

Section I

Notices of Development of Proposed Rules and Negotiated Rulemaking

DEPARTMENT OF BANKING AND FINANCE

Division of Accounting and Auditing

RULE TITLES:	RULE NOS.:
Duplicate Warrants	3A-10.081
Forgeries	3A-10.082

PURPOSE AND EFFECT: To adopt changes that have been made to the Affidavit for Duplicate Warrant and the Affidavit Attesting to Forgery.

SUBJECT AREA TO BE ADDRESSED: Forms for obtaining duplicate warrants and forged warrants.

SPECIFIC AUTHORITY: 17.14, 17.29 FS.

LAW IMPLEMENTED: 17.13, 17.14 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., June 7, 1999

PLACE: Room 434, Fletcher Building, 101 East Gaines Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Linda Sharpton, Chief, Bureau of Accounting, Room 414, Fletcher Building, Tallahassee, Florida 32399-0350, (850)410-9951

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

3A-10.081 Duplicate Warrants.

When a warrant has been lost, stolen, or otherwise cannot be located, and the payee is entitled to the proceeds, it is necessary for the agency to request that the Comptroller place a stop order on the warrant in order to obtain a duplicate. This is followed up by the agency with an Affidavit for Duplicate Warrant (Form DBF-AA-408) signed by the payee and notarized, or signed by an authorized agency employee if the warrant was never delivered to the payee. When it has been determined that the original warrant has not been paid, a new warrant bearing the exact information as the original is forwarded to the agency for delivery to the payee. Form DBF-AA-408 (revised 4/99 effective 4-28-96) is hereby incorporated by reference and is available from the Department of Banking and Finance, Reconciliation Subsection, Room ~~308~~ ~~B46~~, Fletcher Building, Tallahassee, Florida 32399-0350. The original warrant should not be cancelled when a duplicate has been issued. In the event that the original warrant is found, the agency is requested to return the original to the Comptroller to be voided.

Specific Authority 17.14, 17.29 FS. Law Implemented 17.13, 17.14 FS. History—New 10-21-75, Formerly 3A-10.81, Amended 4-28-96, _____.

3A-10.082 Forgeries.

(1) An Affidavit Attesting to Forgery, Form DBF-AA-409 (revised ~~4/99~~ ~~3-3-98~~), must be filed with the Department of Banking and Finance within 48 months of the date of the issuance of the original warrant. Form DBF-AA-409, which is hereby incorporated by reference, is available from the Department of Banking and Finance, Reconciliation Subsection, Room 308E, Fletcher Building, Tallahassee, Florida 32399-0350.

(2) Requests to the Comptroller for reissuance of forged warrants should include three original Affidavits Attesting to Forgery. The affidavits should be signed by the payee and notarized. The original warrant will be charged back for collection. When notice of collection and credit to the appropriate fund is made, the agency may issue a new warrant in lieu of the original. If the agency has sufficient cash and budget, the warrant may be reissued upon notification that the warrant has been charged back. Section 117.05(3)(a), Florida Statutes, lists the requirements of the State of Florida for notarizing documents. On forgery affidavits that are notarized in another state whose notary laws do not mandate a notary commission number, the State Treasurer requires that a letter with a copy of that state's notary laws be attached to the affidavit for forgery before they will process that request.

Specific Authority 17.14, 17.29 FS. Law Implemented 17.13, 17.14, 95.11(3)(p), 117.03(3)(a) FS. History—New 10-21-75, Formerly 3A-10.82, Amended 4-28-96, 5-3-98, _____.

DEPARTMENT OF EDUCATION

State Board of Education

RULE TITLE:	RULE NO.:
Definitions of Terms Used in Vocational Education Program	6A-6.055

PURPOSE AND EFFECT: The purpose of this rule development is to comply with changes made by the Legislature. Definitions related to adult and vocational education were altered and new definitions have been added. The effect will be a rule which reflects current statutory language and legislative intent.

SUBJECT AREA TO BE ADDRESSED: Changes made by the Legislature relating to definitions for adult and vocational education programs.

SPECIFIC AUTHORITY: 229.053(1), 239.205 FS.

LAW IMPLEMENTED: 228.061(4), 229.551(1)(g), 233.068 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.

Requests for the rule development workshop should be addressed to Wayne V. Pierson, Agency Clerk, Department of Education, Room 1702, The Capitol, Tallahassee, Florida 32399-0400.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Joe Stephens, Director, Division of Workforce Development, Department of Education, 325 West Gaines Street, Room 744, Tallahassee, Florida 32399-0400, (850)488-8961

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

DEPARTMENT OF EDUCATION

State Board of Education

RULE TITLE:

RULE NO.:

Responsibilities for the School Food Service Program

6A-7.042

PURPOSE AND EFFECT: The purpose of this rule development is to review the responsibilities of the district school board as they relate to the sale of food and beverage items in competition with the district approved school food service program. In addition, forms incorporated by reference in the rule will be reviewed to determine if they should be retained as part of the rule. The effect may be a change in the procedures approved by the district school boards and an elimination of unnecessary forms.

SUBJECT AREA TO BE ADDRESSED: The responsibility of the district school boards related to the sale of food and beverage items.

SPECIFIC AUTHORITY: 228.195(2), 229.053(1) FS.

LAW IMPLEMENTED: 228.195, 229.053(1)(2), 230.23(16) 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., June 7, 1999

PLACE: 325 West Gaines Street, Room 1703, Tallahassee, Florida 32399-0400

Requests for the rule development workshop should be addressed to Wayne V. Pierson, Deputy Commissioner of Planning, Budgeting and Management, Department of Education, Room 1702, The Capitol, Tallahassee, Florida 32399-0400.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Wayne V. Pierson, Deputy Commissioner of Planning, Budgeting and Management, Department of Education, Room 1702, The Capitol, Tallahassee, Florida 32399-0400, (850)488-6539

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

6A-7.042 Responsibilities for the School Food Service Program.

(2) Each district school board shall have the following responsibilities:

(c) To ~~control~~ prohibit the sale of food and beverage items in competition with the district approved food service program, including those classified as "foods of minimum nutritional value," listed in Code of Federal Regulations 210, Appendix B. These items may be sold in secondary schools only, with the approval of the school board, one (1) hour following the close of the last lunch period. A school board may allow the sale of carbonated beverages to students in high schools by a school activity or organization authorized by the principal, at all times if a beverage of one hundred (100) percent fruit juice is sold at each location where carbonated beverages are sold. However, carbonated beverages may not be sold where breakfast or lunch is being served or eaten. Non-carbonated beverages, including one hundred (100) percent fruit juice, may be sold at all times during the day at any location. Consideration should be given to allowing only the sale of nutritious food and beverage items which meet at least United States Department of Agriculture dietary guidelines for Americans.

(4) Forms ESE 156, Preaward Nondiscrimination Compliance Review Summer Food Service Program for Children; ESE 195, Monthly Claim for Reimbursement Summer Food Service Program for Children; ESE 196, Summer Food Service Program for Children Application for Participation; ESE 197, Summer Food Service Program for Children Site Information Sheet; ESE 198, Summer Food Service Program for Children Agreement; ESE 473, Request for Advance Funds – 1985 Summer Food Service Program for Children; ESE 486, Summer Food Service Program for Children Monitor's Site Review Form; ESE 176, Child Care Food Program Start-Up Application/Agreement for Recruiting Day Care Homes; ESE 367, Monthly Reimbursement Voucher Child Care Food Program; ESE 490, Child Care Food Program Application, Agreement & Policy Statement; ESE 535, Child Care Food Program Change in Food Service Program Application; ESE 003, Food Service Special Revenue Financial Report; ESE 157, Application for Change in Food Service Program; ESE 160, Requisition for Reimbursement; ESE 174, Monthly Reimbursement Voucher School Lunch and Breakfast Programs; ESE 177, Monthly Reimbursement Voucher Special Milk (Only) Program; ESE 178, Nonprofit Private School/Institution Financial Statement; ESE 299, Civil Rights Compliance Annual Report, and ESE 491, Child Nutrition Program Application, Agreement & Policy

Statement, are incorporated by reference in this rule to become effective July, 1985. Form ESE 080, Breakfast Program Supplement Report is hereby incorporated by reference and made a part of this rule to become effective May, 1990. These forms may be obtained from the Administrator of Information Services and Accountability, Division of Technology and Administration, Public Schools, Department of Education, 325 West Gaines Street, The Florida Education Center, Tallahassee, Florida 32399.

Specific Authority 228.195(2), 229.053(1) FS. Law Implemented 228.195, 229.053(2)(1), 230.23(16) FS. History—Amended 3-26-66, 4-17-72, 4-19-73, 10-20-73, Revised 6-17-74, Repromulgated 12-5-74, Amended 5-4-76, 10-18-77, 12-11-79, 1-7-81, 7-28-81, 9-23-81, 6-28-83, 10-15-84, 7-10-85, Formerly 6A-7.42, Amended 5-3-88, 5-16-90, 6-30-92, _____ c.f. National School Lunch Act as amended (42 USC) Sections 4 and 11, and Child Nutrition Act of 1966 as amended (42 USC) Sections 4 and 5, 7 CFR, Part 210, Section 210.6, CFR 210, Appendix B, CFR Parts 215, 220, 225, 226, 227, 235, 240, 245, 250, and 252

DEPARTMENT OF EDUCATION

Board of Regents

RULE TITLE: RULE NO.:

Definition and Process for Establishing Educational Sites 6C-8.009

PURPOSE AND EFFECT: To modify the rule governing the offering of lower-division course work on branch campuses, centers and sites. Lower-division courses can only be offered at the main campuses unless the Board of Regents specifically approves the offering of such courses at branch campuses, centers and sites.

SUBJECT AREA TO BE ADDRESSED: The rules regarding the delivery of lower-division courses to branch campuses, centers and sites would be altered. Currently, only two branch campuses are allowed to offer lower-division courses.

SPECIFIC AUTHORITY: 240.209(1), (3)(o) FS.

LAW IMPLEMENTED: 240.209(1), (3)(o), 240.2011 FS.

IF REQUESTED AND NOT DEEMED UNNECESSARY BY THE AGENCY, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT A TIME, DATE AND PLACE TO BE ANNOUNCED IN THE FUTURE.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Mary-Anne Bestebreurtje, Corporate Secretary, Florida Board of Regents, 1454 Florida Education Center, Tallahassee, Florida 32399-1950

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

6C-8.009 Definition and Process for Establishing Educational Sites.

(1) The following definitions and processes for establishment shall apply to educational locations of public universities within the state:

(a) Main campus is defined as the focal point of university educational and administrative activities, authorized by Section 240.2011, F.S. Lower-division courses are offered only on the main campus of each university unless the university receives specific Board of Regents' approval to offer lower-division courses at a branch campus, center or site.

(b) Branch campus is defined as an instructional and administrative unit of a university that offers students upper-division and graduate programs as well as a wide range of support services. ~~The North Miami campus of Florida International University and the New College campus of the University of South Florida shall be exceptions to this definition as these campuses offer lower-division coursework.~~ Distance learning techniques may be used to complement on-site instruction at all types of campuses. Branch campuses may be of various types to meet the particular needs of a region:

Specific Authority 240.209(1),(3)(q) FS. Law Implemented 240.209(1),(3)(o), 240.2011 FS. History—New 4-9-87, Amended 6-8-92, 2-15-94, _____.

DEPARTMENT OF EDUCATION

State Board of Community Colleges

RULE TITLE: RULE NO.:

Florida Academic Improvement Trust Fund for Community Colleges 6H-1.042

PURPOSE AND EFFECT: The purpose is to amend the rule to improve the procedures related to approval of users of funds from the community colleges' academic improvement trust funds. The effect will be to make the process more efficient for the individual community colleges and the State Board of Community Colleges.

SUBJECT AREA TO BE ADDRESSED: The process for approving uses of funds from the community colleges' academic improvement trust funds.

SPECIFIC AUTHORITY: 240.36(7),(8) FS.

LAW IMPLEMENTED: 240.36(7),(8) FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AS NOTICED IN A FUTURE ISSUE OF THE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sydney H. McKenzie III, General Counsel, State Board of Community Colleges, Division of Community Colleges, 325 West Gaines St., Tallahassee, FL 32399-0400

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

DEPARTMENT OF COMMUNITY AFFAIRS

Division of Housing and Community Development

RULE CHAPTER TITLE: Florida Building Commission –
 RULE CHAPTER NO.: Operational Procedures 9B-3

RULE TITLE: State Minimum Electrical Code Adopted
 RULE NO.: 9B-3.049

PURPOSE AND EFFECT: Adopt the most recent version of the National Electric Code for use statewide.

SUBJECT AREA TO BE ADDRESSED: Electrical standards for building construction.

SPECIFIC AUTHORITY: 553.19(1) FS. (1998 Supplement)
 LAW IMPLEMENTED: 553.19 FS. (1998 Supplement)

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

DATE AND TIME: 8:00 a.m. – 4:00 p.m., June 8, 1999

PLACE: Clarion Hotel, 9700 International Drive, Orlando, FL

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Mo Madani, Planning Manager, Codes & Standards Section, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)487-1824, Suncom 277-1824

Any person requiring special accommodation at the hearing because of a disability or physical impairment should contact Mo Madani, Planning Manager, Codes & Standards Section, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)487-1824 at least seven days before the date of the hearing. If you are hearing or speech impaired, please contact the Department of Community Affairs using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) or (800)955-9771 (TDD).

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

9B-3.049 State Minimum Electrical Code Adopted.

(1) In order to authorize the use of the most recent advances in technology and materials pertaining to the electrical requirements for building construction, the Commission hereby adopts the “National Electric Code, 1999 Edition” NFPA 70-1999, as the State Minimum Electrical Code.

(2) On or after the effective date of this rule, each local government and state agency with building construction regulation responsibilities shall enforce the standards and procedures contained in the National Electric Code, 1999 Edition, as the minimum electrical standards in the state.

Specific Authority 553.19 FS. Law Implemented 553.19 FS. History–New

DEPARTMENT OF COMMUNITY AFFAIRS

Division of Housing and Community Development

RULE CHAPTER TITLE: Florida Building Commission –
 RULE CHAPTER NO.: Handicapped Accessibility Standards 9B-7

RULE TITLE: Florida Accessibility Code for Building
 RULE NO.: Construction 9B-7.0042

PURPOSE AND EFFECT: To adopt by reference the 1999 revisions to the 1997 Florida Accessibility Code for Building Construction (the Code). The proposed 1999 revisions consist of amending Section 4.17.3 (Exception: New Construction) to reference Figure 30(e), and amending Figure 30 to add the new proposed Figure 30(e). The main reason for this proposed revision is to eliminate perceived confusion among the building design professionals regarding whether a lavatory must be contained in a new accessible stall. The proposed revision will provide the building designers with a new illustration “Figure 30(e)” which will clearly depict the intent of the Code requirement that a new accessible stall must contain a lavatory.

SUBJECT AREA TO BE ADDRESSED: Requirement for a lavatory in accessible restroom stall.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 553.503 FS.
 LAW IMPLEMENTED: Chapter 553, Part V, 553.503 FS.

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

TIME AND DATE: 8:00 a.m. – 4:00 p.m., June 8, 1999

PLACE: Clarion Hotel, 9700 International Drive, Orlando, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Mo Madani, Planning Manager, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100

Any person requiring special accommodation at this hearing because of a disability or physical impairment should contact Mo Madani. If you are hearing or speech impaired, please

contact the Department of Community Affairs using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) or 1(800)955-9771 (TDD).

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

9B-7.0042 Florida Accessibility Code for Building Construction.

The 1997 Florida Accessibility Code for Building Construction (the Code) is adopted by reference as the rule of this Commission, effective October 1, 1997. The 1999 revisions to the Code are herein incorporated into this rule by reference and shall take effect on the effective date of this rule. Copies of the Code and the 1999 revisions are available by writing to the Codes and Standards Section, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

Specific Authority 553.503 FS. Law Implemented Ch. 553, Part V, 553.503 FS. History—New 9-14-97, Amended.

DEPARTMENT OF COMMUNITY AFFAIRS

Division of Emergency Management

RULE CHAPTER TITLE: Hazardous Materials Risk Management

RULE CHAPTER NO.:

Planning Fee Schedule 9G-21

RULE TITLE: Approved Forms 9G-21.004

PURPOSE AND EFFECT: The purpose of this amendment to Rule Chapter 9G-21, Hazardous Materials Risk Management Planning Fee Schedule, is to clarify fee forms previously adopted pursuant to Chapter 252, Part IV, Florida Statutes. The changes to forms RMP-001, Annual Registration Fee Form, and RMP-002, Multiple Source Location Annual Registration Fee Form, include: clarification of the Stationary Source Information section to ensure consistency in content and format between the forms and the rule text.

SUBJECT AREA TO BE ADDRESSED: Hazardous Materials Risk Management Planning Fee Schedule, Approved Forms.

SPECIFIC AUTHORITY: 252.937(2)(b) FS.

LAW IMPLEMENTED: 252.939(1) 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., June 11, 1999

PLACE: Department of Community Affairs, 2555 Shumard Oak Boulevard, Room 305, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT RULE IS AVAILABLE FROM: Beth Hardin, Risk Management Program Planning

Manager, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2149, (850)413-9930

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON ABOVE.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program is asked to advise the Department at least five (5) calendar days before the program by contacting Priscilla Knight, (850)413-9970. If you are hearing or speech impaired, please contact the Department of Community Affairs using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) or 1(800)955-9771 (TDD).

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE CHAPTER TITLE: Procedural

RULE CHAPTER NO.: 40D-1

RULE TITLE: Delegation of Authority

RULE NO.: 40D-1.002

PURPOSE AND EFFECT: The purpose and effect of the proposed rule amendments is to incorporate by reference Well Construction Permitting Agreements between the Southwest Florida Water Management District and Sarasota and Manatee Counties which delegate limited authority for well construction permitting to Sarasota and Manatee Counties.

SUBJECT AREA TO BE ADDRESSED: The proposed rule amendments will incorporate by reference Well Construction Permitting agreements between the Southwest Florida Water Management District and Sarasota and Manatee Counties.

SPECIFIC AUTHORITY: 373.044, 373.113, 373.171 FS.

LAW IMPLEMENTED: 253.002, 373.026, 373.427, 403.812(1) 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: Karen E. West, Senior Attorney, Office of General Counsel, 2379 Broad Street, Brooksville, Florida 34609-6899, (352)796-7211, Extension 4651

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40D-1.002 Delegation of Authority.

(1) through (2) No change.

(3) The Governing Board hereby incorporates by reference the following documents:

40D-1.1022 Emergency Authorization for Well Construction Permits.

Emergency permits may be issued by the Executive Director or the Executive Director's designee, when conditions exist which justify such issuance. Emergency permits may be applied for and issued orally. However, a serious set of unforeseen or unforeseeable circumstances must exist to create the emergency. The applicant for an emergency permit shall reduce his application to writing in accordance with Rule 40D-3.101, F.A.C., within 48 hours after making oral application. Rule 40D-3.411, F.A.C., shall apply to construction performed under an emergency permit.

Specific Authority 373.044, 373.171, 373.309, 373.326, 373.342 FS. Law Implemented 373.306, 373.308, 373.309, 373.313, 373.342 FS. History-Readopted 10-5-74, Formerly 16J-3.12, Amended 7-1-90, 9-30-91, Formerly 40D-3.451, Amended 7-2-98.

