

SUBJECT AREA TO BE ADDRESSED: The Rule Development workshop will be held to receive comments and suggestions from interested persons relative to (1) the development of the 2002 application and program requirements for the SAIL, HOME, HC Programs, as specified in Rule Chapter 67-48, Florida Administrative Code (F.A.C.) and (2) amendments to the Florida Housing Finance Corporation's 2001 Qualified Allocation Plan (QAP).

SPECIFIC AUTHORITY: 420.507 FS.

LAW IMPLEMENTED: 420.5087, 420.5089, 420.5099 FS.

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

TIME AND DATE: Immediately following the Board Meeting, August 9, 2001

PLACE: Hyatt Regency, Westshore, 6200 Courtney Campbell Causeway, Tampa, Florida 33607

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Kerey Carpenter, Deputy Development Officer, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329, (850)488-4197

Any person requiring special accommodation at this workshop because of a disability or physical impairment should contact Laurie Camp at the above address. If you are hearing or speech impaired, please use the Florida Dual Party Relay system which can be reached at 1(800)955-8771 (TDD).

SUMMARY: The proposed rule provides an exemption from securities registration requirements of Section 517.07, Florida Statutes, for certain written employer-sponsored compensatory benefit plans or contracts.

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

Any person who wishes to provide information regarding the statement of estimated regulatory 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: 517.03(1), 517.061(19) FS.

LAW IMPLEMENTED: 517.061(19) 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., August 13, 2001

PLACE: Room 664, Fletcher Building, 101 East Gaines Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Rick White, Financial Administrator, Division of Securities and Finance, Room 550H, 101 East Gaines Street, Tallahassee, Florida 32399-0350, (850)410-9805

THE FULL TEXT OF THE PROPOSED RULE IS:

3E-500.017 Compensatory Benefit Plan Exemption.

(1) Transactions involving the offer or sale of a security pursuant to a written pension plan, stock plan, profit-sharing plan, compensatory benefit plan (or a written compensation contract) or similar plan established by the issuer for the participation of their employees, directors, general partners, trustees, officers, or consultants and advisors, and their family members who acquire such securities from such persons through gifts or domestic relations orders, are exempt from the registration provisions of Section 517.07, F.S., if:

(a) The sale of the security meets all of the requirements of SEC Rule 701 (17 C.F.R. 230.701) as it existed on November 1, 2000;

(b) The security is sold pursuant to a plan of a type exempt under section 3(a) of the Securities Act of 1933; or

(c) The security is effectively registered under sections 6 to 8 of the Securities Act of 1933 and is offered and sold in compliance with the provisions of section 5 of the Securities Act of 1933.

(2) For the purposes of this rule, the terms "compensatory benefit plan" and "family member," shall have the same meanings as defined in SEC Rule 701 as it existed on November 1, 2000.

(3) The purpose of this rule is to provide an exemption from the registration requirements of Section 517.07, F.S., for securities issued in compensatory circumstances. This

**Section II
Proposed Rules**

DEPARTMENT OF BANKING AND FINANCE

Division of Securities and Finance

RULE TITLE: Compensatory Benefit Plan Exemption

RULE NO.: 3E-500.017

PURPOSE AND EFFECT: Pursuant to Section 517.061(19), Florida Statutes, the Department finds that the securities registration provisions of Section 517.07, Florida Statutes, are not necessary for certain employer-sponsored compensatory benefit plans or contracts because of the limited nature of the offering. The proposed rule will provide an exemption from the registration requirements of Section 517.07, Florida Statutes, for certain written employer-sponsored compensatory benefit plans or contracts that: (i) meet the requirements of Securities and Exchange Commission Rule 701 (17 CFR 230.701); (ii) is sold pursuant to a plan of a type exempt under section 3(a) of the Securities Act of 1933; (iii) or the security is registered under sections 6 to 8 of the Securities Act of 1933 and is offered and sold in compliance with section 5 of the Securities Act of 1933.

exemption is not available for plans or schemes to circumvent this purpose, such as to raise capital or to evade the registration provisions of Section 517.07, F.S.

(4) Issuers and persons making offers and sales of securities that are exempt pursuant to this rule are exempt from the registration requirements of Section 517.12, F.S., provided that:

(a) All sales of securities are made by a partner, officer, director, trustee of the issuer, or any person employed by the issuer who primarily performs substantial duties for, on behalf of the issuer, other than in connection with transactions in securities; and

(b) No commission or compensation is paid to any person for the sale of the issuer's securities unless such person is registered as a dealer in this state. For the purposes of this rule, regular compensation paid to employees of the issuer for the performance of duties not in connection with transactions in securities shall not be deemed compensation for the sale of the issuer's securities.

Specific Authority 517.03(1), 517.061(19) FS. Law Implemented 517.061(19) FS. History—New

NAME OF PERSON ORIGINATING PROPOSED RULE:
Rick White, Financial Administrator, Division of Securities and Finance

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Don B. Saxon, Director, Division of Securities and Finance

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 2, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 23, 2001

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Plant Industry

RULE CHAPTER TITLE: Citrus Canker
RULE TITLE: Citrus Canker Eradication

RULE CHAPTER NO.: 5B-58
RULE NO.: 5B-58.001

PURPOSE AND EFFECT: The purpose and effect is to establish procedures for implementation of the citrus canker eradication program to prevent devastation of Florida's more than \$8 billion citrus industry and dooryard citrus.

SUMMARY: The rule amendment defines the phrases "exposed to infection" and "citrus trees harboring the citrus canker bacteria due to their proximity to infected citrus trees." The rule amendment also establishes the required content of immediate Final Orders and delivery of such Final Orders in connection with the citrus canker eradication program.

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: 570.07(21),(23), 581.031(1),(4),(5), 581.091(1), 581.0101(1), 581.184 FS.

LAW IMPLEMENTED: 570.07(2),(13),(21), 581.031(6),(7), (9),(15),(17), 581.013, 581.0101, 581.131, 581.141, 581.184, 581.211 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Richard Gaskalla, Director, Division of Plant Industry, Department of Agriculture and Consumer Services, P. O. Box 147100, Gainesville, Florida 32614-7100, telephone number (352)372-3505

THE FULL TEXT OF THE PROPOSED RULE IS:

5B-58.001 Citrus Canker Eradication.

(1) Definitions. For the purpose of this rule, the definitions in Sections 581.011 and 581.184, Florida Statutes, and the following definitions shall apply:

(a) through (g) No change.

(h) Exposed to Infection. As set forth in s. 581.184, F.S., exposed to infection shall mean citrus trees harboring the citrus canker bacteria due to their proximity to infected citrus trees, and which do not yet exhibit visible symptoms of the disease but which will develop symptoms over time, at which point such trees will have infected other citrus trees. Determined by the Department to likely harbor citrus canker bacteria because of proximity to infected plants, or probable contact with personnel, or regulated articles, or other articles that may have been contaminated with bacteria that causes citrus canker, but not expressing visible symptoms.

(i) through (k) No change.

(1) "Citrus trees harboring the citrus canker bacteria due to their proximity to infected citrus trees" shall mean citrus trees located within 1,900 feet of an infected citrus tree.

(2) through (3) No change.

(4) Quarantine area. An area around a site where an infestation of citrus canker is known to occur will be quarantined. The geographical boundaries of the quarantine shall be established by risk assessment procedures and will be published in a major newspaper of general distribution in each area affected and through other appropriate media. Risk assessment procedures will consider the aggressiveness of the pathogen in the field, the level of disease inoculum, the location and spatial distribution of the infected ~~and exposed~~ plants and plants exposed to infection, the variety and type of plants, the risk of spread to areas growing citrus commercially, maintenance practices, and other relevant information. An area

shall be released from quarantine provided no detections of citrus canker have occurred during a minimum two-year period of intensive survey and a declaration that citrus canker has been eradicated from the area.

(5) Control Procedures.

(a) Risk Assessment. The department shall perform risk assessment procedures to determine the steps necessary to eradicate, control, and prevent the dissemination of citrus canker. The Director shall evaluate the risk assessment requests in consultation with the Citrus Canker Risk Assessment Group Leader to determine the need to engage the services of the Citrus Canker Risk Assessment Group to conduct a full risk assessment. All citrus trees which are infected or infested shall be removed. The decision to remove ~~exposed~~ trees exposed to infection will take into consideration the recommendations of the Citrus Canker Risk Assessment Group. In developing the recommendations, the Citrus Canker Risk Assessment Group will take the following variables into consideration: property type, cultivar, cultivar susceptibility, tree size and age, size of block, tree spacing, horticultural condition, tree distribution, tree density, weather events, wind breaks, movement factors, disease strain, exposure, infection age, infection distribution, disease incidence, Asian citrus leafminer damager, survey access, security of property, sanitation, management practices, closeness of other host properties, and closeness of other infected properties.

(b) Immediate Final Orders. The Department shall issue an Immediate Final Order stating the quarantine and control methods to be implemented on the infected or exposed citrus located on the property. It may be delivered in person, by certified mail or similar common carrier, or attached to a conspicuous place on that posted on the property. Immediate final orders are not required for control action in commercial citrus groves provided the owner agrees voluntarily to the control action and enters into an agreement not to sue with the department. The Immediate Final Orders to be used by the Department in furtherance of the destruction of citrus trees under this rule, Form No. 08314, and Form No. 08315, are hereby incorporated by reference. Simultaneously with the delivery of an Immediate Final Order pursuant to this Section, the Department shall also provide the following information to the property owner:

1. The physical location of the infected tree which has necessitated destruction of the property owner's tree;
2. The diagnostic report which resulted in the infected tree is infected with the citrus canker; and
3. The distance between the infected citrus tree and the property owner's citrus trees.

