

commercial pursuant to paragraph (b), and the possession of recreational and commercial bag limits simultaneously aboard a vessel is prohibited.

(3) The possession limits of this rule ~~limit~~ shall not apply to any licensed seafood dealer or customer thereof possessing a receipt evidencing purchase of cobia.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History--New 1-1-90, Formerly 46-19.004, Amended.

Section II Proposed Rules

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Agricultural Environmental Services

RULE TITLE: RULE NO.:

Procedures for Landowners and Leaseholders to Submit the Notice of Intent to Comply with Nitrogen Best Management Practices (BMPs) 5E-1.023

PURPOSE AND EFFECT: To implement section 576.045(6) and 403.067(7)(d), F.S. The effect is to adopt a specific interim measure.

SUMMARY: This rule adopts a specific interim measure for forage crops (Bahagrass and Bermuda grass) grown within the Suwannee River Water Management District boundaries.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No SERC has been 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: 576.045(6) FS.

LAW IMPLEMENTED: 576.045(6) FS.

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

TIME AND DATE: 7:00 p.m., January 16, 2001

PLACE: Mayo Community Center, SR 27, Mayo, FL

TIME AND DATE: 7:00 p.m., January 18, 2001

PLACE: Suwannee River District Headquarters, CR 49, Live Oak, FL

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kenneth A. Kuhl, Environmental Administrator, Division of Agricultural Environmental Services, 3125 Conner Blvd., Doyle Conner Building, Tallahassee, Florida 32399-1650, Telephone (850)921-5745, Fax (850)488-8497

THE FULL TEXT OF THE PROPOSED RULE IS:

5E-1.023 Procedures for Landowners and Leaseholders to Submit the Notice of Intent to Comply with Nitrogen Best Management Practices (BMPs).

(1) through (6)(a) No change.

(b) Bahiagrass and Bermuda grass. The approved "Nitrogen Interim Measure For Bahiagrass and Bermuda grass" dated 10-31-2000, and the associated recordkeeping requirements dated 10-31-2000 are hereby adopted and incorporated by reference into this rule. Copies may be obtained from the Department.

Specific Authority 576.045 FS. Law Implemented 576.045 FS. History--New 10-16-96, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE: Kenneth A. Kuhl, Environmental Administrator, Division of Agricultural Environmental Services, 3125 Conner Blvd., Doyle Conner Building, Tallahassee, Florida 32399-1650, Telephone (850)921-5745, Fax (850)488-8497

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Mr. Steven J. Rutz, Director, Division of Agricultural Environmental Services, 3125 Conner Boulevard, Doyle Conner Building, Room 130, Mail Stop C-16, Tallahassee, FL 32399-1650, Telephone (850)488-3731, Fax (850)488-2164

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 13, 2000

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

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Consumer Services

RULE TITLE: RULE NO.:

Decisions 5J-11.006

PURPOSE AND EFFECT: The purpose and effect of this rule change is to revise the time limit for filing a Request for State Arbitration, to conform to statutory changes made in 1997.

SUMMARY: This rule defines the information that will be provided to consumers regarding decisions made by the Lemon Law Arbitration Board.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: Rule implementation costs are zero.

SPECIFIC AUTHORITY: 681.108 FS.

LAW IMPLEMENTED: 681.108 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., January 5, 2001

PLACE: Department of Agriculture and Consumer Services, Conference Room, City Centre Building, 227 N. Bronough Street, Suite 7200, Tallahassee, Florida 32301

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Dee Keck, Regulatory Program Administrator, Division of Consumer Services, City Centre Building, 227 N. Bronough Street, Suite 7200, Tallahassee, Florida 32301, Phone (850)410-3782

THE FULL TEXT OF THE PROPOSED RULE IS:

5J-11.006 Decisions.

(1) No change.

(2)(a) through (d) No change.

(e) The following statement in bold print:

The consumer may reject this decision and, if eligible, may pursue arbitration with the Florida New Motor Vehicle Arbitration Board administered by the Office of the Attorney General. To obtain information about eligibility for the state-run arbitration program, the consumer should contact the Division of Consumer Services' Lemon Law Hotline at 1-800-321-5366. PLEASE BE ADVISED THAT Section 681.109(4), F.S., provides that the consumer must file the Request for Arbitration no later than 60 days ~~within 6 months~~ after the expiration of the Lemon Law rights period, or within 30 days after the final action of a certified dispute-settlement procedure, whichever date occurs later.

(f) No change.

(g) No change.

Specific Authority 681.108 FS. Law Implemented 681.108 FS. History--New 12-5-93, Amended 6-5-95, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Dee Keck, Regulatory Program Administrator, Division of Consumer Services, City Centre Building, 227 N. Bronough Street, Suite 7200, Tallahassee, Florida 32301, Phone (850)410-3782

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: James R. Kelly, Director, Division of Consumer Services, Mayo Building, Room 235, Tallahassee, Florida 32399-0800, Phone (850)922-2966

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 19, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 29, 2000

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Food Safety

RULE TITLE:

Food Permits; Requirements and Fees

RULE NO.:

5K-4.020

PURPOSE AND EFFECT: The rule amendment changes the fee schedule for annual permit fees charged to food establishments. The amendment also requires a new owner of a previously existing food establishment to apply for a food permit and pay the corresponding fee. Currently, a food permit

is transferrable from the old owner to the new owner of a food establishment. This amendment no longer provides for the transfer of permits upon a change of ownership.

SUMMARY: The Bureau of Food and Meat Inspection, Division of Food Safety, currently inspects over 39,000 food establishments each year. These firms include supermarkets, grocery stores, convenience stores with food service and minor food outlets. The Department charges each establishment a yearly permit fee, which is currently capped at \$350.00. Since the Department began charging a fee for the permits in 1993, the popularity of convenience stores and minor food outlets has increased drastically. Many convenience stores now have small delicatessens, beverage service, ice cream service along with potentially hazardous foods. Minor food outlets have also increased in popularity as most retail stores now carry some type of food. The permit issued to a food establishment is currently transferable from one owner to the next during the same calendar year. This transferability has created various record keeping problems and suspected fraudulent transfers of food permits to avoid permit fees and late fees.

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: 500.09, 500.12(1)(b), 570.07(23) FS.

LAW IMPLEMENTED: 500.04, 500.10, 500.12(1)(a),(b), (c),(d), 500.171, 500.172, 500.177 FS.

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

TIME AND DATE: 10:00 a.m., January 9, 2001

PLACE: Florida Department of Agriculture and Consumer Services, Conner Complex, George Eyster Auditorium, 3125 Conner Boulevard, Tallahassee, FL, Telephone (850)488-3951

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Dr. John Fruin, Chief, Bureau of Food and Meat Inspection, 3125 Conner Boulevard, Tallahassee, Florida 32399-1650, telephone (850)488-3951

THE FULL TEXT OF THE PROPOSED RULE IS:

5K-4.020 Food Permits; Requirements and Fees.

(1) As used in this rule, the following definitions shall apply:

(a) through (i) No change.

(j) Limited Sales. Any business fitting any of the ~~above~~ definitions in this subsection with gross food sales less than \$10,000.00 annually.

(k) through (x) No change.

(2) through (4) No change.

(5) Food Permit Fees.

(a) One food permit shall be issued to and one fee shall be charged to all food operations at a single location, regardless of whether the location may qualify for two or more permits. If a location qualifies for two or more permits, only the largest applicable fee shall be charged to that location, except that any location qualifying for a Limited Sales permit shall only be charged the fee applicable to a Limited Sales permit. ~~If No additional fee will be charged if the name or ownership of a firm changes during a calendar year, requiring a new food permit application, a satisfactory report of inspection, and a fee in the amount specified in subsection 5K-4.020(5) is required before a food permit shall be issued.~~ Other license or permit fees as may apply to a business, however, are not voided by payment of the food permit fee. Fees charged new food permit applicants shall be the entire applicable fee if the completed application is submitted January 1 through June 30 and shall be 1/2 of the applicable fee if the completed application is submitted July 1 through December 31.

(b) The following schedule of charges is established for each food permit.

Retail Bakery	\$325	300
Wholesale Bakery		350
Canning Plant		350
Bottling Plant		350
Rabbit or Game Processor	350	300
Fish or Seafood Processor	350	300
Processor, Other Perishable Foods	350	300
Processor, Other Non-perishable Foods	275	250
Food Storage Warehouse	325	300
Food Salvage Center		350
Salvage Store	350	250
Convenience Store	275	250
Convenience Store with Food Service	350	300
Meat Market	350	150
Seafood Market	350	150
Grocery Store	350	300
Supermarket		350
Minor Food Outlet	275	250
Minor Food Outlet with Food Service	325	300
Health Food Store	275	250
Mobile Vendor	275	75
Limited Sales	75	50

Specific Authority 500.09, 500.12(1)(b), 570.07(23) FS. Law Implemented 500.04, 500.10, 500.12(1)(a),(b),(c),(d), 500.171, 500.172, 500.177 FS. History—New 1-10-93, Formerly 5E-6.020, Amended 8-8-95, 3-11-98,

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Dr. John Fruin, Chief, Bureau of Food and Meat Inspection,
 3125 Conner Boulevard, Tallahassee, Florida 32399-1650,
 telephone (850)488-3951

NAME OF SUPERVISOR OR PERSON WHO APPROVED
 THE PROPOSED RULE: Dr. Marion Fuller, Director,
 Division of Food Safety
 DATE PROPOSED RULE APPROVED BY AGENCY
 HEAD: November 20, 2000
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT
 PUBLISHED IN FAW: October 27, 2000

DEPARTMENT OF TRANSPORTATION

RULE CHAPTER TITLE	RULE CHAPTER NO.:
Right of Way Acquisition	14-102
RULE TITLES:	RULE NOS.:
Real Property Acquisition	14-102.0011
Reports of Estimates of Probable Business Damages	14-102.0037

PURPOSE AND EFFECT: The Rule Chapter title is changed from “Right of Way Acquisition and Reports of Estimates of Probable Business Damages” to “Real Property Acquisition” and references to “Right of Way Acquisition” have been changed to “Real Property Acquisition” throughout Rule 14-102.0011. Definitions and procedures are amended, and applicability of the rule and Relocation requirements are clarified. Rule 14-102.0037 on Right of Way Acquisition is Repealed.

SUMMARY: This is an amendment to Rule 14-102.0011 and the repeal of Rule 14-102.0037.

SPECIFIC AUTHORITY: 334.044(2) FS.

LAW IMPLEMENTED: 73.015, 73.071(3)(b), 337.25 FS.

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.

