

(d) Hook and line gear.

(e) Spearing; except spearfishing is prohibited in fresh water.

PROPOSED EFFECTIVE DATE: July 1, 2001.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 3-3-97, Amended 1-1-98, 11-16-98, 12-31-98, -12-2-99, Formerly 46-39.0047, Amended 7-1-01.

Section II Proposed Rules

DEPARTMENT OF STATE

Division of Library and Information Services

RULE TITLE: Library Grant Programs

RULE NO.: 1B-2.011

PURPOSE AND EFFECT: The proposed amendment revises the guidelines and forms for the Florida Library Literacy Grant Program.

SUMMARY: Florida Library Literacy Grant Program: The proposed amendment revises the Guidelines and Application to reflect an emphasis on the adult learner.

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 lower cost regulatory alternative, must do so within 21 days of this notice.

SPECIFIC AUTHORITY: 257.14, 257.191, 257.24, 257.41(2), 240.5186 FS.

LAW IMPLEMENTED: 257.12, 257.15, 257.16, 257.17, 257.171, 257.172, 257.18, 257.19, 257.191, 257.192, 257.195, 257.21, 257.22, 257.23, 257.24, 257.25, 257.40-.42 FS.

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

TIME AND DATE: 9:00 a.m., February 19, 2001

PLACE: Board Room, State Library of Florida, R. A. Gray Building, 500 South Bronough Street, Tallahassee, FL

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Barratt Wilkins, Director, Division of Library and Information Services, R. A. Gray Building, 500 South Bronough Street, Tallahassee, FL 32399-0250, (850)487-2651, Suncom 277-2651

THE FULL TEXT OF THE PROPOSED RULE IS:

- 1B-2.011 Library Grant Programs.
- (1) through (2)(d) No change.

(e) The Florida Library Literacy Grants Guidelines and Application, effective 4-4-00, Amended which contain instructions and applications (Form #DLIS/FLL01), effective 4-4-00, Amended; Mid Year Report (Form #DLIS/FLL02), effective 4-4-00, Amended; and Annual Report (Form #DLIS/FLL03), effective 4-4-00, Amended.

(f) No change.

(3) through (4) No change.

Specific Authority 257.14, 257.191, 257.24, 257.41(2), 240.5186 FS. Law Implemented 257.12, 257.15, 257.16, 257.17, 257.171, 257.172, 257.18, 257.19, 257.191, 257.195, 257.21, 257.22, 257.23, 257.24, 257.25, 257.40-.42 FS. History—New 1-25-93, Amended 7-17-96, 4-1-98, 2-14-99, 4-4-00,

NAME OF PERSON ORIGINATING PROPOSED RULE: Marian A. Deeney

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Barratt Wilkins, Director, Division of Library and Information Services, and Katherine Harris, Secretary of State

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 17, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 26, 2001

DEPARTMENT OF CITRUS

RULE CHAPTER TITLE: Standards for Processed

RULE CHAPTER NO.: 20-64

Citrus Products

RULE TITLES: Orange Juice

RULE NOS.: 20-64.0081

Orange Juice Marked with Florida Sunshine Tree or Florida Citrus Growers' Certification Mark

20-64.0082

Sanitary Requirements

20-64.020

PURPOSE AND EFFECT: Would remove regulations relating to fresh squeezed citrus juices from this chapter dealing with processed citrus products. Petition for rule amendment filed by Florida Gift Fruit Shippers Association and Florida Citrus Packers asks that these regulations be rewritten an rule chapter relating specifically to fresh squeezed citrus juices.

SUMMARY: Removes standards and regulations relating to fresh squeezed citrus juices from rule chapter dealing with processed citrus products.

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

Any person who wishes to provide infomraiton 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: 601.10(7), 601.11 FS.

LAW IMPLEMENTED: 601.10(7), 601.11, 601.48 FS.

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

TIME AND DATE: 9:00 a.m., March 21, 2001
PLACE: Department of Citrus Building, 1115 East Memorial Boulevard, Lakeland, Florida
THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Joan B. Martin, Administrative Assistant, Legal Department, Florida Department of Citrus, P. O. Box 148, Lakeland, Florida 33802-0148

THE FULL TEXT OF THE PROPOSED RULES IS:

20-64.0081 Orange Juice.

Proposed Effective Date March 15, 2001.

The provisions of this section shall apply to all single strength "ready to drink" orange juice that has not been frozen or treated by heat to reduce the enzymatic activity and the number of viable microorganisms.

(1) Product shall only be made from the unfermented juice of mature oranges of the species *Citrus sinensis*.

(2) The product shall not contain soluble solids recovered by aqueous extraction of washing of fruit pulp.

(3) Addition of a sweetening ingredient or any other additive is not permitted.

(4) The product shall be subject to regular inspection by the Florida Department of Agriculture and Consumer Services or its agents.

(5) The package or container shall be legibly labeled with the maximum shelf life during which such product may be offered for sale, and such date shall not exceed 17 days from the time of packaging. Provided, however, that in the case of product which is packaged utilizing an extended shelf life packaging system as described in subsection (6) below, the container shall be legibly labeled with the maximum shelf life during which such product may be offered for sale. In lieu thereof, the package may be legibly labeled with a disclosure of the date the juice is extracted. This provision shall not apply to product packed by any person who:

(a) Extracts juice from less than 50,000 boxes of citrus fruit per season, and

(b) Packs for retail sale directly to consumer, not for resale, and

(c) Such sale is made from the same premises where the juice is extracted or sale is made from a retail establishment owned by such person and located within 50 miles from where the juice is extracted.

(6) An extended shelf life packaging system utilizes a package which is hermetically sealed, sterilized, and is impermeable to oxygen. The container is filled in a sterile atmosphere to prevent microbiological contamination. When subjected to conditions of anticipated commercial usage, the

package system shall permit the product to maintain essential quality characteristics without substantial degradation over the period of time specified for the package.

~~(7) The words "fresh squeezed" or "freshly squeezed" or "fresh" may be used to describe orange juice.~~

Specific Authority 601.10(7), 601.11 FS. Law Implemented 601.10(7), 601.11, 601.48 FS. History--New 12-22-87, Amended 2-21-93, Repealed 3-15-01.

20-64.0082 Orange Juice Marked with Florida Sunshine Tree or Florida Citrus Growers' Certification Mark.

Proposed Effective Date March 15, 2001.

The provisions of this section shall apply to all single strength "ready to drink" orange juice that has not been frozen or treated by heat to reduce the enzymatic activity and the number of viable microorganisms, and which bears the Florida Sunshine Tree certification mark under Department of Citrus Rule Chapter 20 94, or the Florida Citrus Growers' certification mark under Department of Citrus Rule Chapter 20 109.

(1) There shall be one Florida grade for such product, Florida Grade A, for which factors of color, flavor and absence of defects shall be scored in a manner identical to the United States Department of Agriculture adopted U. S. Grade Standards for Pasteurized Orange Juice in United States Standards for Grades of Orange Juice, Sections 52.1551 through 52.1559, effective January 10, 1983, using the following score chart:

SCORE CHART FOR FLORIDA GRADE A ORANGE JUICE

	Pts Maximum	
Color	40	32-40
Absence of Defects	20	18-20
Flavor	40	36-40
Minimum Score		86

(2) Product shall only be made from the unfermented juice of mature oranges of the species *Citrus sinensis*.

(3) For the period August 1 through November 30, the percent by weight of orange juice soluble solids shall be not less than 10 percent and the minimum ratio of total soluble solids to anhydrous citric acid shall be not less than 10.5 to 1 nor greater than 19.5 to 1. For the period December 1 through July 31, the percent by weight of orange juice soluble solids shall be not less than 11.0 and the minimum ratio of total soluble solids to anhydrous citric acid shall be not less than 12.5 to 1 nor greater than 19.5 to 1.

(4) The product shall not contain soluble solids recovered by aqueous extraction of washing of fruit pulp.

(5) Addition of a sweetening ingredient or any other additive is not permitted.

(6) The product shall be subject to regular inspection by the Florida Department of Agriculture and Consumer Services or its agents.

~~(7) The package or container shall be legibly labeled with the maximum shelf life during which such product may be offered for sale; such date shall not exceed 17 days from the time of packaging. Provided, however, that in the case of a product which is packaged utilizing an extended shelf life packaging system as described in Department of Citrus rule subsection 20-64.0081(6), the container shall be legibly labeled with the maximum shelf life during which such product may be offered for sale. In lieu thereof, the package may be legibly labeled with a disclosure of the date the juice is extracted.~~

~~(8) The words "fresh squeezed" or "freshly squeezed" or "fresh" may be used to describe product conforming to this section.~~

Specific Authority 601.10(7), 601.11 FS. Law Implemented 601.10(7), 601.11, 601.48 FS. History—New 12-22-87, Amended 8-23-93, 10-28-97, 1-24-99, Repealed 3-15-01.

20-64.020 Sanitary Requirements.

Proposed Effective Date March 15, 2001.

(1) The sanitary requirements as prescribed in sections 2.2.1 through 2.2.58, July 1996 and sections 3.2.7a through 3.2.7o, June 1996 of the Citrus Handbook of the Processed Products Branch, Fruit and Vegetable Division, United States Department of Agriculture, shall be the governing regulations for sanitary conditions in Florida citrus processing plants.

~~(2) Exceptions:~~

The provisions of subsection (6) shall not apply to:

~~(a) Products being shipped or transported entirely within the state of Florida between licensed citrus processors in Florida for further processing which will include pasteurization or other approved kill step.~~

~~(b) Gift fruit shippers, retail processors, and roadside stand operators engaged in the production of fresh squeezed unpasteurized juice and who squeeze less than 30,000 boxes annually, when said shippers, processors, and operators possess a food permit issued by the Department of Agriculture and Consumer Services pursuant to the provisions of section 5K 4.020, F.A.C.~~

~~(2)(3)~~ Processed citrus products found upon inspection to contain foreign materials which render the product unfit for human consumption, shall be seized, condemned and destroyed. The shipper or processor shall be notified in writing, at least ten days prior to destruction, that such products have been seized and condemned, to allow sufficient time to request and perfect an appeal, appropriate under provisions of United States Department of Agriculture regulations. If no appeal is entered, or on appeal the inspector's findings are sustained, such product shall be immediately destroyed.

~~(3)(4)~~ Destruction of processed citrus products for reasons of unfitness for human consumption shall be made by the processor, at his expense, and under the supervision of an authorized inspector.

~~(4)(5)~~ The requirements of this rule do not excuse failure of compliance with provisions of the Federal Food, Drug and Cosmetic Act.

~~(6) In addition to the provisions of subsections (1) through (5), the following good manufacturing practices as well as those described in Title 21, Code of Federal Regulations, Part 110, April 1, 1994 edition, incorporated herein by reference, shall apply to facilities preparing single strength "ready to drink" citrus juices that will not be treated by heat or other approved kill step to reduce the enzymatic activity and the number of viable microorganisms:~~

~~(a) Wash Area:~~

~~1. Acid wash fruit and roller brush, or use other commercially equivalent cleaning method to remove soil, debris, etc., from fruit.~~

~~2. Use a minimum 200 ppm hypochlorite rinse or other commercially equivalent bactericide as prescribed by the manufacturer's label.~~

~~3. Water rinse just prior to entry into process area to remove all sanitizer/acid wash residues and to avoid potential for recontamination.~~

~~4. Belts/rollers/brushes/conveyers to be maintained free of soil, dirt and extraneous material; minimum of a weekly cleaning and sanitization of all above required.~~

~~5. Entire wash area maintained free of excess debris, pest and potential pest harborage including standing water.~~

~~6. Grading must eliminate unacceptable fruit, i.e. fruits with cuts, splits, punctures, black heart, and other defects that may allow pathogenic microorganisms to contaminate the interior of the fruit. Drops are unacceptable for use in unpasteurized products.~~

~~(b) Process Area:~~

~~1. Process area must be completely enclosed, i.e. protected from outside environment and must meet minimum structural and equipment sanitation requirements for food processing areas as described in sections 5K 4.002 and 5K 4.004, Florida Administrative Code.~~

~~2. All food contact surfaces must be cleaned and sanitized after production and prior to start up.~~

~~3. Appropriate cleaning and sanitizing agents must be used as prescribed by the equipment manufacturers for the specific finished food product. Effectiveness of cleaning and sanitizing procedures must be verified and documented by the plant's own quality control program or, HACCP program, or good manufacturing practices as described in Title 21, Code of Federal Regulations, Part 110, April 1, 1994 edition.~~

~~4. If product residues or buildup of organic matter remain on equipment, additional chemical treatment shall be used to remove such residues or buildup.~~

~~5. All lubricants must be food grade only, as approved by USDA.~~

~~6. Back siphonage protection devices must be provided on any water outlet where a hose can be connected.~~

~~(c) Finished Product Requirements:~~

~~1. A contingency plan for in line and surge tank juice during breakdowns must be in place to get juice chilled or disposed of. Cleaning and sanitizing procedures must be performed prior to restarting operation after extended breakdowns.~~

~~2. Filling area must be protected from the outside environment similar to processing area.~~

~~3. Containers must be sanitarily handled and protected from contamination, at all times.~~

~~4. When containers are removed from protective wrap, they must be covered, if not immediately used.~~

~~5. Finished product must immediately be moved to cold storage.~~

~~(d) Quality Control Procedures:~~

~~1. Water certificates shall be obtained from a HRS approved laboratory on an annual basis.~~

~~2. Finished product — A documented quality control program shall be established to ensure that product without a microbiological safety barrier, i.e. no heat treatment, is monitored for food safety. The program must include a microbiological monitoring component, using standard plate count, coliforms, and E.coli as indicators of process control, that is sufficient to establish a base-line for the specific plant's process to ensure freedom from potential pathogenic microorganisms. Each production lot or each day's production (whichever is less) shall be monitored for compliance with the base-line data previously established for the processing plant.~~

