

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 24, 2001
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 26, 2001

Section III
Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF STATE

Division of Library and Information Services

RULE NO.: 1B-2.011
RULE TITLE: Library Grant Programs

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 27, No. 4 (January 26, 2001) and Vol. 27, No. 6 (February 9, 2001), Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF INSURANCE

Division of Fire Marshal

RULE NOS.: 4K-1.001, 4K-1.002, 4K-1.003
RULE TITLES: Purpose and Scope, Application Process, Review Process and Reward Criteria

4K-1.004 Reward Disbursement

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule(s), as noticed in Vol. 26, No. 23, June 9, 2000, of the Florida Administrative Weekly, have been withdrawn.

DEPARTMENT OF COMMUNITY AFFAIRS

Division of Community Planning

RULE CHAPTER NO.: 9J-5
RULE CHAPTER TITLE: Minimum Criteria for Review of Local Government Comprehensive Plans and Plan Amendments, Evaluation and Appraisal Reports, Land Development Regulations and Determination of Compliance

RULE NO.: 9J-5.004
RULE TITLE: Public Participation

NOTICE OF WITHDRAWAL

NOTICE IS HEREBY GIVEN that the above rule, as noticed in Vol. 26, No. 42, October 20, 2000, Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Funeral Directors and Embalmers

RULE NO.: 61G8-16.005
RULE TITLE: Reexaminations

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 26, No. 16, April 21, 2000, issue of the Florida Administrative Weekly. The change is in response to comments received from the staff at the Joint Administrative Procedures Committee.

The rule shall now read as follows:

61G8-16.005 Reexaminations.

Applicants for licensure as embalmers and/or funeral directors who fail to achieve a passing grade on the required examinations may make application to retake the examination failed at the next regularly scheduled examination. Each subsequent application submitted shall be accompanied by the appropriate application fee.

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Funeral Directors and Embalmers

RULE NO.: 61G8-17.001
RULE TITLE: Examination Fees for Embalmers and Funeral Directors; Manner of Application

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 26, No. 6, February 11, 2000, issue of the Florida Administrative Weekly. The change is in response to comments received from the staff at the Joint Administrative Procedures Committee.

The rule shall now read as follows:

Subsections (5) and (6) shall be deleted in their entirety.

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Funeral Directors and Embalmers

RULE NO.: RULE TITLE:
61G8-32.004 Confirmation of Completion of Courses

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule as noticed in the April 21, 2000, Vol. 26, No. 16, Florida Administrative Weekly, has been withdrawn.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Engineers

RULE NO.: RULE TITLE:
61G15-18.011 Definitions

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. 51, December 22, 2000, issue of the Florida Administrative Weekly. The changes are in response to comments provided by the staff of the Joint Administrative Procedures Committee. Subsection (5) of the proposed rule shall be stricken out to read as follows:

(5) A "registered engineer whose principle practice is civil or structural engineering," as used in the ss. 471.003(3) and 481.229(4), F.S., shall mean an engineer licensed in Florida whose principal practice is civil or structural engineering and who either has a degree in civil or structural engineering, or has successfully completed the principles and practice examination in either discipline.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Natlie Lowe, Administrator, Board of Professional Engineers, Northwood Centre, 1208 Hays Street, Tallahassee, Florida 32301

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Engineers

RULE NO.: RULE TITLE:
61G15-35.003 Qualification Program for Special Inspectors of Threshold Buildings

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. 27, No. 3, January 19, 2001, issue of the Florida Administrative Weekly. The change is in response to comments provided by the staff of the Joint Administrative Procedures Committee. Subsection (4) shall now read as follows:

(4) Temporary Certification. Professional engineers who have been granted temporary licensure in Florida pursuant to the provisions of Section 471.021, F.S., shall also be granted temporary certification as a Special Inspector provided the criteria set forth in these rules have been met. Such temporary certification shall be limited to work on one specific project in this state for a period not to exceed one year.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Natlie Lowe, Administrator, Board of Professional Engineers, Northwood Centre, 1208 Hays Street, Tallahassee, Florida 32399-0750

DEPARTMENT OF HEALTH

Board of Medicine

RULE NO.: RULE TITLE:
64B8-30.015 Disciplinary Guidelines

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)1., F.S., published in Vol. 26, No. 51, of the December 22, 2000, issue of the Florida Administrative Weekly. The change is in response to written comments submitted by the staff of the Joint Administrative Procedures Committee. The change is as follows:

In the first sentence of subsection (4) of the rule, the word "may" shall be changed to "shall."

