

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Kaye Howerton, Executive Director, Board of Psychology/MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3253

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

DEPARTMENT OF HEALTH

Division of Environmental Health

RULE CHAPTER TITLE: Florida Clean Indoor Air Act
 RULE CHAPTER NO.: 64E-25

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to amend Administrative Rule 64E-25, F.A.C., and to implement statutory provisions relating to Chapter 386, Florida Statutes, the Florida Clean Indoor Air Act.

SUBJECT AREA TO BE ADDRESSED: Chapter 386, Florida Statutes, Florida Clean Indoor Air Act.

SPECIFIC AUTHORITY: 386.207 FS.

LAW IMPLEMENTED: 381.0012, 386.206, 386.207 FS.

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

TIME AND DATE: 9:00 a.m. – 12:00 p.m., Monday, September 22, 2003

PLACE: Betty Easley Conference Center, Capital Circle Office Complex, 4075 Esplanade Way, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT, IF AVAILABLE, IS: Donna Arnold, Program Specialist, Department of Health, 4052 Bald Cypress Way, Bin #C-23, Tallahassee, Florida 32399-1743 (Draft materials will be available, upon request, one week prior to the workshop.)

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

DEPARTMENT OF HEALTH

Division of Family Health Services

RULE TITLES: General Regulations; Definitions
 RULE NOS.: 64F-12.001

Records of Drugs, Devices and Cosmetics 64F-12.012

PURPOSE AND EFFECT: The primary purpose of these rule revisions is to address three concepts necessary to implement the Prescription Drug Protection Act passed in Senate Bill 2312, Chapter 2003-155, Laws of Florida. A rule development workshop was held on September 9, 2003 and these areas addressed below require additional input from the public to develop the rules.

SUBJECT AREA TO BE ADDRESSED: Rule revisions will include: providing rules related to authorized distributors of record and pedigree paper recordkeeping requirements, including procedures for authenticating paper papers; and wholesaler inspection requirements related to due diligence.

SPECIFIC AUTHORITY: 499.0121, 499.05 FS.

LAW IMPLEMENTED: 499.003, 499.005, 499.0121, 499.05, 499.051 FS.

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

TIME AND DATE: 10:00 a.m. – 1:00 p.m., Wednesday, October 8, 2003

PLACE: Department of Health, 4052 Bald Cypress Way, Room 301 (Capital Circle Office Complex), Tallahassee, Florida.

If special accommodations are needed to attend this meeting because of a disability, please contact: Maxine Wenzinger, (850)487-1257, Ext. 205.

A copy of the preliminary text is available on the bureau's website at www.doh.state.fl.us/pharmacy/drugs then click on the 'What's Hot' link.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Sandra Stovall, Compliance Officer, 2818-A Mahan Drive, Tallahassee, Florida 32308, (850)487-1257, Ext. 210, sandra_stovall@doh.state.fl.us

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE BY MAIL AT NO CHARGE FROM MAXINE WENZINGER, (850)487-1257, EXT. 205.

**Section II
 Proposed Rules**

DEPARTMENT OF BANKING AND FINANCE

Division of Banking

RULE TITLES: Application Forms, Procedures and Requirements
 RULE NOS.: 3C-560.102
 Requirements 3C-560.201

PURPOSE, EFFECT AND SUMMARY: These rules provide for a fingerprint card processing fee of \$39 which includes processing through the Florida Department of Law Enforcement and the Federal Bureau of Investigations. The purpose of the proposed amendments to Rules 3C-560.102 and 3C-560.201, F.A.C., is to change the fee for processing fingerprint cards through the Florida Department of Law Enforcement in accordance with the statutory provisions of Chapter 943.053(3)(b), Florida Statutes which increases the processing fee from \$15 to \$23 per name submitted. As a result the amended rule will provide for a fingerprint card processing fee of \$47.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No statement of estimated regulatory cost has been prepared.

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

SPECIFIC AUTHORITY: 215.405, 560.105(3), 560.118(2), 560.205 (1), 560.205(2), 560.403(1) FS.

LAW IMPLEMENTED: 215.405, 560.102, 560.118, 560.127, 560.129, 560.204, 560.205, 560.303(1), 560.305, 560.306, 560.307, 560.404 FS.

IF REQUESTED IN WRITING WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 1:30 p.m., Monday, October 20, 2003

PLACE: Room 54, Office of Financial Regulation, The Fletcher Building, 101 E. Gaines Street, Tallahassee, Florida 32399-0378

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Pamela P. Epting, Bureau Chief, 200 East Gaines Street, Tallahassee, Florida 32399-0375, (850)410-9805

THE FULL TEXT OF THE PROPOSED RULES IS:

3C-560.102 Applications Forms, Procedures and Requirements.

(1) through (4) No change.

(5) The responsible person who will be in charge of the applicant's business activities in this state, and each existing or proposed director, executive officer, principal, member and all controlling shareholders, unless exempt under Sections 560.205(1) or 560.306(1), F.S., shall file a completed Florida Fingerprint Card (FL921050Z) accompanied by a nonrefundable \$47 ~~39~~ processing fee. If the Federal Bureau of Investigation cannot process the fingerprint card because of illegible fingerprints, a second card must be submitted. If that card cannot be processed, it will be necessary to submit a third card along with a nonrefundable fee of \$24 to cover the cost of processing the card. The Department reserves the right to require as many submissions of fingerprint cards and fees as may be necessary until such time as the card can be properly processed by the appropriate law enforcement agency. Any applicant claiming the statutory exemption from the fingerprint requirement shall submit evidence to support its claim to the exemption.

(6) through (9) No change.

Specific Authority 215.405, 560.105(3), 560.118(2), 560.205(1), 560.205(2), 560.403(1) FS. Law Implemented 215.405, 560.102, 560.118, 560.129, 560.204, 560.205, 560.303(1), 560.305, 560.306, 560.307, 560.403 FS. History--New 9-24-97, Amended 11-4-01, _____.

3C-560.201 Requirements.

Notices of change of control will be processed pursuant to Section 560.127, F.S.

(1) No change.

(2) The responsible person who will be in charge of the applicant's business activities in this state, each existing or proposed director, executive officer, principal, member and all controlling shareholders, unless exempt under Sections 560.205(1) or 560.306(1), F.S., shall file a completed Florida Fingerprint Card (FL921050Z) accompanied by a \$47 ~~39~~ nonrefundable processing fee. No fingerprint card will be required from any person described above who has been reported to the Department by the registrant and for whom the Department has received the required Biographical Form (Form DBF-MT-7-01) prior to October 1, 2001. If the Federal Bureau of Investigation cannot process the fingerprint card because of illegible fingerprints, a second card must be submitted. If that card cannot be processed, it will be necessary to submit a third card along with a nonrefundable fee of \$24 to cover the cost of processing the card. The Department reserves the right to require as many submissions of such fingerprint cards and fees as may be necessary until such time as the card can be properly processed by the appropriate law enforcement agency. Any applicant claiming the statutory exemption from the fingerprint requirement shall submit evidence to support its claim to the exemption.

(3) through (4) No change.

Specific Authority 215.405, 560.105(3) FS. Law Implemented 215, 405 560.127, 560.204, 560.205, 560.303 (1), 560.305, 560.306, 560.307 FS. History--New 9-24-97, Amended 11-4-01, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Gregory C. Oaks, Financial Examiner/Analyst Supervisor, Office of Financial Institutions and Securities Regulation, 200 East Gaines St., Rm. 553 H, Fletcher Bldg., Tallahassee, Florida 32399-0378

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Pamela P. Epting, Bureau Chief

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 1, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 3, 2003

DEPARTMENT OF BANKING AND FINANCE

Division of Finance

RULE TITLES:	RULE NOS.:
Application Procedure for Mortgage Broker License	3D-40.031
Application Procedure for Mortgage Broker Business License	3D-40.051
Application Procedure for Change in Ownership or Control of Saving Clause Mortgage Lender	3D-40.100
Application Procedure for Mortgage Lender License	3D-40.200
Application Procedure for Correspondent Mortgage Lender License	3D-40.220

PURPOSE AND EFFECT: The purpose of the proposed amendments to Rules 3D-40.031, 3D-40.051, 3D-40.100, 3D-40.200, and 3D-40.220, F.A.C., is to change the fee for processing fingerprint cards through the Florida Department of Law Enforcement in accordance with the statutory provisions of Chapter 943.053(3)(b), Florida Statutes which increases the processing fee from \$15 to \$23 per name submitted.

SUMMARY: The proposed amendments specify the fee for processing fingerprint cards through the Florida Department of Law Enforcement.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No statement of estimated regulatory cost has been prepared.

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

SPECIFIC AUTHORITY: 215.405, 494.0011(2), 494.0061(3), 494.0062(3) FS.

LAW IMPLEMENTED: 120.60(1), 494.0031, 494.0033, 494.0035, 494.0061, 494.0062, 494.0065 FS.

IF REQUESTED IN WRITING WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 1:30 p.m., Monday, October 20, 2003

PLACE: Office Of Financial Regulation, 101 East Gaines Street, The Fletcher Building, Tallahassee, Florida 32399-0379

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Pamela P. Epting, Bureau Chief, 200 East Gaines Street, Tallahassee, Florida 32399-0375, (850)410-9805

THE FULL TEXT OF THE PROPOSED RULES IS:

3D-40.031 Application Procedure for Mortgage Broker License.

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

(a) A completed Application for Licensure as a Mortgage Broker, Form DBF-MB-101, revised 10/99, which is hereby incorporated by reference and available by mail from the Department of Banking and Finance, Division of Securities and Finance, 101 Gaines Street, Tallahassee, Florida 32399-0350. The application must be completed and signed within thirty (30) days prior to receipt by the Department;

(b) The statutory, non-refundable application fee required by Section 494.0033, F.S., which shall be the fee for the biennial period beginning September 1 of each odd-numbered year or any part thereof;

(c) A completed fingerprint card accompanied by a \$23 ~~15~~ non-refundable processing fee; and

(d) Evidence that the applicant has completed the mortgage broker education requirements of Section 494.0033(3), F.S.

(2) through (7) No change.

Specific Authority 215.405, 494.0011(2) FS. Law Implemented 120.60(1), 494.0033 FS. History--New 10-30-86, Amended 1-30-89, 5-23-89, 11-28-89, 10-1-91, 6-8-92, 6-3-93, 6-6-93, 4-25-94, 5-14-95, 9-3-95, 11-24-97, 8-22-99, 12-12-99, _____.

3D-40.051 Application Procedure for Mortgage Brokerage Business License.

(1) No change.

(2) Each ultimate equitable owner of 10% or greater interest, the chief executive officer and each director of an entity applying for licensure as a mortgage brokerage business, shall submit a completed fingerprint card and Biographical Summary, Form MBB-BIO-1 (revised 10/99), to the Department along with a \$23 ~~15~~ nonrefundable processing fee. Form MBB-BIO-1 is hereby incorporated by reference and available by mail from the Department of Banking and Finance, Division of Securities and Finance, 101 East Gaines Street, Tallahassee, Florida 32399-0350.

(a) Any entity that is a wholly-owned subsidiary of a state or federally approved financial institution is exempt from the provisions of subsection (2).

(b) For purposes of this rule, "chief executive officer" means the person primarily responsible for the operation of the business, and a "financial institution" means a state or federal association, bank, trust company, international bank agency, or credit union.

(c) If the individual owner, director, or chief executive officer holds an active mortgage broker's license with the Department, they are exempt from the provisions of subsection (2).

(d) If an entity holds an active license under Chapter 494, F.S., with the Department, it is exempt from the provisions of subsection (2) when it applies for a different type of license, unless there has been a change of control of 50% or more of the ownership interest since the time its initial license was approved by the Department.

