

Section I

**Notices of Development of Proposed Rules
and Negotiated Rulemaking**

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: 6A-1.0995
RULE TITLE: Form of High School Diplomas and Certificates of Completion

PURPOSE AND EFFECT: The purpose of this rule development is to adopt the format for the new State of Florida High School Equivalency Diploma.

SUBJECT AREA TO BE ADDRESSED: State of Florida High School Equivalency Diploma.

RULEMAKING AUTHORITY: 1001.02, 1003.435, 1003.53 FS.

LAW IMPLEMENTED: 1003.435, 1003.53 FS.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATES, TIMES AND PLACES SHOWN BELOW:
DATES AND TIMES: January 11, 2010, 1:00 p.m. – 4:00 p.m.
AND IF REQUESTED IN WRITING ADDITIONAL WORKSHOPS MAY BE HELD ON January 13, 2010, 9:00 a.m. – 12:00 Noon and January 14, 2010, 9:00 a.m. – 12:00 Noon

PLACES: January 11, 2010, Florida Department of Education, 325 W. Gaines St., Rm. 1703, Tallahassee, FL 32399

IF REQUESTED IN WRITING THE ADDITIONAL WORKSHOPS IN JANUARY WILL BE HELD AT THE FOLLOWING LOCATIONS: January 13, 2010, Broward County South Area Office, 1643 N.W. 136th Ave. (Harrison Parkway), Building H, Sunrise, FL 33323 and January 14, 2010, Middleton High School, 4801 North 22nd St., Tampa, FL 33610

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Dr. Kimberly Davis, Bureau of Family and Community Outreach, Department of Education, 325 West Gaines St., Suite 544, Tallahassee, FL 32399-0400, (850)245-0551 or e-mail Kimberly.Davis@fldoe.org. To request a rule development workshop, please contact: Lynn Abbott, Agency Clerk, Department of Education, (850)245-9661 or e-mail lynn.abbott@fldoe.org or go to <https://app1.fldoe.org/rules/default.aspx>

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: 6A-6.0211
RULE TITLE: GED Exit Option Model and State of Florida High School Equivalency Diplomas

PURPOSE AND EFFECT: The purpose of this rule development is to establish the requirements for the new GED Exit Option Model and State of Florida High School Equivalency Diploma. The GED Exit Option Model will establish a program strategy for students who are enrolled in high school classes, but are in jeopardy of not graduating with their kindergarten cohort group because they are overage-for-grade, behind in credits, or have a low GPA.

SUBJECT AREA TO BE ADDRESSED: GED Exit Option Model and State of Florida High School Equivalency Diploma.

RULEMAKING AUTHORITY: 1001.02, 1003.435, 1003.53 FS.

LAW IMPLEMENTED: 1003.435, 1003.53 FS.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATES, TIMES AND PLACES SHOWN BELOW:
DATES AND TIMES: January 11, 2010, 1:00 p.m. – 4:00 p.m.
AND IF REQUESTED IN WRITING ADDITIONAL WORKSHOPS MAY BE HELD ON January 13, 2010, 9:00 a.m. – 12:00 Noon and January 14, 2010, 9:00 a.m. – 12:00 Noon

PLACES: January 11, 2010, Florida Department of Education, 325 W. Gaines St., Rm. 1703, Tallahassee, FL 32399

IF REQUESTED IN WRITING THE ADDITIONAL WORKSHOPS IN JANUARY WILL BE HELD AT THE FOLLOWING LOCATIONS: January 13, 2010, Broward County South Area Office, 1643 N.W. 136th Ave. (Harrison Parkway), Building H, Sunrise, FL 33323 and January 14, 2010, Middleton High School, 4801 North 22nd St., Tampa, FL 33610.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Dr. Kimberly Davis, Bureau of Family and Community Outreach, Department of Education, 325 West Gaines St., Suite 544, Tallahassee, FL 32399-0400, (850)245-0551 or e-mail Kimberly.Davis@fldoe.org. To request a rule development workshop, please contact: Lynn Abbott, Agency Clerk, Department of Education, (850)245-9661 or e-mail lynn.abbott@fldoe.org or go to <https://app1.fldoe.org/rules/default.aspx>

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF REVENUE

Property Tax Oversight Program

RULE NOS.:	RULE TITLES:
12D-7.0142	Additional Homestead Exemption Pursuant to Section 196.031(1)(b), Florida Statutes
12D-7.019	Tangible Personal Property Exemption

PURPOSE AND EFFECT: Proposed Rule 12D-7.0142, F.A.C., Additional Homestead Exemption Pursuant to Section 196.031(1)(b), Florida Statutes, will address the subject matter of Rule 12DER08-35 Additional Homestead Exemption Pursuant to Section 196.031(1)(b), Florida Statutes, which is renewed and replaced by Rule 12DER09-12. Pursuant to Section 196.031, Florida Statutes, the additional homestead exemption shall only apply to non-school levies. This Rule provides that no new application form will be necessary. The effect of the rule is to provide guidelines for documenting additional homestead exemption. Proposed Rule 12D-7.019, F.A.C., Tangible Personal Property Exemption, will address the subject matter of Rule 12DER08-34, Tangible Personal Property Exemption, which is renewed and replaced by Rule 12DER09-11. This rule informs taxpayers of the procedure to apply for and receive this exemption and the duties of the property appraiser when allocating exemptions and preparing the tax roll. The effect of the rule is to provide guidelines for tangible personal property exemption and maintaining the assessment roll entry. These proposed rules will also address the subject matter of Rule 12DER08-32, Scope of Emergency Rules 12DER08-33 Through 12DER08-35; How to Obtain Forms, which was replaced by Rule 12DER09-09. Such emergency rules are renewed during the pendency of procedures to adopt rules addressing the subject of the emergency rules.

SUBJECT AREA TO BE ADDRESSED: The subject area addressed in Proposed Rule 12D-7.0142, F.A.C., Additional Homestead Exemption Pursuant to Section 196.031(1)(b), Florida Statutes, is the additional homestead exemption that only applies to non-school levies. The subject area addressed in Proposed Rule 12D-7.019, F.A.C., Tangible Personal Property Exemption, is the tangible personal property exemption. Rule text will be posted on or before December 31, 2009 on the Department’s website at: <http://dor.myflorida.com/dor/property/erules.html>.

RULEMAKING AUTHORITY: 195.027(1), 213.06(1) FS.

LAW IMPLEMENTED: 192.047, 193.063, 193.072, 193.114, 196.031, 196.075, 196.082, 196.183, 196.202, 196.24 FS.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Janice Forrester at (850)922-7945. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Janice Forrester, Tax Law Specialist, Property Tax Oversight Program, Department of Revenue, P. O. Box 3000, Tallahassee, Florida 32315-3000, telephone (850)922-7945, ForrestJ@dor.state.fl.us

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

DEPARTMENT OF REVENUE

Property Tax Oversight Program

RULE NOS.:	RULE TITLES:
12D-8.0065	Transfer of Assessment Limitation Difference; Portability; Denials and Late Applications
12D-8.022	Reporting of Fiscal Data by Fiscally Constrained Counties to the Department of Revenue

PURPOSE AND EFFECT: For proposed Rule 12D-8.0065, F.A.C., Section 193.155(8) F.S., was amended by section 3, Chapter 2008-173 L.O.F., which sets forth the limitations and special rules to be observed and the forms to be used by taxpayers and property appraisers for the transfer of assessment limitation difference or portability, in various situations. Section 14 of Chapter 2008-173, L.O.F., instructs the property appraisers to accept and consider applications for assessment submitted by May 1 under Section 193.155(8), F.S. The purpose of this rule is to outline the circumstances to apply for portability and instructs the property appraisers to verify and conduct the process. The effect of this rule is to inform taxpayers of the procedures and forms to apply for an additional reduction of property taxes. This rule will address the subject matter of Rule 12DER08-33, Transfer of Assessment Limitation Difference; “Portability;” Sworn Statement Required, which is renewed and replaced by Rule 12DER09-10, and Rule 12DER08-25 Denials and Late Filed Applications for Transfer of Assessment Limitation Differential (Portability), which is renewed and replaced by Rule 12DER09-06. For proposed Rule 12D-8.022, F.A.C., the purpose of the proposed rule is to provide assistance regarding certain actions to be taken by local governments and officials. Section 218.12, Florida Statutes, states each fiscally constrained county shall apply to the Department of Revenue

to participate in the distribution of funds appropriated by the Legislature in the form and manner prescribed by the Department by November 15 each year. Proposed Rule 12D-8.022, F.A.C., will address the subject matter of Rule 12DER09-02, Reporting of Fiscal Data by Fiscally Constrained Counties to the Department of Revenue For Fiscal Year 2009-2010, which is renewed and replaced by Rule 12DER09-13. The effect of this rule is to establish procedures for fiscally constrained counties to comply with the requirements in Section 218.12, F.S. Such emergency rules are renewed during the pendency of procedures to adopt rules addressing the subject of the emergency rules.

SUBJECT AREA TO BE ADDRESSED: For proposed Rule 12D-8.0065, the subject area that will be addressed is the possible reduction of property taxes under section 193.155, F.S. For proposed Rule 12D-8.022, F.A.C., the subject area addressed by the proposed new rule is the application, by each fiscally constrained county, to the Department of Revenue to participate in the distribution of funds appropriated by the Legislature in the form and manner prescribed by the Department by November 15 each year. Rule text will be posted on or before December 31, 2009 on the Department's website at: <http://dor.myflorida.com/dor/property/erules.html>.

RULEMAKING AUTHORITY: 195.027(1), 213.06(1) FS.

LAW IMPLEMENTED: 192.047, 193.114, 193.155, 193.461, 193.703, 194.011, 200.065, 218.12, 218.67, FS.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Janice Forrester at (850)922-7945. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: : Janice Forrester, Tax Law Specialist, Property Tax Oversight Program, Department of Revenue, P. O. Box 3000, Tallahassee, Florida 32315-3000, telephone (850)922-7945, ForrestJ@dor.state.fl.us.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

DEPARTMENT OF REVENUE

Property Tax Oversight Program

RULE NO.:	RULE TITLE:
12D-9.028	Petitions on Transfer of "Portability" Assessment Difference

PURPOSE AND EFFECT: Proposed Rule 12D-9.028, F.A.C., Petitions on Transfer of "Portability" Assessment Difference, will address the subject matter of Rule 12DER08-26 Appeals to the Value Adjustment Board of Denials and of Amount of Transfer of Assessment Limitation Difference (Portability), which is renewed and replaced by Rule 12DER09-07. Such emergency rules are renewed during the pendency of procedures to adopt rules addressing the subject of the emergency rules. This rule, together with the remainder of Rule Chapter 12D-9, F.A.C., provides procedures for petitions to the value adjustment board of denials of transfers of "portability" assessment difference.

SUBJECT AREA TO BE ADDRESSED: The subject area addressed in Proposed Rule 12D-9.028, F.A.C., Petitions on Transfer of "Portability" Assessment Difference, is the procedure for petition to the value adjustment board of denials of transfers of "portability" assessment difference. Rule text is posted on the Department's website at: <http://dor.myflorida.com/dor/property/vabwb/vabrules.html>.

RULEMAKING AUTHORITY: 194.011(5), 194.034(1), 195.027(1) FS.

LAW IMPLEMENTED: 193.155, 194.011 FS.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Janice Forrester at (850)922-7945. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Janice Forrester, Tax Law Specialist, Property Tax Oversight Program, Department of Revenue, P. O. Box 3000, Tallahassee, Florida 32315-3000, telephone (850)922-7945, ForrestJ@dor.state.fl.us

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

DEPARTMENT OF REVENUE**Property Tax Oversight Program**

RULE NO.: RULE TITLE:
12D-16.002 Index to Forms

PURPOSE AND EFFECT: The purpose of the proposed revisions to this rule is to list and adopt the new and amended forms that were certified in emergency rules. These forms support the new rules promulgated from Chapter 2008-173, Laws of Florida. The effect of these proposed rules is to inform the county property appraisers, tax collectors, fiscally constrained taxing authorities, and interested parties of the adopted forms. This rule will address the subject matter of Rule 12DER09-02, Rule 12DER09-03, Rule 12DER08-25, Rule 12DER08-26, Rule 12DER08-30, Rule 12DER08-33, Rule 12DER08-34, and Rule 12DER08-35, relating to forms addressed in those rules. These rules are renewed and replaced by emergency rules 12DER09-13, 12DER09-14, 12DER09-06, 12DER09-07, 12DER09-08, 12DER09-10, 12DER09-11, and 12DER09-12, respectively. Such emergency rules are renewed during the pendency of procedures to adopt rules addressing the subject of the emergency rules.

SUBJECT AREA TO BE ADDRESSED: The subject area that will be addressed is the new and amended forms that will be certified in section 12D-16.002, F.A.C. Rule text will be posted on or before December 31, 2009 on the Department's website at: <http://dor.myflorida.com/dor/property/erules.html>.

RULEMAKING AUTHORITY: 195.027(1), 213.06(1) FS.

LAW IMPLEMENTED: 92.525, 95.18, 136.03, 192.001(18), 193.052, 193.077, 193.085, 193.092, 193.114, 193.122, 193.461, 193.503, 193.625, 193.703, 194.011, 194.032, 194.034, 194.035, 194.037, 195.002, 195.022, 195.087, 195.095, 196.011, 196.015, 196.031, 196.075, 196.095, 196.101, 196.121, 196.141, 196.151, 196.193, 196.1961, 196.1983, 196.1995, 196.202, 196.24, 197.182, 197.222, 197.253, 197.304, 197.3041, 197.3632, 197.3635, 197.414, 197.432, 197.472, 197.502, 197.512, 197.552, 200.065, 200.069, 213.05, 218.66 FS.

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

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THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Janice

Forrester, Tax Law Specialist, Property Tax Oversight Program, Department of Revenue, P. O. Box 3000, Tallahassee, Florida 32315-3000, telephone (850)922-7945, ForresterJ@dor.state.fl.us

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

DEPARTMENT OF REVENUE**Property Tax Oversight Program**

RULE NO.: RULE TITLE:
12D-17.004 Taxing Authority's Certification of
Compliance; Notification by
Department

PURPOSE AND EFFECT: This rule addresses the subject matter of Rule 12DER09-05, Disclosure and Certification of Compliance; Filing of Documents Relating to Millage Levy Compliance Commencing 2009, relating to taxing authorities' disclosure and certification of compliance and filing of documents for millage levy compliance, which rule is renewed and replaced by Rule 12DER09-15, and provides assistance regarding certain actions taken in the 2009 TRIM process and in each year thereafter by local governments and officials. This rule explains the certification process as provided in Section 200.065(5), Florida Statutes, to county, municipality, independent special districts and their related dependent special districts, municipal service taxing units, and each local taxing authority for 2009 compliance and in each year thereafter. The effect of the rule is to provide assistance regarding certain actions taken in the TRIM process by local governments and officials. Such emergency rules are renewed during the pendency of procedures to adopt rules addressing the subject of the emergency rules.

SUBJECT AREA TO BE ADDRESSED: The subject area to be addressed is the filing of documents relating to millage levy compliance, and notification by the Department of noncompliance. Rule text will be posted on or before December 31, 2009 on the Department's website at: <http://dor.myflorida.com/dor/property/erules.html>.

RULEMAKING AUTHORITY: 195.027(1), 213.06(1), 218.26(1) FS.

LAW IMPLEMENTED: 195.002, 200.065, 200.068, 213.05, 218.21, 218.23, 218.63 FS.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Janice Forrester at (850)922-7945. If you are

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Janice Forrester, Tax Law Specialist, Property Tax Oversight Program, Department of Revenue, P. O. Box 3000, Tallahassee, Florida 32315-3000, telephone (850)922-7945, ForrestJ@dor.state.fl.us

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

DEPARTMENT OF REVENUE

Property Tax Oversight Program

RULE NO.: 12D-18.012
 RULE TITLE: Tax Collector Non-Ad Valorem Assessment Roll Reports

PURPOSE AND EFFECT: Section 197.3632(5)(b), F.S. was created by section 10, Chapter 2008-173, L.O.F., and requires tax collectors to annually submit two reports on non-ad valorem assessments collected on the property tax bill to the Department of Revenue. The purpose of this rule is to outline the process to compile and provide these reports to the Department. The effect of this rule is to provide a consistent process for the tax collectors to file the non-ad valorem reports. This rule will address the subject matter of Rule 12DER08-30, Tax Collector Non-Ad Valorem Assessment Roll Reports, which is renewed and replaced by Rule 12DER09-08. Such emergency rules are renewed during the pendency of procedures to adopt rules addressing the subject of the emergency rules.

SUBJECT AREA TO BE ADDRESSED: The subject area that will be addressed is the required non-ad valorem reports for the tax collector to submit to the Department. Rule text will be posted on or before December 31, 2009 on the Department’s website at: <http://dor.myflorida.com/dor/property/erules.html>.

RULEMAKING AUTHORITY: 195.027(1), 197.3632(11), 197.3635, 213.06(1) FS.

LAW IMPLEMENTED: 197.322, 197.363, 197.3631, 197.3632, 197.3635, 213.05 FS.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Janice Forrester at (850)922-7945. If you are

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Janice Forrester, Tax Law Specialist, Property Tax Oversight Program, Department of Revenue, P. O. Box 3000, Tallahassee, Florida 32315-3000, telephone (850)922-7945, ForrestJ@dor.state.fl.us

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

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

RULE NOS.:	RULE TITLES:
19-8.010	Reimbursement Contract
19-8.012	Procedures to Determine Ineligibility for Participation in the Florida Hurricane Catastrophe Fund and to Determine Exemption from Participation in the Florida Hurricane Catastrophe Fund due to Limited Exposure
19-8.013	Revenue Bonds Issued Pursuant to Section 215.555(6), F.S
19-8.028	Reimbursement Premium Formula
19-8.029	Insurer Reporting Requirements
19-8.030	Insurer Responsibilities

PURPOSE AND EFFECT: To discuss proposed amendments to the following rules: Rule 19-8.010, F.A.C., Reimbursement Contract; Rule 19-8.012, F.A.C., Procedures to Determine Ineligibility for Participation in the Florida Hurricane Catastrophe Fund and to Determine Exemption from Participation in the Florida Hurricane Catastrophe Fund due to Limited Exposure; Rule 19-8.013, F.A.C., Revenue Bonds Issued Pursuant to Section 215.555(6), F.S.; Rule 19-8.028, F.A.C., Reimbursement Premium Formula; Rule 19-8.029, F.A.C., Insurer Reporting Requirements, and Rule 19-8.030, F.A.C., Insurer Responsibilities.

SUBJECT AREA TO BE ADDRESSED: Reimbursement Contract requirements, exemption and ineligibility, bonding, premium formula requirements, insurer reporting requirements for the 2010 contract year, and insurer responsibilities.

RULEMAKING AUTHORITY: 215.555 FS.

LAW IMPLEMENTED: 215.555 FS.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: January 11, 2010, 2:00 p.m. – 4:00 p.m. (ET).

PLACE: Room 116 (Hermitage Conference Room), 1801 Hermitage Blvd., Tallahassee, Florida 32308

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Tracy Allen, Senior FHCF Attorney, State Board of Administration, P. O. Box 13300, Tallahassee, Florida 32317-3300; telephone (850)413-1341; email tracy.allen@sbafla.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Tracy Allen at the address listed above.

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE NOS.:	RULE TITLES:
40D-2.091	Publications and Forms Incorporated by Reference
40D-2.301	Conditions for Issuance of Permits
40D-2.801	Water-Use Caution Areas

PURPOSE AND EFFECT: To amend Chapter 40D-2, F.A.C., and Part B of the Basis of Review of the Water Use Permit Information Manual to set forth the permitting criteria applicable to new and renewal water use permit applications and water use permittees that will be governed by the Minimum Flows and Levels Recovery Strategy and Environmental Resources Recovery Plan for the Northern Tampa Bay Water Use Caution Area (the “Comprehensive Plan”). The Comprehensive Plan is encompassed within rule amendments to Chapter 40D-80, F.A.C., that are simultaneously with this rulemaking being proposed for adoption.

SUBJECT AREA TO BE ADDRESSED: Water use permitting criteria for those water use permit applicants and permittees proposed to be governed by the Minimum Flows and Levels Recovery Strategy and Environmental Resources Recovery Plan for the Northern Tampa Bay Water Use Caution Area pursuant to related amendments to Chapter 40D-80, F.A.C.

RULEMAKING AUTHORITY: 373.044, 373.113, 373.118, 373.171 FS.

LAW IMPLEMENTED: 373.036, 373.0361, 373.042, 373.0421, 373.0831, 373.116, 373.117, 373.118, 373.149, 373.171, 373.1963, 373.216, 373.219, 373.223, 373.229, 373.239, 373.243 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Annette Zielinski, Senior Administrative Assistant, 2379 Broad Street, Brooksville, FL 34604, (352)796-7211, extension 4651, or Annette.Zielinski@watermatters.org

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE NO.:	RULE TITLE:
40D-8.624	Guidance and Minimum Levels for Lakes

PURPOSE AND EFFECT: To amend Rule 40D-8.624, F.A.C., to establish minimum levels for one of the District’s listed priority waters, Lake Hancock, pursuant to Section 373.042, Florida Statutes.

SUBJECT AREA TO BE ADDRESSED: Establishment of minimum levels for Lake Hancock in Polk County, Florida. A minimum level is the level of surface water at which further water withdrawals would be significantly harmful to the water resources of the area.

RULEMAKING AUTHORITY: 373.044, 373.113, 373.171 FS.

LAW IMPLEMENTED: 373.036, 373.0361, 373.042, 373.0421, 373.086 FS.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: January 12, 2010, 6:00 p.m.

PLACE: Southwest Florida Water Management District Bartow Service Office, 170 Century Avenue, Bartow, FL 33830-7700

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Doug Leep, Ecologic Evaluation Section, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4272

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE NO.:	RULE TITLE:
40D-80.073	Regulatory Portion of Recovery Strategy for Pasco, Northern Hillsborough and Pinellas Counties

PURPOSE AND EFFECT: To amend Chapter 40D-80, F.A.C., to establish the Minimum Flows and Levels Recovery Strategy and Environmental Resources Recovery Plan for the Northern Tampa Bay Water Use Caution Area (the "Comprehensive Plan"). The Comprehensive Plan is proposed to govern through 2020 the recovery and mitigation actions to be undertaken by water use permit applicants and permittees with withdrawals that adversely impact lakes, wetlands, streams, springs and aquifers within the Northern Tampa Bay Water Use Caution Area.

SUBJECT AREA TO BE ADDRESSED: Recovery and mitigation plan through the year 2020 for the Northern Tampa Bay Water Use Caution Area for adverse impacts caused by water withdrawals.

RULEMAKING AUTHORITY: 373.044, 373.113, 373.171 FS.

LAW IMPLEMENTED: 373.036, 373.0361, 373.171, 373.0421, 373.0831, 373.1963 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Annette Zielinski, Senior Administrative Assistant, 2379 Broad Street, Brooksville, FL 34604, (352)796-7211, extension 4651, or Annette.Zielinski@watermatters.org (OGC #2009010)

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NO.: 59G-5.010 **RULE TITLE:** Provider Enrollment

PURPOSE AND EFFECT: The purpose of the amendment to Rule 59G-5.010, F.A.C., is to incorporate by reference The Florida Medicaid Enrollment Application, April 2010. The effect of the amendment will update the fiscal agent, correct background screening procedures and associated fees, and simplify the overall enrollment process.

SUBJECT AREA TO BE ADDRESSED: Provider Enrollment.

RULEMAKING AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.902, 409.907, 409.9071, 409.908 FS.

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

DATE AND TIME: Tuesday, January 19, 2010, 10:00 a.m. – 11:00 a.m.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Ellen Emenheiser at Medicaid Contract Management, (850)488-8717. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Ellen Emenheiser, Medicaid Contract Management, 2562 Executive Center Circle E, Montgomery Building, Suite 100, Tallahassee, Florida 32301, (850)488-8717, e-mail: emenheie@ahca.myflorida.com

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59G-5.010 Provider Enrollment.