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE CHAPTER TITLE: Procedural
 RULE CHAPTER NO.: 40D-2

RULE TITLE: Publications Incorporated by Reference
 RULE NO.: 40D-2.091

PURPOSE AND EFFECT: Each applicant for a water use permit is required to submit a list of property owners that may be affected by the proposed withdrawal in accordance with the provisions of the District's Rule 40D-2.101, FAC. The District provides notice of agency action on each Water Use Permit application to such potentially affected property owners. The purpose and effect of the proposed rule amendment is to provide a reference to the provisions of certain 40D-2.101(3), FAC, in the Water User Permitting Basis of Review.

SUBJECT AREA TO BE ADDRESSED: The proposed amendments will incorporate the District's current noticing practices into rule.

SPECIFIC AUTHORITY: 120.54, 373.044, 373.103, 373.113 FS.

LAW IMPLEMENTED: 373.036, 373.0361, 373.0421, 373.0831, 373.103, 373.1963, 373.219, 373.239, 373.243 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Karen E. West, Senior Attorney, Office of General Counsel, 2379 Broad Street, Brooksville, Florida 34609-6899, (352)796-7211, Extension 4651

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40D-2.091 Publications Incorporated by Reference.

The "Basis of Review for Water Use Permit Applications" ~~July 28, 1998~~, the "Agricultural Water Use Form, Form: WUP-15 (8/90)," and the "Agricultural Water Allotment Form, Form: WUP-11 (8/90)," are hereby incorporated by reference into this Chapter and are available from the District upon request.

Specific Authority 120.54, 373.044, 373.103, 373.113 FS. Law Implemented 373.036, 373.0361, 373.0421, 373.0831, 373.103, 373.1963, 373.219, 373.239, 373.243 FS. History-New 10-1-89, Amended 11-15-90, 2-10-93, 3-30-93, 7-29-93, 4-11-94, 7-15-98, 7-28-98.

BASIS OF REVIEW FOR WATER USE PERMIT APPLICATIONS

1.0 PERMITTING PROCEDURES

1.1 through 1.6 No change.

1.7 POTENTIALLY AFFECTED PARTIES

Upon receipt of a permit application, the District will publish notice in a newspaper of general circulation near the location of the proposed withdrawal. Interested persons may request to be provided notice of agency action on a permit application.

Permit Applicants must submit a list of names and addresses of property owners that may be affected by the proposed withdrawals as indicated on the application form, and required by 40D-2.101(3), F.A.C.

The District will provide a notice of Agency Action on each permit to potentially affected property owners as determined pursuant to subsection 40D-2.101(3), F.A.C., and interested persons, as well as the permit applicant. Affected persons may request a hearing on the agency action within 21 days of receipt of the notice in accordance with Chapter 120, F.S. and Chapter 28-106, F.A.C.

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE CHAPTER TITLE: Regulation of Wells
 RULE CHAPTER NO.: 40D-3

RULE TITLE: Exemptions
 RULE NO.: 40D-3.051

PURPOSE AND EFFECT: The purpose and effect of the proposed rule amendment is to allow the District to receive requests for and grant certain exemptions from well construction requirements orally. Such a procedure is necessary to allow the District to ameliorate various emergencies encountered during well construction, repair or abandonment when strict adherence to the rule requirements of Chapter 40D-3, FAC, would cause undue hardship.

SUBJECT AREA TO BE ADDRESSED: The proposed rule language establishes the procedure for orally requesting and obtaining emergency exemptions from water well construction requirements from the District.

SPECIFIC AUTHORITY: 373.044, 373.113, 373.171 FS.

LAW IMPLEMENTED: 373.303, 373.308, 373.309, 373.313, 373.316, 373.326 FS.

Contractor's Financial Statement", form number DBC-5085, effective 1/98, ~~4/95~~ incorporated herein by reference. Form number DBC-5085 may be obtained from the Department of Management Services, Division of Building Construction, Building 4030, Suite 335, 4050 Esplanade Way, Tallahassee, Florida 32399-0950, or from the appropriate Agency. The Contractor's financial condition must demonstrate that adequate liquid assets and equipment are available to properly perform this project as follows: The value of liquid assets must be less than one-twentieth of the amount of the base bid. Liquid assets shall include cash, stocks, bonds, pre-paid expenses and receivables, but shall not include the value of equipment.

- f. through j. No change.
- 2. No change.

Specific Authority 255.29 FS. Law Implemented 255.05, 255.051, 255.29 FS. History—New 5-26-76, Amended 6-7-77, 7-14-81, 7-7-83, 9-2-85, Formerly 13D-11.04, Amended 1-1-87, 11-5-91, Formerly 13D-11.004, Amended 8-28-96,_____.

60D-5.0082 Competitive Selection.

When authorized under Rule 60D-5.008 or Rule 60D-5.0081, the Agency shall determine the prime contractor most able to perform the work as follows:

- (1) No change.
- (2) No change.
- (3) The Selection Committee shall determine the relative ability of each firm to perform the services required for each project. Determination of ability shall be developed utilizing the evaluation criteria set forth in the evaluation scoring form, number DBC-5033 entitled "Evaluation Summary Sheet – General Contractor/Construction Manager Selection", effective 2/99 ~~3/22/95~~ which is hereby incorporated by reference. The form with instructions for its use may be obtained from the Division of Building Construction, Department of Management services, Building 4030, Suite 335, 4050 Esplanade Way, Tallahassee, Florida 32399-0950.
- (4) No change.

Specific Authority 255.29(3) FS. Law Implemented 255.29 FS. History—New 1-2-89, Amended 11-5-91, Formerly 13D-11.0082, Amended 8-28-96,_____.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Pilot Commissioners

RULE TITLE: Safety Guidelines
 RULE NO.: 61G14-15.003
 PURPOSE AND EFFECT: Rule 61G14-15.003 is being amended within subsection (5) to ensure statutory compliance with Sections 310.075(4) and 310.101(1)(d), Florida Statutes, and to remove portions of the rule for which statutory authority may be questionable.
 SUBJECT AREA TO BE ADDRESSED: Safety Guidelines.

SPECIFIC AUTHORITY: 310.185 FS.
 LAW IMPLEMENTED: 310.075(4), 310.101, (1)(d) 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: John P. Currie, Executive Director, Board of Pilot Commissioners, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61G14-15.003 Safety Guidelines.

- (1) through (4) No change.

(5) The pilots in each port shall submit to the Board for its review and approval, the current maximum allowable draft of vessels calling at the port and operational guidelines of each port giving consideration to maritime interests and other regulatory agencies in each port area. The operational guidelines will provide for safe and prudent handling of commercial vessels and be subject to an annual review. It shall include, but not be limited to, restrictions on bottom clearance or maximum draft for each berth and channel, as required by Sections 310.075(4) and 310.101(1)(d), Florida Statutes, wind and tide restrictions, agreements, port regulations, and guidelines for radio communications of vessel traffic. The Board of Pilot Commissioners shall provide this information on each port to the publishers of the U.S. Coast Pilot.

