

Section I
Notices of Development of Proposed Rules
and Negotiated Rulemaking

DEPARTMENT OF EDUCATION

State Board of Education

Table with 2 columns: RULE TITLES and RULE NOS.:
Special Programs for Students who are Homebound or Hospitalized 6A-6.03020
Special Programs for Students with Disabilities Who are Served in Homebound or Hospitalized Settings 6A-6.030201
Development of Individual Educational Plans for Exceptional Students 6A-6.03028
Development of Family Support Plans for Children with Disabilities Ages Birth Through Five Years 6A-6.03029
Procedural Safeguards for Children Ages Birth Through Two Years with Disabilities 6A-6.03032
Identification and Assignment of Exceptional Students to Special Programs 6A-6.0331
Procedural Safeguards for Exceptional Students 6A-6.03311
Discipline Procedures for Students with Disabilities 6A-6.03312
Procedural Safeguards for Students who are Gifted 6A-6.03313
Special Programs and Procedures for Exceptional Students 6A-6.03411

PURPOSE AND EFFECT: The purpose of the proposed rule developments is to propose changes to the State Board of Education rules to align them with the Individuals with Disabilities Education Act, 1997, to meet federal requirements.
SUBJECT AREA TO BE ADDRESSED: Provisions for exceptional students.

SPECIFIC AUTHORITY: 229.053(1), 230.23(4)(m), 236.081(1)(c) FS.

LAW IMPLEMENTED: 228.041(18)(19), 229.053(2)(c), 230.23(4)(m) FS.

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

TIME AND DATE: 9:00 a.m. – 12:30 p.m., January 5, 2000

PLACE: The workshops will be held simultaneously at the following locations:

- Doubletree Hotel, 4500 West Cypress Street, Tampa, Florida
Embassy Suites, 1100 S. E. 17th Street, Ft. Lauderdale, Florida
Room 1703, Turlington Building, 325 West Gaines Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Shan Goff, Bureau Chief, Bureau of Instructional Support and

Community Services, Department of Education, 325 West Gaines Street, Room 614, Tallahassee, Florida 32399-0400, (850)488-1570

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

DEPARTMENT OF EDUCATION

Board of Regents

Table with 2 columns: RULE TITLE and RULE NO.:
Admissions 6C-6.001

PURPOSE AND EFFECT: The Board proposes amendments relating to the criteria for admission of students to the State University System and to enrollment policies in the State University System.

SUBJECT AREA TO BE ADDRESSED: Admission of Students; State University System Enrollment Policies.

SPECIFIC AUTHORITY: 240.209(1) FS.

LAW IMPLEMENTED: 240.209(1),(3)(s), 240.227(8), 240.233, 240.2097, 240.529 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 Bestebeurtje, Corporate Secretary, Florida Board of Regents, 1522 Florida Education Center, Tallahassee, Florida 32399-1950

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE, IN HARD COPY OR ELECTRONIC FORMAT, AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

DEPARTMENT OF EDUCATION

Board of Regents

Table with 2 columns: RULE TITLE and RULE NO.:
Entering or Transferring Graduate Students and Post-Baccalaureate Professional Students 6C-6.003

PURPOSE AND EFFECT: The Board proposes amendments relating to the criteria for admission of Graduate and Professional students to the State University System.

SUBJECT AREA TO BE ADDRESSED: Admission of Graduate and Professional Students.

SPECIFIC AUTHORITY: 240.209(1) FS.

LAW IMPLEMENTED: 240.209(1), 240.227(8), 240.233 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, 1522 Florida Education Center, Tallahassee, Florida 32399-1950

THE PRELIMINARY TEXT OF THE PROPOSED RULE IS AVAILABLE, IN HARD COPY OR ELECTRONIC FORMAT, AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

DEPARTMENT OF TRANSPORTATION

RULE CHAPTER TITLE: Toll Enforcement
RULE CHAPTER NO.: 14-100
RULE TITLES: Training and Qualification Standards for
Toll Enforcement Officers

PURPOSE AND EFFECT: The rule chapter is being expanded in scope from "Training and Qualification Standards for Toll Enforcement Officers" to "Toll Enforcement" to include a new rule on the prosecution of unpaid toll violations.

SUBJECT AREA TO BE ADDRESSED: This is an amendment of Rule Chapter 14-100, which includes expanding the scope of the chapter, amending the chapter title, and adding a new rule on the prosecution of unpaid toll violations.

SPECIFIC AUTHORITY: 334.044(2) FS.
LAW IMPLEMENTED: 316.1001, 334.044(28), 334.187, 338.155, 338.165, 338.231 FS.

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

TIME AND DATE: 11:00 a.m., December 28, 1999
PLACE: Florida's Turnpike Operations Center, Conference Room A, Mile Post 65, Pompano Service Plaza, Pompano Beach, Florida 33069

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: James C. Myers, Administrative and Management Support Level IV, Florida Department of Transportation, Office of the General Counsel, 605 Suwannee Street, Mail Station 58, Tallahassee, Florida 32399-0458

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

14-100.001 Training and Qualification Standards for Toll Enforcement Officers.

(1) Application and Scope. The purpose of this rule is to establish minimum training and qualification standards for toll enforcement officers. These standards shall be the minimum requirements necessary for eligibility to be a toll enforcement officer, who is authorized to issue uniform traffic citations for a failure to pay tolls on a toll facility owned or operated by a

governmental entity, as defined in Section 334.03(12), Florida Statutes. The governmental entity operating a toll facility may establish more stringent requirements ~~in addition to these requirements~~, for its toll enforcement officers. These rules also establish the procedures for the use of toll cards on toll facilities operated by the Department.

(2) Compliance. Compliance with the rule standards shall be the responsibility of the respective governmental entity which operates the toll facility.

(3) Minimum Training. Toll enforcement officers shall successfully complete the following:

(a) A training course with the Department of Highway Safety and Motor Vehicles on the procedures for issuance of uniform traffic citations.

(b) A minimum of 40 hours of technical instruction on how to access, operate, and maintain the violation enforcement system. The components of the training shall include, at a minimum, equipment configuration and operation.

(4) Minimum Qualifications. The following minimum qualifications shall be applicable to toll enforcement officers:

(a) Applicants for positions as toll enforcement officers shall, through their education and work experience record, demonstrate to the satisfaction of the hiring governmental entity that ~~they the applicant~~ possesses the following abilities:

1. The ability to collect and evaluate data related to a violation enforcement system; and

2. The ability to understand and apply applicable agency, evidentiary, and violation enforcement system rules, regulations, policies, and procedures.

(b) Toll enforcement officers shall have visual acuity correctable to 20/20.

(c) Toll enforcement officers must:

1. Be certified pursuant to Section 943.13, Florida Statutes, and Chapter 11B-27, ~~F.A.C. Florida Administrative Code~~; or

2. Meet the requirements of Sections 943.13(1)-(4), Florida Statutes; and

3. Have a good moral character, as described in under Section 943.13(7), Florida Statutes, and Rule 11B-27.0011(2), (4)(a), (b), and (c)1.-6., and (d), ~~F.A.C. Florida Administrative Code~~ (Amended 1-2-97), as determined by a background investigation meeting the requirements of Rule 11B-27.0022(1) and (2), ~~F.A.C. Florida Administrative Code~~ (Amended 1-2-97). The foregoing rules are incorporated herein by reference.

Specific Authority 334.044 (2) FS. Law Implemented 316.1001, 316.640(1)(b) FS. History--New 10-21-97, Amended _____.

14-100.002 Prosecution of Unpaid Toll Violations.

(1) Application and Scope. The purpose of this rule is to deter violations of Section 316.1001, Florida Statutes, and to provide guidance to the Department for the issuance of a Toll Violation Warning (TVW) and Uniform Traffic Citation (UTC).

(a) It is in the public interest, fair to users who pay posted tolls, and necessary for toll collection and bond accountability, to enforce the payment of tolls and reduce the number of toll violations which occur when prescribed tolls are not paid by users of toll facilities. Failure to pay a prescribed toll is a violation of Section 316.1001, Florida Statutes. Violators are subject to issuance of a UTC by the Department. However, the Department shall attempt to deter violations by issuing a TVW prior to the issuance of the first UTC.

(b) The Department shall attempt to deter violations of Section 316.1001, Florida Statutes, and collect tolls for all toll facilities which the Department owns or operates. However, the Department reserves the right to suspend enforcement at one or more facilities without impact on the remaining facilities for reasons which may include, but are not limited to, a new facility becoming a part of the system.

(c) Violations of Section 316.1001, Florida Statutes, are punishable as a noncriminal moving traffic infraction under Section 318.18, Florida Statutes.

(d) After exhausting all internal Department Sunpass™ database records, the license plate number of the motor vehicle alleged to have committed a toll violation shall be forwarded to the Florida Department of Law Enforcement or the Department of Highway Safety and Motor Vehicles to obtain the name and address of the registered owner for use in prosecution of toll violations. In the case of joint ownership of the motor vehicle, the TVW or UTC shall be mailed to the first name appearing on the motor vehicle registration.

