

(3) An active licensee converting to a limited license shall submit a request to convert the license which shall include a statement from the employing institution or agency that he or she will not receive any compensation for any service involving the practice of medicine. In this event a waiver of fees is provided as set forth in 64B8-3, F.A.C.

Specific Authority 458.309, 458.317 FS. Law Implemented 458.317 FS. History—New 3-31-80, Formerly 21M-25.02, Amended 1-1-92, Formerly 21M-25.002, 61F6-25.002, 59R-7.002, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Rules Committee, Board of Medicine

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 7, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 30, 1999

DEPARTMENT OF HEALTH

Board of Medicine

RULE TITLE: RULE NO.:

HIV/AIDS Education or End-of-Life Care and Palliative Health Care Education 64B8-13.006

PURPOSE AND EFFECT: The proposed rule amendment is intended to implement a statutory change permitting end-of-life care and palliative health care continuing education to substitute for HIV/AIDS continuing education.

SUMMARY: The proposed rule amendment permits licensees to substitute continuing education in end-of-life care and palliative health care for HIV/AIDS continuing education.

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

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

SPECIFIC AUTHORITY: 458.309, 458.319(4) FS.

LAW IMPLEMENTED: 455.604, 458.319(4) FS.

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

TIME AND DATE: 10:00 a.m., September 21, 1999

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

64B8-13.006 HIV/AIDS Education or End-of-Life Care and Palliative Health Care Education.

(1) through (2) No change.

(3) Notwithstanding the provisions of subsections (1) and (2), above, a physician may complete continuing education on end-of-life care and palliative health care in lieu of continuing education in HIV/AIDS, if that physician has completed the HIV/AIDS continuing education in the immediately preceding biennium. This allows for end-of-life care and palliative health care continuing education to substitute for HIV/AIDS continuing education in alternate bienniums.

(4)(3) No change.

Specific Authority 458.309, 458.319(4) FS. Law Implemented 455.604, 458.319(4) FS. History—New 11-15-88, Amended 1-1-92, 9-15-92, Formerly 21M-28.005, 61F6-28.005, Amended 5-7-96, 1-26-97, Formerly 59R-13.006, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Rules Committee, Board of Medicine

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 7, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 30, 1999

**Section III
Notices of Changes, Corrections and
Withdrawals**

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Forestry

RULE NOS.: RULE TITLES:
5I-2.003 Definitions
5I-2.004 Open Burning Not Allowed
5I-2.006 Open Burning Allowed

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. 22, June 4, 1999 issue of the Florida Administrative Weekly:

1. The word stagnation was added to 5I-2.004(1)(d).

(d)(4) Open burning when the Department of Environmental Protection (DEP) determines that ambient air concentrations of total regulated particulate matter or ozone exceeds or potentially may exceed the primary or secondary standards for these pollutants or DEP issues an air quality/stagnation advisory that pertains to the National Ambient Air Quality Standards (NAAQS).

2. The word repeatedly was added and the word will instead of shall in 5I-2.004(2).

2. Open burning authorizations will be denied to any burner who repeatedly violates Florida law or agency rules. This denial remains in effect until the concern that caused the denial has been mitigated in consultation with the Division of Forestry field unit manager.

3. The word will has replaced may in section 5I-2.006(1) In the event that the Division determines that there is a threat to life, public safety or property immediate suppression action will be taken.

4. The word repeatedly has been added and the word will has replaced may in 5I-2.006(2)(e).

Decertification. The Commissioner of Agriculture will revoke any Certified Prescribed Burn Manager's certification if they demonstrate that their practices and procedures repeatedly violated Florida law or agency rules or is a threat to public health, safety, or property.

5. The word shall has replaced will in 5I-2.006(3)(c)1.d. Exception to Setbacks – An exception to the setbacks in 5I2.006(3)1. a., b., and c. will be granted if the affected parties agree in writing to allow the burn to take place.

6. 5I-2.006(3)(c)2. has been deleted – this section deals with the demolition of a structure. The Department of Agriculture's F.S. 590 does not grant authority for this type of burning.

DEPARTMENT OF EDUCATION

Florida School for the Deaf and the Blind

RULE NO.: RULE TITLE:
6D-2.002 Philosophy

NOTICE OF WITHDRAWAL

Notice is hereby given that the above proposed rule amendment published in The Florida Administrative Weekly, Vol. 25, No. 27, July 9, 1999 has been withdrawn.

