

Support Unit, 1317 Winewood Boulevard, Building 3, Room 421, Tallahassee, Florida 32399-0700, Telephone (850)488-3090

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

**Section II
Proposed Rules**

DEPARTMENT OF INSURANCE

RULE TITLE: Effect of Law Enforcement Records on Applications for Licensure

RULE NO.: 4-211.0031

PURPOSE AND EFFECT: To repeal the rule as per the review of section 120, F.S.

SUMMARY: To Repeal rule.

SPECIFIC AUTHORITY: 624.308 FS.

LAW IMPLEMENTED: 112.011, 626.161, 626.171, 626.201, 626.211, 626.291, 626.601, 626.611(7),(14), 626.621(8), 626.631, 626.641 FS.

IF REQUESTED IN WRITING 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., April 10, 2001

PLACE: Room 143, Larson Building, 200 East Gaines Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Shirley Kerns, Chief, Bureau of Licensing, Department of Insurance, 200 East Gaines Street, Tallahassee, Florida 32399-0320

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Department at least 5 calendar days before the program by contacting Yvonne White, (850)922-3110, Ext. 4214.

THE FULL TEXT OF THE PROPOSED RULE IS:

4-211.0031 Effect of Law Enforcement Records on Applications for Licensure.

Specific Authority 624.308 FS. Law Implemented 112.011, 626.161, 626.171, 626.201, 626.211, 26.291, 626.601, 626.611(7),(14), 626.621(8), 626.631, 626.641 FS. History—New 5-2-93, Amended 2-2-95, Repealed _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Audrey Higgins, Chief, Bureau of Licensing, Department of Insurance

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: John Hale, Division Director, Agent and Agency Services, Department of Insurance

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 27, 2001

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Barbers'

RULE TITLE: Requirement for Instruction on Human Immunodeficiency Virus and Acquired Immune Deficiency Syndrome (HIV/Aids) for Continuing Education

RULE NO.: 61G3-16.0091

PURPOSE AND EFFECT: The purpose and effect are related to requirements for instruction on Human Immunodeficiency Virus and Acquired Immune Deficiency Syndrome (HIV/AIDS) for Continuing Education

SUMMARY: This rule is being proposed to provide requirements for continuing education.

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:

61G3-16.0091 Requirement for Instruction on Human Immunodeficiency Virus and Acquired Immune Deficiency Syndrome (HIV/AIDS) for Continuing Education.

(1) Each person licensed under Chapter 476, Florida Statutes, shall complete a board approved HIV/AIDS education course as a condition of the renewal of his or her license and shall confirm that he or she has completed such an HIV/AIDS education course on his or her application for renewal. Such course must be taken during the licensure period and prior to expiration of the license.

(2) The course shall consist of education on the modes of transmission, infection control procedures, clinical management and prevention of HIV and AIDS, with emphasis on appropriate behavior and attitude changes and with specific relevance to the practice of barbering and cosmetology including sanitary requirements. The course shall be a minimum of (2) hours of instruction.

(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 continuing education credit.

(4) Licensees shall retain proof of completion of the HIV/AIDS education course for at least three years.

(5) Licensees holding two or more licenses subject to the HIV/AIDS education course requirement shall present all license numbers to the provider of such course. Providers shall submit all license numbers for attendees taking the HIV/AIDS education course.

(6) Licensees shall have until the expiration of the current licensure cycle to resolve disputes with the provider regarding his or her continuing education completion status and provide proof of courses taken to the Board or Department.

(7) The department shall issue a citation to any licensee who attempts to renew and is not in compliance with continuing education requirements.

Specific Authority 455.2228, 476.064(4) FS. Law Implemented 455.2228 FS. History—New

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.:
Human Immunodeficiency Virus and Acquire Immune Deficiency Syndrome (HIV/AIDS) Education Provider Requirements 61G3-16.0092

PURPOSE AND EFFECT: The purpose of the rule is related to requirements for instruction on Human Immunodeficiency Virus and Acquired Immune Deficiency Syndrome (HIV/AIDS) Education Provider Requirements

SUMMARY: This rule is being proposed to provide requirements for instruction on Human Immunodeficiency Virus and Acquired Immune Deficiency Syndrome (HIV/AIDS) Education Provider Requirements.

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:

61G3-16.0092 Human Immunodeficiency Virus and Acquired Immune Deficiency Syndrome (HIV/AIDS) Education Provider Requirements.

(1) Entities or individuals who wish to become approved providers to offer courses for initial licensure shall make application to the Board on form DBPR-BB-006 entitled, "PROVIDER AND COURSE APPROVAL APPLICATION", incorporated herein by reference and effective _____, which copies may be obtained from the Board. Applications for initial licensure must be submitted at least 30 days prior to the next Board meeting.

(2) Entities or individuals who wish to become approved providers to offer courses for continuing education purposes shall make application to the Board of BPR form DBPR-BB-006 entitled, "PROVIDER AND COURSE APPROVAL APPLICATION", incorporated herein by reference and effective _____, which copies may be obtained from the Board. Applications for continuing education must be submitted at least 60 days prior to the next Board meeting.

(3) Providers wishing to offer their education courses for both initial licensure and for continuing education may submit one application appropriately marked at least 60 days prior to the next Board meeting.

(4) The application shall include:

(a) The name, address, telephone number, fax number, and e-mail address of a contact person who will fulfill the reporting and documentation requirements for provider approval. The provider shall notify the Board of any change of contact person within ten (10) days of the actual change.

(b) A fee of two hundred fifty dollars (\$250) shall accompany each provider application for continuing education.

(c) Each provider application shall include course materials. The course shall consist of education as set forth in Rules 61G3-16.009(2) and 61G3-16.0091(2), F.A.C.

(d) Each provider application shall include a sample certificate of completion that the course instructor shall provide each course participant if the participant successfully completes the course. Such certificate shall include the course participant's name, the title of the course, the course approval

number, date completed and number of hours. The certificate shall be provided to the course participant at the completion of the course.

(5) Provider approval for initial licensure and for continuing education is valid through May 31 of odd numbered years. To renew provider approval for initial licensure and for continuing education, providers must resubmit the course materials for the Board's review. For renewal of provider approval for continuing education, providers must also submit a fee of two hundred fifty dollars (\$250). Course materials submitted for renewal of approval must be received by the Board office no sooner than 90 days prior to the expiration date and no later than 60 days prior to the next Board meeting. Approval as a continuing education provider shall remain valid while an application for renewal is pending before the Board provided the renewal application is complete and was received before the scheduled expiration of the provider's approval. Providers who fail to renew their provider status on a timely basis in accordance with these rules shall not offer or advertise a course for initial licensure or continuing education.

(6) Providers shall maintain a system of recordkeeping which provides for storage of approved courses. Providers shall maintain a roster of participants for four years. The records and roster shall be available for inspection by the Board or Department. Providers must electronically provide to the Department a list of attendees taking the course for continuing education purposes within 5 business days of the completion of the course. The list of attendees submitted electronically to the Department shall not include applicants taking the course for initial licensure. 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 licensee. This list shall include the provider's name and provider number, the name and license number of the attendee, the date the course was completed and the course number. 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.

Specific Authority 455.2228, 476.064(4) FS. Law Implemented 455.2228 FS. History--New _____.

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: Barber License Biennial Renewal Fee
RULE NO.: 61G3-20.009

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: 476.064(4), 476.154, 476.192 FS.

LAW IMPLEMENTED: 476.154, 476.192, 476.144 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:

61G3-20.009 Barber License Biennial Renewal Fee.

(1) No change.

(2) This rule applies to all barber licenses, whether active, ~~inactive~~, restricted or unrestricted.

Specific Authority 476.064(4), 476.154, 476.192 FS. Law Implemented 476.154, 476.192, 476.144 FS. History--New 7-16-80, Amended 3-25-84, 10-17-85, Formerly 21C-20.09, Amended 2-26-86, 11-12-87, 12-15-87, 6-5-89, Formerly 21C-20.009, Amended 5-3-95, 10-30-95, 5-1-96, _____.

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 Cosmetology

RULE TITLE: General Information and Forms
RULE NO.: 61G5-17.006

PURPOSE AND EFFECT: The Board purpose of the amendment is to address General Information and Forms.

SUMMARY: The proposed rule amendment will update the current rule.

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

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

SPECIFIC AUTHORITY: 477.016 FS.

LAW IMPLEMENTED: 455.205, 119.07, 477.0201 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, Board of Cosmetology, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G5-17.006 General Information and Forms.

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

(e) Cosmetology Continuing Education Provider Approval Application.

(f) Cosmetology Continuing Education Course Approval Application.

Specific Authority 477.016 FS. Law Implemented 455.205, 119.07, 477.0201 FS. History—New 11-2-80, Amended 9-30-85, Formerly 21F-17.06, Amended 11-4-86, 1-10-88, 1-10-90, Formerly 21F-17.006, Amended 10-1-97, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Cosmetology

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 15, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 10, 1999

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Cosmetology

RULE TITLE: Initial Licensure or Registration Requirement for Instruction on Human Immunodeficiency Virus and Acquired Immune Deficiency Syndrome; Course Content and Approval Requirements
RULE NO.: 61G5-18.011

PURPOSE AND EFFECT: The Board purpose and effect of this rule amendment are to address Initial Licensure or Registration Requirement for instruction on Human Immunodeficiency Virus and Acquired Immune Deficiency Syndrome; Course Content and Approval Requirements.

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(5), 477.016 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, Board of Cosmetology, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G5-18.011 Initial Licensure or Registration Requirement for Instruction on Human Immunodeficiency Virus and Acquired Immune Deficiency Syndrome; Course Content and Approval Requirements.

(1) through (2) No change.

(3) All educational courses on HIV and AIDS which are taught to fulfill the requirements for initial licensure or registration under Chapter 477, Florida Statutes, ~~shall or which are taught for continuing education purposes must~~ be approved by the Board. To be considered for the Board's approval, courses on HIV and AIDS shall consist of:

(a) education on the modes of transmission, infection control procedures, clinical management, and prevention of HIV and AIDS;

(b) discussion of attitudes towards HIV and AIDS as well as appropriate behavior in dealing with persons who may have the virus or syndrome.

(4) All proposed HIV and AIDS educational courses ~~must~~ shall be submitted for presentation to the Board at least 30 days prior to the next scheduled board meeting at which the course is to be considered for approval. No course may be taught for credit until it has received the Board's approval.

