

**Section I**

**Notices of Development of Proposed Rules and Negotiated Rulemaking**

**DEPARTMENT OF STATE**

**Division of Historical Resources**

RULE CHAPTER TITLE: Tax Exemptions for Historic Properties  
 RULE CHAPTER NO.: 1A-38

PURPOSE AND EFFECT: The purpose and effect of the proposed changes is to amend this rule and the forms incorporated therein to streamline application procedures and to correct minor errors in the current version of the rule.

SUBJECT AREA TO BE ADDRESSED: The Bureau of Historic Preservation proposes to amend this rule and the forms incorporated therein to streamline application procedures and to correct minor errors in the current version of the rule.

SPECIFIC AUTHORITY: 196.1997(13), 196.1998(3) FS.  
 LAW IMPLEMENTED: 196.1997-.1998 FS.

IF REQUESTED AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 9:00 a.m., April 17, 2000  
 PLACE: R. A. Gray Building, Third Floor, Conference Room, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: David Ferro, Architect Supervisor, Bureau of Historic Preservation, Division of Historical Resources, 500 South Bronough Street, Tallahassee, Florida 32399-0250, telephone (850)487-2333

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

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

**Division of Aquaculture**

RULE CHAPTER TITLE: Comprehensive Shellfish Control Code  
 RULE CHAPTER NO.: 5L-1

RULE TITLES: Purpose and Intent  
 RULE NOS.: 5L-1.001

Definitions 5L-1.002

Shellfish Harvesting Area Standards 5L-1.003

Production and Market Standards 5L-1.004

Shellfish Processing Plant Certification 5L-1.005

Suspension or Revocation of Shellfish Processing Plant Certification License, Routine or Emergency Action 5L-1.006

Container Identification, Terminal Sale Date; Prohibitions 5L-1.007

Shellfish Handling 5L-1.008

Shellfish Relaying 5L-1.009

Buildings and Facilities 5L-1.010

Equipment for Shellfish Processing 5L-1.011

Sanitary Operations 5L-1.012

Plant Operation 5L-1.013

Heat Shock Method 5L-1.014

Depuration – Plant Operations 5L-1.015

Depuration – Process Water Sampling Procedures and Standards 5L-1.017

Laboratory Procedures and Sample Testing 5L-1.019

PURPOSE AND EFFECT: These amendments propose to reclassify the South Volusia and the Apalachicola Bay System shellfish harvesting areas in Volusia and Franklin Counties and update the four-digit area codes and maps which identify the locations of where shellfish are harvested. The proposed amendments will update the Department name, address, forms, and rule citations; amend, add, and delete definitions; update documents adopted by reference; make editorial clarifications and update rule language to be consistent with provisions of the National Shellfish Sanitation Program; define labeling requirements for thawed shellfish; require mechanical refrigeration as part of certification; define the number of key item deficiencies needed for written notification of violation; clarify that the harvester tag is required for commercial harvest; define official sunrise and sunset times; allow shellfish relaying for marine biotoxins; allow alternative processing for hard clams; allow approval of alternative heat shock methods.

SUBJECT AREA TO BE ADDRESSED: These rule amendments propose reclassification of the South Volusia and Apalachicola Bay System shellfish harvesting areas in accordance with 5L-1.003 to protect the health of shellfish consumers and to provide access to renewable and natural shellfish resources; changing the Department name, address, and forms as a result of the legislative transfer that took effect July 1, 1999; updating rule language to allow for better compliance and enforcement; and implementing the following two industry-requested activities: alternative processing for hard clams, and relaying for biotoxin contamination.

SPECIFIC AUTHORITY: 370.071(1) FS.

LAW IMPLEMENTED: 370.071 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: 10:30 a.m., Monday, April 17, 2000

PLACE: Apalachicola National Estuarine Research Reserve, Auditorium, 261 7th Street, Apalachicola, Florida 32320

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Bobby Bickley, Division of Aquaculture, 1203 Governors Square Boulevard, 5th Floor, Tallahassee, Florida, Phone (850)488-5471

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

**DEPARTMENT OF EDUCATION**

**Board of Regents**

RULE TITLE: Tuition, Fee Schedule and Percentage of Cost  
RULE NO.: 6C-7.001

PURPOSE AND EFFECT: To implement the changes in the university matriculation and related fees, at the undergraduate and graduate levels, as approved by the Legislature this Session.