DEPARTMENT OF THE LOTTERY

RULE NO.: RULE TITLE:
53-16.009 Administrative Leave

NOTICE OF CHANGE

Notice of Change is hereby given that the following changes have been made to the proposed rule based upon comments received from the Joint Administrative Procedures Committee. The rule was originally published in Vol. 25, No. 21 of the May 28, 1999 issue of the Florida Administrative Weekly. The rule shall now read as follows:

(15) Mentoring and Tutoring Activities.

(a) through (d) No change.

~~Accrual and payment of administrative leave. If an employee does not use administrative leave as authorized in this section, the employee shall not accrue or be paid for such unused leave.~~

(16) This section applies to employees who are filling authorized and established positions.

~~(17) An employee who is terminated from employment due to abolishment of his or her position can be placed on administrative leave with pay and full benefits for up to thirty (30) calendar days.~~

~~(18) An employee who is terminated from employment for any reason other than abolishment of his or her position can be placed on administrative leave with pay and full benefits, in lieu of notice, for up to ten (10) consecutive workdays.~~

~~(17)(19)~~ All requests for leave pursuant to this rule shall be in writing prior to the initial date of leave, when possible.

Specific Authority 24.105(10)(j) FS. Law Implemented 24.105(20)(d) ~~24.105(21)(d)~~ FS. History--New 2-25-93, Amended 8-15-93, _____.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Architecture and Interior Design

RULE NO.: RULE TITLE:
61G1-12.004 Disciplinary Guidelines; Range of Penalties; Aggravating and Mitigating Circumstances

SECOND 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. 10, March 12, 1999, issue of the Florida Administrative Weekly. The changes are in response to comments received from the Joint Administrative Procedures Committee and comments received from the additional public hearing held on August 5, 1999 in Naples, Florida. Subsections (1) and (2) of the rule shall now read as follows:

(1) The board sets forth below a range of disciplinary guidelines from which disciplinary penalties will be imposed upon practitioners guilty of violating Chapter 481, F.S. The purpose of the disciplinary guidelines is to give notice to licensees of the range of penalties which will normally be imposed upon violations of particular provisions of Chapter 481. The disciplinary guidelines are based upon a single count violation of each provision listed. Multiple counts of violations of the same provision of Chapter 481 or the rules promulgated thereto, or other unrelated violations contained in the same administrative complaint will be grounds for enhancement of penalties. All penalties at the upper range of the sanctions set forth in the guidelines, i.e., suspension, revocation, etc., include lesser penalties, i.e., fine, probation or reprimand which may be included in the final penalty.

(2) The following disciplinary guidelines shall be followed by the board in imposing disciplinary penalties upon licensees for violation of the below mentioned statutes and rules:

	VIOLATION	PENALTY RANGE					
		MINIMUM	MAXIMUM				
(a)	Failure to date plans (481.221(1)(a), F.S.)					Felony: One (1) year suspension, followed by two (2) years probation and \$1000 fine	
	First Offense	Reprimand	\$250 fine				
	Second Offense	\$500 fine	Probation and \$500 Fine	Second Offense		Misdemeanor: \$1000 fine suspension followed by two (2) years probation	\$3000 fine and two (2) years
(b)	Signing or sealing work not competent to perform (481.221(2), (3), F.S.)						
	First Offense	Reprimand and \$1000 fine	\$1000 fine and one (1) year suspension followed by two (2) years probation	Third Offense		Felony: Revocation and \$1000 fine	Revocation and \$5000 fine
	Second Offense	\$2000 fine and (2) two years probation	\$3000 fine and two (2) years suspension followed by two (2) years probation			Misdemeanor: \$3000 fine and two (2) years suspension followed by two (2) years probation	\$5000 fine and revocation
(c)	"Plan stamping" (481.221(4), (5), F.S.)						
	First Offense	Reprimand and \$1000 fine	\$1000 fine and one (1) year suspension followed by two (2) years probation	(h) Practice on suspended license (481.225(1)(h), F.S.)		Revocation and \$1000 fine	Revocation and \$1000 fine
	Second Offense	\$2000 fine and (2) two years probation	\$3000 fine and two (2) years suspension followed by two (2) years probation	(i) Practice on inactive or delinquent license (481.225(1)(f) & (d), F.S.)		Fine based on length of time in practice while inactive; or delinquent \$100/month to \$1000 maximum (penalty will require license to renew or cease practice)	One (1) year suspension followed by one (1) year probation and \$1000 fine
(d)	"Plans not sufficiently detailed (481.221(6), (7), F.S.)						
	First Offense	Reprimand and \$1000 fine	\$1000 fine and one (1) year suspension followed by two (2) years probation	Third Offense		Two (2) years suspension followed by two (2) years probation and \$5000 fine	\$5000 fine and revocation
	Second Offense	\$2000 fine and one (1) year suspension followed by two (2) years probation	\$5000 fine, two (2) years suspension followed by two (2) years probation	(j) Practice on revoked (481.225(1)(k), F.S.)		Refer to State Attorney for criminal prosecution	
(e)	Attempting to procure license by bribery or fraudulent misrepresentation (481.225(1)(b) and 481.2251(1)(a), F.S.)						
	First Offense	Revocation and \$1000 fine if licensed (denial of license and refer to State Attorney if not licensed)	Revocation and \$5000 fine	Second Offense		Two (2) years suspension and two (2) years probation and \$3000 fine	\$3000 fine and revocation
	Third Offense	Same penalty as imposed in other jurisdiction or as closely as possible to penalties set forth in Florida Statutes		Third Offense		\$3000 fine and revocation	\$5000 fine and revocation
(f)	License disciplined by another jurisdiction (481.225(1)(c) and 481.2251(1)(b), F.S.)						
	First Offense	Misdemeanor: reprimand followed by two (2) years probation	\$1000 fine, and one (1) year suspension	(k) Knowingly making or filing false report (481.225(1)(e) and 481.2251(1)(h), F.S.)		One (1) year suspension, followed by two (2) years probation and \$1000 fine	Revocation and \$1000 fine
	Second Offense			First Offense			
(g)	Criminal conviction relating to architecture (481.225(1)(d) and 481.2251(1)(c), F.S.)						
	First Offense			Second Offense		One (1) year probation and \$1000 fine	One (1) year suspension and two (2) years
	Second Offense						
(h)	Practice on suspended license (481.225(1)(h), F.S.)						
	First Offense						
	Second Offense						
(i)	Practice on inactive or delinquent license (481.225(1)(f) & (d), F.S.)						
	First Offense						
	Second Offense						

	Third Offense	One (1) year suspension and two (2) years probation and \$3000 fine	Two (2) years suspension and two (2) years probation and \$5000 fine	Second Offense	One (1) year suspension, followed by two (2) years probation and \$1000 fine	Two (2) years suspension, followed by four (4) years probation and \$3000 fine
(m)	Negligence (481.225(1)(g) and 481.2251(1)(k), F.S.) First Offense	Reprimand, two (2) years probation and \$1000 fine	\$1000 fine and revocation	Third Offense	Two (2) years suspension, followed by four (4) years probation and \$3000 fine	Revocation and \$3000 fine
	Second Offense	One (1) year suspension followed by two (2) years probation and \$3000 fine	\$3000 fine and revocation	3. Rule 61G1-12.001(6)(j) Professional judgment is overruled by unqualified person First Offense	Reprimand and \$1000 fine followed by two (2) years probation and \$1000 fine	One (1) year suspension,
	Third Offense	\$5000 fine and five (5) years suspension followed by ten (10) years probation	\$5000 fine and revocation	Second Offense	One (1) year suspension, followed by two (2) years probation and \$1000 fine	Two (2) years suspension, followed by four (4) years probation and \$3000 fine
(n)	Fraud or deceit (481.225(1)(g) and 481.2251(1)(i), F.S.) First Offense	One (1) year suspension, followed by two (2) years probation and \$1000 fine	\$1000 fine and revocation	Third Offense	Two (2) years suspension, followed by four (4) years probation and \$3000 fine	Revocation and \$3000 fine
	Second Offense	Two (2) years suspension followed by four (4) years probation and \$3000 fine	\$3000 fine and revocation	4. Rule 61G1-12.001(6)(k) Use of name/firm in fraudulent venture First Offense	Reprimand and \$1000 fine suspension followed by two (2) years probation	\$1000 fine, and one (1) year
	Third Offense	\$5000 fine five (5) years suspension followed by ten (10) years probation	\$5000 fine and revocation	Second Offense	One (1) year suspension, followed by two (2) years probation and \$1000 fine	Two (2) years suspension, followed by four (4) years probation and \$3000 fine
(o)	Misconduct (481.225(1)(i), F.S.) 1. Rule 61G1-12.001(6)(d) Soliciting or accepting gratuities without client knowledge First Offense	Reprimand and \$1000 fine followed by two (2) years probation and \$1000 fine	One (1) year suspension,	Third Offense	Two (2) years suspension, followed by four (4) years probation and \$3000 fine	Revocation and \$3000 fine
	Second Offense	One (1) year suspension, followed by two (2) years probation and \$1000 fine	Two (2) years suspension, followed by four (4) years probation and \$3000 fine	(p) Incompetence (mental or physical impairment) (481.225(1)(g), F.S.) by probation	Suspension until ability to practice proved followed	
	Third Offense	Two (2) years suspension, followed by four (4) years probation and \$3000 fine	Revocation and \$3000 fine	(q) Bribery to obtain clients or commissions (61G1-12.001(5)(b), F.A.C.)	Revocation and \$1000 fine	Revocation and \$5000 fine
	2. Rule 61G1-12.001(6)(h) Failure to preserve client's confidence First Offense	Reprimand and \$1000 fine followed by two (2) years probation (if pecuniary benefit accrues to architect) and \$1000 fine	One (1) year suspension	(r) Undisclosed conflict of interest (61G1-12.001(5)(c), F.A.C.) First Offense	Reprimand, \$1000 fine, and two (2) years probation	Revocation and \$1000 fine
				Second Offense	\$3000 fine, one (1) year suspension followed by two (2) years probation	Revocation and \$3000 fine