(5) The Board approves the following courses for purposes of fulfilling the requirements for initial licensure or registration under Chapter 477, Florida Statutes, ~~or satisfying continuing education requirements:~~

(a) Courses approved by any other board in accordance with Sections 381.0034, 381.0035, 455.2226, or 455.2228, Florida Statutes;

(b) Basic AIDS educational courses presented by the Florida Department of Health or other state health departments, provided they meet the requirements set forth in subsection (3).

(6) No change.

(7) At any time, the Board shall deny or rescind its approval of a course offered for initial licensure if it finds that: such approval was the result of fraud; the course which is being provided fails to cover the information required by statute or subsection (3) or fails to meet other requirements specified in this rule; or the course significantly varies from the course proposal that was approved by the Board. Before rescinding approval of a course, the Board shall give the course provider notice and an opportunity to be heard. If the Board denies or rescinds its approval of a course because of the course provider's fraud in obtaining such approval, then the course provider shall thereafter be barred from presenting any other course to licensees for credit unless the course provider demonstrates to the Board that he or she has been sufficiently rehabilitated to be trusted to provide such courses to licensees in the future.

Specific Authority 455.2228(5), 477.016 FS. Law Implemented 455.2228 FS. History—New 9-2-90, Amended 4-9-91, 10-27-91, 6-14-93, Formerly 21F-18.011, Amended 2-1-95, 12-21-97, 1-31-99, 3-8-00,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Cosmetology
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Cosmetology
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 15, 1999
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 10, 1999

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Cosmetology

RULE TITLE: Disciplinary Guidelines
PURPOSE AND EFFECT: The purpose and effect are to address Disciplinary Guidelines.

RULE NO.: 61G5-30.001

SUMMARY: The proposed changes amend the Disciplinary Guidelines.

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: 455.2273, 477.016, 477.029(2) FS.
LAW IMPLEMENTED: 455.2273, 477.029(2) 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, Board of Cosmetology, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

(Substantial rewording of Rule 64B5-30.001 follows. See Florida Administrative Code for present text.)

61G5-30.001 Disciplinary Guidelines.

(1) Purpose. Pursuant to Section 455.227, F.S., the Board provides within this rule disciplinary guidelines which shall be imposed upon applicants, licensees, registrants or any persons whom it regulates under Chapter 477, F.S. The purpose of this rule is to notify such applicants, licensees, registrants or persons of the ranges of penalties which will routinely be imposed unless the Board find it necessary to deviate from the guidelines for the stated reasons given within this rule. The ranges of penalties provided below are based upon a single count violation of each provision listed; for multiple counts of the violated provisions or a combination of the violations the Board shall consider a higher penalty than that for a single, isolated violation. Each range includes the lowest and highest penalty and all penalties falling between. The purposes of the imposition of discipline are to punish the applicants, licensees, registrants or any persons for violations and to deter them from future violations; to offer opportunities for rehabilitation, when appropriate; and to deter other applicants, licensees, registrants or any persons from violations.

(2) Violations and Range of Penalties. In imposing discipline upon applicants, licensees, registrants and any person in proceedings pursuant to section 120.57(1) and 120.57(2), F.S., the Board shall act in accordance with the following disciplinary guidelines and shall impose a penalty within the range corresponding to the violations set forth below. The verbal identification of offenses is descriptive only; the full language of each statutory provision cited must be consulted in order to determine the conduct included.

(3) When the Board finds that any person has violated any of the provisions of section 477.029(1), Florida Statutes, it shall issue a final order imposing appropriate penalties within the following disciplinary guidelines:

FIRST OFFENSE

SUBSEQUENT OFFENSE

(a) Holding oneself out as a cosmetologist or specialist, hair braider, hair wrapper, or body wrapper.

(477.029(1)(a), F.S.)

1. An individual who has never been licensed or registered in Florida, or whose license or registration has been revoked or become null and void.

2. A licensee or registrant who fails to properly renew his or her license or registration.

1. From an administrative fine ranging from \$300.00 to \$500.00, to refusal to certify an application for licensure or registration.

2. From an administrative fine of \$50.00 per month or part of a month during which the license or registration was in a delinquent status up to a total of \$500.00, to a reprimand of the license or registration, or refusal to certify an application for licensure or registration.

1. From an administrative fine ranging from \$350.00 to \$500.00, to refusal to certify an application for licensure or registration.

2. From an administrative fine of \$500.00, to suspension of the license or registration, or refusal to certify an application for licensure or registration.

(b) Operating any cosmetology salon which is not duly licensed.

(477.029(1)(b), F.S.)

1. Operating a salon which has never been licensed, or whose license has been revoked or become null and void, or operating an unlicensed salon within a residence.

2. Operating a salon whose license has become delinquent.

1. From an administrative fine ranging from \$300.00 to \$500.00, or refusal to certify an application for licensure or registration.

2. From a reprimand of the license or registration to an administrative fine of \$50.00 per month or part of the month during which the salon license was delinquent up to a total of \$500.00, or refusal to certify an application for licensure or registration.

1. From an administrative fine ranging from \$350.00 to \$500.00, or refusal to certify an application for licensure or registration.

2. From suspension of the license or registration to an administrative fine of \$50.00 per month or part of the month during which the salon license was delinquent up to a total of \$500.00, or refusal to certify an application for licensure or registration.

(c) Permitting an employed person who is not duly licensed or authorized pursuant to sections 477.0132(3), 477.019(4), or 477.0201(6), F.S., to practice cosmetology or a specialty.

(477.029(1)(c), F.S.)

1. Employing an individual who has never been licensed or registered in Florida or who is not otherwise authorized, or whose license or registration has been revoked or become null and void.

2. Employing an individual whose license or registration is in a delinquent status.

1. From a reprimand of the license or registration to an administrative fine ranging from \$300.00 to \$500.00 or refusal to certify an application for licensure or registration.

2. From an administrative fine of \$50.00 per month or part of a month that the individual's license or registration was in a delinquent status up to a total of \$500.00, to a reprimand of the license or registration.

1. From suspension of the license or registration to an administrative fine ranging from \$350.00 to \$500.00, or refusal to certify an application for licensure or registration.

2. From an administrative fine of \$50.00 per month or part of a month that the individual's license or registration was in a delinquent status up to a total of \$500.00, to suspension of the license or registration.

(d) Presenting as one's own the license or registration of another.
(477.029(1)(d), F.S.)

(e) Giving false or forged evidence to the Department or the Board in order to obtain a license or registration.
(477.029(1)(e), F.S.)

(f) Impersonate any other licenseholder or registrant of like or different name.
(477.029(1)(f), F.S.)

(g) Using or attempting to use a license or registration that has been revoked.
(477.029(1)(g), F.S.)

(h) Violating or refusing to comply with any provision of Chapter 477, F.S., or Chapter 455, F.S., or a rule of the Board or Department, or final order of the Board, or failing to comply with a lawfully issued subpoena of the Department.
(477.029(1)(i), F.S.);
(455.227(1)(b),(q), F.S.).

1. Violating a provision of Chapters 477 and 455, F.S., or failure to comply with a subpoena.

2. Violating any of the safety and sanitary requirements as set forth in Rule 61G5-20.002, F.A.C.

3. Owning, operating, maintaining, opening, establishing, conducting, or having charge of a salon operating without sterilization equipment in violation of Rule 61G5-20.002(2)(d), F.A.C.

4. Violating a rule of the Board or Department.

(d) From a reprimand of the license or registration, to an administrative fine ranging from \$300.00 to \$500.00.

(e) From suspension of the license or registration to an administrative fine ranging from \$300.00 to \$500.00, or refusal to certify an application for licensure or registration.

(f) From a reprimand of the license or registration, to an administrative fine ranging from \$300.00 to \$500.00, or refusal to certify an application for licensure or registration.

(g) From suspension of the license or registration held by the licensee or registrant, to an administrative fine ranging from \$300.00 to \$500.00, or refusal to certify an application for licensure or registration.

1. From reprimand of the license or registration to an administrative fine ranging from \$300.00 to \$500.00, or refusal to certify an application for licensure or registration.

2. From reprimand of the license or registration to an administrative fine ranging from \$50.00 to \$100.00 per violation if less than three (3) violations are found, or an administrative fine of \$500.00 if three (3) or more violations are found.

3. From suspension of the license or registration to an administrative fine ranging from \$300.00 to \$500.00, or refusal to certify an application for licensure or registration.

4. From a reprimand of the license or registration to an administrative fine ranging from \$300.00 to \$500.00, or refusal to certify an application for licensure or registration.

(d) From suspension of the license or registration to an administrative fine ranging from \$350.00 to \$500.00.

(e) From revocation of the license or registration to an administrative fine ranging from \$350.00 to \$500.00, or refusal to certify an application for licensure or registration.

(f) From suspension of the license or registration, to an administrative fine ranging from \$350.00 to \$500.00, or refusal to certify an application for licensure or registration.

(g) From revocation of the license or registration held by licensee or registrant, to an administrative fine of \$500.00, or refusal to certify an application for licensure or registration.

1. From revocation of the license or registration to an administrative fine ranging from \$350.00 to \$500.00, or refusal to certify an application for licensure or registration.

2. From suspension of the license or registration to an administrative fine ranging from \$100.00 to \$150.00 per violation if less than three(3) violations are found, or an administrative fine of \$500.00 if three (3) or more violations are found.

3. From revocation of the license or registration to an administrative fine ranging from \$350.00 to \$500.00, or refusal to certify an application for licensure or registration.

4. From revocation of the license or registration to an administrative fine ranging from \$350.00 to \$500.00, or refusal to certify an application for licensure or registration.

5. Violating a final order of the Board.

(2) When the Board finds that any person has committed a violation of section 477.029(1)(h) or (i), F.S., by violating any of the provisions of section 477.0265(1), F.S., it shall issue a final order imposing appropriate penalties within the following disciplinary guidelines:

(a) Engaging in the practice of cosmetology or a specialty without an active license.

(477.0265(1)(a), F.S.)

(477.029(1)(h), F.S.)

1. An individual who has never been licensed or registered in Florida, or whose license or registration has been revoked or become null and void, or is not otherwise authorized to practice cosmetology or a specialty.

2. Failure to properly renew a license or registration.

(b) Owning, operating, maintaining, opening, establishing, conducting, or having charge of, either alone or with another person or persons, a cosmetology salon or specialty salon which is not licensed or registered.

(477.0265(1)(b)1., F.S.)

(477.029(1)(h), F.S.)