SUBJECT AREA TO BE ADDRESSED: University matriculation fees. Each year the Legislature increases the university matriculation and related fees. Some years the increases are the across-the-board fees; other years, the Legislature has discussed increases in university differential fees. Both Houses of the Legislature are currently discussing these fees, by different amounts of percentage increases. These increases could be as high as ten percent on some fees. The Board of Regents will have to act on these fee increases, by rule, so that they may be effective and in place, Fall 2000.

SPECIFIC AUTHORITY: 240.209(1),(3)(e),(r) FS.  
LAW IMPLEMENTED: 240.209(3)(e),(h), 240.124, 240.117 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 AND COPIES OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Mary-Anne Bestebreurtje, Corporate Secretary, Florida Board of Regents, 1454 Florida Education Center, Tallahassee, Florida 32399-1950

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

**DEPARTMENT OF EDUCATION**

**Board of Regents**

RULE TITLE: Fee Assessment and Remittance  
RULE NO.: 6C-7.002

PURPOSE AND EFFECT: To delete language relating to refunds of student tuition.

SUBJECT AREA TO BE ADDRESSED: Fee assessment, deleting a provision relating to tuition refunds.  
SPECIFIC AUTHORITY: 240.209(1),(3)(e),(r) FS.

LAW IMPLEMENTED: 240.209(3)(e) 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 AND COPIES OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Mary-Anne Bestebreurtje, Corporate Secretary, Florida Board of Regents, 1454 Florida Education Center, Tallahassee, Florida 32399-1950

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

**DEPARTMENT OF CITRUS**

RULE CHAPTER TITLE: Payment of Excise Taxes  
RULE CHAPTER NO.: 20-9

RULE TITLE: Fruit to be Processed  
RULE NO.: 20-9.002

PURPOSE AND EFFECT: Revising conversion units for a standard equivalent 1 3/5 bushel box used in computing equalization tax.

SUBJECT AREA TO BE ADDRESSED: Conversion units for a standard equivalent 1 3/5 bushel box used in computing equalization tax.

SPECIFIC AUTHORITY: 601.10(1), 601.15(1),(10)(a), 601.155(3),(7) FS.

LAW IMPLEMENTED: 601.15(5),(6), 601.155 FS.  
IF REQUESTED AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE SCHEDULED AT A TIME, DATE AND PLACE TO BE ANNOUNCED.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Joan B. Martin, Administrative Assistant, Legal Department, Florida Department of Citrus, P. O. Box 148, Lakeland, Florida 33802-0148

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

**DEPARTMENT OF CITRUS**

RULE CHAPTER TITLE: Methods to Determine Compliance  
RULE CHAPTER NO.: 20-14

RULE TITLE: Methods to Determine Compliance  
RULE NO.: 20-14.001

PURPOSE AND EFFECT: Updating list of methods and analyses used for determining compliance with Department rules; adding methods for detecting pathogenic microorganisms.

SUBJECT AREA TO BE ADDRESSED: Methods for compliance with Department rules.

SPECIFIC AUTHORITY: 601.10(1),(7), 601.11, 601.24, 601.25 FS.

LAW IMPLEMENTED: 601.02(5) FS.

IF REQUESTED AND NOT DEEMED UNNECESSARY BY WORKSHOP WILL BE SCHEDULED AT A TIME, DATE AND PLACE TO BE ANNOUNCED.

Before January 1, 1995 34-5.029
After January 1, 1995 34-5.0291

PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Joan B. Department of Citrus, P. O. Box 148, Lakeland, Florida 33802-0148

repealing rules in this chapter to make them consistent with the law and the Commission's current practices.

DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

party who is materially related to a complaint is being amended to provide notice at the time the executive director enters an Commission member served as a hearing officer and then, as a member of the Commission, takes final action on the attorney's fees awards in complaints filed before January 1, 1995; and amend various procedures in the current attorney's

RULE CHAPTER TITLE: RULE CHAPTER NO.: 20-66

RULE TITLE: Florida Identification 20-66.004

SPECIFIC AUTHORITY: 112.322(10) FS. LAW IMPLEMENTED: Art. II, Sec. 8(f),(h), Fla. Const.,

Sunshine Tree mark with the Florida Citrus Growers' Symbol as Florida identification on processed 100% grapefruit

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE

SUBJECT AREA TO BE ADDRESSED: Correcting symbol identification on processed 100% grapefruit products.

