

Section II Proposed Rules

DEPARTMENT OF BANKING AND FINANCE

Division of Accounting and Auditing

RULE TITLE: Procedures
RULE NO.: 3A-22.003

PURPOSE AND EFFECT: The purpose of the proposed amendment is to incorporate changes that have been to the direct deposit form and to provide updated telephone numbers and an Internet address.

SUMMARY: The proposed amendment adopts changes to the direct deposit form and makes other technical changes.

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

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: 17.14, 17.075, 17.29 FS.

LAW IMPLEMENTED: 17.14, 17.075, 17.076 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:

TIME AND DATE: 10:00 a.m., October 16, 2000

PLACE: Room 414, Fletcher Building, 101 East Gaines Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Jack Peterson, EFT Administrator, Room 414, Fletcher Building, 101 East Gaines Street, Tallahassee, Florida 32399-0350, (850)410-9466

THE FULL TEXT OF THE PROPOSED RULE IS:

3A-22.003 Procedures.

(1) No change.

(2) In order to enroll for participation, a beneficiary must submit or cause to be submitted, a completed Direct Deposit Authorization Form (Form No. DBF-AA-26S) revised 8/00 effective 7-30-87 or a substitute form acceptable to the Section and approved by the Department prior to its use. To be acceptable to the Section and the Department, substitute forms must contain, at a minimum, the following: (a) the information required on Form No. DBF-AA-26S; (b) substantially the same agreement terms printed on Form No. DBF-AA-26S with respect to the beneficiary and the receiving financial institution; (c) substitute forms must be factually correct and must not contain any misleading information; and (d) substitute forms must be printed on 8 1/2" x 11" paper, and must contain a blank one inch space that runs parallel with the 8 1/2" side and begins 2 3/4" from that side. This space will be

used for the imprinting of the document control number and must be on the same side of the form as the information supplied by the beneficiary and the participating institution. After the Section has received and processed a completed Direct Deposit Authorization Form, all retirement benefits and wage payments made to a participating beneficiary will be made by Direct Deposit, unless a beneficiary is disqualified pursuant to Rule 3A-22.003(4).

(3) through (8) No change.

(9) The section will attempt to make available an adequate supply of authorization forms at all times to any agency for use by its Beneficiaries. Any Beneficiary or agency that would like additional authorization forms should contact:

EFT Section Administrator

Office of Comptroller

Room 414, Fletcher Building

Tallahassee, Florida 32399-0350

(850)410-9466 ~~(904)488-2911~~

SUNCOM 210-9466 278-2922

E-Mail: DirectDeposit@mail.dbf.state.fl.us

Specific Authority 17.14, 17.075(2), 17.29 FS. Law Implemented 17.14, 17.075(2), 17.076 FS. History--New 7-30-87, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE: Jack Peterson, EFT Administrator, Division of Accounting and Auditing

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Doug Darling, Director, Division of Accounting and Auditing

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 18, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 8, 2000

DEPARTMENT OF INSURANCE

RULE TITLE: Uniform Certificate of Authority
RULE NO.: 4-136.034

Expansion Application
PURPOSE AND EFFECT: To adopt the NAIC Uniform Certificate of Authority Expansion Application for use by states when licensing foreign insurers.

SUMMARY: The UCAA expansion application captures substantially the same information as the Department existing foreign COA application package, and will have the added benefit of being consistent with other states.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: 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: 624.308 FS.
LAW IMPLEMENTED: 624.307(1), 624.34, 624.401, 624.404, 624.407, 624.413, 624.822, 624.501 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:
TIME AND DATE: 9:00 a.m., October 17, 2000
PLACE: Room 116, Larson Building, 200 East Gaines Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Mary Mostoller, Reinsurance Financial Specialist, Division of Insurer Services, Department of Insurance, 200 East Gaines Street, Tallahassee, Florida 32399-0326, (850)413-2570

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 Joan Hendrix at (850)413-2570.

THE FULL TEXT OF THE PROPOSED RULE IS:

4-136.034 Uniform Certificate of Authority Expansion Application.

(1) Effective December 1, 2000, any foreign insurer seeking a certificate of authority may file a Uniform Certificate of Authority Expansion Application which is substantially similar to that form as revised by the National Association of Insurance Commissioners as of July 31, 2000 in lieu of the filings required by Rule 4-136.002, F.A.C. Each applicant shall comply with the instructions contained in the Uniform Certificate of Authority Expansion Application and any other requirements specifically listed or referenced in the Uniform Certificate of Authority Expansion Application package, Form DI4-1413. Such filings shall not exempt a foreign insurer from any requirements under Florida Statutes.

(2) The following forms are incorporated by reference:

(a) Form DI4-1413, Uniform Certificate of Authority Expansion Application, as revised by the National Association of Insurance Commissioners on July 31, 2000;

(b) Form DI4-938, Fingerprint Card Instructions, rev. 7/99;

(3) Each applicant shall submit the following forms:

(a) Form DI4-1414, Expansion Application Checklist;

(b) Form DI4-1415, Expansion Application, as revised July 31, 2000;

(c) Form DI4-1416, Expansion Application Lines of Business;

(d) Form DI4-1417, Expansion Application Authorization for Disclosure of Financial Records;

(e) Form DI4-1418, Expansion Application Power of Attorney to Appoint and Certify Agents;

(f) Form DI4-1419, Expansion Application Certificate of Compliance;

(g) Form DI4-1420, Expansion Application Reinsurance Arrangements Checklist for Proportional Treaty Contract Clauses;

(h) Form DI4-1421, Expansion Application Reinsurance Arrangements Checklist for Non-Proportional Treaty Contract Clauses;

(i) Form DI4-1422, Uniform Certificate of Authority Application Questionnaire;

(j) Form DI4-881, Invoice, Application for Certificate of Authority, rev. 10/97;

(k) Form DI4-1301, Subscription Agreement Form, rev. 5/99;

(l) Form DI4-144, Service of Process Consent & Agreement, rev. 1/97;

(m) Form DI4-1423, NAIC Biographical Statement and Affidavit, rev. 8/00;

(n) Form DI4-450, Authority For Release of Information, rev. 5/00;

(o) Form DI4-903, Invoice, Request for Payment of Fingerprint Charges, rev. 4/97; and

(p) Form DI4-1424, Expansion Application, Florida Specific Information.

(4) The Department shall accept a Uniform Certificate of Authority Expansion Application filing in an electronic format after July 1, 2001.

Specific Authority 624.308 FS. Law Implemented 624.307(1), 624.34, 624.401, 624.404, 624.407, 624.413, 624.422, 624.501, 626.9891, 628.161, 628.907 FS. History—New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Mary Mostoller, Reinsurance Financial Specialist, Division of Insurer Services, Department of Insurance

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Wayne Johnson, Division of Insurer Services, Department of Insurance

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 5, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 7, 2000

DEPARTMENT OF INSURANCE

RULE TITLE: Proposals and Requirements
RULE NO.: 4-215.235

PURPOSE AND EFFECT: The rule was listed pursuant to section 120.536(2)(b), Florida Statutes, as lacking in delegated legislative authority, and therefore should be repealed.

SUMMARY: The rule is being repealed because of lack of delegated legislative authority.

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: 624.308 FS.

LAW IMPLEMENTED: 624.307(1), 626.797 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: 9:30 a.m., October 24, 2000

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Phil Fountain, Bureau Chief, Agent and Agency Investigations, Division of Agent and Agency Services, Department of Insurance, 200 East Gaines Street, Tallahassee, Florida 32399-0320, phone (850)413-5600

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 at (850)413-4214.

THE FULL TEXT OF THE PROPOSED RULE IS:

4-215.235 Proposals and Requirements.

Specific Authority 624.308 FS. Law Implemented 624.307(1), 626.797 FS. History—Repromulgated 12-24-74, Formerly 4-9.06, 4-9.006, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Phil Fountain, Bureau Chief, Agent and Agency Investigations, Division of Agent and Agency Services, Department of Insurance

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: John Hale, Director, Division of Agent and Agency Services, Department of Insurance

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 5, 2000

PUBLIC SERVICE COMMISSION

DOCKET NO. 001062-WS

RULE TITLE: RULE NO.:

Calculation of Rate Reduction After Rate Case Expense is Amortized 25-30.470

PURPOSE AND EFFECT: To repeal Rule 25-30.470.

SUMMARY: The rule establishes the methodology for reducing rates at the end of the four-year amortization period for rate case expense.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No SERC was prepared.

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: 350.127(2), 367.121 FS.

LAW IMPLEMENTED: 367.0816, 367.121 FS.

WRITTEN COMMENTS OR SUGGESTIONS ON THE PROPOSED RULE MAY BE SUBMITTED TO THE FPSC, DIVISION OF RECORDS AND REPORTING, WITHIN 21 DAYS OF THE DATE OF THIS NOTICE FOR INCLUSION IN THE RECORD OF THE PROCEEDING.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Director of Appeals, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, Florida 32399-0862, (850)413-6245

THE FULL TEXT OF THE PROPOSED RULE IS:

25-30.470 Calculation of Rate Reduction After Rate Case Expense is Amortized.

~~To calculate the rate reduction to be made 4 years after a rate case as required by section 367.0816, F.S., the following methodology shall be used. The annual amount of rate case expense, which is equal to one fourth of the total allowed rate case expense, shall be divided by the regulatory assessment fee gross up factor. The resulting number shall then be divided by the revenue requirement to determine the percentage of the rate reduction. The percentage is then multiplied against the new rates to determine the amount of the future rate reduction. Revised tariff sheets implementing the reduction shall be filed no later than 1 month before the end of the fourth year.~~

Specific Authority 350.127(2), 367.121 FS. Law Implemented 367.0816, 367.121 FS. History—New 11-30-93, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: John Williams, Division of Policy Analysis and Intergovernmental Liaison

NAME OF SUPERVISOR OR PERSONS WHO APPROVED THE PROPOSED RULE: Florida Public Service Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 5, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: Vol. 26, No. 9, March 3, 2000

If any person decides to appeal any decision of the Commission with respect to any matter considered at the rulemaking hearing, if held, a record of the hearing is necessary. The appellant must ensure that a verbatim record, including testimony and evidence forming the basis of the appeal is made. The Commission usually makes a verbatim record of rulemaking hearings.

Any person requiring some accommodation at this hearing because of a physical impairment should call the Division of Records and Reporting at (850)413-6770 at least 48 hours prior to the hearing. Any person who is hearing or speech impaired should contact the Florida Public Service Commission by using the Florida Relay Service, which can be reached at: 1(800)955-8771 (TDD).

COMMISSION ON ETHICS

RULE TITLE: List of Forms and Instructions
RULE NO.: 34-7.010
PURPOSE AND EFFECT: The purpose of the proposed amendment is to revise CE Form 22 to comply with Section 112.3215, Florida Statutes, as amended by Chapter 2000-232, Laws of Florida.

SUMMARY: This amendment involves a form promulgated by the Commission and adopted by reference in Rule 34-7.010, specifically, CE Form 22, which is the expenditure report required to be filed by Executive Branch lobbyists. Chapter 2000-232, LOF, changed the filing cycle from quarterly to semiannually and proposed changes to the form includes this change as well as changes to the form’s instructions.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No statement of estimated regulatory costs has been prepared.

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 within 21 days of this notice.

