

## Section III

### Notices of Changes, Corrections and Withdrawals

#### DEPARTMENT OF STATE

##### Division of Historical Resources

RULE CHAPTER NO.: 1A-38  
 RULE CHAPTER TITLE: Tax Exemptions for Historic Properties  
 RULE NO.: 1A-38.003  
 RULE TITLE: Application for Exemption  
 NOTICE OF CHANGE

Notice is hereby given that proposed Rule 1A-38, FAC., and proposed Department of State Form HR3E101292, entitled Historic Preservation Property Tax Exemption Application, incorporated by reference into proposed Rule 1A-38, FAC., published in the Florida Administrative Weekly, Vol. 26, No. 19, on May 12, 2000, have been changed to reflect comments received from the Joint Administrative Procedures Committee. In particular, changes have been made to Form HR3E101292 to apprise the reader of criteria and standards to be applied. When changed, the full text of proposed Rule 1A-38.002(4), FAC. shall read:

(4) "Improvements" means changes in the condition of real property brought about by the expenditure of labor or money for restoration, renovation or rehabilitation of such property. Improvements shall include additions and accessory structures (i.e., garage, cabana, guest cottage, storage/utility structure) so long as the new construction is compatible with the historic character of the building and site in terms of size, scale, massing, design and materials, and preserves the historic relationship between a building or buildings, landscape features and open space.

When changed, the full text of proposed Rule 1A-38.003, FAC. shall read:

1A-38.003 Application for Exemption.

(1) Except as provided in rule 1A-38.003(2), application for the property tax exemption shall be made on the three-part Historic Preservation Property Tax Exemption Application, DOS Form No. HR3E101292, effective January 31, 1994, revised xx xx, 2000 and incorporated by reference. This form may be obtained by writing the Division at: Bureau of Historic Preservation, 500 South Bronough Street, Tallahassee, Florida 32399-0250, or from the local historic preservation office in the jurisdiction of the local government. Part 1-Evaluation of Property Eligibility and Part 2-Description of Improvements may be submitted before or during construction, or upon

completion of the improvements; however, property owners are strongly encouraged to submit these parts of the application to ensure property eligibility and secure preliminary project approval before construction is initiated. Part 3 Request for Review of Completed Work, shall be submitted upon completion of the improvements. For improvements completed before application is made, Part 3-Request for review of Completed Work must accompany the Part 2 submission.

#### DEPARTMENT OF STATE

##### Division of Elections

RULE NO.: 1S-2.002  
 RULE TITLE.: Placement of Races on Primary Ballots  
 NOTICE OF CHANGE

Notice is hereby given that the following change has been made to the proposed hearing date for the above proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 26, No. 27, July 7, 2000, issue of the Florida Administrative Weekly.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 9:30 a.m., August 14, 2000

PLACE: Director's Conference Room, Room 1801, The Capitol, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Paul Craft, Division of Elections, (850)921-4110

#### DEPARTMENT OF INSURANCE

RULE NOS.: 4-136.002  
 RULE TITLES: Foreign Insurers Filing for a Certificate of Authority  
 4-136.011  
 Domestic Insurers Filing for a Certificate of Authority

##### SECOND NOTICE OF CHANGE

Notice is hereby given that following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., Florida Statutes, published in Vol. 26, No. 8, February 25, 2000, of the Florida Administrative Weekly. A Notice of Change was published on June 30, 2000 in Vol. 26, No. 26 of the Florida Administrative Weekly.

4-136.002 add to law implemented "628.161, 628.907"

4-136.011(2)(b) needs to be changed to read ~~(b)(c) Form DA 847, "Required Filings Check List, Section I-IV."~~ Rev. 5/91.

4-136.011(2)(c) thru (h) the letters changed to read (b) thru (i), with no change to the language.  
The remainder of the rule will read as published.

## DEPARTMENT OF INSURANCE

RULE NOS.:	RULE TITLES:
4-154.110	Certificate of Creditable Coverage
4-154.111	Demonstration of Creditable Coverage if Certificate is not Provided
4-154.112	Guaranteed Availability of Individual Health Coverage to Eligible Individuals
4-154.113	Discontinuance or Modification of Policy Form
4-154.115	Designation of Election to Become a Risk-Assuming or Reinsuring Carrier

### NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 24, No. 45, November 6, 1998, of the Florida Administrative Weekly. These changes are being made to address concerns expressed by the Joint Administrative Procedures Committee.

4-154.110:

Subsection (1) is changed to read:

(1) A health insurance issuer in the individual market shall provide a certificate of creditable coverage and make other disclosures regarding an individual's coverage under an individual policy necessary to enable individuals to avoid or reduce pre-existing condition exclusions included under subsequent group health insurance coverage the individual may obtain.

