

Section I

Notices of Development of Proposed Rules and Negotiated Rulemaking

**DEPARTMENT OF BANKING AND FINANCE**

**Board of Funeral and Cemetery Services**

RULE TITLE: Preneed Funeral Contract Consumer Protection Trust Fund

RULE NO.: 3F-10.001

PURPOSE AND EFFECT: This rule is being amended to delete the option of a remittance credit when a cancelled contract is rewritten, as this option is no longer available.

SUBJECT AREA TO BE ADDRESSED: The preneed funeral contract consumer protection trust fund.

SPECIFIC AUTHORITY: 497.103, 497.413 FS.

LAW IMPLEMENTED: 497.413 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: Diana M. Evans, Executive Director, Board of Funeral and Cemetery Services, 101 East Gaines Street, Tallahassee, Florida 32399-0350

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

3F-10.001 Preneed Funeral Contract Consumer Protection Trust Fund.

The amounts required to be remitted by a Certificateholder to the Preneed Funeral Contract Consumer Protection Trust Fund, pursuant to the provisions of Section 497.413, Florida Statutes, shall be determined in accordance with the following criteria:

- (1) through (5) No change.
- (6) If a contract is cancelled after thirty days of execution, the Certificateholder shall not be entitled to credit the remittance for that contract against future remittances ~~unless such contract is immediately rewritten.~~
- (7) All remittances shall be sent with the Preneed Funeral Contract Consumer Protection Trust Fund Remittance Form. This form, DBF-TFR-1, effective May 23, 1994, is incorporated herein by reference, and shall be available from the Department of Banking and Finance, Division of Finance, The Fletcher Building, 101 East Gaines Street, Suite 550, Tallahassee, Florida 32399-0350. Checks should be made payable to the Department of Banking and Finance. Remittances should be submitted to the board office within 60 days following a calendar quarter.
- (8) through (9) No change.

Specific Authority 497.103, 497.413 FS. Law Implemented 497.413 FS. History—New 5-23-94, Amended \_\_\_\_\_.

**DEPARTMENT OF INSURANCE**

RULE TITLE: Acquisition of Controlling Stock

RULE NO.: 4-143.056

PURPOSE AND EFFECT: The proposed amendment deletes a form for which the Department lacks sufficient legislative authority.

SUBJECT AREA TO BE ADDRESSED: Deletion of Form DI4-414 rev. 6/1/89, Paid Representative Registration.

SPECIFIC AUTHORITY: 624.308, 628.461(13) FS.

LAW IMPLEMENTED: 624.307(1),(3), 624.317, 624.321, 624.34, 624.404, 624.413, 624.424(6), 624.501, 624.5091, 628.051, 628.061, 628.461 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: 2:00 p.m., August 29, 2000

PLACE: Room 143, Larson Building, 200 East Gaines Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Wayne Johnson, Bureau of Property and Casualty Insurer Solvency, Division of Insurer Services, Department of Insurance, 200 East Gaines Street, Tallahassee, Florida 32399-0329, (850)413-5232

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 PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

4-143.056 Acquisition of Controlling Stock.

(1) through (3) No change.

(4) The acquiring person shall comply with the instructions contained on Form DI4-918, "Acquisition of Controlling Interest of a Domestic Insurer," rev. 8/92, and submit the following forms. Forms relating to specific types of insurance are to be submitted only by companies issuing policies relating to the type of insurance specified on the form.

(a) through (c) No change.

~~(d) Form DI4-414, "Paid Representative Registration," rev. 6/01/89;~~

(e) through (q) renumbered (d) through (p) No change.

(5) No change.

Specific Authority 624.308, 628.461(13) FS. Law Implemented 624.307(1),(3), 624.317, 624.321, 624.34, 624.404, 624.413, 624.424(6), 624.501, 624.5091, 628.051, 628.061, 628.461 FS. History—New 6-7-90, Formerly 4-109.002, Amended 5-12-94, \_\_\_\_\_.

**DEPARTMENT OF REVENUE**

RULE TITLES:	RULE NOS.:
Requests for Technical Assistance Advise-	12-11.003
ments Processing Requests for, and Obtaining	
Copies of Technical Assistance Advise-	12-11.006
ments	

PURPOSE AND EFFECT: A) The proposed amendments to Rule 12-11.003, F.A.C., remove references to the Office of Industry and Intergovernmental Services, and the Director who administered the office. This office and position have been eliminated. The proposed amendments to this rule also delete a provision in subsection (3)(d) that required taxpayer associations to distribute TAAs to “. . . related interested parties” instead of just their members.

B) The changes to Rule 12-11.006, F.A.C., also remove references to the Office of Industry and Intergovernmental Services, and the Director who administered the office.

SUBJECT AREA TO BE ADDRESSED: These proposed rule amendments conform the rules on Technical Assistance Advise-ments (TAAs) to a change in the Department’s organizational structure.

SPECIFIC AUTHORITY: 213.06(1), 213.22(3) FS.

LAW IMPLEMENTED: 213.22 FS.

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

TIME AND DATE: 10:00 a.m., September 5, 2000

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

Copies of the agenda for the rule development workshop may be obtained by contacting the person listed below.

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Any person requiring special accommodations to participate in any proceeding before the Technical Assistance and Dispute Resolution Office is asked to advise the Department at least five (5) calendar days before such proceeding by contacting Pam Brown, (850)922-4698. If you are hearing or speech impaired, please contact the Department by calling 1(800)DOR-TDD1 (1(800)367-8331).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT WORKSHOP IS: Larry Green, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4830

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

12-11.003 Requests for Technical Assistance Advise-ments.

(1) through (2) No change.

(3) Each written request for a technical assistance advisement from a taxpayer association or the association’s representative must contain:

(a) through (c) No change.

(d) A statement from the taxpayer association agreeing to disseminate the TAA to all of its members ~~and related interested parties.~~

(e) No change.

~~(4) Upon receipt of a request from a taxpayer association for a TAA, the Department’s Director of Industry and Intergovernmental Services will determine whether the issue is of general applicability and is appropriate for the issuance of an industry-wide TAA.~~

(5) through (6) renumbered (4) through (5) No change.

~~(6)(7)(a)~~ A request for issuance of a technical assistance advisement by the Department ~~from an individual taxpayer or his or her representative~~ should be addressed to Technical Assistance and Dispute Resolution, P. O. Box 7443, Tallahassee, Florida 32314-7443.

~~(b)~~ A request from a taxpayer association or its representative should be addressed to the Office of Industry and Intergovernmental Services, Room 104, Carlton Building, 501 South Calhoun Street, Tallahassee, Florida 32399-0100.

~~(7)(8)~~ No change.

~~(8)(9)~~ When a taxpayer who is under audit or a taxpayer association that has a member who is under audit requests a Technical Assistance Advisement (TAA) on any tax being audited or a transaction or period being reviewed, other than a request regarding the sales and use tax exemptions granted to general groceries and medical items pursuant to s. 212.08(1) and (2), F.S., the taxpayer or the taxpayer association shall mail or hand-deliver to the authorized employee conducting the audit or review a copy of the TAA request at the same time the request is mailed to Technical Assistance and Dispute Resolution (TADR) ~~or the Office of Industry and Intergovernmental Services (I&IS)~~ for a response. Upon receipt of the TAA request, the authorized employee will notify TADR ~~or I&IS~~ of his or her intent to provide any factual information, documents, arguments, or authorities which he or she wants considered. The authorized employee shall have 10 working days from the date of the TAA request in which to forward any information to TADR ~~or I&IS~~ or to request additional time to submit information regarding the TAA request. The authorized employee shall not be obligated to suspend the audit or review pending issuance of the TAA. After issuance of a Notice of Proposed Assessment or billing, no TAA will be issued to a taxpayer or taxpayer association with respect to the tax liability reflected by the proposed assessment or billing, other than a TAA request regarding the sales and use tax exemptions granted to general groceries and medical items pursuant to s. 212.08(1) and (2), F.S.