(1) Unless otherwise specified in Chapter 59G-4, F.A.C., all providers and billing agents are required to enroll in the Medicaid program and submit a completed Florida Medicaid Provider Enrollment Application, AHCA Form 2200-0003 (April 2010) (~~December 2004~~). AHCA Form 2200-0003 is available from the fiscal agent and incorporated in this rule by reference. AHCA Form 2200-0003 is the application to be completed by applicants.

(2) through (5) No change.

(6) ~~Enrollment of a Medicaid provider applicant is effective no earlier than the date of the approval of the provider application.~~ "Approved application" means an accurately and fully completed application with all the requirements which includes background screenings and onsite inspections resolved and completed with approval of the agency or its designee.

Rulemaking Specific Authority 409.919 FS. Law Implemented 409.902, 409.907, 409.9071, 409.908 FS. History—New 9-22-93, Formerly 10P-5.010, Amended 7-8-97, 9-8-98, 7-5-99, 7-10-00, 5-7-03, 7-7-05,_____.

DEPARTMENT OF MANAGEMENT SERVICES

Technology Program

RULE NO.: 60FF-5.002 **RULE TITLE:** Rural County Grants

PURPOSE AND EFFECT: The Board proposes a rule amendment to update the grant application.

SUBJECT AREA TO BE ADDRESSED: Update of the grant application.

RULEMAKING AUTHORITY: 365.172(6)(a)11. FS.

LAW IMPLEMENTED: 365.172(9)(a), (b), (c) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: John C. Ford, Chair, E911 Board, 4030 Esplanade Way, Suite 235M, Tallahassee, Florida 32399-0950

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF MANAGEMENT SERVICES

Division of Facilities Management

RULE NOS.:	RULE TITLES:
60H-2.001	Definitions
60H-2.002	Space Allocation
60H-2.0021	Space Allocation and Configuration Standards
60H-2.0022	Agency Space Allocation Plans
60H-2.003	Space Measurement
60H-2.005	Rental Rates

PURPOSE AND EFFECT: To amend Chapter 60H-2, Florida Administrative Code, in order to provide greater detail and explanation related to the statutory requirements for leasing of privately owned space by state agencies. This includes responding to comments from the Joint Administrative Procedures Committee (JAPC) and rule conformity with statute changes in Chapters 2007-220, 2007-73 and 2009-77, Laws of Florida.

SUBJECT AREA TO BE ADDRESSED: Administrative procedures for state agency’s leasing of privately owned space will be adjusted to meet continuing and amended statutory requirements.

RULEMAKING AUTHORITY: 255.249, 255.25, 255.503 FS.

LAW IMPLEMENTED: 255.249, 255.21, 255.25, 255.503, 255.254, 281.02 FS.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: Wednesday, January 13, 2010, 1:30 p.m. – 4:00 p.m.

PLACE: Betty Easley Conference Center, 4075 Esplanade Way, Room 152, Tallahassee, Florida 32399

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Anthony Andreala at (850)488-3759. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Anthony Andreala, Chief of Real Property Administration, Division of Real Estate Development and Management, 4050 Esplanade Way, Suite 315F, Tallahassee, Florida 32399-0950, (850)488-3759, Anthony.Andreala@dms. myflorida.com

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Veterinary Medicine

RULE NO.:	RULE TITLE:
61G18-15.002	Minimum Standards for Premises Where Veterinary Medicine Is Practiced

PURPOSE AND EFFECT: The Board proposes to the rule amendment to update and revise the minimum standards for premises where veterinary medicine is practiced.

SUBJECT AREA TO BE ADDRESSED: Minimum Standards for Premises Where Veterinary Medicine is Practiced.

RULEMAKING AUTHORITY: 474.206, 474.215(1) FS.

LAW IMPLEMENTED: 474.202(7), 474.215(1), 474.216 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Juanita Chastain, Executive Director, Board of Veterinary Medicine, 1940 North Monroe Street, Tallahassee, Florida 32399-0750
THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

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 HEALTH

Board of Medicine

RULE NO.: 64B8-4.009 RULE TITLE: Applications

PURPOSE AND EFFECT: The Board proposes the development of a rule amendment to address the five most mis-diagnosed conditions for purposes of the medical errors course required for initial licensure.

SUBJECT AREA TO BE ADDRESSED: Subject matter of the medical errors course required for initial licensure.

RULEMAKING AUTHORITY: 456.031, 456.033, 458.309, 458.311, 458.3137 FS.

LAW IMPLEMENTED: 456.013(7), 456.031, 456.033, 458.311, 458.3124, 458.313, 458.3145, 458.315, 458.316, 458.3165, 458.317 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Larry McPherson, Jr., Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

- 64B8-4.009 Applications.
- (1) through (7) No change.

(8) The applicant must submit a statement attesting to the following: Completion of two hours of continuing medical education relating to prevention of medical errors which includes a study of root cause analysis, error reduction and prevention, and patient safety, and which is approved by any state or federal government agency, or nationally affiliated professional association, or any provider of Category I or II American Medical Association Continuing Medical Education. One hour of a two hour course which is provided by a facility licensed pursuant to Chapter 395, F.S., for its employees may be used to partially meet this requirement. The course must include information relating to the five most misdiagnosed conditions during the previous biennium, as determined by the Board. The following areas have been determined as the five most misdiagnosed conditions: wrong-site/patient surgery; cancer; cardiac; acute abdomen; timely diagnosis of surgical complications; and failing to identify pregnancy or stage of pregnancy before beginning treatment or surgery and failing to diagnose pre-existing conditions prior to prescribing contraindicated medications.

- (9) No change.

Rulemaking Authority 456.031, 456.033, 458.309, 458.311, 458.3137 FS. Law Implemented 456.013(7), 456.031, 456.033, 458.311, 458.3124, 458.313, 458.3145, 458.315, 458.316 458.3165, 458.317 FS. History--New 3-31-80, Amended 12-4-85, Formerly 21M-22.09, Amended 9-7-88, 3-13-89, 1-1-92, 2-21-93, Formerly 21M-22.009, Amended 11-4-93, Formerly 61F6-22.009, Amended 11-15-94, 2-15-96, Formerly 59R-4.009, Amended 7-10-01, 1-31-02, 5-10-04, 5-20-04, 6-13-06, 12-26-06, 1-18-09, 3-17-09, 10-7-09, _____.

DEPARTMENT OF HEALTH

Board of Medicine

RULE NO.: 64B8-4.029 RULE TITLE: Registration as a Dispensing Practitioner

PURPOSE AND EFFECT: The Board proposes the development of rule to incorporate address the application and requirements for dispensing practitioners.

SUBJECT AREA TO BE ADDRESSED: Registration as a dispensing practitioner.

RULEMAKING AUTHORITY: 458.309, 465.0276 FS.

LAW IMPLEMENTED: 465.0276 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Larry McPherson, Jr., Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B8-4.029 Registration as a Dispensing Practitioner.

A physician may dispense drugs to his or her patient in the regular course of his or her practice provided that the physician is registered as a dispensing practitioner with the Board of Medicine. In order to register as a dispensing practitioner, the physician must:

(1) Submit application to the Board on form DH-MQA 1070, entitled "Dispensing Practitioner Registration," (10/09), which is hereby incorporated by reference and available from the Board of Medicine's website at http://www.doh.state.fl.us/mqa/medical/me_applicant.html;

(2) Comply with the provisions of Section 465.0276, Florida Statutes, regarding dispensing practitioners; and

(3) Pay the registration fee as set forth in Rule 64B8-3.006, Florida Administrative Code.

Rulemaking Authority 458.309, 465.0276 FS. Law Implemented 465.0276 FS. History--New _____.

DEPARTMENT OF HEALTH

Board of Optometry

RULE NO.: 64B13-3.009
 RULE TITLE: False, Fraudulent, Deceptive and Misleading Advertising Prohibited; Policy; Definitions; Affirmative Disclosure

PURPOSE AND EFFECT: The Board is revising the font of the disclaimer for advertising free or discounted services.

SUBJECT AREA TO BE ADDRESSED: False, Fraudulent, Deceptive and Misleading Advertising Prohibited; Policy; Definitions; Affirmative Disclosure.

RULEMAKING AUTHORITY: 463.005 FS.

LAW IMPLEMENTED: 456.072(1)(a), (m), 463.014, 463.016(1)(f), (g) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Joe Baker, Jr., Executive Director, Board of Optometry/MQA, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B13-3.009 False, Fraudulent, Deceptive and Misleading Advertising Prohibited; Policy; Definitions; Affirmative Disclosure.

(1) through (7) No change.

(8) Any advertisement for free or discounted services must contain the disclaimer required by Section 456.062, F.S., in at least Times New Roman ~~40~~ 14 point font size or Courier New ~~44~~ 12 point font size.

Rulemaking Specific Authority 463.005 FS. Law Implemented 456.072(1)(a), (m), 463.014, 463.016(1)(f), (g) FS. History—New 11-13-79, Amended 4-17-80, 8-20-81, Formerly 21Q-3.09, Amended 1-8-86, 12-16-86, Formerly 21Q-3.009, 61F8-3.009, 59V-3.009, Amended 1-2-02, 11-13-06, 11-5-07, _____.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Mental Health Program

RULE NOS.: 65E-16.001, 65E-16.002, 65E-16.003
 RULE TITLES: Applicability, Requirements to Participate, Pharmacy Requirements

65E-16.004 Eligibility Criteria for Individuals
 65E-16.005 Continuity of Care with State Mental Health Treatment Facilities
 65E-16.006 Formulary
 65E-16.007 Sanctions

PURPOSE AND EFFECT: This rule is being developed to establish administrative requirements for the purchase of psychiatric medications for eligible clients not residing in a state mental health treatment facility or an inpatient unit. This rule establishes financial and clinical eligibility criteria for clients receiving services under the indigent drug program; establish requirements that community-based providers must meet to participate in the program; and establish the sanctions to be applied for failure to meet the requirements of this rule.

SUBJECT AREA TO BE ADDRESSED: Mental Health – Indigent Drug Program.

RULEMAKING AUTHORITY: 394.676 FS.

LAW IMPLEMENTED: 394.676 FS.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: January 11, 2010, 2:00 p.m. – 4:00 p.m.

PLACE: 1317 Winewood Blvd., Bldg. 6, Second Floor, Conference Room A, 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: Amanda Beagles at (850)413-0930. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Amanda Beagles, (850)413-0930

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE NOS.: 68A-27.0001, 68A-27.001, 68A-27.0011, 68A-27.0012
 RULE TITLES: Purpose and Intent, Definitions, Killing Endangered Species, Procedures for Listing, Delisting and Reclassifying Endangered, Threatened and Species of Special Concern

- 68A-27.002 Provision for Harassment of Endangered, Threatened and Species of Special Concern on Airport Property
- 68A-27.0021 Designation of Candidate Species; Prohibitions; Permits
- 68A-27.003 Designation of Endangered Species; Prohibitions; Permits
- 68A-27.004 Designation of Threatened Species; Prohibitions; Permits
- 68A-27.005 Designation of Species of Special Concern; Prohibitions; Permits
- 68A-27.006 Reward Program
- 68A-27.007 Permits and Authorizations for the Take of Florida Endangered and Threatened Species

PURPOSE AND EFFECT: The purpose and effect of this rule development is to establish or revise rule provisions, during calendar year 2010, associated with species classified as Candidate Species, Endangered Species, Threatened Species and Species of Special Concern lists and consider additional rules related to endangered and threatened species as part of the ongoing effort to develop a new imperiled species listing process.

SUBJECT AREA TO BE ADDRESSED: Subject areas covered in the proposed rules include listing, delisting, and reclassifying procedures; designation of Candidate Species, Endangered Species, Threatened Species and Species of Special Concern; and prohibitions, permits, and rewards associated with such species.

RULEMAKING AUTHORITY: Art. IV, Sec. 9, Florida Constitution.

LAW IMPLEMENTED: Art. IV, Sec. 9, Florida Constitution.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Michael Yaun, Deputy General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF FINANCIAL SERVICES

Division of State Fire Marshal

- RULE NO.: 69A-51.020
- RULE TITLE: Certificates of Competency

PURPOSE AND EFFECT: To simplify the rule and clarify that an application for Certificate of Competency for a Special Inspector must be submitted by the employing insurance company which must be authorized to, and be actively engaged in writing boiler insurance in this State. The amendment also updates and consolidates the applications for special and deputy inspectors and renewals, and adopts an application for the required examination.

SUBJECT AREA TO BE ADDRESSED: Boiler Inspection Certificates of Competency.

RULEMAKING AUTHORITY: 554.103 FS.

LAW IMPLEMENTED: 554.105, 554.106, 554.107, 554.108, 554.111, 554.112, 554.113 FS.

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

DATE AND TIME: Friday, January 8, 2010, 9:30 a.m.

PLACE: Third Floor Conference Room, the Atrium Office Building, 325 John Knox Road, 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: Mike Burns, Chief Boiler Inspector, (850)413-3614; Mike.Burns@myfloridacfo.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Mike Burns, Chief Boiler Inspector, (850)413-3614; Mike.Burns@myfloridacfo.com

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

DEPARTMENT OF FINANCIAL SERVICES

Division of State Fire Marshal

- RULE NO.: 69A-62.023
- RULE TITLE: Criteria for Identifying Firefighter Employers with a High Frequency or Severity of Injuries

PURPOSE AND EFFECT: The purpose and effect of the rule is to simplify the calculation used to identify firefighter employers experiencing a high frequency or severity of injuries in the workplace, and to identify available, reliable data for use in the calculation.

SUBJECT AREA TO BE ADDRESSED: Florida firefighter health and safety.

RULEMAKING AUTHORITY: 633.809 FS.

LAW IMPLEMENTED: 633.809 FS.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: Thursday, January 21, 2010, 10:00 a.m., or as soon thereafter as the Florida Fire Standards and Training Council meeting is adjourned

PLACE: Ocean Center in Daytona Beach, 101 North Atlantic Ave., Daytona Beach, FL 32118

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: Charles Brush, Safety Program Manager, Bureau of Fire Standards and Training, Division of State Fire Marshal, phone: (352)369-2836. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: The person listed above

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF FINANCIAL SERVICES

Division of State Fire Marshal

RULE NO.: 69A-62.050
 RULE TITLE: Official State Firefighter Memorial Flag

PURPOSE AND EFFECT: To set forth the conditions of design, production, distribution and use of the official state Firefighter Memorial Flag to honor firefighters who have died in the line of duty.

SUBJECT AREA TO BE ADDRESSED: Official State of Florida Firefighter Memorial Flag.

RULEMAKING AUTHORITY: 256.15(3) FS.

LAW IMPLEMENTED: 256.15 FS.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: Thursday, January 21, 2010, 10:00 a.m., or as soon thereafter as the Florida Fire Standards and Training Council meeting is adjourned

PLACE: Ocean Center in Daytona Beach, 101 North Atlantic Ave., Daytona Beach, FL 32118

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: Charles Brush, Safety Program Manager, Bureau of Fire Standards and Training, Division of State Fire Marshal. Phone: (352)369-2836. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: The person listed above

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

FINANCIAL SERVICES COMMISSION

Securities

RULE NO.: 69W-100.007
 RULE TITLE: Advertising and Sales Literature

PURPOSE AND EFFECT: The rule is clarified to provide that if an advertisement or sales literature complies with NASD Rule 2210, the material does not need to be approved by or filed with the Office of Financial Regulation.

SUBJECT AREA TO BE ADDRESSED: Securities Regulation.

RULEMAKING AUTHORITY: 517.03 FS.

LAW IMPLEMENTED: 517.081 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Pam Epting, Chief, Bureau of Regulatory Review, Division of Securities, Office of Financial Regulation, The Fletcher Building, 200 East Gaines Street, Tallahassee, Florida 32399-0375, (850)410-9500, pam.epting@flofr.com

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

69W-100.007 Advertising and Sales Literature.

(1) No change.

(2) Every advertisement used in connection with an offering of securities registered pursuant to Section 517.081, F.S., must be authorized in writing by the Office of Financial Regulation before being published or circulated unless it is within the requirements of NASD Rule 2210 ~~and rules promulgated by the National Association of Securities Dealers concerning advertisements for use in newspapers or any other means of public communication or satisfies the requirements of the Securities Act of 1933 and any statement of policy by the Securities and Exchange Commission concerning advertisements and sales literature~~, or contains no more than the following:

- (a) Date of issuance or release;
- (b) Name and address of issuer;
- (c) Identity or title of securities;
- (d) Per unit offering price;

- (e) Amount of offering;
- (f) Brief statement of general character of the business;
- (g) Address where prospectus or offering circular may be obtained.

(3) Any advertisement, except an offering circular or prospectus, intended to be used by a registered Florida dealer in connection with the public sale or offer for sale of any securities within the State of Florida shall be filed with the Office of Financial Regulation at least ten (10) days prior to publication or circulation if such advertisement contains more than the disclosure items listed in subsection (2), or does not meet the requirements of NASD Rule 2210 and ~~rules promulgated by the National Association of Securities Dealers concerning advertisements for use in newspapers or any other means of public communication or does not satisfy the requirements of the Securities Act of 1933 and statement of policy by the Securities and Exchange Commission concerning advertisements and sales literature.~~

(3) NASD Rule 2210 is hereby incorporated by reference. A copy of the rule may be obtained by contacting the Florida Office of Financial Regulation, Division of Securities, 200 E. Gaines Street, Tallahassee, Florida 32399.

Rulemaking Specific Authority 517.03 FS. Law Implemented 517.081 FS. History—New 12-5-79, Amended 9-20-82, Formerly 3E-100.07, 3E-100.007, Amended _____.

FINANCIAL SERVICES COMMISSION

Securities

RULE NO.: RULE TITLE:
69W-200.001 Definitions

PURPOSE AND EFFECT: The rule is amended to reflect the most current version of federal regulations and federal statutes referenced in the rule. The rule is also amended to replace references to the National Association of Securities Dealers with the Financial Industry Regulatory Authority (FINRA). FINRA was created in July 2007 through the consolidation of National Association of Securities Dealers and the member regulation, enforcement and arbitration functions of the New York Stock Exchange. The rule corrects cross-references.

SUBJECT AREA TO BE ADDRESSED: Securities Regulation.

RULEMAKING AUTHORITY: 517.03(1) FS.

LAW IMPLEMENTED: 517.07, 517.12, 517.021, 517.061, 517.051, 517.081, 517.161 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Pam Epting, Chief, Bureau of Regulatory Review, Division of Securities, Office of

Financial Regulation, The Fletcher Building, 200 East Gaines Street, Tallahassee, Florida 32399-0375, (850)410-9500, pam.epting@flofr.com

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

69W-200.001 Definitions.

As used in the Rules and Regulations of the Financial Services Commission and Office of Financial Regulation, pursuant to Chapter 517, F.S., unless the context otherwise specifically requires:

(1) “Accredited Investor” shall mean any person who comes within any of the following categories, or who the issuer reasonably believes comes within any of the following categories, at the time of the sale of the securities to that person:

(a) Any bank as defined in section 3(a)(2) of the Securities Act of 1933 (15 U.S.C. § 77c-(a)(2) (2006)), or any savings and loan association or other institution as defined in section 3(a)(5)(A) of that Act (15 U.S.C. § 77c-(a)(5)(A) (2006)) whether acting in its individual or fiduciary capacity; any broker or dealer registered pursuant to section 15 of the Securities Exchange Act of 1934 (15 U.S.C. § 78o (2006)); any insurance company as defined in section 2(13) of the Securities Act of 1933 (15 U.S.C. § 77m (2006)); any investment company registered under the Investment Company Act of 1940 (15 U.S.C. §§ 80a-1 through 80a-64 (2006)) or a business development company as defined in section 2(a)(48) of that Act (15 U.S.C. § 80a-2(a)(48) (2006)); Small Business Investment Company licensed by the U.S. Small Business Administration under section 301(c) ~~or (d)~~ of the Small Business Investment Act of 1958 (15 U.S.C. § 681(c) (2006)); any plan established and maintained by a state, its political subdivisions, or any agency or instrumentality of a state or its political subdivisions for the benefit of its employees, if such plan has total assets in excess of \$5,000,000; employee benefit plan within the meaning of the Employee Retirement Income Security Act of 1974 (29 U.S.C. §§ 1001 through 1461 (2006)) if the investment decision is made by a plan fiduciary, as defined in section 3(21) of such Act (29 U.S.C. § 1002(21) (2006)), which is either a bank, savings and loan association, insurance company, or registered investment adviser, or if a self-directed plan, with investment decisions made solely by persons that are accredited investors;

(b) Any private business development company as defined in section 202(a)(22) of the Investment Advisers Act of 1940 (15 U.S.C. § 80b-2(a)(22) (2006));

(c) Any organization described in section 501(c)(3) of the Internal Revenue Code (I.R.C. § 501(c)(3) (2006)), corporation, Massachusetts or similar business trust or partnership, not formed for the specific purpose of acquiring the securities offered, with total assets in excess of \$5,000,000;

(d) through (f) No change

(g) Any trust, with total assets in excess of \$5,000,000, not formed for the purpose of acquiring the securities offered, whose purchase is directed by a sophisticated person as described in Securities and Exchange Commission Regulation 230.506(b)(2) (ii) (17 C.F.R. § 230.506(b)(2)(ii) (2009)); and

(h) No change.

(2) No change.

(3) "Aggregate Indebtedness" is defined pursuant to S.E.C. Rule 15c3-1 (17 C.F.R. CFR § 240.15c3-1 (2009)).

(4) "Allowable Assets" is defined pursuant to S.E.C. Rule 15c3-1 (17 C.F.R. CFR § 240.15c3-1 (2009)).

(5) through (6) No change.

(7)(a) "Associated person" as defined in Section 517.021(2), F.S., shall include any person who for compensation refers, solicits, offers, or negotiates for the purchase or sale of securities and/or of investment advisory services. A person whose activities fall within this definition is required to register with the Office of Financial Regulation as an associated person pursuant to Sections 517.12(1) or (4), F.S.

(b) Notwithstanding the provisions of paragraph (a), an associated person registered with the Office of Financial Regulation and operating in compliance with subsection 69W-600.003(3) ~~69W-600.003(2)~~, F.A.C., shall not be deemed an associated person of any investment adviser other than the investment adviser or dually registered dealer/investment adviser with which such associated person is registered.

(c) Any person acting in compliance with S.E.C. Rule 206(4)-3 (17 C.F.R. CFR § 275.206(4)-3 (2009)), ~~as it existed on July 1, 2003~~, shall not be deemed an associated person of an investment adviser.

(8) through (16) No change.

(17) "Independent Director" shall be defined as a member of the Issuer's Board of Directors who:

(a) Is not an officer or employee of the Issuer, its subsidiaries, or their affiliates or associates and has not been an officer or employee of the Issuer, its subsidiaries or their affiliates or associates within the last two years; and

(b) Is not a promoter as defined in Section 517.021(18)(b) ~~517.021(15)(b)~~, F.S.; and

(c) Does not have a material business or professional relationship with the issuer or any of its affiliates or associates. For purposes of determining whether or not a business or professional relationship is material, the gross revenue derived by the Independent Director from the Issuer, its affiliates and associates shall be deemed material if it exceeds 5% of the Independent Director's;

1. Annual gross revenue, derived from all sources, during either of the last two years; or

2. Net worth, on a fair market value basis.

(18) and (19) No change.

(20) "Issuers" Within the Meaning of Section 517.021(14) ~~517.021(11)~~, F.S.

(a) For the purposes of determining whether a person is an issuer within the meaning of Section 517.021(14) ~~517.021(11)~~, F.S., the term "promoter" shall be deemed to include:

1. Any person who, acting alone or in conjunction with one or more other persons, directly or indirectly initiates the founding or organizing of the business or enterprise of an issuer; or

2. Any person who, in connection with the founding and organizing of the business or enterprise of an issuer, directly or indirectly receives in consideration of services, or a combination of services and property, 10% or more of any class of securities of the issuer or 10% or more of the proceeds from the sale of any class of securities of the issuer; provided that any person who receives securities or proceeds from the sale of securities either solely as underwriting commissions or solely in consideration of property shall not be deemed a promoter if such person does not otherwise take part in founding and organizing the enterprise of the issuer.

