

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: John Taylor, Executive Director, Board of Pharmacy, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254

THE FULL TEXT OF THE PROPOSED RULE IS:

64B16-25.180 Investigators; Criteria for Selection.

Specific Authority 455.521 FS. Law Implemented 455.521 FS. History—New 3-22-84, Formerly 21S-8.09, 21S-8.009, Amended 7-30-91, Formerly 21S-25.180, 61F10-25.180, 59X-25.180, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Pharmacy

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 11, 2000

**DEPARTMENT OF HEALTH**

**Board of Podiatric Medicine**

RULE TITLE: Citations RULE NO.: 64B18-14.010

PURPOSE AND EFFECT: The Board proposes to amend this rule to update the rule text with regard to citations.

SUMMARY: The Board is amending this rule to update the rule text and to add an additional violation to subsection (3) which will address the failure to comply with the requirements of profiling or credentialing and list the penalty amount.

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: 455.617, 461.005 FS.

LAW IMPLEMENTED: 455.617 FS.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

64B18-14.010 Citations.

(1) through (2) No change.

(3) The following violations may be disposed of by the Department by citation with the specified penalty:

VIOLATIONS PENALTY

(a) through (e) No change.

(f) Soliciting patients \$300 fine

(Sections 455.624(1)(x), 461.013(1)(k), 461.013(1)(w)).

(g) Failure to comply with \$300 fine

the requirements of profiling or credentialing

(Section 455.624(1)(v)).

(4) through (6) No change.

Specific Authority 455.617, 461.005 FS. Law Implemented 455.617 FS. History—New 1-19-92, Formerly 21T-14.010, 61F12-14.010, Amended 3-26-95, 2-25-96, 6-17-97, Formerly 59Z-14.010, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Podiatric Medicine

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 15, 2000

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

**Section III  
Notices of Changes, Corrections and  
Withdrawals**

**DEPARTMENT OF REVENUE**

**NOTICE OF CHANGE OF CABINET AGENDA**

The Governor and Cabinet, sitting as head of the Department of Revenue, were scheduled to consider the proposed repeal of Rules 12-21.020, F.A.C. (Certificate of Sale), and 12-21.030, F.A.C. (Application of Payments), at their meeting on September 26, 2000 (see the September 15, 2000, edition of the Florida Administrative Code, Vol. 26, No. 37, p. 4311). Instead, these proposed rule repeals will be considered by the Governor and Cabinet at their meeting on October 10, 2000. These proposed rule repeals were not noticed for a rule development workshop, since a workshop is not required for rule repeals. A Notice of Proposed Rulemaking was published in the Florida Administrative Weekly on August 11, 2000 (Vol. 26, No. 32, pp. 3683-3684), and a public hearing was conducted on September 5, 2000. No testimony was received at the public hearing, and no written comments were submitted.

**DEPARTMENT OF REVENUE**

**NOTICE OF CHANGE OF CABINET AGENDA**

The Governor and Cabinet, sitting as head of the Department of Revenue, were scheduled to consider the proposed repeal of Rule 12A-1.078, F.A.C. (Tobacco Products), at their meeting on September 26, 2000 (see the September 15, 2000, edition of the Florida Administrative Code, Vol. 26, No. 37, p. 4311). Instead, this proposed rule repeal will be considered by the Governor and Cabinet at their meeting on October 10, 2000. This proposed rule repeal was not noticed for a rule development workshop, since a workshop is not required for rule repeals. A Notice of Proposed Rulemaking was published in the Florida Administrative Weekly on August 11, 2000 (Vol. 26, No. 32, pp. 3683-3684), and a public hearing was conducted on September 5, 2000. No testimony was received at the public hearing, and no written comments were submitted.

**SPACEPORT FLORIDA AUTHORITY**

**RULE NOS.:                      RULE TITLES:**  
 57-4.004                          Responsibilities  
 57-4.005                          Documents and Records

**NOTICE OF CHANGE**

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 26, No. 25, June 23, 2000, issue of the Florida Administrative Weekly:

57-4.004 Responsibilities.

(1) The Authority Safety Officer is responsible for development and implementation of a comprehensive statewide loss prevention program.

(2) The Safety Officer shall:

(a) through (e) No change.

(f) Review and approve hazardous procedures to be accomplished at Authority facilities.

(g) through (n) No change.

(o) Provide emergency response support and assistance, in the event of failures and mishaps during ground operations.

Specific Authority 331.314, 331.319, 331.350(3) FS. Law Implemented 331.314, 331.319, 331.350(3) FS. History–New \_\_\_\_\_.

57-4.005 Documents and Records.