(2) Issuance of a TVW.

(a) In accordance with the *Violation Enforcement Procedures Manual*, (11/99), the first registered owner of a vehicle failing to pay a prescribed toll shall be issued a TVW, Form SP050-A-001, Rev. 11/99. The *Violation Enforcement Procedures Manual*, (11/99), is incorporated herein by reference. Copies of the manual may be obtained, at no more than cost, from the Department of Transportation, Toll Violation Enforcement, Post Office Box 880069, Boca Raton, Florida 33488-0069.

(b) A TVW for failure to pay a prescribed toll shall be issued based upon either:

1. The photographic image of the motor vehicle; or
2. A written report by a Toll Enforcement Officer of the facts and circumstances of the observed violation;

(c) A Department Toll Enforcement Officer shall issue a TVW by first class mail to the address of the registered owner of the motor vehicle alleged to be involved in the violation.

(d) Unless the TVW is based upon a written report of a visually observed occurrence, the TVW shall contain the photographic image of the violating vehicle captured by the Department's Violation Enforcement System's (VES) camera at the toll lane, and shall include the date and location of the violation, and any other pertinent information.

(3) Issuance of a UTC.

(a) In accordance with the *Violation Enforcement Procedures Manual*, (11/99), except when issued a TVW, as provided in Rule 14-100.002(2), the registered owner of a vehicle failing to pay a prescribed toll shall be subject to issuance of a UTC for a violation of Section 316.1001, Florida Statutes. The UTC shall be sent by certified U.S. mail to the address of the registered owner of the motor vehicle involved in the violation. The UTC shall be issued within 14 days of the alleged violation, in accordance with the *Florida Uniform Traffic Citation Procedures Manual* and Section 316.1001(1)(b), Florida Statutes. The *Florida Uniform Traffic Citation Procedures Manual* is hereby incorporated by reference. Copies of the manual are available at no more than cost from the Department of Highway Safety and Motor Vehicles, Room A325, Crash Records, 2900 Apalachee Parkway, Tallahassee, Florida 32399.

(b) A photographic image of a vehicle using a toll facility in violation of Section 316.1001, Florida Statutes, captured by the VES camera at the toll lane, shall be grounds for issuance of a UTC to the registered owner of the motor vehicle alleged to be involved in the violation.

(c) An Observed Violation Form, Form SP050-A-004, Rev. 11/99, from a Toll Enforcement Officer consisting of the written account of the Toll Enforcement Officer's observed facts and circumstances indicating that a prescribed toll was not paid shall be grounds for issuance of a UTC.

(d) The registered owner of the motor vehicle involved in the violation is responsible for payment of the amount provided for in Section 318.18, Florida Statutes, in addition to any amount that may be imposed as a result of pleading guilty or which may be otherwise imposed by the court, unless the owner establishes, to the court's satisfaction, that the motor vehicle was not in his or her care, custody, or control. Such fact must be established in accordance with Rule 14-100.002(5)(c).

(4) Validation of Digital Photographic Evidence.

(a) In accordance with the *Violation Enforcement Procedures Manual*, (11/99), the Department's Toll Enforcement Officer(s), or his or her designee, shall review captured photographic images of vehicle license plates to ensure accuracy and data integrity. The Toll Enforcement Officer(s), or designee, shall also verify that the toll collection and VES were performing properly, was functional, and was in operation at the time of the alleged toll violation. The Toll Enforcement Officer(s), or designee, shall review the transaction data to ensure that those transactions immediately prior and subsequent to the alleged toll violation transaction

were processed correctly. Such information shall be recorded on a Toll Transaction Report, Form SP050-A-005, Rev. 11/99, and shall be used in the processing of the UTC and in any judicial proceeding. The final decision of validation and the issuance of a UTC shall be made by the Toll Enforcement Officer (s).

(5) Response to a TVW or UTC.

(a) The TVW shall inform the registered owner that the vehicle registered in his or her name was observed failing to pay a required toll, and warn the registered owner that failure to pay prescribed tolls may result in the issuance of a Uniform Traffic Citation. There is no required response by the registered owner to a TVW.

(b) The UTC shall inform the registered owner that the vehicle registered in his or her name was observed failing to pay a required toll, and provide the registered owner of the options to pay a fine, in the event of noncontest of the UTC, and instruction on how to contest the UTC.

(c) Upon receipt of a UTC, the registered owner of the motor vehicle involved in the violation is responsible for payment of the amount provided for in Section 318.18, Florida Statutes, in addition to any amount that may be imposed as a result of pleading guilty or which may be otherwise imposed by the court, unless the owner can establish the motor vehicle was, at the time of violation, in the care, custody, or control of another person. In order to establish such facts, the registered owner of the motor vehicle is required to appear before the court and complete a sworn affidavit.

1. The Department will make the affidavit, Form SP050-A-03, Rev. 11/99, available to the court. Should the court choose not to use the affidavit, Form SP050-A-03, Rev. 11/99, the court will provide an appropriate affidavit form.

2. Should the court accept the affidavit, the UTC will be dismissed against the owner. In accordance with the court's policies and procedures, as appropriate, the UTC may be amended for issuance to the individual who was in the care, custody, or control of the vehicle.

(6) Forms. The following forms are incorporated by reference and made a part of this rule:

Form Number	Date	Title
SP050-A-001	11/99	Toll Violation Warning
SP050-A-002	11/99	Uniform Traffic Citation
SP050-A-003	11/99	Affidavit
SP050-A-004	11/99	Toll Enforcement Officer Observed Violation Form
SP050-A-005	11/99	Toll Transaction Report

Copies of these forms may be obtained from the Florida Department of Transportation, Toll Violation Enforcement, Post Office Box 880069, Boca Raton, Florida 33488-0069.

Specific Authority 334.044(2) FS. Law Implemented 316.1001, 334.044(28), 338.155, 338.165, 338.231 FS. History—New.

**DEPARTMENT OF TRANSPORTATION
Florida Seaport Transportation and Economic
Development Council**

RULE TITLES:	RULE NOS.:
Definitions	14B-1.001
Port Project Funding Application Procedures and Requirements	14B-1.002
Measuring Economic Benefits	14B-1.003
Determination of Funding;	
Council/Agency Review	14B-1.004
Council Procedures	14B-1.005
Eligible Port Funding Requirements	14B-1.006
Reporting Requirements	14B-1.007

PURPOSE AND EFFECT: The purpose of the proposed amendments to the rule is to update the application procedures and Council operating procedures due to the amendments to Chapter 311, Florida Statutes, and sections 320.20(3) and (4), Florida Statutes. The effect of the proposed rule is to change the procedures for seaport funding applications.

SUBJECT AREA TO BE ADDRESSED: Florida Seaport Transportation and Economic Development (FSTED) Council project funding application procedures and requirements, and FSTED Council operating procedures.

SPECIFIC AUTHORITY: 311.09(4), 120.536 FS.

LAW IMPLEMENTED: 311.07, 311.09, 315.02, 320.20(3), 320.20(4) 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., January 7, 2000

PLACE: 315 South Calhoun Street, Suite 712, Tallahassee, FL 32301

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Any person requiring special accommodations to participate in this workshop is asked to advise Jim Massie, (850)222-8021, at least 5 calendar days before the workshop.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Jim Massie, General Counsel, Florida Seaport Transportation and Economic Development Council, Massie & Scott, P. O. Box 10371, Tallahassee, FL 32302, (850)222-8021

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

14B-1.001 Definitions.

(1) "Council" means the Florida Seaport Transportation and Economic Development Council as provided in s. 311.09(1), F.S.

(2) "Program Funds" are those funds identified in s. 311.07(2), F.S., derived from the State Transportation Trust Fund and funds derived from the provisions of ss. 320.20(3)

~~and (4), F.S. "Trust Fund" means the Florida Seaport Transportation and Economic Development Trust Fund as provided in s. 311.07(2), F.S.~~

(3) "Eligible Port" means deepwater ports listed in s. 403.021(9)(b), F.S., which are governed by a public body, or any other deepwater port which is governed by a public body which complies with the water quality provisions of s. 403.061, F.S., the comprehensive master plan requirements of s. 163.3178(2)(k), F.S., the local financial management and reporting provisions of Part III of Chapter 218, F.S., and the auditing provisions of s. 11.45(3)(a)(4), F.S.