(b) Notwithstanding the provisions of subsection (1) of this rule, no person shall be deemed to be a promoter with respect to any issuer which is duly qualified to transact business under the laws of the jurisdiction in which it is organized and which has actively been engaged in business for a continuous period of one year.

(21) through (24) No change.

(25) "Qualified Institutional Buyer" for purposes of Section 517.061(7), F.S., shall be defined as provided in Securities and Exchange Commission rule 144A(a) (~~i.e., 17 C.F.R. § s. 230.144A(a) (2009)~~), ~~as such rule existed on November 1, 1992.~~

(26) and (27) No change.

(28) "Reportable Act" shall mean:

(a) Having exercised management or policy control over or owned 10 percent or more of the securities of any dealer or investment adviser for which a Securities Investor Protection Corporation ("SIPC") trustee was appointed pursuant to the Securities Investor Protection Act or which is insolvent;

(b) Conviction of or entry of a plea of guilty or no contest to any criminal act, excluding traffic violations or other minor offenses;

(c) Having been the subject of any decision, finding, injunction, suspension, prohibition, revocation, denial, judgment, or order by any court of competent jurisdiction, administrative law judge, or by any state or federal agency, national securities, commodities, or option exchange, or national securities, commodities, or option association, involving a violation of any federal or state securities or commodities law or any rule or regulation promulgated thereunder, or any rule or regulation of any national securities, commodities or options exchange or national securities, commodities, or options association, or having been the subject of any injunction or adverse order by a state or federal agency

or court of competent jurisdiction regulating banking, insurance, finance or small loan companies, real estate, mortgage brokers, or other related or similar industries;

(d) Being charged, in a pending enforcement action or pending criminal prosecution, with any conduct that if proven and not subsequently reversed, suspended, or vacated, would be deemed a reportable act under paragraphs (a) through (c) of this rule.

1. For purposes of this rule, “enforcement action” means any judicial proceeding or any administrative proceeding where such judicial or administrative proceeding is brought by an agency of the United States or of any state to enforce or restrain violation of any state or federal law, or any disciplinary proceeding maintained by the Financial Industry Regulatory Authority (formerly known as the National Association of Securities Dealers), the National Futures Association, the New York Stock Exchange, or any other similar self-regulatory organization.

2. An enforcement action is pending at any time after notice to the respondent of such action and is terminated at any time after entry of final judgment or decree in the case of judicial proceedings, final agency action in the case of administrative proceedings, and final disposition by a self-regulatory organization in the case of disciplinary proceedings.

3. A criminal prosecution is pending at any time after criminal charges are filed and is terminated at any time after conviction, acquittal, or dismissal.

(29) “Renewal Applicant” shall mean an applicant who is a registrant who seeks a timely renewal of the license.

(30) “Securities Act of 1933” (15 U.S.C. §§ 77a through 77mm (2006)), “Securities Exchange Act of 1934” (15 U.S.C. §§ 78a through 78oo (2006)), “Investment Company Act of 1940” (15 U.S.C. §§ 80a-1 through 80a-64 (2006)), “Investment Advisers Act of 1940” (15 U.S.C. §§ 80b-1 through 80b-21 (2006)), and “Internal Revenue Code” (Title 26 U.S.C. (2006)), mean the federal statutes of those names as amended.

(31) through (33) No change.

(34) The federal regulations and federal statutes referenced in this rule are hereby incorporated by reference and may be obtained by mail from the Florida Office of Financial Regulation, Division of Securities, 200 E. Gaines Street, Tallahassee, Florida 32399.

Rulemaking Specific Authority 517.03(1) FS. Law Implemented 517.07, 517.12, 517.021, 517.061, 517.051, 517.081, 517.161 FS. History—New 12-5-79, Amended 9-20-82, Formerly 3E-200.01, Amended 12-8-87, 10-14-90, 7-31-91, 6-16-92, 1-10-93, 5-5-94, 10-20-97, 8-9-98, 8-19-99, 10-30-03, Formerly 3E-200.001, Amended 5-15-07,_____.

FINANCIAL SERVICES COMMISSION

Securities

RULE NOS.:	RULE TITLES:
69W-300.002	Financial Statements and Reports
69W-300.003	Refunds of Fees, Files Denied or Withdrawn

PURPOSE AND EFFECT: Rule 69W-300.002, F.A.C., is amended to reflect the most current version of federal regulations and federal statutes referenced in the rule. The rule is also amended to replace references to the National Association of Securities Dealers with the Financial Industry Regulatory Authority (FINRA). FINRA was created in July 2007 through the consolidation of National Association of Securities Dealers and the member regulation, enforcement and arbitration functions of the New York Stock Exchange. Rule 69W-300.003, F.S., is repealed. This rule is not needed because the statutes under Chapter 517, F.S., specify the accounts where fees are to be deposited and also specify that fees are non-refundable.

SUBJECT AREA TO BE ADDRESSED: Securities Regulation.

RULEMAKING AUTHORITY: 517.03 FS.

LAW IMPLEMENTED: 517.081, 517.082, 517.12, 517.131, 517.315 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Pam Epting, Chief, Bureau of Regulatory Review, Division of Securities, Office of Financial Regulation, The Fletcher Building, 200 East Gaines Street, Tallahassee, Florida 32399-0375, (850)410-9500, pam.epting@flofr.com

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

69W-300.002 Financial Statements and Reports.

(1) All financial statements required for registration of securities, or registration of dealers and investment advisers, shall be prepared in accordance with United States generally accepted accounting principles. Financial statements required to be prepared in accordance with Regulation S-X (17 C.F.R. Part 210 (2009)) ~~together with the Accounting Series Releases, pursuant to the Securities Act of 1933 and the Securities Exchange Act of 1934,~~ will be acceptable to the Office of Financial Regulation unless otherwise required by these rules.

(2) No change.

(3) Requirements for Dealers.

(a) Every dealer applicant, unless exempted under paragraph (3)(b) or (3)(e) of this rule, shall file financial statements as of a date within ninety (90) days prior to the date of filing for registration. These financial statements need not be audited provided that there shall also be filed audited financial statements as of said applicant's most recent fiscal year end.

(b) Those dealer applicants which have been in operation for a period of time less than twelve (12) months, and for whom an audited financial statement has not been prepared or is not available, shall be permitted to file unaudited financial statements provided the following conditions are met:

1. Such financial statements are as of a date within thirty (30) days prior to the date of filing for registration, and are prepared in accordance with the provisions of paragraphs (2)(b), (2)(d) and (3)(c) of this rule; and

2. Such applicant is effectively registered with the Securities Exchange Commission or Financial Industry Regulatory Authority (formerly known as the National Association of Securities Dealers, Inc.)

(c) Every dealer applicant and registrant shall file, in addition to the information specified in paragraph (2)(b) of this rule, the following:

1. Computations of net capital and customer reserve requirements prepared in accordance with the provisions of Rules 69W-600.016 and 69W-600.017, F.A.C.;

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

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

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

(d) The Office of Financial Regulation shall deem those financial statements and reports, prepared and filed in accordance with the provisions of SEC Rule 17a-5 (17 C.F.R. CFR § 240.17a-5 (2009)) and SEC Rule 17a-10 (17 C.F.R. CFR § 240.17a-10 (2009)) ~~(as such provisions existed on July 1, 2003)~~, to be in compliance with, and fulfill the requirements of, this rule as applicable to a dealer.

(e) The financial statements and reports required by paragraphs (a) through (d) are not required to be filed with the Office of Financial Regulation, unless specifically requested by the Office of Financial Regulation, by a dealer applicant or registrant if the dealer registrant is a current member of a securities association registered pursuant to section 15A of the Exchange Act (15 U.S.C. §78o-3 (2006)) and such association requires financial reports to be filed with it.

(4) Requirements for Investment Advisers.

(a) Investment adviser applicants shall file financial statements as of a date within ninety (90) days prior to the date of filing for registration, which statements may be unaudited

financial statements defined in paragraph (2)(d) of this rule. However, each investment adviser who has custody or possession of client's funds or securities; requires prepayment of advisory fees six months or more in advance and in excess of \$500 per client; or computes net capital pursuant to SEC Rule 15c3-1 (17 C.F.R. § 240.15c3-1 (2009)) for purposes of compliance with subsection 69W-600.016(3), F.A.C., shall file financial statements as required by paragraphs (3)(a) and (3)(b) of this rule.

(b) Investment adviser registrants shall provide the Office of Financial Regulation with written notification of such investment adviser's fiscal year end or annual audit date, and thereafter file annually financial statements as of said date in accordance with the provisions of subsection 69W-600.015(3), F.A.C. Such financial statements may be unaudited as defined in paragraph (2)(d) of this rule. However, each investment adviser who has custody or possession of client's funds or securities; requires prepayment of advisory fees six months or more in advance and in excess of \$500 per client; or computes net capital pursuant to SEC Rule 15c3-1 (17 C.F.R. § 240.15c3-1 (2009)) for purposes of compliance with subsection 69W-600.016(3), F.A.C., shall file audited financial statements as defined by paragraph (2)(a) of this rule. Accompanying all audited financial statements shall be a written statement from the independent certified public accountant verifying compliance with subsection 69W-600.016(3), F.A.C.

(c) Every investment adviser applicant and registrant, in addition to the information specified in paragraphs (2)(b) and (2)(d) of this rule, shall provide to the Office of Financial Regulation:

1. Computations of net capital requirements prepared in accordance with the provision of Rule 69W-600.016, F.A.C.;

2. Written disclosure of any contingent, civil or criminal liabilities of such investment adviser.

(5) through (7) No change.

(8) The federal regulations and federal statutes referenced in this rule are hereby incorporated by reference and may be obtained by mail from the Florida Office of Financial Regulation, Division of Securities, 200 E. Gaines Street, Tallahassee, Florida 32399.

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

69W-300.003 Refunds of Fees, Files Denied or Withdrawn.

~~(1) Fees paid to the Office of Financial Regulation in connection with the filing of applications for registration become a part of the general revenue of the State when paid in accordance with Sections 517.12(10) and (11), F.S., and are not refundable when files are denied or withdrawn, after a preliminary evaluation of the file has been initiated.~~

(2) Fees paid to the Office of Financial Regulation in connection with the filing of applications of Registrations under Section 517.081 or 517.082, F.S., become a part of the general revenue of the State and are not refundable when files are denied or withdrawn, after a preliminary evaluation of the file has been initiated.

(3) Pursuant to Section 517.315, F.S., all fees and charges collected under Chapter 517, F.S., except those collected under Section 517.131, F.S., are paid into the General Revenue Fund. The fees collected under Section 517.131, F.S., are paid into the Security Guaranty Fund. No refund of monies referred to in these sections shall be refunded for amounts less than one (1) dollar, unless such is requested by the registrant or applicant.

Rulemaking Specific Authority 517.03(1) FS. Law Implemented 517.081, 517.082, 517.12, 517.131, 517.315 FS. History—New 12-5-79, Formerly 3E-300.03, Amended 7-31-91, 10-1-96, 10-20-97, 10-30-03, Formerly 3E-300.003, Repealed _____.

FINANCIAL SERVICES COMMISSION

Securities

RULE NOS.: RULE TITLES:
 69W-301.002 Processing of Applications
 69W-301.003 Right to Hearing

PURPOSE AND EFFECT: Rule 69W-301.002, F.A.C., is amended to provide notice to applicants of how forms and fees for registration shall be filed with the Office of Financial Regulation. The rule is also updated to reflect the most current version of forms referenced in Rule Chapters 69W-100 through 69W-900 and Rule 69W-301.003, F.A.C., is amended to clarify the process of requesting a hearing.

SUBJECT AREA TO BE ADDRESSED: Securities Regulation.

RULEMAKING AUTHORITY: 517.03(1), 517.12, 517.1201, FS.

LAW IMPLEMENTED: 120.60(1), 120.57, 517.051, 517.081, 517.082, 517.12, 517.161(5), 517.241(1) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Pam Epting, Chief, Bureau of Regulatory Review, Division of Securities, Office of Financial Regulation, The Fletcher Building, 200 East Gaines Street, Tallahassee, Florida 32399-0375, (850)410-9500, pam.epting@flofr.com

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

69W-301.002 Processing of Applications.

(1) Forms. Application forms for all license actions covered by these rules may be obtained from the Office of Financial Regulation at no cost. All applications must be in the format required by the Office of Financial Regulation. Requests for forms should be sent directly to: The Office of Financial Regulation, Division of Securities, 200 East Gaines Street, Tallahassee, Florida 32399-0375.

(2) Electronic Filing of Application and Fee. Applications in the format required by the Office of Financial Regulation, accompanied by the prescribed fee for the requested license action, shall be filed electronically with the Office of Financial Regulation. Forms and fees deemed received are subject to the Office’s Request for Additional Information requirements found in subsection 69W-301.002(3) F.A.C. Application forms and fees shall be filed as follows:

(a) ~~at the address indicated in subsection (1) above; however, All~~ at dealers who are members of the Financial Industry Regulatory Authority (formerly known as the National Association of Securities Dealers) (FINRA), Inc. (“NASD”) shall file such items through the Central Registration Depository (CRD) of the FINRA in accordance with the provisions of Rules 69W-600.001 and 69W-600.0091, F.A.C. Chapter 69W-600, F.A.C., as prescribed therein.

(b) ~~All~~ However, all Federal Covered Advisers shall file such items through the Investment Adviser Registration Depository (IARD) of the FINRA in accordance with the provisions of Section 517.1201, Florida Statutes, and Rule 69W-600.0092, F.A.C.

(c) Investment advisers ~~shall may~~ file the required forms and fees with the Investment Adviser Registration Depository (IARD) in accordance with the provisions of Rules 69W-600.001 and 69W-600.0093, F.A.C. Issuers may file the required forms and fees with the Securities Registration Depository (SRD) in accordance with the provisions of Rule 69W-400.004 or 69W-800.001, F.A.C., upon implementation of the system in this state:

(d) Issuer/Dealers shall file the required forms and fees electronically on the Office’s website at www.flofr.com through the Regulatory Enforcement and Licensing (REAL) System of the OFR and shall be deemed received on the date the Office issues a confirmation of submission and payment to the applicant via the Office’s website. A confirmation of submission is issued by the Office upon successful filing of an application and payment of all fees. Such filings shall be made in accordance with Rules 69W-400.002, 69W-600.001 and 69W-600.004, F.A.C.

(e) Dealers that are not members of FINRA shall file the required forms and fees electronically on the Office’s website at www.flofr.com through the Regulatory Enforcement and Licensing (REAL) System of the OFR and shall be deemed

received on the date the Office issues a confirmation of submission and payment to the applicant via the Office's website. A confirmation of submission is issued by the Office upon successful filing of an application and payment of all fees. Such filings shall be made in accordance with Rule 69W-600.001, F.A.C.

(f) Canadian dealers shall file the required forms and fees electronically on the Office's website at www.flofr.com through the Regulatory Enforcement and Licensing (REAL) System of the OFR and shall be deemed received on the date the Office issues a confirmation of submission and payment to the applicant via the Office's website. A confirmation of submission is issued by the Office upon successful filing of an application and payment of all fees. Such filings shall be made in accordance with Rule 69W-600.0015, F.A.C.

(g) All dealers who are members of the Financial Industry Regulatory Authority (FINRA) shall file requests for Branch Office registration through the Central Registration Depository (CRD) of the FINRA in accordance with the provisions of Rules 69W-600.004 and 69W-600.0091, F.A.C.

(h) Investment Advisers shall file requests for Branch Office registration through the Central Registration Depository (CRD) of the FINRA in accordance with the provisions of Rules 69W-600.004 and 69W-600.0093, F.A.C.

(i) Issuer/Dealers shall file requests for Branch Office registration on the Office's website at www.flofr.com through the Regulatory Enforcement and Licensing (REAL) System of the OFR and shall be deemed received on the date the Office issues a confirmation of submission and payment to the applicant via the Office's website. A confirmation of submission is issued by the Office upon successful filing of an application and payment of all fees. Such filings shall be made in accordance with Rule 69W-600.004, F.A.C.

(j) Dealers that are not members of FINRA shall file requests for Branch Office registration electronically on the Office's website at www.flofr.com through the Regulatory Enforcement and Licensing (REAL) System of the OFR and shall be deemed received on the date the Office issues a confirmation of submission and payment to the applicant via the Office's website. A confirmation of submission is issued by the Office upon successful filing of an application and payment of all fees. Such filings shall be made in accordance with Rule 69W-600.004, F.A.C.

(k) All dealers who are members of the Financial Industry Regulatory Authority (FINRA) shall file requests for Associated Person registration through the Central Registration Depository (CRD) of the FINRA in accordance with the provisions of Rules 69W-600.002 and 69W-600.0091, F.A.C.

(l) Federal Covered Advisers shall file requests for Associated Person registration through the Central Registration Depository (CRD) of the FINRA in accordance with the provisions of Rules 69W-600.002 and 69W-600.0092, F.A.C.

(m) Investment Advisers shall file requests for Associated Person registration through the Central Registration Depository (CRD) of the FINRA in accordance with the provisions of Rules 69W-600.002 and 69W-600.0093, F.A.C.

(n) Issuer/Dealers shall file requests for Associated Person registration on the Office's website at www.flofr.com through the Regulatory Enforcement and Licensing (REAL) System of the OFR and shall be deemed received on the date the Office issues a confirmation of submission and payment to the applicant via the Office's website. A confirmation of submission is issued by the Office upon successful filing of an application and payment of all fees. Such filings shall be made in accordance with Rules 69W-600.002 and 69W-600.004, F.A.C.

(o) Dealers that are not members of FINRA shall file requests for Associated Person registration electronically on the Office's website at www.flofr.com through the Regulatory Enforcement and Licensing (REAL) System of the OFR and shall be deemed received on the date the Office issues a confirmation of submission and payment to the applicant via the Office's website. A confirmation of submission is issued by the Office upon successful filing of an application and payment of all fees. Such filings shall be made in accordance with Rule 69W-600.002, F.A.C.

(p) An applicant for registration of securities pursuant to Section 517.081, F.S., shall file electronically on the Office's website at www.flofr.com through the Regulatory Enforcement and Licensing (REAL) System of the OFR and shall be deemed received on the date the Office issues a confirmation of submission and payment to the applicant via the Office's website. A confirmation of submission is issued by the Office upon successful filing of an application and payment of all fees. Such filings shall be made in accordance with Rule Chapter 69W-700, F.A.C.

(q) An applicant for Notification Registration pursuant to Section 517.082, F.S., shall file electronically on the Office's website at www.flofr.com through the Regulatory Enforcement and Licensing (REAL) System of the OFR and shall be deemed received on the date the Office issues a confirmation of submission and payment to the applicant via the Office's website. A confirmation of submission is issued by the Office upon successful filing of an application and payment of all fees. Such filings shall be made in accordance with Rule Chapter 69W-800, F.A.C.

(3) through (6) No change.

(7)(a) The forms referred to in this section below are incorporated by reference and readopted by this rule for the purposes of Rule Chapters 69W-100 through 69W-900, F.A.C.:

1. OFR-S-1-91, Application for Registration of Securities (Revised ~~5-01-04~~ ~~10/97~~);

2. OFR-S-7-91, Exhibit 1 (General Issue) (Revised ~~5-01-04~~ ~~10/97~~);

- 3. OFR-S-5-91, Uniform Consent to Service of Process (Revised ~~5-01-04~~ 4/94);
- 4. OFR-S-6-91, Corporate Resolution (Revised ~~5-01-04~~ 4/94);
- 5. OFR-S-10-91, Report of Sales of Securities and Use of Proceeds Therefrom (Revised ~~5-01-04~~ 4/94);
- 6. Form BD, Uniform Application for Broker-Dealer Registration (Revised ~~05/2002~~ 7/99);
- 7. Form ADV, Uniform Application for Investment Adviser Registration (Revised ~~01/2008~~ 10/03);
- 8. Form U-4, Uniform Application for Securities Industry Registration or Transfer (Revised ~~5/2009~~ 10/05);
- 9. Form BDW, Uniform Request for Broker-Dealer Withdrawal (Revised ~~04/2007~~ 8/99);
- 10. Form ADV-W, Notice of Withdrawal from Registration as Investment Adviser (Revised ~~03/2008~~ 10/03);
- 11. Form U-5, Uniform Termination Notice for Securities Industry Registration (Revised ~~5/2009~~ 10/05);
- 12. Form BR, Uniform Branch Office Registration Form (Revised 10/05);
- 13. OFR Form DA-5-91, Issuer/Dealer Compliance Form (Revised ~~5-01-04~~ 4/94);
- 14. Form FL921250Z, Florida Fingerprint Card (Revised ~~5/11/99~~ Revised 1/94); and
- 15. OFR Form CAN, Canadian Dealer Notification (New 6-10-07).

(b) This rule also incorporates by reference:

- 1. OFR Form S-3-91, Notification Registration (Revised ~~5-01-04~~ 4/94);
- 2. Form U-1, Uniform Application to Register Securities (Effective 10/97);
- 3. Form U-2, Uniform Consent to Service of Process (Effective 10/1/96);
- 4. Form U-2A, Uniform Corporate Resolution (Effective 10/1/96);
- 5. Form U-7, Small Corporate Offering Registration Form (Effective 10/97);
- 6. OFR-S-12-97, SCOR (Small Corporate Offering Registration) Application to Register Securities (Effective ~~5-01-04~~ 10/97);
- 7. OFR-S-13-97, Florida Guide to Small Business Investments (Effective ~~5-01-04~~ 10/97); and
- 8. OFR-S-14-97, Promotional Shares Escrow Agreement (Effective ~~5-01-04~~ 10/97); and
- 9. CUBA FORM, Disclosure of Business Activities in Cuba Form, (Effective 5-01-04).

(c) Social security number. The following forms contain a field that allows, but does not require, an individual to submit his or her social security number: Form ADV, Uniform Application for Investment Adviser Registration (Revised ~~1/2008~~ 10/03); Form U-4, Uniform Application for Securities Industry Registration or Transfer (Revised ~~5/2009~~ 10/05); and

Form U-5, Uniform Termination Notice for Securities Industry Registration (Revised ~~5/2009~~ 10/05). If provided, an individual's social security number will be used by the Office of Financial Regulation to facilitate the identification of the individual to obtain the required criminal justice information, which may expedite the processing of the forms. Social security numbers obtained through the submission of the above-listed forms are subject to the confidentiality provisions of Section 119.071(5), F.S.

(d) All forms referenced in this rule are incorporated by referenced and may be obtained by mail from the Florida Office of Financial Regulation, Division of Securities, 200 E. Gaines Street, Tallahassee, Florida 32399.

Rulemaking Specific Authority 517.03(1), 517.12, 517.1201 FS. Law Implemented 120.60(1), 517.051, 517.081, 517.082, 517.12, 517.161(5) FS. History—Revised and Transferred from 3E-300.01, 9-20-82, Formerly 3E-301.02, Amended 10-15-86, 2-1-87, 12-8-87, 7-29-90, 7-31-91, 6-16-92, 1-10-93, 3-13-94, 10-1-96, 10-23-97, 6-22-98, 6-10-99, 5-7-00, 7-10-02, Formerly 3E-301.002, Amended 3-16-06, 6-10-07, _____.

69W-301.003 Right to Hearing.

Should the Office of Financial Regulation refuse to grant the license, the Office of Financial Regulation shall notify the applicant of this decision stating the grounds for denial. The applicant aggrieved by such a refusal shall be entitled to an administrative hearing upon filing a written request for such a hearing. Procedures for requesting such hearing appear in Rules 28-106.20 and 28-106.301, F.A.C. Chapters 28-106 and 28-107, F.A.C.

Rulemaking Specific Authority 517.03(1) FS. Law Implemented 120.60, 120.57, 517.081, 517.082, 517.12, 517.241(1) FS. History—New 9-20-82, Formerly 3E-301.03, Amended 7-31-91, 6-22-98, Formerly 3E-301.003, Amended _____.