(c) Owning, operating, maintaining, opening, establishing, conducting, or having charge of, either alone or with another person or persons, a cosmetology salon or specialty salon in which a person not licensed as a cosmetologist or registered as a specialist, or whose license or registration has been revoked or has become null and void, or who is not authorized pursuant to sections 477.0132(3), 477.019(4), or 477.0201(6), F.S., to perform cosmetology services or any specialty.

(477.0265(1)(b)2., F.S.)

(477.029(1)(h), F.S.)

5. From suspension of the license or registration to an administrative fine ranging from \$300.00 to \$500.00, or refusal to certify an application for licensure or registration.

1. An administrative fine of ranging from \$300.00 to \$500.00, or refusal to certify an application for licensure or registration.

2. From a reprimand of the license or registration to an administrative fine of \$50.00 per month or part of a month during which the license or registration was in a delinquent status up to a total of \$500.00, or refusal to certify an application for licensure or registration.

(b) From an administrative fine ranging from \$300.00 to \$500.00, or refusal to certify an application for licensure or registration.

(c) From a reprimand of the license or registration to an administrative fine ranging from \$300.00 to \$500.00, or refusal to certify an application for licensure or registration.

5. From revocation of the license or registration to an administrative fine ranging from \$350.00 to \$500.00, or refusal to certify an application for licensure or registration.

1. An administrative fine ranging from \$350.00 to \$500.00, or refusal to certify an application for licensure or registration.

2. From suspension of the license or registration to an administrative fine of \$50.00 per month or part of a month during which the license or registration was in a delinquent status up to a total of \$500.00, or refusal to certify an application for licensure or registration.

(b) From an administrative fine ranging from \$350 to \$500.00, or refusal to certify an application for licensure or registration.

(c) From suspension of the license or registration to an administrative fine ranging from \$350.00 to \$500.00, or refusal to certify an application for licensure or registration.

(d) Engaging in willful or repeated violations of Chapter 477, F.S., or any rule adopted by the Board. (477.0265(1)(c), F.S.); (477.029(1)(h), F.S.)

(e) Permitting an employed person to engage in the practice of cosmetology or a specialty without a valid, active license or registration or authorization pursuant to sections 477.0132(3), 477.019(4), or 477.0201(6), F.S. (477.0265(1)(d), F.S.); (477.029(1)(h), F.S.)

1. A violation involving an employed person who has never been licensed or registered in Florida or whose license or registration has been revoked or has become null and void, or who is not otherwise authorized to perform cosmetology services or any specialty.
2. A violation involving an employed person whose license or registration is in a delinquent status.

(f) Obtaining or attempting to obtain a license or registration for money, other than the required fee, or any other thing of value or by fraudulent misrepresentations. (477.0265(1)(e), F.S.); (477.029(1)(h), F.S.)

(g) Using or attempting to use a license or a registration which is suspended or revoked. (477.0265(1)(f), F.S.); (477.029(1)(h), F.S.)

(h) Advertising or implying that skin care services or body wrapping, performed under Chapter 477, F.S., have any relationship to the practice of massage therapy as defined in section 480.033(3), F.S., except those practices or activities defined in section 477.013, F.S. (477.0265(1)(g), F.S.); (477.029(1)(h), F.S.)

(d) From reprimand to revocation of the license or registration and an administrative fine ranging from \$300.00 to \$500.00, or refusal to certify an application for licensure or registration.

1. From suspension of the license or registration to an administrative fine ranging from \$300.00 to \$500.00, or refusal to certify an application for licensure or registration.

2. From suspension of the license or registration to an administrative fine of \$50.00 per month or part of a month that the individual's license or registration was in a delinquent status up to a total of \$500.00, or refusal to certify an application for licensure or registration.

(f) From suspension to revocation of the license or registration received as a result of such action and an administrative fine ranging from \$300.00 to \$500.00, or refusal to certify an application for licensure or registration.

(g) From suspension of the license or registration to an administrative fine ranging from \$300.00 to \$500.00, or refusal to certify an application for licensure or registration.

(h) From suspension to revocation of the license or registration to an administrative fine ranging from \$300.00 to \$500.00, or refusal to certify an application for licensure or registration.

(d) From suspension to revocation of the license or registration and an administrative fine ranging from \$350.00 to \$500.00, or refusal to certify an application for licensure or registration.

1. From revocation of the license or registration to an administrative fine ranging from \$350.00 to \$500.00, or refusal to certify an application for licensure or registration.

2. From revocation of the license or registration to an administrative fine of \$50.00 per month or part of a month that the individual's license or registration was in a delinquent status up to a total of \$500.00, or refusal to certify an application for licensure or registration.

(f) From revocation of the license or registration received from such action and an administrative fine ranging from \$350.00 to \$500.00, or refusal to certify an application for licensure or registration.

(g) From revocation of the license or registration to an administrative fine of \$500.00, or refusal to certify an application for licensure or registration.

(h) From revocation of the license or registration to an administrative fine ranging from \$350.00 to \$500.00, or refusal to certify an application for licensure or registration.

(3) When the Board finds that any person licensed or registered under Chapter 477, F.S., has committed a violation of any of the provisions of section 477.028, F.S., the Board shall issue a final order imposing an appropriate penalties within the following disciplinary guidelines:

(4) When the Board finds that any person has committed a violation of any of the provisions of section 455.227(1), F.S., it shall issue a final order imposing appropriate penalties within the following disciplinary guidelines:

(a) Misleading, deceptive, or fraudulent representations in or related to the practice of cosmetology. (455.227(1)(a), F.S.).

(b) Guilty of crime directly relating to practice or ability to practice cosmetology or a specialty. (455.227(1)(c), F.S.).

(c) Failing to comply with the educational course requirements for human immunodeficiency virus and acquired immune deficiency syndrome. (455.227(1)(e), F.S.).

(d) Action taken against license or registration by another jurisdiction. (455.227(1)(f), F.S.).

(e) Being found liable in a civil proceeding for knowingly filing a false report or complaint with the Department against another licensee or registrant. (455.227(1)(g), F.S.).

(f) Attempting to obtain, obtaining, or renewing a license or registration by bribery, fraudulent misrepresentation, or through an error of the Department or the Board. (455.227(1)(h), F.S.).

(g) Failing to report another licensee or registrant in violation. (455.227(1)(i), F.S.).

(3) From suspension to revocation of the license or registration to an administrative fine ranging from \$300.00 to \$500.00, or refusal to certify an application for licensure or registration.

(a) From a letter of guidance to revocation of the license or registration to an administrative fine ranging from \$300.00 to \$500.00, or refusal to certify an application for licensure or registration.

(b) From suspension of the license or registration to an administrative fine ranging from \$300.00 to \$500.00, or refusal to certify an application for licensure or registration.

(c) From reprimand of the license or registration to an administrative fine ranging from \$300.00 to \$500.00, or refusal to certify an application for licensure or registration.

(d) From suspension of the license or registration to an administrative fine ranging from \$300.00 to \$500.00, or refusal to certify an application for licensure or registration.

(e) From reprimand of the license or registration to an administrative fine ranging from \$300.00 to \$500.00, or refusal to certify an application for licensure or registration.

(f) From suspension the license or registration to an administrative fine ranging from \$300.00 to \$500.00, or refusal to certify an application for licensure or registration.

(g) From a letter of guidance to an administrative fine ranging from \$300.00 to \$500.00, or refusal to certify an application for licensure or registration.

(3) From revocation of the license or registration to an administrative fine ranging from \$350.00 to \$500.00, or refusal to certify an application for licensure or registration.

(a) From a reprimand to revocation of the license or registration to an administrative fine of \$500.00 to \$1000.00, or refusal to certify an application for licensure or registration.

(b) From revocation of the license or registration to an administrative fine ranging from \$500.00 to \$1000.00, or refusal to certify an application for licensure or registration.

(c) From suspension of the license or registration to an administrative fine ranging from \$500.00 to \$1000.00, or refusal to certify an application for licensure or registration.

(d) From revocation of the license or registration to an administrative fine ranging from \$500.00 to \$1000.00, or refusal to certify an application for licensure or registration.

(e) From suspension of the license or registration to an administrative fine ranging from \$500.00 to \$1000.00, or refusal to certify an application for licensure or registration.

(f) From revocation of the license or registration to an administrative fine ranging from \$500.00 to \$1000.00, or refusal to certify an application for licensure or registration.

(g) From reprimand of the license or registration to an administrative fine ranging from \$500.00 to \$1000.00, or refusal to certify an application for licensure or registration.

(h) Aiding unlicensed practice. (455.227(1)(j), F.S.).

(i) Failing to perform any statutory or legal obligation placed upon a licensee or registrant. (455.227(1)(k), F.S.).

(j) Making or filing a false report as required or willfully impeding or obstructing another person to do so.

For purposes of this violation, such reports or records shall include only those that are signed by the licensee or registrant in his or her capacity. (455.227(1)(l), F.S.).

(k) Deceptive, untrue, or fraudulent representations, or employing a trick or scheme in or related to the practice of cosmetology or a specialty. (455.227(1)(m), F.S.).

(l) Exercising influence on a client for the purpose of financial gain. (455.227(1)(n), F.S.).

(m) Practicing or offering to practice beyond the scope permitted by law or accepting and performing professional responsibilities not competent to perform. (455.227(1)(o), F.S.).

(n) Delegation of professional responsibilities to unqualified person. (455.227(1)(p), F.S.).

(o) Improperly interfering with an investigation, or inspection authorized by statute, or a disciplinary proceeding. (455.227(1)(r), F.S.).

(h) From reprimand of the license or registration to an administrative fine ranging from \$300.00 to \$500.00, or refusal to certify an application for licensure or registration.

(i) From reprimand of the license or registration to an administrative fine ranging from \$300.00 to \$500.00, or refusal to certify an application for licensure or registration.

(j) From reprimand of the license or registration to an administrative fine ranging from \$300.00 to \$500.00, or refusal to certify an application for licensure or registration.

(k) From a reprimand of the license or registration to an administrative fine ranging from \$300.00 to \$500.00, or refusal to certify an application for licensure or registration.

(l) From reprimand of the license or registration to an administrative fine ranging from \$300.00 to \$500.00, or refusal to certify an application for licensure or registration.

(m) From reprimand of the license or registration to an administrative fine ranging from \$300.00 to \$500.00, or refusal to certify an application for licensure or registration.

(n) From reprimand of the license or registration to an administrative fine ranging from \$300.00 to \$500.00, or refusal to certify an application for licensure or registration.