Third Offense	\$5000 fine two (2) years suspension followed by five (5) years probation	Revocation and \$5000 fine
(s) Aiding unlicensed practice (481.225(1)(i) and 481.2251(1)(f), F.S.) First Offense	Reprimand and \$1000 fine year suspension followed by two (2) years probation	\$1000 fine and one (1)
Second Offense	\$1000 fine and one (1) year suspension followed by two (2) years probation	\$3000 fine and two (2) years suspension followed by two (2) years probation
Third Offense	\$3000 fine and two (2) years suspension followed by two (2) years probation	\$3000 fine revocation
(t) Firm practicing without certificate of authorization (481.219, F.S.) First Offense	Reprimand If firm applies for certificate, Board will impose a fine of \$100/month or a \$1000 maximum per month of uncertified practice	
Second Offense	\$1000 fine followed by one (1) year probation	\$5000 fine
Third Offense	One (1) year suspension and \$5000 fine	\$5000 fine and revocation
(u) Failure to obtain continuing education hours (481.215(3), F.S.) First Offense		
NUMBER OF HOURS LACKING	PENALTY	
1 to 4 hours	\$250 fine, makeup missing hours plus 5 additional in 90 days of final order	
5 to 9 hours	\$500 fine, makeup missing hours plus 10 additional in 120 days of final order	
10 to 14 hours	\$750 fine, makeup missing hours plus 15 additional in 150 days of final order	
15 to 19 hours	\$1000 fine, makeup missing hours plus 20 additional in 180 days of final order	
20 hours	\$1000 fine, makeup missing hours plus 20 additional, suspension until all hours are completed	
Second Offense		
NUMBER OF HOURS LACKING	PENALTY	
1 to 4 hours	\$500 fine, makeup missing hours plus 5 additional in 90 days of final order	
5 to 9 hours	\$1000 fine, makeup missing hours plus 10 additional in 120 days of final order	
10 to 14 hours	\$2000 fine, makeup missing hours plus 15 additional in 150 days of final order	
15 to 19 hours	\$3000 fine, makeup missing hours plus 20 additional in 180 days of final order	
20 hours	\$5000 fine, makeup missing hours plus 20 additional, suspension until all hours are completed	
Third Offense		

NUMBER OF HOURS LACKING	PENALTY
1 to 4 hours	\$2000 fine, one year probation, one year suspension and thereafter until all hours are completed
5 to 9 hours	\$3000 fine, one year probation, one year suspension and thereafter until all hours are completed
10 to 14 hours	\$5000 fine, one year probation, one year suspension and thereafter until all hours are completed
15 to 19 hours	\$5000 fine, one year probation, one year suspension and thereafter until all hours are completed
20 hours	\$5000 fine, one year probation, one year suspension and thereafter until all hours are completed

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Dee O'Conner, Executive Director, Board of Architecture and Interior Design, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Geologists

RULE NO.: 61G16-3.001
 RULE TITLE: Schedule for Fees Adopted by the Board

NOTICE OF PUBLIC HEARING

The Board of Geologists hereby gives notice of a public hearing on the above-referenced rule to be held on September 9, 1999, at 1:00 p.m., at the Crowne Plaza, 700 N. Westshore Blvd., Tampa, Florida 33609. The rule was originally published in Vol. 25, No. 22, of the June 4, 1999, Florida Administrative Weekly.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Deirdre O'Conner, Executive Director, Board of Geologists, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

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).