Paragraph (b) of subsection (8) is changed to read:

(b) Nothing in the Insurance Code is interpreted to prohibit the prior entity furnishing this information from charging the requesting entity for the reasonable cost of disclosing the information.

Section 641.38 is deleted from Specific Authority.

4-154.111:

Subsection (4) is changed to read:

(4) Documents that shall be accepted as evidence to establish creditable coverage and waiting periods in the absence of a certificate include: ...

Subsection (5) is changed to read:

(5) Means other than documentation, such as by a telephone call from the issuer to a third party verifying creditable coverage, shall be accepted as evidence of creditable coverage or waiting period information if the means indicate information about satisfaction of a waiting period or the existence of creditable coverage.

In paragraph (a) of Subsection (1) of rule 4-154.112, the word "particular" is changed to read "applicable".

Section 641.38 is deleted from Specific Authority.

4-154.113: Section 627.40 is deleted from Law Implemented.

4-154.115: Subsection (3) is changed to read:

(3) The Department shall approve or disapprove any application within 60 days of receipt of the application, based on the criteria in section 627.6475(6), Florida Statutes, for risk assuming carriers or section 627.6475(7), Florida Statutes, for reinsuring carriers.

The remainder of the rule reads as previously published.

## DEPARTMENT OF TRANSPORTATION

RULE CHAPTER NO.:	RULE CHAPTER TITLE:
14-17	Personnel
RULE NO.:	RULE TITLE:
14-17.011	Ethical Conduct

### NOTICE OF WITHDRAWAL

Notice is hereby given that the proposed rule amendment notice, as published in Vol. 26, No. 14, April 7, 2000, Florida Administrative Weekly, has been withdrawn.

## DEPARTMENT OF TRANSPORTATION

RULE NO.:	RULE TITLE:
14-100.002	Prosecution of Unpaid Toll Violations

### NOTICE OF CORRECTION

The above proposed rule was incorrectly printed in the June 23, 2000, Vol. 26, No. 25, Florida Administrative Weekly.

Section (6) should have read as follows:

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

Form Number	Date	Title
<del>SP050-A-001</del>	<del>11/99</del>	<del>Toll Violation Warning</del>
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.

## DEPARTMENT OF CORRECTIONS

RULE NOS.:	RULE TITLES:
33-602.301	Death Row – General
33-602.302	Death Row – Definitions
33-602.303	Death Row Facilities
33-602.304	Death Row – Review Responsibilities
33-602.305	Death Row – Restraint and Escort Requirements

33-602.306	Death Row – Conditions and Privileges
33-602.307	Death Row Records
33-602.308	Transportation of Death Row Inmates
33-602.309	Inmates with Active Death Warrant

**NOTICE OF CHANGE**

Notice is hereby given that the location for the public hearing for the above referenced rules as published in Vol. 26, No. 24, June 16, 2000, issue of the Florida Administrative Weekly, has been changed. The public hearing will be held on July 25, 2000 at 9:00 a.m. in Room 412 of the Knott Senate Office Building, 404 South Monroe Street, Tallahassee, FL 32399.

**AGENCY FOR HEALTH CARE ADMINISTRATION****Medicaid**

RULE NO.:	RULE TITLE:
59G-4.070	Durable Medical Equipment and Supplies

**NOTICE OF RESCHEDULING OF PUBLIC HEARING**

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 26, No. 26, June 30, 2000 issue of the Florida Administrative Weekly.

The hearing has been rescheduled and will be held on August 11, 2000, at 9:00 a.m., at the Agency for Health Care Administration, Ft. Knox Boulevard, Building 3, Conference Room E, Tallahassee, Florida 32308.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION****Division of Florida Land Sales, Condominiums and Mobile Homes**

RULE NO.:	RULE TITLE:
61B-3.010	Offer or Offering through Computer or Other Electronic Means

**NOTICE OF WITHDRAWAL**

Notice is hereby given that the above rule, as noticed in Vol. 26, No. 13, March 31, 2000, Florida Administrative Weekly has been withdrawn.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION****Board of Cosmetology**

RULE NOS.:	RULE TITLES:
61G5-31.003	Hair Braiding, Hair Wrapping, and Body Wrapping Registration
61G5-31.006	Practice of Hair Braiding, Hair Wrapping, and Body Wrapping Pending Approval of Registration

**NOTICE OF CHANGE**

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 26, No. 15, April 14, 2000, issue of the Florida Administrative Weekly. When changed, the rules shall read as follow:

61G5-31.003 Hair Braiding, Hair Wrapping, and Body Wrapping Registration.

(1) All persons desiring to become registered to practice hair braiding shall apply for registration to the Department in writing upon forms prepared and furnished by the Department, shall pay the registration fee as set forth in Chapter 61G5-24, F.A.C., and shall provide satisfactory proof of their successful completion of a two-day 16-hour Board approved hair braiding course.