~~(9)(10)~~ No change.

Specific Authority 213.06(1), 213.22(3) FS. Law Implemented 213.22 FS. History—New 5-27-82, Formerly 12-11.03, Amended 10-24-96, 6-28-00,

12-11.006 Processing Requests for, and Obtaining Copies of, Technical Assistance Advisements.

(1) No change.

(2) A taxpayer or the taxpayer's authorized representative, or a taxpayer association or its representative, desiring to obtain information as to the status of the taxpayer's request may do so by contacting ~~either~~ Technical Assistance and Dispute Resolution, P. O. Box 7443, Tallahassee, Florida 32314-7443 ~~or the Director of Industry and Intergovernmental Services at Room 104, Carlton Building, 501 South Calhoun Street, Tallahassee, Florida 32399-0100, depending on where the request was directed originally.~~

(3) No change.

Specific Authority 213.06(1), 213.22(3) FS. Law Implemented 213.22(1) FS. History—New 5-27-82, Formerly 12-11.06, Amended 10-24-96, 6-28-00, \_\_\_\_\_.

**WATER MANAGEMENT DISTRICTS**

**South Florida Water Management District**

RULE TITLE:

RULE NO.:

Publications, Rules and Interagency Agreements

Incorporated by Reference 40E-4.091

PURPOSE AND EFFECT: SFWMD rules require an environmental resource permit applicant to provide financial assurances of their capability to perform proposed mitigation to offset wetland impacts and specifies that the SFWMD be the sole beneficiary of the applicant's financial assurance mechanisms. The proposed amendment to this rule will allow any local pollution control program acting pursuant to Section 403.182, F.S., to be a co-beneficiary with the SFWMD of the financial assurance mechanism (such as performance bonds or letters of credit) and as co-beneficiary provide written notice to the SFWMD prior to withdrawing or transferring any portion of the funds therein.

SUBJECT AREA TO BE ADDRESSED: The proposed rule is to amend the specific criteria of Section 4.3.7.4, Basis of Review for Environmental Resource Permits Within the South Florida Water Management District (May, 2000), incorporated by reference in Rule 40E-4.091(1)(a), F.A.C., to allow applicants to post a common financial assurance mechanism shared by the SFWMD and a local government in compliance with Section 403.182, F.S., which provides for a level of consistency of the local government with statewide goals regarding wetland impacts and mitigation.

SPECIFIC AUTHORITY: 373.044, 373.113, 373.171, 373.413 FS.

LAW IMPLEMENTED: 373.413, 373.4135, 373.4137, 373.416, 373.418, 373.421, 373.426 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.

WRITTEN PUBLIC COMMENTS REGARDING THE PROPOSED RULE AMENDMENT MUST BE RECEIVED BY THE SFWMD NO LATER THAN 21 DAYS OF THE PUBLICATION DATE OF THIS NOTICE.

THE PERSON TO BE CONTACTED REQUESTING A RULE DEVELOPMENT WORKSHOP AND TO PROVIDE WRITTEN COMMENTS TO IS: Penelope Bell, South Florida Water Management District, 3301 Gun Club Road, MS 1410, West Palm Beach, FL 33416-4680, telephone 1(800)432-2045, Extension 6320 or (561)682-6320 or via email at pbell@sfwmd.gov

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40E-4.091 Publications, Rules and Interagency Agreements Incorporated by Reference.

(1) The following publications, rules and interagency agreements are incorporated by reference into this chapter, Chapters 40E-40, 40E-41, and 40E-400, F.A.C.:

(a) "Basis or Review for Environmental Resource Permit Applications Within the South Florida Water Management District – \_\_\_\_\_ ~~May 2000~~"

(b) through (j) No change.

(2) No change.

Specific Authority 373.044, 373.113, 373.171, 373.413 FS. Law Implemented 373.413, 373.4135, 373.416, 373.421, 373.426 FS. History—New 9-3-81, Amended 1-31-82, 12-1-82, Formerly 16K-4.035(1), Amended 5-1-86, 7-1-86, 3-24-87, 4-21-88, 11-21-89, 11-15-92, 1-23-94, 4-20-94, 10-3-95, 1-7-97, 12-3-98, 5-28-00, \_\_\_\_\_.

(The following represents proposed amendments to Section 4.3.7.4 of the document entitled "Basis of Review for Environmental Resource Permit Applications Within the South Florida Water Management District – May 2000" incorporated by reference in Rule 40E-4.091(1)(a), F.A.C.)

Section 4.3.7.4, General Terms for Financial Responsibility Mechanisms

4.3.7.4(a) No change.

4.3.7.4(b) The mechanisms shall name the District as sole beneficiary or shall be payable solely to the District. However, any local pollution control program acting pursuant to Section 403.182, F.S., may be a co-beneficiary of the financial assurance mechanism. The original financial responsibility mechanism shall be retained by the District.

4.3.7.4(c) through (d) No change.

4.3.7.4(e) Prior written approval from the District shall be obtained before withdrawing or transferring any portion of the funds therein. Except that a co-beneficiary as provided in subsection (b) shall provide written notice to the District prior to withdrawing or transferring any portion of the funds therein.

4.3.7.4(f) No change.

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Certificate of Need**

**RULE TITLE:** Definitions **RULE NO.:** 59C-1.002  
**PURPOSE AND EFFECT:** The agency has scheduled a rule development workshop to consider possible changes in the list of tertiary health services subject to certificate of need (CON) review. The list appears in rule 59C-1.002(43).  
**SUBJECT AREA TO BE ADDRESSED:** The list of tertiary health services subject to certificate of need review.  
**SPECIFIC AUTHORITY:** 408.15(8), 408.034(5) FS.  
**LAW IMPLEMENTED:** 408.036(1)(h) FS.  
**A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:**  
**TIME AND DATE:** 2:00 p.m., August 29, 2000  
**PLACE:** Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Tallahassee, Florida  
**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS:** Jeff Gregg, Health Facility Regulation, 2727 Mahan Drive, Building 3, Tallahassee, Florida  
**THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.**

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Certificate of Need**

**RULE TITLE:** Open Heart Surgery Program **RULE NO.:** 59C-1.033  
**PURPOSE AND EFFECT:** The agency has scheduled a rule development workshop to consider possible changes in the methodology used to calculate need for additional open heart surgery programs. The methodology is being reviewed in response to provider requests.  
**SUBJECT AREA TO BE ADDRESSED:** The methodology used to determine need for additional open heart surgery programs.  
**SPECIFIC AUTHORITY:** 408.15(8), 408.034(5) FS.  
**LAW IMPLEMENTED:** 408.036(1)(f),(h) FS.  
**A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:**  
**TIME AND DATE:** 2:00 p.m., August 30, 2000  
**PLACE:** Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Tallahassee, Florida  
**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS:** Jeff Gregg, Health Facility Regulation, 2727 Mahan Drive, Building 3, Tallahassee, Florida  
**THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.**

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**RULE TITLE:** Fees **RULE NO.:** 61-20.504  
**PURPOSE AND EFFECT:** The Regulatory Council proposes to update the rule text to increase the application fee for continuing education providers and to increase the renewal fee for continuing education providers. In addition, new rule text will be added to address the application fee for prelicensure education providers and the renewal fee for prelicensure education providers along with the fees to be assessed by the Council.  
**SUBJECT AREA TO BE ADDRESSED:** Fees.  
**SPECIFIC AUTHORITY:** 468.4315 FS.  
**LAW IMPLEMENTED:** 455.2171, 455.219(3),(6), 455.2281, 455.271, 468.4315(2), 468.433, 468.435 FS.  
**IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.**  
**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS:** Julie Baker, Executive Director, Regulatory Council of Community Association Managers, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

**THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:**

- 61-20.504 Fees.
- The following fees are adopted by the Council:
  - (1) through (12) No change.
  - (13) Application fee for continuing education providers \$250.00 ~~\$100.00~~.
  - (14) The renewal fee for continuing education providers \$250.00 ~~\$100.00~~.
  - (15) Application fee for prelicensure education providers \$250.00.
  - (16) The renewal fee for prelicensure education providers \$250.00.