(o) From reprimand of the license or registration to an administrative fine ranging from \$300.00 to \$500.00, or refusal to certify an application for licensure or registration.

(h) From suspension of the license or registration to an administrative fine ranging from \$500.00 to \$1000.00, or refusal to certify an application for licensure or registration.

(i) From suspension of the license or registration to an administrative fine ranging from \$500.00 to \$1000.00, or refusal to certify an application for licensure or registration.

(j) From suspension of the license or registration to an administrative fine ranging from \$500.00 to \$1000.00, or refusal to certify an application for licensure or registration.

(i) From revocation of the license or registration to an administrative fine ranging from \$500.00 to \$1000.00, or refusal to certify an application for licensure or registration.

(l) From suspension of the license or registration to an administrative fine ranging from \$500.00 to \$1000.00, or refusal to certify an application for licensure or registration.

(m) From suspension of the license or registration to an administrative fine ranging from \$500.00 to \$1000.00, or refusal to certify an application for licensure or registration.

(n) From suspension of the license or registration to an administrative fine ranging from \$500.00 to \$1000.00, or refusal to certify an application for licensure or registration.

(o) From suspension of the license or registration to an administrative fine ranging from \$500.00 to \$1000.00, or refusal to certify an application for licensure or registration.

(5) Aggravating and Mitigating Circumstances. Based upon consideration of aggravating and mitigating factors present in an individual case, the Board may deviate from the penalties recommended above. The Board shall consider as aggravating or mitigating factors the following:

(a) The severity of the offense;

(b) The danger to the public;

(c) The number of repetitions of offenses;

(d) The length of time since date of violation;

(e) The number of complaints filed against the licensee;

(f) The length of time the licensee or registrant has practiced;

(g) The actual damage, physical or otherwise, caused by the violation;

(h) The deterrent effect of the penalty imposed;

(i) The effect of the penalty upon the licensee's or registrant's livelihood;

(j) Any efforts for rehabilitation;

(k) The actual knowledge of the licensee or registrant pertaining to the violation;

(l) Attempts by licensee or registrant to correct or stop violations or refusal by licensee or registrant to correct or stop violations;

(m) Related violations against a licensee or registrant in another state including findings of guilt or innocence, penalties imposed and penalties served;

(n) Actual negligence of the licensee or registrant pertaining to any violations;

(o) Penalties imposed for related offenses under Subsections (1), (2), (3), or (4) above;

(p) Any other mitigating or aggravating circumstances.

(6) The provisions of sections (1) through (5) above shall not be construed so as to prohibit civil action or criminal prosecution as provided for in section 477.0265(2) or section 477.031, Florida Statutes, and the provisions of sections (1) through (5) above shall not be construed so as to limit the ability of the Board to enter into binding stipulations with accused parties as per section 120.57(4), Florida Statutes.

(7) In every case where the Board imposes a monetary fine, it shall also suspend the Respondent's license or registration. However, to enable the Respondent to pay the fine, the suspension shall be stayed for the time period specified in the Board's final order in accordance with Rule 61G5-17.016, F.A.C. If the fine is paid within that time period, the suspension shall not take effect; if the fine is not paid within that time period, then the stay shall expire and the suspension shall take effect. Thereafter, upon payment of the fine, the suspension shall be lifted. The provisions of this paragraph regarding the staying or lifting of the suspension of an individual's license or registration shall not apply to any period of suspension which is specifically imposed by the Board as a penalty separate from the provisions of this paragraph.

Specific Authority 455.2273, 477.016, 477.029(2), 477.028(4) FS. Law Implemented 455.2273, 455.227, 477.029(2), 477.028(4) FS. History—New 10-20-86, Amended 10-18-87, 1-10-90, 1-30-92, 4-15-93, Formerly 21F-30.001, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Cosmetology

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

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 2, 2001

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Cosmetology

RULE TITLE: Citations
RULE NO.: 61G5-30.004

PURPOSE AND EFFECT: The purpose and effect are to amend the rule by addressing Citations.

SUMMARY: The proposed changes to the current rule will specify when a citation should be issued and the fine that should be imposed.

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: 477.016, 455.224 FS.

LAW IMPLEMENTED: 455.224 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, Board of Cosmetology, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G5-30.004 Citations.

(1) through (2) No change.

(3) Citations shall be issued for the first offense violations only.

(4)(3) The Board hereby designates the following as citation violations, which shall result in a penalty of fifty dollars (\$50.00):

(a) Except as otherwise provided herein, any violation of the safety, sanitary, or other salon requirements specified in Rule 61G5-20.002 – however, if it is an initial offense and there are no other violations, then the subject shall be given a Notice of Noncompliance;

(b) Practicing cosmetology or a specialty with an inactive or expired license for one month or part of a month;

(c) Operating a salon with a delinquent license for one month or part of a month;

(d) Employing a person to practice cosmetology or a specialty with an inactive or expired license for one month or part of a month.

(e) Unless otherwise permitted in Ch. 477, F.S., performing cosmetology services in a salon which does not have a license in violation of s. 477.0263(1), F.S.

~~(5)(4)~~ The Board hereby designates the following as citation violations, which shall result in a penalty of one hundred dollars (\$100.00):

(a) Transferring ownership or changing location of a salon without the approval of the Department pursuant to Rule 61G5-20.006, provided the transfer of ownership or change of location has not exceeded 90 days and the salon owner can provide proof that a completed application has been filed with the Department;

(b) Practicing cosmetology or a specialty with an inactive or expired license for more than one month but not more than two months;

(c) Operating a salon with a delinquent license for more than one month but not more than two months;

(d) Employing a person to practice cosmetology or a specialty with an inactive or expired license for more than one month but not more than two months;

(e) Two violations of the safety, sanitary, or other salon requirements specified in Rule 61G5-20.002.

~~(f) Violation of the graduate exemption requirements in 61G5-20.008(2)(d) or (3).~~

~~(6)(5)~~ The Board hereby designates the following as citation violations, which shall result in a penalty of two hundred fifty dollars (\$250.00):

(a) Operating a salon without a wet sanitizer as required by Rule 61G5-20.002(2)(d);

(b) Three or more violations of the safety, sanitary, or other salon requirements specified in Rule 61G5-20.002.

~~(c) Failure to complete a board approved educational course on Human Immunodeficiency Virus (HIV) and Acquired Immune Deficiency Syndrome (AIDS) as required by Rule 61G5-18.011.~~

~~(7)(6)~~ The Board hereby designates the following as citation violations, which shall result in a penalty of three five hundred dollars (~~\$300.00~~ \$500.00):

(a) Practicing cosmetology or a specialty without a license;

(b) Operating a salon without a license;

(c) Employing a person to practice cosmetology or a specialty without a license;

(d) Five or more violations of the safety, sanitary, or other salon requirements specified in Rule 61G5-20.002.

Specific Authority 477.016, 455.224 FS. Law Implemented 477.016, 455.224 FS. History--New 11-17-91, Amended 4-15-93, Formerly 21F-30.004, Amended 8-8-95, 2-28-96, 10-1-97, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Cosmetology

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 15, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 10, 1999

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Cosmetology

RULE TITLE: Continuing Education
RULE NO.: 61G5-32.001

PURPOSE AND EFFECT: The purpose and effect of this rule amendment is to address Continuing Education.

SUMMARY: The propose rule amendment will provide changes to Continuing Education requirements.

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), 455.2228, 477.016, 477.019(7) FS.

LAW IMPLEMENTED: 455.219(3), 455.2228, 477.019(7) 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: Julia Baker, Executive Director, Board of Cosmetology, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G5-32.001 Continuing Education.

(1) through (4) No change.

(5) Licensees holding two or more licenses subject to the HIV/AIDS education course requirement shall present all license numbers to the provider of such course. Any licensee or registrant who is found by the Board to have failed to comply with the continuing education requirements as set forth by this rule shall be required to take a continuing education refresher course of such hours, not to exceed forty eight (48), as the Board may feel merited by the facts of the licensee's or registrant's situation and violation, in addition to any other penalty imposed by the Board for having violated the continuing education requirements. In determining the appropriate number of additional hours of continuing education to be completed by the licensee or registrant, the Board will consider the total number of hours and the required continuing education subjects already completed by the licensee or registrant during the licensure period, and any facts

or explanation offered by the licensee or registrant to explain the failure to complete all required continuing education. The requirement to take a continuing education refresher course under this paragraph shall be in addition to any and all other continuing education requirements imposed on the licensee or registrant by this rule.

(6) PROVIDER APPROVAL AND REQUIREMENTS.

(a) through (d) No change.

(e) Beginning November 1, 2001, continuing education providers shall electronically provide to the Department the list of attendees at each of its offered courses within 5 business days of the completion of the course. For home study courses, the provider shall 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. This list shall include the provider's name and provider number, the name and license or registration number of the attendee, the date the course was completed, and the course number. All documents from the provider shall be submitted electronically to the Department and must be in a form as agreed to by the Department with the provider. Failure to comply with the time and form requirements will result in disciplinary action taken against the provider and the course approval. No provider shall reapply for continuing education provider status until at least two (2) years have elapsed since the entry of the final order against the provider. Each continuing education provider shall maintain records of attendance or completion for all continuing education courses offered or taught by the provider for a period of not less than ~~four~~ three years following the offering of each course or the receipt of documentation of completion of a home study course. Upon request, these records shall be made available for inspection by the Department or its agent, or the private entity contracted with by the Department to administer the continuing education program at such reasonable time and location as determined by the Department or its agent, or the private entity. The list of attendees submitted electronically to the Department shall not include the names of applicants taking the course for initial licensure pursuant to Rule 61G5-18.011, FAC.

(f) No change.

(g) Approval as a continuing education provider shall be valid through May 31, 2003 for any providers approved prior to March 1, 2003. Thereafter, approval as a continuing education provider shall be valid through May 31 of odd numbered years for all providers. After the expiration of a continuing education provider's approval, the provider shall ~~may~~ not offer or teach any continuing education courses for credit toward the required hours of continuing education until the provider has renewed its approval as a continuing education provider. ~~Applications for renewal of approval as a continuing education provider shall be submitted to the~~

Department, or if the Department shall contract with a private entity to administer the continuing education program then to such private entity, no later than 90 days prior to the expiration of the provider's approval; and shall contain all of the items and information required for initial approval as a continuing education provider as set forth in subparagraph (6)(a) of this rule. Approval as a continuing education provider shall remain valid while an application for renewal is pending before the Board provided the renewal application is complete and was received before the scheduled expiration of the provider's approval.

(h) No change.