~~3. Quality control records and records of process deviation shall be maintained after processing for a minimum of 90 days for fresh product and for two years for frozen product, and shall be readily available for inspection by United States Department of Agriculture or other authorized state or federal personnel.~~

~~4. Establish a record keeping system that will:~~

~~a. Track finished products to fruit used in production.~~

~~b. Tie products to specific periods of production.~~

~~c. Enable a recall procedure for unwholesome/unsafe products.~~

~~5. Upon a finding of a pertinent pathogenic microorganism associated with a product in distribution immediate notice shall be made to the United States Department of Agriculture or other agencies as provided by law.~~

~~(e) Personnel and Sanitary Facilities:~~

~~Plant shall take all reasonable measures and precautions to ensure that good manufacturing practices are followed with respect to cleanliness and disease control.~~

~~(7) Imported Juices:~~

~~Fresh squeezed, non-pasteurized, single strength citrus juices imported from locations outside the state of Florida for further manufacturing or repackaging shall not be packaged, sold, or blended with other citrus products in this state unless such imported juices are first tested, after arrival in Florida, at a minimum, for the presence of Salmonella, pathogenic E. coli; i.e., E. coli 0157:H7, to ensure freedom from potential pertinent human pathogenic microorganisms.~~

~~Specific Authority 601.10(7), 601.11 FS. Law Implemented 601.10(7), 601.11, 601.44, 601.53, 601.54 FS. History—Formerly 105-1.19(5), Revised 1-1-75, Formerly 20-64.20, Amended 2-20-96, 6-8-97, 5-14-00, 3-15-01.~~

~~NAME OF PERSON ORIGINATING PROPOSED RULE:~~

~~Mia L. McKown, General Counsel~~

~~NAME OF SUPERVISOR OR PERSON WHO APPROVED~~

~~THE PROPOSED RULE: Mia L. McKown, General Counsel~~

~~DATE PROPOSED RULE APPROVED BY AGENCY~~

~~HEAD: July 19, 2000~~

~~DATE NOTICE OF PROPOSED RULE DEVELOPMENT~~

~~PUBLISHED IN FAW: August 4, 2000~~

DEPARTMENT OF CORRECTIONS

RULE TITLE:

Employee Grooming, Uniform and

Clothing Requirements

RULE NO.:

33-208.101

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to clarify procedures relating to, and the items authorized for, employee uniforms.

SUMMARY: The proposed rule authorizes the wearing of western style riding hats by correctional officers assigned to field labor squads, and clarifies: procedures relating to the purchase and retention of assigned badges by officers removed from the correctional officer class under specified circumstances, titles of persons authorized to determine policies relating to the wearing of neckties, and which uniforms are required to be starched or neatly pressed.

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: 944.09 FS.

LAW IMPLEMENTED: 20.315, 944.09 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Giselle Lysten Rivera, Office of the General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE FULL TEXT OF THE PROPOSED RULE IS:

33-208.101 Employee Grooming, Uniform and Clothing Requirements.

(1) through (e) No change.

(f) Policies regarding the wearing of neck ties for office staff will be determined by the Secretary, Deputy Secretary, and Assistant Secretaries, regional directors, circuit administrators and wardens.

(g) through (3)(b) No change.

(c) At all times, uniforms are to be in serviceable condition, neat in appearance, clean and properly worn as provided in this rule. Class A uniforms will be starched and neatly pressed. Class B and C uniforms will be neatly pressed. All foot wear shall be shined to a high gloss, except that medical staff are authorized to wear shoes that present a clean white appearance that may have a flat finish.

(d) through (4)(h)4. No change.

5. Western style riding hats authorized for wear by correctional officers assigned to field labor squads when outside the secured perimeter of the correctional facility. Western style riding hats will be furnished by the department.

~~6.5.~~ Correctional officer badges. Badges shall be issued to all certified correctional officers regardless of their work location. Correctional officer badges will be issued by the department to be worn as part of the class A, class B, and class C uniform. uniform. The badge will be worn approximately one-half inch above the left shirt pocket centered on the fashion seam and affixed through the pre-sewn holes, or for uniforms without pre-sewn holes, affixed through the fabric. Wearing the department issued badge carries a significant responsibility. The wearer is not only representing the Department of Corrections, but the law enforcement community and the State of Florida. The badge shall be routinely cleaned and presented in a manner so as to reflect the pride and professionalism of the Department of Corrections. Use of the issued badges as credentials for personal purposes is prohibited. Only badges issued by the department shall be used to conduct officially designated duties. The badge shall be 2-1/4" x 1-15/16" in size, silver colored metal for correctional officers and sergeants and gold color for lieutenants and above with black lettering, and pre-numbered with a pin clasp for securing to the shirt. The badges shall be issued to certified officers upon employment and will be not be provided to uncertified officers until after certification is received. Correctional officers shall be responsible for reimbursing the department for any issued badge which is lost. Issued badges are considered state property and, except for retirement under specific conditions, shall be returned to the department upon the officer's termination of employment with the department or removal from a position within the correctional officer class series. Correctional officers who retire from the department under honorable conditions and are eligible to retire under the State of Florida retirement system, including retirement under medical disability, shall be authorized to retain their issued

badges. Correctional officers of any rank who are promoted, transferred, or otherwise relocated into non-security positions or who are otherwise removed from the correctional officer class, who are in good standing with the department, will be authorized to purchase and retain their assigned correctional officer badge. Retention of the correctional officer badge will result in the indefinite retirement of the badge number. Those officers in good standing who are promoted, transferred, or otherwise relocated into non-security positions or who are otherwise removed from the correctional officer class, who elect not to purchase and retain their authorized correctional officer badges shall return their badges to the warden of the institution the staff member is departing. The institution receiving the staff member will issue a new badge to the officer from that institution's inventory. Badges will not be issued to canines.

6. through 27. renumbered 7. through 28. No change.

(i) No change.

(5) All staff assigned to the correctional officer class ~~B~~ shall wear the correctional officer uniform.

(6) through (11) No change.

Specific Authority 944.09 FS. Law Implemented 20.315, 944.09 FS. History--New 2-27-85, Amended 6-19-85, Formerly 33-4.07, Amended 3-6-88, 8-15-89, 2-12-91, 10-13-91, 4-19-98, 12-7-98, Formerly 33-4.007, Amended 10-5-99, 3-21-00, 12-18-00, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Richard Dugger

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

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 22, 2000

AGENCY FOR HEALTH CARE ADMINISTRATION

Health Care Cost Containment Board

RULE TITLES:	RULE NOS.:
Definitions	59E-5.101
Florida Hospital Uniform Reporting System	59E-5.102
Reporting Requirements	59E-5.103
Prior Year Report Requirements	59E-5.201
Notice of Violation or Deemed Not Filed and Response	59E-5.205
Public Medical Assistance Trust Fund Assessments	59E-5.605

PURPOSE AND EFFECT: The Agency intends to establish and adopt procedures and specifications for the implementation of Section 16 of Chapter 2000-256, Laws of Florida. The rules are being amended to comply with the statutory provisions of Chapter 395.701, F.S., and to provide an updated reporting mechanism to improve the efficiency and accuracy of financial data collection.

SUMMARY: The 2000 Session of the Florida Legislature amended Chapter 395.701, F.S., to provide a reduced assessment percentage for outpatient hospital net revenues. The changes to the Agency's Florida Uniform Hospital Reporting System necessary to implement the changes are incorporated by reference in this material.

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

A rule development workshop was held on August 22, 2000 on the materials and forms associated with this rule. Comments from the workshop participants were received and incorporated as appropriate. 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: 408.15 FS.

LAW IMPLEMENTED: 395.701, 408.061 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT A TIME, DATE AND PLACE TO BE NOTICED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Christopher J. Augsburger, Regulatory Analyst Supervisor, Bureau of Health Facility Regulation/Financial Analysis, 2727 Mahan Drive, Tallahassee, FL 32308

THE FULL TEXT OF THE PROPOSED RULES IS:

59E-5.101 Definitions.

The definitions set forth in Section 408.032, F.S., and the following definitions shall apply to this Chapter, and to the Florida Hospital Uniform Reporting System (FHURS) Manual, unless otherwise specified:

(1) "Actual report" is the report of a hospital's actual financial and statistical data as required by the reporting forms contained in the FHURS Manual.

(2) "Adjusted admission" is the sum of acute admissions and intensive care admissions divided by the ratio of inpatient revenues generated from acute, intensive, ambulatory, and ancillary patient services to gross revenues, unless the hospital reports all sub-acute admissions in which case "adjusted admission" is the sum of sub-acute admissions divided by the ratio of total inpatient revenues to gross revenues.

(3) "Audited actual experience", "audited actual data", or "audited financial statements" means data contained within financial statements examined by an independent, Florida-licensed, certified public accountant in accordance with generally accepted auditing standards and including an opinion on the audited financial statements. The hospital shall disclose its significant accounting policies with respect to the classification of inpatient and outpatient gross and net revenues in accordance with "Accounting Principles Board Opinion 22" or its successor(s). In addition to all other pertinent

information, this disclosure should contain the total amounts reported for net inpatient revenue and net outpatient revenue contained in the audited financial statements for the fiscal periods presented.

(4) "Change in hospital ownership" means that a majority of the ownership or the controlling interest of the hospital is transferred or assigned. A change in ownership includes, but is not limited to, the acquisition of the hospital by any person or other legal entity by any means; the leasing of the hospital when the lessee agrees to undertake or provide services at the hospital to the extent that legal liability for operation of the hospital rests with the lessee; conversion of the hospital's type or kind of business organization; the sale, acquisition, assignment or other voluntary or involuntary transfer of a majority of the ownership or the controlling interest of the hospital; merger of the hospital corporation into a new corporation; or consolidation of the hospital corporation with one or more corporations resulting in the creation of a new corporation.

(5) "Charity care patient" means a medically indigent patient whose charges are, in whole or in part, classified as "Charity/Uncompensated Care – Other" who meets the requirements of Account 5960, Chapter III, FHURS Manual and/or "Charity/Uncompensated Care – Hill Burton" who meets the requirements of Account 5950, Chapter III, FHURS Manual.

(6) "Chart of accounts" means the list of accounts, code numbers, definitions, standard units of measure and principles and concepts included in the FHURS Manual.

(7) "Day of admission" means the day on which a person is admitted to a hospital or sub-acute facility for bed occupancy for purposes of receiving inpatient hospital or sub-acute services and counts as one inpatient day. If admission and discharge or death occur the same day, the day is considered a day of admission and counts as one inpatient day.

(8) "Executive staff members" means the Secretary, Executive Director and such other staff members as designated by the Secretary, Executive Director.

(9) "FHURS Manual" means the Florida Hospital Uniform Reporting System Manual as adopted by the Agency Board and incorporated by reference in Rule 59E-5.102.

(10) "Financial statements" means a presentation of financial data, including accompanying notes, derived from accounting records and intended to communicate a hospital's economic resources or obligations at a point in time, or the changes therein for a period of time, and the results of operations for a period of time in accordance with generally accepted accounting principles.

(11) "Generally accepted accounting principles" (GAAP) means accounting principles or standards generally accepted in the United States, as published by the American Institute of Certified Public Accountants, and Statements of Financial Accounting Standards and interpretations thereof as published

by the Financial Accounting Standards Board and as may be amended by rule of the Department of Business and Professional Regulation ~~Department of Professional Regulation~~, Board of Accountancy.

(12) "Generally accepted auditing standards" (GAAS) means the generally accepted auditing standards adopted by the American Institute of Certified Public Accountants, together with interpretations thereof, as set forth in Statements on Auditing Standards as published by the American Institute of Certified Public Accountants and as may be amended by rule of the Department of Business and Professional Regulation ~~Department of Professional Regulation~~, Board of Accountancy.

(13) "Gross patient services revenue" means the sum of daily hospital service charges, ambulatory service charges, ancillary service charges; including all charges for sub-acute services.

(14) "Gross operating revenue" means "Gross revenue" as that term is defined in Section 407.002(12), F.S.

(15) "Hospital" means a health-care institution, as defined in Section 395.002(6), F.S., and licensed pursuant to Chapter 395, F.S.

(16) "Inpatient admission" means a person who has been admitted to a hospital for bed occupancy for purposes of receiving inpatient hospital services. A person is considered an inpatient if formally admitted by the hospital as an inpatient by physician order with the expectation that the individual would remain at least overnight and occupy a bed.

(17) "Inpatient revenues" means gross charges generated from the provision of hospital services to any patient admitted to the hospital as an inpatient to the hospital. When an individual is furnished outpatient services and is thereafter admitted as an inpatient of the same hospital before midnight of the next day, the outpatient charges are reported as inpatient revenue.

(18) "Net operating revenue" means "Net revenue" as that term is defined in Section 407.002(19), F.S.

(19) "Non-operating revenue" means revenue not directly related to the entity's ongoing or principle operations. Non-operating revenue may include unrestricted gifts, unrestricted income from endowment funds, gain on sale of hospital properties, and income and gains from investments of general funds.

(20) "Patient day" means a day which begins at midnight and ends 24 hours later. The midnight-to-midnight method must be used even if the provider uses a different definition of a patient day for its statistical or other purposes. Whenever a patient occupies a bed in more than one patient care area in one day, the inpatient day should be counted only in the patient care area in which the patient was located at the census-taking hour. The day of admission will be counted as a full day; however, the day of discharge is not counted. A full day must

be counted when a patient is admitted as an inpatient with the expectation of the patient remaining overnight and occupying a bed, but is discharged on the same day.

(21) "Prior year report" means, collectively, the actual report and the corresponding financial statements with an audit report of an independent Florida-licensed certified public accountant for the same reporting period and including an opinion on the audited financial statements.

(22) "Total net revenue" means the sum of net patient services revenue, other operating revenue, and non-operating revenue.

(23) "Total revenue" means the sum of gross revenue, other operating revenue and non-operating revenue.

Specific Authority 408.15 FS., Ch. 88-394, Laws of Florida. Law Implemented 407.002, 408.061, 408.072, 408.08 FS. History—New 6-11-92, Formerly 10N-5.101, Amended.

59E-5.102 Florida Hospital Uniform Reporting System.

(1) The Agency for Health Care Administration hereby adopts and establishes a uniform system for hospital reporting by adopting and incorporating by reference the Florida Hospital Uniform Reporting System (FHURS) Manual, Version 00-1, October 4, 2000, Version 92-1, April 9, 1992. This manual, which includes reporting forms, has the force and effect of the Agency for Health Care Administration's rules.

(2) A copy of the FHURS Manual may be obtained, upon payment of the cost of reproduction, by writing to: The Agency for Health Care Administration, Supervisor of Financial Analysis, Bureau of Health Facility Regulation, Director of Public Information, 2727 Mahan Drive, Mail Stop #28, 325 John Knox Road, 301 The Atrium, Tallahassee, Florida 32308 32303.

Specific Authority 408.15 FS. Law Implemented 408.061(2), 408.07(22) FS. History—New 6-11-92, Formerly 10N-5.102, Amended 2-24-94, Amended.

59E-5.103 Reporting Requirements.

(1) Each hospital must comply with the reporting requirements set forth in Rule 59E-2.015.

(2) Each report or document must contain all information specified for that report or document in the FHURS Manual and shall be submitted on the forms and in the formats set forth in the FHURS Manual.

(3) Separate reports are required for each licensed hospital, regardless of ownership or operation.

(4) Extensions for filing a report may be sought pursuant to the provisions of Rule 59E-2.017. However, no extension may be granted for submitting corrections pursuant to Rules 59E-5.205, 59E-5.304, and 59E-5.317.

(5) Prior year reports shall be filed in compliance with the requirements of Rule 59E-5.201.

~~(6) Budget reports shall be filed in compliance with the requirements of Rule 59E-5.301.~~

~~(6)(7)~~ Hospitals changing ownership must comply with the reporting requirements set forth in Rules 59E-5.202 and 59E-5.302 and must submit written notification of the ownership change within 30 days of the effective date of the change. The new owner shall submit the notification which shall include:

- (a) Identification of the new owner;
- (b) The address of the new owner;
- (c) The status of the hospital's license;
- (d) The status of Medicaid and Medicare certification and identification of provider numbers; and
- (e) Such other information as may be necessary to identify the new owner;
- (f) The name of the hospital prior to and after the ownership change; and
- (g) Such other information as may be required by the ~~Board~~ Agency to identify the facility, its owner and to assure that all reporting requirements are met by the hospital.

~~(7)(8)~~ Hospitals changing fiscal year end must comply with the reporting requirements set forth in Rules 59E-5.202 and 59E-5.302 and must submit written notification of the fiscal year end change within 30 days of such change. The notification shall include:

- (a) Identification of the hospital;
- (b) The previous fiscal year end;
- (c) The new fiscal year end; and
- (d) The reason for the change in fiscal year end.

~~(8)(9)~~ Hospitals which are seeking licensure for the first time or which are seeking licensure for an existing hospital due to a change in ownership shall so notify the Agency Board within 30 days of the date that an application for a hospital license pursuant to Section 395.003, F.S., is filed.

Specific Authority 408.061, 408.15 FS., Ch. 88-394, Laws of Florida. Law Implemented 408.061, 408.072 FS. History--New 6-11-92, Formerly 10N-5.103, Amended.

59E-5.201 Prior Year Report Requirements.

(1) Each hospital shall submit to the Agency, not more than 120 days subsequent to the end of its fiscal year, its prior year report for the fiscal year then ended.

(2) The prior year report shall consist of the following:

(a) For hospital financial accounting periods ending subsequent to December 31, 1998, and with corresponding due dates beginning on April 30, 1999 and beyond, the actual report shall be submitted to the Agency using the computer software known as "FADES". The FADES software has been developed by the Agency for the purpose of electronically filing the actual report. The software is a *Visual Basic* template that reproduces the FHURS worksheets pursuant to 59E-5.103 of this chapter in an electronic format. The software also converts the worksheet data into a precisely designed file structure which can be electronically processed through the Agency's computer system. Hospitals shall use the FADES

software to keypunch the FHURS worksheet information and to transmit the data to the Agency. An installation diskette will be provided to hospitals prior to the due date of the 1999 report in a timely manner free of charge. Hospitals shall not use an alternative version of the software until such software is approved for use by the Agency. Hospitals shall not request approval for use of alternative software within 120 days prior to the report being due. The data produced from the FADES application shall be returned to the Agency on a 3.5-inch computer diskette pursuant to the formatting requirements provided in Rule 59E-5.206.

(b) The 3.5-inch diskette shall be submitted with the following information on an externally affixed label.

- 1. "Hospital FHURS Report".
- 2. Hospital Name.
- 3. Hospital Number (8 digit format).
- 4. Reporting period.
- 5. "Submission Number" which represents a progressive count of the number of diskettes sent to the Agency for this report.
- 6. Name of contact person including area code and telephone number.

(c) FHURS "Worksheet A" on paper that contains the appropriate signatures by the Chief Executive Officer and Chief Financial Officer of the hospital;

(d) Two paper copies of the audited financial statements; and

(e) One paper copy of the Medicare cost report;

(3) Hospitals with fiscal years ending subsequent to July 1, 2000 shall submit for the year 2000 reporting cycle only, one paper copy of worksheet C-3a (rev.). Worksheet C-3a (rev.) will be incorporated into the electronic reporting system for the 2001 reporting cycle. The electronic version of worksheet C-3a contained in the FADES filing of the hospital's actual report for the year 2000 reporting cycle must also be completed.

~~(4)(3)~~ The actual report shall be prepared for each hospital from the audited financial statements. Whenever an actual report is not in agreement with the corresponding audited financial statements, the hospital shall provide a reconciliation of the amounts presented in the audited financial statements to amounts reported in the actual report.

~~(5)(4)~~ In the event a hospital's audited actual data is restated in accordance with generally accepted accounting principles, the hospital shall report the restatement to the Agency within 30 days of the issuance of the restatement.

Specific Authority 408.061 FS. Law Implemented 408.061, 408.08 FS. History--New 6-11-92, Formerly 10N-5.201, Amended 3-28-99, _____.

59E-5.205 Notice of Violation or Deemed Not Filed and Response.

(1) Once a report has been filed in accordance with Rule 59E-2.015 and Rule 59E-5.201, the Agency will review the report and determine if:

(a) It conforms to applicable statutory, rule and FHURS Manual requirements;

(b) The data are mathematically accurate, reasonable and verifiable.

(2) If the report does not conform to the above requirements, the report will be deemed "not accepted" and a notice of violation will be sent certified mail, or by other delivery service which provides proof of delivery, to the hospital.

(3) The notice shall clearly indicate the deficiencies found, the corrections or modifications necessary to make it complete or conforming or its data verifiable, as well as the time by which a corrected or modified report must be received by the Agency.

(4) A hospital shall have no fewer than 10 working days following receipt of the notice of violation or notice of deemed not filed to return the requested corrected or modified report to the Agency.

(5) Modifications or corrections to various accounts and worksheet cells shall be made by resubmitting the entire report using the FADES software and be re-transmitted via computer diskette using the formats pursuant to 59E-5.206. The diskette shall be submitted with the following information on an externally affixed label.

(a) "Corrections to Hospital FHURS Report."

(b) Hospital Name.

(c) Hospital Number (8-digit format).

(d) Reporting period.

(e) "Submission Number" which represents a progressive count of the number of diskettes sent to the agency for this report. A cover letter shall be provided with the diskette outlining the contents of the corrections contained on the diskette.

(6) The Agency intends to provide for a transition period in the transmittal of corrections to actual reports. For financial accounting periods for fiscal year 2000 ending in calendar 1999 only, paper copies of FHURS Worksheet C-3a (rev.) will be required to be submitted, in order to properly calculate the adjustment and exemptions to the PMATF assessment. A-1, A-2, B-1, B-3, B-4, B-4a, C-1, C-2, C-3, C-4, C-5, C-6, C-7, and X-1 will be accepted for corrections. Corrections to FHURS worksheets not specifically identified in this paragraph must be submitted electronically using the FADES software. When a combination of corrections is necessary that includes both the noted and not noted worksheets in this paragraph, the FADES software must be used for all corrections, with the exception of Worksheet C-3a (rev.) in fiscal year 2000. For financial accounting periods ending after calendar 1999, no paper copies of corrected worksheets will be accepted, except as noted above.

(7) Actual reports must be properly formatted on a 3.5 inch diskette in accordance with Rule 59E-5.206 of this chapter and readable by Agency software, otherwise the report will be deemed not filed and the hospital will be subject to the penalties for late filing as prescribed in this chapter.

(8) Hospitals whose reports are deemed not filed resulting from an improperly formatted diskette will receive an edit report that will attempt to describe the formatting deficiencies in sufficient detail to initiate corrective action by the hospital.

Specific Authority 408.061, 408.15 FS. Law Implemented 408.061, 408.062, 408.08 FS. History—New 6-11-92, Formerly 10N-5.205, Amended 3-28-99,

59E-5.605 Public Medical Assistance Trust Fund Assessments.

(1) Within six months after the end of each hospital's fiscal year, the Agency's Bureau of Health Facility Regulation will certify to the Bureau of Finance and Accounting the Board shall certify to the Department of Health and Rehabilitative Services (HRS) the amount of each hospital's public medical assistance trust fund assessment.

(a) For hospitals with fiscal years ending subsequent to July 1, 2000 the amount certified shall be equal to 1.5 percent of the annual inpatient net operating revenue of each hospital and shall be equal to 1.0 percent of outpatient net operating revenue, based upon the prior year's actual data filed with the Agency Board. Net revenues for outpatient radiation therapy shall be excluded from the calculation of outpatient net operating revenue.

(b) Assessment is based on the prior year's net operating revenues, exclusive of outpatient radiation therapy revenues, and all payments made to the PMATF shall reflect that calculation.

(2) Each hospital shall be notified of the assessment amount being certified to the Bureau of Finance and Accounting HRS.

(3) Within 21 days of receipt of notification of the assessment amount, a hospital may request a hearing pursuant to Section 120.57, F.S.

(4) If a hearing is timely requested, the Agency Board shall certify to the Bureau of Finance and Accounting HRS an interim assessment amount which shall equal the assessment amount last certified to the Bureau of Finance and Accounting HRS. Upon resolution of the issues regarding certification, the proper assessment amount shall be certified. The assessment amount for the year shall not be affected by the issuance of an interim assessment.

(5) Initial assessments against new hospitals will be certified upon approval of the first Prior Year Report, the assessment shall be based upon actual net operating revenue as reflected in that report. Shall be paid at the time a hospital is licensed. The assessment shall be based on the hospital's projected net operating revenue during its first year of operation and until its first Prior Year Report is accepted by the

~~Board. Upon approval of the first Prior Year Report, the assessment shall be based upon actual net operating revenue as reflected in that report.~~

(6) In the event a hospital fails to file its Prior Year Report or the report is not accepted by the Agency Board, the quarterly assessment shall be based on the most recently filed Prior Year Report accepted by the Agency Board. ~~Upon approval of the first Prior Year Report, the assessment shall be based upon actual net operating revenue as reflected in that report.~~

(7) If the data contained in the Prior Year Report is based upon a fiscal period of less than one calendar year, the data provided shall be annualized and the assessment will be calculated on an annualized basis.

(8) Assessments during the first year of operation under new ownership shall be based on the hospital's net operating revenue for the last fiscal year under previous ownership.

(9) Assessments are made against facilities, accordingly the amount of the assessment and liability for the assessment remains with the facility regardless of any change in ownership.

Specific Authority 408.15 FS., Chapter 00-256, Laws of Florida. Law Implemented 395.701(2)(a), 408.072 FS. History--New 6-11-92, Formerly 10N-5.606, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Christopher J. Augsburger, Regulatory Analyst Supervisor
NAME OF SUPERVISOR OF PERSON WHO APPROVED
THE PROPOSED RULE: Jeffery N. Gregg, Bureau Chief,
Health Facility Regulation
DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: January 5, 2001
DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: August 4, 2000

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid Program Development Office

RULE TITLE: Independent Laboratory Services RULE NO.: 59G-4.190

PURPOSE AND EFFECT: The purpose of this rule amendment is to incorporate by reference the Florida Medicaid Independent Laboratory Services Coverage and Limitations Handbook, April 2000.

SUMMARY: The purpose of this rule amendment is to incorporate by reference the Florida Medicaid Independent Laboratory Services Coverage and Limitations Handbook, April 2000. The handbook update includes the January 2000 fee schedule update, changes to laboratory panels, and an update on the panel's frequency limits.

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: 409.919 FS.

LAW IMPLEMENTED: 409.905, 409.908, 409.9081 FS.

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

TIME AND DATE: 9:00 a.m., February 26, 2001

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Susan Rinaldi, Medicaid Program Development, P. O. Box 12600, Tallahassee, Florida 32317-2600, (850)922-7308

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-4.190 Independent Laboratory Services.

(1) No change.

(2) All independent laboratory providers enrolled in the Medicaid program must comply with the provisions of the Florida Medicaid Independent Laboratory Coverage and Limitations Handbook, April 2000 ~~April 1999~~, incorporated by reference, and the Florida Medicaid Provider Reimbursement Handbook, HCFA-1500 and Child Health Check-Up 221, which is incorporated by reference in Chapter 59G-5.020, F.A.C. Both handbooks are available from the Medicaid fiscal agent.

Specific Authority 409.919 FS. Law Implemented 409.905~~7~~, 409.908, 409.9081, ~~409.913~~ FS. History--New 1-1-77, Amended 10-11-81, Formerly 10C-7.41, Amended 6-30-92, Formerly 10C-7.041, Amended 9-28-94, 1-9-96, 10-20-96, 9-14-97, 3-22-00, .

NAME OF PERSON ORIGINATING PROPOSED RULE:
Susan Rinaldi

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

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: January 26, 2001

DEPARTMENT OF MANAGEMENT SERVICES

RULE CHAPTER TITLE: Administrative Proceedings
 RULE CHAPTER NO.: 60-4
 RULE TITLE: Indexing, Management and Availability
 RULE NO.: 60-4.020
 of Final Orders

PURPOSE AND EFFECT: To repeal Rule 60-4.020, Florida Administrative Code. The effect of the repeal will be that Sections 120.53 and 120.533, Florida Statutes, and Rule Chapter 1S-6, Florida Administrative Code, will apply to the subject.

SUMMARY: A repeal of Rule 60-4.020, which describes the official reporter for this department's final orders that are rendered in administrative proceedings, provides a numbering system for the final orders, requires indexing or listing of the orders, and describes their availability.

SPECIFIC AUTHORITY: 120.53(1)(c) FS.

LAW IMPLEMENTED: 120.53, 120.533 FS.

SINCE THIS REPEAL RELATES EXCLUSIVELY TO PRACTICE AND PROCEDURE, NO HEARING WILL BE HELD. HOWEVER, AFFECTED PERSONS MAY SUBMIT WRITTEN COMMENTS WITHIN 21 CALENDAR DAYS AFTER PUBLICATION OF THIS NOTICE.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Monesia Taylor Brown, Senior Attorney, Office of Secretary, 4050 Esplanade Way, Tallahassee FL 32399-0950, (850)488-2786

THE FULL TEXT OF THE PROPOSED RULE IS:

60-4.020 Indexing, Management and Availability of Final Orders.

Specific Authority 120.53(1)(c) FS. Law Implemented 120.53, 120.533 FS. History--New 9-23-92, Formerly 13-4.020, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Monesia Taylor Brown, Senior Attorney, Office of Secretary
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Barbara Auger, Deputy Secretary
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 16, 2001

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

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

PURPOSE AND EFFECT: The Board proposes to update the rule text to concur with new Departmental language.

SUMMARY: New language is being added so that the Board and Department's rules are reconciled.

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

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

SPECIFIC AUTHORITY: 468.4315(2), 468.433 FS.

LAW IMPLEMENTED: 468.433, 468.4337 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Julie Baker, Executive Director, Regulatory Council of Community Association Managers, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULES IS:

61-20.5081 Continuing Education Provider Approval.

(1) through (3) No change.

(4) Continuing education provider status shall be valid from the date of approval until May 31 ~~June 30~~ of every ~~odd~~ even numbered year. Providers may renew their provider status within 90 days of May 31 of the odd numbered year. Those seeking renewal of provider status must reapply on BPR form 33-011, referenced in Subsection (2) above, to the Council and submit the appropriate renewal fee pursuant to Rule 61-20.504(14), F.A.C. Providers who fail to renew their provider status on a timely basis in accordance with this rule shall not offer or advertise a course as an approved course for continuing education. Renewal of provider status shall be for a two year period until May 31 of the next odd numbered year. Providers who are to expire June 30, 2002 shall have a new expiration date of May 31, 2003.

(5) Once approved, providers shall comply with the following requirements:

(a) through (b) No change.

(c) Records of individual courses shall be maintained by the provider for ~~4~~ 3 years and shall be available for inspection by the Council and the Department or the Department's designee.

(d) Providers shall furnish each participant with an individual certificate of attendance that complies with Rule ~~61-6.015(4)(a)~~ ~~61-20.5082(2)~~, F.A.C. An attendance record ~~A roster of participants~~ shall be maintained by the provider for ~~4~~ 3 years and shall be available for inspection by the Council and the Department or the Department's designee. Providers must electronically provide to the Department a list of attendees taking a course within five (5) business days of the completion of the course. For home study courses, the provider must electronically supply the list of those individuals successfully completing the course by the 5th of the month following the calendar month in which the provider received documentation

and was able to determine the successful completion of the course by the individual. The list shall include the provider's name, the name and license number of the attendee, the date the course was completed and course number and the total number of hours successfully completed in each subject covered by the continuing education course. If the instructor is receiving credit as set forth in Rule 61-20.508(5), F.A.C., the instructor shall be listed as an attendee with the same information required above. Providers shall maintain security of attendance records and certificates.

(e) All information or documentation, including electronic course rosters, submitted to the Council or the Department shall be submitted in a format acceptable to the Council and the Department. Failure to comply with the time and form requirements will result in disciplinary action taken against the provider. No provider may reapply for continuing education provider status until at least two (2) years have elapsed since the entry of the final order against the provider.

(f) Providers shall assure that sales presentations shall not be conducted during, immediately before or after the administration of any courses approved pursuant to this rule.

(6) A continuing education provider initially approved during the last 90 days prior to May 31 June 30 of an odd even numbered year, shall not be required to reapply as a condition for renewing provider status.

(7) through (8) No change.

(9) The Council shall rescind the provider status or reject individual courses offered by a provider if the provider disseminates any false or misleading information in connection with the continuing education course, or if the provider or its instructor(s) failed to conform to and abide by the rules of the Council or the Department or are in violation of any of the provisions of Chapters 468, Part VIII or 455, Florida Statutes.

(10) The Council shall utilize expert groups or individuals as appropriate in implementing these rules.

Specific Authority 468.4315(2),(3) FS. Law Implemented 455.2179, 468.4337 FS. History--New 5-14-98, Amended 3-13-00, 2-5-01, _____.

61-20.5082 Continuing Education Course Approval.

(1) No change.

(2) The course provider shall submit to the Council a sample continuing education course certificate of ~~course~~ completion that complies with Rule 61-6.015(4)(a), F.A.C. that is given to the course instructor shall provide each course participant if the participant completes the course. In addition to the information required by Rule 61-6.015(4)(a), F.A.C., the ~~Such~~ certificate shall include ~~the course participant's name, the title of the course, the course approval number, date completed, number of hours~~ and the type of continuing education credit granted as described in Rule 61-20.508(3), F.A.C. The certificate shall be provided to the course

participant at the completion of the course. The certificate of ~~course~~ completion shall contain, on its face, the following statement in capital letters in at least 12 point type:

IF YOU HAVE ANY CONCERNS THAT THE COURSE YOU HAVE JUST COMPLETED DID NOT MEET THE LEARNING OBJECTIVES SET OUT IN THE COURSE MATERIALS, DID NOT COVER THE SUBJECT MATTER OF THE COURSE, OR WAS A SALES PRESENTATION; PLEASE CONTACT THE COUNCIL'S OFFICE IN WRITING AT: DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION, REGULATORY COUNCIL OF COMMUNITY ASSOCIATION MANAGERS, 1940 NORTH MONROE STREET, TALLAHASSEE, FLORIDA 32399-1040

(3) Course approvals are valid for 24 months from the date of issuance. Providers must reapply for course approval within 90 days from the expiration of the 24 month period. Written application and course approval shall be in the same form as set forth in (1)(a) above. The Council shall be notified of any substantive changes made to approved courses during this period. Course approval shall be rescinded by the Council if such notification is not made or the changes fail to otherwise conform to this rule. Course approvals shall be automatically rescinded if the provider approval expires or is rescinded by disciplinary action or otherwise.

(4) No change.

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

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

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

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

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Barbers'

RULE TITLE: RULE NO.:

General Information and Forms 61G3-15.006

PURPOSE AND EFFECT: The amendment adds language to explicitly state, "Provider and Course Approval Application" information.

SUMMARY: This rule is being amended to update language within.

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(1), 119.07(1)(a), 476.064(4) FS.

LAW IMPLEMENTED: 120.53(1), 455.205, 119.07(1)(a) 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: Julie Baker, Executive Director, Barbers' Board, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G3-15.006 General Information and Forms.

(1) through (2) No change.

(3) The following forms are used by the Department and may be obtained by writing to the Board's office:

- (a) Examination application;
- (b) Reexamination application;
- (c) Barbershop application;
- (d) Barbershop transfer of ownership or location application;

(e) Provider and Course Approval Application.

Specific Authority 120.53(1), 119.07(1)(a), 476.064(4) FS. Law Implemented 120.53(1), 455.205, 119.07(1)(a) FS. History--New 7-16-80, Formerly 21C-15.06, 21C-15.006, Amended 10-30-95, 2-14-96,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Barbers'

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

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

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Barbers'

RULE TITLE: RULE NO.:

Requirement for Instruction on Human Immunodeficiency Virus and Acquired Immune Deficiency Syndrom (AIDS) 61G3-16.009

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

SUMMARY: This rule is being amended to update language within.

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: 455.2228, 476.064(4) FS.

LAW IMPLEMENTED: 455.2228 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: Julie Baker, Executive Director, Barbers' Board, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G3-16.009 Requirement for Instruction on Human Immunodeficiency Virus (~~HIV~~) and Acquired Immune Deficiency Syndrome (AIDS).

(1) The Board shall require as a condition of ~~granting a renewal and as a condition of~~ granting an initial license, completion of an education course approved by the Board, on HIV and AIDS. Certification of completion of a HIV/AIDS course shall accompany the application for initial ~~and renewal~~ licensure. Any applicant for licensure may take an approved course within two (2) years preceding application for initial licensure.

(2) No change.

(3) Courses may be presented as live presentation courses or home study courses. All home study courses shall include a written post-course examination which must be graded by the provider. Post-course examinations may be open-book examinations. Persons taking the course must achieve a 75% passing score on all post-course examinations in order to receive a certificate of completion. Providers requesting approval must submit all course materials to the Board at least 30 days prior to the next Board meeting.

(4) The Board shall not approve live presentation courses or home study courses unless all such courses require a 75% passing score on a post-course test to be graded by the course provider.

(5) ~~The HIV/AIDS education course requirement for license renewal shall not apply to a licensee during the biennium in which he is first licensed in Florida, but shall apply to such a licensee in every biennium thereafter.~~

(6) ~~The HIV/AIDS education course requirement for initial licensure shall be applied to satisfy the HIV/AIDS course requirement for biennial active status renewal during the first renewal period.~~

~~(7) For auditing purposes, licensees who are seeking renewal shall retain proof of completion of the HIV/AIDS course for a minimum of 24 months following renewal of their license for which the course was taken. Course providers shall likewise retain proof of completion of the course by licensees and applicants for 24 months.~~

~~Specific Authority 455.2228, 476.064(4) FS. Law Implemented 455.2228 FS. History--New 12-31-89, Amended 10-17-90, 3-22-92, Formerly 21C-16.009, Amended 11-30-93, 9-15-94, 12-22-94, 5-3-95, 6-29-95, 12-12-95, 5-1-96, 12-9-97.~~

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Barbers'
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Barbers'
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 8, 2001
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 18, 2000

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Barbers'

RULE TITLE: Application Fee for Continuing Education Providers
RULE NO.: 61G3-20.017

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

SUMMARY: This rule is being amended to update language within.

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: 455.219(3), 476.064(4), 455.2228 FS.

LAW IMPLEMENTED: 455.219(3), 455.2228 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: Julie Baker, Executive Director, Barbers' Board, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G3-20.017 Application and Initial Fee for Continuing Education Providers.

~~The application fee for providers of continuing education courses shall be Anyone seeking approval of a continuing education program shall submit a fee of two hundred fifty dollars (\$250.00). This fee shall cover the cost of the initial licensure period for continuing education providers which shall be two years from the date of initial approval.~~

~~Specific Authority 455.219(3), 476.064(4), 455.2228 FS. Law Implemented 455.219(3), 455.2228 FS. History--New 9-21-94, Amended 11-6-97.~~

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Barbers'
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Barbers'
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 8, 2001
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 18, 2000

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Barbers'

RULE TITLES: Citations
Mediation
RULE NOS.: 61G3-21.009
61G3-21.011

PURPOSE AND EFFECT: The Board proposes to update the rule text by clarifying the areas of citations and mediation.

SUMMARY: These rules are being amended to update language within.

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: 455.224, 476.064(4) FS.

LAW IMPLEMENTED: 455.224, 455.2235 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 RULES IS: Julie Baker, Executive Director, Barbers' Board, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULES IS:

61G3-21.009 Citations.

(1) through (3)(l) No change.

~~(m) Failure to complete the requirements for instruction on Human Immunodeficiency Virus (HIV) and Acquired Immune Deficiency Syndrome (AIDS) for renewal of a barber license, in violation of Rule 61G3-16.009, F.A.C., shall result in a fine of \$250.00. Each licensee who receives such a citation shall submit proof of completion of this requirement to the Board office within sixty (60) days of the date the licensee receives the citation. Failure to submit such proof shall result in the initiation of a disciplinary case to be brought before the Board.~~

(4) No change.

(5) The Department shall report to the Board the names, numbers, and violation of the licensees issued citations.

(6) through (7) No change.

Specific Authority 476.064(4), 476.204(2) FS. Law Implemented 455.224 FS. History—New 1-19-92, Amended 3-22-92, 2-18-93, Formerly 21C-21.009, Amended 6-16-94, 9-22-94, 8-21-95, 2-14-96, 11-6-97, _____.

61G3-21.011 Mediation.

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

~~(b) failure of the licensee to timely respond to a continuing education audit.~~

Specific Authority 476.064(4) FS. Law Implemented 455.2235 FS. History—New 12-22-94, Amended 5-16-95, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Barbers’

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

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

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

DEPARTMENT OF HEALTH

Board of Orthotists and Prosthetists

RULE CHAPTER TITLE: Fees RULE CHAPTER NO.: 64B14-2

RULE TITLES: Biennial Renewal Fee RULE NOS.: 64B14-2.002

Delinquent License Fee 64B14-2.003

Reactivation Fee 64B14-2.004

Change of Status Fee 64B14-2.005

PURPOSE AND EFFECT: The Board proposes amendments to Rules 64B14-2.002, 64B14-2.003, 64B14-2.004, and 64B14-2.005, F.A.C., to revise existing fees for licensees.

SUMMARY: The rule amendments are for the purpose of updating professional licensure fees.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: A statement of estimated regulatory cost has not been prepared regarding these proposed rules.

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: 455.711, 468.802, 468.806 FS.

LAW IMPLEMENTED: 455.711, 468.806 FS.

A PUBLIC WORKSHOP IN THIS MATTER WAS ANNOUNCED IN VOL. 26, NO. 52, DECEMBER 29, 2000, ISSUE OF THE FLORIDA ADMINISTRATIVE WEEKLY.

All written material received by the Board within 21 days of the date of publication of this notice shall be made a part of the official public record.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Joe Baker, Jr., Executive Director, Board of Orthotics & Prosthetics, 4052 Bald Cypress Way, BIN # C07, Tallahassee, Florida 32399-3257

THE FULL TEXT OF THE PROPOSED RULES IS:

64B14-2.002 Biennial Renewal Fee.

The biennial renewal fee for all licensure categories in Chapter 468, F.S., Part XIV, for active or inactive licenses is \$300.00 ~~\$100.00~~.

Specific Authority 455.711, 468.802, 468.806 FS. Law Implemented 455.711, 468.806 FS. History—New 2-25-99, Amended _____.

64B14-2.003 Delinquent License Fee.

A delinquent status shall pay a delinquency fee of \$300.00 ~~\$100~~ when the licensee applies for renewal.

Specific Authority 455.711 FS. Law Implemented 455.711 FS. History—New 5-21-98, Amended _____.

64B14-2.004 Reactivation Fee.

The fee for reactivation of an inactive license shall be \$200.00 ~~\$100 per year of inactive status or portion thereof~~.

Specific Authority 455.711 FS. Law Implemented 455.711 FS. History—New 5-21-98, Amended _____.

64B14-2.005 Change of Status Fee.

The fee for change of licensure status at any time other than at the time of biennial renewal shall be \$100.00 ~~\$50~~.

Specific Authority 455.711 FS. Law Implemented 455.711 FS. History—New 6-18-98, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Orthotics & Prosthetics

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Joe Baker, Jr., Executive Director, Board of Orthotics & Prosthetics, 4052 Bald Cypress Way, BIN # C07, Tallahassee, Florida 32399-3257

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 16, 2001

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

DEPARTMENT OF HEALTH

Board of Pharmacy

RULE TITLES: RULE NOS.:
Fees and License Renewal Application 64B16-26.101
Inactive License Renewal 64B16-26.102

PURPOSE AND EFFECT: The Board has determined that amendments are necessary for both of the rules cited above in order to increase the fees.

SUMMARY: The Board is amending Rule 64B16-26.101 to increase the biennial renewal fee for an active pharmacist license, the fee to change a license from active to inactive status, the biennial renewal fee for an inactive pharmacist license, and the fee for a delinquent status licensee applying for active or inactive status. The Board is amending Rule 64B16-26.102 to increase the fee for placing a license on inactive status and to increase the fee to continue the license on inactive status.

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

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

SPECIFIC AUTHORITY: 465.005 FS.

LAW IMPLEMENTED: 456.036, 456.064, 465.008, 465.012 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:

64B16-26.101 Fees and License Renewal Application.

(1) No change.

(2) The biennial renewal fee for an active pharmacist license shall be ~~\$245.00, \$140.00~~. The fee to change a license from active to inactive status (inactive fee) shall be ~~\$245.00, \$140.00~~. The biennial renewal fee for an inactive pharmacist license shall be ~~\$245.00, \$140.00~~. The fee for a delinquent status licensee applying for active or inactive status shall be ~~\$245.00, \$140.00~~. The fee for reactivating an inactive status license to active status shall be \$70.00. The fee for proceeding a licensee's request to change licensure status at any time other than at the beginning of a licensure cycle shall be \$25.00.

(3) through (5) No change.

Specific Authority 465.005 FS. Law Implemented ~~456.036, 456.064, 455.711, 455.641~~ 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, _____.

64B16-26.102 Inactive License Renewal.

(1) No change.

(2) A licensee may elect at the time of license renewal to place the license on inactive status by filing a written request with the board for inactive status and submitting the inactive fee of ~~\$245.00 \$140.00~~. For the purpose of this section, a written request may be a renewal form provided by the Department on which the licensee affirmatively elects inactive status.

(3) A licensee may elect at the time of renewal to continue the license on inactive status by filing a written request with the board for inactive status and submitting the active biennial renewal fee of ~~\$245.00 \$140.00~~. For the purpose of this section, a written request may be a renewal form provided by the Department on which the licensee affirmatively elects inactive status.

(4) No change.

Specific Authority 465.005 FS. Law Implemented 465.008, 465.012 FS. History—New 3-19-79, Formerly 21S-6.06, Amended 1-7-87, 12-29-88, Formerly 21S-6.006, Amended 7-31-89, 1-10-93, Formerly 21S-26.102, 61F10-26.102, Amended 3-10-96, Formerly 59X-26.102, 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: October 12, 2000

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

DEPARTMENT OF HEALTH

Board of Pharmacy

RULE TITLE: RULE NO.:
Requirements for an Internship Program
Sufficient to Qualify an Applicant for
Licensure by Examination 64B16-26.401

PURPOSE AND EFFECT: The Board is amending this rule by expanding and updating the requirements.

SUMMARY: The Board has determined that a new subsection (7) should be added to update the requirements for applicants who wish to become qualified to take the licensure by examination.

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 FS.

LAW IMPLEMENTED: 465.007 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: John Taylor, Executive Director, Board of Pharmacy, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254

THE FULL TEXT OF THE PROPOSED RULE IS:

64B16-26.401 Requirements for an Internship Program Sufficient to Qualify an Applicant for Licensure by Examination.

(1) through (6) No change.

(7) Applicants graduating after January 1, 2001, with the doctor of pharmacy degree from an institution meeting the requirements of 465.007(1)(b)1. shall be deemed to have met the requirements of this section with documentation of graduation.

(8)(7) The Board may conduct periodic review of programs to assure compliance with these rules.

Specific Authority 465.005 FS. Law Implemented 465.007 FS. History--New 8-20-83, Amended 5-19-72, 8-18-73, 12-18-74, 11-10-80, 10-25-84, Formerly 21S-1.22, 21S-1.022, Amended 7-31-91, Formerly 21S-26.401, Amended 12-27-93, Formerly 61F10-26.401, 59X-26.401, 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: October 12, 2000

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

DEPARTMENT OF HEALTH

Board of Pharmacy

RULE TITLE: Transfer of Prescriptions RULE NO.: 64B16-27.105

PURPOSE AND EFFECT: The Board proposes to amend this rule to update the rule text for clarity.

SUMMARY: The Board is amending this rule to change the word "state" to "jurisdiction".

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 FS.

LAW IMPLEMENTED: 465.026 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: John Taylor, Executive Director, Board of Pharmacy, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254

THE FULL TEXT OF THE PROPOSED RULE IS:

64B16-27.105 Transfer of Prescriptions.

(1) A pharmacist or registered pharmacy intern acting under the direct personal supervision of a Florida registered pharmacist may transfer a valid prescription which is on file in another pharmacy in this state or any other jurisdiction state if such transfer is consistent with the conditions set forth in Section 465.026, Florida Statutes. Prior to dispensing, the pharmacist or pharmacy where the prescription is on file shall be notified verbally, or by any electronic means that the former prescription must be voided.

(2) No change.

Specific Authority 465.005, 465.0155 FS. Law Implemented 465.026 FS. History--New 1-3-79, Formerly 21S-1.33, 21S-1.033, Amended 7-30-91, Formerly 21S-27.105, 61F10-27.105, Amended 9-19-94, Formerly 59X-27.105, Amended 6-15-98, _____.

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: October 12, 2000

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

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Economic Self-Sufficiency Program

RULE CHAPTER TITLE: Temporary Cash Assistance RULE CHAPTER NO.: 65A-4

RULE TITLE: Penalties for Nonparticipation in Work Requirements RULE NO.: 65A-4.205

PURPOSE AND EFFECT: The purpose of this proposed rule amendment is to implement s. 414.065(1) and (4), F.S., as amended by the 2000 Florida Legislature to reflect the shift of responsibility for temporary cash assistance (TCA) work requirements and alternative requirement plans, including the imposition of penalties, from the local WAGES coalitions (LWC) to the regional workforce boards (RWB). Additionally, the rule clarifies the imposition of penalties for the federal food

stamp and TCA programs for failure to comply with TCA work requirements or alternative requirement plans without good cause.

SUMMARY: This proposed rule amendment reflects the shift of responsibility for TCA work requirements or alternative requirement plans from the LWCs to the RWBs and clarifies the TCA and food stamp programs penalties to be applied to households for failure to comply without good cause. It also specifies that RWBs designees are responsible for determining acceptable good cause reasons for failure to comply with TCA work requirements or alternative requirement plans. Additionally, forms are revised as necessary to address legislative and policy changes.

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: 414.45 FS.

LAW IMPLEMENTED: 414.065(1),(4) FS.

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

TIME AND DATE: 9:00 a.m., February 28, 2001

PLACE: 1317 Winewood Boulevard, Building 3, Room 455, Tallahassee, Florida 32399-0700

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Audrey Mitchell, Program Administrator, 1317 Winewood Boulevard, Building 3, Room 423, Tallahassee, Florida 32399-0700, Telephone (850)488-3090

THE FULL TEXT OF THE PROPOSED RULE IS:

65A-4.205 Penalties for Nonparticipation in Work Requirements.

(1) Penalty Requirements. The provisions for receipt of temporary cash assistance (~~TCA~~) in the ~~Work and Gain Economic Self Sufficiency (WAGES) program~~ include the requirement of individuals who do not meet exemptions to participate in work activities or alternative requirement plans. For the purposes of this rule "work activities" include alternative requirement plans. Failure to do so, without good cause, will result in penalties being applied in accordance with s. 414.065(1)(~~4~~), F.S. Individuals will be notified at program entry of the work activities requirement and possible penalties for noncompliance without good cause using the CF-ES 2097, Participation and Information Notice, Sep 00, incorporated by reference. Compliance with work requirements and determination of good cause for failure to comply with work requirements will be determined by the regional workforce

board (RWB) designee Department of Labor and Employment Security in accordance with s. 414.065(1) and (4), F.S. Individuals failing to comply with work activities will be notified of the failure to comply with work requirements within two working days following the failure by the RWB designee. penalty action by the Notice of Work Penalties, CF-ES 4192, May 97 incorporated by reference. The individual shall be allowed ten calendar days to contact the RWB designee to report good cause or to comply. Upon failure of the individual to respond by the date indicated, the RWB designee will notify the department to impose a sanction in accordance with s. 414.065(1)(a), F.S. Upon receipt of the sanction request, the department will notify the individual of the penalty action using the CF-ES 4192, Notice of Work Penalties, Sep 00, incorporated by reference.

(a) Temporary cash assistance groups who are disqualified for failing to perform a required work activity will also be disqualified for food stamps in accordance with [Federal food stamp policy at 7 U.S.C. 2015(6)(~~+~~)(d) and 7 U.S.C. 2015(6)(i) provides states the opportunity to align food stamp penalties with cash assistance penalties. The department has aligned food stamp penalties for noncooperation with work activities for cash assistance households to those with WAGES penalties. Temporary cash assistance WAGES Penalties, including food stamp penalties are to will be applied in accordance with s. 414.065(1)(a)(~~4~~), F.S.

(b) The fourth and each subsequent penalty prior to reinstatement as being in full compliance with TCA program requirements will be applied pursuant to s. 414.065(1)(a)3, (~~4~~)(e), F.S.

(2) No change.

~~(3) Ineligibility and the Option Not to Receive Cash Benefits.~~

~~(a) If, during the penalty period, the family would have been ineligible for cash assistance as a result of reasons other than penalties for noncompliance with work activities, the family will be able to apply for food stamp benefits as long as all factors of eligibility are met, subject to food stamp program work requirements.~~

~~(b) Caretaker relatives have the option not to receive cash benefits at any time. If the non-compliant individual, who is a caretaker relative, selects the option not to receive cash assistance, the family will be able to apply for food stamp benefits, as long as all factors of eligibility are met and any minimum sanction period has been served. The individual would be subject to the Food Stamp Program work requirements.~~

~~(c) Individuals have the option at any time to receive medical assistance only. If the non-compliant individual selects the option not to receive cash assistance, the family will be able to apply for food stamp benefits, as long as all factors of~~

eligibility are met and any minimum sanction period has been served. The individual would be subject to the Food Stamp Program work requirements.

~~(3)~~(4) Reinstatement of Benefits. ~~To meet federal Food Stamp Program requirements, Reinstatement of benefits requires the filing of a Request for Assistance, CF-ES Form 2066 Jun. 98 95, incorporated by reference in administrative rule 65A-1.400, FAC, and a face-to-face interview, unless the individual demonstrates compliance and action is being taken to reinstate benefits within 30 days from the beginning date of the penalty. Cash assistance and food stamp benefits will be reinstated in accordance with s. 414.065(1)(a), F.S., to the date of compliance as determined by the RWB designee Department of Labor and Employment Security, as long as all other factors of eligibility are met and any minimum penalty period has been served.~~

(4) Copies of the CF-ES 2097 and the CF-ES 4192 may be obtained from the Department of Children and Family Services, Economic Self-Sufficiency Program Office, 1317 Winwood Boulevard, Tallahassee, Florida 32399-0700.

Specific Authority 414.45 FS. Law Implemented 414.065(1),(4) FS. History—New 12-21-97, Formerly 65A-1.521, Amended

NAME OF PERSON ORIGINATING PROPOSED RULE: Lonna Cichon, Operations and Management Consultant II
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Audrey Mitchell, Program Administrator, Program Policy, Program Support
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 11, 2001
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 8, 1999

FISH AND WILDLIFE CONSERVATION COMMISSION

Division of Law Enforcement

RULE CHAPTER TITLE: Boating Safety Forms
RULE TITLE: Forms

RULE CHAPTER NO.: 68D-1
RULE NO.: 68D-1.001

PURPOSE AND EFFECT: The purpose of this rulemaking action is to adopt by reference boating related forms the Fish and wildlife Conservation Commission is required by statute to produce and distribute.

SUMMARY: The following boating related forms are adopted and incorporated by reference in this rule: Florida Boating Accident Investigation Report; Florida Boating Accident Injury/Fatal Data Report; Florida Boating Accident Report Continuation; Florida Boating Accident Self Report; Refusal to Submit to Testing of Blood, Breath, or Urine Complaint; Florida Uniform Boating Citation with Supplement.

SPECIFIC AUTHORITY: 327.301, 327.302, 327.35215, 327.74 FS.

LAW IMPLEMENTED: 327.301, 327.302, 327.35215, 327.74 FS.

SUMMARY OF THE STATEMENT OF ESTIMATED REGULATORY COST: The Commission has not prepared a formal statement of the estimated regulatory cost.

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

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

TIME AND DATE: 1:30 p.m., Thursday, February 22, 2001
PLACE: Bryant Building, Second Floor Auditorium, Room 272, 620 South Meridian Street, Tallahassee, Florida 32399
THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Captain Alan S. Richard, Coordinator, Office of Boating Safety and Waterway Management, Division of Law Enforcement, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, FL 32399-1600

THE FULL TEXT OF THE PROPOSED RULE IS:

68D-1.001 Forms.

(1) The following forms are adopted and incorporated herein by reference:

(a) Florida Boating Accident Investigation Report, FWC/DLE-146 (06/00);

(b) Florida Boating Accident Injury/Fatal Data Report, FWC/DLE-146A (06/00);

(c) Florida Boating Accident Report Continuation, FWC/DLE-146B (06/00);

(d) Florida Boating Accident Self Report, FWC/DLE 146C (06/00);

(e) Refusal to Submit to Testing of Blood, Breath, or Urine Complaint, FWC 20-236 (10/2000);

(f) Florida Uniform Boating Citation with Supplement, FWC/LE-190 (12/99).

(2) The forms may be obtained by submitting a request to: Fish and Wildlife Conservation Commission, Division of Law Enforcement, Records Section, 620 South Meridian Street, Tallahassee, Florida 32399-1600. Florida Uniform Boating Citation books may be inspected and copied by the public but will be distributed only to law enforcement agencies.

Specific Authority 327.301, 327.302, 327.35215, 327.74 FS. Law Implemented 327.301, 327.302, 327.35215, 327.74 FS. History—New

NAME OF PERSON ORIGINATING PROPOSED RULE: Captain Alan S. Richard, Coordinator, Office of Boating Safety and Waterway Management, Division of Law Enforcement, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Colonel Robert Edwards, Director, Division of Law Enforcement, Fish and Wildlife Conservation Commission, Tallahassee, Florida 32399-1600

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 22, 2000

FISH AND WILDLIFE CONSERVATION COMMISSION

Division of Law Enforcement

RULE CHAPTER TITLE: Uniform Waterway Markers in Florida Waters

RULE CHAPTER NO.: 68D-23

RULE TITLES: Placement of Regulatory Markers in Waters of the State

RULE NOS.: 68D-23.003

Intent 68D-23.101

Scope 68D-23.102

Definitions 68D-23.103

Placement of Markers 68D-23.104

Criteria for Approval 68D-23.105

Permit Conditions 68D-23.106

Federal System Adopted 68D-23.107

Specifications for Markers 68D-23.108

Additional Specifications for Information and Regulatory Markers 68D-23.109

Inspection and Certification 68D-23.110

Enforcement 68D-23.111

Exemptions 68D-23.112

PURPOSE AND EFFECT: This rulemaking action clarifies the procedures and sets forth the policies regarding the placement of markers in, on, and over Florida's waters and the shores thereof. It will provide for uniformity in design, construction and coloring of markers so that all vessel operators may more readily recognize, identify and distinguish between authorized markers and unlawfully placed markers. It will also provide a means by which the FWC Division of Law Enforcement and its officers and all other law enforcement officers charged with the enforcement of this chapter may determine with reasonable certainty which boating restricted areas are lawfully established and marked. This rule provides a grace period until December 31, 2003, during which time all markers must be brought into conformity with the provisions of chapter 327, Florida Statutes, this chapter, and Part 62 of Title 33 of the Code of Federal Regulations which is adopted by reference. The rule provides for the removal of all

nonconforming markers after that date. Finally, the rule adopts by reference the United States Coast Guard's administration and technical manuals for implementing the United States Aids to Navigation System. The effect of this action will be a the implementation of a truly uniform system of waterway marking, a simplification in the application process, and a reduction in the time and effort needed to secure appropriate permits to place markers.

SUMMARY: This rule repeals section 68D-23.003 and reenacts the substance of its provisions as section 68D-23.103. The rule provides additional definitions for specific types of markers and for terms used in applications for permits to place markers.

This rule provides for uniformity in design and construction of markers and provides a means by which law enforcement officers may identify lawfully placed markers. It adopts by reference federal requirements and specification concerning waterway markers and provides a grace period during which time all markers must be brought into conformity. This rule also provides for the removal of all nonconforming markers after that grace period.

This rule formally establishes the policies, criteria, and procedures for the application for permits to place waterway markers, particularly regulatory markers. It formally exempts private aids to navigation established in concurrent state/federal waters from further permitting if they have received a Coast Guard permit.

SPECIFIC AUTHORITY: 327.40, 327.41 FS.

LAW IMPLEMENTED: 327.22, 327.40, 327.41, 327.46, 327.60, 370.12 FS.

SUMMARY OF THE STATEMENT OF ESTIMATED REGULATORY COST: The Commission believes that the adoption of this rule will have minimal, if any, economic impact. Much of what the rule does is clarify and codify existing procedures. By clarifying these procedures, thus reducing confusion, miscommunications, and the resultant requests for additional information or guidance, this rule will provide a nonquantifiable savings to this agency and to applicants for permits. This rule does not impose a permit application fee.

The requirement imposed by this rule on persons placing markers to inspect the markers every three years so as to insure that the markers are properly maintained and in serviceable condition is identical to the federal inspection requirement for Class-II aids to navigation, "markers located in waters used by general navigation." Moreover, the economic impact of this requirement is negligible when compared to the hazard posed by unserviceable or improperly maintained markers.

There is no expected impact on competition or the open market for employment. Small businesses will not be affected. This estimate is based on the experiences of this agency and its predecessor agencies, the Departments of Natural Resources and Environmental Protection, in administering this program.

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

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

TIME AND DATE: 1:30 p.m., Thursday, February 22, 2001
 PLACE: Bryant Building, Second Floor Auditorium, Room 272, 620 South Meridian Street, Tallahassee, Florida 32399
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Captain Alan S. Richard, Coordinator, Office of Boating Safety and Waterway Management, Division of Law Enforcement, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, FL 32399-1600

THE FULL TEXT OF THE PROPOSED RULES IS:

68D-23.003 Placement of Regulatory Markers in Waters of the State.

Specific Authority 327.40 FS. Law Implemented 327.40 FS. History—New 10-21-80, Formerly 16N-23.03, 16N-23.003, 62N-23.003, Repealed _____.

68D-23.101 Intent.

(1) It is the intent of this chapter:

(a) To provide for uniformity in design, construction and coloring of markers so that all vessel operators may readily recognize, identify and distinguish between authorized markers and unlawfully placed markers;

(b) To provide a means by which the Division and its officers and all other law enforcement officers charged with the enforcement of this chapter may determine with reasonable certainty which boating restricted areas are lawfully established and marked;

(c) To provide a grace period until December 31, 2003, during which time all markers shall be brought into conformity with the provisions of chapter 327, Florida Statutes, this chapter, and Part 62 of Title 33 of the Code of Federal Regulations, and to provide for the removal of all nonconforming markers after that date; and,

(d) To insure that regulatory markers noticing boating restricted areas created pursuant to sections 327.22, 327.60 and 370.12, Florida Statutes, are authorized only for the purposes of protecting human life and limb, vessel traffic safety and maritime property, and manatees.

(2) It is further the intent of this chapter that no boating restricted area be established, continued in effect, or enforced for the purpose of noise abatement or for the protection of shoreline, shore-based structures, or upland property from vessel wake or shoreline wash. As provided in section 327.33(2), Florida Statutes, "vessel wake and shoreline wash

resulting from the reasonable and prudent operation of a vessel shall, absent negligence, not constitute damage or endangerment to property." The wake resulting from the reasonable and prudent operation of a vessel is a force which should be anticipated by the owners of property adjacent to the navigable waters of this state.

(3) The Division will not issue any permit authorizing the placement of regulatory markers for:

(a) Ordinances that apply within the Florida Intracoastal Waterway, in violation of section 327.60(2), Florida Statutes;

(b) Ordinances adopted pursuant to section 370.12(2)(o), Florida Statutes, until such ordinances have been reviewed and approved by the commission, and provided that such ordinances do not apply within the marked navigation channel of the Florida Intracoastal Waterway nor to the waters within 100 feet of said channel;

(c) Ordinances that discriminate against personal watercraft, in violation of section 327.60(1), Florida Statutes;

(d) Ordinances regulating the anchoring of non-live-aboard vessels in navigation, in violation of section 327.60(2), Florida Statutes.

(4) Where conflicting speed or operational restrictions are established by law or pursuant to law, the more restrictive shall be posted and shall apply.

(5) Regulatory markers placed pursuant to a permit issued as provided herein shall be prima facie evidence of the boundaries of boating restricted areas and the speed or operational restrictions imposed therein.

Specific Authority 327.40, 327.41 FS. Law Implemented 327.40, 327.41 FS. History—New _____.

68D-23.102 Scope.

The provisions of this chapter prescribe the procedures by which the Division permits and regulates the placement of markers in, on, and over the waters of this state and the shores thereof. This chapter also provides for the design, construction, characteristics and coloring of all markers placed in, on, and over the waters of this state and the shores thereof by adopting by reference the United States Aids to Navigation System, Part 62 of Title 33 of the Code of Federal Regulations.

Specific Authority 327.40, 327.41 FS. Law Implemented 327.40, 327.41 FS. History—New _____.

68D-23.103 Definitions.

(1) For purposes of this chapter and chapters 68C-22 and 68D-24, the following definitions shall apply:

(a) "Aid to navigation" means any device external to a vessel intended to assist a navigator to determine position or safe course, or to warn of dangers or obstructions to navigation.

(b) "Information marker" means a device external to a vessel intended to provide the mariner with information concerning matters other than dangers or obstructions to navigation, or regulatory matters.

(c) "Regulatory marker" means a device used to alert the mariner to various warnings or regulatory matters such as horsepower, speed, or wake restrictions.

(d) "Mooring buoy" means a device that is permanently secured to the bottom of a body of water and to which a vessel may be secured when not underway.

(e) "Buoy" means any device designed to float which is anchored in the waters of the state and which is used to convey a message or carry a sign.

(f) "Sign" means an object which displays a message and which is attached to another object such as a piling, buoy, structure, or the land itself.

(g) "Symbol" means the orange geometric shape displayed on an information or regulatory marker. The meanings associated with the orange geometric shapes are as follows:

1. A vertical open-faced diamond signifies danger;
2. A vertical diamond shape having a cross centered within indicates that all vessels or certain classes of vessels are excluded from the marked area;
3. A circular shape indicates that certain operating restrictions are in effect within the marked area; and,
4. A square or rectangular shape will contain directions or instructions lettered within the shape.

(h) "Display area" means the area on an information marker or regulatory marker within which the symbol is displayed.

(i) "Boating restricted area" means an area of the waters of the state within which the operation of vessels is subject to specified restrictions or from which vessels are excluded.

(j) "Shore" means that area of land immediately adjacent or contiguous to the waters of the state such that a sign or marker erected thereon is readily visible to the operator of a vessel who might reasonably believe that the sign or marker displays navigational, regulatory or other information relevant to the operation of the vessel.

(k) "Florida Intracoastal Waterway" means:

1. All waters within the platted right-of way of the Atlantic Intracoastal Waterway, the Georgia state line north of Fernandina to Miami; the Port Canaveral lock and canal to the Atlantic Intracoastal Waterway; the Atlantic Intracoastal Waterway, Miami to Key West; the Okeechobee Waterway Route 1 across Lake Okeechobee; the Gulf Intracoastal Waterway, Anclote to Fort Myers; the Gulf Intracoastal Waterway, Carrabelle to Tampa Bay; the Gulf Intracoastal Waterway, Carrabelle to Anclote open bay section (using the Gulf of Mexico); and the Gulf Intracoastal Waterway, Carrabelle to the Alabama state line west of Pensacola; and,
2. All waters from shoreline to shoreline within the Okeechobee Waterway, Stuart to Fort Myers, not including Route 1 across Lake Okeechobee; the St. Johns River, Jacksonville to Sanford; and, the Apalachicola, Chattahoochee, and Flint Rivers in Florida.

(l) "Uniform State Waterway Marking System" means the system of aids to navigation, information markers, regulatory markers, and mooring buoys, as specified in Part 66 of Title 33 of the Code of Federal Regulations.

(m) "United States Aids to Navigation System" means the system of aids to navigation, information markers, regulatory markers, and mooring buoys, as specified in Part 62 of Title 33 of the Code of Federal Regulations.

(n) "Private Aid to Navigation" means an aid to navigation the establishment of which is authorized by a permit issued by the United States Coast Guard pursuant to Part 66 of Title 33 of the Code of Federal Regulations.

(2) When used on markers, the terms:

(a) "Idle Speed No Wake" and "Idle Speed" may be used interchangeably and mean that a vessel must proceed at a speed no greater than that which will maintain steerageway and headway. At no time is any vessel required to proceed so slowly that the operator is unable to maintain control over the vessel or any other vessel or object that it has under tow.

(b) "Slow Speed" and "Slow Speed Minimum Wake" may be used interchangeably and mean that a vessel must be fully off plane and completely settled into the water. The vessel must then proceed at a speed which is reasonable and prudent under the prevailing circumstances so as to avoid the creation of an excessive wake or other hazardous condition which endangers or is likely to endanger other vessels or other persons using the waterway. A vessel that is:

1. Operating on plane is not proceeding at this speed;
2. In the process of coming off plane and settling into the water or coming up onto plane is not proceeding at this speed;
3. Operating at a speed that creates a wake which unreasonably or unnecessarily endangers other vessels or other persons using the waterway, or is likely to do so, is not proceeding at this speed;
4. Completely off plane and which has fully settled into the water and is proceeding at a reasonable and prudent speed with little or no wake is proceeding at this speed.

"Slow Speed" and "Slow Speed Minimum Wake" are the preferred terms. "Slow Down Minimum Wake" markers may continue to be used for restricted areas authorized prior to January 1, 2001, except when such a restricted area is contiguous to an Idle Speed No Wake boating restricted area.

(c) "Caution zone" means an area presenting a significant risk of navigational hazard, an area frequently inhabited by manatees on a somewhat regular basis, or other area similarly requiring that vessels be operated with particular alertness and caution so as to avoid endangering life, limb, vessel traffic safety or maritime property, or manatees.

(d) "Vessel exclusion zone" means an area from which all vessels or certain classes of vessels are excluded. Examples include:

1. "No Vessels" or "Swim Area" – All vessels of any type are prohibited from entering the marked area.

2. "No Motorized Vessels" or "No Motorboats" or "Motorboats Prohibited" – All vessels equipped with any mechanical means of propulsion are prohibited from entering the marked area, even if the mechanical means of propulsion is not in use.

3. "No Power-driven Vessels" – All vessels equipped with any mechanical means of propulsion are prohibited from entering the marked area unless the mechanical means of propulsion is not in use and, if possible to do so, is tilted or raised out of the water.

4. "No Internal Combustion Motors" – All vessels equipped with internal combustion motors (e.g.: gasoline or diesel motors) for propulsion are prohibited from entering the marked area, even if the motor is not in use.

5. "Manually Propelled Vessels Only" – All vessels other than those propelled by oars, paddles, or poles are prohibited from entering the marked area. Vessels equipped with mechanical means of propulsion may enter the marked area only if the mechanical means of propulsion is not in use and, if possible to do so, is tilted or raised out of the water.

6. "No Entry Area" – All vessels and all persons, either in vessels or swimming, diving, or wading, are prohibited from entering the marked area.

(e) "Miles per hour" and "MPH" mean speed made good over the bottom measured in statute miles. A specific number will be posted in conjunction with "miles per hour" or "MPH" and is the maximum speed at which a vessel may lawfully be operated within the marked area. Although it is the intention of the Commission to allow those vessels capable of attaining a planing configuration at posted numerical speed limit to do so, this posted speed limit shall not be construed as permitting the reckless or careless operation of a vessel, in violation of section 327.33, Florida Statutes, or authorizing any vessel to travel at an unsafe speed, in violation of navigation rule 6 as adopted pursuant to Section 327.33, Florida Statutes, by reason of:

1. Having an elevated bow which restricts visibility, or
2. Producing an excessive wake or other hazardous condition which endangers or is likely to endanger other vessels, other persons using the waterway, or natural resources of the state.

(f) "Wake" means all changes in the vertical height of the water's surface caused by the passage of a vessel including, but not limited to, a vessel's bow wave, stern wake, and propeller wash.

(g) "Holiday" means:

1. New Year's Day.
2. Birthday of Martin Luther King, Jr., the third Monday in January.
3. Memorial Day.
4. Independence Day, the Fourth of July.
5. Labor Day.

6. Columbus Day.

7. Veterans' Day, November 11.

8. Thanksgiving Day.

9. Friday after Thanksgiving.

10. Christmas Day.

11. If any of these holidays falls on Saturday, the preceding Friday shall be observed as a holiday. If any of these holidays falls on Sunday, the following Monday shall be observed as a holiday.

(3) The division may authorize the use of other terminology on regulatory markers if the message is clear, unambiguous, and accurately describes a lawfully imposed restriction.

Specific Authority 327.40, 327.41, 327.46, 370.12 FS. Law Implemented 327.40, 327.41, 327.46, 370.12 FS. History—New

68D-23.104 Placement of Markers.

(1) No person, municipality, county or other governmental entity shall place, cause to be placed, or maintain in place any marker in, on or over the waters of the state or the shores thereof without a permit from the division.

(2) Any person, municipality, county, or other governmental entity desiring to place a marker shall make application to the division on the Florida Uniform Waterway Marker Application form, FWC/DLE 153(01/2000), which is adopted and incorporated herein by reference. Application forms may be obtained by submitting a request to: Fish and Wildlife Conservation Commission, Division of Law Enforcement, Office of Boating Safety and Waterway Management, 620 South Meridian Street, Tallahassee, Florida 32399-1600. Each application must include:

(a) A scale drawing no larger than 11 inches by 17 inches, reproducible on standard office photocopying equipment, showing the approximate placement of the proposed markers with each proposed marker labeled to correspond to the list required below. If the application is for regulatory markers, the drawing must also depict the exact boundaries of the proposed boating restricted area.

(b) A list of the markers proposed, labeled to correspond to the drawing required above.

(c) A statement of the specifications for the markers proposed, including:

1. A description giving each marker's size, shape, color, height above mean high water, and number, letter or message;

2. A description of the type, size, shape, and material used for any structure which will support the markers;

3. A statement of the color, characteristic, height above mean high water, intensity, and nominal range of any light which will be placed on the markers;

4. A statement of the type signal (whistle, horn, bell, etc.) and characteristic for any audible fog signal.

5. The latitude and longitude expressed in degrees, minutes, and seconds of the location where each marker will be placed.

(d) A statement of the purpose for placing the proposed markers. If the application is for regulatory markers, this statement must include the purpose for regulating vessel operation and a statement of the facts and circumstances justifying the establishment of the restriction on speed or operation.

(e) A statement listing the names or titles of the individuals responsible for the placement and maintenance of the markers along with an address and a contact telephone number for each individual.

(f) If the application is for regulatory markers, the applicant must enclose therewith proof of the lawful imposition of restrictions on the speed or operation of vessels for which the regulatory markers are requested, as follows:

1. A copy of an ordinance adopted pursuant to section 327.22, Florida Statutes, which imposes the restriction only upon vessels resident within the county or municipality imposing the restriction; or

2. A copy of an ordinance adopted pursuant to section 327.60, Florida Statutes, which imposes the restriction for reasons of vessel traffic safety or public safety; or

3. A copy of an ordinance adopted by a county or municipality and approved by the commission pursuant to paragraph 370.12(2)(o), Florida Statutes, which imposes the restriction for reasons of manatee protection; or

4. A copy of the statute, special act, rule, regulation, order, or other instrument which imposes the restriction for reasons other than public safety or manatee protection, and a statement of the specific authority under which the restriction is imposed.

(3) Upon receipt of all statements and other documents specified above, the division will:

(a) Determine whether or not there exists a conflict with the provisions of chapter 327, Florida Statutes, or any amendments thereto or regulations thereunder, for ordinances adopted pursuant to section 327.60, Florida Statutes.

(b) Forward the request to the Office of Protected Species Management for review and approval pursuant to paragraph 370.12(2)(o), Florida Statutes, for ordinances adopted thereunder.

(c) For regulatory markers, determine whether or not the markers as proposed would clearly mark the area as a boating restricted area and adequately notice mariners of the restrictions imposed on vessel speed or operation.

(d) Determine whether or not the placement of the proposed markers in the proposed locations would create an unreasonable hazard to navigation.

(e) Determine whether the proposed markers conform to the United States Aids to Navigation System.

(4) The division may consult, coordinate, or cooperate with any other governmental entity having concurrent jurisdiction over the waters for which the permit is requested.

(5) After obtaining the requested permit, the applicant must install, inspect, maintain, and remove the permitted marker at its own expense and as directed by the division.

Specific Authority 327.40, 327.41 FS. Law Implemented 327.40, 327.41 FS. History—New

68D-23.105 Criteria for Approval of Regulatory Markers.

(1) The division shall find a valid vessel traffic safety or public safety purpose is presented for ordinances adopted pursuant to section 327.60, Florida Statutes, under the following facts and circumstances:

(a) For an Idle Speed – No Wake boating restricted area, if the area is:

1. Within 500 feet of any boat ramp, hoist, marine railway, or other launching facility available for use by the general boating public.

2. Within 500 feet of the fuel pumps or dispensers at any licensed terminal facility which sells motor fuel to the general boating public.

3. Inside or within 300 feet of any lock structure.

4. An area where boating accident reports, uniform boating citations, vessel traffic studies, or other creditable data demonstrate a high risk of collision or where any significant vessel wake would be likely to endanger life, limb, vessel traffic safety or maritime property.

(b) For a Slow Speed Minimum Wake boating restricted area if the area is:

1. Within 300 feet of any bridge fender system.

2. Within 300 feet of any bridge span presenting a vertical clearance of less than 25 feet or a horizontal clearance of less than 100 feet.

3. Within 300 feet of a confluence of water bodies presenting a blind corner, a bend in a narrow channel or fairway, or such other area where an intervening obstruction to visibility may obscure other vessels or other users of the waterway.

4. Subject to unsafe levels of vessel traffic congestion.

5. Subject to hazardous water levels or currents, or containing other navigational hazards.

6. An area that accident reports, uniform boating citations, vessel traffic studies, or other creditable data demonstrate to present a significant risk of collision or a significant threat to public safety.

(c) For a numerical speed limit boating restricted area if the area is:

1. Subject to comparatively high levels of vessel traffic.

2. Subject to hazardous water levels or currents or containing other navigational hazards.

3. An area that accident reports, uniform boating citations, vessel traffic studies, or other creditable data demonstrate to present a risk of collision or a risk to public safety.

4. An area within which a proposed numerical speed limit is less restrictive than the speed limit in place for the surrounding area if hazardous tides or currents require that vessels operate faster than the surrounding speed limit in order to properly maintain maneuvering ability and headway or if the geographic configuration of the area and levels of vessel traffic density indicate that higher speeds do not pose a threat to life, limb, property, or manatees. Any dispute concerning the threat to manatees shall be resolved as provided in paragraph 370.12(2)(o), Florida Statutes.

(d) For vessel exclusion zones if the area is:

1. Designated as a public bathing beach or swim area.

2. Reserved exclusively as a canoe trail or otherwise limited to vessels under oars or under sail.

3. Reserved exclusively for a particular activity and user group separation must be imposed to protect the safety of those participating in such activity.

(e) For other boating restricted areas (caution zone, no skiing, no parasailing, one-way vessel traffic, etc.) if the area is one that accident reports, uniform boating citations, vessel traffic studies, or other creditable data demonstrate to present a risk to vessel traffic safety or public safety.

(2) The division shall find a valid manatee safety purpose is presented for ordinances adopted pursuant to paragraph 327.12(2)(o), Florida Statutes, upon the determination by the commission that manatees are frequently sighted and can be generally assumed to inhabit the area periodically or continuously and that the restrictions imposed are justified and necessary for the protection of manatees or their habitat. Any dispute concerning the threat to manatees or their habitat shall be resolved as provided in paragraph 370.12(2)(o), Florida Statutes.

Specific Authority 327.40, 327.41 FS. Law Implemented 327.40, 327.41, 370.12 FS. History—New

68D-23.106 Permit Conditions.

(1) All permits issued pursuant to this chapter are subject to the following conditions:

(a) Placement of these markers must be as requested in the application. Any deviation will require that the applicant apply to have the permit amended.

(b) The applicant must display the permit number on each marker and the ordinance number, municipal code section number, or rule number (etc.) on each regulatory marker. These numbers must be displayed in black, block characters approximately one inch in height.

1. The permit number must be displayed in the lower left corner on the face of each regulatory marker. The ordinance number, municipal code section number, or rule number (etc.) must be displayed in the lower right corner on the face of each regulatory marker.

2. All markers other than regulatory markers must display the permit number. This display shall be placed at any location on the marker where it can easily be read, including the reverse side of a sign, provided that it does not interfere with the message of the marker.

(c) Upon completion of the installation of markers, the applicant must notify the division in writing within 10 working days. If the latitude and longitude of each marker, as installed, is different from that listed in the application, this notification must include the correct latitude and longitude in degrees, minutes, and seconds.

(d) All markers must be maintained in proper condition at all times. A discrepancy exists whenever a marker is not exactly as described in the approved application or is destroyed, damaged, moved, or is otherwise unserviceable or not watching properly. The applicant must immediately report any discrepancy in the marker to the division by telephone, telefacsimile or other similarly rapid means of communication. The applicant must correct any discrepancy within not more than 30 days and must notify the division when the correction is accomplished.

(e) Authorization by the division for the placement of a marker does not authorize any invasion of private rights, nor grant any exclusive privileges, nor does it obviate the necessity of complying with any other federal, state or local laws or regulations.

(f) All permits issued pursuant to this chapter are contingent upon the consent of and, if necessary, the issuance of appropriate permits by the United States Army Corps of Engineers authorizing the placement of structures for the support of the proposed markers.

(g) All permits issued pursuant to this chapter are contingent upon the consent of and, if necessary, the issuance of appropriate permits by the United States Coast Guard authorizing the establishment of private aids to navigation pursuant to Part 66 of Title 33 of the Code of Federal Regulations.

(h) All permits issued pursuant to this chapter authorizing the placement of markers, buoys, or signs on submerged lands, or other property or structure not owned by the applicant are contingent upon the applicant receiving the written consent of the owner of the submerged lands, other property, or structure to the placement of said signs and providing a copy of such consent to the division.

(i) By accepting any permit and placing the markers authorized therein, the applicant, to the extent authorized by law, agrees and promises to hold harmless the State of Florida and its agencies, employees, agents, or successors from fault

with respect to any claim or claims arising from alleged negligence in the placement, maintenance, operation and removal of any and all markers placed by applicant pursuant to the permit. The applicant further agrees to indemnify the State of Florida for any and all legal fees and costs incurred in defense of any suit brought against the State as a result of alleged negligence by applicant in the placement, maintenance, operation or removal of the markers.

(j) Applicants for permits to place regulatory markers must provide for the enforcement of operating restrictions noticed by said markers. Officers of the division will appropriately enforce restrictions if an officer is present, observes a violation, and is not otherwise occupied with the execution of other duties. The commission will not, however, assume primary responsibility for the enforcement of these restrictions.

Specific Authority 327.40, 327.41 FS. Law Implemented 327.40, 327.41 FS. History—New

68D-23.107 Federal System Adopted.

(1) The following are adopted and incorporated by reference:

(a) The United States Aids to Navigation System, Part 62 of Title 33 of the Code of Federal Regulations;

(b) The United States Coast Guard Aids to Navigation – Administration Manual (Comdtinst M16500.7);

(c) The United States Coast Guard Aids to Navigation – Technical Manual (Comdtinst M16500.3A).

(2) All markers and mooring buoys placed or maintained in, on or over the waters of the state or the shores thereof shall conform to the United States Aids to Navigation System.

(a) Until December 31, 2003, channel markers and obstruction markers conforming to the Uniform State Waterway Marking System may continue to be used on waters of this state that are not navigable waters of the United States.

(b) No person, municipality, county or other governmental entity shall place any new marker or replace any existing marker unless such new or replacement marker or mooring buoy conforms to the United States Aids to Navigation System and all other provisions of this chapter.

(c) On or before December 31, 2003, all markers in, on or over the waters of the state or the shores thereof shall be brought into conformity with the United States Aids to Navigation System and all other provisions of this chapter, or removed from the waters or shores of the state.

(d) After December 31, 2003, no person, municipality, county, or other governmental entity shall place, maintain, or permit to remain in, on or over the waters of the state or shores thereof any nonconforming marker.

(e) After December 31, 2003, all nonconforming markers in place in, on, or over the waters of the state or shores thereof shall be declared a nuisance. The division and its officers and all other law enforcement officers charged with the

enforcement of chapter 327, Florida Statutes, shall have the authority to remove or cause the removal of any such nonconforming marker.

Specific Authority 327.40, 327.41 FS. Law Implemented 327.40, 327.41 FS. History—New

68D-23.108 Specifications for Markers.

(1) A marker placed in, on or over the waters of the state or shores thereof may be displayed as a buoy bearing letters, numbers or a symbol on its surface, or as a sign mounted on a buoy, piling or other structure, or as a sign on the shore.

(2) Buoyed signs and markers must extend not less than 36 inches above the surface of the water. A sign suspended above the water must have a minimum of 25 feet clearance from the mean high water mark to the bottom of the sign.

(3) A buoy whose sole purpose is to carry a sign above it shall be marked with three horizontal bands of international orange alternating with two horizontal bands of white, each band placed completely around the circumference of the buoy and occupying approximately one-fifth of the total area of the buoy's surface above the waterline. All markers shall be made of materials which will retain, despite exposure to weather and other elements, their color, shape, legibility and position.

(4) All letters on green or black backgrounds shall be white. All letters and numerals on red or white backgrounds shall be black, except that white retroreflective letters and numerals may be used on a red background. All letters and numerals shall be of block characters of good proportion, spaced in a manner which will provide maximum legibility and of a size proportionate to the size of the marker.

(5) Retroreflective materials shall be used for all displays on markers that are required to be international orange. Retroreflective materials may be used for any other portion of a marker.

Specific Authority 327.40, 327.41 FS. Law Implemented 327.40, 327.41 FS. History—New

68D-23.109 Additional Specifications for Information and Regulatory Markers.

(1) All information and regulatory markers shall be white in color and shall display international orange symbols.

(2) When a buoy is used as an information or regulatory marker, it shall be white with horizontal bands of international orange placed completely around the circumference of the buoy. One band shall be at the top of the buoy body, the second band shall be placed just above the waterline so that both international orange bands are clearly visible to approaching vessels. The international orange bands shall be not less than two inches in width. The display area shall be that portion of the buoy body between the bands and shall be white. Symbols shall be centered between the international orange bands. Only a cylindrical buoy may be used. The buoy shall have a diameter of not less than nine inches.

(3) When a sign is used for an information or regulatory marker it shall be square or rectangular. It shall be white with an international orange border. The display area shall be that portion of the sign within the border. Symbols shall be centered within the display area. The size of the sign shall be appropriate to the size of the waterway where the sign is located and the nature of the vessels transiting the waterway, however, no such sign shall be smaller than three feet by three feet.

(4) Specifications for Display of Symbols.

(a) The thickness of the international orange line used to draw the borders and the symbols shall be not less than 2 inches.

(b) The height of the symbol shall be at least half and not more than two-thirds the height of the display area.

(c) The sides of the diamond shape shall slope at a thirty to forty-five degree angle from the vertical on a plane surface. Appropriate adjustments for curvature shall be made when applied to a cylindrical surface.

(d) In addition to the permit number required to be displayed under paragraph 68D-23.106(7), every regulatory marker shall display the number of the statute, special act, rule, ordinance, or other governmental action that created the boating restricted area or other operating restriction, and the name of the municipality, county or other governmental agency which placed and maintains the marker. This number and name shall be displayed in characters not less than one inch in height and shall be placed in the lower right hand corner of the display area on each sign, and at any location on each buoy where it can easily be read, provided that it shall not interfere with the message of the marker.

Specific Authority 327.40, 327.41 FS. Law Implemented 327.40, 327.41 FS. History—New

68D-23.110 Inspection and Certification.

(1) Each person holding a permit to place and maintain one or more markers must inspect all markers for which the permit was issued and report such inspection to the division triennially, beginning 36 months from the date the permit was issued or 36 months after this rule becomes effective, whichever comes later. The report must be submitted at least thirty but not more than ninety days prior to expiration of the three-year period.

(2) The required report shall consist of the following:

(a) The name of the permit holder and permit number;

(b) The name of the person or persons currently responsible for the placement and maintenance of the markers; and,

(c) A statement certifying that the markers placed pursuant to the permit have been inspected during the ninety days preceding the statement and that:

1. The markers are properly maintained and in serviceable condition.

2. The markers conform to the requirements of this chapter.

3. The markers are still properly on station, and

4. The date or dates on which the markers were inspected.

(3) Failure to inspect a marker and to report the results of the inspection to the division during the specified time period shall be grounds for rescinding the permit authorizing placement of the marker and for removing or ordering the removal of the marker.

Specific Authority 327.40, 327.41 FS. Law Implemented 327.40, 327.41, 370.12 FS. History—New

68D-23.111 Enforcement.

This chapter shall be enforced by the division and its officers, and any other authorized law enforcement officer as provided in section 327.70, Florida Statutes, all of whom shall have the authority to remove or cause the removal of any marker found to be in violation of this chapter.

Specific Authority 327.40, 327.41 FS. Law Implemented 327.22, 327.40, 327.41, 327.22, 327.46, 327.60, 327.70, 370.12 FS. History—New

68D-23.112 Exemptions.

(1) Nothing herein shall apply to the United States Government or its agencies, nor to any aid to navigation, marker, mooring buoy, or other similar device placed thereby.

(2) Persons establishing private aids to navigation other than regulatory markers and mooring buoys on waters of concurrent state/federal jurisdiction pursuant to the provisions of 33 CFR §66.01 shall submit to the division a copy of their United States Coast Guard permit (CG-2554) in lieu of the materials required under 68D-23.104. Upon receipt by this division of said copy of their permit, such private aids to navigation shall be exempt from further permitting and need not display a permit number.

(3) Regulatory markers authorized by the former Florida Department of Natural Resources prior to January 1, 1988, are exempt until December 31, 2003, from the requirement that they display a permit number. After that date, every regulatory marker without a permit number, in place in, on or over the waters of the state or shores thereof shall be declared a nuisance. The division and its officers and all other law enforcement officers charged with the enforcement of chapter 327, Florida Statutes, shall have the authority to remove or cause the removal of any such regulatory marker. Markers authorized prior to January 1, 1988, for which no permit number was assigned shall be issued a permit number upon receipt by the division of the following:

(a) A copy of the correspondence authorizing placement of said markers;

(b) A statement of the specifications for the markers, including:

1. A list of the markers;

2. A description giving each markers size and message, and

3. The latitude and longitude coordinates in degrees-minutes-seconds of the location of each marker;

4. A statement that the markers have been inspected during the ninety days preceding the instant request and that:

a. The markers are properly maintained and in serviceable condition.

b. The markers conform to the requirements of this chapter.

c. The markers are still properly on station, and

d. The date or dates on which the markers were inspected.

(4) The restrictions displayed on regulatory markers shall not apply:

(a) In the case of an emergency;

(b) To law enforcement patrol vessels or firefighting vessels; or,

(c) To any rescue vessel owned or operated by a governmental entity.

Specific Authority 327.40, 327.41 FS. Law Implemented 327.40, 327.41, 327.46, 370.12 FS. History--New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Captain Alan S. Richard, Coordinator, Office of Boating Safety and Waterway Management, Division of Law Enforcement, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Colonel Robert Edwards, Director, Division of Law Enforcement, Fish and Wildlife Conservation Commission, Tallahassee, Florida 32399-1600

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 22, 2000

Section III Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF CITRUS

RULE CHAPTER NO.: 20-14
RULE CHAPTER TITLE: Methods to Determine Compliance

RULE NO.: 20-14.001
RULE TITLE: Methods to Determine Compliance

NOTICE OF CHANGE

Notice is hereby given that the following change has been made to the proposed rule in accordance with subparagraph 120.54(3)(d), F.S., published in Vol. 26, No. 41, October 13, 2000, issue of the Florida Administrative Weekly:

20-14.001 Proposed Effective date March 15, 2001.

DEPARTMENT OF CITRUS

RULE CHAPTER NO.: 20-40
RULE CHAPTER TITLE: Loading Manifest to be Furnished to the Inspector – Fresh Citrus Fruit

RULE NO.: 20-40.005
RULE TITLE: Mandatory Automated Reporting
NOTICE OF CHANGE

Notice is hereby given that the following change has been made to the proposed rule in accordance with subparagraph 120.54(3)(d), F.S., published in Vol. 26, No. 50, December 15, 2000, issue of the Florida Administrative Weekly:

As of ~~February 1, 2001~~ August 1, 2001 and thereafter, each shipper shall provide to the Department of Agriculture and Consumer Services, Division of Fruit and Vegetables an automated loading manifest containing all of the information required by this chapter in a form and manner prescribed by the Division.

Specific Authority 601.10(1),(8), 601.15(1),(2),(4),(10), 601.155(7), 601.28(4), 601.69, 601.701 FS. Law Implemented 601.10(8), 601.15(1), 601.155(7), 601.69 FS. History--New _____.

DEPARTMENT OF CITRUS

RULE CHAPTER NO.: 20-64
RULE CHAPTER TITLE: Standards for Processed Citrus Products

RULE NOS.: 20-64.0081
20-64.0082
20-64.020
RULE TITLES: Orange Juice
Orange Juice Marked with Florida Sunshine Tree or Florida Citrus Growers' Certification Mark
Sanitary Requirements

NOTICE OF WITHDRAWAL

Notice is hereby given that the above proposed rule amendment published in the Florida Administrative Weekly, Vol. 26, No. 44, November 3, 2000, has been withdrawn.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Veterinary Medicine

RULE NO.: 61G18-16.005
RULE TITLE: Euthanasia of Dogs and Cats; Technician Certification Course

NOTICE OF CHANGE

Pursuant to subparagraph 120.54(3)(d)1., F.S., notice is hereby given that the following changes have been made to the proposed rule, as published in Vol. 26, No. 47, November 22, 2000, issue of the Florida Administrative Weekly. The changes are in response to comments received from the staff of the Joint Administrative Procedures Committee. Subsection (4) of the proposed rule shall now read as follows: