

for reactivation necessary to ensure that a licensee who has been on inactive status for more than two biennia can practice with care and skill sufficient to protect the public.

SUMMARY: The amendment will clarify the requirements for delinquent licenses and inactive licenses, and establish the conditions for reactivation.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 464.006, 464.014, 455.711 FS.

LAW IMPLEMENTED: 455.711, 464.014, 464.016 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: 1:00 p.m., October 12, 1999

PLACE: Hilton St. Petersburg, 3331st Street, South, St. Petersburg, Florida 33701

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

THE FULL TEXT OF THE PROPOSED RULES IS:

64B9-6.001 Delinquent Status: Obtaining Inactive Status; ~~Delinquent Status~~.

(1) A license to practice nursing which is not renewed at the end of the biennium prescribed by the Department shall automatically revert to delinquent status. To renew the license, the licensee must demonstrate completion of all continuing education required by Chapter 64B9-5, F.A.C., and must pay the delinquency fee prescribed in Rule 64B9-7.001.

(2) through (3) No change.

Specific Authority 464.006, 464.014, 455.711 FS. Law Implemented 455.711 ~~455.271~~, 464.014, 464.016 FS. History--New 2-5-87, Formerly 21O-14.003, 61F7-6.001, Amended 1-1-96, Formerly 59S-6.001, Amended.

64B9-6.003 Reactivation of Inactive ~~or Delinquent~~ License.

(1) ~~An inactive license which has become inactive or delinquent pursuant to Section 455.271, F.S., may be reactivated upon application to the Department and demonstration of compliance with the following conditions:~~

~~(a) Proof of compliance with the HIV/AIDS education required by Rule 64B9-5.009, provided the education was completed no more than two years before requesting reactivation.~~

~~(b) Payment of the biennial renewal fee for active licenses and the reactivation fee, prescribed in Rule 64B9-7.001.~~

~~(a)(e) A statement by the licensee of any arrests and convictions or findings of guilt, regardless of adjudication, within the period the licensee was inactive.~~

~~(b)(d) A statement by the licensee of any disciplinary action taken by the licensing authority of a state, territory, or country against his or her license to practice nursing in that state, territory, or country during the period the licensee's Florida nursing licensee was inactive.~~

~~(c)(e) Proof by the licensee of completion of all continuing education required by approved under Chapter 64B9-5, F.A.C., for all biennial licensure periods for which the individual was inactive or delinquent.~~

(d) Payment of the reactivation fees prescribed in Rule 64B9-7.001, and renewal fees if applicable.

(2) The Department shall not reactivate a license unless the inactive licensee has paid an inactive application fee, ~~any biennial renewal fee for inactive status not previously paid,~~ and a reactivation fee.

(3) If a license has been inactive for more than two consecutive biennial licensure cycles, and the licensee has not been practicing nursing in any jurisdiction for the two years immediately preceding the application for reactivation, the applicant for reactivation will be required to complete a nursing refresher course with clinical component appropriate to the licensure level of the licensee. The refresher course must be given at a Board-approved nursing school, and must include at least 60 hours of classroom instruction and 96 hours of clinical experience in medical/surgical nursing and any specialty area of practice of the licensee.

Specific Authority 464.006, 464.014, 455.711 FS. Law Implemented 464.014, 455.711 ~~455.271~~ FS. History--New 2-5-87, Amended 10-21-87, 6-21-88, Formerly 21O-14.005, Amended 9-7-93, 1-26-94, Formerly 61F7-6.003, Amended 1-1-96, Formerly 59S-6.003, 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: June 9, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 28, 1999

Section III

Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Animal Industry

RULE CHAPTER NO.: RULE CHAPTER TITLE:

5C-23

Transporting Animal Carcasses/
Refuse

RULE NOS.:	RULE TITLES:
5C-23.001	Definitions
5C-23.002	Application for Permit; Fees
5C-23.003	Vehicle and Container Requirements
5C-23.004	Transporting or Hauling Animal Carcasses or Refuse Procedures; Records; Equipment; Quarantine

NOTICE OF CORRECTION

Notice is hereby given that proposed Rule 5C-23, FAC, published in the Florida Administrative Weekly, Vol. 25, No. 28, on July 16, 1999, has been changed to reflect correction in hearing date from July 30, 1999, 11:00 a.m. to August 6, 1999, 11:00 a.m.