(e) Any claim to any of the above exemptions shall be supported by attaching evidence of the exemption with the application for license.

(3) through (8) No change.

Specific Authority 215.405, 494.0011(2) FS. Law Implemented 494.0031, 494.035 FS. History--New 10-30-86, Amended 1-30-89, 11-28-89, 10-1-91, 6-6-93, 5-14-95, 7-14-96, 11-24-97, 8-22-99, 12-12-99, 12-9-01, _____.

3D-40.100 Application Procedure for Change in Ownership or Control of Saving Clause Mortgage Lender.

(1) No change.

(2) Each ultimate equitable owner of 10% or greater interest, the chief executive officer and each director of an entity applying for licensure as a mortgage lender licensed pursuant to the savings clause, shall submit a completed

fingerprint card and Biographical Summary, Form ML-BIO-1 (revised 10/99), to the Department along with a \$~~23~~ ~~45~~ nonrefundable processing fee. Form ML-BIO-1 is hereby incorporated by reference and available by mail from the Department of Banking and Finance, Division of Securities and Finance, 101 East Gaines Street, Tallahassee, Florida 32399-0350.

(a) Any entity that is a wholly-owned subsidiary of a state or federally approved financial institution is exempt from the provisions of subsection (2).

(b) For purposes of this rule, “chief executive officer” means the person primarily responsible for the overall activities of the business, and a “financial institution” means a state or federal association, bank, trust company, international bank agency, or credit union.

(c) If the individual owner, director, or chief executive officer holds an active mortgage broker’s license with the Department, he or she are exempt from the provisions of subsection (2).

(d) If an entity holds an active license under Chapter 494, F.S., with the Department, it is exempt from the provisions of subsection (2) when it applies for a different type of license, unless there has been a change of control of 50% or more of the ownership since the time its initial license was approved by the Department.

(e) Any claim to any of the above exemptions shall be supported by attaching evidence of the exemption with the application for license.

(3) through (7) No change.

Specific Authority 494.0011(2) FS. Law Implemented 494.0061(1), 494.0065 FS. History—New 8-24-93, Amended 9-3-95, 8-22-99, 12-12-99, 12-9-01, 12-8-02, _____.

3D-40.200 Application Procedure for Mortgage Lender License.

(1) No change.

(2) Each ultimate equitable owner of 10% or greater interest, the chief executive officer and each director of an entity applying for licensure as a mortgage lender, shall submit a completed fingerprint card and Biographical Summary, Form ML-BIO-1 (revised 10/99), to the Department along with a \$~~23~~ ~~45~~ nonrefundable processing fee. Form ML-BIO-1 is hereby incorporated by reference and available by mail from the Department of Banking and Finance, Division of Securities and Finance, 101 East Gaines Street, Tallahassee, Florida 32399-0350.

(a) Any entity that is a wholly-owned subsidiary of a state or federally approved financial institution is exempt from the provisions of subsection (2).

(b) For purposes of this rule, “chief executive officer” means the person primarily responsible for the overall activities of the business, and a “financial institution” means a state or federal association, bank, trust company, international bank agency, or credit union.

(c) If the individual owner, director, or chief executive officer holds an active mortgage broker’s license with the Department, they are exempt from the provisions of subsection (2).

(d) If an entity holds an active license under Chapter 494, F.S., with the Department, it is exempt from the provisions of subsection (2) when it applies for a different type of license, unless there has been a change of control of 50% or more of the ownership since the time its initial license was approved by the Department.

(e) Any claim to any of the above exemptions shall be supported by attaching evidence of the exemption with the application for license.

(3) through (8) No change.

Specific Authority 215.405, 494.0011(2), 494.0061(3) FS. Law Implemented 494.0061 FS. History—New 10-1-91, Amended 6-6-93, 5-14-95, 9-3-95, 11-5-95, 7-14-96, 11-24-97, 8-22-99, 12-12-99, 12-9-01, 12-8-02, _____.

3D-40.220 Application Procedure for Correspondent Mortgage Lender License.

(1) No change.

(2) Each ultimate equitable owner of 10% or greater interest, the chief executive officer and each director of an entity applying for licensure as a correspondent mortgage lender, shall submit a completed fingerprint card and Biographical Summary, Form CL-BIO-1 (revised 10/99), to the Department along with a \$~~23~~ ~~45~~ nonrefundable processing fee. Form CL-BIO-1 is hereby incorporated by reference and available by mail from the Department of Banking and Finance, Division of Securities and Finance, 101 East Gaines Street, Tallahassee, Florida 32399-0350.

(a) Any entity that is a wholly-owned subsidiary of a state or federally approved financial institution is exempt from the provisions of subsection (2).

(b) For purposes of this rule, “chief executive officer” means the person primarily responsible for the overall activities of the business, and a “financial institution” means a state or federal association, bank, trust company, international bank agency, or credit union.

(c) If the individual owner, director, or chief executive officer holds an active mortgage broker’s license with the Department, they are exempt from the provisions of subsection (2).

(d) If an entity holds an active license under Chapter 494, F.S., with the Department, it is exempt from the provisions of subsection (2) when it applies for a different type of license, unless there has been a change of control of 50% or more of the ownership since the time its initial license was approved by the Department.

(e) Any claim to any of the above exemptions shall be supported by attaching evidence of the exemption with the application for license.

(3) through (8) No change.

Specific Authority 215.405, 494.0011(2), 494.0062(3) FS. Law Implemented 494.0062 FS. History--New 10-1-91, Amended 6-6-93, 5-14-95, 9-3-95, 11-5-95, 7-14-96, 11-24-97, 8-22-99, 12-12-99, 12-9-01, 12-8-02,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Gregory C. Oaks, Financial Examiner/Analyst Supervisor, Office of Financial Regulation, 200 East Gaines St., Rm. 553 H, The Fletcher Building, Tallahassee, Florida 32399-0378

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Pamela P. Epting, Bureau Chief

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 1, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 3, 2003

DEPARTMENT OF BANKING AND FINANCE

Division of Securities and Finance

RULE TITLE: Application for Registration as Associated Person

RULE NO.: 3E-600.002

PURPOSE AND EFFECT: This rule provides for a fingerprint card processing fee of \$39 which includes processing through the Florida Department of Law Enforcement and the Federal Bureau of Investigations. The purpose of the proposed amendment to Rule 3E-600.002, F.A.C., is to change the fee for processing fingerprint cards through the Florida Department of Law Enforcement in accordance with the statutory provisions of Chapter 943.053(3)(b), Florida Statutes which increases the processing fee from \$15 to \$23 per name submitted. As a result the amended rule will provide for a fingerprint card processing fee of \$47.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No statement of estimated regulatory cost has been prepared.

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

SPECIFIC AUTHORITY: 517.03, 517.12 FS.

LAW IMPLEMENTED: 120.53, 120.60 FS.

IF REQUESTED IN WRITING WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 1:30 p.m., Monday, October 20, 2003

PLACE: Room 547, Office of Financial Regulation, The Fletcher Building, 101 E. Gaines Street, Tallahassee, Florida 32399-0378

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Bill Reilly, Financial Administrator, Division of Securities, 200 East Gaines Street, Fletcher Building, Room 604, Tallahassee, Florida 32399-0350, (850)410-9805

THE FULL TEXT OF THE PROPOSED RULE IS:

3E-600.002 Application for Registration as Associated Person.

(1)(a) Applications for initial, reaffiliation, and renewal registrations of a principal or agent shall be filed on Form U-4, Uniform Application for Securities Industry Registration or Transfer (Revised 03/02), which hereby is incorporated by reference, and shall include all information required by such form, any other information the Department may require, and payment of the statutory fees required by Section 517.12(10), F.S. Except as otherwise provided in Rule 3E-600.0091, 3E-600.0092, 3E-600.0093, F.A.C., the Department shall deem an application to be received at such time as it and the appropriate fee have been date stamped by the cashier's office of the Department of Banking and Finance. For dealers that are members of the National Association of Securities Dealers ("NASD"), such application shall be filed with the Department through the Central Registration Depository ("CRD") of the NASD in accordance with Rule 3E-600.0091, F.A.C. For federal covered advisers, such application shall be filed with the Department through the Central Registration Depository ("CRD") of the NASD in accordance with Rule 3E-600.0092, F.A.C. For investment adviser applicants and registrants who file via the IARD, such application may be filed with the Department through the CRD of the NASD in accordance with Rule 3E-600.0093, F.A.C.

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

1. Uniform Application for Securities Industry Registration or Transfer, Form U-4 (Revised 03/02). As used on the Form U-4 (Revised 03/02), the term "Office of Employment Address" shall mean the location where the person seeking registration will regularly conduct business on behalf of the dealer or investment adviser. For dealers that are members of the NASD, such application shall be filed with the Department through the CRD of the NASD.

2. Statutory fee in the amount of \$40, for each registration sought, as required by Section 517.12(10), F.S.

3. When specifically requested by the Department, full documentation and details pertaining to affirmative responses. The Department may require such documentation to be certified by its issuer based upon the Department's review of the nature and substance of this disciplinary history and experience of the applicant. For purposes of this rule, "certified" means that there must be a certification or attestation by the issuer of the record that the document was a true copy of a record contained in his office and his seal, if any.

4. Evidence of examination/qualifications set forth in Rule 3E-600.005(2), F.A.C.

5. Florida Fingerprint Card (FL92150Z) when required under Section 517.12(7), F.S., and Rule 3E-600.006, F.A.C., accompanied by a \$47 ~~39~~ processing fee. If the fingerprint card cannot be processed by the Federal Bureau of Investigation because of illegible fingerprints, a second card must be submitted. If that card also cannot be processed, it will be necessary to submit a third card along with a fee of \$24 to cover the cost of processing the card charged by the FBI.

(c) If the information contained in any Uniform Application Form U-4 (Revised 03/02) becomes inaccurate for any reason before or after the associated person becomes registered, the associated person through the dealer or investment adviser, as applicable, shall be responsible for correcting the inaccurate information in thirty (30) days. If the information being updated relates to the applicant's or registrant's disciplinary history, in addition to updating the Uniform Application Form U-4 (Revised 03/02), the associated person through the dealer or investment adviser shall also provide the Department with notice and copies of each civil, criminal or administrative action initiated against the associated person as provided in Rule 3E-600.010, F.A.C. For associated persons who have filed by using the CRD of the NASD, such amendments shall be made through the CRD of the NASD.

(2) A dealer or investment adviser shall be responsible for the acts, practices, and conduct of their registered associated persons in connection with the purchase and sale of securities or in connection with the rendering of investment advice until such time as they have been properly terminated as provided in Rule 3E-600.008, F.A.C.

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

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Gregory C. Oaks, Financial Examiner/Analyst Supervisor,
 Office of Financial Regulation, 200 East Gaines St., Rm. 553
 H, The Fletcher Building, Tallahassee, Florida 32399-0378

NAME OF SUPERVISOR OR PERSON WHO APPROVED
 THE PROPOSED RULE: Pamela P. Epting, Bureau Chief

DATE PROPOSED RULE APPROVED BY AGENCY
 HEAD: April 1, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT
 PUBLISHED IN FAW: July 3, 2003

DEPARTMENT OF INSURANCE

Division of Treasury

RULE TITLE:
 The Plan; Prescribed Forms

RULE NO.:
 4C-6.003

PURPOSE AND EFFECT: The purpose and effect of the rule is to adopt an amended State of Florida Employees Deferred Compensation Plan with Investment Manager Guidelines and Retention Policy and Related Forms. Changes to the plan include:

- Changing "Treasurer" to "Chief Financial Officer"
- Referencing the new Investment Manager Guidelines and Retention Policy
- Clarifying language regarding funding the administration of the plan
- Allowing internet enrollment and changes in account information expanding the period to participate in the catch-up provisions to the 3 years prior to normal retirement age as allowed by 26 USC 457(b)(3)
- Simplifying provisions relating to beneficiary designations
- Making various minor corrections

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No SERC has been prepared.

