

DEPARTMENT OF HEALTH

Board of Psychology

RULE NO.: 64B19-18.004
 RULE TITLE: Use of Test Instruments
 PURPOSE AND EFFECT: The Board proposes the rule amendment to enlarge the conditions under which a licensed psychologist may sign an evaluation or assessment based on the use of test instruments.
 SUBJECT AREA TO BE ADDRESSED: Signatures required for evaluations or assessments.
 SPECIFIC AUTHORITY: 490.004(4) FS.
 LAW IMPLEMENTED: 490.003(4), 490.009(1)(r), (s), (v), (w) 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: Susan Love, Executive Director, Board of Psychology, 4052 Bald Cypress Way, Bin C05, Tallahassee, Florida 32399-3253

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

- 64B19-18.004 Use of Test Instruments.
 - (1) through (4) No change.
 - (5) It shall be a violation of this rule for a psychologist to sign any evaluation or assessment unless the psychologist has had an active role in the evaluation or assessment of the subject as required by subsection (4) of this rule. A psychologist may not sign any evaluation or assessment that is signed by any other person unless the psychologist is signing as a supervisor, in conjunction with an evaluation or assessment performed by an psychological intern, psychological trainee or psychological resident, or as a member of a multidisciplinary diagnostic team.
 - (6) No change.

Specific Authority 490.004(4) FS. Law Implemented 490.003(4), 490.009(1)(r), (s), (v), (w) FS. History–New 6-14-94, Formerly 61F13-20.004, Amended 5-19-97, Formerly 54AA-18.004, Amended 3-25-02,_____.

DEPARTMENT OF HEALTH

Board of Speech-Language Pathology and Audiology

RULE NO.: 64B20-2.003
 RULE TITLE: Provisional License; Requirements
 PURPOSE AND EFFECT: In this amendment, the Board proposes to clarify when a provisional license expires.
 SUBJECT AREA TO BE ADDRESSED: Provisional License; Requirements.

SPECIFIC AUTHORITY: 468.1135(4) FS.
 LAW IMPLEMENTED: 468.1145(2), 468.1155 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: Pamela King, Executive Director, Board of Speech Language Pathology and Audiology, 4052 Bald Cypress Way, Bin #06, Tallahassee, Florida 32399-3253

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

- 64B20-2.003 Provisional License; Requirements.
 - (1) through (4) No change.
 - (5) A provisional license shall be valid for a period of 18 months from the date of issuance or until a license to practice Speech-Language Pathology or Audiology pursuant to Section 468.1185, F.S., is issued.

Specific Authority 468.1135(4) FS. Law Implemented 468.1145(2), 468.1155 FS. History–New 3-14-91, Amended 12-4-91, Formerly 21LL-2.003, Amended 11-30-93, Formerly 61F14-2.003, Amended 9-26-95, Formerly 59BB-2.003, Amended _____.

**Section II
Proposed 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.”

**LAND AND WATER ADJUDICATORY COMMISSION
Julington Creek Plantation Community Development District**

RULE NO.: 42T-1.002
 RULE TITLE: Boundary
 PURPOSE AND EFFECT: The Petition was filed by the Julington Creek Plantation Community Development District with its registered office located at 123 South Calhoun Street, Tallahassee, Florida 32301. The Petition proposes to modify the land area presently serviced by the District by amending its boundary to add 26.86 acres to the District located solely within St. Johns County, Florida. The District currently covers approximately 4,119 acres of land and after amendment the District will encompass approximately 4,145.86 acres.

Petitioner has obtained written consent to amend the boundaries of the District from the owners of 100% of the real property comprising the expansion parcel. The District intends to construct, acquire or install recreation improvements (recreation complex) for the expansion parcel as outlined in the District's Improvement Plan.

SUMMARY: The Petition was filed by the Julington Creek Plantation Community Development District with its registered office located at 123 South Calhoun Street, Tallahassee, Florida 32301. The Petition proposes to modify the land area presently serviced by the District by amending its boundary to add 26.86 acres to the District located solely within St. Johns County, Florida. The District currently covers approximately 4,119 acres of land and after amendment the District will encompass approximately 4,145.86 acres. Petitioner has obtained written consent to amend the boundaries of the District from the owners of 100% of the real property comprising the expansion parcel. The District intends to construct, acquire or install recreation improvements (recreation complex) for the expansion parcel as outlined in the District's Improvement Plan.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: In association with the Petition, the Petitioner has caused a Statement of Estimated Regulatory Costs ("SERC") to be prepared in compliance with Section 120.541, F.S. The complete text of the SERC is contained at Exhibit "8" to the Petition. By way of summary, the SERC estimates the principal individuals and entities likely to be required to comply with the amended rule are the District, the state, and St. Johns County, Florida. The SERC estimates that rule amendment implementation and enforcement costs to the above-described entities will be minimal and/or are offset by the payment of requisite filing and annual fees; and, estimates there will be no negative impact on state and local revenues from the proposed amendment of the rule. With respect to an estimate of the transactional costs likely to be incurred by individuals and entities required to comply with the requirements of the rule, the SERC indicates that to fund the cost of maintaining infrastructure, assessments and fees will be imposed on the District property owners. The proposed lands to be added to the boundaries of the District are owned by the District and as such these lands will be exempt from non-ad valorem assessments. The District acquired these lands in 2006 in anticipation of constructing a new recreation center for the District. Finally, the SERC concludes that the amendment of the District's boundary will have no impact on small businesses and should not have negative impact on small counties and cities as defined in Section 120.52, F.S., St. Johns County is not a small county as defined by Section 120.52, F.S. According to the SERC, the SERC analysis is based on a straightforward application of economic theory and input was received from the District's Engineer and other professionals associated with the District.

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

SPECIFIC AUTHORITY: 190.005, 190.046 FS.

LAW IMPLEMENTED: 190.004, 190.005, 190.046 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:

DATE AND TIME: Monday, October 1, 2007, 1:00 p.m.

PLACE: The Capitol, Conference Room 2103, 21st Floor, 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 two days before the workshop/meeting by contacting: Barbara Leighty, Senior Policy Analyst, Florida Land and Water Adjudicatory Commission, The Capitol, Room 1802, Tallahassee, Florida 32399-0001, (850)487-1884. 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: Barbara Leighty, Senior Policy Analyst, Florida Land and Water Adjudicatory Commission, The Capitol, Room 1802, Tallahassee, Florida 32399-0001, (850)487-1884

THE FULL TEXT OF THE PROPOSED RULE IS:

42T-1.002 Boundary.

The boundaries of the district are as follows:

PARCEL "A"

A portion of Sections 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 49, 54, and 57, Township 4 South, Range 27 East, St. Johns County, Florida, together with a portion of Sections 2, 4, and 5, Township 5 South, Range 27 East, St. Johns County, Florida, all being more particularly described as follows:

For a Point of Beginning, commence at the point of intersection of the Easterly right-of-way line of State Road No. 13, as now established for a width of 100 feet, with the Southwesterly right-of-way line of Racetrack Road, as now established for a width of 66 feet, said point being the Northwest corner of the aforementioned Julington Creek Unit One, according to plat thereof recorded in Map Book 16, Pages 35-51, of the Public Records of the aforementioned St. Johns County, Florida; thence South 76°22'54" East, along said Southwesterly right-of-way line of Racetrack Road, a distance of 876.51 feet; thence North 13°37'06" East, a distance of 66.00 feet to a point lying in the Northeasterly right-of-way line of said Racetrack Road, said point being the most Westerly corner of Tract "A", as shown on the aforementioned plat of Julington Creek Unit Two recorded in Map Book 16, Pages

52-63, Public Records, said County; thence along the Northerly boundary of said Tract "A" and Easterly prolongation thereof, North $89^{\circ}13'56''$ East, a distance of 1044.60 feet to a point lying in the Westerly boundary of said Julington Creek Unit Two; thence along and with the boundary of said Julington Creek Unit Two the following courses: North $00^{\circ}55'04''$ West, a distance of 2895.00 feet; thence North $65^{\circ}37'46''$ East, a distance of 261.31 feet to the point of curvature of a curve to the right, said curve being concave to the Southwest, having a radius of 270.00 feet and a central angle of $56^{\circ}49'50''$; thence 267.81 feet Southeasterly, around the arc of said curve, to the point of tangency thereof, said arc being subtended by a chord which bears South $85^{\circ}57'19''$ East, a distance of 256.96 feet; thence South $57^{\circ}32'24''$ East, a distance of 535.49 feet to the point of curvature of a curve to the left, said curve being concave to the Northeast, having a radius of 530.00 feet and a central angle of $15^{\circ}32'00''$; thence 143.69 feet Southeasterly, around the arc of said curve, to the point of tangency thereof, said arc being subtended by a chord which bears South $65^{\circ}18'24''$ East, a distance of 143.25 feet; thence South $73^{\circ}04'24''$ East, a distance of 287.74 feet to the point of curvature of a curve to the left, said curve being concave to the North, having a radius of 490.40 feet and a central angle of $33^{\circ}03'19''$; thence 282.92 feet Southeasterly, around the arc of said curve, to the point of tangency thereof, said arc being subtended by a chord which bears South $89^{\circ}36'04''$ East, a distance of 279.02 feet; thence North $73^{\circ}52'17''$ East, a distance of 359.21 feet to the Northerly corner common to said Julington Creek Unit Two and the aforementioned Julington Creek Unit Three, according to plat thereof recorded in Map Book 16, Pages 64-88, Public Records, said County; thence along and with the boundary of said Julington Creek Unit Three the following courses: North $73^{\circ}52'17''$ East, a distance of 116.99 feet to the point of curvature of a curve to the right, said curve being concave to the South, having a radius of 470.00 feet and a central angle of $35^{\circ}29'03''$; thence 291.08 feet Southeasterly, around the arc of said curve, to the point of tangency thereof, said arc being subtended by a chord which bears South $88^{\circ}23'11''$ East, a distance of 286.45 feet; thence South $70^{\circ}38'40''$ East, a distance of 1031.69 feet to the point of curvature of a curve to the right, said curve being concave to the Southwest, having a radius of 2260.00 feet and a central angle of $04^{\circ}59'59''$; thence 197.21 feet Southeasterly, around the arc of said curve, to the point of tangency thereof, said arc being subtended by a chord which bears South $68^{\circ}08'40''$ East, a distance of 197.15 feet; thence South $65^{\circ}38'41''$ East, a distance of 135.97 feet; thence South $00^{\circ}36'59''$ East, a distance of 622.42 feet; thence South $89^{\circ}24'51''$ West, a distance of 294.90 feet; thence South $00^{\circ}34'55''$ East, a distance of 1624.92 feet; thence South $76^{\circ}25'30''$ East, a distance of 1360.52 feet; thence North $00^{\circ}33'43''$ West, a distance of 1957.64 feet; thence South $89^{\circ}23'37''$ West, a distance of 324.80 feet; thence North $00^{\circ}36'59''$ West, a distance of 504.45 feet to a point lying in the

Southerly right-of-way line of Bishop Estates Road, as now established for a width of 60 feet; thence along said Southerly right-of-way line, and continuing along and with the boundary of said Julington Creek Unit Three, North $72^{\circ}46'03''$ East, a distance of 847.61 feet to the point of curvature of a curve to the right, said curve being concave to the South, having a radius of 559.55 feet and a central angle of $38^{\circ}38'26''$; thence 377.36 feet Easterly, around the arc of said curve, to the point of tangency thereof, said arc being subtended by a chord which bears South $87^{\circ}54'44''$ East, a distance of 370.25 feet; thence South $68^{\circ}35'31''$ East, a distance of 1163.87 feet to the point of curvature of a curve to the right, said curve being concave to the Southwest, having a radius of 896.04 feet, and a central angle of $14^{\circ}33'05''$; thence 227.57 feet Southeasterly, around the arc of said curve, to the point of tangency thereof, said arc being subtended by a chord which bears South $61^{\circ}18'59''$ East, a distance of 226.96 feet; thence South $54^{\circ}02'26''$ East, a distance of 621.97 feet to the point of curvature of a non-tangent curve to the left, said curve being concave to the Northeast, having a radius of 654.89 feet and a central angle of $35^{\circ}19'25''$; thence 403.75 feet Southeasterly, around the arc of said curve, said arc being subtended by a chord which bears South $71^{\circ}42'08''$ East, a distance of 397.38 feet; thence North $89^{\circ}21'50''$ East, a distance of 321.10 feet to the point of curvature of a non-tangent curve to the right, said curve being concave to the South, having a radius of 690.01 feet and a central angle of $25^{\circ}21'57''$; thence 305.48 feet Easterly, around the arc of said curve, said arc being subtended by a chord which bears South $76^{\circ}40'52''$ East, a distance of 302.99 feet; thence South $63^{\circ}59'54''$ East, a distance of 158.64 feet to the point of curvature of a curve to the left, said curve being concave to the Northeast, having a radius of 1268.20 feet, and a central angle of $42^{\circ}29'40''$; thence 940.59 feet Southeasterly, around the arc of said curve, to a point of reverse curvature, said arc being subtended by a chord which bears South $85^{\circ}14'44''$ East, a distance of 919.18 feet to said point of reverse curvature of a curve to the right, said curve being concave to the South, having a radius of 228.00 feet and a central angle of $20^{\circ}36'14''$; thence 81.99 feet Northeasterly, around the arc of said curve, to the point of tangency thereof, said arc being subtended by a chord which bears North $83^{\circ}48'33''$ East, a distance of 81.55 feet; thence South $85^{\circ}53'20''$ East, a distance of 328.46 feet to the Northerly corner common to said Julington Creek Unit Three and the aforementioned Julington Creek Unit Four, according to plat thereof recorded in Map Book 16, Pages 89-111, Public Records, said County; thence along and with the boundary of said Julington Creek Unit Four the following courses: South $85^{\circ}53'20''$ East, a distance of 171.26 feet to the point of curvature of a curve to the right, said curve being concave to the South, having a radius of 690.01 feet, and a central angle of $20^{\circ}15'14''$; thence 243.92 feet Easterly, around the arc of said curve, to the point of tangency thereof, said arc being subtended by a chord which bears South $75^{\circ}45'43''$ East, a

distance of 242.65 feet; thence South 65°38'06" East, a distance of 299.43 feet to the point of curvature of a curve to the left, said curve being concave to the Northeast, having a radius of 1451.18 feet, and a central angle of 16°27'36"; thence 416.90 feet Southeasterly, around the arc of said curve, to the point of tangency thereof, said arc being subtended by a chord which bears South 73°51'54" East, a distance of 415.47 feet; thence South 82°05'42" East, a distance of 616.54 feet to the point of curvature of a curve to the right, said curve being concave to the Southwest, having a radius of 1642.47 feet, and a central angle of 00°17'36"; thence 8.41 feet Southeasterly, around the arc of said curve, said arc being subtended by a chord which bears South 81°56'54" East, a distance of 8.41 feet to a point of intersection with the Southerly prolongation of the most Westerly boundary of the aforementioned Julington Creek Unit Six, according to plat thereof recorded in Map Book 17, Pages 22-52, Public Records, said County; thence along and with said Westerly boundary and Southerly prolongation thereof, and along and with the boundary of said Julington Creek Unit Six the following courses: North 00°36'03" East, a distance of 319.20 feet to an angle point in the boundary of said Julington Creek Unit Six; thence North 03°08'57" West, a distance of 230.12 feet; thence North 02°45'57" West, a distance of 284 feet, more or less, to the mean high water line of Durbin Creek; thence Southeasterly and Easterly, along said mean high water line of Durbin Creek and the meanderings thereof, a distance of 9880 feet, more or less, to the East line of Section 35 of the aforementioned Township 4 South, Range 27 East; thence South 01°33'04" East, along said East line of Section 35, a distance of 3752 feet, more or less, to a point lying in the aforementioned Northeasterly right-of-way line of Racetrack Road; thence South 76°22'54" East, along said Northeasterly right-of-way line, a distance of 147.01 feet to the most Westerly corner of Tract "A", as shown on the aforementioned plat of Julington Creek Unit Seven recorded in Map Book 18, Pages 6-32, Public Records, said County; thence North 89°11'36" East, along the Northerly boundary of said Julington Creek Unit Seven, a distance of 2538.40 feet to the Northeast corner thereof; thence along the Easterly boundary of said Julington Creek Unit Seven, and along the extension of said Easterly boundary across the aforementioned Racetrack Road, South 00°33'34" East, a distance of 1320.75 feet to a point lying in the line dividing the aforementioned Townships 4 and 5 South, Range 27 East, said point being the Southeast corner of said Julington Creek Unit Seven; thence continue along and with the boundary of said Julington Creek Unit Seven the following courses: South 89°13'19" West, a distance of 2656.47 feet to the Southeast corner of the aforementioned Section 35, Township 4 South, Range 27 East; thence South 89°15'04" West, a distance of 660.28 feet; thence North 01°36'48" West, a distance of 1320.37 feet; thence South 89°13'37" West, a distance of 664.62 feet; thence South 01°47'18" East, a distance of 1320.15 feet; thence South 02°14'04" East, a

distance of 1340.96 feet; thence South 89°33'39" West, a distance of 662.34 feet; thence North 02°10'39" West, a distance of 1336.69 feet; thence South 89°12'29" West, a distance of 660.57 feet; thence South 89°13'36" West, a distance of 2641.92 feet; thence South 89°14'24" West, a distance of 2676.55 feet; thence South 89°14'31" West, a distance of 1369.31 feet to the Southerly corner common to said Julington Creek Unit Seven and the aforementioned Julington Creek Unit Eight, according to plat thereof recorded in Map Book 18, Pages 33 through 51, Public Records, said County; thence along and with the boundary of said Julington Creek Unit Eight the following courses: South 89°14'31" West, a distance of 1258.94 feet; thence South 00°48'07" East, a distance of 1331.35 feet; thence South 00°47'45" East, a distance of 2682.06 feet; thence South 89°35'54" West, a distance of 2649.95 feet; thence South 89°33'43" West, a distance of 1328.72 feet; thence South 89°31'34" West, a distance of 1342.28 feet; thence South 89°26'51" West, a distance of 1345.27 feet; thence North 00°44'34" West, a distance of 1341.60 feet; thence North 00°39'54" West, a distance of 295.39 feet to the Westerly corner common to said Julington Creek Unit Eight and the aforementioned Julington Creek Unit Nine, according to plat thereof recorded in Map Book 18, Pages 77-121, Public Records, said County; thence along and with the boundary of said Julington Creek Unit Nine the following courses: North 00°39'54" West, a distance of 1024.75 feet; thence North 89°28'29" East, a distance of 1342.18 feet; thence North 00°28'51" West, a distance of 1322.45 feet; thence South 89°28'29" West, a distance of 1342.18 feet; thence North 00°28'51" West, a distance of 379.92 feet to the centerline of Cunningham Creek; thence Westerly along a meander line that approximates the centerline of said Cunningham Creek as follows: North 58°00'56" West, a distance of 135.23 feet; thence South 88°24'34" West, a distance of 220.36 feet; thence North 70°24'07" West, a distance of 355.69 feet; thence South 76°06'53" West, a distance of 348.16 feet; thence South 89°11'02" West, a distance of 300.67 feet; thence North 83°03'30" West, a distance of 252.48 feet; thence North 80°29'16" West, a distance of 336.30 feet; thence North 88°42'35" West, a distance of 311.27 feet; thence South 71°01'54" West, a distance of 85.28 feet; thence North 85°52'03" West, a distance of 313.97 feet; thence South 58°08'46" West, a distance of 305.31 feet; thence South 88°56'58" West, a distance of 160.43 feet; thence South 68°08'31" West, a distance of 239.34 feet; thence South 88°49'46" West, a distance of 474.71 feet; thence North 38°38'53" West, a distance of 193.24 feet; thence North 87°42'49" West, a distance of 351.51 feet; thence South 70°43'49" West, a distance of 537.95 feet; thence South 59°45'23" West, a distance of 666.17 feet to a point lying in the aforementioned Easterly right-of-way line of State Road No. 13; thence North 04°51'47" East, along said Easterly right-of-way line, a distance of 1961.82 feet to the Westerly corner common to said Julington Creek Unit Nine and the

aforementioned Julington Creek Unit One, according to plat thereof recorded in Map Book 16, Pages 35-51, Public Records, said County; thence along and with the boundary of said Julington Creek Unit One the following courses: North 04°51'47" East, a distance of 2087.46 feet to an angle point in said boundary; thence North 88°25'39" East, departing said Easterly right-of-way line of State Road No. 13, a distance of 191.74 feet; thence North 00°18'11" West, a distance of 833.50 feet; thence North 89°13'41" East, a distance of 676.09 feet; thence South 00°17'20" East, a distance of 160.48 feet; thence North 89°15'59" East, a distance of 670.35 feet; thence North 00°16'32" West, a distance of 660.03 feet; thence South 89°17'37" West, a distance of 670.00 feet; thence South 89°17'50" West, a distance of 747.26 feet to a point lying in the aforementioned Easterly right-of-way line of State Road No. 13; thence North 04°51'47" East, along said Easterly right-of-way line, a distance of 1490.97 feet to the Point of Beginning.

Containing 4,270 acres, more or less.

1) EXCEPTING THEREFROM, however, lands described and recorded in Official Records Volume 569, Page 331, and Official Records Volume 790, Page 554, and also lands described and recorded in Official Records Volume 910, Page 1091 (including the EXCEPTION mentioned therein), all of the Public Records of St. Johns County, Florida, and containing 29.13 acres, more or less.

2) EXCEPTING THEREFROM, however, lands described and recorded in Official Records Volume 721, Page 1090, of the Public Records of St. Johns County, Florida, and containing 5.16 acres, more or less.

3) EXCEPTING THEREFROM, however, lands described and recorded in Official Records Volume 716, Page 690, and Official Records Volume 878, Page 92, all of the Public Records of St. Johns County, Florida, and containing 10.20 acres, more or less.

4) EXCEPTING THEREFROM, however, the First Replat in Julington Creek Unit One, as recorded in Map Book 26, Pages 82 and 83, of the Public Records of St. Johns County, Florida, and containing 31.53 acres, more or less.

5) EXCEPTING THEREFROM, however, all of Tracts G-5, G-6 and G-7, all of Lots 1 through 52, Block 5, and all of Lots 1 through 39, Block 6, together with the road rights-of-way known as Larkspur Loop, Canna Court, Catalpa Court, and Calico Court, all as shown on plat of Julington Creek Unit One as recorded in Map Book 16, Pages 35 through 51, of the Public Records of St. Johns County, Florida, and containing 39.41 acres, more or less.