(6) through (16) No change.

Specific Authority 570.07(21),(23), 581.031(1),(4),(5), 581.091(1), 581.0101(1), 581.184 FS. Law Implemented 570.07(2),(13),(21), 581.031(6),(7),(9),(15),(17), 581.083, 581.0101, 581.131, 581.141, 581.184, 581.211 FS. History--New 1-17-96, Amended 4-9-96, 5-14-97, 8-19-97, 11-19-97, 11-16-99, 7-17-00, 2-22-01, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Constance Riherd, Assistant Director, Division of Plant Industry

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Richard Gaskalla, Director, Division of Plant Industry

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 9, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 6, 2001

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Standards

RULE CHAPTER TITLE: Permitting and Inspection RULE CHAPTER NO.: 5F-8

Requirements for Amusement Rides

RULE TITLES: Qualified Inspectors RULE NOS.: 5F-8.003

Exempt Nonmotorized or Human Powered

Amusement Rides 5F-8.024

PURPOSE AND EFFECT: Applicable law, Section 616.242(3)(q)2. and 3., Florida Statutes, requires the Department to identify, by rule, educational programs that will be accepted for certification as a "qualified inspector". Section 616.242(10)(b), Florida Statutes, allows the Department to exempt from inspection and permitting, by rule, certain human powered equipment which might otherwise be classified as amusement rides. The purpose and effect of revising these rules is to identify certain educational programs which will be recognized as meeting education requirements for qualified inspectors and to exempt certain human powered equipment from permitting and inspection as amusement rides.

SUMMARY: Rule 5F-8.003, Florida Administrative Code, is the department rule defining educational requirements for qualified inspectors and Rule 5F-8.024, Florida Administrative Code, is a proposed Department Rule which excludes certain human powered equipment from permitting and inspection as amusement rides by the Department as required by s. 616.242(10)(b), F.S.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: 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: 616.241, 616.242 FS.

LAWS IMPLEMENTED: 616.241, 616.242(3)(q), (4)(b),(10)(b) FS.

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

TIME AND DATE: 10:00 a.m., August 14, 2001

PLACE: Division of Standards Conference Room, 131 Administration Building, 3125 Conner Boulevard, Tallahassee, Florida 32399-1650

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Isadore Rommes, Bureau Chief, Bureau of Fair Ride Inspections, 3125 Conner Boulevard, Suite N, Tallahassee, Florida 32399-1650, Phone (850)488-9790, Fax (850)488-9023

THE FULL TEXT OF THE PROPOSED RULES IS:

5F-8.003 Qualified Inspectors.

(1) Each person seeking to perform amusement ride inspections as a qualified inspector for an insurance underwriter and execute the Affidavit of Compliance or Affidavit of Nondestructive Testing required for the annual permit, shall provide the department the following documents:

(a) Written certification from an insurance company that the applicant is an employee or agent of the company and is authorized to act as a qualified inspector for that insurance company, which is insuring the amusement ride; and

(b) Written references verifying employment dates together with names and addresses of employers for such period of time as will demonstrate the required experience in the amusement ride field; at least two years of which were involved in actual ride inspection with an amusement ride manufacturer, government agency, park, carnival or insurance company; and

(c) A written statement or certificate from a school or seminar which demonstrates at least eighty hours of formal education from a school or seminar for amusement ride inspection or ride safety, which is approved by rule of the department, during the past five years. Nondestructive testing training that meets the requirements of American Society of Nondestructive Testing (ASNT), may be substituted for up to half of the required hours of formal education; and

(d) A written statement or certificate from a school or sponsor of a seminar showing thirty two hours per year of continuing education annually at a school or schools, or a seminar, approved by the department. These continuing education hours may include in-service industry or manufacturer updates and seminars. Curriculum subjects considered for credits are only those subjects included in schools or seminars conducted or sponsored by: National Association of Amusement Ride Safety Officials (NAARSO), Amusement Industry Manufacturers and Suppliers International (AIMS), Council for Amusement and Recreational Equipment Safety (CARES), Glenn Barclay and Associates or any nationally recognized amusement ride organization, ride inspector or ride safety training programs conducted or sanctioned by state or local government amusement ride regulatory agencies in any jurisdiction, exempt permanent facilities in the state of Florida, and vocational training programs that reasonably relate to amusement ride

safety or inspection, or other nationally recognized programs relating to amusement ride inspection or ride safety in their respective school. Nondestructive testing training that meets the requirements of ASNT may be substituted for up to half of the required hours of continuing education.

(e) If the applicant possesses the requisite qualifications the department will provide the applicant a letter designating that person as a qualified inspector for the purpose of executing the Affidavit of Compliance and Affidavit of Nondestructive testing required for the annual permit and will assign a qualified inspector number which shall be used when executing the required affidavits. The letter of authorization and qualified inspector number issued by the department to a qualified inspector shall be valid for up to one year, if the applicant continuously possesses the qualifications required by s. 616.242(1), F.S.

(f) The department acknowledges the amusement ride inspection, safety and education programs of NAARSO, AIMS, CNA Insurance, Glynn Barclay and Associates, and the Pennsylvania Amusement Ride Safety Seminar, as educational programs meeting the department's requirements to certify a qualified inspector.

(g) A sponsor or an attendee of any school or seminar that concerns, or is reasonably related to, amusement ride inspection or ride safety may request consideration as an educational program which meets the requirements of this rule by contacting the Bureau Chief, Bureau of Fair Ride Inspections, Suite N, Administration Building, 3125 Conner Boulevard, Tallahassee, Florida 32399-1650, Phone 850/488-9790; FAX: 850/488-9023.

(2) Each person seeking authorization to perform amusement ride inspection as a professional engineer (PE) and execute the Affidavit of Compliance or Affidavit of Nondestructive Testing required for the Annual Permit shall submit to the department a copy of his or her professional engineer's license issued by the Department of Business and Professional Regulation of the State of Florida or the equivalent licensing body in another state. Upon receipt of proof of current licensure the department will provide the applicant a letter of authorization to act as a qualified inspector, and will assign a qualified inspector number which shall be used when executing any required affidavit, for the purpose of executing the Affidavit of Compliance and Affidavit of Nondestructive testing required for the annual permit. The letter of authorization and qualified inspector number shall remain valid for up to one year, or until expiration of the professional engineer's license and may be renewed upon presentation of the new professional engineer's license.

(3) When a qualified inspector or PE ceases to possess the qualifications required by s. 616.242(1), F.S., the letter of authorization from the department shall be void, and that

person shall immediately notify the department, cease to act as a qualified inspector and surrender the letter of authorization back to the department.

Specific Authority 616.165, 616.242(3)(q),(5) FS. Law Implemented 616.242 FS. (2000) History--New 9-15-92, Amended 2-23-94, 2-14-99,_____.

5F-8.024 Exempt Nonmotorized or Human Powered Amusement Rides.

The following amusement rides, and those of comparable construction or function, are exempt from permitting and inspection by the Department pursuant to s. 616.242(10)(b), F.S., because they are nonmotorized or human powered.

(1) Orbitron, Gyro Sphere or other comparable equipment that allows the patron to rotate on several axes without mechanical assistance.

(2) Climbing Walls, Rock Climbs or other comparable equipment, which allows the patron to climb a vertical wall without mechanical assistance.

(3) Trampolines, or other comparable equipment, which use elastic cords to prevent a patron from falling from the trampoline. The elastic cords also assist the patron with jumping, but no additional mechanical assistance is provided.

(4) Single carrier "Spin the Apple" ride or other comparable equipment, which is mounted in a stationary position and is not motorized. The patron rotates the carrier by physically pushing against a wheel on the ride center.

(5) A "Swinging Gym" or other comparable equipment where the patron, through physical effort, swings on a frame supported platform and attempts to propel the platform in a 360 degree arc.

(6) "Ore cars" or other comparable equipment which are human powered train cars that are propelled around a flat track by the patron's physical effort.

Specific Authority 616.165, 616.242 (4)(b),(10)(b) FS. Law Implemented 616.242 FS. (2000) History--New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Isadore Rommes, Bureau Chief, Bureau of Fair Rides Inspection 3125 Conner Boulevard, Suite N, Tallahassee, Florida 32399-1650, Phone (850)488-9790, Fax (850)488-9023

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Ben Faulk, Director, Division of Standards, 131 Administration Building, 3125 Conner Boulevard, Tallahassee, Florida 32399-1650, Phone (850)488-0645, Fax (850)922-8971

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 9, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 8, 2001 in Vol. 27, No. 23, FAW

DEPARTMENT OF TRANSPORTATION

RULE CHAPTER TITLE: Incorporation by Reference
 RULE CHAPTER NO.: 14-15

RULE TITLE: Manual on Uniform Traffic Control Devices
 RULE NO.: 14-15.010

PURPOSE AND EFFECT: This is a fast track amendment to Rule 14-15.010, F.A.C., to adopt Errata No. 1 to the new Millennium Edition (December 2000) *Manual on Uniform Traffic Control Devices*, under the provisions of Section 120.54(6), Florida Statutes.

SUMMARY: This amendment adopts Errata No. 1 to the Millennium Edition (December 2000) *Manual on Uniform Traffic Control Devices*, under the provisions of Section 120.54(6), Florida Statutes.

SPECIFIC AUTHORITY: 316.0745(1), 334.044(2) FS.

LAW IMPLEMENTED: 316.0745(2),(3),(7), 335.09, 335.14, 339.05 FS.

THIS RULEMAKING IS UNDERTAKEN PURSUANT TO SECTION 120.54(6), FLORIDA STATUTES.

WRITTEN COMMENTS MAY BE SUBMITTED WITHIN 14 DAYS OF THE DATE OF THIS NOTICE TO: 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

SUBSTANTIALLY AFFECTED PERSONS MAY WITHIN 14 DAYS OF THE DATE OF THIS NOTICE, FILE AN OBJECTION TO THIS RULEMAKING WITH THE AGENCY. THE OBJECTION SHALL SPECIFY THE PORTIONS OF THE PROPOSED RULE TO WHICH THE PERSON OBJECTS AND THE SPECIFIC REASONS FOR THE OBJECTION.

THE FULL TEXT OF THE PROPOSED RULE IS:

14-15.010 Manual on Uniform Traffic Control Devices. The Federal Highway Administration *Manual on Uniform Traffic Control Devices*, Millennium Edition (December 2000), which became effective January 17, 2001, as amended by Errata No. 1 dated June 14, 2001, is hereby incorporated by this rule and made a part of the rules of the Department of Transportation. This federal document is available for downloading from the internet at the Federal Highway Administration's website as listed as follows: <http://mutcd.fhwa.dot.gov/kno-millennium.htm>. A certified copy has been filed with the Department of State.

PROPOSED EFFECTIVE DATE: August 15, 2001.

Specific Authority 316.0745(1), 334.044(2) FS. Law Implemented 316.0745(2),(3),(7), 335.09, 335.14, 339.05 FS. History--New 7-15-79, Amended 1-8-81, 8-15-85, Formerly 14-15.10, Amended 11-29-89, 4-25-95, 1-15-99, 4-5-00, 3-7-01, 8-15-01.

DEPARTMENT OF TRANSPORTATION

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Highway Beautification and Landscape Management	14-40
RULE TITLES:	RULE NOS.:
Grant Process	14-40.020
Funding, Construction, and Maintenance of Beautification Projects	14-40.021
Florida Highway Beautification Council Grant Process	14-40.022

PURPOSE AND EFFECT: Part II, Florida Highway Beautification Council, is being amended. Part I, General Provisions, and Part III, Vegetation Management at Outdoor Advertising Signs, are being amended by a separate notice.

SUMMARY: This is an amendment to Part II, Florida Highway Beautification Council Grants.

SPECIFIC AUTHORITY: 334.044(2), 337.2505(1), 339.2405 FS.

LAW IMPLEMENTED: 335.167, 337.405, 339.2405 FS.

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 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 SCHEDULED AND ANNOUNED IN THE FAW:

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:

14-40.020 Grant Process Procedure.

(1) Definitions.

(a) “Applicant” means a local governmental entity, as defined in Section 11.45(1)(d), Florida Statutes, or a local highway beautification council.

(b) “Department” means the Florida Department of Transportation.

(c) “FHBC” means the Florida Highway Beautification Council.

(2)(4) Application Process Procedure.

(a) Applications for highway beautification grants from the Florida Highway Beautification Council (FHBC) ~~must~~ shall be filed and processed in accordance with this Rule Chapter. ~~The grant application procedure shall be administered by the Department District Maintenance Engineers. Applicants should contact the appropriate District Maintenance Office~~

~~prior to beginning the application process to determine if the proposed Highway Beautification Project is within the limits of a proposed Department construction project in the five year work program to avoid conflicts with future proposed construction. Applicants should meet and work with the District during preparation of the application and landscape plan. The specific processing steps to be followed are:~~

1. Prior to submitting a grant request, applicants must prepare a landscape plan and have it reviewed by the District Landscape Manager. Following the review, the applicant must make any plan revisions required by the District Landscape Manager prior to approval. The plan shall be prepared in accordance with this rule chapter. The Department’s landscape plan review, revision, and approval process may require up to 120 days.

~~2.1- After the landscape plan has been approved by the District Landscape Manager, in accordance with subsection 1. above, the applicant must shall submit grant requests on a completed Florida Highway Beautification Council Grant Application, Form 850-060-01, Rev. 04/00 08/97, (hereinafter “grant application”) incorporated herein by reference, to the Department District Maintenance Engineer having jurisdiction over the state highway on which the beautification project is proposed. Copies of the grant application form and instructions for completing the grant application may be obtained from Department District Maintenance Offices, District Public Information Offices, Area Maintenance Offices, Central Public Information Office, or by writing to the Environmental Management Office, 605 Suwannee Street, Mail Station 37, Tallahassee, Florida 32399-0450. The grant This application must shall designate the Department fiscal year in which the grant applicant would like the application considered for FHBC action and possible funding. The grant application must is to be accompanied by the draft agreements and plans which were approved in accordance with subsection 1. above as described in Rule Section 14-40.003(3).~~

~~3.2- The grant application must shall be complete and must shall contain all of the information required in Section 339.2405(11), Florida Statutes. The specific information required shall be documented and explained on the application. The applicant may make corrections, additions, or deletions to the grant applications and resubmit the grant application them at any time prior to the due date as required in sSubparagraph 4.3: below.~~

4.3- Grant Applications may be submitted at any time of the year. In order for the FHBC to consider a grant application for any Department state fiscal year, ten copies of the completed grant an application must be received by the appropriate District Maintenance Engineer by February 1 of the prior Department fiscal year. When requested by the District Maintenance Engineer, additional copies will be provided. Incomplete grant Any applications will received after the due date for the requested fiscal year shall be returned

to the applicant. An applicant may resubmit any returned grant application for consideration for a future fiscal year. Grant applications which are not accompanied by an approved set of plans will not be considered complete. Accordingly, it is the responsibility of the applicant to submit plans for approval under subsection 1. in time to allow approval prior to the grant application submittal deadline for the appropriate Department fiscal year.

5. In accordance with Section 215.01, Florida Statutes, the Department's fiscal year begins on July 1 and ends on June 30.

6.(b) In order to distribute the available funds to the greatest number of applicants, each grant award shall be limited to a maximum of 10% of the total Florida Highway Beautification Council Grants budget, or \$25,000, whichever is greater. Applicants may submit an unlimited number of grant requests, for any number of project sites.

(2) Processing Applications. Upon receipt of an application, the District Maintenance Engineer, within 90 days, shall review and determine whether the application meets the requirements of this rule.

(a) The proposal must meet all federal and state regulations and all Department requirements for safety as related to the placement of plant materials within the Department's right of way as contained in Rule Section 14 40.003(3). Copies of the incorporated materials may be obtained by writing to: Environmental Management Office, 605 Suwannee Street, Mail Station 37, Tallahassee, Florida 32399-0450.

7.(b) The applicant's governing body must have passed a resolution approving the grant application and authorizing the individual who signs the grant application for chief executive officer of the local government to execute agreements and documents associated with the grant request, including a Highway Beautification Grant Agreement. A copy of such resolution shall be included with the application.

(c) Signing and sealing of landscaping plans submitted for consideration under the grant program shall be in accordance with Part II of Chapter 481, Florida Statutes, Landscape Architecture.

(d) After the District Maintenance Engineer has determined that the application is sufficient, the District Maintenance Engineer shall sign the application and forward the application to the FHBC staff coordinator. This signature will indicate to the FHBC that the application is sufficient, and that it is ready for action by the FHBC. The Department will return to the applicant any applications which are not sufficient.

(e) The FHBC staff coordinator shall maintain a file of all sufficient applications received. A report shall also be maintained identifying all applications which have been received, reviewed, and approved by the Department on which the FHBC has not taken action. This report shall be provided to the FHBC Chairman at intervals determined by the FHBC.

(3) Award of Grants.

(a) The FHBC ~~must shall~~ provide the Department a list of prioritized projects with recommended funding levels by the first day of the fiscal year. In order to distribute the available funds to the greatest number of applicants, each grant award must be limited to a maximum of 10% of the total FHBC grants budget, or \$25,000, whichever is greater.

(b) Offers of grant awards ~~must shall~~ be made by the Department by certified letter to the applicant named in the grant application, detailing the grant award.

(c) An applicant ~~must shall~~ accept a grant by sending a certified letter of acceptance by certified mail to the Department's District Secretary, with copies to the Department's District Maintenance Engineer and the FHBC staff coordinator, so stating within a period of 15 days from the date of receipt of the offer of the award.

(d) The responsible District will execute all necessary agreements or notify the FHBC Staff Coordinator if those agreements cannot be executed. No funds will be released by the Department until the Grant Agreement, and any construction and maintenance agreements, all necessary agreements are executed.

(e) All funding of grants is contingent upon legislative appropriations.

(4) Execution of Grant Agreement.

(a) It will be the responsibility of the applicant to ensure that the Grant Agreement, and any other construction and maintenance agreements all agreements associated with the grant proposal, are fully executed by the applicant within a ~~period of 90 days~~ after the agreements are sent to the applicant by the District ~~for execution~~. Failure to comply with this requirement will result in the grant offer being withdrawn. The grant may be awarded to another applicant. Future Grant applications from an this applicant who fails to comply with this subsection will not shall neither be accepted ~~nor ranked~~ for a period of two grant years.

(b) The Grant Agreement between the applicant and the Department ~~must state shall stipulate~~:

1. The intended use of the ~~What is to be accomplished using grant monies,~~ as described in the grant application.

2. The payment terms for the grant (e.g., lump sum reimbursement or progress payments for long term work).

3. Any ~~penalties or~~ actions which the Department will take in the event of noncompliance by the applicant local government.

4. The methods to be used by the Department to determine compliance with the terms of the grant and the agreement.

Specific Authority 334.044(2), 337.2505(1) FS. Law Implemented 335.167, 337.405, 339.2405 FS. History--New 1-19-99, Amended.

14-40.021 Funding, Construction, and Maintenance of Beautification Projects.

(1) Grant Agreement Required Prior to Funding Project.

(a) A Florida State Highway Beautification Grant requested under this Rule Chapter may not be funded until a Grant Agreement, and any construction and maintenance agreements, have highway beautification grant agreement has been executed between the Department and the applicant appropriate local government entity.

(b) If a Highway Beautification Grant is awarded for a location where a Grant Agreement, or any highway landscape construction and maintenance memorandum of agreements, or a highway landscaping maintenance memorandum of agreement already exists between the Department and a the applicant local government, that location must the area of the Highway Beautification Grant shall be removed from the Grant Agreement and any construction or maintenance agreements area compensated for by the agreement to ensure that no overlapping payments will be provided by the Department.

(2) Review of Landscape Project During and After Construction.

(a) ~~The District Secretary shall ensure that the terms of the agreements executed under this Rule Chapter are enforced.~~

(a)(b) The FHBC has reserves the right to inspect and/or review landscape projects funded by FHBC grants for completeness, during construction, prior to final acceptance by the Department. The District Maintenance Engineer shall notify the FHBC Staff Coordinator 30 days prior to final acceptance of a project to allow for such a review by the FHBC.

(b)(c) The Department must FHBC staff coordinator or a designee shall review and approve construction of the landscape project's as a condition of construction prior to final acceptance.

(c)(d) The individual(s) who signed the agreements on behalf of the grant recipient, or the grant recipient's designee, shall certify that the project is implemented as specified in the Grant Agreement, and any cConstruction and mMaintenance aAgreements, and shall provide a certification of completion before the final invoice is submitted for the project.

Specific Authority 334.044(2), 337.2505(1) FS. Law Implemented 335.167, 337.405, 339.2405 FS. History--New 1-19-99, Amended.

14-40.022 Florida Highway Beautification Council Grant Process Procedure.

This rule sets forth the FHBC's process Florida Highway Beautification Council's procedure for evaluating and ranking applications for grants, pursuant to Section 339.2405(7)(a)4., Florida Statutes.

(1) The FHBC Council will develop a prioritized list, ranked in numerical order, of all applications reported to be sufficient by the Department's of Transportation's District Maintenance Engineer.

(a) The FHBC Council will evaluate the applications based on the following attributes:

1. Appropriateness of the design for the location.

2. Use of desirable native, hybrid native, or naturalized plant materials.

3. Use of wildflowers.

4. Irrigation requirements matched to plant needs and water conservation requirements.

5. Emphasis on low maintenance requirements.

6. Aesthetic values.

7. Contribution to noise abatement, visual screening, and/or the correction of other environmental problems.

8. Evidence of local governmental and community support.

9. Use of imaginative design concepts.

10. Provisions for minimal impacts on traffic safety during maintenance operations.

11. Contribution to an area wide or regional beautification plan.

12. Cost effectiveness.

13. Feasibility of installation and maintenance.

14. Demonstration of the use of environmentally sensitive materials, such as solid yard waste compost as described in Rule 62-709.515, F.A.C., or the use of reuse water, in the construction or maintenance of the project for which a Florida Department of Environmental Protection permit is required, in the construction or maintenance of the project.

15. Value to the community.

(b) The FHBC Council will assign a numerical score to each application by:

1. Establishing a range of numbers weighted for each attribute. Each attribute is assigned a value range of ten points, for a total possible score of 150 140.

2. Reviewing each application and assigning a numerical score in the established range for each attribute.

3. Summing all the attribute scores for a total application numerical score.

(c) Applications will shall be ranked in priority by numerical score, the highest numerical score being ranked the highest priority.

(d) Applicants Cities and counties that have not maintained their landscape projects according to the terms of a Grant Agreement, and any construction or maintenance agreements highway landscape construction and maintenance memorandum of agreement or a highway landscaping maintenance memorandum of agreement, and have not corrected deficiencies within the allotted time addressed by the agreement, shall not be eligible for a grant for a two-year period.

(2) The FHBC Council will provide the Department of Transportation with a list of prioritized projects, with recommended funding levels, by the first day of the fiscal year in which the funds are available.

Specific Authority 339.2405 FS. Law Implemented 339.2405(7)(a)4. FS. History--New 3-9-99, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Jeff Caster

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Kenneth Morefield, Assistant Secretary for Transportation Policy, for Thomas F. Barry, Jr., P.E., Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 10, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 30, 2001

DEPARTMENT OF TRANSPORTATION

RULE CHAPTER TITLE: Conformance of Nongovernmental

RULE CHAPTER NO.: 14-110

Entities to Uniform System of Traffic Control Devices

RULE TITLE: Conformance of Nongovernmental Entities to

RULE NO.: 14-110.001

Uniform System of Traffic Control Devices

PURPOSE AND EFFECT: The subject rule is identical to the law implemented, being Section 316.0747(2), Florida Statutes, except for one closing gratuitous and unnecessary sentence. Further the *Manual on Uniform Traffic Control Devices* (MUTCD), incorporated by reference under Rule 14-15.010, already applies to signs and other traffic control devices in the state.

SUMMARY: The rule, which essentially is the same as Section 316.0747(2), Florida Statutes, needs to be repealed.

SPECIFIC AUTHORITY: 334.044(2) FS.

LAW IMPLEMENTED: 316.0745, 316.0747 FS.

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

Any person who wishes to provide information regarding the statement of estimated regulatory 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 SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE 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 RULE IS:

14-110.001 Conformance of Nongovernmental Entities to Uniform System of Traffic Control Devices.

Specific Authority 334.044(2) FS. Law Implemented 316.0745, 316.0747 FS. History—New 7-6-93, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Jack Brown, State Traffic Operations Engineer

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Kenneth Morefield, Assistant Secretary for Transportation Policy, for Thomas F. Barry, Jr., P.E., Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 10, 2001

DEPARTMENT OF CORRECTIONS

RULE TITLES: Food Services – Definitions

RULE NOS.: 33-204.002

Food Services – Standards of Operation

33-204.003

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to correct technical matters, add applicable definitions, and clarify procedures relating to food service.

SUMMARY: The proposed rules adds applicable history notes for the rules, clarifies titles of key staff members, updates references to forms, adds definitions for applicable terms, adds provisions relating to the National Child Nutrition Program, and clarifies procedures for substitutions from the master menu.

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: 20.315, 944.09 FS.; Child Nutrition Act of 1966, 42 USC § 1773, Richard B. Russell National School Lunch Act, 42 USC § 1751 et seq.

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 RULES 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 RULES IS:

33-204.002 Food Services – Definitions.

For the purposes of this chapter:

(1) “Master menu” means the menu which is designed to be served at all facilities to provide uniformity in items served to each inmate. The master menu shall be planned under the direction of the department’s master menu committee. It should be certified nutritionally adequate as determined by a licensed registered dietitian. The master menu shall provide all Recommended Dietary Allowances or Dietary Reference Intakes as established by the Food and Nutrition Board of the

National Academy of Sciences. The Recommended Dietary Allowances and Dietary Reference Intakes are incorporated by reference in Rule 33-204.003, F.A.C.

(2) through (3) No change.

(4) "Master Menu Committee" consists of the central office's Bureau of Food Services staff as designated by the bureau chief, the public health nutrition program manager, the field food service ~~managers~~ ~~coordinators~~, the central office food service managers, and the field public health nutrition consultants. The chief of food services has the authority to invite other staff.

(5) "Centers" refers to work release centers, ~~probation and restitution centers~~ and drug treatment centers.

(6) "National Child Nutrition Program." (NCNP), refers to the National School Breakfast Program and School Lunch Program through which reimbursement is received by the department for eligible breakfast and lunch meals. Eligible meals contain specifically required components as defined by the program for the purpose of meeting minimal nutritional requirements. The Food and Nutrition Service, a subdivision of the United States Department of Agriculture, administers the programs which have as their objective the provision of a healthful diet and nutrition in a manner that supports American agriculture and inspires public confidence, pursuant to the Child Nutrition Act of 1966, 42 USC § 1773, and the Richard B. Russell National School Lunch Act, 42 USC § 1751 et seq. The department utilizes the programs to provide enhanced nutrition for qualified and participating inmates under the age of 21 at participating facilities. To qualify and participate, the inmate must be under the age of 21, be housed in an NCNP designated housing, and be located at a participating facility.

(7) "Master Menu Manual" refers to that food service technical manual that provides procedural information, such as daily menus, production sheets, and recipes for the service of the regular menu, the alternate entrée and vegan meal pattern, religious and secular holiday menus, the special management meal, and sack lunches.

Specific Authority 20.315, 944.09 FS. Law Implemented 20.315, 944.09 FS., Child Nutrition Act of 1966, 42 USC § 1773, Richard B. Russell National School Lunch Act, 42 USC § 1751 et seq. History—New 1-18-89, Amended 7-21-97, Formerly 33-30.002, Amended 8-9-00, 11-16-00, _____.

33-204.003 Food Services – Standards of Operation.

(1) General. Inmates in general population shall receive three meals per day, of which at least two shall be hot meals. The meals shall be provided at regular meal times during each 24-hour period, with a period of no more than 14 hours between the end of the evening meal and the beginning of the morning meal, weather and security permitting. The warden or work release center major shall be allowed to authorize an altered meal schedule of two meals for approved holidays listed in the master menu manual, but both must be hot meals. Holiday substitutions that deviate from the master menu must be approved in advance by the chief of food services or the

central office food service managers ~~coordinator~~. An alternate meal schedule for therapeutic diets shall provide regular meal times during each 24-hour period with no more than 14 hours between the end of the evening and the beginning of the morning meal.

(2) Confinement.

(a) All inmates in confinement shall receive normal institutional meals as are available to the general population, except that if any item on the normal menu or any food utensil might create a security problem in the confinement area, then another item of comparable quality or other appropriate utensils shall be substituted. Substitutions shall be documented on the Daily Record of Segregation confinement, Form ~~DC6-229 DC4-815~~. Form ~~DC6-229 DC4-815~~ has been previously incorporated by reference in Rule Section 33-602.220, F.A.C.

(b) Hot food shall be served hot and cold food shall be served cold in accordance with the standards of the State Sanitary Code, Department of Health, Chapter 64E-11, F.A.C.

(c) The provisions of Rule section 33-602.223, F.A.C., shall be utilized in placing inmates on the special management meal.

(d) No change.

(3) Menus. The Recommended Dietary Allowances or the Dietary Reference Intakes of the Food and Nutrition Board – National Academy of Sciences shall serve as the standard for the preparation of menus and the evaluation of menus served. The Recommended Dietary Allowances and the Dietary Reference Intakes of the Food and Nutrition Board are hereby incorporated by reference. A copy of the Recommended Dietary Allowances or the Dietary Reference Intakes may be obtained from the Bureau of Food Services, Office of Administration, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. The effective date of the Revised Recommended Dietary Allowances is January 18, 1989. The Dietary Reference Intakes were copyrighted in 2001 ~~2000~~.

(a) through (c) No change.

(d) The master menu shall be adhered to except that specific menus and menu items are subject to change by the person in charge of food service at each facility due to production problems, product availability, cost, or security issues. When menu substitutions are required, the substitutions will be from the same food group as the original menu item. Menu substitutions will be initially reviewed and approved by a field food service manager. If menu substitutions are determined to deviate from the list of approved substitutions, they will be referred by the field food service manager to the central office public health nutrition program manager for evaluation and final approval. The master menu manual provides a list of appropriate substitutions within food groups.

(e) ~~(d)~~ All vegetables shall be prepared without meat, meat fat, meat-based broth or butter so as to be suitable for ~~all~~ religious and strict vegetarian diets.

(4) Sanitation.

(a) All food service areas shall meet the standards of the State Sanitary Code, Department of Health, Chapter 64E-11, ~~F.A.C Florida Administrative Code~~. Food and beverages shall not be consumed in food preparation areas.

(b) Personnel assigned to food service shall meet the standards set by the State Sanitary Code, Department of Health Rule 64E-11.005, ~~F.A.C Florida Administrative Code~~.

(c) The individual responsible for food service at the institution or facility shall be responsible for the following:

1. Writing instructions for the operation and cleaning of the physical plant, equipment and utensils. A current copy of these instructions shall be forwarded to the regional food service ~~manager coordinator~~ for review ~~initially and as revised~~ to check for compliance with the State Sanitary Code, Department of Health Rule 64E-11.005, ~~F.A.C Florida Administrative Code~~.

2. through (5) No change.

(6) Security. The ~~person in charge of food service food service director~~ and ~~correctional officer~~ chief of security shall jointly write and post a plan and schedule for supervision of inmates during meals. The ~~correctional officer~~ chief of security shall be responsible for enforcement of the written plan for control.

(7) Therapeutic Diets. Therapeutic diets for medical or dental reasons shall be provided as ordered by a Department of Corrections credentialed physician, clinical associate (physicians assistant, advanced registered nurse practitioner) or dentist. All orders for therapeutic diets shall be in writing utilizing the Diet Prescription/Order, Form DC4-728. A copy of this form is available from the Forms Control Administrator, Office of the General Counsel, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. The effective date of this form is August 9, 2000. Non-standard ~~therapeutic modified~~ diets shall be approved by the public health nutrition program manager and the regional medical executive director. Therapeutic diets shall be served for a maximum of 90 days. Diets extending for periods longer than 90 days shall require a new diet order from the attending Department of Corrections credentialed physician, clinical associate (physicians assistant or advanced registered nurse practitioner) or dentist. Diet prescription orders must be received in food services prior to the expiration of the current prescription to avoid interruption of the ~~therapeutic modified~~ diet. The Bureau of Food Services shall be responsible for providing consultation to health and food service personnel regarding therapeutic diets.

(8) No change.

(9) National Child Nutrition Program.

(a) It is the intent of the department that all institutions that qualify will participate in the National Child Nutrition Program. To qualify, an institution will have a sufficient

number of offenders qualified to be NCNP participants so that adequate revenues will be generated to offset the costs associated with implementing program requirements.

(b) The youthful offender master menu will be utilized to provide enhanced nutrition to program participants who are under the age of 21.

Specific Authority 20.315, 944.09 FS. Law Implemented 20.315, 944.09 FS., Child Nutrition Act of 1966, 42 USC § 1773, Richard B. Russell National School Lunch Act, 42 USC § 1751 et seq. History--New 1-18-89, Amended 7-21-97, Formerly 33-30.003, Amended 8-9-00, 11-16-00.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Kathleen Fuhrman

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 3, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 15, 2001

DEPARTMENT OF CORRECTIONS

RULE TITLE: Early Termination of Supervision

RULE NO.: 33-302.111

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to establish procedures relating to early termination of supervision.

SUMMARY: The proposed rule establishes eligibility criteria for consideration for early termination and establishes routing and notification procedures for recommendations for early termination.

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: 948.04 FS.

LAW IMPLEMENTED: 944.09, 948.04 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 Lylen 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:

33-302.111 Early Termination of Supervision.

(1) Correctional probation officers shall consider recommendations for early termination of supervision on offenders who meet the following criteria:

(a) Completion of one-half of the supervision period or at least eighteen months, whichever is greater;

(b) Payment in full of restitution, fines, and court costs;

(c) Cost of supervision is current;

(d) All special conditions of supervision are fulfilled;

(e) An FCIC/NCIC records check reveals no new arrest during the course of supervision of which the sentencing or releasing authority has not been previously notified;

(f) No violations of supervision are pending, and;

(g) The offender has made significant life improvements and is no longer in need of supervision.

(2) The officer will also take into account other factors before recommending an early termination including:

(a) The seriousness of the offense;

(b) The offender's prior record;

(c) Any potential threat to the community resulting from early termination of supervision;

(d) The offender's previous supervision history; and,

(e) Known objection from the victim, victims, or the State Attorney's office in the county from which the sentence originated.

(f) Offenders placed on probation or community control for a violation of Chapter 794 or Chapter 827, F.S., shall be subject to the maximum level of supervision, and that supervision shall continue through the full term of the court imposed probation or community control, as provided in Section 948.04, F.S.

(3) Once a recommendation for early termination is approved by a supervisor, a request must be sent to the State Attorney's Office requesting their approval.

(a) If the offense involved a victim, the officer will request the State Attorney's Office to obtain the victim's consent to the early termination. The Recommendation to Early Terminate Probation or Community Control, Form DC3-272, or a letter that contains the information required in Form DC3-272, shall be forwarded to the State Attorney's office, citing the officer's justification for an early termination of supervision. Form DC3-272 is hereby incorporated by reference. A copy of this form may be obtained from the Forms Control Administrator, Office of the General Counsel, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. The effective date of this form is _____.

(b) If the State Attorney's office denies the request, or the victim opposes the early termination, the officer shall notify the offender that the department will not proceed with the early termination recommendation. The officer shall not disclose a victim's objection to the offender.

(4) If the State Attorney's Office approves the recommendation, and the victim does not oppose the early termination, the officer shall prepare a Petition For and Termination of Probation, Form DC3-257, and a letter to the judge outlining the offender's history of supervision and

reasons for recommending the early termination. Form DC3-257 is hereby incorporated by reference. A copy of this form may be obtained from the Forms Control Administrator, Office of the General Counsel, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. The effective date of this form is _____.

(5) If the State Attorney's office is unable to contact the victim, the officer shall attempt to contact the victim by telephone or by certified letter to provide the victim with an opportunity to have input on the offender's early termination request. If no response is received from the victim, this shall be reported to the judge in the officer's letter.

(6) The officer shall notify the offender of the judge's decision upon receipt of the judge's response, and if the petition for early termination is granted, the officer will review the restoration of civil rights process with the offender and provide her or him with a copy of Form DC3-257.

Specific Authority 944.09 FS. Law Implemented 944.09, 948.04 FS. History—New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Shari Britton

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Michael W. Moore

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 8, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 18, 2001

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Funeral Directors and Embalmers

RULE TITLE: RULE NO.:

Forms and Instructions 61G8-14.007

PURPOSE AND EFFECT: Rule 61G8-14.007 will set forth changes to the Forms and Instructions.

SUMMARY: The rule amendment is for the purpose of updating the Forms and Instructions.

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: 120.53, 470.005 FS.

LAW IMPLEMENTED: 120.53, 470.006, 470.007, 470.008, 470.009, 470.010, 470.0101, 470.011, 470.012, 470.013, 470.014, 470.015, 470.016, 470.018, 470.023, 470.029 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 Funeral Directors and Embalmers, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

(Substantial rewording of Rule 61G8-14.007 follows. See Florida Administrative Code for present text)

61G8-14.007 Forms and Instructions.

Below are forms which are hereby incorporated by reference and will be effective , copies of which may be obtained from the Board office.

(1) Application for Direct Disposer Funeral Director Embalmer, DBPR/Funeral/Form.01/Rev. 02/01.

(2) Verification of Licensed Embalmer and/or Funeral Director DBPR/Funeral/Form.02/Rev. 02/01.

(3) Registration for Embalmer/Funeral Director Internship DBPR/Funeral/Form.03/Rev. 02/01.

(4) Notice of Change of Status Form DBPR/Funeral/Form.04/Rev.03/01.

(5) Intern Training, DBPR/Funeral/Form.05/Rev.02/01.

(6) Licensure of a Funeral Establishment, DBPR/Funeral/Form.06/Rev.02/01.

(7) Application for Approval as a Training Agency, DBPR/Funeral/Form.07/Rev.03/01.

(8) Licensure of a Cinerator Facility, DBPR/Funeral/Form.08/Rev.02/01.

(9) Funeral Establishment, DBPR/Funeral/Form.09/Rev.02/01.

(10) Direct Disposal Establishment, DBPR/Funeral/Form.10/Rev. 02/01.

(11) Cinerator Facility, DBPR/Funeral/Form.11/Rev. 02/01.

(12) Centralized Embalming Facility, DBPR/Funeral/Form.12/Rev. 02/01.

(13) Registraton for Embalmer Apprenticeship, DBPR/Funeral/Form.13/Rev.02/01.

(14) Quarterly Report of Embalmer Apprentice Training, DBPR/Funeral/Form.14/Rev.02/01.

(15) Application for Licensure of a Centralized Embalming Facility, DBPR/Funeral/Form.15/Rev.02/01.

(16) Application for Licensure of a Direct Disposal Establishment, DBPR/Funeral/Form.16/Rev.02/01.

(17) Application for Licensure of a Refrigeration Service, DBPR/Funeral/Form.17/Rev.02/01.

(18) Application for Licensure of a Removal Service, DBPR/Funeral/Form.18/Rev.02/01.

(19) Provider Approval Application, DBPR/Funeral/Form.19/Rev/6/01.

(20) Course Approval Application, DBPR/Funeral/Form 20/rev.6/01.

Specific Authority 120.53, 470.005 FS. Law Implemented 120.53, 470.006, 470.007, 470.008, 470.009, 470.010, 470.0101, 470.011, 470.012, 470.013, 470.014, 470.015, 470.016, 470.018, 470.023, 470.029 FS. History--New 11-11-79, Amended 11-9-82, Formerly 21J-14.07, 21J-14.007, Amended 4-16-95.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Funeral Directors and Embalmers

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Funeral Directors and Embalmers

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 8, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 31, 2001

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Funeral Directors and Embalmers

RULE TITLE: Approval of Continuing Education Courses RULE NO.: 61G8-17.0042

PURPOSE AND EFFECT: The board proposes to amend the existing rule by updating the rule text.

SUMMARY: The rule amendments are for the purpose of updating the approval of continuing education courses.

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: 470.005, 470.016, 455.02, 470.005(1), 455.213(7),(8) FS.

LAW IMPLEMENTED: 470.016, 455.02, 455.213(7),(8) 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 Funeral Directors and Embalmers, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

(Substantial rewording of Rule 61G8-17.0042 follows. See Florida Administrative Code for present text)

61G8-17.0042 Approval of Continuing Education Courses.

(1) A Continuing education course shall be approved for a maximum of two (2) years by the Board and issued a course number if the materials submitted are complete and demonstrate that the course covers approved subject matter.

(2) The course provider must submit to the Board, in writing, notice of any changes in the information provided in the initial request for course approval. This notification must be made within 30 days following the date the change is effective.

(3) Approved subject matter includes, as appropriate to the scope of practice of the licensee to whom credit shall be awarded.

(a) Basic theory and practice of funeral directing, embalming, or direct disposal services.

(b) Technical subjects including mortuary sciences, skill and technique development, scientific applications, and other topics specific to the overall practice of funeral directing, embalming, or direct disposal of human remains.

(c) Communicable diseases including transmission, sterilization techniques, risk education methods in practice of professional services, and Human Immunodeficiency Virus and Acquired Immune Deficiency Syndrome relative to precautions and risk reduction in the workplace.

(d) Public health and safety subjects including grief management, stress management, risk management, biohazardous and hazardous waste, and pathology.

(e) Subjects dealing with licensees' legal and ethical responsibilities, including the laws and rules governing the practice.

(4) Approved continuing education providers shall submit to the board, an application for approval of each continuing education course on the form referenced in Rule 61G8-14.007.

(5) No retroactive credit shall be granted if a provider improperly offers a course prior to approval, even if the course is subsequently approved.

(6) The application shall include the total number of continuing education hours, the course syllabus, a detailed outline or synopsis of the contents of the course, and the name and qualification of the instructors or authors.

(7) Continuing education courses which appropriately relate to the practice of embalming, funeral directing and direct disposition and which contain sufficient education content to improve the skills, competency and knowledge of the laws and rules which govern the professional duties of licensees, shall be approved.

Specific Authority 470.005(1), 455.213(7),(8) FS. Law Implemented 455.213(7),(8) FS. History--New 4-10-94, Amended 3-14-95, 7-25-95, 9-25-95,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Funeral Directors and Embalmers

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Funeral Directors and Embalmers

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 9, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 31, 2001

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Surveyors and Mappers

RULE TITLE: Re-examination

RULE NO.: 61G17-4.007

PURPOSE AND EFFECT: The Board proposes to strike unnecessary language from this rule.

SUMMARY: This proposed amendment deletes rule text limiting applicants to consecutive examination dates.

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(2), 472.013 FS.

LAW IMPLEMENTED: 455.217(2), 472.013 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:

61G17-4.007 Re-examination.

An individual who fails to pass or take the examination as scheduled may re-take the examination upon payment of the proper fee at the next regularly scheduled examination. ~~If an applicant fails to take the examination on two consecutive regularly scheduled examination dates, the applicant shall be required to re-apply and pay the appropriate fee.~~

Specific Authority 455.217(2), 472.013 FS. Law Implemented 455.217(2), 472.013 FS. History--New 1-3-80, Formerly 21HH-4.07, 21HH-4.007, Amended 5-30-95,_____.

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

(3) through (5) No change.

Specific Authority 465.005 FS. Law Implemented 456.036, 456.064, 465.008 FS. History—New 3-19-79, Formerly 21S-6.05, Amended 1-7-87, 4-21-87, 12-29-88, Formerly 21S-6.005, Amended 7-31-91, 1-10-93, Formerly 21S-26.101, 61F10-26.101, Amended 3-10-96, Formerly 59X-26.101, Amended 12-31-97, 12-3-00, 3-18-01,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:

Board of Pharmacy

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 12, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 23, 2001

DEPARTMENT OF HEALTH

Board of Pharmacy

RULE TITLES:	RULE NOS.:
Continuing Education Credits	64B16-26.103
Manner of Application	64B16-26.203
Tripartite Continuing Education Committee	64B16-26.600

PURPOSE AND EFFECT: The Board proposes to amend Rule 64B16-26.103 to update the rule text with regard to continuing education credits. The Board proposes to amend Rule 64B16-26.203 to update the rule text with regard to the requirements for course work on HIV/AIDS. The Board proposes to amend Rule 64B16-26.600 by changing the rule title and incorporating language from Rule 64B16-26.602.

SUMMARY: The Board is amending Rule 64B16-26.103 to expand the continuing education courses an applicant can take to satisfy the continuing education credits prior to renewal of their biennial license. The Board is amending Rule 64B16-26.203 to further clarify the requirements for licensure. The Board is amending Rule 64B16-26.600 by changing the rule title, deleting unnecessary rule text, and incorporating language from Rule 64B16-26.602 as it is currently being repealed.

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: 456.033, 465.005, 465.009 FS.

LAW IMPLEMENTED: 456.013(1), 456.033, 465.007, 465.009, 465.022 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 RULES IS: John Taylor, Executive Director, Board of Pharmacy, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254

THE FULL TEXT OF THE PROPOSED RULES IS:

64B16-26.103 Continuing Education Credits.

(1) through (2) No change.

(3) No biennial renewal of license shall be issued by the Board until the applicant submits proof satisfactory to the Board that during the biennial period preceding the renewal period the licensee has participated in a CE course approved by the Board on HIV/AIDS. The course shall be not less than 1 contact hour and must contain these components:

(a) through (e) No change.

(f) Protocols and procedures applicable to HIV counseling and testing, reporting, the offering of HIV testing to pregnant women, and partner notification issues pursuant to §§381.004 and 384.25, F.S.

Notwithstanding the provisions of Section (2), proof of completion must be returned when submitting the biennial renewal fee. Hours obtained pursuant to Section (3) may be applied to the requirements of Section (1).

(4) through (7) No change.

Specific Authority 456.033, 465.009 FS. Law Implemented 456.033, 465.009 FS. History—New 3-19-79, Formerly 21S-6.07, Amended 1-7-87, Formerly 21S-6.007, Amended 7-31-91, 10-14-91, Formerly 21S-26.103, 61F10-26.103, Amended 7-1-97, Formerly 59X-26.103, Amended 7-11-00,_____.

64B16-26.203 Manner of Application.

All applicants for licensure shall complete a course on HIV/AIDS prior to licensure. The course shall be no less than 3 contact hours and shall cover the subjects listed in 64B16-26.103(3). For those applicants who apply within one year following receipt of their pharmacy degree, completed academic course work on HIV/AIDS will be accepted by the Board as an educational course under this section, provided such course work is no less than 3 contact hours and that it covers the subjects listed in Rule 64B16-26.103(3), as evidenced by a letter attesting to subject matter covered from the Dean of the University.

(1) through (3) No change.

Specific Authority 465.005, 456.033 FS. Law Implemented 465.007, 456.033, 456.013(1), 465.022 FS. History—New 10-17-79, Formerly 21S-12.04, 21S-12.004, Amended 7-31-91, 10-14-91, Formerly 21S-26.203, 61F10-26.203, Amended 7-1-97, Formerly 59X-26.203, Amended 8-17-99,_____.

64B16-26.600 Tripartite Continuing Education Committee.

The Tripartite Continuing Education Committee will be composed of equal representation from the Board of Pharmacy, each College and School of Pharmacy in the State, and practicing pharmacists within the State. The members of the Committee shall be selected by the Board of Pharmacy and

shall serve for a period of two years. The chairman of the committee shall be selected by the chair of the Board. The Board delegates to the Tripartite Continuing Education Committee the authority to act upon applications to become a qualified continuing education provider as well as the approval of programs or courses submitted by such providers. Course outlines and materials reviewed by the Committee shall be kept on file at the executive offices of the Board in Tallahassee, Florida, for a period of one year members of the committee. This committee is responsible for approval of the content of each program offered by a provider of Continuing Education Credit. In all other matters concerning the approval of Continuing Education providers, the role of the Committee is to advise and submit its recommendation to the Board. The Committee shall hold meetings as may be convened at the call of the Chairman of the Committee.

Specific Authority 465.005, 465.009(5) FS. Law Implemented 465.009 FS. History--New 10-18-79, Amended 7-29-81, Formerly 21S-13.01, 21S-13.001, 21S-26.600, 61F10-26.600, 59X-26.600, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Pharmacy
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Pharmacy
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 12, 2001
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 8, 2001

DEPARTMENT OF HEALTH

Board of Pharmacy

RULE TITLES: RULE NOS.:
Oral Prescriptions and Copies 64B16-27.103
Pharmacy Technician 1:1 Ratio 64B16-27.410

PURPOSE AND EFFECT: The purpose of the rule amendments to Rule 64B16-27.103, is to add the words “a hard copy” and delete the word “writing”. The purpose of the rule amendments to Rule 64B16-27.410 is to update the rule text with regard to pharmacy technicians.

SUMMARY: The Board proposes to amend Rule 64B16-27.103 to notify registered pharmacist or registered pharmacy interns acting under direction supervision of a Florida registered pharmacist, that upon accepting an oral prescription it must immediately be reduced to a hard copy. The Board is amending Rule 64B16-27.410 to add the word “communication” to subsection (5) and strike the words “a phone call” and a new subsection (6) is being added which will expand the functions pharmacy technicians may engage in to assist a licensed pharmacist.

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: 465.005, 465.0155, 465.022 FS.

LAW IMPLEMENTED: 465.003(13), 465.014, 465.022 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 RULES IS: John Taylor, Executive Director, Board of Pharmacy, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254

THE FULL TEXT OF THE PROPOSED RULES IS:

64B16-27.103 Oral Prescriptions and Copies.

Only a Florida registered pharmacist or registered pharmacy intern acting under the direct personal supervision of a Florida registered pharmacist may, in the State of Florida, accept an oral prescription of any nature. Upon so accepting such oral prescription it must immediately be reduced to a hard copy, writing, and only a Florida registered pharmacist or registered pharmacy intern acting under the direct personal supervision of a Florida registered pharmacist may, in the State of Florida, prepare a copy of a prescription or read a prescription to any person for purposes of providing reference concerning treatment of the person or animal for whom the prescription was written, and when said copy is given a notation shall be made upon the prescription that a copy has been given, the date given, and to whom given.

Specific Authority 465.005, 465.0155, 465.022 FS. Law Implemented 465.022, 465.003(13) FS. History--Amended 5-19-72, Repromulgated 12-18-74, Formerly 21S-1.18, 21S-1.018, 21S-27.103, 61F10-27.103, Amended 9-19-94, Formerly 59X-27.103, Amended.

64B16-27.410 Pharmacy Technician 1:1 Ratio.

Pharmacy technicians may assist a Florida licensed pharmacist in performing professional services within a community pharmacy or institutional pharmacy environment provided that no licensed pharmacist shall supervise more than one pharmacy technician unless otherwise permitted by the Florida Board of Pharmacy. A pharmacist’s supervision of a pharmacy technician in a 1:1 ratio working environment requires that a pharmacy technician be under the direct and immediate personal supervision of a Florida licensed pharmacist. All pharmacy technicians shall identify themselves as pharmacy technicians by wearing a type of identification badge that is clearly visible which specifically identifies the employee by name and by status as a “pharmacy technician”, and in the context of telephone or other forms of communication, pharmacy technicians shall state their names and verbally identify themselves (or otherwise communicate their identities)

as pharmacy technicians. Pursuant to the direction of the licensed pharmacist, pharmacy technicians may engage in the following functions to assist the licensed pharmacist:

(1) through (4) No change.

(5) Initiate communication ~~a phone call~~ to a prescribing practitioner or their medical staffs (or agents) regarding patient prescription refill authorization requests. Such pharmacy technician activities allow initiating calls to the practitioner or agent, communicating the refill request and confirming the patient's name, medication, strength, quantity, directions and date of last refill. Any response to the above refill request that indicates a change in the order must be directly received by the pharmacist and/or pharmacy intern.

(6) Under the direction and supervision of a licensed pharmacist, initiate communication to a prescribing practitioner or their medical staff (or agents) to obtain clarification on missing or illegible dates, prescriber name, brand/generic preference, quantity or DEA and/or license numbers. Nothing in this rule shall be construed to allow a technician to obtain information which will result in a change concerning a dosage or directions to the patient.

Specific Authority 465.005 FS. Law Implemented 465.014 FS. History--New 2-14-77, Amended 3-31-81, Formerly 21S-4.02, Amended 8-31-87, Formerly 21S-4.002, Amended 9-9-92, Formerly 21S-27.410, 61F10-27.410, Amended 1-30-96, Formerly 59X-27.410, Amended 2-23-98, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Pharmacy
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Pharmacy
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 12, 2001
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 8, 2001

DEPARTMENT OF HEALTH

Board of Pharmacy

RULE TITLES:	RULE NOS.:
Record Maintenance Systems for Community, Special-Limited Community, Special-Closed Systems, Special-Parenteral/Enteral, and Nuclear Permits	64B16-28.140
Modified Class II Institutional Pharmacies	64B16-28.702
Special Pharmacies	64B16-28.800

PURPOSE AND EFFECT: The purpose of the rule amendments to Rule 64B16-28.140 is to further clarify the requirements for record maintenance. The purpose of the amendment to Rule 64B16-28.702 is to delete rule text that is no longer needed. The purpose of the amendments to Rule 64B16-28.800 is to update the rule text with regard to the Policy and Procedure Manual which shall prepared and maintained and will be reviewed subject to approval by the Board of Pharmacy.

SUMMARY: The Board proposes to amend Rule 64B16-28.140 to require prescriptions to be in the form of a hard copy, and other records which are not specifically required by statute shall also be kept in a hard copy and shall be readily retrievable in a data processing system. The Board proposes to amend Rule 64B16-28.702 to delete unnecessary rule text. The Board proposes to amend Rule 64B16-28.800 to require the Policy and Procedure Manual be prepared, maintained and made available upon request of the Board or its agents.

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: 465.005, 465.0155, 465.022 FS.

LAW IMPLEMENTED: 465.019(2)(c), 465.0196, 465.022, 465.026, 893.07 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 RULES IS: John Taylor, Executive Director, Board of Pharmacy, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254

THE FULL TEXT OF THE PROPOSED RULES IS:

64B16-28.140 Record Maintenance Systems for Community, Special-Limited Community, Special-Closed Systems, Special-Parenteral/Enteral, and Nuclear Permits.

(1) Requirements for records maintained in a data processing system.

(a) through (c) No change.

(d) Original prescriptions, including prescriptions received as provided for in Section 64B16-28.130, F.A.C., Transmission of Prescription Orders, shall be reduced to a hard copy writing if not received in written form. All original prescriptions shall be retained for a period of not less than two years from date of last filling. To the extent authorized by 21 C.F.R. Section 1304.04, a pharmacy may, in lieu of retaining the actual original prescriptions, use an electronic imaging recordkeeping system, provided such system is capable of capturing, storing, and reproducing the exact image of the prescription, including the reverse side of the prescription if necessary, and that such image be retained for a period of no less than two years from the date of last filing.

(e) through (h) No change.

(2) through (5) No change.

(6) Any other records, policy and procedure manuals, or reference materials which are not specifically required by statute or rule to be kept in a hard copy may be kept in a readily retrievable data processing system which complies with the provisions of subparagraph (1)(f)1.

Specific Authority 465.005, 465.0155, 465.022 FS. Law Implemented 465.022, 465.026, 893.07 FS. History–New 3-16-94, Formerly 61F10-28.140, Amended 3-12-97, 6-4-97, Formerly 59X-28.140, Amended 10-29-97, 6-15-98, 11-11-98,_____.

64B16-28.702 Modified Class II Institutional Pharmacies.
(1) through (4) No change.

(5) A copy of the permittee’s policy and procedure manual as provided herein shall accompany the permit application. The original policy and procedure manual shall be kept within the Modified Class II Institutional Pharmacy and shall be available for inspection by the Agency for Health Care Administration. ~~Changes in the policy and procedure manual shall be approved by the Board of Pharmacy prior to the implementation thereof.~~

(6) through (8) No change.

Specific Authority 465.005, 465.022 FS. Law Implemented 465.019(2)(c) FS. History–New 4-22-82, Amended 11-5-85, Formerly 21S-1.37, Amended 4-16-86, Formerly 21S-1.037, Amended 7-31-91, Formerly 21S-28.702, 61F10-28.702, Amended 9-4-96, Formerly 59X-28.702, Amended_____.

64B16-28.800 Special Pharmacies.
(1) through (2) No change.

(3) The Policy and Procedure Manual shall be prepared, maintained, and will be reviewed and is subject to approval by the Board of Pharmacy or its designee prior to the issuance of the permit and the initiation of the operation of the permittee. The policy and procedure manual is reviewed to determine if the operation of the facility will be in compliance with Chapters 465 and 893, F.S., and Chapter 64B16, F.A.C. The Policy and Procedure Manual shall be made available upon request of the Board or its agents. The applicant who requests a special permit shall be subject to inspection prior to the issuance of the permit.

Specific Authority 465.005, 465.022 FS. Law Implemented 465.0196 FS. History–New 2-21-84, Formerly 21S-1.39, 21S-1.039, Amended 7-31-91, 10-14-91, Formerly 21S-28.800, 61F10-28.800, Amended 3-10-96, 6-4-97, Formerly 59X-28.800, Amended 11-11-98,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Pharmacy
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Pharmacy
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 12, 2001
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 8, 2001

DEPARTMENT OF HEALTH

Board of Podiatric Medicine

RULE TITLE: RULE NO.:

Continuing Education Required for 64B18-17.001
License Renewal

PURPOSE AND EFFECT: The Board proposes to amend this rule to add new rule text with regard to the continuing education required for renewal.

SUMMARY: The Board is amending this rule to add a new subsection (8) which will set forth the requirements for renewal of certification for certified podiatric x-ray assistants.

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), 456.033, 461.005, 461.007(3) FS.

LAW IMPLEMENTED: 456.013(6), 456.033, 461.007 FS.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

64B18-17.001 Continuing Education Required for License Renewal.

(1) through (7) No change.

(8) Certified podiatric x-ray assistants must complete the eight hour course set forth in Section 461.0135, F.S., prior to renewal of certification.

Specific Authority 456.013(6), 456.033, 461.005, 461.007(3) FS. Law Implemented 456.013(6), 456.033, 461.007 FS. History–New 11-24-80, Formerly 21T-17.01, Amended 10-14-86, 2-21-88, 5-16-89, Formerly 21T-17.001, Amended 7-6-94, Formerly 61F12-17.001, Amended 1-1-96, 1-2-97, 6-1-97, Formerly 59Z-17.001, Amended 4-25-00,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Podiatric Medicine
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Podiatric Medicine
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 8, 2001
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 4, 2001

DEPARTMENT OF HEALTH

Board of Respiratory Care

RULE TITLE: Final Orders
RULE NO.: 64B32-1.003

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

SUMMARY: The purpose of this repeal is because there is no specific statutory authority for the rule.

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: 120.569(1) FS.

LAW IMPLEMENTED: 120.569(1) 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: Kaye Howerton, Board Executive Director, Board of Respiratory Care, Department of Health, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255.

THE FULL TEXT OF THE PROPOSED RULE IS:

64B32-1.003 Final Orders.

Specific Authority 120.569(1) FS. Law Implemented 120.569(1) FS. History--New 4-29-85, Formerly 21M-33.05, 21M-33.005, 61F6-33.005, 59R-70.005, 64B8-70.005, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Respiratory Care

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 20, 2001

DEPARTMENT OF HEALTH

Board of Respiratory Care

RULE TITLE: Citations
RULE NO.: 64B32-6.003

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

SUMMARY: The purpose of this repeal is because this is a duplicate rule and it is unnecessary.

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

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

SPECIFIC AUTHORITY: 468.353 FS.

LAW IMPLEMENTED: 456.077 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: Kaye Howerton, Board Executive Director, Board of Respiratory Care, Department of Health, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

THE FULL TEXT OF THE PROPOSED RULE IS:

64B32-6.003 Citations.

Specific Authority 468.353 FS. Law Implemented 456.077 FS. History--New 1-15-92, Formerly 21M-38.0011, Amended 1-2-94, Formerly 61F6-38.0011, 59R-75.003, 64B8-75.003, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Respiratory Care

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 20, 2001

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Economic Self-Sufficiency Program

RULE TITLE: Family-Related Medicaid Eligibility Determination Process
RULE NO.: 65A-1.704

PURPOSE AND EFFECT: This proposed rule amendment implements simplified Medicaid application procedures for pregnant women.

SUMMARY: For pregnant women only cases, a face-to-face interview will not be required and a mail-in application form specific to applications by pregnant women with attached information/rights and responsibilities must be used.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: An estimate of the regulatory cost was not prepared for this rule.

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

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.903, 409.904, 409.919 FS.

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

TIME AND DATE: 10:00 a.m., August 13, 2001

PLACE: Building 3, Room 100, 1317 Winewood Boulevard, Tallahassee, FL 32399-0700

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Audrey Mitchell, Program Administrator, 1317 Winewood Boulevard, Building 3, Room 421, Tallahassee, FL 32399-0700, Telephone (850)488-3090

THE FULL TEXT OF THE PROPOSED RULE IS:

65A-1.704 Family-Related Medicaid Eligibility Determination Process.

(1) No change.

(2) Simplified Eligibility for Pregnant Women.

(a) The application form for a pregnant woman applying only for Medicaid for herself based on pregnancy is CF-ES Form 2700, July 2001 (incorporated by reference). This form and attached information/rights and responsibilities (page 2) may be used as a mail-in application form or it may be provided directly to a local Children and Family Services office, health department or other Qualified Designated Provider (QDP). Copies of the mail-in application forms may be made available to pregnant women in health departments and other QDP sites as well as selected doctors' offices designated by each district/regional Economic Self-Sufficiency Program Office. Copies of this form may be obtained by the public from the Department of Children and Family Services, Economic Self-Sufficiency Program Office, 1317 Winewood Boulevard, Tallahassee, Florida 32399-0700.

(b) A face-to-face interview is not required for a pregnant woman applying only for Medicaid for herself based on pregnancy using CF-ES Form 2700.

(c) The following information must be verified or obtained, as indicated below, prior to approval for Medicaid for a pregnant woman.

1. Pregnancy must be verified.

2. The social security number (SSN) of the pregnant woman may be obtained on the application form or by telephone contact with the household. If the SSN is not provided by telephone or on the application, the information must be obtained by mail. The SSN will be verified by data exchange.

3. The date of birth (DOB) of the pregnant woman may be obtained on the application form or by telephone contact with the household. If the DOB is not provided by telephone or on the application, the information must be obtained by mail.

4. A declaration of citizenship is required. The applicant's statement on the CF-ES 2700 is acceptable as a declaration of citizenship. If the pregnant woman is a non-citizen, she may

provide her Alien Number to the public assistance specialist on the application. If the information is not on the application, it may be obtained by telephone. The pregnant woman's eligibility as a non-citizen will be determined in accordance with Title 11, Section 1137 of the Social Security Act. As a non-citizen, she will be requested to provide verification of her immigration status and the Systematic Alien Verification for Entitlement System (SAVE) will be used to verify this information.

5. Questionable information presented on the application must be resolved prior to approval. Questionable information may be resolved by telephone, if possible. If sufficient information cannot be obtained by telephone, the case will be placed in pending status while written verification is obtained and the client will be provided written notification of this action.

6. Verification of income is not required prior to disposition of the application unless there is reason to question the reported income.

(d) If income is not verified prior to approval, it must be verified following approval using electronic data exchange when ever possible. It can also be verified by sending a request for verification by mail or it may be completed by telephone collateral contact.

(3)(2) Presumptive Eligibility for Pregnant Women.

The period of presumptive eligibility for pregnant women begins when a qualified Medicaid provider determines that the woman is eligible based on her family income. Presumptive eligibility ends when a determination of ongoing eligibility is made or, on the last day of the month following the month the presumptive eligibility determination is made, if an application for ongoing Medicaid coverage is not filed.

(4)(3) No change.

Specific Authority 409.919 FS. Law Implemented 409.903, 409.904, 409.919 FS. History--New 10-8-97, Amended 2-7-01,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Rodney McInnis, Management Review Specialist

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Audrey Mitchell, Program Administrator, Public Assistance Policy Bureau, Policy Support Unit

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 5, 2001

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