Unless containing issues related to national security, trade secrets or proprietary information, the Authority's safety documents and records, including correspondence, inspection reports, reference documents, maps and computer files, shall be open and available for public access upon any public request for the information. Regarding public information commingled with information related to national security, trade secrets or proprietary information, the security officer, acting as an agent of the Authority, shall separate and secure any item related or pertaining to national security, trade secret or proprietary information. If the security officer determines that

any information requested by the public will reveal a trade secret, the officer shall notify the person making the request of that determination. The public information shall be made available to the requester in accordance with Chapter 57-2 of the Florida Administrative Code.

Specific Authority 331.314, 331.319, 331.350(3) FS. Law Implemented 331.314, 331.319, 331.350(3) FS. History–New \_\_\_\_\_.

**SPACEPORT FLORIDA AUTHORITY**

**RULE NO.:                      RULE TITLE:**  
 57-5.003                          General Requirements  
**NOTICE OF CHANGE**

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 26, No. 25, June 23, 2000, issue of the Florida Administrative Weekly:

57-5.003 General Requirements.

(1) No person shall either store, handle, or transport space related explosives when such storage, handling, and transportation constitutes an hazard to life and property which shall be determined by the Safety Officer of the Authority.

(2) Quantities of explosives handled at any location within the state shall be restricted according to the Safety Officer's discretion under standards set forth in chapter three of the DoD's Contractor's Safety Manual for Ammunition and Explosives, DoD 4145.26-M.

Specific Authority 331.314, 331.350(3), 331.353 FS. Law Implemented 331.314, 331.350(3), 331.353 FS. History–New \_\_\_\_\_.

**SPACEPORT FLORIDA AUTHORITY**

**RULE NO.:                      RULE TITLE:**  
 57-6.004                          Safety Plans  
**NOTICE OF CHANGE**

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 26, No. 25, June 23, 2000, issue of the Florida Administrative Weekly:

57-6.004 Safety Plans.

The following requirements must be satisfied by commercial space users under the Authority's jurisdiction:

(1) The Safety Officer shall require users of Authority facilities engaging in commercial space launch vehicle operations to submit a Ground Safety Plan. Such plan shall detail how the operator(s) plan to satisfy the requirements of Chapters 57-3 through 57-7 pertaining to launch vehicle operators on Authority facilities. The Ground Safety Plan shall be submitted to the Safety Officer 30 days before operations begin. The Ground Safety Plan shall include the following information:

(a) Responsibilities of the User.

(b) Launch Agency and Range User.

(c) Warning Devices.

- (d) Personnel Control.
- (e) Smoking Areas.
- (f) Protective Clothing and Equipment.
- (g) Radio Communications.
- (h) Ordnance Operations.
- (i) Flight Termination System.
- (j) Lightning Protection.
- (k) Personnel and Explosive Limits.
- (l) Emergency Evacuation Procedures.
- (2) Process Safety Management Plan (OSHA 1910.119).

Specific Authority 331.350(3) FS. Law Implemented 331.350(3) FS. History--New \_\_\_\_\_.

**SPACEPORT FLORIDA AUTHORITY**

RULE NOS.:	RULE TITLES:
57-7.003	General Requirements
57-7.004	Hazardous Material Selection
57-7.005	Hazardous Material Test Requirements
57-7.006	Hazardous Material System Hardware Requirements

**NOTICE OF CHANGE**

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 26, No. 25, June 23, 2000, issue of the Florida Administrative Weekly:

**57-7.003 General Requirements.**

(1) No person shall store, handle or transport space related hazardous materials when such storage, handling, and transportation constitutes an hazard to life or property.

(2) Quantities of hazardous materials handled at any location within the state shall be restricted by the Safety Officer of the Authority, in accordance with the DoD Contractor's safety Manual for Ammunition and Explosives (DoD 4145.26-M) and the Air Force Manual 91-201 Explosive Safety Standards.

Specific Authority 331.314 FS. Law Implemented 331.314 FS. History--New \_\_\_\_\_.

**57-7.004 Hazardous Material Selection.**

The selection of hazardous materials shall be based on flammability and combustibility, toxicity and compatibility.

(1) through (3) No change.

(4) Hazardous materials, including leakage, shall not come into contact with a non-compatible material that can cause a hazard during ground operations. The Safety Officer will provide oversight of the usage of hazardous materials, but day to day operations will be the responsibility of the operator. The Safety Officer shall give an operator 30 days to correct any hazards, unless it is determined to be an immediate hazard, in which case the operator must act immediately to mitigate the hazard.