6) EXCEPTING THEREFROM, however, all of Lots 1 through 11, Block 7, and the road right-of-way known as Little Loop, all as shown on plat of Julington Creek Unit One as recorded in Map Book 16, Pages 35 through 51, of the Public Records of St. Johns County, Florida and containing 6.85 acres, more or less.

7) EXCEPTING THEREFROM, however, all of Tracts G-1, G-2, G-13 and G-14, all of Lots 1 through 21, Block 41, all of Lots 1 through 24, Block 42, all of Lots 1 through 11, Block 43, all of Lots 1 through 20, Block 44, all of Lots 1 through 5, Block 45, and all of Lots 1 through 14, Block 46, together with the road rights-of-way known as Linwood Loop, Castleberry Court, and Chesswood Court, all as shown on plat of Julington Creek Unit Five as recorded in Map Book 17, Pages 1 through 21, of the Public Records of St. Johns County, Florida, and containing 45.93 acres, more or less.

8) EXCEPTING THEREFROM, however, lands described and recorded in Official Records Volume 328, Page 644, and Official Records Volume 443, Page 451, of the Public Records of St. Johns County, Florida, together with a parcel of land being bounded on the North by Racetrack Road, as now established for a width of 66 feet, and bounded on the West by the aforementioned lands described in Official Records Volume 443, Page 451, and bounded on the South and the East by the aforementioned lands described in Official Records Volume 328, Page 644, all as recorded in the Public Records of St. Johns County, Florida, and containing 53.94 acres, more or less.

9) EXCEPTING THEREFROM, however, lands described and recorded in Official Records Volume 350, Page 229, of the Public Records of St. Johns County, Florida, and containing 10.80 acres, more or less.

10) EXCEPTING THEREFROM, however, all of Tract F as shown on plat of Julington Creek Unit Five as recorded in Map Book 17, Pages 1 through 21, of the Public Records of St. Johns County, Florida, and containing 5.73 acres, more or less.

11) AND FURTHER EXCEPTING THEREFROM, however, any portion of the above described lands lying within the rights-of-way of Racetrack Road, as now established for a width of 66 feet, or Bishop Estates Road, as now established for a width of 60 feet, or Orange Street as now established for a width of 60 feet, all of which contain 44.69 acres, more or less. Lands thus described, exclusive of all exceptions therein, contain 3,986 acres, more or less.

TOGETHER WITH,

PARCEL "B" (Record Description)

Part of Section 57, Rebecca Pengree Grant, Township 4 South, Range 27 East, Portions of Section 38, William Harvey Grant, Section 39, F.P. Fatio Grant, Section 42, Rebecca Pengree Grant, all being in Township 5 South, Range 27 East, St. Johns County, Florida, being more particularly described as follows:

For a Point of Reference, commence at the intersection of the line dividing Section 39 and Section 42 with the Southeasterly line of Section 38 aforementioned; run thence South 40°10'48" East along the dividing line of Sections 38 and 39, a distance of 945.12 feet, more or less, to the Westerly Right of Way line of State Road No. 13, as now established as a 100 foot Right of Way, said point lying and being in a curve concave Westerly, having a radius of 2814.79 feet, for a Point of Beginning;

thence in a Northerly direction, along the arc of said radius and Westerly Right of Way line of State Road No. 13, an arc length of 229.86 feet, said arc being subtended by a chord bearing North 21°07'03" East, a chord distance of 229.8 feet; thence North 53°25'45" West, a distance of 471.92 feet; thence North 36°34'15" East, a distance of 200.0 feet; thence South 53°25'45" East, a distance of 399.29 feet, more or less, to the Westerly Right of Way line of State Road No. 13, aforementioned; thence in a Northerly direction, along the arc of curve having a radius of 2814.79 feet and Westerly Right of Way line of State Road No. 13, an arc length of 487.38 feet to the P.C. of curve, said arc being subtended by a chord bearing of North 09°29'07" East, a chord distance of 486.78 feet; thence North 04°31'30" East, along the Westerly Right of way line of State Road No. 13, a distance of 3125 feet, more or less, to the waters of Cunningham Creek; thence in a Southwesterly and Southeasterly direction along the waters following the meandering of Cunningham Creek and Mill Creek respectively, a distance of 8000 feet, more or less, to the Westerly Right of Way line of State Road 13, aforementioned, said point being an arc distance of 310 feet, more or less, Southwesterly from the Point of Beginning; thence in a Northeasterly direction, along the arc of a curve having said radius of 2814.79 feet and Westerly Right of Way line of State Road No. 13, an arc distance of 310 feet, more or less, to the point of beginning.

EXCEPTING that portion of said Sections 39 and 42, Township 5 South, aforementioned, more particularly described as follows:

For a Point of Reference, commence at the intersection of the line dividing Section 39 and Section 42, with the Southeasterly line of said Section 38; run thence South 40°10'48" East along the dividing line of Sections 38 and 39, a distance of 945.12 feet, more or less, to the Westerly Right-of-Way line of State Road No. 13, aforementioned, for the Point of Beginning; thence in a Northerly direction, along the arc of said radius and Westerly Right of Way line of State Road No. 13, an arc length of 167.06 feet, said arc being subtended by a chord bearing North 21°45'24" East, a chord distance of 167.03 feet; thence North 53°25'45" West, a distance of 100.0 feet; thence South 26°16'55" West, a distance of 500 feet, more or less, to the waters of Mill Creek; thence in a Southeasterly direction, along the waters following the meanderings of Mill Creek, a distance of 110 feet, more or less, to the Westerly Right of Way line of State Road No. 13, aforementioned, said point being an arc distance of 310 feet, more or less, Southwesterly from the Point of Beginning; thence in a Northeasterly direction, along the arc of a curve having said radius of 2814.79 feet and Westerly Right of Way line of State Road No. 13, an arc distance of 310 feet, more or less, to the Point of Beginning.

Lands thus described, exclusive of all exceptions therein, contain 133 acres, more or less.

TOGETHER WITH,

A parcel of land, being a portion of said Section 3, Township 5 South, Range 27 East, St. Johns County, Florida, said parcel being more particularly described as follows:

For a point of reference, commence at the Northwest corner of said Section 3, Township 5 South, Range 27 East, St. Johns County, Florida, and run thence North 89°13'35" East, along the North line of said Section 3, (also being the South line of Section 34, Township 4 South, Range 27 East), a distance of 1,500.000 feet, to the Northeast corner of those lands described and recorded in that quit claim deed between Rayonier Timberlands Operating Company, L.P. to Aberdeen Development, L.L.C., recorded in Official Records Book 2036, Page 1221 of the current public records of said St. Johns County, Florida, and the Point of Beginning.

From the Point of Beginning thus described, continue North 89°13'35" East, along aforesaid North line of said Section 3, Township 5 South, Range 27 East, (also being the South line of said Section 34, Township 4 South, Range 27 East), a distance of 955.32 feet, to a point; run thence South 54°12'47" East, a distance of 777.71 feet, to a point; run thence South 00°46'25" East, a distance of 590.74 feet, to a point; run thence South 89°13'35" West, a distance of 595.49 feet, to a point; run thence North 54°08'17" West, a distance of 1,023.03 feet, to a point; run thence South 89°10'40" West, a distance of 163.26 feet, to a point on the aforesaid east line of said lands described and recorded in Official Records Book 2036, Page 1221 of the public records of said St. Johns County, Florida; run thence North 00°49'20" West, along the aforesaid East line of last said lands, a distance of 443.68 feet, to the aforesaid North line of said Section 3, and to the point of beginning.

The lands thus described, contains 1,170,088 square feet or 26.86 acres, more or less, in area.

Total Parcel Area ~~145.864119~~ acres, more or less.

Specific Authority 190.005, 190.046 FS. Law Implemented 190.004, 190.005, 190.046 FS. History--New 8-15-94, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Lisa Saliba, Florida Land and Water Adjudicatory Commission, Room 1801, The Capitol, Tallahassee, Florida 32399-0001

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Lisa Saliba

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 21, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 1, 2007

AGENCY FOR HEALTH CARE ADMINISTRATION**Medicaid**

RULE NO.: 59G-4.085
 RULE TITLE: Early Intervention Services

PURPOSE AND EFFECT: The purpose of this rule amendment is to incorporate by reference the Florida Medicaid Early Intervention Services Coverage and Limitations Handbook, August 2007. The handbook revisions include updated policies and procedures. The effect will be to incorporate by reference in the rule the Florida Medicaid Early Intervention Services Coverage and Limitations Handbook, August 2007.

SUMMARY: The purpose of this rule amendment is to incorporate by reference the Florida Medicaid Early Intervention Services Coverage and Limitations Handbook, August 2007. The effect will be to incorporate by reference in the rule the Florida Medicaid Early Intervention Services Coverage and Limitations Handbook, August 2007.

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

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

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.905, 409.908 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: Monday, September 24, 2007, 2:30 p.m.

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building #3, Conference Room D, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Samantha Dellosso, Agency for Health Care Administration, Bureau of Medicaid Services, 2727 Mahan Drive, MS 20, Tallahassee, Florida 32308, (850)922-7316, dellosss@ahca.myflorida.com

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-4.085 Early Intervention Services.

(1) No change.

(2) All Early Intervention Services providers enrolled in the Medicaid program must be in compliance with the Florida Medicaid Early Intervention Services Coverage and Limitations Handbook, August 2007 ~~October 2003, updated July 2005~~, incorporated by reference, and the Florida Medicaid Provider Reimbursement Handbook, CMS-1500, which is incorporated by reference in Rule 59G-4.001, F.A.C. Both handbooks are available from the Medicaid fiscal agent's website at <http://floridamedicaid.acs-inc.com>. Click on

Provider Support, and then on Handbooks. Paper copies of the handbooks may be obtained by calling the Medicaid fiscal agent Provider Inquiry at (800)377-8216.

(3) The following forms are incorporated by reference: Children's Medical Services Early Steps Certification for Provider of Early Intervention Services, AHCA Med-Serv Form 020, August 2007, one page; and Early Steps, Children's Medical Services, Medicaid Freedom of Choice/Conflict of Interest Statement, AHCA-Med Serv Form 021, August 2007, one page. These forms are available on the Early Steps provider website at <http://www.cms-kids.com/ESproviders.htm>.

The following form that is included in the Florida Medicaid Early Intervention Services Coverage and Limitations Handbook is incorporated by reference: Early Intervention Services Request to Exceed Medicaid Limitations Form, AHCA Med Serv Form 019, August 2007, four pages, Appendix B. The form is available by photocopying it from the Florida Medicaid Early Intervention Services Coverage and Limitations Handbook.

Specific Authority 409.919 FS. Law Implemented 409.905, 409.908 FS. History—New 2-1-94, Amended 4-30-00, 8-9-04, 5-22-06, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Samantha Dellosso

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Andrew Agwunobi, M.D.

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 14, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 8, 2007

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**Electrical Contractors' Licensing Board**

RULE NO.: 61G6-5.0061
 RULE TITLE: Registration of Additional New Business Entity or Transfers

PURPOSE AND EFFECT: The Board proposes the promulgation of the rule in order to establish criteria for registration of additional new business entity or transfers.

SUMMARY: Instruction for registration of additional new business entity or transfers will be established by the promulgation of the rule.

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

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

SPECIFIC AUTHORITY: 489.507(3), 489.511(3), 489.521(2), (3)(a) FS.

LAW IMPLEMENTED: 489.511(3), 489.521(2), (3)(a), (8) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Anthony Spivey, Executive Director, Electrical Contractors' Licensing Board, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G6-5.0061 Registration of Additional New Business Entity or Transfers.

(1) A registered qualifying agent who wishes to engage in contracting in his own name or in affiliation with another business entity shall be required to submit an application to the Department. The application shall be accompanied by the materials listed in Rule 61G6-5.004, F.A.C. The requirement of a minimum net worth does not apply to registered contractors applying under this rule. The application shall be accompanied by the application fee.

(2) The Application for registration is form number DBPR ECLB 4452-1, titled Application for Registered Electrical, Alarm System or Specialty Contractor, which is hereby incorporated by reference, copies of which may be obtained from the Board office or via the internet at: <http://www.myflorida.com/dbpr/pro/forms/elboard/index.shtml>. Applications. Applications must be completed and received thirty (30) calendar days prior to a meeting of the Board.

(3) If application is made by a qualifying agent to be a secondary qualifier for a business already registered by a registered qualifying agent, the already registered business need not resubmit the financial portion of the business application.

(4) If a transfer is requested by an already registered person to an already registered business entity, the business portion of the transfer application shall not be required. The credit report and financial statement of the registered person will also not be required.

Specific Authority 489.507(3), 489.511(3), 489.521(2), (3)(a) FS. Law Implemented 489.511(3), 489.521(2), (3)(a), (8) FS. History–New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Electrical Contractors' Licensing Board

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Electrical Contractors' Licensing Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 27, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 4, 2007

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Electrical Contractors' Licensing Board

RULE NO.: 61G6-6.017 RULE TITLE: Duration of Examination Scores

PURPOSE AND EFFECT: The Board proposes the rule promulgation in order to establish the duration of passing examination scores.

SUMMARY: The duration of a passing examination score will be valid for a period of two years from the date of the examination.

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

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

SPECIFIC AUTHORITY: 455.217(2) FS.

LAW IMPLEMENTED: 455.217(2), 489.511(1) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Anthony Spivey, Executive Director, Electrical Contractors' Licensing Board, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G6-6.017 Duration of Examination Scores.

For the purpose of certification, a passing examination score on any part of the examination shall be valid only for a period of two (2) years from the date of the examination.

Specific Authority 455.217(2) FS. Law Implemented 455.217(2), 489.511(1) FS. History–New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Electrical Contractors' Licensing Board

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Electrical Contractors' Licensing Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 27, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 27, 2007

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Electrical Contractors' Licensing Board

RULE NO.: 61G6-10.0065
 RULE TITLE: Reinstatement of Null and Void License Pursuant to Section 455.271(6)(b) of the Florida Statutes

PURPOSE AND EFFECT: The Board proposes the rule promulgation in order to provide instruction for reinstatement of a null and void license pursuant to Section 455.271(6)(b), F.S.

SUMMARY: The rule will provide instruction for reinstatement of a null and void license pursuant to Section 455.271(6)(b), F.S.

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

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

SPECIFIC AUTHORITY: 455.271(6)(b) FS.

LAW IMPLEMENTED: 455.271(6)(b) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Anthony Spivey, Executive Director, Electrical Contractors' Licensing Board, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G6-10.0065 Reinstatement of Null and Void License Pursuant to Section 455.271(6)(b) of the Florida Statutes.

An individual applying to have his or her null and void electrical contractor's certification or registration reinstated pursuant to Section 455.271(6)(b) of the Florida Statutes shall:

(1) Submit a Florida DBPR Electrical Contractor application (DBPR form PRO 4951) for reinstatement of a null and void electrical contractor's certification or registration in which the applicant shall:

(a) Answer questions regarding the applicant's education, employment, and criminal history;

(b) Submit a written statement and documentation of when the applicant's electrical contractor's certification or registration was last active and in good standing with the Board;

(c) Submit a written statement and documentation regarding whether or not the applicant has completed twelve (12) classroom hours of continuing education as set forth in

Rules 61G6-9.001, F.A.C., prior to the applicant's submission of his or her application for reinstatement of a null and void electrical contractor's certification or registration;

(d) Submit a written statement and documentation as to whether or not the applicant has engaged in the practice of electrical contracting during the time period the applicant's electrical contractor's certification or registration was null and void;

(e) Submit a written statement and documentation of the applicant's good faith effort to comply with Chapters 455 and 489 of the Florida Statutes and also the applicant's failure to comply due to illness or unusual hardship.

(f) Submit a written statement and documentation of the applicant's illness or unusual hardship which prevented the applicant from renewing his or her electrical contractor's certification or registration;

(h) Submit a written time-line that chronologically documents when the applicant's electrical contractor's certification or registration was last active, when the applicant's electrical contractor's certification or registration became null and void, when the applicant suffered his or her illness, and/or when the applicant experienced an unusual hardship that prevented the renewal of the electrical contractor's certification or registration;

(i) Submit an application (DBPR form ECLB 4453) requesting active or inactive license status, as appropriate, along with all applicable documentation.

(2) Pay a non-refundable application fee of \$250.00.

(3) Pay a \$250.00 fee for every licensure biennium that the applicant failed to renew his or her electrical contractor's certification or registration.

(4) Pay a \$50 delinquency fee.

(5) Pay a \$5 unlicensed activity fee for every licensure biennium that the applicant failed to renew his or her electrical contractor's certification or registration.

Specific Authority 455.271(6)(b) FS. Law Implemented 455.271(6)(b) FS. History--New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Electrical Contractors' Licensing Board

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Electrical Contractors' Licensing Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 18, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 27, 2007

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Geologists

RULE NO.: 61G16-8.001
 RULE TITLE: License and Certification Renewal and Reinstatement

PURPOSE AND EFFECT: The Board proposes the rule amendment to clarify reinstatement of null and void license as provided in Rule 61G16-4.004, F.A.C.

SUMMARY: The rule amendment will clarify reinstatement of null and void license as provided in Rule 61G16-4.004, F.A.C.

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

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

SPECIFIC AUTHORITY: 455.02(2), 455.271(6)(b),(9), 468.4315(3) FS.

LAW IMPLEMENTED: 455.02(2), 455.271(6)(b), (9) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Rick Morrison, Executive Director, Board of Professional Geologists, 1940 North Monroe Street, Tallahassee, Florida 32399-0764

THE FULL TEXT OF THE PROPOSED RULE IS:

61G16-8.001 License and Certification Renewal and Reinstatement.

Licenses and Certificates are renewed biennially on July 31 of even numbered years.

(1) through (2) No change.

(3) A revoked or null and void license may not be renewed; however, it may be reinstated as provided in Rule 61G16-4.004, F.A.C. Anyone with a revoked or null and void license who wishes to provide professional geological services shall obtain a current, active status license prior to practicing or be subject to discipline by the Department of Business and Professional Regulation apply as though never before licensed.

(4) No change.

Specific Authority 455.02(2), 455.271(6)(b), (9), 468.4315(3) FS. Law Implemented 455.02(2), 455.271(6)(b), (9) FS. History—New 10-3-04, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Professional Geologists

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Professional Geologists

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 25, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 20, 2007

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Commission

RULE NO.: 61J2-3.010
 RULE TITLE: License Reactivation Education for Brokers and Sales Associates

PURPOSE AND EFFECT: The Commission proposes the rule amendment to add language to the rule setting forth the required contents of the course to reactivate a license that has been inactive for more than 12 months but less than 24 months. The rule amendment will also set forth the requirements for retesting.

SUMMARY: The Commission proposes the rule amendment to add language to the rule setting forth the required contents of the course to reactivate a license that has been inactive for more than 12 months but less than 24 months. The rule amendment will also set forth the requirements for retesting.

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

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

SPECIFIC AUTHORITY: 475.05 FS.

LAW IMPLEMENTED: 475.04, 475.17, 475.182, 475.183, 475.451 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Lori Crawford, Deputy Clerk, Division of Real Estate, 400 West Robinson Street, Hurston Building, Suite N801, Orlando, Florida 32801

THE FULL TEXT OF THE PROPOSED RULE IS:

61J2-3.010 License Reactivation Education for Brokers and Sales Associates.

(1) Brokers and sales associates holding an involuntarily inactive license may only maintain this status for 2 years. The first day of this allowable 2-year period is the first day the broker or sales associate failed to hold a valid and current active or voluntarily inactive license. After the second year, the broker's or sales associate's right to request an active or voluntarily inactive license automatically expires, by operation of law.

(2) Effective October 1, 2007, a licensee may reactivate a license that has been involuntarily inactive for more than 12 months but less than 24 months by satisfactorily completing 28 hours of a Commission-prescribed education course derived from the Florida Real Estate Commission Salesperson Course Syllabus (FREC for licensure as a sales associate Course I). The Course I hours must be based on an approved course as set forth in Rule 61J2-3.008, F.A.C. Emphasis shall be placed on the real estate law and license law portions. The course shall contain coverage of the following topics: Real Estate License Law and Qualifications for Licensure (Session 2); Real Estate License Law and Commission Rules (Session 3); Authorized Relationships, Duties and Disclosure (Session 4); Real Estate Brokerage Activities: Guides for Salespersons (Session 5); Violations of License Law, Penalties and Procedures (Session 6); Federal and State Laws Pertaining to Real Estate (Session 7); Real Estate Contracts (Session 11); Real Estate Related Computations and Closing of Transactions (Session 14); and Real Estate Investments and Business Opportunity Brokerage (Session 17).

(3) Students who fail the Commission-prescribed end-of-course examination must wait at least 30 days from the date of the original examination to retest. Within one year of the original examination, a student may retest a maximum of one time. Otherwise, students who fail the end-of-course examination must repeat the course again to become eligible to take the end-of-course examination. Schools shall administer a different end-of-course examination to a student who retakes the exam or repeats the course.

(4)(3) A licensee may demonstrate satisfactory completion for reactivation by achieving a grade of 70% or higher on the Commission-prescribed ~~25 item~~ end-of-course examination. The end-of-course examination shall contain 2 items per instructional hour or a minimum of 50 questions. The school must develop at least two forms of the end-of-course examination and submit them to the Department for approval. All courses shall conform to the requirements of Rule 61J2-3.008, F.A.C. The school shall test only students who have completed at least 90% of the required hours of instruction.

(5)(4) The school offering these Commission-prescribed courses shall inform each student of the standards and requirements at the commencement of each course and issue a notice of course completion as prescribed by the Commission in Rule 61J2-3.015, F.A.C.

(6)(5) Accredited universities, colleges, community colleges in this state, area technical centers or real estate schools registered pursuant to Section 475.451, F.S., may offer the Commission-prescribed courses. Satisfactory completion of these courses will not entitle any person to reactivate an involuntary inactive license as a real estate broker or sales associate until such person has met all other requirements of law.

(7)(6) Any active member in good standing with The Florida Bar, who is otherwise qualified under the real estate license law, is exempt from the reactivation education requirements of this rule.

Specific Authority 475.05 FS. Law Implemented 475.04, 475.17, 475.182, 475.183, 475.451 FS. History—New 1-1-80, Amended 8-24-80, 9-16-84, Formerly 21V-3.10, Amended 10-13-88, 6-28-93, Formerly 21V-3.010, Amended 12-30-97, 10-25-98, 1-18-00, 3-15-04, 11-8-06, _____.