Specific Authority 468.4315 FS. Law Implemented 455.2171, 455.219(3),(6), 455.2281, 455.271, 468.4315(2), 468.433, 468.435 FS. History—New 5-4-97, Amended 5-10-98, 9-9-98, 2-11-99, 3-13-00,\_\_\_\_\_.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Division of Hotels and Restaurants**

**RULE CHAPTER TITLE:** General **RULE CHAPTER NO.:** 61C-1  
**RULE TITLE:** Definitions **RULE NO.:** 61C-1.001

**PURPOSE AND EFFECT:** The purpose of this rule development is to adopt part of the 1999 Recommendations of the United States Public Health Service Food and Drug Administration (FDA Food Code) into the sanitation and safety rules in Title 61C, Florida Administrative Code. These rules affect regulation of all public lodging and public food service establishments licensed by the Division of Hotels and Restaurants in the State of Florida.

**SUBJECT AREA TO BE ADDRESSED:** The division will address regulatory changes from the currently adopted 1997 FDA Food Code. Copies of the 1999 Food Code are available on the Internet at [www.hospitalityeducation.com](http://www.hospitalityeducation.com) or may be obtained from the Division of Hotels and Restaurants, Tallahassee office, (850)488-9263.

**SPECIFIC AUTHORITY:** 509.032(6) FS.

**LAW IMPLEMENTED:** 509.032(3)(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 IS:** Lee M. Cornman, Management Review Specialist, Department of Business and Professional Regulation, Division of Hotels and Restaurants, 1940 North Monroe Street, Tallahassee, FL 32399-1012, Telephone (850)488-9263

**THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:**

61C-1.001 Definitions.

Except when otherwise defined in this rule, the definitions provided in paragraph 1-201.10(B), Food Code, ~~1999~~ 1997 Recommendations of the United States Public Health Service/Food and Drug Administration, herein adopted by reference, shall apply to Chapters 61C-1, 61C-3 and 61C-4, FAC. In addition, the following definitions apply to Chapters 61C-1, 61C-3 and 61C-4, FAC:

(1) through (13) No change.

(14) Food Code – Food Code, 1999 ~~1997~~ Recommendations of the United States Public Health Service/Food and Drug Administration.

(15) through (30) No change.

Specific Authority 509.032(6) FS. Law Implemented 509.032 FS. History—Amended 9-20-63, 3-21-64, 1-7-70, Revised 2-4-71, Amended 10-18-71, 11-17-73, 12-18-74, 12-5-82, Formerly 7C-1.01, Amended 9-10-89, 12-31-90, 2-27-92, 11-4-92, Formerly 7C-1.001, Amended 3-31-94, 10-9-95, 9-25-96, 1-1-98,\_\_\_\_\_.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Division of Hotels and Restaurants**

**RULE CHAPTER TITLE:** General **RULE CHAPTER NO.:** 61C-4

**RULE TITLE:** Sanitation and Safety Requirements **RULE NO.:** 61C-4.010

**PURPOSE AND EFFECT:** Concurrent with the proposed adoption of part of the 1999 Recommendations of the United States Public Health Service Food and Drug Administration (FDA Food Code) into the sanitation and safety rules in Title 61C, Florida Administrative Code, the purpose of this proposed language is to exempt employees of public food service establishments from subsection 2-302.11(B) of the 1999 FDA Food Code. Subsection 2-302.11(B) of the 1999 FDA Food Code specifies, “Unless wearing intact gloves in good repair, a food employee may not wear fingernail polish or artificial fingernails when working with exposed food.” This rule affects regulation of all public food service establishments licensed by the Division of Hotels and Restaurants in the State of Florida.

**SUBJECT AREA TO BE ADDRESSED:** The exemption of public food service establishment employees from the requirement specified in subsection 2-302.11 (B) of the FDA Food Code. Copies of the 1999 FDA Food Code and Chapter 61C-4, FAC., are available on the Internet at [www.hospitalityeducation.com](http://www.hospitalityeducation.com) or may be obtained from the Division of Hotels and Restaurants Tallahassee office at (850)488-9263.

**SPECIFIC AUTHORITY:** 509.032(6) FS.

**LAW IMPLEMENTED:** 509.032(3)(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 IS:** Lee M. Cornman, Management Review Specialist, Department of Business and Professional Regulation, Division of Hotels and Restaurants, 1940 North Monroe Street, Tallahassee, FL 32399-1012, telephone (850)488-9263

**THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:**

61C-4.010 Sanitation and Safety Requirements.

(1) Food Supplies and Food Protection – except as specifically provided in this rule, public food service establishments shall be subject to the provisions of Chapter 3, Food Code, herein adopted by reference.

(a) In addition to the methods provided in the Food Code, between uses during service, dispensing utensils may be stored in hot water wells that maintain the temperature of the water at or above 140 degrees Fahrenheit and that are cleaned frequently at scheduled intervals throughout the day.

(b) In the event of an emergency occurrence such as a fire, flood, power outage or similar event that might result in the contamination of food, or that might prevent potentially hazardous food from being held at safe temperatures, the person in charge shall immediately notify the division.

(c) Labeling – Public food service establishments which prepare and package food products must ensure that packaged food products are properly labeled. Package labels must contain the following information:

1. Identity and description of product;
2. Date product was packaged; and
3. Name and address of establishment which prepared and packaged product.

(d) Section 3-301.11(B), Food Code, provides the specifications for no bare hand contact of exposed ready-to-eat food. Pursuant to the language "unless otherwise approved" as provided in 3-301.11(B), Food Code, food employees may contact ready-to-eat foods with their bare hands immediately prior to service if the operator of the public food service establishment maintains a written operational procedure which addresses all of the following components:

1. Identification of:

- a. specific work area(s), such as the sandwich prep line or cook line;
- b. employee position(s) where bare hand contact with ready-to-eat foods will occur;
- c. actual food preparation processes where bare hand contact with ready-to-eat food will be used; and
- d. employees' procedures for handling ready-to-eat foods, which must also include how cross contamination from touching raw animal food and ready-to-eat food is precluded.

2. Identified employee positions whose duties may include handling of ready-to-eat foods with their bare hands must receive professional hygiene training in accordance with 61C-4.023(6), FAC., prior to any food handling activity. Training shall be provided to all employees assigned to positions which include handling ready-to-eat foods, emphasizing the importance of proper hand washing for all employees with direct hand contact with ready-to-eat food. Evidence of this training (content, employees, dates) shall be available to the division upon request.

3. Employees who handle ready-to-eat foods must thoroughly wash their hands before returning to their work stations and as needed during their work periods in accordance with the handwash requirements of the Food Code. Additionally, these employees shall use a chemical hand sanitizing solution which must comply with the specification provided in section 2-301.16(C), Food Code. The

establishment must also fully comply with sections 5-203.11(A) and 5-204.11, Food Code, regarding the number and location of hand washing lavatories.

4. The person in charge is responsible for verifying, prior to any food handling activity, that all food handling employees are in compliance with sections 2-201.11, 2-201.12, and 2-201.13, Food Code, relative to employee health status, exclusions, and restrictions.