(i) At any time, the Board shall deny or rescind its approval of a continuing education provider if it finds that such approval is sought or was received by fraud or misrepresentation by the provider, the provider has failed to adhere to the standards and other requirements as set forth in this rule or Rule 61-6.015, FAC, or that the provider has engaged in fraudulent behavior relating to the provision of continuing education. Before rescinding approval of a continuing education provider, the Board shall give the provider notice and an opportunity to be heard. If the Board denies or rescinds its approval of a continuing education provider because of the provider's fraud or misrepresentation, then the continuing education provider shall thereafter be barred from presenting any continuing education courses to licensees or registrants for credit unless the provider demonstrates to the Board that the provider has been sufficiently rehabilitated to be trusted to provide such courses to licensees or registrants in the future. ~~Rescission~~ Rescission of a continuing education provider's approval shall also operate as a rescission ~~rescission~~ of all previously approved continuing education courses for all future offerings by the provider.

(j) No change.

(7) COURSE APPROVAL AND REQUIREMENTS.

(a) No change.

(b) All continuing education courses shall ~~must~~ comply with the requirements as set forth in this rule, including but not limited to those regarding the required subjects and topics to be included in the proposed course. ~~All proposed continuing education courses regarding HIV/AIDS and other communicable diseases must also comply with the requirements as set forth in Rule 61G5-18.011. All HIV/AIDS courses which have been approved by any other board in accordance with Sections 381.0034, 381.0035, 455.2226, or 455.2228, Florida Statutes, and basic AIDS educational courses presented by the Florida Department of Health or other state health departments shall not be required to be approved by the Board prior to their being offered or taught for continuing education credit, and may be offered or taught by individuals and organization who have not been approved by the Board as a continuing education provider provided they otherwise meet the requirements of this rule and Rule~~

~~61G5-18.011. Licensees and registrants who complete an HIV/AIDS course as described in this paragraph shall ensure that their completion of the course is properly reported to the Department, or if the Department shall contract with a private entity to administer the continuing education program then to such private entity.~~

(c) No change.

(d) Upon approval by the Board of a continuing education course, a continuing education course number will be assigned to the course; and, shall be included in all future correspondence or submissions by the continuing education provider to the Board, the Department, or any private entity contracted with by the Department to administer the continuing education program. ~~The continuing education course number and continuing education provider number shall be included in all advertisements, promotions, or other announcements concerning an approved course. No course may be advertised as an approved course until the course has been approved by the Board and received a course number.~~

1. The continuing education course number and continuing education provider number shall be included in all advertisements, promotions, or other announcements concerning an approved course.

2. No course shall be advertised as an approved course until the course has been approved by the Board and received a course number.

3. A course shall not be offered or credit given for hours other than what was approved by the Board. A provider who offers a course for credit hours other than what was approved shall be subject to rescission of its provider approval.

4. A course shall not be offered in a format other than what was approved by the Board. A provider who offers a course in a format other than what was approved shall be subject to rescission of its provider approval.

(e) through (h) No change.

(i) Any substantive changes regarding the information contained in the provider's application for course approval, or previously submitted by the provider to the Department or to a private entity contracted with by the Department to administer the continuing education program, shall require that the course be resubmitted for approval in accordance with this rule ~~be filed with the Department, or if the Department shall contract with a private entity to administer the continuing education program then with such private entity, within 30 days of the change occurring.~~

(j) At any time, the Board shall deny or rescind its approval of a continuing education course if it finds that such approval is sought or was received by fraud or misrepresentation by the provider, that the course which is being provided fails to cover the information required by statute or this rule or Rule 61-6.015, FAC., or otherwise fails to meet the requirements specified in this rule, that the course significantly varies from the course proposal that was approved

by the Board, or that the course provider has engaged in fraudulent behavior related to the provision of the course. Before rescinding approval of a continuing education course, the Board shall give the course provider notice and an opportunity to be heard. If the Board denies or rescinds its approval of a continuing education course because of the course provider's fraud or misrepresentation, then the continuing education provider shall thereafter be barred from presenting any continuing education courses to licensees or registrants for credit unless the provider demonstrates to the Board that the provider has been sufficiently rehabilitated to be trusted to provide such courses to licensees or registrants in the future.

(k) No change.

(8) No change.

Specific Authority 455.219(3), 455.2228, 477.016, 477.019(7), 455.2178, 455.2179 FS. Law Implemented 455.219(3), 455.2228, 477.019(7), 455.2178, 455.2179 FS. History--New 3-25-99, Amended 2-28-00, 7-27-00,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Cosmetology
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Cosmetology
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 24, 2000
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 4, 2000

**DEPARTMENT OF ENVIRONMENTAL PROTECTION
Division of Beaches and Shores**

DOCKET NO.: 00-58R
RULE CHAPTER TITLE: Rule and Procedures for Coastal Construction and Excavation (Permits for Construction Seaward of the Coastal Construction Control Line and Fifty-Foot Setback) RULE CHAPTER NO.: 62B-33

RULE TITLES: Definitions 62B-33.002
Coastal Armoring and Related Structures 62B-33.005

PURPOSE AND EFFECT: To amend definitions, armoring, and address statutory changes made during the 2000 legislative session. The proposed amendments will implement changes to Chapter 161.053, Florida Statutes, and will establish certain armoring permitting criteria, along with other minor amendments to account for changes in Departmental organization, removal of redundant or unnecessary language, and will rework sections for clarification.

SUMMARY: Chapter 62B-33, F.A.C., provides the rules and procedures for coastal construction and excavation seaward of the coastal construction control line and 50-foot setback.

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: 161.052, 161.053, 161.0535, 161.085 FS.

LAW IMPLEMENTED: 161.052, 161.053, 161.0535, 161.054, 161.061, 161.071, 161.081, 161.085 FS.

IF REQUESTED IN WRITING WITHIN 21 DAYS OF THE DATE OF PUBLICATION OF THIS NOTICE, A RULEMAKING 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., April 10, 2001

PLACE: Douglas Bldg., First Floor, Conference Room A, 3900 Commonwealth Blvd., Tallahassee, FL

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES OR TO OBTAIN A COPY OF THE HEARING AGENDA IS: Rosaline Beckham, Florida Department of Environmental Protection, Office of Beaches and Coastal Systems, Mail Station #300, Tallahassee, Florida 32399-3000, (850)487-1262, Extension 186

THE FULL TEXT OF THE PROPOSED RULES IS:

62B-33.002 Definitions.

(1) through (11) No change.

(12) "Coastal Construction Control Line" (CCCL) or "Control Line" is the line established pursuant to the provisions of Section 161.053, Florida Statutes, and recorded in the official records of the county, which defines that portion of the beach-dune system subject to severe fluctuations based on a one-hundred-year storm surge, storm waves, or other predictable weather conditions.

(13) No change.

(14) "Construction" is any work or activity, including those activities specified in 161.053(2), Florida Statutes, which may have an impact as defined in this rule except as applicable in subsection 62B-33.004, of this rule.

(15) through (22) No change.

(23) "Fifty (50)-foot Setback", or "Setback Line", is the distance landward of the mean high water line, of jurisdiction established pursuant to the provisions of Section 161.052, Florida Statutes, in which construction is prohibited within 50 feet of the line of mean high water at any riparian coastal location, and implemented by Chapter 62B-33, Florida Administrative Code.

(24) through (61) No change.

Specific Authority 161.053, 161.085, FS. Law Implemented 161.052, 161.053, 161.0535, 161.054, 161.061, 161.071, 161.081, 161.085 FS. History—New 11-18-80, Amended 3-17-85, 11-10-85, Formerly 16B-33.02, Amended 5-12-92, Formerly 16B-33.002, Amended 9-12-96, 1-26-98, 8-27-00.

62B-33.0051 Coastal Armoring and Related Structures.

(1)(a) No change.

1. The proposed armoring is for the protection of an eligible structure; and

2. No change.

a. through c. No change.

d. Where an applicant demonstrates to the Department that another site specific circumstance exist other than a. through c. above such that the eligible structure is vulnerable; or

3. A gap exists, that does not exceed 250 feet, between a line of rigid coastal armoring that is continuous on both sides of the unarmored property. Such adjacent armoring shall not be deteriorated, dilapidated, or damaged to such a degree that it no longer provides adequate protection to the upland property. The top of the adjacent armoring must be at or above the still water level, including setup, for the design storm of a 15-year return interval storm plus the breaking wave calculated at its highest achievable level based on the maximum eroded beach profile and highest surge level combination. The adjacent armoring must be stable under the design storm of 15-year return interval storm including maximum localized scour, with adequate penetration and must have sufficient continuity or return walls to prevent upland erosion and flooding under the design storm of 15-year return interval storm. Such installation shall:

a. Be sited no farther seaward than the adjacent armoring;

b. Close the gap between the adjacent armoring;

c. Avoid significant adverse impacts to marine turtles;

d. Not exceed the highest level of protection provided by the adjoining walls; and

e. Comply with the requirements of section 161.053, Florida Statutes.

~~4.3.~~ The armoring shall not result in a ~~complete~~ loss of public access along the beach without providing alternative public access;

~~5.4.~~ No change.

(b) through (d) No change.

(2) No change.

(a) through (b)5. No change.

6. Armoring which utilizes any construction material other than stone in the construction shall be designed to meet both the requirements outlined in paragraph 5. above and the unit weight, strength and durability requirements generally accepted by the engineering community for use in the marine environment.

(c) No change.

(3) through (4) No change.

(5) Emergency Protection. Upon the occurrence of a coastal storm which causes erosion of the beach and dune system such that existing structures have either become damaged or vulnerable to damage from a subsequent frequent coastal storm, the agency, political subdivision, or municipality

having jurisdiction over the eligible structures may provide emergency protection to protect public infrastructure and private structures within its jurisdiction. Alternatively, the agency, political subdivision, or municipality having jurisdiction over the structures may authorize by permit, pursuant to this Chapter and other appropriate ordinances, rules and statutes, private property owners within their jurisdiction to protect their private structures once it declares an emergency and notifies the property owners who may be affected, and the Department in accordance with section 161.085, Florida Statutes. Emergency protection shall be subject to the following:

(a) through (c) No change.