DEPARTMENT OF REVENUE

NOTICE OF CABINET AGENDA ON AUGUST 24, 1999

The Governor and Cabinet, on August 24, 1999, sitting as head of the Department of Revenue, will consider approval of the repeal of Rule 12E-1.007, FAC. The proposed repeal is to comply with the requirements of s. 120.74(1), F.S., that agency rules be deleted if they are obsolete or unnecessary or redundant of statutes. The repeal will delete a rule which is obsolete and has been superseded by Chapter 120, F.S., and the Uniform Rules of Procedure. The proposed repeal was noticed in the Florida Administrative Weekly of April 30, 1999, Vol. 25, No. 17, pp. 2066-2067. A public hearing on the proposed repeal was held on May 28, 1999. Members of the public did not appear at the hearing, and no comments on the rule were received.

DEPARTMENT OF REVENUE

NOTICE OF CABINET AGENDA ON AUGUST 24, 1999

The Governor and Cabinet, on August 24, 1999, sitting as head of the Department of Revenue, will consider approval of the repeal of Rule 12E-1.010, F.A.C. The proposed repeal is to comply with the requirements of s. 120.74(1), F.S., that agency rules be deleted if they are obsolete or unnecessary or redundant of statutes. The repeal will delete a rule which is unnecessary and redundant of portions of s. 61.1301, F.S. The proposed repeal was noticed in the Florida Administrative Weekly of April 30, 1999, Vol. 25, No. 17, p. 2067. A public hearing on the proposed repeal was held on May 28, 1999. Members of the public did not appear at the hearing, and no comments on the rule were received.

DEPARTMENT OF CORRECTIONS

RULE NO.:	RULE TITLE:
33-3.0066	Use of Force

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. 24, (June 18, 1999), issue of the Florida Administrative Weekly:

33-3.0066(13)(k) is changed as follows:

(k) Chemical agents shall be stored in the main arsenal. A small amount of chemical agents may be stored in secure locations such as the control room mini-arsenal or the officer's station in confinement and close management units until their use is authorized. Shift supervisors, correctional officer sergeants, and other assigned internal security officers shall be issued one three or four ounce dispenser of MK-4 Defense Technologies 10% non-flammable OC pepper spray or equivalent, with marking dye, which shall be securely encased and attached to the officer's belt.

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE NO.:	RULE TITLE:
40E-1.659	Forms and Instruction

NOTICE OF HEARING CONTINUATION

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

TIME AND DATE: 9:00 a.m., August 12, 1999

This public hearing is a continuation of the public hearing which was previously noticed for June 10, 1999 in the May 7, 1999 issue of FAW.

PLACE: South Florida Water Management District Headquarters, Auditorium, 3301 Gun Club Road, West Palm Beach, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Marcy LaHart, Attorney, South Florida Water Management District, 3301 Gun Club Road, West Palm Beach, FL 33406

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE NO.:	RULE TITLE:
40E-4.091	Publications Incorporated by Reference

NOTICE OF HEARING CONTINUATION

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

TIME AND DATE: 9:00 a.m., August 12, 1999

This public hearing is a continuation of the public hearing which was previously noticed for June 10, 1999 in the May 7, 1999 issue of FAW.

PLACE: South Florida Water Management District Headquarters, Auditorium, 3301 Gun Club Road, West Palm Beach, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Marcy LaHart, Attorney, South Florida Water Management District, 3301 Gun Club Road, West Palm Beach, FL 33406

AGENCY FOR HEALTH CARE ADMINISTRATION

Health Facility and Agency Licensing

RULE CHAPTER TITLE: RULE CHAPTER NO.:

59A-3 Hospital Licensure

RULE TITLE: RULE NO.:

59A-3.081 Physical Plant Requirements for
General, Rehabilitation and
Psychiatric Hospitals

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule published in Vol. 25, No. 20, May 21, 1999 issue of the Florida Administrative Weekly, in accordance with subparagraph 120.54(3)(d)1., F.S.:

In response to comments received from the Joint Administrative Procedures Committee, changes have been made to clarify licensure procedure. In addition, clarification of statutory requirements was added to the rule. Subsection 59A-3.081(54)(b) has been changed so that when adopted it will read: "General Requirements: In addition to the codes and standards referenced in this rule, the mobile surgical facility shall comply with the requirements of Ambulatory Health Care Centers, Chapter 12-6 of the National Fire Protection Association (NFPA), 101 Life Safety Code, incorporated by reference and available from NFPA, 1 Batterymarch Park, P. O. Box 9101, Quincy, MA 02269-9904." Subsection 59A-3.081(54)(b)1.a. has been changed so that when adopted it will read: "There shall be a level concrete pad designed for the structural loads of the facility in accordance with the Standard Building Code Chapters 18 & 19, incorporated by reference and available from Southern Building Code Congress International, 910 Montclair Road, Birmingham, Alabama 35213-1206." Subsection 59A-3.081(54)(b)1.b. has been changed so that when adopted it will read: "There shall be walls, fences or concrete-filled steel bollards around the immediate site to prevent collisions with the unit by other vehicles."

Subsection 59A-3.081(54)(b)1.c. has been changed so that when adopted it will read: "The facility shall have a tie-down anchoring system designed by a Florida registered professional engineer or architect in accordance with Section H105.3, Tiedowns, Appendix H, Manufactured Homes Tiedown Standards, Southern Building Code Congress International, incorporated by reference and available from Southern Building Code Congress International, 900 Montclair Road, Birmingham, Alabama 35213-1206." Subsection

59A-3.081(54)(b)1.d. has been changed so that when adopted it will read: "The facility shall be sited so that it does not diminish egress from the hospital and so that the exhaust from the tractor or the generator is kept away from all fresh air intakes of the hospital."

Subsection 59A-3.081(54)(b)2.a. has been changed so that when adopted it will read: "There shall be an operating room with a minimum area of 170 square feet. The minimum room dimension shall be 12 feet." Subsection 59A-3.081(54)(b)3.a. has been changed so that when adopted it will read: "The Heating, Ventilating and Air Conditioning systems shall comply with NFPA 90A, incorporated by reference and available from NFPA, 1 Batterymarch Park, P. O. Box 9101, Quincy, MA 02269-9904 and 59A-3.081(39), F.A.C." Subsection 59A-3.081(54)(b)3.b. has been changed so that when adopted it will read: "The patient gas medical systems shall be Type I as defined by NFPA 99, incorporated by reference and available from NFPA, 1 Batterymarch Park, P. O. Box 9101, Quincy, MA 02269-9904. Medical gas, vacuum, and oxygen supply systems shall comply with Chapter 13, Ambulatory Health Care Center Requirements of NFPA 99 incorporated by reference and available from NFPA, 1 Batterymarch Park, P. O. Box 9101, Quincy, MA 02269-9904." Subsection 59A-3.081(54)(b)3.d. has been changed so that when adopted it will read: "The plumbing systems shall comply with the Standard Plumbing Code incorporated by reference and available from Southern Building Code Congress International, 910 Montclair Road, Birmingham, Alabama 35213-1206." Subsection 59A-3.081(54)(b)4.a. has been changed so that when adopted it will read: "The essential electrical system shall comply with a Type I system as defined in Chapter 3 of NFPA 99, incorporated by reference and available from NFPA, 1 Batterymarch Park, P. O. Box 9101, Quincy, MA 02269-9904." Subsection 59A-3.081(54)(b)4.b. has been changed so that when adopted it will read: "The electrical system shall comply with Article 517 of the National Electric Code, NFPA 70 incorporated by reference and available from NFPA, 1 Batterymarch Park, P. O. Box 9101, Quincy, MA 02269-9904 and with 59A-3.081(46)(47)(48)(50)(51), F.A.C." Subsection 59A-3.081(54)(b)4.e. has been changed so that when adopted it will read: "Electrical connections to the hospital shall not interrupt, diminish or otherwise affect adversely in any way the electrical power supply or the electrical system of the hospital." Subsection 59A-3.081(54)(b)4.f. has been changed so that when adopted it will read: "There shall be a lightning protection system as defined in NFPA 780, incorporated by reference and available from NFPA, 1 Batterymarch Park, P. O. Box 9101, Quincy, MA 02269-9904, for the rain-free covered connection and the

mobile facility, unless the mobile facility is shown to be within the cone of protection of the hospital and bonded to the lightning protection systems of the hospital.”