TIME, DATE AND PLACE SHOWN BELOW: TIME AND DATE: 3:00 p.m., April 17, 2000

LAW IMPLEMENTED: 601.02, 601.10(1), 601.11, 601.15(2),(7), 601.98, 601.99 FS.

Suite 101, Tallahassee, Florida THE PERSON TO BE CONTACTED REGARDING THE

THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE SCHEDULED AT A TIME, DATE

THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Julia Cobb Costas, Staff Attorney, Commission on Ethics, P. O.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM

Martin, Administrative Assistant, Legal Department, Florida Department of Citrus, P. O. Box 148, Lakeland, Florida

COMMISSION ON ETHICS

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM

RULE CHAPTER TITLE: Filing Full and Public Disclosure of Financial Interests Pursuant to

COMMISSION ON ETHICS

RULE CHAPTER TITLE: Review, Investigation and Hearing of Complaints RULE TITLES:

Constitution 34-8 RULE NOS.:

Related to Complaint 34-5.0043

General Rule for Filing Full and Public 34-8.002

Recommended Order by the Full Commission 34-5.024

Choosing to File Copy of Income Tax Return PURPOSE AND EFFECT: The Commission is amending two rules in this chapter to make them consistent with current law

SUBJECT AREA TO BE ADDRESSED: The full and public disclosure of financial interests requirements must be on forms promulgated by the Commission pursuant to Section 112.3147, F.S. Additionally, the provision in Rule 34-8.007(2), regarding the filing of amended income tax returns, is being repealed.

SPECIFIC AUTHORITY: Art. II, Sec. 8, (f), (h), Fla. Const., 112.3147, 112.322(10), 120.53(1) FS.

LAW IMPLEMENTED: Art. II, Sec. 8(a), (h), Fla. Const., 112.3144 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: 3:00 p.m., April 17, 2000

PLACE: Conference Room, 2822 Remington Green Circle, Suite 101, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Julia Cobb Costas, Staff Attorney, Commission on Ethics, P. O. Drawer 15709, Tallahassee, FL 32317-5709

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

**COMMISSION ON ETHICS**

RULE CHAPTER TITLE: Executive Branch Lobbyist Registration  
RULE CHAPTER NO.: 34-12

RULE TITLES: Purpose and Scope of Rules  
Definitions  
Agency Officers and Employees as "Lobbyists"  
Probable Cause Hearing  
RULE NOS.: 34-12.010  
34-12.020  
34-12.130  
34-12.750

PURPOSE AND EFFECT: The Commission is amending rules in this chapter to make them consistent with current law and the Commission's practices.

SUBJECT AREA TO BE ADDRESSED: The Executive Branch Lobbyist Registration law is being amended to include reference to the Constitution Revision Commission, an agency for which registration to lobby is required by statute; repeal rule language pertaining to legislative lobbyists; and amend the procedures for probable cause proceedings.

SPECIFIC AUTHORITY: 112.3215, 112.322(10) FS.

LAW IMPLEMENTED: 112.3215 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: 3:00 p.m., April 17, 2000

PLACE: Conference Room, 2822 Remington Green Circle, Suite 101, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Julia Cobb Costas, Staff Attorney, Commission on Ethics, P. O. Drawer 15709, Tallahassee, FL 32317-5709

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

**COMMISSION ON ETHICS**

RULE CHAPTER TITLE: Gifts and Honoraria  
RULE CHAPTER NO.: 34-13

RULE TITLES: Specific Examples of What May  
Constitute a Gift  
Specific Examples of What Does Not  
Constitute a Gift  
"Procurement Employee" Defined  
Quarterly Gift Disclosure for  
Lobbyists and Others  
Gift Valuation  
RULE NOS.: 34-13.212  
34-13.214  
34-13.250  
34-13.420  
34-13.500

PURPOSE AND EFFECT: The Commission is amending rules in this chapter to make them consistent with current law and the Commission's practices.

SUBJECT AREA TO BE ADDRESSED: Amendments to Section 112.312(12), F.S., concerning what is and is not a "gift" need to be reflected in the Commission's rules. Other amendments include the change in the name of the Department of Business and Professional Regulation, the change in the name of the Office of Legislative Services (formerly JLMC), and changes in valuation principles.

