

NAME OF SUPERVISOR OR PERSON WHO APPROVED  
THE PROPOSED RULE: Richard S. Hopkins, MD Chief,  
Bureau of Epidemiology  
DATE PROPOSED RULE APPROVED BY AGENCY  
HEAD: April 13, 1999  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT  
PUBLISHED IN FAW: September 18, 1998

### Section III

## Notices of Changes, Corrections and Withdrawals

### DEPARTMENT OF INSURANCE

RULE NOS.:	RULE TITLES:
4-171.003	Reports by Insurers of Professional Liability Claims and Action Required
4-171.005	Annual Claims Report by Liability Insurers
4-171.006	Claims Report by Directors and Officers Liability Insurers

#### NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rules in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 24, No. 41, October 9, 1998, issue of the Florida Administrative Weekly:

1. Rule 4-171.003(1) and (2) are changed by replacing "podiatrist" with "podiatric physician", and Part II is changed to Part I of Chapter 641. Subsection (1)(a) is changed after "amount" to read: or;

2. Rule 4-171.003(4) is changed by deleting "may" after "Department" and inserting "shall". This is in response to a request of the Joint Administrative Procedures Committee.

3. Rule 4-171.005(1) is changed by adding: "The Department shall consider availability of insurance in the market place, any restrictions on availability of coverage, the increased placement of traditional coverages in the surplus lines market, and the affordability of insurance coverages in determining whether to request the reports". This is in response to a request of the Joint Administrative Procedures Committee.

4. The proposed effective date for Rules 4-171.003, 4-171.005 and 4-171.006 is changed to June 30, 1999, reference to all forms are changed to (5/99) and references to Room 238.1 are changed to 238.14.

### AGENCY FOR HEALTH CARE ADMINISTRATION

#### Division of Health Quality Assurance

RULE NOS.:	RULE TITLES:
59A-23.002	Definitions
59A-23.003	Authorization Procedures
59A-23.004	Quality Assurance
59A-23.005	Medical Records
59A-23.006	Grievance Procedures
59A-23.009	Employee and Provider Education

#### NOTICE OF CHANGE

The Agency for Health Care Administration, Division of Health Quality Assurance, announces a change in location for the May 5, 1999, Rule Development Workshop published in the April 16, 1999, issue of the Florida Administrative Weekly, Vol. 25, No. 15. The location of the May 5, 1999, Rule Development Workshop has been changed to the Orange County Library System, 101 East Central Boulevard, 3rd Floor Meeting Room, Orlando, Florida 32801

### DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

RULE NO.:	RULE TITLE:
61-20.5083	Renewal Requirements for Continuing Education

#### NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 25, No. 11, March 19, 1999, issue of the Florida Administrative Weekly. The changes are in response to comments received from the Joint Administrative Procedures Committee.

Subsection (1)(e) of the rule shall now read as follows:

(1)(e) 4 hours of additional instruction in any area described in subsections (1)(b), (1)(c) or (1)(d) of this rule or in any course or courses directly related to the management or administration of community associations.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Ed Broyles, Executive Director, Regulatory Council of Community Association Managers, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

### DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

#### Board of Professional Engineers

RULE NO.:	RULE TITLE:
61G15-31.003	Design of Structures Utilizing Prefabricated Wood Components

#### NOTICE OF CHANGE

Notice is hereby given that the following change has been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 25, No. 1, January 8,

1999, issue of the Florida Administrative Weekly. The change to this rule is in response to comments received from the staff of the Joint Administrative Procedures Committee. The rule shall now read as follows:

61G15-31.003 Design of Structures Utilizing Prefabricated Wood Components.

Apportionment of responsibilities between Structural Engineer of Record (Building Designer) and Delegated Engineer (Truss Designer) shall be as set forth in Chapter 2 of ANSI/TPI 1-1995.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Dennis Barton, Executive Director, Florida Engineers Management Corporation, Board of Professional Engineers, 1208 Hays Street, Tallahassee, Florida 32301

## DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

### State Athletic Commission

RULE NOS.:	RULE TITLES:
61K1-1.001	Purpose, Applicability and Scope of Rules
61K1-1.002	Definitions
61K1-1.0023	Commission, Commission Employees, Duties and Responsibilities; Deputy Commissioners
61K1-1.0024	Medical Advisory Council, Duties and Responsibilities
61K1-1.0025	Executive Secretary, Assistant Executive Secretary, Duties and Responsibilities
61K1-1.0027	Commission Representatives, Duties and Responsibilities
61K1-1.0028	Chief Inspector, Inspectors, Duties and Responsibilities
61K1-1.003	License, Permits; Requirement, Procedure and Period, Fee
61K1-1.0035	Insurance
61K1-1.004	Weight Classes; Weigh-In; Pre-Match Physical of Participant and Referee
61K1-1.0043	Drugs and Foreign Substances; Penalties
61K1-1.005	Promoter and Matchmaker; Licensing and Bond; Duties and Conduct
61K1-1.006	Arena Equipment; Ring Requirements; Floor Plan and Apron Seating; Emergency Medical and Other Equipment and Services

61K1-1.007	Participants' Apparel and Appearance
61K1-1.008	Bandages and Handwraps
61K1-1.009	Gloves and Mouthpieces
61K1-1.010	Physician; License and Duties; Authority
61K1-1.011	Manager; License; Conduct and Other Requirements
61K1-1.012	Participant; License; Conduct and Other Requirements
61K1-1.013	Judge; License and Duties
61K1-1.017	Timekeeper or Knockdown Timekeeper; License and Duties
61K1-1.018	Second; License and Duties
61K1-1.019	Referee; License and Duties
61K1-1.023	Trainer; License and Conduct
61K1-1.030	Rounds
61K1-1.035	Scoring System; Scoring, Criteria; Knockdowns; Fouls; Determination of Win or draw; Decision Final, Exceptions
61K1-1.037	Post-Match Physical Requirements; Suspensions
61K1-1.040	Post-Match Reports Required to be Filed; Penalty for Late Filing
61K1-1.042	Closed Circuit Telecasts; Requirements; Penalty for Late Filing
61K1-1.070	Administrative Complaints
61K1-1.080	Forms

### NOTICE OF CANCELLATION OF PUBLIC HEARING

The State Athletic Commission hereby gives notice that the public hearing to be held on the above-referenced rules on May 10, 1999, at 10:00 a.m., at the Collins Building, Room 163, 107 West Gaines Street, Tallahassee, Florida 32301 is CANCELLED. The Notice of Hearing was originally published in Vol. 25, No. 13, of the April 2, 1999, Florida Administrative Weekly.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Tom Thomas, Chief Attorney, Office of the General Counsel-C, 1940 North Monroe Street, Suite 60, Tallahassee, Florida 32399-0792

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE CHAPTER NO.:	RULE CHAPTER TITLE:
62-503	State Revolving Fund Loan Program

### NOTICE OF CORRECTION

The Department of Environmental Protection notices the following correction. The Notice of Proposed Rulemaking for Chapter 62-503, F.A.C., was inadvertently advertised in "Section I Notices of Development of Proposed Rules and Negotiated Rulemaking" section of the April 9, 1999, edition

of the Florida Administrative Weekly. This Notice should have appeared in "Section II Proposed Rules" as it was a Notice of Proposed Rulemaking.

# DEPARTMENT OF HEALTH

## Board of Occupational Therapy

RULE NO.: RULE TITLE:  
64B11-5.007 Fee; Certification of Public Record  
NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 25, No. 12, March 26, 1999, Florida Administrative Weekly has been withdrawn.

# DEPARTMENT OF HEALTH

## Council of Medical Physicists

RULE CHAPTER NO.: RULE CHAPTER TITLE:  
64B23-5 Renewal of License, Delinquent  
License, Reactivation of Inactive  
Status  
RULE NOS.: RULE TITLES:  
64B23-5.001 Procedure for Renewal of Licensure  
64B23-5.002 Procedure for Reactivation of  
Inactive Status to Active Status  
64B23-5.003 Delinquent License  
NOTICE OF CHANGE

The Department of Health, Division of Medical Quality Assurance, announces changes to proposed rules 64B23-5.001 – 64B23-5.003, F.A.C., published in the February 5, 1999, issue of the Florida Administrative Weekly, Vol. 25, No. 3. The changes are in response to written comments received from the Joint Administrative Procedures Committee.

The proposed rules were changed to read as follows:

64B23-5.001 Procedure for Renewal of Licensure.

(1) All license renewals for medical physicists shall meet the requirements as set forth in Chapters 483.901 and 455, F.S., these rules, and the rules of the Department of Health. All medical physicists shall renew their licenses on or before January 31 of each biennial year, according to the fee schedule as set forth in Rule 64B23-3.002. 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 4-15-99, Amended \_\_\_\_\_.

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 Fform #DH 1276, Reactivation Application, hereby incorporated by reference, effective xx-xx-xx, and provided by the Department, ~~and paying the appropriate fees~~. If the application ~~and fees~~ arrives 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, as set forth in rule 64B23-3.002. If, however, the application ~~or fees~~ arrives at the Department at any other time, then the licensee must pay the ~~appropriate fees~~ set out in 64B23-3.003, FAC.

64B23-5.003 Delinquent License.

(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 the renewal fee, as set forth in rule 64B23-3.002, FAC, and either the active status or inactive status fee, the delinquency fee, as set forth in rule 64B23-3.004, ~~and if applicable the processing fee~~; and,

# DEPARTMENT OF HEALTH

## Council of Medical Physicists

RULE CHAPTER NO.: RULE CHAPTER TITLE:  
64B23-6 Discipline  
RULE NOS.: RULE TITLES:  
64B23-6.001 Penalties  
64B23-6.002 Aggravating and Mitigating  
Circumstances

## NOTICE OF CHANGE

The Department of Health, Division of Medical Quality Assurance, announces changes to proposed rules 64B23-6.001 and 64B23-6.002, F.A.C., published in the February 5, 1999, issue of the Florida Administrative Weekly, Vol. 25, No. 3. The changes are in response to written comments received from the Joint Administrative Procedures Committee.

The proposed rules were changed to read as follows:

64B23-6.001 Penalties.

(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 ~~revoke the license 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 probation ~~revocation~~ and a fine from \$500 ~~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.

(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 an administrative fine of \$1,000 and one year of probation, up to a maximum of revocation or denial of the license ~~reprimand to revocation and a fine from \$250 to \$1,000, depending on the severity of the offense.~~

(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.~~

(w) Fraud, deceit, or misconduct in the practice of medical physics. The Department shall impose a penalty ranging from probation ~~reprimand~~ to revocation and a fine from \$500 ~~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 4-15-99, Amended.

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;
- (1)(2) The danger to the public;
- (3) The number of repetitions of offenses;

~~(2)(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;~~

~~(3)(6)~~ The length of time licensee has practiced without having any disciplinary action taken;

~~(4)(7)~~ The damage to the patient caused by the violation;

~~(5)(8)~~ Any efforts of rehabilitation by the licensee;

~~(6)(9)~~ The licensee's actual knowledge of the violation;

~~(7)(10)~~ Attempts by the licensee to correct or stop the violation, or the refusal of the licensee to correct or stop the violation;

~~(8)(11)~~ Related violations by the licensee in Florida or in another jurisdiction, including findings of guilty or innocence, penalties imposed and penalties service;

~~(9)(12)~~ The degree to which the licensee was involved in the violation;

~~(10)(13)~~ The degree to which the licensee benefited from the violation;

~~(11)(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 4-15-99, Amended.

## Section IV Emergency Rules

### DEPARTMENT OF COMMUNITY AFFAIRS

#### Division of Housing and Community Development

RULE TITLE: RULE NO.:

Supplemental Community Development Block

Grant (CDBG) Disaster Recovery Funds for

El Nino Weather Related Events

9BER99-2

SPECIFIC REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY AND WELFARE: The United States Department of Housing and Urban Development (HUD) has made available \$18,740,000 in supplemental CDBG funds for recovery from the effects of severe floods, high winds, tornadoes and flooding that occurred between December 25, 1997 and April 24, 1998 (FEMA-DR-1195-FL) and \$1,500,000 in supplemental CDBG funds for recovery from the effects of severe storms, high winds, tornadoes, and flooding that occurred in Broward, Dade, and Monroe counties on February 4, 1998 (FEMA-DR-1204-FL), pursuant to Public Law 105-174. The State, through the Department of Community Affairs, is responsible for the administration of the Florida Small Cities CDBG program under Rule Chapter 9B-43, Florida Administrative Code. At this time, it is necessary for the Department to implement this emergency rule to clearly differentiate between these disaster recovery funds and regular Small Cities CDBG administrative requirements.