(2) All persons desiring to become registered to practice hair wrapping shall apply for registration to the Department in writing upon forms prepared and furnished by the Department, shall pay the registration fee as set forth in Chapter 61G5-24, F.A.C., and shall provide satisfactory proof of their successful completion of a one-day 6-hour Board approved hair wrapping course.

(3) All persons desiring to become registered to practice body wrapping shall apply for registration to the Department, shall pay the registration fee as set forth in Chapter 61G5-24, F.A.C., and shall provide satisfactory proof of their successful completion of a two-day 12-hour Board approved body wrapping course as set forth in 61G5-31.004, F.A.C.

(4) Satisfactory proof of successful completion of the required hair braiding course, hair wrapping course, or body wrapping course shall consist of the original or a legible copy of the certificate of completion supplied to the applicant by the provider of the course indicating the provider's name, the student name, the dates of the course, and the total number of hours successfully completed.

(5) All persons who have applied for registration as a hair braider, hair wrapper, or body wrapper shall retain a copy of all materials submitted in connection with their application, including the completed application, proof of payment of all applicable fees, and satisfactory proof of their successful completion of a Board approved hair braider, hair wrapper, or body wrapper course, until they are issued a certificate of registration or notified that their application has been denied.

61G5-31.006 Practice of Hair Braiding, Hair Wrapping, and Body wrapping Pending Approval of Registration.

(1) An applicant for registration as a hair braider shall be eligible to practice hair braiding, and an applicant for registration as a hair wrapper shall be eligible to practice hair wrapping, and an applicant for registration as a body wrapper shall be eligible to practice body wrapping, pending the

approval of his or her application for registration provided the individual has previously submitted the following to the Department:

- (a) a properly completed registration application;
  - (b) payment of all applicable fees for initial registration as set forth in Chapter 61G5-24, F.A.C.; and,
  - (c) proof of successful completion of a Board approved hair braiding, hair wrapping, or body wrapping course as defined in Rule 61G5-31.004 F.A.C.
- (2) Upon notification that his or her application is complete, an applicant for registration as a hair braider, hair wrapper or body wrapper is eligible to practice hair braiding, hair wrapping and body wrapping pending the approval of his or her application for registration.

(3) Applicants wishing to perform hair braiding, hair wrapping, or body wrapping services under this exception in a licensed cosmetology or specialty salon shall, prior to beginning the performance of hair braiding, hair wrapping, or body wrapping services in the salon, provide to the cosmetology or specialty salon license holder or his or her representative a copy of the completed application for registration as a hair braider, hair wrapper, or body wrapper submitted to the Department by the applicant.

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

## DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

### Board of Veterinary Medicine

RULE NO.:                      RULE TITLE:  
61G18-30.001                      Disciplinary Guidelines  
NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 26, No. 16, April 21, 2000, Florida Administrative Weekly has been withdrawn.

## DEPARTMENT OF HEALTH

### Board of Orthotists and Prosthetists

RULE NO.:                      RULE TITLE:  
64B14-7.003                      Disciplinary Guidelines  
NOTICE OF CHANGE

The Board of Orthotists and Prosthetists gives Notice of Change to the above-referenced rule. The rule was originally published in Vol. 26, No. 15, April 14, 2000, issue of the Florida Administrative Weekly.

When changed, Rule 64B14-7.003(3) shall read as follows:

(3) The Board shall take into consideration the following factors in determining whether to go outside of the disciplinary guidelines and the appropriate discipline to be imposed outside of the disciplinary guidelines:

- (a) the danger to the public;
- (b) the actual damage, physical or otherwise, to specific patients;
- (c) the length of time since the date of the last violation(s);
- (d) the length of time the licensee has practiced his or her profession;
- (e) prior discipline imposed on the licensee;
- (f) the deterrent effect of the penalty imposed;
- (g) the effect of the penalty upon the licensee;
- (h) efforts by the licensee toward rehabilitation;
- (i) attempts by the licensee to correct or stop violations;
- (j) other conditions as appropriate.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joe R. Baker, Jr., Executive Director, Board of Orthotists and Prosthetists/MQA, 4052 Bald Cypress Way, BIN #C07, Tallahassee, Florida 32399-2257

## DEPARTMENT OF HEALTH

### Division of Environmental Health and Statewide Programs

RULE CHAPTER NO.:      RULE CHAPTER TITLE:  
64E-2                              Emergency Medical Services  
NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to proposed rule 64E-2, FAC., in accordance with subparagraph 120.54(3)(d)1., F.S., published in the Florida Administrative Weekly, Vol. 26, No. 20 on May 19, 2000. The changes reflect comments received from the Joint Administrative Procedures Committee. The changes are as follows:

64E-2.037(1)(b). Insert new (b) and renumber remaining paragraphs. New (b): Effective January 1, 2003 emergency medical services providers shall develop and implement operating procedures for regulation of temperature and ventilation of controlled substances, medications and fluids stored on permitted vehicles. Each provider must also maintain and make available to the department copies of all pharmaceutical instructions.