FINANCIAL SERVICES COMMISSION

Securities

RULE NOS.:	RULE TITLES:
69W-500.008	Unsolicited Purchase or Sale of Securities Pursuant to Section 517.061(13), F.S.
69W-500.013	Exemption/Mobile Home Parks/Limited Purpose Stock Offering
69W-500.015	Exemption for Offers and Sales of Securities of Foreign Issuers to Non-U.S. Persons in Offshore Transactions
69W-500.016	Exemption for Issuers of Section 4(2) Offerings
69W-500.017	Compensatory Benefit Plan Exemption

PURPOSE AND EFFECT: Rules 69W-500.008, .015, .016, and .017, F.A.C., are amended to reflect the most current versions of federal regulations and federal statutes referenced in the rules. Rule 69W-500.013, F.A.C., is amended to correct a cross reference.

SUBJECT AREA TO BE ADDRESSED: Securities Regulation.

RULEMAKING AUTHORITY: 517.03, 517.061(19) FS.

LAW IMPLEMENTED: 517.061(13), 517.061(18), 517.061(19) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Pam Epting, Chief, Bureau of Regulatory Review, Division of Securities, Office of Financial Regulation, The Fletcher Building, 200 East Gaines Street, Tallahassee, Florida 32399-0375, (850)410-9500, pam.epting@flofr.com

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

69W-500.008 Unsolicited Purchase or Sale of Securities Pursuant to Section 517.061(13), F.S.

(1) For purposes of Section 517.061(13), F.S., the offer or sale of securities in a transaction meeting the requirements of SEC Rule 144 (17 C.F.R. § 230.144 (2009)), which is hereby incorporated by reference, ~~promulgated pursuant to section 4(1) of the Securities Act of 1933, as in effect on November 1, 1978,~~ shall be deemed an unsolicited purchase or sale of securities on order of and as agent for another. Copies of the federal regulation may be obtained by contacting the Florida Office of Financial Regulation, Division of Securities, 200 E. Gaines Street, Tallahassee, Florida 32399.

(2) and (3) No change.

Rulemaking Specific Authority 517.03(1) FS. Law Implemented 517.061(13) FS. History—New 12-5-79, Amended 9-20-82, Formerly 3E-500.08, Amended 10-14-90, Formerly 3E-500.008, Amended _____.

69W-500.013 Exemption/Mobile Home Parks/Limited Purpose Stock Offering.

Transactions which involve the offer or sale of stock, bonds, or other instruments deemed to be securities as defined in Section 517.021(21) 517.021(17), F.S., offered or sold by or on behalf of a non-profit corporation consisting solely of property owners of a singular mobile home park, where the securities evidence shares of the corporation, are hereby exempted from

the registration requirements of Section 517.07, F.S., provided that such securities meet and comply with all of the following criteria:

(1) That proceeds from the sale of securities are used exclusively for the maintenance, improvement or acquisition of common areas within the mobile home park.

(2) That the solicitation and subsequent sale of securities is made exclusively by the non-profit corporation to persons retaining a property interest in the mobile home park and no form of general solicitation or general advertisement is instituted.

(3) That no individual, either directly or indirectly, receives any compensation or commission for or as a result of the sale of such securities.

(4) That prior to the sale of said securities, each property owner within the mobile home park is provided with or given reasonable access to full and fair disclosure concerning all relevant information relating to the securities themselves.

(5) That the Office of Financial Regulation is provided with reasonable notice of the issuance of said securities prior to or contemporaneous with their offer and sale.

Rulemaking Specific Authority 517.03 FS. Law Implemented 517.061(18) FS. History—New 1-8-86, Amended 7-31-91, Formerly 3E-500.013, Amended _____.

69W-500.015 Exemption for Offers and Sales of Securities of Foreign Issuers to Non-U.S. Persons in Offshore Transactions.

(1) Any offer or sale of securities of a foreign issuer made to a person, other than a U.S. person, in an offshore transaction that is exempt from registration ~~under section 5 of the Securities Act of 1933 pursuant to Regulation S (17 C.F.R. § 230.901 through 230.905 (2009)) promulgated by the Securities and Exchange Commission,~~ is hereby exempted from the registration requirements of Section 517.07, F.S.

(2) For purposes of this rule, the terms “foreign issuer,” “offshore transaction,” and “U.S. person” shall have the meanings prescribed in rule 902 of Regulation S (17 C.F.R. § 230.902 (2009)) ~~as it existed on April 29, 1998.~~

(3) The federal regulations referenced in this rule are hereby incorporated by reference and may be obtained by mail from the Florida Office of Financial Regulation, Division of Securities, 200 E. Gaines Street, Tallahassee, Florida 32399.

Rulemaking Specific Authority 517.03(1), 517.061(19) FS. Law Implemented 517.061(19) FS. History—New 7-30-98, Formerly 3E-500.015, Amended _____.

69W-500.016 Exemption for Issuers of Section 4(2) Offerings.

Securities offered or sold in a transaction exempt under a rule or regulation issued by the Securities and Exchange Commission under Section 4(2) of the Securities Act of 1933

(15 U.S.C. § 77d(2) (2006)), as it existed on January 1, 2001, are hereby exempted from the filing requirements of Section 517.07, F.S. An issuer of such securities and each of its bona fide employees who satisfy the criteria set forth in Section 517.021(6)(b)6., F.S., and through whom the issuer elects to sell such securities, shall be exempted from the registration requirements of Section 517.12(1), F.S. The federal statute referenced in this rule is hereby incorporated by reference and may be obtained by mail from the Florida Office of Financial Regulation, Division of Securities, 200 E. Gaines Street, Tallahassee, Florida 32399.

Rulemaking Specific Authority 517.03(1), 517.061(19) FS. Law Implemented 517.061(19) FS. History—New 1-1-02, Formerly 3E-500.016, Amended _____.

69W-500.017 Compensatory Benefit Plan Exemption.

(1) Transactions involving the offer or sale of a security pursuant to a written compensatory benefit plan (or a written compensation contract) or similar plan established by the issuer, its parent, its majority-owned subsidiaries or majority-owned subsidiaries of the issuer’s parent, for the participation of their employees, directors, general partners, trustees, officers, or consultants and advisors, and their family members who acquire such securities from such persons through gifts or domestic relations orders, are exempt from the registration provisions of Section 517.07, F.S., if:

(a) The sale of the security meets all of the requirements of SEC Rule 701 (17 C.F.R. § 230.701 (2009)) as it existed on November 1, 2000;

(b) The security is sold pursuant to a plan of a type exempt under section 3(a) of the Securities Act of 1933; or

(c) The security is effectively registered under sections 6 to 8 of the Securities Act of 1933, 15 U.S.C. §§77f through h (2006), and is offered and sold in compliance with the provisions of section 5 of the Securities Act of 1933, 15 U.S.C. §77e (2006).

(2) For the purposes of this rule, the terms “compensatory benefit plan” and “family member,” shall have the same meanings as defined in SEC Rule 701 (17 C.F.R. § 230.701 (2009)) as it existed on November 1, 2000.

(3) through (4) No change.

(5) The federal regulations and federal statutes referenced in this rule are hereby incorporated by reference and may be obtained by mail from the Florida Office of Financial Regulation, Division of Securities, 200 E. Gaines Street, Tallahassee, Florida 32399.

Rulemaking Specific Authority 517.03(1), 517.061(19) FS. Law Implemented 517.061(19) FS. History—New 11-25-01, Formerly 3E-500.017, Amended _____.

FINANCIAL SERVICES COMMISSION

Securities

RULE NOS.:

- 69W-600.001
- 69W-600.0015
- 69W-600.002
- 69W-600.004
- 69W-600.005
- 69W-600.006
- 69W-600.007
- 69W-600.008
- 69W-600.009
- 69W-600.0091
- 69W-600.0092
- 69W-600.0093
- 69W-600.010
- 69W-600.012
- 69W-600.013
- 69W-600.0131
- 69W-600.0132
- 69W-600.014
- 69W-600.015
- 69W-600.016
- 69W-600.017
- 69W-600.020

RULE TITLES:

- Application for Registration as a Dealer, Issuer/Dealer, or Investment Adviser
- Canadian Dealer Notification
- Application for Registration as Associated Person
- Registration of Issuer/Dealers, Principals and Branch Offices
- Examinations/Qualifications
- Fingerprints Requirements
- Changes in Name and Successor Registration Requirements
- Termination of Registration as Dealer, Investment Adviser, Branch Office, Principal or Agent
- Registration Renewals
- Central Registration Depository System
- Investment Adviser Registration Depository for Federal Covered Advisers
- Investment Adviser Registration Depository for Investment Advisers
- Notice of Civil, Criminal or Administrative Action
- Rules of Conduct
- Prohibited Business Practices for Dealers and Their Associated Persons
- Prohibited Business Practices for Investment Advisers and Their Associated Persons
- Custody Requirements for Investment Advisers
- Books and Records Requirements
- Financial Reporting Requirements – Statement of Financial Condition – Dealers and Investment Advisers
- Net Capital Requirements for Dealers and Investment Advisers
- Customer Protection Rule – Reserve Requirements and Custody of Customer Funds and Securities
- Continuing Education Requirements

PURPOSE AND EFFECT: The rules are amended to update references to materials not included within Florida law, including agency forms, federal statutes, federal regulations,

Financial Industry Regulatory Authority (FINRA) forms and rules, New York Stock Exchange rules, other stock exchange rules, National Association of Securities Dealers (NASD) rules, and Municipal Securities Rulemaking Board (MSRB) rules. The rules require the electronic filing of forms and fees. The rules are amended to replace references to the National Association of Securities Dealers (NASD) with the Financial Industry Regulatory Authority (FINRA). FINRA was created in July 2007 through the consolidation of National Association of Securities Dealers and the member regulation, enforcement and arbitration functions of the New York Stock Exchange. Rule 69W-600.005, F.A.C., is amended to remove the reference to the examination requirement for investment adviser principals as there is no longer a principal investment adviser designation. Rule 69W-600.0132, F.A.C., is amended to provide for a waiver of audited financial statements.

SUBJECT AREA TO BE ADDRESSED: Securities Regulation

RULEMAKING AUTHORITY: 215.405, 517.03(1), 517.12(6), 517.12(9), 517.12(13), 517.12(15), 517.12(17), 517.1201, 517.121(1), 517.121(2), 517.1215, 517.1217, 215.405 FS.

LAW IMPLEMENTED: 517.081, 517.12, 517.12(4), 517.12(5), 517.12(6), 517.12(7), 517.1205, 517.12(8), 517.12(9), 517.12 (10), 943.053, 517.12(11), 517.12(12), 517.12(12)(b), 517.12(13), 517.12(15), 517.12(16), 517.12(18), 517.161, 517.161(1), 517.161(5), 517.1201(1), 517.1201(2), 517.121, 517.121(1), 517.121(2), 517.1215, 517.1217, 517.301(1) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Pam Epting, Chief, Bureau of Regulatory Review, Division of Securities, Office of Financial Regulation, The Fletcher Building, 200 East Gaines Street, Tallahassee, Florida 32399-0375, (850)410-9500, pam.epting@flofr.com

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

69W-600.001 Application for Registration as a Dealer, Issuer/Dealer, or Investment Adviser.

(1)(a) Applications for initial and renewal registration of dealers, issuer/dealers, and investment advisers shall be filed ~~as on the forms~~ prescribed by the Financial Services Commission in ~~Rule subsection~~ 69W-301.002(7), F.A.C., and shall include all information required by such forms, any other information the Financial Services Commission or Office of Financial Regulation may require, and payment of the statutory fees

required by Sections 517.12(10) and 517.131, F.S. ~~Except as otherwise provided in Rule 69W-600.0091 or 69W-600.0093, F.A.C., the Office of Financial Regulation shall deem an application to be received at such time as it and the appropriate fee have been date stamped by the cashier's office of the Department of Financial Services. For dealers that are members of the National Association of Securities Dealers (NASD), such application shall be filed with the Office of Financial Regulation through the Central Registration Depository (CRD) of the NASD in accordance with Rule 69W-600.0091, F.A.C. For investment advisers, such application shall be filed with the Office of Financial Regulation through the Investment Adviser Registration Depository (IARD) of the NASD in accordance with Rule 69W-600.0093, F.A.C.~~

(b) A complete application must include the following exhibits or forms that are appropriate for the type of registration requested:

1. For registration as a dealer or issuer/dealer, a Uniform Application for Broker-Dealer Registration, Form BD, which is incorporated by reference in subsection 69W-301.002(7), F.A.C. ~~For dealers that are members of the NASD, such application shall be filed with the Office of Financial Regulation through the CRD in accordance with Rule 69W-600.0091, F.A.C.~~ For registration as an investment adviser, a Uniform Application for Investment Adviser Registration, Form ADV, which is incorporated by reference in subsection 69W-301.002(7), F.A.C. ~~shall be filed with the Office of Financial Regulation. Such application shall be filed with the Office of Financial Regulation through the Investment Adviser Registration Depository (IARD) of the NASD in accordance with Rule 69W-600.0093, F.A.C.;~~

2. No change.

3. A Uniform Application for Securities Industry Registration or Transfer, Form U-4, which is incorporated by reference in subsection 69W-301.002(7), F.A.C., to register at least one principal as set forth in Rule 69W-600.002, F.A.C. ~~For any dealer that is a member of the NASD, or any investment adviser, the application for registration of any principal shall be filed through the CRD as set forth in Rule 69W-600.002, F.A.C.~~ In conjunction with filing its Form BD or Form ADV with the Office of Financial Regulation, the dealer, issuer/dealer, or investment adviser shall provide the Office of Financial Regulation written notification of the principal's name, CRD number, and social security number;

4. No change.

5. Proof of effective registration for dealers with the Securities and Exchange Commission (SEC). Where required by Section 517.12(16), F.S., applicants for registration as a dealer shall also provide the Office of Financial Regulation with proof of insurance coverage by the Securities Investor Protection Corporation. Evidence of current membership as a dealer with the ~~FINRA NASD~~ shall satisfy this requirement;

6. No change.

7. Applicants for registration as an issuer/dealer must file Issuer/Dealer Compliance Form (OFR-DA-5-91), which is incorporated by reference in subsection 69W-301.002(7), F.A.C., (Revised 1-91) to meet requirements under paragraphs 69W-600.004(1)(b), 69W-600.005(2)(d) and Rule 69W-400.002, F.A.C.;

8. through 9 No change.

(2) If the information contained in any application for registration as a dealer or investment adviser or in any amendment thereto, becomes inaccurate for any reason, the dealer or investment adviser shall file an amendment on the Form BD or the Form ADV, respectively, correcting such information within 30 days. For applicants and registrants that are members of the FINRA NASD, each such amendment, including those required by Rule 69W-600.007, F.A.C., shall be filed with the Office of Financial Regulation through the CRD system. For investment adviser applicants and registrants who file via the IARD, each such amendment, including those required by Rule 69W-600.007, F.A.C., may be filed with the Office of Financial Regulation through the IARD system in accordance with Rule 69W-600.0093, F.A.C. All other applicants and registrants shall file such amendments, including those required by Rule 69W-600.007, F.A.C., directly with the Office of Financial Regulation electronically through the Regulatory Enforcement and Licensing System.

(3) No change.

Rulemaking Specific Authority 517.03(1), 517.12(6) FS. Law Implemented 517.12(6), (7), 517.1205 FS. History—New 12-5-79, Amended 9-20-82, Formerly 3E-600.01, Amended 7-29-90, 8-1-91, 6-16-92, 1-11-93, 11-14-93, 4-30-96, 6-22-98, 5-10-00, 9-19-00, 7-31-02, Formerly 3E-600.001, Amended 3-16-06, 5-15-07,
_____.

69W-600.0015 Canadian Dealer Notification.

All Canadian dealers making initial and renewal notice filing, or terminating a notice filing in this state shall file OFR Form CAN, Canadian Dealer Notification, which is incorporated by reference in subsection 69W-301.002(7), F.A.C., and shall include all information required by such form, any other information the Office of Financial Regulation may require, and the fee required by Section 517.12(17)(b), F.S., with the Office of Financial Regulation. Such forms and fees shall be filed electronically in accordance with the provision of Rule 69W-301.002, F.A.C. Any notice filing made by a Canadian dealer with the Office of Financial Regulation shall be deemed received by the Office of Financial Regulation at such time as OFR Form CAN and the fee have been date stamped by the cashier's office of the Department of Financial Services. When requested by the Office of Financial Regulation, ~~OFR Form CAN~~ and all responses to any other requests for additional information shall be filed directly with the Office of Financial Regulation. ~~OFR Form CAN, Canadian Dealer Notification, is incorporated by reference in subsection 69W-301.002(7), F.A.C.~~

Rulemaking Specific Authority 517.03 FS. Law Implemented 517.12 FS. History—New 5-15-07, Amended _____.

69W-600.002 Application for Registration as Associated Person.

(1)(a) Applications for initial, reaffiliation, and renewal registrations of a principal or associated person shall be filed on Form U-4, Uniform Application for Securities Industry Registration or Transfer, which is incorporated by reference in subsection 69W-301.002(7), F.A.C., and shall include all information required by such form, any other information the Office of Financial Regulation may require, and payment of the statutory fees required by Section 517.12(10), F.S. Such forms and fees shall be filed electronically in accordance with the provision of Rule 69W-301.002, F.A.C. Except as otherwise provided in Rule 69W-600.0091, 69W-600.0092, or 69W-600.0093, F.A.C., the Office of Financial Regulation shall deem an application to be received at such time as it and the appropriate fee have been date stamped by the cashier's office of the Department of Financial Services. For dealers that are members of the National Association of Securities Dealers ("NASD"), such application shall be filed with the Office of Financial Regulation through the Central Registration Depository ("CRD") of the NASD in accordance with Rule 69W-600.0091, F.A.C. For federal covered advisers, such application shall be filed with the Office of Financial Regulation through the Central Registration Depository ("CRD") of the NASD in accordance with Rule 69W-600.0092, F.A.C. For investment adviser applicants and registrants who file via the IARD, such application shall be filed with the Office of Financial Regulation through the CRD of the NASD in accordance with Rule 69W-600.0093, F.A.C.

(b) A complete initial application must include the following exhibits or forms that are appropriate for the type of registration requested:

1. Form U-4. As used on the Form U-4, the term "Office of Employment Address" shall mean the location where the person seeking registration will regularly conduct business on behalf of the dealer or investment adviser. ~~For dealers that are members of the NASD, such application shall be filed with the Office of Financial Regulation through the CRD of the NASD.~~ Form U-4, Uniform Application for Securities Industry Registration or Transfer, is incorporated by reference in subsection 69W-301.002(7), F.A.C.

2. Statutory fee, for each registration sought, in the amount as required by Section 517.12(10), F.S.

3. When specifically requested by the Office of Financial Regulation, full documentation and details pertaining to affirmative responses. The Office of Financial Regulation may require such documentation to be certified by its issuer based upon the Office of Financial Regulation's review of the nature and substance of this disciplinary history and experience of the applicant. For purposes of this rule, "certified" means that

there must be a certification or attestation by the issuer of the record that the document was a true copy of a record contained in his office and his seal, if any.

4. Evidence of examinations/qualifications set forth in Rule subsection 69W-600.005(2), F.A.C.

5. A complete Florida Fingerprint Card (FL921250Z) when required under Section 517.12(7), F.S., and Rule 69W-600.006, F.A.C., provided by the Office of Financial Regulation and taken by an authorized law enforcement agency and accompanied by a non-refundable \$43.25 processing fee. Form FL921250Z, Florida Fingerprint Card, is incorporated by reference in subsection 69W-301.002(7), F.A.C.

(c) If the information contained in any Form U-4 becomes inaccurate for any reason before or after the associated person becomes registered, the associated person through the dealer or investment adviser, as applicable, shall be responsible for correcting the inaccurate information within thirty (30) days. If the information being updated relates to the applicant's or registrant's disciplinary history, in addition to updating the Form U-4, the associated person through the dealer or investment adviser shall also provide the Office of Financial Regulation with notice and copies of each civil, criminal or administrative action initiated against the associated person as provided in Rule 69W-600.010, F.A.C. For associated persons who have filed by using the CRD of the FINRA NASD, such amendments shall be made through the CRD system of the NASD. All other applicants and registrants shall file such amendments electronically with the Office of Financial Regulation through the Regulatory Enforcement and Licensing System. Form U-4, Uniform Application for Securities Industry Registration or Transfer, is incorporated by reference in subsection 69W-301.002(7), F.A.C.

(2) No change.

Rulemaking Specific Authority 215.405, 517.03(1), 517.12(6) FS. Law Implemented 517.12(6), (7), (10), 517.1205, 943.053 FS. History—New 9-20-82, Formerly 3E-301.02, Amended 10-15-86, 10-4-88, 6-24-90, 7-29-90, 10-14-90, 8-1-91, 6-16-92, 6-28-93, 11-14-93, 3-13-94, 4-30-96, 12-29-96, 6-22-98, 5-10-00, 9-19-00, 7-31-02, 12-11-03, Formerly 3E-600.002, Amended 3-16-06, 5-15-07, 12-24-07, 12-25-08,_____.

69W-600.004 Registration of Issuer/Dealers, Principals and Branch Offices.

(1) through (2) No change.

(3)(a) Every branch office of a registered Florida dealer or investment adviser shall be registered with the Office of Financial Regulation prior to engaging in business therefrom. Such registration shall consist of an application filed with the Office of Financial Regulation on the forms prescribed by the Office of Financial Regulation and payment of the statutory fees required by Section 517.12(10), F.S. Such forms and fees shall be filed electronically in accordance with the provisions of Rule 69W-301.002, F.A.C. ~~The Office of Financial~~

~~Regulation shall deem an application to be received at such time as it and the appropriate fee have been date stamped by the cashier's office of the Department of Financial Services.~~ Such office may or may not be designated as an Office of Supervisory Jurisdiction (OSJ) at the discretion of the registrant. A manager for each branch office shall be designated and registered with the Office of Financial Regulation as a principal. For such offices not designated as an OSJ, the branch office manager need not be located at the office(s) for which he is delegated supervisory responsibility; however, in such cases, the registrant must specify in writing to the Office of Financial Regulation, the names of the associated persons designated as resident agent in charge as well as the branch office manager. ~~For any dealer that is a member of the NASD, or any investment adviser, the application for registration of any branch office shall be filed with the Office of Financial Regulation through the CRD.~~

(b) A complete application must include the following exhibits or forms that are appropriate for the type of registration requested:

1. Form BR, which is incorporated by reference under subsection 69W-301.002(7), F.A.C.

2. Statutory fee in the amount required by Section 517.12(10), F.S.

3. Manager and resident agent as appropriate in this rule must be registered as set forth in Rule 69W-600.002, F.A.C.

4. Evidence of current registration or exemption from the registration requirements of the Florida Secretary of State.

(c) If the information contained in any branch office registration form becomes inaccurate or incomplete for any reason before or after the branch office becomes registered, including changing the location of the branch office or the supervisory personnel thereof, the dealer or investment adviser shall amend the information by filing a complete and originally executed Form BR, with the Office of Financial Regulation within thirty (30) days of the change and denoting thereon that the information reported is an amendment to a previous filing. For any dealer that is a member of the FINRA NASD, or any investment adviser, the Form BR shall be filed with the Office of Financial Regulation through the CRD, as set forth in ~~this rule~~ Rules 69W-301.002, 69W-600.0091 and 69W-600.0093, F.A.C. Issuer/Dealers and Dealers that are not members of FINRA ~~A non-NASD member registrant~~ may amend the branch office registration information by submitting a Form BR directly with the Office of Financial Regulation electronically through the Regulatory Enforcement and Licensing System, in accordance with Rule 69W-301.002, F.A.C. Form BR, Uniform Branch Office Registration Form, is incorporated by reference in subsection 69W-301.002(7), F.A.C. Failure to file any amendment or written notification, as provided herein, shall be considered a violation of Section 517.12(13), F.S.

(d) No change.