(d) Other measures which may be used for temporary protection include the following: temporary reinforcement of foundations, sandbags and construction of protective sand berms. Sand used to fill sand bags or construct protective berms shall be beach compatible material and be obtained from an upland source. Excavation of the beach face or nearshore area shall require a permit from the Department. The Department shall permit excavation of the beach face or nearshore area when there is clear evidence that sufficient material is available in the nearshore area. For purposes of this section, sufficient material is available in the nearshore area when the amount of material available post storm exceeds the amount historically available in the same area. The Department will determine the existence of sufficient material by comparing post storm topographic surveys of the beach face and nearshore areas to be excavated with historical surveys of the beach face and nearshore areas of the same zone. The quantity which may be excavated shall be limited to the amount which is in excess of the amount available historically.

1. Temporary reinforcement of foundations, sandbags and construction of protective sand berms. Sand used to fill sandbags or construct protective berms shall be beach compatible material and be obtained from an upland source. Excavation of the beach face or nearshore area shall require a permit from the Department, pursuant to this rule. Any excavation that occurs below mean high water, on sovereignty lands, is subject to the provision of section 161.041, Florida Statutes.

2. Construction of temporary wooden retaining walls, cantilever sheetpile walls (without concrete caps, tiebacks, or other reinforcement) or similar structures.

3. Excavation, in areas of lake outfalls along the coast, for the purpose of relieving inland flooding, caused by excessive amounts of rainfall during a coastal storm, shall occur only after consultation with the Department.

(e) through (m) No change.

(6) No change.

Specific Authority 161.053, 161.085, 370.021 FS. Law Implemented 161.052, 161.053, 161.085, 370.12 FS. History—New 9-12-96, Amended 1-26-98,

NAME OF PERSON ORIGINATING PROPOSED RULE:
Alfred B. Devereaux

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: David B. Struhs, Secretary, Department of Environmental Protection

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 15, 2000

DEPARTMENT OF HEALTH

Board of Dentistry

RULE TITLE: Delegation of Certification for Licensure to Chair of Examination Committee; When Permitted

RULE NO.: 64B5-1.025

PURPOSE AND EFFECT: The purpose of the rule amendment is to update the rule text.

SUMMARY: The Board proposes to amend the rule text by changing the word “Chairman” to “Chair” and clean up the remaining text for clarify.

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

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

SPECIFIC AUTHORITY: 466.004(4) FS.

LAW IMPLEMENTED: 456.013(2) FS.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

64B5-1.025 Delegation of Certification for Licensure to Chairman of Examination Committee; When Permitted.

(1) The Board delegates to the Chairman of the Examination Committee of the Board the authority to certify, on behalf of the Board, an applicant to the Department for licensure only in the circumstance where certification was previously denied due to a failing grade on the licensure examination and it has been subsequently determined by the Department that the failing grade resulted solely from a ministerial error in the Department's calculation of the

applicant's grade. Except under the limited circumstance described herein, the Chairman of the Examination Committee is not authorized to certify applicants for licensure.

(2) The Chairman of the Examination Committee shall routinely inform the Board at its next meeting meetings of those candidates that have been he has certified since the last meeting of the Board.

Specific Authority 466.004(4) FS. Law Implemented 456.013(2) FS. History--New 4-19-87, Formerly 21G-1.025, 61F5-1.025, 59Q-1.025, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Dentistry

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

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 19, 2001

DEPARTMENT OF HEALTH

Board of Dentistry

RULE TITLES: RULE NOS.:

Licensure Requirements for Dental Hygiene Applicants from Unaccredited Dental Schools or Colleges 64B5-2.0144

Licensure Requirements for Applicants from Non-Accredited Schools or Colleges 64B5-2.0146

PURPOSE AND EFFECT: The purpose of the rule amendments to Rule 64B5-2.0144 is to delete rule text that is no longer desired and to add rule text that further clarifies the requirements. The purpose of the rule amendment to Rule 64B5-2.0146 is to change the word "program" to "school".

SUMMARY: The Board proposes to amend Rule 64B5-2.0144 by deleting unnecessary rule text and adding rule text to subsection (5) to further clarify the requirements. The Board proposes to amend Rule 64B5-2.0146 to change the word "program" to "school".

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

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

SPECIFIC AUTHORITY: 466.004, 466.007 FS.

LAW IMPLEMENTED: 456.033(6), 466.006, 466.007, 466.0075 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: William Buckhalt, Executive Director, Board of Dentistry/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

THE FULL TEXT OF THE PROPOSED RULES IS:

64B5-2.0144 Licensure Requirements for Dental Hygiene Applicants from Unaccredited Dental Schools or Colleges.

Applicants for licensure as dental hygienists who have graduated from an unaccredited dental school or college shall submit the following:

(1) through (4) No change.

(5) Proof which establishes successful completion of 5 academic years of postsecondary education, which shall include 4 academic years of dental education. ~~The pre-dental education requirement cannot be satisfied by completing courses subsequent to dental education.~~ Proof of the 5 years of required education shall include a report from an American Association of Dental Schools (AADS) approved evaluating service which evaluation includes a year by year evaluation of the applicant's credentials. Said report shall not be conclusive, but shall only be advisory to the Board;

(6) through (10) No change.

Specific Authority 466.004, 466.007 FS. Law Implemented 466.007 FS. History--New 1-18-95, Formerly 59Q-2.0144, Amended 8-19-97, 8-20-97, _____.

64B5-2.0146 Licensure Requirements for Applicants from Non-Accredited Schools or Colleges.

(1) No change.

(2) An applicant who otherwise meets the requirements of Section 466.006(3), F.S., and chooses to apply pursuant to Section 466.006(3)(b)2., F.S., will be required to:

(a) Complete a full-time, matriculated, resident program offered by an accredited dental ~~school program~~ which provides remediation to the level of an accredited D.D.S. or D.M.D. program and which has a duration equivalent to at least 2 academic years at the sponsoring institution.

(b) through (c) No change.

(3) through (4) No change.

Specific Authority 466.004 FS. Law Implemented 456.033(6), 466.006, 466.0075 FS. History--New 10-15-92, Formerly 21G-2.0146, 61F5-2.0146, Amended 9-24-96, Formerly 59Q-2.0146, Amended 8-19-97, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Dentistry

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

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 8, 2000

DEPARTMENT OF HEALTH

Board of Dentistry

RULE TITLE: Advertising and Soliciting by Dentists

RULE NO.: 64B5-4.002

PURPOSE AND EFFECT: The purpose of the rule amendment is to update the rule text by further clarifying "solicitation".

SUMMARY: The Board proposes to amend the rule by adding rule text which will set forth the definition of the term "solicitation" as it pertains to this rule.

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

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

SPECIFIC AUTHORITY: 466.004(4), 466.019 FS.

LAW IMPLEMENTED: 466.019, 466.028(1)(d) FS.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

64B5-4.002 Advertising and Soliciting by Dentists.

(1) through (3) No change.

(4) In person and telephone solicitation of dental services by a dentist or his agent poses an inherent danger to the public because such advertising cannot be supervised, may exert pressure, and often demands an immediate response without affording the recipient an opportunity for comparison or reflection. Unlike an advertisement appearing in print or on television or radio, in person and telephone solicitation does not simply provide information and leave the recipient free to act or not, but is ripe with the potential for overbearing persuasion. Accordingly, in person and telephone solicitation of dental services by a dentist or his agent is prohibited. The term "solicitation" as used in this rule does not include in person or telephone communication by a dentist or his or her agent with a patient or former patient for purposes of scheduling an appointment or offering follow-up care.

(5) through (6) No change.

Specific Authority 466.004(4), 466.019 FS. Law Implemented 466.019, 466.028(1)(d) FS. History—New 7-7-87, Amended 1-11-89, 10-29-90, 4-24-91, 7-14-92, Formerly 21G-4.002, Amended 3-30-94, Formerly 61F5-4.002, 59Q-4.002, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Dentistry

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

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 8, 2000

DEPARTMENT OF HEALTH

Board of Dentistry

RULE TITLE: Limited License as Allowed in Section

RULE NO.: 64B5-7.007

456.015, F.S.

64B5-7.007

PURPOSE AND EFFECT: The purpose is to promulgate a new rule which will address the requirements for obtaining a limited license.

SUMMARY: The Board is promulgating a new rule which will set forth the requirements for applicants who wish to have a limited license issued to them.

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

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

SPECIFIC AUTHORITY: 456.015, 466.004 FS.

LAW IMPLEMENTED: 456.015, 466.006, 466.007, 466.011 FS.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

64B5-7.007 Limited License as Allowed in Section 456.015, F.S.

(1) A limited license may be issued by the Board of Dentistry to an applicant who has retired or intends to retire from the practice of dentistry or dental hygiene and intends to practice only pursuant to the restrictions of the limited license granted pursuant to 456.015, F.S., if the applicant:

(a) Has not failed the Florida licensure examination.

(b) Has been licensed for practice in any jurisdiction in the United States for at least ten (10) years in the profession for which the applicant seeks a limited license.

(c) Has not committed or is not under investigation for prosecution for any act which would constitute the basis for discipline pursuant to the provisions of Chapter 466, F.S.

(d) Practices only in the employ of public agents of non-profit agencies or institutions which meet the requirements of 501(c)(3) of the Internal Revenue Code, are permitted under 64B5-7.006 and which provide professional liability coverage for acts or omissions of the limited licensee.

(e) Complies with all continuing education requirements of active licensees.

(f) Pays a fee of \$300. If the applicant for a limited license submits a notarized statement from the employer stating the applicant will not receive monetary compensation for any service involving the practice of dentistry or dental hygiene, the application and all licensure fees shall be waived.

(2) A limited licensee may provide services only to the indigent, underserved or critical need populations within the state. The standard for determining indigency shall be recognized by the Federal Poverty Income Guidelines produced by the United States Department of Health and Human Services.

Specific Authority 456.015, 466.004 FS. Law Implemented 456.015, 466.006, 466.007, 466.011 FS. History—New

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Dentistry
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Dentistry
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 12, 2001
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 8, 2000

DEPARTMENT OF HEALTH

Board of Dentistry

RULE TITLE: Radiography Training for Dental Assistants
RULE NO.: 64B5-9.011

PURPOSE AND EFFECT: The purpose of the rule amendment is to update the rule text with regard to fees.

SUMMARY: The Board proposes to amend this rule to notify dental assistants that the fee for certification as dental radiographers is nonrefundable.

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

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

SPECIFIC AUTHORITY: 466.004, 466.0175(5) FS.

LAW IMPLEMENTED: 466.0175(5) FS.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

64B5-9.011 Radiography Training for Dental Assistants.

(1) through (3) No change.

(4) Dental assistants may be certified as dental radiographers if they comply with the following requirements:

(a) Apply for certification on forms provided by the Board and submit the nonrefundable fee prescribed by Rule 64B5-15.015, F.A.C.;

(b) through (c) No change.