5. The operational procedures must provide an effective way to monitor employees to verify compliance with the requirements of the Food Code and the specifications of the written procedures. Additionally, the written procedures must also describe the corrective actions the operator must take when procedures are not followed. All employees, including the operator, manager, or any supervisory position, who handle ready-to-eat foods with bare hands must comply with all requirements of the Food Code and the establishment's written operational procedures.

(e) A copy of the operational procedures must be maintained and made available in each food establishment at all times for use by the person in charge and for review by the regulatory authority upon request. The operational procedures must be reviewed by the operator annually and modified as necessary. A verification of the annual review must be recorded as part of the written procedures.

(f) If an establishment employee is observed using bare hands to handle ready-to-eat foods and the establishment has failed to develop, maintain, or make available a written set of operational procedures; or, comply with any rule requirement relative to the use of bare hands, personal health, or professional hygiene, the division shall cite the establishment for noncompliance. Noncompliance on a second inspection within two years of the first infraction shall result in enforcement action in accordance with section 509.261, Florida Statutes. A subsequent finding of noncompliance relative to the use of bare hands, personal health, or professional hygiene will result in enforcement action in accordance with section 509.261, Florida Statutes, and enforcement of section 3-301.11(B), Food Code, until the establishment operator verifies corrective action and completes remedial training of all food preparation employees.

(g) If the division or other food regulatory authority is notified of a suspected food borne illness outbreak in any establishment which utilizes bare hand contact with ready-to-eat foods, the division will temporarily enforce no bare hand contact in accordance with section 3-301.11(B), Food Code, until a determination is made by the health authority whether a food borne illness outbreak exists or until the origin of the food borne illness outbreak is confirmed. If the origin of the food borne illness, specific to the implicated establishment, is determined to be a food employee associated outbreak, the division shall pursue enforcement action in accordance with section 509.261, Florida Statutes, and

continue to enforce compliance with section 3-301.11(B), Food Code, until the establishment operator verifies corrective action and completes remedial training of all food preparation employees.

(h) Public food service establishments are exempted from the consumer advisory provisions of section 3-603.11, Food Code.

(i) Employees in public food service establishments are exempted from the fingernail maintenance requirements of section 2-302.11(B), Food Code.

(2) through (7) No change.

Specific Authority 509.032(2)(d), 509.032(6) FS. Law Implemented 509.032(2)(d),(3)(a),(b),(c), 509.035, 509.221 FS. History—New 1-1-77, Amended 1-6-81, Formerly 10D-13.23, Amended 2-21-91, Formerly 10D-13.023, Formerly 7C-4.010, Amended 3-31-94, 9-25-96, 1-1-98, 7-2-98,

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Florida Real Estate Commission**

RULE TITLE: Equivalency for Prelicensing Education  
 PURPOSE AND EFFECT: Applicants for broker and salesperson licenses, who have completed specific educational requirements at a college, university, community college, area technical center or real estate school within 24 months prior to their application for licensure, are deemed to have satisfactorily completed the broker or salesperson prelicensing course for which they applied.

RULE NO.: 61J2-3.012

SUBJECT AREA TO BE ADDRESSED: The rule allows applicants for broker and salesperson licenses to transfer credit to Commission prescribed prelicensing courses, provided the courses meet FREC standards.

SPECIFIC AUTHORITY: 475.05 FS.

LAW IMPLEMENTED: 475.04, 475.17, 475.182, 475.183, 475.451 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: 8:30 a.m., September 20, 2000  
 PLACE: Office of Florida Real Estate Commission, 400 West Robinson Street, Suite 301, North Tower, Orlando, Florida  
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Herbert S. Fecker, Jr., Director, Division of Real Estate, 400 West Robinson Street, Suite 308, North Tower, Orlando, Florida 32801

**THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:**

**61J2-3.012 Equivalency for Prelicensing Education.**

Any person who has attended an accredited college, university, community college, area technical center or a real estate school, which holds a permit ~~licensed~~ in Florida pursuant to s. 475.451, Florida Statutes, and who, while attending said institutions or real estate school, satisfactorily completed within the past 24 months real estate courses covering substantially the same subject matter, classroom hours of attendance, and completion standards as prescribed by the Commission in Rule 61J2-3.008, Florida Administrative Code, shall be deemed to have satisfactorily completed the course. Any person who has obtained a degree with a major in real estate which substantially covers the Commission prescribed course subject matter at such college or university shall also be deemed to have satisfactorily completed the course. Application for equivalency evaluation shall be accompanied by an official transcript from a ~~the~~ college, ~~or~~ university, or community college or by an appropriate certificate issued by an area technical center or a real estate school ~~registered in Florida pursuant to s. 475.451, Florida Statutes,~~ showing the real estate subjects taken together with date completed and grade attained. The Commission may request supportive documentation to determine course equivalency.

Specific Authority 475.05 FS. Law Implemented 475.04, 475.17, 475.182, 475.183, 475.451 FS. History—New 1-1-80, Amended 9-16-84, Formerly 21V-3.12, Amended 6-28-93, Formerly 21V-3.012, Amended 12-30-97,

**DEPARTMENT OF HEALTH**

**Board of Nursing Home Administrators**

RULE TITLE: Provisional License  
 PURPOSE AND EFFECT: The Board proposes to amend this rule to expand the requirements for licensees who wish to obtain a provisional license.

RULE NO.: 64B10-11.011

SUBJECT AREA TO BE ADDRESSED: requirements for a provisional license.

SPECIFIC AUTHORITY: 468.1685(1), 468.1735 FS.

LAW IMPLEMENTED: 468.1735 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 IS: John Taylor, Executive Director, Board of Nursing Home Administrators/MQA, 2020 Capital Circle, S. E., Bin #C04, Tallahassee, Florida 32399-3254

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B10-11.011 Provisional License.

(1) through (4) No change.

(5) An application for a provisional license shall not be granted unless the applicant can demonstrate that he or she possesses a minimum of six (6) months management experience within a skilled nursing facility, hospital, hospice, assisted living facility with a minimum of 60 licensed beds, or geriatric residential treatment program.

(6) A provisional license shall not be granted to any applicant whose Nursing Home Administrator license has been suspended or revoked in any jurisdiction.

Specific Authority 468.1685(1), 468.1735 FS. Law Implemented 468.1735 FS. History--New 12-6-79, Amended 8-17-81, Formerly 21Z-11.11, Amended 4-22-87, Formerly 21Z-11.011, 61G12-11.011, Amended 7-21-97, Formerly 59T-11.011, Amended \_\_\_\_\_.

**DEPARTMENT OF HEALTH**

**Board of Osteopathic Medicine**

RULE TITLES:

Purpose

Violations and Penalties

Time for Payment of Civil Penalties

Citations

RULE NOS.:

64B15-19.001

64B15-19.002

64B15-19.004

64B15-19.007

PURPOSE AND EFFECT: The Board proposes to amend Rule 64B15-19.001 to update the rule text. The Board proposes to substantially reword Rule 64B15-19.002 to update the rule text with regard to first, second and third offenses and the penalty amounts to be assessed by the Board. The Board proposes to amend Rule 64B15-19.004 to update the rule text. The Board proposes to amend Rule 64B15-19.007 to expand the violations with accompanying fines which may be disposed of by citation.

SUBJECT AREA TO BE ADDRESSED: Purpose; violations and penalties; time for payment of civil penalties; and citations.

SPECIFIC AUTHORITY: 455.227(2), 455.617, 455.621, 455.627, 459.005, 459.015(5) FS.

LAW IMPLEMENTED: 455.227(2), 455.617, 455.621, 455.624, 455.627 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 IS: William Buckhalt, Executive Director, Board of Osteopathic Medicine/MQA, 2020 Capital Circle, S. E., Bin #C06, Tallahassee, Florida 32399-3256

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B15-19.001 Purpose.

The board provides within this rule disciplinary guidelines which shall be imposed upon applicants or licensees whom it regulates under Chapter 459, F.S. The purpose of this rule is to notify applicants and licensees of the ranges of penalties which will routinely be imposed during a formal or informal hearing unless the board finds it necessary to deviate from the guidelines for the stated reasons given within this rule. ~~The ranges of penalties provided below are based upon a single count violation of each provision listed; for multiple counts of the violated provisions or a combination of violations, the Board shall consider a higher penalty than that for single, isolated violation.~~ Each range includes the lowest and highest penalty and all penalties falling between. For purposes of this rule, the order of penalties, ranging from lowest to highest, is: letter of concern; reprimand; probation; fine; restriction or certification with restrictions; suspension, revocation or refusal to certify. Pursuant to Section 459.015(2), combinations of these penalties are permissible by law. Nothing in this rule shall preclude any discipline imposed upon an applicant or licensee pursuant to a stipulation or settlement agreement, nor shall the ranges of penalties set forth in this rule preclude the probable cause panel from issuing a letter of guidance upon a finding of probable cause where appropriate.

Specific Authority 455.627, 459.015(5), 459.005 FS. Law Implemented 455.627 FS. History--New 9-30-87, Formerly 21R-19.001, 61F9-19.001, 59W-19.001, Amended 2-2-98, \_\_\_\_\_.

(Substantial rewording of Rule 64B15-19.002 follows. See Florida Administrative Code for present text)

64B15-19.002 Violations and Penalties.

In imposing discipline upon applicants and licensees, the board shall act in accordance with the following disciplinary guidelines and shall impose a penalty within the range corresponding to the violations set forth below. The statutory language is intended to provide a description of the violation and is not a complete statement of the violation; the complete statement may be found in the statutory provision cited directly under each violation description.



(1) Attempting to obtain, obtaining or renewing a license or certificate by bribery, fraud or through an error of the Department or board (455.624(1)(h) & 459.015(1)(a), F.S.)

	MINIMUM	MAXIMUM
FIRST OFFENSE:	denial with ability to reapply immediately upon payment of \$5,000 fine or probation and \$5,000 fine	denial with ability to reapply in not less than 3 years or revocation and \$7,500 fine
SECOND OFFENSE:	denial with ability to ability to reapply in not less than 3 years and \$10,000 fine or suspension to be followed by probation and \$10,000 fine	denial of license with no ability to reapply or revocation and \$10,000 fine

(2) Action taken against license by another jurisdiction (455.624(1)(f) & 459.015(1)(b), F.S.)

FIRST OFFENSE:	imposition of discipline comparable to discipline that would have been imposed in Florida if the substantive violation occurred in Florida and \$1000 fine	imposition of discipline comparable to discipline that would have been imposed in Florida if the substantive violation occurred in Florida and \$5000 fine
SECOND OFFENSE:	imposition of discipline comparable to discipline that would have been imposed in Florida if the substantive violation occurred in Florida and \$5,000 fine	revocation and \$10,000 fine or denial of license until the licensee's license is unencumbered in the jurisdiction where disciplinary action was originally taken

(3) Guilty of crime directly relating to practice or ability to practice (455.624(1)(c) & 459.015(1)(c), F.S.)

FIRST OFFENSE:	probation and \$2,000 fine	revocation and \$5,000 fine or denial of license with ability to reapply for licensure in not less than 3 years
SECOND OFFENSE:	suspension to be followed by probation and \$5,000 fine	revocation and \$10,000 fine or permanent denial of license

(4) False, deceptive, or misleading advertising (459.015(1)(d), F.S.)		
FIRST OFFENSE:	letter of concern	reprimand and \$1,000 fine
SECOND OFFENSE:	probation and \$2,000 fine	probation and \$5,000 fine
THIRD OFFENSE:	3 month suspension to be followed by probation and \$5,000 fine	1 year suspension to be followed by probation and \$5,000 fine
(5) Failure to report another licensee in violation (455.624(1)(i) & 459.015(1)(e), F.S.)		
FIRST OFFENSE:	letter of concern	reprimand and \$1,000 fine
SECOND OFFENSE:	reprimand and \$2,500 fine	probation and \$2,500 fine
THIRD OFFENSE:	probation and \$5,000 fine	suspension to be followed by probation and \$5,000 fine
(6) Aiding unlicensed practice (455.624(1)(j) & 459.015(1)(f), F.S.)		
FIRST OFFENSE:	probation and \$2,500 fine	denial or revocation and \$5,000 fine
SECOND OFFENSE:	suspension to be followed by probation and \$5,000 fine	denial or revocation and \$10,000 fine
(7) Failure to perform legal duty or obligation (455.624(1)(k) & 459.015(1)(g), F.S.)		
FIRST OFFENSE:	reprimand and \$1,000 fine	denial with ability to reapply after no less than 2 years or revocation and \$5,000 fine
SECOND OFFENSE:	probation and \$5,000 fine	denial or revocation and \$10,000 fine
(8) Giving false testimony regarding the practice of medicine (459.015(1)(h), F.S.)		
FIRST OFFENSE:	reprimand and \$2,500 fine	probation and \$5,000 fine
SECOND OFFENSE:	suspension to be followed by probation and \$5,000 fine	revocation and \$10,000 fine or denial of license

<p>(9) Filing a false report or failing to file a report as required (455.624(1)(l) &amp; 459.015(1)(i), F.S.) FIRST OFFENSE:</p>	<p>reprimand and \$5,000 fine</p>	<p>revocation and \$10,000 fine or denial with ability to reapply in not less than 1 year</p>
<p>SECOND OFFENSE:</p>	<p>denial with ability to reapply in not less than 3 years or suspension to be followed by probation and \$10,000 fine</p>	<p>denial with no ability to reapply or revocation and \$10,000 fine</p>
<p>(10) Kickbacks and unauthorized fee arrangements (459.015(1)(j), F.S.) FIRST OFFENSE:</p>	<p>probation and \$2,500 fine</p>	<p>denial or suspension to be followed by probation and \$5,000 fine</p>
<p>SECOND OFFENSE:</p>	<p>denial or suspension to be followed by probation and \$10,000 fine</p>	<p>denial or revocation and a \$10,000 fine</p>
<p>(11) Failure to provide financial disclosure form to a patient being referred to an entity in which the referring physician is an investor (455.654, F.S.) FIRST OFFENSE:</p>	<p>reprimand</p>	<p>reprimand and \$2,500 fine</p>
<p>SECOND OFFENSE:</p>	<p>reprimand and \$5000 fine</p>	<p>probation and \$5,000 fine</p>
<p>THIRD OFFENSE:</p>	<p>probation and \$7,500 fine</p>	<p>suspension to be followed by probation and \$10,000 fine</p>
<p>(12) Improper refusal to provide health care (459.015(1)(k), F.S.) FIRST OFFENSE:</p>	<p>reprimand and \$5,000 fine</p>	<p>probation and \$5,000 fine</p>
<p>SECOND OFFENSE:</p>	<p>suspension to be followed by probation and \$7,500 fine</p>	<p>revocation and \$10,000 fine</p>
<p>(13) Sexual misconduct within the patient physician relationship (455.624(1)(u) &amp; 459.015(1)(l), F.S.) FIRST OFFENSE:</p>	<p>probation and \$10,000 fine</p>	<p>denial of licensure or revocation and \$10,000 fine</p>
<p>SECOND OFFENSE:</p>	<p>suspension to be followed by probation and \$10,000 fine</p>	<p>denial of licensure or revocation and \$10,000 fine</p>