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: May 15, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 29, 2007

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Commission

RULE NO.: 61J2-10.030 RULE TITLE: Rental Information

PURPOSE AND EFFECT: The proposed rule amendment is necessary because of the legislative changes to Section 475.453, F.S., as a result of Chapter 2006-210, Laws of Florida.

SUMMARY: The change is designed to comply with the amendment to Section 475.453, F.S.

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

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

SPECIFIC AUTHORITY: 475.05 FS.

LAW IMPLEMENTED: 475.453(1), (2) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Lori Crawford, Deputy Clerk, Division of Real Estate, 400 West Robinson Street, Suite N801, Orlando, Florida 32801

THE FULL TEXT OF THE PROPOSED RULE IS:

61J2-10.030 Rental Information.

(1) Each broker or sales associate Any licensee who attempts to negotiate a rental or who furnishes a rental information list to a prospective tenant for a fee paid by the

tenant shall provide such prospective tenant with a written contract or receipt agreement containing the following provision in type size 10 point bold or larger:

NOTICE

PURSUANT TO FLORIDA LAW:

If the rental information provided under this contract is not current or accurate in any material aspect, you may demand within 30 days of this contract date a return of your full fee paid. If you do not obtain a rental you are entitled to receive a return of 75% of the fee paid, if you make demand within 30 days of this contract date.

- (2) No change.

Specific Authority 475.05 FS. Law Implemented 475.453(1), (2) FS. History—New 1-1-80, Formerly 21V-10.30, Amended 6-28-93, Formerly 21V-10.030, Amended_____.

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: September 26, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 16, 2006

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Commission

RULE NO.: 61J2-24.001 **RULE TITLE:** Disciplinary Guidelines

PURPOSE AND EFFECT: The purpose of this amendment is to implement the changes to Section 475.25(1), F.S., which now authorizes the Florida Real Estate Commission to impose administrative fines not to exceed \$5,000.00 for each count or separate offense and the additions of Section 475.25(1)(u) and (v), F.S. subsections 61J2-24.001(3), (11), F.A.C., is being repealed because Section 475.452, F.S., has been repealed.

SUMMARY: The rule amendments are necessary to reflect the changes made to Sections 475.25(1) and 475.452, F.S.

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

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

SPECIFIC AUTHORITY: 455.2273, 475.05 FS.

LAW IMPLEMENTED: 455.227, 455.2273, 475.22, 475.24, 475.25, 475.42, 475.421, 475.422, 475.452, 475.453, 475.455, 475.482 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Lori Crawford, Deputy Clerk, Division of Real Estate, 400 West Robinson Street, Hurston Building, Suite N801, Orlando, Florida 32801

THE FULL TEXT OF THE PROPOSED RULE IS:

61J2-24.001 Disciplinary Guidelines.

(1) Pursuant to Section 455.2273, F.S., the Commission sets forth below a range of disciplinary guidelines from which disciplinary penalties will be imposed upon licensees guilty of violating Chapters 455 or 475, F.S. The purpose of the disciplinary guidelines is to give notice to licensees of the range of penalties which normally will be imposed for each count during a formal or an informal hearing. For purposes of this rule, the order of penalties, ranging from lowest to highest, is: reprimand, fine, probation, suspension, and revocation or denial. Pursuant to Section 475.25(1), F.S., combinations of these penalties are permissible by law. Nothing in this rule shall preclude any discipline imposed upon a licensee pursuant to a stipulation or settlement agreement, nor shall the range of penalties set forth in this rule preclude the Probable Cause Panel from issuing a letter of guidance.

(2) As provided in Section 475.25(1), F.S., the Commission may, in addition to other disciplinary penalties, place a licensee on probation. The placement of the licensee on probation shall be for such a period of time and subject to such conditions as the Commission may specify. Standard probationary conditions may include, but are not limited to, requiring the licensee: to attend pre-licensure courses; to satisfactorily complete a pre-licensure course; to attend post-licensure courses; to satisfactorily complete a post-licensure course; to attend continuing education courses; to submit to and successfully complete the state-administered examination; to be subject to periodic inspections and interviews by a DBPR investigator; if a broker, to place the license on a broker associate status; or, if a broker, to file escrow account status reports with the Commission or with a DBPR investigator at such intervals as may be prescribed.

(3) The penalties are as listed unless aggravating or mitigating circumstances apply pursuant to subsection (4). The verbal identification of offenses is descriptive only; the full language of each statutory provision cited must be consulted in order to determine the conduct included.

VIOLATIONS

- (a) Section 475.22, F.S.
Broker fails to maintain office and sign at entrance of office.
- (b) Section 475.24, F.S.
Failure to register a branch office.
- (c) Section 475.25(1)(b), F.S.
Guilty of fraud, misrepresentation, concealment, false promises, false pretenses, dishonest dealing by trick, scheme or device, culpable negligence or breach of trust.

Guilty of violating a duty imposed by law or by the terms of a listing agreement; aided, assisted or conspired with another; or formed an intent, design or scheme to engage in such misconduct and committed an overt act in furtherance of such intent, design or scheme.
- (d) Section 475.25(1)(c), F.S.
False, deceptive or misleading advertising.
- (e) Section 475.25(1)(d), F.S.
Failed to account or deliver to any person as required by agreement or law, escrowed property.
- (f) Section 475.25(1)(e), F.S.
Violated any rule or order or provision under Chapters 475 and 455, F.S.
- (g) Section 475.25(1)(f), F.S.
Convicted or found guilty of a crime related to real estate or involves moral turpitude or fraudulent or dishonest dealing.
- (h) Section 475.25(1)(g), F.S.
Has license disciplined or acted against or an application denied by another jurisdiction.

RECOMMENDED RANGE OF PENALTY

- (a) ~~The usual action of the Commission shall be to impose a penalty up to a 90 day suspension of up to 90 days.~~
- (b) ~~The usual action of the Commission shall be to impose a suspension of up to 90 days penalty for up to 90 day.~~
- (c) In the case of fraud, misrepresentation and dishonest dealing, the usual action of the Commission shall be to impose a penalty of revocation.

In the case of concealment, false promises and false pretenses, the usual action of the Commission shall be to impose a penalty of a 3 to 5 year suspension and an administrative fine not to exceed \$5,000 ~~of \$1,000~~.
- In the case of culpable negligence and breach of trust, the usual action of the Commission shall be to impose an administrative fine not to exceed \$5,000 and ~~penalty from a \$1,000 fine to up to a 1 year suspension.~~
In the case of violating a duty imposed by law or a listing agreement; aided, assisted or conspired; or formed an intent, design or scheme to engage in such misconduct, the usual action of the Commission shall be to impose an administrative fine penalty not to exceed \$5,000 and up from a \$1,000 fine to a 5 year suspension.
- (d) The usual action of the Commission shall be to impose a ~~penalty of~~ an administrative fine not to exceed \$5,000 and up to a \$1,000 to a 1 year suspension.
- (e) The usual action of the Commission shall be to impose a ~~penalty of~~ an administrative fine not to exceed \$5,000 and up of \$1,000 to a 5 year suspension.
- (f) The usual action of the Commission shall be to impose a ~~penalty from~~ an 8 year suspension to revocation and an administrative fine not to exceed \$5,000 ~~of \$1,000~~.
- (g) The usual action of the Commission shall be to impose a ~~penalty from a 7 year suspension to revocation and an administrative fine~~ not to exceed \$5,000 ~~of \$1,000~~.
- (h) Imposition of discipline comparable to the discipline which would have been imposed if the substantive violation had occurred in Florida or suspension of the license until the license is unencumbered in the jurisdiction in which the disciplinary action was originally taken, and an administrative fine not to exceed \$5,000 ~~of \$1,000~~.

(i) Section 475.25(1)(h), F.S.
Has shared a commission with or paid a fee to a person not properly licensed under Chapter 475, F.S.

(i) The usual action of the Commission shall be to impose a ~~penalty of an administrative fine~~ not to exceed \$5,000 and up to \$1,000 to a 5 year suspension.

(j) Section 475.25(1)(i), F.S.
Impairment by drunkenness, or use of drugs or temporary mental derangement.

(j) The usual action of the Commission shall be to impose a penalty of suspension for the period of incapacity.

(k) Section 475.25(1)(j), F.S.
Rendered an opinion that the title to property sold is good or merchantable when not based on opinion of a licensed attorney or has failed to advise prospective buyer to consult an attorney on the merchantability of title or to obtain title insurance.

(k) The usual action of the Commission shall be to impose a ~~penalty of an administrative fine~~ not to exceed \$5,000 ~~\$1,000 to~~ and up to a 6 month suspension.

(l) Section 475.25(1)(k), F.S.
Has failed, if a broker, to deposit any money in an escrow account immediately upon receipt until disbursement is properly authorized. Has failed, if a sales associate, to place any money to be escrowed with his registered employer.

(l) The usual action of the Commission shall be to impose an administrative fine not to exceed \$5,000 and a minimum of a 90 day suspension and \$1,000 fine up to revocation.

(m) Section 475.25(1)(l), F.S.
Has made or filed a report or record which the licensee knows to be false or willfully failed to file a report or record or willfully impeded such filing as required by State or Federal Law.

(m) The usual action of the Commission shall be to impose a ~~penalty of an administrative fine~~ not to exceed \$5,000 and \$1,000 to up to a 2 year suspension

(n) Section 475.25(1)(m), F.S.
Obtained a license by fraud, misrepresentation or concealment.

(n) In the case of a licensee who renews the license without having complied with Rule 61J2-3.009, F.A.C., and the act is discovered by the DBPR, the usual action of the Commission shall be to impose a penalty of revocation.

In the case of a licensee who renews the license without having complied with Rule 61J2-3.009, F.A.C., and the licensee brings the matter to the attention of the DBPR, the usual action of the Commission shall be to impose an administrative fine not to exceed \$5,000 ~~a penalty of a \$1,000 administrative fine~~ In all other cases, the usual action of the Commission shall be to impose an administrative fine not to exceed \$5,000 and a penalty of revocation ~~and of \$1,000.~~

(o) Section 475.25(1)(n), F.S.
Confined in jail, prison or mental institution; or through mental disease can no longer practice with skill and safety.

(o) The usual action of the Commission shall be to impose a penalty of revocation.

(p) Section 475.25(1)(o), F.S.
Guilty for the second time of misconduct in the practice of real estate that demonstrates incompetent, dishonest or negligent dealings with investors.

(p) The usual action of the Commission shall be to impose a ~~penalty of an administrative fine~~ not to exceed \$5,000 ~~of \$500~~ and a 1 year suspension to revocation.

(q) Section 475.25(1)(p), F.S.
Failed to give Commission 30 day written notice after a guilty or Nolo contendere plea or convicted of any felony.

(q) The usual action of the Commission shall be to impose a ~~penalty of~~ a 5 year suspension to revocation

(r) Section 475.25(1)(q), F.S.
 Licensee has failed to give the Transaction Broker Notice or Single Agent Notice at the requisite period of time under the provisions of Section 475.278, F.S.; failed to properly secure the Consent to Transition to Transaction Broker or Designated Sales Associate forms as required in Section 475.2755 or 475.278, F.S.; failed to act in a manner as prescribed in Section 475.2755 or 475.278, F.S.

(s) Section 475.25(1)(r), F.S.
 Failed to follow the requirements of a written listing agreement.

(t) Section 475.25(1)(s), F.S.
 Has had a registration suspended, revoked or otherwise acted against in any jurisdiction.

(u) Section 475.25(1)(t), F.S.
 Violated the Uniform Standards of Professional Appraisal Practice as defined in Section 475.611, F.S.

(v) Section 475.25(1)(u), F.S.
Has failed, if a broker, to direct, control, or manage a broker associate or sales associate employed by such broker.

(w) Section 475.25(1)(v), F.S.
Has failed, if a broker, to review the brokerage's trust accounting procedures in order to ensure compliance with this chapter.

~~(x)(*)~~ Section 475.25(2), F.S.
 License issued by error of the Commission.

~~(y)(*)~~ Section 475.42(1)(a), F.S.
 Practice without a valid and current license.

~~(z)(*)~~ Section 475.42(1)(b), F.S.
 Practicing beyond scope as a sales associate.

~~(aa)(*)~~ Section 475.42(1)(c), F.S.
 Broker employs a sales associate who is not the holder of a valid and current license.

~~(bb)(z)~~ Section 475.42(1)(d), F.S.
 A sales associate shall not collect any money in connection with any real estate brokerage transaction except in the name of the employer.

~~(cc)(aa)~~ Section 475.42(1)(e), F.S.
 A violation of any order or rule of the Commission.

~~(dd)(bb)~~ Section 475.42(1)(g), F.S.
 Makes false affidavit or affirmation or false testimony before the Commission.

(r) The usual action of the Commission shall be to impose a ~~penalty of~~ an administrative fine not to exceed \$5,000 and up of \$1,000 to a 5 year suspension.

(s) The usual action of the Commission shall be to impose a ~~penalty of~~ an administrative fine not to exceed \$5,000 and up of \$1,000 to a 3 year suspension.

(t) The usual action of the Commission shall be to impose a ~~penalty from~~ a 6 year suspension to revocation and an administrative fine not to exceed \$5,000 of \$1,000.

(u) The usual action of the Commission shall be to impose a ~~penalty of~~ a 5 year suspension to revocation.

(u) The usual action of the Commission shall be to impose a ~~penalty of~~ a 5 year suspension to revocation.

(v) The usual action of the Commission shall be to impose an administrative fine not to exceed \$5,000, and, up to a 1 year suspension to revocation.

(w) The usual action of the Commission shall be to impose an administrative fine not to exceed \$5,000, and a 1 year suspension to revocation.

~~(x)(*)~~ The usual action of the Commission shall be to impose a penalty of an administrative fine not to exceed \$5,000, and a 1 year suspension to revocation.

~~(y)(*)~~ The usual action of the Commission shall be to impose an administrative fine not to exceed \$5,000 and a penalty of a 3 year suspension to revocation.

~~(z)(*)~~ The usual action of the Commission shall be to impose a ~~penalty of~~ a 3 year suspension to revocation.

~~(aa)(*)~~ The usual action of the Commission shall be to impose a ~~penalty of~~ an administrative fine not to exceed \$ 5,000 of \$1,000 and a 90 day ~~suspension~~ to a 2 year suspension.

~~(bb)(z)~~ The usual action of the Commission shall be to impose a ~~penalty of~~ an administrative fine not to exceed \$ 5,000 and up to a 3 year suspension.

~~(cc)(aa)~~ The usual action of the Commission shall be to impose a ~~penalty of~~ an 8 year suspension to revocation and an administrative fine not to exceed \$5,000 of \$1,000.

~~(dd)(bb)~~ The usual action of the Commission shall be to impose a ~~penalty of~~ an administrative fine not to exceed \$5,000 and up of \$ 1,000 to a 3 year suspension.

~~(ee)(ee)~~ Section 475.42(1)(h), F.S.
Fails to comply with subpoena.

~~(ee)(ee)~~ The usual action of the Commission shall be to impose a ~~penalty of an administrative fine not to exceed \$5,000 of \$1,000~~ and a 6 month ~~suspension~~ to a 5 year suspension.

~~(ff)(dd)~~ Section 475.42(1)(i), F.S.
Obstructs or hinders the enforcement of Chapter 475, F.S.

~~(ff)(dd)~~ The usual action of the Commission shall be to impose a ~~penalty of~~ revocation.

~~(gg)(ee)~~ Section 475.42(1)(j), F.S.
No broker or sales associate shall place upon the public records any false, void or unauthorized information that affects the title or encumbers any real property.

~~(gg)(ee)~~ The usual action of the Commission shall be to impose a ~~penalty of~~ a 5 year suspension to revocation.

~~(hh)(ff)~~ Section 475.42(1)(k), F.S.
Failed to register trade name with the Commission.

~~(hh)(ff)~~ The usual action of the Commission shall be to impose a ~~penalty of an administrative fine not to exceed \$5,000 and up of \$ 1,000~~ to a 6 month suspension.

~~(ii)(gg)~~ Section 475.42(1)(l), F.S.
No person shall knowingly conceal information relating to violations of Chapter 475, F.S.

~~(ii)(gg)~~ The usual action of the Commission shall be to impose a ~~penalty of an administrative fine not to exceed \$5,000 and up of \$1,000~~ to a 3 year suspension.

~~(jj)(hh)~~ Section 475.42(1)(m), F.S.
Fails to have a current license as a broker or sales associate while listing or selling one or more timeshare periods per year.

~~(jj)(hh)~~ The usual action of the Commission shall be to impose a ~~penalty of~~ revocation.

~~(kk)(ii)~~ Section 475.42(1)(n), F.S.
Licensee fails to disclose all material aspects of the resale of timeshare period or timeshare plan and the rights and obligations of both buyer or seller.

~~(kk)(ii)~~ The usual action of the Commission shall be to impose a ~~penalty of~~ revocation.

~~(ll)(jj)~~ Section 475.42(1)(o), F.S.
Publication of false or misleading information; promotion of sales, leases and rentals.

~~(ll)(jj)~~ The usual action of the Commission shall be to impose a ~~penalty of an administrative fine not to exceed \$5,000 and up of \$1,000~~ to a 1 year suspension.

~~(mm)(kk)~~ Section 475.451, F.S.
School teaching real estate practice fails to obtain a permit from the department and does not abide by regulations of Chapter 475, F.S., and rules adopted by the Commission.

~~(mm)(kk)~~ The usual action of the Commission shall be to impose a ~~penalty of an administrative fine not to exceed \$5,000 and up of \$1,000~~ to a 6 month suspension.

(ll) Section 475.452, F.S.
~~A broker contracts for or collects an advance fee for the listing of real property and fails to properly deposit 75 percent in a trust account according to Chapter 475, F.S., and rules adopted by the Commission.~~

(ll) The usual action of the Commission shall be to impose a penalty of an administrative fine of \$1,000 to a 6 month suspension.

~~(nn)(mm)~~ Section 475.453, F.S.
Broker or sales associate participates in any rental information transaction that fails to follow the guidelines adopted by the Commission and Chapter 475, F.S.

~~(nn)(mm)~~ The usual action of the Commission shall be to impose a ~~penalty of an administrative fine not to exceed \$5,000 and up of \$1,000~~ to a 3 year suspension.

~~(oo)(nn)~~ Rule 61J2-10.039, F.A.C., Section 475.25(1)(c), F.S. Failure to produce records within 5 business days from receipt of request for inspection or audit or to maintain records as required.

~~(oo)(nn)~~ The usual action of the Commission shall be to impose a ~~penalty of an administrative fine not to exceed \$5,000 of \$1,000~~ and up to a 3 month suspension.

(4) No change.

Specific Authority 455.2273, 475.05 Law Implemented 455.227, 455.2273, 475.22, 475.24, 475.25, 475.42, 475.421, 475.422, 475.452, 475.453, 475.455, 475.482 FS. History—New 11-24-86, Amended 10-13-88, 4-20-89, 5-20-90, 12-29-91, 11-8-92, 6-28-93, Formerly 21V-24.001, Amended 11-16-93, 2-29-96, 12-30-97, 11-29-98, 1-18-00, 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: September 26, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 16, 2006

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NO.:	RULE TITLE:
62-204.800	Federal Regulations Adopted by Reference

PURPOSE, EFFECT AND SUMMARY: The proposed rule amendments update, through June 30, 2007, the department's adoption-by-reference of air pollution regulations promulgated by the U.S. Environmental Protection Agency (EPA) at 40 CFR Parts 50, 51, 52, 53, 58, 60, 61, and 63. The amendments also reverse the adoption-by-reference of EPA regulations at 40 CFR 60, Subparts CCCC and DDDD, and 40 CFR 63, Subpart DDDDD, that have been vacated. The amendments also correct internal rule citations.

SPECIFIC AUTHORITY: 403.8055 FS.

LAW IMPLEMENTED: 403.031, 403.061, 403.087, 403.8055 FS.

THIS RULEMAKING IS UNDERTAKEN PURSUANT TO SECTION 403.8055, F.S. WRITTEN COMMENTS MAY BE SUBMITTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE TO: Ms. Patricia E. Comer, Office of General Counsel, Department of Environmental Protection, 3900 Commonwealth Blvd., MS 35, Tallahassee, Florida 32399-3000.

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

THE FULL TEXT OF THE PROPOSED RULE IS:

62-204.800 Federal Regulations Adopted by Reference.

All federal regulations cited throughout the air pollution rules of the Department are adopted and incorporated by reference in this rule. The purpose and effect of each such federal regulation is determined by the context in which it is cited. Procedural and substantive requirements in the incorporated federal regulations are binding as a matter of state law only where the context so provides.

(1) Title 40, Code of Federal Regulations, Part 50, National Primary and Secondary Ambient Air Quality Standards.

(a) The provisions of 40 CFR Part 50, Sections 50.1 through 50.12, revised as of July 1, 2006; ~~S~~section 50.13, promulgated October 17, 2006, at 71 FR 61143; and ~~S~~section 50.14, promulgated March 22, 2007, at 72 FR 13559; amended May 22, 2007, at 72 FR 28612; are adopted and incorporated by reference.

(b) No change.
1. through 14. No change.

(2) No change.

(3) Title 40, Code of Federal Regulations, Part 52, Approval and Promulgation of Implementation Plans. The following subparts of 40 CFR Part 52, revised as of July 1, 2003, or later as specifically indicated, are adopted and incorporated by reference:

(a) 40 CFR Part 52, Subpart A, General Provisions; amended June 13, 2007, at 72 FR 32526.

(b) No change.

(4) Title 40, Code of Federal Regulations, Part 53, Ambient Air Monitoring Reference and Equivalent Methods.

The following subparts of 40 CFR Part 53, revised as of July 1, 2006, or later as specifically indicated, are adopted and incorporated by reference:

(a) through (b) No change.

(c) 40 CFR 53, Subpart C, Procedures for Determining Comparability Between Candidate Methods and Reference Methods; amended October 17, 2006, at 71 FR 61235; amended June 12, 2007, at 72 FR 32193.

(d) No change.

(e) 40 CFR 53, Subpart E, Procedures for Testing Physical (Design) and Performance Characteristics of Reference Methods and Class I and Class II Equivalent Methods for PM_{2.5} or PM_{10-2.5}; amended October 17, 2006, at 71 FR 61235; amended June 12, 2007, at 72 FR 32193.