- (6) No change.

Specific Authority 310.185 FS. Law Implemented 310.075(4), 310.101(1)(d) FS. History—New 11-6-89, Amended 6-26-90, 12-30-91, 10-25-92, Formerly 21SS-9.001, 21SS-15.003, Amended 11-15-93, 1-26-99,_____.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

DOCKET NO.: 99-18R

RULE CHAPTER TITLE: Stationary Sources – Emission
 RULE CHAPTER NO.:

Standards 62-296
 RULE TITLE: Incinerators
 RULE NO.: 62-296.401

PURPOSE AND EFFECT: The Department is developing amendments to Florida Administrative Code Rule 62-296.401(4), to clarify how the Biological Waste Incineration Rule is to be applied during the implementation of the emission guidelines for existing hospital/medical/infectious waste incinerators codified at title 40, part 60, subpart Ce, of the Code of Federal Regulations.

SUBJECT AREA TO BE ADDRESSED: The proposed amendments would amend the Biological Waste Incineration Rule to reflect the adoption of the new federal standards applicable to hospital/medical/infectious waste incinerators.

SPECIFIC AUTHORITY: 403.061, 403.716 FS.

LAW IMPLEMENTED: 403.021, 403.031, 403.061, 403.087, 403.716, 470.025 FS.

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

TIME AND DATE: 10:00 a.m. to 3:00 p.m., Thursday, June 10, 1999

PLACE: Department of Environmental Protection, Central District Office, Conference Room A of the Lexington Building, 3319 Maguire Boulevard, Orlando, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE WORKSHOP AGENDA IS: Ms. Sandy Ladner, Department of Environmental Protection, Division of Air Resource, Management, 2600 Blair Stone Road, Mail Station 5500, Tallahassee, Florida 32399-2400, (850)921-9590

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

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)487-1855 or (800)955-8771 (TDD), at least seven days before the meeting.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Division of Beaches and Shores

Docket No.: 99-12R

RULE CHAPTER TITLE: Administrative Fines and Damage Liability
RULE CHAPTER NO.: 62B-54

PURPOSE AND EFFECT: To provide a method for determining the amount of fines or damages to be assessed for violations pursuant to 161.054, F.S., and the procedure for imposing and collecting such fines or damages.

SUBJECT AREA TO BE ADDRESSED: The assessment of fines and damages for violations pursuant to 161.054, F.S.

SPECIFIC AUTHORITY: 161.052, 161.053 FS.

LAW IMPLEMENTED: 161.054 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: Ms. Ann Kiefert, Environmental Specialist, The Florida Department of

Environmental Protection, Bureau of Beaches and Coastal Systems, Mail Station #300, Tallahassee, Florida 32399-3000, (850)487-1262, extension 186

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Division of Law Enforcement

DOCKET NO: 99-11R

RULE TITLE: Pinellas County Boating Restricted Areas
RULE NO.: 62N-24.010

PURPOSE AND EFFECT: This rule has been in continuous existence for the past ten years. The City of Clearwater cites as justification for amendment, vessel traffic congestion, public boat ramps and a marina that provides fuel.

By codifying these zones by rule, all zones established heretofore by the Department (or by the Department of Natural Resources, DNR) other than by rulemaking are disestablished, and any regulatory markers other than those installed to implement this rule will be removed.

The local office of the Florida Marine Patrol has concurred with this action. This action is being coordinated with the City of Clearwater, United States Army Corps of Engineers and the United States Coast Guard.

SUBJECT AREA TO BE CONSIDERED: The amendment of the existing Slow Speed Minimum Wake zones is as follows: the waters of the Florida Intracoastal Waterway 500 feet southwest of the S. R. 60 (Memorial Causeway) to 3,180 feet northeast of the centerline of S. R. 60 (Memorial Causeway) including all waters from the western right-of-way of the Florida Intracoastal Waterway to the shoreline of the City of Clearwater. The City of Clearwater will be authorized to install and maintain appropriate regulatory markers as directed by the Division of Law Enforcement within the boating restricted area and shall install and maintain "Resume Normal Safe Operation" markers at the boundaries of the boating restricted areas.

SPECIFIC AUTHORITY: 327.04, 327.46 FS.

LAW IMPLEMENTED: 327.46 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE SCHEDULED FOR A LATER DATE TO BE ANNOUNCED IN THE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Ms. Tara Alford, Division of Law Enforcement, Office of Enforcement Planning and Policy Coordination, Mail Station 650, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000, (850)488-5600, Extension 136

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

62N-24.010 Pinellas County Boating Restricted Areas.

(1) For the purpose of regulating the speed and operation of vessel traffic on and adjacent to the Florida Intracoastal Waterway in Pinellas County, Florida, the following boating restricted areas are ~~is~~ amended:

(a)1. through 6. No change.

7. Memorial Causeway, ~~S.R. State Road~~ 60 - A Slow Speed Minimum Wake zone from the centerline of S. R. 60, to 500 feet southwest of S. R. 60 to 3,180 feet northeast of the centerline of S. R. 60 to include all waters from the western right-of-way of the Florida Intracoastal Waterway to the shoreline of the City of Clearwater. All waters lying within the right-of-way of the Intracoastal Waterway between a line

~~drawn perpendicular to the center line of the waterway 500 feet northeast of the Memorial Causeway at Clearwater and a line drawn perpendicular to center line of the waterway 500 southwest of said bridge, as depicted in drawing G.~~

8. through (b)1.2. No change.

(2) Pinellas County and the City of Clearwater are ~~is~~ authorized to install and maintain appropriate regulatory markers as directed by the Division of Law Enforcement within the boating restricted areas, ~~and shall install and maintain the "Resume Normal Safe Operation" markers at the northern and southern boundaries of the boating restricted areas.~~

(3) The boating restricted areas are depicted in the following drawings:

INSERT MAP

Specific Authority 327.04, 327.46 FS. Law Implemented 327.46 FS. History—New 9-18-88, Amended 12-7-89, Formerly 16N-24.010, Amended 10-1-96,

DEPARTMENT OF HEALTH

Board of Medicine

RULE TITLE: Practice Guidelines for Pain Management

RULE NO.: 64B8-9.013

PURPOSE AND EFFECT: The Board proposes the development of a rule to address practice guidelines for pain management.

SUBJECT AREA TO BE ADDRESSED: Practice guidelines for pain management.

SPECIFIC AUTHORITY: 458.331(1)(v) FS.