(14) Deceptive, untrue, or fraudulent misrepresentations in the practice of medicine (455.624(1)(a) & (m) & 459.015(1)(m), F.S.)		
FIRST OFFENSE:	reprimand and \$5,000 fine	denial of licensure or suspension to be followed by probation and \$10,000 fine
SECOND OFFENSE:	denial of licensure or suspension to be followed by probation and \$10,000 fine	denial of licensure or revocation and \$10,000 fine
(15) Improper solicitation of patients (459.015(1)(n), F.S.)		
FIRST OFFENSE:	reprimand and \$5,000 fine	probation and \$5,000 fine
SECOND OFFENSE:	suspension to be followed by probation and \$7,500 fine	revocation and \$10,000 fine
(16) Failure to keep written medical records (459.015(1)(o), F.S.)		
FIRST OFFENSE:	reprimand and \$5,000 fine	probation and \$5,000 fine
SECOND OFFENSE:	suspension to be followed by probation and \$7,500 fine	revocation and \$10,000 fine
(17) Fraudulent, alteration or destruction of patient records (459.015(1)(p), F.S.)		
FIRST OFFENSE:	probation and \$5,000 fine	suspension to be followed by probation and \$7,500 fine
SECOND OFFENSE:	suspension to be followed by probation and \$7,500 fine	revocation and \$10,000 fine
(18) Exercising improper influence on patient (455.624(1)(n) & 459.015(1)(q), F.S.)		
FIRST OFFENSE:	probation and \$5,000 fine	suspension to be followed by probation and \$7,500 fine
SECOND OFFENSE:	suspension to be followed by probation and \$7,500 fine	revocation and \$10,000 fine

(19) Improper advertising of pharmacy (459.015(1)(r), F.S.)

FIRST OFFENSE:	letter of concern	reprimand and \$1,000 fine
SECOND OFFENSE:	probation and \$2,000 fine	probation and \$5,000 fine
THIRD OFFENSE:	probation and \$7,500 fine	suspension to be followed by probation and \$10,000 fine

(20) Performing, professional services not authorized by patient (459.015(1)(s), F.S.)

FIRST OFFENSE:	reprimand and \$5,000 fine	probation and \$5,000 fine
SECOND OFFENSE:	probation and \$7,500 fine	revocation and \$10,000 fine

(21) Controlled substance violations (459.015(1)(t), F.S.)

FIRST OFFENSE:	probation and \$5,000 fine	suspension to be followed by probation and \$7,500 fine
SECOND OFFENSE:	suspension to be followed by probation and \$7,500 fine	revocation and \$10,000 fine

(22) Prescribing or dispensing of a scheduled drug by the physician to himself (459.015(1)(u), F.S.)

FIRST OFFENSE:	probation and \$5,000 fine	suspension to be followed by probation and \$7,500 fine
SECOND OFFENSE:	suspension to be followed by probation and \$7,500 fine	revocation and \$10,000 fine

(23) Use of amygdalin (Laetrile) (459.015(1)(v), F.S.)

FIRST OFFENSE:	reprimand and \$5,000 fine	probation and \$5,000 fine
SECOND OFFENSE:	suspension to be followed by probation and \$7,500 fine	revocation and \$10,000 fine

(24) Inability to practice medicine with skill and safety (459.015(1)(w), F.S.)

FIRST OFFENSE:	denial or probation and \$2,500 fine	denial or suspension until licensee is able to demonstrate to the Board ability to practice with reasonable skill and safety to be followed by probation and \$5,000 fine
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SECOND OFFENSE:	denial or suspension until licensee is able to demonstrate to the Board ability to practice with reasonable skill and safety to be followed by probation and \$7,500 fine	denial or revocation and \$10,000 fine
 (25) Gross Malpractice (459.015(1)(x), F.S.)		
FIRST OFFENSE:	denial or probation and \$7,500 fine	denial or revocation and \$10,000 fine
SECOND OFFENSE:	denial or suspension to be followed by probation and \$7,500 fine	denial or revocation and \$10,000 fine
 (26) Repeated Malpractice (459.015(1)(x), F.S.)		
FIRST OFFENSE:	denial or probation and \$7,500 fine	denial or revocation and \$10,000 fine
SECOND OFFENSE:	denial or suspension to be followed by probation and \$7,500 fine	denial or revocation and \$10,000 fine
 (27) Failure to practice with level of care, skill, and treatment recognized by a reasonably prudent physician as acceptable under similar conditions and circumstances (459.015(1)(x), F.S.)		
FIRST OFFENSE:	denial or probation and \$5,000 fine	denial or suspension to be followed by probation and \$7,500 fine
SECOND OFFENSE:	denial or suspension to be followed by probation and \$7,500 fine	denial or revocation and \$10,000 fine
 (28) Improper performing of experimental treatment (459.015(1)(y), F.S.)		
FIRST OFFENSE:	denial or reprimand and \$5,000 fine	denial or suspension to be followed by probation and \$5,000 fine
SECOND OFFENSE:	denial or suspension to be followed by probation and \$7,500 fine	denial or revocation and \$10,000 fine
 (29) Practicing beyond one's scope (459.015(1)(z), F.S.)		
FIRST OFFENSE:	denial or reprimand and \$5,000 fine	denial or suspension to be followed by probation and \$5,000 fine
SECOND OFFENSE:	denial or suspension to be followed by probation and \$7,500 fine	denial or revocation and \$10,000 fine

(30) Delegation of professional responsibilities to unqualified person (455.624(1)(p) & 459.015(1)(aa), F.S.)		
FIRST OFFENSE:	reprimand and \$2,500 fine	denial or suspension to be followed by probation and \$5,000 fine
SECOND OFFENSE:	denial or suspension to be followed by probation and \$7,500 fine	denial or revocation and \$10,000 fine
(31) Violation of law, rule, order, or failure to comply with subpoena (455.624(1)(q) & 459.015(1)(bb), F.S.)		
FIRST OFFENSE:	denial or reprimand and \$5,000 fine	denial or suspension to be followed by probation and \$5,000 fine
SECOND OFFENSE:	denial or suspension to be followed by probation and \$7,500 fine	denial or revocation and \$10,000 fine
(32) Restricting another from lawfully advertising services (459.015(1)(cc), F.S.)		
FIRST OFFENSE:	letter of concern	reprimand and \$1,000 fine
SECOND OFFENSE:	probation and \$2,000 fine	probation and \$5,000 fine
THIRD OFFENSE:	3 month suspension to be followed by probation and a \$5,000 fine	1 year suspension to be followed by probation and \$5,000 fine
(33) Procuring, aiding or abetting an unlawful abortion (459.015(1)(dd), F.S.)		
FIRST OFFENSE:	probation and \$5,000 fine	suspension to be followed by probation and \$7,500 fine
SECOND OFFENSE:	suspension to be followed by probation and \$7,500 fine	revocation and \$10,000 fine
(34) Presigning blank prescription forms (459.015(1)(ee), F.S.)		
FIRST OFFENSE:	reprimand and \$5,000 fine	suspension to be followed by probation and \$5,000 fine
SECOND OFFENSE:	probation and \$5,000 fine	revocation and \$10,000 fine
(35) Prescribing a Schedule II substance for office use (459.015(1)(ff), F.S.)		
FIRST OFFENSE:	reprimand and \$5,000 fine	suspension to be followed by probation and \$5,000 fine
SECOND OFFENSE:	probation and \$5,000 fine	revocation and \$10,000 fine