SPECIFIC AUTHORITY: 112.322(10)(b) FS.

LAW IMPLEMENTED: 112.3148 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: 3:00 p.m., April 17, 2000

PLACE: Conference Room, 2822 Remington Green Circle, Suite 101, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Julia Cobb Costas, Staff Attorney, Commission on Ethics, P. O. Drawer 15709, Tallahassee, FL 32317-5709

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

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Health Facility and Agency Licensing**

RULE TITLE: Nursing Services  
 RULE NO.: 59A-4.108

PURPOSE AND EFFECT: The Agency proposes to amend rule 59A-4.108 consistent with provisions of s. 400.23(3)(a), F.S. and 400.23(3)(b), F.S. that became effective July 1, 1999. The legislation provides for minimum staffing requirements for nursing homes and also provides for properly trained staff of a nursing facility to assist residents with eating. The amendments to rule 59A-4.108 specify the minimum staffing of a facility on a per shift basis as well as the training curriculum that must be provided to staff by a registered nurse or licensed speech or occupational therapists.

SUBJECT AREA TO BE ADDRESSED: Minimum staffing standards for nursing homes and training requirements in order for staff to assist residents with eating.

SPECIFIC AUTHORITY: 400.23 FS.

LAW IMPLEMENTED: 400.11, 400.022, 400.141, 400.23 FS.

IF REQUESTED AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 2:00 p.m., April 7, 2000

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building #3, Conference Room D, Tallahassee, FL 32303

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Richard Kelly, Long-Term Care Unit, 2727 Mahan Drive, Tallahassee, Florida

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59A-4.108 Nursing Services.

(1) The Administrator of each nursing home will designate one full time registered nurse as a Director of Nursing who shall be responsible and accountable for the supervision and administration of the total nursing services program. When a Director of Nursing is delegated institutional responsibilities, a full time qualified registered nurse shall be designated to serve as Assistant Director of Nursing. In a facility with a census of 121 or more residents, an RN must be designated as an Assistant Director of Nursing.

(2) Persons designated as Director of Nursing or Assistant Director of Nursing shall serve only one nursing home facility in this capacity, and shall not serve as the administrator of the nursing home facility.

(3) The Director of Nursing shall designate one licensed nurse on each shift to be responsible for the delivery of nursing services during that shift.

(4) The nursing home facility shall have sufficient nursing staff, not counting administrators, managers, or supervisors, on a 24-hour basis all units, wings, and floors, on all shifts, including weekends, to provide each resident with the necessary care and services needed to attain or maintain nursing and related services to residents in order to maintain the highest practicable physical, mental, and psychosocial well-being of each resident, as determined by resident assessments and individual plans of care. The facility must maintain will staff, at a minimum, an average of 1.7 hours of certified nursing assistant and .6 hours of licensed nursing staff time for each resident during a 24-hour period. This minimum average shall be distributed on a per shift basis as follows: 40% during the day shift, 35% during the evening shift, and 25% during the night shift. The agency may require staff time above the minimum by law if the facility is cited for care-related deficiencies directly attributable to insufficient staffing. In determining appropriate staff time, the agency shall consider the facility's current staff time and the reasons for the deficiencies.

(5) Facilities shall post the names of current staff on duty in a conspicuous location that is easily accessible to residents and their families.

(6) Residents may be assisted with meals by staff who have received prior approval and training, as determined by the Director of Nursing. Residents who are totally dependent are defined as those who require full staff performance of eating activities during an entire seven day period. Training must be provided to staff by a registered nurse or licensed speech or occupational therapist and the curriculum must include: the importance of a well-balanced, nutritious menu; the digestive system; the digestive process; preparations before mealtime; assisting the resident who can feed self; the swallowing process; special eating utensils; diets that would include standard diets, therapeutic diets and personal dietary preferences to accommodate religious beliefs and cultural heritage; determining meal consumption; and quality of life and the dining experience.

(7)(5) In multi-story, multi-wing, or multi-station nursing home facilities, there shall be a minimum of one nursing services staff person who is capable of providing direct care on duty at all times on each floor, wing, or station.

(8)(6) No nursing services staff person shall be scheduled for more than 16 hours within a 24-hour period, for three consecutive days, except in an emergency. Emergencies shall be documented and shall be for a limited, specified period of time.

Specific Authority 400.022, 400.23 FS. Law Implemented 400.011, 400.022, 400.102, 400.141, 400.23 FS. History—New 4-1-82, Amended 4-1-84, 8-1-85, 7-1-88, 7-10-91, Formerly 10D-29.108, Amended 4-18-94, \_\_\_\_\_.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Employee Leasing Companies**

RULE TITLE: Annual Assessment on Gross Florida Payroll

RULE NO.: 61G7-5.002

PURPOSE AND EFFECT: The purpose of this amendment is to decrease the annual fee assessment due on the amount of Gross Florida Payroll by 25 percent.

SUBJECT AREA TO BE ADDRESSED: Annual Assessment on Gross Florida Payroll.

SPECIFIC AUTHORITY: 468.522 FS.

LAW IMPLEMENTED: 468.526 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: 9:00 a.m., April 25, 2000

PLACE: 1940 North Monroe Street, Tallahassee, Florida 32399-0767

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Anthony Spivey, Executive Director, Board of Employee Leasing Companies, 1940 North Monroe Street, Tallahassee, Florida 32399-0767

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61G7-5.002 Annual Assessment on Gross Florida Payroll.

(1) Effective April 1, 1992, the Department of Business and Professional Regulation shall assess each Employee Leasing Company and each Employee Leasing Company Group an annual assessment fee based upon the preceding calendar year's gross Florida payroll of the company or group. The assessment shall be due on April 1 of each year and shall become delinquent after April 30. For new applicants the initial assessment shall be due with the licensure application. Funds collected under this assessment are to be made payable to the Board and to be deposited into the Professional Regulation Trust Fund as created within the Department. The annual assessment fee shall be calculated in accordance with the following table:

Amount of Gross Florida Payroll	Assessment Fee Due
less than \$250,000	<u>\$144.00</u> <del>\$188.00</del>
\$250,000 – \$500,000	<u>\$254.00</u> <del>\$338.00</del>
\$500,001 – \$1,000,000	<u>\$380.00</u> <del>\$507.00</del>
\$1,000,001 – \$2,500,000	<u>\$535.00</u> <del>\$713.00</del>
\$2,500,001 – \$5,000,000	<u>\$689.00</u> <del>\$919.00</del>
\$5,000,001 – \$7,500,000	<u>\$844.00</u> <del>\$1,125.00</del>
\$7,500,001 – \$10,000,000	<u>\$998.00</u> <del>\$1,332.00</del>
\$10,000,001 – \$15,000,000	<u>\$1,154.00</u> <del>\$1,538.00</del>

\$15,000,001 – \$20,000,000	<u>\$1,308.00</u> <del>\$1,744.00</del>
\$20,000,001 – \$30,000,000	<u>\$1,462.00</u> <del>\$1,950.00</del>
\$30,000,001 – \$40,000,000	<u>\$1,617.00</u> <del>\$2,157.00</del>
\$40,000,001 – \$50,000,000	<u>\$1,829.00</u> <del>\$2,438.00</del>
greater than \$50,000,000	<u>\$2,039.00</u> <del>\$2,719.00</del>

(2) through (4) No change.

Specific Authority 468.522 FS. Law Implemented 468.526 FS. History—New 7-15-92, Formerly 21EE-5.002, Amended 4-25-94, 6-10-96, 6-22-98, \_\_\_\_\_.

**DEPARTMENT OF HEALTH**

**Board of Massage Therapy**

RULE TITLE: Definitions

RULE NO.: 64B7-26.001

PURPOSE AND EFFECT: The Board proposes to include new terms to the existing definitions.

SUBJECT AREA TO BE ADDRESSED: Definitions.

SPECIFIC AUTHORITY: 480.035(7) FS.

LAW IMPLEMENTED: 480.043(7) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: William Buckhalt, Executive Director, Board of Massage Therapy/MQA, 2020 Capital Circle, S. E., Bin #C09, Tallahassee, Florida 32399-3259

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B7-26.001 Definitions.

(1) The term “owner” means the sole proprietor, partnership, limited partnership, school of massage therapy, or corporation that operates the licensed massage establishment.