Specific Authority 395.0163, 39.1055, 395.1065, 408.036 FS. Law Implemented 395.001, 395.1055, 395.1065, 408.036, 957.05 FS. History—1-1-77, Formerly 10D-28.81, Amended 1-16-87, 11-23-88, Formerly 10D-28.081, Amended 9-3-92, 6-29-97, 3-18-98, _____.

DEPARTMENT OF HEALTH

Board of Medicine

RULE NO.: 64B8-9.009
 RULE TITLE: Standard of Care for Office Surgery
 NOTICE OF ADDITIONAL PUBLIC HEARING

The Board of Medicine hereby gives notice of an additional public hearing to be held on the above-referenced rule on August 7, 1999, at 2:00 p.m., or as soon thereafter as can be heard, at the Omni Colonnade Hotel, 180 Aragon Avenue, Coral Gables, Florida. The Board may take action on this rule at the conclusion of the public hearing. The rule was originally published in Vol. 25, No. 3, of the January 22, 1999, Florida Administrative Weekly.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Tanya Williams, Executive Director, Board of Medicine, 2020 Capital Circle, S. E., Bin #C03, Tallahassee, Florida 32399-3253

Any person requiring a special accommodation at this hearing because of a disability or physical impairment should contact the Board's Executive Director at least five calendar days prior to the hearing. If you are hearing or speech impaired, please contact the Board office using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

Section IV Emergency Rules

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Cosmetology

RULE TITLE: Special Assessment Fee
 RULE NO.: 61G5ER99-8

SPECIFIC REASON FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY OR WELFARE: The Board finds an immediate danger exists to the welfare of the public by the threat of non-compliance with section 455.219, Florida Statutes, and the receipt of revenue required to maintain a sufficient cash balance as required by that statute.

REASONS FOR CONCLUDING THAT THE PROCEDURE USED IS FAIR UNDER THE CIRCUMSTANCES: The Board finds that this procedure is the most fair available under the circumstances because renewal notices will be mailed

August 1, 1999, and renewals are due by November 1, 1999. Regular rulemaking procedures are not adequate to meet these deadlines.

SUMMARY OF THE RULE: The proposed emergency rule will required all licensees and registration holders to pay a one-time special assessment fee of \$30.00 as a condition of their first license or registration renewal following the adoption of the rule.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Ed Broyles, Executive Director, Board of Cosmetology, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE EMERGENCY RULE IS:

61G5ER99-8 Special Assessment Fee.

(1) As a condition of the first renewal of their current license or registration following the effective date of this rule, all active and inactive licensee and registration holders, including all licensed cosmetologists, cosmetology and specialty salon license holders, registered specialists, registered hair braiders, registered hair wrappers, and registered body wrappers, shall pay a one-time special assessment fee of \$30.00 in order to eliminate the current cash deficit in the operating funds of the Board. Payment of this fee shall be due and payable at the time the license or registration is renewed.

(2) Failure to comply with this rule and pay the required fee shall constitute grounds for disciplinary action pursuant to Sections 477.029(1)(i), and 455.227(1)(b) and (q), F.S.

Specific Authority 455.219(2), 477.016, 477.019(5), 477.020(4) FS. Law Implemented 455.219(2) FS. History—New 7-14-99.

THIS RULE TAKES EFFECT UPON BEING FILED WITH THE DEPARTMENT OF STATE UNLESS A LATER TIME AND DATE IS SPECIFIED IN THE RULE:

EFFECTIVE DATE: July 14, 1999

Section V Petitions and Dispositions Regarding Rule Variance or Waiver

DEPARTMENT OF HEALTH

The Board of Psychology hereby gives notice that it has received a petition, filed on July 6, 1999, from Elena Akra, Psy.D., seeking a waiver or variance of Rule 64B19-11.007(2), Florida Administrative Code, with respect to the requirement that an applicant's file will be closed unless the applicant has submitted evidence that he or she has completed the supervised experience within 18 months of the Board's letter notifying the applicant of the passing score on either part of the examination.