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

DEPARTMENT OF HEALTH

Board of Osteopathic Medicine

RULE NO.: RULE TITLE:
64B15-6.011 Disciplinary Guidelines

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. 51, December 22, 2000, issue of the Florida Administrative Weekly. The change is in response to comments provided the staff of the Joint Administrative Procedures Committee. The first sentence of subsection (4) of this proposed rule shall now read as follows:

(4) The certification of a Physician Assistant shall be disciplined by the Board when, after due notice and a hearing in accordance with the provisions of this rule, it shall find: that the Physician Assistant has held himself out or permitted another to represent him as a licensed physician.

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

DEPARTMENT OF HEALTH

Board of Pharmacy

RULE NO.:
64B16-26.401

RULE TITLE:
Requirements for an Internship
Program Sufficient to Qualify an
Applicant for Licensure by
Examination

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. 27, No. 4, January 26, 2001, issue of the Florida Administrative Weekly. The changes are in response to comments provided by the staff of the Joint Administrative Procedures Committee. Subsection (7) of the proposed rule shall now read as follows:

(7) The Board approves all internships which are required to obtain the doctor of pharmacy degree from institutions which are accredited as provided by section 465.007(1)(b)1., F.S. Applicants graduating after January 1, 2001 with the doctor of pharmacy degree from such institutions shall be deemed to have met the requirements of this section with documentation of graduation.

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

DEPARTMENT OF HEALTH

Division of Family Health Services

RULE NO.:
64F-12.015

RULE TITLE:
Licensing, Application, Permitting

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 26, No. 51, December 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. Changes to the application effective dates reflect a revision to the affidavit section to limit the affidavit to swearing or affirming information submitted is true and correct. Two additional questions addressing compliance with chapter 499 and rule chapter 64F-12 and when operations may begin that were included within the affidavit have been moved to the body of the application form DOH Form-1033. Similarly, an additional question regarding ongoing eligibility for permit renewal has been moved from the affidavit to the body of the renewal application form DOH Form-1034. Sections (6)-(9) of this rule shall now read as follows:

(6) MANUFACTURER PERMITS.

(a) No change.

~~(b) A device manufacturer's permit is not required for a company manufacturing custom devices.~~

~~(b)(e)~~ A device manufacturer's permit is required for an establishment that refurbishes medical devices for subsequent sale but is not required when the refurbishing is performed as a service for the owner of the medical device and the device is returned to the owner for further use.

~~(c)(d)~~ Application requirements for manufacturers include:

1. No change.

2. File with the department a completed application for a permit using an original DOH Form 1033, "Application for Permit Under Chapter 499, F.S.," effective MAR01 January 1999, which is incorporated by reference herein.

3. through 5. No change.

(7) WHOLESALER PERMITS.

(a) through (c) No change.

(d) Application requirements for Prescription Drug Wholesalers and Compressed Medical Gases Wholesalers include:

1. No change.

2. File with the department a completed application for a permit using an original DOH Form 1033, "Application for Permit Under Chapter 499, F.S.," effective MAR01 January 1999, which is incorporated by reference herein.

3. Pay the appropriate fee(s) as required by Rule 64F-12.018.

Comply with all the requirements for permitting provided in Chapter 499, F.S., and this rule chapter.

4. Submission of a "Clearance Letter" issued by a local law enforcement agency that discloses the presence or absence of past felony convictions of the owners, officers, and managers-in-charge for sole proprietorships, partnerships, and closely held corporations for persons applying for a permit as a Prescription Drug Wholesaler and Prescription Drug Wholesaler – Broker Only.

(e) Application requirements for Out-of-State Prescription Drug Wholesalers include:

1. No change.

2. File with the department a completed application for a permit using an original DOH Form 1033, "Application for Permit Under Chapter 499, F.S." effective MAR01 Jan. 1999, which is incorporated by reference herein.

3. Submit a photocopy of the resident state's license or permit that authorizes the wholesale distribution of prescription drugs. If the resident state does not require a license or permit for the wholesale distribution activities of the applicant in that state, submit (i) a written confirmation on the letterhead of the resident state agency responsible for regulating prescription drug wholesale distribution in that state that permitting of the applicant establishment is not required by that state and (ii) a statement signed by the applicant that the applicant will comply with all storage, handling, and recordkeeping requirements of the resident state related to the

sale and physical distribution of prescription drugs into Florida, or if none exist in the resident state that the applicant will comply with all storage, handling, and recordkeeping requirements, as set forth in 21 C.F.R. 205.50 (as of 1/1/01) which is incorporated by reference herein, for the sale and physical distribution of prescription drugs into Florida. The Out-of-State Prescription Drug wholesaler application will not be approved until the license or permit status in the resident state is verified.

4. through 5. No change.

(f) Application requirements for Retail Pharmacy Wholesalers include:

1. No change.

2. File with the department a completed application for a permit using an original DOH Form 1033, "Application for Permit Under Chapter 499, F.S.," effective MAR01 January 1999, which is incorporated by reference herein.

3. through 5. No change.

(8) OTHER DISTRIBUTORS. Persons conducting certain distributions of prescription drugs which are not considered wholesale distributions in the state of Florida must obtain a permit from the department prior to initiating that activity. These permits include Complimentary Drug Distributors, all of the designated Restricted Rx Drug Distributor permits as further discussed in rule 64F-12.023, Medical Oxygen Retailers, and Veterinary Legend Drug Retailers.

(a) Application requirements for Complimentary Drug Distributors include:

1. No change.

2. File with the department a completed application for a permit using an original DOH Form 1033, "Application for Permit Under Chapter 499, F.S.," effective MAR01 January 1999, which is incorporated by reference herein.

3. through 5. No change.

(b) Application requirements for Restricted Rx Drug Distributor – Health Care Entity include:

1. No change.

2. File with the department a completed application for a permit using an original DOH Form 1033, "Application for Permit Under Chapter 499, F.S.," effective MAR01 January 1999, which is incorporated by reference herein.

3. through 5. No change.

(c) Application requirements for Restricted Rx Drug Distributor – Charitable Organization include:

1. No change.

2. File with the department a completed application for a permit using an original DOH Form 1033, "Application for Permit Under Chapter 499, F.S.," effective MAR01 January 1999, which is incorporated by reference herein.

3. through 6. No change.

(d) Application requirements for Restricted Rx Drug Distributor – Reverse Distributor or Restricted Rx Drug Distributor – Destruction include:

1. No change.

2. File with the department a completed application for a permit using an original DOH Form 1033, "Application for Permit Under Chapter 499, F.S.," effective MAR01 January 1999, which is incorporated by reference herein.

3. through 4. No change.

(e) Application requirements for Restricted Rx Drug Distributor – Government Programs include:

1. No change.

2. File with the department a completed application for a permit using an original DOH Form 1033, "Application for Permit Under Chapter 499, F.S.," effective MAR01 January 1999, which is incorporated by reference herein.

3. No change.

4. Submit a list of the intended contractors and subcontractors that will receive the entity's prescription drugs under this permit and the permit numbers that authorize them to administer or dispense. Also submit a copy of the provisions of the contract that address the requirements in s. 499.012(1)(a)1.d., F.S.

5. through 6. No change.

(f) Application requirements for a Restricted Rx Drug Distributor – Institutional Research include:

1. Contact the department's Bureau of Pharmacy Services to request an application or download the application from the bureau's web site.

2. File with the department a completed application for a permit using an original DOH Form 1033, "Application for Permit Under Chapter 499, F.S.," effective MAR01, which is incorporated by reference herein.

3. Comply with all the requirements for permitting provided in Chapter 499, F.S., and this rule chapter.

4. Pay the appropriate fee(s) as required by Rule 64F-12.018.

(g) Application requirements for a Veterinary Legend Drug Retailer include:

1. Contact the department's Bureau of Pharmacy Services to request an application or download the application from the bureau's web site.

2. File with the department a completed application for a permit using an original DOH Form 1033, "Application for Permit Under Chapter 499, F.S.," effective MAR01 January 1999, which is incorporated by reference herein.

3. Pay the appropriate fee(s) as required by Rule 64F-12.018.

4. Comply with all the requirements for permitting provided in Chapter 499, F.S., and this rule chapter.

(h)(g) Application requirements for a Medical Oxygen Retailer include:

1. Contact the department's Bureau of Pharmacy Services to request an application or download the application from the bureau's web site.

2. File with the department a completed application for a permit using an original DOH Form 1033, "Application for Permit Under Chapter 499, F.S.," effective MAR01 ~~January 1999~~, which is incorporated by reference to this rule.

3. Pay the appropriate fee(s) as required by Rule 64F-12.018.

4. Comply with all the requirements for permitting provided in Chapter 499, F.S., and these rules.

5. Have an FDA establishment registration number if the establishment will be transfilling medical oxygen.

(9) PERMIT RENEWALS. Submission of a renewal application represents to the department that conditions have not changed with the permitted person which would make the permitted person ineligible to renew the permit.

(a) No change.

(b) An applicant applying to renew a permit which has not expired, been revoked, suspended or otherwise terminated must:

1. file with the department a completed application for a permit using an "Application for Permit Renewal Under Chapter 499, F.S., " DOH Form 1034, effective MAR01 ~~January 1999~~, which is incorporated by reference herein. The permittee should contact the department if the renewal application has not been received at least 30 days prior to the permit's expiration date.

2. through 5. No change.

(c) No change.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sandra Stovall, Compliance Officer, Bureau of Pharmacy Services, 2818-A Mahan Drive, Tallahassee, Florida 32308 or (850)487-1257, Ext. 210.

Section IV Emergency Rules

NONE

Section V Petitions and Dispositions Regarding Rule Variance or Waiver

DEPARTMENT OF LAW ENFORCEMENT

Notice is hereby given that the Officer Professionalism Program, Florida Department of Law Enforcement has received from Stacie Marie Preece on February 5, 2001, a petition for Variance or Waiver of Rule 11B-27.002(3), pursuant to Section 120.542, F.S. Petitioner has requested that

the Department waive the requirement that a person who successfully completes a Florida Basic Recruit Program pursuant to Rule 11B-35, and who is thereafter not employed on or before (4) years of the completion of such training as an officer in the discipline for which training was completed must then complete the training program in section 11B-35.002, F.A.C., demonstrate proficiency in each of the high liability skills, and pass the state officer certification examination.

PURPOSE: Comments on this Petition should be filed with the Office of General Counsel, Florida Department of Law Enforcement, P. O. Box 1489, Tallahassee, Florida 32302, Attention: Assistant General Counsel James D. Martin.

A copy of the Petition may be obtained by contacting Assistant General Counsel James D. Martin at the above address, or by calling (850)410-7676.

WATER MANAGEMENT DISTRICTS

NOTICE IS HEREBY GIVEN that on January 22, 2001, the South Florida Water Management District (SFWMD) received a petition for waiver from Collier County Board of Commissioners, for utilization of works or land of the SFWMD known as the C-100A, Miami-Dade County. The petition seeks relief from the Rule 40E-6.221(2)(j), Fla. Admin. Code, and the Basis of Review for Use or Occupancy of the Works or Lands of the District Permit Applications within the South Florida Water Management District, incorporated by reference in Rule 40E-6.091(1), Fla. Admin. Code, which requires the applicant to pay a fee to obtain a Right of Way Occupancy Permit.

A copy of the petition may be obtained from Jan Sluth at (561)682-6299 or e-mail at jsluth@sfwmd.gov. The SFWMD will accept comments concerning the petition for 14 days from the date of publication of this notice.

To be considered, comments must be received by the end of business on the 14th day at the South Florida Water Management District, 3301 Gun Club Road, West Palm Beach, FL 33406, Attn: Jan Sluth, Office of Counsel.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

The Department of Environmental Protection announces its entry of an Order Granting Variance, as required by Section 120.542(8), Florida Statutes.

NAME OF THE PETITIONER: Nichols Sanitation, Inc.

DATE THE PETITION WAS FILED: December 13, 2000

RULE NUMBER AND NATURE OF THE RULE FROM WHICH THE WAIVER OR VARIANCE IS SOUGHT: Rule 62-701.801(3)(c), Florida Administrative Code, which requires transfer stations to be designed with a leachate control system.

REFERENCE TO THE PLACE AND DATE OF PUBLICATION OF THE NOTICE OF THE PETITION: Florida Administrative Weekly, December 22, 2000, Vol. 26, No. 51.