(f) 40 CFR 53, Subpart F, Performance Specifications for PM_{2.5} Class II Equivalent Samplers; amended October 17, 2006, at 71 FR 61235; amended June 12, 2007, at 72 FR 32193.

(5) No change.

(6) Title 40, Code of Federal Regulations, Part 58, Ambient Air Quality Surveillance.

(a) The following subparts of 40 CFR Part 58, revised as of July 1, 2006, or later as specifically indicated, are adopted and incorporated by reference:

1. No change.

2. 40 CFR 58, Subpart B, Monitoring Network, amended October 17, 2006, at 71 FR 61235; amended June 12, 2007, at 72 FR 32193.

3. 40 CFR 58, Subpart C, Special Purpose Monitors; amended October 17, 2006, at 71 FR 61235; amended June 12, 2007, at 72 FR 32193.

4. though 6. No change.

(b) The following appendices of 40 CFR Part 58, revised as of July 1, 2006, or later as specifically indicated, are adopted and incorporated by reference:

1. 40 CFR 58, Appendix A, Quality Assurance Requirements for SLAMS, SPMs and PSD Air Monitoring; amended October 17, 2006, at 71 FR 61235; amended June 12, 2007, at 72 FR 32193.

2. No change.

3. 40 CFR 58, Appendix D, Network Design Criteria for Ambient Air Quality Monitoring; amended October 17, 2006, at 71 FR 61235; amended June 12, 2007, at 72 FR 32193.

4. through 5. No change.

(7) No change.

(8) Title 40, Code of Federal Regulations, Part 60, Standards of Performance for New Stationary Sources.

(a) No change.

(b) Standards Adopted. The following Standards of Performance for New Stationary Sources contained in 40 CFR Part 60, revised as of July 1, 2001, or later as specifically indicated, are adopted and incorporated by reference:

1. 40 CFR 60, Subpart D, Fossil-Fuel-Fired Steam Generators for Which Construction is Commenced After August 17, 1971; amended June 13, 2007, at 72 FR 32709.

2. 40 CFR 60, Subpart Da, Electric Utility Steam Generators for Which Construction is Commenced After September 18, 1978; amended August 14, 2001, at 66 FR 42608; amended May 18, 2005, at 70 FR 28605; amended August 30, 2005, at 70 FR 51266; amended February 27, 2006, at 71 FR 9865; amended June 13, 2007, at 72 FR 32709; except that the Secretary is not the Administrator for purposes of 40 CFR 60.47a.

3. 40 CFR 60, Subpart Db, Industrial-Commercial-Institutional Steam Generating Units; amended August 14, 2001, at 66 FR 42608; amended October 1, 2001, at 66 FR 49830; amended February 27, 2006, at 71 FR 9865; amended November 16, 2006, at 71 FR 66681; amended June 13, 2007, at 72 FR 32709; except that the Secretary is not the Administrator for purposes of 40 CFR 60.44b(f) and (g) and 40 CFR 60.49b(a)(4).

4. 40 CFR 60, Subpart Dc, Small Industrial-Commercial-Institutional Steam Generating Units; amended February 27, 2006, at 71 FR 9865; amended June 13, 2007, at 72 FR 32709; except that the Secretary is not the Administrator for the purposes of 40 CFR 60.48c(a)(4).

5. through 72. No change.

73. 40 CFR 60, Subpart AAAA, New Small Municipal Waste Combustion Units. Any small municipal waste combustion unit subject to the permitting requirements of Chapter 62-213, F.A.C., solely because it is subject to 40 CFR 60, Subpart AAAA, shall file an application for an operation permit under the requirements of Chapter 62-213, F.A.C., in accordance with paragraph ~~subparagraph~~ 62-213.420(1)(a)2, F.A.C.

74. 40 CFR 60, Subpart CCCC, Commercial and Industrial Solid Waste Incineration Units; ~~amended September 22, 2005, at 70 FR 55568.~~ Any CISWI unit subject to the permitting requirements of Chapter 62-213, F.A.C., solely because it is subject to 40 CFR 60, Subpart CCCC, shall file an application for an operation permit under the requirements of Chapter 62-213, F.A.C., in accordance with paragraph ~~subparagraph~~ 62-213.420(1)(a)2, F.A.C.

75. 40 CFR 60, Subpart EEEE, Other Solid Waste Incineration Units for Which Construction Is Commenced After December 9, 2004, or for Which Modification of Reconstruction Is Commenced on or After June 16, 2006; promulgated December 16, 2005, at 70 FR 74869; amended November 24, 2006, at 71 FR 67802. Any solid waste incineration unit subject to the permitting requirements of Chapter 62-213, F.A.C., solely because it is subject to 40 CFR Part 60, Subpart EEEE, shall file an application for an operation permit under the requirements of Chapter 62-213, F.A.C., in accordance with paragraph ~~subparagraph~~ 62-213.420(1)(a)2, F.A.C., ~~or by December 18, 2006, whichever comes later.~~

76. through 77. No change.

(c) No change.

(d) General Provisions Adopted. The general provisions of 40 CFR Part 60, Subpart A, revised as of July 1, 2001; amended August 27, 2001, at 66 FR 44978; amended July 8, 2004, at 69 FR 41346; amended May 18, 2005, at 70 FR 28605; amended December 16, 2005, at 70 FR 74869; amended June 1, 2006, at 71 FR 31100; amended July 6, 2006, at 71 FR 38481; amended July 11, 2006, at 71 FR 39153; amended May 16, 2007, at 72 FR 27437; amended June 13, 2007, at 72 FR 32709; are adopted and incorporated by reference except that the Secretary is not the Administrator for purposes of 40 CFR 60.4, 40 CFR 60.8(b)(2) and (3), 40 CFR 60.11(e)(7) and (8), 40 CFR 60.13(g), (i) and (j)(2), and 40 CFR 60.16.

(e) Appendices Adopted. The following appendices of 40 CFR Part 60, revised as of July 1, 2001, or later as specifically indicated, are adopted and incorporated by reference:

1. through 8. No change.

9. 40 CFR 60, Appendix B, Performance Specifications, amended January 12, 2004, at 69 FR 1785; amended May 18, 2005, at 70 FR 28605; amended September 21, 2006, at 71 FR 55119; amended June 13, 2007, at 72 FR 32709.

10. through 11. No change.

12. 40 CFR 60, Appendix F, Quality Assurance Procedures, amended January 12, 2004, at 69 FR 1785; amended June 13, 2007, at 72 FR 32709.

(9) Title 40, Code of Federal Regulations, Part 60, Emission Guidelines and Compliance Times.

(a) through (e) No change.

(f) Commercial and Industrial Solid Waste Incineration Units. 40 CFR 60, Subpart DDDD, Emission Guidelines and Compliance Times for Commercial and Industrial Solid Waste Incineration Units that Commenced Construction on or Before November 30, 1999, revised as of July 1, 2001, ~~amended September 22, 2005, at 70 FR 55568~~; is hereby adopted and incorporated by reference subject to the following provisions:

1. through 13. No change.

(g) through (h) No change.

(10) Title 40, Code of Federal Regulations, Part 61, National Emission Standards for Hazardous Air Pollutants.

(a) through (c) No change.

(d) General Provisions Adopted. The general provisions of 40 CFR Part 61, Subpart A, revised as of July 1, 2001, amended May 16, 2007, at 72 FR 27437; amended June 13, 2007, at 72 FR 32709; are adopted and incorporated by reference; except for 40 CFR 61.08 and except that the Secretary is not the Administrator for the purposes of 40 CFR 61.04, 40 CFR 61.11, and 40 CFR 61.18. In lieu of the process set forth in 40 CFR 61.08, the Department will follow the permit processing procedures of Rule 62-4.055, F.A.C.

(e) No change.

(11) Title 40, Code of Federal Regulations, Part 63, National Emission Standards for Hazardous Air Pollutants for Source Categories.

(a) No change.

(b) Standards Adopted. The following National Emission Standards for Hazardous Air Pollutants contained in 40 CFR Part 63, revised as of July 1, 2001, or later as specifically indicated, are adopted and incorporated by reference:

1. through 12. No change.

13. 40 CFR 63, Subpart T, Halogenated Solvent Cleaning; amended June 23, 2003, at 68 FR 37333; amended May 3, 2007, at 72 FR 25137; except that the Secretary is not the Administrator for purposes of 40 CFR 63.470(c)(1) through (4).

14. through 38. No change.

39. 40 CFR 63, Subpart XX, Ethylene Manufacturing Process Units: Heat Exchange Systems and Waste Operations; promulgated July 12, 2002, at 67 FR 46257; amended April 13,

2005, at 70 FR 19266; amended June 29, 2007, at 72 FR 35663; except that the Secretary is not the Administrator for the purposes of 40 CFR 63.1097(b)(1) through (5).

40. through 65. No change.

66. 40 CFR 63, Subpart IIII, Surface Coating of Automobiles and Light-Duty Trucks; promulgated April 26, 2004, at 69 FR 22601; amended April 20, 2006, at 71 FR 20445; amended December 22, 2006, at 71 FR 76922; amended April 24, 2007, at 72 FR 20227.

67. through 71. No change.

72. 40 CFR 63, Subpart PPPP, Surface Coating of Plastic Parts and Products; promulgated April 19, 2004, at 69 FR 20967; amended April 26, 2004, at 69 FR 22601; amended April 20, 2006, at 71 FR 20445; amended December 22, 2006, at 71 FR 76922; amended April 24, 2007, at 72 FR 20227; except that the Secretary is not the Administrator for purposes of 40 CFR 63.4580(c)(1) through (4).

73. through 85. No change.

86. ~~Reserved. 40 CFR 63, Subpart DDDDD; Industrial, Commercial, and Institutional Boilers and Process, promulgated September 13, 2004, at 69 FR 55217; amended December 28, 2005, at 70 FR 76917; amended April 20, 2006, at 71 FR 20445; amended December 6, 2006, at 71 FR 70651; except that the Secretary is not the Administrator for purposes of 40 CFR 63.7570(b)(1) through (5).~~

87. through 105. No change.

(c) No change.

(d) General Subparts Adopted. The following general subparts of 40 CFR Part 63, revised as of July 1, 2001, or later as specifically indicated, are adopted and incorporated by reference:

1. 40 CFR Part 63, Subpart A, General Provisions; amended February 27, 2002, at 67 FR 9156; amended April 5, 2002, at 67 FR 16581; amended February 18, 2003, at 68 FR 7706; amended April 21, 2003, at 68 FR 19375; amended May 20, 2003, at 68 FR 27645; amended May 23, 2003, at 68 FR 28605; amended May 27, 2003, at 68 FR 28774; amended May 28, 2003, at 68 FR 31745; amended May 29, 2003, at 68 FR 32171; amended May 30, 2003, at 68 FR 32585; amended November 13, 2003, at 68 FR 64431; amended December 19, 2003, at 68 FR 70959; amended January 2, 2004, at 69 FR 129; amended February 3, 2004 at 69 FR 5038; amended April 19, 2004, at 69 FR 20967; amended April 22, 2004, at 69 FR 21905; amended April 26, 2004, at 69 FR 22601; amended June 15, 2004, at 69 FR 33473; amended July 30, 2004, at 69 FR 45943; amended April 15, 2005, at 70 FR 19991; amended May 20, 2005, at 70 FR 29399; amended October 12, 2005, at 70 FR 59401; amended April 20, 2006, at 71 FR 20445; amended December 6, 2006, at 71 FR 70651; amended January 3, 2007, at 72 FR 26; amended January 23, 2006, at 72 FR 2929; amended May 16, 2007, at 72 FR 27437; except that the

Secretary is not the Administrator for purposes of 40 CFR 63.5(e), 40 CFR 63.5(f), 40 CFR 63.6(g), 40 CFR 63.6(h)(9), 40 CFR 63.6(j), 40 CFR 63.13, and 40 CFR 63.14.

- 2. through 5. No change.
- (e) No change.
- (12) through (26) No change.

Specific Authority 403.061, 403.8055 FS. Law Implemented 403.031, 403.061, 403.087, 403.8055 FS. History—New 3-13-96, Amended 6-25-96, 10-7-96, 10-17-96, 12-20-96, 4-18-97, 6-18-97, 7-7-97, 10-3-97, 12-10-97, 3-2-98, 4-7-98, 5-20-98, 6-8-98, 10-19-98, 4-1-99, 7-1-99, 9-1-99, 10-1-99, 4-1-00, 10-1-00, 1-1-01, 8-1-01, 10-1-01, 4-1-02, 7-1-02, 10-1-02, 1-1-03, 4-1-03, 10-1-03, 1-1-04, 4-1-04, 7-1-04, 10-1-04, 1-1-05, 4-1-05, 7-1-05, 10-1-05, 1-1-06, 4-1-06, 7-1-06, 9-4-06, 9-6-06, 1-8-07, 1-31-07, 4-2-07, 5-31-07, 7-2-07, 10-1-07.

DEPARTMENT OF JUVENILE JUSTICE

Residential Services

RULE NOS.:	RULE TITLES:
63E-6.002	Definitions
63E-6.003	Admission Criteria
63E-6.006	Program Components
63E-6.012	Residential Substance Abuse Treatment Overlay Services

PURPOSE AND EFFECT: The amendment changes the admission criteria for Sheriff’s Training and Respect (STAR) programs to accommodate youths with specified substance abuse and psychiatric conditions.

SUMMARY: The amended rule expands the admission criteria to include youths with specified substance abuse and psychiatric conditions who may be sent to STAR programs that have the capacity to provide specified services.

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

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

SPECIFIC AUTHORITY: 985.4891 FS.

LAW IMPLEMENTED: 985.4891(2)-(4) 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: Monday, September 24, 2007, 10:00 a.m.
 PLACE: DJJ Headquarters, 2737 Centerview Drive, Ste. 3200, General Counsel’s Conference Room, Tallahassee, Florida
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Lydia Monroe, 2737 Centerview Dr., Ste. 3200, Tallahassee, FL 32399-3100; e-mail, lydia.monroe@djj.state.fl.us

THE FULL TEXT OF THE PROPOSED RULES IS:

63E-6.002 Definitions.

(1) Alternative Training – authorized physical activities, ~~or~~ extra duty assignments, or verbal counseling which are imposed by STAR program staff following a youth’s misconduct. Alternative training is intended to correct a youth’s behavior by imposing minor sanctions.

(2) Critical Life Safety – a condition or conditions in facility buildings and grounds or in the operation of the program that may adversely affect the health or safety of youth and staff.

(3) Designated Health Authority – ~~a Physician licensed under Chapter 458 or 459, F.S. the individual who is responsible for the provision of necessary and appropriate health care to youth in a residential commitment program. Individual Designated Health Authorities must be a physician (MD) or osteopathic physician (DO) who holds a clear and active license pursuant to Chapter 458 or Chapter 459, F.S. respectively, and meet all requirements to practice independently in the State of Florida.~~

(4) Designated Mental Health Authority – a specified licensed mental health professional who, by agreement, employment, contract or other arrangement, provides and/or supervises the provision of mental health care within a detention center or residential program.

(5)(4) Direct Care – means direct contact with youth for the purpose of providing care, supervision, custody, or control of youth in the STAR program.

(6)(5) Extenuating Circumstances – a situation or circumstance beyond the control of the program, including but not limited to hurricanes/Acts of God, facility damage or structural problems, and situations involving a youth prior to his or her admission into the program.

(7)(6) Intensive Mental Health Treatment – treatment for:
 (a) Youth with a Diagnostic and Statistical Manual of Mental Disorders – Fourth Edition, Text Revision (DSM-IV-TR) diagnosis of: Schizophrenia or other Psychotic Disorder; Major Depression, Bipolar Disorder or other Mood Disorder; Generalized Anxiety Disorder or other Anxiety Disorder; Personality Disorder; or

~~(b) Youth classified as Severely Emotionally Disabled (SED) or Emotionally Handicapped (EH) by the school system; or~~

(b)(e) Youth who have a psychiatric disorder that requires treatment with psychotropic medication; or

(c)(d) Youth who have a psychiatric disorder (other than Conduct Disorder) and serious impairment in functioning as evidenced by a Global Assessment of Functioning (GAF) Scale rating of 50 or below.

(d) Youth who have a behavioral history of significant anti-social personality traits and features to include: animal cruelty, fire setting, and predatory behavior.

(e) Youth who have a behavior history of sexual deviance.

~~(8)(7)~~ Minimum Thresholds – defined as at least a 60 percent performance overall rating in the department’s Quality Assurance evaluation system, as referenced in subsection 63E-6.008(1), F.A.C.

~~(9)(8)~~ Obstacle Course – a strenuous exercise program, which requires youth to overcome a series of barriers and is designed to promote the development of self-confidence and physical endurance.

~~(10)(9)~~ Physical Training – a series of organized group calisthenics and exercises designed to develop the physical fitness of a youth to an optimum level.

~~(11)(10)~~ Post-residential Services Counselor – the person supervising the youth’s post-commitment probation or conditional release after residential placement.

~~(12)(11)~~ Program Director – a STAR program staff member who is responsible for all aspects of the STAR program, including, but not limited to, program content, staff supervision, youth treatment and facility security.

~~(13)(12)~~ Protective Action Response Policy – the departmental policy governing staff’s use of verbal and physical intervention techniques, mechanical restraints, prohibition of aerosol and chemical agents, and Tasers, as referenced in Rule Chapter 63H-1, F.A.C.

~~(14)(13)~~ Suicidal Risk History – means youth with any history of: suicide attempt; suicide gesture; intentional self-injurious behavior; suicide ideation or suicide threats; or history of Baker Act or inpatient/psychiatric hospitalization for suicidal issues.

Specific Authority ~~985.48913094~~, 985.645405 FS. Law Implemented ~~985.48913094~~ FS. History–New 11-19-06, Amended.

63E-6.003 Admission Criteria.

(1) A youth is eligible for the STAR program if:

(a) He or she is at least 14 years of age but less than 18 years of age at the time of adjudication; and

(b) Has been committed to the department for any offense that, if committed by an adult, would be a felony other than a capital felony, a life felony, or a violent felony of the first degree.

(2) All youth referred to the STAR program shall be screened by the department to determine if they have the physical, psychological and substance abuse profile conducive to successfully completing the rigorous physical aspects and intensive behavioral management inherent in a STAR program. The screening shall include:

(a) A comprehensive physical assessment prior to admission conducted by a physician (M.D., D.O.) or physician assistant (PA) licensed under Chapter 458 or 459, F.S., or an Advanced Registered Nurse Practitioner (ARNP) licensed and certified under Chapter 464, F.S. The assessment shall include a resting electrocardiogram (EKG) to screen for baseline arrhythmias. These assessments shall assist in determining the youth’s fitness for the physical demands of the program and to

preliminarily screen out those youth whose health problems would prohibit them from engaging in intensive physical exercise as determined by the program’s physical exercise curricula. Any youth with abnormal EKGs shall be automatically excluded;

(b) The comprehensive physical assessment and all required tests must be completed within 60 days prior to commencement of the STAR program;

(c) A preadmission comprehensive evaluation with the psychological component conducted by a licensed mental health professional or a Master’s level mental health clinical staff person working under the direct supervision of a licensed mental health professional should be completed no more than six months prior to referral to the STAR program. A mental health clinical staff person is a person providing mental health services for DJJ involved youth in a DJJ facility or program who has received training in mental health assessment processes and procedures and mental health treatment strategies and techniques. A Master’s level mental health clinical staff person is a person who holds a Master’s degree from an accredited university or college with a major in psychology, social work, counseling or related human services field. Related human services field is one in which major course work includes the study of human behavior and development, counseling and interviewing techniques, and individual, group or family therapy. Licensed mental health professional means a board certified psychiatrist licensed pursuant to Chapter 458, F.S., a psychologist licensed pursuant to Chapter 490, F.S., a mental health counselor, clinical social worker or marriage and family therapist licensed pursuant to Chapter 491, F.S., or a psychiatric nurse as defined in Section 394.455(23), F.S. This evaluation must be completed prior to admission to screen out those youth whose mental status requires psychotropic medication interventions, who have a developmental disability as defined by an IQ less than 75 or classification as “Educable Mentally Handicapped” or “Intellectual Disabilities.” ~~“Trainable Mentally Handicapped,”~~ need intensive mental health treatment, reveal suicidal risk histories, have a DSM-IV-TR diagnosis of substance abuse, substance dependence, poly substance dependence, substance intoxication or substance withdrawal, or indicate high-risk suicidal tendencies or history of self-injurious behavior. Youth diagnosed with substance abuse or substance abuse dependence disorders may be considered for placement if the STAR program has been designated by the Department as meeting the requirements to provide residential substance abuse treatment overlay services (RSAT Overlay Services) pursuant to Rule 63E-6.012, F.A.C.

(3) Within 24 hours of admission, a preadmission substance abuse screening test must be conducted or ordered by the department, with results of testing reviewed prior to admission to the STAR program.

Specific Authority ~~985.4891(2), 985.6454(5)~~ FS. Law Implemented ~~985.4891(2), (7)(a)~~ ~~3091(2), (7)(a)~~ FS. History--New 11-19-06. Amended _____.

63E-6.006 Program Components.

(1) The STAR program shall contain the following program components or services:

(a) Participation in physical training exercises, which are designed to develop optimum physical conditioning of the youth. The physical conditioning may include the use of an obstacle course;

(b) Educational and vocational services, designed to meet youth abilities, specialized needs and interests;

(c) Community service or work assignments of a productive nature;

(d) Personal development counseling, which shall include training in good decision making, development of social adjustment skills, and life and job skills education. Counseling services shall also be provided to replace criminal thinking, beliefs and values with pro-social thinking, beliefs and values;

(e) Mental health and substance abuse counseling and services shall be provided, including alcohol and other drug abuse awareness, education, treatment or referral to treatment for youth in need of such services, ~~and~~ If a STAR program is designated for residential substance abuse treatment overlay service (RSAT Overlay Services), the STAR program must provide those services in accordance with Rule 63E-6.0012, F.A.C.

(f) Health care services, sick call and acute and chronic medical treatment provided by the Designated Health Authority, a Physician Assistant (PA) licensed under Chapter 458 or 459, F.S., an Advanced Registered Nurse Practitioner (ARNP) licensed and certified under Chapter 464, F.S., or a Registered Nurse licensed under Chapter 464, F.S., at the level appropriate to their training.

(2) While the youth is in the program, assessment shall be made for conditional release, providing for the youth's transition back to his or her home community.

Specific Authority ~~985.4891(3), 985.6454(5)~~ FS. Law Implemented ~~985.4891(3), (4)~~ ~~3091(3), (4)~~ FS. History--New 11-19-06. Amended _____.

63E-6.012 Residential Substance Abuse Treatment Overlay Services.

(1) In order for a STAR program to be designated as qualified to provide residential substance abuse treatment overlay services (RSAT Overlay Services), the following requirements must be met.

(2) Residential Substance Abuse Treatment Overlay Services (RSAT Overlay Services), are defined as: substance abuse assessments; substance abuse education; substance abuse treatment activities such as substance abuse counseling,

skills training (e.g., substance refusal skills, coping skills, interpersonal problem solving skills) and relapse prevention. These services shall be provided as follows:

(a) Delivered to youth with a diagnosed Substance-Related Disorder and functional impairment associated with substance abuse or substance dependence. The youth may also have a co-occurring mental disorder other than those mental disorders identified in subsection 63E-6.002(6), F.A.C. However, substance abuse must be the primary disorder. Substance abuse services in DJJ facilities must be provided in accordance with subsection 65D-30.003(15), F.A.C.

(b) Clinical Staffing Requirements:

1. Designated Mental Health Authority-The provider shall designate a single licensed mental health professional as the Designated Mental Health Authority. The role and function of the Designated Mental Health Authority shall be clearly articulated in a written agreement between the Provider and the Designated Mental Health Authority. There must be clear organizational lines of authority and communication between the Designated Mental Health Authority and the clinical staff who are delivering on-site mental health and substance abuse services in the program.

2. Qualified Professional – must be on-site at least five days per week wherein services are provided under Chapter 397 licensure as specified in paragraph 65D-30.003(15)(a) or (b), F.A.C.

3. Substance Abuse Clinical Staff: A substance abuse clinical staff person must be on-site 7 days of the week in facilities where services are provided under Chapter 397 licensure as specified in paragraph 65D-30.003(15)(a) or (b), F.A.C. A substance abuse clinical staff must be on-site each day Substance Abuse Overlay Services are billed.

4. Licensed Qualified Professional: must be on-site 7 days of the week in DJJ facilities that are not licensed under Chapter 397, F.S., or where services are not provided by a service provider licensed under Chapter 397, F.S. The licensed qualified professional must be on-site and provide a substance abuse service each day Substance Abuse Overlay Services are billed.

5. Psychiatrist – must be on-site bi-weekly for consultation, medication management and to participate in treatment planning for youths receiving psychotropic medication.

(c) Clinical Staff Qualifications:

1. Qualified Professional – A physician licensed under Chapter 458 or 459, F.S.; a professional licensed under Chapter 490 or 491, F.S.; or a person who is certified through a DCF recognized certification process of substance abuse treatment services and who holds, at a minimum, a bachelor's degree and meets all the requirements in Section 397.311(25), F.S.

2. Licensed Qualified Profession – a person who is a physician licensed under Chapter 458 or 459, F.S. a psychologist licensed under Chapter 490 or a mental health counselor, clinical social worker or marriage and family therapist licensed under Chapter 491, Florida Statutes.

3. Certified Addiction Professional: A person who is certified through a Department of Children and Families recognized certification process for substance abuse treatment services and who holds, at a minimum, a bachelor's degree. A person who is certified in substance abuse treatment services by a state-recognized certification process in another state at the time of employment with a licensed service provider in this state must meet the requirements set forth in Section 397.311(25), F.S.

4. Substance Abuse Clinical Staff: A non-licensed substance abuse clinical staff person may provide substance abuse services in a DJJ residential commitment program only as an employee of a service provider licensed under Chapter 397, F.S., or in facility licensed under Chapter 397, Florida Statutes as specified in paragraph 65D-30.003(15)(a) or (b), F.A.C. The non-licensed substance abuse clinical staff person must hold a bachelor's degree from an accredited university or college with a major in psychology, social work, counseling or related human services field and meet the training requirements provided in Chapter 65D-30, F.A.C., and work under the direct supervision of a qualified professional under Section 397.311(25), F.S.

5. Licensed Mental Health Professional: A psychiatrist licensed under Chapter 458 or 459, F.S., who is board certified in Child and Adolescent Psychiatry or Psychiatry by the American Board of Psychiatry and Neurology or has completed a training program in Psychiatry approved by the American Board of Psychiatry and Neurology for entrance into its certifying examination, a psychologist licensed under Chapter 490, F.S., a mental health counselor, clinical social worker or marriage and family therapy licensed under Chapter 491, F.S., or a psychiatric nurse as defined in Section 394.455(23), F.S.

6. Mental Health Clinical Staff Person: A mental health clinical staff person, if not otherwise licensed, must have, at a minimum, a bachelor's degree from an accredited university or college with a major in psychology, social work, counseling or a related human services field. Related human services field is one in which major course work includes the study of human behavior and development, counseling and interviewing techniques, and individual, group or family therapy.

7. A non-licensed mental health clinical staff person providing mental health services in the program must meet one of the following qualifications and comply with d.

a. Hold a master's degree from an accredited university or college in the field of counseling, social work, psychology, or related human services field; or

b. Hold a bachelor's degree from an accredited university or college in the field of counseling, social work, psychology or related human services field and have two years experience working with (e.g., assessing, counseling, treating) youths with serious emotional disturbance or substance abuse problems; or

c. Hold a bachelor's degree from an accredited university or college in the field of counseling, social work, psychology or related human services field and have 52 hours of pre-service training prior to working with youths. The 52 hours of pre-service training must include a minimum of 16 hours of documented training in their duties and responsibilities. When pre-service training has been successfully completed, the non-licensed person may begin working with youths, but must be trained for one year by a mental health clinical staff person who holds a master's degree. Pre-service training must cover, at a minimum: basic counseling skills, basic group skills, program philosophy, therapeutic milieu, behavior management, client rights, crisis intervention, early intervention and de-escalation, documentation requirements, normal and abnormal adolescent development and typical behavior problems.

(d) Required Components. Non-licensed mental health clinical staff person must work under the direct supervision of a licensed mental health professional. Direct Supervision means that the licensed mental health professional has at least one hour per week of on-site face-to-face interaction with the non-licensed mental health clinical staff person for the purpose of overseeing and directing the mental health services that the non-licensed mental health clinical staff person is providing in the facility. The licensed mental health professional must assure that mental health clinical staff working under their direct supervision are performing services that they are qualified to provide based on education, training and experience.

1. Substance abuse screening at the time of admission;

2. Comprehensive substance abuse evaluation or updated evaluation;

3. Substance abuse treatment planning, updating and review;

4. Daily substance abuse services for each youth; (7 days of the week) provided by substance abuse clinical staff;

5. Individual, group and family substance abuse counseling; (substance abuse counseling provided to each youth at least 5 days of the week);

6. Psychiatric services as needed, and is required for youths receiving psychotropic medication A psychiatrist must be on-site bi-weekly to provide psychiatric evaluations, medication management and participate in treatment planning for youths receiving psychotropic medication;

7. Mental health evaluation and treatment for youths with co-occurring mental disorder;

8. Routine and Random urinalysis drug testing with positive tests followed by appropriate clinical intervention and sanctions. This includes drug screening upon the youth's initial intake into the program;

9. Crisis Intervention and Suicide Prevention services;

10. 24-hour response capability;

11. All provided services must be documented.

Specific Authority 985.4891, 985.645 FS. Law Implemented 985.4891(3) FS. History--New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Joan Wimmer, DJJ Residential Services

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Rex Uberman, DJJ Assistant Secretary for Residential Services

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 20, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 20, 2007

DEPARTMENT OF HEALTH

Board of Medicine

RULE NO.: 64B8-9.0091
RULE TITLE: Requirement for Physician Office Registration; Inspection or Accreditation

PURPOSE AND EFFECT: The proposed rule amendment is intended to address physician trainees in office surgery settings.

SUMMARY: The proposed rule amendment specifies that physicians in post-graduate training programs are not required to register provided that they practice under direct supervision; under the auspices of their training programs; and for a period not to exceed three months.

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

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

SPECIFIC AUTHORITY: 458.309(1), (3) FS.

LAW IMPLEMENTED: 456.069, 456.072(1)(cc), 458.309(3) FS.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

64B8-9.0091 Requirement for Physician Office Registration; Inspection or Accreditation.

(1) Registration.

(a) Every licensed physician who holds an active Florida license and performs Level II surgical procedures in Florida with a maximum planned duration of more than five (5) minutes or any Level III office surgery, as fully defined in Rule 64B8-9.009, F.A.C., shall register the office with the Department of Health. It is the physician's responsibility to ensure that every office in which he or she performs Levels II or III surgical procedures as described above is registered, regardless of whether other physicians are practicing in the same office or whether the office is non-physician owned. Physicians participating in post-graduate training programs, and registered pursuant to Section 458.345, F.S., may provide services under the direct supervision of a Florida physician, licensed pursuant to Section 458.311 or 458.313, F.S., in an office surgery facility and under the auspices of their training program for a period of time not to exceed three months without registering pursuant to this rule.

(b) through (d) No change.

(2) through (3) No change.

Specific Authority 458.309(1), (3) FS. Law Implemented 456.069, 456.072(1)(cc), 458.309(3) FS. History--New 5-15-00, Amended 9-18-01, 8-5-03, 9-1-03, 2-9-05, 8-22-06,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Surgical Care Committee, Board of Medicine

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Medicine

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 11, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 22, 2007

DEPARTMENT OF HEALTH

Board of Medicine

RULE NO.: 64B8-9.015
RULE TITLE: Qualifications of Physicians Who Evaluate and Treat Sex Offenders

PURPOSE AND EFFECT: The Board proposes the repeal of this rule pursuant to the recent amendment to Section 947.005(9), F.S.

SUMMARY: The rule is being repealed in light of the recent statutory amendment.

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

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

SPECIFIC AUTHORITY: 458.309, 947.005(9) FS.
 LAW IMPLEMENTED: 947.005 FS.
 IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Larry McPherson, Jr., Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253

THE FULL TEXT OF THE PROPOSED RULE IS:

64B8-9.015 Qualifications of Physicians Who Evaluate and Treat Sex Offenders.

Specific Authority 458.309, 947.005(9) FS. Law Implemented 947.005 FS. History—New 2-11-07, Repealed _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Rules Committee, Board of Medicine
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Medicine
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 11, 2007

DEPARTMENT OF HEALTH

Board of Medicine

RULE NOS.: 64B8-30.005
 RULE TITLES: Physician Assistant Licensure Renewal and Reactivation

64B8-30.019 Fees Regarding Physician Assistants

PURPOSE AND EFFECT: The proposed rule amendments are intended to address statutory changes regarding CME; the criteria for reactivation of retired status license; and the fee for reactivation of a retired status license with regard to physician assistants.

SUMMARY: The proposed rule amendments clarify criteria for appropriate CME, and the criteria for reactivation of retired status license. In addition the amendment to Rule 64B8-30.019, F.A.C., sets forth the fee for reactivation of a retired status license.

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

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

SPECIFIC AUTHORITY: 456.013, 456.031(1)(a), 456.033(1) 456.036, 458.309, 458.347 FS.

LAW IMPLEMENTED: 456.013, 456.031(1), 456.033, 456.036, 458.347 FS.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

64B8-30.005 Physician Assistant Licensure Renewal and Reactivation.

- (1) No change.
- (2) Requirements for Renewal.
- (a) through (b) No change.

(c) Submission of a ~~notarized~~ written statement attesting to completion of 100 hours of Continuing Medical Education in the previous two (2) years. A minimum of 50 hours must be Category I Continuing Medical Education approved by the American Academy of Physician Assistants, the Accreditation Council for Continuing Medical Education, the American Medical Association, the American Osteopathic Association Council on Continuing Medical Education, or the American Academy of Family Physicians. The remaining 50 hours may be Category II Continuing Medical Education. If requested by the Council, the Physician Assistant must submit a ~~notarized~~ copy of a current ~~certificate license~~ issued by the National Commission on Certification Licensure of Physician Assistants or must be able to produce evidence ~~of that~~ the 100 ~~CME~~ hours ~~of reported CME have been approved by the American Academy of Physician Assistants and logged with either the American Academy of Physician Assistants or the National Commission of Licensure of Physician Assistants~~ for the relevant biennium.

- (d) through (f) No change.
- (3) through (8) No change.

(9) Reactivation of a retired status license. To reactivate the license of a retired status licensee whose license has been on retired status for more than five (5) years or a licensee from another state who has not been in the active practice of medicine within the past five (5) years shall be required to appear before the Council and establish the ability to practice with the care and skill sufficient to protect the health, safety, and welfare of the public. At the time of such appearance, the physician assistant must:

- (a) Surrender to the Department the original retired status license;
- (b) Provide the Department with licensure verification from each state in which the licensee is licensed to practice as a physician assistant, or a statement that the licensee is licensed only in Florida;

(c) Provide to the Department a statement of medical activities from the date the licensee entered retired status to the present;

(d) Provide documentation of successful completion of the 16 credit hour Graduate Clerkship offered by Nova Southeastern University (Physician Assistant Department) or an equivalent program approved by the Council;

(e) Practice under the direct supervision of a supervising physician approved by the Council for one (1) year;

(f) Submit proof of completion of the continuing medical education requirements in compliance with paragraphs 64B8-30.005(2)(c)-(f), F.A.C., for each biennium in which the license was inactive; and

(g) Pay the appropriate fees set forth in Section 456.036(4)(b), F.S. and subsections 64B8-30.019(6) and (10), F.A.C.

(h) In lieu of proof of completion of the Graduate Clerkship or the equivalent, the licensee may submit proof of recertification by NCCPA.

(10) The Department shall refuse to reactivate the license of a retired status physician assistant who is under investigation or prosecution in any jurisdiction for an action that would constitute a violation of this chapter or the professional practice acts administered by the department and the boards, until 15 days after the Department receives the final results of the investigation or prosecution.

Specific Authority 456.013, 456.031(1)(a), 456.033(1), 458.309, 458.347 FS. Law Implemented 456.013, 456.031(1), 456.033, 456.036, 458.347 FS. History—New 5-13-87, Amended 1-9-92, Formerly 21M-17.0035, Amended 9-21-93, Formerly 61F6-17.0035, Amended 11-30-94, Formerly 59R-30.005, Amended 6-7-98, 3-3-02, 10-12-03, 7-27-04, 10-19-04, 2-25-07,_____.

64B8-30.019 Fees Regarding Physician Assistants.

The following fees are prescribed by the Council and adopted by the Boards:

(1) through (5) No change.

(6) The reactivation fee for an inactive or retired status physician assistant license licensure pursuant to Section 458.347(7) or 459.022(7), F.S., shall be \$100. Reactivation shall require payment of all the applicable renewal fees and the reactivation fee.

(7) The duplicate license licensure fee shall be \$ 25.00.

(8) through (9) No change.

(10) The fee for a retired status license shall be \$50.00 for a physician assistant.

Specific Authority 456.036, 458.309, 458.347 FS. Law Implemented 456.036(5), (7), 458.347 FS. History—New 8-11-98, Amended 7-30-03, 12-6-04,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Council on Physician Assistants

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Medicine

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 11, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 30, 2007

DEPARTMENT OF HEALTH

Board of Medicine

RULE NOS.:	RULE TITLES:
64B8-30.0151	Standard Terms Applicable to Orders
64B8-30.0152	Probation Variables

PURPOSE AND EFFECT: The proposed new Rule 64B8-30.0151, F.A.C., is intended to address standard terms which the Board utilizes in its orders. The proposed new Rule 64B8-30.0152, F.A.C., is intended to address the variables which are utilized in the event a physician assistant is placed on probation by the Board.

SUMMARY: The proposed new Rule 64B8-30.0151, F.A.C., addresses standard terms for disciplinary orders which apply to physician assistants. The proposed new Rule 64B8-30.0152, F.A.C., sets forth the various probation variables which apply to physician assistants who are placed on probation by the Board.

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

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

SPECIFIC AUTHORITY: 456.072(2), 458.309(1), 458.331(5) FS.

LAW IMPLEMENTED: 456.072(2), 458.331(5) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Larry McPherson, Jr., Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin # C03, Tallahassee, Florida 32399-3253

THE FULL TEXT OF THE PROPOSED RULES IS:

64B8-30.0151 Standard Terms Applicable to Orders. Unless otherwise approved by the Board or its designee, or addressed by the Final Order, the following are the terms applicable to all Final Orders rendered by the Board in disciplinary proceedings.

(1) PAYMENT OF FINES AND COSTS. All fines and costs shall be paid by check or money order made payable to the Board and sent to DOH/Client Services, P. O. Box 6320, Tallahassee, Florida 32314-6320, within 30 days of the filing of the Order.

(2) ADDRESSES. Respondent must keep current residence and practice addresses on file with the Board. Respondent shall notify the Compliance Office, in writing, within 10 days of any changes of those addresses. Furthermore, if the Respondent's license is on probation, the Respondent shall notify the Compliance Office within 10 days in the event that Respondent leaves the active practice of medicine in Florida.

(3) COMPLIANCE ADDRESS. All reports, correspondence and inquiries shall be sent to: DOH, Client Services Unit, 4052 Bald Cypress Way, Bin #C01, Tallahassee, Florida 32399-3251, Attn: Medical Compliance Officer.

(4) CONTINUITY OF PRACTICE.

(a) TOLLING PROVISIONS. In the event the Respondent leaves the State of Florida for a period of 30 days or more or otherwise does not or may not engage in the active practice of medicine in the State of Florida, then certain provisions of the requirements in the Board's Order shall be tolled and shall remain in a tolled status until Respondent returns to the active practice of medicine in the State of Florida. Respondent shall notify the Compliance Officer 10 days prior to his/her return to practice in the State of Florida. The following requirements shall be tolled until the Respondent returns to active practice:

1. The time period of probation shall be tolled.
2. The provisions regarding direct supervision and required reports from the supervisor shall be tolled.
3. The requirement for quality assurance review of Respondent's practice shall be tolled.
4. Any provisions regarding community service shall be tolled.
5. Any requirements regarding lectures.

(b) ACTIVE PRACTICE. In the event that Respondent leaves the active practice of medicine for a period of one year or more, the Respondent may be required to appear before the Board and demonstrate the ability to practice medicine with reasonable skill and safety to patients prior to resuming the practice of medicine in the State of Florida.

(5) COMMUNITY SERVICE AND CONTINUING EDUCATION UNITS. All community service requirements, continuing education units/courses must be completed, and documentation of such completion submitted to DOH/Client Services, at the address set forth in subsection (3) above.

(a) DEFINITION OF COMMUNITY SERVICE. "Community service" shall be defined as the delivery of volunteer services to an entity which is exempt from federal taxation under 26 U.S.C. s. 501(c)(3), without fee or cost to the patient or the entity, for the good of the people of the State of Florida. Community service shall be performed outside the

physician assistant's regular practice setting. Community service plans must be pre-approved by the Board's Probationer's Committee.

(b) CONTINUING EDUCATION. Continuing education imposed by Board Order shall be in addition to those hours required for biennial renewal of licensure. Said continuing education courses must be pre-approved by the Board's Probationer's Committee and shall consist of a formal live lecture format.

(6) PROBATION TERMS. If probation was imposed by Board Order, the following provisions are applicable:

(a) DEFINITIONS:

1. DIRECT SUPERVISION – is supervision by a supervising physician (supervisor), as set forth in the Order. Direct supervision requires that the supervisor and Respondent work on the same premises. The supervisor shall be board-certified in the Respondent's specialty area.

2. PROBATION COMMITTEE – or "Committee" are members of the Board of Medicine designated by the Chair of the Board to serve as the Probation Committee.

(b) REQUIRED SUPERVISION:

1. If the terms of the Order include direct supervision of the licensee's practice (supervision), the Respondent shall not practice medicine without an approved supervisor, as specified by the Final Order.

2. The supervisor must be licensed under Chapter 458, F.S., in good standing, in active status, without restriction or limitation on his/her license, must be qualified by training and experience, and must not have any conflicts of interest that would prohibit him or her from impartially performing his or her duties as a monitor. Specific grounds for rejecting a proposed supervisor by the Board or its designee shall include but are not limited to the following:

a. The proposed supervisor has previously been subject to disciplinary action against his/her medical license in this or any other jurisdiction;

b. The proposed supervisor is currently under investigation, or is the subject of a pending disciplinary action;

c. The proposed supervisor is not actively engaged in the same or similar specialty area;

d. The proposed supervisor is not practicing on the same premises as the Respondent;

e. The proposed supervisor is a relative or employee of the Respondent.

(c) TEMPORARY APPROVAL. The Board confers authority on the Chair of the Probation Committee to temporarily approve Respondent's supervisor. To obtain this temporary approval, Respondent shall submit to the Compliance Officer the name and curriculum vitae of the proposed supervisor. This information shall be furnished to the Chair of the Probation Committee by way of the Compliance Officer. This information may be faxed to the Compliance Officer at (850)414-0864, or may be sent by overnight mail to

the Compliance address as set forth in subsection (3) above. Should Respondent's supervising physician be temporarily approved, said approval shall only remain in effect until the next meeting of the Probationer's Committee. Absent said approval, Respondent shall not practice medicine until a supervising physician is approved. Temporary approval shall only remain in effect until the next meeting of the Probation Committee.

(d) FORMAL APPROVAL. If Respondent is placed under the direct supervision of a physician, Respondent shall have the supervisor with him/her at the first probation appearance before the Probation Committee. Prior to consideration of the monitor/supervisor by the Committee, the Respondent shall provide the supervisor a copy of the Administrative Complaint and the Board's Order in this case. Respondent shall submit a current curriculum vitae, a description of current practice, and a letter agreeing to serve from the proposed supervisor to the Compliance Officer no later than 21 days before the Respondent's first scheduled probation appearance. Respondent's supervisor shall also appear before the Probation Committee at such times as directed by the Committee. It shall be the Respondent's responsibility to ensure the appearance of his/her supervisor as directed. Failure of the supervisor to appear as directed shall constitute a violation of the terms of the Board's Order and shall render the Respondent subject to additional disciplinary action.

(e) CHANGE IN SUPERVISOR. In the event that Respondent's supervisor is unable or unwilling to fulfill his/her responsibilities as a supervisor as described above, the Respondent shall advise the Compliance Office of this fact within 24 hours of becoming aware of the situation. Respondent shall submit to the Compliance Office the name of a temporary supervisor for consideration. Respondent shall not practice pending approval of this temporary supervisor by the Chair of the Probation Committee. Furthermore, Respondent shall make arrangements with his/her temporary supervisor to appear before the Probation Committee at its next regularly scheduled meeting for consideration of the supervisor by the Committee. Respondent shall only practice under the supervision of the temporary supervisor (approved by the Chair) until the next regularly scheduled meeting of the Probation Committee whereat the issue of the Committee's approval of the Respondent's new supervisor shall be addressed.

(f) REPORTS. If directed by Board Order, probation reports, in affidavit form, shall be submitted by the Respondent and shall contain the following:

1. Brief statement of why physician assistant is on probation.
2. Practice location.
3. Describe current practice (type and composition).
4. Brief statement of compliance with probationary terms.
5. Describe relationship with supervising physician.

6. Advise Compliance Officer of any problems including office incident reports filed; loss or restriction of hospital staff privileges; or any Medicare/Medicaid program exclusions, restrictions or limitations.

(g) SUPERVISOR REPORTS. If directed by Board Order, supervisor reports, in affidavit form shall include the following:

1. Brief statement of why physician assistant is on probation.
2. Description of probationer's practice.
3. Brief statement of probationer's compliance with terms of probation.
4. Brief description of probationer's relationship with supervising physician.
5. Detail any problems which may have arisen with probationer.

(h) INVESTIGATIVE REPORTS. Respondent understands that during the period of probation, at a minimum, semi-annual investigative reports will be compiled with the Department of Health concerning compliance with the terms and conditions of probation and the rules and statutes regulating the practice of medicine.

(7) COSTS OF COMPLIANCE. Respondent shall pay all costs necessary to comply with the terms of the Board's Order. Such costs include, but are not limited to, the costs of preparation of the investigative reports detailing compliance with the terms of the Order, the cost of analysis of any blood or urine specimens submitted pursuant to the Order, and administrative costs directly associated with Respondent's probation. See Section 458.331(2), F.S.

(8) SUSPENSION. In the event that a Respondent's license expires during the period that the license is suspended, this action shall not relieve the Respondent of the responsibility to renew the license at the end of each licensure period. If the Respondent fails to renew the license at the end of any licensure period, all normal conditions and consequences imposed by statute or rule of the Board for failure to timely and properly renew a license shall apply. Renewal of a suspended license during the period of suspension shall not affect the suspension of the license and the suspension shall continue until all requirements for reinstatement have been met.

(9) RETURN OF LICENSE. Any Order which suspends a license, revokes a license, or accepts a Respondent's offer to voluntarily relinquish his/her license shall require the Respondent to return the license to the Department within 30 days from the date the Final Order is filed. This shall not apply to instances where the Board or a court has granted the Respondent a stay of the suspension.

Specific Authority 458.309(1), 458.331(5) FS. Law Implemented 458.331(5) FS. History--New _____.

64B8-30.0152 Probation Variables.

In instances where a Respondent is placed on probation by the Board, the Board shall determine the terms and conditions of Respondent's probation. The following terms of probation are utilized by the Board to ensure that Respondents are safely practicing medicine. Possible terms of probation and restrictions on practice include, but are not limited to:

(1) APPEARANCES REQUIRED. Respondent shall appear before the Probationer's Committee at the first meeting after said probation commences, at the last meeting of the Probationer's Committee preceding termination of probation and either quarterly, semiannually, or annually as set forth in the final order. Respondent shall be noticed by Board staff of the date, time and place of the Board's Probationer's Committee whereat Respondent's appearance is required. Failure of the Respondent to appear as requested or directed shall be considered a violation of the terms of probation, and shall subject the Respondent to disciplinary action.

(2) DIRECT SUPERVISION REQUIRED. If direct supervision is required by the Board, Respondent shall not practice except under the direct supervision of a board-certified physician fully licensed under Chapter 458, F.S., who has been approved by the Probationer's Committee.

(a) The supervising physician shall work on the same premises as the Respondent.

(b) Absent provision for and compliance with the terms regarding temporary approval of a supervising physician set forth in paragraph 64B8-30.0151(6)(c), F.A.C., Respondent shall cease practice and not practice until the Probationer's Committee approves a supervising physician.

(c) Respondent shall have the supervising physician appear at the first probation appearance before the Probationer's Committee.

1. Prior to approval of the supervising physician by the committee, the Respondent shall provide to the supervising physician a copy of the Administrative Complaint and the Board's Order filed in the case.

2. A failure of the Respondent or the supervising physician to appear at the scheduled probation meeting shall constitute a violation of the Board's Order.

3. Prior to the approval of the supervising physician by the committee, Respondent shall submit to the committee a current curriculum vitae and description of the current practice of the proposed supervising physician. Said materials shall be received in the Board office no later than 21 days before the Respondent's first scheduled probation appearance.

(d) The responsibilities of a supervising physician shall include:

1. Submit quarterly reports, in affidavit form, which shall include:

a. Brief statement of why physician assistant is on probation.

b. Description of probationer's practice.

c. Brief statement of probationer's compliance with terms of probation.

d. Brief description of probationer's relationship with supervising physician.

e. Detail any problems which may have arisen with probationer.

2. Should the Board determine that Respondent's medical records need to be reviewed, the Board shall set forth the percentage of the records and type of records to be reviewed by the supervising physician. The patient records shall be selected by the supervising physician on a random basis at least once every month.

3. Report to the Board any violation by the probationer of Chapters 456 and 458, F.S., and the rules promulgated pursuant thereto.

(3) ALTERNATE SUPERVISOR. In view of the need for ongoing and continuous supervision, Respondent shall also be required to submit the curriculum vitae and name of an alternate supervising board-certified physician who shall be approved by Probationer's Committee. Such physician shall be licensed pursuant to Chapter 458, F.S., and shall have the same duties and responsibilities as specified for Respondent's supervising physician during those periods of time which Respondent's supervising physician is temporarily unable to provide supervision. Prior to practicing under the direct supervision of the alternate supervising physician, Respondent shall so advise the Board in writing. Respondent shall further advise the Board in writing of the period of time during which Respondent shall practice under the supervision of the alternate supervising physician. Respondent shall not practice unless Respondent is under the supervision of either the approved supervising physician or the approved alternate.

(4) CONTINUING MEDICAL EDUCATION. Should the Board determine that continuing medical education (CME) is appropriate during the probationary period, the Board shall determine the number of hours and subject area of the required CME. The CME shall be Category I Continuing Medical Education. Respondent shall submit a written plan to the Chairperson of the Probationer's Committee for approval prior to the completion of said courses. The Board confers authority on the Chairperson of the Probationer's Committee to approve or disapprove said continuing education courses. In addition, Respondent shall submit documentation of completion of these continuing medical education courses in each report. These hours shall be in addition to those hours required for biennial renewal of licensure. Said continuing education courses shall consist of a formal live lecture format.

(5) PRN REQUIRED. Should the Board determine that a contract by the Professionals Resource Network (PRN) is appropriate, Respondent shall participate and comply with the PRN contract.

(a) Respondent shall enter into an after care contract with PRN, shall comply with all its terms, and shall be responsible for assuring that the medical director of PRN send the Board a copy of said contract.

(b) Respondent shall execute a release that authorizes PRN to release information and medical records (including psychiatric records and records relating to treatment for drug dependence and alcoholism) to the Board of Medicine as needed to monitor the progress of Respondent in the PRN program.

(c) Respondent shall authorize the director of PRN to report to the Board of Medicine any problems that may occur with Respondent and any violations of Chapter 456 or 458, F.S. Such a report shall be made within 30 days of the occurrence of any problems, or violations of Chapter 456 or 458, F.S.

(6) PRESCRIBING PROHIBITION OR RESTRICTION. If Respondent is licensed as a prescribing physician assistant and should the Board determine that it is appropriate to require a restriction of Respondent's prescribing privileges, the Board shall set forth the length of said restriction and determine which substances shall be affected.

(7) RESTRICTION ON TREATING PATIENTS OF THE OPPOSITE GENDER. Should the Board determine there should be a restriction on treating patients of the opposite gender, Respondent shall not examine or treat any patients of the opposite gender without an employee who is of the same patient gender and who is a health care practitioner licensed by the Department of Health present in the room.

Specific Authority 456.072(2) FS. Law Implemented 456.072(2) FS. History--New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Council on Physician Assistants
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Medicine
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 11, 2007
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 17, 2006

DEPARTMENT OF HEALTH

Board of Medicine

RULE NOS.: RULE TITLES:
64B8-31.0101 Standard Terms Applicable to Orders
64B8-31.0102 Probation Variables

PURPOSE AND EFFECT: The proposed new Rules 64B8-31.0101 and 64B8-31.0102, F.A.C., are intended to set forth standard terms which are applicable to Board orders and to set forth the various probation terms imposed by Orders of the Board in disciplinary proceedings with regard to anesthesia assistants.

SUMMARY: The proposed Rule 64B8-31.0101, F.A.C., sets forth standard terms which the Board applies to disciplinary orders. The proposed Rule 64B8-31.0102, F.A.C., sets forth various probationary terms typically imposed by Board order.

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

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

SPECIFIC AUTHORITY: 456.072(2), 458.309(1), 458.331(5), 458.3475 FS.

LAW IMPLEMENTED: 456.072(2) 458.3475, 458.331(5) FS. IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Larry McPherson, Jr., Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253

THE FULL TEXT OF THE PROPOSED RULES IS:

64B8-31.0101 Standard Terms Applicable to Orders.

Unless otherwise approved by the Board or its designee, or addressed by the Final Order, the following are the terms applicable to all Final Orders rendered by the Board in disciplinary proceedings.

(1) PAYMENT OF FINES AND COSTS. All fines and costs shall be paid by check or money order made payable to the Board and sent to DOH/Client Services, P. O. Box 6320, Tallahassee, Florida 32314-6320, within 30 days of the filing of the Order.

(2) ADDRESSES. Respondent must keep current residence and practice addresses on file with the Board. Respondent shall notify the Compliance Office, in writing, within 10 days of any changes of those addresses. Furthermore, if the Respondent's license is on probation, the Respondent shall notify the Compliance Office within 10 days in the event that Respondent leaves the active practice as an anesthesiologist assistant in Florida.

(3) COMPLIANCE ADDRESS. All reports, correspondence and inquiries shall be sent to: DOH, Client Services Unit, 4052 Bald Cypress Way, Bin #C01, Tallahassee, Florida 32399-3251, Attn: Medical Compliance Officer.

(4) CONTINUITY OF PRACTICE.

(a) TOLLING PROVISIONS. In the event the Respondent leaves the State of Florida for a period of 30 days or more or otherwise does not or may not engage in practice as an anesthesiologist assistant in the State of Florida, then certain provisions of the requirements in the Board's Order shall be tolled and shall remain in a tolled status until Respondent

returns to the active practice in the State of Florida. Respondent shall notify the Compliance Officer 10 days prior to his/her return to practice in the State of Florida. The following requirements shall be tolled until the Respondent returns to active practice:

1. The time period of probation shall be tolled.

2. The provisions regarding supervision by the probation supervisor, and required reports from the probation supervisor shall be tolled.

3. Any provisions regarding community service shall be tolled.

4. Any requirements regarding lectures.

(b) ACTIVE PRACTICE. In the event that Respondent leaves the active practice as an anesthesiologist assistant for a period of one year or more, the Respondent may be required to appear before the Board and demonstrate the ability to practice with reasonable skill and safety to patients prior to resuming practice in the State of Florida.

(5) COMMUNITY SERVICE AND CONTINUING EDUCATION UNITS. All community service requirements, continuing education units/courses must be completed, and documentation of such completion submitted to DOH/Client Services, at the address set forth in subsection (3) above.

(a) DEFINITION OF COMMUNITY SERVICE. "Community service" shall be defined as the delivery of volunteer services to an entity which is exempt from federal taxation under 26 U.S.C. s. 501(c)(3), without fee or cost to the patient or the entity, for the good of the people of the State of Florida. Community service shall be performed outside the anesthesiologist assistant's regular practice setting. Community service plans must be pre-approved by the Board's Probationer's Committee.

(b) CONTINUING EDUCATION. Continuing education imposed by Board Order shall be in addition to those hours required for biennial renewal of licensure. Said continuing education courses must be pre-approved by the Board's Probationer's Committee and shall consist of a formal live lecture format.

(6) PROBATION TERMS. If probation was imposed by Board Order, the following provisions are applicable:

(a) DEFINITIONS:

1. PROBATION SUPERVISOR – is a board-certified anesthesiologist who has agreed to monitor the anesthesiologist assistant for purposes of the Board-imposed probation.

2. PROBATION COMMITTEE – or "Committee" are members of the Board of Medicine designated by the Chair of the Board to serve as the Probation Committee.

(b) REQUIRED SUPERVISION:

1. If the terms of the Order include probation, the Respondent shall not practice without an approved probation supervisor, as specified by the Final Order.

2. The probation supervisor must be a board-certified anesthesiologist licensed under Chapter 458, F.S., in good standing, in active status, without restriction or limitation on his/her license, must be qualified by training and experience, and must not have any conflicts of interest that would prohibit him or her from impartially performing his or her duties as a supervisor. Specific grounds for rejecting a proposed supervisor by the Board or its designee shall include but are not limited to the following:

a. The proposed supervisor has previously been subject to disciplinary action against his/her medical license in this or any other jurisdiction;

b. The proposed supervisor is currently under investigation, or is the subject of a pending disciplinary action;

c. The proposed supervisor is a relative or employee of the Respondent.

(c) TEMPORARY APPROVAL. The Board confers authority on the Chair of the Probation Committee to temporarily approve Respondent's probation supervisor. To obtain this temporary approval, Respondent shall submit to the Compliance Officer the name and curriculum vitae of the proposed supervisor. This information shall be furnished to the Chair of the Probation Committee by way of the Compliance Officer. This information may be faxed to the Compliance Officer at (850)414-0864, or may be sent by overnight mail to the Compliance address as set forth in subsection (3) above. Should Respondent's probation supervisor be temporarily approved, said approval shall only remain in effect until the next meeting of the Probationer's Committee. Absent said approval, Respondent shall not practice until a probation supervisor is approved. Temporary approval shall only remain in effect until the next meeting of the Probation Committee.

(d) FORMAL APPROVAL. Respondent shall have the probation supervisor with him/her at the first probation appearance before the Probation Committee. Prior to consideration of the probation supervisor by the Committee, the Respondent shall provide the probation supervisor a copy of the Administrative Complaint and the Board's Order in this case. Respondent shall submit a current curriculum vitae, a description of current practice, and a letter agreeing to serve from the proposed probation supervisor to the Compliance Officer no later than 21 days before the Respondent's first scheduled probation appearance. Respondent's probation supervisor shall also appear before the Probation Committee at such times as directed by the Committee. It shall be the Respondent's responsibility to ensure the appearance of his/her probation supervisor as directed. Failure of the probation supervisor to appear as directed shall constitute a violation of the terms of the Board's Order and shall render the Respondent subject to additional disciplinary action.

(e) CHANGE IN PROBATION SUPERVISOR. In the event that Respondent's probation supervisor is unable or unwilling to fulfill his/her responsibilities as a probation

supervisor as described above, the Respondent shall advise the Compliance Office of this fact within 24 hours of becoming aware of the situation. Respondent shall submit to the Compliance Office the name of a temporary probation supervisor for consideration. Respondent shall not practice pending approval of this temporary probation supervisor by the Chair of the Probation Committee. Furthermore, Respondent shall make arrangements with his/her temporary probation supervisor to appear before the Probation Committee at its next regularly scheduled meeting for consideration of the probation supervisor by the Committee. Respondent shall only practice under the supervision of the temporary probation supervisor (approved by the Chair) until the next regularly scheduled meeting of the Probation Committee whereat the issue of the Committee's approval of the Respondent's new probation supervisor shall be addressed.

(f) REPORTS. If directed by Board Order, probation reports, in affidavit form, shall be submitted by the Respondent and shall contain the following:

1. Brief statement of why anesthesiologist assistant is on probation.
2. Practice location.
3. Describe current practice (type and composition).
4. Brief statement of compliance with probationary terms.
5. Describe relationship with probation supervisor.
6. Advise Compliance Officer of any problems including office incident reports filed; loss or restriction of hospital staff privileges; or any Medicare/Medicaid program exclusions, restrictions or limitations.

(g) PROBATION SUPERVISOR REPORTS. If directed by Board Order, probation supervisor reports, in affidavit form shall include the following:

1. Brief statement of why anesthesiologist assistant is on probation.
2. Description of probationer's practice.
3. Brief statement of probationer's compliance with terms of probation.
4. Brief description of probationer's relationship with probation supervisor.
5. Detail any problems which may have arisen with probationer.

(h) INVESTIGATIVE REPORTS. Respondent understands that during the period of probation, at a minimum, semi-annual investigative reports will be compiled with the Department of Health concerning compliance with the terms and conditions of probation and the rules and statutes regulating the practice of medicine.

(7) COSTS OF COMPLIANCE. Respondent shall pay all costs necessary to comply with the terms of the Board's Order. Such costs include, but are not limited to, the costs of preparation of the investigative reports detailing compliance with the terms of the Order, the cost of analysis of any blood or

urine specimens submitted pursuant to the Order, and administrative costs directly associated with Respondent's probation. See Section 458.331(2), F.S.

(8) SUSPENSION. In the event that a Respondent's license expires during the period that the license is suspended, this action shall not relieve the Respondent of the responsibility to renew the license at the end of each licensure period. If the Respondent fails to renew the license at the end of any licensure period, all normal conditions and consequences imposed by statute or rule of the Board for failure to timely and properly renew a license shall apply. Renewal of a suspended license during the period of suspension shall not affect the suspension of the license and the suspension shall continue until all requirements for reinstatement have been met.

(10) RETURN OF LICENSE. Any Order which suspends a license, revokes a license, or accepts a Respondent's offer to voluntarily relinquish his/her license shall require the Respondent to return the license to the Department within 30 days from the date the Final Order is filed. This shall not apply to instances where the Board or a court has granted the Respondent a stay of the suspension.

Specific Authority 458.309(1), 458.331(5) FS. Law Implemented 458.3475, 458.331(5) FS. History-New _____.

64B8-31.0102 Probation Variables.

In instances where a Respondent is placed on probation by the Board, the Board shall determine the terms and conditions of Respondent's probation. The following terms of probation are utilized by the Board to ensure that Respondents are safely practicing as anesthesiologist assistants. Possible terms of probation and restrictions on practice include, but are not limited to:

(1) APPEARANCES REQUIRED. Respondent shall appear before the Probationer's Committee at the first meeting after said probation commences, at the last meeting of the Probationer's Committee preceding termination of probation and either quarterly, semiannually, or annually as set forth in the final order. Respondent shall also be responsible for ensuring that the proposed probation supervisor is present at the first meeting before the Probationer's Committee following commencement of probation. Respondent shall be noticed by Board staff of the date, time and place of the Board's Probationer's Committee whereat Respondent's appearance is required. Failure of the Respondent to appear as requested or directed shall be considered a violation of the terms of probation, and shall subject the Respondent to disciplinary action.

(2)(a) The responsibilities of a probation supervisor shall include:

(b) Submit quarterly reports, in affidavit form, which shall include:

- 1. Brief statement of why the anesthesiologist assistant is on probation.
- 2. Description of probationer’s practice.
- 3. Brief statement of probationer’s compliance with terms of probation.
- 4. Brief description of probationer’s relationship with probation supervisor.
- 5. Detail any problems which may have arisen with probationer.

(3) Prior to the approval of the probation supervisor by the committee, Respondent shall submit to the committee a current curriculum vitae and description of the current practice of the proposed probation supervisor. Said materials shall be received in the Board office no later than 21 days before the Respondent’s first scheduled probation appearance.

(4) ALTERNATE MONITOR/SUPERVISOR. In view of the need for ongoing and continuous supervision, Respondent shall also be required to submit the curriculum vitae and name of an alternate probation supervisor who shall be approved by Probationer’s Committee. Such physician shall be a board-certified anesthesiologist licensed pursuant to Chapter 458, F.S., and shall have the same duties and responsibilities as specified for Respondent’s probation supervisor during those periods of time which Respondent’s probation supervisor is temporarily unable to provide supervision. Respondent shall not practice unless Respondent is under the supervision of either the approved probation supervisor or the approved alternate.

(5) CONTINUING MEDICAL EDUCATION. Should the Board determine that continuing medical education (CME) is appropriate during the probationary period, the Board shall determine the number of hours and subject area of the required CME. The CME shall be Category I Continuing Medical Education. Respondent shall submit a written plan to the Chairperson of the Probationer’s Committee for approval prior to the completion of said courses. The Board confers authority on the Chairperson of the Probationer’s Committee to approve or disapprove said continuing education courses. In addition, Respondent shall submit documentation of completion of these continuing medical education courses in each report. These hours shall be in addition to those hours required for biennial renewal of licensure. Said continuing education courses shall consist of a formal live lecture format.

(6) PRN REQUIRED. Should the Board determine that a contract by the Professionals Resource Network (PRN) is appropriate, Respondent shall participate and comply with the PRN contract.

(a) Respondent shall enter into an after care contract with PRN, shall comply with all its terms, and shall be responsible for assuring that the medical director of PRN send the Board a copy of said contract.

(b) Respondent shall execute a release that authorizes PRN to release information and medical records (including psychiatric records and records relating to treatment for drug dependence and alcoholism) to the Board of Medicine as needed to monitor the progress of Respondent in the PRN program.

(c) Respondent shall authorize the director of PRN to report to the Board of Medicine any problems that may occur with Respondent and any violations of Chapter 456 or 458, F.S. Such a report shall be made within 30 days of the occurrence of any problems, or violations of Chapter 456 or 458, F.S.

(7) RESTRICTION ON TREATING PATIENTS OF THE OPPOSITE GENDER. Should the Board determine there should be a restriction on treating patients of the opposite gender, Respondent shall not examine or treat any patients of the opposite gender without an employee who is of the same patient gender and who is a health care practitioner licensed by the Department of Health present in the room.

Specific Authority 456.072(2) FS. Law Implemented 456.072(2) FS. History—New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Anesthesiologist Assistant Committee
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Medicine
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 11, 2007
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 17, 2006

DEPARTMENT OF HEALTH

Board of Opticianry

RULE NO.: 64B12-16.003
RULE TITLE: Apprenticeship Requirements and Training Program

PURPOSE AND EFFECT: The Board proposes the rule amendment to clarify that the Apprentice/Sponsor Orientation course that the apprentice is required to complete and which may count towards the sponsor’s continuing education is Board-approved.