SPECIFIC AUTHORITY: Art. II, Sec. 8(f),(h), Fla. Const., 112.3147, 112.3215(13), 112.322(7),(10), 112.324 FS.

LAW IMPLEMENTED: Art. II, Sec. 8(a),(f),(h), Fla. Const., 112.313(9),(12), 112.3143, 112.3144, 112.3145, 112.3148, 112.3149, 112.3215 FS., Chapter 2000-232, Laws of Florida.

A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 9:00 a.m., November 16, 2000
PLACE: Cabinet Meeting Room, The Capitol, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Julia Cobb Costas, Staff Attorney

THE FULL TEXT OF THE PROPOSED RULE IS:

34-7.010 List of Forms and Instructions.

(1) The following forms and instructions are adopted by reference and are used by the Commission in its dealings with the public:

(a) through (k) No change.

(l) Form 22, Executive Branch Lobbyist’s Expenditure Report. To be utilized by executive branch lobbyists for compliance with Subsection 112.3215(5), Florida Statutes. Effective 1/2001 ~~1/98~~.

(m) through (s) No change.

(2) No change.

Specific Authority Art. II, Sec. 8(f),(h), Fla. Const., 112.3147, 112.3215(13), 112.322(7),(10), 112.324 FS. Law Implemented 112.313(9),(12), 112.3143, 112.3144, 112.3145, 112.3148, 112.3149, 112.3215 FS., Art. II, Sec. 8(a),(f),(h), Fla. Const., Chapter 2000-232, LOF, History–New 4-11-76, Formerly 34-7.10 through 7.22, 8.10, Amended 2-23-77, 4-7-77, 5-17-77, 10-20-77, 2-25-79, 1-29-80, 4-29-81, 1-12-82, 3-25-82, 2-21-83, Formerly 34-7.10, Amended 7-10-88, 3-4-91, 10-6-91, 10-29-91, 12-22-91, 7-5-92, 10-15-92, 12-6-92, 11-10-93, 12-27-93, 11-21-94, 2-16-95, 12-26-95, 1-27-97, 1-1-98, 11-19-98, 12-28-99, 1-1-00, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Julia Cobb Costas, Staff Attorney

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Bonnie J. Williams, Executive Director

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 12, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 4, 2000

COMMISSION ON ETHICS

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

RULE TITLES: Exclusion for Officers or Employees of Agencies or Legislative or Judicial Branch Entities
RULE NOS.: 34-12.130

Expenditure Reporting Requirements 34-12.400
 Penalties for Late Filing 34-12.405
 Appeal of Statutory Fines: Hearings, Unusual Circumstances 34-12.407

Notification of Expenditure Reporting Deadlines 34-12.420
 Lobbyist's Expenditure Reports 34-12.430
 Expenditure Categories 34-12.450

PURPOSE AND EFFECT: Chapter 2000-232, Laws of Florida, which took effect upon becoming law, amends Section 112.3215, Florida Statutes, the executive branch lobbyist registration and expenditure reporting statute.

SUMMARY: The rule changes will incorporate the statutory changes to Section 112.3215, Florida Statutes. Specifically, employees of legislative or judicial branch entities are not considered to be “lobbyists”; the reporting cycle has been changed from quarterly to semiannually; the \$50 per day fine for late-filed reports is capped at \$5,000 per late report; procedural deadlines are changed to 30 days after notices are transmitted by the lobbyist registration office; unpaid fines will be transmitted to the Department of Banking and Finance for collection; and the responsibilities of lobbyists and principals are clarified. In addition, an obsolete reference to Chapter 93-121, LOF, is deleted.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No statement of estimated regulatory costs has been prepared.

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 within 21 days of this notice.

SPECIFIC AUTHORITY: 112.3215, 112.322(10) FS.

LAW IMPLEMENTED: 112.3215 FS., Chapter 2000-232, LOF.

A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 9:00 a.m., November 16, 2000

PLACE: Cabinet Meeting Room, The Capitol, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Julia Cobb Costas, Staff Attorney

THE FULL TEXT OF THE PROPOSED RULES IS:

34-12.130 Exclusion for Officers or Employees of Agencies or Legislative or Judicial Branch Entities. Agency Officers and Employees as "Lobbyists."

An agency officer or employee of a state agency or a legislative or judicial branch entity is excluded from being a "lobbyist" when acting on its lobbying in behalf of the agency which he serves in the normal course of his or her duties.

Specific Authority 112.3215, 112.322(10) FS. Law Implemented 112.3215 FS., Chapter 2000-232, LOF. History—New 10-12-89, Amended 1-4-94, 7-2-00.

34-12.400 Expenditure Reporting Requirements.

(1) No change.

(2) Reporting statements shall be filed with the Commission or other office established to administer lobbyist registration and shall include the expenditures for the periods January 1 through ~~March 31, April 1 through June 30, and July 1 through September 30, and October 1 through December 31,~~ respectively. The reporting statements are due no later than 45 days after the end of the reporting period and must be filed semiannually quarterly even if no reportable expenditures were made.

(3) through (6) No change.

Specific Authority 112.3215, 112.322(10), FS. Law Implemented 112.3215, FS., Chapter 2000-232, LOF. History—New 10-12-89, Amended 7-5-92, 12-6-92, 1-4-94, 1-1-97.

34-12.405 Penalties for Late Filing.

(1) Upon determining that a report is late, the person designated to review the timeliness of reports shall notify the lobbyist ~~by certified mail, return receipt requested,~~ of the lobbyist's failure to timely file the report and that a fine is being assessed for each late day. The fine shall be \$50 per day per report for each late day up to a maximum of \$5,000 per late report.

(2) No change.

(3) After the person designated to review the timeliness of reports has calculated the amount of the fine that has been assessed against a lobbyist, the lobbyist will be notified of by certified mail, return receipt requested, the amount of the payment due.

(4) Such fine shall be paid within 30 20 days after ~~receipt of~~ the notice of payment due is transmitted by the lobbyist registration office, unless appeal is made to the Commission. The moneys shall be deposited into the Executive Branch Lobby Registration Trust Fund.

(5) A fine shall not be assessed against a lobbyist the first time any reports for which the lobbyist is responsible are not timely filed. However, to receive the one-time fine waiver, all reports for which the lobbyist is responsible must be filed within 30 20 days after ~~receipt of the~~ notice that any reports have not been timely filed is transmitted by the lobbyist registration office. A fine shall be assessed for any subsequent late-filed reports.

(6) No change.

(7) Fines imposed by the Commission that remain unpaid 60 days after the notice of payment due is transmitted or 60 days after the Commission renders its final order shall be transmitted to the Department of Banking and Finance for collection.

Specific Authority 112.3215, 112.322(10) FS. Law Implemented 112.3215 FS., Chapter 2000-232, LOF. History—New 1-1-97, Amended 11-24-97.

34-12.407 Appeal of Statutory Fines: Hearings, Unusual Circumstances.

(1) A lobbyist wishing to appeal or dispute a fine imposed in accordance with Section 112.3215(5)(f), Florida Statutes, shall file with the Commission on Ethics a notice of appeal within 30 20 days of the date ~~of receipt of~~ the notice of payment due is transmitted by the lobbyist registration office, setting out with specificity the unusual circumstances surrounding the failure to file on the designated due date. The notice of appeal may be accompanied by any documentation or evidence supporting the claim.

(2) through (4) No change.

Specific Authority 112.3215, 112.322(10) FS. Law Implemented 112.3215, FS., Chapter 2000-232, LOF. History—New 1-1-97, Amended _____.

34-12.420 Notification of Expenditure Reporting Deadlines.

Following each semiannual quarterly reporting period, the Commission or other office established to administer lobbyist registration will send to each currently registered lobbyist a copy of Commission Form 22 together with a notice stating that the form must be filed on or before the specified date.

Specific Authority 112.3215, 112.322(10) FS. Law Implemented 112.3215 FS., Chapter 2000-232, LOF. History—New 10-12-89, Amended 7-5-92, 12-6-92, 1-4-94, 8-7-94, 1-1-97.

34-12.430 Lobbyist's Expenditure Reports.

(1) Each registered lobbyist shall file semiannually quarterly, as provided in Rule 34-12.400, a Lobbyist's Expenditure Report on forms provided by the Commission on Ethics or other office established to administer lobbyist registration.

(2) The report shall include the name of the lobbyist and the name of the principal for whom the report is prepared. It is the lobbyist's responsibility to file an expenditure report for each period during any portion of which he or she was registered, and each principal is responsible for seeing that an expenditure report is filed for each period during any portion of which the principal was represented by a registered lobbyist.

(3) When a principal is represented by two or more lobbyists, the principal shall designate one lobbyist who will be responsible for filing a semiannual quarterly report which includes all lobbying expenditures made directly by the principal as well as those expenditures of the designated lobbyist on behalf of that principal.

(4) through (9) No change.

(10) Following each semiannual quarterly reporting period, the Commission or other office established to administer lobbyist registration shall aggregate the expenditures of all lobbyists for a principal represented by more than one lobbyist. Following each calendar year, the Commission or other office established to administer lobbyist registration shall provide a cumulative total of expenditures reported as spent by and on behalf of each principal.

Specific Authority 112.3215, 112.322(10) FS. Law Implemented 112.3215 FS., Chapter 2000-232, L.O.F. History--New 1-4-94, Amended 1-1-97, 11-24-97, _____.

34-12.450 Expenditure Categories.

(1) The categories of expenditures contained in Section 112.3215, F.S. Chapter 93-121, L.O.F., and this rule chapter are defined in the following manner:

(a) through (j) No change.

(2) through (3) No change.

Specific Authority 112.3215, 112.322(10) FS. Law Implemented 112.3215 FS. History--New 1-4-94, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Julia Cobb Costas, Staff Attorney

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Bonnie J. Williams, Executive Director

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 12, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 4, 2000

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE TITLE: Ambulatory Surgical Center Services

RULE NO.: 59G-4.020

PURPOSE AND EFFECT: The purpose of the rule development is to incorporate by reference the Florida Medicaid Ambulatory Surgical Center Services Coverage and Limitations Handbook, April 2000. The handbook is revised to clarify policy content, update codes specific to policy content, add coverage and limitation policy on services to Family Planning Waiver recipients, insert additional billing instructions, and update the list of covered procedures in Appendix A of the handbook. The effect will be to incorporate by reference in the rule the current Medicaid Ambulatory Surgical Center Services Coverage and Limitations Handbook, April 2000.

SUMMARY: The proposed rule incorporates by reference the Ambulatory Surgical Center Coverage and Limitations Handbook, April 2000. The handbook revision includes: relocation of policy narrative within chapters; policy clarification; update of codes specific to policy; the addition of coverage and limitation policy on services to Family Planning Waiver recipients; instructions on modifier usage; instructions on billing single or multiple procedures; and the calendar year 2000 update of covered procedures listed in Appendix A of the handbook.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: 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: 409.919 FS.

LAW IMPLEMENTED: 409.906, 409.908 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: 9:00 a.m. – 10:00 a.m., October 16, 2000

PLACE: Agency for Health Care Administration, 2728 Ft. Knox Boulevard, Building 3, Conference Room D, Tallahassee, Florida 32308

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Ouida Mazzoccoli, Medical/Health Care Program Analyst, Medicaid Program Development Office, P. O. Box 12600, Tallahassee, FL 32317-2600, (850)922-7351

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-4.020 Ambulatory Surgical Center Services.