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Appraisal Board

RULE NO.: 61J1-4.001
 RULE TITLE: Education Requirement

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. 4, June 18, 1999, issue of the Florida Administrative Weekly:

61J1-4.001 Education Requirements.

(1) Persons desiring to become registered as an assistant appraiser must satisfactorily complete 75 classroom hours, inclusive of examination, of board approved academic courses in subjects related to real estate appraisal, which shall include coverage of the Uniform Standards of Professional Appraisal Practice. A classroom hour is defined as 50 minutes out of each 60 minute segment.

The remainder of the rule will read as published.

DEPARTMENT OF HEALTH

Board of Massage Therapy

RULE NO.: 64B7-27.002 RULE TITLE: Application for Licensure; Fees
 NOTICE OF CHANGE

Notice is hereby given that in response to written comments by the Joint Administrative Procedures Committee, 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. 18, May 7, 1999, issue of the Florida Administrative Weekly. Corrected, subsection (2) shall read as follows:

(2) The examination fee for certification in colonic irrigation shall be \$100.00. The reexamination fee for certification in colonic irrigation shall be \$100.00.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Bill Buckhalt, Executive Director, Board of Massage Therapy, 2020 Capital Circle, S. E., Bin #C09, Tallahassee, Florida 32399-3259

DEPARTMENT OF HEALTH

Board of Medicine

RULE NO.: 64B8-9.009 RULE TITLE: Standard of Care for Office Surgery
 THIRD NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the above-referenced rule based upon comments received at an additional public hearing on the rule. The rule was originally published in Vol. 25, No. 3, of the January 22, 1999, issue of the Florida Administrative Weekly. The Board held this additional public hearing on August 7, 1999, in Coral Gables, Florida. At the Board meeting following the additional public hearing, the Board voted to make changes to the rule. Any changes which conflict with the previous Notices of Change published in the April 23, 1999, and June 18, 1999, FAW, are superseded by the changes set forth below. The changes are as follows:

1. Subsection (2)(b) of the rule shall be changed to read, "The surgeon must maintain complete records of each surgical procedure, including anesthesia records, when applicable and the records shall contain written informed consent from the patient reflecting the patient's knowledge of identified risks, consent to the procedure, type of anesthesia and anesthesia provider, and that a choice of anesthesia provider exists, i.e.,

anesthesiologist, another appropriately trained physician as provided in this rule, a certified registered nurse anesthetist, or physician assistant qualified as set forth in rule 64B8-30.012(2)(b)6., Florida Administrative Code."

2. Subsection (2)(e) of the rule shall be changed to read, "The maximum planned duration of all surgical procedures combined must not exceed 8 hours. The patient must be discharged within 24 hours of presenting to the office for surgery. An overnight stay is permitted in the office provided the total time the patient is at the office does not exceed 23 hours and 59 minutes including the surgery time. If the patient has not recovered sufficiently to be safely discharged, the patient must be transferred to a hospital for continued post-operative care."

3. Subsection (2)(f) shall be changed to read:

"(f) The surgeon must assure that the post-operative care arrangements made for the patient are adequate to the procedure being performed as set forth in Rule 64B8-9.007, F.A.C. Management of post surgical care is the responsibility of the operating surgeon and may be delegated only as set forth in Rule 64B8-9.007(3), F.A.C. If there is an overnight stay at the office in relation to any surgical procedure:

1. The office must provide at least two (2) monitors, one of these monitors must be certified in Advanced Cardiac Life Support (ACLS), and maintain a monitor to patient ratio of at least 1 monitor to 2 patients. Once the surgeon has signed a timed and dated discharge order, the office may provide only one monitor to monitor the patient. The monitor must be certified in Advanced Cardiac Life Support. The full and current crash cart required below must be present in the office and immediately accessible for the monitors.

2. The surgeon must be reachable by telephone and readily available to return to the office if needed. For purposes of this subsection, "readily available" means capable of returning to the office within 15 minutes of receiving a call."