(36) Improper use of Schedule II amphetamine or sympathomimetic amine drug (459.015(1)(gg), F.S.)  
 FIRST OFFENSE:

	reprimand and \$5,000 fine	suspension to be followed by probation and \$5,000 fine
SECOND OFFENSE:	probation and \$5,000 fine	revocation and \$10,000 fine

(37) Failure to adequately supervise assisting personnel (459.015(1)(hh), F.S.)  
 FIRST OFFENSE:

	reprimand and \$5,000 fine	suspension to be followed by probation and \$5,000 fine
SECOND OFFENSE:	probation and \$5,000 fine	revocation and \$10,000 fine

(38) Improper use of substances for muscle building or enhancement of athletic performance (459.015(1)(ii), F.S.)  
 FIRST OFFENSE:

	reprimand and \$5,000 fine	suspension to be followed by probation and \$5,000 fine
SECOND OFFENSE:	probation and \$5,000 fine	revocation and \$10,000 fine

(39) Misrepresenting, concealing a material fact during licensing, or disciplinary procedure (459.015(1)(jj), F.S.)  
 FIRST OFFENSE:

	denial with ability to reapply immediately upon payment of \$5,000 fine or probation and \$5,000 fine	denial with ability to reapply in not less than 3 years or revocation and \$7,500 fine
SECOND OFFENSE:	denial with ability to reapply in not less than 3 years and \$10,000 fine or suspension to be followed by probation and \$10,000 fine	denial of license with no ability to reapply or revocation and \$10,000 fine

(40) Improperly interfering with an investigation or disciplinary proceeding (455.624(1)(r) & 459.015(1)(kk), F.S.)  
 FIRST OFFENSE:

	probation and \$10,000 fine	revocation and \$10,000 fine
SECOND OFFENSE:	suspension to be followed by probation and \$10,000 fine	revocation and \$10,000 fine



(41) Failing to report any licensee who has violated the disciplinary act who provides services at the same office (459.015(1)(II), F.S.)

FIRST OFFENSE:	letter of concern	reprimand and \$1,000 fine
SECOND OFFENSE:	probation and \$2,000 fine	probation and \$5,000 fine
THIRD OFFENSE:	probation and \$7,500 fine	suspension to be followed by probation and \$10,000 fine

(42) Giving corroborating written medical expert opinion without reasonable investigation (459.015(1)(mm), F.S.)

FIRST OFFENSE:	reprimand and \$5,000 fine	suspension to be followed by probation and \$5,000 fine
SECOND OFFENSE:	probation and \$5,000 fine	revocation and \$10,000 fine

(43) Failure to comply with guidelines for use of obesity drugs (459.0135 F.S. & Rule 64B15-14.004 F.A.C.)

FIRST OFFENSE:	reprimand and \$5,000 fine	suspension to be followed by probation and \$5,000 fine
SECOND OFFENSE:	probation and \$5,000 fine	revocation and \$10,000 fine

(44) Falsely advertising or holding oneself out as a board-certified specialist (459.015(1)(nn), F.S.)

FIRST OFFENSE:	reprimand and \$5,000 fine	probation and \$5,000 fine
SECOND OFFENSE:	suspension to be followed by probation and \$7,500 fine	revocation and \$10,000 fine

(45) Failing to provide patients with information about their patient rights and how to file a complaint (455.624(1)(t) & 459.015(1)(oo), F.S.)

FIRST OFFENSE:	letter of concern	reprimand and \$1,000 fine
SECOND OFFENSE:	probation and \$2,000 fine	probation and \$5,000 fine
THIRD OFFENSE:	probation and \$7,500 fine	suspension to be followed by probation and \$10,000 fine

(46) Intentionally violating any rule adopted by the board or the department (455.624(1)(b), F.S.)

FIRST OFFENSE:	denial or reprimand and \$5,000 fine	denial or suspension to be followed by probation and \$5,000 fine
SECOND OFFENSE:	denial or probation and \$7,500 fine	denial with no ability to reapply or revocation and \$10,000 fine

(47) Using a Class III or a Class IV laser device without having complied with the rules adopted pursuant to s. 501.122(2), F.S. (455.624(1)(d), F.S.)

FIRST OFFENSE:	reprimand and \$1,000 fine	probation and \$5,000 fine
SECOND OFFENSE:	suspension to be followed by probation and \$7,500 fine	revocation and \$10,000 fine

(48) Failing to comply with the educational course requirements for human immunodeficiency virus and acquired immune deficiency syndrome (455.624(1)(e), F.S.)

FIRST OFFENSE:	reprimand and \$2,500 fine	probation and \$5,000 fine
SECOND OFFENSE:	suspension to be followed by probation and \$7,500 fine	revocation and \$10,000 fine

(49) Having been found liable in a civil proceeding for knowingly filing a false report or complaint with the department against another licensee (455.624(1)(g), F.S.)

FIRST OFFENSE:	reprimand and \$1,000 fine	probation and \$5,000 fine
SECOND OFFENSE:	suspension to be followed by probation and \$7,500 fine	revocation and \$10,000 fine

(50) Failing to comply with the educational course requirements for domestic violence (455.624(1)(s), F.S.)

FIRST OFFENSE:	reprimand and \$2,500 fine	probation and \$5,000 fine
SECOND OFFENSE:	suspension to be followed by probation and \$7,500 fine	revocation and \$10,000 fine

(51) Failing to comply with the requirements for profiling and credentialing (455.624(1)(t), F.S.)

FIRST OFFENSE:

\$2,500 fine followed by probation

suspension to be and \$5,000 fine

SECOND OFFENSE:

probation and \$5,000 fine

revocation and \$10,000 fine

(52) 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 a crime in any jurisdiction (455.624(1)(w), F.S.)

FIRST OFFENSE:

\$5,000 fine

denial of licensure or suspension to be followed by probation and \$5,000 fine

SECOND OFFENSE:

probation and \$5,000 fine

denial of licensure with no ability to reapply or revocation and \$10,000 fine

(53) 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 pursuant to s. 316.066, F.S., 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 (455.624(1)(x), F.S.)

FIRST OFFENSE:

letter of concern

reprimand and \$1,000 fine

SECOND OFFENSE:

probation and \$2,000 fine

probation and \$5,000 fine

THIRD OFFENSE:

probation and \$7,500 fine

suspension to be followed by probation and \$10,000 fine

Specific Authority 455.627, 459.015(5) FS. Law Implemented 455.624, 455.627 FS. History—New 9-30-87, Amended 10-28-91, 1-12-93, Formerly 21R-19.002, 61F9-19.002, 59W-19.002, Amended 2-2-98, \_\_\_\_\_.

64B15-19.004 Time for Payment of Civil Penalties.

In cases where the Board of Osteopathic Medicine imposes a civil penalty for violation of Chapter 455 or 459, Florida Statutes, or the rules promulgated pursuant thereunder, the penalty shall be paid within thirty (30) days of its imposition by Order of the Board unless stated otherwise in the Order.

Specific Authority 455.227(2), 459.005 FS. Law Implemented 455.227(2) FS. History—New 12-23-80, Formerly 21R-11.02, 21R-11.002, 21R-19.004, 61F9-19.004, 59W-19.004, Amended.

64B15-19.007 Citations.

(1) through (2) No change.

(3) The following violations with accompanying fines may be disposed of by citation.

(a) Falsely certifying compliance with required continuing medical education hours for the purpose of renewing a license or certificate. The fine shall be \$2,000. ~~(See Section 459.015(1)(i), F.S.)~~

(b) Failure to keep current practice address on file with the Board. The fine shall be \$250. ~~(See Section 459.015(1)(g), F.S.)~~

(c) Failure to register as a dispensing practitioner. The fine shall be \$500. ~~(See Section 459.015(1)(g), F.S.)~~

(d) First time failure of the licensee to satisfy continuing education hours. The fine shall be \$2,000 and for each hour of continuing education not completed or completed late, the licensee shall be required to take 1 additional hour of continuing education for each hour not completed or completed late. All missing CEUs shall be made up within four (4) months of the date the citation becomes a Final Order.