LAW IMPLEMENTED: 458.331(1)(v) FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Tanya Williams, Executive Director, Board of Medicine/MQA, 2020 Capital Circle, S. E., Bin #C03, Tallahassee, Florida 32399-3253

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

DEPARTMENT OF HEALTH

Board of Medicine

RULE TITLE: Medicinal Drugs Which May be Ordered by Pharmacists

RULE NO.: 64B8-36.003

PURPOSE AND EFFECT: The Board intends to develop an amendment to the rule to conform the rule to the current pharmacy rule and to address additions made by the pharmacists formulary committee.

SUBJECT AREA TO BE ADDRESSED: Revisions to conform the rule to the current pharmacy rule and additions to the formulary.

SPECIFIC AUTHORITY: 465.186(2) FS.

LAW IMPLEMENTED: 465.186 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Tanya Williams, Executive Director, Board of Medicine/MQA, 2020 Capital Circle, S. E., Bin #C03, Tallahassee, Florida 32399-3253

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B8-36.003 Medicinal Drugs Which May be Ordered by Pharmacists.

A Pharmacist may order and dispense from the following formulary, subject to the stated conditions:

(1) Oral analgesics. ~~The following may be ordered for mild to moderate pain:~~ magnesium salicylate/phenyltoloxamine citrate, acetylsalicylic acid (Zero order release, long acting tablets), choline salicylate and magnesium salicylate, naproxen sodium, naproxen, and ibuprofen IBUPROFEN (no more than 400 mg per dosage unit for minor pain and menstrual cramps for patients with no history of peptic ulcer disease; limited to a six (6) day supply for one treatment). When appropriate, such prescriptions shall be labeled to be taken with food or milk.

(2) Urinary analgesics. ~~The following may be ordered:~~ phenazopyridine, not exceeding a two (2) day supply. Such prescriptions shall be labeled as to the tendency to discolor urine and when appropriate shall be labeled to be taken after meals.

(3) Otic analgesics. ~~The following may be dispensed:~~ antipyrine 5.4%, benzocaine 1.4%, glycerin, which shall be labeled for use in the ear only.

~~(4) Hemorrhoid medications. The following may be dispensed: 0.5% hydrocortisone acetate and 0.5% dibucaine ointments and creams, limited to a seven (7) day supply.~~

~~(5) Leg cramps. The following may be ordered: quinine sulfate tablets, except to patients with cardiac arrhythmias, and not to patients currently using anticoagulant or digitalis containing drugs. When appropriate, such prescriptions shall be labeled to be taken with or after meals.~~

~~(4)(6) Anti-nausea preparations. The following may be dispensed:~~ Meclizine up to 25 mg., except for a patient currently using a central nervous system (CNS) depressant. The prescription shall be labeled to advise of drowsiness ~~side effects~~ and caution against concomitant use with alcohol or other depressants. Scopolamine not exceeding 1.5 mg. per dermal patch. Patient to be warned "if eye pain develops, seek appropriate medical attention."

~~(5)(7) Antihistamines and decongestants.~~ The following, including their salts, either as a single ingredient product or in combination, including nasal decongestants, may be ordered for patients above (6) years of age:

- (a) Diphenhydramine
- (b) Carbinoxamine
- ~~(c) Clemastine—1.34 mg.~~
- ~~(c)(d) Pyrilamine~~
- ~~(e) Chlorpheniramine~~
- ~~(d)(f) Dexchlorpheniramine~~
- ~~(e)(g) Brompheniramine~~
- (f) Loratadine (maximum 14 days supply only)

The patient should be warned that antihistamines should not be used by patients with bronchial asthma or other lower respiratory symptoms, glaucoma, cardiovascular disorders, hypertension, prostate conditions and urinary retention. Antihistamines shall be labeled to advise of drowsiness ~~side effect~~ and caution against the concomitant use with alcohol or other depressants.

- (g) Fexofenadine
- (h) Azelastine
- ~~(h)~~ Triprolidine
- ~~(i)~~ Pseudoephedrine
- ~~(j)~~ Phenylpropanolamine
- ~~(i)(k)~~ Ephedrine
- ~~(j)(k)~~ Phenylephrine
- ~~(k)(m)~~ Phenyltoloxamine
- ~~(l)(n)~~ Azatadine
- ~~(m)(o)~~ Diphenylpyraline

Oral decongestants shall not be ordered for use by patients with coronary artery disease, angina, hyperthyroidism, diabetes, glaucoma, prostate conditions, hypertension, or patients currently using monoamine oxidase inhibitors.

~~(6)(8)~~ Anthelmintic: ~~The following may be ordered:~~ Pyrantel pamoate. The drug product may only be ordered for use by patients over 2 years of age.

~~(7)(9)~~ Topical antifungal/antibacterials: ~~The following may be ordered:~~ Idochlorhydroxyquin with 0.5% Hydrocortisone (not exceeding 20 grams), Haloprogin 1%, Clotrimazole topical cream and lotion, Nystatin topical cream, ointment, lotion or powder, miconazole nitrate topical cream, erythromycin topical. The patient shall be warned that all of the above products should not be used near deep or puncture wounds, and Idochlorhydroxyquin preparations shall be labeled as to the staining potential.

~~(8)(10)~~ Topical anti-inflammatory: ~~The following may be ordered:~~ Preparations containing hydrocortisone not exceeding 2.5% to 5%. The patient shall be warned that hydrocortisone should not be used on bacterial infections, viral infections, or fungal infections or by patients with impaired circulation. Such prescriptions shall be labeled to avoid contact with eyes and broken skin.

~~(9)(11)~~ Otic antifungal/antibacterial: ~~The following may be ordered:~~ acetic acid 2% in aluminum acetate solution, which shall be labeled for use in ears only.

~~(10)(12)~~ Keratolytics: ~~The following may be ordered:~~ salicylic acid 16.7% and lactic acid 16.7% in flexible collodion, to be applied to warts, except for patients under two (2) years of age, and those with diabetes or impaired circulation. Prescriptions shall be labeled to avoid contact with normal skin, eyes and mucous membranes.

~~(11)(13)~~ Vitamins with fluoride (This does not include vitamins with folic acid in excess of 0.9 mg.)

~~(12)(14)~~ Medicinal drug shampoos containing Lindane may be ordered pursuant to the following conditions:

(a) The pharmacist shall limit the order to the treatment of head lice only and provide the patient with the appropriate instructions and precautions for use.

(b) The amount allowed per person shall be four ounces.

(13) Antidiarrheal: Loperamide 2mg. per dosage unit. No more than a two day supply may be dispensed.

(14) Smoking cessation products: Nicotine transdermal systems.