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

TIME AND DATE: 9:00 a.m., January 3, 2001

PLACE: Right of Way Fourth Floor Conference Room, Room 479, Haydon Burns Building, 605 Suwannee Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: James C. Myers, Administrative and Management Support Level IV, Florida Department of Transportation, Office of the General Counsel, 605 Suwannee Street, Mail Station 58, Tallahassee, Florida 32399-0458

THE FULL TEXT OF THE PROPOSED RULES IS:

14-102.0011 ~~Real Property Right of Way~~ Acquisition.
 This rule sets forth the requirements ~~and procedures~~ for the acquisition ~~by the Florida Department of Transportation~~ of real property and the interests therein necessary for transportation

purposes by Agencies on transportation projects or project phases having funding by or through the Florida Department of Transportation (Department). This rule does not apply to projects on or intended to be on the State Highway System which are funded by Department long term loan programs to governmental entities which have independent statutory authority to provide transportation projects on the State Highway System. The requirements of this rule chapter are not applicable to the relocation of nonconforming signs on non-federal projects, pursuant to Section 479.15, Florida Statutes.

(1) Definitions. The following words and phrases as used in these rules shall have the following meanings except where the context clearly indicates a different meaning:

(a) "Agency" shall mean any state, county, district, authority, or municipal office, department (including the Florida Department of Transportation), division, board, bureau, commission, or other separate unit of government created or established by law and any other public or private agency, person, partnership, corporation, or business entity acting on behalf of any public agency.

(b)(a) "Administrative Settlement" means an agreement between a property owner or business owner and the Agency Department to pay an amount in excess of the Agency's determination of just and full approved compensation for the affected parcel, which agreement is closed prior to finalizing an Order of Taking by a court deposit.

(c)(b) "Business Owner" means the individual or legal entity holding an interest in a business enterprise that is located on any part of the affected parcel property being acquired for transportation purposes.

(d)(e) "Closing" means the execution and delivery to the Agency Department (grantee), of the documents that convey title to real property or an interest therein, and the delivery to the property owner (grantor) of the consideration for the property. Closing may also mean the delivery of the document executed by the business owner evidencing satisfaction of the business damage claim and delivery to the business owner of the consideration for the claim.

(e)(d) "Closing Agent" means an Agency a Department employee, an attorney who is a member in good standing of the Florida Bar, an employee of a right of way acquisition consultant firm under contract to the Agency Department, or a representative of a title insurance company who is responsible for conducting the activities necessary to transfer title to real property or an interest therein, from the grantor to the grantee, as well as delivering the warrants to the grantor for payment for the acquisition.

(f)(e) "Department" means the State of Florida Department of Transportation, also known as "the agency."

(g)(f) "Estimator" means the individual or firm under whose direction a written estimate of probable business damage is being prepared.

(g) "Negotiated Settlement" means an agreement between the property owner or the business owner and the Agency Department that results in a closing, including donations and administrative settlements.

(h) "Parcel" means a specific piece of real property, or an interest therein, that which the Agency Department is acquiring for transportation purposes.

(i) "Property Owner" means the owner of record of real property, or an interest therein, that is being acquired for transportation purposes.

(2) The provisions of 49 C.F.R., Part 24, Uniform Relocation Assistance and Real Property Acquisition Policies Act (Effective March 15, 1999) and 23 C.F.R., Part 710 (Effective January 20, 2000) are incorporated into this rule by reference. The Department shall require, as a condition of financial participation, that the requirements of the C.F.R. provisions incorporated herein and this rule be met by the administering Agency on transportation projects or project phases:

(a) Having federal financial assistance on any phase of the project, or

(b) For which there is any anticipation of, or intent to have, federal financial assistance. (Anticipation includes discussion by local or state officials regarding the intended or potential use of federal funds in any phase of the project).

(c) That are on the State Highway System, or

(d) Are intended to be on the State Highway System.

The areas addressed in this rule include: donations, good faith negotiations, administrative settlements, closings, and business damage reporting requirements. The requirements of this rule chapter are not applicable to acquisitions that will not further development of a transportation project.

(3)(2) Donation of Right of Way.

(a) If a property owner wishes to donate all or part of all of his or her land, or an interest therein, for transportation purposes right of way, and the Agency Department elects to accept the donation, then the property owner must sign a written statement state, in writing:

1. That he or she waives all rights to receive fair market value for the real property or interest therein being donated based on an appraisal and that this right has been fully explained to him by an Agency a Department representative; and

2. That all rights under 49 C.F.R., Part 24, the Uniform Relocation Assistance and Real Property Acquisition Policies Act, as amended, have been fully explained and the property owner voluntarily waives those rights.

3.(b) That the property owner requests the Agency to provide an appraisal of the real property or interest therein being donated or, alternatively, releases the Agency from its obligation to provide The Department is responsible for

~~providing an appraisal of the real property or interest therein being donated affected unless the property owner releases the Department from this obligation in writing.~~

~~(e) The property owner(s)' signature(s) and date of signature must appear on the above written statements.~~

~~(4)(3) Good Faith Negotiations - Representative Authorization.~~ If a property owner or business owner chooses to be represented by an attorney or other agent during negotiations, ~~including service of legal process,~~ a written authorization including the following must be provided by the owner or his or her agent to the Agency Department and be received by the Agency Department prior to negotiating with the agent:

(a) the name of the owner(s);

(b) the name of the owner(s)' attorney or other agent;

(c) a signed and dated acknowledgment of this authorization from the attorney or other agent including, if applicable, the agent's agreement, authorized by the owner, to accept service of process on behalf of the owner(s);

(d) the signature of the owner(s); and

(e) ~~and~~ the date of signature.

~~(5)(4) Requirements for Negotiated Settlements.~~ When a negotiated settlement is reached, the property owner or business owner must enter into a written purchase agreement with the Agency Department. The agreement must include, at a minimum, the following items, as applicable:

(a) The name(s) of the owner(s), ~~of record,~~

(b) The Agency's Department's assigned project number and identification number for the parcel;

(c) The real property type of interest being acquired;

(d) An itemization of all personal property being acquired, if any;

(e) An itemization of the amount of compensation to be paid to the owner at closing and, if applicable, the amount of any compensation that may be withheld, the total purchase price including fees and costs to be paid to the owner with an itemization of the amount of compensation for land and improvements, the amount of compensation for business damages, the amount of compensation for severance damages, the amount to be paid for the owner's attorney's fees if known at the time of settlement, the amount to be paid for the owner's appraisal fees if known at the time of settlement, and any other applicable amounts of compensation to be paid;

(f) A statement that the agreement is subject to final agency acceptance. Final Agency acceptance denotes final approval of the purchase price and all ~~of its~~ terms and conditions of the agreement by the authorized representative of the Agency Department. Final Agency acceptance constitutes the effective date of the purchase agreement. A closing on the agreement shall not be transacted prior to the granting of final Agency acceptance.

(g) A statement of the owner's responsibility for and agreement to pay the ad valorem taxes due on the parcel;

(h) A statement that the owner is responsible for the delivery of an unencumbered title to the Agency Department, and that any sums that the Agency Department must pay to clear the title will be deducted from the total purchase price;

(i) A statement that any extension of occupancy on the property beyond the closing must be agreed to in writing by the Agency Department, and that the occupant of the parcel must provide insurance and exercise diligent care in the maintenance and upkeep of the property during the period of occupancy.

(j) A statement of whether the property is or is not being acquired under threat of condemnation, ~~as applicable,~~

(k) A statement that the transaction shall be closed and the instrument of conveyance delivered within 60 days of final Agency acceptance;

(l) A statement that the taxpayer identification information pursuant to the Internal Revenue Service Code, Section 6045(e), will be provided prior to, or at, closing;

(m) A statement that typewritten or handwritten provisions inserted into the purchase agreement or attached to the purchase agreement as addenda, and initialed by all parties, shall control all printed provisions that are in conflict, and that all such provisions or addenda must be signed, or initialed by both the owner and the Agency Department representative;

(n) The signature of the owner as the seller with ~~and~~ the date of signature, the signature of the Agency Department representative as the purchaser denoting conditional acceptance of the purchase agreement with ~~and~~ the date of the signature, and the signature of the Agency Department representative who is authorized to grant final Agency acceptance with ~~and~~ the date ~~the~~ final Agency acceptance is granted.

(o) If the fees and costs are not known at the time of the written purchase agreement settlement, ~~then~~ they must be provided for in ~~placed on~~ a supplemental purchase agreement at the time that they are known. The supplemental purchase agreement must contain, at a minimum, the requirements listed in ~~of~~ Sections 14-102.0011(5)(4)(a),(b),(c) ~~including only an itemization of fees and costs covered by the supplemental purchase agreement,~~ (f),(m), and (n). Additionally, the supplemental purchase agreement must contain an itemization of the fees and costs covered by the supplemental purchase agreement.

~~(6)(5) Administrative Settlements.~~ On parcels with ~~an~~ administrative settlements, ~~the written purchase agreement shall not be granted settlement,~~ final Agency acceptance ~~will not be granted~~ until the following conditions have been met:

(a) The settlement is determined to be reasonable, prudent, and in the public's ~~best~~ interest, and

(b) The owner is apprised of the effect of an administrative settlement on his or her relocation benefits prior to ~~his~~ acceptance of the offer.

~~(7)(6)~~ Negotiated Settlements/Retention of Improvements/Retention of Funds.

(a) If the property owner remains in occupancy of the parcel subsequent to the Agency acquisition of the real property or interest therein, ~~Department taking title~~ and a portion of the total compensation has been withheld by the Agency Department, ~~the withheld these retained~~ funds will be released to the property owner upon vacation and surrender of the parcel.

(b) On each parcel where improvements are to be retained, an addendum must be attached to the purchase agreement. The addendum must include, at a minimum:-

1. An itemized list of the improvement(s) to be retained;

2. The date by which the ~~owner of the improvements~~ must ~~be removed it from the parcel~~ right of way;

3. A statement that if the improvements ~~are is~~ not removed by the owner ~~of the improvement~~ on or before the date set forth therein, the improvement(s) will be considered abandoned property and will become subject to demolition and removal by the Agency Department; and

4. A statement that the provisions of ~~the this~~ addendum survive the closing.

(c) If there is a partial acquisition of improvements, and the owner(s) of the remaining property and the Agency Department agree that certain improvements on the remaining lands should be moved or demolished, the property owner must execute a written right of entry ~~that which~~, at a minimum, must contain:

1. The name of the owner(s) of record,

2. The Agency's Department's assigned project number and identification number for the parcel,

3. A statement that there are certain improvements affected by the referenced project which are remaining, in part, on the property owner's remainder property,

4. A statement that it is determined to be in the best interest of the owner and the Agency Department to remove these improvements,

5. A statement that the property owner and Agency Department agree that the Agency, Department or its authorized representative, shall have the right to enter upon the property owner's remaining lands for the purpose of removing or demolishing the referenced improvements;-

6. A statement that the property owner and Agency Department agree that the Agency, Department or its authorized representative, will restore the affected part of the remaining lands to a safe and sanitary condition after the demolition or removal of the improvements;-

7. The signatures of the property owner(s) and the Agency Department representative, and the date of the signatures, which must be no later than the day of closing.