(2) The term “establishment” means the physical location of the massage facility, establishment whether the location is owned or leased by the “owner” or is otherwise used by the owner for the practice of massage therapy. The term includes teaching facilities which provide massages to non-students for a fee. The term “establishment” does not include the office of a physician licensed under Chapter 458 or 459, a chiropractic physician licensed under Chapter 460, an acupuncturist licensed under Chapter 457, a podiatrist licensed under Chapter 461, a dentist licensed under Chapter 466, or a physical therapist licensed under Chapter 486, Florida Statutes, if massage therapy is provided by the persons licensed under Chapter 480 only to patients of the licensed physician, chiropractic physician, acupuncturist, podiatrist, dentist, or physical therapist.

(3) No change.

Specific Authority 480.035(7) FS. Law Implemented 480.043(7) FS. History--New 7-16-98\_\_\_\_\_.

**DEPARTMENT OF HEALTH**

RULE TITLES: RULE NOS.:  
64B7-30.002

Citations

PURPOSE AND EFFECT: The Board deemed it necessary to further update and define the disciplinary guidelines in Rule

citation fine and returned check fees.

SUBJECT AREA TO BE ADDRESSED: Disciplinary

SPECIFIC AUTHORITY: 455.617, 455.627(1),(3), 480.035(7) FS.

480.047 FS.

IF REQUESTED IN WRITING AND NOT DEEMED

DEVELOPMENT WORKSHOP WILL BE SCHEDULED AND ANNOUNCED IN THE NEXT AVAILABLE ISSUE

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF

Buckhalt, Executive Director, Board of Massage Therapy/MQA, 2020 Capital Circle, S. E., Bin #C09,

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

(1)(a) through (u) No change.

(v) 455.624(1)(q) \$250 fine & suspension

violating any provision of Chapter 455, Part II or failure to comply with a lawfully issued subpoena of the department

(w) 455.624(1)(u) \$1,000 fine & revocation

engaging or attempting to engage a patient or client in verbal or physical sexual activity

(x) 455.624(1)(w) \$500 fine

Failing to report to the Board in writing within 30 days after the licensee has been convicted or found guilty of, or entered a plea of nolo contendere to, regardless of adjudication, a crime in any jurisdiction

(y) 455.624(1)(w) \$500 fine

Failing to report to the Board in writing on or before October 1, 2000, any convictions, findings of guilt or

pleas of nolo contendere that occurred prior to July 1, 1999, not previously reported to the Board  
(z) 455.624(1)(x) \$500 fine & revocation  
using information about people involved in motor vehicle accidents which has been derived from accident reports made by law enforcement officers or persons involved in accidents, or using information published in a newspaper or other news publication or through a radio or television broadcast that has used information gained from such reports, for the purposes of commercial or any other solicitation whatsoever of the people involved in such accidents  
(2) through (8) No change.

Specific Authority 455.627(1),(3), 480.035(7) FS. Law Implemented 455.627(1),(3), 480.046, 480.047 FS. History--New 3-26-87, Formerly 21L-30.002, Amended 9-30-93, 12-12-93, 8-16-94, 10-1-95, 2-5-96, 5-12-96, 5-29-97, Formerly 61G11-30.002, Amended 2-18-98, 11-4-98,\_\_\_\_\_.

64B7-30.004 Citations.

(1) through (3)(g) No change.

(h) First-time failure of the licensee to satisfy continuing education requirements established by the Board: Fine of \$250.00, and one hour of continuing education for each hour not completed or completed late. These continuing education hours are to be completed within three months of the date of citation issuance. Violations of Rule 64B7-28.001(2) by licensees shall result in a penalty of \$250 and completion of the required continuing education.

(i) through (j) No change.

(k) Tendering a check that is dishonored by the institution upon which it is drawn shall result in a penalty of \$250.00.

Specific Authority 455.617 FS. Law Implemented 455.617 FS. History--New 1-1-92, Amended 11-15-92, Formerly 21L-30.004, Amended 9-30-93, 12-12-93, 4-21-97, Formerly 61G11-30.004, Amended 8-16-98, 7-18-99,\_\_\_\_\_.

**DEPARTMENT OF HEALTH**

**Board of Psychology**

RULE TITLES: RULE NOS.:

Application and Examination Fee for

Licensure by Examination; Review Fee 64B19-12.002

Application Fee for Licensure by

Endorsement 64B19-12.004

PURPOSE AND EFFECT: Rules 64B19-12.002 and 64B19-12.004 are being amended to update the application fees and to accommodate increasing fiscal expenses.

SUBJECT AREA TO BE ADDRESSED: Application and Examination Fee for Licensure by Examination; Review Fee, and Application Fee for Licensure by Endorsement.

SPECIFIC AUTHORITY: 455.564(2), 490.004(4), 490.005(1)(a) FS.

LAW IMPLEMENTED: 455.564(2), 490.005(1)(a), 490.006(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 NEXT AVAILABLE ISSUE OF THE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Kaye Howerton, Executive Director, Board of Psychology/MQA, 2020 Capital Circle, S. E., Bin #C05, Tallahassee, Florida 32399-3255

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B19-12.002 Application and Examination Fee for Licensure by Examination; Review Fee.

(1) The application fee for licensure by examination is \$500.00 ~~\$250.00~~.

(2) In addition to the application fee specified above, each applicant for certification for examination shall simultaneously submit the examination fees. The examination fee for both parts of the examination is \$500.00 ~~\$485.00~~. An applicant who is certified as exempt from the first part of the examination shall be required to pay an examination fee of \$120.00, and the remainder of the full fee submitted will be returned to the applicant.

(3) through (4) No change.

Specific Authority 455.564(2), 490.004(4), 490.005(1)(a) FS. Law Implemented 455.564(2), 490.005(1)(a) FS. History—New 2-22-82, Amended 7-2-84, Formerly 21U-12.02, Amended 11-21-88, 8-12-90, 1-16-92, Formerly 21U-12.002, Amended 10-12-93, 6-14-94, Formerly 61F13-12.002, Amended 1-7-96, 6-26-97, Formerly 59AA-12.002, Amended 12-3-98, \_\_\_\_\_.

64B19-12.004 Application Fee for Licensure by Endorsement.

The application fee for a psychology license by endorsement is \$500.00 ~~\$250.00~~.

Specific Authority 490.004(4) FS. Law Implemented 490.006(1) FS. History—New 2-22-82, Amended 5-12-82, Formerly 21U-12.04, Amended 8-12-90, Formerly 21U-12.004, Amended 6-14-94, Formerly 61F13-12.004, Amended 1-7-96, Formerly 59AA-12.004, Amended \_\_\_\_\_.

**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

**Mental Health Program Office**

RULE TITLE: Common Minimum Program Standards  
 RULE NO.: 65E-12.106  
 PURPOSE AND EFFECT: The above rule is being revised to help ensure patients rights and to correct the applicability of a construction standard date and title.

SUBJECT AREA TO BE ADDRESSED: Revision of the above rule will add language to protect patient rights when reporting abuse. The revision also corrects an effective date and title error in the previous revision of this rule impacting crisis stabilization units (CSUs) and Short-Term Residential Treatment Programs (SRTs). When amending this section in September 1998, as part of updating the whole chapter, the intent was to amend this title to read: "(12) Facility Standards for Facilities Licensed Prior to July 14, 1993. This would have made it compatible and consistent with rule 65E-12.109, which reads, "Minimum Construction Standards for New CSU and SRT Facilities Initially Licensed After July 14, 1993. However, due to a clerical error, the amended language submitted erroneously read "(12) Facility Standards for Facilities Licensed Prior to February 1986." rather than July 14, 1993. The present erroneous wording leaves a gap not previously existing for the period between February 1986 and July 14, 1993. Revising this language would eliminate this gap.

SPECIFIC AUTHORITY: 394.461(4), 394.879(1),(2) FS.

LAW IMPLEMENTED: 20.19, 95.11, 381.0035, 386.041, 394.455, 394.457, 394.459, 394.463, 394.465, 394.66, 394.77, 394.875, 395.907, 415.103 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Interested persons may submit written comments or concerns for preliminary consideration to Vince Smith, Operations and Management Consultant II, Mental Health Program Office, 1317 Winewood Blvd., Building 3, Room 101-G, Tallahassee, Florida 32399-0700, Telephone (850)413-0932

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

65E-12.106 Common Minimum Program Standards.

(1) through (8) No change.

(8) Protection of Persons Receiving Services. Unless abridged by a court of law, the rights of individuals who are admitted to CSU and SRT programs shall be assured as mandated under chapter 394, part I, F.S., and chapter 65E-5, F.A.C. Each CSU and SRT shall be operated in a manner that protects the individual's rights, life and physical safety while under evaluation and treatment. In addition to all rights granted under chapter 394, part I, F.S., individuals shall be:

(a) through (b) No change.

(c) Assured that facility policy prohibits any retaliation or reprisal against either themselves or against staff for reporting suspected abuse, neglect or exploitation, or violations of the individuals patient's rights. A copy of this facility policy shall be posted in a common patient area and provided to the patient upon request.



- 1. through 4. No change.
- (9) through (11) No change.
- (12) Facility Standards for Facilities Licensed Prior to July 14, 1993 ~~February 1986~~.
- (a) through (c) No change.
- (13) through (30) No change.

Specific Authority 394.879(1),(2) FS. Law Implemented 20.19, 95.11, 381.0035, 386.041, 394.455, 394.457, 394.457, 394.459, 394.463, 394.465, 394.66, 394.77, 394.875, 394.907, 415.103 FS. History—New 2-27-86, Amended 7-14-92, Formerly 10E-12.106, Amended 9-1-98.

## Section II Proposed Rules

### DEPARTMENT OF INSURANCE

RULE TITLE: RULE NO.:

Workers' Compensation: Application and 4-189.003  
Audit Procedures

PURPOSE AND EFFECT: To incorporate amendments that address recommendations in the Report on Workers' Compensation Fraud issued by the Fourteenth Statewide Grand Jury, Office of Statewide Prosecution regarding information in applications.

SUMMARY: The rule amendments update the standard application used by an employer for insurance coverage required by Section 440.38, Florida Statutes, adding requirements for additional information in workers compensation applications.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: None.

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

SPECIFIC AUTHORITY: 440.381 FS.

LAW IMPLEMENTED: 440.381, 624.307, 624.308(1) FS.

IF REQUESTED IN WRITING 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: 9:00 a.m., April 27, 2000

PLACE: Room 116, Larson Building, 200 East Gaines Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Jim Watford, Actuary, Insurer Services, P&C Forms & Rates, Department of Insurance, 200 East Gaines Street, Tallahassee, Florida 32399-0330, (850)413-5370

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Department at least 5 calendar days before the program by contacting: Yvonne White, (850)413-4214.

### THE FULL TEXT OF THE PROPOSED RULE IS:

4-189.003 Workers' Compensation: Application and Audit Procedures.

(1)(a) Each employer applying to a carrier in the voluntary market for workers' compensation coverage required by Section 440.38, Florida Statutes, shall use Form ACORD 130-FL (rev. 2000/01 3/96) ~~or Form ACORD 130-FL (rev. 6/94)~~, "Florida Workers' Compensation Application," which is hereby adopted and incorporated by reference. Carriers are authorized to continue to use Form ACORD 130-FL (rev. 3/96), "Florida Workers' Compensation Application," which was previously adopted until the current supply of forms is exhausted. The form shall be completed and submitted to the carrier with which the employer wishes to contract for coverage.

(b) A carrier wishing to use its own application form shall submit the form to the Bureau of Property and Casualty Forms and Rates, Division of Insurer Services, Department of Insurance, Larson Building, Tallahassee, FL 32399-0330, for approval prior to its use. At a minimum the form shall require the employer to provide the following information: name, address, and legal status of the employer; federal employer identification number; type of business and contractor licensing number if the employer is a contractor; rating information including past and prospective payroll; estimated revenue; locations; list of officers, sole proprietors and partners including their social security number; list of all employee names, employee's social security number and classifications; ~~and~~ previous workers' compensation experience; former business names and predecessor companies; former and current owners; all names under which the corporation operates; and any other information necessary to enable the carrier to accurately underwrite the employer. The application shall contain a statement that the filing of an application containing false, misleading, or incomplete information with the purpose of avoiding or reducing the amount of premiums for workers' compensation coverage is a felony of the third degree. The application shall contain a sworn statement by the employer attesting to the accuracy of the information submitted.

(c) Each employer applying for workers' compensation coverage in the Florida Workers' Compensation Joint Underwriting Association (FWCJUA) ~~may be required by their carrier to~~ shall use ACORD Form 130-FL (rev. 2000/01 3/96) unless the FWCJUA files and receives approval by the Department of Insurance to use a different application form in accordance with paragraph (1)(b). The FWCJUA shall use