4. Subsection (4)(b)4., shall be change to read:

"4. Assistance of Other Personnel Required. The surgeon must be assisted by a qualified anesthesia provider as follows: An anesthesiologist, Certified Registered Nurse Anesthetist, or Physician Assistant qualified as set forth in Rule 64B8-30.012(2)(b)6., Florida Administrative Code, or a registered nurse may be utilized to assist with the anesthesia, if the surgeon is ACLS certified. An assisting anesthesia provider cannot function in any other capacity during the procedure. If additional assistance is required by the specific procedure or patient circumstances, such assistance must be provided by a physician, osteopathic physician, registered nurse, licensed practical nurse, physician assistant, or operating room technician. A physician licensed under Chapter 458 or 459, a licensed physician assistant, a licensed registered nurse with post-anesthesia care unit experience or the equivalent, credentialed in Advanced Cardiac Life Support or, in the case

of pediatric patients, Pediatric Advanced Life Support, must be available to monitor the patient in the recovery room until the patient is recovered from anesthesia.”

5. Subsection (6)(a)1., shall read as follows:

“1. Level III Office Surgery is that surgery which involves, or reasonably should require, the use of a general anesthesia or major conduction anesthesia and pre-operative sedation. This includes the use of:

a. Intravenous sedation beyond that defined for Level II office surgery;

b. General Anesthesia: loss of consciousness and loss of vital reflexes with probable requirement of external support of pulmonary or cardiac functions; or

c. Major Conduction anesthesia.”

6. Subsection (6)(b)1.b., shall be changed to read, “The surgeon and one assistant must be currently certified in Basic Life Support and the surgeon or at least one assistant must be currently certified in Advanced Cardiac Life Support.”

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

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Family Safety and Preservation Program

RULE NOS.:	RULE TITLES:
65C-13.001	Definitions
65C-13.002	Private Agency Foster Homes
65C-13.003	Pre-Service and In-Service Training
65C-13.004	Initial Licensing Procedures for Foster Homes, Emergency Shelters and Group Homes
65C-13.005	Changes During the Licensed Year
65C-13.006	Relicensing Procedure
65C-13.007	Respite Care
65C-13.008	Prospective Foster Parent Inquiries
65C-13.009	Parent Preparation
65C-13.010	Substitute Care Parents’ Role as a Team Member Minimum Standards for Licensure of Family Foster Homes
65C-13.011	Family Emergency Shelter Homes and Family Group Homes
65C-13.012	Substitute Family Records

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 25, No. 18, May 7, 1999, Florida Administrative Weekly has been withdrawn.

**Section IV
Emergency Rules**

DEPARTMENT OF THE LOTTERY

RULE TITLE: Instant Game 77 Specifics
 RULE NO.: 53ER99-38

SUMMARY OF THE RULE: This emergency rule relates to the Instant Game 77, "MONTE CARLO" for which the Department of the Lottery will start selling tickets on a date determined by the Secretary of the Department. The rule sets forth the specifics of the game, determination of prizewinners and the number and size of prizes in the game.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Diane D. Schmidt, Legal Analyst, Department of the Lottery, Capitol Complex, Tallahassee, Florida 32399-4011

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER99-38 Instant Game 77 Specifics.

(1) Name of Game. Instant Game Number 77, "MONTE CARLO."

(2) Price. MONTE CARLO tickets sell for \$1.00 per ticket.

(3) MONTE CARLO Lottery tickets shall have a series of numbers in Machine Readable Code (or bar code) on the back of the ticket, along with a VIRN under the latex area on the ticket. To be a valid winning MONTE CARLO Lottery ticket, a combination of essential elements sufficient to validate the ticket must be present as set forth in Rule 53ER92-63(1)(a), F.A.C. In the event a dispute arises as to the validity of any MONTE CARLO Lottery ticket, the VIRN number under the latex shall prevail over the bar code.

(4) Design of Ticket. There are 5 different ticket scenes in Instant Game Number 77, MONTE CARLO. Each scene represents one fifth of the total number of tickets in Instant Game Number 77, MONTE CARLO.

(5) The "YOUR HANDS " play symbols and play symbol captions in scene 1 are as follows:

INSERT GRAPHICS

(6) The "DEALER'S HAND" play symbols and play symbol captions in scene 1 are as follows:

INSERT GRAPHICS

(7) The "WHEEL NUMBER (#)" play symbols and play symbol captions in scene 2 are as follows:

INSERT GRAPHICS