~~(8)(7)~~ Closing Requirements.

(a) A closing will be conducted on each negotiated ~~settlement parcel~~.

(b) The property owner must convey to the Agency Department a clear, unencumbered title to the parcel unless otherwise stated in the purchase agreement.

(c) At or before closing, the property owner must pay and present to the closing agent evidence of the payment for all current and delinquent ad valorem taxes on property to which the Agency Department is acquiring fee title.

(d) Each property owner (grantor) of the parcel must provide the taxpayer identification information pursuant to the Internal Revenue Service Code, Section 6045(e), including: ~~his~~ name and mailing address, the type and percentage of ownership ~~he has~~ in the subject property, ~~his~~ Social Security Number or Employer Identification Number, and a signed and dated certification by the grantor(s) that, under penalties of perjury, the stated identification number is the correct taxpayer identification number of the grantor.

(e) The property owner or business owner must execute a closing statement which will be prepared by the closing agent and which contains, at a minimum, the following items, as applicable: -

1. The Agency's Department's assigned parcel number and project number for the parcel;

2. A statement which includes an identification of the compensation for the land and improvements, fees and costs to be paid by the Agency Department at closing, the amount of any funds retained by the Agency Department ~~due to extended possession of the parcel~~, and an identification of the total debits which will be due from the owner at closing. These debits include, but are not limited to, mortgage payoffs, ad valorem taxes, mortgage pre-payment penalties, and documentary stamp taxes;-

3. The date the business or property owner must vacate and surrender the parcel to the Agency Department, in accordance with the terms of the purchase agreement, and instructions for delivery to the Agency Department of the keys to any structure on the parcel;-

4. A certification from the business or property owner and the Agency, Department that the contents of the closing statement represent the complete transaction, and that no other compensation or concession has been made or promised by either party; ~~and~~;

5. A dated certification executed by the property owner that there are no recorded or unrecorded encumbrances outstanding against the parcel. If there are outstanding encumbrances, they must be individually set forth on the purchase agreement, and the closing certification must reference the fact that exceptions exist and are set forth on the purchase agreement.

(f) Payments for land and improvements, damages, fees, costs, and incidental closing expenses shall not be made sooner than 30 days after signing the Purchase Agreement. These

payments include, but are not limited to, the prime warrant for land and improvements, the holdback warrant for any funds retained ~~due to extended possession of the parcel~~, and reimbursement to the property owner for incidental closing expenses.

(g) In order to receive reimbursement for incidental closing expenses, the property owner must execute an application for reimbursement ~~that which~~, at a minimum, shall include an identification of the parcel, an identification of the incidental expense to be reimbursed, and documentation that the expense has been paid by the property owner. This documentation may be in the form of paid receipts or canceled checks ~~that which~~ clearly identify the item being paid, the amount paid, the party who received payment, and the party who made the payment.

Specific Authority 334.044(2) FS. Law Implemented 73.015, 337.25(+), 337.27+ FS. History--New 4-10-97, Amended.

14-102.0037 Reports of Estimates of Probable Business Damages.

Specific Authority 334.044(2) FS. Law Implemented 73.071(3)(b); ~~337.271(5), (6)~~ FS. History--New 11-10-92, Amended 4-10-97, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Kenneth Towcimak, Director, Office of Right of Way
NAME OF SUPERVISOR OR PERSON WHO APPROVED
THE PROPOSED RULE: Thomas F. Barry, Jr., P.E.,
Secretary
DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: November 28, 2000
DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: October 27, 2000

STATE BOARD OF ADMINISTRATION

RULE TITLES:	RULE NOS.:
Application of Rules	19-3.001
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Membership of the State Board of Administration	19-3.002
Responsibilities of the Board	19-3.0021
Meetings and Notice	19-3.003
Presiding Officer	19-3.004
Quorum	19-3.005
Agendas	19-3.006
Distribution of Agendas	19-3.007
Recording of Proceedings	19-3.008
Minutes	19-3.009
Reports	19-3.011
Audit Reports	19-3.0111
Board Action	19-3.012
Voting	19-3.013
Amendments to Rules	19-3.014
Parliamentary Matters	19-3.015

Disbursement of Funds	19-3.018
General Information Concerning the Board	19-3.020
Public Access to Board	19-3.022
Organizational Structure	19-3.0231
Adoption of Model Rules of Procedure	19-3.024
Investment Advisory Council	19-3.025
Authority	19-3.090
Purpose	19-3.091
Public Inspection and Duplication	19-3.092
Final Orders Required to be Indexed	19-3.093
Listing of Final Orders	19-3.094
Numbering of Final Orders	19-3.095
System for Indexing Final Orders	19-3.096
Maintenance of Records	19-3.098

PURPOSE AND EFFECT: These rules are proposed to be repealed because they are no longer necessary.

SUMMARY: Proposed rules 19-3.001 through 19-3.015 and 19-3.018 through 19-3.098 are organizational rules of the State Board of Administration which are no longer required by statute. All these rules are proposed to be repealed.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: The Board has prepared a statement and found the cost to be minimal.

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: 120.53(1), 120.533, 120.533(1)(f),(j), 120.54(9), 215.52 FS.

LAW IMPLEMENTED: 119.041(2), 120.53(1),(2),(3),(4),(5), 120.565, 215.45, 215.47 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: 9:00 a.m. – 12:00 Noon, Wednesday, January 3, 2001

PLACE: Room 116 (Hermitage Conference Room), 1801 Hermitage Blvd., Tallahassee, Florida 32308

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Cindy Gokel, Assistant General Counsel, State Board of Administration, P. O. Drawer 13300, Tallahassee, FL 32317-3300, (850)413-1199

THE FULL TEXT OF THE PROPOSED RULES IS:

19-3.001 Application of Rules.

Specific Authority 120.53(1), 215.52 FS. Law Implemented 120.53(1) FS. History--New 7-13-75, Amended 12-25-85, Formerly 19-3.01, Amended 12-18-88, Repealed.

19-3.0011 Definitions.

Specific Authority 120.53(1), 215.52 FS. Law Implemented 120.53(1) FS. History--New 12-18-88, Repealed.

19-3.002 Membership of the State Board of Administration.

Specific Authority 120.53(1), 215.52 FS. Law Implemented 120.53(1) FS. History–New 7-13-75, Amended 12-25-85, Formerly 19-3.02, Repealed.

19-3.0021 Responsibilities of the Board.

Specific Authority 120.53(1), 215.52 FS. Law Implemented 215.44, 215.45, 215.47 FS. History–New 12-25-85, Formerly 19-3.021, Amended 12-18-88, Repealed.

19-3.003 Meetings and Notice.

Specific Authority 120.53(1), 215.52 FS. Law Implemented 120.53(1) FS. History–New 7-13-75, Amended 2-10-82, 12-25-85, Formerly 19-3.03, Repealed.

19-3.004 Presiding Officer.

Specific Authority 120.53(1), 215.52 FS. Law Implemented 120.53(1) FS. History–New 7-13-75, Amended 12-25-85, Formerly 19-3.04, Repealed.

19-3.005 Quorum.

Specific Authority 120.53(1), 120.54(9) FS. Law Implemented 120.53(1) FS. History–New 7-13-75, Formerly 19-3.05, Repealed.

19-3.006 Agendas.

Specific Authority 120.53(1), 215.52 FS. Law Implemented 120.53(1) FS. History–New 7-13-75, Amended 12-25-85, Formerly 19-3.06, Repealed.

19-3.007 Distribution of Agendas.

Specific Authority 120.53(1), 215.52 FS. Law Implemented 120.53(1) FS. History–New 7-13-75, Amended 12-25-85, Formerly 19-3.07, Amended 2-16-92, Repealed.

19-3.008 Recording of Proceedings.

Specific Authority 120.53(1), 215.52 FS. Law Implemented 120.53(1) FS. History–New 7-13-75, Amended 12-25-85, Formerly 19-3.08, Repealed.

19-3.009 Minutes.

Specific Authority 120.53(1), 215.52 FS. Law Implemented 120.53(1) FS. History–New 7-13-75, Amended 12-25-85, Formerly 19-3.09, Repealed.

19-3.011 Reports.

Specific Authority 120.53(1), 215.52 FS. Law Implemented 120.53(1) FS. History–New 7-13-75, Amended 2-10-82, 12-25-85, Formerly 19-3.11, Amended 12-11-89, Repealed.

19-3.0111 Audit Reports.

Specific Authority 120.53(1), 215.52 FS. Law Implemented 120.53(1) FS. History–New 12-25-85, Transferred from 19-3.11, Formerly 19-3.111, Repealed.

19-3.012 Board Action.

Specific Authority 120.53(1), 120.54(9) FS. Law Implemented 120.53(1) FS. History–New 7-13-75, Formerly 19-3.12, Repealed.

19-3.013 Voting.

Specific Authority 120.53(1), 120.54(9) FS. Law Implemented 120.53(1) FS. History–New 7-13-75, Formerly 19-3.13, Repealed.

19-3.014 Amendment to Rules.

Specific Authority 120.53(1), 120.54(9) FS. Law Implemented 120.53(1) FS. History–New 7-13-75, Formerly 19-3.14, Repealed.

19-3.015 Parliamentary Matters.

Specific Authority 120.53(1), 120.54(9) FS. Law Implemented 120.53(1) FS. History–New 7-13-75, Formerly 19-3.15, Repealed.

19-3.018 Disbursement of Funds.

Specific Authority 215.52 FS. Law Implemented 215.44(2)(a) FS. History–New 7-13-75, Formerly 19-3.18, Amended 12-18-88, 5-5-94, 10-6-96, Repealed.

19-3.020 General Information Concerning the Board.

Specific Authority 120.53(1), 215.52 FS. Law Implemented 120.53(1) FS. History–New 5-11-76, Amended 2-10-82, 12-25-85, Formerly 19-3.20, Amended 12-18-88, 10-21-90, 3-24-96, Repealed.

19-3.022 Public Access to Board.

Specific Authority 120.53(1) FS. Law Implemented 120.53(1) FS. History–New 5-11-76, Formerly 19-3.22, Repealed.

19-3.0231 Organizational Structure.

Specific Authority 120.53(1), 215.52 FS. Law Implemented 120.53(1) FS. History–New 12-18-88, Repealed.

19-3.024 Adoption of Model Rules of Procedure.

Specific Authority 120.53(1) FS. Law Implemented 120.53(1), 120.565 FS. History–New 5-11-76, Formerly 19-3.24, Repealed.

19-3.025 Investment Advisory Council.

Specific Authority 120.53(1), 215.52 FS. Law Implemented 215.444 FS. History–New 12-25-85, Formerly 19-3.25, Amended 12-10-87, 4-14-94, Repealed.

19-3.090 Authority.

Specific Authority 120.533 FS. Law Implemented 120.53(2)-(4) FS. History–New 4-23-92, Repealed.