Rulemaking Specific Authority 517.03(1), 517.12(6) FS. Law Implemented 517.12(5), (6), (10) FS. History—New 12-5-79, Amended 9-20-82, Formerly 3E-600.04, Amended 10-14-90, 6-16-92, 1-11-93, 11-7-93, 11-14-93, 12-29-96, 10-20-97, 6-10-99, 8-19-99, 5-27-01, 7-31-02, Formerly 3E-600.004, Amended 3-16-06, 5-15-07,_____.

69W-600.005 Examinations/Qualifications.

(1) through (2) No change.

(3) Examination Requirements for Investment Adviser Representative ~~and Principal~~: An individual applying to be registered as an investment adviser or investment adviser representative shall provide the Office of Financial Regulation with proof of passing, within two years of the date of application for registration, one of the following examinations: 1. the Uniform Investment Adviser Law Examination (Series 65) or 2. the General Securities Representative Examination (Series 7) and the Uniform Combined State Law Examination (Series 66).

(4) No change.

(5) The examination requirement for ~~investment adviser principals~~, investment adviser representatives, and associated persons of issuer dealers shall not apply to an individual who currently holds one of the following professional designations: 1. Certified Financial Planner (TM) or CFP® awarded by the Certified Financial Planner Board of Standards, Inc.; 2. Chartered Financial Consultant (ChFC) awarded by the American College, Bryn Mawr, PA; 3. Personal Financial Specialist (PFS) awarded by the American Institute of Certified Public Accountants; 4. Chartered Financial Analyst (CFA) awarded by the Institute of Chartered Financial Analysts; 5. Chartered Investment Counselor (CIC) awarded by the Investment Counsel Association of America, Inc.

Rulemaking Specific Authority 517.03(1) FS. Law Implemented 517.12(8) FS. History—New 12-5-79, Amended 9-20-82, Formerly 3E-600.05, Amended 8-1-91, 1-11-93, 4-18-96, 4-2-00, 10-30-03, Formerly 3E-600.005, Amended _____.

69W-600.006 ~~Associated—Persons'~~ Fingerprints Requirements.

(1) Fingerprints filed in accordance with Section 517.12(7), F.S., shall be on fingerprint cards supplied by the Office of Financial Regulation taken by an authorized law enforcement agency, and accompanied by a non-refundable \$43.25 processing fee. Form FL921250Z, Florida Fingerprint Card, is incorporated by reference in subsection 69W-301.002(7), F.A.C.

(2) ~~The fingerprint card requirement to file a fingerprint card and fee with the Office of Financial Regulation is waived for those associated persons pending requesting registration in Florida with a Financial Industry Regulatory Authority (FINRA) member firm and such fingerprint card has with a dealer which is registered with a national securities exchange or national securities association or the Securities and Exchange Commission, provided that fingerprints have been~~

submitted and processed by FINRA on behalf of the member firm with which said associated person is pending registration, for such persons pursuant to the provisions of SEC rule 17f-2 (17 C.F.R. § 240.17f-2 (2009) 2006), which is hereby incorporated by reference, by said person's current employer.

(3) Notwithstanding any exemptions found in SEC rule 17f-2 (17 C.F.R. § 240.17f-2 (2009)), any direct owner, principal, or indirect owner that is required to be reported on Form BD, Uniform Application for Broker-Dealer Registration, or Form ADV, Uniform Application for Investment Adviser Registration, pursuant to Section 517.12(7), F.S., who is not currently registered in Florida with the firm they are seeking to join or act as a direct owner, principal, or indirect owner shall submit to the Office fingerprint cards supplied by the Office of Financial Regulation taken by an authorized law enforcement agency, and accompanied by a non-refundable \$43.25 processing fee. Such fingerprint card and fee shall be filed directly with the Office until such time as FINRA has the capability to electronically display the fingerprint card results to Florida via the CRD system. Form FL921250Z (Florida Fingerprint Card), Form BD, and Form ADV are incorporated by reference in subsection 69W-301.002(7), F.A.C.

(4) The federal regulations referenced in this rule are hereby incorporated by reference and may be obtained by mail from the Florida Office of Financial Regulation, Division of Securities, 200 E. Gaines Street, Tallahassee, Florida 32399.

Rulemaking Specific Authority 215.405, 517.03 FS. Law Implemented 517.12(7), 943.053 FS. History—New 12-5-79, Amended 9-20-82, Formerly 3E-600.06, Amended 8-1-91, Formerly 3E-600.006, Amended 5-15-07, 12-24-07, 12-25-08,_____.

69W-600.007 Changes in Name and Successor Registration Requirements.

(1) Where only a change in the name of an applicant or registrant as dealer, investment adviser or associated person occurs, notices of such fact shall be filed as an amendment on the forms prescribed by the Office of Financial Regulation within thirty (30) calendar days of the date of such change. For registrants who are a member of the Financial Industry Regulatory Authority (FINRA) NASD, such amendment shall be filed with the Office of Financial Regulation through the CRD System pursuant to subsection 69W-600.001(2), F.A.C. Any amendments to organizational documents or accompanying letters of explanation shall be promptly submitted directly to the Office of Financial Regulation when specifically requested by the Office of Financial Regulation.

(2) Where there is a change in legal entity of a proprietary, partnership, or corporate registrant, the successor entity shall file with the Office of Financial Regulation an amendment to Form BD, Uniform Application for Broker-Dealer Registration, which is incorporated by reference in subsection 69W-301.002(7), F.A.C. or Form ADV, Uniform Application for Investment Adviser Registration, which is incorporated by

reference in subsection 69W-301.002(7), F.A.C., within thirty (30) calendar days of the date of such change. For registrants who are a member of the ~~FINRA NASD~~, such amendment shall be filed with the Office of Financial Regulation through the CRD System pursuant to subsection 69W-600.001(2), F.A.C. Any amendments to organizational documents, accompanying letters of explanation, or current financial statements of the successor shall be promptly submitted directly to the Office of Financial Regulation when specifically requested by the Office of Financial Regulation.

(3) Merger Situations: Where there is a merger of dealer or investment adviser registrants involving (a) the assumption by the successor of substantially all assets and liabilities of the merged entities, and (b) the continuation of the activities of the merged entities successor entity, the merging entities shall file notification with the Office of Financial Regulation denoting such changes as are applicable within thirty (30) calendar days prior to the date of such change. The successor entity shall file an amendment to Form BD, which is incorporated by reference in subsection 69W-301.002(7), F.A.C., or Form ADV, which is incorporated by reference in subsection 69W-301.002(7), F.A.C. denoting such changes as are applicable within thirty (30) calendar days of date of such change. For registrants who are a member of the ~~FINRA NASD~~, each such amendment shall be filed with the Office of Financial Regulation through the CRD System pursuant to subsection 69W-600.001(2), F.A.C. A copy of the plan of merger/merger agreement, amended organizational documents, accompanying letters of explanation, or current financial statements of the successor (merged) entity shall be promptly provided directly to the Office of Financial Regulation when specifically requested by the Office of Financial Regulation.

(4) Change of Control:

(a) Where a person or a group of persons directly or indirectly or acting by or through one or more persons, proposes to acquire a controlling interest in a dealer or investment adviser registrant, and where the acquirer is currently registered with the Office of Financial Regulation, or where the acquirer has not within the preceding 10 years committed any reportable act as defined in Rule 69W-200.001, F.A.C., the resulting entity shall file with the Office of Financial Regulation an amendment to Form BD, which is incorporated by reference in subsection 69W-301.002(7), F.A.C., or Form ADV, which is incorporated by reference in subsection 69W-301.002(7), F.A.C., denoting such changes as are applicable thirty (30) calendar days prior to the date of such acquisition. Any amended organizational documents, accompanying letters of explanation, or financial statements of the resulting entity shall be promptly filed directly with the Office of Financial Regulation when specifically requested by the Office of Financial Regulation.

(b) Where a person or a group of persons directly or indirectly or acting by or through one or more persons, proposes to acquire a controlling interest in a dealer or investment adviser registrant, and where the acquirer has within the preceding 10 years committed any reportable act as defined in Rule 69W-200.001, F.A.C., and is not currently registered with the Office of Financial Regulation, the resulting entity shall prior to such acquisition file with the Office of Financial Regulation a new application for registration on the forms prescribed by the Office of Financial Regulation, together with all required exhibits and fees. Additionally, there shall be filed with the Office of Financial Regulation, at the time the new application is filed, a notice of withdrawal, termination or cancellation of registration of the acquired entity on the forms prescribed by the Office of Financial Regulation, effective upon disposition of the new application by the Office of Financial Regulation. The Office of Financial Regulation may waive the requirements of this subsection where the Office of Financial Regulation determines it is not necessary, based upon the nature and substance of the proposed acquirer's disciplinary history and experience, to require the filing of a new application for registration. Any person who receives a waiver of this subsection shall effect such change of control in compliance with the provisions of paragraph (a).

(c) No change.

(5) For the purposes of subsections (2) and (3) of this rule, in the event that a person(s) succeeds to and continues the business of a Florida registered dealer or investment adviser, the registration of the predecessor shall be deemed to remain effective as the registration of the successor for a period of thirty (30) calendar days after such succession, provided that an amendment to Form BD, which is incorporated by reference in subsection 69W-301.002(7), F.A.C. or Form ADV, which is incorporated by reference in subsection 69W-301.002(7), F.A.C., together with the accompanying documents as prescribed heretofore, is filed by the successor within thirty (30) calendar days after such succession.

(6) No change.

Rulemaking Specific Authority 517.03(1), 517.12(13) FS. Law Implemented 517.12(13) FS. History—New 12-5-79, Amended 9-20-82, Formerly 3E-600.07(4), Amended 10-15-86, 12-8-87, 8-1-91, 6-16-92, 1-11-93, 6-22-98, 8-9-98, 6-10-99, 5-10-00, 7-31-02, Formerly 3E-600.007, Amended 3-16-06,_____.

C.f. See Rule 69W-301.002(7) for forms referenced herein which have been previously adopted by the Office of Financial Regulation.

69W-600.008 Termination of Registration as Dealer, Investment Adviser, Branch Office, Principal or Agent.

(1) Where a registrant withdraws, cancels, or otherwise terminates registration, or is terminated for any reason, notice of such fact shall be filed with the Office of Financial Regulation on the forms prescribed by the Financial Services Commission, in accordance with subsection 69W-301.002(7),

F.A.C., within twenty (20) calendar days of the date of termination. Such forms shall be filed electronically in accordance with Rules 69W-301.002, 69W-600.0091, 69W-600.0092 and 69W-600.0093, F.A.C.

(2) Any dealer which is a member of the Financial Industry Regulatory Authority (FINRA) ~~National Association of Securities Dealers~~ (“NASD”) or any associated person or branch office of a member firm shall file any withdrawals, cancellations, or terminations of registrations with the Office of Financial Regulation through the Central Registration Depository (“CRD”) of the FINRA ~~NASD~~.

(3) Any investment adviser shall file any withdrawals, cancellations, or terminations of registration with the Office of Financial Regulation through the Investment Adviser Registration Depository (“IARD”) of the FINRA. Any associated person or branch office of an investment adviser shall file any withdrawals, cancellations, or terminations of registration with the Office of Financial Regulation through the Central Registration Depository of the FINRA. Any withdrawals, cancellations, or terminations of registrations for branch offices shall be filed directly with the Office of Financial Regulation as prescribed in paragraph 69W-600.004(3)(e), F.A.C.

(4) through (5) No change.

(6) The forms to be utilized for providing notice to the Office of Financial Regulation under subsections (1), (2) and (3) above, and which are incorporated by reference in subsection 69W-301.002(7), F.A.C., are:

(a) Notice of Withdrawal from Registration as Investment Adviser (Form ADV-W).

(b) Uniform Request for Broker Dealer Withdrawal (Form BDW).

(c) Uniform Branch Office Registration Form (Form BR).

(d) Uniform Termination Notice for Securities Industry Registration (Form U-5).

Rulemaking Specific Authority 517.03(1) FS. Law Implemented 517.12(12)(b), 517.161(5) FS. History—New 12-5-79, Amended 9-20-82, Formerly 3E-600.08, Amended 7-29-90, 8-1-91, 6-16-92, 1-11-93, 6-22-98, 6-10-99, 5-10-00, 5-27-01, Formerly 3E-600.008, Amended 3-16-06, _____.

69W-600.009 Registration Renewals.

(1) No change.

(2) In addition to verifying registration with the Office of Financial Regulation as provided in subsection (1), to renew its registration and that of its branch offices and associated persons, each dealer or investment adviser shall pay all renewal fees as required by Section 517.12(11), F.S.

(a) Renewal fees for FINRA ~~NASD~~ member firms, associated persons of FINRA ~~NASD~~ member firms, and branch offices of FINRA ~~NASD~~ member firms, shall be submitted through the CRD by December 31 of the year the registration expires.

(b) No change.

(c) Renewal fees for non-FINRA ~~non-NASD~~ member firms, associated persons of non-FINRA ~~non-NASD~~ member firms and all branch offices of non-FINRA ~~non-NASD~~ member firms shall be filed electronically on the Office’s website at www.flofr.com through the Regulatory Enforcement and Licensing (REAL) System of the OFR and shall be deemed received on the date the Office issues a confirmation of submission and payment to the applicant via the Office’s website sent directly to the Office of Financial Regulation. A confirmation of submission is issued by the Office upon successful filing of a renewal and payment of all fees. The Office of Financial Regulation shall deem a fee received as payment at such time as it has been date stamped by the cashier’s office of the Department of Financial Services. All renewal fees must be received by the Office of Financial Regulation by December 31 of the year the registration expires.

(3) For FINRA members, federal covered advisers and investment advisers, failure ~~Failure~~ to submit the requisite amount of fees as provided for in subsection (2) of this rule by December 31 of the year of expiration of the registration shall result in such registration not being renewed. If December 31 falls on a Saturday, Sunday or legal holiday pursuant to Section 110.117, F.S., the renewals received on the next business day will be considered timely received. However, an expired registration may be reinstated in accordance with the provisions of Section 517.12(11), F.S., provided that all requisite information and fees are date stamped by the cashier’s office of the Department of Financial Services on or before January 31 of the year following the year of expiration. Failure to submit the requisite amount of fees necessary to reinstate registration by January 31 of the year following the year of expiration shall result in such registration not being reinstated. If January 31 falls on a Saturday, Sunday, or legal holiday pursuant to Section 110.117, F.S., the reinstatement received on the next business day will be considered timely received. In the event that the renewal or reinstatement is withdrawn or not granted, any fees filed to renew or reinstate registration shall become the revenue of the state pursuant to Section 517.12(10), F.S., and shall not be returnable.

(4) For issuer/dealers, Canadian dealers, and dealers that are not members of FINRA, failure to submit the requisite amount of fees as provided for in subsection (2) of this rule by December 31 of the year of expiration of the registration shall result in such registration not being renewed. If December 31 falls on a Saturday, Sunday or legal holiday pursuant to Section 110.117, F.S., the renewals received on the next business day will be considered timely received. However, an expired registration may be reinstated in accordance with Section 517.12(11), F.S., provided that all requisite information and fees are filed electronically on the Office’s website at www.flofr.com through the Regulatory Enforcement and Licensing (REAL) System of the OFR on or before January 31 of the year following the year of expiration.

Failure to submit the requisite amount of fees necessary to reinstate registration by January 31 of the year following the year of expiration shall result in such registration not being reinstated. If January 31 falls on a Saturday, Sunday, or legal holiday pursuant to Section 110.117, F.S., the reinstatement received on the next business day will be considered timely received. If the renewal or reinstatement is withdrawn or not granted, any fees filed to renew or reinstate registration shall become the revenue of the state pursuant to Section 517.12(10), F.S., and shall not be returnable.

Rulemaking Specific Authority 517.03(1), 517.12(6), (15) FS. Law Implemented 517.12(6), (10), (11), (15) FS. History–New 12-5-79, Amended 9-20-82, 8-29-83, Formerly 3E-600.09, Amended 1-7-88, 6-16-92, 11-14-93, 2-5-01, 5-27-01, Formerly 3E-600.009, Amended 5-15-07,_____.

69W-600.0091 Central Registration Depository System.

(1) All FINRA NASD member dealers requesting initial registration, amendment or termination of registration in this state shall file the appropriate Form BD or BDW, which are incorporated by reference in subsection 69W-301.002(7), F.A.C., and the assessment fee required by Section 517.12(10) or (11), F.S., with the Central Registration Depository System (“CRD”) of the FINRA NASD. However, responses to requests by the Office of Financial Regulation for additional information shall be filed directly with the Office of Financial Regulation. Any application for registration as a dealer filed with the Office of Financial Regulation through the CRD shall be deemed received by the Office of Financial Regulation upon receipt of the Form BD and the application fee. The application fee shall be deemed received by the Office of Financial Regulation on the “payment date” reflected on the CRD “disbursement detail” report.

(2) All FINRA NASD member dealers registered in this state requesting initial registration, amendment, or termination of a branch office of such member dealer shall file the appropriate Form BR and the application fee required by Section 517.12(10) or (11), F.S., with the CRD. However, responses to requests by the Office of Financial Regulation for additional information shall be filed directly with the Office of Financial Regulation. Any application for registration as a branch office filed with the Office of Financial Regulation through the CRD shall be deemed received by the Office of Financial Regulation upon receipt of the Form BR and the application fee. The application fee shall be deemed received by the Office of Financial Regulation on the “payment date” reflected on the CRD “disbursement detail” report.

(3) All FINRA NASD member dealers registered in this state requesting initial registration, amendment, reaffiliation or termination of an associated person of such member dealer shall file Form U-4 or U-5, which are incorporated by reference in subsection 69W-301.002(7), F.A.C., and the assessment fee required by Section 517.12(10) or (11), F.S., with the CRD of the FINRA NASD. However, responses to requests by the Office of Financial Regulation for additional

information shall be filed directly with the Office of Financial Regulation. Any application for registration as an associated person of an FINRA NASD member dealer filed with the Office of Financial Regulation through the CRD shall be deemed received by the Office of Financial Regulation on the date designated in the “Status Date” field on the line notated “FL” with a “Registration Status” of “pending” as indicated on the CRD “Registrations with Current Employers” screen.

Rulemaking Specific Authority 517.03, 517.12(15) FS. Law Implemented 517.12(10), (11), (15) FS. History–New 8-29-83, Formerly 3E-600.091, Amended 8-1-91, 6-16-92, 4-30-96, 9-19-00, Formerly 3E-600.0091, Amended 5-15-07,_____.

69W-600.0092 Investment Adviser Registration Depository for Federal Covered Advisers.

(1) All federal covered advisers making, amending, or terminating a notice filing in this state shall file Form ADV, Part 1 or Form ADV-W and the assessment fee required by Section 517.1201(1) or (2), F.S., with the Investment Adviser Registration Depository (IARD) of the FINRA in accordance with subsection 69W-301.002(2), F.A.C NASD. When requested by the Office of Financial Regulation, Form ADV, Part 2, and all responses to requests by the Office of Financial Regulation for additional information shall be filed directly with the Office of Financial Regulation. Any notice filing made by a federal covered adviser with the Office of Financial Regulation through the IARD shall be deemed received by the Office of Financial Regulation upon receipt of the Form ADV and the filing fee. The filing fee shall be deemed received by the Office of Financial Regulation on the “payment date” reflected on the CRD “disbursement detail” report. Forms ADV and ADV-W are incorporated by reference in subsection 69W-301.002(7), F.A.C.

(2) All federal covered advisers who notice file in this state and who request initial registration, amendment, reaffiliation or termination of an associated person of such federal covered adviser shall file the Form U-4 or Form U-5, and the assessment fee required by Section 517.12(10) or (11), F.S. with the CRD of the FINRA in accordance with subsection 69W-301.002(2), F.A.C NASD. However, responses to requests by the Office of Financial Regulation for additional information shall be filed directly with the Office of Financial Regulation. Forms U-4 and U-5 are incorporated by reference in subsection 69W-301.002(7), F.A.C.

Rulemaking Specific Authority 517.03, 517.12(6), (15), 517.1201 FS. Law Implemented 517.1201(1), (2), (15) FS. History–New 7-31-02, Formerly 3E-600.0092, Amended 3-16-06, 5-15-07,_____.

69W-600.0093 Investment Adviser Registration Depository for Investment Advisers.

(1) All investment advisers requesting initial registration, amendment, or termination of registration in this state shall file the Form ADV, Part 1 and 2, or ADV-W and the assessment fee required by Section 517.12(10) or (11), F.S., with the Investment Adviser Registration Depository (IARD) of the

FINRA in accordance with subsection 69W-301.002(2), F.A.C. NASD. Form ADV, Part 2, and a All responses to requests by the Office of Financial Regulation for additional information shall be filed directly with the Office of Financial Regulation. Investment advisers shall file Form ADV, Part 2 with the IARD at such time as the IARD develops the capability to process the form. Applications for registration as an investment adviser filed with the Office of Financial Regulation through the IARD shall be deemed received by the Office of Financial Regulation upon receipt of the Form ADV and the filing fee. The filing fee shall be deemed received by the Office of Financial Regulation on the "payment date" reflected on the CRD "disbursement detail" report. Forms ADV and ADV-W are incorporated by reference in subsection 69W-301.002(7), F.A.C.

(2) All investment advisers registered in this state through the IARD requesting initial registration, amendment, or termination of a branch of such investment adviser shall file Form BR and the assessment fee required by Section 517.12(10) or (11), F.S., with the CRD of the FINRA in accordance with subsection 69W-301.002(2), F.A.C. NASD. However, all responses to requests by the Office of Financial Regulation for additional information shall be filed directly with the Office of Financial Regulation. Applications for registration as a branch office filed with the Office of Financial Regulation through the CRD shall be deemed received by the Office of Financial Regulation upon receipt of the Form BR and the application fee. The application fee shall be deemed received by the Office of Financial Regulation on the "payment date" reflected on the CRD "disbursement detail" report. Form BR is incorporated by reference in subsection 69W-301.002(7), F.A.C.

(3) All investment advisers registered in this state through the IARD requesting initial registration, amendment, reaffiliation or termination of an associated person of such investment adviser may file Form U-4 or Form U-5 and the assessment fee required by Section 517.12(10) or (11), F.S., with the CRD of the FINRA NASD in accordance with subsection 69W-301.002(2), F.A.C. However, all responses to requests by the Office of Financial Regulation for additional information shall be filed directly with the Office of Financial Regulation. Forms U-4 and U-5 are incorporated by reference in subsection 69W-301.002(7), F.A.C.

~~(4) All investment advisers currently registered with the Office of Financial Regulation shall transition their Florida registrations onto IARD of the NASD, and the Florida registrations of their associated persons onto the CRD of the NASD, by June 30, 2007. All investment advisers who transition onto IARD of the NASD shall file a complete Form ADV through the IARD of the NASD within 30 days after the transition date. All associated persons who transition onto the CRD of the NASD shall file a complete Form U-4 through the~~

~~CRD of the NASD within 30 days after the transition date. Form U-4 and Form ADV are incorporated by reference in subsection 69W-301.002(7), F.A.C.~~

Rulemaking Specific Authority 517.03, 517.12(6), (15) FS. Law Implemented 517.12(10), (11), (15) FS. History—New 7-31-02, Formerly 3E-600.0093, Amended 3-16-06, 5-15-07, _____.

69W-600.010 Notice of Civil, Criminal or Administrative Action.

(1) through (2) No change.

(3) Any applicant or registrant in this state who is a member of the Financial Industry Regulatory Authority (FINRA) (formerly known as the National Association of Securities Dealers, Inc.) ("NASD") shall file such notifications with the Office of Financial Regulation through the Central Registration Depository ("CRD") of the FINRA NASD in accordance with Rule 69W-600.0091, F.A.C. However, responses to requests by the Office of Financial Regulation for additional information shall be filed directly with the Office of Financial Regulation.

(4) Any applicant or registrant in this state who is a federal covered adviser or investment adviser shall file such notifications with the Office of Financial Regulation through the Investment Adviser Registration Depository (IARD) of the FINRA in accordance with Rules 69W-600.0092 and 69W.600.0093, F.A.C. However, responses to requests by the Office of Financial Regulation for additional information shall be filed directly with the Office of Financial Regulation.