(a) Before prescribing, the pharmacist:

1. Must have successfully completed a comprehensive smoking cessation training program such as the American Cancer Society Physician Training Program or other ACPE approved certification program.

2. Must insure patient involvement in a behavior modification program.

3. Must insure that there are no medical contraindications for patient participation including pregnancy or breastfeeding, cardiovascular disease (postinfarction, arrhythmias, hypertension, peripheral vascular disease), pheochromocytoma, hyperthyroidism, or insulin dependent diabetes mellitus.

4. Must inform patients of all contraindications and hazards of drug therapy including drug, food, and nutritional interactions.

5. Must counsel patients on proper drug use of prescribed product.

(b) After prescribing, the pharmacist:

1. May dispense no more than a 14 day supply of nicotine transdermal patches.

2. May dispense smoking cessation products for no more than 24 consecutive weeks of drug therapy.

3. May prescribe these products for nicotine replacement only.

4. Must perform and document follow-up counseling during therapy.

(15) Ophthalmics: Naphazoline 0.1% ophthalmic solution.

(16) Cough suppressants:

(a) Guaifenesin

(b) Dextromethorphan.

(17) Vaginal antifungals: Miconazole nitrate suppositories and/or miconazole nitrate cream.

(18) Histamine H2 antagonists:

(a) Cimetidine

(b) Famotidine

(c) Ranitidine HCl

Pharmacists shall advise patients that these agents may mask serious disorders.

(19) Topical Antiviral:

(a) Acyclovir ointment may be ordered for the treatment of herpes simplex infections of the lips.

(b) Penciclovir.

(20) Acne product: Benzoyl peroxide.

Specific Authority 465.186(2) FS. Law Implemented 465.186 FS. History-- New 5-1-86, Formerly 21M-39.003, 61F6-39.003, 59R-36.003. Amended

DEPARTMENT OF HEALTH

Board of Optometry

RULE TITLE: Examination Requirements
 RULE NO.: 64B13-4.001

PURPOSE AND EFFECT: The Board proposes the development of a rule to clarify the requirements for examination for licensure.

SUBJECT AREA TO BE ADDRESSED: Clarification of examination requirements.

SPECIFIC AUTHORITY: 455.574(1), 463.006(2) FS.

LAW IMPLEMENTED: 455.574(1), 463.006(2) 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: Joe Baker, Jr., Executive Director, Board of Optometry/MQA, 2020 Capital Circle, S. E., Bin #C07, Tallahassee, Florida 32399-3257

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B13-4.001 Examination Requirements.

The examination for licensure shall consist of the National Board of Examiners in Optometry examination (hereafter NBEO examination), the certification examination, and Parts I and II of the state examination for licensure.

(1) No change.

(2) State Examination

(a) through (c) No change.

(d) Part II of the state examination shall consist of a clinical portion and a pharmacology/ocular disease portion.

1. The subject areas and associated weights for the clinical portion of the practical examination shall be as follows:

- a. Pupillary Examination 6%
- a.b. Confrontation Visual Field Testing for Neurologic Deficit (Finger Counting, Visual Field Recognition, and Disease Process) 9% 3%
- b. Muscle Balance and Motility 4%
- c. Pupillary Examination 8%
- d.e. Objective Examination (Retinoscopy) 2% 6%

- e.d. Subjective Refraction 3% 7%
- f.e. Internal Examination by Means of Binocular Indirect Ophthalmoscopy Ophthalmoscope 18.5% 18%
- g.f. Biomicroscopy Anterior 21.5% 20%
- g. Goldmann Tonometry 10%
- h. Biomicroscopy Posterior (Hruby Lens or Fundus Lens) 17% 20%
- i. Goldmann Tonometry 10%
- j.i. Gonioscopy 7% 10%

2. The grading criteria for each subject area and the points associated with each criterion shall be as follows:

- a. Pupillary Examination
- 1.1. Conducts pupillary tests in a manner consistent with obtaining accurate findings 6
 (Points for this criterion shall be assigned as follows: 2 points each for performance related to determining pupil size, direct and consensual response to light, and afferent pupillary reflex.)
- a.b. Confrontation Visual Field Testing for Neurologic Deficit (Finger Counting and Visual Field Defect Recognition, Location, and Disease Process) 9
- 1.1. Conducts specified visual field test in a manner consistent with obtaining accurate findings. Accurately identify visual field defect name, location and disease process. 3
- b. Muscle Balance and Motility Testing 4
- 1.1 Conducts examinations in a manner that will allow for evaluation of any phoric and or tropic posture, deficiencies in extra ocular muscles, or cranial nerve paresis.
- c. Pupillary Examination 8
- 1.1 Conducts pupillary tests in a manner consistent with obtaining accurate findings.
- d.e. Objective Examination (Retinoscopy) 2
- 1.1. Conducts retinoscopy in a manner capable of obtaining a visual acuity of 20/30 6
- e.d. Subjective Refraction 3
- 1.1. Conducts refraction in a manner capable of obtaining a visual acuity of 20/20 7
- f.e. Internal Examination by Means of Binocular Indirect Ophthalmoscopy Ophthalmoscope 18.5
- 1.1. Accurately views and evaluates retinal landmark as requested 18
- g.f. Biomicroscopy (Anterior) 21.5

1.1. Uses proper technique to demonstrate requested views of anterior structures of eye 20
~~h.g. Biomicroscopy Posterior (Hruby lens or Fundus lens)~~ 17
 1.1 Accurately views and evaluates posterior landmarks as requested 20
~~i.h. Goldmann Tonometry~~ 10
 1.1. Demonstrates accurate technique for the measurement of intra-ocular pressure 40
~~j.i. Gonioscopy~~ 7
 1.1. Demonstrates accurate technique for identifying angle structures 40
 3. through 4. No change.
 5. Twenty-five case history items on the pharmacology/pathology portion of the practical examination are distributed according to the following content emphasis:
 a. Group A:
 Number of Case History Items: 7-9 cases
 Eye Structures: Adnexa (lids, lashes, lacrimal, apparatus), Conjunctiva (bulbar and palpebral), Sclera/episclera, Cornea, Iris/ciliary body
 Disease Type: Toxic, Inflammatory, Infectious
 b. Group B:
 Number of Case History Items: ~~4~~ 3-6 cases
 Eye Structures: Lens, Vitreous, Retina/choroid, Macular disease
 Disease Type: Congenital, Degenerative, Dystrophic Vascular, Traumatic
 c. Group C:
 Number of Case History Items: ~~2~~ 1-3 cases
 Eye Structures: Lens, Vitreous, Retina/choroid, Macular disease
 Disease Type: Toxic, Inflammatory, Infectious
 d. Group D:
 Number of Case History Items: ~~2~~ 1-3 cases
 Eye Structures: Cornea, Iris/ciliary body, Lens, Vitreous, Retina/choroid, Macular disease
 Disease Type: Surgical Complications
 e. Group E:
 Number of Case History Items: ~~2~~ 1-3 cases
 Eye Structures: Cornea, Iris/ciliary body
 Disease Type: Congenital, Degenerative, Dystrophic Vascular, Traumatic
 f. Group F:
 Number of Case History Items: 4-3 cases
 Disease Type: Primary and Secondary Open and Closed Angle Glaucoma
 g. Group G:
 Number of Case History Items: 4-3 cases