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

SPECIFIC AUTHORITY: 112.215(11) FS.

LAW IMPLEMENTED: 18.125(4)(c), 112.215 FS.

IF REQUESTED IN WRITING WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):

TIME AND DATE: 1:30 p.m., Wednesday, October 15, 2003

PLACE: Room 142, Larson Building, 200 East Gaines Street, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Department at least 5 calendar days before the program by contacting the person listed below.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kandi Winters, Financial Administrator, Division of Treasury, Department of Financial Services, 200 East Gaines Street, Tallahassee, Florida 32399, (850)413-3162

THE FULL TEXT OF THE PROPOSED RULE IS:

4C-6.003 The Plan; Prescribed Forms.

(1) Form ~~DFSJ3-1176~~ ~~DI4-1176~~ (rev. 7/03 ~~1/02~~), State of Florida Employees Deferred Compensation Plan, is hereby established and incorporated into this rule by reference as the plan contemplated in Section 112.215, F.S.

(2) The forms listed below are incorporated into and made a part of this rule chapter by reference and shall take effect on the effective date of these rules. The forms can be obtained from investment providers servicing the plan. A listing of

authorized investment providers can be obtained from the Deferred Compensation Section, Division of State Treasury, 200 East Gaines Street, Tallahassee, Florida 32399-0346.

- (a) Form DFSJ3-1163
~~DI4-1163~~ (rev. 8/03 ~~1/02~~) Participant Action Form
- (b) Form DFSJ3-1164
~~DI4-1164~~ (rev. 8/03 ~~1/02~~) Enrollment Information Form
- (c) Form DFSJ3-1165
~~DI4-1165~~ (rev. 7/03 ~~1/02~~) Company to Company Transfer and/or Replacement Authorization
- (d) through (l) No change.
- (m) Form DFSJ3-1541
(rev. 7/03) Investment Manager Guidelines and Retention Policy
- (3) through (4) No change.

Specific Authority 112.215(11) FS. Law Implemented 18.125(4)(c), 112.215 FS. History--New 1-1-87, Amended 10-7-87, 2-14-88, 2-19-89, 6-21-89, 8-7-95, 9-21-98, 6-3-02,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Kandi Winters, Financial Administrator, Deferred Comp Section, Division of Treasury, Department of Financial Services

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Bruce Gillander, Division Director, Division of Treasury, Department of Financial Services

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 30, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 15, 2003

DEPARTMENT OF INSURANCE
Division of Workers' Compensation

RULE TITLE: Florida Workers' Compensation Health Care Provider Reimbursement Manual

RULE NO.: 4L-7.020

PURPOSE, EFFECT AND SUMMARY: To amend Rule 4L-7.020, F.A.C., to adopt the new version on the Florida Workers' Compensation Health Care Provider Reimbursement Manual 2003 Edition.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No SERC has been prepared.

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

SPECIFIC AUTHORITY: 440.13(7),(8),(11)-(14), 440.591 FS.

LAW IMPLEMENTED: 440.13(6)-(8),(11)-(14) FS.

IF REQUESTED IN WRITING WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):

TIME AND DATE: 9:30 a.m., Tuesday, October 14, 2003
PLACE: Room 104J, Hartman Building, 2012 Capital Circle, Southeast, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Department at least 5 calendar days before the program by contacting the person listed below.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Don Davis, Division of Workers' Compensation, Office of Data Quality and Collection, Department of Insurance, 200 East Gaines Street, Tallahassee, Florida 32399-0316, (850)922-4480

THE FULL TEXT OF THE PROPOSED RULE IS:

4L-7.020 Florida Workers' Compensation Health Care Provider ~~Fee for Service~~ Reimbursement Manual.

(1) The Florida Workers' Compensation Health Care Provider ~~Fee for Service~~ Reimbursement Manual, 2003 ~~2002~~ Edition, is adopted by reference as part of this rule. The manual contains reimbursement policies, guidelines, codes and maximum reimbursement allowances for medical physician services, non-physician services, pharmaceutical and medical supplies; provided by health care providers as well as basic instructions and information for all providers and insurance carriers in the preparation and reimbursement of bills for medical services. The manual provides reimbursement policies and payment methodologies for pharmacists and medical suppliers. The Florida Workers' Compensation Health Care Provider ~~Fee for Service~~ Reimbursement Manual, 2003 ~~2002~~ Edition, is available for inspection during normal business hours at the State of Florida Department of Financial Services, Division of Workers' Compensation, Document Processing Section Center, 200 East Gaines Street, Tallahassee, Florida 32399-03114230, or via the Department's Division's web site at <http://www.fldfs.com> <http://www2.myflorida.com/les/we/>.

(2) The Physicians' Current Procedural Terminology (CPT®), 2003 Professional Edition Fourth Edition, Copyright 2002 ~~2001~~, American Medical Association (~~cover states "Current Procedural Terminology CPT® 2002, Standard Edition"~~), the Current Dental Terminology (CDT-~~43~~), Fourth Third Edition, Copyright 2002 ~~1999~~, American Dental Association (~~cover states "Current Dental Terminology (CDT-3), Version 2000"~~), and for D codes, injectable J codes, and the other medical services and supply codes, the American Medical Association "Healthcare Common Procedure Coding System, Medicare's National Level II Codes, HCPCS 2003", 2002 HCPCS Level II Professional (HCPCS), Fifteenth Thirteenth Edition, Copyright 2002 ~~2001~~, Ingenix Publishing

Group, are adopted by reference as part of this rule. When a health care provider performs a procedure or service is performed, which is not listed in the Florida Workers' Compensation Health Care Provider Fee for Service Reimbursement Manual, 2003 ~~2002~~ Edition, the provider must use a code contained in either the CPT®, CDT-~~43~~ or HCPCS section as specified.

Specific Authority 440.13(7),(8),(11)-(14), 440.591 FS. Law Implemented 440.13(6)-(8),(11)-(14) FS. History--New 10-1-82, Amended 3-16-83, 11-6-83, 5-21-85, Formerly 38F-7.20, Amended 4-1-88, 7-20-88, 6-1-91, 4-29-92, 2-18-96, 9-1-97, 12-15-97, 9-17-98, 9-30-01, 7-7-02, Formerly 38F-7.020, Amended _____

NAME OF PERSON ORIGINATING PROPOSED RULE: Don Davis, Division of Workers' Compensation, Office of Data Quality and Collection, Department of Financial Services
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Tanner Holloman, Division Director, Division of Worker's Compensation, Department of Financial Services
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 10, 2003
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 20, 2003

DEPARTMENT OF EDUCATION

State Board of Education

RULE TITLE: Application Information
 PURPOSE AND EFFECT: The purpose of the rule amendment is to establish that school districts are authorized to process certification applications for subject additions, changes in name, and duplicate certificates in addition to certificate renewals. The fee process is established pursuant to the requirements of Section 1012.586, Florida Statutes, enacted during Special Session A 2003. The effect is a rule that is updated to include complete certification application processes and services.

SUMMARY: The authority for school districts to process complete applications for district employees via a web-based application is expanded to include the addition of a subject area, a change in a name, and the issuance of a duplicate certificate to replace a lost or damaged certificate. School districts have been processing renewal applications for employees since 1996. The same fee structure that has been in place for the renewals is extended to the new services. Districts will retain \$36 of each \$56 fee and \$13 of each \$20 fee and remit the remaining fees on a monthly basis to the Department of Education for the costs of maintaining the technology system, web-based application, and the printing and mailing of certificates.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 1001.02, 1012.55, 1012.56, 1012.586, 1012.59 FS.

LAW IMPLEMENTED: 943.059, 1012.32, 1012.54, 1012.56, 1012.586, 1012.59 FS.

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

TIME AND DATE: 9:00 a.m., October 21, 2003
 PLACE: 325 West Gaines Street, Tallahassee, Florida 32399
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Beverly Gregory, Chief, Bureau of Educator Certification, Department of Education, 325 West Gaines Street, Room 203, Tallahassee, Florida 32399-0400, (850)245-0431

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-4.0012 Application Information.

(1) Application process. To apply for a Florida Educator's Certificate, an individual shall submit to the Bureau of Educator Certification the following:

(a) A completed Form CG-10 and a nonrefundable application fee. Form CG-10, Application for Florida Educator's Certificate, effective September 2001, is hereby incorporated by reference and made a part of this rule. The form may be obtained without cost from the Florida Department of Education, Bureau of Educator Certification, 325 West Gaines Street, Tallahassee, Florida 32399-0400 or may be submitted online via the Department of Education, Educator Certification website. The nonrefundable application fee is prescribed below:

1. Request for a professional certificate – \$56.00,
2. Request for a temporary certificate – \$56.00,
- ~~3. Request for a part-time certificate – \$56.00,~~
- ~~3.4.~~ Request for an addition of a coverage or endorsement to a valid certificate – \$56.00,
- ~~4.5.~~ Request for a name change only – \$20.00,
- ~~5.6.~~ Request for a duplicate certificate/subject deletion – \$20.00; or

(b) A completed Form CG-10R and a nonrefundable application fee. Form CG-10R, Application for Renewal or Reinstatement of a Professional Florida Educator's Certificate effective September 2001, is hereby incorporated by reference and made a part of this rule. The form may be obtained without cost from the Florida Department of Education, Bureau of

Educator Certification, 325 West Gaines Street, Tallahassee, Florida 32399-0400 or may be submitted online via the Department of Education, Educator Certification website. The nonrefundable application fee is \$56.00. An application for renewal of a professional certificate that is received by the Bureau of Educator Certification or by a district school board office after the expiration of the professional certificate as specified in Rule 6A-4.0051, F.A.C., shall be submitted with a \$30.00 late fee in addition to the nonrefundable application fee.

(2) College transcripts. Each college transcript filed for certification purposes shall bear the seal of the institution and the signature of the registrar or other official designated by the president of the institution and shall include descriptive titles, credits, and grades for all courses listed. Transcripts from institutions outside the United States shall include an English translation. Transcripts shall not be returned after the application has been processed and the applicant has been advised regarding eligibility for certification.

(3) Completed applications.

(a) A completed application shall consist of the completed application form, fee, official transcripts, and other documents required by rule or law to process the application. The applicant shall be advised of additional information that is required to complete the application.

(b) If the information required to complete the application has not been received in the Bureau of Educator Certification, Florida Department of Education, or in the district school board office within twelve (12) months from the date of receipt of the application, the application shall expire and the fee shall be forfeited.

(4) Funding for the recovery network program for educators. Two (2) dollars of each fifty-six (56) dollar certification fee shall be designated to fund the recovery network program for educators.

(5) Each district school board office shall issue certificates for employees of the school district as follows:

(a) An application for renewal of a professional certificate,

(b) An application for an addition of a subject to a valid professional certificate based upon a passing score earned after July 1, 2002, on the bachelor's degree level Florida subject area test.

(c) An application for an addition of an endorsement area to a valid certificate based on the completion of approved inservice core components or a district add-on endorsement program.

(d) An application for a certificate issued solely to reflect a change in name, and

(e) An application for a duplicate of a valid certificate.

(6) The employing school district shall remit on a monthly basis to the Department of Education twenty (20) dollars of each fifty six (56) dollar fee and seven (7) dollars of each

twenty (20) dollar fee collected for the issuance of certificates for costs to maintain the technology system, web-based application, and the printing and mailing of certificates.