Rulemaking Specific Authority 517.03 FS. Law Implemented 517.12(6), (12), 517.161 FS. History—New 12-5-79, Amended 9-20-82, Formerly 3E-600.10, Amended 9-19-00, Formerly 3E-600.010, Amended _____.

69W-600.012 Rules of Conduct.

(1) Confirmation of Transactions: Every dealer registered in this state, including those defined as issuer/dealers under Rule 69W-200.001, F.A.C., shall give or send to the customer a written confirmation at or before completion of each transaction. Such confirmation shall set forth at least the following:

(a) through (c) No change.

(d) Compliance with SEC Rule 10b-10 (17 CFR § 240.10b-10 (2009)) and the confirmation, preparation and disclosure requirements of SEC Rule 17a-3 (17 CFR § 240.17a-3 (2009)) or MSRB Rules G-8 (2005) and G-15 (2005), as those rules existed on July 1, 2003, shall be deemed compliance with this rule.

(2) through (4) No change.

(5) It shall be ~~unlawful and~~ a violation of Section 517.301(1), F.S., for any dealer or associated person to engage in any "device, scheme, or artifice to defraud" which shall include selling or effecting the purchase of any security into, in, or from offices in this state in violation of sections 9, 10,

11A or 15(c) of the Securities Exchange Act of 1934 (15 U.S.C. §§ 78i, 78j, 78k-1 and 78o(c) (2006)) or of SEC Rules 9b-1 (17 CFR § 240.9b-1(2009)), 10b-1 through 10b-21 (17 CFR §§ 240.10b-1 through 240.10b-21 (2009)) et seq., 11Aa3-1 (17 C.F.R. § 242.601 (2009)), 15c1-1 through 15c1-9 (17 CFR §§ 240.15c1-1 through 240.15c1-9 (2009)), et seq., or 15c2-1 through 15c2-12 (17 CFR §§ 240.15c2-1 through 240.15c2-12 (2009)), et seq. (17 CFR 240.9b-1; 17 CFR 240.10b-1 et.; 17 CFR 240.11Aa3 seq-1; 17 CFR 240.15c1-1 et seq.; or 17 CFR 240.15c2-1 et seq., respectively), as such provisions existed on July 1, 2003; or section 15(g) of the Securities Exchange Act of 1934 (15 U.S.C. § 78o(g) (2006)) or of SEC Rules 15g-1 through 15g-9 (17 CFR §§ 240.15g-1 through 240.15g-9 (2009) et seq.) as such provisions existed on July 1, 2003; or Regulation M (17 CFR 242.100-.105 (2009)) as such provisions existed on July 1, 2003.

(6) All federal statutes, federal regulations, and Municipal Securities Rulemaking Board (MSRB) rules referenced in this rule are incorporated by reference and may be obtained by mail from the Florida Office of Financial Regulation, Division of Securities, 200 E. Gaines Street, Tallahassee, Florida 32399.

Rulemaking Specific Authority 517.03(1) FS. Law Implemented 517.121, 517.301(1) FS. History—New 12-5-79, Amended 9-20-82, Formerly 3E-600.12, Amended 12-25-89, 10-14-90, 8-1-91, 6-16-92, 1-11-93, 4-11-94, 1-3-99, 8-19-99, 10-30-03, Formerly 3E-600.012, Amended _____.

69W-600.013 Prohibited Business Practices for Dealers and Their Associated Persons.

(1) The following are deemed demonstrations of unworthiness by a dealer under Section 517.161(1)(h), F.S., without limiting that term to the practices specified herein:

(a) Extending, arranging for, or participating in arranging for credit to a customer in violation of Regulation T, Credit by Brokers and Dealers, (12 C.F.R. §§ 220.1-220.132 (2009 2006)), which is incorporated by reference.

(b) Executing any transaction in a margin account without obtaining from its customer a written margin agreement prior to settlement date for the initial transaction in the account.

(c) Failing to segregate customers' free securities or securities in safekeeping.

(d) Hypothecating a customer's securities in violation of SEC Rule 8c-1, (17 C.F.R. § 240.8c-1 (2009 2006)), which is incorporated by reference.

(e) Failing to execute a customer's order.

(f) Executing orders for the purchase by a customer of securities not registered under Section 517.081 or 517.082, F.S., unless the securities are exempted under Section 517.051, F.S., or the transaction is exempted under Section 517.061, F.S.

(g) Representing itself as a financial or investment planner, consultant, or advisers, when the representation does not fairly describe the nature of the services offered, the qualifications of the person offering the services, and the method of compensation for the services.

(h) With respect to any customer, transaction or business in this state, violating any of the following:

1. ~~Financial Industry Regulatory Authority (FINRA) Rules 2000 through 7700, National Association of Securities Dealers (NASD) Rules 2000 through 3520, Conduct Rules, Marketplace Rules, or the Uniform Practice Code of the National Association of Securities Dealers (NASD), Rules 11100 through 11800, as such rules existed on December 15, 2009. The foregoing NASD regulations, along with the interpretive materials for those regulations, are published in the NASD manual dated March 2006, which is incorporated by reference.~~

2. For members of the New York Stock Exchange, Rule 405, 412, 435, or 445 of the New York Stock Exchange, as such rules and interpretative supplementary materials existed on ~~December 15, 2009~~ May 31, 2006. The foregoing New York Stock Exchange rules, including the interpretative supplementary materials, are incorporated by reference.

3. Section 2, 4, 5, or 6 of the Securities Act of 1933, (15 U.S.C.A. §§ 77b, ~~77c~~, 77d, 77e, or 77f (2006 Thomson/West 2006 (current through P.L. 109-229))), or SEC Rules 134, 134a, 135a, 144, 144A, 156, 419, 481, or 482, (17 C.F.R. §§ 230.134, 230.134a, 230.135a, 230.144, 230.144A, 230.156, 230.419, 230.481 or 230.482 (2009 2006)). The foregoing sections of the Securities Act of 1933 and rules of the SEC are incorporated by reference.

4. Section 15(b)(4)(E) of the Securities Exchange Act of 1934, (15 U.S.C.A. § 78o(b)(4)(E) (2006 Thomson/West 2006 (current through P.L. 109-229))); Regulation SHO, Regulation of Short Sales, (17 C.F.R. §§ 242.200-242.203 (2009 2006)); or NASD Conduct Rule 3210, as it existed on December 15, 2009. The foregoing provisions of the Securities Exchange Act of 1934 and Regulation SHO, Regulation of Short Sales, are incorporated by reference. NASD Conduct Rule 3210, as it existed on July 3, 2006, is incorporated by reference.

5. Section 15B of the Securities Exchange Act of 1934, (15 U.S.C.A. § 78o-4 (2006 Thomson/West 2006 (current through P.L. 109-229))), or the following rules of the Municipal Securities Rulemaking Board (MSRB), which have been promulgated under Section 15B: MSRB Definitional Rules D-1 to D-12, inclusive, and General Rules G-1 to G-41 G-34, inclusive, as those rules existed on December 15, 2009 ~~May 31, 2006~~. Section 15B of the Securities Act of 1934 and the foregoing MSRB rules, including the MSRB interpretative letters and notices construing those rules, are incorporated by reference.

6. To the extent that any of the rules described in subparagraphs 1. through 5. of this section or their interpretation by the FINRA, NASD, NYSE, MSRB, or SEC, as appropriate, conflict or are inconsistent with other provisions of the Florida Securities and Investor Protection Act or rules promulgated pursuant thereto, this paragraph of this rule shall not be deemed controlling.

(i) Failing to furnish to a customer purchasing securities in an offering, not later than the date of confirmation of the transaction, either a final prospectus or a preliminary prospectus and an additional document, which together include all information set forth in the final prospectus.

(j) Introducing customer transactions on a “fully disclosed” basis to another dealer that is not registered under Chapter 517, F.S., unless the customer is a person described in Section 517.061(7), F.S.

(k) Recommending to a customer that the customer engage the services of an investment adviser that is not registered or exempt from registration under Chapter 517, F.S., unless the customer is a person described in Section 517.061(7), F.S.

(l) Recommending to a customer that the customer engage the services of an investment adviser in connection with which the dealer receives a fee or remuneration (other than directed business) from the investment adviser, except as permitted in Rule 69W-600.003, F.A.C.

(m) Selling or offering for sale any security in a transaction exempt from registration pursuant to Section 517.061(17)(a)1., F.S., where the issuer of such securities has not filed with the SEC within the specified period of time all reports required by Sections 13 or 15D of the Securities Exchange Act of 1934, (15 U.S.C.A. §§ 78m, 78o-6 (2006 Thomson/West 2006 (current through P.L. 109-229))). ~~The foregoing sections of the Securities Exchange Act of 1934 are incorporated by reference.~~

(n) Giving false or otherwise misleading customer information to any financial institution or regulatory agency.

(o) Any unethical practice pursuant to Rule 69W-600.0133, F.A.C.

(2) The following are deemed demonstrations of unworthiness by an associated person of a dealer under Section 517.161(1)(h), F.S., without limiting that term to the practices specified herein:

(a) Borrowing money or securities from a customer, except when persons are in compliance with NASD Conduct Rule 2370(a)(1), (a)(2)(A)-(C) only, and NASD Conduct Rule 2370(b)-(c), as these rules existed on December 15, 2009 which are incorporated by reference in subparagraph (1)(h)1.

(b) Acting as a custodian for money, securities or an executed stock power of a customer;

(c) Effecting transactions in securities, or investments as defined by Section 517.301(2), F.S., not recorded on the regular books or records of the dealer, which the associated

person represents, unless the transactions are disclosed to, and authorized in writing by, the dealer prior to execution of the transactions;

(d) Operating an account under a fictitious name, unless disclosed to the dealer, which the associated person represents;

(e) Sharing directly or indirectly in profits or losses in the account of any customer without the written authorization of the customer and the dealer, which the associated person represents;

(g) Failing to furnish to each offeree of a Small Corporate Offering Registration (SCOR) a copy of the “Florida Guide to Small Business Investments”, OFR-S-13-97, revised May 1, 2004, which is incorporated by reference in subsection 69W-301.002(7), F.A.C.; and (f) Dividing or otherwise splitting commissions, profits or other compensation in connection with the purchase or sale of securities in this state with any person not also licensed as an associated person for the same dealer, or for a dealer under direct or in indirect common control;

(h) Engaging in any of the practices specified in paragraph (1)(a), (b), (e), (f), (g), (h), (i), (k), (l), (m), (n) or (o).

(3) The federal statutes, federal regulations, Financial Industry Regulatory Authority (FINRA) rules, National Association of Securities Dealers (NASD) rules, New York Stock Exchange rules, and Municipal Securities Rulemaking Board (MSRB) rules referenced in this rule are hereby incorporated by reference and ~~All materials incorporated by reference in this rule~~ may be obtained by mail from the Office of Financial Regulation, Bureau of Securities Regulation, 200 E. Gaines Street, Tallahassee, Florida 32399-0374.

Rulemaking Specific Authority 517.03(1), 517.1217 FS. Law Implemented 517.081, 517.1217, 517.161(1) FS. History—New 12-5-79, Amended 9-20-82, Formerly 3E-600.13, Amended 8-1-91, 6-16-92, 1-11-93, 11-7-93, 5-5-94, 9-9-96, 10-20-97, 1-25-00, 10-30-03, Formerly 3E-600.013, Amended 10-23-06, 1-18-09,

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

(1) The following are deemed demonstrations of unworthiness by an investment adviser or an associated person of an investment adviser under Section 517.161(1)(h), F.S., without limiting that term to the practices specified herein:

(a) With respect to any customer, transaction or business in, to or from this state, engaging in any conduct prohibited by, or failing to comply with the requirements of, the following:

Sections 204, 204A, 205, 206, 207, 208 of the Investment Advisers Act of 1940, (15 U.S.C.A. §§ 80b-4, 80b-4a, 80b-5, 80b-6, 80b-7, 80b-8 (2006 Thomson/West 2006 (current through P.L. 109-237))), or SEC Rules 204-3, 205-1, 205-2, 205-3, 206(3)-1, 206(3)-2, 206(4)-1, 206(4)-3, and 206(4)-4, (17 C.F.R. §§ 275.204-3, 275.205-1, 275.205-2, 275.205-3, 275.206(3)-1, 275.206(3)-2, 275.206(4)-1, 275.206(4)-3, and 275.206(4)-4 (2009 2006)), ~~promulgated under the Investment~~

~~Advisers Act of 1940. The foregoing provisions of the Investment Advisers Act of 1940 and rules of the SEC are incorporated by reference.~~

(b) through (q) No change.

(r) Entering into, extending or renewing any investment advisory contract contrary to the provisions of Section 205 of the Investment Advisers Act of 1940, 15 U.S.C.A. § 80b-5 (2006) ~~(Thomson/West 2006 (current through P.L. 109-237)), which is incorporated by reference in paragraph (a) of this subsection.~~ This provision shall apply to all advisers and investment adviser representatives registered or required to be registered under this Act, notwithstanding whether such adviser or representative would be exempt from federal registration pursuant to Section 203(b) of the Investment Advisers Act of 1940, (15 U.S.C.A. § 80b-3(b) (2006 Thomson/West 2006 (current through P.L. 109-237)), which is incorporated by reference;

(s) Including, in an advisory contract, any condition, stipulation, or provisions binding any person to waive compliance with any provision of Chapter 517, F.S., or with any provision of, or with any rule, regulation, or order issued under, the Investment Advisers Act of 1940 (15 U.S.C. § 80b-1 through 80b-21 (2006)), ~~which is incorporated by reference;~~

(t) Taking any action, directly or indirectly, with respect to those securities or funds in which any client has any beneficial interest, where the investment adviser has custody or possession of such securities or funds when the adviser's action is subject to and does not comply with the requirements of Rule 69W-600.0132, F.A.C.

(u) No change.

(2) The federal statutory and regulatory provisions referenced herein shall apply to investment advisers, investment adviser representatives and federal covered advisers, to the extent permitted by the National Securities Markets Improvement Act of 1996 (Pub. L. 110-290).

(3) ~~The federal statutes and federal regulations referenced in this rule are hereby incorporated by reference and All materials incorporated by reference in this rule~~ may be obtained by mail from the Office of Financial Regulation, Bureau of Securities Regulation, 200 E. Gaines Street, Tallahassee, Florida 32399-0374.

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

69W-600.0132 Custody Requirements for Investment Advisers.

(1) Definitions. For purposes of this section:

(a) through (b) No change.

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

1. through 2. No change.

3. A registered futures commission merchant registered under Section 4f(a) of the Commodity Exchange Act (7 U.S.C. § 6f (2006)), holding the client assets in customer accounts, but only with respect to clients' funds and security futures, or other securities incidental to transactions in contracts for the purchase or sale of a commodity for future delivery and options thereon; and

4. No change.

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

(a) through (c) No change.

(d) Account statements must be sent to clients, either:

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

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

3. If the investment adviser is a general partner of a limited partnership (or managing member of a limited liability company, or holds a comparable position for another type of pooled investment vehicle), the account statements required

under paragraph (d) of this subsection must be sent to each limited partner (or member or other beneficial owner or their independent representative).

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

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

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

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

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

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

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

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

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

(g) through (h) No change.

(3) Exceptions.

(a) Shares of mutual funds. With respect to shares of an "open-end company" as defined in Section 5(a)(1) of the Investment Company Act of 1940, (15 U.S.C. § 80a-5(a)(1) (2006)), ("mutual fund"), the investment adviser may use the mutual fund's transfer agent in lieu of a qualified custodian for purposes of complying with subsection (2) of this rule;

(b) through (c) No change.

(d) Registered investment companies. The investment adviser is not required to comply with this rule with respect to the account of an investment company registered under the Investment Company Act of 1940 (15 U.S.C. § 80a-1 through 80a-64 (2006)) [~~15 U.S.C. 80a-1 to 80a-64~~].

(e) through (f) No change.

(4) The federal statutes referenced in this rule are hereby incorporated by reference and All materials incorporated by reference in this rule may be obtained by mail from the Office of Financial Regulation, Bureau of Securities Regulation, 200 E. Gaines Street, Tallahassee, Florida 32399-0374.

Rulemaking Specific Authority 517.03(1), 517.1215 FS. Law Implemented 517.1215 FS. History–New 10-23-06, Amended _____.

69W-600.014 Books and Records Requirements.

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

(1) All dealers are required to prepare and maintain appropriate books and records relating to their business as described in either SEC Rules 17a-3 or 17a-4, (17 C.F.R. §§ 240.17a-3, 240.17a-4 (2009 2006)), or MSRB Rules G-7, G-8 and G-9, as such rules existed on December 15, 2009; and records evidencing compliance with NASD Conduct rule 3000, as such rule existed on December 15, 2009. SEC Rules 17a-3 and 17a-4 are incorporated by reference. MSRB Rules G-7, G-8, and G-9 are incorporated by reference in subparagraph 69W-600.013(1)(h)5., F.A.C. NASD Conduct Rule 3000 is incorporated by reference in subparagraph 69W-600.013(1)(h)1., F.A.C.

(2) All issuer/dealers are required to maintain at least the following records:

(a) Ledgers, journals (or other records) reflecting all assets, liabilities, income and expenses, and capital accounts properly maintained in accordance with United States generally accepted accounting principles;

(b) Copies of all promotional sales materials and correspondence used in connection with the sales of all securities as distributed;

(c) A record of all sales of securities made by, or on behalf of, the issuer as described in and in compliance with SEC Rule 17a-3(a)(1), (17 C.F.R. § 17a-3(a)(1) (2009 2006)), which is incorporated by reference in subsection (1);

(d) Securities certificate and securities holder records reflecting names and addresses of all holders of record, certificates issued to such holders, number of shares or bonds issued, and full details as to transfers or cancellations;

(e) In lieu of the issuer/dealer preparing and maintaining such records as detailed in paragraph (d) above, a qualified transfer agent/registrar may be appointed, provided such information is accessible to the issuer/dealer.

(3) All investment advisers, notwithstanding the fact that the investment adviser is not registered or required to be registered under the Investment Advisers Act of 1940, shall prepare and maintain true, accurate and current records relating to their business as described in SEC Rule 204-2, (17 C.F.R. § 275.204-2 (2009 2006)), ~~which is incorporated by reference;~~ and have available for the Office of ~~Financial~~ Financial Regulation at least the following records;:

(a) All trial balances, financial statements prepared in accordance with United States generally accepted accounting principles, and internal audit working papers relating to the investment adviser's business as an investment adviser. For purposes of this paragraph, "financial statements" means balance sheets, income statements, cash flow statements and net worth computations as required by Rule 69W-300.002, F.A.C.

(b) A list or other record of all accounts with respect to the funds, securities, or transactions of any client.

(c) A copy in writing of each agreement entered into by the investment adviser with any client.

(d) A file containing a copy of each record required by SEC Rule 204-2(11), (17 C.F.R. § 275.204-2(11) (2009 2006)), ~~which is incorporated by reference in this subsection,~~ including any communication by electronic media that the investment adviser circulates or distributes, directly or indirectly, to two or more persons, other than persons connected with the investment adviser.

(e) A copy of each written statement and each amendment or revision given or sent to any client or prospective client of the investment adviser in accordance with the provisions of SEC Rule 204-3, (17 C.F.R. § 275.204-3 (2009 2006)), which is incorporated by reference in paragraph 69W-600.0131(1)(a), F.A.C., and a record of the dates that each written statement, and each amendment or revision was given or offered to be given to any client or prospective client who subsequently becomes a client.

(f) For each client that was obtained by the adviser by means of a solicitor to whom a cash fee was paid by the adviser, records required by SEC Rule 206(4)-3, (17 C.F.R. § 275.206(4)-3 (2009 2006)), which is incorporated by reference in paragraph 69W-600.0131(1)(a), F.A.C.

(g) All records required by SEC Rule 204-2(16), (17 C.F.R. § 275.204-2(16) (2009 2006)), ~~which is incorporated by reference in this subsection.~~

(h) A file containing a copy of all communications received or sent regarding any litigation involving the investment adviser or any investment adviser representative or employee, and regarding any customer or client complaint.

(i) Written information about each investment advisory client that is the basis for making any recommendation or providing any investment advice to such client.

(j) Written procedures to supervise the activities of employees and investment adviser representatives that are reasonably designed to achieve compliance with applicable securities laws and regulations.

(k) A file containing a copy of each document, other than any notices of general dissemination, that was filed with or received from any state or federal agency or self regulatory organization and that pertains to the registrant or its investment adviser representatives. Such file should contain, but is not limited to, all applications, amendments, renewal filings, and correspondence.

(4) Notwithstanding other record preservation requirements of this rule, the following records or copies shall be required to be maintained in the business location of the investment adviser from which the customer or client is being provided or has been provided with investment advisory services:

(a) Records required to be preserved under paragraphs (a)(3), (a)(7)-(11), (a)(14)-(15), (b) and (c) inclusive, of SEC Rule 204-2 of the Investment Advisers Act of 1940, (17 C.F.R. § 275.204-2 (2009 2006)), which is incorporated by reference in subsection (3); and

(b) Records or copies required under the provision of paragraphs (a)(11) and (a)(16) of SEC Rule 204-2 of the Investment Advisers Act of 1940 (17 C.F.R. § 275.204-2 (2009)), which records or related records identify the name of the investment adviser representative providing investment advice from that business location, or which identify the business location's physical address, mailing address, electronic mailing address, or telephone number. ~~SEC Rule 204-2, 17 C.F.R. § 275.204-2 (2006), is incorporated by reference in subsection (3).~~

(5) No provisions of this rule, unless specifically designated as a required form, shall be deemed to require the preparation, maintenance, or preservation of a dealer's or investment adviser's books and records in a particular form or system, provided that whatever form or system utilized by such dealer's or investment adviser's course of business is sufficient to provide an audit trail of all business transactions.

(6) Every investment adviser that has its principal place of business in a state other than this state shall be exempt from the requirements of this rule, provided the investment adviser is licensed in such state and is in compliance with that state's record keeping requirements.

(7) All books and records described in this rule shall be preserved in accordance with the following:

(a) Those records required under subsection (1) of this rule shall be preserved for such periods of time as specified in either SEC Rule 17a-4, (17 C.F.R. § 240.17a-4 (2009 2006)), ~~which is incorporated by reference in subsection (1), or MSRB Rule G-9, as such rule existed on December 15, 2009, which is incorporated by reference in paragraph 69W-600.013(1)(h), F.A.C.~~

(b) Those records required under subsection (2) of this rule shall be preserved for a period of not less than five (5) years while effectively registered with the Office of Financial Regulation, nor for less than five (5) years after withdrawal or expiration of registration in this State.

(c) Books and records required to be prepared under the provisions of subsection (3) shall be maintained and preserved in an easily accessible place for a period of not less than five years from the end of the fiscal year during which the last entry was made on such record, the first two years in the principal office of the investment adviser.

(d) Books and records required to be made under the provisions of subsection (3), shall be maintained and preserved for a period of not less than five years from the end of the fiscal year during which the last entry was made on such record or for the time period during which the investment adviser was registered or required to be registered in the state, if registered less than five years.

(e) Each investment adviser registered or required to be registered in this state and which has a business location in this state shall maintain at such business location:

1. The records or copies required under the provisions of paragraphs (a)(3), (a)(7)-(10), (a)(14)-(15), (b), and (c) of SEC Rule 204-2, (17 C.F.R. § 275.204-2 (2009 2006)), ~~which is incorporated by reference in subsection (3); and~~

2. The records or copies required under the provisions of paragraphs (3)(a)-(k)(~~g~~) above related to customers or clients for whom the investment adviser representative provides or has provided investment advisory services; and

3. The records or copies required under the provisions of paragraphs (a)(11) and (a)(16) of SEC Rule 204-2, (17 C.F.R. § 275.204-2 (2009 2006)), which records or related records identify the name of the investment adviser representative or which identify the business location's physical address, mailing address, electronic mailing address, or telephone number. The records will be maintained for the period described in subsections (d) and (e) of SEC Rule 204-2, (17 C.F.R. § 275.204-2 (2009 2006)). The investment adviser shall be responsible for ensuring compliance with the provision of this subsection. SEC Rule 204-2, (17 C.F.R. § 275-204-2 (2009 2006)), ~~is incorporated by reference in subsection (3).~~

(8) The federal regulations, federal statutes, and Municipal Securities Rulemaking Board (MSRB) rules referenced in this rule are hereby incorporated by reference and All materials incorporated by reference in this rule may be obtained by mail

from the Office of Financial Regulation, Bureau of Securities Regulation, 200 E. Gaines Street, Tallahassee, Florida 32399-0374.