19-3.091 Purpose.

Specific Authority 120.533 FS. Law Implemented 120.53(2)-(4) FS. History–New 4-23-92, Repealed.

19-3.092 Public Inspection and Duplication.

Specific Authority 120.533 FS. Law Implemented 120.53(2)(a)1.-(5) FS. History–New 4-23-92, Repealed.

19-3.093 Final Orders Required to be Indexed.

Specific Authority 120.533 FS. Law Implemented 120.53(2)(a)3., 120.53(2)(d) FS. History–New 4-23-92, Repealed.

19-3.094 Listing of Final Orders.

Specific Authority 120.533 FS. Law Implemented 120.53(2)(a)4., FS. History–New 4-23-92, Repealed.

19-3.095 Numbering of Final Orders.

Specific Authority 120.533(1)(f) FS. Law Implemented 120.53(2)-(4) FS. History–New 4-23-92, Repealed.

19-3.096 System for Indexing Final Orders.

Specific Authority 120.533(1)(f) FS. Law Implemented 120.53(2)-(4) FS. History–New 4-23-92, Repealed.

19-3.098 Maintenance of Records.

Specific Authority 120.533(1)(j) FS. Law Implemented 119.041(2) FS. History–New 4-23-92, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Tom Herndon, Executive Director, State Board of Administration

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Trustees of the State Board of Administration

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 29, 2000

STATE BOARD OF ADMINISTRATION

RULE TITLES:	RULE NOS.:
Classification of Services Rendered	19-6.008
Allocation of Charges to State Entities for Investment Services and Administration of Bond Debt Services	19-6.009
Allocation of Charges to Counties for Distribution of Second Gas Tax	19-6.010
Method of Payment	19-6.011
Effective Date	19-6.012

PURPOSE AND EFFECT: These rules are proposed to be repealed because they are no longer necessary.

SUMMARY: Proposed rules 19-6.008 through 19-6.012 relate to charges imposed by the State Board of Administration which are no longer needed. All these rules are proposed to be repealed.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: The Board has prepared a statement and found the cost to be minimal.

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: 120.53(1) FS.

LAW IMPLEMENTED: 215.44(4), 215.515, 215.69, 218.409 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: 9:00 a.m. – 12:00 Noon, Wednesday, January 3, 2001

PLACE: Room 116 (Hermitage Conference Room), 1801 Hermitage Blvd., Tallahassee, Florida 32308

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Cindy Gokel, Assistant General Counsel, State Board of Administration, P. O. Drawer 13300, Tallahassee, FL 32317-3300, (850)413-1199

THE FULL TEXT OF THE PROPOSED RULES IS:

19-6.008 Classification of Services Rendered.

Specific Authority 120.53(1) FS. Law Implemented 215.44(4), 215.515, 215.69, 218.409 FS. History–New 7-1-93, Repealed.

19-6.009 Allocation of Charges to State Entities for Investment Services and Administration of Bond Debt Services.

Specific Authority 120.53(1) FS. Law Implemented 215.44(4), 215.515, 215.69, 218.409 FS. History–New 7-1-93, Repealed.

19-6.010 Allocation of Charges to Counties for Distribution of Second Gas Tax.

Specific Authority 120.53(1) FS. Law Implemented 215.44(4), 215.515, 215.69, 218.409 FS. History–New 7-1-93, Repealed.

19-6.011 Method of Payment.

Specific Authority 120.53(1) FS. Law Implemented 215.44(4), 215.515, 215.69, 218.409 FS. History–New 7-1-93, Repealed.

19-6.012 Effective Date.

Specific Authority 120.53(1) FS. Law Implemented 215.44(4), 215.515, 215.69, 218.409 FS. History–New 7-1-93, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Tom Herndon, Executive Director, State Board of Administration

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Trustees of the State Board of Administration

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 29, 2000

PUBLIC SERVICE COMMISSION

DOCKET NO.: 000543-EI

RULE TITLE:	RULE NO.:
Nuclear Decommissioning	25-6.04365

PURPOSE AND EFFECT: The purpose and effect of this rule is to codify the Commission’s policy concerning nuclear decommissioning as established in In re: Investigation of the appropriate accounting and ratemaking treatment of decommissioning and depreciation costs of nuclear powered generators, Order No. 12356, 83 F.P.S.C. 8:182 (1983); In re: Petitions for approval of an increase in the accrual of nuclear decommissioning costs by Florida Power Corporation and Florida Power & Light Company, Order No. 21928, 89 F.P.S.C. 9:471 (1989); and In re: Petitions for Increase in Annual Accruals for Nuclear Decommissioning Costs by

Florida Power and Light Company and Florida Power Corporation, Order No. PSC-95-1531-FOF-EI, 95 F.P.S.C. 12:165 (1995).

SUMMARY: The rule requires electric utilities to file nuclear decommissioning studies at least once every five years that meet the requirements of subsection (3) of the rule. In addition, the rule prescribes the method for calculating the accumulation of decommissioning accruals, establishes fund performance guidelines, and requires utilities to notify the Commission of communications with the Nuclear Regulatory Commission about major milestones concerning license renewal.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No statement of estimated regulatory costs 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) FS.

LAW IMPLEMENTED: 366.041, 366.06(1) 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:

25-6.04365 Nuclear Decommissioning.

(1) Purpose. The purpose of this rule is to codify the Commission's policy of requiring each utility that owns a nuclear generating plant to ensure there are sufficient funds on hand at the time of decommissioning to meet all required expenses by establishing appropriate decommissioning accruals. This rule requires each utility to file a Nuclear Decommissioning Study on a regular basis, the purpose of which is to obtain sufficient information to update cost estimates based on new developments, additional information, technological improvements, and forecasts; to reevaluate alternative methodologies; and to revise the annual accrual needed to recover the costs.

(2) Definitions. For the purpose of this rule, the following definitions shall apply:

(a) "Contingency Costs." A specific provision for unforeseeable elements of cost within the defined project scope, which is particularly important where previous experience relating estimates and actual costs has shown that unforeseeable events that will increase costs are likely to occur.

(b) "Decommissioning." The process of safely managing, dismantling, removing, or converting for reuse the materials and equipment that remain at the nuclear generating unit following its retirement that results in an amendment to the licensing status of a nuclear power plant from operational to possession-only and possibly unrestricted use.

(3) Nuclear Decommissioning Study. Each utility shall file a site-specific nuclear decommissioning study at least once every five years from the submission date of the previous study unless otherwise required by the Commission. At a minimum, each utility's nuclear decommissioning study shall include:

(a) A narrative describing each nuclear unit, including the in-service date, the date of operating license expiration, and the status of any license renewal request.

(b) A list of all entities owning an interest in each nuclear unit, the percentage of ownership by each entity, and documentation showing the status of each entity in providing its share of the total decommissioning costs.

(c) A narrative explaining plans for spent nuclear fuel storage and removal at each nuclear unit, including, at a minimum, the date on-site spent fuel pool storage capacity will be lost, the date spent nuclear fuel is expected to be removed from the plant site, and the estimated costs for on-site dry storage to accommodate the decommissioning of the unit.

(d) The decommissioning study methodology.

(e) A summary of the major assumptions used in the study.

(f) The methodology selected to decommission each nuclear unit and support for the selection.

(g) The method of providing financial assurance. If funding is selected, show the amounts qualified and nonqualified for each year since the prior study, and also the method assumed in the calculation of the proposed annual accrual.

(h) The total utility and jurisdictional decommissioning cost estimates in current dollars for each unit.

(i) The total utility and jurisdictional decommissioning cost estimates in future dollars for each unit.

(j) For each year, the estimated amount of decommissioning expenditures and the sources of funds.

(k) The projected date each nuclear unit will no longer be included in rate base for ratemaking purposes.

(l) For each nuclear unit, a comparison of the current approved annual decommissioning accruals with those proposed. Current accruals shall be identified as to the effective date and proposed accruals to the proposed effective date.

(m) The assumed fund earnings rate, net of tax, used in the calculation of the decommissioning accrual and supporting documentation for the rate proposed by the utility.

(n) The methodology and escalation rate used in converting the current estimated decommissioning costs to future estimated decommissioning costs and supporting documentation and analyses.

(o) The annual revenue requirement of the proposed decommissioning cost estimates.

(p) A reconciliation of the decommissioning fund balance and the decommissioning reserve balance as of the effective date of the revised decommissioning accruals proposed by the utility. The reconciliation shall show the fund balances by category. The fund balance may involve estimates.

(q) A summary and explanation of material differences between the current study and the utility's last filed study including, at a minimum, changes in methodology and assumptions.

(r) Supporting schedules, analyses, and data, including the contingency allowance, used in developing the decommissioning cost estimates and annual accruals proposed by the utility. Supporting schedules shall include the inflation and funding analyses.

(4) Accumulation of Annual Accruals.

(a) The decommissioning annual accrual shall be calculated using the current cost estimates escalated to the expected dates of actual decommissioning.

(b) Decommissioning accruals shall be accumulated monthly based on a Commission approved method to assure that the costs for decommissioning are provided for at the expiration of the nuclear unit's operating license.

(c) A utility shall not change its annual nuclear decommissioning accruals without prior Commission approval.

(5) Nuclear Decommissioning Fund Performance. The Commission will review and evaluate each utility's investment performance to determine whether the decommissioning fund earned at least the rate of inflation.

(6) License Renewal. Each utility shall provide the Director of the Division of Economic Regulation with a written summary of communications concerning major milestones between the Nuclear Regulatory Commission and the utility concerning license renewal within 21 days of receipt or mailing by the utility. Major milestones include notice of intent to request a license renewal, submittal of application, issuance of renewal license, and decision to continue or cease operations.

Specific Authority 350.127(2) FS. Law Implemented 366.041, 366.06(1) FS. History--New

NAME OF PERSON ORIGINATING PROPOSED RULE:
Pat Lee

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Florida Public Service Commission
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 28, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: Vol. 26, No. 20, May 19, 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, (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).

DEPARTMENT OF CORRECTIONS

RULE TITLE: Inmate Grievances – Miscellaneous Provisions

RULE NO.: 33-103.015

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to clarify procedures relating to the filing of informal and formal grievances.

SUMMARY: The proposed rule clarifies that informal and formal grievances, except those administrative appeals that must be filed directly with the Office of the Secretary, must be filed at the institution at which the inmate is currently housed.

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: 20.315, 944.09 FS.

LAW IMPLEMENTED: 944.09 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: Giselle Lysten Rivera, Office of the General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE FULL TEXT OF THE PROPOSED RULE IS:

33-103.015 Inmate Grievances – Miscellaneous Provisions.

(1) through (3) No change.