Specific Authority 1001.02, 1012.55, 1012.56, 1012.586, 1012.59, 229.053(1), 231.15(1), 231.17(11), 231.30 FS. Law Implemented 943.0585, 943.059, 1012.32, 1012.54, 1012.55, 1012.56, 1012.586, 1012.59, 1012.798, 231.02, 231.145, 231.15, 231.17, 231.263(12), 231.30 FS. History—New 7-6-82, Amended 9-27-83, Formerly 6A-4.012, Amended 12-25-86, 10-26-88, 5-2-90, 4-24-91, 7-7-92, 5-3-94, 7-18-95, 9-17-01.

NAME OF PERSON ORIGINATING PROPOSED RULE: Betty Coxe, Deputy Chancellor, Educator Quality, Department of Education,

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Jim Warford, Chancellor, K-12 Schools, Department of Education

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 22, 2003

DATE NOTICE OF PROPOSED DEVELOPMENT PUBLISHED IN FAW: July 25, 2003

DEPARTMENT OF EDUCATION

Commission for Independent Education

RULE TITLE: Definition of Terms RULE NO.: 6E-1.003

PURPOSE AND EFFECT: The proposed rule amendment sets forth changes that may affect accreditation.

SUMMARY: The proposed rule amendment adds language to further define substantive change and location.

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

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

SPECIFIC AUTHORITY: 1005.22(1)(d) FS.

LAW IMPLEMENTED: 1005.22, 1005.31 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: Samuel L. Ferguson, Executive Director, Commission for Independent Education, 2650 Apalachee Parkway, Suite A, Tallahassee, Florida 32301

THE FULL TEXT OF THE PROPOSED RULE IS:

6E-1.003 Definition of Terms.

(1) through (42) No change.

(43) "Substantive change" means any change of control, level of credentials offered, location, a change in the purpose of the institution that exceeds minor corrections or alterations, financial soundness, or accreditation. A change of location includes any change of location that exceeds 45 miles. A

change of accreditation includes change of accreditation agency, lowering the level of accreditation, exceeding the scope of the grant of accreditation or recognition of the agency, or any final action taken by the accrediting agency which places the accreditation of the institution in jeopardy. A substantive change also includes any change which the Commission determines is serious enough to affect threaten the continued operation or stability of the institution, or the quality of the education programs offered.

(44) through (45) No change.

Specific Authority 1005.22(1)(d) FS. Law Implemented 1005.22, 1005.31 FS. History—Repromulgated 12-5-74, Amended 7-28-75, Formerly 6E-4.01(8), Readopted 11-11-75, Amended 3-7-77, 10-13-83, Formerly 6E-1.03, Amended 2-22-89, 11-29-89, 10-19-93, 4-11-00, 1-7-03, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Commission for Independent Education

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Commission for Independent Education

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 21, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 22, 2003

DEPARTMENT OF EDUCATION

Commission for Independent Education

RULE TITLE: License by Means of Accreditation

RULE NO.: 6E-2.002

PURPOSE AND EFFECT: The proposed rule amendment is intended to make revisions to the approval requirements of a License by Means of Accreditation.

SUMMARY: The proposed rule amendment sets forth the criteria for obtaining a valid license by means of accreditation.

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

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

SPECIFIC AUTHORITY: 1005.22(1)(d), 1005.31(2), (3) FS.
LAW IMPLEMENTED: 1005.22(1)(e),(2)(d), 1005.31, 1005.32, 1005.33 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: Samuel L. Ferguson, Executive Director, Commission for Independent Education, 2650 Apalachee Parkway, Suite A, Tallahassee, Florida 32301

THE FULL TEXT OF THE PROPOSED RULE IS:

6E-2.002 License by Means of Accreditation.

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

(c) Substantive change. An institution which undergoes a substantive change, as defined in subsection 6E-1.003(43), F.A.C., while holding an Annual License or a License by Means of Accreditation, shall be granted a Provisional License for a period of time determined by the Commission. An institution may submit a written request for a return to its previous status or for a new status when conditions set by the Commission have been met. Any limitations on the operation of the institution during the period of provisional licensure will be determined by the Commission when granting the Provisional License. An institution holding a Provisional License shall not request approval of or implement a substantive change until it holds an Annual License or License by Means of Accreditation. The Commission may delegate to the Executive Director, the authority to return institutions to their previous status between Commission meetings, if the Executive Director determines that changes have no negative impact on the institution or the students attending the institution. Such action shall be reported to the Commission at the next meeting for further action.

(d) through (g) No change.

(2) No change.

(3) License by Means of Accreditation.

(a) No change.

(b) Requirements. An institution may apply for a License by Means of Accreditation if appropriate fees have been paid and if the following materials have been presented to the Commission requirements have been met:

1. Evidence that the The institution has operated legally been licensed or exempt from licensure under s. 246.085(1)(a), Florida Statutes 2001 in the State of Florida for a minimum of the past five consecutive years; and

2. Evidence that the The institution is a Florida corporation; and

3. Evidence that the The institution holds institutional accreditation granted by an accrediting agency as defined by Section 1005.02(1), Florida Statutes, which has been evaluated by the accreditation review committee and approved by the Commission as having reporting, organizational, and operating standards substantially equivalent to the Commissions's licensure standards; and

4. Evidence that the institution meets minimum requirements for financial responsibility. The institution shall demonstrate compliance with this requirement by filing the institution's most recent annual independently audited financial statement, pursuant to subsection 6E-2.004(6), F.A.C. This audit shall cover a fiscal year which ended no earlier than twelve months prior to the application for licensure by means of accreditation. The institution has consistently followed fair

consumer practices, as provided in Section 1005.04 and 1005.34, Florida Statutes, and Rule 6E-1.0032, F.A.C., in all aspects of its operations; and

5. The institution has no unresolved complaints or other actions in the past twelve months; and

6. The institution meets minimum requirements for financial responsibility. The institution shall demonstrate compliance with this requirement by filing the institution's most recent annual independently audited financial statement, pursuant to subsection 6E-2.004(6), F.A.C. This audit shall cover a fiscal year which ended no earlier than twelve months prior to the application for licensure by means of accreditation.

7. An institution that was exempt from licensure in 2001 under Section 246.085(1)(a), Florida Statutes 2001, may retain an exemption until the Commission issues it a License by Means of Accreditation as provided in this rule.

(c) Evaluation. When the Commission has received the required documents and appropriate fees, the Commission shall evaluate the eligibility of the institution for Licensure by Means of Accreditation by determining, in addition, whether:

1. The institution has consistently followed fair consumer practices, as provided in Sections 1005.04 and 1005.34, Florida Statutes, and Rule 6E-1.0032, F.A.C., in all aspects of its operations; and

2. The institution has no unresolved complaints or other actions in the past twelve months; and

(d) Continued Exemption. An institution that was exempt from licensure under Section 246.085(1)(a), Florida Statutes 2001, may retain an exemption until the Commission issues it a License by Means of Accreditation as provided in this rule.

(e) Annual review. At the time of annual review of a License by Means of Accreditation, the institution shall submit: a current institutional catalog; a copy of materials provided to its accrediting agency since the last license review, except in the case of a self-study, a copy of the executive summary thereof will suffice; a copy of any correspondence, including letters, motions, records of actions taken, and other similar documents provided by the accrediting agency to the institution since the last review, and the institution's response; a copy of the annual independent institutional audit, pursuant to subsection 6E-2.004(6), F.A.C.; materials documenting that fair consumer practices are followed by the institution; and, if requested by the Commission, materials documenting that the institution has in place procedures for following the Commission's requirements for orderly closing.

(f) Duration.

1. A License by Means of Accreditation is valid for the same period as the grant of accreditation, except as noted in subparagraph 3. of this paragraph.

2. At the conclusion of the period of the grant of accreditation for which the licensure was granted, the license will expire unless the institution has paid appropriate fees and submitted evidence that the institution continues to be eligible

for a License by Means of Accreditation. In the event that the accrediting agency has deferred consideration of a renewal of the institution's accreditation, the Commission shall consider the circumstances in making a decision whether to extend the license.

(g) Before offering a program that exceeds the scope or level of its grant of accreditation, an institution holding a License by Means of Accreditation must apply for and receive an Annual License, pursuant to Section 1005.32(4), Florida Statutes. Upon inclusion of the new program in the full grant of accreditation, the institution may apply to reinstate its License by Means of Accreditation.

(h) Disciplinary actions. Pursuant to Section 1005.32(7), Florida Statutes, repeated failure to comply with the statutory requirements for this status shall lead to denial, probation, or revocation of the status as outlined in Rule 6E-2.0061, F.A.C. If the License by Means of Accreditation is revoked or denied, the institution must immediately obtain an Annual License.

Specific Authority 1005.22(1)(d), 1005.31(2), (3) FS. Law Implemented 1005.22(1)(e),(2)(d), 1005.31, 1005.32, 1005.33 FS. History—Promulgated 12-5-74, Formerly 6E-4.01(f)-(i), Readopted 11-11-75, Amended 2-6-78, 5-7-79, 10-13-83, Formerly 6E-2.02, Amended 11-27-88, 11-29-89, 10-19-93, 4-2-96, 4-11-00, 1-7-03, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Commission for Independent Education
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Commission for Independent Education
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 31, 2003
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 22, 2003

**DEPARTMENT OF EDUCATION
Commission for Independent Education**

RULE TITLE: On-Site Visits
RULE NO.: 6E-4.007

PURPOSE AND EFFECT: The proposed rule is intended to specify the authority of the Commission to inspect institutions during visits.

SUMMARY: The proposed rule clarifies the circumstances to which the Commission will conduct sites visits.

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

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

SPECIFIC AUTHORITY: 1005.22(1)(d), 1005.31(2)(d), 1005.35(4)(d) FS.

LAW IMPLEMENTED: 1005.35(4)(d) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Samuel L. Ferguson, Commission for Independent Education, 2650 Apalachee Parkway, Suite A, Tallahassee, Florida 31301

THE FULL TEXT OF THE PROPOSED RULE IS:

6E-4.007 On-site Visits.

(1) Authority to inspect – Employees of the Commission or a designee shall have the power to inspect institutions in a lawful manner for a full or partial site visit at all reasonable hours under the following conditions:

(a) Assisting an institution in complying with the rules and statutes;

(b) As a criterion for annual licensure;

(c) Determining if any of the provisions of this chapter or any rule thereunder is being violated;

(d) For the purpose of securing such other evidence as may be needed for prosecution pursuant to Section 1005.38, F.S.;

(e) By the order of the Commission;

(f) Upon receiving an application containing information that may cause an investigation to be made of the institution.

(2) On-Site Visit Process.

(a) Employees or designees of the Commission shall have the authority to perform announced or unannounced on site visits an to inspect such files, facilities, and equipment as well as conduct interviews with such individuals as appropriate to determine whether the institution is in compliance with Florida Statutes 1005 and the Commission rules.

(b) Failure to provide full access to the institution’s files, facilities and equipment or prevention of interviews is grounds for disciplinary action.

(c) A detailed written report of findings shall be compiled by staff and made apart of the institution’s file.

(d) The institution shall pay the required fees to cover the travel and per diem expenses of the Commission staff and committee members.

Specific Authority 1005.22(1)(d), 1005.31(2)(d), 1005.35(4)(d) FS. Law Implemented 1005.35(4)(d) FS. History–New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Commission for Independent Education

NAME OF SUPERVISOR OR PERSON WHO APPROVED PROPOSED RULE: Commission for Independent Education

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 31, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 22, 2003

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

Pursuant to Chapter 2003-145, Laws of Florida, all notices for the Board of Trustees of the Internal Improvement Trust Fund are published on the Internet at the Department of Environmental Protection’s home page at <http://www.dep.state.fl.us/> under the link or button titled “Official Notices.”

PUBLIC SERVICE COMMISSION

DOCKET NO. 030415-TP

RULE TITLE:

RULE NO.:

Customer Billing for Local Exchange

Telecommunications Companies

25-4.110

PURPOSE AND EFFECT: To update the rule and remove references to obsolete taxation methods that resulted from the implementation of Chapter 202, F.S.; and to remove rule implementation deadlines that are no longer relevant.

SUMMARY: The amended rule will require that the gross receipts tax, State sales tax, and the local option tax be combined into a State Communications Services Tax; that the municipal telecommunications taxes and fees be combined into the Local Communications Services Tax; and that local exchange telecommunications companies list separately on a customer’s bill the State Communications Services Tax and Local Communications Services Tax in accordance with Chapter 202, Florida Statutes.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No statement of estimated regulatory cost was prepared.

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

SPECIFIC AUTHORITY: 350.127, 364.604(5) FS.

LAW IMPLEMENTED: 364.17, 350.113, 364.03, 364.04, 364.05, 364.052, 364.19, 364.602, 364.604 FS.

Written comments or suggestions on the proposed rule may be submitted: FPSC, Division of the Commission Clerk and Administrative Services, within 21 days of the date of this notice for inclusion in the record of the proceeding.

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 THIS PROPOSED RULE IS: Samantha Cibula, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, Florida 32399-0862, (850)413-6202

THE FULL TEXT OF THIS PROPOSED RULE IS:

25-4.110 Customer Billing for Local Exchange Telecommunications Companies.

(1) No change.

(2) ~~Each Six months after the effective date of this rule, each~~ billing party shall set forth on the bill all charges, fees, and taxes which are due and payable.

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

2. The billing party shall either:

a. Identify Florida taxes and fees applicable to charges on the customer's bill ~~as (including but not limited to) "Florida gross receipts tax," "Franchise fees," "Municipal utility tax," and "Sales tax,"~~ and identify the assessment base and rate for each percentage based tax, fee, and surcharge, or

b.(i) through (3) No change.

(4) The annual itemized bill shall be accompanied by a bill stuffer which explains the itemization and advises the customer to verify the items and charges on the itemized bill. This bill stuffer shall be submitted to the Commission's Division of Competitive Markets and Enforcement Telecommunications for prior approval. The itemized bill provided to residential customers and to business customers with less than ten access lines per service location shall be in easily understood language. The itemized bill provided to business customers with ten or more access lines per service location may be stated in service order code, provided that it contains a statement that, upon request, an easily understood translation is available in written form without charge. An itemized bill shall include, but not be limited to the following information, separately stated:

(a) through (9) No change.

(10) Where any undercharge in billing of a customer is the result of a company mistake, the company may not backbill in excess of 12 months. Nor may the company recover in a ratemaking proceeding; any lost revenue which inures to the company's detriment on account of this provision.

(11) Local Communications Services Tax Franchise fees and municipal telecommunications taxes.

(a) The Local Communications Services Tax is comprised of the discretionary communications services tax levied by the governing authority of each municipality and county authorized by Chapter 202, Florida Statutes.

~~(b)(a) When a municipality or county levies charges a company any franchise fee, or municipal telecommunications the Local Communications Services Tax authorized by Chapter 202 Section 166.231, Florida Statutes, the local exchange company may collect that tax fee only from its subscribers receiving service within that municipality or county. When a county charges a company any franchise fee, the company may collect that fee only from its subscribers receiving service within that county.~~

~~(c)(b) A local exchange company may not incorporate any portion of the Local Communications Services Tax franchise fee or municipal telecommunications tax into its other rates for service.~~

~~(e) This subsection shall not be construed as granting a municipality or county the authority to charge a franchise fee or municipal telecommunications tax. This subsection only specifies the method of collection of a franchise fee, if a municipality or county, having authority to do so, charges a franchise fee or municipal telecommunications tax.~~

(12) State Communications Services Tax.

(a) The State Communications Services Tax is comprised of When a company elects to add the Gross Receipts Tax imposed by Chapter 203, Florida Statutes, the communications services sales tax imposed by Chapter 202, Florida Statutes, and any local option sales tax onto the customer's bill as a separately stated component of that bill, the company must first remove from the tariffed rates any embedded provisions for the Gross Receipts Tax.

~~(b) A local exchange company may not incorporate any portion of the State Communications Services Tax into its other rates for service. If the tariffed rates in effect have a provision for gross receipts tax, the rates must be reduced by an amount equal to the gross receipts tax liability imposed by Chapter 203, Florida Statutes, thereby rendering the customer's bill unaffected by the election to add the Gross Receipts Tax as a separately stated tax.~~

~~(e) This subsection shall not be construed as a mandate to elect to separately state the Gross Receipts Tax. This subsection only specifies the method of applying such an election.~~

~~(d) All services sold to another telecommunications vendor, provided that the applicable rules of the Department of Revenue are satisfied, must be reduced by an amount equal to the gross receipts tax liability imposed by Chapter 203, Florida Statutes, unless those services have been adjusted by some other Commission action.~~

~~(e) When a nonrate base regulated telecommunications company exercises the option of adding the gross receipts tax as a separately stated component on the customer's bill then that company must file a tariff indicating such.~~

(13) through (18) No change.

(19)(a) Upon ~~Within one year of the effective date of this rule and upon~~ request from any customer, a billing party must restrict charges in its bills to only:

1. through (20) No change.

Specific Authority 350.127, 364.604(5) FS. Law Implemented 364.17, 350.113, 364.03, 364.04, 364.05, 364.052, 364.19, 364.602, 364.604 FS. History—New 12-1-68, Amended 3-31-76, 12-31-78, 1-17-79, 7-28-81, 9-8-81, 5-3-82, 11-21-82, 4-13-86, 10-30-86, 11-28-89, 3-31-91, 11-11-91, 3-10-96, 7-20-97, 12-28-98, 7-5-00, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Dale Buys
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Florida Public Service Commission
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 2, 2003
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 7, 2003, Vol. 29, No. 6

PUBLIC SERVICE COMMISSION

DOCKET NO. 030415-TP

RULE TITLES: RULE NOS.:
Customer Relations; Rules Incorporated 25-24.490
Rules Incorporated 25-24.585
Customer Relations; Rules Incorporated 25-24.845

PURPOSE AND EFFECT: To add subsections (11) and (12) of Rule 25-4.110 to Rules 25-24.490, 25-24.585 and 25-24.845, F.A.C., so that these subsections apply to interexchange, shared tenant service, and competitive local exchange companies. The amendments update the rules and remove references to obsolete taxation methods that resulted from the implementation of Chapter 202, F.S.

SUMMARY: The amended rules will require that the gross receipts tax, State sales tax, and the local option tax be combined into a State Communications Services Tax; that the municipal telecommunications taxes and fees be combined into the Local Communications Services Tax; and that interexchange, shared tenant service, and competitive local exchange companies list separately on a customer’s bill the State Communications Services Tax and Local Communications Services Tax in accordance with Chapter 202, Florida Statutes.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No statement of estimated regulatory cost was prepared.

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

SPECIFIC AUTHORITY: 350.127(2), 364.604(5), 427.704(8), 364.337(2) FS.

LAW IMPLEMENTED: 350.113, 364.03, 364.14, 364.15, 364.016, 364.17, 364.18, 364.183, 364.185, 354.339, 364.603, 364.19, 364.337, 364.602, 364.604 FS.

Written comments or suggestions on the proposed rule may be submitted to: FPSC, Division of the Commission Clerk and Administrative Services, within 21 days of the date of this notice for inclusion in the record of the proceeding.

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: Samantha Cibula, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, Florida 32399-0862, (850)413-6202

THE FULL TEXT OF THE PROPOSED RULES IS:

25-24.490 Customer Relations; Rules Incorporated.

(1) The following rules are incorporated herein by reference and apply to IXC’s.

SECTION	TITLE	PORTIONS APPLICABLE
25-4.110	Customer Billing	Subsections, (11), (12), (14), (15), (17), (18), and (20)
25-4.111	Customer Complaint and Service Requests	All except Subsection (2)
25-4.112	Termination of Service by Customer	All
25-4.113	Refusal or Discontinuance of Service by Company	All
25-4.114	Refunds	All
25-4.117	800 Service	All
25-4.118	Local, Local Toll, or Toll Provider Selection	All

(2) through (3) No change.

Specific Authority 350.127(2), 364.604(5) FS. Law Implemented 364.03, 364.14, 364.15, 364.603, 364.19, 364.337 364.602, 364.604 FS. History—New 2-23-87, Amended 10-31-89, 3-5-90, 3-4-92, 3-13-96, 7-20-98, 12-28-98, 7-5-00.

25-24.585 Rules Incorporated.

(1) The following rules are incorporated herein by reference and apply to shared tenant service companies:

SECTION	TITLE	PORTIONS APPLICABLE
25-4.019	Records and Reports in General	All
25-4.020	Location and Preservation of Records	All except (1) and (3)
25-4.036	Design and Construction of Plant	All
25-4.043	Response to Commission Staff Inquiries	All
25-4.0161	Regulatory Assessment Fees; Telecommunication Companies	All
<u>25-4.110</u>	<u>Customer Billing</u>	<u>Subsections (11) and (12)</u>
25-4.160	Operation of Telecommunications Relay Service	All

(2) No change.

Specific Authority 350.127(2), 427.704(8) FS. Law Implemented 350.113, 364.016, 364.17, 364.18, 364.183, 364.185, 364.339 FS. History—New 1-28-91, Amended 12-29-91, 11-13-95, 7-29-97, 4-8-98, _____.

25-24.845 Customer Relations; Rules Incorporated.

The following rules are incorporated herein by reference and apply to CLECs. In the following rules, the acronym ‘LEC’ should be omitted or interpreted as ‘CLEC’.

SECTION	TITLE	PORTIONS APPLICABLE
25-4.110	Customer Billing	Subsections (11), (12), (14), (15), (16), (17), (18), and (20)
24-4.118	Local, Local Toll, or Toll Provider Selection	All

Specific Authority 350.127(2), 364.337(2), 364.604(5) FS. Law Implemented 364.337(2), 364.602, 364.604 FS. History—New 7-20-98, Amended 12-28-98, 7-5-00, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Dale Buys

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Florida Public Service Commission
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 2, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 7, 2003, Vol. 29, No. 6

WATER MANAGEMENT DISTRICTS

St. Johns River Water Management District

RULE TITLE: Minimum Surface Water Levels and Flows and Groundwater Levels
 RULE NO.: 40C-8.031

PURPOSE AND EFFECT: The purpose and effect of the proposed rule amendment will be to establish minimum water levels and flows for the St. Johns River at SR 44 near DeLand, in Volusia County.

SUMMARY: The proposed rule would establish minimum water levels and flows for the St. Johns River at SR 44 near DeLand, in Volusia County, pursuant to the mandate of Section 373.042, Florida Statutes. Each of these levels and flows would have an associated duration and return interval (frequency). The terms herein are already defined in Chapter 40C-8, F.A.C. As with all minimum levels and flows established by the District, if adopted, the minimum levels and flows in this rule amendment would be used as a basis for imposing limitations on withdrawals of groundwater and surface water in the consumptive use permit regulatory process and for reviewing proposed surface water management systems in the environmental resource permit regulatory process.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No statement of estimated regulatory cost has been prepared.

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

SPECIFIC AUTHORITY: 373.044, 373.113 FS.

LAW IMPLEMENTED: 373.042, 373.0421 FS.

IF REQUESTED IN WRITING WITHIN 21 DAYS OF THIS NOTICE, A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: Following the regularly scheduled Regulatory/Governing Board Meeting, which begins at 1:00 p.m., November 11, 2003.

PLACE: St. Johns River Water Management District Headquarters, 4049 Reid Street, Palatka, Florida 32177-2529

If a person decides to appeal any decision with respect to any matter considered at the above listed public hearing, such person may need to ensure that a verbatim record of the proceeding is made to include testimony and evidence upon which the appeal is to be based.

Anyone requiring special accommodations to participate in this meeting is requested to advise the District at least 5 work days before the meeting by contacting: Ann Freeman, (386)329-4101 or (386)329-4450 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Norma Messer, Rules Coordinator, Office of General Counsel, St. Johns River Water Management District, P. O. Box 1429, Palatka, Florida 32178-1429, (386)329-4459, Suncom 860-4459, email nmesser@sjrwm.com

THE FULL TEXT OF THE PROPOSED RULE IS:

40C-8.031 Minimum Surface Water Levels and Flows and Groundwater Levels.

(1) The following minimum surface water levels and flows and minimum groundwater levels are established:

(a) through (e) No change.

(f) St. Johns River at SR 44 near DeLand, Volusia County.

	Level (ft NGVD)	Flow (cfs)	Duration	Return Interval
<u>Minimum Frequent High</u>	1.9	4600	>30 days	<3 years
<u>Minimum Average</u>	0.8	2050	<180 days	>1.5 years
<u>Minimum Frequent Low</u>	0.3	1100	<120 days	>5 years

(2) through (4) No change.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.042, 272.0421 373.103, 373.415 FS. History—New 9-16-92, Amended 8-17-94, 6-8-95, 1-17-96, 8-20-96, 10-20-96, 11-4-98, 6-27-00, 2-13-01, 3-19-02, 5-11-03, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Sonny Hall, Technical Program Manager, Department of
 Resource Management, St. Johns River Water Management
 District, P. O. Box 1329, Palatka, Florida 32178-1429,
 (386)329-4368, Suncom 860-4368
 NAME OF SUPERVISOR OR PERSON WHO APPROVED
 THE PROPOSED RULE: Governing Board, St. Johns River
 Water Management District
 DATE PROPOSED RULE APPROVED BY AGENCY
 HEAD: September 9, 2003
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT
 PUBLISHED IN FAW: July 11, 2003, with a correction
 published on July 18, 2003.

AGENCY FOR HEALTH CARE ADMINISTRATION

Division of Health Quality Assurance

RULE TITLE: Covered Services
 RULE NO.: 59H-1.0065
 PURPOSE AND EFFECT: The purpose and effect of the rule
 amendment is to bring the existing rule into compliance with
 the statutory language under Section 154.306(2), Florida
 Statutes.

SUMMARY: The payment of elective and non-emergency
 services and admissions by counties under the Health Care
 Responsibility Act (HCRA) and the requirements for
 pre-authorization and pre approval for such elective and
 non-emergency services and admissions by participating
 out-of-county hospitals.

SUMMARY OF STATEMENT OF ESTIMATED
 REGULATORY COST: No statement of Estimated
 Regulatory Cost was prepared.

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

SPECIFIC AUTHORITY: 154.3105 FS.

LAW IMPLEMENTED: 154.306, 154.31 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF
 THIS NOTICE, A HEARING WILL BE HELD AT THE
 TIME, DATE AND PLACE SHOWN BELOW (IF NOT
 REQUESTED, THIS HEARING WILL NOT BE HELD):

TIME AND DATE: 9:00 a.m. – 12:00 p.m., October 21, 2003
 PLACE: Agency for Health Care Administration, 2727 Mahan
 Drive, Building 3, Conference Room D, Tallahassee, FL 32312
 THE PERSON TO BE CONTACTED REGARDING THE
 PROPOSED RULE IS: Hazel Greenberg, Medical Health Care
 Program Analyst, Agency for Health Care Administration,
 Bureau of Managed Health Care, Data Analysis Unit, 2727
 Mahan Drive, Mail Stop Code 26, Tallahassee, FL 32308,
 (850)414-9444

THE FULL TEXT OF THE PROPOSED RULE IS:

59H-1.0065 Covered Services.

(1) Covered services are limited to hospital services as
 defined in Rules 59G-4.160, and 59G-4.150, F.A.C., and the
 Medicaid Provider Handbook – Hospital Services, Revised
~~May 2000 January 1997~~, incorporated by reference, unless
 otherwise specified in this rule. The handbook is available
 from the Medicaid fiscal agent.

(2) The county of residence shall be liable for the cost of
 treatment for emergency medical conditions in a hospital
 emergency room, as defined in Rule 59G-4.160, F.A.C., and
 the Medicaid Provider Handbook – Hospital Services, Revised
~~May 2000 January 1997~~, unless otherwise specified in this
 rule.

(3) Elective or non-emergency services or admissions
require written pre-authorization and pre-approval if ~~The~~
 county of residence ~~has may~~ established written a procedures
 to authorize and approve admissions to an out-of-county
 hospital for ~~such elective and non-emergency~~ and
admissions. The procedures shall include a requirements for
hospitals to request and obtain written authorization and
 approval for elective and non-emergency ~~such hospital~~
 admissions or services.

(4) Elective or non-emergency admissions or services are
 not covered when a county ~~taxing authority or hospital taxing~~
~~district~~ provides funding for such services and the services are
 available at a local hospital within the county ~~or taxing district~~
 where the individual resides.

Specific Authority 154.3105 FS. Law Implemented 154.306, 154.31 FS.
 History—New 3-29-89, Amended 12-24-90, Formerly 10C-26.0065, Amended
 6-7-00.

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Hazel Greenberg
 NAME OF SUPERVISOR OR PERSON WHO APPROVED
 THE PROPOSED RULE: Tom Warring, Bureau Chief
 DATE PROPOSED RULE APPROVED BY AGENCY
 HEAD: September 4, 2003
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT
 PUBLISHED IN FAW: July 25, 2003

**DEPARTMENT OF BUSINESS AND PROFESSIONAL
 REGULATION**

Construction Industry Licensing Board

RULE TITLE: Certification of Glass and Glazing
 Specialty Contractors
 RULE NO.: 61G4-15.018
 PURPOSE AND EFFECT: The proposed rule amendment is
 intended to remove redundant language.
 SUMMARY: The proposed rule amendment deletes language
 that is set forth in Rule 61G4-15.003, F.A.C.

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

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

SPECIFIC AUTHORITY: 120.53, 489.113(6), 489.115(5), 455.217(1) FS.

LAW IMPLEMENTED: 120.53, 489.113(6), 489.115(5), 455.217(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: Timothy Vaccaro, Executive Director, Construction Industry Licensing Board, 1940 North Monroe Street, Tallahassee, Florida 32399-1039

THE FULL TEXT OF THE PROPOSED RULE IS:

61G4-15.018 Certification of Glass and Glazing Specialty Contractors.

- (1) through (2) No change.
- (3) Certificate Procedures.
- (a) No change.

(b) Other Certification Procedures and Fees. Other certification procedures and fees for certified glass and glazing specialty contractors shall be the same as those provided for the certification of other contractors as set forth in Sections 489.109, 489.111(3), 489.003, Florida Statutes and Rules 61G4-12.009 and 61G4-15.005, F.A.C. ~~The amount of liability insurance required for glass and glazing specialty contractors is set forth shall be as follows: \$100,000.00 public liability insurance and \$25,000.00 property damage insurance. Applicants for certification shall submit competent substantial evidence to the Board demonstrating that the applicant has a net worth of at least \$10,000.00. Applicants must also submit evidence of having met the requirements of paragraphs 61G4-15.003(2)(h) and 61G4-15.005(3)(a), F.A.C., for this specialty.~~

Specific Authority 120.53, 489.113(6), 489.115(5), 455.217(1) FS. Law Implemented 120.53, 489.113(6), 489.115(5), 455.217(1) FS. History—New 7-9-03, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Construction Industry Licensing Board

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Construction Industry Licensing Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 14, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 22, 2003

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Construction Industry Licensing Board

RULE TITLE: Normal Penalty Ranges

RULE NO.: 61G4-17.001

PURPOSE AND EFFECT: The proposed rule amendment sets forth revisions to the normal penalty ranges.

SUMMARY: The propose rule amendment intends to align the numbering in this rule with the numbering in Section 489.129, F.S.

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

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

SPECIFIC AUTHORITY: 455.227, 489.108, 489.129 FS.

LAW IMPLEMENTED: 455.227, 455.2273, 489.129 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: Timothy Vaccaro, Executive Director, Construction Industry Licensing Board, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-1039

THE FULL TEXT OF THE PROPOSED RULE IS:

61G4-17.001 Normal Penalty Ranges.

(1) The following guidelines shall be used in disciplinary cases, absent aggravating or mitigating circumstances and subject to other provisions of this Chapter.

- (1) through (3) renumbered (a) through (b) No change.
- (a) through (b) renumbered 1. through 2. No change.

~~(4) 489.129(1)(d): Violation of state or local building codes or laws. First violation, \$500 to \$1,250 fine; repeat violation, \$1,250 to \$5,000 fine and suspension or revocation.~~

~~(d)(5) 489.129(1)(d)(e):~~ Assisting unlicensed person to evade provision of Chapter 489. First violation, \$500 to \$2,500 fine; repeat violation, \$2,500 to \$5,000 fine and suspension or revocation.

~~(e)(6) 489.129(1)(e)(f):~~ Combining and conspiring with unlicensed person or entity to evade provision of Chapter 489. First violation, \$500 to \$2,500 fine; repeat violation, \$2,500 to \$5,000 fine and suspension or revocation.

~~(f)(7) 489.129(1)(f)(g), 489.119:~~ Failure to qualify a firm, and/or acting under a name not on license. Repeat violation \$750 to \$1,500 fine.

~~(g)(8) 489.129(1)(g)(h):~~ Mismanagement or misconduct causing financial harm to the customer. First violation, \$750 to \$1,500 fine and/or probation; repeat violation, \$1,500 to \$5,000 fine and suspension or revocation.

~~(h)(9)~~ 489.129(1)(h)(~~+~~): Local disciplinary action. Use penalty herein listed for the violation most closely resembling the act underlying the local discipline; repeat violation, same method, use the penalty herein for repeat violation.

~~(i)(10)~~ 489.129(1)(i)(~~+~~): Failing in any material respect to comply with the provisions of Part I of Chapter 489.

1. 489.1195(1)(a) or (1)(e): Failure to supervise construction activities. First violation, \$250 to \$1,000 fine and/or probation; repeat violation, \$1,000 to \$5,000 fine and suspension or revocation.

2. 489.113, 489.117: Contracting beyond scope of practice allowed by license, no safety hazard. First violation, \$500 fine, repeat violation, \$500 to \$2,500 fine and suspension or revocation.

3. 409.113, 489.117: Contracting beyond scope of license, safety hazard is created. First violation, \$1,000 to \$2,500 fine; repeat violation, \$2,500 to \$5,000 fine and suspension or revocation.

4. 489.1425: Failure to notify residential property owner of recovery fund. First violation, \$100 to \$500 fine; repeat violation, \$1,000 fine.

5. 489.115: Contracting with a delinquent license. Repeat violation, \$1,000 to \$2,500 fine and suspension or revocation. Any violation, Respondent must pay all fees and costs required to place license in current and active status, in addition to fines specified herein.

6. 489.116: Contracting with an inactive license. First violation, \$250 to \$500 fine; repeat violation, \$500 to \$1,000 fine and suspension or revocation.

7.(~~+~~) No change.

1. through 2. renumbered a. through b. No change.

~~(b) 489.113, 489.117: Contracting beyond scope of practice allowed by license, no safety hazard. First violation, \$500 fine, repeat violation, \$500 to \$2,500 fine and suspension or revocation.~~

~~(c) 489.115: Contracting with a delinquent license. Repeat violation, \$1,000 to \$2,500 fine and suspension or revocation. Any violation, Respondent must pay all fees and costs required to place license in current and active status, in addition to fines specified herein.~~

~~(d) 489.117, 489.113: Contracting beyond scope of license, safety hazard is created. First violation, \$ 1,000 to \$2,500 fine; repeat violation, \$ 2,500 to \$ 5,000 fine and suspension or revocation.~~

8.(~~e~~) 489.119: Failure to register qualified business organization. Repeat violation, \$500 to \$1,000 fine and suspension or revocation.

9. 489.119(a)(b): License number not appearing in advertisement. First violation, \$100; repeat violation, reprimand and \$250 to \$1,000 fine.

10.(~~f~~) No change.

~~(g) 489.116: Contracting with an inactive license. First violation, \$ 250 to \$ 500 fine; repeat violation, \$ 500 to \$ 1,000 fine and suspension or revocation.~~

~~(h) 489.1195: Failure to supervise construction activities. First violation, \$250 to \$1,000 fine and/or probation; repeat violation, \$1,000 to \$5,000 fine and suspension or revocation.~~

~~(i) 489.119: Failure to register qualified business organization. Repeat violation, \$500 to \$1,000 fine and suspension or revocation.~~

~~(j) 489.1425: Failure to notify residential property owner of recovery fund. First violation, \$100 to \$ 500 fine; repeat violation, \$ 1,000 fine.~~

~~(j)(11) 489.129(1)(j)(~~+~~): Abandonment. First violation, \$500 to \$2,000 fine; repeat violation, revocation and \$5,000 fine.~~

~~(k)(12) 489.129(1)(k)(~~+~~): False payment statements, false statement of insurance coverage.~~

(a) through (b) renumbered 1. through 2. No change.

~~(l)(13) 489.129(1)(l)(~~+~~): Committing fraud or deceit in the practice of contracting.~~

(a) through (b) renumbered 1. through 2. No change.

~~(m)(14) No change.~~

(a) through (d) renumbered 1. through 4. No change.

1. through 3. renumbered a. through c. No change.

~~(n)(15) 489.129(1)(n)(~~+~~): Being found guilty of gross negligence, repeated negligence, or negligence resulting in a significant danger to life or property. First violation, \$500 to \$1,500 fine and suspension or revocation; repeat violation, \$1,500 to \$5,000 fine and suspension or revocation.~~

~~(o)(16) 489.129(1)(o)(~~+~~): Proceeding on any job without obtaining applicable local building department permits and/or inspections.~~

(a) through (c) renumbered 1. through 3. No change.

~~(p)(17) 489.129(1)(p)(~~+~~): Intimidating, threatening, coercing, or otherwise discouraging the service of a notice to owner or notice to contractor pursuant to Chapter 713. First violation, \$1,000 to \$2,500 fine and suspension or revocation; repeat violation, \$2,500 to \$5,000 fine and suspension or revocation.~~

(q)(18) 489.129(1)(q) Failure to satisfy a civil judgment obtained against the licensee or the business organization qualified by the licensee within a reasonable time. First violation, \$500 to \$1,000 fine and/or proof of satisfaction of civil judgment; repeat violation, \$1,000 to \$5,000 fine and/or proof of satisfaction of civil judgment, suspension or revocation. For purposes of this section "reasonable time" means ninety (90) days following the entry of a civil judgment that is not appealed. The Board will consider a mutually agreed upon payment plan as satisfaction of such judgment, so long as the payments are current.

(r) Violation of state or local building codes or laws. First violation, \$500 to \$1,250 fine; repeat violation, \$1,250 to \$5000 fine and suspension or revocation.

(19) through (20) renumbered (2) through (3) No change.

(4)(21) For any violation occurring after October 1, 1988, the board may order the contractor to make restitution in the amount of financial loss suffered by the consumer. Such restitution may be ordered in addition to the penalties provided by these guidelines without demonstration of aggravating factors set forth in Rule 61G4-17.002, F.A.C. and to the extent ~~extend~~ that such order does not contravene federal bankruptcy law.

(5)(22) No change.

(23) For purposes of Section 489.129(1)(r), F.S., "reasonable time" means ninety (90) days following the entry of a civil judgment that is not appealed. The Board will consider a mutually agreed upon payment plan as satisfaction of such a judgment so long as the payments are current.

Specific Authority 455.227, 489.108, 489.129 FS. Law Implemented 455.227, 455.2273, 489.129 FS. History--New 10-26-86, Amended 12-21-92, Formerly 21E-17.001, Amended 11-2-93, 10-12-94, 7-2-95, 9-3-96, 10-31-96, 2-4-98, 8-2-98.

NAME OF PERSON ORIGINATING PROPOSED RULE: Construction Industry Licensing Board

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Construction Industry Licensing Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 13, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 18, 2003

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Construction Industry Licensing Board

RULE TITLE: Approval of Continuing Education Courses RULE NO.: 61G4-18.004

PURPOSE AND EFFECT: The Board proposes this rule amendment to make necessary changes in the requirements of Continuing Education course renewals.

SUMMARY: The proposed rule amendment intends to extend the validation period from date of issuance for approval of continuing education courses.

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

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

SPECIFIC AUTHORITY: 455.2123, 489.108, 489.115 FS.

LAW IMPLEMENTED: 489.115 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Timothy Vaccaro, Executive Director, Construction Industry Licensing Board, Northwood Centre, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G4-18.004 Approval of Continuing Education Courses.

(1) through (5) No change.

(6) Continuing education course approval is valid for three (3) ~~two~~ years from date of issue, provided no substantial change is made in the course and the approval status of the provider has not expired or been suspended or revoked. Substantial changes made in any course will require a new approval of that course. A provider must reapply for course approval ninety (90) days prior to the date of expiration of course approval in order to prevent a lapse in course approval.

(7) through (10) No change.

Specific Authority 455.2123, 489.108, 489.115 FS. Law Implemented 489.115 FS. History--New 12-2-93, Amended 7-20-94, 1-18-95, 7-2-95, 11-25-97, 5-30-00, 3-25-01.

NAME OF PERSON ORIGINATING PROPOSED RULE: Construction Industry Licensing Board

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Construction Industry Licensing Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 14, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 22, 2003

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Appraisal Board

RULE TITLE: Fees RULE NO.: 61J1-2.001

PURPOSE AND EFFECT: The purpose of the proposed rule is to bring the rule into compliance with statutory changes and an increase in the processing fee of fingerprint cards as charged by outside vendor.

SUMMARY: The proposed rule change affects rule provisions relating to fees.

SUMMARY OF STATEMENT OF ESTIMATE OF REGULATORY COSTS: No Statement of Estimated Regulatory Costs was prepared.

Any person who wishes to provide information regarding the Statement of Estimated Regulatory Costs, or to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this Notice.

SPECIFIC AUTHORITY: 475.614 FS.
 LAW IMPLEMENTED: 215.34, 215.405, 455.217, 455.2281, 475.6147, 475.615, 475.618, 475.619, 475.630 FS.

A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW (IF REQUESTED, AN ADDITIONAL WORKSHOP WILL BE NOTICED IN THE FAW)

TIME AND DATE: 8:30 a.m. or as soon thereafter as possible, October 7, 2003

PLACE: Division of Real Estate, Commission Meeting Room 901, North Tower, 400 West Robinson Street, Orlando, Florida 32801

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Ashley Dashnaw, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N801, Orlando, Florida 32801

THE FULL TEXT OF THE PROPOSED RULE IS:

61J1-2.001 Fees.

(1) The application fee shall be as follows:

Registered Trainee Assistant Appraiser	\$50.00
Licensed Appraiser	\$100.00
Certified Residential Appraiser	\$100.00
Certified General Appraiser	\$100.00

(2) The biennial fee shall be:

Registered Trainee Assistant Appraiser	\$175.00
Licensed Appraiser	\$175.00
Certified Residential Appraiser	\$175.00
Certified General Appraiser	\$175.00

(3) The fee for appraisal course instructors shall be:

Application	\$50.00
Biennial Permit	\$50.00

(4) Fees for appraisal course related categories shall be:

For each sponsor application for evaluation for approval of education offering	\$200.00
For each sponsor biennial education offering renewal	\$100.00
For each evaluation of a previously nonaccredited education course	\$50.00

(5) Temporary Practice fee \$50.00

(6) Late Renewal of an inactive registration, license or certification \$25.00

(7) Biennial Registry fee for licensed and certified appraisers as required by the Appraisal Subcommittee \$50.00

(8) Duplicate registration, license or certification \$20.00

(9) Checks returned insufficient funds or account closed or an amount up to 5% of the face amount of the check, whichever is greater \$15.00

(10) Examination Review \$35.00

(11) Unlicensed activity fee for initial licensure and license renewal \$5.00

(12) The fee for request for a change of examination date, which must be in writing, shall be:

(a) Requests received by the examination vendor 3 or more days prior to the scheduled date	No fee
(b) Requests received by the examination vendor less than 3 days prior to the scheduled date	\$15.00
(13) Fingerprint Card Processing Fee	\$47 <u>\$39.00</u>
(14) Application fee for a registered trainee assistant , licensed or certified appraiser to obtain a different status when such application is received by the department within 180 days prior to through 180 days after the renewal period established in Rule 61J1-2.002, Florida Administrative Code	\$50.00

Specific Authority 475.614 FS. Law Implemented 215.34, 215.405, 455.217, 455.2281, 475.6147, 475.615, 475.618, 475.619, 475.630 FS. History--New 10-15-91, Amended 6-7-92, 5-6-93, Formerly 21VV-2.001, Amended 9-22-93, 7-5-94, 5-22-95, 8-20-96, 11-11-97, 10-1-98, 1-7-99, 11-15-99, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Florida Real Estate Appraisal Board

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 5, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 18, 2003

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Commission

RULE TITLE: License Fees and Examination Fees RULE NO.: 61J2-1.011

PURPOSE AND EFFECT: The purpose of the proposed rule is to bring the rule into compliance with statutory changes and an increase in the processing fee of fingerprint cards from \$39 to \$47 as charged by outside vendor.

SUMMARY: The proposed rule change affects rule provisions to fee and licensure designation.

SUMMARY OF STATEMENT OF ESTIMATE OF REGULATORY COSTS: No Statement of Estimated Regulatory Costs was prepared.

Any person who wishes to provide information regarding the Statement of Estimated Regulatory Costs, or to 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: 68.065(2), 455.217, 475.04, 475.125, 475.15, 475.182, 475.24, 475.451 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

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

THE FULL TEXT OF THE PROPOSED RULE IS:

61J2-1.011 License Fees and Examination Fees.

(1) Every person, partnership, limited liability partnership, corporation or limited liability company deemed and held to be a licensee under Chapter 475, Florida Statutes, must register with the Florida Real Estate Commission (Commission) and must secure a license for each license period.

(2) The application fee for licensure shall be as follows:

- (a) Initial application
 - Broker \$20.00
 - ~~Sales Associate Salesperson~~ \$20.00
- (b) Fingerprint Card Processing Fee \$47.00 ~~39.00~~
- (3) The biennial license fee for an active licensee shall be:
 - Broker \$90.00
 - ~~Sales Associate Salesperson~~ \$80.00
 - Branch office for Broker \$80.00

(4) The fee and the time of payment for inactive license shall be the same as for an active license, as set forth in subsection (3) of this rule; however, there is no inactive branch office.