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

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

(1) No change.

(2) Every dealer registered pursuant to Section 517.12, F.S., and rules thereunder shall file annually with the Office of Financial Regulation, within ninety (90) days after the conclusion of said registrant's fiscal year, audited financial statements as prepared by an independent outside auditor, unless exempted under Rule 69W-300.002, F.A.C.

(a) The Office of Financial Regulation will allow up to a thirty (30) day extension of the filing requirement as set forth in this paragraph provided written request is made prior to the date such audited report is due to be filed, and provided further that good cause for such delay is shown. Good cause shall include excusable neglect or circumstances beyond the control of the registrant.

(b) Every dealer defined as a broker/dealer under Rule 69W-300.002, F.A.C., shall be required to include in such audited financial statements filed verification of said broker/dealer's compliance with the provisions of Rules 69W-600.016 and 69W-600.017, F.A.C.

(c) In lieu of the provisions of paragraph (b) above, the Office of Financial Regulation will accept those statements prepared and filed by a dealer in accordance with the provisions of SEC Rule 17a-5 (17 C.F.R. CFR § 240.17a-5 (2009)) and SEC Rule 17a-10 (17 C.F.R. CFR § 240.17a-10 (2009)), ~~as such rules existed on July 1, 2003.~~

(3) Every investment adviser registered pursuant to Section 517.12, F.S., and rules thereunder shall file annually with the Office of Financial Regulation, within ninety (90) days after the conclusion of said registrant's fiscal year, financial statements as of fiscal year end, such statements prepared in accordance with the provisions of Rule 69W-300.002, F.A.C.

(4) The provisions of paragraph (2)(a) of this rule apply to the filing requirements set forth in subsection (3).

(5) The federal regulations referenced in this rule are hereby incorporated by reference and may be obtained by mail from the Florida Office of Financial Regulation, Division of Securities, 200 E. Gaines Street, Tallahassee, Florida 32399.

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

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

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

(2) All dealer applicants and registrants shall meet and at all times maintain the net capital and ratio requirements as prescribed by SEC Rule 15c3-1 including any appendices thereto (17 C.F.R. § 240.15c3-1, 240.15c3-1a, 240.15c3-1b, 240.15c3-1c and 240.15c3-1d (2009)), computed in accordance with said rule, ~~as such rule existed on January 1, 1993.~~

(a) All reporting requirements as specified in (17 C.F.R. § 240.17a-11 (2009)), ~~as such rule existed on January 1, 1993,~~ when such regulation is referred in SEC Rule 15c3-1 shall be applicable with the exception that such reports and notifications required by said rule shall be forwarded to the Office of Financial Regulation as well as the other regulatory agencies specified, if applicable.

(b) All references to (17 C.F.R. § 240.17a-3 (2009)) and (17 C.F.R. § 240.17a-4 (2009)), ~~as such provisions existed on January 1, 1993,~~ in the foregoing and subsequent provisions of Office of Financial Regulation or SEC Rules as adopted by the Office of Financial Regulation, shall be read as to mean Office of Financial Regulation, Rule 69W-600.014, F.A.C.

(3) Issuer/dealer or investment adviser applicants or registrants shall meet the net capital requirements of this section:

(a) Investment advisers who have custody of client funds or securities or who receive payment of advisory fees six months or more in advance and in excess of \$500 per client shall maintain net capital in the amount of \$25,000 calculated as prescribed by SEC Rule 15c3-1 (17 C.F.R. CFR § 240.15c3-1 (2009)), including any ratio requirements and appendices thereto, ~~as such provisions existed on January 1, 1993.~~

(b) Investment advisers who do not have custody of client funds or securities or who do not receive payment for advisory services six months or more in advance and in excess of \$500 per client shall maintain net capital: (1) in the amount of \$5,000 calculated as prescribed by SEC Rule 15c3-1 (17 C.F.R. CFR § 240.15c3-1 (2009)), including any ratio requirements and appendices thereto, ~~as such provisions existed on January 1, 1993;~~ or (2) of at least \$2,500. For purposes of option (2) of this subsection, net capital shall be defined as assets minus liabilities in accordance with United States Generally Accepted Accounting Principles as adopted by the American Institute of Certified Public Accountants, as such provisions existed on June 1, 1992.

(c) Investment advisers who compute net capital in accordance with SEC Rule 15c3-1, ~~as such rule existed on January 1, 1993,~~ may exclude liabilities which are subordinated to the claims of creditors pursuant to a

subordination agreement, provided such agreement complies with all terms and conditions specified in Appendix D to SEC Rule 15c3-1 (17 C.F.R. CFR § 240.15c3-1 and 240.15c3-1d (2009)), ~~as such provision existed on January 1, 1993,~~ except for the requirement that such agreement be filed with and approved by the Securities and Exchange Commission. Those investment advisers who have subordination agreements in effect prior to the effective date of this subsection shall not be required to comply with the conditions specified in Appendix D to SEC Rule 15c3-1. Should the investment adviser renegotiate or enter into a new subordination agreement, the agreement must comply with the provisions of Appendix D of SEC Rule 15c3-1.

(d) An issuer/dealer shall maintain net capital, defined as assets minus liabilities and computed in accordance with United States Generally Accepted Accounting Principles as adopted by the American Institute of Certified Public Accountants, as such provisions existed on June 1, 1992, of at least \$5,000, unless required elsewhere by these rules to maintain a greater minimum net capital.

(4) The Office of Financial Regulation may examine the financial statements, general ledgers, journals, source documents, general correspondence, contracts and other pertinent data and receive testimony from employees of entities associated or affiliated with, or controlling or controlled by, a dealer or investment adviser applicant or registrant.

(5) Any dealer, issuer/dealer or investment adviser who fails to maintain the minimum net capital as required under this rule shall, in addition to the financial reporting requirements set forth in paragraph (2)(a) above, give the Office of Financial Regulation telegraphic or facsimile notice within 24 hours that such entity's net capital is less than required under the rule and immediately suspend business operations. Such entity shall not resume operations unless and until financial statements which verify compliance with this rule have been submitted and approved by the Office of Financial Regulation in writing.

(6) The federal regulations referenced in this rule are hereby incorporated by reference and may be obtained by mail from the Florida Office of Financial Regulation, Division of Securities, 200 E. Gaines Street, Tallahassee, Florida 32399.

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

69W-600.017 Customer Protection Rule – Reserve Requirements and Custody of Customer Funds and Securities. All Dealer applicants and registrants subject to the net capital provisions of subsection 69W-600.016(2), F.A.C., shall be required to prepare and maintain such records and accounts as specified in, and to comply in all other respects with, the provisions of SEC Rule 15c3-3 (17 C.F.R. CFR § 240.15c3-3 (2009)), which is hereby incorporated by reference and may be

obtained by mail from the Florida Office of Financial Regulation, Division of Securities, 200 E. Gaines Street, Tallahassee, Florida 32399 as such provisions existed on February 28, 1992.

Rulemaking Specific Authority 517.03(1), 517.12(9), 517.121(2) FS. Law Implemented 517.12(9), 517.121(2) FS. History—New 12-5-79, Formerly 3E-600.17, Amended 6-16-92, Formerly 3E-600.017, Amended _____.

69W-600.020 Continuing Education Requirements.

(1) Failure to comply with any of the applicable continuing education requirements set forth in any one of the following shall be deemed a demonstration of unworthiness by a dealer or associated person under Section 517.161(1)(h), F.S.:

(a)(4) NASD Membership and Registration Rule 1120 of the Financial Industry Regulatory Authority National Association of Securities Dealers, as such provisions existed on December 15, 2009 July 1, 2003;

(b)(2) Rule 345A 345 A of the New York Stock Exchange, as such provisions existed on December 15, 2009 July 1, 2003;

(c)(3) Rule G-3(h) of the Municipal Securities Rulemaking Board, as such provisions existed on December 15, 2009 July 1, 2003;

(d)(4) Rule 341A 341 A of the American Stock Exchange, as such provisions existed on December 15, 2009 July 1, 2003;

(e)(5) Rule 9.3A of the Chicago Board of Options Exchange, as such provisions existed on December 15, 2009 July 1, 2003;

(f)(6) Article VI, Rule 11 9 of the Chicago Stock Exchange, as such provisions existed on July 1, 2003;

(7) Rule 9.27(e) of the Pacific Stock Exchange, as such provisions existed on July 1, 2003; or

(g)(8) Rule 640 of the Philadelphia Stock Exchange, as such provisions existed on December 15, 2009 July 1, 2003.

(2) The rules of the NASD, New York Stock Exchange, Municipal Securities Rulemaking Board, American Stock Exchange, Chicago Board of Options Exchange, Chicago Stock Exchange and Philadelphia Stock Exchange referenced in this rule are hereby incorporated by reference and may be obtained by mail from Florida Office of Financial Regulation, Division of Securities, 200 E. Gaines Street, Tallahassee, Florida 32399.

Rulemaking Specific Authority 517.03(1) FS. Law Implemented 517.12(18), 517.161(1) FS. History—New 12-21-95, Amended 8-19-99, 10-30-03, Formerly 3E-600.020, Amended _____.

DEPARTMENT OF FINANCIAL SERVICES

Securities

RULE NO.:
69W-600.0011

RULE TITLE:
Effect of Law Enforcement Records on Applications for Registration as Dealer, Issuer/Dealer, or Investment Adviser

PURPOSE AND EFFECT: During the regular 2009 legislative session, the Florida Legislature passed House Bill 483, relating to investor protection. The bill was signed into law on June 29, 2009, and took effect on July 1, 2009. A key provision of the new law requires the Financial Services Commission to adopt registration disqualifying periods for applicants and their relevant persons based upon criminal convictions, pleas of nolo contendere, or pleas of guilt, regardless of whether adjudication was withheld. The proposed rule implements these requirements and applies to dealers, issuer/dealers, and investment advisers, including their relevant persons. "Relevant persons" include any direct owner, principal, or indirect owner that is required to be reported on behalf of the applicant on Form BD (Uniform Application for Broker-Dealer Registration) or Form ADV (Uniform Application for Investment Adviser Registration).

SUBJECT AREA TO BE ADDRESSED: Securities Regulation – Registration Disqualifying Periods for Dealers, Issuer/Dealers, and Investment Advisers

RULEMAKING AUTHORITY: 517.1611(2) FS.

LAW IMPLEMENTED: 517.12, 517.161 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Pam Epting, Chief, Bureau of Regulatory Review, Division of Securities, Office of Financial Regulation, The Fletcher Building, 200 East Gaines Street, Tallahassee, Florida 32399-0375, (850)410-9500, pam.epting@flofr.com

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

69W-600.0011 Effect of Law Enforcement Records on Applications for Registration as Dealer, Issuer/Dealer, or Investment Adviser.

(1) General Procedure Regarding Law Enforcement Records. For purposes of this rule, an "applicant" is any Dealer, Issuer/Dealer or Investment Adviser seeking registration in Florida. Any direct owners, principals, or indirect owners that are required to be reported on behalf of the applicant on Form BD or Form ADV pursuant to subsection 517.12(15), F.S., shall be referred to collectively as "relevant

persons". As part of the application review process for each Dealer, Issuer/Dealer, or Investment Adviser, submitted on Form BD or Form ADV, the Office is required to consider the law enforcement records of all relevant persons when deciding whether to approve an application for registration. When conducting this review, the Office reviews the criminal history information derived from the fingerprint check, any responses made by the applicant or relevant person, and information from other resources such as the Financial Industry Regulatory Authority. In the event of a question regarding the relevant person's criminal history, the Office may request additional information from the applicant to determine the status of a criminal event, the specific facts and circumstances surrounding a criminal event, or to address other issues determined relevant to the review of the law enforcement record. The Office will notify the applicant of any specific documents that it requires in order to complete its review of the relevant person's law enforcement record. Documentation that is typically requested includes:

(a) A copy of the police arrest affidavit, arrest report or similar document.

(b) A certified copy of the charges.

(c) A certified copy of the plea, judgment, and sentence where applicable.

(d) A certified copy of an order of entry into pre-trial intervention, and the order of termination of pre-trial intervention showing dismissal of charges where applicable.

(e) A certified copy of an order of termination of probation or supervised release, if applicable.

If the requested documentation cannot be obtained, the applicant shall submit evidence of that fact in order for the application to be deemed complete. Evidence that documentation cannot be obtained shall consist of a written statement on the letterhead of the agency that would be the custodian of the documents, signed by a representative of that agency, stating that they have no record of such matter, or that the record is lost or was damaged or destroyed, or otherwise stating why the document cannot be produced.

(2) Effect of Failure to Fully Disclose Law Enforcement Record on Application.

(a) The omission of any part of a law enforcement record required to be disclosed is a material misrepresentation or material misstatement on the application and the application shall be denied pursuant to Section 517.161(1)(b), F.S.

(b) If the Office discovers the applicant's failure to disclose any part of a law enforcement record required to be disclosed regarding a relevant person on the application after a registration has been granted, the Office will suspend or revoke each registration currently held by the applicant as follows:

1. Suspension for 12 months if, had the application been accurate, the application would have been granted, based upon the statutes and rules applicable to the application at the time the Office granted registration.

2. Revocation if, had the application been accurate, the application would have been denied, based upon the statutes and rules applicable to the application at the time the Office granted registration.

(3) Classification of Crimes.

(a) The Office makes a general classification of crimes into two classes: A and B, as listed in subsections (14) and (15), of this rule.

(b) These classifications reflect the Office's evaluation of various crimes in terms of moral turpitude and the seriousness of the crime as such factors relate to the prospective threat to public welfare typically posed by a person who would commit such a crime.

(c) The names or descriptions of crimes, as set out in the classification of crimes, are intended to serve only as generic names or descriptions of crimes and shall not be read as legal titles of crimes, or as limiting the included crimes to crimes bearing the exact name or description stated.

(d) For purposes of this rule, "trigger date" means the date on which an applicant was found guilty, or pled guilty, or pled nolo contendere to a crime.

(e) A charge in the nature of attempt or intent to commit a crime, or conspiracy to commit a crime, is classified the same as the crime itself.

(4) Relevant Person(s) With a Single Crime. The Office finds it necessary to implement the following standards for an applicant with relevant person(s) whose law enforcement record includes a single crime, subject to the mitigating factors set forth elsewhere in this rule before registration. All disqualifying periods referenced in this rule run from the trigger date.

(a) Class A Crime. The applicant will not be granted a registration until 15 years have passed since the trigger date.

(b) Class B Crime. The applicant will not be granted a registration until 5 years have passed since the trigger date.

(5) Relevant Person(s) With Multiple Crimes.

(a) The Office construes Section 517.161, F.S., to require that an applicant with relevant person(s) whose law enforcement record includes multiple Class A or Class B crimes, or any combination thereof, wait longer than those whose law enforcement record includes only a single crime before becoming eligible for registration in order to assure that such relevant person's greater inability or unwillingness to abide by the law has been overcome. Therefore, the Office finds it necessary that a longer disqualifying period be utilized in such instances before registration can safely be granted. Accordingly, where the relevant person has been found guilty or pled guilty or pled nolo contendere to more than one crime, the Office shall add 5 years to the disqualifying period for each additional crime.

(b) The additional periods are added to the basic disqualifying period for the one most serious crime, and the combined total disqualifying period then runs from the trigger date of the most recent crime.

(c) Classification as “Single Crime” versus “Multiple Crimes.” For purposes of this rule, two (2) or more offenses are considered a single crime if they are based on the same act or transaction or on two (2) or more connected acts or transactions.

(6) Mitigating Factors.

(a) The disqualifying period for a Class “A” or “B” crime or crimes shall be shortened upon proof of one or more of the following factors. Where more than one factor is present the applicant is entitled to add together all the applicable mitigation amounts and deduct that total from the usual disqualifying period, provided that an applicant shall not be permitted an aggregate mitigation of more than three (3) years for the following factors:

1. One year is deducted if the relevant person’s probation officer or prosecuting attorney in the most recent crime states in a signed writing that the probation officer or prosecuting attorney believes the relevant person would pose no significant threat to public welfare if registered.

2. One year is deducted if restitution or settlement has been made for all crimes in which restitution or settlement was ordered by the court, and proof of such restitution or settlement is shown in official court documents or as verified in a signed writing by the relevant person’s prosecuting attorney or probation officer.

3. One year will be deducted if the relevant person was under age 21 when the crime was committed and there is only one crime in the relevant person’s law enforcement record.

4. One year is deducted if the applicant furnishes proof that the relevant person was at the time of the crime addicted to drugs or suffering active alcoholism. The proof must be accompanied by a written letter from a properly licensed doctor, psychologist, or therapist licensed by a duly constituted state licensing body stating that the licensed person has examined or treated the relevant person and that in his or her professional opinion the addiction or alcoholism is currently in remission and has been in remission for the previous 12 months. The professional opinion shall be dated within 45 days of the time of application.

5. Other Mitigating Factors. An applicant is permitted to submit any other evidence of facts that the applicant believes should decrease the disqualifying period before registration is allowed and one additional year shall be deducted if the Office agrees the facts have a mitigating effect on the registration decision.

(b) The burden is upon the applicant to establish these mitigating factors. Where the mitigating factor relates to or requires evidence of government agency or court action, it must be proved by a certified true copy of the agency or court document.

(7) Circumstances Not Constituting Mitigation. The Office finds that no mitigating weight exists, and none will be given, for the following factors:

(a) Type of Plea. The Office draws no distinction among types of pleas, e.g., found guilty; pled guilty; pled nolo contendere.

(b) Collateral Attack on Criminal Proceedings. The Office will not allow or give any weight to an attempt to re-litigate, impeach, or collaterally attack judicial criminal proceedings or their results wherein the relevant person was found guilty or pled guilty or nolo contendere. Thus the Office will not hear or consider arguments such as: the criminal proceedings were unfair; the judge was biased; the witnesses or prosecutor lied or acted improperly; the defendant only pled guilty due to financial or mental stress; the defendant was temporarily insane at the time of the crime; or the defendant had ineffective counsel.

(c) The Office finds that subjective factors involving state of mind have no mitigating weight.

(8) Effect of Pending Appeal in Criminal Proceedings: Reversal on Appeal.

(a) The Office interprets the statutory grounds for denial of registration as arising immediately upon a finding of guilt, or a plea of guilty or nolo contendere, regardless of whether an appeal is or is not allowed to be taken. The Office will not wait for the outcome of an appeal to deny registration, unless a Florida court specifically stays the Office’s adverse action.

(b) If on appeal the conviction is reversed, the Office shall immediately drop the said crime as grounds for denial of registration.

(9) Pre-Trial Intervention. If at the time of application a relevant person is participating in a pre-trial intervention program based upon a charge of criminal conduct that would authorize denial of a registration under Section 517.161(1), F.S., the Office will deny the application for registration. The Office considers participation in a pre-trial intervention program to be a pending criminal prosecution under Section 517.161(6), F.S., and finds it necessary to the public welfare to wait until final disposition of all charges of criminal conduct that would authorize denial of a registration under Section 517.161(1), F.S., before an application for registration may be considered.

(10) Effect of Sealing or Expunging of Criminal Record.

(a) An applicant is not required to disclose or acknowledge, and is permitted in fact to affirmatively deny, any arrest or criminal proceeding for a relevant person, the record of which has been legally and properly expunged or

sealed by order of a court of competent jurisdiction prior to the time of application, and such denial or failure to disclose is not grounds for adverse action by the Office.

(b) Matters Sealed or Expunged Subsequent to Application. Occasionally a relevant person will have a matter sealed or expunged after the applicant submits an application, but before an application decision is made by the Office. In such situations the Office policy is as follows:

1. If the applicant properly revealed the law enforcement record relating to the relevant person on the application, and thereafter the record is sealed or expunged, the Office will not consider the matter in the application decision.

2. However, if the applicant did not reveal the law enforcement record relating to the relevant person on the application and the matter had not been sealed or expunged at the time of making the application, the Office will construe the failure to disclose the matter on the application as a material misrepresentation or material misstatement, and the application shall be denied pursuant to Section 517.161(1)(b), F.S.

(11) Effect of Varying Terminology.

(a) With regard to the following six subparagraphs, the Office treats each phrase in a particular subparagraph as having the same effect as the other phrases in that same subparagraph:

1. Adjudicated guilty; convicted.

2. Found guilty; entered a finding of guilt.

3. Pled guilty; entered a plea of guilty; admitted guilt; admitted the charges.

4. Nolo contendere; no contest; did not contest; did not deny; no denial.

5. Adjudication of guilt withheld; adjudication withheld; no adjudication entered; entry of findings withheld; no official record to be entered; judgment withheld; judgment not entered.

6. Nolle prosequi; nolle prosequi; charges withdrawn; charges dismissed; charges dropped.

(b) In all other instances the Office will look to the substantive meaning of the terminology used in the context in which it was used under the law of the jurisdiction where it was used.

(12) Imprisoned Persons and Community Supervision.

(a) Imprisonment. Notwithstanding any provision to the contrary in this rule, the Office shall not register any applicant under Chapter 517, F.S., while any relevant person of the applicant is imprisoned, under arrest, or serving a sentence for any crime. Further, the Office shall not register any applicant with a relevant person who has been released from imprisonment until the later of the period otherwise set out in these rules or five (5) years after the date of release. The Office finds it necessary that the person be released from imprisonment and thereafter demonstrate an ability to abide by the law by passage of at least five (5) years on good behavior, before registration can be granted without undue risk to the public welfare.

(b) Community Supervision. The Office shall not grant registration to an applicant who at the time of application or at any time during the pendency of the application has a relevant person who is under supervision as the result of the commission of a criminal offense and released to the community under the jurisdiction of the courts, paroling authorities, correctional agencies, or other criminal justice agencies for any felony crime or any misdemeanor crime involving fraud, dishonest dealing, or moral turpitude.

(13) Effect of Disqualifying Periods. The disqualifying periods established in this rule do not give an applicant a right to registration after any set period of time. Regardless of the expiration of any disqualifying period imposed by these rules, the burden to prove entitlement to registration remains on the applicant.

(14) Class "A" Crimes include felonies involving an act of fraud, dishonesty, or a breach of trust, or money laundering, and the Office finds that such crimes constitute crimes of moral turpitude. The Office finds the following list of crimes are Class "A" crimes. Crimes similar to the crimes on this list may also be considered Class "A" crimes, and no inference should be drawn from the absence of any crime from this list.

(a) Any type of fraud, including but not limited to Fraud, Postal Fraud, Wire Fraud, Securities Fraud, Welfare Fraud, Defrauding the Government, Credit Card Fraud, Defrauding an Innkeeper, Passing worthless check(s) with intent to defraud.

(b) Perjury.

(c) Armed robbery.

(d) Robbery.

(e) Extortion.

(f) Bribery.

(g) Embezzlement.

(h) Grand theft.

(i) Larceny.

(j) Burglary.

(k) Breaking and entering.

(l) Identity Theft.

(m) Any type of forgery or uttering a forged instrument.

(n) Misuse of public office.

(o) Racketeering.

(p) Buying, receiving, concealing, possessing or otherwise dealing in stolen property.

(q) Treason against the United States, or a state, district, or territory thereof.

(r) Altering public documents.

(s) Witness tampering.

(t) Tax evasion.

(u) Impersonating or attempting to impersonate a law enforcement officer.

(v) Money laundering.

(w) Murder in all degrees.