(5) Hazardous materials shall not retain a static charge that presents an ignition source to ordnance or propellants or a shock hazard to personnel during ground operations. The Safety Officer will provide oversight of the usage of hazardous materials, but day to day operations will be the responsibility of the operator. The Safety Officer shall give an operator 30 days to correct any hazards, unless it is determined to be an immediate hazard, in which case the operator must act immediately to mitigate the hazard.

Specific Authority 331.314 FS. Law Implemented 331.314 FS. History--New \_\_\_\_\_.

**57-7.005 Hazardous Material Test Requirements.**

(1) If the physical properties of the material or liquid are unknown, standard testing conducted by a laboratory certified by the National Institute of Standards and Technology shall be performed to determine the hazard. If the material or liquid is found to be hazardous, it shall be handled and controlled as a hazardous material.

(2) Safety documentation shall include a listing of all hazardous materials and liquids on space flight hardware and ground processing equipment or is used during ground operations.

Specific Authority 331.314 FS. Law Implemented 331.314 FS. History--New \_\_\_\_\_.

**57-7.006 Hazardous Materials System Hardware Requirements.**

(1) Hazardous chemical hardware shall be designed by qualified engineers using industry standards to prevent hazardous chemicals from spilling or leaking, and, thereby, injuring personnel, property, or contaminating the environment, in accordance with DOT regulations, 49 C.F.R. Parts 177-379.

(2) Hazardous chemical systems which release caustic, toxic, or reactive chemicals shall be designed such that the flow path contains two independent safeties to prevent an inadvertent release. These systems shall be designed by qualified engineers using industry standards.

(3) Components of hazardous chemical systems shall feature redundant mechanical or welded seals at all fittings to prevent the inadvertent flow or release of caustic, toxic, and reactive chemicals.

(4) Bi-propellant systems that incorporate both a fuel and an oxidizer shall be designed by qualified engineers, using standard industry criteria, in such a manner that a malfunction of either the oxidizer or fuel subsystems cannot result in mixing during ground operations. In general, all hazardous chemical systems shall be designed to preclude the inadvertent mixing of hazardous chemicals, especially in cases where chemical reactions could have catastrophic consequences to public safety.

(5) Mono-propellant systems that feature a fuel and a catalytic bed shall incorporate at least two independent safeties in the flow path to prevent inadvertent fuel contact with the catalytic bed during ground operations.

Specific Authority 331.314 FS. Law Implemented 331.314 FS. History—New

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Electrical Contractors’ Licensing Board**

RULE NO.: 61G6-5.0035  
 RULE TITLE: Certification of Registered Contractors

**CORRECTED NOTICE OF CHANGE**

The Electrical Contractors’ Licensing Board hereby gives notice of this correction to the Notice of Change published in the Vol. 26, No. 38 issue of the Florida Administrative Weekly. The Notice of Proposed Rulemaking was originally published in the June 16, 2000, Vol. 26, No. 24 issue of the F.A.W.

Subsection (3)(a) shall read as follows:

(3)(a) passed a written, proctored examination in the appropriate category as specified in subsection (2) of the statute, and,

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Anthony Spivey, Executive Director, Electrical Contractors’ Licensing Board, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Landscape Architecture**

RULE NO.: 61G10-13.007  
 RULE TITLE: Reactivation of Inactive Status

**NOTICE OF CHANGE**

The Board of Landscape Architecture gives Notice of Change to the above-referenced rule in response to comments received from the Joint Administrative Procedures Committee. The rule was originally published in Vol. 26, No. 24, June 16, 2000, issue of the Florida Administrative Weekly.

When changed, Rule 61G10-13.007(1) and (3) shall read as follows:

61G10-13.007(1) An inactive license may change to active status at any time, provided the licensee meets all the requirements for active status, pays any additional licensure fees necessary to equal those imposed on an active status licensee and pays the additional reactivation fee specified in Rule 61G10-12.002, F.A.C.

61G10-13.007(3) A licensee who elected inactive status for more than two consecutive bienniums may reactivate his or her license upon application to the Department and demonstration of compliance with all of the requirements for active status and the following conditions:

(a) Payment of the reactivation fee specified in Rule 61G10-12.002, F.A.C.

(b) Proof of completion of 12 classroom hours of continuing education which fulfills the requirements of Rule 61G10-13.003(2), F.A.C., for each year or part of the year the license was inactive.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sherry Landrum, Executive Director, Board of Landscape Architecture, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Landscape Architecture**

RULE NO.: 61G10-14.003  
 RULE TITLE: Disciplinary Guidelines; Ranges of Penalties; Aggravating and Mitigating Circumstances

**NOTICE OF CHANGE**

The Board of Landscape Architecture gives Notice of Change to the above-referenced rule in response to comments received from the Joint Administrative Procedures Committee. The rule was originally published in Vol. 26, No. 24, June 16, 2000, issue of the Florida Administrative Weekly.

When changed, Rule 61G10-14.003(2)(k) and (3) shall read as follows:

61G10-14.003(2)(k) Incompetence in the practice of landscape architecture(481.325(1)(h), F.S.)

First Offense	Submit to mental/physical examination and impose conditions on practice	Submit to mental/physical examination and suspension until able to demonstrate ability to practice with reasonable skill and safety
Second Offense	Submit to mental/physical examination and suspension until able to demonstrate ability to practice with reasonable skill and safety	Submit to mental/physical examination, suspension until able to demonstrate ability to practice with reasonable skill and safety and \$3000 fine
Third Offense	Submit to mental/physical examination, suspension until able to demonstrate ability to	Revocation and \$5000 fine

practice with reasonable skill and safety and \$3000 fine.

61G10-14.003(3) The Board shall take into consideration the following factors in determining the appropriate disciplinary action to be imposed and in going outside of the disciplinary guidelines:

- (a) The danger to the public;
  - (b) The number of specific offenses;
  - (c) The actual damage, physical or otherwise, to specific clients;
  - (d) The length of time since the date of the last violation(s);
  - (e) The length of time the licensee has practiced his or her profession;
  - (f) Prior discipline imposed on the licensee;
  - (g) The deterrent effect of the penalty imposed;
  - (h) The effect of the penalty upon the licensee;
  - (i) Efforts by the licensee toward rehabilitation;
  - (j) Attempts by the licensee to correct or stop violations;
- and
- (k) Other conditions as appropriate.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sherry Landrum, Executive Director, Board of Landscape Architecture, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

**DEPARTMENT OF HEALTH**

**Board of Acupuncture**

RULE NO.: 64B1-3.010      RULE TITLE: Licensure by Endorsement Through Another State License

**NOTICE OF WITHDRAWAL**

Notice is hereby given that the above rule, as noticed in Vol. 26, No. 9, of the Florida Administrative Weekly on March 3, 2000, has been withdrawn.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: William Buckhalt, Executive Director, Board of Acupuncture, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

**DEPARTMENT OF HEALTH**

**Board of Acupuncture**

RULE NO.: 64B1-8.006      RULE TITLE: Laboratory Test and Imaging Results Education

**NOTICE OF CHANGE**

The Board of Acupuncture hereby gives notice that the above rule, published in Vol. 26, No. 21, of the May 26, 2000, Florida Administrative Weekly, has been changed due to comments received at a public hearing held on September 13, 2000.

The rule(s) shall now read as follows:

64B1-8.006 Laboratory Test and Imaging Results Education.

During didactic and clinical training, and as part of the continuing education program for each acupuncture physician, the Board of Acupuncture requires courses of study as to the safe and beneficial use of laboratory tests and imaging findings in the practice of acupuncture and oriental medicine.

SPECIFIC AUTHORITY: 457.102, 457.104, 457.105, 457.107, 457.1085 FS., Section 62, Chapter 2000-318, Laws of Florida.

LAW IMPLEMENTED: 457.102, 457.105, 457.107, 457.1085 FS., Section 62, Chapter 2000-318, Laws of Florida.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: William Buckhalt, Executive Director, Board of Acupuncture, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

**Section IV  
Emergency Rules**

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

**Division of Plant Industry**

RULE TITLE: Citrus Canker Eradication      RULE NO.: 5BER00-4

SPECIFIC REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY OR WELFARE: Citrus canker, Xanthomonas axonopodis pv. citri, Asian strain is one of the most destructive bacterial diseases of citrus. It is found in Africa, Asia, Central America, and South America. Severe infections of citrus canker cause fruit to blemish which makes it difficult to market for fresh consumption, and the disease causes premature fruit drop, thereby reducing commercial citrus production. If not eradicated from the state, Florida's citrus industry valued at \$8.5 million will be in jeopardy due to lost production and lost markets resulting from quarantine action. Recent tropical storms and hurricanes have resulted in disease spread from infested areas into non-infested areas ever closer to major citrus production areas. Expedited procedures for delivering Immediate Final Orders is necessary to enable the Department to remove infected and exposed trees in a more timely manner. In view of these specific facts and reasons and in accordance with the constitutional authority conferred upon the Commissioner of Agriculture by the Florida Constitution, Article IV, Section 4, and authorized by, Sections 570.07(21) (to declare an emergency), 120.54(4)(a), 581.031(6),(7), and 581.111, Florida Statutes, the Commissioner hereby finds that an immediate serious danger to the public health, safety or welfare exists, declares that an emergency to the agricultural and horticultural interests of this state exists and declares a