(1) No change.

(2) All ambulatory surgical center providers enrolled in the Medicaid program must be in compliance with the Florida Medicaid Ambulatory Surgical Center Services Coverage and Limitations Handbook, April 2000 ~~April 1998~~, incorporated by reference, and the Florida Medicaid Provider Reimbursement Handbook, HCFA-1500 and Child Health Check-Up 221, which is incorporated in 59G-5.020. Both handbooks are available from the Medicaid fiscal agent.

Specific Authority 409.919 FS. Law Implemented 409.906, 409.908 FS. History—New 10-25-84, Formerly 10C-7.531, Amended 5-13-92, 7-12-92, 7-27-93, Formerly 10C-7.0531, Amended 9-8-94, 7-3-95, 11-18-97, 10-27-98,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Ouida Mazzoccoli

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Ruben King-Shaw, Jr., Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 12, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 30, 2000

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.

SUMMARY: Since 1996, the Division of Hotels and Restaurants has successively adopted significant portions of the FDA Food Code as current editions of the federal standards are published. Promulgation of this rule adopts the same portions of the 1999 edition of this code. Copies of the 1999 FDA Food Code are available on the Internet at the www.MyFlorida.com address on the Division of Hotels and Restaurants web site. Copies may also be requested from the contact person listed below.

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

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: 509.032(6) FS.

LAW IMPLEMENTED: 509.032(3)(a) FS.

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

TIME AND DATE: 10:00 a.m. (EST), Monday, October 16, 2000

PLACE: Secretary's Conference Room, Room 259, The Johns Building, 725 South Bronough Street, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this hearing is asked to advise the agency at least 48 hours before the hearing by contacting Lee M.Cornman, Management Review Specialist, (850)488-9263. If you are hearing or speech impaired, please contact the agency by calling 1(800)955-8771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE 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 FULL TEXT OF THE PROPOSED RULE IS:

61C-1.001 Definitions.

Except when otherwise defined in this rule, the definitions provided in paragraph 1-201.10(B), Food Code, 1999~~7~~ 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~~7~~ 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,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Lee M. Cornman, Management Review Specialist, Division of Hotels and Restaurants, Department of Business and Professional Regulation

NAME OF PERSON OR SUPERVISOR WHO APPROVED THE PROPOSED RULE: Cynthia A. Henderson, Secretary, Department of Business and Professional Regulation
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 7, 2000
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 11, 2000

TIME AND DATE: 10:00 a.m. (EST), Monday, October 16, 2000

PLACE: Secretary’s Conference Room, Room 259, The Johns Building, 725 South Bronough Street, Tallahassee, Florida
Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this hearing is asked to advise the agency at least 48 hours before the hearing by contacting Lee M. Cornman, Management Review Specialist, (850)488-9263. If you are hearing or speech impaired, please contact the agency by calling 1(800)955-8771 (TDD).

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

RULE CHAPTER TITLE: Public Food Service Establishments
RULE TITLE: Sanitation and Safety Requirements
RULE CHAPTER NO.: 61C-4
RULE NO.: 61C-4.010

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE 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

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 effects regulation of all public food service establishments licensed by the Division of Hotels and Restaurants in the State of Florida.

THE FULL TEXT OF THE PROPOSED RULE 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) through (h) No change.

(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,

SUMMARY: The language of Subsection 2-302.11(A), 1999 FDA Food Code, which specifies that employee fingernails shall be maintained as trimmed, filed, and cleanable, currently exists in the adopted portion of the 1997 FDA Food Code and will remain in effect. The Division of Hotels and Restaurants is seeking an exemption to Subsection 2-302.11(B), FDA Food Code, relevant to the maintenance of fingernail polish and artificial nails. Copies of the 1999 FDA Food Code are available on the Internet at the www.MyFlorida.com address on the Division of Hotels and Restaurants web site. Copies may also be requested from the contact person listed below.

NAME OF PERSON ORIGINATING PROPOSED RULE: Lee M. Cornman, Management Review Specialist, Division of Hotels and Restaurants, Department of Business and Professional Regulation

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

NAME OF PERSON OR SUPERVISOR WHO APPROVED THE PROPOSED RULE: Cynthia A. Henderson, Secretary, Department of Business and Professional Regulation

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.

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 7, 2000

SPECIFIC AUTHORITY: 509.032(6) FS.

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 11, 2000

LAW IMPLEMENTED: 509.032(3)(a) FS.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Architecture and Interior Design

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):

RULE TITLE: Grounds for Disciplinary Proceedings
PURPOSE AND EFFECT: The purpose of the rule amendments is to update the rule text.
RULE NO.: 61G1-12.001

SUMMARY: The Board proposes to amend this rule to include new language which will further clarify the grounds for disciplinary proceedings for architects, interior designers or businesses holding a certificate of authorization.

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

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

SPECIFIC AUTHORITY: 455.304, 481.2055 FS.

LAW IMPLEMENTED: 455.303, 455.304, 481.225, 481.2251 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

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

THE FULL TEXT OF THE PROPOSED RULE IS:

61G1-12.001 Grounds for Disciplinary Proceedings.

(1) No change.

(2) As provided in Sections 481.225(1)(h) and 481.2251(1)(d), F.S., an architect or interior designer, ~~or firm,~~ or business holding a certificate of authorization shall not "advertise goods or services in a manner which is fraudulent, false, deceptive, or misleading in form or content." A false, fraudulent, misleading, or deceptive statement or claim shall include without limitation:

(a) through (f) No change.

(3) No change.

(4) An architect, ~~or firm,~~ or business holding a certificate of authorization may not be negligent in the practice of architecture. The term negligence is defined as the failure, by an architect, to exercise due care to conform to acceptable standards of architectural practice in such a manner as to be detrimental to a client or to the public at large.

(a) No change.

(b) An architect shall be required to coordinate his activities with other professionals involved in those projects wherein the architect is engaged to provide plans, drawings and specifications which result in the production of working documents which are used or intended to be used for the construction of a structure. If so contracted, the architect shall administer the construction project to protect the client's financial interests.

(c) An architect qualifying a firm shall be responsible for supervision of the financial aspects of the firm in providing architectural services.

(5) No change.

(6) An architect, ~~or firm~~ or business holding a certificate of authorization shall not commit misconduct in the practice of architecture. Misconduct in the practice of architecture shall include but not be limited to:

(a) through (c) No change.

1. through 3. No change.

(d) through (k) No change.

Specific Authority 455.304, 481.2055 FS. Law Implemented 455.303, 455.304, 481.225, 481.2251 FS. History--New 12-23-79, Amended 12-19-82, Formerly 21B-12.01, Amended 9-23-86, 11-8-88, Formerly 21B-12.001, Amended 2-25-98,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Architecture and Interior Design

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Architecture and Interior Design

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 9, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 1, 2000

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Building Code Administrators and Inspectors Board

RULE TITLE: Qualifications of Course Instructors
 RULE NO.: 61G19-9.005

PURPOSE AND EFFECT: The Board proposes to amend this rule to update the requirements for instructors who will be teaching the Florida Building Code.

SUMMARY: New language requires those instructors who are involved with the BCTP complete the "train-the-trainer" course.

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

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

SPECIFIC AUTHORITY: 468.606 FS.

LAW IMPLEMENTED: 468.627 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE NEXT AVAILABLE ISSUE OF THE FLORIDA ADMINISTRATIVE WEEKLY.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Anthony Spivey, Executive Director, Building Code Administrators and Inspectors Board, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G19-9.005 Qualifications of Course Instructors.

(1) Course instructors shall be qualified as follows:

(a) through (d) No change.

(e) Every instructor involved with the Building Code Training Program (BCTP) core course must complete the "train-the-trainer" course developed by the Department of Community Affairs.

(2) through (4) No change.

Specific Authority 468.606 FS. Law Implemented 468.627 FS. History--New 5-23-94, Amended 11-28-95,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Building Code Administrators and Inspectors Board
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Building Code Administrators and Inspectors Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 7, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 4, 2000

**DEPARTMENT OF ENVIRONMENTAL PROTECTION
Office of Greenways and Trails**

DOCKET NO.: 99-50R

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Recreational Trails Program	62S-2
RULE TITLES:	RULE NOS.:
Definitions	62S-2.070
General Requirements	62S-2.071
Application Requirements and Processing	62S-2.072
Evaluation Criteria	62S-2.073
Federal Approval	62S-2.074
Grant Administration	62S-2.075
Compliance Responsibilities	62S-2.076

PURPOSE AND EFFECT: Recreational Trails Program for federal pass-through grants to local governments; state and federal agencies; recognized tribal units; and nonprofit entities created for this purpose.

SUMMARY: The rule will establish standards and criteria for evaluation of applications for federal pass-through grants to local governments and other entities for development or improvement of recreational trails. The Department will use the criteria to approve or reject applications for grants.

SPECIFIC AUTHORITY: 260.016(1)(h) FS.

LAW IMPLEMENTED: 260.016(1)(d),(f),(2)(a)2. FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

If accommodation for a disability is needed to participate in this activity, please notify the Personnel Services Specialist in the Bureau of Personnel at (850)488-2996 or (800)955-8771 (TDD), at least seven days before the meeting.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Alexandra H. Weiss, Office of Greenways and Trails, MS 795, Tallahassee, FL 32399-3000, Phone (850)488-3701, Fax (850)922-6302

THE FULL TEXT OF THE PROPOSED RULES IS:

62S-2.070 Definitions.

The terms used in this part are defined as follows:

(1) "Cash" means money paid by a grantee to purchase goods and services from private and independent sources for accomplishment of a RTP project. In-kind service costs are not considered cash.

(2) "Capital Improvement Plan" means that portion of an applicant's adopted local comprehensive plan which indicates a schedule of capital improvement projects, including estimated costs and target dates for completion.

(3) "Corridor" means an area of real property suitable for development as a recreational trail.

(4) "Designated Greenway or Trail" means those greenways and trails designated as part of the Florida Greenways and Trails System pursuant to 62S-1, F.A.C.

(5) "Development" means the act of physically improving an outdoor recreation area, trail facility or project site to increase its ability or capacity to serve as a public outdoor recreation trail.

(6) "Equipment" means tangible, nonexpendable, personal property having a useful life of more than one year and an acquisition cost of \$5,000 or more per unit and used specifically for trail construction or maintenance.

(7) "FDOT" means the Florida Department of Transportation

(8) "Facility" means a component which provides or assists in providing outdoor recreation trail opportunities.

(9) "FHWA" means the Federal Highway Administration of the U.S. Department of Transportation.

(10) "Fiscal Year" means the State fiscal year, July 1 – June 30.

(11) "Funding Cycle" means the interval of time between the start of a RTP application submission period and the allocation of project funds by DEP.

(12) "Grantee" means an eligible entity receiving RTP funds pursuant to an approved RTP application.

(13) "Greenways and Trails Plan" means the document entitled "Connecting Florida's Communities with Greenways and Trails."

(14) “Guidance” means the Recreational Trails Program Guidance manual. The manual is available from the Department’s Office of Greenways and Trails, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000, (850)488-3701.

(15) “In-kind Service Costs” means in-house expenses incurred by a grantee for labor or materials, or use of grantee-owned and maintained equipment for accomplishment of an approved RTP project.