DH Form 1698P. Page 2, h. and i. Replace 401.2701,5b with 401.2701(5)(b).

DH Form 1698E. Page 2, h. and i, Replace 401.2701,5b with 401.2701(5)(b).  
P.O. X00699

## Section IV Emergency Rules

### DEPARTMENT OF THE LOTTERY

RULE TITLE:

RULE NO.:

Retailer MEGA MONEY Bonus

Commission Program

53ER00-34

SUMMARY OF THE RULE: The emergency rule describes the Retailer MEGA MONEY Bonus Commission Program in which the Florida Lottery will award a bonus commission to each eligible on-line retailer that sells a winning grand prize MEGA MONEY ticket during the program period.

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

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER00-34 Retailer MEGA MONEY Bonus Commission Program.

(1) From Friday, July 7, 2000, through Friday, September 22, 2000, the Florida Lottery will conduct, as a sales incentive, a Retailer MEGA MONEY Bonus Commission Program. During the program period, the Florida Lottery will award a bonus commission to each eligible on-line retailer that sells a winning grand prize MEGA MONEY ticket. All awards of bonus commissions under this rule are subject to the provisions of subsection (8).

(2) For each MEGA MONEY drawing held during the program period which produces a grand prize winner, a \$1,000 bonus commission will be awarded to the eligible retailer that sells a winning grand prize MEGA MONEY ticket(s). The bonus commission does not increase with jackpot rollovers. If more than one retailer sells a winning grand prize ticket for a drawing, each of the retailers will be awarded a \$1,000 bonus commission. If a retailer sells more than one winning grand prize ticket in a drawing, it will receive a \$1,000 bonus commission for each winning grand prize ticket sold. If there is no MEGA MONEY jackpot winner on September 22, 2000, the bonus commission program will still end as scheduled.

(3) Award of a MEGA MONEY Bonus Commission is not dependent upon the winning grand prize ticket being claimed by the winner.

(4) The \$1,000 bonus commission will be awarded and paid to a winning retailer upon determination by the Lottery of the following:

(a) A winning grand prize MEGA MONEY ticket was sold at the retailer's location; and

(b) The retailer is eligible to receive the bonus commission as set forth in subsections (5) and (6), below.

(5) All Florida Lottery active on-line retailers will be included in the Retailer MEGA MONEY Bonus Commission Program. However, in order to be eligible to receive the full bonus commission, a retailer must be in good financial standing. Good financial standing is defined as having no dishonored unpaid electronic funds transfers or associated penalties or any other accounts receivable outstanding at the time the bonus commission is to be paid. If the retailer is not in good financial standing as defined in the previous sentence, the bonus commission will first be applied against the outstanding debt. The retailer will receive the remaining balance of the bonus commission, if any.

(6) Retailers whose Florida Lottery contracts are terminated or inactivated prior to the bonus commission award, shall be paid the bonus commission earned provided said termination or inactivation was not due to violation of Chapter 24, Florida Statutes, Chapter 53, Florida Administrative Code, or contract terms.

(7) Retailers will be paid any bonus commissions earned by check or as an adjustment of the retailer's weekly Settlement Report. Bonus commissions will be reported to the Internal Revenue Service as compensation.

(8) Bonus commissions are subject to availability of funds appropriated for retailer incentives. If the incentive funds available for a drawing are insufficient to pay the retailer in accordance with subsection (2), the bonus commission will be prorated among the retailers selling the winning grand prize tickets. A maximum of \$100,000 will be paid in bonus commissions per drawing. If more than 100 winning grand prize tickets are sold in a particular drawing, the \$100,000 in bonus commissions for that drawing will be prorated among the retailers that sold winning grand prize tickets.

Specific Authority 24.105(10)(a), 24.109(1), 24.112(1) FS. Law Implemented 24.105(10)(a),(c), 24.112(1) FS. History—New 7-7-00.

THIS EMERGENCY RULE TAKES EFFECT IMMEDIATELY UPON BEING FILED WITH THE DEPARTMENT OF STATE.

EFFECTIVE DATE: July 7, 2000

## Section V Petitions and Dispositions Regarding Rule Variance or Waiver

### DEPARTMENT OF LAW ENFORCEMENT

Notice is hereby given that the Officer Professionalism Program, Florida Department of Law Enforcement has received from James E. Green, on July 6, 2000, a petition for Variance or Waiver of Rule 11B-27.002(3), FAC., pursuant to Section 120.542, F.S. Petitioner has requested that the Department waive the requirement that a person who completes a Florida Basic Recruit Training Program, pursuant