(5) The following fees shall be charged for the following purposes:

- (a) Change of Individual License to Professional Association or Professional Association to Individual License \$30.00

(b) Checks returned due to insufficient funds or account closed:

- face value does not exceed \$50.00 \$25.00
- face value exceeds \$50.00 but does not exceed \$300.00 \$30.00
- face value exceeds \$300.00 (Section 68.065, Florida Statutes) \$40.00

or an amount up to 5% of the face amount of the check, whichever is greater

- (c) Late fee \$45.00
- (d) Duplicate License \$25.00

(6) The Commission may conduct seminars and publish and sell the following documents at cost, which may or may not vary with each class or printing:

Wall Certificate of License Course syllabus

(7) The license fee for school related categories shall be as follows:

- (a) Application for School Instructor \$20.00

- (b) Fingerprint Card Processing Fee \$47.00 ~~39.00~~
- (c) The biennial Permit Fees shall be:
 - School Permitholder \$130.00
 - Additional Location for Permitholder \$45.00
 - Chief Administrative Person \$80.00
 - School Instructor \$80.00

- (8) Entity, sponsor, organization and individual equivalent education course offering:
 - For each application for approval of education offering \$80.00
 - For each biennial education course offering renewal \$80.00

(9) The initial application for registration of a corporation, partnership, limited liability company or limited liability partnership is:

- Corporation, partnership, limited liability company or limited liability partnership \$90.00
- Branch office for a corporation, partnership, limited liability company or limited liability partnership \$80.00

(10) The biennial renewal of a corporation, partnership, limited liability company or limited liability partnership registration fee shall be:

- Corporation, partnership, limited liability company or limited liability partnership \$90.00
- Branch office for a corporation, partnership, limited liability company or limited liability partnership \$80.00

(11) The fee for request for a change of examination date, which must be in writing, shall be:

- (a) Requests received by the examination vendor 3 or more days prior to the scheduled date no fee
- (b) Requests received by the examination vendor less than 3 days prior to the scheduled date \$45.00

Specific Authority 475.05 FS. Law Implemented 455.217, 455.2281, 475.04, 475.125, 475.15, 475.182, 475.24, 475.451, 68.065(2) FS. History—New 10-10-79, Amended 1-1-80, 4-14-81, 9-13-82, 10-19-83, 8-12-84, 10-13-85, Formerly 21V-1.11, Amended 2-1-87, 1-1-88, 5-5-88, 10-13-88, 9-10-89, 1-4-90, 2-13-90, 3-27-90, 8-21-90, 10-9-90, 1-13-91, 8-19-91, 7-1-93, Formerly 21V-1.011, Amended 7-18-94, 12-17-95, 12-30-97, 1-19-99, 4-18-99, 2-24-00, _____.

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 17, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 17, 2003, Section I

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Pursuant to Chapter 2003-145, Laws of Florida, all notices for the Department of Environmental Protection are published on the Internet at the Department of Environmental Protection’s home page at <http://www.dep.state.fl.us/> under the link or button titled “Official Notices.”

DEPARTMENT OF HEALTH

Board of Medicine

RULE TITLE: List of Approved Forms; Incorporation
 RULE NO.: 64B8-1.007

PURPOSE AND EFFECT: The proposed rule amendment is intended to incorporate a revised form into the rule.

SUMMARY: The proposed rule amendment incorporates the revised Physician Assistant Supervision Data Form into the rule.

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

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

SPECIFIC AUTHORITY: 120.55(1)(a),(4), 456.013, 456.036(5), 456.048(1), 458.309, 458.311, 458.3124(6), 458.313(4), 458.3145, 458.315(2), 458.320(8), 458.321(2), 458.347(13), 458.351(6) FS.

LAW IMPLEMENTED: 456.013, 456.035, 456.036, 456.048, 456.073, 458.309, 458.311, 458.3124, 458.313, 458.3145, 458.315, 458.316, 458.317, 458.319, 458.320, 458.321, 458.345, 458.347, 458.348, 458.351, 465.0276 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:

64B8-1.007 List of Approved Forms; Incorporation.

The following forms used by the Board in its dealings with the public are listed as follows and are hereby adopted and incorporated by reference, and can be obtained from the Board office by writing to the Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-1753, or by telephoning (850)245-4131:

- (1) through (24) No change.
- (25) DH-MQA 2004, entitled “Physician Assistant Supervision Data Form,” (Rev. 7/03) (+0/00).

Specific Authority 120.55(1)(a),(4), 456.013, 456.036(5), 456.048(1), 458.309, 458.311, 458.3124(6), 458.313(4), 458.3145, 458.315(2), 458.320(8), 458.321(2), 458.347(13), 458.351(6) FS. Law Implemented 456.013, 456.035, 456.036, 456.048, 456.073, 458.309, 458.311, 458.3124, 458.313, 458.3145, 458.315, 458.316, 458.317, 458.319, 458.320, 458.321, 458.345, 458.347, 458.348, 458.351, 465.0276 FS. History—New 4-17-01, Amended 11-20-01, 8-13-02, 11-10-02, 3-19-03, 6-4-03, _____.

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 2, 2003
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 22, 2003

DEPARTMENT OF HEALTH

Board of Medicine

RULE TITLE: Physician Assistant Licensure
 RULE NO.: 64B8-30.003

PURPOSE AND EFFECT: The proposed rule amendments are intended to clarify requirements for applicants who have failed the NCCPA PANCE examination more than five times.

SUMMARY: The proposed rule amendments specify criteria for physician assistant applicants prior to sitting for the sixth NCCPA PANCE examination attempt.

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

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

SPECIFIC AUTHORITY: 456.013, 456.031(2), 456.033(6), 458.309, 458.347 FS.

LAW IMPLEMENTED: 456.013, 456.017, 456.031, 456.033, 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:

64B8-30.003 Physician Assistant Licensure.

- (1) No change.
- (2) Applicants ~~for licensure~~ who have not passed the NCCPA PANCE ~~licensure~~ examination within five (5) attempts and have not practiced as a fully licensed physician assistant shall be required to successfully complete a minimum of three (3) months in a full time review course at an accredited physician assistant program approved by the Chair of the

Physician Assistant Committee prior to sitting for the sixth examination attempt. Said, ~~which~~ completion shall be documented by a letter signed by the head of the program stating that the applicant has satisfactorily completed the course.

(3) through (6) No change.

Specific Authority 456.013, 456.031(2), 456.033(6), 458.309, 458.347 FS. Law Implemented 456.013, 456.017, 456.031, 456.033, 458.347 FS. History—New 4-28-76, Amended 1115-78, 10-23-80, 12-4-85, Formerly 21M-17.03, Amended 5-13-87, 11-15-88, 11-15-90, 1-9-92, 5-6-93, Formerly 21M-17.003, Amended 9-21-93, Formerly 61F6-17.003, Amended 9-8-94, 11-30-94, 10-25-95, 3-25-96, Formerly 59R-30.003, Amended 6-7-98, 8-19-99, 5-28-00, 3-3-02, 5-19-03,_____.

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 2, 2003
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 22, 2003

DEPARTMENT OF HEALTH

Board of Medicine

RULE TITLE: Physician Assistant Performance
PURPOSE AND EFFECT: The proposed rule amendment is intended to address the appropriate review of medical charts by supervising physicians.

RULE NO.: 64B8-30.012

SUMMARY: The proposed rule amendments clarify the appropriate review of medical charts by supervising physicians with regard to the physician assistants they supervise.

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

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

SPECIFIC AUTHORITY: 458.309, 458.347(4)(a), (13) FS.
LAW IMPLEMENTED: 458.347(2), (3), (4), (13) 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:

64B8-30.012 Physician Assistant Performance.

(1) through (2) No change.

(3) All tasks and procedures performed by the physician assistant must be documented in the appropriate medical record. During the initial six months of supervision of each physician assistant all documentation by the physician assistant in a medical chart must be reviewed, signed and dated by a supervising physician within seven days. Subsequent thereto, a supervising physician must review, sign and date all documentation by a physician assistant in medical charts within 30 days. ~~The supervising physician must review, sign and date the physician assistant record within seven (7) days.~~

(4) No change.

Specific Authority 458.309, 458.347(4)(a),(13) FS. Law Implemented 458.347(2),(3),(4),(13) FS. History—New 5-13-87, Amended 7-7-87, 11-15-88, 9-15-92, Formerly 21M-17.012, Amended 11-4-93, Formerly 61F6-17.012, 59R-30.012, Amended 10-13-98, 3-28-99,_____.

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 2, 2003
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 22, 2003

DEPARTMENT OF HEALTH

Board of Medicine

RULE TITLE: Citation Authority
PURPOSE AND EFFECT: The proposed rule amendments are intended to clarify violations which are appropriate for issuance of citations.

RULE NO.: 64B8-30.014

SUMMARY: The proposed rule amendments clarify required continuing medical education violations which are appropriate for issuance of citations.

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

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

SPECIFIC AUTHORITY: 456.077, 458.309, 458.347(7)(g),(12) FS.

LAW IMPLEMENTED: 456.077, 458.331, 458.347(7)(g),(12) 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:

64B8-30.014 Citation Authority.

(1) through (2) No change.

(3) The following violations with accompanying penalty may be disposed of by citation with the specified penalty:

VIOLATIONS	PENALTY
(a) CME violations. (Sections 458.347(7)(c), 458.331(1)(g),(x), 456.072(1)(e),(s), F.S.)	Within twelve months of the date the citation is issued, Respondent must submit certified documentation of completion of all CME requirements for the period for which the citation was issued; prior to renewing the license for the next biennium, Respondent must document compliance with the CME requirements for the relevant period; AND pay a \$250 fine
1. Failure to document required HIV/AIDS CME. (Section 456.033, F.S.)	\$250 fine
2. Failure to document required domestic violence or end-of-life and palliative health care CME. (Section 456.031, F.S.)	\$250 fine
3. Failure to document required prevention of medical errors CME. (Section 456.013(7), F.S.)	\$250 fine
4. Failure to document both the required HIV/AIDS and domestic violence, or end-of-life and palliative health care CME.	\$500 fine
5. Documentation of some, but not all, 100 hours of required CME for license renewal.	\$25 fine for each hour not documented
(b) through (f) No change.	
(4) through (7) No change.	

Specific Authority 456.077, 458.309, 458.347(7)(g), (12) FS. Law Implemented 456.077, 458.331, 458.347(7)(g), (12) FS. History—New 3-3-02, Amended 5-19-03, _____.

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 2, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 22, 2003

Section III Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF INSURANCE

RULE NO.: 4-154.525 RULE TITLE: Standard and Basic Benefit Plans

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule as noticed in Vol. 29, No. 16, April 18, 2003, of the Florida Administrative Weekly, has been withdrawn.

DEPARTMENT OF TRANSPORTATION

RULE CHAPTER NO.: 14-10 RULE CHAPTER TITLE: Outdoor Advertising Sign Regulation and Highway Beautification Program

RULE NO.: 14-10.0052 RULE TITLE: Comprehensively Enacted Zoning and Zoning Enacted Primarily to Permit Signs

NOTICE OF CHANGE

SUMMARY: The notice of rulemaking was published in Florida Administrative Weekly, Vol. 28, No. 48, November 22, 2002. A public hearing was requested and held on December 18, 2002. Notice of a second hearing was published in Section III of Florida Administrative Weekly, Vol. 29, No. 7, dated February 14, 2003. The second hearing was held on April 3, 2003, as scheduled.

The complete text of the proposed rule, as changed following the two public hearings is as follows:

14-10.0052 Comprehensively Enacted Zoning and Zoning Enacted Primarily to Permit Signs.

(1) "Comprehensively Enacted Zoning" means ordinances or other laws adopted by the county or municipal government with authority over the development and use of a parcel of land, pertaining to and designating the currently allowable uses on the parcel, pursuant to and consistent with a comprehensive plan enacted in accordance with Chapter 163, Florida Statutes. The term does not include actions taken primarily to permit signs as defined in section (3) of this rule.