(16) “Local Government Comprehensive Plan” means a plan adopted pursuant to Chapter 163, Florida Statutes.

(17) “Match” means the provision of cash or in-kind service costs in the ratio required by this rule to be added to RTP funds by the grantee for the project cost.

(18) “Motorized Trail” means a trail specifically for off-road recreational motorized vehicular activities, including all-terrain vehicle riding, motorcycling, use of off-road light trucks, e-bikes, or other off-road motorized vehicles.

(19) “Mixed-Use Trail” means a trail or corridor designated for more than one use, including motorized or nonmotorized uses.

(20) “Needs” means a deficiency in or a necessity to carry out a predetermined level of recreational trail service.

(21) “NEPA” means the National Environmental Policy Act.

(22) “New Construction” means building of new facilities not previously in existence.

(23) “Nonmotorized Trail” means a trail designated for foot, bicycle, canoe/kayak, equestrian traffic, or other nonmotorized uses.

(24) “Office of Greenways and Trails” means the Office of Greenways and Trails of the Florida Department of Environmental Protection.

(25) “Open Space” means an outdoor area the purpose of which is to provide a source of recreation and contribute to environmental harmony through the enrichment of flora, fauna and geological, cultural, or historic features.

(26) “PD&E” means the Project Development and Environment Manual developed by the Florida Department of Transportation (FDOT) to serve as a guide for compliance with state and federal environmental policy. The PD&E Manual may be downloaded from the FDOT Webbiest: www.dot.state.fl.us/emo.

(27) “Plan” means the SCORP, Local Government Comprehensive Plan or Land Management Plan, adopted under s. 253.034, F.S.

(28) “Pre-agreement Expenses” means expenses incurred by a grantee for accomplishment of an eligible RTP project prior to full execution of a project agreement.

(29) “Priority List” means a list that contains all eligible applications which will meet or exceed the minimum point score as required by section 62S-2.072(6), F.A.C.

(30) “Program” means the Recreational Trails Program.

(31) “Program Amount” means the amount of RTP funds allocated by the FHWA for the fiscal year.

(32) “Project” means the planned undertaking in which all actions or activities have a clear-cut identity and a well-defined, common outdoor recreation objective that has been planned to the point of definite implementation.

(33) “Project Agreement” means an executed contract between the Department and a grantee setting forth mutual obligations regarding an approved RTP project.

(34) “Project Cost” means the total amount of a RTP grant award and required match.

(35) “Project Element” means an identified facility within a project.

(36) “Project Period” means the period of time set forth in a project agreement during which eligible project costs may be incurred and charged to the grant.

(37) “Project Site” means the specific land area as specifically identified by a survey and a legal description, for which RTP funds are used.

(38) “Real Property” means land and improvements attached or affixed to the land.

(39) “Recreational Trail” means a thoroughfare or track across land or water, used for recreational purposes such as bicycling, day hiking, equestrian activities, jogging or similar fitness activities, trail biking, overnight and long distance backpacking, roller skating, in-line skating, running, aquatic or water activity and vehicular travel by motorcycle, four-wheel drive, all terrain off-road vehicles or dune buggies.

(40) “RTP” means the Recreational Trails Program.

(41) “RTP Advisory Committee” means the Florida Greenways and Trails Council appointed pursuant to s. 260.0142, F.S.

(42) “Renovation” means repair, replacement, or restoration of a trail or trail facilities to an improved condition suitable for public use, which trail and/or facilities have deteriorated due to visitor use to the point where their usefulness is impaired.

(43) “Secretary” means the Secretary of the Florida Department of Environmental Protection.

(44) “SCORP” means the State Comprehensive Outdoor Recreation Plan for the State of Florida prepared under section 375.021, F.S.

(45) “TEA-21” means the federal Transportation Equity Act for the 21st Century, (Pub. L. 105-178, June 9, 1998, as amended by Pub. L. 105-206).

(46) “Qualified Youth Conservation or Service Corps” means the Urban Youth Corps established under 42 U.S.C. 12656 or a qualified full-time, year-round youth corps program or full-time summer youth corps program as defined in 42 U.S.C. 12572.

Specific Authority 260.016(1)(h) FS. Law Implemented 260.016(1)(d),(f), (2)(a)2. FS. History--New

62S-2.071 General Requirements.

The following constitutes the general requirements for the eligibility for and administration of the program.

(1) Distribution of Program Funds. The Department shall distribute RTP funds as reimbursement grants to applicants eligible under this rule. The Department's performance and obligation to award program grants are contingent upon an annual allocation by the FHWA and appropriation by the Florida Legislature.

(2) Application Submission Period. The Department shall accept program applications only during the application submission period. Applications must be postmarked on or before the last day of the application submission period. The Department shall publish the dates of the application submission period and other pertinent application information in the Florida Administrative Weekly.

(3) Maximum Grant Request. The Department shall announce the maximum funds that an applicant may request in an RTP application in the Florida Administrative Weekly.

(4) Match Requirements. Match requirements for RTP grants are set forth below:

(a) Matching Basis. RTP assistance is provided on a maximum 80:20 (program:grantee) matching basis, except as provided in (d), below.

(b) Eligible Match Types. A grantee may utilize the following types of match sources for the grantee share: Cash, or in-kind service costs allowable by this rule and the Guidance.

(c) Ineligible Match Sources. Value of real property or inmate labor.

(d) Federal Agency Project Sponsors. Federal agency project sponsors may provide their own funds toward RTP projects as additional federal share up to 95 percent of the project cost.

(5) Grant Award. The Secretary shall determine the final application priority list, based on a review of the RTP Advisory Committee's recommended priority list and considering the estimated program amount, and shall submit the list to the FHWA for final funding approval.

(6) Program Amount Allocation. The program amount shall be divided into three categories: mixed-use, motorized, and nonmotorized. The percentage of the program amount that is allocated to each category, after the Department's seven (7) percent for administrative costs and (5) five percent for education costs have been subtracted from the total allocation, shall be as follows:

(a) Mixed-use shall receive 40 percent of the allocation.

(b) Motorized shall receive 30 percent of the allocation.

(c) Nonmotorized shall receive 30 percent of the allocation.

Specific Authority 260.016(1)(h) FS. Law Implemented 260.016(1)(d),(f), (2)(a)2. FS. History--New

62S-2.072 Application Requirements and Processing.

The Department shall approve applications for program grants in order of priority until all program funds are depleted under the following standards and criteria:

(1) Eligible Applicants. All local governmental entities and state or federal agencies, federally recognized Indian tribal governments which have the legal responsibility for the provision of outdoor recreational sites and facilities for the use and benefit of the public, and organizations registered as active Florida nonprofit corporations which have an agreement with a governmental agency to develop public lands, are eligible to submit RTP applications.

(2) Project Eligibility.

(a) Purpose: RTP grants shall only be awarded to grantees for projects that are for the primary purpose of providing recreational trails for the public.

(b) Eligible Site: The site of a proposed RTP project shall be on public lands. The site shall be owned by the applicant or government on or before the closing date of the application submission period. A site not owned by the applicant or government shall be under the applicant's or government's control by a 99-year lease or similar control, such that the applicant has the legal ability to dedicate and manage the site for public recreational trail use pursuant to Subsections 62S-2.076(1) and (2). School board property used primarily for educational or school related purposes is not eligible. In addition, nonprofit corporations must provide a letter from the land owner or managing agency stating that it supports the project and will abide by the compliance requirements of this rule, and the Guidance.

(c) Number of applications: The maximum number of applications an applicant may submit shall be as follows: local governments may submit one (1); consolidated city-county government may submit two (2); nonprofit corporations may submit one (1); state and federal agencies may submit one (1) per district.

(d) Active Projects: A grantee with two incomplete RTP projects by the closing date of an application submission period shall not be eligible to apply.

(e) Duplicate Projects: RTP funds shall not be approved for completion of an incomplete RTP project.

(3) Permissible Uses of Funds.

(a) Maintenance or renovation of existing trails.

(b) Development or renovation of trailside or trailhead facilities or trail linkages.

(c) Purchase of trail construction or maintenance equipment.

(d) Construction of new trails on local and state lands.

(e) Construction of new trails crossing federal lands, must be:

1. permissible under other law;

2. necessary and required by the SCORP that is required by the Land and Water Conservation Fund Act of 1965 and Chapter 375, F.S. and that is in effect; and

3. approved by each federal agency having jurisdiction over the affected lands under such terms and conditions as the head, or designee, of the federal agency determines to be appropriate; except that the approval shall be contingent upon compliance by the Federal agency with all applicable laws.

(f) Operation of educational programs to promote safety and environmental protection which specifically relate to the uses of recreational trails, to the extent the Department has not chosen to use the educational funds in whole or in part, to further a statewide goal of the Greenways and Trails Plan. Any unused funds will be made available to applicants in that funding year's grant submission cycle.

(4) Prohibited Uses.

(a) Condemnation of real property.

(b) Construction of recreational trails for motorized use on U.S. Forest Service or Bureau of Land Management land unless the land is designated for motorized use and such construction is consistent with the approved land resource management plan.

(c) Facilitating motorized trails on otherwise nonmotorized trail areas.

(d) Construction or expansion of existing trails for motorized vehicles on state owned property unless such use is consistent with the land management plan for the site.

(e) Trail planning, except when performed by the Department using the administrative funds portion of the State's allocation.

(f) Upgrading, expanding, or otherwise facilitating motorized use or access to recreational trails predominantly used by nonmotorized recreational trail users and on which, as of May 1, 1991, motorized use was prohibited or had not occurred.

(5) Eligibility Determination. Following closure of the application submission period, Department staff shall review and determine the eligibility of each applicant based on the following:

(a) Deficiency Documentation: The applicant may retain eligibility by submitting all documentation missing from or not clear in the application within fifteen working days from the date of the Department's written notification which identifies each missing or unclear item.

(b) Ineligibility: An application, in whole or in part, may be declared ineligible by the Department or the RTP Advisory Committee pursuant to Subsection 62S-2.073(2)(a)-(e), Subsection 62S-2.073(3)(a)-(f) and Subsection 62S-2.073(4)(a)-(f). If a portion of the project application is

determined to be ineligible, the applicant will be notified and given 15 working days to revise the ineligible portion. If the ineligible portion still does not meet the subparagraphs stated herein, the ineligible portion shall be severed or, if not severable, the application shall be rejected.

(6) Application Evaluation. Each eligible application shall be evaluated on the basis of the information provided in the application in accordance with this part. Each application shall be assigned a total point score pursuant to Subsection 62S-2.072(7) and Subsection 62S-2.074. A project site or facility would not be considered viable if the project does not receive a minimum number of 55 points for motorized projects, 55 points for nonmotorized projects, 61 points for mixed-use projects, and 61 points for education projects, as awarded under 62S-2.074. An application with fewer than the required minimum points will not be recommended for funding.

(7) Priority Lists. A total point score shall be assigned to each application upon evaluation of each project under sections 62S-2.073 and 62S-2.074. The RTP Advisory Committee shall prepare one priority list for each category. Applications shall be ranked on the priority list according to assigned point scores. The application with the highest score will receive the highest rank. The funds used for the project shall reduce that particular category's allocation accordingly. The remaining applications will be arranged in descending order according to their assigned point scores. Applications scoring below the minimum, established pursuant to Section 62S-2.072(6), shall not be placed on the priority list. The priority list shall include recommendations for distribution of available program funds. In the event there are insufficient applications to account for all program funds assigned to motorized or nonmotorized category, the RTP Advisory Committee may vote to deny assured access to funds in that category. The remaining or a portion of the funds, as determined by the RTP Advisory Committee, may then be allocated to another category.