SUMMARY: The rule amendment will clarify that the Apprentice/Sponsor Orientation course that the apprentice is required to complete and which may count towards the sponsor’s continuing education is Board-approved.

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

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

SPECIFIC AUTHORITY: 484.005 FS.

LAW IMPLEMENTED: 484.002, 484.007(1)(d)4. FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sue Foster, Executive Director, Board of Opticianry/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

THE FULL TEXT OF THE PROPOSED RULE IS:

64B12-16.003 Apprenticeship Requirements and Training Program.

(1) through (3) No change.

(4) An apprenticeship shall consist of 6,240 hours of training, completed within five years after the apprentice's first registration with the Department. However, time spent in training at a board-approved school of opticianry may be substituted for required apprenticeship time. Each credit hour earned at such school shall count as 86.67 apprenticeship hours.

(a) An apprentice is required to obtain two of the required hours by completing a ~~an~~ Board-approved Apprentice/Sponsor Orientation Course and submitting the original certificate of attendance to the board office within one year of registration with the Department.

(b) Each sponsor may attend a ~~an~~ Board-approved Apprentice/Sponsor Orientation course. This course will count toward the laws and rules continuing education requirement pursuant to Rule 64B12-15.003, F.A.C.

(c) No change.

(5) through (6)(i) No change.

Specific Authority 484.005 FS. Law Implemented 484.002, 484.007(1)(d)4. FS. History—New 10-12-80, Amended 8-31-83, 8-30-84, Formerly 21P-16.03, Amended 3-5-87, 7-15-87, 1-26-88, 3-30-89, 10-17-90, 5-27-92, 9-30-92, 1-27-93, Formerly 21P-16.003, Amended 9-14-93, 5-2-94, Formerly 61G13-16.003, Amended 2-21-96, 4-23-97, Formerly 59U-16.003, Amended 10-1-97, 2-16-99, 6-25-02, 4-11-06, 9-27-06, 4-19-07, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Opticianry

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Opticianry

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 6, 2007

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

DEPARTMENT OF HEALTH

Board of Osteopathic Medicine

RULE NOS.:	RULE TITLES:
64B15-6.0035	Physician Assistant Licensure Renewal and Reactivation
64B15-6.013	Physician Assistant Fees

PURPOSE AND EFFECT: The proposed rule amendments are intended to address statutory changes regarding CME; the criteria for reactivation of retired status license; and the fee for reactivation of a retired status license with regard to physician assistants.

SUMMARY: The proposed rule amendments clarify criteria for appropriate CME, and the criteria for reactivation of retired status license. In addition the amendment to Rule 64B15-6.013, F.A.C., sets forth the fee for reactivation of a retired status license.

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

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

SPECIFIC AUTHORITY: 456.013, 456.033(1), 456.036, 459.005, 459.022 FS.

LAW IMPLEMENTED: 456.013, 456.031, 456.033, 456.036, 459.022 FS.

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

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

THE FULL TEXT OF THE PROPOSED RULES IS:

64B15-6.0035 Physician Assistant Licensure Renewal and Reactivation.

(1) No change.

(2) Requirements for Renewal.

(a) through (b) No change.

(c) Submission of a written statement attesting to completion of 100 hours of Continuing Medical Education in the previous two (2) years. A minimum of 50 hours must be Category I Continuing Medical Education approved by the American Academy of Physician Assistants, the Accreditation Council for Continuing Medical Education, the American Medical Association, the American Osteopathic Association Council on Continuing Medical Education, or the American Academy of Family Physicians. The remaining 50 hours may be Category II Continuing Medical Education. If requested by the Council, the Physician Assistant must submit a ~~notarized~~ copy of a current certificate issued by the National Commission on Certification of Physician Assistants or must be able to produce evidence ~~of that~~ the 100 CME hours ~~of reported CME have been approved by the American Academy of Physician Assistants and logged with either the American~~

Academy of Physician Assistants or the National Commission of Certification of Physician Assistants for the relevant biennium.

- (d) through (f) No change.
- (3) through (8) No change.

(9) Reactivation of a retired status license. To reactivate the license of a retired status licensee whose license has been on retired status for more than five (5) years or a licensee from another state who has not been in the active practice of osteopathic medicine within the past five (5) years shall be required to appear before the Council and establish the ability to practice with the care and skill sufficient to protect the health, safety, and welfare of the public. At the time of such appearance, the physician assistant must:

- (a) Surrender to the Department the original retired status license;
- (b) Provide the Department with licensure verification from each state in which the licensee is licensed to practice as a physician assistant, or a statement that the licensee is licensed only in Florida;
- (c) Provide to the Department a statement of medical activities from the date the licensee entered retired status to the present;
- (d) Provide documentation of successful completion of the 16 credit hour Graduate Clerkship offered by Nova Southeastern University (Physician Assistant Department) or an equivalent program approved by the Council;
- (e) Practice under the direct supervision of a supervising physician approved by the Council for one (1) year;
- (f) Submit proof of completion of the continuing medical education requirements in compliance with paragraphs 64B15-6.0035(2)(c)-(f), F.A.C., for each biennium in which the license was inactive; and
- (g) Pay the appropriate fees set forth in Section 456.036(4)(b), F.S. and subsections 64B15-6.013(6) and (10), F.A.C.
- (h) In lieu of proof of completion of the Graduate Clerkship or the equivalent, the licensee may submit proof of recertification by NCCPA.

(10) The Department shall refuse to reactivate the license of a retired status physician assistant who is under investigation or prosecution in any jurisdiction for an action that would constitute a violation of this chapter or the professional practice acts administered by the department and the boards, until 15 days after the Department receives the final results of the investigation or prosecution.

Specific Authority 456.013, 456.033(1), 459.005, 459.022 FS. Law Implemented 456.013, 456.031, 459.022(7)(b), (c) FS. History—New 10-28-87, Amended 4-21-88, 1-3-93, Formerly 21R-6.0035, Amended 11-4-93, 3-29-94, Formerly 61F9-6.0035, 59W-6.0035, Amended 6-7-98, 10-16-01, 3-10-02, 7-13-04, 7-27-04, 2-25-07,_____.

64B15-6.013 Physician Assistant Fees.

The following fees are prescribed by the Council and adopted by the Boards:

- (1) through (5) No change.
- (6) The reactivation fee for an inactive or retired status physician assistant license certification pursuant to Section 458.347(7) or 459.022(7), F.S., shall be \$100. Reactivation shall require payment of all the applicable renewal fees and the reactivation fee.
- (7) The duplicate license certification fee shall be \$25.00.
- (8) through (9) No change.
- (10) The fee for a retired status license shall be \$50.00 for a physician assistant.

Specific Authority 456.036(5), (7), 459.005, 459.009, 459.022(7) FS. Law Implemented 456.036(5), (7), 459.009, 459.022(7) FS. History—New 11-4-93, Amended 2-20-94, Formerly 61F9-6.013, 59W-6.013, Amended 8-11-98, 2-23-04, 7-27-04, 12-6-04,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Council on Physician Assistants
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Osteopathic Medicine
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 10, 2007
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 30, 2007

**DEPARTMENT OF HEALTH
Board of Osteopathic Medicine**

RULE NOS.: RULE TITLES:
64B15-6.0112 Standard Terms Applicable to Orders
64B15-6.0113 Probation Variables
PURPOSE AND EFFECT: The proposed new Rule 64B15-6.0112, F.A.C., is intended to address standard terms which the Board utilizes in its orders. The proposed new Rule 64B15-6.0113, F.A.C., is intended to address the variables which are utilized in the event a physician assistant is placed on probation by the Board.
SUMMARY: The proposed new Rule 64B15-6.0112, F.A.C., addresses standard terms for disciplinary orders which apply to physician assistants. The proposed new Rule 64B15-6.0113, F.A.C., sets forth the various probation variables which apply to physician assistants who are placed on probation by the Board.
SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared.
Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 456.072(2), 459.005(1), 459.015(5) FS.

LAW IMPLEMENTED: 456.072(2), 459.015(5) FS.

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

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

THE FULL TEXT OF THE PROPOSED RULES IS:

64B15-6.0112 Standard Terms Applicable to Orders.

Unless otherwise approved by the Board or its designee, or addressed by the Final Order, the following are the terms applicable to all Final Orders rendered by the Board in disciplinary proceedings.

(1) PAYMENT OF FINES AND COSTS. All fines and costs shall be paid by check or money order made payable to the Board and sent to DOH/Client Services, P. O. Box 6320, Tallahassee, Florida 32314-6320, within 30 days of the filing of the Order.

(2) ADDRESSES. Respondent must keep current residence and practice addresses on file with the Board. Respondent shall notify the Compliance Office, in writing, within 10 days of any changes of those addresses. Furthermore, if the Respondent's license is on probation, the Respondent shall notify the Compliance Office within 10 days in the event that Respondent leaves the active practice of medicine in Florida.

(3) COMPLIANCE ADDRESS. All reports, correspondence and inquiries shall be sent to: DOH, Client Services Unit, 4052 Bald Cypress Way, Bin #C01, Tallahassee, Florida 32399-3251, Attn: Medical Compliance Officer.

(4) CONTINUITY OF PRACTICE.

(a) TOLLING PROVISIONS. In the event the Respondent leaves the State of Florida for a period of 30 days or more or otherwise does not or may not engage in the active practice of medicine in the State of Florida, then certain provisions of the requirements in the Board's Order shall be tolled and shall remain in a tolled status until Respondent returns to the active practice of medicine in the State of Florida. Respondent shall notify the Compliance Officer 10 days prior to his/her return to practice in the State of Florida. The following requirements shall be tolled until the Respondent returns to active practice:

1. The time period of probation shall be tolled.
2. The provisions regarding direct supervision and required reports from the supervisor shall be tolled.
3. The requirement for quality assurance review of Respondent's practice shall be tolled.
4. Any provisions regarding community service shall be tolled.

5. Any requirements regarding lectures.

(b) ACTIVE PRACTICE. In the event that Respondent leaves the active practice of medicine for a period of one year or more, the Respondent may be required to appear before the Board and demonstrate the ability to practice medicine with reasonable skill and safety to patients prior to resuming the practice of medicine in the State of Florida.

(5) COMMUNITY SERVICE AND CONTINUING EDUCATION UNITS. All community service requirements, continuing education units/courses must be completed, and documentation of such completion submitted to DOH/Client Services, at the address set forth in subsection (3) above.

(a) DEFINITION OF COMMUNITY SERVICE. "Community service" shall be defined as the delivery of volunteer services to an entity which is exempt from federal taxation under 26 U.S.C. s. 501(c)(3), without fee or cost to the patient or the entity, for the good of the people of the State of Florida. Community service shall be performed outside the physician assistant's regular practice setting. Community service plans must be pre-approved by the Board.

(b) CONTINUING EDUCATION. Continuing education imposed by Board Order shall be in addition to those hours required for biennial renewal of licensure. Said continuing education courses must be pre-approved by the Board and shall consist of a formal live lecture format.

(6) PROBATION TERMS. If probation was imposed by Board Order, the following provisions are applicable:

(a) DEFINITIONS: DIRECT SUPERVISION – is supervision by a supervising physician (supervisor), as set forth in the Order. Direct supervision requires that the supervisor and Respondent work on the same premises. The supervisor shall be board-certified in the Respondent's specialty area.

(b) REQUIRED SUPERVISION:

1. If the terms of the Order direct supervision of the licensee's practice (supervision), the Respondent shall not practice medicine without an approved supervisor, as specified by the Final Order.

2. The supervisor must be licensed under Chapter 459, F.S., in good standing, in active status, without restriction or limitation on his/her license, must be qualified by training and experience, and must not have any conflicts of interest that would prohibit him or her from impartially performing his or her duties as a monitor. Specific grounds for rejecting a proposed supervisor by the Board or its designee shall include but are not limited to the following:

a. The proposed supervisor has previously been subject to disciplinary action against his/her medical license in this or any other jurisdiction;

b. The proposed supervisor is currently under investigation, or is the subject of a pending disciplinary action;

c. The proposed supervisor is not actively engaged in the same or similar specialty area;

d. The proposed supervisor is not practicing on the same premises as the Respondent;

e. The proposed supervisor is a relative or employee of the Respondent.

(c) TEMPORARY APPROVAL. The Board confers authority on the Chair of the Board to temporarily approve Respondent's supervisor. To obtain this temporary approval, Respondent shall submit to the Compliance Officer the name and curriculum vitae of the proposed supervisor. This information shall be furnished to the Chair of the Board by way of the Compliance Officer. This information may be faxed to the Compliance Officer at (850)414-0864, or may be sent by overnight mail to the Compliance address as set forth in subsection (3) above. Should Respondent's supervising physician be temporarily approved, said approval shall only remain in effect until the next meeting of the Board. Absent said approval, Respondent shall not practice medicine until a supervising physician is approved. Temporary approval shall only remain in effect until the next meeting of the Board.

(d) FORMAL APPROVAL. If Respondent is placed under the direct supervision of a physician, Respondent shall have the supervisor with him/her at the first probation appearance before the Board. Prior to consideration of the monitor/supervisor by the Board, the Respondent shall provide the supervisor a copy of the Administrative Complaint and the Board's Order in this case. Respondent shall submit a current curriculum vitae, a description of current practice, and a letter agreeing to serve from the proposed supervisor to the Compliance Officer no later than 21 days before the Respondent's first scheduled probation appearance. Respondent's supervisor shall also appear before the Board at such times as directed by the Board. It shall be the Respondent's responsibility to ensure the appearance of his/her supervisor as directed. Failure of the supervisor to appear as directed shall constitute a violation of the terms of the Board's Order and shall render the Respondent subject to additional disciplinary action.

(e) CHANGE IN SUPERVISOR. In the event that Respondent's supervisor is unable or unwilling to fulfill his/her responsibilities as a supervisor as described above, the Respondent shall advise the Compliance Office of this fact within 24 hours of becoming aware of the situation. Respondent shall submit to the Compliance Office the name of a temporary supervisor for consideration. Respondent shall not practice pending approval of this temporary supervisor by the Chair of the Board. Furthermore, Respondent shall make arrangements with his/her temporary supervisor to appear before the Board at its next regularly scheduled meeting for consideration of the supervisor by the Board. Respondent shall only practice under the supervision of the temporary supervisor (approved by the Chair) until the next regularly scheduled

meeting of the Board whereat the issue of the Board Chair's approval of the Respondent's new supervisor shall be addressed.

(f) REPORTS. If directed by Board Order, probation reports, in affidavit form, shall be submitted by the Respondent and shall contain the following:

1. Brief statement of why physician assistant is on probation.

2. Practice location.

3. Describe current practice (type and composition).

4. Brief statement of compliance with probationary terms.

5. Describe relationship with supervising physician.

6. Advise Compliance Officer of any problems including office incident reports filed; loss or restriction of hospital staff privileges; or any Medicare/Medicaid program exclusions, restrictions or limitations.

(g) SUPERVISOR REPORTS. If directed by Board Order, supervisor reports, in affidavit form shall include the following:

1. Brief statement of why physician assistant is on probation.

2. Description of probationer's practice.

3. Brief statement of probationer's compliance with terms of probation.

4. Brief description of probationer's relationship with supervising physician.

5. Detail any problems which may have arisen with probationer.

(h) INVESTIGATIVE REPORTS. Respondent understands that during the period of probation, at a minimum, semi-annual investigative reports will be compiled with the Department of Health concerning compliance with the terms and conditions of probation and the rules and statutes regulating the practice of medicine.

(7) COSTS OF COMPLIANCE. Respondent shall pay all costs necessary to comply with the terms of the Board's Order. Such costs include, but are not limited to, the costs of preparation of the investigative reports detailing compliance with the terms of the Order, the cost of analysis of any blood or urine specimens submitted pursuant to the Order, and administrative costs directly associated with Respondent's probation. See Section 459.015(2), F.S.

(8) SUSPENSION. In the event that a Respondent's license expires during the period that the license is suspended, this action shall not relieve the Respondent of the responsibility to renew the license at the end of each licensure period. If the Respondent fails to renew the license at the end of any licensure period, all normal conditions and consequences imposed by statute or rule of the Board for failure to timely and properly renew a license shall apply. Renewal of a suspended license during the period of

suspension shall not affect the suspension of the license and the suspension shall continue until all requirements for reinstatement have been met.

(9) RETURN OF LICENSE. Any Order which suspends a license, revokes a license, or accepts a Respondent's offer to voluntarily relinquish his/her license shall require the Respondent to return the license to the Department within 30 days from the date the Final Order is filed. This shall not apply to instances where the Board or a court has granted the Respondent a stay of the suspension.

Specific Authority 459.005(1), 459.015(5) FS. Law Implemented 459.015(5) FS. History--New _____.

64B15-6.0113 Probation Variables.

In instances where a Respondent is placed on probation by the Board, the Board shall determine the terms and conditions of Respondent's probation. The following terms of probation are utilized by the Board to ensure that Respondents are safely practicing medicine. Possible terms of probation and restrictions on practice include, but are not limited to:

(1) APPEARANCES REQUIRED. Respondent shall appear before the Board at the first meeting after said probation commences, at the last meeting of the Board preceding termination of probation and either quarterly, semiannually, or annually as set forth in the final order. Respondent shall be notified by Board staff of the date, time and place of the Board meeting whereat Respondent's appearance is required. Failure of the Respondent to appear as requested or directed shall be considered a violation of the terms of probation, and shall subject the Respondent to disciplinary action.

(2) DIRECT SUPERVISION REQUIRED. If direct supervision is required by the Board, Respondent shall not practice except under the direct supervision of a board-certified physician fully licensed under Chapter 459, F.S., who has been approved by the Board.

(a) The supervising physician shall work on the same premises as the Respondent.

(b) Absent provision for and compliance with the terms regarding temporary approval of a supervising physician set forth in paragraph 64B15-6.0112(6)(c), F.A.C. Respondent shall cease practice and not practice until the Board approves a supervising physician.

(c) Respondent shall have the supervising physician appear at the first probation appearance before the Board.

1. Prior to approval of the supervising physician by the Board, the Respondent shall provide to the supervising physician a copy of the Administrative Complaint and the Board's Order filed in the case.

2. A failure of the Respondent or the supervising physician to appear at the scheduled meeting shall constitute a violation of the Board's Order.

3. Prior to the approval of the supervising physician by the Board, Respondent shall submit to the Board a current curriculum vitae and description of the current practice of the proposed supervising physician. Said materials shall be received in the Board office no later than 21 days before the Respondent's first scheduled probation appearance.

(d) The responsibilities of a supervising physician shall include:

1. Submit quarterly reports, in affidavit form, which shall include:

a. Brief statement of why physician assistant is on probation.

b. Description of probationer's practice.

c. Brief statement of probationer's compliance with terms of probation.

d. Brief description of probationer's relationship with supervising physician.

e. Detail any problems which may have arisen with probationer.

2. Should the Board determine that Respondent's medical records need to be reviewed, the Board shall set forth the percentage of the records and type of records to be reviewed by the supervising physician. The patient records shall be selected by the supervising physician on a random basis at least once every month.

3. Report to the Board any violation by the probationer of Chapters 456 and 459, F.S., and the rules promulgated pursuant thereto.

(3) ALTERNATE SUPERVISOR. In view of the need for ongoing and continuous supervision, Respondent shall also be required to submit the curriculum vitae and name of an alternate supervising board-certified osteopathic physician who shall be approved by Board. Such physician shall be licensed pursuant to Chapter 459, F.S., and shall have the same duties and responsibilities as specified for Respondent's supervising physician during those periods of time which Respondent's supervising physician is temporarily unable to provide supervision. Prior to practicing under the direct supervision of the alternate supervising physician, Respondent shall so advise the Board in writing. Respondent shall further advise the Board in writing of the period of time during which Respondent shall practice under the supervision of the alternate supervising physician. Respondent shall not practice unless Respondent is under the supervision of either the approved supervising physician or the approved alternate.

(4) CONTINUING MEDICAL EDUCATION. Should the Board determine that continuing medical education (CME) is appropriate during the probationary period, the Board shall determine the number of hours and subject area of the required CME. The CME shall be Category I Continuing Medical Education. Respondent shall submit a written plan to the Chairperson of the Board for approval prior to the completion of said courses. The Board confers authority on the

Chairperson of the Board to approve or disapprove said continuing education courses. In addition, Respondent shall submit documentation of completion of these continuing medical education courses in each report. These hours shall be in addition to those hours required for biennial renewal of licensure. Said continuing education courses shall consist of a formal live lecture format.

(5) PRN REQUIRED. Should the Board determine that a contract by the Professionals Resource Network (PRN) is appropriate, Respondent shall participate and comply with the PRN contract.

(a) Respondent shall enter into an after care contract with PRN, shall comply with all its terms, and shall be responsible for assuring that the medical director of PRN send the Board a copy of said contract.

(b) Respondent shall execute a release that authorizes PRN to release information and medical records (including psychiatric records and records relating to treatment for drug dependence and alcoholism) to the Board of Osteopathic Medicine as needed to monitor the progress of Respondent in the PRN program.

(c) Respondent shall authorize the director of PRN to report to the Board of Medicine any problems that may occur with Respondent and any violations of Chapter 456 or 459, F.S. Such a report shall be made within 30 days of the occurrence of any problems, or violations of Chapter 456 or 459, F.S.

(6) PRESCRIBING PROHIBITION OR RESTRICTION. If Respondent is licensed as a prescribing physician assistant and should the Board determine that it is appropriate to require a restriction of Respondent's prescribing privileges, the Board shall set forth the length of said restriction and determine which substances shall be affected.

(7) RESTRICTION ON TREATING PATIENTS OF THE OPPOSITE GENDER. Should the Board determine there should be a restriction on treating patients of the opposite gender, Respondent shall not examine or treat any patients of the opposite gender without an employee who is of the same patient gender and who is a health care practitioner licensed by the Department of Health present in the room.

Specific Authority 456.072(2) FS. Law Implemented 456.072(2) FS. History--New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Council on Physician Assistants

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Osteopathic Medicine

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 10, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 17, 2006

DEPARTMENT OF HEALTH

Board of Osteopathic Medicine

RULE NOS.: RULE TITLES:
64B15-7.0101 Standard Terms Applicable to Orders
64B15-7.0102 Probation Variables

PURPOSE AND EFFECT: The proposed new Rules 64B15-7.0101 and 64B15-7.0102, F.A.C., are intended to set forth standard terms which are applicable to Board orders and to set forth the various probation terms imposed by Orders of the Board in disciplinary proceedings with regard to anesthesia assistants.

SUMMARY: The proposed Rule 64B15-7.0101, F.A.C., sets forth standard terms which the Board applies to disciplinary orders. The proposed Rule 64B15-7.0102, F.A.C., sets forth various probationary terms typically imposed by Board order.

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

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

SPECIFIC AUTHORITY: 456.072(2), 459.005, 459.023 FS.

LAW IMPLEMENTED: 456.072(2), 459.015, 459.023 FS.

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

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

THE FULL TEXT OF THE PROPOSED RULES IS:

64B15-7.0101 Standard Terms Applicable to Orders. Unless otherwise approved by the Board or its designee, or addressed by the Final Order, the following are the terms applicable to all Final Orders rendered by the Board in disciplinary proceedings.

(1) PAYMENT OF FINES AND COSTS. All fines and costs shall be paid by check or money order made payable to the Board and sent to DOH/Client Services, P. O. Box 6320, Tallahassee, Florida 32314-6320, within 30 days of the filing of the Order.

(2) ADDRESSES. Respondent must keep current residence and practice addresses on file with the Board. Respondent shall notify the Compliance Office, in writing, within 10 days of any changes of those addresses. Furthermore, if the Respondent's license is on probation, the Respondent shall notify the Compliance Office within 10 days in the event that Respondent leaves the active practice as an anesthesiologist assistant in Florida.

(3) COMPLIANCE ADDRESS. All reports, correspondence and inquiries shall be sent to: DOH, Client Services Unit, 4052 Bald Cypress Way, Bin #C01, Tallahassee, Florida 32399-3251, Attn: Medical Compliance Officer.

(4) CONTINUITY OF PRACTICE.

(a) TOLLING PROVISIONS. In the event the Respondent leaves the State of Florida for a period of 30 days or more or otherwise does not or may not engage in practice as an anesthesiologist assistant in the State of Florida, then certain provisions of the requirements in the Board's Order shall be tolled and shall remain in a tolled status until Respondent returns to the active practice in the State of Florida. Respondent shall notify the Compliance Officer 10 days prior to his/her return to practice in the State of Florida. The following requirements shall be tolled until the Respondent returns to active practice:

1. The time period of probation shall be tolled.
2. The provisions regarding supervision by the probation supervisor, and required reports from the probation supervisor shall be tolled.
3. Any provisions regarding community service shall be tolled.
4. Any requirements regarding lectures.

(b) ACTIVE PRACTICE. In the event that Respondent leaves the active practice as an anesthesiologist assistant for a period of one year or more, the Respondent may be required to appear before the Board and demonstrate the ability to practice with reasonable skill and safety to patients prior to resuming practice in the State of Florida.

(5) COMMUNITY SERVICE AND CONTINUING EDUCATION UNITS. All community service requirements, continuing education units/courses must be completed, and documentation of such completion submitted to DOH/Client Services, at the address set forth in subsection (3) above.

(a) DEFINITION OF COMMUNITY SERVICE. "Community service" shall be defined as the delivery of volunteer services to an entity which is exempt from federal taxation under 26 U.S.C. s. 501(c)(3), without fee or cost to the patient or the entity, for the good of the people of the State of Florida. Community service shall be performed outside the anesthesiologist assistant's regular practice setting. Community service plans must be pre-approved by the Board.

(b) CONTINUING EDUCATION. Continuing education imposed by Board Order shall be in addition to those hours required for biennial renewal of licensure. Said continuing education courses must be pre-approved by the Board and shall consist of a formal live lecture format.

(6) PROBATION TERMS. If probation was imposed by Board Order, the following provisions are applicable:

(a) DEFINITIONS: PROBATION SUPERVISOR – is a board-certified anesthesiologist who has agreed to monitor the anesthesiologist assistant for purposes of the Board-imposed probation.

(b) REQUIRED SUPERVISION:

1. If the terms of the Order include probation, the Respondent shall not practice without an approved probation supervisor, as specified by the Final Order.

2. The probation supervisor must be a board-certified anesthesiologist licensed under Chapter 459, F.S., in good standing, in active status, without restriction or limitation on his/her license, must be qualified by training and experience, and must not have any conflicts of interest that would prohibit him or her from impartially performing his or her duties as a supervisor. Specific grounds for rejecting a proposed supervisor by the Board or its designee shall include but are not limited to the following:

a. The proposed supervisor has previously been subject to disciplinary action against his/her medical license in this or any other jurisdiction;

b. The proposed supervisor is currently under investigation, or is the subject of a pending disciplinary action;

c. The proposed supervisor is a relative or employee of the Respondent.

(c) TEMPORARY APPROVAL. The Board confers authority on the Chair of the Board to temporarily approve Respondent's probation supervisor. To obtain this temporary approval, Respondent shall submit to the Compliance Officer the name and curriculum vitae of the proposed supervisor. This information shall be furnished to the Chair by way of the Compliance Officer. This information may be faxed to the Compliance Officer at (850)414-0864, or may be sent by overnight mail to the Compliance address as set forth in subsection (3) above. Should Respondent's probation supervisor be temporarily approved, said approval shall only remain in effect until the next meeting of the Board. Absent said approval, Respondent shall not practice until a probation supervisor is approved. Temporary approval shall only remain in effect until the next meeting of the Board.

(d) FORMAL APPROVAL. Respondent shall have the probation supervisor with him/her at the first probation appearance before the Board. Prior to consideration of the probation supervisor by the Board, the Respondent shall provide the probation supervisor a copy of the Administrative Complaint and the Board's Order in this case. Respondent shall submit a current curriculum vitae, a description of current practice, and a letter agreeing to serve from the proposed probation supervisor to the Compliance Officer no later than 21 days before the Respondent's first scheduled probation appearance. Respondent's probation supervisor shall also appear before the Board at such times as directed by the Board. It shall be the Respondent's responsibility to ensure the appearance of his/her probation supervisor as directed. Failure of the probation supervisor to appear as directed shall constitute a violation of the terms of the Board's Order and shall render the Respondent subject to additional disciplinary action.

(e) CHANGE IN PROBATION SUPERVISOR. In the event that Respondent's probation supervisor is unable or unwilling to fulfill his/her responsibilities as a probation supervisor as described above, the Respondent shall advise the Compliance Office of this fact within 24 hours of becoming aware of the situation. Respondent shall submit to the Compliance Office the name of a temporary probation supervisor for consideration. Respondent shall not practice pending approval of this temporary probation supervisor by the Chair. Furthermore, Respondent shall make arrangements with his/her temporary probation supervisor to appear before the Board at its next regularly scheduled meeting for consideration of the probation supervisor by the Board. Respondent shall only practice under the supervision of the temporary probation supervisor (approved by the Chair) until the next regularly scheduled meeting of the Board whereat the issue of approval of the Respondent's new probation supervisor shall be addressed.

(f) REPORTS. If directed by Board Order, probation reports, in affidavit form, shall be submitted by the Respondent and shall contain the following:

1. Brief statement of why anesthesiologist assistant is on probation.
2. Practice location.
3. Describe current practice (type and composition).
4. Brief statement of compliance with probationary terms.
5. Describe relationship with probation supervisor.
6. Advise Compliance Officer of any problems including office incident reports filed; loss or restriction of hospital staff privileges; or any Medicare/Medicaid program exclusions, restrictions or limitations.

(g) PROBATION SUPERVISOR REPORTS. If directed by Board Order, probation supervisor reports, in affidavit form shall include the following:

1. Brief statement of why anesthesiologist assistant is on probation.
2. Description of probationer's practice.
3. Brief statement of probationer's compliance with terms of probation.
4. Brief description of probationer's relationship with probation supervisor.
5. Detail any problems which may have arisen with probationer.

(h) INVESTIGATIVE REPORTS. Respondent understands that during the period of probation, at a minimum, semi-annual investigative reports will be compiled with the Department of Health concerning compliance with the terms and conditions of probation and the rules and statutes regulating the practice of medicine.

(7) COSTS OF COMPLIANCE. Respondent shall pay all costs necessary to comply with the terms of the Board's Order. Such costs include, but are not limited to, the costs of

preparation of the investigative reports detailing compliance with the terms of the Order, the cost of analysis of any blood or urine specimens submitted pursuant to the Order, and administrative costs directly associated with Respondent's probation. See Section 459.015, F.S.

(8) SUSPENSION. In the event that a Respondent's license expires during the period that the license is suspended, this action shall not relieve the Respondent of the responsibility to renew the license at the end of each licensure period. If the Respondent fails to renew the license at the end of any licensure period, all normal conditions and consequences imposed by statute or rule of the Board for failure to timely and properly renew a license shall apply. Renewal of a suspended license during the period of suspension shall not affect the suspension of the license and the suspension shall continue until all requirements for reinstatement have been met.

(10) RETURN OF LICENSE. Any Order which suspends a license, revokes a license, or accepts a Respondent's offer to voluntarily relinquish his/her license shall require the Respondent to return the license to the Department within 30 days from the date the Final Order is filed. This shall not apply to instances where the Board or a court has granted the Respondent a stay of the suspension.

Specific Authority 459.005 FS. Law Implemented 459.015, 459.023 FS. History--New _____.

64B15-7.0102 Probation Variables.

In instances where a Respondent is placed on probation by the Board, the Board shall determine the terms and conditions of Respondent's probation. The following terms of probation are utilized by the Board to ensure that Respondents are safely practicing as anesthesiologist assistants. Possible terms of probation and restrictions on practice include, but are not limited to:

(1) APPEARANCES REQUIRED. Respondent shall appear before the Board at the first meeting after said probation commences, at the last meeting of the Board preceding termination of probation and either quarterly, semiannually, or annually as set forth in the final order. Respondent shall be noticed by Board staff of the date, time and place whereat Respondent's appearance is required. Failure of the Respondent to appear as requested or directed shall be considered a violation of the terms of probation, and shall subject the Respondent to disciplinary action.

(2)(a) The responsibilities of a probation supervisor shall include:

(b) Submit quarterly reports, in affidavit form, which shall include:

1. Brief statement of why the anesthesiologist assistant is on probation.
2. Description of probationer's practice.

3. Brief statement of probationer's compliance with terms of probation.

4. Brief description of probationer's relationship with probation supervisor.

5. Detail any problems which may have arisen with probationer.

(3) Prior to the approval of the probation supervisor by the Board, Respondent shall submit to the Board a current curriculum vitae and description of the current practice of the proposed probation supervisor. Said materials shall be received in the Board office no later than 21 days before the Respondent's first scheduled probation appearance.

(4) ALTERNATE MONITOR/SUPERVISOR. In view of the need for ongoing and continuous supervision, Respondent shall also be required to submit the curriculum vitae and name of an alternate probation supervisor who shall be approved by the Board. Such physician shall be a board-certified anesthesiologist licensed pursuant to Chapter 459, F.S., and shall have the same duties and responsibilities as specified for Respondent's probation supervisor during those periods of time which Respondent's probation supervisor is temporarily unable to provide supervision. Respondent shall not practice unless Respondent is under the supervision of either the approved probation supervisor or the approved alternate.

(5) CONTINUING MEDICAL EDUCATION. Should the Board determine that continuing medical education (CME) is appropriate during the probationary period, the Board shall determine the number of hours and subject area of the required CME. The CME shall be Category I Continuing Medical Education. Respondent shall submit a written plan to the Chair for approval prior to the completion of said courses. The Board confers authority on the Chair to approve or disapprove said continuing education courses. In addition, Respondent shall submit documentation of completion of these continuing medical education courses in each report. These hours shall be in addition to those hours required for biennial renewal of licensure. Said continuing education courses shall consist of a formal live lecture format.

(6) PRN REQUIRED. Should the Board determine that a contract by the Professionals Resource Network (PRN) is appropriate, Respondent shall participate and comply with the PRN contract.

(a) Respondent shall enter into an after care contract with PRN, shall comply with all its terms, and shall be responsible for assuring that the medical director of PRN send the Board a copy of said contract.

(b) Respondent shall execute a release that authorizes PRN to release information and medical records (including psychiatric records and records relating to treatment for drug dependence and alcoholism) to the Board of Osteopathic Medicine as needed to monitor the progress of Respondent in the PRN program.

(c) Respondent shall authorize the director of PRN to report to the Board of Osteopathic Medicine any problems that may occur with Respondent and any violations of Chapter 456 or 459, F.S. Such a report shall be made within 30 days of the occurrence of any problems, or violations of Chapter 456 or 459, F.S.

(7) RESTRICTION ON TREATING PATIENTS OF THE OPPOSITE GENDER. Should the Board determine there should be a restriction on treating patients of the opposite gender, Respondent shall not examine or treat any patients of the opposite gender without an employee who is of the same patient gender and who is a health care practitioner licensed by the Department of Health present in the room.

Specific Authority 456.072(2) FS. Law Implemented 456.072(2) FS. History--New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Anesthesiologist Assistant Committee

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Osteopathic Medicine

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 10, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 17, 2006

DEPARTMENT OF HEALTH

Board of Osteopathic Medicine

RULE NO.: RULE TITLE:

64B15-14.006 Standards of Practice for Surgery

PURPOSE AND EFFECT: The purpose and effect of this rule development is to update the existing language in this rule.

SUMMARY: The existing language of the rule is updated.

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

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

SPECIFIC AUTHORITY: 459.005, 459.015(1)(z) FS.

LAW IMPLEMENTED: 459.015(1)(x), (z), (aa) FS.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

64B15-14.006 Standards of Practice for Surgery.

The Board of Osteopathic Medicine interprets the standard of care requirement of Section 459.015(1)(x), F.S., and the delegation of duties restrictions of Section 459.015(1)(aa), F.S., with regard to surgery as follows:

(1) The ultimate responsibility for diagnosing and treating medical and surgical problems is that of the licensed allopathic or osteopathic physician who is to perform the surgery. In addition, it is the responsibility of the treating physician operating surgeon or an equivalently trained allopathic or osteopathic physician practicing within a Board approved postgraduate training program to explain the procedure to and obtain the informed consent of the patient. It is not necessary, however, that the operating surgeon obtain or witness the signature of the patient on the written form evidencing informed consent.

(2) No change.

(a) Definition of Surgery/Procedure. As used herein, "surgery/procedure" means the incision or curettage of tissue or an organ, insertion of natural or artificial implants, electro-convulsive therapy, and endoscopic procedure, or other procedure requiring the administration of anesthesia or an anesthetic agent. Minor surgeries/procedures such as excision of skin lesions, moles, warts, cysts, lipomas and repair of lacerations or surgery limited to the skin and subcutaneous tissue performed under topical or local anesthesia not involving drug-induced alteration of consciousness other than minimal pre-operative tranquilization of the patient are exempt from the following requirements.

(b) Except in life-threatening emergencies requiring immediate resuscitative measures, once the patient has been prepared for the elective surgery/procedure and the ~~surgical~~ team has been gathered in the operating room and immediately prior to the initiation of any ~~surgical~~ procedure, the surgical team will pause and the operating physician(s) performing the procedure will verbally confirm the patient's identification, the intended procedure and the correct surgical/procedure site. The operating physician shall not make any incision or perform any surgery or procedure prior to performing this required confirmation. The notes of the procedure shall specifically reflect when this confirmation procedure was completed and which personnel on the surgical team confirmed each item. This requirement for confirmation applies to physicians performing procedures either in office settings or facilities licensed pursuant to Chapter 395, F.S., and shall be in addition to any other requirements that may be required by the office or facility.

(c) The provisions of subsection (b) shall be applicable to anesthesia providers prior to administering anesthesia or anesthetic agents, or performing regional blocks at any time both within or outside a surgery setting.

(3) through (4) No change.

~~(5) The rule shall have no application to anesthesia-related activities performed in accordance with Florida law.~~

Specific Authority 459.005, 459.015(1)(z) FS. Law Implemented 459.015(1)(x), (z), (aa) FS. History—New 10-16-01, Amended 4-5-05,

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Osteopathic Medicine

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Osteopathic Medicine

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 10, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 22, 2007

DEPARTMENT OF HEALTH

Board of Pharmacy

RULE NO.: 64B16-26.1001 RULE TITLE: Examination and Application Fees

PURPOSE AND EFFECT: The Board proposes the rule amendment to remove references to the application fee for continuing education course approval.

SUMMARY: References to the application fee for continuing education course approval will be removed from the rule.

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

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

SPECIFIC AUTHORITY: 465.005, 465.009 FS.

LAW IMPLEMENTED: 456.025(7), 465.007, 465.0075, 465.009 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Rebecca R. Poston, Executive Director, Board of Pharmacy/MQA, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3253

THE FULL TEXT OF THE PROPOSED RULE IS:

64B16-26.1001 Examination and Application Fees.

(1) The non-refundable examination fee for licensure by examination shall be \$100, payable to the Board. Examination fees for the National Practice Examination and jurisprudence examination are payable to the examination vendor.

(2) The non-refundable application fee licensure by endorsement shall be \$100, payable to the Board.

(3) The non-refundable application fee for a continuing education provider seeking approved provider status shall be \$150, payable to the Board.

~~(4) The non-refundable application fee for a continuing education course approval shall be \$50 for each course submitted for approval, payable to the Board.~~

Specific Authority 465.005, 465.009 FS. Law Implemented 456.025(7), 465.007, 465.0075, 465.009 FS. History--New 1-11-05, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Pharmacy
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Pharmacy
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 24, 2007
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 25, 2007

DEPARTMENT OF HEALTH

Board of Pharmacy

RULE NO.: 64B16-26.1004
RULE TITLE: Inactive License Election; Renewal; Fees

PURPOSE AND EFFECT: The Board proposes the rule amendment to remove references to the renewal fee as referenced in Rule 64B16-26.1003, F.A.C.

SUMMARY: References to the renewal fee as referenced in Rule 64B16-26.1003, F.A.C., will be removed from the rule.

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

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

SPECIFIC AUTHORITY: 456.036, 465.005, 465.012, 465.0125, 465.0126 FS.

LAW IMPLEMENTED: 456.036, 456.065(3), 465.012, 465.0125, 465.0126 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Rebecca R. Poston, Executive Director, Board of Pharmacy/MQA, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3253

THE FULL TEXT OF THE PROPOSED RULE IS:

64B16-26.1004 Inactive License Election; Renewal; Fees.

- (1) A licensee may elect:
(a) through (c) No change.

(d) At a time other than license renewal to change the inactive status license to active status, provided the licensee meets the continuing education requirements of Rule 64B16-26.103, F.A.C., for each biennium the license was on inactive status and submits the reactivation fee of \$70, a change of status fee of \$25 and ~~the current renewal fee set forth in Rule 64B16-26.1003, F.A.C., or~~ the difference between the inactive status renewal fee and the active status renewal fee, if any exists.

(2) A consultant pharmacist licensee may elect:

- (a) through (c) No change.

(d) At a time other than license renewal to change the inactive status license to active status, provided the licensee meets the continuing education requirements of Rule 64B16-26.103, F.A.C., for each biennium the license was on inactive status, and submits the reactivation fee of \$25, a change of status fee of \$25; and the difference between the inactive status renewal fee and the active status renewal fee, if any exists ~~the active consultant pharmacist renewal fee set forth in Rule 64B16-26.1003, F.A.C.~~

(3) A nuclear pharmacist licensee may elect:

- (a) through (c) No change.

(d) At a time other than license renewal to change the inactive status license to active status, provided the nuclear pharmacist licensee meets the continuing education requirements of Rule 64B16-26.304, F.A.C., for each biennium the license was on inactive status and by submitting a reactivation fee of \$50, a change of status fee of \$25; and ~~the active nuclear license renewal fee set forth in Rule 64B16-26.1003, F.A.C., or~~ the difference between the inactive status renewal fee and the active status renewal fee, if any exists.

Specific Authority 456.036, 465.005, 465.012, 465.0125, 465.0126 FS. Law Implemented 456.036, 456.065(3), 465.012, 465.0125, 465.0126 FS. History--New 1-11-05, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Pharmacy
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Pharmacy
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 24, 2007
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 25, 2007

DEPARTMENT OF HEALTH

Division of Family Health Services

RULE NO.: 64F-21.001
RULE TITLE: Modified Fetal Infant Mortality Review Specification

PURPOSE AND EFFECT: The rule addresses black infant mortality.

SUMMARY: The rule is new and provides that existing fetal infant mortality review teams may be used provided the team consist of persons or members as required by Section 383.2162(5)(c), F.S. The rule also identifies the eight urban and rural counties that meet the requirements of Section 383.2162(6), F.S.

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

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

SPECIFIC AUTHORITY: 383.2162(9) FS.

LAW IMPLEMENTED: 383.2162 FS.

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

DATE AND TIME: September 10, 2007, 10:00 a.m.

PLACE: Betty Easley Conference Center, 4075 Esplanade Way, Room 180, Tallahassee, Florida 32399

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: the Division of Family Health Services at (850)245-4444, extension 2959. 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: Adam Reeves, Infant Maternal and Reproductive Health, 4052 Bald Cypress Way, Bin A-13, Tallahassee, Florida 32399

THE FULL TEXT OF THE PROPOSED RULE IS:

64F-21.001 Modified Fetal Infant Mortality Review Specification.

(1) Existing FIMR teams, processes, and team members may be utilized in the examination of black fetal and infant deaths. Coalitions participating in this initiative must ensure that members are represented as required by Section 383.2162(5)(c), F.S.

(2) Priority of award selection will go to counties representing Coalition areas that meet the criteria listed in Section 383.2162(6), F.S. These include the following eight counties: Broward, Dade, Duval, Gadsden, Hillsborough, Orange, Palm Beach, and Putnam. In the event that both a State and Federal Healthy Start Coalition representing a single county exist, only one application from that particular area will be accepted as a potential candidate for an award.

Specific Authority 383.2162(9) FS. Law Implemented 383.2162 FS. History--New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Adam Reeves

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Betsy Wood

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 21, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 20, 2007

**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."

LAND AND WATER ADJUDICATORY COMMISSION

Braddock Community Development District

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

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 33, No. 34, August 24, 2007 issue of the Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NOS.:	RULE TITLES:
62-16.100	General
62-16.200	Definitions
62-16.300	Renewable Energy Technologies Grants Program
62-16.400	Renewable Energy Technologies Grants Program for Bioenergy
62-16.500	Solar Energy Systems Incentives Program
62-16.600	Renewable Energy Technologies Investment Tax Credit
62-16.900	Forms