- (x) Arson.
- (y) Sale, importation, or distribution of controlled substances (drugs); or possession for sale, importation or distribution.
- (z) Aggravated Assault (e.g., as with a deadly weapon).
- (aa) Aggravated Battery (e.g., as with a deadly weapon).
- (bb) Rape.
- (cc) Sexually molesting any minor.
- (dd) Sexual battery.
- (ee) Battery of or threatening a law enforcement officer or public official in the performance of his/her duties.
- (ff) Kidnapping.
- (15) Class “B” Crimes any misdemeanor that involves fraud, dishonest dealing or any other act of moral turpitude.
- (16) Foreign Law Enforcement Records. If a law enforcement record includes convictions, charges, or arrests outside the United States, the Office shall consider the following factors to reduce, eliminate, or apply a disqualifying period:
 - (a) Whether the crime in the criminal record would be a crime under the laws of the United States or any state within the United States;
 - (b) The degree of penalty associated with the same or similar crimes in the United States; and
 - (c) The extent to which the foreign justice system provided safeguards similar to those provided criminal defendants under the Constitution of the United States; for example, the right of a defendant to a public trial, the right against self-incrimination, the right of notice of the charges; the right to confront witnesses, the right to call witnesses, and the right to counsel.
- (17) Form BD and Form ADV are incorporated by reference in subsection 69W-301.002(7), F.A.C.
- (18) For purposes of this rule, “certified” means that there must be a certification or attestation by the issuer of the record that the document is a true copy of a record contained in the issuer’s office and the issue’s seal, if any.

Rulemaking Authority 517.1611(2) FS. Law Implemented 517.12, 517.161 FS. History–New_____.

FINANCIAL SERVICES COMMISSION

Securities

<p>RULE NOS.:</p> <p>69W-700.002</p> <p>69W-700.015</p> <p>69W-700.028</p>	<p>RULE TITLES:</p> <p>Filing of Prospectus</p> <p>Offering Price of Equity Securities</p> <p>Small Corporate Offering</p> <p>Registration (“SCOR” Offering)</p>
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PURPOSE AND EFFECT: The rules are amended to reflect the most current versions of federal regulations and federal statutes referenced in the rules. Rule 69W-700.028, F.A.C., is clarified to reflect the appropriate forms that must be filed for small corporate offering registration.

SUBJECT AREA TO BE ADDRESSED: Securities Regulation.

RULEMAKING AUTHORITY: 517.03(1), 517.061(19) FS.

LAW IMPLEMENTED: 517.081(3), 517.081(7) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Pam Epting, Chief, Bureau of Regulatory, Review, Division of Securities, Office of Financial Regulation, The Fletcher Building, 200 East Gaines Street, Tallahassee, Florida 32399-0375, (850)410-9500, pam.epting@flofr.com

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

69W-700.002 Filing of Prospectus.

(1) No change.

(2) Any prospectus which depicts the United States Securities and Exchange Commission’s statement pursuant to a registration statement filed under the Securities Act of 1933 or a letter of notification under Regulation A of the Securities Act of 1933 (17 C.F.R. §§ 230.251 through 230.263 (2009)) will be considered to be in substantial compliance with the requirement of subsection (1) above. The federal regulations referenced in this rule are hereby incorporated by reference and may be obtained by mail from the Florida Office of Financial Regulation, Division of Securities, 200 E. Gaines Street, Tallahassee, Florida 32399.

Rulemaking Specific Authority 517.03(1) FS. Law Implemented 517.081(3) FS. History–(Formerly 3E-20.01) New 9-20-82, Formerly 3E-700.02, Amended 10-26-97, Formerly 3E-700.002, Amended_____.

69W-700.015 Offering Price of Equity Securities.

(1) The offering price of securities that an issuer is seeking to register shall not exceed:

(a) The established market price, for the securities of the same class as that proposed to be offered; or

(b) A proposed price that reflects a price earnings ratio of securities of similar issuers in the same industry; and further provided that the issuer has a consistent record of earnings for the preceding three (3) fiscal years; or

(c) The proposed offering price established by an underwriter under a firm underwriting commitment, if the underwriter is registered under the Securities Exchange Act of 1934 (15 U.S.C. §§ 78a through 78oo (2006)) and has the financial ability to perform its commitment in light of its net capital position. The federal statutes referenced in this rule are

hereby incorporated by reference and may be obtained by mail from the Florida Office of Financial Regulation, Division of Securities, 200 E. Gaines Street, Tallahassee, Florida 32399.

(2) through (3) No change.

(4) As a condition to registration, the Office of Financial Regulation shall require an escrow of all promotional securities issued where the Office of Financial Regulation determines that the promoters are unfairly benefiting at the expense of the public shareholders. The escrow agreement shall comply with Section 517.181, F.S., on Form OFR-S-14-97, SCOR (Small Corporate Offering Registration) Application to Register Securities, which is incorporated by reference in subsection 69W-301.002(7), F.A.C., and shall include but not be limited to the following:

(a) through (d) No change.

Rulemaking Specific Authority 517.03(1) FS. Law Implemented 517.081(3), (7) FS. History—(Formerly 3E-20.15) New 9-20-82, Formerly 3E-700.15, Amended 11-30-97, Formerly 3E-700.015, Amended _____.

69W-700.028 Small Corporate Offering Registration (“SCOR” Offering).

(1) For the purpose of compliance with the registration provisions of Section 517.081(3)(g)2., the issuer shall file an application on Form OFR-S-12-97, SCOR (Small Corporate Offering Registration) Application to Register Securities, which is incorporated by reference in subsection 69W-301.002(7), F.A.C. The application shall include:

(a) Three (3) copies of Form U-7, Small Corporate Offering Registration Form, which is incorporated by reference in subsection 69W-301.002(7), F.A.C.;

(b) An irrevocable written Uniform Consent to Service of Process, Form U-2 or Form OFR-S-5-91, and Uniform Corporate Resolution, Form U-2A or Form OFR-S-6-91, which are incorporated by reference in subsection 69W-301.002(7), F.A.C., as described in Section 517.101, F.S. It shall be the choice of the applicant to file either the Form U-2 or the Form OFR-S-5-91, either of which are acceptable to the office. It shall also be the choice of the applicant to file either the Form U-2A or Form OFR-S-6-91;

(c) Payment of the statutory fee as required in Section 517.081, F.S.;

(d) Exhibits, where applicable, as prescribed in Part II to Form OFR-S-12-97, SCOR (Small Corporate Offering Registration) Application to Register Securities, which is incorporated by reference in subsection 69W-301.002(7), F.A.C.

(2) through (3) No change.

Rulemaking Specific Authority 517.03(1) FS. Law Implemented 517.081(3), (7) FS. History—New 11-30-97, Formerly 3E-700.028, Amended _____.

DEPARTMENT OF FINANCIAL SERVICES

Securities

RULE NOS.:
69W-800.001

RULE TITLES:

Filing – Notification Registration
Including Shelf Filings

69W-800.003

Effective Registration

69W-800.004

Circulation of Preliminary
Prospectus

PURPOSE AND EFFECT: Rule 69W-800.001, F.A.C., is amended to reflect the most current versions of federal regulations referenced in the rule, clarify the appropriate forms that must be filed for notification registrations and shelf filings, and reference the current versions of forms. Rule 69W-800.003, F.A.C., is amended to clarify the registration process. Rule 69W-800.004, F.A.C., is amended to reflect the most recent version of the Notification Registration form.

SUBJECT AREA TO BE ADDRESSED: Securities Regulation.

RULEMAKING AUTHORITY: 517.03(1) FS.

LAW IMPLEMENTED: 517.082, 120.53(1)(a), (b), 517.051(11) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Pam Epting, Chief, Bureau of Regulatory Review, Division of Securities, Office of Financial Regulation, The Fletcher Building, 200 East Gaines Street, Tallahassee, Florida 32399-0375, (850)410-9500, pam.epting@flofr.com

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

69W-800.001 Filing – Notification Registration Including Shelf Filings.

(1) An application for Notification Registration or a shelf filing not in conflict with the provisions of Section 517.082(3), Florida Statutes, shall be filed on OFR FORM-S-3-91, Notification Registration (~~Revised 1-94~~), and Form U-1, Uniform Application to Register Securities (~~Effective 10/97~~), which are hereby incorporated by reference in subsection 69W-301.002(7), F.A.C. The application shall include:

(a) One (1) copy of the initial registration statement as filed with the United States Securities and Exchange Commission unless effective upon filing with the Office of Financial Regulation;

(b) An irrevocable written Uniform Consent to Service of Process, Form U-2 or Form OFR-S-5-91 and Uniform Corporate Resolution, Form U-2A or Form OFR-S-6-91, which are incorporated by reference in subsection

69W-301.002(7), F.A.C., as described in Section 517.101, Florida Statutes. It shall be the choice of the applicant to file either the Form U-2 or the Form OFR-S-5-91, either of which are acceptable to the office. It shall also be the choice of the applicant to file either the Form U-2A or Form OFR-S-6-91;

(c) Payment of the statutory fee as required in Section 517.082, Florida Statutes;

(d) One (1) copy of the final pricing amendment/final prospectus as per the effective registration date with the Securities and Exchange Commission, except for Shelf Registration offerings to be made on a delayed or continuous basis pursuant to SEC Rule 415 (17 C.F.R. § 230.415 (2009)), which is incorporated by reference and may be obtained by mail from the Florida Office of Financial Regulation, Division of Securities, 200 E. Gaines Street, Tallahassee, Florida 32399; and

(e) Unless specifically requested by the Office of Financial Regulation, sales reports will not be required for securities offered or sold pursuant to Section 517.082, Florida Statutes.

(2) Exhibits which are required may not be incorporated by reference to previous filings.

(3) It shall not be the policy of the Office of Financial Regulation to issue status reports of an application filed unless the Office of Financial Regulation deems it necessary to issue such information.

(4) Telegraphic notification of effective registration with the SEC shall be filed within ten (10) business days from the date federal registration is granted if such registration was pending with the SEC at the time the notification application was filed.

(5) Should all documents required under this rule not be furnished to the Office of Financial Regulation within 60 days of the date of the effective federal registration, the Office of Financial Regulation shall deem the registration to be subject to revocation.

(6) Any application found to contain a material false statement shall be subject to administrative action by the Office of Financial Regulation.

~~(7) The forms adopted by the Office of Financial Regulation for registration under this section are as follows:~~

~~(a) OFR FORM S 3 91, Notification Registration (Revised 1 91).~~

~~(b) Form U-1, Uniform Application to Register Securities (effective 10/97).~~

~~(c) Form U-2, Uniform Consent to Service of Process and Form U-2A, Uniform Corporate Resolution (effective 10-1-96).~~

~~(d) OFR S 5 91, Uniform Consent to Service of Process (Revised 1 91).~~

~~(e) OFR S 6 91, Corporate Resolution (Revised 1 91).~~

Rulemaking Specific Authority 517.03(1) FS. Law Implemented 517.082 FS. History–New 10-15-86, Amended 12-8-87, 7-31-91, 10-1-96, 10-20-97, Formerly 3E-800.001, Amended _____.

69W-800.003 Effective Registration.

(1) A registration under Section 517.082, Florida Statutes, becomes effective when the federal registration becomes effective or as of the date the application is filed with the Office of Financial Regulation, whichever is later.

~~(2) A registration under Section 517.082, F.S., shall be filed in accordance with the provisions of subsection 69W-301.002(2), F.A.C. The Office of Financial Regulation shall deem an application to be officially received at such time as it has been date stamped by the cashier's office of the Office of Financial Regulation accompanied by the required fee or upon acceptance by the Securities Registration Depository (SRD) and notice by SRD to this state of such filing.~~

(3) Sales may be made in this state upon effectiveness as provided in subsection (1) of this rule without written confirmation by the Office of Financial Regulation.

Rulemaking Specific Authority 517.03(1) FS. Law Implemented 120.53(1)(a), (b), 517.051(11), 517.082 FS. History–New 10-15-86, Amended 11-14-93, 10-1-96, Formerly 3E-800.003, Amended _____.

69W-800.004 Circulation of Preliminary Prospectus.

A preliminary prospectus if designated as such may be used by dealers registered with the Office of Financial Regulation, provided that the Notification Registration (OFR FORM-S-3-91) ~~(Revised 1-91)~~, which is incorporated by reference in subsection 69W-301.002(7), F.A.C., has been filed with the Office of Financial Regulation and each purchaser of securities is provided not later than the time of the sale of securities with the offering circular contained in the definitive registration statement effective under the Securities Act of 1933 as referenced in Section 517.082, Florida Statutes.

Rulemaking Specific Authority 517.03(1) FS. Law Implemented 517.082 FS. History–New 10-15-86, Amended 12-8-87, 7-31-91, 10-1-96, 10-20-97, Formerly 3E-800.004, Amended _____.

FINANCIAL SERVICES COMMISSION

Securities

RULE NO.:	RULE TITLE:
69W-900.001	Disclosure of Business Activities in Cuba

PURPOSE AND EFFECT: The rule is amended to reflect the most current version of federal regulations and federal statutes referenced in the rule. The rule is also amended to reflect the latest version of the Disclosure of Business Activities in Cuba Form.

SUBJECT AREA TO BE ADDRESSED: Securities Regulation.

RULEMAKING AUTHORITY: 517.075 FS.

LAW IMPLEMENTED: 517.075 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Pam Epting, Chief, Bureau of Regulatory Review, Division of Securities, Office of Financial Regulation, The Fletcher Building, 200 East Gaines Street, Tallahassee, Florida 32399-0375, (850)410-9500, pam.epting@flofr.com

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

69W-900.001 Disclosure of Business Activities in Cuba.

(1) For purposes of Section 517.075, Florida Statutes, a prospectus shall be defined as:

(a) A final prospectus containing the information required by Section 10(a) of the Securities Act of 1933 (15 U.S.C. § 77j(a) (2006)), for securities registered pursuant to Section 517.082, Florida Statutes; or

(b) A final prospectus in the form prescribed by Rule 69W-700.003, F.A.C., for securities registered pursuant to Section 517.081, Florida Statutes.

(c) The term prospectus shall not include amendments or supplements to a prospectus that is part of a registration statement filed with the Securities and Exchange Commission under Rule 415 of the Securities Act of 1933 (17 C.F.R. CFR § 230.415 (2009)).

(d) The federal regulations and federal statutes referenced in this subsection are hereby incorporated by reference and may be obtained by mail from the Florida Office of Financial Regulation, Division of Securities, 200 E. Gaines Street, Tallahassee, Florida 32399.

(2) The disclosure and notice requirements of Section 517.075, Florida Statutes, apply only to issuers filing initial or renewal applications for securities registration pursuant to Section 517.081 or 517.082, Florida Statutes, on or subsequent to April 10, 1992, who:

(a) Conduct business or have affiliates who conduct business in or with Cuba;

(b) Commence doing business in or with Cuba after the issuer's securities become effective with the Office of Financial Regulation; or

(c) Are required by Florida Law to report a material change in information previously reported regarding business conducted in or with Cuba.

(3) The Office of Financial Regulation's CUBA FORM (~~4-92~~), which is hereby incorporated by reference in subsection 69W-301.002(7), F.A.C., and available from the Office of

Financial Regulation, shall be used to notify the Office of Financial Regulation of any business or change in business as required by subsection (3) of Section 517.075, Florida Statutes.

(a) When required by Section 517.075, Florida Statutes, such form shall be filed with the Office of Financial Regulation.

(b) The obligation to provide updated information required by subsection 517.075(3), Florida Statutes, shall terminate when the distribution of the securities has been completed.

Rulemaking Specific Authority 517.075 FS. Law Implemented 517.075 FS. History--New 8-17-92, Formerly 3E-900.001, Amended _____.

DEPARTMENT OF FINANCIAL SERVICES

Securities

RULE NO.: 69W-1000.001
 RULE TITLE: Disciplinary Guidelines

PURPOSE AND EFFECT: During the regular 2009 legislative session, the Florida Legislature passed House Bill 483, relating to investor protection. The bill was signed into law on June 29, 2009, and took effect on July 1, 2009. A key provision of the new law is a requirement that the Financial Services Commission adopt disciplinary guidelines for each ground for which disciplinary action may be imposed by the Office of Financial Regulation against individuals and firms that are subject to regulation under Chapter 517, Florida Statutes, the Florida Securities and Investor Protection Act. The rule implements this statutory requirement.

SUBJECT AREA TO BE ADDRESSED: Securities Regulation.

RULEMAKING AUTHORITY: 517.1611(1) FS.

LAW IMPLEMENTED: 517.1611(1) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Bill Reilly, Chief, Bureau of Securities Regulation, Division of Securities, Office of Financial Regulation, 200 East Gaines Street, Tallahassee, FL 32399, phone (850)410-9805, E-mail: Bill.Reilly@flofr.com

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

69W-1000.001 Disciplinary Guidelines.

(1) Pursuant to Section 517.1611, F.S., disciplinary guidelines applicable to each ground for which disciplinary action may be imposed by the Office against an individual or a firm under Chapter 517, F.S., have been adopted. The disciplinary guidelines are contained in "Office of Financial

Regulation, Division of Securities, Disciplinary Guidelines for Dealers, Investment Advisers and Associated Persons” (December 2009), which is hereby incorporated by reference. A copy of the disciplinary guidelines may be obtained by mail from the Florida Office of Financial Regulation, Division of Securities, 200 E. Gaines Street, Tallahassee, Florida 32399, or may be obtained electronically through the following website: <http://www.flofr.com>. The disciplinary grounds listed in the disciplinary guidelines include all rules adopted under the rulemaking authority of Chapter 517, F.S., including incorporations by reference. In determining an appropriate sanction within the range of penalties prescribed in this rule, the Office shall consider the circumstances set forth in subsection (5). In addition to the provisions of this rule, the Office may, when appropriate, seek civil remedies including the entry of an injunction, the appointment of a receiver by a court of competent jurisdiction, or any other remedy authorized by law.

(2) The level of sanction imposed for violations are reflected in the penalty matrix. The Office may impose a higher range of administrative fine, suspension, revocation or denial of registration, increased supervision and restrictions of an associated person's activities, barring of individuals or firms or any combination of these sanctions based on aggravating circumstances.

(3) In accordance with the disciplinary guidelines contained in this rule:

(a) The Office may impose a cease and desist order in conjunction with and in addition to any of the designated sanctions set forth in this rule when appropriate under the circumstances; and

(b) The Office has determined that repeated violations of its regulatory provisions should be punished more severely than a first or single violation. In most instances of repeated violations of the Office's regulatory provisions, the disciplinary guidelines allow for increasingly severe sanctions. The effect of repeated violation of the same or different provisions of the Office's regulations or aggravating and mitigating circumstances of the actions of the firm or of individuals may result in overlapping severity of sanctions for violations.

(4) The list of violations is intended to be comprehensive, but the omission of a violation from the list does not preclude the Office from taking any action authorized by Chapter 517, F.S.

(5) In accordance with Sections 517.1611(1)(a) and (b), F.S., the Office will consider the following circumstances in determining the appropriate sanction within the range of sanctions prescribed in this rule for each violation. The Office shall also consider these circumstances in determining a penalty that deviates from the range of penalties prescribed for each violation as a result of such circumstances:

(a) The individual's or firm's disciplinary history;

(b) Whether the individual or firm self-reported the conduct to regulatory authorities prior to examination or discovery by regulatory authorities;

(c) Whether the firm implemented corrective measures, prior to examination or discovery by regulatory authorities, to revise procedures to avoid recurrence of misconduct;

(d) Whether the individual or firm, prior to the entry of a Final Order, voluntarily made restitution or otherwise remedied the misconduct;

(e) Whether, at the time of the violation, the firm had controls and procedures that were implemented and reasonably designed to prevent or detect such a violation;

(f) Whether, at the time of the violation, the firm developed and implemented adequate training and educational initiatives;

(g) Whether the individual or firm demonstrated reasonable reliance on competent legal advice;

(h) Whether the individual or firm engaged in numerous acts to facilitate the violation or whether multiple clients were impacted by the acts or both;

(i) Whether the individual or firm engaged in the misconduct over an extended period of time;

(j) Whether the individual or firm attempted to conceal his or her misconduct or to lull into inactivity, mislead, deceive or intimidate a customer, regulatory authorities or, in the case of an individual respondent, the firm with which he or she is or was associated;

(k) With respect to other parties, including the investing public, the firm with which an individual respondent is associated or other market participants:

1. Whether the individual's or firm's misconduct resulted directly or indirectly in injury to such other parties, and

2. The nature and extent of the injury;

(l) Whether the individual or firm provided substantial assistance to the Office in its examination or investigation of the underlying misconduct, or whether the respondent attempted to impede or delay Office's examination or investigation, to conceal or withhold information from the Office, or to provide incomplete, inaccurate or misleading testimony or documentary information to the Office;

(m) Whether the individual's or firm's misconduct was the result of an intentional act, recklessness or negligence;

(n) Whether the firm with which an individual is or was associated disciplined the individual for the misconduct at issue prior to discovery by regulatory authorities and the extent of the discipline imposed by the firm;

(o) Whether the individual or firm engaged in the misconduct at issue, notwithstanding prior direct notice from the Office, another regulatory authority or the firm's staff, that the conduct may or will violate the provisions of Chapter 517, F.S.;

(p) Whether the individual or firm can demonstrate that the misconduct at issue was not reflective of their historical compliance record;

(q) Whether the individual's or firm's misconduct resulted in actual or potential financial or other gain or the value of such gain.

(r) The number, size and character of the transactions at issue;

(s) The age, financial status, and level of investment sophistication of the investor;

(t) Whether the violation is attributable to a principal, manager, supervisor or person exercising a similar function;

(u) The financial resources of the firm, nature of the firm's business, the number of individuals registered with the firm, the level of trading activity of the firm, other entities the firm controls, is controlled by, or is under common control with;

(v) Whether the violation of Chapter 517, F.S., is the result of an individual acting alone or the result of two or more persons acting in furtherance of an agreement, scheme or plan; and

(w) Other relevant, case-specific circumstances.

(6) The fines imposed by the rule are \$1,000 for a level "A" fine, \$5,000 for a level "B" fine, \$7,500 for a level "C" fine and level \$10,000 for a level "D" fine.

(7) The ranges for suspensions imposed by this rule are 5 to 15 days for an "A" level suspension; 16 to 30 days for a "B" level suspension; and, over 30 days for a "C" level suspension. A business day is defined as a day the major stock exchanges are open. Suspensions of 30 or fewer days are measured in business days while a suspension of 31 or more days is measured in calendar days.

Rulemaking Authority 517.1611(1) FS. Law Implemented 517.1611(1) FS. History--New

Section II Proposed Rules

DEPARTMENT OF STATE

Division of Library and Information Services

RULE NO.: 1B-2.011 RULE TITLE: Library Grant Programs

PURPOSE AND EFFECT: The purpose of this amendment is to modify the guidelines for the Library Services and Technology Act Grant program. These revisions will update the grant program to implement Section 257.12(3), Florida Statutes regarding the adoption of an Internet safety education program by public libraries.

SUMMARY: The revisions to the Library Services and Technology Act Grant Guidelines and Application packet will bring the application guidelines document in line with Florida

Statute 257.12(3) regarding the adoption of an Internet safety education program by public libraries, and will update the grant forms, guidelines, and application packet.

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: 257.14, 257.15, 257.25 FS.
LAW IMPLEMENTED: 257.12, 257.14, 257.15, 257.25 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: Tuesday, January 19, 2010, 10:00 a.m.
PLACE: Gallery for Innovation and the Arts, R. A. Gray Building, 500 South Bronough Street, Tallahassee, FL

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting: Dorothy Frank by mail at R. A. Gray Building, 500 South Bronough Street, Tallahassee, FL 32399, or by e-mail at dafrank@dos.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or (800)955-8770 (Voice). 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: Marian Deeney by mail at R. A. Gray Building, 500 South Bronough Street, Tallahassee, FL 32399, or by e-mail at mdeeney@dos.state.fl.us

THE FULL TEXT OF THE PROPOSED RULE IS:

1B-2.011 Library Grant Programs.

(1) This rule provides procedures for library grant programs administered by the Division of Library and Information Services (Division). Each program shall be governed by guidelines which contain information on eligibility requirements, application review procedures, evaluation and funding criteria, grant administration procedures, if applicable, and application forms. All grant awards shall be subject to final approval by the Secretary of State.

(2) Applicants for grants shall meet the eligibility and application requirements as set forth in the following guidelines for each grant program: