

TIME AND DATE: 10:00 a.m., March 23, 1999
 PLACE: 1313 Winewood Boulevard, Building 6, Room 103, Tallahassee, Florida
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Regina Davis, OMC Manager, Bureau of Operations, 2020 Capital Circle, Southeast, BIN #C-10, Tallahassee, Florida 32399-3260

DEPARTMENT OF HEALTH

Division of Medical Quality Assurance

RULE TITLE: Standardized Credentialing for Health

RULE NO.:

Care Practitioners

64B-5.001

PURPOSE AND EFFECT: To Develop rules for establishing the fee(s) for the standardized credentialing for health care practitioners program.

SUBJECT AREA TO BE ADDRESSED: The subject area to be addressed at the public workshop will be the fee(s) for the standardized credentialing for health care practitioners program.

SPECIFIC AUTHORITY: 455.557 FS.

LAW IMPLEMENTED: 455.557 FS.

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

TIME AND DATE: 10:00 a.m., March 26, 1999

PLACE: Radisson Hotel Orlando Airport, 5555 Hazeltine National Drive, Orlando, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Regina Davis, OMC Manager, Bureau of Operations, 2020 Capital Circle, Southeast, BIN #C-10, Tallahassee, Florida 32399-3260

DEPARTMENT OF HEALTH

Board of Massage Therapy

RULE TITLE: Endorsements

RULE NO.:

64B7-25.004

PURPOSE AND EFFECT: The purpose of the amendment is to eliminate the requirement of a laws and rules exam, for which the Board no longer has authority. The Board used to have authority in Chapter 480, but the legislature amended the statute in 1997 to delete the exam requirement.

SUBJECT AREA TO BE ADDRESSED: Endorsements.

SPECIFIC AUTHORITY: 455.564(2), 480.035(7), 480.041(5) FS.

LAW IMPLEMENTED: 455.564(2), 480.041(5) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Bill Buckhalt, Executive Director, Board of Massage Therapy, 2020 Capital Circle, S. E., Bin #C09, Tallahassee, Florida 32399-3259

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B7-25.004 Endorsements.

(1) The Department shall issue a license by endorsement to a person who:

(a) through (d) No change.

(e) Has successfully completed ten hours of Florida Statutes/Rules and History of Massage and 3-hour HIV/AIDS course at Board-approved massage school ~~demonstrated knowledge of statutory requirements related to the practice of massage therapy by achieving a passing score on the Statutes & Rules Examination, as set forth in Rule 64B7-25.001(1)(e), F.A.C.~~

(2) No change.

Specific Authority 455.564(2), 480.035(7), 480.041(5) FS. Law Implemented 455.564(2), 480.041(5) FS. History—New 11-27-79, Amended 7-9-80, 8-29-83, 10-9-85, Formerly 21L-25.04, Amended 6-12-88, 8-15-89, 2-11-93, Formerly 21L-25.004, Amended 9-15-94, 1-9-95, 8-18-96, 1-29-97, Formerly 61G11-25.004, Amended _____.

Section II Proposed Rules

DEPARTMENT OF COMMUNITY AFFAIRS

Division of Housing and Community Development

RULE CHAPTER TITLE: RULE CHAPTER NO.:

Florida Small Cities Community Development

Block Grant Program

9B-43

RULE TITLES:

RULE NOS.:

Definitions

9B-43.003

Eligible Applicants

9B-43.004

Application Procedures for All Categories

9B-43.006

Scoring System

9B-43.007

Program Requirements for Housing

9B-43.009

General Grant Administration for All Categories 9B-43.014

PURPOSE AND EFFECT: This amendment revises the rule in order to improve the program administration of the Small Cities Community Development Block Grant. The effect of these amendments will be to clarify definitions, improve administrative efficiency and streamline and simplify the application requirements.

SUMMARY: The proposed amendments to this rule incorporate the following changes: definitions were added for "authorized signature," "engineer," in the definition under additional engineering services for "redesigns," and the

definition of "retained jobs" was clarified by reference to the Code of Federal Regulations citation; the requirements were clarified relating to joint and individual applications and conformance with the Comprehensive Plan when a project is located under two different local government jurisdictions; on-schedule contract performance is defined under economic development applications; the requirement for Notice of Outstanding Closeout Issues is clarified; audit penalties are revised for outstanding audit findings; minor changes are recommended in the Economic Development program to clarify the fund reservation process; census data source material is referenced; housing is modified to allow construction activity to be limited to water and sewer hookups and other modifications without the housing being brought to Section 8 standards; applications manuals are revised by reference and administrative requirements are clarified.

STATEMENT OF THE ESTIMATED REGULATORY COSTS: These changes to 9B-43 are intended to reduce the regulatory burden of administering the Small Cities Community Development Block Grant through clarification of procedures, streamlining of application requirements and simplification of procedures.

Any person who wishes to provide the agency with 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 after publication of this notice.

SPECIFIC AUTHORITY: 120.53, 290.048 FS.

LAW IMPLEMENTED: 290.0401-.049 FS.

TWO PUBLIC HEARINGS WILL BE HELD AT THE TIMES, DATES AND PLACES SHOWN BELOW:

DATE AND TIME: 10:00 a.m., Wednesday, March 3, 1999

PLACE: Courtyard by Marriott, 3712 Southwest 38th Avenue, Ocala, Florida, Call (352)237-8000 for directions

DATE AND TIME: 10:00 a.m., Thursday, March 4, 1999

PLACE: Department of Community Affairs, Capital Circle Office Complex, Sadowski Building, Room 305, Randall Kelley Training Room, 2555 Shumard Oak Boulevard, Tallahassee, Florida, Call (850)487-3644 for directions

Any person requiring a special accommodation at this meeting because of a disability, physical impairment or English language deficiency should contact the CDBG Program at (850)487-3644 at least five calendar days prior to the meeting. If you are hearing or speech impaired, please contact the Department of Community Affairs using the Florida Dual Relay System which can be reached at 1(800)955-8771 (TDD). If a person desires to appeal any decision with respect to any matter considered at the above cited hearing, he will need a record of the proceeding, and for such purpose, he may need to ensure that a verbatim record of the proceedings is made, which includes the testimony and evidence upon which the appeal is to be based.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Dr. Susan M. Cook, Community Program Administrator, Division of Housing and Community Development, Department of Community Affairs, Sadowski Building, Room 260A, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)487-3644

THE FULL TEXT OF THE PROPOSED RULES IS:

9B-43.003 Definitions.

(1) through (6) No change.

(7) "Architectural and engineering services" means the basic services required to be performed by an architect or engineer licensed by the State of Florida. Specific costs may include, but are not limited to, the following:

(a) through (e) No change.

(f) Additional engineering services as used in Section D of Rural Development (RD) (formerly known as the Farmers Home Administration (FmHA)) Form 1942-19 including, but not limited to:

1. through 4. No change.

5. Redesigns ordered by the owner after final plans have been accepted by the owner and the local government, except if the redesigns ~~to are for the purpose of~~ reducing the project cost to within the funds available.

6. through 12. No change.

(8) "Authorized signature" means the original signature of the Chief Elected Official or the signature of a person who is designated by an adopted resolution of the local government to sign CDBG related documents. If a signature other than the Chief Elected Official is submitted, a copy of the authorizing resolution must accompany that CDBG document. ~~"Blighted area" means an area as defined in Section 163.340, F.S.~~

(9) through (21) No change.

(22) "Engineer" means a person meeting the qualifications determined in Section 471.005(4), F.S. This number omitted intentionally.

(23) through (50) No change.

(51) "Retained jobs" means the total number of permanent jobs which, without CDBG assistance, would be abolished by layoffs, plant closing, or other severe economic or natural conditions or as otherwise clarified in 24 C.F.R. Part 570.208(a)(4)(ii).

(52) through (58) No change.

Specific Authority 120.53, 290.048 FS. Law Implemented 290.042, 290.043 FS. History—New 11-30-87, Amended 10-11-88, 9-25-89, 10-14-90, 12-29-91, 4-26-93, 1-30-95, 2-13-96, 12-25-96, 1-29-98, _____.

9B-43.004 Eligible Applicants.

(1) Individual Applicants.

(a) An eligible applicant may submit an individual application to undertake eligible activities in a service area, project area, housing unit, or at a job creation location within its jurisdiction. The construction of any proposed CDBG

funded activities must be physically located within the applying local government's jurisdiction and all proposed beneficiaries must reside within the local government's jurisdiction, unless provided for below:

(a) An eligible applicant's activities may extend beyond its jurisdiction, provided the areas outside its jurisdiction are eligible. The applicant must have legal authority to provide such services or undertake such activities and be supported by a signed interlocal agreement executed by both eligible local governments.

(b) An eligible individual applicant may apply to undertake a portion of an eligible Neighborhood Revitalization activity in an otherwise eligible location outside its jurisdiction or service areas, if it can demonstrate that the activities are necessary to meet the needs of the beneficiaries of the activities undertaken within its jurisdiction or service areas, and are consistent with state and local law. (For example, it may be necessary from an engineering perspective for a water line to be extended outside the service area or outside the jurisdiction to "loop" the water line for safety and health reasons, and for proper functioning of the water system.) Any benefit to persons outside the jurisdiction or service area must be an indirect benefit and only be incidental to the like activity undertaken within the jurisdiction or service area. Indirect benefit to persons outside the jurisdiction or service area shall not be used to establish activity eligibility or for scoring purposes. All service area residents shall reside within the jurisdiction of the local government submitting the individual application. If an eligible applicant proposes a Housing activity outside its jurisdiction, it shall document in the application that the activity relates to other community development activities being proposed, and that the beneficiaries of each activity are low and moderate income persons. All beneficiaries shall reside within the jurisdiction of the local government submitting the individual application.

(c) An eligible individual applicant may apply to undertake a portion of an eligible Economic Development activity in an otherwise eligible location outside its jurisdiction, if it can demonstrate that the portion of the activities outside its jurisdiction are necessary to meet the needs of a job-creating Participating Party. (For example, it may be necessary for a sewer line to be extended outside the applying local government's jurisdiction to connect the sewer line to the sewage transmission system of the entity who will be providing sewer service to the job creation location.) Any benefit to persons outside the jurisdiction must be an indirect benefit and only be incidental to the like activity undertaken within the jurisdiction of the applying local government. Indirect benefit to persons outside the jurisdiction shall not be used to establish activity eligibility unless required pursuant to 24 C.F.R. Section 570.482(e)(1) or for scoring purposes. The job creation location must be within the jurisdiction of the local government applying for the individual application. The

location of the residence of the beneficiaries of the economic development activity (the employees of the Participating Party) shall not be an application issue. If an eligible applicant proposes a Neighborhood Revitalization activity outside its jurisdiction or the service area, it shall document in the application that the activity relates to other community development activities being proposed within the service area and that the only beneficiaries of each activity are residents of the service area. All service area residents shall reside within the jurisdiction of the local government submitting the individual application.

(d) In all instances where an individual eligible applicant proposes activities both inside and outside its jurisdiction as provided in the paragraph, the following shall be required: In instances where an individual eligible applicant proposes activities both inside and outside its jurisdiction, a written Interlocal agreement shall be executed authorizing the applicant to undertake the activities outside its jurisdiction, giving the concurrence of the other local government with the activity and committing resources by one or both local governments to maintain the activity. Such an Interlocal agreement must be submitted with the application for funding.

1. A written Interlocal Agreement shall be executed by all local governments in whose jurisdictions the CDBG activities are to be undertaken. The Interlocal Agreement must authorize the applying local government to undertake the activities outside its jurisdiction, giving the concurrence of the other local government(s) with the activity and committing resources by one or both local governments to maintain the activity. Such an Interlocal Agreement must be submitted with the application for funding.

2. Each local government signing an Interlocal Agreement shall certify that all activities, project areas, service areas, and job creation locations are in conformance with that local government's comprehensive plan.

(e) The application shall contain excerpts of the comprehensive plans of all local governments in whose jurisdiction activities will take place that document that all activities, project areas, service areas, and job creation locations are in conformance with that local government's comprehensive plan.

(2) Joint Applicants.

(a) Eligible local governments applicants may submit a joint application to address a shared problem, the solution to which requires the common action of the applying local governments joint applicants. One local government shall be designated as the lead agency responsible for the administration of the grant. Both applicants must be eligible under the provisions of this rule. All provisions of this rule relating to past performance by any local government and future penalties to be assessed against any local government shall apply to all parties to the joint application.

~~(b)(a)~~ Joint applicants shall execute a written Interlocal agreement authorizing the applicants to undertake the activity, giving the concurrence of both local governments with the activity, delineating the responsibilities of each local government, and committing resources by one or both local governments to maintain the activity. Such ~~applicants must submit an Interlocal agreement must be submitted~~ with their application for funding.

~~(b)~~ If a joint application proposes an activity outside its jurisdiction or service area, it shall document in the application that the activity relates to the other community development activities being proposed within the service area and that the beneficiaries of each of the activities are only the service area residents. All service area residents shall reside within the jurisdiction of the local governments submitting the joint application.

(c) Each local government signing an Interlocal Agreement shall certify that all activities, project areas, service areas, and job creation locations are in conformance with that local government's comprehensive plan;

(d) The joint application shall contain excerpts of the comprehensive plans of all local governments in whose jurisdiction activities will take place that document that all activities, project areas, service areas, and job creation locations are in conformance with that local government's comprehensive plan;

(e) The maximum amount of grant funds that may be applied for in a joint application shall be no more than the aggregate amount of the local government's individual eligibility or \$750,000, whichever is less; and

(f) The mean average of the Community Wide Needs Scores of the applying local governments shall be used for scoring purposes.

(3) The applicants submitting a joint application under either the Housing or Neighborhood Revitalization or Commercial Revitalization category cannot submit an individual application under any of these three categories, ~~but may submit an additional individual or joint application under the Economic Development category.~~

~~(4) The eligible applicant may submit an additional joint or individual application under the Economic Development category.~~

(5) through (7) No change.

(8) Contract performance shall be determined to be on schedule when the scheduled expenditure, accomplishments and beneficiary data contained in the contract and/or the work plan(s) on any open CDBG grant have been met or surpassed for all activities as of thirty days prior to application deadline or, in the case of economic development applications, thirty days prior to receipt of the application. This will be evidenced by the recipient's certification of on-time performance as required in the application. Failure to submit this certification

of on-time performance shall not be curable during the completeness period as set forth in Section 9B-43.006(3) and shall cause the application to be ineligible pursuant to Section 290.046(2)(c), F.S. The certification of on-time performance is subject to verification by Department staff during the site visit. If the Department determines as a result of the site visit that the certification of on-time performance is inaccurate and the performance is not in accordance with the expenditure rates and accomplishments described in the contract and/or contained in the work plans, then the applicant shall be deemed ineligible in accordance with Section 290.046(2)(c), F.S. Requests for funds or rate of expenditure of funds that meet or exceed contract requirements shall not be a contract performance issue for eligibility.

(9) The Department shall notify the local government within 45 days of the Department's receipt of a closeout package from the local government as to whether it is administratively closed out for the purpose of eligibility. Notification shall be effective upon mailing by certified first class mail. Notification shall be either of (1) administrative closeout or (2) Notice of Outstanding Closeout Issues (NOCISS). The NOCISS letter shall identify any recognizable impediments to closeout which the recipient must resolve before the review of the closeout will proceed by the Department. Issuance of a NOCISS letter shall terminate the 45 day review period. A local government's response to a NOCISS letter must be received at least ten days before the application deadline date in order for the local government to be eligible for the next funding cycle. For all NOCISS responses received at least ten days prior to application deadline, eligibility will be established if the response is adequate as determined by the Department. A local government is not eligible to apply for a grant until any cost determined to be ineligible by the Department on a prior CDBG grant has been repaid.

Specific Authority 120.53, 290.048 FS. Law Implemented 290.044, 290.046 FS. History—New 11-30-87, Amended 10-11-88, 10-14-90, 12-29-91, 1-30-95, 2-13-96, 1-29-98, _____.

9B-43.006 Application Procedures for All Categories.

(1) Application Forms. Application forms are found in the application manuals which are hereby incorporated into this rule by reference, effective as of _____ ~~1-29-98~~, and which are available from the Department of Community Affairs at the address specified in the NOFA:

- (a) Form CDBG-H, Housing Application Manual;
- (b) Form CDBG-N, Neighborhood Revitalization Application Manual;
- (c) Form CDBG-C, Commercial Revitalization Application Manual; and
- (d) Form CDBG-E, Economic Development Application Manual.

(2) through (4) No change.

(5) Architectural and Engineering Costs. The maximum percentage of contracted block grant funds that may be spent on architectural and engineering costs by an eligible local government shall be based on the total eligible grant activities which require architecture and engineering and shall not exceed the Rural Development (RD) (formerly U.S. Farmers Home Administration (FmHA)) schedule as applied to projects in Florida on the date of the application. If more than one design professional is needed for an activity or activities (i.e., a landscape architect in addition to an engineer for sidewalk construction in a commercial revitalization project), the local government shall not exceed the appropriate RD fee curve for each activity covered by each design professional negotiated separately. For unusually complex items as designated by RD (FmHA) (water treatment plants, sewers, sewage treatment plants, rehabilitation of existing water and wastewater treatment facilities) engineering costs are calculated using Tables I and I-A of Attachment I of RD (FmHA) Form 1942-19. For all other projects, engineering costs are calculated using Tables II and II-A of Attachment I of RD (FmHA) Form 1942-19. For projects involving both unusually complex and other activities, engineering costs shall be pro-rated appropriately. For each additional engineering service as defined in Rule 9B-43.003(6)(f) and for preliminary engineering, the local government shall negotiate a reasonable fee for the service following procurement procedures in 24 C.F.R. 85.36. Preliminary engineering costs not to exceed one-half of one percent of the estimated construction cost may be paid with CDBG funds over and above the amounts included in Tables I, IA, II, and IIA of Attachment I of RD (FmHA) Form 1942-19.

(6) Past Performance for All Categories.

(a) Audits. Audits or attestation statements, signed by the Chief Elected Official, for the preceding local government fiscal year must be received at the Department by 5:00 PM on or before April 30 of the following year. If April 30th falls on a weekend, the audit or attestation statement is due on the next workday. No waivers or extensions of this provision will be granted by the Department for any reason. If the Single Audit is not required pursuant to OMB Circular A-133, the local government shall submit an attestation statement, pursuant to Section 216.349(c), Florida Statutes, stating that it has complied with the provisions of the grant.

1. If the Department has not received an audit report or attestation statement by April 30 that meets the requirements of OMB Circular A-133 and Section 216.349(c), Florida Statutes, a 15 point penalty will be assessed against future grant applications. If the local government has not responded to an audit findings letter issued by the Department within the time frame prescribed by the Department, the Department shall not execute a new contract or shall withhold funding from an existing contract until a satisfactory response is received and approved by the Department. ~~a 15 point penalty will be~~

~~assessed against future grant applications for each outstanding finding.~~ These assessments of penalty points shall apply to all audits due after the effective date of this rule amendment including any audits that are required to be submitted for any administratively-closed CDBG Grants. These penalties expire two years from the date of the clearance of the audit or audits involved. Audit penalties accrued from any prior year audit due before the effective date of this rule will also expire two years from the date of the clearance. Audit penalties will be nullified upon successful competition for CDBG funding.

2. If an annual local government audit or attestation statement from an open or administratively closed grant, is not received ~~and/or all audit findings cleared in writing~~ by the Department within 12 months of the end of any audit period, prior to application deadline, a 251 point penalty will be assessed at application deadline against the total Project Impact score of any application received by the Department. This penalty shall continue until such time as the audit and all audit findings are cleared by the Department that applying local government. Once this late audit penalty is assessed against a CDBG application, the penalty levied against that application shall not be abrogated by subsequent submission of the audit after the application due date.

(b) through (e) No change.

(7) No change.

(8) Conformance with Local Comprehensive Plan.

(a) The application shall include a certification (or certifications for projects which cross jurisdictional boundaries) that the proposed activities are in conformance with the applicable elements of the adopted local comprehensive plan.

(a) No change.

(9) No change.

(10) Economic Development Application and Contracting Process

(a) Economic Development Funding Reservation Process

1. Receipt of Application: Economic Development Applications will be date stamped upon receipt by the Community Development Block Grant Section. The date and time received by any other part of the Department shall not establish a date and time for fund reservation purposes and funds will be reserved ~~considered~~ in the order received by time and date.

2. through 3. No change.

a. No change.

b. The Department will secondly undertake a review to determine that the application is complete and contains the items required on Form CDBG-E-1 through Form CDBG-E-10.

(I) Based upon the second review, any issues in Form CDBG-E1 through Form CDBG-E-10 which require elaboration or correction due to inconsistencies or lack of

clarity shall be explained to the local government contact person by telephone or facsimile (FAX) at the time of site visit scheduling.

(II) No change.

c. through d. No change.

e. Following the site visit, the Department will mail to the local government an award and offer to contract letter and a contract, including any necessary special conditions, ready for execution by the local government.

1. If any additional issues are generated during the site visit, a list of those additional questions or requests for information will accompany the award and offer to contract letter and the contract if they have not been resolved prior to that time.

2. Within 60 calendar days of the local government's receipt of the award and offer to contract letter (the 60 day period), the Department must receive from the applying local government the information required in Form CDBG E-11, any required documentation referenced in the award and offer to contract letter e-1, above, and a contract ready for the Department's execution.

f. through h. No change.

i. If no unreserved funds are available, the applications will be held in the order of their eligibility as established in this section received until additional funds become available.

(b) Loss of Fund Reservation

1. An Economic Development application shall lose its fund reservation if:

a. through e. No change.

f. Prior to the end of the site visit, the local government fails to provide those requested items requiring elaboration or correction due to inconsistencies or lack of clarity that are referenced in 9B-43.006(10)(a)3.d.1. and 2.

g. The Department does not receive the required documentation and the contract signed and ready for the Department's execution within 60 days of the applying local government's receipt of the award and offer to contract letter.

h. through i. No change.

(c) through (f) No change.

(11) Documenting LMI Service Area Benefit

(a) HUD Census Data – LMI benefit may be documented by using HUD-provided “CDBG Program Listing from 1990 Census Special Tab Tape, Percent of Low and Moderate Income Persons, State of Florida” census data where the service area geographically corresponds with block groups, census tracts, or local government geographical limits.

(b) through (f) No change.

Specific Authority 120.53, 290.048 FS. Law Implemented 290.044, 290.046, 290.047, 290.0475 FS. History—New 11-30-87, Amended 10-11-88, 9-25-89, 10-14-90, 12-29-91, 4-26-93, 1-30-95, 2-13-96, 12-25-96, 1-29-98, _____.

9B-43.007 Scoring System.

(1) The maximum score possible in each program category is 1,000 points. These points shall be divided among three program factors as specified below. Further point breakdowns for program impact are found in the rule section pertaining to individual program categories:

Community-wide needs	250 points
Program impact, Scope of Work, LMI Benefit	650 points
Outstanding performance in equal opportunity employment and <u>fair housing</u>	100 points
Total points	1,000 points

(2) through (3) No change.

Specific Authority 120.53, 290.048 FS. Law Implemented 290.046 FS. History—New 11-30-87, Amended 10-11-88, 10-14-90, Repromulgated 1-30-95, Amended 2-13-96, _____.

9B-43.009 Program Requirements for Housing.

(1) through (9) No change.

(10) Upon completion of the rehabilitation program, all housing units addressed in any way with CDBG funds must be in compliance with the local housing code (if any), and the HUD Section 8, Housing Quality Standards detailed in 24 C.F.R. Section 882.109, as amended, as of December 1995. If the construction activity is limited to water hookups, sewer hookups, the abandonment of wells, or the abandonment of septic systems with no internal or external modifications to the housing unit, this requirement does not apply.

(11) No change.

Specific Authority 120.53, 290.048 FS. Law Implemented 290.043, 290.044, 290.046 FS. History—New 11-30-87, Amended 10-11-88, 10-14-90, 12-29-91, 4-26-93, 1-30-95, 2-13-96, 12-25-96, 1-29-98, _____.

9B-43.014 General Grant Administration of All Categories.

(1) No change.

(a) Such procedures shall comply with the provisions of 24 C.F.R. Section 85.36 and for covered professional services contracts, Section 287.055, F.S., (Consultants Competitive Negotiation Act). Any procurement which requires publication in a newspaper shall be published in the daily newspaper of the largest general circulation that is distributed in the geographically closest OMB designated metropolitan statistical area (MSA) or any combination of publication and mailed announcement to qualified engineers which generates at least three responsible and responsive proposals or bids. Such publication and mailing shall occur at least 12 days prior to the deadline for receipt of the proposals or bids procured submission. This requirement becomes effective 45 days after the effective date of this rule and does not apply to procurements prior to that time.

(b) through (d) No change.

(e) All contracts for professional services shall conform to the following:

1. through 2. No change.

3. A separate professional services contract must be procured and executed between the local government and any professional service ~~the~~ consultant for each particular CDBG grant. Each advertisement for procurement of CDBG professional services, except for grant application preparation, must specify the proposed scope of work, ~~program category~~ and CDBG grant cycle by federal fiscal year, ~~grant number provided by the Department, or application due date.~~

4. through 9. No change.

(f) No change.

(2) through (6) No change.

(7) Amendments Not Requiring Prior Written Approval by the Department. Any proposed amendment that does not reduce the number of intended beneficiaries, accomplishments or scoring points from the original contract or any subsequent approved amendment shall not require prior written Department approval. If the first six-month request for an extension of the contract does not require prior written approval for other reasons, it may be submitted as an amendment not requiring prior approval. Upon receipt by the Department, the non-prior approval amendment will be reviewed immediately. The acknowledgment letter will indicate that the amendment became effective upon receipt and will be immediately incorporated into the contract.

(a) No change.

(b) The following types of minor amendments do not require prior written approval by the Department:

1. through 5. No change.

6. Any proposed budget change which does not also reflect a reduction in score, benefit or accomplishments, shall not require prior approval by the Department. Budget amendments which result in a decrease in score do not require prior approval if they do not reduce accomplishments or beneficiaries, do not add activities not previously included in the contract, and remain above the fundable range. All requests for budget amendments shall include revised application forms to document how the score is affected. Any such change shall be submitted in writing to the Department on Forms DCA-69 and DCA-70, which are hereby incorporated into this rule by reference, effective as of _____ and which are available from the Department of Community Affairs at the address specified in the NOFA and a scoring sheet from the original application showing that the original score has increased or had no change as a result of this budget change. This requirement applies to changes to any portion of the approved budget – CDBG, non-CDBG, or program income.

(b) No change.

(8) Grant Closeout.

(a) No change.

(b) Upon completion of the activities contained in the local government's CDBG contract, including any amendments, the local government shall submit to the Department a closeout package which gives the final statement of costs, certifies that the project and all non-administrative activities are completed and accepted, that all costs except those reflected on the closeout package have been paid, that the final score at close-out is within the fundable range as last amended and reports demographics of the program's beneficiaries.

1. through 2. No change.

(c) through (e) No change.

(9) No change.

(10) Audit Requirements. A local government shall provide the Department with an annual financial audit report or attestation statement which meets the requirements of Sections 11.45 and 216.349, Fla. Stat., and Chapter 10.550 and 10.600, Rules of the Auditor General, and, to the extent applicable, the Single Audit Act of 1984, 31 U.S.C. ss. 7501-7507, OMB Circular A-133 for the purposes of auditing and monitoring the funds awarded under CDBG Grant Agreements.

(a) through (g) No change.

(h) Grantees shall comply with the requirement of s. 216.349, F.S., concerning the submission of audits and attestation statements.

(11) through (16) No change.

Specific Authority 120.53, 290.048 FS. Law Implemented 290.046 FS. History—New 11-30-87, Amended 10-11-88, 10-14-90, 12-29-91, 4-26-93, 1-30-95, 2-13-96, 12-25-96, 1-29-98, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Susan Cook, Community Program Administrator, Division of Housing and Community Development, Department of Community Affairs, Sadowski Building, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)487-3644

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Doug Buck, Director, Division of Housing and Community Development, Department of Community Affairs, Sadowski Building, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)488-7956

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 26, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 13, 1998

DEPARTMENT OF CITRUS

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Ownership and Use of "Made with Florida Citrus" Certification Mark	20-111
RULE TITLE:	RULE NO.:
Exclusive Category Rights	20-111.0021
PURPOSE AND EFFECT: Would provide for exclusive category rights when using the "Made With Florida Citrus" symbol.	

SUMMARY: Exclusive category rights for those licensed to use the "Made With Florida Citrus" symbol.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Regulatory Cost has been 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: 601.10(1), 601.11, 601.15(10)(a) FS.

LAW IMPLEMENTED: 601.101 FS.

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

TIME AND DATE: 10:30 a.m., March 17, 1999

PLACE: Department of Citrus Building, 1115 East Memorial Boulevard, Lakeland, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joan B. Martin, Administrative Assistant, Legal Department, Florida Department of Citrus, P. O. Box 148, Lakeland, Florida 33802-0148

THE FULL TEXT OF THE PROPOSED RULE IS:

20-111.0021 Exclusive Category Rights.

Upon request of the applicant, exclusive rights to use the "Made with Florida Citrus" mark in a specific food category shall be granted by the Department with the following restrictions.

(1) Exclusive rights shall be extended only to the first user of the mark in that specific food category.

(2) Such exclusive rights shall be granted for a maximum of two years from the date license to use the mark is issued and shall not be renewable. If, during the period such rights are effective, Department determines that licensee has failed to comply with the provisions for use of the "Made With Florida Citrus" mark as set forth herein, such exclusive category rights shall be withdrawn.

(3) To qualify for exclusive category rights, the licensee must agree to utilize an estimated minimum of 638,000 pounds of Florida citrus solids on an annual basis and shall furnish Department with records to substantiate use.

Specific Authority 601.10(1), 601.11, 601.15(10)(a) FS. Law Implemented 601.101 FS. History--New.

NAME OF PERSON ORIGINATING PROPOSED RULE: Clark R. Jennings, General Counsel

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Clark R. Jennings, General Counsel
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 17, 1998

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 31, 1998

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE TITLE: Nursing Facility Services
RULE NO.: 59G-4.200

PURPOSE AND EFFECT: The purpose of the proposed rule is to incorporate by reference the Florida Medicaid Nursing Facility Services Coverage and Limitations Handbook, January 1997, and corresponding Florida Medicaid Provider Reimbursement Handbook, Institutional 021, September 1996, and to repeal portions of the rule that are duplicated in other Medicaid rules of general applicability, Florida Statutes, Federal Regulations or in provider handbooks.

SUMMARY: The rule amendment will incorporate by reference the Florida Medicaid Nursing Facility Services Coverage and Limitations Handbook, January 1997, and the Florida Medicaid Provider Reimbursement Handbook, Institutional 021, September 1996, and repeal portions of the rule that are duplicated in the Medicaid handbooks, other Medicaid rules of general applicability, Florida Statutes, or federal regulations.

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: 395.602, 409.919 FS.

LAW IMPLEMENTED: 395.602, 400 Part II, 409.905, 409.908 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:

TIME AND DATE: 2:00 p.m., Tuesday, March 2, 1999

PLACE: 2728 Ft. Knox Blvd., Building 3, Conference Room H, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Elsa Kellberg, Medicaid Program Development, P. O. Box 12600, Tallahassee, Florida 32317-2600, (850)922-7353

THE FULL TEXT OF THE PROPOSED RULE IS:

(Substantial rewording of 59G-4.200 follows. See Florida Administrative Code for present text.)

59G-4.200 Nursing Facility ~~Home~~ Services.

(1) This rule applies to all nursing facilities licensed under Chapter 400, Part II, rural hospital swing beds and distinct part skilled nursing facilities located in hospitals licensed under Chapter 395, Florida Statutes, certified by the Agency for Health Care Administration for participation in the Medicaid program for nursing facility care under section 409.902, F.S.

(2) All participating nursing facility providers must comply with the provisions of the Florida Medicaid Nursing Facility Services Coverage and Limitations Handbook, January 1997, and the corresponding Florida Medicaid Provider Reimbursement Handbook, Institutional 021, September 1996, which are incorporated by reference. Both handbooks are available from the Medicaid fiscal agent.

Specific Authority 395.602, 409.919 FS. Law Implemented 400 Part II, 409.905(8), 409.908, 409.913(5)(e),(8)(h), 395.602(4) FS. History—New 1-1-77, Amended 6-13-77, 10-1-77, 1-1-78, 2-1-78, 12-28-78, 2-14-80, 4-5-83, 1-1-84, 8-29-84, 9-1-84, 9-5-84, 7-1-85, Formerly 10C-7.48, Amended 8-19-86, 6-1-89, 7-2-90, 6-4-92, 8-5-92, 11-2-92, 7-20-93, Formerly 10C-7.048, Amended 11-28-95.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Elsa Kellberg, Medicaid Program Development, P. O. Box 12600, Tallahassee, Florida 32317-2600, (850)922-7353

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Ruben King-Shaw, AHCA Director
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 19, 1999

DATE NOTICE OF RULE DEVELOPMENT PUBLISHED IN FAW: November 6, 1998

DEPARTMENT OF MANAGEMENT SERVICES

Personnel Management System

RULE CHAPTER TITLE: RULE CHAPTER NO.:
Florida State Employees' Charitable Campaign (FSECC) 60L-24

RULE TITLE: RULE NO.:
Appeals 60L-24.008

PURPOSE AND EFFECT: The amendment to subsection (2) is needed because Rule 60-4.012 has been repealed; uniform rules of procedure have been adopted by the Administration Commission; and 120.57, F.S. has been amended.

SUMMARY: The amendments describe the appeal procedures for organizations who have been denied participation in the Florida State Employees' Charitable Campaign.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None has been prepared.

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

SPECIFIC AUTHORITY: 110.181(3) FS.

LAW IMPLEMENTED: 110.181 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: 2:00 p.m., March 1, 1999

PLACE: Room 360P, 4040 Esplanade Way, Tallahassee, FL 32399-0950

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Carolyn Johnson, Personnel Consultant, 4040 Esplanade Way, Tallahassee, Florida 32399-0950

THE FULL TEXT OF THE PROPOSED RULE IS:

60L-24.008 Appeals.

(2) If the organization elects to appeal, a petition requesting a hearing must be filed in compliance with ~~Section 120.57, Florida Statutes, and Rule 28-106.201, 60-4.012, Florida Administrative Code, if a material fact is in dispute, or with Rule 28-106.301, if there is no dispute of material fact.~~ The hearing must be held within 7 working days after receipt of the petition, and any recommended order, if one is issued, must be rendered within 3 working days of the hearing. The final order must then be issued within 2 working days after the recommended order. If a recommended order is not issued, the final order must be issued within 5 working days after the hearing. The proceedings must be conducted in accordance with Chapter 120, except that the time limits and provisions set forth in this rule prevail to the extent of any conflict.

(3) No change.

Specific Authority 110.181(3) FS. Law Implemented 110.181 FS. History—New 4-19-95, Amended _____.

NAME OF PERSON ORIGINATING THE PROPOSED RULE: Sharon D. Larson, Director, Human Resource Management

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Derick Daniel, Deputy Secretary, Department of Management Services

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 25, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 8, 1999

DEPARTMENT OF MANAGEMENT SERVICES

Division of Retirement

RULE TITLE: RULE NO.:
Approved Forms 60S-9.001

PURPOSE AND EFFECT: The purpose of this proposed rule is to adopt seven new forms and three revised forms related to Florida Retirement System participation, service credit, and benefits.

SUMMARY: Forms DP-TN, DP-PM, and DP-RO are new Deferred Retirement Option Program (DROP) forms to be used for verification of the DROP participant's termination date, selection of the participant's preferred distribution method of DROP funds, and verification of the DROP rollover

amount by the participant and custodian of the amount, respectively, to implement the provisions of Section 121.091(13), F.S. Form FR-30 is being revised to include certain non-FRS in-state service as service that FRS members can claim for retirement credit, to implement the provisions of Section 121.1122, F.S. Form FR-30b is being adopted, in compliance with Section 121.091(7), F.S., for verification of out-of-state or in-state service to be purchased by the spouse or other joint annuitant of a deceased member in order to vest. Form JA-NUL is being adopted to allow a retiree, following a divorce, to nullify the designation of a joint annuitant, to implement the provisions of Section 121.091(6)(d). Form EOC-1 is being adopted to allow elected officers the opportunity to elect to participate in the Senior Management Service Class (SMSC), the Senior Management Service Optional Annuity Program (SMSOAP), or a local annuity in lieu of the Elected Officers' Class, in compliance with Sections 121.052(3)(c) and 121.055(1)(f), F.S. Form OCC-1 is being adopted to allow eligible community college employees to elect to participate in the Community College Optional Retirement Program or to remain in the Florida Retirement System, to implement the provisions of Section 121.051(2)(c), F.S. Form FRS-M10 is being revised to declare a deceased member's spouse to be the primary beneficiary unless a beneficiary is designated after the member's most recent marriage, according to the provisions of Section 121.091(8), F.S. Form SMSD-1 is being revised to implement Section 121.055(1)(b), F.S., which changed the number of SMSC positions allowed for local agencies from one for every 200 employees to one for every 100 employees.

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 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: 121.031 FS.

LAW IMPLEMENTED: 121.051, 121.052, 121.055, 121.091, 121.1122 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:

TIME AND DATE: 10:00 a.m., March 1, 1999

PLACE: 2nd Floor, Conference Room, Cedars Executive Center, Building C, 2639 North Monroe Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Mary Beth Brewer, Senior Benefits Analyst, Division of Retirement, Cedars Executive Center, Building C, 2639 North Monroe Street, Tallahassee, Florida 32399-1560

THE FULL TEXT OF THE PROPOSED RULE IS:

60S-9.001 Approved Forms.

The following is a list of the forms utilized by the Division of Retirement in its dealings with the public, which are hereby incorporated by reference into these rules. A copy of these forms may be obtained by writing to the Division of Retirement, Cedars Executive Center, Bldg. C, 2639 N. Monroe Street, Tallahassee, Florida 32399-1560.

(1) Bureau of Enrollment and Contributions

FORM NO./REVISION DATE TITLE

(a) FRS-M10 (Rev. 12/98 ~~7/97~~) Personal History Record
(b) through (i) No change.

(j) SMSD-1 (Rev. 11/1/98 ~~2/94~~) Senior Management Service Class Designated Position Form

(k) EOC-1 (11/98) Ballot Form for Employees of Elected Officers' Class

(l) OCC-1 (1/96) Ballot/Enrollment Form for Community College Optional Retirement Program Employees

(2) Bureau of Retirement Calculations

FORM NO./REVISION DATE TITLE

(a) through (m) No change.

(n) FR-30 (Rev. 6/98 ~~9/94~~) Florida Retirement System Verification for In-State or Out-of-State Service Credit

(o) through (v) No change.

(w) DP-TN (7/98) Florida Retirement System Deferred Retirement Option Program Termination Notification

(x) DP-PM (7/98) Florida Retirement System Deferred Retirement Option Program Selected Payout Method

(y) DP-RO (7/98) Florida Retirement System Deferred Retirement Option Program Rollover Election

(3) Bureau of Benefit Payments

FORM NO./REVISION DATE TITLE

(a) through (ee) No change.

(ff) JA-NUL (9/98) Florida Retirement System Joint Annuitant Nullification Form

(gg) FR-30b (12/98)

Verification for In-State
or Out-of-State Service
Credit

Specific Authority 121.031 FS. Law Implemented 112.361, 112.363, 120.55, 121.011, 121.031, 121.051, 121.0515, 121.081, 121.091, 121.111, 121.121, 121.125, 122.08, 122.09, 215.28, 238.05, 238.06, 238.07 FS. History—New 9-9-82, Amended 2-6-84, 11-6-84, 4-17-85, Formerly 22B-9.01, Amended 6-4-86, 12-5-90, Formerly 22B-9.001, Amended 1-4-93, 1-18-94, 4-26-94, 1-10-95, 11-2-95, 12-28-95, 3-12-96, 12-16-97, 10-14-98, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Virginia Bryant, Legislative Affairs Officer, Legislative Affairs, Policy and Communications Section, Division of Retirement

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: A. J. McMullian III, Director, Division of Retirement

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 27, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 22, 1999

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Funeral Directors and Embalmers

RULE TITLES: RULE NOS.:

Embalmer Intern Training Program 61G8-18.001

Funeral Director Intern Training Program 61G8-18.002

PURPOSE AND EFFECT: The Board proposes to amend Rule 61G8-18.001 by increasing the application for registration fee from \$40.00 to \$100.00. In addition, new language is being added to clarify the time period in which a full-time embalmer shall complete the internship training program in order to obtain a license as an embalmer and unnecessary language is being deleted. Rule 61G8-18.002 is being amended to increase the intern funeral director application fee and to update the rule text.

SUMMARY: Rule 61G8-18.001 is being amended by the Board to increase the application for registration fee for an intern embalmer, and by adding language to clarify the time period for a full-time embalmer internship training program and unnecessary language is being deleted. Amendments are necessary for Rule 61G8-18.002 to increase the application for registration fee for an intern funeral director and by updating the rule text to further clarify the funeral director intern training program requirements.

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: 470.005, 470.008, 470.012 FS.

LAW IMPLEMENTED: 470.008, 470.009, 470.012 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: John Currie, Executive Director, Board of Funeral Directors and Embalmers, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0754

THE FULL TEXT OF THE PROPOSED RULES IS:

61G8-18.001 Embalmer Intern Training Program.

(1) Persons desiring to become an intern embalmer shall submit an application for registration to the Department together with a one-hundred dollar (\$100.00) ~~\$40.00~~ nonrefundable fee. Such application shall demonstrate that the applicant for registration meets the requirements of Section 470.006(1)(b) and (c), F.S.

(2) No change.

(3) One year of substantially full-time embalmer internship training shall be required to qualify the intern embalmer for licensure as an embalmer. Full-time shall be deemed and construed to mean training comprising of at least 40 hours a week for at least 50 weeks to be completed within a twelve month period.

~~(4) The embalmer intern shall be limited to one year of registration and internship training prior to enrollment at a mortuary college, and credit for training received during this period of registration shall be forfeited if educational requirements are not completed within 3 years. An intern who fails to complete the required one year of training prior to attendance at mortuary college may be granted a new registration after graduation from mortuary college for the purpose of completing the required training and shall be allowed to continue such training only until he completes the one year of substantially full-time embalmer internship and until the date the results of the immediately subsequent licensure examination are mailed to applicants for licensure. No credit shall be given an embalmer intern for internship training during any period said intern is enrolled as a student at a mortuary college.~~

(5) renumbered (4) No change.

~~(5)(6)~~ If an intern fails to complete the intern training as stated in paragraph 4, ~~paragraphs 4 and 5~~, because of illness of personal injury, the Board may permit the intern to reregister only for the period of time required to complete the one year of training.

Specific Authority 470.008 FS. Law Implemented 470.008 FS. History—New 11-11-79, Amended 7-28-80, 8-10-83, 10-16-85, Formerly 21J-18.01, Amended 12-11-88, 11-15-92, Formerly 21J-18.001, Amended 1-8-95, _____.

61G8-18.002 Funeral Director Intern Training Program.

(1) Persons desiring to become an intern funeral director shall submit an application for registration to the Department together with a one-hundred dollar (\$100.00) ~~forty dollar (\$40.00)~~ nonrefundable fee. Such application shall demonstrate that the applicant for registration has met the requirements for internship as set forth herein.

(2) through (3) No change.

(4) One year of substantially full-time funeral director internship training shall be required to qualify the intern funeral director for licensure as a funeral director. "Full-time" shall be deemed and construed to mean training comprising at least 40 hours each week for at least fifty weeks to be completed within a twelve month period. ~~12 consecutive months.~~

(5) The funeral director intern shall be able to serve in said internship capacity only until he completes the one year of substantially full-time funeral director internship, and until the date and results of the immediately subsequent licensure examination are mailed to applicants for licensure. If the intern fails to complete his intern training, as stated above, the Board may, upon a showing of good cause and payment of a one-hundred dollar (\$100.00) ~~\$40~~ non-refundable fee, permit an intern to reregister for internship training and may, upon a showing of good cause allow the intern to receive credit for previous training received.

Specific Authority 470.005, 470.012 FS. Law Implemented 470.009, 470.012 FS. History—New 11-11-79, Amended 6-4-80, 8-10-83, Formerly 21J-18.02, Amended 12-11-88, 11-15-92, Formerly 21J-18.002, Amended 1-8-95,

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Funeral Directors and Embalmers

NAME OF SUPERVISOR OR PERSON WHO APPROVED
THE PROPOSED RULE: Board of Funeral Directors and
Embalms

DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: November 10, 1998

DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: August 7, 1998

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Funeral Directors and Embalmers

RULE TITLES:	RULE NOS.:
Requirements for Inspection	61G8-24.031
Registration for Centralized Embalming Facilities	61G8-24.040
Inspections	61G8-24.041
Criteria	61G8-24.042
Fees	61G8-24.043
Operating Procedures	61G8-24.044

PURPOSE AND EFFECT: The Board proposes to amend Rule 61G8-24.031 by referencing the proper section with regard to refrigeration. The Board proposes to create a new rule, numbered 61G8-24.040 to address registration for centralized embalming facilities. The Board proposes to promulgate a new rule, numbered 61G8-24.041 to address inspections. The Board has determined that a new rule, numbered 61G8-24.042 is necessary to address the criteria for inspections of a centralized embalming facility. The Board proposes to create a new rule, numbered 61G8-24.043 to address the fees required for duplicate license and the renewal penalty fee for a delinquent license. The Board has also determined that a new rule, numbered 61G8-24.044 is necessary to address the operating procedures for a centralized embalming facility.

SUMMARY: Amendments are being made to Rule 61G8-24.031 to update the rule text with the proper reference when referring to refrigeration. Rule 61G8-24.040 is a new rule being promulgated to address registration for centralized embalming facilities. Rule 61G8-24.041 is a new rule necessary to address inspections. Rule 61G8-24.042 is a new rule being promulgated by the Board to address the criteria for inspections of a centralized embalming facility. Rule 61G8-24.043 is a new rule created by the Board to address the fees required for duplicate license and the renewal penalty fee for a delinquent license. Rule 61G8-24.044 is a new rule which the Board finds necessary to address the operating procedures for a centralized embalming facility.

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: 470.005, 470.0301 FS.

LAW IMPLEMENTED: 470.0301 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: John Currie, Executive Director, Board of Funeral Directors and Embalmers, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0754

THE FULL TEXT OF THE PROPOSED RULES IS:

61G8-24.031 Requirements for Inspection.

(1) through (4) No change.

(5) Refrigeration must be maintained as required by Section 470.0315, F.S., Rule 10D-37.015.

Specific Authority 470.005, 470.0301 FS. Law Implemented 470.0301 FS. History--New 5-21-95, Amended _____.

61G8-24.040 Registration for Centralized Embalming Facilities.

(1) Centralized embalming facilities that are operated independently of funeral establishments shall register with the Board of Funeral Directors and Embalmers.

(2) Centralized embalming facilities shall apply to the Department to be registered and shall pay a nonrefundable application fee of \$250 together with an annual inspection fee of one hundred (\$100) dollars for each year for which the initial license will be issued.

(3) Centralized embalming facilities shall apply to the Department for renewal of registration and shall pay a nonrefundable renewal fee of \$300 together with the annual inspection fee of one hundred dollars (\$100) for each year for which the license will be issued.

(4) Centralized embalming facilities shall include the registration number issued by the Board of Funeral Directors and Embalmers on all forms, including the Report of Bodies Handled as required by rule 61G8-20.001, F.A.C., and on advertisements or solicitations to funeral homes or direct disposal establishments.

(5) A full-time embalmer in charge shall be responsible for no more than one centralized embalming facility and shall not serve as a funeral director in charge or direct disposer in charge in any other establishment.

Specific Authority 470.005, 470.0301 FS. Law Implemented 470.0301 FS. History--New _____.

61G8-24.041 Inspections.

(1) All centralized embalming facilities shall be subject to inspection by the Department at all times with or without notice. The inspection shall include, but not be limited to, all offices, closets, rooms, refrigeration room, preparation room, grounds contiguous to the centralized embalming facilities, embalming contracts or agreements and other documents used in the embalming business.

(2) All new centralized embalming facilities shall be inspected and shall receive a satisfactory rating prior to the issuance of an establishment license and shall comply with the criteria set forth in 61G8-24.042.

(3) All existing centralized embalming facilities shall be inspected once every year and shall comply with the criteria set forth in 61G8-24.042.

(4) A centralized embalming facility shall be inspected by the Department under the following circumstances, and the Department shall be notified by the owner of the establishment at least 10 days before items (a), (b), or (c) occur:

(a) When a centralized embalming facility moves to a new location;

(b) When ownership of a centralized embalming facility is changed or otherwise transferred;

(c) When major alterations or modifications in the physical structure of a centralized embalming facility are made;

(d) To ensure protection of the public health, safety, and welfare.

Specific Authority 470.005, 470.0301 FS. Law Implemented 470.0301 FS. History--New _____.

61G8-24.042 Criteria.

The Department shall inspect centralized embalming facilities on the basis of the following:

(1) There shall be a refrigeration equipment large enough to store all dead human bodies found in the facility at any given time; and

(2) a preparation room equipped as follows:

(a) An exhaust fan with proper screening to exchange the air in the room with outside air at least twelve (12) times per hour;

(b) Operating table with non-porous surface;

(c) Sanitary floors with non-porous surface;

(d) Sanitary waste receptacles;

(e) A hand sink with hot and cold water and a service sink and a floor drain or sanitary drain for the removal of body fluids connected to central sewage system or septic tank. The floor drain may be replaced by an alternative method of removal of body fluids which meet the sanitation requirements of 61G8-21.003(1)(c) and (h);

(f) The following instruments properly maintained:

1. 1 machine for embalming or gravity equipment

2. 1 aspirator

3. 1 master trocar

4. 1 aneurism needle

5. 1 scalpel

6. 1 drain tube

7. 1 arterial tube

8. 1 scissor

9. surgical needles

10. eye caps

11. surgeon's thread

12. 1 head rest

13. razor and blades

14. absorbent cotton

15. antiseptic soap

16. sheet(s)

17. towel(s)

18. disinfectant

19. tubing

20. disposable surgical gloves

(g) The following minimum supplies for embalming dead human bodies:

1. 2 bottles arterial fluid per body

2. 1 bottle cavity fluid per body

3. supply of hardening compound for autopsies

(h) Room shall be maintained in a clean and sanitary condition.

(3) Centralized embalming facilities shall have on site or immediately available sufficient sealed containers of a type required for the transportation of bodies which prevents the seepage or emission of offensive fluids or odors.

(4) Compliance with Rule 61G8-24.041.

Specific Authority 470.005, 470.0301 FS. Law Implemented 470.0301 FS. History—New _____.

61G8-24.043 Fees.

(1) The fee for each duplicate license shall be \$25. To obtain a duplicate license, a licensee must:

(a) file a written statement with the department that the license has been lost, stolen, or destroyed;

(b) pay the duplicate license fee to the department.

(2) The renewal penalty fee for a delinquent license shall be \$50.00.

Specific Authority 470.005, 470.0301 FS. Law Implemented 470.0301 FS. History—New _____.

61G8-24.044 Operating Procedures.

(1) Centralized embalming facilities shall establish a system of identification of human remains received for embalming. This system shall be designed to track the identity of the remains from time of receipt until delivery of the remains to a licensed establishment.

(2) A system for identification of human remains shall not include identification by any persons other than an individual licensed pursuant to Chapter 470, F.S. or an employee of the facility.

Specific Authority 470.005, 470.0301 FS. Law Implemented 470.0301 FS. History—New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Funeral Directors and Embalmers

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Funeral Directors and Embalmers

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 10, 1998

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 7, 1998

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Funeral Directors and Embalmers

RULE TITLE: Embalmer Apprentice Program

RULE NO.: 61G8-27.001

PURPOSE AND EFFECT: The Board proposes to amend this rule to clarify the embalmer apprentice program.

SUMMARY: The Board has determined that it is necessary to amend this rule to increase the application for registration fee from \$40.00 to \$50.00 for persons desiring to become an embalmer apprentice. In addition, unnecessary language is being deleted and new language is being added to advise funeral directors in charge or the full-time embalmers in charge of an approved embalmer apprentice program training agency that they shall report to the Board when an apprentice embalmer commences enrollment and attendance in a course in mortuary science or funeral service education college or school and report any change in an apprentice embalmer's enrollment and attendance status.

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: 470.005, 470.0085 FS.

LAW IMPLEMENTED: 470.0085 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: John Currie, Executive Director, Board of Funeral Directors and Embalmers, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0754

THE FULL TEXT OF THE PROPOSED RULE IS:

61G8-27.001 Embalmer Apprentice Program.

(1) Persons desiring to become an embalmer apprentice shall submit an application for registration to the Board together with a fifty dollar (\$50.00) ~~forty dollar (\$40.00)~~ nonrefundable fee. Such application shall demonstrate that the applicant is at least eighteen (18) years of age, and that he has received a high school diploma or equivalent degree.

(2) through (3) No change.

(4) ~~An embalmer apprentice shall be eligible to serve in an apprentice capacity for a period not to exceed one year.~~ The time spent as an apprentice may not be applied toward internship training.

(5) If an embalmer apprentice is unable to complete the one-year apprenticeship for a valid reason, such as illness, he may be permitted to reregister to complete his apprenticeship, subject to approval by the Board. An applicant should be permitted only one reregistration.

(6) The funeral director in charge or the full-time embalmer in charge of an approved embalmer apprentice program training agency shall report to the Board when an apprentice embalmer commences enrollment and attendance in a course in mortuary science or funeral service education at any mortuary college, community or junior college, or funeral service education college or school. The funeral director in charge or the full-time embalmer in charge shall also report to the Board any change in an apprentice embalmer's enrollment and attendance status.

Specific Authority 470.005, 470.0085 FS. Law Implemented 470.0085 FS. History—New 8-18-82, Formerly 21J-27.01, Amended 11-15-92, Formerly 21J-27.001, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Funeral Directors and Embalmers

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Funeral Directors and Embalmers

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 10, 1998

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 7, 1998

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Commission

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

PURPOSE AND EFFECT: The purpose and effect is to repeal the examination review fee and unlicensed activity fee for which the Florida Real Estate Commission no longer has statutory authority to charge. The authority to assess these fees rests with the Department of Business and Professional Regulation, not the individual boards of the Department.

SUMMARY: Rule 61J2-1.011 outlines the fees paid to the Department of Business and Professional Regulation, Division of Real Estate. Paragraphs (12) and (13) assess fees for examination review and unlicensed activity, respectively. These fees are being repealed as the Commission no longer has statutory authority to charge fees in these specific areas. See s. 12, Ch. 94-119, Laws of Florida, and s. 2, Ch. 97-228, Laws of Florida, for the legislative amendments which eliminated the Commission's ability to charge these fees and placed the authority solely with the Department.

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: 475.05 FS.

LAW IMPLEMENTED: 455.217, 455.2281, 475.04, 475.125, 475.182, 475.24, 475.451 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: 8:30 a.m., March 17, 1999

PLACE: Office of Florida Real Estate Commission, 400 West Robinson Street, Suite 301, North Tower, Orlando, Florida
THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: James D. Kimbler, Acting Director, Division of Real Estate, 400 West Robinson Street, Suite 308, North Tower, Orlando, Florida 32801

THE FULL TEXT OF THE PROPOSED RULE IS:

61J2-1.011 License Fees and Examination Fees.

(1) through (11) No change.

~~(12) Examination Review~~ \$ 55.00

~~(13) Unlicensed activity fee for initial licensure and registration and license and registration renewal~~ \$ 5.00

Specific Authority 475.05, FS. Law Implemented 455.217, 455.2281, 475.04, 475.125, 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, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
James D. Kimbler, Acting Director, Division of Real Estate

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 20, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 31, 1998

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Commission

RULE TITLE: RULE NO.:
Advertising 61J2-10.025

PURPOSE AND EFFECT: The purpose and effect of the rule amendment is to clarify to licensees where, on a Web page, the required advertising information is to be placed.

SUMMARY: Rule 61J2-10.025 requires licensees when placing a real estate advertisement to disclose the brokerage firm name, to ensure reasonable persons know they are dealing with a real estate licensee and to use the licensee's last name as registered with the Commission if the licensee chooses to place his or her name in the ad. The purpose of this rule amendment is to not only reiterate that this information is required on an advertisement on an Internet Web site but clarifies for the licensee where the information is to be displayed. This will ensure uniformity in advertising by licensees on the Internet.

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: 120.53, 475.05 FS.

LAW IMPLEMENTED: 475.01, 475.25, 475.42, 475.421, 475.4511 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: 8:30 a.m., March 17, 1999

PLACE: Office of Florida Real Estate Commission, 400 West Robinson Street, Suite 301, North Tower, Orlando, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: James D. Kimbler, Acting Director, Division of Real Estate, 400 West Robinson Street, Suite 308, North Tower, Orlando, Florida 32801

THE FULL TEXT OF THE PROPOSED RULE IS:

61J2-10.025 Advertising.

(1) All advertising must be in a manner in which reasonable persons would know they are dealing with a real estate licensee. All real estate advertisements must include the licensed name of the brokerage firm. No real estate advertisement placed or caused to be placed by a licensee shall be fraudulent, false, deceptive or misleading.

(2) When the licensee's personal name appears in the advertisement, at the very least the licensee's last name must be used in the manner in which it is registered with the Commission.

(3)(a) When advertising on a site on the Internet, the brokerage firm name as required in paragraph (1) above shall be placed adjacent to or immediately above or below the point of contact information. "Point of contact information" refers to any means by which to contact the brokerage firm or individual licensee including mailing address(es), physical street address(es), e-mail address(es), telephone number(s) or facsimile telephone number(s).

(b) The remaining requirements of paragraphs (1) and (2) apply to advertising on a site on the Internet.

Specific Authority 120.53, 475.05 FS. Law Implemented 475.01, 475.25, 475.42, 475.421, 475.4511 FS. History--New 1-1-80, Amended 2-17-81, 3-14-85, Formerly 21V-10.25, Amended 12-29-91, 7-20-93, Formerly 21V-10.025, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:

James D. Kimbler, Acting Director, Division of Real Estate

NAME OF SUPERVISOR OR PERSON WHO APPROVED

THE PROPOSED RULE: Florida Real Estate Commission

DATE PROPOSED RULE APPROVED BY AGENCY

HEAD: January 20, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT

PUBLISHED IN FAW: December 24, 1998

DEPARTMENT OF ENVIRONMENTAL PROTECTION

DOCKET NO.: 98-43R

RULE CHAPTER TITLE: RULE CHAPTER NO.:

The Voluntary Cleanup Tax Credit Rule 62-788

RULE TITLES: RULE NOS.:

Applicability and Limitations 62-788.100

Definitions 62-788.200

Application Process 62-788.300

Eligibility Determination 62-788.400

Forms 62-788.900

PURPOSE AND EFFECT: The proposed rule will prescribe the necessary forms required to claim tax credits pursuant to s. 376.30781, F.S., and will provide the administrative guidelines and procedures required to administer the tax credit provision.

SUMMARY: The 1998 Florida Legislature created a tax credit to encourage voluntary cleanup of certain contaminated sites in Florida. An eligible applicant can receive up to 35% of the costs of voluntary cleanup activity that is integral to site rehabilitation, not to exceed \$250,000 per site per year in tax credits that can be applied toward Corporate Income Tax or Intangible Personal Property Tax in Florida. The proposed rule provides the administrative process, guidelines and forms for application for these tax credits.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: Since the proposed rule governs voluntary actions on the part of members of the community, the Economic Analyst who reviewed the proposed rule for the FDEP concluded that a Statement of Estimated Regulatory Cost (SERC) was unnecessary.

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

SPECIFIC AUTHORITY: 376.30781 FS.

LAW IMPLEMENTED: 376.30781 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: Lisa M. Duchene, Department of Environmental Protection, Bureau of Waste Cleanup, M.S. 4505, Room 309L, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, Telephone (850)488-0190; E-mail address: duchene_l@dep.state.fl.us

THE FULL TEXT OF THE PROPOSED RULE IS:

62-788.100 Applicability and Limitations.

(1) This Chapter applies to any taxpayer seeking a tax credit toward either corporate income tax or intangible personal property tax pursuant to Sections 199.1055 or 220.1845, F.S., and Section 376.30781, F.S., in the amount of 35 percent of the costs of voluntary cleanup activity that is integral to site rehabilitation at the following sites:

(a) A drycleaning-solvent-contaminated site eligible for state-funded site rehabilitation under Section 376.3078(3), F.S.;

(b) A drycleaning-solvent-contaminated site at which cleanup is undertaken by the real property owner pursuant to Section 376.3078(10), F.S., if the real property owner is not also, and has never been, the owner or operator of the drycleaning facility where the contamination exists; or

(c) A brownfield site in a designated brownfield area under Section 376.80, F.S.

(2) This Chapter does not apply to the tax return filing process regulated by the Florida Department of Revenue (DOR). An applicant seeking a tax credit pursuant to Section 376.30781, F.S., shall apply to the Department of Environmental Protection (DEP) using the application process and form adopted pursuant to this Chapter. If deemed eligible for a tax credit, the DEP will issue a tax credit certificate to the applicant.

(3) The applicant may use these tax credits by attaching the certificate to its annual tax return filed with the DOR pursuant to rules promulgated by that department, or the applicant may transfer the credits pursuant to Sections 199.1055(1)(g) or 220.1845(1)(h), F.S., and Rule 62-788.400(6), F.A.C.

(4) The DEP will not disburse any funds in connection with this voluntary cleanup tax credit program. Credits will not result in the payment of refunds by the DOR if total credits exceed the amount of tax owed.

(5) Pursuant to Section 376.30781, F.S., tax credits are limited to \$250,000 per site per year; however, a tax credit applicant may claim an additional 10 percent of the total cleanup costs, not to exceed \$50,000, in the final year of cleanup as evidenced by the DEP issuing a "No Further Action" order or a Site Rehabilitation Completion Order for that site.

(6) The DEP shall be responsible for allocating the tax credits not to exceed a total of \$2 million annually. If an eligible applicant does not receive a tax credit allocation due to an exhaustion of the \$2-million annual tax credit authorization, its application will remain in the first-come, first-served order in the next year's annual tax credit allocation, if any, based on the date and time of filing the original application.

(7) Tax credits pursuant to Section 376.30781, F.S., are available only for site rehabilitation conducted during the tax year in which the tax credit application is submitted.

(8) An owner, operator, or real property owner that receives state-funded site rehabilitation under Section 376.3078(3), F.S., for rehabilitation of a drycleaning-solvent-contaminated site is ineligible to receive a tax credit pursuant to Section 376.30781, F.S., for costs incurred and paid by the taxpayer in conjunction with the

rehabilitation of that site during the same time period that state-administered site rehabilitation was tasked and implemented.

(9) An applicant may only claim a tax credit for site rehabilitation costs incurred and paid on or after July 1, 1998, the effective date of Chapter 98-189, Laws of Florida. The provisions of said law cannot be applied retroactively to site rehabilitation conducted prior to July 1, 1998.

Specific Authority 376.30781 FS. Law Implemented 376.30781 FS. History—New _____.

62-788.200 Definitions.

All words and phrases defined in Sections 376.301 and 376.79, F.S., shall have the same meaning when used in this Chapter unless otherwise set forth in this Section or unless the context clearly indicates otherwise. The following words and phrases, when used in this Chapter shall, unless the context clearly indicates otherwise, have the following meanings:

(1) “Applicant” means any person or entity that has incurred and paid costs for voluntary cleanup activity that is integral to site rehabilitation at a site that is eligible for a tax credit and that submits a Voluntary Cleanup Tax Credit Application, DEP Form 62-788.900(1), F.A.C. The term “applicant” is used interchangeably with “taxpayer” except when the applicant is a municipal or county government.

(2) “Brownfield site” means a site that is generally abandoned, idled, or under-used industrial and commercial property where expansion or redevelopment is complicated by actual or perceived environmental contamination.

(3) “Brownfield area” means a contiguous area of one or more brownfield sites, some of which may not be contaminated, and which has been designated by a local government by resolution. Such areas may include all or portions of community redevelopment areas, enterprise zones, empowerment zones, other such designated economically deprived communities and areas, and United States Environmental Protection Agency-designated brownfield pilot projects.

(4) “Brownfield Site Rehabilitation Agreement” (BSRA) means an agreement entered into between the person responsible for brownfield site rehabilitation and the DEP or a delegated local program. The BSRA shall at a minimum establish the timeframes, schedules, and milestones for completion of site rehabilitation tasks and submission of technical reports, and other commitments or provisions pursuant to Section 376.80(5), F.S., and Chapter 62-785, F.A.C., the Brownfields Cleanup Criteria Rule.

(5) “Contaminant” means any physical, chemical, biological, or radiological substance present in any medium which may result in adverse effects to human health or the environment or which creates an adverse nuisance, organoleptic, or aesthetic condition in groundwater.

(6) “Contaminated site” means any contiguous land, sediment, surface water, or groundwater areas that contain contaminants that may be harmful to human health or the environment.

(7) “DEP” means the Florida Department of Environmental Protection.

(8) “Drycleaning facility” means a commercial establishment that operates or has at some time in the past operated for the primary purpose of drycleaning clothing and other fabrics utilizing a process that involves any use of drycleaning solvents. The term “drycleaning facility” includes laundry facilities that use drycleaning solvents as part of their cleaning process. The term does not include a facility that operates or has at some time in the past operated as a uniform rental company or a linen supply company regardless of whether the facility operates as or was previously operated as a drycleaning facility.

(9) “Drycleaning solvents” means any and all nonaqueous solvents used in the cleaning of clothing and other fabrics and includes perchloroethylene (also known as tetrachloroethylene) and petroleum-based solvents and their breakdown products. For purposes of this definition, “drycleaning solvents” only includes those drycleaning solvents originating from use at a drycleaning facility or by a wholesale supply facility.

(10) “Real Property Owner” means the individual or entity that is vested with ownership, dominion, or legal or rightful title to the real property, or which has a ground lease interest in the real property, on which the contaminated site exists.

(11) “Registered Technical Professional” means a Professional Engineer (P.E.) or a Professional Geologist (P.G.), registered in the State of Florida under Chapters 471 and 492, F.S., respectively.

(12) “Site Rehabilitation” means the assessment of site contamination and the remediation activities that reduce the levels of contaminants at a site through accepted treatment methods to meet the cleanup target levels established for that site.

(13) “Taxpayer” means the person or entity that has tax liability for corporate income tax or intangible personal property tax and seeks to obtain a voluntary cleanup tax credit pursuant to this Chapter as an “applicant” after incurring costs for voluntary cleanup activity that is integral to site rehabilitation at a site that is eligible for a tax credit.

(14) “Voluntary Cleanup Agreement” (VCA) means an agreement entered into between the person responsible for drycleaning solvent site rehabilitation and the DEP. The VCA shall at a minimum establish the timeframes, schedules, and milestones for completion of site rehabilitation tasks and submission of technical reports, and other commitments or provisions pursuant to Chapter 62-782, F.A.C., the Drycleaning Solvent Cleanup Criteria Rule.

(15) "Wholesale supply facility" means a commercial establishment that supplies drycleaning solvents to drycleaning facilities.

Specific Authority 376.30781 FS. Law Implemented 376.30781 FS. History—New _____.

62-788.300 Application Process.

(1) A taxpayer, or multiple taxpayers working jointly to clean up a single contaminated site, may file one tax credit application per site per year claiming up to 35 percent of the costs of voluntary cleanup activity that is integral to site rehabilitation, not to exceed \$250,000. If multiple taxpayers are submitting an application, then they must indicate on the application form each taxpayer's percentage contribution to payment of cleanup costs.

(2) The complete application must be received by the Department of Environmental Protection's Division of Waste Management in Tallahassee by 5:00 p.m.(Eastern Standard Time) on December 31. If December 31 falls on a weekend or federal holiday (i.e., no mail service), then the deadline moves forward to the next business day.

(3) An applicant shall submit an application using Form 62-788.900(1), F.A.C., and include the following:

(a) A completed and signed affidavit (included as part of the application form) from each applicant (multiple taxpayers must each sign) certifying that all information contained in the application, including all records of costs incurred and paid and claimed in the tax credit application, are true and correct;

(b) If the application is submitted by the real property owner pursuant to Rule 62-788.100(1)(b), F.A.C., then the Real Property Owner Affidavit section of the application form must also be completed and signed by the real property owner stating that it is not, and has never been, the owner or operator of the drycleaning facility where the contamination exists;

(c) Proof that the applicant has entered into a Voluntary Cleanup Agreement (VCA) with the DEP for a drycleaning-solvent-contaminated site or a Brownfield Site Rehabilitation Agreement (BSRA), as applicable. A copy of the cover page and the signature page of the VCA or BSRA, as applicable, will suffice as proof;

(d) Proof of payment of all applicable deductibles pursuant to Section 376.3078(3)(d), F.S., for eligible drycleaning solvent cleanup program sites. If deductibles were paid prior to submitting a tax credit application, then the applicant shall include a copy of the canceled check or a receipt for a cashier's check or money order as proof of payment. If deductibles have not been paid, the applicant shall fill out the deductible information in Section I of the application form and enclose a cashier's check or money order for the appropriate amount;

(e) A nonrefundable review fee of \$250 in the form of a cashier's check or money order made payable to the Water Quality Assurance Trust Fund;

(f) Copies of contracts and documentation of contract negotiations, accounts, invoices, sales tickets, or other payment records from purchases, sales, leases, or other transactions involving actual costs incurred and paid for that tax year that were integral to site rehabilitation;

(g) A certification form stating that site rehabilitation activities associated with the documentation submitted pursuant to paragraph (f) have been conducted under the observation of, and related technical documents have been signed and sealed by, an appropriate registered technical professional in each contributing technical discipline. The certification form shall be signed and sealed by the appropriate registered technical professional(s) stating that the costs incurred and paid were integral, necessary, and required for site rehabilitation; and

(h) Proof that the documentation submitted pursuant to paragraph (f) has been reviewed and verified by an independent Certified Public Accountant (CPA) in accordance with standards established by the American Institute of Certified Public Accountants. Specifically, the CPA must attest to the accuracy and validity of the costs incurred and paid by conducting an independent review of the cost information presented by the applicant. Accuracy and validity of costs incurred and paid shall be determined once the level of effort expended for site rehabilitation activities is certified by an appropriate registered technical professional in each contributing technical discipline pursuant to paragraph (g). The CPA's report shall also attest that the costs included in the application form are not duplicated within the application. A copy of the CPA's report shall be submitted with the tax credit application.

(4) The Certified Public Accountant and appropriate registered technical professional(s) submitting forms as part of a tax credit application shall verify such forms. Verification shall be accomplished as provided in Section 92.525(1)(b), F.S., and subject to the provisions of Section 92.525(3), F.S. This verification requirement is accomplished by completing and signing the appropriate certifications included as part of the application form, Form 62-788.900(1), F.A.C.

Specific Authority 376.30781 FS. Law Implemented 376.30781 FS. History—New _____.

62-788.400 Eligibility Determination.

(1) An application package will be deemed "complete" if Form 62-788.900(1), F.A.C., contains all required information and appropriate signatures and the package includes the list of items in Rule 62-788.300(3), F.A.C. Incomplete applications will not secure a position in the first-come, first-served order for allocation of tax credits.

(2) Tax credit allocation will be conducted on a first-come, first-served basis based upon the date and time complete applications are received by the DEP's Division of Waste Management.

(3) The DEP will review the tax credit application package submitted by each applicant to verify that the applicant has met the qualifying statutory and rule criteria and has submitted all required documentation. Upon verification that the applicant has met all requirements, the DEP shall issue a written decision granting eligibility for tax credits and a tax credit certificate in the amount of 35% of the total costs claimed, subject to the \$250,000 limitation, for the tax year in which the tax credit application is submitted based on the report of the Certified Public Accountant and the certifications from the appropriate registered technical professionals.

(4) If the DEP determines that the application package is incomplete, then the DEP will return it with deficiencies indicated to the applicant by Certified Mail, unless the applicant requests, and is willing to pay for, alternative express mailing. If time permits, the applicant may correct the deficiencies and re-submit the application by 5:00 p.m. (Eastern Standard Time) on December 31.

(5) For those eligible, the DEP will issue a tax credit certificate on or before the following March 1. If multiple taxpayers are submitting a joint application, each taxpayer shall receive a separate tax credit certificate awarding tax credits in the same proportion as their contribution to payment of cleanup costs.

(6) Tax credit certificates are transferable pursuant to Sections 199.1055(1)(g) or 220.1845(1)(h), F.S. A tax credit certificate holder seeking to transfer the certificate to one or more individuals or entities shall submit the original certificate to the DEP's Division of Waste Management in Tallahassee along with a signed and notarized letter authorizing the transfer. The letter shall state the name, address, telephone number, and FEID or Social Security number, as applicable, of each transferee, and it shall indicate the portion (in whole or in units of no less than 25%) to be transferred. Such transferred credits may not be transferred again although they may succeed to a surviving or acquiring entity after merger or acquisition. An applicant cannot transfer its right to apply for a tax credit; i.e., the application must be filed by the taxpayer(s) that incurred and paid the cleanup costs. Any application filed by a taxpayer that has not incurred and paid any cleanup costs, but claims to be a tax credit transferee, will be rejected.

Specific Authority 376.30781 FS. Law Implemented 376.30781 FS. History—New _____.

62-788.900 Forms.

The following form is adopted and incorporated by reference in this Rule. The form is listed by rule number, which is also the form number, and by the subject title and effective date. Copies of the form may be obtained by writing to the Department of Environmental Protection, Bureau of Waste Cleanup, Mail Station 4505, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400. Voluntary Cleanup Tax Credit Application, DEP Form 62-788.900(1), (effective _____).

Specific Authority 376.30781 FS. Law Implemented 376.30781 FS. History—New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Lisa M. Duchene, Senior Management Analyst II, Bureau of Waste Cleanup

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Douglas A. Jones, Chief, Bureau of Waste Cleanup

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 4, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 7, 1998

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Division of Marine Resources

DOCKET NO.: 98-45R

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Comprehensive Shellfish Control Code	62R-7
RULE TITLES:	RULE NOS.:
Purpose and Intent	62R-7.001
Definitions	62R-7.003
Shellfish Processing Plant Certification	62R-7.007
Shellfish Handling	62R-7.011
Sanitary Operations	62R-7.015
Plant Operation	62R-7.016

PURPOSE AND EFFECT: This amendment proposes to change the reference document cited in 62R-7. In addition the amendment proposes to adopt Hazard Analysis and Critical Control Points as a requirement for shellfish processing. Also the amendment proposes to change time requirements for shellfish from harvest to refrigeration.

SUMMARY: The proposed change changes the reference document from the manual of Operations Parts I and II(1995) to the Guide for the Control of Molluscan Shellfish (1997). In addition, Shellfish definitions, certification requirements, operational requirements, and recordkeeping requirements necessary to adopt Hazard Analysis and Critical Control Points in the shellfish processing industry are being modified. Also shellfish harvest time limits from the point of harvest to refrigeration are to be modified to extend the harvest to refrigeration limits for clams.

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: 370.071(1) FS.

LAW IMPLEMENTED: 370.071 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:

TIME AND DATE: 1:00 p.m., Monday, March 1, 1999

PLACE: 1st Floor, Conference Room B, Marjorie Stoneman Douglas Building, 3900 Commonwealth Blvd., Tallahassee, Florida

If accommodation for a disability is needed to participate in this activity, please notify the Personnel Services Specialist in the Bureau of Personnel at (850)488-2996 or 1(800)955-8771 (TDD), at least seven days before the meeting.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Mark L. Collins, Bureau of Marine Resource Regulation and Development, 3900 Commonwealth Boulevard, Room 822, Tallahassee, Florida, Phone (850)488-5471

THE FULL TEXT OF THE PROPOSED RULES IS:

62R-7.001 Purpose and Intent.

(1) through (4) No change.

(5) The National Shellfish Sanitation Program ~~Manual of Operations, Parts I (1995), and II (1995)~~ Guide for the Control of Molluscan Shellfish (1997), published by the U.S. Department of Health and Human Services, ~~are~~ is hereby incorporated by reference and available for inspection at the Department's offices located at 3900 Commonwealth Boulevard, Tallahassee, Florida 32399.

Specific Authority 370.071(1) FS. Law Implemented 370.071 FS. History—New 1-4-87, Amended 8-10-88, 7-9-89, 11-5-92, Formerly 16R-7.001, Amended 7-3-95, 2-6-97,_____.

62R-7.003 Definitions.

(1) through (9) No change.

(10) Critical control point – a point, step, or procedure in a food process at which control can be applied, and a food safety hazard can as a result be prevented, eliminated, or reduced to acceptable levels.

(11) Critical limit – the maximum or minimum value to which a physical, biological, or chemical parameter must be controlled at a critical control point to prevent, eliminate, or reduce to an acceptable level the occurrence of the identified food safety hazard.

(10) through (13) renumbered (12) through (15) No change.

(16) Food safety hazard – any biological, chemical, or physical property that may cause a food to be unsafe for human consumption.

(14)(17) No change.

(18) HACCP-Hazard Analysis and Critical Control Points – A system of inspection conducted by a processor to identify microbiological, chemical, or physical hazards which are likely to occur in shellfish products produced by the processor. Upon identification of hazards the processor shall implement control points in the process to prevent, reduce, or eliminate the hazards.

(15) through (47) renumbered (19) through (51) No change.

Specific Authority 370.071(1) FS. Law Implemented 370.071 FS. History—New 1-4-87, Amended 5-21-87, 8-10-88, 7-9-89, 11-5-92, 5-20-93, Formerly 16R-7.003, Amended 7-3-95, 5-8-96, 2-6-97,_____.

62R-7.007 Shellfish Processing Plant Certification.

(1) through (6) No change.

(7) Each applicant for a shellfish certification license shall have conducted a Hazard Analysis of the shellfish products produced at the location listed on DEP form 34-006, Shellfish Processing Plant Certification License Application. Each certified dealer shall prepare a written HACCP plan to control at a minimum the food safety hazards of receiving shellfish from an unapproved source, and bacterial growth due to temperature abuse of shellfish. If due to the unique nature of the product produced, the process, facility, or source of shellfish used, other food safety hazards such as natural toxins, microbiological contamination, chemical contamination, pesticides, drug residues, parasites, unapproved use of direct or indirect food or color additives; and physical hazards, are identified, they shall also be controlled through the HACCP plan. The HACCP plan shall incorporate critical control points in the shellfish process which will eliminate or prevent the hazards identified in the hazard analysis. Critical control points shall have established critical limits for parameters to ensure when exceeded the dealer takes appropriate corrective actions. The HACCP plan shall include the procedures, and frequency thereof that will be used to monitor each of the critical control points to ensure compliance with the critical limits. The HACCP plan shall provide for a recordkeeping system that documents the monitoring of the critical control points. The records shall contain the actual values and observations obtained during monitoring. The plan shall be signed and dated by responsible management of the firm at the time of its implementation, after modification, and upon verification of the plan. Each processor shall verify that the HACCP plan is adequate to control food safety hazards that are reasonably likely to occur, and that the plan is being effectively implemented. Verification shall include at a minimum:

(a) Reassessment of the HACCP plan on an annual basis, or when changes occur that could affect the hazard analysis; and

(b) Ongoing verification including a review of any consumer complaints received by the processor to determine whether they relate to the performance of critical control points or reveal the existence of unidentified critical control points, the calibration of process-monitoring instruments.

(7) through (10) renumbered (8) through (11) No change.

Specific Authority 370.071(1) FS. Law Implemented 370.071 FS. History—New 1-4-87, Amended 8-10-88, Formerly 16R-7.007, Amended 7-3-95, 5-8-96, 2-6-97,_____.

62R-7.011 Shellfish Handling.

(1) through (2) No change.

(3) Throughout the year, shellfish shall be harvested between sunrise and sunset. During the months of November, December, January, February, and March, shellfish shall be refrigerated within the same day as harvest. During the months of April, May, and October, ~~shellfish oysters or clams~~ shall be refrigerated within twelve (12) hours of the time of harvest, or within the same day as harvest, whichever is earlier. During the months of June, July, August, and September, ~~shellfish oysters~~ shall be refrigerated within six (6) hours of the time of harvest, or within the same day as harvest, whichever is earlier. During the months of June, July, August, and September, clams shall be refrigerated within ten hours of the time of harvest, or within the same day as harvest, whichever is earlier. All shellfish shall be delivered directly to a certified dealer possessing a shellfish processing plant certification license.

Specific Authority 370.071(1) FS. Law Implemented 370.071 FS. History—New 1-4-87, Amended 5-21-87, 8-10-88, 7-9-89, Formerly 16R-7.011, Amended 7-3-95, 2-6-97,_____.

62R-7.015 Sanitary Operations.

(1) through (10) No change.

(11) Each certified dealer shall monitor the conditions and practices during processing with sufficient frequency to ensure, at a minimum, conformance with those conditions and practices specified in 62R-7.013(1)(a) and (b), 62R-7.013(6) and (7), 62R-7.014(1), 62R-7.015(1)-(10), 62R-7.016(7) and (8), and 62R-7.017(5).

Specific Authority 370.071(1) FS. Law Implemented 370.071 FS. History—New 1-4-87, Amended 8-10-88, Formerly 16R-7.015, Amended 7-3-95, 2-6-97,_____.

62R-7.016 Plant Operation.

(1) The plant shall operate in accordance with the HACCP plan designed and approved by management of the firm.

(1) through (8) renumbered (2) through (9) No change.

(10) Records Complete, legible, and accurate dated records of purchase and sale of all shellfish shall be kept by all shellfish establishments operating in the state. Records shall indicate:

- (a) From whom shellfish were purchased;
- (b) Areas from which ~~shellstock~~ ~~shellfish~~ were harvested;
- (c) State from which shucked shellfish were harvested;
- ~~(d)(e)~~ Harvesting date;
- (e) The date of receipt by the processor;

~~(f)(d)~~ Names and addresses of persons to whom shellfish were sold; and

~~(g)(e)~~ Date sold.

~~(h)(f)~~ Records shall remain on file for not less than one year and shall be made available for inspection and copying by Department personnel during plant inspections.

~~(i)(g)~~ Production records shall be maintained for shucked meats which provide the amount of shellstock used, the harvest area, harvest date of the shellstock, and the amount of shucked meats produced.

(j) Production records shall be maintained for shellstock which provides for the amount of shellstock used, the harvest area, harvest date, harvest state, and the units of shellstock produced.

~~(k)(h)~~ Records cover purchases and sales of frozen shellfish should be retained for at least two years or for a period of time that exceeds the shelf-life of the product.

(l)(i) Records for shellfish lots having completed a depuration or wet storage treatment process shall include:

1. Counties from which shellfish were harvested;
2. Name or location of harvesting areas;
3. Relaying permit numbers, if applicable;
4. Date received in plant;
5. Date released from the plant;
6. Date and time of initiation of treatment;
7. Date and time of termination of treatment;
8. Ending UV unit meter readings;
9. Number of hours treated; and
10. All laboratory results as specified.

11. Monitoring records of HACCP plan critical control points shall be maintained and reviewed as specified in the firm's HACCP plan. Records shall be reviewed to ensure that the records are complete and to verify that they document values that are within the critical limits. The review shall occur within one week of the day that the records are made. The records shall be signed and dated by an individual who has received HACCP training.

(12) Sanitation monitoring records shall be maintained and reviewed for those conditions identified in 62R-7.015(1)-(10) per the schedule of the activity, eg. daily, weekly, monthly.

(13) Whenever a deviation from a critical limit occurs, a processor shall take corrective action either by following a corrective action that is appropriate for the particular deviation, or by segregate and hold the affected product until a review to determine the acceptability of the affected product for distribution has been made. The review shall be performed by an individual or individuals who have adequate training or experience to perform such a review. Take corrective action, when necessary, with respect to the affected product to ensure that no product enters commerce that is either injurious to health or is otherwise adulterated as a result of the deviation. Take corrective action, when necessary, to correct the cause of the deviation. Document all actions taken in accordance with corrective actions.

(10) renumbered (14) No change.

Specific Authority 370.071(1) FS. Law Implemented 370.071 FS. History—New 1-4-87, Amended 5-21-87, 8-10-88, Formerly 16R-7.016, Amended 7-3-95, 5-8-96, 2-6-97, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Mark L. Collins

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Edwin Conklin, Director, Division of Marine Resources

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 17, 1998

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 13, 1998

DEPARTMENT OF HEALTH

Board of Acupuncture

RULE TITLES:	RULE NOS.:
Examination Fee	64B1-2.005
Re-examination Fee	64B1-2.006

PURPOSE AND EFFECT: The purpose of the amendment is to implement a transition to use of computerized administration for the approved licensing exam.

SUMMARY: The amendment to the rules implements a transition of the use of computerized administration for the approved licensing exam.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

Any person who wishes to provide information regarding the 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: 457.104, 457.105(2)(d), 120.53(1) FS.

LAW IMPLEMENTED: 457.105(2)(d) 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: 10:00 a.m., March 2, 1999

PLACE: Room 324, Collins Building, 107 W. Gaines Street, Tallahassee, FL 32310

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: William Buckhalt, Executive Director, Board of Acupuncture, 2020 Capital Circle, Southeast, BIN #C06, Tallahassee, Florida 32399-3259

THE FULL TEXT OF THE PROPOSED RULES IS:

64B1-2.005 Examination Fee.

The fee is \$950 for taking the ~~two-part~~ written examination and the ~~two~~ practical examinations, ~~including the Clean Needle Course which attends one of the practical examinations,~~ administered by the Department of Health (DOH) ~~at least once a year.~~ After the October 1999 examination application

deadline, all initial applicants for examination will continue to apply to the Board for licensure but will apply directly to the National Certification Commission For Acupuncture and Oriental Medicine (NCCAOM) for examination. DOH will no longer administer either the written or the practical examination after that date.

Specific Authority 457.104, 457.105(2)(d), 120.53(1) FS. Law Implemented 457.105(2)(d) FS. History—New 8-8-84, Amended 11-19-85, Formerly 21AA-2.05, Amended 12-21-87, 6-27-90, Formerly 21AA-2.005, 61F1-2.005, Amended 9-17-95, 11-21-95, Formerly 59M-2.005, Amended _____.

64B1-2.006 Re-examination Fee.

The re-examination fees are:

- (1) NCCAOM Acupuncture Theory – \$350;
- (2) NCCAOM Clean Needle Technique – \$250;
- (3) NCCAOM NCA PEPLS – \$350;

(4) In May of 1999 and October of 1999, a special re-examination is administration of the written portion of the NCCAOM (Acupuncture Theory and Clean Needle Technique) will be provided administered by the Department of Health at least once a year, along with the administration of the examination for licensure.

(5) The Department of Health will provide two administrations of NCCAOM's Practical Examination on Point Location Skills in the May and October of 1999. After that all applicants shall apply directly to NCCAOM for the Computer Simulation Point Location Examination (CSPLE).

Specific Authority 457.104, 457.105(2)(d) FS. Law Implemented 457.105(2)(d) FS. History—New 8-8-84, Formerly 21AA-2.06, Amended 2-2-86, 12-21-87, 3-11-92, Formerly 21AA-2.006, 61F1-2.006, Amended 9-17-95, 11-21-95, Formerly 59M-2.006, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Acupuncture

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 14, 1998

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 31, 1998

DEPARTMENT OF HEALTH

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

RULE TITLE:	RULE NO.:
Incomplete Applications	64B4-3.010

PURPOSE AND EFFECT: The Board has determined that it is necessary to create a new rule to address incomplete applications.

SUMMARY: A new is being promulgated by the Board to address incomplete licensure applications that are received by the Board.

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: 455.564, 491.004(5), 491.005 FS.

LAW IMPLEMENTED: 455.564, 491.005 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: Sue Foster, Executive Director, Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling/MQA, 2020 Capital Circle, S. E., Bin #C08, Tallahassee, Florida 32399-3258

THE FULL TEXT OF THE PROPOSED RULE IS:

64B4-3.010 Incomplete Applications.

Any applicant who fails to provide the Board with a complete application, as defined by §120.60(1), F.S., within twelve (12) months of the date of receipt of the application in the Board office shall be required to apply again as an initial applicant.

Specific Authority 455.564, 491.004(5), 491.005 FS. Law Implemented 455.564, 491.005 FS. History—New

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

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 22, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 11, 1998

DEPARTMENT OF HEALTH

Board of Nursing

RULE TITLE: Address of Record and Place of Practice
PURPOSE AND EFFECT: The purpose of the rule is to implement Section 455.717.

SUMMARY: The rule advises licensees to maintain on file with the Board of Nursing their current place of practice.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

Any person who wishes to provide information regarding the 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: 455.717 FS.

LAW IMPLEMENTED: 455.717 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: 2:00 p.m., April 14, 1999

PLACE: Marriott Hotel Jacksonville, 4670 Salisbury Road, Jacksonville, FL 32256

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Dr. Ruth R. Stiehl, Executive Director, Board of Nursing, 4080 Woodcock Drive, Suite 202, Jacksonville, Florida 32207

THE FULL TEXT OF THE PROPOSED RULE IS:

64B9-1.013 Address of Record and Place of Practice Notices.

(1) Each person holding a license issued pursuant to Chapter 464, Florida Statutes, must maintain on file with the Board of Nursing the current address at which any notice required by law may be served by the Board or its agent. Within 60 days of changing this address, whether or not within this state, the licensee shall notify the Board in writing of the new address at which the licensee may be served with notices or other documents.

(2) Each person holding a license issued pursuant to Chapter 464, Florida Statutes, must maintain on file with the Board of Nursing the current place of practice. Place of practice is defined as one of the following:

- (a) acute care facility;
- (b) long-term care facility;
- (c) rehabilitation facility;
- (d) clinic;
- (e) physician's office;
- (f) home health care agency;
- (g) educational institution;
- (h) office of independent nursing practice;
- (i) correctional facility;
- (j) mental health facility;
- (k) occupational health facility;
- (m) managed health care organization or insurance company;
- (n) community health facility;
- (o) other.

Specific Authority 455.717 464.006 FS. Law Implemented 455.717 464.013(5), 464.014(1), 455.225(1) FS. History—New 4-1-90, Amended 8-8-90, Formerly 21O-6.023, 61F7-1.013, 59S-1.013, Amended

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Nursing

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 12, 1998

Specific Authority 483.901(6)(b) FS. Law Implemented 455.564(1), 483.901(6)(b) FS. History—New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Joe Baker, Jr., Executive Director, Council of Medical Physicists

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Gloria C. Henderson, Director, Division of Medical Quality Assurance

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 13, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 13, 1998

DEPARTMENT OF HEALTH

Council of Medical Physicists

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Fees	64B23-3
RULE TITLES:	RULE NOS.:
Application and Licensure Fees	64B23-3.001
Biennial Renewal Fee	64B23-3.002
Change of Status Fee	64B23-3.003
Delinquency Fee	64B23-3.004
Duplicate License Fee	64B23-3.005
Continuing Education Provider	

Application Fee 64B23-3.006
Physicist-in-Training Fees 64B23-3.007
PURPOSE AND EFFECT: The purpose and effect of the proposed rules are to state the cost of the various fees for medical physicists.

SUMMARY: The rules state the cost of the Application and Licensure Fees, Biennial Renewal Fee, Change of Status Fee, Delinquency Fee, Duplicate License Fee, Continuing Education Provider Application Fee, and the Physicist-in-Training Fees.

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: 455.587(1),(3),(6), 455.711(4), 483.901(6)(a),(k) FS.

LAW IMPLEMENTED: 455.587(1),(3),(6), 455.711(4), 483.901(6)(k),(7) 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:

TIME AND DATE: 8:30 a.m., March 5, 1999

PLACE: 1309 Winewood Boulevard, Bldg. 6, Suite 240, Tallahassee, FL 32399-0700

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Anne Marie Frazee, Attorney, Department of Health General Counsel's Office, 2020 Capital Circle, S. E., Bin #A02, Tallahassee, Florida 32399-1703

THE FULL TEXT OF THE PROPOSED RULES IS:

64B23-3.001 Application and Licensure Fees.

(1) The non-refundable application fee for licensure shall be \$500.

(2) The initial license fee shall be \$100.

Specific Authority 455.587(1) FS. Law Implemented 455.587(1), 483.901(7) FS. History—New _____.

64B23-3.002 Biennial Renewal Fee.

All licenses, active or inactive, shall be renewed biennially for a fee of \$150.

Specific Authority 455.587(1), 483.901(6)(a) FS. Law Implemented 455.587(1), 483.901(7) FS. History—New _____.

64B23-3.003 Change of Status Fee.

The fee to change licensure status at any time other than renewal period shall be \$100.

Specific Authority 455.587(1), 455.711(4) FS. Law Implemented 455.587(1), 455.711(4) FS. History—New _____.

64B23-3.004 Delinquency Fee.

A delinquent status licensee shall pay a delinquency fee of \$250 when such licensee applies for active or inactive status, in addition to other applicable fees.

Specific Authority 455.587(1), 455.711(7) FS. Law Implemented 455.587(1), 455.711(7) FS. History—New _____.

64B23-3.005 Duplicate License Fee.

The fee for a duplicate license shall be \$25.00.

Specific Authority 455.587(6) FS. Law Implemented 455.587(6) FS. History—New _____.

64B23-3.006 Continuing Education Provider Application Fee.

In addition to meeting the requirements set forth for approval of continuing education programs, providers shall remit \$250 to be submitted with the information required in Rule 64B23-4.002 for program approval.

Specific Authority 455.587(3) FS. Law Implemented 455.587(3) FS. History—New _____.

64B23-3.007 Physicist-in-Training Fees.

(1) The non-refundable application fee for licensure as a physicist-in-training shall be \$100.

(2) The initial license fee shall be \$100.

(3) The yearly renewal fee shall be \$50.

(4) The fee for conversion of the physicist-in-training license to the medical physicist license after board certification shall be \$500.

Specific Authority 483.901(6)(k) FS. Law Implemented 483.901(6)(k) FS.
History—New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Joe Baker, Jr., Executive Director, Council of Medical
Physicists

NAME OF SUPERVISOR OR PERSON WHO APPROVED
THE PROPOSED RULE: Gloria C. Henderson, Director,
Division of Medical Quality Assurance

DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: January 13, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: November 13, 1998

DEPARTMENT OF HEALTH

Council of Medical Physicists

RULE CHAPTER TITLE: Continuing Education
RULE CHAPTER NO.: 64B23-4

RULE TITLES: Continuing Education Requirements
RULE NOS.: 64B23-4.001

Approval of Continuing Education Programs 64B23-4.002

PURPOSE AND EFFECT: The purpose and effect of the
proposed rules are to provide the continuing education
requirement parameters for licensees and providers.

SUMMARY: The rules state the required number of hours of
continuing education for licensees, establish a random audit of
licensees, and explain which continuing education providers
are approved and, if not, then the procedure on how to become
approved.

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: 455.564(7), 483.901(6)(a) FS.

LAW IMPLEMENTED: 455.564(7), 483.901(6)(a) 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:

TIME AND DATE: 8:30 a.m., March 5, 1999

PLACE: 1309 Winewood Boulevard, Bldg. 6, Suite 240,
Tallahassee, FL 32399-0700

THE PERSON TO BE CONTACTED REGARDING THE
PROPOSED RULES IS: Anne Marie Frazee, Attorney,
Department of Health General Counsel's Office, 2020 Capital
Circle, S. E., Bin #A02, Tallahassee, Florida 32399-1703

THE FULL TEXT OF THE PROPOSED RULES IS:

64B23-4.001 Continuing Education Requirements.

(1) For the purpose of renewing or reactivating a license,
the licensee must demonstrate to the Department that he or she
participated in at least twenty-four (24) hours of approved
continuing education, of which twelve (12) hours must be in
the specialty in which the license is held.

(2) Those persons initially licensed during the second year
of a biennium are exempt from the continuing education
requirements for their first renewal. Continuing education
requirements must be met for each biennium thereafter.

(3) The licensee must retain certificates of attendance to
document completion of the appropriate continuing education
for each biennium for a period of not less than four (4) years
from the date of the offering. The Department will audit at
random a number of licensees as is necessary to assure that the
continuing education requirements are met. Failure to
document compliance with the continuing education
requirements or the furnishing of false or misleading
information regarding compliance shall be grounds for
disciplinary action pursuant to Section 483.901(6)(g), Florida
Statutes.

(4) Individual physicists licensed by the State of Florida
can claim a one-time credit per program for an approved
program of which they are the presenter.

Specific Authority 455.564(7), 483.901(6)(a) FS. Law Implemented
455.564(7), 483.901(6)(a) FS. History—New _____.

64B23-4.002 Approval of Continuing Education Programs.

(1) Continuing education programs sponsored or approved
by the American Association of Physicists in Medicine
(AAPM), the American College of Radiology (ACR), the
American College of Medical Physics (ACMP), the Canadian
Organization of Medical Physicists (COMP), the Health
Physics Society (HPS), the Society of Nuclear Medicine
(SNM), the American Medical Association (AMA), the
Radiological Society of North America (RSNA), the American
Society for Therapeutic Radiology and Oncology (ASTRO),
the Commission on Accreditation of Medical Physics
Education Programs (CAMPEP) and any not-for-profit
university, college, or medical center, or any of their
component or professional affiliate organizations are hereby
approved if the program serves to enhance learning and skills
consistent with contemporary standards for the profession.
Neither these providers nor the programs they provide need be
submitted to the Department for approval and are exempt from
the fees specified in 64B23-3.006 and 64B23-4.002(2)(b).

(2) All other providers seeking approval shall:

(a) Make application on form #xx-xxx, hereby
incorporated by reference, and provided by the Department,
and submit the following:

1. a statement of the educational goals and objectives of the program, including the criteria for successful completion of the program as explained to attendees;

2. a detailed course outline or syllabus, including such items as method of instruction, and testing materials, if any;

3. a current curriculum vitae of each speaker or lecturer appearing in the program;

4. the procedure to be used for recording attendance.

(b) Pay the \$250 non-refundable application fee, and

(c) Submit a minimum of one (1) offering which shall be relevant to the practice of medical physics as defined in Section 483.901(3)(j), Florida Statutes, which must be offered for the purpose of keeping licensees apprised of advancements and new developments in the practice of medical physics, and is designed to enhance learning and skills consistent with contemporary standards for the profession.

Specific Authority 455.564(7), 483.901(6)(a) FS. Law Implemented 455.564(7), 483.901(6)(a) FS. History—New.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Joe Baker, Jr., Executive Director, Council of Medical Physicists

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Gloria C. Henderson, Director, Division of Medical Quality Assurance

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 13, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 13, 1998

DEPARTMENT OF HEALTH

Council of Medical Physicists

RULE CHAPTER TITLE: RULE CHAPTER NO.:

Renewal of License, Delinquent License,

Reactivation of Inactive Status 64B23-5

RULE TITLES: RULE NOS.:

Procedure for Renewal of Licensure 64B23-5.001

Procedure for Reactivation of Inactive Status
to Active Status 64B23-5.002

Delinquent License 64B23-5.003

PURPOSE AND EFFECT: The purpose and effect of the proposed rules are to provide the procedures for renewal of licensure and to change licensure status from inactive to active and to provide for the delinquency of a license.

SUMMARY: The rules state how an applicant registers for inactive or active status, how a licensee reactivates his or her license, and describes when the situation of licensure delinquency occurs.

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: 455.711(5),(6),(9) FS.

LAW IMPLEMENTED: 455.711(5),(6),(9) 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:

TIME AND DATE: 8:30 a.m., March 5, 1999

PLACE: 1309 Winewood Boulevard, Bldg. 6, Suite 240, Tallahassee, FL 32399-0700

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Anne Marie Frazee, Attorney, Department of Health General Counsel's Office, 2020 Capital Circle, S. E., Bin #A02, Tallahassee, Florida 32399-1703

THE FULL TEXT OF THE PROPOSED RULES IS:

64B23-5.001 Procedure for Renewal of Licensure.

(1) To register for active or inactive status, a medical physicist must make application on the appropriate form and pay the renewal fee. If the application and fee arrive at the Department during the timeframe specified by the Department for the biennial renewal, then the applicant does not need to pay any other fee. If, however, the application or fee arrive at any other time, then the medical physicist must pay the delinquency fee specified in Rule 64B23-3.004.

(2) The term "application" for purposes of active or inactive status licensure shall be the renewal card, including notification of the place of practice.

Specific Authority 455.711(5) FS. Law Implemented 455.711(5) FS. History—New.

64B23-5.002 Procedure for Reactivation of Inactive Status to Active Status.

(1) One whose license is on inactive status may apply to reactivate that license by making application for reactivation on form #xx-xxx, hereby incorporated by reference and provided by the Department and paying the appropriate fees. If the application and fees arrive at the Department during the timeframe specified by the Department for the biennial renewal of active licenses, then the licensee must pay only the biennial renewal of active license. If, however, the application or fees arrive at the Department at any other time, then the licensee must pay the appropriate fees.

(2) In any event, the Department shall not reactivate a license unless and until the licensee has paid all of the licensee's outstanding fees, including any unpaid disciplinary fines and delinquency fees.

(3) In addition, no inactive license shall be reactivated unless and until the licensee demonstrates the completion of at least twenty-four (24) hours of approved continuing education

as specified in Rule 64B23-4.001, for each biennium or part thereof of inactive status, and reports either the details of any disciplinary action that has been taken since the licensee's most recent renewal of active license or that no disciplinary action has been taken since the licensee's most recent renewal of active licensure.

Specific Authority 455.711(9) FS. Law Implemented 455.711(9) FS. History—
New _____.

64B23-5.003 Delinquent License.

(1) The failure of any license holder to elect active or inactive status before the license expires shall cause the license to become delinquent.

(2) The delinquent status licensee must affirmatively apply for active or inactive status during the licensure cycle in which the license becomes delinquent. The failure by the delinquent status licensee to cause the license to become active or inactive before the expiration of the licensure cycle in which the license became delinquent shall render the license null and void without further action by the department.

(3) The delinquent status licensee who applies for active or inactive license status shall:

(a) file with the department the complete application for either active or inactive status as defined in Rule 64B23-5.001(2);

(b) pay to the department either the active status or inactive status fee, the delinquency fee, and if applicable the processing fee; and,

(c) if active status is elected, demonstrate compliance with the continuing education requirements found in Rule 64B23-4.001.

Specific Authority 455.711(6) FS. Law Implemented 455.711(6) FS. History—
New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Joe Baker, Jr., Executive Director, Council of Medical Physicians

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Gloria C. Henderson, Director, Division of Medical Quality Assurance

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 13, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 13, 1998

DEPARTMENT OF HEALTH

Council of Medical Physicians

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Discipline	64B23-6
RULE TITLES:	RULE NOS.:
Penalties	64B23-6.001
Aggravating and Mitigating Circumstances	64B23-6.002
Citations	64B23-6.003
Notices of Noncompliance	64B23-6.004
Mediation	64B23-6.005

PURPOSE AND EFFECT: The purpose and effect of the proposed rules are to establish the offenses, penalties, aggravating and mitigating circumstances, and which offenses are subject to mediation regarding medical physicians.

SUMMARY: The rules state the offenses and penalties for each offense along with aggravating or mitigating circumstance which could be considered for the offense and which offenses will be handled through mediation.

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: 455.614(1), 455.617(1), 455.621(3), 455.627(1),(3), 483.901(6)(a) FS.

LAW IMPLEMENTED: 455.614(1), 455.617(1), 455.621(3), 455.624, 455.627, 483.901(6)(a) 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:

TIME AND DATE: 8:30 a.m., March 5, 1999

PLACE: 1309 Winewood Boulevard, Bldg. 6, Suite 240, Tallahassee, FL 32399-0700

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Anne Marie Frazee, Attorney, Department of Health, General Counsel's Office, 2020 Capital Circle, S. E., Bin #A02, Tallahassee, Florida 32399-1703

THE FULL TEXT OF THE PROPOSED RULES IS:

64B23-6.001 Penalties.

(1) Unless mitigating or aggravating factors are demonstrated when the Department finds an applicant or licensee whom it regulates under chapter 483, Part IV, Florida Statutes, has committed any of the acts set forth in section 483.901(6), Florida Statutes, it shall issue a final order imposing appropriate penalties based upon the severity and repetition of the offense within the ranges recommended in the following disciplinary guidelines:

(a) Practicing or attempting to practice medical physics with a license fraudulently obtained. In the case of an applicant, the Department shall deny the application. In the case of a licensee who has obtained or attempted to obtain a license by fraud, the Department shall impose a reprimand to revocation and a fine of \$250 to \$1,000, depending on the severity of the fraud. In the case of a licensee who has practiced or attempted to practice, the Department shall impose a reprimand with or without a period of suspension and fine of \$500 to \$1,000.

(b) Using or attempting to use a license to practice medical physics that has been suspended. The Department shall impose a penalty of revocation.

(c) Selling or fraudulently obtaining or furnishing any diploma, license, or record of registration or aiding or abetting in the same. The Department in the case of a licensee shall impose a penalty ranging from suspension to revocation and a fine of \$500 to \$1,000. In the case of an applicant, the Department shall deny the application.

(d) Making any willfully false oath or affirmation whenever an oath or affirmation is required by chapter 483, Part IV, Florida Statutes. The Department in the case of a licensee shall impose a penalty ranging from probation to suspension and a fine of \$500 to \$1,000. In the case of an applicant, the Department shall deny the application.

(e) Using any name, title, or phrase which would lead the public to believe that such person is engaging in the practice of medical physics, unless such person is licensed as a medical physicist in this State. The Department in the case of a licensee shall impose a penalty ranging from a reprimand to probation, and a fine from \$500 to \$1,000. In the case of an applicant, the Department shall deny the application.

(f) Knowingly concealing information relative to a violation of chapter 483, Part IV, Florida Statutes. The Department in the case of a licensee shall impose a penalty ranging from a reprimand to probation, and an administrative fine from \$250 to \$1,000. In the case of an applicant, the Department shall deny the application.

(2) Unless mitigating or aggravating factors are demonstrated when the Department finds an applicant or licensee whom it regulates under chapter 483, Part IV, Florida Statutes, has committed any of the acts set forth in section 483.901(6), Florida Statutes, it shall issue a final order imposing appropriate penalties based on the severity and repetition of the offense within the ranges recommended in the following disciplinary guidelines:

(a) Attempting to obtain, obtaining or renewing a license to practice medical physics by bribery, by fraudulent misrepresentation, or through an error of the Department. In the case of an applicant, the Department shall deny the application. In the case of a licensee, the Department shall impose a penalty of a reprimand to revocation and a fine from \$500 to \$1,000, based on the severity of the offense.

(b) Having a license to practice medical physics revoked, suspended, or otherwise acted against, including the denial of licensure, by the licensing authority of another state, territory, or country. In the case of a licensee, the Department shall impose a penalty ranging from reprimand to revocation and a fine from \$250 to \$1,000, depending upon the nature of the offense and the substantiating evidence. In the case of an applicant, the Department shall deny the application.

(c) Being convicted or found guilty, regardless of adjudication, of a crime in any jurisdiction which is directly related to the practice of medical physics or the ability to practice medical physics. In the case of a licensee, the Department shall impose a penalty ranging from probation to revocation and a fine from \$500 to \$1,000, depending upon the nature of the offense and the substantiating evidence. In the case of an applicant, the Department shall deny the application.

(d) Advertising in a manner which is false, deceptive or misleading. The Department shall impose a penalty ranging from reprimand to probation and a fine from \$250 to \$1,000.

(e) Advertising, practicing or attempting to practice under a name other than one's own. The Department shall impose a penalty ranging from reprimand to probation and a fine from \$250 to \$1,000.

(f) Failing to report to the Department any person the licensee knows to be in violation of chapter 455, Part II or chapter 483, Part IV, Florida Statutes, or the rules of the Department. The Department shall impose a penalty of a reprimand and a fine of \$250.

(g) Aiding, assisting, procuring, permitting or advising any unlicensed person to practice medical physics contrary to chapter 483, Part IV, Florida Statutes, or the rules of the Department. The Department shall impose a penalty of probation to suspension and a fine from \$500 to \$1,000. In the case of an applicant, the Department shall deny the application.

(h) Failing to perform any statutory or legal obligation placed upon a licensed medical physicist. The Department shall impose a penalty ranging from reprimand to probation and a fine from \$250 to \$1,000.

(i) Making or filing a report or record which the licensee knows to be false, intentionally or negligently failing to file a report or record required by state or federal law, willfully impeding or obstructing such filing, or inducing another person to impede or obstruct such filing. Such reports or records shall include only those which are signed in the capacity of a licensed medical physicist. The Department shall impose a penalty ranging from reprimand to probation and a fine from \$250 to \$1,000.

(j) Paying or receiving any commission, bonus, kickback, rebate or engaging in any split-fee arrangement in any form whatsoever with a physician, organization, Department or person, either directly or indirectly, for patients referred to providers of health care goods and services, including, but not limited to hospitals, nursing homes, clinical laboratories,

ambulatory surgical centers or pharmacies. The Department shall impose a penalty ranging from reprimand to probation and a fine from \$500 to \$1,000.

(k) Making misleading, deceptive, untrue or fraudulent representations in the practice of medical physics or employing a trick or scheme in the practice of medical physics when such scheme or trick fails to conform to the generally prevailing standards of treatment in the community. The Department shall impose a penalty ranging from probation to suspension and a fine from \$500 to \$1,000.

(l) Soliciting patients either personally or through an agent. The Department shall impose a penalty ranging from reprimand to probation and a fine of \$500.

(m) Failing to prepare written or electronic records detailing the content of the professional service(s) provided. The Department shall impose a penalty ranging from reprimand to probation and a fine from \$250 to \$1,000.

(n) Exercising influence on the patient or client in such a manner as to exploit the patient or client for financial gain of the licensee or of a third party. The Department shall impose a penalty ranging from probation to suspension and a fine from \$500 to \$1,000.

(o) Performing professional services when knowing such services have not been duly authorized by the patient or client or his legal representative. The Department shall impose a penalty ranging from reprimand to probation and a fine from \$250 to \$500.

(p) Practicing medical physics without reasonable skill and safety by reason of illness, or use of alcohol, drugs, narcotic, chemicals or any other type of material or as a result of any mental or physical condition. The Department shall impose a penalty of suspension until such time as the licensee demonstrates rehabilitation followed by probation under such terms and conditions as set by the Department and a fine from \$250 to \$500. If the individual is an applicant, the Department shall deny the application.

(q) Gross or repeated malpractice or the failure to practice medical physics at a level of care, skill, and treatment which is recognized by a reasonably prudent medical physicist as being acceptable under similar conditions and circumstances. The Department shall impose a penalty ranging from probation to revocation and a fine from \$250 to \$1,000, depending on the severity of the offense.

(r) Performing any procedure which, by prevailing standards of medical physics practice in the community, would constitute experimentation on human subjects without first obtaining full, informed, and written consent. The Department shall impose a penalty ranging from probation to suspension and a fine from \$500 to \$1,000.

(s) Practicing or offering to practice beyond the scope permitted by law or accepting and performing professional responsibilities which the licensee knows or has reason to know that he is not competent to perform. The Department

shall impose a penalty ranging from reprimand to revocation and a fine from \$250 to \$1,000, depending on the severity of the offense.

(t) Delegating professional responsibilities to a person when the licensee delegating such responsibilities knows or has reason to know that such person is not qualified by training, experience or licensure to perform them. The Department shall impose a penalty ranging from reprimand to probation and a fine from \$250 to \$1,000.

(u) Violating any provision of chapters 483, Part IV, or 455, Part II, Florida Statutes, or any rule of the Department. The Department shall impose a penalty ranging from reprimand to revocation and a fine from \$250 to \$1,000, depending on the severity of the offense.

(v) Conspiring with another licensee or with any other person to commit an act, or committing an act, which would tend to coerce, intimidate or preclude another licensee from lawfully advertising his services. The Department shall impose a penalty of reprimand to probation and a fine from \$250 to \$500.

(w) Fraud, deceit, or misconduct in the practice of medical physics. The Department shall impose a penalty ranging from reprimand to revocation and a fine from \$250 to \$1,000, depending on the severity of the offense.

(x) Violating any provision of section 483, Part IV, Florida Statutes, or section 455.624, Florida Statutes. The Department shall impose a penalty within the ranges provided in paragraph (1) of this rule for any violation of section 483, Part IV, Florida Statutes, and a penalty within the range provided in section 455.624, Florida Statutes, for violations thereof.

Specific Authority 455.627(1), 483.901(6)(a) FS. Law Implemented 455.624, 455.627, 483.901(6)(a) FS. History—New

64B23-6.002 Aggravating and Mitigating Circumstances. The Department will give consideration to aggravating and mitigating circumstances in determining the penalty to be imposed in any given case. The following factors will influence the Department's decision:

- (1) The severity of the offense;
- (2) The danger to the public;
- (3) The number of repetitions of offenses;
- (4) The length of time since the violation when no further complaints have been made against the licensee;
- (5) The number of times the licensee has been previously disciplined by the Department;
- (6) The length of time licensee has practiced without having any disciplinary action taken;
- (7) The damage to the patient caused by the violation;
- (8) Any efforts of rehabilitation by the licensee;
- (9) The licensee's actual knowledge of the violation;
- (10) Attempts by the licensee to correct or stop the violation, or the refusal of the licensee to correct or stop the violation;

(11) Related violations by the licensee in Florida or in another jurisdiction, including findings of guilty or innocence, penalties imposed and penalties service;

(12) The degree to which the licensee was involved in the violation;

(13) The degree to which the licensee benefited from the violation;

(14) The cost of the disciplinary action.

Specific Authority 455.627(3), 483.901(6)(a) FS. Law Implemented 455.627(3), 483.901(6)(a) FS. History—New _____.

64B23-6.003 Citations.

(1) Pursuant to Section 455.617, Florida Statutes, the Department sets forth below those violations for which there is no substantial threat to the public health, safety, and welfare; or, if there is a substantial threat to the public health, safety, and welfare, such potential for harm has been removed prior to the issuance of the citation. Next to each violation is the penalty to be imposed. In addition to any administrative fine imposed, the Respondent shall be required by the Department to pay the costs of investigation. The form to be used is specified in rules of the Department of Health.

(2) Citations may only be issued for an initial offense of the alleged violation. Subsequent violation(s) of the same rule or statute shall require the procedures of Section 455.621, Florida Statutes, to be followed. In addition, should an initial offense for which a citation could be issued occur in conjunction with other violations, then the procedures of Section 455.621, Florida Statutes, shall apply.

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

VIOLATIONS

(a) CE violations (Section 483.901(6))

PENALTY

Within six months of the date the citation is issued
Respondent must submit certified documentation of completion of all CE 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 CE requirements for the relevant period; AND

1. Failure to document specialty CE.
2. Documentation of some, but not all of the required CE for license renewal.
3. Failure to document any of the required hours
4. Failure to respond to an audit.
- (b) Practice on an inactive status

- \$200 fine
- \$25 fine for each hour not documented
1. \$1,000 fine
2. Reprimand
- \$250 fine
- \$500 fine

license for a period of up to three months.

(4) The subject has 30 days from the date the citation becomes a final order to pay any fine imposed and costs. All fines and costs are to be made payable to the "Department of Health" and sent to the Department of Health in Tallahassee. A copy of the citation shall accompany the payment of the fine.

(5) The Department of Health shall, at the end of each calendar quarter, submit a report to the Council of the citations issued, which report shall contain the name of the subject, the violation, fine imposed, and the number of subjects offered citations who chose to follow the procedures of Section 455.621, Florida Statutes.

Specific Authority 455.617(1), 483.901(6)(a) FS. Law Implemented 455.617(1), 483.901(6)(a) FS. History—New _____.

64B23-6.004 Notices of Noncompliance.

(1) Definitions.

(a) "Notice of Noncompliance" is a notification by the Department issued to a licensee as a first response to minor violations of rules or statutes, which is not accompanied by a fine or other disciplinary penalty.

(b) "Minor violation" refers to a violation of a rule or statute that does not result in economic or physical harm to a person or adversely affect the public health, safety, or welfare or create a significant threat of such harm.

(2) The Department designates the following as minor violations for which a notice of noncompliance may be issued for the first violation thereof:

(a) Failure to provide written notice of a licensee's current mailing address and place of practice in violation of Rule 64B23-1.001, F.A.C.

(b) Failure to display the license in a place accessible to the public in violation of 483.901(6)(f)1., F.S.

Specific Authority 455.621(3) FS. Law Implemented 455.621(3) FS. History—New _____.

64B23-6.005 Mediation.

The Department has determined that the following violations are defined as mediation offenses:

(1) Failure of the licensee to pay any assessed administrative fines or costs on time; assuming payment of the fine has been made, and

(2) Failure of the licensee to respond to a continuing education audit on time, assuming a response has been made.

Specific Authority 455.614(1), 483.901(6)(a) FS. Law Implemented 455.614(1), 483.901(6)(a) FS. History—New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Joe Baker, Jr., Executive Director, Council of Medical Physicists

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Gloria C. Henderson, Director, Division of Medical Quality Assurance

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 13, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 13, 1998

DEPARTMENT OF HEALTH

Council of Medical Physicists

RULE CHAPTER TITLE: RULE CHAPTER NO.:

Physicists-in-Training 64B23-7

RULE TITLES: RULE NOS.:

Application for Physicist-in-Training 64B23-7.001

Physicist-in-Training Supervisors 64B23-7.002

Renewal 64B23-7.003

Continuing Education 64B23-7.004

Licensure of Physicist-in-Training as
Medical Physicist 64B23-7.005

PURPOSE AND EFFECT: The purpose and effect of the proposed rules are to establish guidelines for the physicists-in-training.

SUMMARY: The rules describe the application process, renewal of license requirements, continuing education requirements, and the procedure for converting the physician-in-training license to a medical physicist license.

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: 483.901(6)(k) FS.

LAW IMPLEMENTED: 483.901(6)(k) 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:

TIME AND DATE: 8:30 a.m., March 5, 1999

PLACE: 1309 Winewood Boulevard, Bldg. 6, Suite 240, Tallahassee, FL 32399-0700

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Anne Marie Frazee, Attorney, Department of Health General Counsel's Office, 2020 Capital Circle, S. E., Bin #A02, Tallahassee, Florida 32399-1703

THE FULL TEXT OF THE PROPOSED RULES IS:

64B23-7.001 Application for Physicist-in-Training.

Each applicant for physicist-in-training must meet the following requirements:

(1) Each applicant for physicist-in-training must fill out form #xx-xxx, hereby incorporated by reference and provided by the Department and pay the fee specified in Rule 64B23-3.007, FAC.

(2) Each applicant must specify the area of specialization on the form provided by the Department. The academic qualifications for that specialization as required by the appropriate board must already be met at the time of application.

(3) The applicant must present documentation of supervision signed by his or her proposed supervisor.

Specific Authority 483.901(6)(k) FS. Law Implemented 483.901(6)(k) FS. History—New

64B23-7.002 Physicist-in-Training Supervisors.

(1) The supervisor must hold a Florida medical physicist license in the appropriate specialty.

(2) The supervisor must agree to provide supervision for a period of one year. Either party may decline to fulfill his/her obligation if good cause exists and is approved by the Department.

(3) The supervisor agrees to be a responsible medical physicist for all medical physicist activities under supervision. All reports must be signed by the physicist-in-training and the supervising physicist.

(4) A change of supervisor requires documentation from the new supervisor, including an agreement to provide supervision.

Specific Authority 483.901(6)(k) FS. Law Implemented 483.901(6)(k) FS. History—New

64B23-7.003 Renewal.

(1) A physicist-in-training may renew his or her license every year, for a period not to exceed eight years.

(2) Application for renewal must include:

(a) reaffirmation of supervising physicist,

(b) statement by supervising physicist of physicist-in-training's satisfactory progress towards board certification, and

(c) Renewal fee provided in Rule 64B23-3.007.

Specific Authority 483.901(6)(k) FS. Law Implemented 483.901(6)(k) FS. History—New

64B23-7.004 Continuing Education.

Continuing education requirements for the physicist-in-training will be twelve hours annually in the specialty in which the license is held. Approval of continuing education programs shall be in accordance with Rule 64B23-4.002, FAC.

Specific Authority 483.901(6)(k) FS. Law Implemented 483.901(6)(k) FS. History—New

64B23-7.005 Licensure of Physicist-in-Training as Medical Physicist.

Upon receipt of documentation of board certification by the Department of Health, the physicist-in-training will be issued a medical physicist license. The licensee will not be required to pay the fees set out in Rule 64B23-3.001, FAC., but will be required to pay the fee set out in Rule 64B23-3.007(4), FAC.

Specific Authority 483.901(6)(k) FS. Law Implemented 483.901(6)(k) FS. History—New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Joe Baker, Jr., Executive Director, Council of Medical Physicists

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Gloria C. Henderson, Director, Division of Medical Quality Assurance

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 13, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 13, 1998

Section III

Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF INSURANCE

Division of Treasury

RULE CHAPTER NO.: 4C-2
RULE CHAPTER TITLE: Procedures for Administering the Florida Security for Public Deposits Act

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., Florida Statutes, published in Vol. 24, No. 45, November 6, 1998, of the Florida Administrative Weekly:

4C-2.004(13), the last sentence will read as follows “These forms will be requested by the Treasurer when concerns about the qualified public depository’s financial condition or reporting status or the security of collateral is in question. These forms are to be submitted only when the Treasurer specifically instructs the Qualified Public Depository or Custodian to submit them.”

4C-2.004(23) deletes the phrase “citing minimum necessary information” after the words “transmitted request” and after the word “Rule 4C-2.009(1)(g)”.

4C-2.004(25) deletes the phrase “citing minimum necessary information” after the words “transmitted request” and after the word “Rule 4C-2.009(1)(h)”.

4C-2.004 add to Law Implemented 280.05(16), 280.16(1)(b).

4C-2.0095 this section will read as follows ~~The Treasurer may allow the filing of any information, reports or forms required under Chapter 280, Florida Statutes, and Rule Chapter 4C-2, to be by electronic data transmission. Such Electronic filing~~ filings of information, reports, or forms, including any items required to be certified or made under oath shall have the same enforceability as a signed writing.

4C-2.026(4) should read “A current Public Deposit Identification and Acknowledgment Form DI4-1295 as required in Section 280.17, Florida Statutes, will accompany the claim. This form shall state, without alteration, the account number, account type, and account name which are identical to that stated in the Public Deposit Claim Form and Agreement and on the records of the Qualified Public Depository.”

4C-2.026(5) should read “Evidence of the deposit insurance afforded this public deposit and offsets allowed shall accompany the claim. The net claim shall be an uncompensated loss which is not subject to any indemnification other than that provided by Chapter 280, Florida Statutes.”

4C-2.026(6) delete entire section; renumber (7) and (8) to read (6) and (7). Add to Law Implemented 280.17(1)(b) and 280.10.

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

Division of Motor Vehicles

RULE CHAPTER NO.:
15C-1

General

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)3., F.S., pursuant to comments received from the Joint Administrative Procedures Committee, published in Vol. 24, No. 49, December 4, 1998, issue of the Florida Administrative Weekly:

All rules: Section 320.824(1), F.S., has been removed from the rulemaking authority.

15C-1.0101:

Section 320.8249, F.S., has been removed from the rulemaking authority.

15C-1.0102:

~~(4)(5)~~ Auger Anchors: All mobile/manufactured homes and park trailers shall be anchored with approved auger anchors, which shall be coated with hot-dipped zinc galvanizing (ASTM Standard #123-89A, which is hereby incorporated by reference); .60 ounces per square foot. Auger anchors shall be installed to the manufacturers installation instructions with special emphasis on soil classification to a minimum depth of four feet (4') and placed in undisturbed or compacted soil. Piers are to be installed off center of the anchors so as not to interfere with the proper alignment of the strapping. Anchors may be installed in predrilled holes