(e) Failure to report to the Board 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. The fine shall be \$500.

(f) The fine for falsely certifying compliance with or failing to satisfy the HIV/AIDS course requirement shall be \$2,000.

(g) The fine for falsely certifying compliance with or failing to satisfy the domestic violence course requirement shall be \$2,000.

(4) through (7) No change.

Specific Authority 455.617, 455.621 FS. Law Implemented 455.617, 455.621 FS. History—New 10-28-91, Amended 8-24-92, 11-17-92, Formerly 21R-19.007, 61F9-19.007, 59W-19.007, Amended 11-27-97, \_\_\_\_\_.

**DEPARTMENT OF HEALTH**

**Division of Environmental Health and Statewide Programs**

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

PURPOSE AND EFFECT: Grants: To improve current forms and procedures as well as simplify and clarify the requirements for emergency medical services grant applications, the decision making process for awards and the management of funded projects.

Administration of Epinephrine: To amend the Insect Sting Emergency Treatment Certification Application form to reflect current authority to require or request specific information.

Certificate of State Approval of Trauma Centers: To repeal rule language that is redundant to statute (64E-2.026(2), FAC.).

Emergency Medical Technician Intravenous Administration: To update the incorporated curriculum relating to IV therapy to the most recent version of the U.S. DOT EMT-Intermediate National Standard Curriculum and to clarify the paramedic's responsibility in the initiation of a non-medicated IV by an EMT.

SUBJECT AREAS TO BE ADDRESSED: County Grants, Rural Matching Grants, General Matching Grants, Administration of Epinephrine, Certificate of State Approval of Trauma Centers, EMT Intravenous Administration.

SPECIFIC AUTHORITY: 395.405, 395.4025, 401.121, 401.35 FS.

LAW IMPLEMENTED: 395.40, 395.4001, 395.401(1), 395.4015, 395.4045, 395.405, 401.113(2), 401.23, 401.27, 401.35, 401.265 FS.

RULE DEVELOPMENT WORKSHOPS WILL BE HELD AT THE TIMES, DATES AND PLACES SHOWN BELOW:

TIME AND DATE: 11:00 a.m., August 28, 2000

PLACE: Pinellas Park Fire Department, 11350 Forty Third Street, North, Clearwater, Florida

TIME AND DATE: 11:00 a.m., August 30, 2000

PLACE: Department of Health, Bureau of Emergency Medical Services, 4025 Esplanade Way, Room 301 A & B, Tallahassee, Florida

TIME AND DATE: 11:00 a.m., August 31, 2000

PLACE: Metro-Dade Firefighters Memorial Building, 8000 N. W. 21 Street, Suite 222, Miami, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Pam Lesley, Senior Management Analyst, Bureau of Emergency Medical Services, Department of Health, 4052 Bald Cypress Way, Bin C18, Tallahassee, Florida 32399-1738, (850)245-4440, Ext. 2733

DRAFT MATERIALS WILL BE AVAILABLE, UPON REQUEST, ONE WEEK PRIOR TO THE FIRST WORKSHOP.

P.O. F00396

**DEPARTMENT OF HEALTH**

**Division of Environmental Health and Statewide Programs**

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

PURPOSE AND EFFECT: Trauma Registry: To develop a methodology for defining trauma registry data collection and reporting requirements based on existing national standards and common practice in lieu of existing requirements specified in DOH 150-13 and defined on DH Form 1728.

SUBJECT AREAS TO BE ADDRESSED: Trauma Registry.  
 SPECIFIC AUTHORITY: 395.405 FS.  
 LAW IMPLEMENTED 395.404, 395.4025 FS.  
 RULE DEVELOPMENT WORKSHOPS WILL BE HELD AT THE TIMES, DATES AND PLACES SHOWN BELOW:  
 TIME AND DATE: 1:00 p.m., August 28, 2000  
 PLACE: Pinellas Park Fire Department, 11350 Forty Third Street, North, Clearwater, Florida  
 TIME AND DATE: 1:00 p.m., August 30, 2000  
 PLACE: Department of Health, Bureau of Emergency Medical Services, 4025 Esplanade Way, Room 301 A & B, Tallahassee, Florida  
 TIME AND DATE: 1:00 p.m., August 31, 2000  
 PLACE: Metro-Dade Firefighters Memorial Building, 8000 N. W. 21 Street, Suite 222, Miami, Florida  
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Pam Lesley, Senior Management Analyst, Bureau of Emergency Medical Services, Department of Health, 4052 Bald Cypress Way, Bin C18, Tallahassee, Florida 32399-1738, (850)245-4440, Ext. 2733  
 DRAFT MATERIALS WILL BE AVAILABLE, UPON REQUEST, ONE WEEK PRIOR TO THE FIRST WORKSHOP.  
 P.O. F00396

**DEPARTMENT OF HEALTH**

**Division of Environmental Health and Statewide Programs**

RULE CHAPTER TITLE: Residential Swimming Pools, Spas and Hot Tubs  
 RULE CHAPTER NO.: 64E-21

PURPOSE AND EFFECT: To adopt a nationally recognized drowning prevention education program to be approved for use in local safety education programs and to adopt a nationally recognized drowning prevention and responsibilities of pool ownership publication.

SUBJECT AREAS TO BE ADDRESSED: Residential swimming pool safety.

SPECIFIC AUTHORITY: 515.35 FS.

LAW IMPLEMENTED: 515 FS.

RULE DEVELOPMENT WORKSHOPS WILL BE HELD AT THE TIMES, DATES AND PLACES SHOWN BELOW:

TIME AND DATE: 10:00 – 11:00 a.m., August 28, 2000

PLACE: Pinellas Park Fire Department, 11350 Forty Third Street, North, Clearwater, Florida

TIME AND DATE: 10:00 – 11:00 a.m., August 30, 2000

PLACE: Department of Health, Bureau of Emergency Medical Services, 4025 Esplanade Way, Room 301 A & B, Tallahassee, Florida

TIME AND DATE: 10:00 – 11:00 a.m., August 31, 2000

PLACE: Metro-Dade Firefighters Memorial Building, 8000 N.W. 21 Street, Suite 222, Miami, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Pam Lesley, Senior Management Analyst, Bureau of Emergency Medical Services, Department of Health, 4052 Bald Cypress Way, Bin C18, Tallahassee, Florida 32399-1738, (850)245-4440, Ext. 2733  
 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.  
 P.O. F00396

**Section II  
 Proposed Rules**

**DEPARTMENT OF INSURANCE**

<b>RULE TITLE:</b>	<b>RULE NO.:</b>
Written Notice to Policyowner and Insurance Commissioner Required When Changing Life Insurance Portfolio	4-151.011

PURPOSE AND EFFECT: To provide written notice to consumers and the Insurance Commissioner when changing life insurance portfolio.

SUMMARY: The amendment repeals the rule. There is no authority for the rule and repeal is required.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No statement of estimated regulatory cost has been prepared.

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

SPECIFIC AUTHORITY: 624.308 FS.

LAW IMPLEMENTED: 624.307(1), 626.9541(1)(v) FS.

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

TIME AND DATE: 9:30 a.m., September 5, 2000

PLACE: Room 143, Larson Building, 200 East Gaines Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Bill Pace, Senior Management Analyst I, Department of Insurance, 200 East Gaines Street, Tallahassee, Florida 32399-0300

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 Bill Pace, (850)922-3110, Ext. 5124.