(4) "Port Transportation Project" means:

(a) Transportation facilities within the jurisdiction of the port; or

(b) The dredging or deepening of channels, turning basins, or harbors; or

(c) The construction or rehabilitation of wharves, docks, structures, jetties, piers, storage facilities, cruise terminals, automated people mover systems, or any facilities necessary or useful in connection with any of the foregoing; or

(d) The acquisition of container cranes or other mechanized equipment used in the movement of cargo or passengers in international commerce; or

(e) The acquisition of land to be used for port purposes; or

(f) The acquisition, improvement, enlargement, or extension of existing port facilities; or

(g) Environmental protection projects which are necessary because of requirements imposed by a state agency as a condition of a permit or other form of state approval; which are necessary for environmental mitigation required as a condition of a state, federal, or local environmental permit; which are necessary for the acquisition of spoil disposal sites and improvements to existing and future spoil sites; defined in s. 376.22, F.S.; or which result from the funding of eligible projects listed herein; or

(h) Transportation facilities as defined in s. 334.03(27), F.S., which are not otherwise part of the Department of Transportation's adopted work program; ~~or -~~

(i) Seaport intermodal access projects identified in the 5-year Florida Seaport Mission Plan as provided in s. 311.09(3), F.S.

(5) "Port Master Plan" means a comprehensive master plan prepared by each eligible deepwater port ~~listed in s. 403.021(9), F.S.~~, which addresses existing port facilities and any proposed expansions and which adequately addresses the applicable requirements of s. 163.3178(2)(k), F.S., or other provisions of the Local Government Comprehensive Planning and Land Development Regulation Act, Part II of Chapter 163.

(6) "Florida Seaport Mission Plan" means the mission statement developed by the Council which defines the goals and objectives of the Council concerning the development of port facilities and an intermodal transportation system. The five year plan shall be updated annually and shall include

specific recommendations for the construction of intermodal transportation projects which connect a port to another transportation mode and port transportation projects which enhance international commerce and provide economic benefits to the state.

(7) "Matching Funds" for an approved port transportation project other than seaport intermodal access projects are those funds provided by the eligible port from any source other than the Florida Department of Transportation which shall, at a minimum, be an amount equal to the program funds ~~each~~ contribution provided by the Trust Fund to fund the approved project. "Matching Funds" for seaport intermodal access projects as described in s. 341.053(5), F.S., that are identified in the Seaport Mission Plan shall be as mutually determined by the Council and the Department of Transportation, provided a minimum of 25 percent of total project funds shall come from any port funds, local funds, private funds, or specifically earmarked federal funds. "Matching Funds" for seaport intermodal access projects that involve the dredging or deepening of channels, turning basins, or harbors; or the rehabilitation of wharves, docks, or similar structures shall be 25 percent of the total project funds coming from any port funds, federal funds, local funds, or private funds.

(8) "Approved Project" means a port transportation project which has been determined by the Department of Community Affairs to be consistent, to the maximum extent feasible, with an approved local government comprehensive plan and with the port master plan; determined by the Department of Transportation to be consistent with the policies and needs contained in the Florida Transportation Plan and, as appropriate, the Department's adopted work program; and determined by the Office of Tourism, Trade, and Economic Development ~~Department of Commerce~~ to be consistent with the Florida Seaport Mission Plan and to have an economic benefit to the state.

(9) "Eligible Costs" means costs that may be incurred and paid by program funds ~~funds from the Trust Fund~~. Eligible costs include: design and engineering, permitting costs, environmental mitigation, construction of the port transportation project, security, right-of-way acquisition, relocation of electrical utilities, drainage, railroad spurs, water lines, sewer lines, ~~and~~ other infrastructure costs associated with construction of the port transportation project; and the acquisition of trade data information products. Eligible costs may include improvements or fixtures constructed or placed on leased property so long as the useful life of the improvements or fixtures is equal to or less than the length of the lease, or so long as the improvements or fixtures remain under the control and use of the port after the termination of the lease. Costs associated with preparation of the application or administration of the project fund are not eligible costs.

(10) "Acquisition" means the legal acquisition of real or personal property and may be by purchase, lease, gift, devise, grant, bequest, or eminent domain.

(11) "Existing Port Facilities" shall mean facilities, and improvements of every kind, nature, and description to property or facilities as defined in s. 311.07, F.S.

(12) "Trade Data Information Products" are products related to the purchase of information related to any or all of the following:

(a) Market intelligence;

(b) Economic activity;

(c) Economic and natural resources;

(d) Transportation infrastructure;

(e) Navigational and shipping issues;

(f) Environmental issues.

(13) "Material Project Modification" shall mean a modification to the facility or project that is reasonably expected to have the following impact:

(a) Increases the cost of the facility or project by more than 10 percent of its original estimated cost;

(b) Increases the capacity of heavy truck traffic, railcar, passenger car or changes in the configuration of internal roadways or rail lines by more than 5% of the capacity in the original estimate;

(c) Leads to a new or substantially different type of facility or project, including any operational change or other changes that impact the reported level of service on any affected roadway; or

(d) Any land acquisition.

Specific Authority 120.536, 311.09(4) FS. Law Implemented 311.07, 311.09, 315.02, 320.20 FS. History--New 12-19-90, Amended.

14B-1.002 Port Project Funding Application Procedures and Requirements.

(1) An application shall be accepted only from an eligible port. The port shall apply for the grant by submitting to the Council an application entitled "Florida Seaport Transportation and Economic Development Project Application", Form FSTED-1, hereby incorporated by reference, which contains five separate elements as described in (7) below. Applications shall be submitted by the appropriate duly authorized official of such port. ~~Beginning in 1991, The period for submitting applications for the applicable fiscal year funding shall be from January 1 to August 1 February 15 in each calendar year.~~ Application forms may be obtained from and completed applications submitted in five (5) copies to: Florida Seaport Transportation and Economic Development Council, P. O. Box 10137, Tallahassee, FL 32302; or, 315 South Calhoun Street, Suite 712, Tallahassee, FL 32301.

(2) The applicant must provide information in application format so that it may be determined whether the proposed port transportation project is consistent, to the maximum extent feasible, with an approved local government comprehensive

plan and port master plan. The applicant must provide its current updated port master plan both to the Council and to the Department of Community Affairs.

(3) The application must be accompanied by a drawing or map which depicts the port transportation project in relation to the port and the local community.

(4) The applicant must provide information in application format so that it may be determined whether the project provides an economic benefit and is consistent with the Florida Seaport Mission Plan.

(5) The applicant must provide information in application format so that it may be determined whether the project is consistent with the policies and needs contained in the Florida Transportation Plan.

(6) The Council will have fifteen (15) days from receipt of an application to examine the application and notify the applicant ~~in writing~~ of any apparent errors or omissions and to request any needed additional information. The applicant shall then have fifteen (15) days from receipt of the request to provide the additional information. The application shall not be considered to be properly completed if the additional information is not provided. If technical changes are necessary, the Council or Administrative Staff can make those changes with approval of the applicant port.

(7) The project information required to be submitted by the applicant port is contained in the application Form FSTED-1, consisting of the following five units or forms:

(a) Form A. The cover sheet summary of the Council's application contains the summary information: name of applicant, authorized representative, brief project description (project number, amount requested/fiscal year), plan information, economic benefit analysis, map/drawing, and signature of authorized official of the applicant port. Attached to Form A is a description of "Project Eligibility Requirements."

(b) Form B – Means of Financing. Incorporated herein by reference is a copy of Form B which requires a detailed description of the project, estimated number of years for project completion, phase or year of request, state funds requested, and source of port matching funds.

(c) Form C – Port Development Candidate File. Incorporated herein by reference is Form C which is a five year forecast of funding requests for capital improvements at the applicant port. If the port's total capital improvement program for the five year period is different than the five year forecast of funding requests, a description of the total five year capital improvement program should also be provided. This latter information will be used for the reporting requirements of the Florida Seaport Mission Plan.

(d) Form D – Plan Information. Incorporated herein by reference is Form D which requires information from the applicant port about its port master plan and local government comprehensive plan so that the Department of Community

Affairs may review the project to determine whether it is consistent to the maximum extent feasible with the local government comprehensive plan and the port master plan. The applicant must certify that both the Department of Community Affairs and the FSTED Council have a provide two (2) copies of its current updated port master plan of the port, when submitting the applications and, if not, include a copy with the application.

(e) Form E – Economic Benefit Analysis. Incorporated herein by reference is Form E which requires economic benefit information related to the project so that the Office of Tourism, Trade, and Economic Development Department of Commerce may determine whether the project provides an economic benefit to the state and is consistent with the Florida Seaport Mission Plan.

(f) Form F – Transportation Impact Information. Incorporated herein by reference is Form F which requires transportation impact information related to the project so that the Department of Transportation may determine the transportation impact to the state. Prior to submitting Form F to the Council, the port applicant is encouraged to submit the project description and Form F to the local government of jurisdiction upon whose transportation facility the proposed project would impact in order to highlight any possible transportation problems relating to level of service requirements.

(g) Form G – Status Report and Resubmittal of Previously Submitted Projects. Incorporated herein by reference is Form G which requires information related to the status of projects and resubmission of previously submitted project applications to the Council. Previously submitted projects that have a material project modification shall require new or additional project information to be submitted on forms A through F.

(8) All forms and form instructions are incorporated herein by reference and are available by writing to the address provided in subsection (1) above.

(9) The Council may will consider the submittal by an eligible port of an application for funding of an emergency project at any time during the calendar year. An emergency project is defined as a project which requires the maintenance or reconstruction of an eligible project which contributes to or enables the port to continue to perform an essential service at the same level of service which it has previously provided in the movement of cargo or passengers; or is a project which, because of changing circumstances, new opportunities, or a material project modification is considered by the Council to be an eligible project which can not wait until the next application period without causing harmful effects to the port or the citizens of the state.

Specific Authority 120.53, 311.09(4) FS. Law Implemented 311.09 FS. History–New 12-19-90, Amended _____.

14B-1.003 Measuring Economic Benefits.

(1) The Council shall review each properly completed application to determine the economic benefit of the port transportation project measured by the potential for the proposed project to increase or maintain cargo flow, cruise passenger movement, international commerce, port revenues, and the number of jobs for the port's local community.

(2) The minimum criteria to be utilized by the Council in specifying and identifying a port transportation project as facilitating the economic benefit of Florida shall consist of satisfaction of the following:

(a) Each application must indicate the amount of the port's capital investment in the port transportation project and the source of port matching funds.

(b) Each application must provide a separate port analysis of how the port transportation project will support international commerce, increase or maintain cargo flow through the port or improve cruise passenger movements. The analysis must provide specific assumptions about demand for additional service or capacity on which the project is based; type of employment to include the average hourly wage that will be created by the project or reasons the port project is needed to support existing employment; expected life of the project; expected port revenue stream resulting from the project; and a description of how the port project will affect and enhance the local, regional and state economies. The applicant shall, upon request by the Council, provide any other economic impact information which would assist the Council and the Office of Tourism, Trade, and Economic Development Department of Commerce to determine the economic benefit of the port transportation project.

Specific Authority 120.53, 311.09(4) FS. Law Implemented 311.09 FS. History–New 12-19-90, Amended _____.

14B-1.004 Determination of Funding; Council/Agency Review.

(1) The Council shall review and take action on approve or disapprove each project eligible for funding from the Trust Fund within one hundred twenty (120) days of the application deadline. After such determination, the Council shall annually submit to the Secretary of Transportation, the Office of Tourism, Trade, and Economic Development Secretary of Commerce, and the Secretary of Community Affairs a list of projects which have been approved by the Council. The list shall specify the recommended funding level for each project; and, if staged implementation of the project is appropriate, the funding requirements for each stage shall be specified. The decision to fund a project at any funding level is within the sole discretion of the Council.

(2) Upon receipt of the list of projects approved by the Council and the appropriate related project information, the Department of Community Affairs shall review the projects to determine consistency, to the maximum extent feasible, with approved local government comprehensive plans of the units

of local government in which the port is located and with the port master plan. Within forty-five (45) days from receipt of the list of projects and supporting applications, the Department of Community Affairs shall notify the Council of those projects which are not consistent, to the maximum extent feasible, with such comprehensive plans and port master plans. Should additional information be requested from one or more applicants by the Department of Community Affairs to permit the Department of Community Affairs to evaluate project consistency, the time limit for the Department's review and notice to the Council shall be extended fifteen (15) days following receipt of the requested information.

(3) Upon receipt of the list of projects approved by the Council and the appropriate related project information, the Department of Transportation shall review the list of projects for consistency with the policies and needs contained in the Florida Transportation Plan and, as appropriate, the Department's adopted work program. In evaluating the consistency of a project, the Department shall determine whether the transportation impact of the proposed project is adequately handled by existing state highway facilities or by the construction of additional state highway facilities as identified in the Department's adopted work program. In reviewing for consistency a transportation facility project as defined in s. 334.03(27), F.S., which is not otherwise part of the Department's work program, the Department shall evaluate whether the project is needed to provide for projected movement of cargo or passengers from the port to the State Highway System or local road. If the project is needed to provide for projected movement of cargo or passengers, the project shall be approved for consistency as a consideration to facilitate the economic development and growth of the state in a timely manner. Within forty-five (45) days from receipt of the list of projects, the Department of Transportation shall identify those projects which are not consistent with the policies and needs contained in the Florida Transportation Plan and, as appropriate, the Department's adopted work program and shall notify the Council of projects found to be inconsistent. Should additional information be requested from one or more applicants by the Department of Transportation to permit the Department of Transportation to evaluate project consistency, the time limit for the Department's review and notice to the Council shall be extended fifteen (15) days following receipt of the requested information.

(4) Upon receipt of the list of projects approved by the Council and the appropriate related project information, the Office of Tourism, Trade, and Economic Development ~~Department of Commerce~~ shall review the list of projects to evaluate the economic benefit of the project and to determine whether the project is consistent with the Florida Seaport Mission Plan. The Office of Tourism, Trade, and Economic Development ~~Department of Commerce~~ shall evaluate the economic benefits of each project based upon the information required by the Council Rule No. 14B-1.003 and, in so doing,

may conduct any appropriate investigation to determine the accuracy of the information. Within forty-five (45) days from receipt of the list of projects, the Office of Tourism, Trade, and Economic Development ~~Department of Commerce~~ shall identify those projects which it has determined do not offer an economic benefit to the state or are not consistent with the Florida Seaport Mission Plan and shall notify the Council of its findings. Should additional economic impact information be requested from the applicant by the Office of Tourism, Trade, and Economic Development ~~Department of Commerce~~, the time limit for the Department's review of the project shall be extended fifteen (15) days following receipt of the requested information.

(5) The Council shall review the findings of the Department of Community Affairs, the Office of Tourism, Trade, and Economic Development ~~Department of Commerce~~, and the Department of Transportation. Projects found to be inconsistent pursuant to subsections (2), (3), and (4) above and projects which have been determined not to offer an economic benefit to the state pursuant to subsection (4) shall not be included in the list of projects to be funded. However, the list of proposed projects may include projects which have been determined inconsistent, where such inconsistency determination was wholly unrelated to the proposed project itself, but was made on the basis that the local government comprehensive plan was not in compliance with the requirements of Chapter 163, F.S. Such projects are eligible for funding at the time the local government comprehensive plan is determined by the Department of Community Affairs or the Administration Commission to be in compliance with Chapter 163, F.S.; provided, however, that no amendments to the local comprehensive plan which brought it into compliance altered or modified the plan in relation to the impacts of the project itself.

(6) The Council shall submit to the Department of Transportation a list of approved projects for funding ~~from the Trust Fund~~. The Department of Transportation shall include in its annual legislative budget request a Florida Seaport Transportation and Economic Development grant program ~~for expenditure of funds in the Trust Fund~~. Such budget request shall request funding for the list of approved projects submitted by the Council based upon the funds expected to be available ~~in the Trust Fund~~ during the ensuing budget year. Additionally, the Council may submit to the department a list of unfunded approved projects that could be made production-ready within the biennium and for which program trust funds are not available in that budget year. The list of unfunded approved projects shall be submitted by the Department of Transportation as part of the project list prepared pursuant to s. 339.135(4)(j), F.S., and the needs list prepared pursuant to s. 339.155(5)(b), F.S.

Specific Authority 120.53, 311.09(4) FS. Law Implemented 311.09 FS. History--New 12-19-90, Amended.

14B-1.005 Council Procedures.

(1) The Council shall meet at the call of its chairperson, at the request of a majority of its membership, or at such times as may be prescribed in its bylaws. However, the Council must meet at least semiannually. A majority of voting members of the Council constitutes a quorum for the purpose of transacting the business of the Council. All members of the Council are voting members except for members representing the Department of Transportation, the Department of Community Affairs, and the Office of Tourism, Trade, and Economic Development ~~Department of Commerce~~. A majority vote of the voting members present is sufficient for any action of the Council, unless the bylaws of the Council require a greater vote for a particular action.

(2) The Council shall allocate ~~prioritize~~ funding for approved projects. A majority vote of the voting Council members present is sufficient to approve funding for a specific port transportation project and is sufficient for the Council to allocate ~~prioritize~~ funding for all approved projects. ~~A Certification of Project Acceptance which certifies that the Council has reviewed the port projects pursuant to the requirements of applicable Florida law must be executed by the Chairman of the Council, witnessed, and attested to by the Assistant Secretary prior to submission of the approved project candidate list to the Department of Transportation. Said certification in the form approved by the Department of Transportation shall accompany the project list submittal.~~ A majority vote of the voting Council members present is sufficient to disapprove funding for a specific port transportation project.

(3) The Council shall submit a summary of port transportation projects with pertinent information to the Council members no less than five (5) seven (7) working days prior to the date of the meeting at which such projects will be considered for funding approval.

(4) Applicants whose port transportation projects are not recommended for funding in any given year may reapply for subsequent funding consideration by the Council.

(5) The Council shall publish in the Florida Administrative Weekly, at least seven (7) days prior to Council meetings or workshops, notification of the time and place the Council will meet. Such meetings or workshops shall be open to the public. At least seven (7) days prior to a meeting, the Council shall prepare and make available an agenda for distribution on request of any interested person. The Council also shall provide seven (7) days prior notification of Council meetings or workshops by mailing a notice to each eligible port applicant whose port transportation project is to be considered.

(6) Special meetings of the Council may be held at the call of the Chairman or shall be called by the Chairman at the written request of a majority of the voting members. Upon seven (7) days public notice, a special meeting may be

conducted by a telephone conference call with members of the Council in accordance with the provisions of Chapter 28-8, F.A.C., Model Rules of Procedure.

(7) Emergency meetings of the Council may be held at the call of the Chairman in accordance with the provisions of Chapter 28-2.007, F.A.C., Model Rules of Procedure.

(8) Members of the Council shall serve without compensation but are entitled to receive reimbursement for per diem and traveling expenses as provided in s. 112.061, F.S. The Council may elect to provide an administrative staff, by contract or otherwise, to provide services to the Council on matters relating to the program ~~Trust Fund~~ and the Council. The cost for such administrative services shall be paid by all ports that receive program funds ~~funding from the Trust Fund~~, based upon a pro rata formula measured by each recipient's share of the funds as compared to the total program ~~trust~~ funds disbursed to all recipients during the year. The share of costs for administrative services shall be paid in full by the recipient port upon execution by the port and the Department of Transportation of a Joint Participation Agreement or as otherwise directed by the FSTED Council, at the time the first payment of trust funds are disbursed to it. Such administrative services payment is in addition to the matching funds required to be paid by the recipient port.

Specific Authority 120.53, 311.09(2),(11) FS. Law Implemented 311.09 FS. History--New 12-19-90, Amended.

14B-1.006 Eligible Port Funding Requirements.

(1) Except for projects funded pursuant to ss. 320.20(3) and (4), F.S., a port eligible for matching funds ~~from the Trust Fund~~ may receive a grant of program funds ~~from the Trust Fund~~ of not more than \$7 million during any one calendar year and grants of not more than \$30 million during any five calendar year period.

(2) Any port which receives funding from the Council ~~Trust Fund~~ shall institute procedures to ensure that jobs created as a result of the state funding shall be subject to equal opportunity hiring practices in the manner provided in s. 110.112, F.S.

(3) The Department of Transportation shall subject any project that receives funds pursuant to this section to a final audit. The Department may adopt rules and perform such other acts as are necessary or convenient to ensure that the final audits are conducted and that any deficiency or questioned costs noted by the audit are resolved.

(4) Funds received by eligible ports from the Council ~~Trust Fund~~ shall be expended on eligible costs only. If program funds are not expended on eligible costs, then the port shall immediately reimburse the Council for its share of the ineligible expenditures.

(5) Except for seaport intermodal access projects and projects funded pursuant to bonds issued under the provisions of ss. 320.20(3) and (4), F.S., uUpon legislative approval of the Department of Transportation's budget request as provided in

Rule 14B-1.004 and upon entering into a written grant agreement with an eligible port, the Department of Transportation will reimburse the eligible port an amount equal to 50 percent of eligible costs incurred on an approved project. This reimbursement will be made upon receipt of an invoice showing total eligible costs incurred to date, less the port's 50 percent share, less reimbursements received to date. These reimbursements will be made in compliance with the payment requirements set forth in s. 215.422, F.S. The final reimbursement to the port will be released upon the satisfactory completion of a final audit conducted by the Florida Department of Transportation.

(6) For projects funded pursuant to bonds issued under the provisions of ss. 320.20(3) and (4), F.S., the reimbursement procedures will be as set forth in the Master Agreement, the Indenture of Trust, the Loan Agreement, and any other agreement with another applicable governmental entity.

Specific Authority 120.53, 311.07(4) FS. Law Implemented 311.07, 320.20(3),(4) FS. History—New 12-19-90, Amended _____.

14B-1.007 Reporting Requirements.

(1) If the port transportation project, except for seaport intermodal access projects and projects funded pursuant to bonds issued under the provisions of ss. 320.20(3) and (4), F.S., is to be funded in annual phases, the Council may shall require the port to submit an annual written report which describes the work completed per the project schedule, the status of the project, a description of any change orders which change the nature of the project and a budget summary detailing the amount of financial contribution to the project by the port. A phased project shall be considered by the Council as one project and shall be annually prioritized accordingly. An approved phased project shall be awarded separate annual grants until complete; provided, however, that no change order has been requested by the recipient port. Change orders requested for previously approved projects will require resubmission of a revised project application for Council and agency consistency review.

(2) Except for seaport intermodal access projects and projects pursuant to bonds issued under the provisions of ss. 320.20(3) and (4), F.S., the eligible port shall enter into a joint participation agreement (JPA) with the Department of Transportation which sets forth the duties and obligations of the parties thereto regarding the expenditure and receipt of funds prior to any expenditure of state funds. The recipient port also shall provide a signed letter stating that the port accepts total responsibility and ownership of the port transportation project.

Specific Authority 120.53, 311.09(4) FS. Law Implemented 311.07 FS. History—New 12-19-90, Amended _____.

DEPARTMENT OF THE LOTTERY

RULE TITLE: Confidential Information
 RULE NO.: 53-1.005

PURPOSE AND EFFECT: The purpose of the rule amendment is to delete the information in subparagraph 53-1.005(2)(b)10., which classifies information identifying the selling location of top tier winning tickets as confidential. The effect of this deletion will make said information public record. New language is added in subparagraph 53-1.005(2)(b)10., which provides that the information concerning pre-drawing and post-drawing test data for all on-line games shall be confidential.

SUBJECT AREA TO BE ADDRESSED: Confidential Information.

SPECIFIC AUTHORITY: 24.105(2)(a), 24.105(10)(j), 24.105(13)(a) FS.

LAW IMPLEMENTED: 24.105(10)(j), 24.105(13)(a) 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: Diane D. Schmidt, Office of the General Counsel, Florida Lottery, 250 Marriott Drive, Tallahassee, FL 32301, (850)487-7724

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

53-1.005 Confidential Information.

(1) No change.

(2) Confidential Information. The following items are determined to be confidential, and therefore exempt from the provisions of Section 119.07, F.S.:

(a) No change.

(b) On-Line Lottery Tickets. The following information concerning on-line tickets shall be confidential, whether presented or contained in a bid or proposal submitted to the Lottery, negotiation discussions, or in a contract with the Lottery:

1. through 9. No change.

10. All pre-drawing and post-drawing test data for all on-line games; Information identifying the selling location of top tier winning tickets (i.e., 5 of 5 matches in NEW FANTASY 5 or 6 of 6 matches in LOTTO) until such tickets have been validated and the prizes claimed

11. No change.

(c) through (k) No change.

Specific Authority 24.105(2)(a), 24.105(10)(j), 24.105(13)(a)(44) FS. Law Implemented 24.105(13)(a)(44) FS. History—New 2-25-93, Amended 8-15-93, _____.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Cosmetology

RULE TITLES: RULE NOS.:
Cosmetologist and Compensation Defined 61G5-18.00015
Initial Licensure or Registration Requirement
for Instruction on Human Immunodeficiency
Virus and Acquired Immune Deficiency
Syndrome; Course Content and
Approval Requirements 61G5-18.011

PURPOSE AND EFFECT: The Board proposes to update the existing rule texts.

SUBJECT AREA TO BE ADDRESSED: Cosmetologist and Compensation Defined; Initial Licensure or Registration Requirement for Instruction on Human Immunodeficiency Virus and Acquired Immune Deficiency Syndrome; Course Content and Approval Requirements.

SPECIFIC AUTHORITY: 455.2228(5), 477.016, 477.025(2) FS.

LAW IMPLEMENTED: 455.2228, 477.013, 477.025(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: Ed Brailles, Executive Director, Board of Cosmetology, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61G5-18.00015 Cosmetologist and Compensation Defined.

A cosmetologist is a person who is licensed to perform the mechanical or chemical treatment of the head, face, and scalp for aesthetic rather than medical purposes, including, but not limited to, hair shampooing, hair cutting, hair arranging, hair braiding, hair coloring, permanent waving, and hair relaxing, ~~or non-invasive hair removal~~, for compensation ~~in a licensed cosmetology salon~~. A cosmetologist may also perform non-invasive hair removals, including wax treatments but not including electrolysis as that term is defined in Chapter 478, Florida Statutes, manicures, pedicures, and skin care services. For the purposes of this act "compensation" is defined as the payment of money or its equivalent, the receipt or delivery of property, or the performance of a service, or the receipt or delivery of anything of value in exchange for cosmetology services. For the purposes of this act "medical purposes" is defined as any form of bodily intrusion into the orifices, skin, muscles, or any other tissues of the body.

Specific Authority 477.016, 477.025(2) FS. Law Implemented 477.013, 477.025(2) FS. History—New 10-10-82, Amended 6-28-84, Formerly 21F-18.001, Amended 7-4-90, Formerly 21F-18.00015, Amended 11-11-96, _____.

61G5-18.011 Initial Licensure or Registration Requirement for Instruction on Human Immunodeficiency Virus and Acquired Immune Deficiency Syndrome; Course Content and Approval Requirements.

- (1) through (5) No change.
- (6) Home study or video courses ~~shall~~ may be approved by the Board, provided they meet the requirements set forth in subsection (3). Home study courses must require a 75% passing score on a post course test to be graded by the course provider.
- (7) No change.

Specific Authority 455.2228(5), 477.016 FS. Law Implemented 455.2228 FS. History—New 9-2-90, Amended 4-9-91, 10-27-91, 6-14-93, Formerly 21F-18.011, Amended 2-1-95, 12-21-97, 1-31-99, _____.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Cosmetology

RULE TITLE: RULE NO.:
Definitions 61G5-29.001

PURPOSE AND EFFECT: The Board proposes the development to amend the rule to conform with statutory changes.

SUBJECT AREA TO BE ADDRESSED: Definitions.

SPECIFIC AUTHORITY: 477.016 FS.

LAW IMPLEMENTED: 477.013, 477.0135, 477.0201 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: Ed Broyles, Executive Director, Board of Cosmetology, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

- 61G5-29.001 Definitions.
- (1) through (2) No change.
- (3) "Facials" means the massaging or treating of the face, skin or scalp with or without the use of mechanical devices using oils, creams, lotions or other cosmetic products which are used to cleanse and condition the skin, to prevent or correct problems or conditions of the face and neck, and to color and beautify the face and neck or enhance their features; and, skin care services for the body. Facials shall be performed only by

individuals licensed pursuant to sections 477.019 and 477.0201, F.S., and performed in schools licensed pursuant to Chapter 246, F.S., or salons licensed pursuant to Section 477.025, F.S.

(4) through (6) No change.

Specific Authority 477.016 FS. Law Implemented 477.013, 477.0135, 477.0201 FS. History--New 11-7-85, Amended 1-5-86, 6-18-86, 10-26-87, 1-10-90, 8-20-90, 5-11-92, Formerly 21F-29.001, Amended 9-15-98.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Cosmetology

RULE TITLE: Continuing Education RULE NO.: 61G5-32.002

PURPOSE AND EFFECT: Propose rule will set forth the proration of Continuing Education for initial licensees.

SUBJECT AREA TO BE ADDRESSED: Proration of Continuing Education.

SPECIFIC AUTHORITY: 455.219(3), 455.2228, 477.016, 477.019 FS.

LAW IMPLEMENTED: 455.219(3), 455.228, 477.019(7) 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 IS: Ed Broyles, Executive Director, Board of Cosmetology, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

DOCKET NO.: 98-27R

RULE CHAPTER TITLE: Wastewater Facility Permitting RULE CHAPTER NO.: 62-620

PURPOSE AND EFFECT: The Department of Environmental Protection (Department) is seeking authorization from the United States Environmental Protection Agency to implement the remaining phase of the National Pollutant Discharge Elimination System (NPDES) permitting program as required by the Clean Water Act. The NPDES program consists primarily of five elements including Municipal, Industrial, Pretreatment, Stormwater and Federal Facilities. In a phased approach to delegation, the Department has previously been authorized to operate three of the elements, specifically the Municipal, Industrial, and Pretreatment programs. The proposed rule change will allow the Department to implement the NPDES program for stormwater associated with industrial activities.

SUBJECT AREA TO BE ADDRESSED: To establish by rule the Department's role in regulation of stormwater associated with industrial activities under the NPDES program. A Notice of Proposed Rule Development, published in the May 22, 1998, issue of the Florida Administrative Weekly, Vol. 24, No. 21, at page 2780, identified that the Department intended to amend rule sections 62-620.100 and 62-620.910, FAC. During the rule development process, the Department has decided that it may need to amend any or all of the rule sections contained in Chapter 62-620 of the Florida Administrative Code. Draft rules may be accessed on the World Wide Web at the following address: <http://www.dep.state.fl.us/water/slerp/pds/draft.htm>.

SPECIFIC AUTHORITY: 403.061(31), 403.087, 403.088, 403.0885 FS.

LAW IMPLEMENTED: 403.087, 403.088, 403.0885 FS.

RULE DEVELOPMENT WORKSHOPS HAVE BEEN SCHEDULED AND NOTICED IN THE NOVEMBER 5, 1999, ISSUE OF THE FLORIDA ADMINISTRATIVE WEEKLY, VOL. 25, NO. 44.

THE PERSON TO BE CONTACTED REGARDING THE RULE UNDER DEVELOPMENT AND TO OBTAIN A COPY OF THE PRELIMINARY DRAFT IS: Fred Noble, Division of Water Resource Management, Bureau of Water Facilities Regulation, Mail Station 3545, Florida Department of Environmental Protection, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, telephone (850)921-5330

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

DOCKET NO.: 98-29R

RULE CHAPTER TITLE: Generic Permits RULE CHAPTER NO.: 62-621

PURPOSE AND EFFECT: The Department of Environmental Protection (Department) is seeking authorization from the United States Environmental Protection Agency to implement the remaining phase of the National Pollutant Discharge Elimination System (NPDES) permitting program as required by the Clean Water Act. The NPDES program consists primarily of five elements including Municipal, Industrial, Pretreatment, Stormwater and Federal Facilities. In a phased approach to delegation, the Department has previously been authorized to operate three of the elements, specifically the Municipal, Industrial, and Pretreatment programs. The proposed rule change will allow the Department to implement the NPDES program for stormwater associated with industrial activities.

SUBJECT AREA TO BE ADDRESSED: To establish generic permits for use in regulation of stormwater associated with industrial activities under the NPDES program. A Notice of

Proposed Rule Development, published in the May 22, 1998, issue of the Florida Administrative Weekly, Vol. 24, No. 21, at page 2780, identified that the Department intended to amend rule sections 62-621.100 and 62-621.300, FAC. During the rule development process, the Department has decided that it may need to amend any or all of the rule sections contained in Chapter 62-621 of the Florida Administrative Code. Draft rules may be accessed on the World Wide Web at the following address: <http://www.dep.state.fl.us/water/slerp/pds/draft.htm>.

SPECIFIC AUTHORITY: 403.061, 403.087, 403.088, 403.0885 FS.

LAW IMPLEMENTED: 403.087, 403.088, 403.0885 FS.

RULE DEVELOPMENT WORKSHOPS HAVE BEEN SCHEDULED AND NOTICED IN THE NOVEMBER 5, 1999, ISSUE OF THE FLORIDA ADMINISTRATIVE WEEKLY, VOL. 25, NO. 44.

THE PERSON TO BE CONTACTED REGARDING THE RULE UNDER DEVELOPMENT IS: Fred Noble, Division of Water Resource Management, Bureau of Water Facilities Regulation, Mail Station 3545, Florida Department of Environmental Protection, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, telephone (850)921-5330

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

DOCKET NO.: 98-28R

RULE CHAPTER TITLE: Municipal Separate Storm Sewer Systems RULE CHAPTER NO.: 62-624

PURPOSE AND EFFECT: The Department of Environmental Protection (Department) is seeking authorization from the United States Environmental Protection Agency to implement the remaining phase of the National Pollutant Discharge Elimination System (NPDES) permitting program as required by the Clean Water Act. The NPDES program consists primarily of five elements including Municipal, Industrial, Pretreatment, Stormwater and Federal Facilities. In a phased approach to delegation, the Department has previously been authorized to operate three of the elements, specifically the Municipal, Industrial, and Pretreatment programs. The proposed rule change will allow the Department to implement the NPDES program for stormwater associated with municipal separate storm sewer systems. (MS4).

SUBJECT AREA TO BE ADDRESSED: To establish permitting procedures for use in regulation of stormwater associated with the MS4 NPDES program. A Notice of Proposed Rule Development, published in the May 22, 1998, issue of the Florida Administrative Weekly, Vol. 24, No. 21, at pages 2780-81, identified that the Department intended to create rule sections 62-624.100, 62-624.200, 62-624.300, 62-624.310, 62-624.320, 62-624.400, 62-624.500, 62-624.600,

and 62-624.700, F.A.C. During the rule development process, the Department has decided that it may need to create additional rule sections to Chapter 62-624 of the Florida Administrative Code. Draft rules may be accessed on the World Wide Web at the following address: <http://www.dep.state.fl.us/water/slerp/pds/draft.htm>.

SPECIFIC AUTHORITY: 403.061(31), 403.087, 403.088, 403.0885 FS.

LAW IMPLEMENTED: 403.087, 403.088, 403.0885 FS.

RULE DEVELOPMENT WORKSHOPS HAVE BEEN SCHEDULED AND NOTICED IN THE NOVEMBER 5, 1999, ISSUE OF THE FLORIDA ADMINISTRATIVE WEEKLY, VOL. 25, NO. 44.

THE PERSON TO BE CONTACTED REGARDING THE RULE UNDER DEVELOPMENT IS: Michael Bateman, Division of Water Resource Management, Bureau of Submerged Lands and Environmental Resources, Mail Station 2505, Florida Department of Environmental Protection, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, telephone (850)921-5330

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

DEPARTMENT OF HEALTH

Board of Optometry

RULE TITLES: Patient Records; Transfer or Death of

Licensed Practitioner

Minimum Procedures for Vision Analysis

Standard of Practice for Licensed Optometrists

PURPOSE AND EFFECT: The Board proposes the

development of rule amendments in response to a recent review of its rules.

SUBJECT AREA TO BE ADDRESSED: Changes to the rules with regard to patient record retention and standards of practice.

SPECIFIC AUTHORITY: 455.677, 463.005 FS.

LAW IMPLEMENTED: 455.667, 455.677, 463.005, 463.0135, 463.016(1) 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: 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:

64B13-3.003 Patient Records; Transfer or Death of Licensed Practitioner.

(1) through (4) No change.

(5) A licensed practitioner shall keep patient records for a period of at least ~~five two~~ years after the last entry. Upon the discontinuance of his or her practice, the licensed practitioner shall either transfer all patient records which are less than ~~five two~~ years old to an eye care practitioner licensed pursuant to Chapter 463, 458, or 459, Florida Statutes, where they may be obtained by patients, or he or she shall keep them in his or her possession for at least five years and make them available to be obtained by patients.

(6) No change.

(7)(a) The executor, administrator, personal representative, or survivor of a deceased licensed practitioner shall retain patient records concerning any patient of the deceased licensed practitioner for at least ~~five two (2)~~ years from the date of the death of the licensed practitioner.

(b) No change.

~~(c) At the conclusion of ten (10) months from the date of the licensed practitioner's death, the executor, administrator, personal representative, or survivor of the deceased licensed practitioner shall cause to be published in the newspaper of greatest general circulation in each county where the licensed practitioner practiced, a notice indicating to the patients of the deceased licensed practitioner that the deceased licensed practitioner's patient records will be disposed of or destroyed one (1) month or later from the last day of publication of the notice. The notice shall be published once during each week for four (4) consecutive weeks. A copy of the published notice shall be delivered to the Board office for filing.~~

Specific Authority 455.677, 463.005(1)(a),(d) FS. Law Implemented 455.667, 455.677, 463.005(1)(a),(d) FS. History--New 11-13-79, Amended 12-19-84, 4-8-85, Formerly 21Q-3.03, Amended 12-16-86, 7-11-88, Formerly 21Q-3.003, 61F8-3.003, Amended 2-14-96, Formerly 59V-3.003, Amended 3-29-98,_____.

64B13-3.007 Minimum Procedures for Vision Analysis.

(1) through (5) No change.

(6) The minimum procedures set forth in paragraph (2) above shall not be required in the following circumstances:

(a) When a licensed practitioner or certified optometrist is providing specific optometric services on a secondary or tertiary basis in patient co-management with one or more health care practitioners skilled in the diagnosis and treatment of diseases of the human eye and licensed pursuant to Chapter 458, 459, ~~460~~ or 463, Florida Statutes;

(b) through (c) No change.

(7) No change.

Specific Authority 463.005(1) FS. Law Implemented 463.005(1), 463.0135, ~~463.016(1)(g),(k)~~ FS. History--New 11-13-79, Amended 4-17-80, 7-29-85, Formerly 21Q-3.07, Amended 7-18-90, Formerly 21Q-3.007, 61F8-3.007, 59V-3.007, Amended_____.

64B13-3.010 Standard of Practice for Licensed Optometrists.

(1) through (3) No change.

~~(4) The pharmaceutical agents listed in 64B13-18.002(7) shall not be used to treat endogenous uveitis.~~

~~(5) If the pharmaceutical agents listed in 64B13-18.002(7) fail to obtain the desired medical result within a reasonable and prudent time frame consistent with Section 463.0135(1), Florida Statutes, the certified optometrist shall consult with a physician skilled in the treatment of diseases of the eye and licensed under Chapter 458 or Chapter 459, Florida Statutes.~~

~~(6) Certified optometrists shall in a manner consistent with Section 463.0135(1), Florida Statutes, exercise caution and reservation in the use of Norfloxacin, Ofloxacin 0.3% and Ciprofloxacin, reserving their use to that of third tier agents whenever appropriate.~~

(7) through (10) renumbered (4) through (7) No change.

~~(8)(11) Certified optometrists serving as adjunct professors to schools or colleges of optometry pursuant to section 463.0057, F.S., rule 64B13-4.004 may delegate to residents or interns of said school, educational functions or duties beyond the restrictions of section 463.009, F.S. Such delegated duties or functions shall be in accordance with section 463.002(6), F.S. For purposes of this rule, residents or interns of qualified schools or colleges of optometry are not defined as nonlicensed supportive personnel.~~

~~(12) Certified optometrists shall, in a manner consistent with Section 463.0135(1), Florida Statutes, use Iopidine .5% only as short-term adjunctive therapy.~~

~~(13) Certified optometrists shall use Trusopt in a manner consistent with Section 463.0135, Florida Statutes.~~

Specific Authority 463.005(1) FS. Law Implemented 463.005(1), 463.0135(1), 463.016(1) FS. History--New 9-16-80, Amended 12-20-82, Formerly 21Q-3.10, Amended 7-11-88, 6-18-92, 1-28-93, Formerly 21Q-3.010, Amended 3-16-94, Formerly 61F8-3.010, Amended 8-24-94, 9-21-94, 2-13-95, 12-31-95, Formerly 59V-3.010, Amended_____.

DEPARTMENT OF HEALTH

Board of Optometry

RULE TITLE: Notification and Evidence of Licensure

RULE NO.: 64B13-4.008

PURPOSE AND EFFECT: The Board proposes the development of a rule amendment to address practice pending receipt of an active license upon notification of passage of the examinations for licensure.

SUBJECT AREA TO BE ADDRESSED: Clarification of practice following passage of examinations and prior to receipt of license.

SPECIFIC AUTHORITY: 455.574(1), 463.006(2) FS.
 LAW IMPLEMENTED: 455.564, 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 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: 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:

64B13-4.008 Notification and Evidence of Licensure.

The Board shall submit written notification within five (5) working days to applicants who have successfully passed the state examination and the certification examination. An applicant who is notified in writing by the Board of successful passage of the examinations may lawfully practice optometry pending receipt of the active license, and the written notification shall act as evidence of licensure entitling the Optometrist to practice for a maximum period of forty-five (45) days ~~or until the initial licensing fee is received by the Department, whichever is sooner.~~

Specific Authority 455.574(1), 463.006(2) FS. Law Implemented 455.564, 455.574(1), 463.006(2) FS. History—New 6-18-92, Formerly 21Q-4.008, 61F8-4.008, Amended 11-21-94, Formerly 59V-4.008, Amended.

DEPARTMENT OF HEALTH

Board of Optometry

RULE TITLES:	RULE NOS.:
Hours Requirement	64B13-5.001
Criteria for Approval	64B13-5.002

PURPOSE AND EFFECT: The Board proposes the development of rule amendments to address continuing education hours and transcript quality courses.

SUBJECT AREA TO BE ADDRESSED: Continuing education.

SPECIFIC AUTHORITY: 463.005(1), 463.007(3) FS.

LAW IMPLEMENTED: 463.007 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: 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:

64B13-5.001 Hours Requirement.

(1) As a condition to the renewal of a biennial license, each licensed practitioner shall be required to maintain professional competency by completing 30 clock hours of continuing education ~~by December 31 of every even year~~ in subjects relating to optometry that have been approved by the Board. Licensed practitioners shall not be required to complete the continuing education requirements during the biennium in which they receive initial licensure. Credit will be allowed on the basis of an hour for hour. To receive one hour credit, a licensed practitioner must attend not less than 50 minutes. There will be no fractional hour credits. At least 6 of those 30 hours must be of "transcript quality". For purpose of this rule, the phrase "transcript quality" refers to a course which is in conjunction with or sponsored by a school or college of optometry or equivalent educational entity as approved by the Board and which requires a test and passing grade. Attendance at a continuing education program must be certified by the lecturer or someone in charge of the program. An instructor of a course may credit the hours taught towards completion of the required continuing education; provided, however, that an instructor may only credit a course once, regardless of the number of times the course is taught. In addition, the instructor of a course may not credit the hours taught towards completion of the "transcript quality" portion of the continuing education requirement. However, for the biennium ending at the end of February 2001, each licensed practitioner may count hours of continuing education obtained between January 1, 1999, and the end of February, 2001.

- (a) through (e) No change.
- (2) through (7) No change.

Specific Authority 463.005(1), ~~463.007(3), (4)~~ FS. Law Implemented 463.007 FS. History—New 11-13-79, Amended 5-28-80, 9-16-80, 1-13-81, 2-14-82, Formerly 21Q-5.01, Amended 12-16-86, 12-11-88, 4-19-89, 12-20-89, 9-22-92, 10-28-92, Formerly 21Q-5.001, Amended 8-31-93, Formerly 61F8-5.001, Amended 11-29-94, 7-5-95, 8-18-96, Formerly 59V-5.001, Amended.

64B13-5.002 Criteria for Approval.

- (1) through (2) No change.
- (3) Transcript quality courses must meet the following requirements:
- (a) through (f) No change.

(g) In order for a course to be considered transcript quality, it must be approved by the Board as transcript quality prior to the time it is taken.

(4) All courses approved by the American Board of Optometric Practitioners are approved by the Board.

Specific Authority 463.005(1) FS. Law Implemented 463.007(4) FS. History—New 11-13-79, Formerly 21Q-5.02, Amended 12-16-86, 12-11-88, 7-10-91, 10-28-92, Formerly 21Q-5.002, 61F8-5.002, Amended 11-29-94, 7-5-95, 8-18-96, Formerly 59V-5.002, Amended.

DEPARTMENT OF HEALTH

Board of Optometry

RULE TITLE: Fees
 RULE NO.: 64B13-6.001

PURPOSE AND EFFECT: The Board proposes the development of a rule amendment to address the fee for obtaining a duplicate wall certificate.

SUBJECT AREA TO BE ADDRESSED: Fee for a duplicate wall certificate.

SPECIFIC AUTHORITY: 455.564(2), 455.711, 463.005, 463.0057, 463.006, 463.007, 463.008 FS.

LAW IMPLEMENTED: 455.564(2), 455.711, 463.0057, 463.006, 463.007, 463.008 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: 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:

64B13-6.001 Fees.

The following fees are prescribed by the Board:

(1) through (18) No change.

(19) The fee for obtaining a duplicate wall certificate shall be \$25.00.

Specific Authority 455.564(2), 455.711, 463.005, 463.0057, ~~463.006, 463.007,~~ 463.008 FS. Law Implemented 455.564(2), 455.711, 463.0057, 463.006, 463.007, 463.008 FS. History—New 12-13-79, Amended 2-14-82, 8-18-82, 12-2-82, 5-6-84, 7-29-85, Formerly 21Q-6.01, Amended 11-20-86, 7-21-88, 2-5-90, 5-29-90, 7-10-91, 4-14-92, 7-1-93, Formerly 21Q-6.001, Amended 1-24-94, Formerly 61F8-6.001, Amended 12-22-94, 2-13-95, 4-5-95, 5-29-95, 12-31-95, Formerly 59V-6.001, Amended 12-24-97,_____.

DEPARTMENT OF HEALTH

Board of Optometry

RULE TITLE: Certified Optometrist Examination
 RULE NO.: 64B13-10.0015

PURPOSE AND EFFECT: The Board proposes the development of a rule amendment to address examination security and monitoring.

SUBJECT AREA TO BE ADDRESSED: Examination security and monitoring.

SPECIFIC AUTHORITY: 463.005(1), 455.574(1),(2) FS.

LAW IMPLEMENTED: 463.0055, 455.574(1), (2) 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: 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:

64B13-10.0015 Certified Optometrist Examination.

The Certified Optometrist Examination shall be the Board approved examination developed and administered by the Department of Health Office of Examination Services.

(1) through (3) No change.

~~(4) Certified Optometrist Examination review shall be conducted in accordance with the following procedure:~~

~~(a) An applicant or licensed practitioner is entitled to review his examination questions, answers, papers, grades and certification grading key used in the examination; however, no applicant or licensed practitioner may copy any materials provided for his review. Such review shall be conducted during regular business hours, in the presence of a representative of the Board at the Board's official headquarters.~~

~~(b) If, following the review of his examination an applicant or licensed practitioner believes that an error was made in the grading of his examination or in the evaluation of his answers, he may request the Board to review his examination. Requests for review must be in writing, state with specificity the reasons why review is requested, and be submitted to the Board within sixty (60) days after the applicant or licensed practitioner received notice that he failed the Certified Optometrist Examination.~~

~~(c) Upon the receipt of a request for review, the Board shall review the applicant's or licensed practitioner's examination at the next regularly scheduled Board meeting. If it is found that an error was made, the grade received by the applicant or licensed practitioner may be adjusted to reflected the correction. The applicant or licensed practitioner shall be notified of the final decision.~~

~~(4)(5) The Board adopts by reference Rule 64B-1.010 61-11.014,~~ Florida Administrative Code, of the Department of Health as its rule governing examination security and monitoring for the Certified Optometrist Examination.

Specific Authority 463.005(1), 455.574(1),(2) FS. Law Implemented 463.0055, 455.574(1),(2) FS. History—New 3-16-89, Amended 5-29-90, 7-10-91, Formerly 21Q-10.0015, 61F8-10.0015, Amended 10-4-94, Formerly 59V-10.0015, Amended _____.

DEPARTMENT OF HEALTH

Board of Optometry

RULE TITLE: Citations
RULE NO.: 64B13-15.009

PURPOSE AND EFFECT: The Board proposes the development of an amendment to address the citation violation for failure to document continuing education requirements.

SUBJECT AREA TO BE ADDRESSED: Failure to document continuing education hours.

SPECIFIC AUTHORITY: 463.005, 455.617 FS.

LAW IMPLEMENTED: 455.621 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.

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THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS :

64B13-15.009 Citations.

(1) through (3) No change.

(4) Pursuant to Section 455.617, Florida Statutes, the Board sets forth below those violations for which there is no substantial threat to the public health, safety, and welfare; or, if there is a substantial threat to the public health, safety, and welfare, such potential for harm has been removed prior to the issuance of the citation. The Board hereby designates the following as citation violations which shall result in a penalty of two hundred fifty dollars (\$250.00).

(a) through (c) No change.

(d) Failure to document having obtained the continuing education required by Section 463.007, and Rule Chapter 64B13-5, F.A.C. In addition to paying the fine, the licensee must complete continuing education hours not documented, plus an additional hour for each hour missed.

(5) through (7) No change.

Specific Authority 463.005, 455.617 FS. Law Implemented 455.621 FS. History--New 1-1-92, Formerly 21Q-15.009, 61F8-15.009, 59V-15.009, Amended _____.

DEPARTMENT OF HEALTH

Board of Optometry

RULE TITLE: Formulary of Topical Ocular
Pharmaceutical Agents
RULE NO.: 64B13-18.002

PURPOSE AND EFFECT: The Board proposes the development of a rule to address the topical ocular pharmaceutical formulary.

SUBJECT AREA TO BE ADDRESSED: Clarification of the topical ocular pharmaceutical formulary.

SPECIFIC AUTHORITY: 463.0055(2)(a) FS.

LAW IMPLEMENTED: 463.0055 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.

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THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B13-18.002 Formulary of Topical Ocular Pharmaceutical Agents.

The topical ocular pharmaceutical formulary consists of pharmaceutical agents which a certified optometrist is qualified to administer and prescribe in the practice of optometry pursuant to Section 463.0055(2)(a), Florida Statutes. The topical ocular pharmaceutical agents in the formulary include ~~only commercially available over-the-counter preparations and non-scheduled commercially available preparations~~ of the following legend drugs alone or in combination:

(1) through (10) No change.

Specific Authority 463.0055(2)(a) FS. Law Implemented 463.0055 FS. History--New 3-30-87, Amended 4-5-88, 5-7-90, Formerly 21-18.002, Amended 5-10-92, 1-29-93, Formerly 21Q-18.002, Amended 8-31-93, 7-30-94, Formerly 61F8-18.002, Amended 2-11-96, 4-21-96, 1-12-97, 6-8-97, Formerly 59V-18.002, Amended _____.

**Section II
Proposed Rules**

DEPARTMENT OF STATE

RULE TITLE: Licensure of Certification Authorities
RULE NO.: 1-10.001

PURPOSE AND EFFECT: The proposed repeal of Rule 1-10.001 is made necessary by the repeal of sections 282.74 and 282.745, F.S.

SUMMARY: The repealed rules established standards and procedures for the voluntary licensure of digital signature certification authorities, as provided for in former section 282.745, Florida Statutes. The rules provided for the qualifications, duties and requirements of certification authorities licensed under the rules, as well as audit and record-keeping practices by such licensed certification authorities and procedures upon cessation of certification