(4) All informal and formal grievances, except those administrative appeals filed directly with the Office of the Secretary, must be filed at the institution or facility to which the inmate is presently assigned. "Presently assigned" means the institution or facility in which the inmate is housed at the time he files either the informal or formal grievance. When either the informal or formal grievance complaint concerns an informal or formal grievance that occurred at another location, it shall remain the responsibility of the staff at the inmate's present location to handle the informal or formal grievance. The final resolution of the informal or formal grievance is the responsibility of the warden at the institution to which the inmate is presently assigned ~~transferred~~. Direct contact with outside staff ~~at the inmate's prior location~~ may be necessary in resolving the informal or formal grievance.

(5) through (11) No change.

Specific Authority 20.315, 944.09 FS. Law Implemented 944.09 FS. History--New 10-12-89, Amended 1-15-92, 1-29-92, 9-3-92, 12-22-92, 07-11-93, 5-3-94, 4-10-95, 9-23-96, 8-10-97, 12-7-97, 5-10-98, 2-17-99, Formerly 33-29.015, Amended 8-1-00, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Celeste Kemp

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Michael W. Moore, Secretary, Department of Corrections

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 16, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 27, 2000

AGENCY FOR HEALTH CARE ADMINISTRATION

Health Facility and Agency Licensing

RULE TITLE: Medical Directors

RULE NO.: 59A-4.1075

PURPOSE AND EFFECT: The Agency proposes to develop a rule consistent with the provisions of s. 400.141(2), Florida Statutes, that became effective July 1, 1999. The legislation provides for specific criteria for the appointment of a medical director.

SUMMARY: Specific criteria for the appointment of a medical director.

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: 400.141 FS.

LAW IMPLEMENTED: 400.141(2) FS.

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

TIME AND DATE: 10:00 a.m., January 3, 2001

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building #3, Conference Room C, Tallahassee, FL 32308

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Richard Kelly, Agency for Health Care Administration, Long-Term Care Unit, 2727 Mahan Drive, Suite 228, Tallahassee, Florida 32308 or call (850)488-5861

THE FULL TEXT OF THE PROPOSED RULE IS:

59A-4.1075 Medical Director.

(1) Each facility will have only one physician who is designated as Medical Director.

(2)(a) The Medical Director must be a physician licensed under Chapter 458 or 459, Florida Statutes. The nursing home administrator may require that the Medical Director be certified through a recognized credentialing organization.

(b) A physician must have his/her principal office within 60 miles of all facilities for which he/she serves as Medical Director. The physician must specify the address of his/her principal office at the time of becoming Medical Director. The agency may approve a request to waive this requirement for rural facilities that exceed this distance requirement. A rural facility is a facility located in a county with a population density of no greater than 100 persons per square mile, which is at least 30 minutes of travel time, on normally traveled roads under normal traffic conditions, from any other nursing home facility within the same county.

(c) The facility shall appoint a Medical Director who is able to visit the facility at least once a month to review all current and new policies and procedures; review all incident and accident reports from the facility to identify clinical risk and safety hazards; review grievance logs for any complaints or concerns related to clinical issues; and review a number of open medical records for peer review purposes. Each visit must be documented in writing by the Medical Director.

(d) A Medical Director who does not have hospital privileges shall be credentialed through a recognized credentialing body, such as the Joint Commission on Accreditation of Healthcare Organizations (JCAHO), the Florida Medical Directors Association or a health maintenance organization licensed in Florida.

(3) A physician may be Medical Director of a maximum of 10 nursing homes at any one time. The Medical Director, in an emergency where the health of a resident is in jeopardy and the attending physician or covering physician cannot be located, may assume temporary responsibility of the care of the resident and provide the care deemed necessary.

(4) The Medical Director appointed by the facility must be able to meet at least quarterly with the quality assessment and assurance committee of the facility.

(5) The Medical Director appointed by the facility must be able to participate in the development of the comprehensive care plan for the resident when he/she is also the attending physician of the resident.

Specific Authority 400.141 FS. Law Implemented 400.141(2) FS. History--New

NAME OF PERSON ORIGINATING PROPOSED RULE:
Richard F. Kelly, Health Services and Facilities Consultant, Managed Care and Health Quality
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Ruben J. King-Shaw, Jr., Secretary
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 28, 2000
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 9, 2000

AGENCY FOR HEALTH CARE ADMINISTRATION

Health Facility and Agency Licensing

RULE TITLE: Statewide Provider and Managed Care Organization Claim Dispute Resolution Program
RULE NO.: 59A-12.030

PURPOSE AND EFFECT: This rule is being amended in response to comments received by health care providers. The purpose of this rule amendment is to facilitate health care provider access to the Statewide Provider and Managed Care Organization Claim Dispute Resolution Program.

SUMMARY: The agency is proposing an amendment to rule 59A-12.030. This amendment provides a lower claims aggregation threshold for non-contracted health care providers compared to HMO contracted health care providers. This amendment is proposed to better ensure that non-contracted health care providers have access to the Statewide Provider and Managed Care Organization Dispute Resolution Program.

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: 408.7057(2)(a) FS.
LAW IMPLEMENTED: 408.7057(2)(a) FS.
IF REQUESTED WITHIN 21 DAYS OF THIS NOTICE, A PUBLIC HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 10:00 a.m., January 10, 2001
PLACE: Agency for Health Care Administration, Building 3, First Floor Conference Room E, 2727 Mahan Drive, Tallahassee, Florida 32308

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Elfie Stamm, Senior Management Analyst, Bureau of Managed Health Care, Building 1, Mailstop 26, 2727 Mahan Drive, Tallahassee, Florida 32308

THE FULL TEXT OF THE PROPOSED RULE IS:

59A-12.030 Statewide Provider and Managed Care Organization Claim Dispute Resolution Program.

- (1) No change.
- (2)(a) No change.

(b) Entities filing a request for dispute resolution shall be permitted to aggregate claims. The minimum disputed claim amounts for claims submitted to the resolution organization shall be as follows:

- 1. Hospital inpatient services. Disputed individual claim amounts must be aggregated to a total amount of \$25,000 for HMO contracted hospitals, and \$10,000 for non-contracted hospitals.
- 2. Hospital outpatient services. Disputed individual claim amounts must be aggregated to a total amount of \$10,000 for HMO contracted hospitals, and \$3000 for non-contracted hospitals.
- 3. No change.
- (c) No change.
- (3) through (5) No change.

Specific Authority 408.7057(6) FS. Law Implemented 408.7057 FS. History--New 10-23-00, Amended

NAME OF PERSON ORIGINATING PROPOSED RULE: Elfie Stamm
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Pamela Thomas, Chief, Bureau of Managed Care
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 23, 2000
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 3, 2000

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

RULE TITLES: Continuing Education Provider Approval
Continuing Education Course Approval
RULE NOS.: 61-20.5081
61-20.5082

PURPOSE AND EFFECT: The Council proposes to amend these rules to incorporate revised forms.

SUMMARY: The amendments to these rules are necessary to incorporate the revised provider and course approval applications.

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: 468.4315(2), 468.433 FS.

LAW IMPLEMENTED: 468.433, 468.4337 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: Julie Baker, Executive Director, Regulatory Council of Community Association Managers, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61-20.5081 Continuing Education Provider Approval.

(1) No change.

(2) Entities or individuals who wish to become approved providers of continuing professional education shall make application to the Council, on BPR form 33-011, entitled, "COMMUNITY ASSOCIATION MANAGER'S CONTINUING EDUCATION PROVIDER APPROVAL APPLICATION", incorporated herein by reference and effective ~~11-1-00~~ ~~3-13-00~~, which copies may be obtained from the Council.

(3) through (10) No change.

Specific Authority 468.4315(2) FS. Law Implemented 468.4337 FS. History--New 5-14-98, Amended 3-13-00, _____.

61-20.5082 Continuing Education Course Approval.

(1) Continuing education courses shall be valid for purposes of the continuing education requirement only if such courses have been approved by the Council. The Council shall approve a course as a continuing education course for the purpose of this rule when the following requirements are met:

(a) Written application for course approval shall be received by the Council prior to the date the course is offered, on BPR form 33-013, entitled "COMMUNITY ASSOCIATION MANAGER'S CONTINUING EDUCATION COURSE APPROVAL APPLICATION," incorporated herein by reference and effective ~~11-1-00~~ ~~3-13-00~~, which copies may be obtained from the Council.

(b) through (d) No change.

(2) through (4) No change.

Specific Authority 468.4315(2), 468.433 FS. Law Implemented 468.433, 468.4337 FS. History--New 3-13-00, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Regulatory Council of Community Association Managers

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Regulatory Council of Community Association Managers

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

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Engineers

RULE TITLES:	RULE NOS.:
Definitions	61G15-20.001
Application for Licensure by Examination	61G15-20.0010
Application for Licensure by Endorsement	61G15-20.0015
Laws and Rules Examination	61G15-20.0016
Application for Retired Status	61G15-20.0017

PURPOSE AND EFFECT: The purpose is to amend Rule 61G15-20.001 to delete rule text that is not necessary and to create new rules within this rule chapter. In addition the rule chapter title will be amended to reflect the new rules being added.

SUMMARY: The Board has determined that 61G15-20.001 should be amended to delete rule text that is no longer desired by the Board. The Board proposes to create four additional rules within this rule chapter and by doing so, has determined that the rule chapter title should be amended to reflect the new rules being promulgated herein. The first rule to be promulgated within this chapter, numbered 61G15-20.0010, will address the application for licensure by examination. The second rule, numbered 61G15-20.0015, will address the application for licensure by endorsement. The third rule, numbered 61G15-20.0016, will address the laws and rules examination, and the fourth, numbered 61G15-20.0017, will address the application for retired status.

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: 455.217(7), 471.008, 471.013, 471.015 FS.

LAW IMPLEMENTED: 455.217(7), 471.013, 471.015 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: Allison Deison, Executive Director, Board of Professional Engineers, Northwood Centre, 1208 Hays Street, Tallahassee, Florida 32301

THE FULL TEXT OF THE PROPOSED RULES IS:

61G15-20.001 Definitions.

As used hereinafter in this chapter the following words or phrases shall be defined as follows:

- (1) No change.
- (2) "Board approved engineering programs" shall mean:
 - (a) No change.

(b) non-ABET-approved engineering programs for a post-baccalaureate degree in engineering from a school or college in the United States which has an accredited engineering curriculum in a related discipline at the baccalaureate level, provided the applicant can articulate a baccalaureate in engineering, ~~or~~

~~(c) programs which have been approved by the Board of Professional Engineers under the provisions of F.S. 455.11(3).~~

Specific Authority 471.013(1)(a) FS. Law Implemented 471.013(1)(a) FS. History—New 1-8-80, Amended 4-15-80, 7-7-83, 9-13-83, Formerly 21H-20.01, Amended 4-20-86, 8-3-86, 5-20-92, 2-2-93, Formerly 21H-20.001, Amended _____.

61G15-20.0010 Application for Licensure by Examination.

(1) Any person desiring to be licensed as a professional engineer shall submit a completed application to the Board. The instructions and application Form FBPE 11/00, entitled, "Licensure by Examination Application and Forms", which are hereby incorporated by reference, effective _____, copies of which may be obtained from the Board office. The Board shall certify as eligible to take the licensure examination only those applicants who have completed the application form, remitted the application and examination fee required by Chapter 61G15-24, and who have demonstrated to the Board that they:

- (a) Are graduates of a "Board approved engineering program" as defined by rule 61G15-20.001(2), and
- (b) Have four (4) years of acceptable engineering experience as defined by rule 61G15-20.002.

(2) Any person desiring to take an examination for the purpose of determining whether he or she is qualified to practice as an engineering intern in this state shall submit a completed application to the Board. There are two engineer intern applications from which to choose, the instructions and application Form FBPE 11/00, entitled, "Engineer Intern Application And Forms, which are hereby incorporated by reference, effective _____, copies of which may be obtained from the Board office, or the instructions and application Form FBPE 11/00, entitled, "Foreign Engineer Intern Application And Forms", which are hereby incorporated by reference, effective _____, copies of which may be obtained from the Board office. The Board shall certify as eligible to take the Fundamentals examination only those applicants who have completed the application form, remitted the application and examination fee required by Chapter

61G15-24 and who have demonstrated to the Board that they are in the final year of, or have graduated from, a "Board approved engineering program" as defined by rule 61G15-20.

Specific Authority 471.008, 471.013, 471.015 FS. Law Implemented 471.013, 471.015 FS. History—New _____.

61G15-20.0015 Application for Licensure by Endorsement.

(1) Any person desiring to be licensed as a professional engineer by endorsement shall submit a completed application form to the Board. The instructions and application Form FBPE 11/00, entitled "Board of Professional Engineers Application Instruction for Licensure by Endorsement", which are hereby incorporated herein by reference, effective _____, copies of which may be obtained from the Board office. The Board shall certify as eligible for licensure by endorsement applicants who have completed the application form, remitted the application fee for licensure by endorsement required by Chapter 61G15-24, and who have demonstrated to the Board that:

(a) The applicant meets the current criteria listed in Section 471.013, F.S. (the burden of proving the equivalency of any examination shall rest with the applicant); or

(b) The applicant holds a valid license to practice engineering issued by another state or territory of the United States, provided that the criteria for issuing the license was substantially the same as the licensure criteria which existed in Florida at the time the license was issued. If, at the time the applicant was licensed by the other jurisdiction, the applicant's qualifications would have rendered him or her eligible for licensure in Florida, the applicant is qualified for licensure by endorsement.

(2) The Board shall deem that an applicant for licensure by endorsement has passed the engineering fundamentals and principles and practice examinations consistent with the provisions of Section 471.015(5), F.S.

(3) An applicant for licensure by endorsement who has taken either the fundamentals or the principles and practice examinations more than five (5) times after October 1, 1992 must document compliance with rule 61G15-21.007(2), F.A.C., as a condition of eligibility for licensure by endorsement.

(4) An applicant for licensure by endorsement whose only educational deficiency under rule 61G15-20.007(2) involves humanities and social sciences and who has held a valid license and practiced in another state or territory of the United States for two (2) years or more shall be deemed to have satisfied that requirement.

(5) An applicant for licensure by endorsement who previously held licensure in the State of Florida and whose license became null and void because of non-renewal must establish that he or she meets all current requirements for initial licensure. Such applicants, if otherwise eligible, may be

subject to disciplinary sanctions as a condition of licensure if it is demonstrated that they practiced engineering during any period their license was delinquent and/or null and void.

Specific Authority 471.008, 471.013, 471.015 FS. Law Implemented 471.013, 471.015 FS. History—New _____.

61G15-20.0016 Laws and Rules Examination.

All applicants for licensure shall successfully complete an examination in the Laws and Rules applicable to the practice of engineering in Florida as a condition of licensure. The Board hereby designates the “Laws and Rules Study Guide and Questionnaire” as the examination. A copy of said examination shall be provided to every applicant free of charge, and each applicant shall complete and submit said examination to the Board office. The examination consists of forty (40) multiple choice questions concerning Chapter 471, Florida Statutes and Rule Chapter 61G15, Florida Administrative Code. A passing score of 36 or more correct answers is required.

Specific Authority 455.217(7) FS. Law Implemented 455.217(7) FS. History—New _____.

61G15-20.0017 Application for Retired Status.

(1) A person wishing to apply for Retired Status shall submit a completed application to the Board. The instructions and application Form FBPE 11/00, entitled “Application for Retired Status of Professional Engineer License”, which is incorporated by reference, effective _____, copies of which may be obtained from the Board office. The Board shall certify as eligible for Retired Status any applicant who has completed the application form and who has chosen to relinquish or not to renew his or her license.

(2) Engineers who have been approved for Retired Status shall be carried on the records of the Board as “P.E., Retired.”

(3) Engineers on Retired Status may use the term “Professional Engineer, Retired” or “P.E., Retired;” however, such engineer shall refrain from the active practice of engineering and the use of his or her seal. Any engineer in Retired Status who wishes to become active shall make application for licensure and meet the licensure criteria in effect at the time of application.

Specific Authority 471.008, 471.013, 471.015 FS. Law Implemented 471.013, 471.015 FS. History—New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Professional Engineers

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 17, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 2, 2000

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Surveyors and Mappers

RULE TITLE: Education
RULE NO.: 61G17-3.0021

PURPOSE AND EFFECT: The Board proposes to amend this rule to remove inconsistencies and improve the clarity of the rule text.

SUMMARY: This rule is substantially reworded to set forth, for licensure applicants, the educational requirements provided in Section 472.013(2)(a) and (b), F.S.

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: 472.013 FS.

LAW IMPLEMENTED: 472.005, 4723.013 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: Sherry Landrum, Executive Director, Board of Professional Surveyors and Mappers, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

(Substantial rewording of Rule 61G17-3.0021 follows. See Florida Administrative Code for present text.)

61G17-3.0021 Education.

(1) To determine whether an applicant for licensure has met the educational requirements of Section 472.013(2)(a), F.S., the applicant must demonstrate that he/she has:

(a) Graduated from a college or university approved by the Board pursuant to Rule 61G17-1.010, F.A.C.; and

(b) Completed a specific course of study which included at least thirty-two (32) semester hours or forty-eight (48) quarter hours in courses labeled by the program or university as courses in surveying and mapping or completed a course of study in surveying and mapping accredited in surveying by the Accreditation Board for Engineering and Technology (ABET).

(2) To determine whether an applicant for licensure has met the educational requirements of Section 472.013(2)(b), F.S., the applicant must demonstrate that he/she has:

(a) Graduated from a college or university approved by the Board pursuant to Rule 61G17-1.010, F.A.C.; and

(b) Completed a specific four (4) year course of study which included at least thirty-two (32) semester hours of study, or its academic equivalent, which included twenty-five (25) semester hours or thirty-seven (37) quarter hours in courses labeled by the college or university as courses in surveying and mapping or in any combination of courses in civil engineering, forestry, mathematics, photogrammetry, land law, and the physical sciences.

Specific Authority 472.013 FS. Law Implemented 472.005, 4723.013 FS. History—New 9-7-93, Amended 5-30-95, 10-1-97, 5-17-00,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Professional Surveyors and Mappers

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Professional Surveyors and Mappers

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 21, 2000

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

DEPARTMENT OF HEALTH

Board of Acupuncture

RULE TITLE: RULE NO.:

Licensure by Endorsement Through 64B1-3.010
Another State License

PURPOSE AND EFFECT: The proposed rule will set forth the application requirements for licensure as an acupuncturist by endorsement of another state's license.

SUMMARY: The proposed changes to the current Rule will remove those provisions which allowed an applicant for licensure by endorsement to qualify by completion of a two year school program, a two year tutorial program, or five years of experience. In addition, the proposed changes will specify that applicants for licensure by endorsement through another state license must establish their other state licensure by ensuring that the licensing authority of the other state provides certain information directly to the Board concerning the applicant's other state license; and, clarifies certain other qualifications for licensure by endorsement and the documentary standards for establishing those qualifications.

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: 457.104, 457.105, 457.1085 FS.

LAW IMPLEMENTED: 457.105, 457.1085 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT A TIME, DATE AND PLACE TO BE PUBLISHED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

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

THE FULL TEXT OF THE PROPOSED RULE IS:

64B1-3.010 Licensure by Endorsement Through Another State License.

Pursuant to Section 457.105(2)(c), F.S., the Board of Acupuncture will certify for licensure those applicants who satisfy the following requirements:

(1) through (2) No change.

(3) Submit proof of being actively licensed in a state which has examination requirements that are substantially equivalent to or more stringent than those of this state; and demonstrate successful completion of the Clean Needle Course administered by the Council of Colleges of Acupuncture and Oriental Medicine (CCAOM) by providing a CCAOM certificate to the Board. Applicants must establish their other state licensure by requesting the licensing authority of the other state provide to the Board a statement which indicates the current status of the applicant's license as of the date of statement, the expiration date of the other state license, and the basis for issuing the other state license including examination requirements which the applicant was required to successfully complete in order to be licensed in that state.

(4) Submit proof that the applicant has meet the requirements of Section 457.105(2)(a) and (b), F.S. and Rule 64B1-4.001. Applicants must establish that they meet the requirements of Section 457.105(2)(a) and (b) and Rule 64B1-4.001 by providing the documents described in Rule 64B1-4.0011, completed one of the following:

(a) a minimum of a 2 year school program pursuant to Rule 64B1-4.001;

(b) a 2 year tutorial program pursuant to Rule 64B1-4.002 and Rule 64B1-5, or

(c) five years of experience pursuant to Rule 64B1-4.003.

Specific Authority 457.104, 457.105, 457.1085 FS. Law Implemented 457.105, 457.1085 FS. History—New 10-1-89, Amended 2-27-92, Formerly 21AA-3.010, 61F1-3.010, Amended 2-20-96, Formerly 59M-3.010, Amended 4-7-98,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Acupuncture

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 13, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT
 PUBLISHED IN FAW: September 29, 2000

DEPARTMENT OF HEALTH
**Board of Clinical Social Work, Marriage and Family
 Therapy and Mental Health**

RULE TITLE: Disciplinary Guidelines
 RULE NO.: 64B4-5.001

PURPOSE AND EFFECT: The Board deemed it necessary to amend this rule in order to comply with legislative changes, and to set forth a range of penalties for specific violations.

SUMMARY: New language has been added to provide for categorical disciplinary guidelines relevant to statutory provisions.

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: 456.079, 491.004(5) FS.

LAW IMPLEMENTED: 456.079, 491.009 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: Sue Foster, Executive Director, Board of Clinical Social Work, Marriage and Family Therapy and Mental Health/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

THE FULL TEXT OF THE PROPOSED RULE IS:

64B4-5.001 Disciplinary Guidelines.

(1) When the Board finds an applicant, licensee, registered intern, provisional licensee, or certificate holder whom it regulates under Chapter 491, Florida Statutes, has committed any of the acts set forth in Section ~~456.072(1)~~ ~~455.624(1)~~, Florida Statutes, or Section 491.009(2), Florida Statutes, it shall issue a final order imposing appropriate penalties as recommended in the following disciplinary guidelines.

(a) No change.

(b) Having a license or certificate to practice a comparable profession revoked, suspended, or otherwise acted against, including the denial of certification or licensure by another state, territory, or country.

~~(s. 455.624(1)(f) & s. 491.009(2)(b))~~

FIRST OFFENSE:	MINIMUM \$1000 fine and reprimand	MAXIMUM denial or \$1000 fine and revocation;
SECOND OFFENSE:	\$1000 fine and probation	permanent denial or \$1000 fine and revocation;

THIRD OFFENSE:	\$1000 fine, 1 year suspension followed by probation	permanent denial or \$1000 fine and revocation;
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(c) through (j) No change.

(k) Committing any act upon a patient or client, which would constitute sexual battery or which would constitute sexual misconduct ~~as defined in Section 491.0111, Florida Statutes.~~

~~(s. 456.072(1)(u) 455.624(1)(u) & s. 491.009(2)(k))~~

FIRST OFFENSE:	MINIMUM \$1000 fine and 1 year suspension followed by probation	MAXIMUM denial or \$1000 fine and revocation;
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SECOND OFFENSE:	\$1000 fine and 2 years suspension followed by probation	denial or \$1000 fine and permanent revocation;
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(l) through (o) No change.

(p) Being unable to practice the profession for which one is licensed under Chapter 491, Florida Statutes, with reasonable skill and competence as a result of any mental or physical condition or by reason of illness; drunkenness; or excessive use of drugs, narcotics, chemicals, or any other substance.

~~(s. 456.072(1)(y) & s. 491.009(2)(p))~~

FIRST OFFENSE:	MINIMUM \$1000 fine and probation	MAXIMUM \$1000 fine and suspension until the licensee is able to appear before the Board and demonstrate that he or she is able to practice with reasonable skill and competence, followed by probation;
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SECOND OFFENSE:	suspension until the licensee is able to appear before the Board and demonstrate that he or she is able to practice with reasonable skill and competence, followed by probation	\$1000 fine and permanent revocation;
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(q) through (hh) No change.

(ii) Using information about people involved in motor vehicle accidents for purposes of solicitation.

~~(s. 455.072(1)(x))~~

FIRST OFFENSE	MINIMUM reprimand	MAXIMUM \$500 fine;
SECOND OFFENSE	\$500 fine	\$1000 fine;
THIRD OFFENSE	reprimand and \$1000 fine	probation and \$1000 fine;

(jj) Testing positive for any drug on any confirmed preemployment or employer-ordered drug screening.

~~(s. 455.624(1)(z), F.S.)~~

FIRST OFFENSE:	MINIMUM probation and \$500 fine	MAXIMUM suspension to be followed by probation and \$750 fine;
SECOND OFFENSE:	suspension to be followed by probation and \$750 fine	revocation and \$1000 fine;

(kk) Having a license or certificate to practice any regulated profession revoked, suspended, or otherwise acted against, including the denial of certification or licensure by another state, territory, or country.

~~(s. 456.072(1)(f))~~

	<u>MINIMUM</u>	<u>MAXIMUM</u>
FIRST OFFENSE:	\$1000 fine and reprimand	denial or \$1000 fine and revocation;
SECOND OFFENSE	\$1000 fine and probation	permanent denial or \$1000 fine and revocation;
THIRD OFFENSE	\$1000 fine, 1 year suspension followed by probation	permanent denial or \$1000 fine and revocation;

(2) No change.

Specific Authority ~~456.079 455.627~~, 491.004(5) FS. Law Implemented ~~456.079 455.627~~, 491.009 FS. History--New 3-5-89, Amended 1-3-91, 6-1-92, Formerly 21CC-5.001, Amended 1-9-94, Formerly 61F4-5.001, Amended 12-22-94, Formerly 59P-5.001, Amended 12-11-97, 10-1-00,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Clinical Social Work Marriage and Family Therapy and Mental Health Counseling

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Clinical Social Work Marriage and Family Therapy and Mental Health Counseling

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 19, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 29, 2000

DEPARTMENT OF HEALTH

Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling

RULE TITLE: Renewal of Active License RULE NO.: 64B4-6.001

PURPOSE AND EFFECT: The Board proposes to add a new course category for the renewal of an active license in compliance with new statutory authority.

SUMMARY: An end of life care and palliative health care course is appended to this rule for those who wish to renew an active license.

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: 456.013(6), 456.031(1)(a), 491.004(5), 491.007(2) FS.

LAW IMPLEMENTED: 456.013(6),(8), 456.031(1)(a), 491.007(2) 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: Sue Foster, Executive Director, Board of Clinical Social Work Marriage and Family Therapy and Mental Health Counseling/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee Florida 32399-3258

THE FULL TEXT OF THE PROPOSED RULE IS:

64B4-6.001 Renewal of Active License.

(1) No change.

(2) A licensee shall not be required to complete continuing education for the first renewal of licensure. For each subsequent renewal:

(a) A licensee must complete 30 hours of approved continuing education credit including 1 hour on domestic violence during the two-year period ending on the last day of the biennial renewal period. In lieu of the domestic violence course, a licensee may complete a course in end of life care and palliative health care if the licensee has completed an approved domestic violence course in the immediately preceding biennium.

(b) through (g) No change.

(3) through (4) No change.

Specific Authority ~~456.013(6), 456.031(1)(a), 455.564(6), 455.597(1)(a)~~, 491.004(5), 491.007(2) FS. Law Implemented ~~456.013(6), 456.031(1)(a), 455.564(6),(8), 455.597(1)(a)~~, 491.007(2) FS. History--New 4-4-89, Amended 12-4-90, Formerly 21CC-6.001, Amended 1-9-94, Formerly 61F4-6.001, Amended 1-7-96, 12-29-96, Formerly 59P-6.001, Amended 2-9-99,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Clinical Social Work, Marriage and Family Therapy and Mental Health

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Clinical Social Work, Marriage and Family Therapy and Mental Health

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 19, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 29, 2000

DEPARTMENT OF HEALTH

Board of Dentistry

RULE TITLE: Credentials Requirements for Applicants Who Graduated From Dental School or College Before Accreditation by the American Dental Association RULE NO.: 64B5-2.015

was Available

PURPOSE AND EFFECT: The purpose is to repeal this rule because it is no longer necessary.

SUMMARY: Repeal of Rule 64B5-2.015.

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: 466.004 FS.

LAW IMPLEMENTED: 466.006 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: William Buckhalt, Executive Director, Board of Dentistry/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

THE FULL TEXT OF THE PROPOSED RULE IS:

64B5-2.015 Credentials Requirements for Applicants Who Graduated From Dental School or College Before Accreditation by the American Dental Association was Available.

~~Any applicant who graduated from dental school or college prior to the establishment of the Commission on Accreditation of the American Dental Association may apply for licensure pursuant to the requirements of Rule 64B5-2.014, so long as final official transcripts authenticated as required in Rule 64B5-2.014 are submitted which reflect that the applicant successfully completed a course of study which consisted of either 4 years of dental subjects or 2 years of pre-dental education followed by 3 years of dental subjects.~~

~~Specific Authority 466.004 FS. Law Implemented 466.006 FS. History—New 10-8-79, Formerly 21G-2.15, Amended 11-16-89, Formerly 21G-2.015, 61F5-2.015, 59Q-2.015, Repealed.~~

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Dentistry
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Dentistry
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 17, 2000

DEPARTMENT OF HEALTH

Board of Dentistry

RULE TITLE: Fee for Inactive Status
RULE NO.: 64B5-15.010

PURPOSE AND EFFECT: The purpose is to repeal this rule because it is no longer necessary.

SUMMARY: Repeal of Rule 64B5-15.010.

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: 466.004, 466.015 FS.

LAW IMPLEMENTED: 455.036, 466.015 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: William Buckhalt, Executive Director, Board of Dentistry/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

THE FULL TEXT OF THE PROPOSED RULE IS:

64B5-15.010 Fee for Inactive Status.

~~The fee to place a dental license on inactive status shall be \$200. The fee to place a dental hygiene license on inactive status shall be \$90.~~

~~Specific Authority 466.004, 466.015 FS. Law Implemented 466.015, 455.711 FS. History—New 1-18-87, Amended 11-16-89, 8-13-92, Formerly 21G-15.010, 61F5-15.010, Amended 7-12-95, 5-6-96, Formerly 59Q-15.010, Repealed.~~

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Dentistry
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Dentistry
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 17, 2000

DEPARTMENT OF HEALTH

Board of Medicine

RULE TITLE: Standard of Care for Office Surgery
RULE NO.: 64B8-9.009

PURPOSE AND EFFECT: The proposed rule amendments are intended to incorporate provisions recommended by the Board and its Surgical Care Committee as well as some of the recommendations of the Commission on Outpatient Surgical Safety.

SUMMARY: The proposed rule amendments put in place additional criteria for the performance of office surgery, such as examination of patients immediately prior to surgery; implementation of a risk management system in physician's offices where Level II and Level III procedures are performed; submission of surgical logs to the Department of Health for a one-year period; additional criteria for ASA II patients over the age of 40; a prohibition on Level III surgery on ASA III patients in the office; and a prohibition on certain combination surgical procedures.

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(1), 458.331(1)(v) FS.
 LAW IMPLEMENTED: 458.331(1)(g), (t), (v), (w), 458.351 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: 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:

64B8-9.009 Standard of Care for Office Surgery.

NOTHING IN THIS RULE RELIEVES THE SURGEON OF THE RESPONSIBILITY FOR MAKING THE MEDICAL DETERMINATION THAT THE OFFICE IS AN APPROPRIATE FORUM FOR THE PARTICULAR PROCEDURE(S) TO BE PERFORMED ON THE PARTICULAR PATIENT.

(1) Definitions.

(a) through (c) No change.

(d) Office surgery. For the purpose of this rule office surgery is defined as surgery which is performed outside a hospital, an ambulatory surgical center, abortion clinic, or other medical facility licensed by the Department of Health, the Agency for Health Care Administration, or a successor agency. Office surgical procedures shall not be of a type that generally result in blood loss of more than ten percent in a patient with a normal hemoglobin; require major or prolonged intracranial, interthoracic, abdominal, or major joint replacement procedures, except for laproscopic procedures; directly involve major blood vessels; or are generally emergency or life threatening in nature.

(2) General Requirements for Office Surgery.

(a) No change.

(b) The surgeon must examine the patient immediately before the surgery to evaluate the risk of anesthesia and of the surgical procedure to be performed. The surgeon must maintain complete records of each surgical procedure, as set forth in Rule 64B8-9.003, F.A.C., including anesthesia records, when applicable and the records shall contain written informed consent from the patient reflecting the patient's knowledge of identified risks, consent to the procedure, type of anesthesia and anesthesia provider, and that a choice of anesthesia provider exists, i.e., anesthesiologist, another appropriately trained physician as provided in this rule, certified registered nurse anesthetist, or physician assistant qualified as set forth in rule 64B8-30.012(2)(b)6., Florida Administrative Code.

(c) The surgeon must maintain a log of all Level II and Level III surgical procedures performed, which must include a confidential patient identifier, the type of procedure, the type of anesthesia used, the names of the anesthesiologist, nurse

anesthetist, or other anesthesia provider, assistants and nurses; the duration of the procedure, the type of post-operative care, and any adverse incidents, as identified in Section 458.351, F.S. 197, Chapter 99-397, Laws of Florida. The log and all surgical records shall be provided to investigators of the Department of Health upon request. For a period of one year from the effective date of this rule, all office surgical logs for Level II and Level III surgical procedures shall be submitted to the Department of Health at the end of each calendar month for data collection purposes. The logs must include a confidential patient identifier.

(d) No change.

(e) There shall be no combination surgery of the procedures abdominoplasty with liposuction in the office setting. In addition, liposuction shall not be performed as a separate procedure in combination with other surgery procedures.

(f)(e) No change.

(g) The Board of Medicine adopts the "Standards of the American Society of Anesthesiologists for Basic Anesthetic Monitoring," approved by House Delegates on October 21, 1986 and last amended on October 21, 1998, as the standards for anesthetic monitoring by any anesthesia provider. These standards are incorporated herein by reference in this rule and are available from the American Society of Anesthesiologists, 520 N. Northwest Highway, Park Ridge, Illinois 60068-2573, or by telephoning (847)825-5586.

(h)(f) No change.

(i)(g) A policy and procedure manual must be maintained in the office, and updated annually, and implemented. The policy and procedure manual must contain the following: duties and responsibilities of all personnel, quality assessment and improvement systems comparable to those required by Rule 59A-5.019; cleaning and infection control, and emergency procedures. This applies only to physician offices at which Level II and Level III procedures are performed shall not apply to offices that limit surgery to Level I procedures.

(j)(h) No change.

(k)(j) No change.

(3) No change.

(4) Level II Office Surgery.

(a) No change.

(b) Standards for Level II Office Surgery.

1. Transfer Agreement Required. The physician must have a transfer agreement with a licensed hospital within reasonable proximity if the physician does not have staff privileges to perform the same procedure as that being performed in the out-patient setting at a licensed hospital within reasonable proximity. "Reasonable proximity" is defined as not to exceed thirty (30) minutes transport time to the hospital.

2. through 4. No change.

(5) No change.

(6) Level III Office Surgery.

(a) Scope.

1. No change.

2. Only patients classified under the American Society of Anesthesiologist's (ASA) risk classification criteria as Class I ~~or~~ II, ~~or~~ III are appropriate candidates for Level III office surgery.

a. All Level III surgeries on patients classified as ASA III and higher are to be performed only in a hospital or ambulatory surgery center. For ASA Class III patients, the surgeon must document in the patient's record the justification and precautions that make the office an appropriate forum for the particular procedure to be performed.

b. For all ASA II patients above the age of 40, the surgeon must obtain, at a minimum, an EKG and a complete workup performed prior to the performance of Level III surgery in a physician office setting. If the patient is deemed to be a complicated medical patient, the patient must be referred to an appropriate consultant for an independent medical clearance. This requirement may be waived after evaluation by the patient's anesthesiologist.

(b) No change.

Specific Authority 458.309(1), 458.331(1)(v) FS, ~~ss. 92 and 197, Chapter 99-297, Laws of Florida. Law Implemented 458.331(1)(g), (t), (v), (w), 458.351 FS, ss. 92 and 197, Chapter 99-397, Laws of Florida. History--New 2-1-94, Amended 5-17-94, Formerly 61F6-27.009, Amended 9-8-94, 11-15-94, Formerly 59R-9.009, Amended 2-17-00, 12-7-00.~~

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

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

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

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

DEPARTMENT OF HEALTH

Division of Family Health Services

RULE TITLES: RULE NOS.:

Objection to Prenatal and Infant (Postnatal) Risk Screening 64C-7.008

Prenatal and Infant (Postnatal) Risk Screening Records 64C-7.010

Criteria for Designating Risk Screening Factors 64C-7.011

PURPOSE AND EFFECT: The purpose of these proposed rule changes is to incorporate by reference new versions of the prenatal and infant screening forms, to clarify how an objection to screening is documented, and to clarify documentation for participants referred for factors other than score.

SUMMARY: Rule 64C-7.008 outlines the process by which a pregnant woman can object to prenatal risk screening, and the process by which a parent or guardian can object to infant risk

screening. Proposed changes to 64C-7.008 reflect changes in how the objection may be made and incorporation of new risk screening instruments. Rule 64C-7.010 outlines the process by which scored risk screening instruments are documented; proposed changes to this rule involve documentation for clients referred for factors other than score. Rule 64C-7.011 outlines how risk factors are selected for inclusion in the screening forms; the proposed change reflects the fact that an advisory council formed to assist the department in determining risk factors is no longer in place.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: There are no regulatory costs.

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: 383.14(2) FS.

LAW IMPLEMENTED: 383.14 FS.

IF REQUESTED WITHIN 21 DAYS 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., January 7, 2001

PLACE: Department of Health, 4025 Esplanade Way, Room 125-N, Tallahassee, FL

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Bob Peck, Bin A-13 (HSFFM), 4052 Bald Cypress Way, Tallahassee, FL 32399-1723, Telephone (850)245-4444, Ext. 2965

THE FULL TEXT OF THE PROPOSED RULES IS:

64C-7.008 Objection to Prenatal and Infant (Postnatal) Risk Screening.

(1) The provider shall request aAny pregnant woman who objects to prenatal risk screening, after the purpose of the screening has been fully explained, ~~to shall~~ indicate her objection in writing on the screening instrument, and to sign the instrument by checking "no" on the screening instrument and signing the instrument. The screening instrument to be used is the Healthy Start Prenatal Risk Screening Instrument, DOH Form 3134, ~~6/00 (English version) June 94, or DOH Form 3134 H, 6/00 (Creole version), or DOH Form 3134 S, 6/00 (Spanish version), which are is~~ incorporated by reference. If the woman refuses to sign the instrument, this refusal shall be indicated on the patient's signature line. The provider is to complete the demographic items (name, address, phone number and type of provider) in the provider section and sign and date the form.

(2) The provider shall request aAny parent or guardian who objects to infant (postnatal) risk screening of the child, after the purpose of the screening has been fully explained, ~~to shall~~ indicate the objection in writing on the screening

instrument, and to sign the instrument by checking "no" on the screening instrument and signing the instrument. The screening instrument to be used is the Healthy Start Infant (Postnatal) Risk Screening Instrument, DOH Form 3135, 6/00 (English version) June 94, or DOH Form 3135 H, 6/00 (Creole version), or DOH Form 3135 S, 6/00 (Spanish version), which are incorporated by reference. If the parent or guardian refuses to sign the instrument, this refusal shall be indicated on the patient's signature line. The provider is to complete the demographic items (name, address, phone number and type of provider) in the provider section and sign and date the form.

(3) Prenatal and infant (postnatal) risk screening shall not be conducted if the affected pregnant woman, parent, or guardian objects to the screening.

Specific Authority 383.14(2) FS. Law Implemented 383.14 FS. History--New 3-29-92, Amended 8-14-95, 3-28-96, Formerly 10J-8.009, Amended

64C-7.010 Prenatal and Infant (Postnatal) Risk Screening Records.

(1) Prenatal Risk Screening Records.

(a) The health care provider shall maintain a completed copy of the Healthy Start Prenatal Risk Screening Instrument, ~~DOH Form 3134~~, in the pregnant women's medical record.

(b) The provider of care coordination shall initiate documentation on every Healthy Start pregnant woman. That documentation shall contain, at a minimum, a scored prenatal risk screening instrument and record of case disposition, except for participants who are referred based on other factors subsequent to the initial screen. For those participants, documentation in the record shall include documentation of the participant's risk factors and the record of case disposition.

(c) The department shall maintain a confidential registry of the risk screening results on all pregnant women received from health care providers.

(2) Infant (Postnatal) Risk Screening Records.

(a) The health care provider shall assure that a completed copy of the Healthy Start Infant (Postnatal) Risk Screening Instrument, ~~DOH Form 3135~~, is placed in the infant's medical record.

(b) The provider of care coordination shall initiate documentation on every Healthy Start infant. That documentation shall contain, at a minimum, a scored infant (postnatal) risk screening instrument and record of case disposition, except for participants who are referred based on other factors subsequent to the initial screen. For those participants, documentation in the record shall include documentation of the participant's risk factors and the record of case disposition.

(c) The department shall maintain a confidential registry of the risk screening results on all infants received from the health care providers.

Specific Authority 383.14(2) FS. Law Implemented 383.14 FS. History--New 3-29-92, Amended 9-20-94, 8-14-95, 3-28-96, Formerly 10J-8.012, Amended

64C-7.011 Criteria for Designating Risk Screening Factors.

~~After consultation with the Advisory Councils,~~ The department shall designate each risk factor for inclusion in the prenatal and infant (postnatal) risk screening instruments and shall determine the weight of each risk factor. Each designated risk factor shall meet one or more of the following criteria:

(1) The factor is known to reflect an increased risk of pregnancy complications, infant mortality, or morbidity.

(2) The factor is associated with increased risk of impairment in health, intellect, or functional ability in a percentage of infants positive for that factor.

(3) The factor reflects health behaviors which have been associated with increased risk of poor birth outcomes.

(4) The factor reflects an environmental risk factor.

Specific Authority 383.14(2) FS. Law Implemented 383.14 FS. History--New 3-29-92, Amended 8-14-95, Formerly 10J-8.013, Amended

NAME OR PERSON ORIGINATING PROPOSED RULE: Bob Peck, Bin A-13 (HSFFM), 4052 Bald Cypress Way, Tallahassee, FL 32399-1723, Telephone (850)245-4444, Ext. 2965

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Annette Phelps, A.R.N.P., M.S.N., Chief, Bureau of Family and Community Health

DATE NOTICE OF PROPOSED RULE APPROVED BY AGENCY HEAD: July 26, 2000

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

Section III
Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF INSURANCE

RULE NO.: 4-191.300
RULE TITLE: Health Maintenance Organization (HMO) Penalty Guidelines

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rules, as noticed in Vol. 26, No. 8, February 25, 2000, of the Florida Administrative Weekly, have been withdrawn.

DEPARTMENT OF REVENUE

Sales and Use Tax

RULE NO.: 12A-1.072
RULE TITLE: Advertising Agencies