Eye Structures: Neurological Disease (optic nerve, Visual pathway, orbit, motility)
 h. Group H:
 Number of Case History Items: ~~2~~ 1-3 cases
 Eye Structures: Adnexa (lids, lashes, lacrimal, apparatus), Conjunctiva (bulbar and palpebral), Sclera/episclera, Cornea, Iris/ciliary body, Lens, Vitreous, Retina/choroid, Macular disease, Glaucoma, Neurological Disease (optic nerve, Visual pathway, orbit)
 Disease Type: Tumors
 6. No change.
 (3) No change.

Specific Authority 455.574(1), 463.006(2) FS. Law Implemented 455.574(1), 463.006(2) FS. History--New 11-13-79, Amended 5-28-80, 7-10-80, 8-20-81, 2-14-82, 6-6-82, 10-3-82, 4-10-84, 5-29-85, Formerly 21Q-4.01, Amended 7-21-86, 11-20-86, 7-27-87, 7-11-88, 7-18-91, 4-14-92, Formerly 21Q-4.001, Amended 2-14-94, Formerly 61F8-4.001, Amended 8-8-94, 11-21-94, 4-21-96, Formerly 59V-4.001, Amended.

DEPARTMENT OF HEALTH

Board of Podiatric Medicine

RULE TITLE: Application for Licensure RULE NO.: 64B18-11.001
 PURPOSE AND EFFECT: The Board proposes amendments to the rule to address the PMLexis Examination.
 SUBJECT AREA TO BE ADDRESSED: PMLexis Examination.
 SPECIFIC AUTHORITY: 461.005, 455.604(6) FS.
 LAW IMPLEMENTED: 455.564, 461.006, 455.604 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: 1:00 p.m., or as soon thereafter as can be heard, June 18, 1999
 PLACE: The Registry Resort, 475 Seagate Drive, Naples, Florida 34103
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Joe Baker, Jr., Executive Director, Board of Podiatric Medicine/MQA, 2020 Capital Circle, S. E., Bin #C07, Tallahassee, Florida 32399-3257
 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Economic Self-Sufficiency Program

RULE TITLE: Forms for Client Notice and Contact RULE NO.: 65A-1.400
 PURPOSE AND EFFECT: This proposed amendment of rule 65A-1.400 will replace outdated editions of forms that are incorporated by reference, and will place some forms in rule

for the first time. All forms to be included in this action have not yet been identified so that specific forms are not being listed in this notice.

SUBJECT AREA TO BE ADDRESSED: This rule amendment will place revised editions of forms incorporated by reference into rule 65A-1.400 and will newly incorporate some forms by reference. One specific action will be to remove a requirement for ten-day compliance with work requirements before a sanction can be lifted from the form CF-ES 2097.

SPECIFIC AUTHORITY: 409.919, 410.033, 414.45 FS.

LAW IMPLEMENTED: 400.903, 409.904, 410.033, 414.065, 414.075, 414.085, 414.095, 414.105, 414.115, 414.122, 414.125, 414.13, 414.16, 414.21, 414.28, 414.31 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: 2:00 p.m., June 8, 1999

PLACE: Building 3, Room 414, 1317 Winewood Boulevard, Tallahassee, Florida 32399-0700

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Audrey Mitchell, Program Administrator, Building 3, Room 412-D, 1317 Winewood Boulevard, Tallahassee, FL 32399-0700

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

Proposed Rules

Section II Proposed Rules

DEPARTMENT OF BANKING AND FINANCE

Division of Finance

RULE TITLES:	RULE NOS.:
Mortgage Broker Education Requirement	3D-40.027
Permit for Mortgage Brokerage School	3D-40.028
Mortgage Brokerage School Permit Renewal	3D-40.029
Accreditation Process for a Mortgage Brokerage School	3D-40.030
Application Procedure for Mortgage Broker License	3D-40.031
Application Procedure for Mortgage Brokerage Business License	3D-40.051
Application Procedure for Mortgage Brokerage Business Branch Office Permit	3D-40.058
Application Procedure for Change in Ownership or Control of Savings Clause Mortgage Lender	3D-40.100
Branch Office Permit for Change in Ownership or Control of Savings Clause Mortgage Lender	3D-40.105

Application Procedure for Mortgage Lender License 3D-40.200

Application Procedure for Correspondent Mortgage Lender License 3D-40.220

Application Procedure for Mortgage Lender or Correspondent Mortgage Lender Branch Office Permit 3D-40.240

PURPOSE AND EFFECT: To update the application and renewal forms for mortgage broker schools; to change the application and renewal fees for mortgage broker schools; and to make other changes to the mortgage broker application rules.

SUMMARY: The proposed amendments incorporate changes to the Application for Mortgage Brokerage School and Mortgage Brokerage School Renewal Form. The accreditation fee is raised to \$400 for each mortgage brokerage school and the accreditation fee for instructors has been deleted. The recertification accreditation fee is raised to \$400 for each school and this fee for instructors has been deleted. Citations to statutory provisions have also been changed.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No statement of estimated regulatory costs 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 within 21 days of this notice.

SPECIFIC AUTHORITY: 494.0011(2) FS.

LAW IMPLEMENTED: 494.0031, 494.00311, 494.0033, 494.0036, 494.0061, 494.0062, 494.0064, 494.0065, 494.0066, 494.0071 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., June 22, 1999

PLACE: Room 550, Fletcher Building, 101 East Gaines Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Geraldine Harrison, Bureau of Registrations, Room 550, Fletcher Building, 101 East Gaines Street, Tallahassee, Florida 32399-0350 (850)410-9805

THE FULL TEXT OF THE PROPOSED RULES IS:

3D-40.027 Mortgage Broker Education Requirement. ~~Within 10 days of completion of each 24-hour mortgage broker course, the classroom instructor shall submit to the Department a list of all students who successfully completed the course. The list shall include the name and social security number of each student and the school's name and the instructor's signature. Electronic signatures are allowable per Florida Statutes when the required data is submitted to the Department via computer transmission from a school.~~