

(b) The term “Ultimate 1980 CSO” means the Commissioners’ 1980 Standard Ordinary Life Valuation Mortality Tables (1980 CSO) without ten-year (10-year) selection factors, incorporated into the 1980 amendments to the NAIC Standard Valuation Law approved in December 1983.

(c) For the purposes of this rule, preneed insurance is any life insurance policy or certificate that is issued in combination with, in support of, with an assignment to, or as a guarantee for a prearrangement agreement for goods and services to be provided at the time of and immediately following the death of the insured. Goods and services may include, but are not limited to embalming, cremation, body preparation, viewing or visitation, coffin or urn, memorial stone, and transportation of the deceased. The status of the policy or contract as preneed insurance is determined at the time of issue in accordance with the policy form filing.

(5) Minimum Valuation Mortality Standards.

For preneed insurance contracts, as defined in paragraph (4)(c), and similar policies and contracts, the minimum mortality standard for determining reserve liabilities and non-forfeiture values for both male and female insureds shall be the Ultimate 1980 CSO.

(6) Minimum Valuation Interest Rate Standards.

(a) The interest rates used in determining the minimum standard for valuation of preneed life insurance shall be the calendar year statutory valuation interest rates as defined in Section 625.121(6), F.S.

(b) The interest rates used in determining the minimum standard for nonforfeiture values for preneed life insurance shall be the calendar year statutory nonforfeiture interest rates as defined in Section 627.476(9)(i), F.S.

(7) Minimum Valuation Method Standards.

(a) The method used in determining the minimum standard for valuation of preneed life insurance shall be the method as defined in Section 625.121(5), F.S.

(b) The method used in determining the minimum standard for nonforfeiture values for preneed life insurance shall be the method as defined in Section 627.476(9), F.S.

(8) Transition Rules.

(a) For preneed insurance policies issued on or after the effective date of this rule and before January 1, 2012, the 2001 CSO may be used as the minimum standard for reserves and minimum standard for non-forfeiture benefits for both male and female insureds.

(b) If an insurer elects to use the 2001 CSO as a minimum standard for any policy issued on or after the effective date of this rule and before January 1, 2012, the insurer shall provide, as a part of the actuarial opinion memorandum submitted in support of the company’s asset adequacy testing, an annual written notification to the domiciliary commissioner. The notification shall include:

1. A complete list of all preneed policy forms that use the 2001 CSO as a minimum standard;

2. A certification signed by the appointed actuary stating that the reserve methodology employed by the company in determining reserves for the preneed policies issued after the effective date and using the 2001 CSO as a minimum standard, develops adequate reserves (For the purposes of this certification, the preneed insurance policies using the 2001 CSO as a minimum standard cannot be aggregated with any other policies.); and

3. Supporting information regarding the adequacy of reserves for preneed insurance policies issued after the effective date of this rule and using the 2001 CSO as a minimum standard for reserves.

(c) Preneed insurance policies issued on or after January 1, 2012, must use the Ultimate 1980 CSO in the calculation of minimum nonforfeiture values and minimum reserves.

(9) Effective Date.

This rule is applicable to preneed life policies and certificates as defined in subsection (2) issued on or after January 1, 2009.

Rulemaking Authority 625.121(5)(a), (3), 627.476(9) FS. Law Implemented 625.121(5)(a)(3), 627.476(9)(h), (5) FS. History—New

NAME OF PERSON ORIGINATING PROPOSED RULE:
Kerry Krantz, Office of Insurance Regulation, E-mail kerry.krantz@flor.com

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 22, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 13, 2008

Section III Notices of Changes, Corrections and Withdrawals

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.”

AGENCY FOR HEALTH CARE ADMINISTRATION

Certificate of Need

RULE NOS.:

59C-1.008

59C-1.012

RULE TITLES:

Certificate of Need Application

Procedures

Administrative Hearing Procedures

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 34, No. 48, November 26, 2008 issue of the Florida Administrative Weekly and subsequently amended by notice of change published in Vol. 35, No. 9, March 6, 2009 issue of the Florida Administrative Weekly.

59C-1.008 Certificate of Need Application Procedures.

(1) Letters of Intent and applications subject to comparative review shall be accepted in two batching cycles annually each for hospital beds and facilities and for other beds and programs, as specified in paragraph (g) of this subsection. The category "hospital beds and facilities" includes proposals for new hospital facilities, replacement hospital facilities if being replaced more than a mile away, acute care beds pursuant to Section 408.036(1)(g), F.S., the establishment of new neonatal level II and level III programs unless otherwise exempt pursuant to Section 408.036(3)(1)(~~k~~), F.S., and comprehensive medical rehabilitation beds unless otherwise exempt pursuant to Section 408.036(3)(j)(~~g~~), F.S., and except as provided in Section 408.037(2), F.S., for a general hospital. Unless otherwise directed by Section 408.037(2), F.S., general hospital applications shall conform to the schedules in this rule and will use all the usual application and financial forms described below as applicable. The category "other beds and programs" includes proposals for open heart surgery, pediatric cardiac catheterization, specialty burn units, organ transplantation, community nursing home projects, hospice programs, hospice inpatient facilities, and intermediate care facilities for the developmentally disabled.

(a) No change.

(b) The contents of the letter of intent shall be consistent with paragraph 408.039(2)(c), F.S., and must be a written communication with an original signature. The applicant is solely responsible for the content and clarity of the letter of intent. The agency shall not assume any facts not clearly stated. Applications should be submitted with one copy printed and any duplicates in electronic media format (DVD).

(c) 1. through 4. No change.

5. Location refers to the health planning subdistricts adopted in Chapter 59C-2, F.A.C., in each program rule under this chapter, or the service districts. The applicant must indicate the subdistrict by name or number. ~~Nursing home~~ Applicants must also give the name of the county where the proposed project will be located, as provided in chapter 59C-2, F.A.C.

(d) through (e) No change.

(f) Certificate of Need Application Submission. An application for a certificate of need shall be submitted on AHCA Forms 3150-0001 Application For A Certificate Of Need, March 2009 or 3150-0003 Transfer Of A Certificate of Need, March 2009, CON-1, July 2000, which includes a Cover

Page, Cover Page-TRN Schedules A or A-TRN, B or B-TRN, C, D, D-1, 1 or 1-TRN, 2, 3, 4, 5, 6, 6A, 7, 7A, 7B, 8, 8A, 9, 10 or 10-TRN, 11-TRN, and 12-TRN, which are incorporated by reference herein. An application for a General Hospital shall be submitted on AHCA Form 3150-0002, March 2009 Application For A General Hospital Certificate of Need which include Schedules 11, A(H), B(H), C, D(H) in addition to a Cover (H) Page, which are incorporated by reference herein. A Paper copies copy of AHCA Form 3150-0001 Application For A Certificate of Need, March 2009m AHCA Form 3150-0002, March 2009 Application For A General Hospital Certificate of Need or AHCA Form 3150-0003 Transfer of A Certificate of Need, March 2009 or copies on electronic media CON-1 and the Schedules may be obtained from:

Agency for Health Care Administration

Certificate of Need

2727 Mahan Drive, ~~Building 1~~, Mail Stop 28

Tallahassee, FL 32308

~~An E~~Electronic versions of AHCA Forms 3150-0001, 3150-0002 and 3150-0003 CON-1 and the Schedules are also available at <http://ahca.myflorida.com/MCHQ/CON FA/ Application/index.shtml> ~~www.fche.state.fl.us~~.

1. The application must be actually received by the agency by 5:00 p.m. local time on or before the application due date.

2. Applications for projects which exceed the proposed number of beds contained in the letter of intent shall not be deemed complete for review by the agency and shall be withdrawn from further review.

3. Applications may propose a lesser number of beds than that contained in the letter of intent.

4. Applications for a certificate of need for a general hospital must address criteria contained in subsections 408.035(2), F.S., and be submitted on AHCA Form 3150-0002, March 2009 Application For A General Hospital Certificate of Need.

(g) Applications Subject to Comparative Review-Batching Cycles. In order that applications pertaining to similar types of services or facilities affecting the same service district or subdistrict may be considered in relation to each other for purposes of comparative review, letters of intent and applications shall be received by the agency no later than dates prescribed in the following schedule:

Hospital Beds and Facilities

1st Batching Cycle—2007

Summary Need Projections Published in F.A.W.	1-26-07
Letter of Intent Deadline	2-12-07
Application Deadline	3-14-07
Completeness Review Deadline	3-21-07
Application Omissions Deadline	4-18-07
Agency Initial Decision Deadline	6-15-07

<u>Hospital Beds and Facilities</u>		<u>Application Deadline</u>	<u>3-10-10</u>
<u>2nd Batching Cycle – 2007</u>		<u>Completeness Review Deadline</u>	<u>3-17-10</u>
Summary Need Projections Published in F.A.W.	7-27-07	<u>Application Omissions Deadline</u>	<u>4-14-10</u>
Letter of Intent Deadline	8-13-07	<u>Agency Initial Decision Deadline</u>	<u>6-11-10</u>
Application Deadline	9-12-07	<u>Hospital Beds and Facilities</u>	
Completeness Review Deadline	9-19-07	<u>2nd Batching Cycle – 2010</u>	
Application Omissions Deadline	10-17-07	<u>Summary Need Projections Published in F.A.W.</u>	<u>7-23-10</u>
Agency Initial Decision Deadline	12-14-07	<u>Letter of Intent Deadline</u>	<u>8-09-10</u>
<u>Hospital Beds and Facilities</u>		<u>Application Deadline</u>	<u>9-08-10</u>
<u>1st Batching Cycle – 2008</u>		<u>Completeness Review Deadline</u>	<u>9-15-10</u>
Summary Need Projections Published in F.A.W.	1-25-08	<u>Application Omissions Deadline</u>	<u>10-13-10</u>
Letter of Intent Deadline	2-11-08	<u>Agency Initial Decision Deadline</u>	<u>12-10-10</u>
Application Deadline	3-12-08	<u>Other Beds and Programs</u>	
Completeness Review Deadline	3-19-08	<u>1st Batching Cycle – 2007</u>	
Application Omissions Deadline	4-16-08	Summary Need Projections Published in F.A.W.	4-06-07
Agency Initial Decision Deadline	6-13-08	Letter of Intent Deadline	4-23-07
<u>Hospital Beds and Facilities</u>		Application Deadline	5-23-07
<u>2nd Batching Cycle – 2008</u>		Completeness Review Deadline	5-30-07
Summary Need Projections Published in F.A.W.	7-25-08	Application Omissions Deadline	6-27-07
Letter of Intent Deadline	8-11-08	Agency Initial Decision Deadline	8-24-07
Application Deadline	9-10-08	<u>Other Beds and Programs</u>	
Completeness Review Deadline	9-17-08	<u>2nd Batching Cycle – 2007</u>	
Application Omissions Deadline	10-15-08	Summary Need Projections Published in F.A.W.	10-05-07
Agency Initial Decision Deadline	12-12-08	Letter of Intent Deadline	10-22-07
<u>Hospital Beds and Facilities</u>		Application Deadline	11-21-07
<u>1st Batching Cycle – 2009</u>		Completeness Review Deadline	11-28-07
Summary Need Projections Published in F.A.W.	1-23-09	Application Omissions Deadline	12-26-07
Letter of Intent Deadline	2-09-09	Agency Initial Decision Deadline	2-22-08
Application Deadline	3-11-09	<u>Other Beds and Programs</u>	
Completeness Review Deadline	3-12-09	<u>1st Batching Cycle – 2008</u>	
Application Omissions Deadline	4-15-09	Summary Need Projections Published in F.A.W.	4-04-08
Agency Initial Decision Deadline	6-12-09	Letter of Intent Deadline	4-21-08
<u>Hospital Beds and Facilities</u>		Application Deadline	5-21-08
<u>2nd Batching Cycle – 2009</u>		Completeness Review Deadline	5-28-08
Summary Need Projections Published in F.A.W.	7-24-09	Applicant Omissions Deadline	6-25-08
Letter of Intent Deadline	8-10-09	Agency Initial Decision Deadline	8-22-08
Application Deadline	9-09-09	<u>Other Beds and Programs</u>	
Completeness Review Deadline	9-16-09	<u>2nd Batching Cycle – 2008</u>	
Application Omissions Deadline	10-14-09	Summary Need Projections Published in F.A.W.	10-03-08
Agency Initial Decision Deadline	12-11-09	Letter of Intent Deadline	10-20-08
<u>Hospital Beds and Facilities</u>		Application Deadline	11-19-08
<u>1st Batching Cycle – 2010</u>		Completeness Review Deadline	11-26-08
<u>Summary Need Projections Published in F.A.W.</u>	<u>1-22-10</u>	Applicant Omissions Deadline	12-24-08
<u>Letter of Intent Deadline</u>	<u>2-08-10</u>	Agency Initial Decision Deadline	2-20-09

Other Beds and Programs

1st Batching Cycle – 2009

Summary Need Projections Published in F.A.W.	4-03-09
Letter of Intent Deadline	4-20-09
Application Deadline	5-20-09
Completeness Review Deadline	5-27-09
Application Omissions Deadline	6-24-09
Agency Initial Decision Deadline	8-21-09

Other Beds and Programs

2nd Batching Cycle – 2009

Summary Need Projections Published in F.A.W.	10-02-09
Letter of Intent Deadline	10-19-09
Application Deadline	11-18-09
Completeness Review Deadline	11-25-09
Application Omissions Deadline	12-23-09
Agency Initial Decision Deadline	2-19-10

Other Beds and Programs

1st Batching Cycle – 2010

<u>Summary Need Projections Published in F.A.W.</u>	<u>4-02-10</u>
<u>Letter of Intent Deadline</u>	<u>4-19-10</u>
<u>Application Deadline</u>	<u>5-19-10</u>
<u>Completeness Review Deadline</u>	<u>5-26-10</u>
<u>Application Omissions Deadline</u>	<u>6-23-10</u>
<u>Agency Initial Decision Deadline</u>	<u>8-20-10</u>

Other Beds and Programs

2nd Batching Cycle – 2010

<u>Summary Need Projections Published in F.A.W.</u>	<u>10-01-10</u>
<u>Letter of Intent Deadline</u>	<u>10-18-10</u>
<u>Application Deadline</u>	<u>11-17-10</u>
<u>Completeness Review Deadline</u>	<u>11-24-10</u>
<u>Application Omissions Deadline</u>	<u>12-22-10</u>
<u>Agency Initial Decision Deadline</u>	<u>2-18-11</u>

(h) through (3) No change.

(4) Certificate of Need Application Contents. An application for a certificate of need shall contain the following items:

(a) All requirements set forth in Sections 408.037(1) ~~and~~ (2) ~~and~~ (3), F.S.;

(b) The correct application fee;

(c) With respect to paragraph 408.037(1)(c), F.S., which requires an audited financial statement of the applicant the following provisions apply:

1. The audited financial statement of the applicant must be for the most current fiscal year. If the most recent fiscal year ended within 120 days prior to the application filing deadline and the audited financial statements are not yet available, then the prior fiscal year will be considered the most recent.

2. Existing health care facilities must provide audited financial statements for the two most recent consecutive fiscal years in accordance with subparagraph 1. above.

3. Only audited financial statements of the applicant will be accepted. Audited financial statements of any part of the applicant, including but not limited to subsidiaries, divisions, specific facilities or cost centers, will not qualify as an audit of the applicant. Nor shall the audited financial statements of the applicant's parent corporation qualify as an audit of the applicant.

(d) To comply with Section 408.037(1)(b)1., F.S., which requires a listing of all capital projects, the applicant shall provide the total approximate amount of anticipated expenditures for capital projects which meet the definition in subsection 59C-1.002(7), F.A.C., at the time of initial application submission, or state that there are none. An itemized list or grouping of capital projects is not required, although an applicant may choose to itemize or group its capital projects. The applicant shall also indicate the actual or proposed financial commitment to those projects, and include an assessment of the impact of those projects on the applicant's ability to provide the proposed project; and

(e) Responses to applicable questions contained in the application forms.

(5) Identifiable Portions. If an applicant would like to be considered for an award of an identifiable portion of the project, the application, at the time of submission, must include responses to the applicable questions on the identifiable portion. The agency may make a partial award only if the applicant included responses to the applicable questions in the application.

Rulemaking Specific Authority 408.034(6), 408.15(8) FS. Law Implemented 408.033, 408.037, 408.038, 408.039 FS. History—New 1-1-77, Amended 11-1-77, 9-1-78, 6-5-79, 2-1-81, 4-1-82, 7-29-82, 9-6-84, Formerly 10-5.08, Amended 11-24-86, 3-2-87, 6-11-87, 11-17-87, 3-23-88, 5-30-90, 12-20-90, 1-31-91, 9-9-91, 5-12-92, 7-1-92, 8-10-92, Formerly 10-5.008, Amended 4-19-93, 6-23-94, 10-12-94, 10-18-95, 2-12-96, 7-18-96, 9-16-96, 11-4-97, 7-21-98, 12-12-00, 4-2-01, 1-10-02, 6-26-03, 12-13-04, 9-28-05, _____.

59C-1.012 Administrative Hearing Procedures.

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

(e) The party appealing a final order that grants a general hospital certificate of need shall post a \$1 million bond as directed in Florida Statute 408.039(6)(d). The bond must be made payable to the appellee or appellees and must reference

the appealing party, the CON number being appealed, and the Division of Administrative Hearings (DOAH) case number. The bond needs to be sent to:

Agency for Health Care Administration
Attention: Agency Clerk
2727 Mahan Drive, MS #3
Tallahassee, Florida 32308

Rulemaking Specific Authority ~~408.034(6), 408.15(8) FS. Law Implemented 408.039(5), 408.039(6), 120.57, 120.59 FS. History—New 1-1-77, Amended 9-1-78, 6-5-79, 10-23-79, 4-25-80, Formerly 10-5.12, Amended 11-24-86, 11-17-87. Formerly 10-5.012, Amended 12-14-92,_____.~~

AGENCY FOR HEALTH CARE ADMINISTRATION
Hospital and Nursing Home Reporting Systems and Other Provisions Relating to Hospitals

RULE NO.: 59E-7.012 RULE TITLE: Inpatient Data Reporting and Audit Procedures

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 35, No. 18, May 8, 2009 issue of the Florida Administrative Weekly has been withdrawn.

AGENCY FOR HEALTH CARE ADMINISTRATION
Hospital and Nursing Home Reporting Systems and Other Provisions Relating to Hospitals

RULE NO.: 59E-7.024 RULE TITLE: Reporting Instructions.

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 35, No. 18, May 8, 2009 issue of the Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Commission

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

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 35, No. 8, February 27, 2009 issue of the Florida Administrative Weekly.

THE FULL TEXT OF THE PROPOSED RULE IS:

61J2-24.002 Citation Authority.

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

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

VIOLATION	FINE
(a) through (d) No change.	\$300.00
(e) Section 475.22(1), F.S. and Rule 61J2-10.022, F.A.C. – failed to maintain the required office as prescribed.	\$5 200.00
(f) No change.	
(g) Section 475.22(2), F.S. – failed to register an out of state Florida broker's office.	\$5 400.00
(h) No change.	
(i) Section 475.25(1)(b) and (d), F.S. – misconduct involving economic loss resulting in full restitution to the complainant.	\$300.00
(j) Section 475.25(1)(k), F.S. and paragraph 61J2-14.010(1) 61J2-14.008(1)(d), F.A.C. – failed to immediately deposit trust funds provided the deposit is not more than 3 days late.	\$200.00
(k) Section 475.25(1)(m) and 61J2-3.009, F.S.	\$200.00
1. Renewed a license without completing the continuing education requirement and the act is discovered by the DBPR but the licensee has completed the continuing education requirements within thirty (30) days after his or her renewal date.	and completion of the continuing education requirement for the previous renewal cycle
2. Renewed a license without completing the continuing education requirement and the act is discovered by the DBPR but the licensee has completed the continuing education requirements within ninety (90) days after his or her renewal date.	\$500.00 and completion of the continuing education requirement for the previous renewal cycle

3. Renewed a license without having complied with Rule 61J2-3.009, F.A.C., and voluntarily notified the DBPR more than thirty (30) days but no more than 90 days after the renewal cycle ended.	\$500.00 and completion of the continuing education requirement for the previous renewal cycle
(j)(4) Section 475.25(1)(q), F.S. – failed to give the appropriate disclosure or notice at the appropriate time under the provisions of Section 475.2755 or 475.278, F.S., (A citation may only be given for a first time violation.)	\$300.00
(k)(m) Section 475.25(1)(r), F.S. – failed to include the required information in a listing agreement; failed to give a copy to a principal within 24 hours; contains a self renewal clause	\$200.00
(l)(n) Section 475.42(1)(b), F.S. – sales associate operating as a sales associate without a registered employer due to failure to renew or properly register	\$500.00
(m)(o) Section 475.42(1)(j), F.S. – having a lis pendens placed by an attorney (Citation may be issued only if no other violation is present).	\$500.00
(n)(p) Section 475.42(1)(k), F.S. and Rule 61J2-10.034, F.A.C. – operated as a broker under a tradename without causing the trade name to be noted in the records of the Commission.	\$5400.00
(o)(p) Section 475.451(3), F.S. – failed to obtain a multiple permit.	\$500.00
(p)(q) Section 475.451(2), F.S. – advertised false, inaccurate, misleading, or exaggerated information.	\$500.00
(r)(s) Section 475.451(4), F.S. – failed to have a distinctive separation in a joint advertisement of a school with an affiliated broker.	\$100.00
(s)(t) Subsection 61J2-3.008(6), F.A.C. – failed to certify classroom attendance per occurrence.	\$300.00
(q)(t) Paragraph 61J2-3.009(4)(d) 61J2-3.009(5)(e), F.A.C. – failed to have a distance education course instructor available per published schedule.	\$300.00
(r)(u) Subsection 61J2-3.009(5)(a), F.A.C. – failed to inform students of course standards and requirements.	\$100.00
(s)(v) Subsection 61J2-3.015(2), F.A.C. – failed to provide a course completion report to a student; if a licensee, as the result of an audit/inspection, failed to provide a course completion report to the DBPR.	\$200.00
(t)(w) Rule 61J2-5.016, F.A.C. – sales associate or broker associate serving as an officer or director of a registered brokerage corporation	\$200.00
(u)(x) Subsection 61J2-5.019(1), F.A.C. – failed to ensure that the corporation or partnership is properly registered; failed to ensure each officer, director and sales associate is properly licensed.	\$5200.00
(v)(y) Rule 61J2-10.025, F.A.C. – advertised in a manner in which a reasonable person would not know one is dealing with a real estate licensee or brokerage; failed to include the registered name of the brokerage firm in the advertisement; failed to use the licensee's last name as registered with the Commission in an advertisement. (w)(z) Rule 61J2-10.027, F.A.C. – used the name or identification of an association or organization when the licensee was not in good standing or otherwise not entitled to use same.	\$5200.00 \$300.00
(x)(aa) Subsection 61J2-10.032(1), F.A.C. – broker failed to notify the Commission within the prescribed 15 business days but does so within 25 business days; or, if a Notice of Noncompliance has been issued pursuant to Rule 61J2-24.003, F.A.C. and not timely complied with, failed to notify the Commission within 45 days but does so within 55 days.	\$100.00

(y)(bb) (ee) Subsection 61J2-10.032(1) and (2), F.A.C. – broker failed to institute a settlement procedure within the prescribed 30 business days but does so within 40 business days; or, if a Notice of Noncompliance has been issued pursuant to Rule 61J2-24.003, F.A.C. and not timely complied with, failed to institute a settlement procedure within 60 days but does so within 70 days.	\$100.00
(z)(ee) (dd) Subsection 61J2-10.032(2), F.A.C. – broker failed to notify the Commission that the dispute settled or went to court, or of the final accounting and disbursement within the prescribed 10 business days but broker does so within 20 business days; or, if a Notice of Noncompliance has been issued pursuant to Rule 61J2-24.003, F.A.C. and not timely complied with, failed to notify the Commission that the dispute settled or went to court, or of the final accounting and disbursement within 40 days but does so within 50 days.	\$100.00
(aa)(dd) (ee) Rule 61J2-10.038, F.A.C. – failed to <u>timely</u> notify the DBPR of the current mailing address or any change in the current mailing address.	\$5400.00
(bb)(ee) Subsection 61J2-14.008(2)(b), F.A.C. – <u>Second offense failure to indicate the name, address and telephone number of the title company or attorney on the contract.</u>	\$200.00
(ff) 61J2-14.012(2), <u>failure to properly reconcile an escrow account when the account balances.</u>	\$100.00
(cc)(ff) Subsection 61J2-14.008(2)(b) 61J2-14.014(1) , F.A.C. – <u>Second offense failure to provide Seller's broker, or Seller if not presented by a broker, within ten (10) business days of the date the Licensee's broker made the written request for verification of the deposit with either a copy of the written verification, or if no verification is received by Licensee's broker, written notice that Licensee's broker did not receive verification of the deposit.</u>	\$500.00
(gg) Subsection 61J2-14.012(1), F.A.C. – <u>failed to secure the written permission of all interested parties prior to placing trust funds in an interest bearing escrow account.</u>	\$300.00
(dd)(gg) (hh) Subsection 61J2-14.014(2), F.A.C. – failed to properly reconcile an escrow account when the account balances.	\$5400.00
(ee)(hh) Subsection 61J2-14.012(1), F.A.C. – <u>failed to secure the written permission of all interested parties prior to placing trust funds in an interest bearing escrow account.</u>	\$300.00
(ii) Subsection 61J2-17.013(1), F.A.C. – <u>guaranteed that a pupil would pass an examination.</u>	\$500.00
(ff)(ii) Subsection 61J2-14.014(2), F.A.C. – <u>failed to stop interest from accruing prior to disbursement.</u>	\$100.00
(jj) <u>Failed to register a school location.</u>	\$5400.00
(gg)(jj) Subsection 61J2-17.013(1), F.A.C. – <u>guaranteed that a pupil would pass an examination.</u>	\$500.00
(kk) Rule 61J2-17.014, F.A.C. – <u>improper use of a guest lecturer</u>	\$100.00
(hh)(kk) <u>Failure to register a school location.</u>	\$500.00
(ll) Rule 61J2-17.015, F.A.C. – <u>failed to post the required language regarding recruitment for employment; recruiting for employment opportunities during class time.</u>	\$300.00
(ii)(ll) (kk) Rule 61J2-17.014, F.A.C. – <u>improper use of a guest lecturer.</u>	\$100.00
(mm) Rule 61J2-10.038, F.A.C. – <u>failed to notify the DBPR of any change in address of a branch office within 10 days of the change in the current mailing address.</u>	

(j)(mm) Rule 61J2-17.015, F.A.C. – failed to post the required language regarding recruitment for employment; recruiting for employment opportunities during class time.	\$300.00
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(3) through (5) No change.

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

NAME OF PERSON ORIGINATING PROPOSED RULE:
Florida Real Estate Commission

NAME OF SUPERVISOR OR PERSON WHO APPROVED
THE PROPOSED RULE: Florida Real Estate Commission

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: September 5 ~~February 19~~, 2008

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF HEALTH

Board of Chiropractic

RULE NO.:	RULE TITLE:
64B2-11.001	Application for Licensure Examination

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 35, No. 16, April 24, 2009 issue of the Florida Administrative Weekly.

The correction is as follows:

The Rule Development publication date listed in the Notice of Proposed Rulemaking should read:

DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN THE FAW: January 23, 2009

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

DEPARTMENT OF HEALTH

Board of Orthotists and Prosthetists

RULE NO.:	RULE TITLE:
64B14-5.002	Continuing Education Requirement

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 35, No. 17, May 1, 2009 issue of the Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF HEALTH

Division of Family Health Services

RULE NOS.:	RULE TITLES:
64F-9.001	Definitions
64F-9.002	Eligibility for ESP Services
64F-9.003	Individual Action Plan (IAP)
64F-9.004	Prevention Program Activities
64F-9.005	ESP Reporting Requirements

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 35, No. 11, March 20, 2009 issue of the Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF FINANCIAL SERVICES

Division of State Fire Marshal

RULE NO.:	RULE TITLE:
69A-3.012	Standards of the National Fire Protection Association and Other Standards Adopted

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 35, No. 7, February 20, 2009 issue of the Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF FINANCIAL SERVICES

Division of State Fire Marshal

RULE NO.:	RULE TITLE:
69A-60.008	Notice required for buildings with light-frame truss-type construction

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 35, No. 7, February 20, 2009 issue of the Florida Administrative Weekly has been withdrawn.

Section IV Emergency Rules

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.”