(8) Tie-Breaker System. If two or more applications receive the same score, the following tie-breaker system will be used to decide the priority ranking among them. Tied applications will be evaluated according to the tie-breaker system in order and will be assigned their priority accordingly. Funding History. An order of priority among those applications with equal scores shall be established based on the amount of funds previously received by the applicant through RTP during the previous five fiscal years. This includes funds received under the program's previous name of National Recreational Trails Funding Program. The application from the applicant which received the lowest amount of program funds receives the highest priority. Other tied applications will be arranged in descending order related inversely to the amount of program funds each has received.

(9) Unsettled Claims. The Department shall deny or suspend program eligibility to any applicant or grantee against which the Department has an unsettled financial claim related to noncompliance with terms or conditions of an RTP or other DEP outdoor recreation grant.

(10) Unfunded and Ineligible Applications. Any unfunded or ineligible applications may be returned to the applicant upon request. If no request is made within 30 days after notification of grant awards, unfunded applications shall be discarded by staff.

(11) Application Form. The Recreational Trails Program Application Form, OGT-10, effective date [effective date], which shall be used for all applications, is hereby incorporated by reference and is available from the Department's Office of Greenways and Trails, 3900 Commonwealth Boulevard, Mail Station 795, Tallahassee, Florida 32399-3000, (850)488-3701.

Specific Authority 260.016(1)(h) FS. Law Implemented 260.016(1)(d),(f), (2)(a)2. FS. History--New

62S-2.073 Evaluation Criteria.

Pursuant to Subsection 62S-2.072(7), a total point score shall be assigned to each eligible application after an evaluation according to the application criteria which follows:

(1) Project Type.

(a) Construction of new trails on federal, state, county or municipal lands where recreational needs for such construction is shown: 30 points

(b) Development and rehabilitation of trailside and trailhead facilities and trail linkages: 25 points

(c) Maintenance and restoration of existing trails: 20 points

(d) Purchase of trail construction or maintenance equipment: 15 points

(2) General Criteria.

(a) The project implements the applicant's adopted local comprehensive plan (city or county); or the land management or recreation or trail plan of a state or federal agency and; is included in their Capital Improvement Plan (CIP) or similar plan during the current year or one of the next three (3) fiscal years: 10 points

or

is included as part of the plan through a resolution or agency commitment committing the applicant to amend their CIP or similar plan to include the project should the applicant receive program funds: 5 points

(b) The project addresses one or more issues or goals as identified in the SCORP: 5 points

(c) The project addresses one or more issues or goals as identified in the State's Greenways and Trails Plan: 5 points

(d) The project facilitates the access and use of trails by persons with disabilities: 5 points

(e) The project includes a written letter of commitment between the applicant and a recognized youth conservation or service corps in which the corps agrees to supply a stated amount of labor: 5 points

(f) The project provides access to or between:
Public parks or other recreational lands or facilities: 5 points
Features or areas of historic, cultural, biological or archaeological significance: 5 points
Existing trail systems: 5 points
Residential or public thoroughfare: 5 points

(g) The applicant obtained public involvement through the following methods:

Presentation at an advertised public meeting held solely for the discussion of the proposed project: 15 points

Presentation at a regularly scheduled meeting of an advisory board, with duties related to park, recreation and leisure service activities: 10 points

Presentation to community organizations or neighborhood associations, or taking of written opinion surveys: 5 points

(h) Project is located on or connects with the Florida National Scenic Trail: 3 points

(i) Project is located on or connects with a State of Florida Designated Greenway or Trail: 3 points

(j) Matching Ratio (federal grant amount: grantee's cash and/or in-kind services)
 50:50 5 points
 60:40 3 points
 80:20 1 point

(k) The specific trail design demonstrates that the project will support recreational trail opportunities for both motorized and nonmotorized use through innovative techniques such as multiple trails sharing a single corridor, or time sharing of trails or trailhead facilities: 5 points

(l) The specific trail design demonstrates that the project will support mixed-use recreational trail opportunities, either motorized or nonmotorized, through innovative techniques: 3 points

(3) Specific Criteria for Motorized Trail Projects.

(a) The motorized trail project will: (select only one)
Develop new motorized trails: 10 points

Repair or restore designated motorized trails impacted by normal use: 8 points

Develop motorized trail facilities on existing motorized recreational trail corridors: 6 points

(b) The project will support compatible recreational trail use for the greatest number of the following:

Off-Road Motorcycles: 3 points

All-Terrain Vehicles: 3 points

Off-Highway Vehicles (high clearance vehicles): 3 points

Other Motorized Recreational Trail Use: 3 points

(4) Specific Criteria for Nonmotorized Trail Projects.

- (a) The nonmotorized trail project will: (select only one)
- Develop nonmotorized recreational trail facilities on new corridors: 10 points
- Develop nonmotorized recreational trail facilities on existing corridors: 8 points
- Improve or repair existing nonmotorized recreational trail and/or facilities: 6 points

(b) The project will support compatible recreational trail use for the greatest number of the following:

- Bicycling 3 points
- Skating: 3 points
- Day Hiking: 3 points
- Equestrian Activities: 3 points
- Fitness Activities: 3 points
- Overnight or Long Distance Backpacking: 3 points
- Aquatic Activity: 3 points

(5) Specific Criteria for Motorized and Nonmotorized Mixed-Use Project

(a) The motorized/nonmotorized mixed-use project will: (select only one)

- Develop new mixed-use trails: 10 points
- Repair or restore designated mixed-use trails impacted by normal use: 8 points
- Develop mixed-use trail facilities on existing motorized recreational trail corridors: 6 points

(b) The project will support compatible recreational trail use for the greatest number of the following:

- Off-Road Motorcycles: 3 points
- All-Terrain Vehicles: 3 points
- Off-Highway Vehicles (high clearance vehicles): 3 points
- Other Motorized Recreational Trail Use: 3 points
- Bicycling: 3 points
- Skating: 3 points
- Day Hiking: 3 points
- Equestrian Activities: 3 points
- Fitness Activities: 3 points
- Overnight or Long Distance Backpacking: 3 points
- Aquatic Activity: 3 points

(6) Specific Criteria for Educational Project.

(a) The educational project will:

- Improve trail user safety: 3 points
- Reduce trail user impacts upon the resources: 3 points
- Reduce trail user conflicts: 3 points
- Increase public awareness of trail opportunities: 3 points

(b) The program has well defined goals and objectives: 6 points

(c) The program is sponsored by a coalition of at least two trail interest groups: 8 points

(d) The program is targeted towards a variety of recreational trail users and potential trail users, both motorized and nonmotorized: 8 points

(e) The program has a well developed evaluation method: 6 points

Specific Authority 260.016(1)(h) FS. Law Implemented 260.016(1)(d),(f), (2)(a)2. FS. History--New _____.

62S-2.074 Federal Approval.

(1) Compliance and Assurances. Projects receiving federal funding must comply with the NEPA and Guidance standards for preconstruction, construction and post-completion compliance. The Grantee's compliance with the FDOT's PD&E constitutes compliance. The Department shall ensure the Grantee's compliance with all requirements of FHWA.

(2) Application. The Department shall submit state approved Recreational Trails Program applications to FHWA for federal approval.

(3) Transportation Planning. The Department shall submit a list of all projects to be funded to the FDOT for inclusion in the appropriate Statewide Transportation Improvement Program (STIP) or Metropolitan Planning Organization's Transportation Improvement Program (TIP).

(4) Approval. FHWA shall review all such applications. Once all projects are included in the approved STIP or TIP, FHWA and the Department shall enter into a project agreement to implement approved grant projects.

Specific Authority 260.016(1)(h) FS. Law Implemented 260.016(1)(d),(f), (2)(a)2. FS. History--New _____.

62S-2.075 Grant Administration.

The following constitutes procedures for administration of program grants:

(1) Project Agreement. Following FHWA approval of Department submitted applications, the Department and grantee shall enter into a project agreement which sets forth the responsibilities and duties of each regarding administration of the approved project. The project agreement shall contain terms and conditions particular to each project.

(2) PD&E Process. All approved projects are required by FHWA to complete the PD&E Process. Upon final Class of Action Determination and Department approval of the commencement documentation, the Department shall notify the grantee to proceed with project construction. Grantee may not proceed without such notification.

(3) Payment Basis. Grantees shall be paid program funds by the Department subject to the following conditions:

(a) Project Costs. Payment of project costs shall be reimbursed as provided for in this rule and in the project agreement. Costs must be incurred between the effective date of, and the project completion date identified in, the project agreement except for pre-agreement costs. Costs for surveys (boundary and topographic), title searches, and project signs

are eligible project expenses. If the total cost of the project exceeds the grant amount and the required match, the grantee shall pay the excess cost.

(b) Cost Limits. Project planning expenses, such as application preparation, architectural and engineering fees, permitting fees, project inspection, and other similar fees are eligible project costs provided that such costs do not exceed fifteen percent of the total project cost.

(c) Retention. The Department shall retain ten percent of the grant until the grantee completes the project and the Department approves the completion documentation as set forth in Subsection 62S-2.075(5).

(4) Accountability. Each grantee shall maintain an accounting system which meets generally accepted accounting principles and shall maintain financial records to properly account for all program and matching funds.

(5) Project Completion Certification. When the Project is completed, the grantee shall submit to the Department a Project Completion Certificate, OGT-14, effective date [effective date], hereby incorporated by reference and available from the Department's Office of Greenways and Trails, 3900 Commonwealth Boulevard, Mail Station 795, Tallahassee, Florida 32399-3000, (850)488-3701.

(6) Reverted Project Funds. RTP funds remaining after termination of a grant award or completion of project shall revert to the State's program funds under the provisions of TEA-21. If any funds awarded during a funding cycle are not accepted by the grantee or become available before termination of the fiscal year for which the funds were appropriated, the Department shall offer the funds to unfunded applicants in order of priority.

(7) Development Projects. The following constitute the specific procedures for administration of development projects.

(a) Grant Period. The grantee will have up to two years from the effective date of the project agreement to complete the project. At the written request of the grantee, Department staff will extend this period for good cause such as financial hardship, public controversy, material shortage, unexpected weather conditions, or other major factors beyond grantee's control. Only two years total extensions shall be allowed. After four years all funds not paid revert to FHWA.

(b) Procurement of Goods and Services. The grantee shall secure all goods and services for accomplishment of the project according to its adopted procurement procedures and applicable federal requirements identified in the FHWA Recreational Trails Guidance manual.

(c) Project Development & Environment Process. The grantee shall provide all information and appropriate documentation as required by the PD&E Manual. The Department shall complete the process on the grantee's behalf.

(d) Commencement Documentation. Prior to commencement of project construction, the grantee shall submit for approval the documentation described in the

Recreational Trails Program Project Commencement Documentation Form, OGT-11, effective date [effective date], hereby incorporated by reference and available from the Department's Office of Greenways and Trails, 3900 Commonwealth Boulevard, Mail Station 585, Tallahassee, Florida 32399-3000, (850)488-3701.

1. Project Preconstruction Certification. The grantee shall submit to the Department a Project Preconstruction Certificate, OGT-12, effective date [effective date], hereby incorporated by reference and available from the Department's Office of Greenways and Trails, 3900 Commonwealth Boulevard, Mail Station 795, Tallahassee, Florida 32399-3000, (850)488-3701.

2. Survey. For all projects, the grantee shall submit to the Department a survey and legal description of the project site. The survey must provide a legal description, and show the site's boundaries, all known easements, and all encroachments, if any.

3. Commencement Documentation Time Period. The Department shall terminate the project agreement if the Commencement Documentation is not received and approved by the Department within twelve months of the project agreement's execution. This time period may be extended by the Department for good cause, such as natural disaster.

(e) Completion Documentation. Upon completion of the project and prior to release of the final payment, the grantee shall submit all documentation described in the Recreational Trails Program Project Completion Documentation Form, OGT-13, effective date [effective date], incorporated by reference and available from Office of Greenways and Trails, 3900 Commonwealth Boulevard, Mail Station 795, Tallahassee, Florida 32399-3000, (850)488-3701.

(f) Inspections. The Department shall perform an on-site inspection of the project site to ensure compliance with the project agreement prior to release of the final grant payment. Any deficiencies must be corrected by Grantee prior to disbursement of final payment.

Specific Authority 260.016(1)(h) FS. Law Implemented 260.016(1)(d),(f), (2)(a)2. FS. History--New _____.

62S-2.076 Compliance Responsibilities.

The following constitute the general requirements for program compliance:

(1) Site Dedication. Land owned by the grantee, or, in the case of a nonprofit grantee a governmental entity, which is developed or acquired with RTP funds, shall be dedicated for ninety-nine (99) years as an outdoor recreational site for the use and benefit of the general public. Land under control other than by ownership of the grantee such as by lease, shall be dedicated as an outdoor recreation area for the use and benefit of the general public for a minimum of twenty-five (25) years from the completion date set forth in the project completion certificate. The lease must not be revocable at will; must extend for twenty-five (25) years after project completion date; and must contain a clause which enables the grantee to

dedicate the land for the twenty-five (25) year period. The dedication must be recorded in the public property records by the grantee, or in the case of a nonprofit grantee, by the land owner.

(a) Continuing Recreational Use. At the option of the Grantee, the project site may be afforded Section 6(f)(3) protection of the Land and Water Conservation Fund Act of 1965 [16 U.S.C. 460l-8(f)(3)]. The Grantee must have sufficient control and tenure of the project site as specified in the LWCF Manual in order to provide reasonable assurance that a conversion will not occur without approval of the National Park Service. The Grantee shall notify the Department that it requests Section 6(f)(3) protection prior to the FHWA authorizing the project.

(b) Equipment. All equipment purchased with RTP funds is to be used for trail maintenance and construction purposes on those trails indicated in the project application. The equipment shall be stored and maintained per the manufacturer's recommendations. The equipment shall be available for inspection by Department staff.

1. On July 1 of each year, the Grantee will submit proof of insurance for the current fiscal year, and an annual report indicating the previous year's operating and maintenance schedule.

2. All equipment whose value is in excess of \$5,000 remains property of FHWA and shall be surplus in accordance with their Guidance. All equipment whose value has depreciated to less than \$5,000 but greater than zero will be surplus in accordance with DEP Directive 320. A copy of the directive may be obtained from the Division of Administration, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000. Should the equipment be lost or stolen, it is the Grantee's responsibility to replace the equipment at its current value, as determined by the Department.

(2) Management of Project Sites. Grantees shall ensure by site inspections that facilities on project sites developed with RTP funds are being operated and maintained for public outdoor recreational purposes for a period of twenty-five (25) years from the completion date set forth in the project completion certificate. All project sites shall be open at reasonable times and shall be managed in a safe and attractive manner.

(3) Conversion. Should a grantee, within the periods set forth in Subsections 62S-2.076(1) and (2), convert all or part of the project site to other than public outdoor recreational uses, the grantee shall replace the area, facilities, resource, or site at its own expense with a project of comparable scope and quality.

(4) Non-Compliance. The Department shall terminate a project agreement and demand return of the program funds (including interest) for non-compliance by a grantee with the terms stated in the project agreement or this rule. If grantee fails to comply with the provisions of this part or the project

agreement, the Department shall declare the grantee ineligible for further participation in RTP until such time as compliance has been obtained.

(5) Public Accessibility. All facilities shall be accessible to the public on a non-exclusive basis without regard to age, gender, race, religion, residence, or ability level.

(6) Entrance Fees. Grantees may charge user fees for the project area, as described in the Guidance. Reasonable differences in entrance fees for program projects may be maintained on the basis of residence, but only if the grantee can clearly show that the difference in entrance fees reflects, and is substantially related to, all economic factors related to park management, and is not simply related to the amount of tax dollars spent by the residents for the park; and that a definite burden on the grantee in park maintenance costs clearly justifies a higher fee for nonresidents.

(7) Native Plantings. In developing a project area with program funds, a grantee shall primarily use vegetation native to the area, except for lawn grasses.

(8) Post Completion Inspections. Department staff shall periodically inspect completed program sites to ensure compliance with program requirements as stated in Subsections (4)-(7) of this section.

Specific Authority 260.016(1)(h) FS. Law Implemented 260.016(1)(d),(f), (2)(a)2. FS. History--New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Deborah H. Parrish, Director, Office of Greenways and Trails
NAME OF SUPERVISOR OR PERSON WHO APPROVED
THE PROPOSED RULE: Bob Billiard, Deputy Secretary for
Land and Recreation

DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: September 8, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: June 23, 2000

DEPARTMENT OF HEALTH

Board of Chiropractic Medicine

RULE TITLE: Acupuncture Certification Examination
PURPOSE AND EFFECT: The Board proposes to amend this rule to update the rule text.

SUMMARY: The Board is adding the word "chiropractic" to subsection (4) to identify and to clarify the licensure examination the Board is referring to in this paragraph.

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

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

SPECIFIC AUTHORITY: 455.574(1)(b),(5), 460.405 FS.
LAW IMPLEMENTED: 455.574(1)(b),(5), 460.406(3) FS.
IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.
THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joe Baker, Jr., Executive Director, Board of Chiropractic Medicine/MQA, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

THE FULL TEXT OF THE PROPOSED RULE IS:

- 64B2-11.013 Acupuncture Certification Examination.
(1) through (3) No change.
(4) Passage of the acupuncture certification examination shall not grant any applicant the right to practice chiropractic or acupuncture without passing the chiropractic licensure examination.
(5) No change.

Specific Authority 455.574(1)(b),(5), 460.405 FS. Law Implemented 455.574(1)(b),(5), 460.406(3) FS. History-New 10-6-86, Amended 1-28-87, 5-10-87, 8-7-88, 7-8-90, 7-15-91, 4-26-93, 7-14-93, Formerly 21D-11.013, 61F2-11.013, 59N-11.013, Amended 2-15-98.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Chiropractic Medicine
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Chiropractic Medicine
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 18, 2000
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 9, 2000

DEPARTMENT OF HEALTH
Board of Chiropractic Medicine

RULE TITLE: Licensure and Certification Reexamination Fees
RULE NO.: 64B2-12.003
PURPOSE AND EFFECT: The Board proposed to amend the rule to increase the reexamination fee for the licensure examination.

SUMMARY: The Board is increasing the reexamination fee for the licensure examination from \$450 to \$500.
SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.
Any person who wishes to provide information regarding the statement of estimated costs, or to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 455.574(2), 460.405, 460.406(1) FS.
LAW IMPLEMENTED: 455.474(2), 460.406 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.
THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joe Baker, Jr., Executive Director, Board of Chiropractic Medicine/MQA, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

THE FULL TEXT OF THE PROPOSED RULE IS:

64B2-12.003 Licensure and Certification Reexamination Fees.
The reexamination fee for the licensure examination shall be five hundred dollars (\$500.00) four hundred fifty dollars (\$450.00). The reexamination fee for the Acupuncture Certification Examination shall be seventy five dollars (\$75.00).

Specific Authority 455.574(2), 460.405, 460.406(1) FS. Law Implemented 455.574(2), 460.406 FS. History-New 1-10-80, Formerly 21D-12.03, Amended 2-24-86, 5-10-87, 4-19-89, 10-9-90, 10-15-92, Formerly 21D-12.003, 61F2-12.003, 59N-12.003, Amended 1-18-98.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Chiropractic Medicine
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Chiropractic Medicine
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 7, 2000
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 25, 2000

DEPARTMENT OF HEALTH
Board of Chiropractic Medicine

RULE TITLE: Deceptive and Misleading Advertising Prohibited; Policy; Definition
RULE NO.: 64B2-15.001
PURPOSE AND EFFECT: The Board proposes to amend this rule to update the rule text.

SUMMARY: The Board is amending subsection (m) of this rule to further clarify what the Board shall consider as inappropriate for deceptive and misleading advertising or advertisements.
SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.
Any person who wishes to provide information regarding the statement of estimated costs, or to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.
SUBJECT AREA TO BE ADDRESSED: Deceptive and misleading advertising.
SPECIFIC AUTHORITY: 460.405 FS.
LAW IMPLEMENTED: 455.664, 460.413(1)(d) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joe Baker, Jr., Executive Director, Board of Chiropractic Medicine/MQA, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

THE FULL TEXT OF THE PROPOSED RULE IS:

64B2-15.001 Deceptive and Misleading Advertising Prohibited; Policy; Definition.

(1) No change.

(2) No chiropractor shall disseminate or cause the dissemination of any advertisement or advertising which is in any way fraudulent, false, deceptive or misleading. Any advertisement or advertising shall be deemed by the Board to be fraudulent, false, deceptive, or misleading if it:

(a) through (l) No change.

(m) Contains a reference to an allopathic or osteopathic a medical degree or uses the initials "M.D." or "D.O." unless the chiropractic physician has actually received such a degree. If the chiropractic physician is not licensed to practice allopathic or osteopathic medicine in Florida, the chiropractic physician must disclose this fact, and the letterhead, business card, or other advertisement shall also include next to the reference or initials a the statement such as "Not licensed as a medical doctor to practice medicine in the State of Florida" or "Licensed to practice chiropractic medicine only" in the same print size or volume.

(3) No change.

Specific Authority 460.405 FS. Law Implemented 455.664, 460.413(1)(d) FS. History—New 1-10-80, Amended 11-25-81, 5-12-83, Formerly 21D-15.01, Amended 4-19-89, Formerly 21D-15.001, 61F2-15.001, Amended 7-18-95, Formerly 59N-15.001, Amended 9-21-98, 5-20-99, 4-23-00, _____.

.NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Chiropractic Medicine

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 9, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 18, 2000

DEPARTMENT OF HEALTH

Board of Clinical Laboratory Personnel

RULE TITLE: Technologist

RULE NO.: 64B3-5.003

PURPOSE AND EFFECT: The Board proposes the development of a rule amendment to address additional educational requirements to be qualified as a technologist.

SUMMARY: The purpose of the rule amendments is to update the rule text with regard to the definition of "technologist".

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 483.805(4), 483.811(2), 483.823 FS.

LAW IMPLEMENTED: 381.0034, 483.800, 483.809, 483.811(2), 483.815, 483.823 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joe Baker, Jr., Executive Director, Board of Clinical Laboratory, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

THE FULL TEXT OF THE PROPOSED RULE IS:

64B3-5.003 Technologist.

(1) Technologist Qualifications. Degrees or semester hours of academic credit required in this section shall be obtained at a regionally accredited college or university or, if foreign education, equated pursuant to Rule 64B3-6.002(6). All associate degrees used to qualify shall include, at a minimum, 60 semester hours of academic credit including eight (8) semester hours each of academic biological and chemical science. Applicants for technologist licensure in the categories of microbiology, serology/immunology, chemistry, hematology, immunohematology, radioassay, histocompatibility, blood banking and blood gas analysis shall have four (4) hours of Board approved HIV/AIDS continuing education and at a minimum have one of the following:

(a) a baccalaureate degree in clinical laboratory, chemical or biological science, or medical technology and have successfully completed a technologist level, accredited medical technology program which may be part of the degree.

(b) a baccalaureate degree in clinical laboratory, chemical or biological science, or medical technology and have successfully completed a Board approved training program at the technologist level.

(c) a baccalaureate degree in clinical laboratory, chemical or biological science, or medical technology and three (3) years of pertinent clinical laboratory experience of which one (1) year shall be in the category for which licensure is sought.

(d) through (j) No change.

(k) Individuals with a baccalaureate degree in a chemical or biological science, Florida licensure as a technician and proof of completion of an accredited and/or Board approved clinical laboratory training program at the technician level, may qualify for a technologist license.

(2) Qualifications for Cytology Technologist. For the specialty of Cytology, have a baccalaureate degree which shall include 16 semester hours of academic science and have successfully completed an accredited training program in cytology. Prior to 1985, have an associates degree or equivalent and national certification by the American Society of Clinical Pathologists. For the category of cytology, applicants for technologist shall have successfully completed a minimum of 60 semester hours of academic credit including 16 semester hours of science, and have successfully completed an accredited cytology clinical laboratory personnel training program and shall have four (4) hours of Board approved HIV/AIDS continuing education.

(3) through (6) No change.

Specific Authority 483.805(4), 483.811(2), 483.823 FS. Law Implemented 381.0034, 483.800, 483.809, 483.11(2), 483.815, 483.823 FS. History—New 12-6-94, Amended 7-12-95, 9-10-95, 12-4-95, Formerly 59O-5.003, Amended 5-26-98, 1-11-99,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Clinical Laboratory Personnel

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Clinical Laboratory Personnel

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 27, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 9, 2000

DEPARTMENT OF HEALTH

Board of Clinical Laboratory Personnel

RULE TITLE: Technician
RULE NO.: 64B3-5.004

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

SUMMARY: The rule defines the “Responsibilities of Technicians”.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 483.805(4), 483.811(2), 483.823 FS.

LAW IMPLEMENTED: 381.0034, 483.800, 483.809, 483.811(2), 483.815, 483.823 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joe Baker, Jr., Executive Director, Board of Clinical Laboratory, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

THE FULL TEXT OF THE PROPOSED RULE IS:

64B3-5.004 Technician.

(1) through (3) No change.

~~(4) Qualifications for Cytology Technicians. Licensed histology technicians and histology technologists are qualified to perform the functions of a cytology technician. To be licensed as a cytology technician, all other applicants shall have four (4) hours of Board approved HIV/AIDS continuing education, a minimum of a high school diploma or a high school equivalency diploma and one of the following:~~

~~(a) successfully completed a Board approved technician level clinical laboratory training program.~~

~~(b) twelve (12) weeks of full time pertinent clinical laboratory experience in cytology preparation techniques acquired within (5) years immediately preceding application for licensure.~~

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

Specific Authority 483.805(4), 483.811(2), 483.823 FS. Law Implemented 381.0034, 483.800, 483.809, 483.811(2), 483.815, 483.823 FS. History—New 12-6-94, Amended 7-12-95, Formerly 59O-5.004, Amended 5-26-98, 9-20-98, 1-11-99, 8-31-99,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Clinical Laboratory Personnel

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Clinical Laboratory Personnel

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 27, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 9, 2000

DEPARTMENT OF HEALTH

Board of Clinical Laboratory Personnel

RULE TITLE: Scope of Practice Relative to Specialty
RULE NO.: 64B3-10.005

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

SUMMARY: The rule amendment is for the purpose of updating the the scope of practice relative to specialty of licensure.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 483.805(4) FS.

LAW IMPLEMENTED: 483.813, 483.823, 483.825 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joe Baker, Jr., Executive Director, Board of Clinical Laboratory, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

THE FULL TEXT OF THE PROPOSED RULE IS:

64B3-10.005 Scope of Practice Relative to Specialty of Licensure.

The following rules are not intended to prevent collection and storage of specimens or the performance of manual pretesting procedures by persons who are exempt by statute or statutorily authorized within their scope of practice. Clinical laboratory personnel qualified as a physician director, a licensed director, supervisor, technologist or technician in the specialty or specialties indicated can perform testing identified as being within the specialty. For the purpose of defining the specialties, Health Care Financing Administration's Common Procedure Coding System (HCFACPCS) shall be used as a supplemental guide for assigning tests to specific specialties. Tests which are not yet classified shall be assigned by the Board upon review.

(1) through (3) No change.

(4) The purpose of the specialty of serology/immunology is to detect and quantitate antibodies to infectious agents as well as microbial and non-microbial antigens. The specialty encompasses all the serological techniques (except those specific to immunohematology) used to detect the interaction of antigens with antibodies for evaluation of the consequences of the immune response.

(a) Individuals licensed in serology/immunology as the basis for practice in histocompatibility before January 26, 1999 may retain their licenses in serology/immunology, but must apply for licenses in histocompatibility on or before December 31, 2001. These individuals will be issued licenses in histocompatibility based upon experience meeting CLIA educational requirements in place at the time of licensure and previous successful completion of the Board approved examination in serology/immunology without being required to successfully complete the Board approved examination in histocompatibility. If these individuals fail to apply for licenses in histocompatibility by the December 31, 2001 deadline, they will be required to apply for licenses in histocompatibility and successfully pass the Board approved examination in

histocompatibility and meet all of the current education, training, and work experience requirements for licensure in histocompatibility.

(b) Individuals licensed in serology/immunology as the basis for practice in histocompatibility on or after January 26, 1999, must apply for a license in histocompatibility and successfully pass the Board approved examination in histocompatibility on or before June 30, 2002.

(c) After June 30, 2002, individuals wishing to practice in the specialty of histocompatibility must apply for a license in histocompatibility and successfully pass the Board approved examination in histocompatibility.

(d) Trainees for histocompatibility must be currently licensed as technologists or technicians in either serology/immunology or immunohematology and will be registered to train for one year. Once the trainees complete their Board approved one year training program, they must apply for licensure by endorsement and will receive temporary licenses, if eligible.

(5) through (10) No change.

(11) The purpose of the specialty of histology is to process cellular and tissue components through methods of fixation, dehydration, embedding, microtomy, frozen sectioning, staining, and other related procedures and techniques employed in the preparation of smears, slides, and tissues. This specialty also encompasses methods for antigen detection and other molecular hybridization testing methods where the purpose is analysis and/or quantification of cellular and tissue components for interpretation by a qualified physician. Technicians licensed in histology are limited to the performance of specimen processing, embedding, cutting, routine and special histologic staining, frozen sectioning and mounting of preparations under the direct supervision of a director, supervisor, or technologist. The purpose of the specialty of histology is to process cellular and tissue components through methods of fixation, hydration, embedding, microtomy, frozen sectioning, staining and other related procedures and techniques employed in the preparation of smears and slides for interpretation by a qualified physician. This specialty also encompasses methods for antigen detection, including enzyme linked analytical methods and testing methods where the purpose is analysis and quantification of cellular and tissue components specific to histology. Technicians licensed in histology are limited to the performance of specimen processing, embedding, cutting, routine and special histologic staining, frozen sectioning and mounting of preparations under the direct supervision of a qualified director, licensed supervisor or technologist.

(12) The purpose of the specialty of cytology is to process and interpret cellular material derived from the human body delineating data regarding human cytopathological disease. Cytology includes review and interpretation of gynecological cytology preparations in accordance with the provisions of

Rule Chapter 64B3-7, F.A.C., and screening non-gynecological cytology preparations where final review and interpretation is the responsibility of a qualified physician. Technicians licensed in cytology are limited to the performance of cytopreparatory functions including specimen processing, Papamecolaou and Romanowsky staining and mounting of gynecological and non-gynecological specimens under the direct supervision of a qualified director or licensed supervisor or technologist. Personnel licensed in Histology may perform cytology technician duties without further licensure. Individuals performing technician functions only on gynecological specimens where the staining setup has been verified by a licensed cytotechnologist need not be licensed.

(13) The purpose of the specialty of cytogenetics is to determine the presence or absence of quantitative (numerical) and qualitative (structural) chromosome abnormalities relating to constitutional and acquired disorders. Laboratory personnel providing counseling associated with the results of cytogenetics testing shall be licensed in cytogenetics at the director level.

(14) The purpose of the specialty of molecular genetics is to perform an analyses on human DNA, RNA and chromosomes to detect heritable or acquired disease-related genotypes, mutations, and phenotypes for clinical purposes. Such purposes would include predicting risk of disease, identifying carriers, and establishing prenatal or clinical diagnoses or prognoses in individuals, families, or populations to detect inheritable disease-related genotypes, mutations, or phenotypes for clinical purposes using procedures for the analysis of.

(15) The purpose of the specialty of histocompatibility is to insure the best possible results of the determination of tissue compatibility, prevent transmitted infections, and to investigate and evaluate post-transplant problems. The specialty encompasses blood typing, HLA typing, HLA antibody screening, disease marker. Cluster Designation specific to tissue compatibility, flow cytometry, crossmatching, HLA antibody identification, lymphocyte immunophenotyping, immunosuppressive drug assays, allogenic, isogenic and autologous bone marrow processing and storage, mixed lymphocyte culture, ~~and~~ stem cell culture, cell mediated assays, and assays for the presence of cytokines.

(a) Individuals licensed in serology/immunology as the basis for practice in histocompatibility before January 26, 1999 may retain their licenses in serology/immunology, but must apply for licenses in histocompatibility on or before December 31, 2001. These individuals will be issued licenses in histocompatibility based upon experience meeting CLIA educational requirements in place at the time of licensure and previous successful completion of the Board approved examination in serology/immunology without being required to successfully complete the Board approved examination in histocompatibility. If these individuals fail to apply for licenses

in histocompatibility by the December 31, 2001 deadline, they will be required to apply for licenses in histocompatibility and successfully pass the Board approved examination in histocompatibility and meet the current education, training, and work experience requirements.

(b) Individuals licensed in serology/immunology as the basis for practice in histocompatibility on or after January 26, 1999, must apply for a license in histocompatibility and successfully pass the Board approved examination in histocompatibility on or before June 30, 2002.

(c) After June 30, 2002, individuals wishing to practice in the specialty of histocompatibility must apply for a license in histocompatibility and successfully pass the Board approved examination in histocompatibility.

(d) Trainees for histocompatibility must be currently licensed as technologists or technicians in either serology/immunology or immunoematology and will be registered to train for one year. Once the trainees complete their Board approved one year training program, they must apply for licensure by endorsement and will receive temporary licenses if eligible.

(16) In the specialties of clinical chemistry, hematology, immunoematology, microbiology and serology/immunology, clinical laboratory personnel licensed at the technician level may perform testing identified within the scope of each specialty in Rule 64B3-10.005(3)-(5), F.A.C., in any specialty for which they hold licensure ~~provided such testing is performed under direct supervision. Individuals performing highly complex testing as defined in 42 CFR 493.10 and 493.17, regardless of specialty, shall meet the qualifications and/or exemptions provided in 42 CFR 493.1489; if the tests are classified as highly complex pursuant to 42 CFR 493.17 (September 7, 1999), incorporated by reference herein, only when under the direct supervision of a licensed technologist, supervisor, or director unless the technician meets the minimum qualifications contained in 42 CFR 493.1489 (September 7, 1999), incorporated by reference herein and the requirements contained in Rule 64B3-5.004(5).~~

(17) No change.

(18) Individuals using flow cytometry or molecular detection techniques in specialties other than histocompatibility must be able to demonstrate training or experience in this procedure, and must hold licensure in the specific discipline for which they are using flow cytometry and molecular detection techniques.

Specific Authority 483.805(4) FS. Law Implemented 483.813, 483.823, 483.825 FS. History—New 2-7-95, Amended 3-28-95, 7-12-95, 12-4-95, Formerly 59O-10.005, Amended 3-19-98, 1-28-99, 11-24-99.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Clinical Laboratory Personnel

NAME OF SUPERVISOR OR PERSON WHO APPROVED
THE PROPOSED RULE: Board of Clinical Laboratory
Personnel

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 27, 2000
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 9, 2000

DEPARTMENT OF HEALTH

Board of Clinical Laboratory Personnel

RULE TITLE: Provider Approval Procedures
 RULE NO.: 64B3-11.004

PURPOSE AND EFFECT: The purpose for the rule development is to provide procedures within.

SUMMARY: The purpose for the rule amendments is to update the rule text with regard to the provider approval procedures.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 455.564, 483.807(1), 483.821 FS.

LAW IMPLEMENTED: 455.564, 483.807; 483.821 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joe Baker, Jr., Executive Director, Board of Clinical Laboratory, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

THE FULL TEXT OF THE PROPOSED RULE IS:

64B3-11.004 Provider Approval Procedures.

The provider seeking approval:

(1) No change.

~~(2) Shall submit all courses with evidence of adherence to standards for continuing education as set forth in rules 64B3-11.002 and 64B3-11.003.~~

~~(2)(3) Shall be granted approval for a period of 24 months.~~

~~(3)(4) Shall be subject to periodic review. Provider approval may be withdrawn if the Board determines that adherence to standards outlined in rule chapter 64B3-11 is not maintained or if information submitted to the Board by the provider is found to be a material misrepresentation of fact.~~

~~(4)(5) Shall use the provider and course approval numbers.~~

~~(5)(6) Shall be granted authority to give continuing education programs without prior Board approval and without submitting courses for Board approval once they are granted provider approval status by meeting one of the following requirements.~~

~~(a) Be a national organization and a Board approved provider.~~

~~(b) Be a regionally accredited college or university as provided in Rule 64B3-11.011(6), F.A.C.~~

~~(c) Be a laboratory instrument corporation or vendor and a board approved provider.~~

~~(6)(7) No change.~~

Specific Authority 455.564, ~~483.805(4), 455.587, 483.807(1),~~ 483.821 FS. Law Implemented 455.564, ~~455.587, 483.807,~~ 483.821 FS. History--New 2-22-94, Formerly 61F3-11.004, Amended 12-4-95, Formerly 59O-11.004, Amended 4-9-00,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Clinical Laboratory Personnel

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Clinical Laboratory Personnel

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 27, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 9, 2000

DEPARTMENT OF HEALTH

Board of Medicine

RULE TITLE: Standards of Practice in Certain Office Settings
 RULE NO.: 64B8-9.0075

PURPOSE AND EFFECT: The proposed rule is intended to address physicians and physician assistants in practice settings which are not facilities licensed pursuant to Chapter 395 or 400; federally qualified clinics or state or federally regulated programs with risk management oversight; or under the ownership and control of a licensed Florida physician.

SUMMARY: The proposed rule sets forth standards for physicians and physician assistants practicing in settings which are not facilities licensed pursuant to Chapter 395 or 400; federally qualified clinics or state or federally regulated programs with risk management oversight; or under the ownership and control of a licensed Florida physician. The rule requires these practice settings to have a Florida licensed physician-in-charge who is responsible for ensuring that medical care is provided under sanitary conditions, lawfully billed to the patients and/or other payors and that persons assisting in the delivery of medical care to their patients are licensed, certified, and/or supervised as required by law.

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

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

SPECIFIC AUTHORITY: 458.309, 458.331(1)(v) FS.

LAW IMPLEMENTED: 458.331(1) FS.

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

TIME AND DATE: 10:00 a.m., October 18, 2000

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Tanya Williams, Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-1753

THE FULL TEXT OF THE PROPOSED RULE IS:

64B8-9.0075 Standards of Practice in Certain Office Settings.

(1) Standards of care and standards of practice require that Florida licensed physicians and physician assistants provide their patients appropriate medical care under sanitary conditions; that medical care is provided pursuant to informed consent, adequately documented and lawfully billed to the patients and/or other payors; and that persons assisting in the delivery of medical care to their patients are licensed, certified, and/or supervised as required by law. Except as specifically provided for in the following practice settings, physicians and physician assistants may neither delegate to others nor reasonably rely upon others to ensure compliance with these patient responsibilities.

(2) Physicians and physician assistants with a practice setting in a hospital or other facility licensed pursuant to Chapter 395 or 400, Florida Statutes, or who practice in a federally qualified health clinic or other state or federally regulated program that provides an equivalent risk management and oversight of physicians and physician assistants, may reasonably rely upon the licensed facility to ensure that medical care is provided under sanitary conditions, lawfully billed to the patients and/or other payors and that persons assisting in the delivery of medical care to their patients are licensed, certified, and/or supervised as required by law.

(3) Licensed physicians and physician assistants in a practice setting that is not identified in section (2) above, nor under the ownership and control of an actively licensed Florida physician who is responsible for ensuring that the requirements in section (2) are complied with, may reasonably rely upon a Florida licensed physician-in-charge to ensure compliance with the responsibilities set out in section (2), only if the physician-in-charge has filed a notarized statement on a form approved by the Board of Medicine, specifically agreeing to accept the following responsibilities on behalf of one or more named licensed physicians or physician assistants in the practice setting:

(a) ensure that all staff in the practice setting are licensed or certified as required by law and that licensure or certification documentation is maintained at the practice setting and immediately available upon request to Department of Health or Agency for Health Care Administration investigators;

(b) ensure that any medical services provided by staff at the practice setting are appropriately supervised as required by law;

(c) ensure that the practice setting complies with the relevant sections of Chapters 455, 458, 465, 499 and 893, Florida Statutes, and the relevant Board rules, to include but not limited to, rules regarding office surgery, medical records keeping, and the reporting of adverse incidents; and

(d) review all practice setting billings to ensure that the billings are not fraudulent. This includes a systematic review of the medical services provided, the dates of service, procedure and diagnostic codes, and the name of the provider.

(e) The original notarized statement set forth in paragraph (3) above, shall be filed with the Board of Medicine. Copies of said statement shall be maintained at the practice site and be immediately available, upon request, to Department of Health or Agency for Health Care Administration investigators.

Specific Authority 458.309, 458.331(1)(v) FS. Law Implemented 458.331(1) FS. History—New

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

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 8, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 19, 2000

DEPARTMENT OF HEALTH

Board of Medicine

RULE TITLE: Formulary RULE NO.: 64B8-30.008

PURPOSE AND EFFECT: The proposed rule amendments are intended to make additions and a deletion to the Physician Assistant formulary as recommended by the Formulary Committee.

SUMMARY: The proposed rule amendments make additions and one deletion to the Physician Assistant formulary in response to the recommendation of the Formulary Committee.

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

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

SPECIFIC AUTHORITY: 458.309, 458.347(4)(f)3. FS.
 LAW IMPLEMENTED: 458.347(4)(e),(f) FS.
 IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):
 TIME AND DATE: 10:00 a.m., October 24, 2000
 PLACE: Room 324, Collins Building, 107 W. Gaines Street, Tallahassee, FL
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Tanya Williams, Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-1753

THE FULL TEXT OF THE PROPOSED RULE IS:

64B8-30.008 Formulary.

THE APPROVED FORMULARY FOR THE WRITING OF PRESCRIPTIONS BY PHYSICIAN ASSISTANTS APPROVED TO PRESCRIBE MEDICINAL DRUGS UNDER THE PROVISIONS OF SECTIONS 458.347(4)(e) AND 459.022(4)(e), FLORIDA STATUTES:

(1) through (2) No change.

(3) Formulary.

(a) No change.

(b) Subject to the requirements of this subsection, Sections 458.347 and 459.022, F.S., and the rules enacted thereunder, only the following drugs may be delegated by a Supervising Physician to a Physician Assistant to prescribe. Medicinal drugs not specifically included in this formulary are excluded. Excluded medicinal drugs may not be prescribed, regardless of whether they are in a pure form or in combination with a drug included in this formulary.

1. through 15. No change.

16. Alosetron HCl

16. through 109. renumbered 17. through 110. No change.

111. Cevimeline HCl

110. through 127. renumbered 112. through 129. No change.

~~128. Cisapride~~

129. through 331. renumbered 130. through 332. No change.

333. Levetiracetam

332. through 362. renumbered 334. through 364. No change.

365. Meloxicam

363. through 536. renumbered 366. through 539. No change.

540. Risedronate Sodium

537. through 599. renumbered 541. through 603. No change.

604. Tizanidine

600. through 648. renumbered 605. through 653. No change.

654. Zonisamide

Specific Authority 458.309, 458.347(4)(f)3. FS. Law Implemented 458.347(4)(e),(f) FS. History--New 3-12-94, Formerly 61F6-17.0038, Amended 11-30-94, 2-22-95, 1-24-96, 11-13-96, 3-26-97, Formerly 59R-30.008, Amended 11-26-97, 1-11-99, 12-28-99, 6-20-00, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Formulary Committee

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 6, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 8, 2000

DEPARTMENT OF HEALTH

Board of Psychology

RULE TITLE: Application Fee for Inactive Status

RULE NO.: 64B19-12.008

PURPOSE AND EFFECT: This rule is no longer necessary due to new statute provisions passed by the 2000 Legislature.

SUMMARY: The Board proposed to repeal this rule as it is unnecessary.

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

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

SPECIFIC AUTHORITY: 455.711(3) FS.

LAW IMPLEMENTED: 455.711(3) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE NEXT AVAILABLE ISSUE OF THE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kaye Howerton, Executive Director, Board of Psychology/MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

THE FULL TEXT OF THE PROPOSED RULE IS:

64B19-12.008 Application Fee for Inactive Status.

Specific Authority 455.711(3) FS. Law Implemented 455.711(3) FS. History--New 1-4-88, Amended 6-1-89, 8-12-90, Formerly 21U-12.008, 61F13-12.008, Amended 1-7-96, 6-26-97, Formerly 59AA-12.008, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Psychology

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

