORITY: 455.2273 FS.

LAW IMPLEMENTED: 455.2273, 455.228 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: Michael Green, Unlicensed Activity Administrator, Division of Regulation, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-2212, (850)488-6603

THE FULL TEXT OF THE PROPOSED RULE IS:

61-5.007 Disciplinary Guidelines for Unlicensed Activity.

(1) In imposing disciplinary penalties upon unlicensed persons, the Department of Business and Professional Regulation (hereinafter, "Department") shall act in accordance with the following disciplinary guidelines and shall impose a penalty consistent herewith absent the application of aggravating or mitigating circumstances and subject to the provisions of Section 455.228, Florida Statutes.

(2) For the purpose of this rule, the term "license" shall mean the professional license, registration, certificate or certification issued by the Department to authorize the practice of a profession pursuant to a professional practice act administered by the Department.

(3) All penalties established herein are for each count or separate violation found.

(4) For using a professional title or designation without holding the requisite license to do so, the following penalties shall apply:

- (a) First violation – \$1000 administrative fine;
- (b) Second violation – \$2500 administrative fine; and
- (c) Third and subsequent violations – \$5000 administrative fine.

(5) For advertising or offering to practice a profession without holding the requisite license to do so, the following penalties shall apply:

- (a) First violation – \$1500 administrative fine;
- (b) Second violation – \$3000 administrative fine; and
- (c) Third and subsequent violations – \$5000 administrative fine.

(6) For practicing a profession without holding the requisite license to do so, the following penalties shall apply:

- (a) First violation – \$2500 administrative fine;
- (b) Second violation – \$4000 administrative fine; and
- (c) Third and subsequent violations – \$5000 administrative fine.

(7) Notwithstanding the foregoing, all third and subsequent violations of Section 489.13, Florida Statutes, shall result in the imposition of a \$10,000 administrative fine.

(8) Circumstances which may be considered for the purposes of mitigation or aggravation of the foregoing penalties shall include the following:

- (a) Monetary or other damage to the unlicensed person's customer and/or other persons, in any way associated with the violation, which damage the unlicensed person has not relieved as of the time the penalty is to be assessed.
- (b) The severity of the offense.
- (c) The danger to the public.
- (d) The number of repetitions of offenses.
- (e) The number of complaints filed against the unlicensed person.

(f) The length of time the unlicensed person has been engaging in unlicensed activity.

(g) The actual damage, physical or otherwise, to the unlicensed person's customer.

(h) The deterrent effect of the penalty imposed.

(i) The effect of the penalty upon the unlicensed person's livelihood.

(j) Any efforts at rehabilitation.

(k) The unlicensed person's use of an altered license or impersonation of a licensee.

(9) The disciplinary guidelines established by this rule are only applicable to final orders issued by the Secretary of the Department or his/her appointed designee.

Rulemaking Authority 455.2273 FS. Law Implemented 455.2273, 455.228 FS. History—New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Jerry Wilson, Director, Division of Regulation, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-2212, (850)488-6603

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Charles W. Drago, Secretary, Department of Business and Professional Regulation

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 24, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 13, 2007

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Regulatory Council of Community Association Managers

RULE NO.: 61E14-1.003

RULE TITLE: Reexamination

PURPOSE AND EFFECT: The proposed amendment modifies the rule number referenced.

SUMMARY: The proposed amendment updates a rule number referenced within the rule to reflect the renumbering of portions of the Florida Administrative Code related to the Regulatory Council of Community Association Managers.

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

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

RULEMAKING AUTHORITY: 468.4315(2), 455.217(2) FS.

LAW IMPLEMENTED: 455.217(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: Anthony Spivey, Executive Director, Regulatory Council of Community Managers, 1940 North Monroe Street, Tallahassee, Florida 32399-0762

THE FULL TEXT OF THE PROPOSED RULE IS:

61E14-1.003 Reexamination.

If an examination candidate fails to achieve a passing grade on the examination, the candidate may re-apply in writing for reexamination with the (appropriate fees) fees provided in Rule ~~61E14-3.001~~ ~~61-20.504~~, F.A.C. An examination candidate may only apply for reexamination within one year from the date of certification of the original application for a community association manager's license by the Department.

Rulemaking Specific Authority 468.4315(2), 455.217(2) FS. Law Implemented 455.217(2) FS. History–New 8-28-97, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Regulatory Council of Community Association Managers

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Regulatory Council of Community Association Managers

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 5, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 22, 2009

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Regulatory Council of Community Association Managers

RULE NO.: 61E14-3.002 RULE TITLE: Special Assessment

PURPOSE AND EFFECT: The Council proposes to amend the existing rule to replace the term “Community Association Manager” with “licensee” to reflect the licensure requirement of community association management firms and to authorize the Council to determine the amount of a special assessment fee and the date of payment due by resolution of the Council.

SUMMARY: The Council proposes to amend the existing rule to replace the term “Community Association Manager” with “licensee” to reflect the licensure requirement of community association management firms and to authorize the Council to determine the amount of a special assessment fee and the date of payment due by resolution of the Council.

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

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

RULEMAKING AUTHORITY: 468.4315(2), 455.217(2) FS.

LAW IMPLEMENTED: 455.217(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: Anthony Spivey, Executive Director, Regulatory Council of Community Managers, 1940 North Monroe Street, Tallahassee, Florida 32399-0762

THE FULL TEXT OF THE PROPOSED RULE IS:

61E14-3.002 Special Assessment.

(1) Each ~~Community Association Manager~~ licensee licensed on or before January 1, 2002, whether active or inactive, shall pay a special assessment fee as determined necessary by the Council of ~~\$200.00~~ to the Department. Payment of the fee must be received by the Department no later than 5:00 p.m. on the date specified by resolution of the Council September 30, 2002.

(2) The special assessment fee applies to all licensees including those whose licenses have been suspended and/or placed on probation by the Department.

(3) Failure to pay the special assessment fee as required above shall constitute grounds for disciplinary action. Licensees who fail to pay the special assessment fee as required above shall be charged with violating Section 468.436(1)(b)2., F.S.

Rulemaking Specific Authority 455.219(2) FS. Law Implemented 455.219(2) FS. History–New 6-18-02, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Regulatory Council of Community Association Managers

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Regulatory Council of Community Association Managers

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 5, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 22, 2009

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Regulatory Council of Community Association Managers

RULE NO.: 61E14-4.004 RULE TITLE: Reactivation Continuing Education

PURPOSE AND EFFECT: The proposed amendment will add the requirement to complete the two most recent legal update continuing education courses in order to reactivate an inactive license, and updates references to other rules to reflect the renumbering of portions of the Florida Administrative Code related to the Regulatory Council of Community Association Managers.

SUMMARY: The proposed amendment will add the requirement to complete the two most recent legal update continuing education courses, as part of the required continuing education, in order to reactivate an inactive license. The rule amendment also updates a reference to former Rule 61-20.508, F.A.C., to reflect the current numbering of this rule. SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared.

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

RULEMAKING AUTHORITY: 468.4315 FS.

LAW IMPLEMENTED: 468.4338 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Anthony Spivey, Executive Director, Regulatory Council of Community Managers, 1940 North Monroe Street, Tallahassee, Florida 32399-0762

THE FULL TEXT OF THE PROPOSED RULE IS:

61E14-4.004 Reactivation Continuing Education.

(1) As a condition for reactivating an inactive or delinquent license, an inactive status licensee shall be required to satisfactorily complete ten (10) classroom hours of continuing education instruction of 50 minutes each for each year or any portion of a year the license was inactive. Two (2) hours shall consist of the legal update seminar for the year in which the licensee is reactivating. The remaining hours of reactivation continuing education may be in any of the areas described in Rule 61E14-4.001 ~~61-20.508~~, F.A.C., as appropriate.

(2) Notwithstanding subsection (1) of this rule, no inactive status licensee shall be required to satisfactorily complete more than twenty (20) classroom hours of continuing education, at least 50% of which must have been completed within the year prior to application for reactivation, in order to reactivate a license. An inactive licensee must take the two most recent legal update courses prior to reactivation.

Rulemaking Specific Authority 468.4315 FS. Law Implemented 468.4338 FS. History--New 1-8-98, Amended 3-13-00, Formerly 61-20.509, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Regulatory Council of Community Association Managers

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Regulatory Council of Community Association Managers

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 5, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 22, 2009

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Barbers' Board

RULE NO.: 61G3-19.011
 RULE TITLE: Barbershop Requirements

PURPOSE AND EFFECT: To address cleanliness issues in the barbershop.

SUMMARY: To address cleanliness issues in the barbershop. SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: A Statement of Estimated Regulatory Costs has been prepared. Cosmetologists working in barbershops who perform pedicures would be impacted by this rule as well as the barbershop owners. As of April 1, 2009, there were approximately 2,800 barbershops which could potentially employ cosmetologists. If a cosmetologist is employed by a barbershop, the cosmetologist and the barbershop owner will be required to comply with the proposed sanitation procedures, or they would be subject to a fine of \$500, pursuant to subsection 61G3-21.009(1), F.A.C.

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: 476.064(4), 477.016 FS.

LAW IMPLEMENTED: 476.184, 477.025 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, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G3-19.011 Barbershop Requirements.

(1) through (22) No change.

(23) If a licensed barbershop employs a licensed cosmetologist or allows a licensed cosmetologist to practice cosmetology in said barbershop, the barbershop shall comply with subsection (2) of Florida Administrative Code Rule 61G5-20.002, which is incorporated herein by reference. Rule 61G5-20.002(3/10/08), can be obtained from the Barbers' Board at the Department of Business and Professional Regulations, 1940 North Monroe Street, Tallahassee, FL 32399-0750.

(24) Any barbershop that employs a licensed cosmetologist or allows a licensed cosmetologist to perform or practice cosmetology or specialty services in the barbershop must display the license of the person performing or practicing

cosmetology or specialty services in a conspicuous place within the barbershop and the license must be clearly visible upon entering the barbershop.

(25) The barbershop will display a legible copy of the most recent inspection sheet for the barbershop in a location that is clearly visible to the general public.

(26) Any barbershop that employs a licensed cosmetologist or allows a licensed cosmetologist to perform or practice cosmetology or specialty services shall require and ensure that all individuals engaged in the practice of cosmetology, any specialty, hair braiding, hair wrapping or body wrapping display at his or her work station his or her current license or registration at all times when he or she is performing cosmetology, specialty, hair braiding, hair wrapping, or body wrapping services. The license or registration on display shall be the original certificate or a duplicate issued by the Department and shall have attached a 2" by 2" photograph taken within the previous two years of the individual whose name appears on the certificate. The certificate with photograph attached shall be permanently laminated as of July 1, 2007.

(27) All barbershops who employs a licensed cosmetologist or allows a licensed cosmetologist to perform or practice cosmetology or specialty services shall require and ensure that the individuals performing or practicing cosmetology or speciality services are in compliance with Rule 61G5-20.004, F.A.C.

(28) A failure to comply with this rule or any part of this rule is a violation of Rule 61G3-21.002, F.A.C.

Rulemaking Specific Authority 476.064(4), 477.016 FS. Law Implemented 476.184, 477.025 FS. History--New 4-27-86, Amended 9-24-86, 12-28-86, 5-10-88, 7-15-91, Formerly 21C-19.011, Amended 1-12-94, 10-4-94, 5-21-95, 2-14-96, 5-1-96, 3-21-00, 11-6-00, 8-17-06, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Barbers' Board

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Barbers' Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 18, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 24, 2009

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Construction Industry Licensing Board

RULE NO.: 61G4-15.0021
RULE TITLE: Business Organizations

PURPOSE AND EFFECT: The Board proposes the rule amendment in response to changes in law and to clarify the Financially Responsible after the Bond is payable to a committee and the certification for Business organizations and change the payee of the Bond.

SUMMARY: The rule amendment is in response to changes in law and to clarify the Financially Responsible after the Bond is payable to a committee and the certification for Business organizations and change the payee of the Bond.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared. The Board determined that small businesses would not be affected by this rule.

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

RULEMAKING AUTHORITY: 489.108 FS.

LAW IMPLEMENTED: 455.213, 489.105, 489.107, 489.115, 489.119, 489.1195, 489.143 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: G. W. Harrell, Executive Director, Construction Industry Licensing Board, P. O. Box 5257, Tallahassee, Florida 32399-5257

THE FULL TEXT OF THE PROPOSED RULE IS:

~~61G4-15.0021 Certification and Registration of Business Organizations.~~

~~(1)(a) No change.~~

~~(b) A certification or registration issued to a business organization shall bear the name of the business organization, the address of the business organization, and the license number of the business organization.~~

~~(b)(c) A certificate or registration issued to a business organization authorizes the A business organization shall to contract only within the scope of work of the qualifying contractor's certificate or registration.~~

~~(d) For purposes of compliance with Section 489.119(5), F.S., all advertising must bear either the qualifying contractor's individual license number or the business organization's license number.~~

~~(e) Licenses issued to business organizations shall be valid for two years and renewable thereafter.~~

(2) No change.

(3)(a) No change.

(b)1. through 3. No change.

4. DBPR CILB 4356, Bond Application, 2007 November 1. The forms may be obtained via internet at http://www.myfloridalicense.com/dbpr/pro/cilb/documents/fro_application_package.pdf, or by contacting the Customer Contact Center of the Department of Business and Professional Regulation at 1940 N. Monroe Street, Tallahassee, FL 32399-1039. In addition, the financially responsible officer shall comply with the requirements of Rule 61G4-15.006, F.A.C., except that the financially responsible officer shall also

demonstrate a personal or business organization net worth of at least \$10,000 regardless of the category of contractor's license held by any other qualifier for the business organization, \$10,000 cash and a bond in form acceptable to the Board's Executive Director made payable to the Board, for fines and costs, Florida Homeowners' Construction Recovery Fund in the amount of \$100,000. For purposes of Section 489.105(14), F.S., a "person" means a human being who is at least eighteen (18) years of age.

(c) ~~The additional entities application committee of the Board will rule on applications for designation as the financially responsible officer.~~

~~(d) The chairperson of the Board shall appoint members to the additional entities committee of the Board, one committee shall review all applications for designation as a financially responsible officer. The committee will forward the application to the Board with a recommendation to approve, recommendation to approve subject to conditions, a recommendation to disapprove, or no recommendation.~~

(4) No change.

~~(5) A committee of the Board will review all applications for qualification of an additional business organization. The committee will forward the application to the Board with a recommendation to approve, a recommendation to approve subject to conditions, a recommendation to disapprove, or no recommendation.~~

~~(5)(6) The applicant seeking to qualify an additional business organization must appear before the Committee for review of the application, and may appear before both the Committee and the Board unless the applicant owns at least 50% of the business organization(s) presently qualified and at least 50% of the proposed business organization(s) and the applicant otherwise qualifies for approval. The Board office shall schedule all required qualified applicants for appearances before the Board Committee. All applicants shall comply with the guidelines mailed to them with the application forms, titled "Questionnaire - Qualifying Additional Business Organization," supplied by the Department.~~

~~(6)(7) No change.~~

Rulemaking Specific Authority 489.108 FS. Law Implemented 455.213, 489.105, 489.107, 489.115, 489.119, 489.1195, 489.143 FS. History--New 12-6-83, Formerly 21E-15.021, Amended 3-29-88, 8-8-88, 9-24-92, 12-28-92, Formerly 21E-15.0021, Amended 7-18-94, 7-5-95, 11-12-95, 2-6-96, 7-1-96, 9-3-96, 11-27-96, 11-13-97, 9-15-98, 7-7-05, 1-23-06, 10-22-06, 2-12-08,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Construction Industry Licensing Board
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Construction Industry Licensing Board
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 9, 2009
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 1, 2009

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Construction Industry Licensing Board

RULE NO.: RULE TITLE:
61G4-15.0022 Qualification of Joint Ventures
PURPOSE AND EFFECT: The Board proposes the rule amendment to modify the time limit to qualify a joint venture.
SUMMARY: The rule amendment will modify the time limit to qualify a joint venture.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared. The Board determined that small businesses would not be affected by this rule.

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

RULEMAKING AUTHORITY: 489.115, 489.119, 489.129(3) FS.

LAW IMPLEMENTED: 489.105(3),(6), 489.119, 489.129(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: G.W. Harrell, Executive Director, Construction Industry Licensing Board, P. O. Box 5257, Tallahassee, Florida 32314-5257

THE FULL TEXT OF THE PROPOSED RULE IS:

61G4-15.0022 Qualification of Joint Ventures.

(1) No change.

(2) A joint venture, one or more of whose participants are not licensed contractors under Chapter 489, Part I, F.S., may submit a bid on a construction project under the following circumstances:

(a) through (d) No change.

(e) If the joint venture is awarded the contract, the licensed contractor must qualify the joint venture within ninety (90) sixty (60) days.

(3) No change.

Rulemaking Specific Authority 489.115, 489.119, 489.129(3) FS. Law Implemented 489.105(3), (6), 489.119, 489.129(3) FS. History--New 5-7-84, Amended 8-12-84, Formerly 21E-15.022, 21E-15.0022, Amended 7-18-94,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Construction Industry Licensing Board
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Construction Industry Licensing Board
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 12, 2009
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 11, 2009

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Construction Industry Licensing Board

RULE NO.: 61G4-18.003
RULE TITLE: Registration of Course Providers
PURPOSE AND EFFECT: The Board proposes the rule amendment to delete unnecessary language for the procedures for registration of course providers and to renumber the remaining subsections of the rule.

SUMMARY: The rule amendment will delete unnecessary language for the procedures for registration of course providers and to renumber the remaining subsections of the rule.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared. The Board determined that small businesses would not be affected by this rule.

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

RULEMAKING AUTHORITY: 455.213(6), 455.2177, 455.2178, 455.2179, 489.108, 489.115 FS.

LAW IMPLEMENTED: 455.213, 455.2177, 455.2178, 455.2179, 489.115 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: G. W. Harrel, Executive Director, Construction Industry Licensing Board, P. O. Box 5257, Tallahassee, Florida 32399-5257

THE FULL TEXT OF THE PROPOSED RULE IS:

- 61G4-18.003 Registration of Course Providers.
- (1) through (4) No change.
- (5) The board shall deny approval of, suspend, or revoke the registration of any course provider for any of the following acts or omissions:
 - (a) through (l) No change.
 - ~~(m) Failing to attend at least one continuing education seminar during each provider renewal cycle as required by subsection 61G4 18.014(2), F.A.C., which for a first offense will result in suspension of the provider's registration until such time as the provider completes a subsequently offered continuing education seminar.~~
 - ~~(n)~~ No change.
 - ~~(o)~~ No change.
 - (6) No change.

Rulemaking Specific Authority 455.213(6), 455.2177, 455.2178, 455.2179, 489.108, 489.115 FS. Law Implemented 455.213, 455.213(6), 455.2177, 455.2178, 455.2179, 489.115 FS. History—New 12-2-93, Amended 1-18-95, 6-5-95, 8-10-95, 11-25-97, 4-15-99, 3-25-01, 7-7-05, 5-15-08,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Construction Industry Licensing Board
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Construction Industry Licensing Board
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 9, 2009
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 12, 2009

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Construction Industry Licensing Board

RULE NO.: 61G4-21.003
RULE TITLE: Filing Claims
PURPOSE AND EFFECT: The Board proposes the rule amendment to update the form name and number; incorporate the form by reference into the rule; delete reference to Rule 61G4-12.006, F.A.C.; and correct the mailing address where the form can be downloaded.

SUMMARY: The rule amendment will update the form name and number; to incorporate the form by reference into the rule; delete reference to Rule 61G4-12.006, F.A.C.; and to correct the address where the form may be obtained.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared. The Board determined that small businesses would not be affected by this rule.

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

RULEMAKING AUTHORITY: 489.108 FS.

LAW IMPLEMENTED: 489.141 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: G. W. Harrell, Executive Director, Construction Industry Licensing Board, P. O. Box 5257, Tallahassee, Florida 32314-5257

THE FULL TEXT OF THE PROPOSED RULE IS:

- 61G4-21.003 Filing Claims.
- (1) A claim against the Recovery Fund shall be made on Form DBPR/CILB/022, (Rev. October 2008) "Florida Homeowners' Construction Recovery Fund Claim Form," hereby adopted and incorporated by reference as provided in Rule 61G4 12.006, F.A.C. The address of the Fund where the form can be obtained is: ~~Suite 42,~~ 1940 North Monroe Street, Tallahassee, FL 32399-2215. The Fund phone number is (850)921-6593.
- (2) through (8) No change.

Rulemaking Specific Authority 489.108 FS. Law Implemented 489.141 FS. History—New 7-11-95, Amended 7-1-96, 7-7-05, 4-27-08,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Construction Industry Licensing Board
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Construction Industry Licensing Board
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 9, 2009
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 6, 2009

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Accountancy

RULE NO.: 61H1-21.003
RULE TITLE: Commissions or Referral Fees
PURPOSE AND EFFECT: The Board proposes the rule amendment in order to clarify language concerning the certified public accountant.

SUMMARY: Language concerning the certified public accountant 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.

RULEMAKING AUTHORITY: 473.304, 473.3205 FS.

LAW IMPLEMENTED: 473.3205 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: Veloria Kelly, Division Director, Board of Accountancy, 240 N.W. 76th Dr., Suite A, Gainesville, Florida 32607

THE FULL TEXT OF THE PROPOSED RULE IS:

61H1-21.003 Commissions or Referral Fees.

(1) A certified public accountant CPA shall not pay or accept a commission or referral fee in connection with the sale of a product or referral of any services as defined in Section 473.302(7)(a), F.S., or prohibited to non-certified public accountants CPAs as listed in Section 473.322, F.S. These services include:

- (a) Audit, review or compilation services.
- (b) Services for any prospective financial data including forecasts or projections.

(c) Any special procedures engagement resulting in an expression of an opinion when the services fall within the definitions as set forth in Section 473.302(7)(a) and Section 473.322, F.S.

(2) The certified public accountant CPA must have an engagement letter signed by the client prior to beginning any engagement for which the certified public accountant CPA will receive a commission. The letter must include complete details of the financial arrangements involving compensation for the services rendered.

(3) The certified public accountant CPA must hold appropriate licenses as required.

(4) If the certified public accountant CPA is not independent as described in Rule 61H1-21.001, F.A.C., it must be disclosed in the engagement letter. However, if the only reason for not being independent is the fact that the certified public accountant CPA is being compensated by a commission or contingent fee then the lack of independence does not have to be disclosed.

Rulemaking Specific Authority 473.304, 473.3205 FS. Law Implemented 473.3205 FS. History—New 12-4-79, Formerly 21A-21.03, Amended 3-28-89, Formerly 21A-21.003, Amended 2-23-98, 8-16-99,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Accountancy
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Accountancy
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 5, 2009
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 11, 2009

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Accountancy

RULE NO.: 61H1-22.001
RULE TITLE: Competence (General Standards)
PURPOSE AND EFFECT: The Board proposes the rule amendment in order to clarify language concerning the certified public accountant.

SUMMARY: Language concerning the certified public accountant 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.

RULEMAKING AUTHORITY: 473.304, 473.315 FS.

LAW IMPLEMENTED: 473.315 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: Veloria Kelly, Division Director, Board of Accountancy, 240 N.W. 76th Dr., Suite A, Gainesville, Florida 32607

THE FULL TEXT OF THE PROPOSED RULE IS:

61H1-22.001 Competence (General Standards).

A certified public accountant licensee shall comply with the following general standards and must justify any departures therefrom:

(1) Professional competence. A certified public accountant licensee shall undertake only those engagements which he or his firm can reasonably expect to complete with professional competence. A certified public accountant CPA must be in charge of all public accounting services performed by the firm.

(2) Due professional care. A certified public accountant licensee shall exercise due professional care in the performance of an engagement.

(3) Planning and supervision. A certified public accountant licensee shall adequately plan and supervise an engagement.

(4) Sufficient relevant data. A certified public accountant licensee shall obtain sufficient relevant data to afford a reasonable basis for conclusions or recommendations in relation to an engagement.

Rulemaking Specific Authority 473.304, 473.315 FS. Law Implemented 473.315 FS. History—New 12-4-79, Amended 2-3-81, Formerly 21A-22.01, 21A-22.001, Amended 12-30-97,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Accountancy

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 5, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 11, 2009

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Accountancy

RULE NOS.:	RULE TITLES:
61H1-22.002	Auditing Standards
61H1-22.003	Accounting Principles
61H1-22.004	Standards for Accounting and Review Services
61H1-22.005	Prospective Financial Statements
61H1-22.006	Governmental Accounting Standards
61H1-22.007	Governmental Auditing Standards

61H1-22.008	Standards for Local Governmental Audits
61H1-22.0081	Standards for Florida Single Audit Act Audits for Nonprofit and For-Profit Organizations
61H1-22.0082	Standards for Audits of Certain Nonprofit Organizations
61H1-22.0083	Standards for Audits of District School Boards
61H1-22.0084	Standards for Audits of Charter Schools and Similar Entities
61H1-22.0085	Standards for Management Advisory Services
61H1-22.0086	Standards for Tax Practice
61H1-22.009	Standards for Attestation Engagement
61H1-22.010	Standards for Personal Financial Planning
61H1-22.011	Standards for Business Valuations
61H1-22.012	Standards for Assembled Financial Statements

PURPOSE AND EFFECT: The Board proposes to repeal the rules as the necessary language has been moved to Chapter 20.

SUMMARY: The rules are being repealed due to the fact the necessary language has been moved to Chapter 20.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared. The Board determined the proposed rules 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.

RULEMAKING AUTHORITY: 473.304, 473.315 FS., Chapter 79-202, Laws of Florida.

LAW IMPLEMENTED: 473.304, 473.315 FS, Chapter 79-202, Laws of Florida, ss. 1, 12, Ch. 98-340, Laws of Florida.

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: Veloria A. Kelly, Division Director, Board of Accountancy, 240 N.W. 76th Drive, Suite A, Gainesville, Florida 32607

THE FULL TEXT OF THE PROPOSED RULES IS:

61H1-22.002 Auditing Standards.

~~A licensee shall not permit his name to be associated with financial statements in such a manner as to imply that he is acting as an independent certified public accountant unless he has complied with the applicable generally accepted auditing standards. Statements on Auditing Standards as published by~~

~~the American Institute of CPAs, are for purposes of this rule, deemed and construed to be interpretations of generally accepted auditing standards, and departures from such statements must be justified by those who do not follow them.~~

Rulemaking Specific Authority 473.304, 473.315 FS. Law Implemented 473.315 FS. History–New 12-4-79, Formerly 21A-22.02, 21A-22.002, Repealed _____.

61H1-22.003 Accounting Principles.

~~A licensee shall not express an opinion that financial statements are presented in conformity with generally accepted the statements taken as a whole, unless he can demonstrate that due to unusual circumstances that financial statements would otherwise have been misleading. In such cases his report must describe the departure, the approximate effects thereof, if practicable, and the reasons why compliance with the principle would result in a misleading statement.~~

Rulemaking Specific Authority 473.304, 473.315 FS. Law Implemented 473.315 FS. History–New 12-4-79, Amended 2-3-81, Formerly 21A-22.03, 21A-22.003, Repealed _____.

61H1-22.004 Standards for Accounting and Review Services.

~~Licensees performing accounting services in connection with a review or compilation of financial statements shall comply with Statements on Standards for Accounting and Review Services as published by the American Institute of Certified Public Accountants. Departures from such Standards must be justified by those who do not follow them.~~

Rulemaking Specific Authority 473.304, 473.315 FS. Law Implemented 473.315 FS. History–New 12-4-79, Formerly 21A-22.04, 21A-22.004, Repealed _____.

61H1-22.005 Prospective Financial Statements.

~~A licensee shall not permit his name to be used in conjunction with prospective financial statements unless he has complied with standards for Accountants Services on Prospective Financial Statements published by the American Institute of Certified Public Accountants. Departures from such standards must be justified by those who do not follow them.~~

Rulemaking Specific Authority 473.304, 473.315 FS. Law Implemented 473.315 FS. History–New 12-4-79, Formerly 21A-22.05, Amended 3-28-89, Formerly 21A-22.005, Repealed _____.

61H1-22.006 Governmental Accounting Standards.

~~A licensee shall not permit his name to be associated with financial statements of units of government unless he has complied with standards for governmental accounting. Statements on Governmental Accounting issued by the Governmental Accounting Standards Board are, for the purposes of this rule, deemed and construed to be~~

~~interpretations of generally accepted governmental accounting standards and departure from such statements must be justified by those who do not follow them.~~

Rulemaking Specific Authority 473.304, 473.315, Chapter 79-202, Laws of Florida. Law Implemented 473.315, Chapter 79-202, Laws of Florida. History–New 9-23-86, Formerly 21A-22.006, Repealed _____.

61H1-22.007 Governmental Auditing Standards.

~~A licensee shall not permit his name to be associated with financial statements of units of government unless he has complied with standards for governmental auditing. Standards for Audits of Governmental Organizations, Programs, Activities and Functions issued by the Comptroller General of the United States are, for purposes of this rule, deemed and construed to be interpretations of generally accepted governmental auditing standards and departure from such standards must be justified by those who do not follow them.~~

Rulemaking Specific Authority 473.304, 473.315, Chapter 79-202, Laws of Florida. Law Implemented 473.315, Chapter 79-202, Laws of Florida. History–New 9-23-86, Formerly 21A-22.007, Repealed _____.

61H1-22.008 Standards for Local Governmental Audits.

~~Licensees performing accounting services in connection with Local Governmental Entity Audits required to be filed with the Auditor General of the State of Florida shall comply with the standards set forth in Rule Chapter 10.550-10.559, Rules of the Auditor General of the State of Florida. Departures from such standards must be justified by those who do not follow them.~~

Rulemaking Specific Authority 473.304, 473.315 FS. Law Implemented 473.315 FS. History–New 10-22-86, Amended 5-9-88, Formerly 21A-22.008, Amended 9-30-97, Repealed _____.

61H1-22.0081 Standards for Florida Single Audit Act Audits for Nonprofit and For-Profit Organizations.

~~Licensees performing accounting services in connection with Standards for Florida Single Audit Act Audits for Nonprofit and For-Profit Organizations required by Section 215.97, F.S., to be filed with the Auditor General of the State of Florida shall comply with the standards set forth in Chapter 10.650, Rules of the Auditor General of the State of Florida. Departures from such standards must be justified by those who do not follow them.~~

Rulemaking Specific Authority 473.304, 473.315 FS. Law Implemented 473.315 FS. History–New 2-4-08, Repealed _____.

61H1-22.0082 Standards for Audits of Certain Nonprofit Organizations.

~~Licensees performing accounting services in connection with Standards for Audits of Certain Nonprofit Organizations required by Section 215.981(1), 1001.453(4), 1004.28(5), or 1004.70(6), F.S., to be filed with the Auditor General of the State of Florida shall comply with the standards set forth in~~

~~Chapter 10.700, Rules of the Auditor General of the State of Florida. Departures from such standards must be justified by those who do not follow them.~~

Rulemaking Specific Authority 473.304, 473.315 FS. Law Implemented 473.315 FS. History-New 2-4-08, Repealed

61H1-22.0083 Standards for Audits of District School Boards.

~~Licensees performing accounting services in connection with Standards for Audits of District School Boards required by Sections 11.45 or 218.39, F.S., to be filed with the Auditor General of the State of Florida shall comply with the standards set forth in Chapter 10.800, Rules of the Auditor General of the State of Florida. Departures from such standards must be justified by those who do not follow them.~~

Rulemaking Specific Authority 473.304, 473.315 FS. Law Implemented 473.315 FS. History-New 2-4-08, Repealed

61H1-22.0084 Standards for Audits of Charter Schools and Similar Entities.

~~Licensees performing accounting services in connection with Standards for Audits of Charter Schools and Similar Entities required by Section 218.39 or 1002.37, F.S., to be filed with the Auditor General of the State of Florida shall comply with the standards set forth in Chapter 10.850, Rules of the Auditor General of the State of Florida. Departures from such standards must be justified by those who do not follow them.~~

Rulemaking Specific Authority 473.304, 473.315 FS. Law Implemented 473.315 FS. History-New 2-4-08, Repealed

61H1-22.0085 Standards for Management Advisory Services.

~~Licensees performing management advisory services shall comply with the Statement on Standards for Management Advisory Services as published by the American Institute of CPAs. Departures from such statements must be justified by those who do not follow them.~~

Rulemaking Specific Authority 473.304, 473.315 FS. Law Implemented 473.315 FS. History-New 5-20-91, Formerly 21A-22.0085, Amended 9-30-97, Repealed

61H1-22.0086 Standards for Tax Practice.

~~Licensees performing tax services shall comply with the Statement on Standards for Tax Services, as published by the American Institute of CPAs.~~

Rulemaking Specific Authority 473.304, 473.315 FS. Law Implemented 473.304, 473.315 FS. History-New 5-20-91, Formerly 21A-22.0086, Amended 9-30-97, 5-24-07, Repealed

61H1-22.009 Standards for Attestation Engagement.

~~A licensee shall not permit his name to be used in conjunction with any applicable attestation engagement unless he has complied with "Standards for Attestation Engagements" as published by the American Institute of Certified Public Accountants specified in Rule 61H1-20.0099, F.A.C.~~

Rulemaking Specific Authority 473.304, 473.315 FS. Law Implemented 473.315 FS. History-New 4-16-89, Formerly 21A-22.009, Amended 10-16-96, Repealed

61H1-22.010 Standards for Personal Financial Planning.

~~Licensees performing personal financial planning services for clients shall comply with the "Statement on Responsibilities in Personal Financial Planning," as published by the American Institute of CPAs.~~

Rulemaking Specific Authority 473.304, 473.315 FS. Law Implemented 473.315 FS. History-New 11-2-95, Amended 2-18-96, 9-30-97, Repealed

61H1-22.011 Standards for Business Valuations.

~~Licensees performing business valuations for clients shall comply with "Consulting Services Practice Aid 93-3, Conducting a Valuation of A Closely Held Business," published by the American Institute of CPAs. The rule does not encompass consulting engagements wherein a licensee provides written or oral advisory services in which the client is informed in writing that the services provided were not performed in accordance with Consulting Services Practice Aid 93-3 established by the AICPA.~~

Rulemaking Specific Authority 473.304, 473.315 FS. Law Implemented 473.315 FS. History-New 11-2-95, Amended 2-18-96, 9-30-97, Repealed

61H1-22.012 Standards for Assembled Financial Statements.

~~Certified Public Accountants involved with offering to perform or performing assembled financial statements must comply with the provisions of 61H1-20.0053, F.A.C.~~

Rulemaking Specific Authority 473.304, 473.315 FS. Law Implemented ss. 1, 12, Ch. 98-340, Laws of Florida. History-New 10-28-98, Repealed

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Accountancy

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 18, 2009

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Accountancy

RULE NO.: 61H1-26.001
 RULE TITLE: Form of Practice and Name-Shared Office Space

PURPOSE AND EFFECT: The Board proposes the rule amendment in order to clarify language concerning the certified public accountant.

SUMMARY: Language concerning the certified public accountant 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.

RULEMAKING AUTHORITY: 473.304, 473.3101, 473.321 FS.

LAW IMPLEMENTED: 473.3101, 473.321 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: Voloria Kelly, Division Director, Board of Accountancy, 240 N.W. 76th Dr., Suite A, Gainesville, Florida 32607

THE FULL TEXT OF THE PROPOSED RULE IS:

61H1-26.001 Form of Practice and Name-Shared Office Space.

(1) A Florida certified public accountant may practice public accounting, whether as an owner or employee, only in the form of a proprietorship, a partnership or a corporation, or a limited liability company. A Florida certified public accountant shall not allow any person to practice in his name that is not a partner or shareholder with him or in his employ. A Florida certified public accountant shall not practice under a name which is misleading or deceptive as to the legal form of the firm or as to persons who are partners, or shareholders of the firm or as to any other matter. In this regard:

(a) A Florida certified public accountant ~~licensee~~ may practice public accounting under a fictitious name which is not misleading or deceptive as to the persons who are sole proprietors, partners, or shareholders; and

(b) A firm name may include the names of retired or deceased partners or shareholders or members who were active partners or shareholders or members of the entity. This provision permits a firm, in the same line of succession, to

change from one form of business to another and continue to use the names of retired or deceased partners, shareholders or members.

(c) Use of the term “and Company” or “and Associates” requires at least one other fully employed Florida certified public accountant ~~licensee~~ or non certified public accountant ~~CPA~~ owner other than those named in the firm name; however, this rule does not preclude a Florida certified public accountant ~~licensee~~ initially meeting this requirement from using the above-mentioned terms if the Florida certified public accountant ~~licensee~~ subsequently does not fully employ at least one Florida certified public accountant ~~licensee~~ other than those named in the firm name.

(d) A firm may use the term “Certified Public Accountants” in the firm's name if all owners are certified public accountants ~~CPAs~~. If there are non certified public accountants ~~CPA~~ owners, the firm may use the terms “CPA Firm” “CPAs and Associates” or “Certified Public Accountants and Associates” provided the firm has more than one certified public accountant ~~CPA~~. Further, a certified public accountant ~~CPA~~ firm with non certified public accountant ~~CPA~~ owners may not use the term Certified Public Accountants without indicating there are other owners such as Associates or Consultants.

(2) The term “certified public accountant(s)” or the abbreviation “CPAs” must appear with the name of a certified public accountant when used in connection with an expression of opinion.

(3) Florida ~~c~~ertified ~~p~~ublic ~~a~~ccountants may share office facilities provided there is adequate disclosure that would enable a reasonable person to determine the practice is not associated with the profession or occupation not regulated by the Board, such as written agreements, signs, etc.

~~Rulemaking Specific~~ Authority 473.304, 473.3101, 473.321 FS. Law Implemented 473.3101, 473.321 FS. History--New 12-4-79, Amended 11-7-84, 10-28-85, Formerly 21A-26.01, Amended 10-20-86, 12-28-89, 7-1-91, 1-7-93, Formerly 21A-26.001, Amended 11-30-93, 12-30-97, 8-16-99, 9-20-00,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Accountancy

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 5, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 11, 2009

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Accountancy

RULE NO.: 61H1-26.002

RULE TITLE: Minimum Capitalization or Adequate Public Liability Insurance for Florida Firms with the Exception of a Sole Proprietorship

PURPOSE AND EFFECT: The Board proposes the rule amendment in order to clarify language concerning the certified public accountant and Florida CPA firms.

SUMMARY: Language concerning the certified public accountant and Florida CPA firms 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.

RULEMAKING AUTHORITY: 473.304, 473.309 FS.

LAW IMPLEMENTED: 473.309 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: Veloria Kelly, Division Director, Board of Accountancy, 240 N.W. 76th Dr., Suite A, Gainesville, Florida 32607

THE FULL TEXT OF THE PROPOSED RULE IS:

61H1-26.002 Minimum Capitalization or Adequate Public Liability Insurance for ~~Public Accounting Corporations, Limited Liability Companies (LLCs) and Partnerships (LLPs)~~ Florida Firms with the Exception of a Sole Proprietorship.

A Florida firm, with the exception of a sole proprietorship, ~~public accounting corporation, LLC, or LLP~~ shall not engage in the practice of public accounting in this state unless:

(1) Assets in excess of liabilities and professional liability insurance combined are at least equal to \$50,000 per shareholder, officer, member, or partner and any Florida licensed certified public accountant CPA to a maximum of \$2,000,000 or

(2) It has an irrevocable letter of credit which meets the following criteria:

(a) The responsibility for repayment of any sums disbursed under the letter of credit is not an obligation of the Florida CPA firm, its owners, or any entity affiliated with the Florida CPA firm;

(b) The letter of credit contains an "evergreen clause," which automatically renews the letter of credit unless the issuer of the letter of credit notifies the Florida CPA firm and the Board within sixty (60) days of the decision not to renew; and

(c) The letter of credit is issued by a financial institution authorized to do so under applicable state or federal banking laws; or

(3) The corporation, each shareholder, and each officer who has authority over the practice of public accountancy, the LLC or the limited liability company and each member of the LLC, or the LLP and each partner have executed the waiver of limitation on liability approved by the Board which must be set forth as follows:

WAIVER ON LIMITATION OF LIABILITY

The shareholders, officers, members, or partners of _____ (Name of Firm), do jointly and severally covenant and agree that they will pay any award or judgment arising out of any claim the basis of which is grounded upon an allegation of negligence, incompetence, misconduct, fraud or deceit in the firm's or its owners', officers', members', or employees' practice of public accounting as soon as the same shall become payable regardless of any limitation on liability provided by Chapter 621 and Chapter 608, and Chapter 620, F.S. (2009 1985).

Unless executed by a partnership and its partners, the members intend this agreement as a mutual covenant of assumption and not as a partnership, but should any court of competent jurisdiction construe same to be a partnership then it is the intention of the parties that such partnership be limited in scope to the uses for which this contract is executed and no other.

Any individual who, subsequent to the date of this instrument, becomes a shareholder, officer, member, or partner in _____ (Name of Firm), shall immediately become a party to this waiver and be bound to the conditions thereof. Said shareholder, officer, member, or partner shall execute an amended Waiver on Limitation of Liability which shall become a part of the original Waiver on Limitation of Liability. We the undersigned shareholders, officers, members, or partners in _____ (Name of Firm), do hereunto set our hands and seals to certify our acceptance of the Waiver on Limitation of Liability dated this _____ day of _____, 2019.

(Signatures of all shareholders, officers, members, or partners)

(4) No change.

Rulemaking Specific Authority 473.304, 473.309 FS. Law Implemented 473.309 FS. History—New 12-4-79, Formerly 21A-26.02, Amended 10-20-86, Formerly 21A-26.002, Amended 11-30-93, 5-23-94, 6-10-96, 10-6-96, 12-30-97, 9-21-00, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Accountancy
NAME OF AGENCY HEAD WHO APPROVED THE
PROPOSED RULE: Board of Accountancy
DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: August 5, 2009
DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: September 11, 2009

**DEPARTMENT OF BUSINESS AND PROFESSIONAL
REGULATION**

Board of Accountancy

RULE NO.: 61H1-26.003
RULE TITLE: Licensure of Florida Certified Public
Accountant Firms

PURPOSE AND EFFECT: The Board proposes the rule amendment in order to clarify language concerning the certified public accountant and to clarify the requirements for licensure of Florida CPA firms.

SUMMARY: Language concerning the certified public accountant will be clarified; Requirements for licensure of Florida CPA firms 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.

RULEMAKING AUTHORITY: 473.304, 473.3101 FS.

LAW IMPLEMENTED: 473.3101 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: Veloria Kelly, Division Director, Board of Accountancy, 240 N.W. 76th Dr., Suite A, Gainesville, Florida 32607

THE FULL TEXT OF THE PROPOSED RULE IS:

61H1-26.003 Licensure of Florida Certified Public Accountant Firms Names.

Every ~~firm practicing public accounting in Florida~~ firm and non-Florida firm required to be licensed pursuant to Section 473.3101(1)(a), F.S., shall be certified for licensure by the Board on a biennial basis, and shall furnish its firm name, addresses and telephone numbers of main office and any branch offices in Florida as well as the names of all licensed professional staff and all non-licensed owners. ~~Said~~ The firms must also disclose whether any non-certified public accountant CPA owners have convictions or findings of guilt, regardless of

adjudication, of a crime in any jurisdiction and judgment or settlements of civil lawsuits (~~excluding domestic matters~~), or having been acted against including denial of licensure by any regulatory agency by a court or regulatory agency and any other matters which show a lack of good moral character. (~~g~~Good moral cCharacter is defined in Section 473.306(4)(a) F.S.)

Rulemaking Specific Authority 473.304, 473.3101 FS. Law Implemented 473.3101 FS. History--New 12-4-79, Amended 2-3-81, Formerly 21A-26.03, Amended 6-4-86, Formerly 21A-26.003, Amended 2-3-94, 12-30-97,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Accountancy
NAME OF AGENCY HEAD WHO APPROVED THE
PROPOSED RULE: Board of Accountancy
DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: August 5, 2009
DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: September 11, 2009

**DEPARTMENT OF BUSINESS AND PROFESSIONAL
REGULATION**

Board of Accountancy

RULE NO.: 61H1-26.004
RULE TITLE: Changes by Firms

PURPOSE AND EFFECT: The Board proposes the rule amendment in order to clarify language concerning written notifications by the firm concerning civil lawsuits.

SUMMARY: Language concerning written notifications by the firm concerning civil lawsuits 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.

RULEMAKING AUTHORITY: 473.304, 473.3101 FS.

LAW IMPLEMENTED: 473.3101 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: Veloria Kelly, Division Director, Board of Accountancy, 240 N.W. 76th Dr., Suite A, Gainesville, Florida 32607

THE FULL TEXT OF THE PROPOSED RULE IS:

61H1-26.004 ~~Licensure of Changes by Firms.~~

(1) A firm licensed pursuant to Rule 61H1-26.003, F.A.C., shall file a written notification with the Department within thirty (30) days after the occurrence of any of the following events:

(a) The admission or addition of a non-CPA co-partner, shareholder or member in any Florida office, including whether any non-CPA co-partners, shareholders or members have convictions or findings of guilt, regardless of adjudication, of a crime in any jurisdiction; judgement or settlements or civil lawsuits (~~excluding domestic matters~~); having been acted against, including denial of licensure, by any regulatory agency or by a court; and any other matters which show a lack of good moral character as defined in Section 473.306(4)(a), F.S.;

(b) through (f) No change.

(2) No change.

Rulemaking Specific Authority 473.304, 473.3101 FS. Law Implemented 473.3101 FS. History--New 12-4-79, Amended 2-3-81, Formerly 21A-26.04, Amended 6-4-86, Formerly 21A-26.004, Amended 11-3-97, 7-16-98, 8-17-98, 1-31-05, 8-28-06,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Accountancy

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 5, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 11, 2009

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Accountancy

RULE NO.: 61H1-27.002
RULE TITLE: Concentrations in Accounting and Business

PURPOSE AND EFFECT: The Board proposes the rule amendment due to a statutory change, in order to clarify language concerning the requirements for concentrations in accounting and business.

SUMMARY: Language concerning requirements for concentrations in accounting and business 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.

RULEMAKING AUTHORITY: 473.304 FS.

LAW IMPLEMENTED: 473.306 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: Veloria Kelly, Division Director, Board of Accountancy, 240 N.W. 76th Dr., Suite A, Gainesville, Florida 32607

THE FULL TEXT OF THE PROPOSED RULE IS:

61H1-27.002 Concentrations in Accounting and Business.

(1) No change.

(2) For purposes of Section 473.3086, F.S., if application for licensure is made after August 1, 1983, an applicant must have at least 150 semester hours or 200 quarter hours of college education, including a baccalaureate degree or higher conferred by, or its equivalent, from an accredited college or university with a major in accounting, or its equivalent, plus at least 30 semester hours or 45 quarter hours, or the equivalent from an accredited college or university. ~~These additional hours shall be in excess of those required for the baccalaureate degree such that~~ The applicant's total education program shall include at least 150 total semester hours or 200 quarter hours or their equivalent with a concentration in accounting and business as follows:

(a) through (b) No change.

(3) through (8) No change.

Rulemaking Specific Authority 473.304 FS. Law Implemented 473.306 FS. History--New 12-4-79, Amended 2-3-81, 8-1-83, 3-21-84, 6-10-84, 6-5-85, 10-28-85, Formerly 21A-27.02, Amended 5-22-88, 3-21-89, 5-20-91, 12-2-92, Formerly 21A-27.002, Amended 11-2-95, 11-3-97, 1-31-05, 5-24-07, 11-30-08,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Accountancy

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 5, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 11, 2009

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Accountancy

RULE NO.: 61H1-28.0052
RULE TITLE: Number of Sitzings, and Granting of Credit, Release of Grades and Completion of Examination, Transition Rules

PURPOSE AND EFFECT: The Board proposes the rule amendment in order to clarify the language concerning certification of examination scores.

SUMMARY: Language concerning certification of examination scores 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.

RULEMAKING AUTHORITY: 455.217(1), 473.304, 473.306 FS.

LAW IMPLEMENTED: 455.217(1), 473.306 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: Veloria Kelly, Division Director, Board of Accountancy, 240 N.W. 76th Dr., Suite A, Gainesville, Florida 32607

THE FULL TEXT OF THE PROPOSED RULE IS:

61H1-28.0052 Number of Sittings, and Granting of Credit, Release of Grades and Completion of Examination, Transition Rules.

(1) No change.

(2) A candidate shall be deemed to have passed the CPA Examination when the candidate has been granted credit for all sections of the CPA Examination. Upon certification of examination scores by the Board to the Department that the applicant has met all licensure requirements as imposed by Chapters 455 and 473, F.S., and the rules promulgated pursuant thereto, the Department shall issue a license to practice public accounting to such individual. However, in no event shall an initial license be issued if the initial licensure fees and all required documents are not received within 36 months of the date of certification of examination scores by the Board; in such case, the certification expires and the applicant may reapply for licensure by endorsement, pursuant to Section 473.308(7)(a), F.S.

Rulemaking Specific Authority 455.217(1), 473.304, 473.306 FS. Law Implemented 455.217(1), 473.306 FS. History—New 1-1-04, Amended 2-24-08, 8-20-09,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Accountancy

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 5, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 11, 2009

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Accountancy

RULE NO.: 61H1-29.002
 RULE TITLE: Temporary License

PURPOSE AND EFFECT: The Board proposes the rule amendment in order to clarify the language concerning certified public accountants and to clarify language concerning temporary licenses due to a statutory change.

SUMMARY: Language concerning certified public accountants will be clarified; language concerning temporary licenses 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.

RULEMAKING AUTHORITY: 473.304, 473.305, 413.314 FS.

LAW IMPLEMENTED: 473.314, 473.315 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: Veloria Kelly, Division Director, Board of Accountancy, 240 N.W. 76th Dr., Suite A, Gainesville, Florida 32607

THE FULL TEXT OF THE PROPOSED RULE IS:

61H1-29.002 Temporary License.

(1) ~~Temporary licenses will be required of out of state certified public accountants or firms~~ In each instance in which such out-of-state certified public accountants or firms, not authorized to practice public accounting pursuant to the practice privileges granted in Section 473.3141, F.S., send out-of-state personnel into the state to perform a specific engagement, a temporary license will be required. Applications for temporary licenses must be filed prior to commencement of the engagement. A temporary license shall not be required of a person entering this state solely for the purpose of preparing federal tax returns or advising as to federal tax matters.

(2) through (6) No change.

(7) An out-of-state certified public accountant who is a resident of Florida may not practice as a certified public account in Florida through the use of temporary licenses or the practice privileges granted in Section 473.3141, F.S., nor may he assume or use the titles or designations “certified public accountant,” or “public accountant” or the abbreviation “CPA,” or any other title, designation, words, letters, abbreviations,

sign, card, or device tending to indicate that he holds an active license under Chapter 473, F.S., nor shall such person attest as an expert in accountancy to the reliability or fairness of presentation of financial information or utilize any form of disclaimer of opinion which is intended or conventionally understood to convey an assurance of reliability as to matters not specifically disclaimed unless such person holds an active license under Chapter 473, F.S. This rule shall not prohibit the performance by such persons of other services involving the use of accounting skills, including the preparation of tax returns and the preparation of financial statements without expression of opinion thereon.

(8) A temporary license may be denied for any one of the following:

(a) The applicant has failed to fully complete required application;

(b) The applicant has committed any of the acts specified by Rule 61H1-36.001, F.A.C., which constitutes grounds for disciplinary action against a certified public accountant licensee.

Rulemaking Specific Authority 473.304, 473.305, 473.314 FS. Law Implemented 473.314, 473.315 FS. History--New 12-4-79, Amended 2-3-81, 10-19-83, Formerly 21A-29.02, Amended 5-3-88, 12-3-89, 6-13-90, 3-29-92, 12-2-92, Formerly 21A-29.002, Amended 6-28-94, 1-11-95, 8-28-06,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Accountancy

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 5, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 11, 2009

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Accountancy

RULE NO.: 61H1-29.0025
RULE TITLE: Temporary License – Electronic Practice

PURPOSE AND EFFECT: The Board proposes the rule amendment due to a statutory change in order to clarify language concerning temporary licenses for electronic practice.

SUMMARY: Language concerning temporary licenses for electronic practice 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.

RULEMAKING AUTHORITY: 473.304, 413.314 FS.

LAW IMPLEMENTED: 473.314 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: Voloria Kelly, Division Director, Board of Accountancy, 240 N.W. 76th Dr., Suite A, Gainesville, Florida 32607

THE FULL TEXT OF THE PROPOSED RULE IS:

61H1-29.0025 Temporary License – Electronic Practice.

(1) Temporary licenses will be required of out-of-state certified public accountants or firms not authorized to practice public accounting pursuant to the practice privileges granted in Section 473.3141, F.S., who wish to practice public accountancy in this state via electronic means (other than for federal tax matters as provided by Section 473.314, F.S.).

(2) through (5) No change.

Rulemaking Specific Authority 473.304, 473.314 FS. Law Implemented 473.314 FS. History--New 2-12-98, Amended 8-28-06,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Accountancy

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 5, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 11, 2009

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Accountancy

RULE NO.: 61H1-29.003
RULE TITLE: Experience for Licensure by Endorsement

PURPOSE AND EFFECT: The Board proposes the rule amendment due to statutory changes.

SUMMARY: Language will be clarified due to statutory changes.

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.

RULEMAKING AUTHORITY: 473.304, 473.306, 473.308 FS.

LAW IMPLEMENTED: 455.217(7), 473.308 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: Veloria Kelly, Division Director, Board of Accountancy, 240 N.W. 76th Dr., Suite A, Gainesville, Florida 32607

THE FULL TEXT OF THE PROPOSED RULE IS:

61H1-29.003 Experience for Licensure by Endorsement.

(1) Any applicant seeking licensure by endorsement under Section 473.308(7)(3)(a), F.S., and having not been licensed in another state, shall have completed continuing education meeting the requirements of Rule 61H1-33.003, F.A.C., for the two (2) years immediately preceding the filing of the application.

(2) Any applicant seeking licensure by endorsement under Section 473.308(7)(3)(b), F.S., and having been licensed in another state, shall have completed whatever continuing education is required by that state to maintain an active license to practice public accounting in that state, so long as such requirements are equivalent to those required by Rule 61H1-33.003, F.A.C., for the two (2) years immediately preceding the filing of the application.

(3) Any applicant seeking licensure by endorsement under Section 473.308(8)(4), F.S., must have experience that includes at least five years experience in the practice of public accounting while licensed as a Certified Public Accountant or Chartered Accountant in the practice of public accounting or as an auditor or accountant in a unit of federal, state, or local government provided that the position held meets the activity and supervision requirements set forth in Section 473.308(8)(4), F.S.

(4) No change.

Rulemaking Specific Authority 473.304, 473.306, 473.308 FS. Law Implemented 455.217(7), 473.308 FS. History—New 4-24-88, Amended 6-12-88, Formerly 21A-29.003, Amended 2-12-98, 5-19-03, 1-31-05, 2-22-07, 11-18-07, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Board of Accountancy
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Accountancy
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 5, 2009
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 11, 2009

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Accountancy

RULE NO.: 61H1-31.001 RULE TITLE: Fees

PURPOSE AND EFFECT: The Board proposes the rule amendment due to statutory changes.

SUMMARY: Language will be clarified due to statutory changes.

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.

RULEMAKING AUTHORITY: 455.213(2), 455.219(4), 455.271, 473.305, 473.312 FS.

LAW IMPLEMENTED: 455.219(4), 455.271, 473.305, 473.312, 473.313 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: Veloria Kelly, Division Director, Board of Accountancy, 240 N.W. 76th Dr., Suite A, Gainesville, Florida 32607

THE FULL TEXT OF THE PROPOSED RULE IS:

61H1-31.001 Fees.

(1) Applicants to sit for the ~~Uniform~~ CPA Examination, as a first time candidate or for candidates transferring partial credits from another state, a fifty dollar (\$50.00) application fee will be owed prior to processing the application. Once the applicant has been approved to sit for the exam as a Florida candidate, it is the applicant's responsibility to complete the examination process with the national vendor and pay any examination fee required by the vendor.

(2) through (3) No change.

(4) For change of status other than during the renewal period, fifty dollars (\$50.00); for reactivation of an inactive status license to active status; two hundred and fifty dollars (\$250.00); for reactivation of a delinquent status license to active, two hundred and fifty dollars (\$250.00); changing a delinquent status license to inactive status, fifty dollars (\$50.00). In all cases completion of the requirements of Rule 61H1-33.006, F.A.C., ~~and passage of the examination on Chapters 455 and 473, F.S., and related rules~~ shall be required for reactivation.

(5) through (7) No change.

(8) For fees relating to the Foreign Language Examination refer to Section 455.11, F.S.

(9) Duplicate licensee fee – If a Florida certified public accountant ~~licensee~~ requests a duplicate license or wall certificate, the Board will issue the duplicate if the request is made in writing and is accompanied by a payment of \$25.00.

(10) through (13) No change.

Rulemaking Authority 455.213(2), 455.219(4), 455.271, 473.305, 473.312 FS. Law Implemented 455.219(4), 455.271, 473.305, 473.312, 473.313 FS. History–New 12-4-79, Amended 2-3-81, 3-4-82, 11-6-83, 3-29-84, Formerly 21A-31.01, Amended 6-4-86, 9-16-87, 2-1-88, 8-30-88, 2-6-89, 12-18-89, 12-28-89, 8-16-90, 4-8-92, 12-2-92, Formerly 21A-31.001, Amended 11-4-93, 2-14-95, 11-3-97, 6-22-98, 10-28-98, 7-15-99, 4-3-02, 1-27-04, 1-31-05, 7-14-05, 4-9-06, 12-3-06, 4-29-07, 9-24-07, 2-24-08, 8-20-09,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Accountancy
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Accountancy
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 5, 2009
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 11, 2009

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Accountancy

RULE NO.: 61H1-33.0035
RULE TITLE: Continuing Professional Education/Governmental Auditing

PURPOSE AND EFFECT: The Board proposes the rule amendment in order to clarify language concerning the certified public accountant.

SUMMARY: Language concerning the certified public accountant 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.

RULEMAKING AUTHORITY: 473.312(3) FS.

LAW IMPLEMENTED: 473.312(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: Voloria Kelly, Division Director, Board of Accountancy, 240 N.W. 76th Dr., Suite A, Gainesville, Florida 32607

THE FULL TEXT OF THE PROPOSED RULE IS:

61H1-33.0035 Continuing Professional Education/ Governmental Auditing.

(1) Any certified public accountant ~~licensee~~ who is involved in governmental audits shall be required to comply with the continuing professional education (CPE) requirements imposed by Government Auditing Standards 2007 commonly referred to as the “Yellow Book,” effective July 2007, which is hereby incorporated by reference, if during the engagement:

(a) The certified public accountant ~~licensee~~ is the in charge person, or

(b) The certified public accountant ~~licensee~~ reviews the working papers or report or both, or

(c) The certified public accountant ~~licensee~~ supervises others, or

(d) The certified public accountant ~~licensee~~ is the only certified public accountant ~~licensee~~ performing the work.

(2) Certified public accountants ~~licensees~~ conducting audits controlled by either subparagraph (a) or (b) below, shall be required to take 24 hours of governmental CPE and shall be required to comply with the CPE requirements imposed by Government Auditing Standards.

(a) through (b) No change.

(3) No change.

Rulemaking ~~Specific~~ Authority 473.312(3) FS. Law Implemented 473.312(3) FS. History–New 8-22-90, Amended 7-7-92, Formerly 21A-33.0035, Amended 5-2-96, 4-13-08,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Accountancy
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Accountancy
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 5, 2009
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 11, 2009

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Accountancy

RULE NO.: 61H1-33.006
RULE TITLE: Inactive Florida Certified Public Accountants Who Desire to Become Active Licensees

PURPOSE AND EFFECT: The Board proposes the rule amendment in order to clarify language concerning the certified public accountant and to clarify the requirements for inactive or delinquent Florida CPAs to become active licensees.

SUMMARY: Requirements for inactive or delinquent Florida CPAs to become active licensees will be clarified. Language concerning the certified public accountant will be clarified.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: A Statement of Estimated Regulatory Cost has been prepared and is available by contacting Veloria Kelly, Division Director, at the address listed below. The following is a summary of the SERC:

- The rule will apply to approximately 500 applicants annually.
- Of the approximately 500 applicants for reactivation, it is unknown how many are employed by or own a small business.
- CPAs who reactivate Florida license will incur costs associated with obtaining professional education courses.
- The proposed rule should only impact a small county or city if the municipality bears the cost of an employee obtaining the necessary continuing professional education.

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: 455.271, 473.304, 473.311, 473.312, 473.313 FS.

LAW IMPLEMENTED: 455.271, 473.311, 473.312, 473.313, 473.323(1)(i) 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: Veloria Kelly, Division Director, Board of Accountancy, 240 N.W. 76th Dr., Suite A, Gainesville, Florida 32607

THE FULL TEXT OF THE PROPOSED RULE IS:

61H1-33.006 Inactive or Delinquent Florida Certified Public Accountants Who Desire to Become Active Licensees.

(1) Each Florida certified public accountant who has requested inactive status or became delinquent, as distinguished from a Florida certified public accountant whose certificate or license has been suspended, who desires to become an active Florida certified public accountant licensee, i.e., engage or reengage in the practice of public accounting in Florida, shall apply for such reactivation by completing and submitting to the Department Forms DBPR 0010-2 – Master Individual Application and DBPR CPA 5011-1 – Request for Change of Status, hereby incorporated by reference and effective 7-23-06, respectively; copies of these forms may be obtained from the Bboard office.

(2) Each such application shall demonstrate successful completion of the required number of continuing professional education hours.

(a) Florida certified public accountants who have been inactive or delinquent for one reporting period following their most recent current/active license, shall must satisfy the requirements of their most recent biennium while active last reestablishment period plus successful completion of at least 32

hours total, of which at least 8 hours must be in accounting and auditing subjects for each year or portion thereof the license was inactive and/or delinquent prior to July 1, 1989 and 40 hours total, of which at least 10 hours must be in accounting and auditing subjects for each year or portion thereof license was inactive after June 30, 1980. 40 additional CPE hours in the following manner:

Accounting/Auditing	Ethics	Behavioral	Total Hours
At least 20 hours	At least 4 hours	No more than 20 hours	120 Hours

(b) Florida certified public accountants who have been inactive for no more than two reporting periods since maintaining a current/active license, shall satisfy the requirements of their most recent biennium plus 120 additional CPE hours in the following manner:

Accounting/Auditing	Ethics	Behavioral	Total Hours
At least 30 hours	At least 4 hours	No more than 20 hours	200 Hours

(c) Florida certified public accountants who have been inactive for three or more reporting periods since maintaining a current/active license, shall satisfy the requirements of their most recent biennium plus 200 additional CPE hours in the following manner:

Accounting/Auditing	Ethics	Behavioral	Total Hours
At least 40 hours	At least 4 hours	No more than 20 hours	280 Hours

~~No more than 25% of the total required hours may be in behavioral subjects, as defined in paragraph 61H1-33.003(3)(c), F.A.C., if taken subsequent to July 1, 1985. At least eighty percent (80%) of the necessary hours must have been completed in the twenty-four months immediately preceding the date of application for reactivation. This twenty-four month requirement will be waived where the licensee can document completion of the CPE requirements in all biennia in the same manner as if the licensee had remained active.~~

(3) Florida certified public accountants who have been inactive for two or more reporting periods since maintaining a current/active license must complete at least sixty percent (60%) of the necessary hours in the twenty-four (24) months immediately preceding the date of the application for reactivation and the remaining forty percent (40%) may have been completed no more than forty-eight (48) months immediately preceding the date of the application for reactivation.

~~(4)(3)~~ The first establishment period after reactivation shall commence on the following July 1st and the initial designated reestablishment date shall be the third June 30th following reactivation.

~~(4) Each such applicant must pass the examination on Chapters 455 and 473, F.S., and related administrative rules approved by the Board. A grade of at least 80 is a passing grade.~~

~~Rulemaking Specific Authority 455.271, 473.304, 473.311, 473.312, 473.313 FS. Law Implemented 455.271, 473.311, 473.312, 473.313, 473.323(1)(i) FS. History—New 12-4-79, Amended 2-3-81, 11-6-83, 3-29-84, 8-20-85, Formerly 21A-33.06, Amended 4-8-86, 12-28-89, 10-16-90, Formerly 21A-33.006, Amended 12-14-93, 5-26-96, 7-23-06,_____.~~

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Accountancy
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Accountancy
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 18, 2009
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 11, 2009

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Accountancy

RULE NO.: RULE TITLE:
61H1-34.002 Notice to Public by Non-Licensed Persons

PURPOSE AND EFFECT: The Board proposes the rule amendment due to a statutory change.

SUMMARY: Due to a statutory change, the language 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.

RULEMAKING AUTHORITY: 473.304, 473.323 FS.

LAW IMPLEMENTED: 473.322, 473.323 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: Voloria Kelly, Division Director, Board of Accountancy, 240 N.W. 76th Dr., Suite A, Gainesville, Florida 32607

THE FULL TEXT OF THE PROPOSED RULE IS:

61H1-34.002 Notice to Public by Non-Licensed Persons.
A person or firm that is not a certified public accountant or authorized to practice public accounting pursuant to the practice privileges granted in Section 473.3141, F.S., licensee

shall not hold itself out as engaged in or as qualified to engage in the practice of public accounting; and shall not assume or use the titles or designations “certified public accountant” or “public accountant” or, a “CPA” or any other title, designation, words, letters, abbreviations, sign, card or device tending to indicate licensure to practice public accounting. Any such person or firm that is a member of, or is associated with any association, society or other group of accountants or public accountants, shall when indicating such membership association include the words “Not registered with the Board of Accountancy,” “Not licensed by the Department of Business and Professional Regulation,” or similar words in letters of equal size and prominence to those indicating association, society or other group membership or affiliation.

~~Rulemaking Specific Authority 473.304, 473.323 FS. Law Implemented 473.322, 473.323 FS. History—New 12-4-79, Formerly 21A-34.02, 21A-34.002, Amended_____.~~

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Accountancy
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Accountancy
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 5, 2009
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 11, 2009

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Accountancy

RULE NO.: RULE TITLE:
61H1-35.001 Application for Foreign Licensure Examination

PURPOSE AND EFFECT: The Board proposes the rule amendment to delete language concerning the due date for the application.

SUMMARY: The language concerning the due date for the application will be deleted.

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.

RULEMAKING AUTHORITY: 455.11, 473.304 FS.

LAW IMPLEMENTED: 455.11 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: Veloria Kelly, Division Director, Board of Accountancy, 240 N.W. 76th Dr., Suite A, Gainesville, Florida 32607

THE FULL TEXT OF THE PROPOSED RULE IS:

61H1-35.001 Application for Foreign Licensure Examination.

The Department or the Board, if delegated by the Department, shall accept application pursuant to Section 455.11, F.S., from an individual who provides proper documentation that he/she has successfully completed, or is currently enrolled in, an approved course of study created pursuant to Section 455.11(2), F.S. ~~Such original or re application shall be delivered to the Department or the Board no later than July 1 for the November examination and January 1 for the May examination. If mailed, postmark will constitute date of delivery.~~

Rulemaking Specific Authority 455.11, 473.304 FS. Law Implemented 455.11 FS. History—New 12-4-79, Amended 2-3-81, Formerly 21A-35.01, 21A-35.001, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Accountancy

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 5, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 11, 2009

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Accountancy

RULE NO.: 61H1-35.002
 RULE TITLE: Examination to Foreign Speaking Florida Residents

PURPOSE AND EFFECT: The Board proposes the rule amendment to clarify language concerning the requirements for examination to foreign speaking Florida residents.

SUMMARY: The language concerning the requirements for examination to foreign speaking Florida residents 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.

RULEMAKING AUTHORITY: 455.11, 473.304, 473.306 FS.
 LAW IMPLEMENTED: 455.11, 473.306 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: Veloria Kelly, Division Director, Board of Accountancy, 240 N.W. 76th Dr., Suite A, Gainesville, Florida 32607

THE FULL TEXT OF THE PROPOSED RULE IS:

61H1-35.002 Examination to Foreign Speaking Florida Residents.

(+) Any person who has filed valid application pursuant to Rule 61H1-35.001, F.A.C., shall be deemed qualified for examination and reexaminations which shall be administered in the English language unless 15 or more such applicants request that said examination be administered in their native tongue. In the event that such examination is administered in a foreign language, said examination shall be substantially equivalent to the ~~Uniform~~ CPA Examination.

~~(2) The requirements of Rules 61H1-28.001 through 61H1-28.006, shall be applicable to both examinations administered pursuant to subsection (1) above.~~

Rulemaking Specific Authority 455.11, 473.304, 473.306 FS. Law Implemented 455.11, 473.306 FS. History—New 12-4-79, Amended 2-3-81, Formerly 21A-35.02, 21A-35.002, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Accountancy

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 5, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 11, 2009

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Accountancy

RULE NO.: 61H1-36.006
 RULE TITLE: Mediation

PURPOSE AND EFFECT: The Board proposes the rule amendment to clarify language concerning certified public accountant.

SUMMARY: Language concerning the certified public accountant 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.

RULEMAKING AUTHORITY: 455.2235 FS.
LAW IMPLEMENTED: 455.2235 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: Voloria Kelly, Division Director, Board of Accountancy, 240 N.W. 76th Dr., Suite A, Gainesville, Florida 32607

THE FULL TEXT OF THE PROPOSED RULE IS:

61H1-36.006 Mediation.

(1) "Mediation" means a process whereby a mediator appointed by the Department acts to encourage and facilitate resolution of a legally sufficient complaint. It is an informal and nonadversarial process with the objective of assisting the parties to reach a mutually acceptable agreement.

(2) The Board finds that mediation is an acceptable method of dispute resolution for the following violations as they are economic in nature or can be remedied by the certified public accountant ~~licensee~~:

- (a) Failure of the certified public accountant ~~licensee~~ to timely pay any assessed administrative fines or costs;
- (b) through (e) No change.
- (3) No change.

Rulemaking Specific Authority 455.2235 FS. Law Implemented 455.2235 FS. History—New 11-21-94, Amended 7-23-06, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Accountancy
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Accountancy
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 5, 2009
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 11, 2009

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 NO.: 62-296.480
RULE TITLE: Implementation of Federal Clean Air Mercury Rule

PURPOSE AND EFFECT: The department proposes to repeal Rule 62-296.480, F.A.C., based on the vacatur of the U.S. Environmental Protection Agency (EPA) Clean Air Mercury Rule (CAMR). Rule 62-296.480, F.A.C., was adopted to implement CAMR to control mercury emissions at coal-fired

electric generating units. On February 8, 2008, The Court of Appeals, District of Columbia Circuit, vacated EPA's rule. Due to the vacatur of CAMR and EPA's decision not to appeal the vacatur, the department, is proposing to repeal Rule 62-296.480, F.A.C.

SUMMARY: Rule 62-296.480, F.A.C., which was adopted to implement CAMR, is repealed.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The agency has determined that this rule will not have an impact on small business. 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: 403.061 FS.

LAW IMPLEMENTED: 403.061 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: Ms. Terri Long at (850)921-9556 or terri.long@dep.state.fl.us

THE FULL TEXT OF THE PROPOSED RULE IS:

62-296.480 Implementation of Federal Clean Air Mercury Rule.

Rulemaking Specific Authority 403.061, 403.087 FS. Law Implemented 403.031, 403.061, 403.087 FS. History—New 9-6-06, Repealed _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Mr. Joseph Kahn, Director, Division of Air Resource Management

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Mr. Michael W. Sole, Secretary
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 4, 2009

DEPARTMENT OF JUVENILE JUSTICE

Residential Services

RULE NOS.:	RULE TITLES:
63E-7.002	Definitions
63E-7.004	Youth Intake
63E-7.010	Residential Case Management Services
63E-7.011	Delinquency Intervention and Treatment Services
63E-7.012	Transfer, Release and Discharge
63E-7.016	Program Administration

PURPOSE AND EFFECT: Amends the rules governing intake, case management, intervention, release, and program administration.

SUMMARY: The amendments incorporate the Residential Positive Achievement Change Tool (RPACT) as the risk/needs assessment instrument for use in residential settings. Change is also made to the requirements under which direct care staff may assist youth in the self-administration of the mental health and substance abuse screening instrument at intake. Finally, residential programs are required to document criteria for the involvement of local law enforcement at their programs.

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

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

RULEMAKING AUTHORITY: 985.64, 985.601(3)(a), 20.316 FS.

LAW IMPLEMENTED: 985.601(3)(a), 985.03(44), 985.441(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: Wednesday, November 4, 2009, 10:00 a.m.

PLACE: DJJ Headquarters, 2737 Centerview Drive, General Counsel’s Conference Room 3223, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: John Milla, 2737 Centerview Dr., Ste. 3200, Tallahassee, FL 32399-3100, e-mail: john.milla@djj.state.fl.us

THE FULL TEXT OF THE PROPOSED RULES IS:

63E-7.002 Definitions.

For the purpose of this rule chapter, the following words shall have the meanings indicated.

(1) through (4) No change.

~~(5) Assessment—An evaluation of the youth to determine delinquency intervention and treatment needs. A residential commitment program’s assessment process is a gender-specific, comprehensive assessment of a youth that is based on the systematic review of existing information and updated information secured through interviews and assessment tools. The assessment process culminates in prioritization of the youth’s needs.~~

(6) through (21) renumbered (5) through (20) No change.

~~(22) Criminogenic Assessment Tool—An assessment tool that is based on factors demonstrated in empirical research to have strong predictive and context validity relative to delinquency, criminogenic need and recidivism and that have been validated and normed on the population to which the instrument is administered.~~

(23) through (68) renumbered (21) through (66) No change.

(67) Residential Positive Achievement Change Tool (RPACT) – a risk/needs assessment instrument that identifies a youth’s criminogenic needs, that if addressed, would most likely reduce their risk of re-offending. The instrument was specifically designed for residential settings to assist staff in determining the youth’s progress in reducing risk and increasing protective factors.

(69) through (87) renumbered (68) through (86) No change.

Rulemaking Specific Authority 985.64, 985.601(3)(a), 20.316 FS. Law Implemented 985.601(3)(a), 985.03(44), 985.441(1)(b) FS. History—New 9-30-07, Amended 8-25-08, 7-8-09,_____.

63E-7.004 Youth Intake.

(1) No change.

(2) A residential commitment program shall complete the following entry screenings immediately upon a youth’s admission. These screenings are used to identify any emergency medical, mental health, or substance abuse conditions of a nature that render admission unsafe or warrant immediate attention. These screenings are also used to identify any need for further evaluation.

(a) Using the Facility Entry Physical Health Screening form, a health care or non-health care staff shall conduct the health entry screening. However, if the entry screening is conducted by someone other than a licensed nurse as defined in Section 464.003, F.S., a licensed nurse shall review the entry screening within 24 hours of the youth’s admission.

(b) To screen for mental health and substance abuse, the program shall ensure administration of either the Massachusetts Youth Screening Instrument, Second Version (MAYSI-2) or a clinical mental health screening and a clinical substance abuse screening. A direct care staff may assist the youth with the self-administration of ~~administer~~ the MAYSI-2 on JJIS if he or she is trained in the its ~~its~~ administration and scoring of the MAYSI-2 consistent with CORE requirements.

However, a clinical mental health screening shall only be conducted by a licensed mental health professional, and a clinical substance abuse screening shall only be conducted by a qualified professional as defined by Section 397.311, F.S., and in accordance with Rule 65D-30.003, F.A.C. (12-12-05). Clinical screenings require the use of valid and reliable screening instruments.

(3) through (11) No change.

Rulemaking Specific Authority 985.64, 985.601(3)(a), 20.316 FS. Law Implemented 985.601(3)(a), 985.03(44), 985.441(1)(b) FS. History—New 9-30-07, Amended 8-25-08,_____.

63E-7.010 Residential Case Management Services.

(1) through (4) No change.

(5) Assessment. A residential commitment program shall provide assessment services as follows:

(a) Initial Assessment. The program shall ensure that an initial assessment of each youth is conducted within 30 days of admission. The program shall maintain all documentation of the initial assessment in the youth’s official youth case record.

1. Criminogenic Risks and Needs. The program shall assess each youth using the RPACT to identify criminogenic risk and protective factors, prioritize the youth’s criminogenic needs, ~~and determine his or her risk to re-offend. The criminogenic assessment tool used for this purpose shall address, at a minimum, the following domains, with information for its completion being obtained through a multi-disciplinary assessment process:~~

- ~~a. Criminal history;~~
- ~~b. Substance abuse involvement;~~
- ~~c. Attitudes, behaviors and skills;~~
- ~~d. Relationships;~~
- ~~e. Family history and current family dynamics;~~
- ~~f. School and work history and status; and~~
- ~~g. Use of free time;~~

2. Educational and Treatment Needs. Additionally, the program shall ensure that the initial assessment process addresses the youth’s educational and treatment needs as specified in the following subsections, and that any resulting information that is applicable to the criminogenic risk and needs assessment is reflected on the criminogenic assessment tool addressed in subparagraph 63E-7.010(5)(a)1., F.A.C.

a. Education. An educational assessment shall be conducted as required in Section 1003.52, F.S.

b. Physical Health. A comprehensive physical assessment conducted by a physician, advanced registered nurse practitioner (ARNP) or physician assistant, as well as a health-related history conducted by a physician, ARNP, physician assistant or nurse licensed pursuant to Chapter 464, F.S., shall be made available to the program by the time of the youth’s admission. After the youth is admitted, healthcare professionals with the qualifications referenced above shall review the respective documents within seven calendar days of

the youth’s admission, resulting in verification or update of the youth’s medical status, identification of any medical alert relevant to the youth, and provision of healthcare services as indicated.

c. Mental Health and Substance Abuse. The program shall ensure that a comprehensive mental health or substance abuse evaluation is conducted when the need is identified through screening pursuant to paragraph 63E-7.004(2)(b), F.A.C. However, if a comprehensive evaluation, as defined in Rule 63E-7.002, F.A.C., was conducted within the past twelve months, an update to that evaluation may be completed instead. Only a licensed mental health professional or a mental health clinical staff person working under the direct supervision of a licensed mental health professional shall conduct a mental health evaluation or update. Any substance abuse evaluation or update shall be conducted by a qualified professional who is licensed under Chapter 458, 459, 490 or 491, F.S., or a substance abuse clinical staff person who is an employee of a service provider licensed under Chapter 397, F.S., or an employee in a facility licensed under Chapter 397, F.S.

(b) Reassessment. The program shall determine and document changes in each youth’s risks and needs using the RPACT so that updated information is available when the intervention and treatment team prepares a 90-day Performance Summary pursuant to paragraph 63E-7.010(9)(b), F.A.C. Additionally, the program shall ensure that any other updates or reassessments are completed when deemed necessary by the intervention and treatment team to effectively manage the youth’s case. The program shall maintain all re-assessment documentation in the youth’s official youth case record.

(6) Performance Plan. A residential commitment program shall ensure that each youth has a performance plan with individualized delinquency intervention goals to achieve before release from the program. Based on the findings of the initial assessment of the youth, the intervention and treatment team, including the youth, shall meet and develop the performance plan within 30 days of the youth’s admission.

(a) The performance plan, developed to facilitate the youth’s successful reintegration into the community upon release from the program, shall include goals that:

1. Specify delinquency interventions with measurable outcomes for the youth that will decrease criminogenic risk factors and promote strengths, skills, and supports that reduce the likelihood of the youth reoffending;
2. Target court-ordered sanctions that can be reasonably initiated or completed while the youth is in the program; and
3. Identify transition activities targeted for the last 60 days of the youth’s anticipated stay in the program.

(b) For each goal, the performance plan shall specify its target date for completion, the youth’s responsibilities to accomplish the goal, and the program’s responsibilities to enable the youth to complete the goal.

(c) To facilitate the youth's rehabilitation or promote public safety, the intervention and treatment team may revise the youth's performance plan based on the RPACT reassessment results, the youth's demonstrated progress or lack of progress toward completing a goal, or newly acquired or revealed information. Additionally, based on the transition conference addressed in paragraph 63E-7.010(10)(a), F.A.C., the intervention and treatment team shall revise the youth's performance plan as needed to facilitate transition activities targeted for completion during the last 60 days of the youth's stay in the program.

(d) The youth, the intervention and treatment team leader, and all other parties who have significant responsibilities in goal completion shall sign the performance plan, indicating their acknowledgement of its contents and associated responsibilities. The program shall file the original signed performance plan in the youth's official youth case record and shall provide a copy to the youth. Within 10 working days of completion of the performance plan, the program shall send a transmittal letter and a copy of the plan to the committing court, the youth's JPO, the parent or legal guardian, and the DCF counselor, if applicable.

1. Electronic transmittal of the performance plan to the youth's JPO and DCF counselor is acceptable.

2. If the parent or guardian did not participate in the development of the performance plan and if the youth is a minor and not emancipated as provided in Section 743.01 or 743.015, F.S., or is over 18 years of age and incapacitated as defined in Section 744.102(12), F.S., the program shall enclose an additional copy of the plan's signature sheet and shall request in the transmittal letter that the parent or guardian acknowledge receipt and review of the plan by signing the signature sheet and returning it to the program. Any signature sheet signed by the parent or guardian and returned to the program shall be attached to the youth's original performance plan.

(7) through (8) No change.

(9) Performance Review and Reporting.

(a) Performance Reviews. A residential commitment program shall ensure that the intervention and treatment team reviews each youth's performance, including RPACT reassessment results, progress on individualized performance plan goals, positive and negative behavior, including behavior that resulted in physical interventions, and if the youth has a treatment plan, treatment progress. Performance reviews shall result in revisions to the youth's performance plan when determined necessary by the intervention and treatment team in accordance with paragraph 63E-7.010(6)(c), F.A.C., and reassessments when deemed necessary by the intervention and treatment team in accordance with paragraph 63E-7.010(5)(b), F.A.C.

1. Low-risk, moderate-risk, and high-risk programs shall conduct biweekly reviews of each youth's performance. A formal performance review, requiring a meeting of the intervention and treatment team, shall be conducted at least every 30 days. However, one biweekly performance review per month may be informal, wherein the intervention and treatment team leader, including other team members' input when needed, meets with the youth.

2. In maximum-risk programs, the intervention and treatment team shall meet at least every 30 days to conduct a formal performance review of each youth.

3. The intervention and treatment team shall document each formal and informal performance review in the official youth case record, including the youth's name, date of the review, meeting attendees, any input or comments from team members or others, and a brief synopsis of the youth's progress in the program.

(b) Performance Reporting. The intervention and treatment team shall prepare a Performance Summary at 90-day intervals, beginning 90 days from the signing of the youth's performance plan, or at shorter intervals when requested by the committing court. Additionally, the intervention and treatment team shall prepare a Performance Summary prior to the youth's release, discharge or transfer from the program.

1. Each Performance Summary shall address, at a minimum, the following areas:

a. The youth's status on each performance plan goal;

b. The youth's overall treatment progress if the youth has a treatment plan;

c. The youth's academic status, including performance and behavior in school;

d. The youth's behavior, including level of motivation and readiness for change, interactions with peers and staff, overall behavior adjustment, and, for any initial Performance Summary, the youth's initial adjustment to the program;

e. Significant positive and negative incidents or events; and

f. A justification for a request for release, discharge or transfer, if applicable.

2. The staff member who prepared the Performance Summary, the intervention and treatment team leader, the program director or designee, and the youth shall review, sign and date the document. Prior to the youth signing the document, program staff shall give the youth an opportunity to add comments, providing assistance to the youth, if requested. The program shall distribute the performance plan as specified below within 10 working days of its signing.

a. With the exception of a Performance Summary prepared in anticipation of a youth's release or discharge, the program shall send copies of the signed document to the committing court, the youth's JPO, and the parent or guardian and shall provide a copy to the youth.

b. As notification of its intent to release a youth pursuant to subsection 63E-7.012(2), F.A.C., or discharge a youth pursuant to subsection 63E-7.012(3), F.A.C., the program shall send the original, signed Performance Summary, together with the Pre-Release Notification and Acknowledgement form to the youth's JPO who is responsible for forwarding the documents to the committing court.

c. The program shall file the original, signed Performance Summary in the official youth case record except when it is prepared in anticipation of a youth's release or discharge, in which case, the program shall file a signed copy in the official youth case record.

(10) through (12) No change.

Rulemaking Specific Authority 985.64 FS. Law Implemented 985.601(3)(a) FS. History--New 12-9-08, Amended.

63E-7.011 Delinquency Intervention and Treatment Services.

A residential commitment program shall provide delinquency intervention and treatment services that are gender-specific pursuant to Section 985.02, F.S., and that focus on preparing youth to live responsibly in the community upon release from the program. The program shall design its services and service delivery system based on the common characteristics of its primary target population, including age, gender, and special needs, and their impact on youths' responsivity to intervention or treatment. However, in accordance with Rule 63E-7.010, F.A.C., the program shall individualize and coordinate the provision of delinquency intervention and treatment services based on each youth's prioritized risk and needs as identified through the RPACT.

(1) through (3) No change.

Rulemaking Specific Authority 985.64 FS. Law Implemented 985.601(3)(a) FS. History--New 12-9-08, Amended.

63E-7.012 Transfer, Release and Discharge.

(1) No change.

(2) Release.

(a) When planning for the release of any youth who is clearly not subject to involuntary commitment as a Sexually Violent Predator (SVP), a residential commitment program shall comply with the following provisions.

1. A program with a designed or estimated length of stay of more than 45 days shall forward the Pre-Release Notification and Acknowledgment form, with the pre-release notification section completed, and the release Performance Summary to the youth's JPO at least 45 days, or in the case of a sex offender who is not SVP eligible, at least 90 days prior to the youth's planned release date. A residential commitment program with a designed or estimated length of stay of 45 days or less shall forward the Pre-Release Notification and

Acknowledgment form, with the pre-release notification section completed, to the youth's JPO within 72 hours of the youth's admission to the program.

a. If the program does not receive the completed Pre-Release Notification and Acknowledgment form within 20 working days of the program sending it to the youth's JPO, the program shall contact the JPO or the JPO's supervisor to expedite return of the form.

b. In the event that the court directly contacts a residential commitment program to summon, subpoena, or request the youth appear at a hearing to address the release request, the program shall immediately notify the youth's JPO or, if unavailable, the JPO's supervisor.

c. If the court objects to the youth's release, the program shall resubmit the Pre-Release Notification and Acknowledgment form and Performance Summary to the JPO after the youth has made progress towards meeting the court's expectations.

d. The program shall not release any youth without written notification from the JPO or the JPO's supervisor that documents the court's approval or confirms the release is considered approved when the court does not respond within 10 days of the department's request. Upon notification that a release request has been approved or is considered approved, the program shall provide written notification to the youth's parents or legal guardian of the planned release and complete an RPACT exit assessment.

2. If a youth's offense is homicide pursuant to Chapter 782, F.S., (lawful representatives or next of kin considered as the victims in homicide cases), a sexual offense pursuant to Chapter 794, F.S., attempted murder or a sexual offense pursuant to Chapter 777, F.S., stalking pursuant to Section 784.048, F.S., or domestic violence pursuant to Section 25.385, F.S., the program shall notify the youth's victims or their designees prior to releasing the youth unless the youth's JPO has provided the program with a waiver of notification rights signed by the victims or their designees.

a. The program shall track youth whose victims or designees require notification while maintaining confidentiality that protects the identity of victims.

b. The program shall mail the Victim Notification of Release form letter to the victims or their designees at least 10 working days prior to the youth's release or, if circumstances beyond the program's control prevent this, as soon thereafter as possible before the youth's release. The program shall document all notifications and attempted notifications and shall copy the youth's JPO and the youth's individual management record on the notification letter.

c. Under no circumstances shall the program notify a victim or designee if he or she waived notification rights in writing, nor shall the program notify the victim or designee until the youth's JPO notifies the program of approval to release the youth.

3. The program shall also ensure the following notifications prior to a youth's release:

a. Educational and vocational staff so required post-testing may be conducted, transcripts prepared, records transferred, and the receiving community school notified.

b. Parties or entities requiring notification if the youth is a juvenile sex offender pursuant Section 985.48, F.S.; and

c. JJIS or the department's regional commitment manager. Within 24 hours of any release or on the first regular workday of the following week when the youth is released on a holiday, a weekend or a Friday afternoon, the program shall update the JJIS Bed Management System or, if a program does not have access to JJIS, shall notify the regional commitment manager.

4. Prior to a youth's release, the program shall comply with the following departure procedures:

a. Arrange transportation as necessary; and

b. Conduct a property inventory of the youth's personal possessions in the presence of the youth, documenting the inventory and verifying its accuracy with signatures of the staff conducting the inventory, the youth, and a witness. The program shall reconcile any differences between the intake and release inventories. However, no release inventory is required if there is documentation that the program sent the youth's personal possessions home at the time of admission or intake.

(b) When planning the release of any youth who, based on the department's screening, may be eligible for involuntary commitment as an SVP, a residential commitment program shall comply with the following provisions:

1. Not less than 240 days prior to the anticipated release of a youth who is potentially SVP eligible, a program with a designed or estimated length of stay of 240 days or more shall notify the JPO of the anticipated release. A program with a designed or estimated length of stay of less than 240 days shall commence notification to the JPO within 30 days of the youth's admission to the program.

2. The program shall not release any youth who is potentially SVP eligible and subject to the provisions of Chapter 394, F.S., until the Sexual Predator Unit at the Department of Children and Families (DCF) has determined eligibility and the youth's JPO has advised the program how to proceed and has provided the program with written documentation to support such action. To facilitate this eligibility determination process, the residential commitment program shall provide to the youth's JPO the documentation required by DCF.

a. A program with an estimated length of stay of 240 days or more shall provide the Jimmy Ryce Act For violent Sexual Offenders/Residential Program Notification Checklist, the performance plan, the Performance Summary, a physical health summary, a summary of the youth's institutional adjustment if not included in the Performance Summary, and any psychological or psychiatric report.

b. In the case of a program whose estimated length of stay is less than 240 days, wherein release notification commences 30 days or less after the admission of a potentially SVP eligible youth is admitted, the program shall initially provide the JPO with the Jimmy Ryce Act For Violent Sexual Offenders/Residential Program Notification Checklist, the performance plan, a physical health summary, a summary of the youth's institutional adjustment, and any psychological or psychiatric reports. Additionally, the program shall provide the JPO with the Performance Summary and the transition plan immediately subsequent to their completion. Although the program provides existing psychological or psychiatric reports at the time it commences release notification, the program shall provide the JPO with any subsequent psychological or psychiatric reports that may be generated while the youth is still in the program.

c. If DCF determines that a youth is not subject to civil commitment as an SVP pursuant to Chapter 394, F.S., the program shall comply with the provisions set forth in paragraph 63E-7.012(2)(a), F.A.C., of this rule chapter.

(c) In addition to complying with the provisions of paragraph (2)(a) or (2)(b) of this section of this rule chapter, when planning for the release of any sex offender who is identified on his or her commitment packet as being subject to registration requirements pursuant to Section 943.0435, F.S., a residential commitment program shall take a digitized photograph of the youth within 60 days prior to release. Prior to the youth's release, the program shall provide the digitized photograph to the youth's JPO or, if there is a web camera, the program shall download the youth's photograph into JJIS for inclusion in the youth's file.

(3) through (5) No change.

Rulemaking Specific Authority 985.64, 985.601(3)(a), 20.316 FS. Law Implemented 985.601(3)(a), 985.03(44), 985.441(1)(b) FS. History--New 1-3-08, Amended 8-25-08,_____.

63E-7.016 Program Administration.

(1) through (10) No change.

(11) A residential commitment program director shall build partnerships and collaborate with juvenile justice stakeholders in the community.

(a) The program shall establish a community support group or advisory board that meets at least quarterly. The program director shall solicit active involvement of interested community partners including, but not limited to representatives from law enforcement, the judiciary, the school board or district, the business community, and the faith community. In addition, the program director shall recruit a victim, victim advocate, or other victim services community representative and a parent whose child was previously, rather than currently, involved in the juvenile justice system.

(b) The program shall collaborate with the school district to ensure the delivery of quality educational services consistent with the cooperative agreement between the school district and the department pursuant to Section 1003.52, F.S.

(c) The program shall develop a facility operating procedure that identifies criteria for law enforcement involvement at the facility.

(d)(e) A residential commitment program may involve community volunteers, including mentors for youth, consistent with background screening requirements pursuant to Section 985.644, F.S. The program shall provide supervision as deemed necessary to ensure the volunteer is providing services in a manner that meets the expectations of the program and ensures the emotional and physical safety of its youth.

(12) through (14) No change.

Rulemaking Specific Authority 985.64 FS. Law Implemented 985.601(3)(a) FS. History–New 4-13-08, Amended 8-25-08,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Darryl Olson, Assistant Secretary for Residential Services
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Frank Peterman, Jr., Secretary
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 28, 2009
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 28, 2009

DEPARTMENT OF HEALTH

Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling

RULE NO.: 64B4-6.001
RULE TITLE: Renewal of Active License

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

SUMMARY: The requirements for domestic violence continuing education will be clarified.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared. The Board determined the proposed rules 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.

RULEMAKING AUTHORITY: 491.004(5), 491.007(1) FS.

LAW IMPLEMENTED: 456.031(1)(a), 491.007(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: Sue Foster, Executive Director, Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

THE FULL TEXT OF THE PROPOSED RULE IS:

64B4-6.001 Renewal of Active License.

(1) through (2) No change.

(3) Within six (6) months of initial licensure and eEvery third renewal thereafter, a licensee must complete a 2 hour continuing education course on domestic violence.

(4) No change.

Rulemaking Specific Authority 491.004(5), 491.007(1) FS. Law Implemented 456.031(1)(a), 491.007(2) FS. History–New 4-4-89, Amended 12-4-90, Formerly 21CC-6.001, Amended 1-9-94, Formerly 61F4-6.001, Amended 1-7-96, 12-29-96, Formerly 59P-6.001, Amended 2-9-99, 2-5-01, 2-7-05, 7-16-06, 12-17-06, 6-13-07, 9-13-07,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 24, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 18, 2009

DEPARTMENT OF HEALTH

Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling

RULE NO.: 64B4-11.007
RULE TITLE: Definition of “Licensed Clinical Social Worker, or the Equivalent, Who is a Qualified Supervisor”

PURPOSE AND EFFECT: The Board proposes the rule amendment in order to clarify the requirements for a qualified supervisor.

SUMMARY: The requirements for a qualified supervisor will be clarified.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared. The Board determined the proposed rules 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.

RULEMAKING AUTHORITY: 491.004(5) FS.

LAW IMPLEMENTED: 491.005(1)(c) 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: Sue Foster, Executive Director, Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

THE FULL TEXT OF THE PROPOSED RULE IS:

64B4-11.007 Definition of "Licensed Clinical Social Worker, or the Equivalent, Who Is a Qualified Supervisor."

(1) through (2) No change.

(3) A qualified supervisor who provides supervision in Florida for interns and trainees must meet equivalency standards of subsection (1); and

(a) Have completed four (4) years of clinical social work experience, two (2) years of which can be earned during a post-masters clinical internship with the remaining two (2) years of experience earned post-licensure; and

(b)(~~a~~) Have completed, subsequent to licensure as a clinical social worker, training in supervision in one of the following:

1. A graduate level academic course in supervision which meets the requirements of Rule 64B4-6.0025, F.A.C.; or

2. A continuing education course in supervisory training which meets the requirements of Rule 64B4-6.0025, F.A.C.; or

~~3. An AAMFT course for Approved Supervisors; or~~

~~3.4. A post-graduate training course for field instructors in clinical social work; or and~~

4. Is designated an Approved Supervisor by the AAMFT.

~~(b) Have completed four (4) years of clinical social work experience, two (2) years of which can be earned during a post-masters clinical internship with the remaining two (2) years of experience earned post-licensure.~~

Rulemaking Specific Authority 491.004(5) FS. Law Implemented 491.005(1)(c) FS. History--New 7-6-88, Amended 1-4-90, 12-19-90, Formerly 21CC-11.007, 61F4-11.007, Amended 1-7-96, 12-29-96, 6-16-97, Formerly 59P-11.007, Amended 12-11-97, 8-8-99, 6-14-05, 7-16-06, 8-28-07, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 24, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 18, 2009

DEPARTMENT OF HEALTH

Board of Athletic Training

RULE NO.: 64B33-2.005
 RULE TITLE: Requirements for Reactivation of an Inactive License

PURPOSE AND EFFECT: The proposed rule amendment is intended to address a concern of the Joint Administrative Procedures Committee with regard to the requirement for an affidavit.

SUMMARY: The proposed rule amendment deletes the requirement for an affidavit and requires a written statement accounting for all employment activity during the inactive licensure period.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared. The Board has determined that the proposed rule amendment does 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.

RULEMAKING AUTHORITY: 456.036, 468.705 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: Susan Foster, Executive Director, Board of Athletic Training, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

THE FULL TEXT OF THE PROPOSED RULE IS:

64B33-2.005 Requirements for Reactivation of an Inactive License.

An inactive license shall be reactivated upon demonstration that the licensee has paid the reactivation fee set forth in Rule 64B33-3.001, F.A.C., and has complied with the following requirements:

(1) As a condition to the reactivation of an inactive license, an athletic trainer must submit proof of successful completion of approved continuing education for each year of inactive status and must disclose any criminal convictions or pending disciplinary or criminal charges. In addition, the athletic trainer must submit a written statement ~~an affidavit~~ which accounts for all employment activity during the period of inactive licensure.

(2) No change.

Rulemaking Authority 456.036, 468.705 FS. Law Implemented 456.036 FS. History--New 8-10-09, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Athletic Training
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Athletic Training
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 24, 2009
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 11, 2009

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Economic Self-Sufficiency Program

RULE NO.: 65A-1.603
RULE TITLE: Food Stamp Program Income and Expenses

PURPOSE AND EFFECT: The proposed rule amendment amends the standard utility allowance, the basic utility allowance and the telephone standard.

SUMMARY: The proposed rule amendment amends the amounts of the utility standards.

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

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

RULEMAKING AUTHORITY: 414.45 FS.

LAW IMPLEMENTED: 414.31 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: November 2, 2009, 1:30 p.m.
PLACE: 1317 Winewood Boulevard, Building 3, Room 455, Tallahassee, Florida 32399-0700

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Cindy Keil, ACCESS Florida Program Policy, 1317 Winewood Boulevard, Building 3, Tallahassee, Florida 32399-0700, (850)410-3291, cindy_keil@dcf.state.fl.us

THE FULL TEXT OF THE PROPOSED RULE IS:

65A-1.603 Food Stamp Program Income and Expenses.

(1) No change.

(2) Standard Utility Allowance. A standard utility allowance (SUA) of \$317 \$198 must be used by AGs who incur or within the certification period expect to incur heating or cooling expenses separate and apart from their rent or mortgage and by AGs who receive direct or indirect assistance authorized under the Low Income Home Energy Assistance

Act of 1981. Actual utility expenses are not allowed. Any additional utility expenses, including the telephone standard, are not used.

(3) Basic Utility Allowance. A basic utility allowance (BUA) of \$258 \$173 must be used by AGs who do not incur heating or cooling expenses, but do incur utility expenses such as electricity, fuel, water, sewerage, or garbage pickup, separate and apart from their rent or mortgage. Actual utility expenses are not allowed. Any additional utility expenses, including the telephone standard, are not used.

(4) Telephone Standard. A telephone standard of \$32 \$29 must be used by AGs who incur only a telephone expense. Actual telephone expenses are not allowed. Any additional utility expenses, including the SUA or BUA, are not used.

(5) No change.

Rulemaking Specific Authority 414.45 FS. Law Implemented 414.31 FS. History—New 1-31-94, Formerly 10C-1.603, Amended 1-12-99, 5-25-03, 8-22-05, 2-17-09, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Nathan Lewis
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: George H. Sheldon
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 24, 2009
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 28, 2009

Section III
Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF TRANSPORTATION

RULE NO.: 14-15.0081
RULE TITLE: Toll Facilities Description and Toll Rate Schedule

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 35, No. 39, October 2, 2009 issue of the Florida Administrative Weekly. The date for the public workshop to be held in regards to Rule 14-15.0081, published in Vol. 35, No. 35, the Sept. 25, 2009 F.A.W. will be held on Nov. 17, 2009. The time and places will remain the same, except for District 7. The workshop which will be in the auditorium and not the executive conference room.

DEPARTMENT OF TRANSPORTATION

RULE NO.: 14-100.005
RULE TITLE: Tolls Enforcement