(5) through (6) No change.

Specific Authority 466.004, 466.017(5) FS. Law Implemented 466.017(5) FS. History—New 9-20-80, Amended 1-28-81, Formerly 21G-9.11, Amended 12-31-86, 1-18-89, 4-24-91, Formerly 21G-9.011, 61F5-9.011, 59Q-9.011, Amended 6-12-00,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Dentistry
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Dentistry
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 12, 2001
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 8, 2000

DEPARTMENT OF HEALTH

Board of Dentistry

RULE TITLES: Inactive Status and Renewal of
RULE NOS.:
Inactive Status 64B5-10.005

Requirements for Reactivation of an
Inactive License 64B5-10.007

PURPOSE AND EFFECT: The purpose of the rule amendments to Rule 64B5-10.005 is to update the rule text with regard to inactive status and renewal of inactive status. The purpose of the rule amendments to Rule 64B5-10.007 is to update the requirements for reactivation of an inactive license.

SUMMARY: The Board proposes to amend Rule 64B5-10.005 by adding new rule text to further clarify the requirements for licensees who wish to change their license status, and rule text that is no longer necessary is being deleted. The Board proposes to amend Rule 64B5-10.007 to further clarify the requirements for licensees who wish to reactive their inactive license.

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

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

SPECIFIC AUTHORITY: 466.004(4), 466.015 FS.

LAW IMPLEMENTED: 456.036, 466.015 FS.

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

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

THE FULL TEXT OF THE PROPOSED RULES IS:

64B5-10.005 Inactive Status and Renewal of Inactive Status.

(1) ~~A Any~~ licensee may elect at any the time of biennial license renewal to place the license into inactive status by filing with the Department a completed application for inactive status as set forth in section 455.711, F.S., and the appropriate ~~fees~~ fee required by Rule Chapter 64B5-15, F.A.C. Active status licensees choosing inactive status at the time of license renewal must pay the fee for renewal of inactive license required by Rule 64B5-15.008, any applicable delinquency fee as required by Rule 64B5-15.011, and the Change of Status Processing fee required by Rule 64B5-15.012. Active status licensees choosing inactive status at any time other than at the time of license renewal shall pay the change of status processing fee required by Rule 64B5-15.012 ~~64B5-15.010, F.A.C.~~

(2) No change.

(3) An inactive license can be reactivated at any time provided the licensee meets the requirements of Rule 64B5-10.007, F.A.C. Inactive status licensees choosing active status at the time of license renewal must pay the renewal fee required by Rule 64B5-15.006, the reactivation fee as required by Rule 64B5-15.009, any applicable delinquency fee as required by Rule 64B5-15.011, and the change of status processing fee required by Rule 64B5-15.012. Inactive status licensees choosing active status at any time other than at the time of license renewal shall pay the reactivation fee as required by Rule 64B5-15.009 and the change of status processing fee required by Rule 64B5-15.012.

~~(4) An inactive licensee who elects to change to active status shall not be permitted to return to inactive status until the next biennial renewal period.~~

Specific Authority 466.004(4), 466.015 FS. Law Implemented 456.036 FS. History--New 7-12-95, Formerly 59Q-10.005, Amended _____.

64B5-10.007 Requirements for Reactivation of an Inactive License.

An inactive license shall be reactivated upon demonstration that the licensee has paid the applicable fees ~~reactivation fee~~ set forth in Rule Chapter 64B5-15, F.A.C., 64B5-15.009, F.A.C., and has complied with the following requirements:

(1) through (3) No change.

Specific Authority 466.004(4), 466.015 FS. Law Implemented 456.036, 466.015 FS. History--New 7-12-95, Formerly 59Q-10.007, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Dentistry

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

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 8, 2000

DEPARTMENT OF HEALTH

Board of Dentistry

RULE TITLES:	RULE NOS.:
Continuing Education Requirements	64B5-12.013
Subject Area Requirements	64B5-12.016
Application for Provide Status	64B5-12.017

PURPOSE AND EFFECT: The purpose of the amendments to Rule 64B5-12.013 is to delete rule text that is no longer desired. The purpose of the amendments to Rule 64B5-12.016 is to update the rule text regarding subject area requirements. The purpose of the amendments to Rule 64B5-12.017 is to change the words "providership" to provider status.

SUMMARY: The Board proposes to amend Rule 64B5-12.013 to delete language which required a course on domestic violence. The Board proposes to amend Rule 64B5-12.016 to add a new subsection (f) which will expand the subject area requirements for which a licensee may choose when he or she wishes to obtain continuing education credit. The Board proposes to amend Rule 64B5-12.017 to change the words "providership" wherever they appear in the rule to "provider 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: 456.013(8), 456.025(2), 456.031, 466.004(4), 466.0135, 466.014, 466.017(3),(4) FS.

LAW IMPLEMENTED: 456.013, 456.025(2), 456.031, 466.0135, 466.014, 466.028(1)(i),(bb), 466.017(3),(5) 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: William Buckhalt, Executive Director, Board of Dentistry/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

THE FULL TEXT OF THE PROPOSED RULES IS:

64B5-12.013 Continuing Education Requirements.

(1) through (2) No change.

(3) Continuing education credit shall be awarded only for educational experiences that are specifically appropriate for, and contain useful information directly pertinent to, dentistry and only if received through the following methods:

(a) through (b) No change.

(c) By participating in Board-Approved individual study; and

(d) By participating in examination standardization exercises. Dentists and dental hygienists may receive a maximum of 6 continuing education credits per biennium for participating in the dental hygiene exercise; dentists may receive a maximum of 8 continuing education credits for the dental clinical exercise; and dentists may receive a maximum of 11 continuing education credits per biennium for participating in both exercises; ~~and~~

~~(e) By completing a course on domestic violence that meets the requirements set forth in Ch. 95-187, Laws of Florida, and has been approved by any state or federal government agency or professional association or Board-approved continuing education provider.~~

~~(e)(f)~~ By participating in programs approved by the Board pursuant to Rule 64B5-12.0185, F.A.C., that provide substantial pro bono dental and dental hygiene services to the indigent, to dentally underserved populations or to persons who reside in areas of critical need within Florida. Dentists and dental hygienists may obtain a maximum of 5 hours of required continuing education credit for participating in such programs. Continuing education credit shall be calculated at a ratio of 1 continuing education credit for each 3 hours of patient services provided to approved programs.

(4) through (6) No change.

Specific Authority 456.013(8), 456.031, 466.004(4), 466.0135, 466.014, 466.017(3),(4) FS. Law Implemented 456.013, 456.031, 466.0135, 466.014, 466.028(1)(i),(bb), 466.017(3),(5) FS. History—New 4-2-86, Amended 12-31-86, 4-26-87, 7-20-87, 9-16-87, 11-18-89, 7-9-90, Formerly 21G-12.013, Amended 5-19-94, 7-18-94, Formerly 61F5-12.013, Amended 11-15-95, 4-8-96, Formerly 59Q-12.013, Amended 2-17-98, 2-15-99, 3-11-99, 11-9-00, _____.

64B5-12.016 Subject Area Requirements.

(1) Regardless of the manner by which a licensee obtains continuing education, no credit will be awarded unless the subject matter falls within the following subject matter categories:

(a) through (e) No change.

(f) Formal group discussions concerning case presentations sponsored by approved providers.

(2) through (3) No change.

Specific Authority 466.004(4), 466.0135, 466.014 FS. Law Implemented 456.031, 466.0135, 466.014 FS. History—New 4-2-86, Amended 1-18-89, 7-9-90, 2-1-93, Formerly 21G-12.016, 61F5-12.016, Amended 9-27-95, Formerly 59Q-12.016, Amended 10-29-00, _____.

64B5-12.017 Application for Provide Status ~~Providership~~.

(1) No change.

(2) Provider approval may be granted for a period not to exceed the time from the date of approval to the end of the next successive licensure biennium after approval was obtained. Application for renewal of provider status providership shall be made at least 90 days prior to the end of the biennium in which approval expires and must be accompanied by the biennial renewal fee set forth in Rule 64B5-15.022(2). Renewal applications shall contain all information required for initial provider approval as well as course outlines and information evidencing compliance with Rule 64B5-12.0175 for each course offered during the provider status providership.

(3) No change.

Specific Authority 456.025(2), 466.004(4), 466.014 FS. Law Implemented 456.025(2), 466.0135, 466.014 FS. History—New 4-2-86, Amended 10-26-87, 1-18-89, 7-9-90, 5-2-91, Formerly 21G-12.017, 61F5-12.017, 59Q-12.017, Amended 8-19-97, 10-29-00, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Dentistry

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

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 8, 2000

DEPARTMENT OF HEALTH

Board of Dentistry

RULE TITLE: COURSES REQUIRED OF LICENSEES FOR RENEWAL AND REACTIVATION

RULE NO.:

Courses Required of Licensees for Renewal and Reactivation 64B5-12.020

PURPOSE AND EFFECT: The purpose of the rule amendments is to update the rule title and the rule text.

SUMMARY: The Board proposes to amend this rule by renaming the rule title and rewording the rule text to require dental hygienists to be required to take continuing education as well as dentists.

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

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

SPECIFIC AUTHORITY: 466.004 FS.

LAW IMPLEMENTED: 456.013(8), 466.0135 FS.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

64B5-12.020 Courses Required of Licenseses ~~Dentists~~ for Renewal and Reactivation.

Licensed dentists and dental hygienists are required to complete the following continuing education during each license renewal biennium.

- (1) No change.
- (2) Instruction in laws and rules governing the practice of dentistry and dental hygiene consisting of at least 2 hours of instruction in relevant topics including: professional responsibility and competence; legal standards; confidentiality; professional relationships; recordkeeping; common malpractice complaints; commonly reported violations reported to the Department; and relevant case studies.

- (a) No change.
- (b) The requirements of this paragraph may be met by attendance at the disciplinary portion of a regular meeting of the Board of Dentistry in compliance with the following:

- 1. The licensee ~~dentist~~ must sign in with the Executive Director of the Board before the disciplinary portion of the meeting begins.
- 2. The licensee ~~dentist~~ must remain in continuous attendance until dismissed by the Executive Director or Chairman of the Board.
- 3. A licensee ~~dentist~~ may receive credit for attending the disciplinary portion of a Board meeting only if he or she is attending on the date solely for that purpose. Credit will not be provided if the licensee ~~dentist~~ is appearing at that portion of the meeting for another purpose.
- 4. No change.

Specific Authority 466.004 FS. Law Implemented 456.013(8), 466.0135 FS. History—New 4-11-94, Amended 7-18-94, Formerly 61F5-12.020, 59Q-12.020, Amended 1-23-01,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Dentistry

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

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 8, 2000

DEPARTMENT OF HEALTH

Board of Dentistry

RULE TITLES: RULE NOS.:

Training, Education, Certification, and Requirements for Issuance of Permits 64B5-14.003
 Pediatric Conscious Sedation 64B5-14.010

PURPOSE AND EFFECT: The purpose of the rule amendments in Rule 64B5-14.003 is to update the rule text with regard to training and to delete rule text that is no longer necessary. The purpose of the amendments in Rule 64B5-14.010 is to delete rule text is that no longer needed.

SUMMARY: The Board proposes to amend Rule 64B5-14.003 to further clarify the training requirements for a dentist utilizing pediatric conscious sedation, and unnecessary rule text is being deleted. The Board is amending Rule 64B5-14.010 by deleting rule text that is no longer desired by the Board.

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

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

SPECIFIC AUTHORITY: 466.004, 466.017 FS.

LAW IMPLEMENTED: 466.017 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: William Buckhalt, Executive Director, Board of Dentistry/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

THE FULL TEXT OF THE PROPOSED RULES IS:

64B5-14.003 Training, Education, Certification, and Requirements for Issuance of Permits.

- (1) through (2) No change.
- (3) Pediatric Conscious Sedation Permit.
- (a) No change.
- 1. through 3. No change.

(b) A dentist utilizing pediatric conscious sedation and his assistant/dental hygienist personnel shall be certified in an American Heart Association or American Red Cross or equivalent agency sponsored cardiopulmonary resuscitation course at the basic life support level to include one man CPR, two man CPR, infant resuscitation, and obstructed airway with a periodic update not to exceed two years. Starting with the licensure biennium commencing on March of 2000, a dentist and all assistant/dental hygienist personnel shall also be trained in the use of either an Automated External Defibrillator or a defibrillator and electrocardiograph as part of their cardiopulmonary resuscitation course at the basic life support level. In addition to CPR certification, a dentist utilizing pediatric conscious sedation must be currently trained in ACLS (Advanced Cardiac Life Support), ~~ATLS (Advanced Trauma Life Support)~~, or PALS (Pediatric Advanced Life Support), or a course providing similar instruction which has been approved by the Board.

(c) through (d) No change.

(4) No change.

Specific Authority 466.004(4), 466.017(3) FS. Law Implemented 466.017(3) FS. History—New 1-31-80, Amended 4-20-81, 2-13-86, Formerly 21G-14.03, Amended 12-31-86, 11-8-90, 2-1-93, Formerly 21G-14.003, Amended 12-20-93, Formerly 61F5-14.003, Amended 8-8-96, 10-1-96, Formerly 59Q-14.003, Amended 2-17-98, 12-20-98, 5-31-00, _____.

64B5-14.010 Pediatric Conscious Sedation.

Pediatric Conscious Sedation Permit applicants or permit holders shall comply with the following requirements at each location where anesthesia procedures are performed. The requirements shall be met and equipment permanently maintained and available at each location.

(1) through (2) No change.

(3) The following equipment must be readily available to the operator and recovery room and maintained in good working order:

(a) through (e) No change.

~~(f) As of July 1, 2001, the facility must have defibrillator equipment appropriate for the patient population being treated.~~

(4) through (8) No change.

Specific Authority 466.004, 466.017 FS. Law Implemented 466.017 FS. History—New 8-8-96, Formerly 59Q-14.010, Amended 8-2-00, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Dentistry

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

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 8, 2000

DEPARTMENT OF HEALTH

Board of Dentistry

RULE TITLES:	RULE NOS.:
Fee for Reactivation of Inactive License	64B5-15.009
Change of Status Processing Fee	64B5-15.012

PURPOSE AND EFFECT: The purpose of the rule amendments in Rule 64B5-15.009 is to decrease the fees. The purpose of the amendments in Rule 64B5-15.012 is to delete rule text that is no longer needed and to decrease the fee for a dental hygiene license.

SUMMARY: The Board proposes to amend Rule 64B5-15.009 to change the fee for reactivation of an inactive dental license to \$100 and to change the fee for reactivation of an inactive dental hygiene license to \$45.

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

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

SPECIFIC AUTHORITY: 456.036, 466.004, 466.015 FS.

LAW IMPLEMENTED: 456.015, 456.036 FS.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

64B5-15.009 Fee for Reactivation of Inactive License.

The fee for reactivation of an inactive dental license shall be ~~\$100~~ \$200. The fee for reactivation of an inactive dental hygiene license shall be ~~\$45~~ \$90.

Specific Authority 466.004, 466.015 FS. Law Implemented 466.015 FS. History—New 4-2-84, Formerly 21G-15.09, Amended 1-18-87, 11-16-89, 8-13-92, Formerly 21G-15.009, 61F5-15.009, Amended 5-6-96, Formerly 59Q-15.009, Amended _____.

64B5-15.012 Change of Status Processing Fee.

The fee for processing a licensee's request to change status shall be \$100 at any time other than at the beginning of a licensure cycle shall be ~~\$200~~ for a dental license and ~~\$45~~ \$90 for a dental hygiene license.

Specific Authority 456.036, 466.004(4) FS. Law Implemented 456.036 FS. History—New 7-12-95, Amended 5-6-96, Formerly 59Q-15.012, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Dentistry
NAME OF SUPERVISOR OR PERSON WHO APPROVED
THE PROPOSED RULE: Board of Dentistry
DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: January 12, 2001
DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: December 8, 2000

DEPARTMENT OF HEALTH

Board of Dentistry

RULE TITLE: Fee for Inactive Status

RULE NO.: 64B5-15.010

PURPOSE AND EFFECT: The purpose of the rule amendments is to decrease the fee for inactive status.

SUMMARY: The Board is amending this rule to change the fee from \$200 to \$25 for placing a dental license on inactive status and to change the fee from \$90 to \$15 for placing a dental hygiene 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: 466.004, 466.015 FS.

LAW IMPLEMENTED: 456.036, 466.015 FS.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

64B5-15.010 Fee for Inactive Status.

The fee to place a dental license on inactive status shall be \$25 ~~\$200~~. The fee to place a dental hygiene license on inactive status shall be \$15 ~~\$90~~.

Specific Authority 466.004, 466.015 FS. Law Implemented 456.036, 466.015 FS. History—New 1-18-87, Amended 11-16-89, 8-13-92, Formerly 21G-15.010, 61F5-15.010, Amended 7-12-95, 5-6-96, Formerly 59Q-15.010, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Dentistry

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

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: March 2, 2001

DEPARTMENT OF HEALTH

Board of Dentistry

RULE TITLE: Definitions

RULE NO.: 64B5-25.002

PURPOSE AND EFFECT: The purpose of the rule amendments in Rule Chapter 64B5-25 is to rename the rule chapter title, and to update the rule text in Rule 64B5-25.002.

SUMMARY: The Board proposes to amend Chapter 64B5-25 by renaming the rule chapter title. In Rule 64B5-25.002, the Board proposes to amend the rule text in subsection (2) by adding the words “viable pathogens”, and deleting the word “infection.”

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

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

SPECIFIC AUTHORITY: 466.004(4) FS.

LAW IMPLEMENTED: 466.028(1)(u),(x), 466.041 FS.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

CHAPTER 64B5-25

INFECTION CONTROL

STERILIZATION AND DISINFECTION PROCEDURES

64B5-25.002 Definitions.

(1) No change.

(2) "Disinfection" is defined to mean the destruction or inhibition of most pathogenic bacteria while they are in their active growth phase and the inactivation of some viruses. Disinfection allows the potential for viable pathogens ~~infection~~ to remain (e.g., Tubercule bacilli and some viruses, including A, B and C hepatitis virus, and nonA-nonB (NANB) viruses which may survive depending upon the chemicals used).

(3) No change.

Specific Authority 466.004(4) FS. Law Implemented 466.028(1)(u),(x), 466.041 FS. History—New 2-24-87, Amended 1-7-92, 2-1-93, Formerly 21G-25.002, 61F5-25.002, 59Q-25.002, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Dentistry
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Dentistry
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 12, 2001
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 8, 2000

DEPARTMENT OF HEALTH

Board of Opticianry

RULE TITLES: Disciplinary Guidelines Citations
RULE NOS.: 64B12-8.020 64B12-8.021

PURPOSE AND EFFECT: The Board proposes amendments to Rules 64B12-8.020 and 64B12-8.021, F.A.C., to revise existing disciplinary guidelines and citation offenses for licensees.

SUMMARY: A substantial revision is made to disciplinary guidelines, and citation offenses are amended for the Board of Opticianry.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: A statement 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: 456.079, 484.005, 456.077 FS.
LAW IMPLEMENTED: 456.079, 456.072, 484.014, 456.077, 456.073, 484.014 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.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting, is asked to advise the agency at least 5 calendar days before the meeting by contacting Robin McKenzie. If you are hearing or speech impaired, please contact the agency by calling (850)245-4461.

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

Section 286.0105, Florida Statutes, provides that, if a person decides to appeal any decision made by the department with respect to any matter considered at this hearing, they will need

a record of proceedings, and for such purposes, they may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Sue Foster, Executive Director, Board of Opticianry, Division of Medical Quality Assurance, Department of Health, 4052 Bald Cypress Way, BIN #C06, Tallahassee, Florida 32399-3257

THE FULL TEXT OF THE PROPOSED RULES IS:

(Substantial rewording of Rule 64B12-8 follows. See the Florida Administrative Code for present text.)

64B12-8.020 Disciplinary Guidelines.

(1) The Board provides within this rule disciplinary guidelines which shall be imposed upon applicants or licensees whom it regulates under Chapter 484, F.S. The purpose of this rule is to notify applicants and licensees of the ranges of penalties which will routinely be imposed unless the Board finds it necessary to deviate from the guidelines for the stated reasons given within this rule. The ranges of penalties provided below are based upon a single count violation of each provision listed; multiple counts of the violated provisions or a combination of the violations may result in a higher penalty than that for a single, isolated violation. Each range includes the lowest and highest penalty and all penalties falling between. The purposes of the imposition of discipline are to punish the applicants or licensees for violations and to deter them from future violations; to offer opportunities for rehabilitation, when appropriate; and to deter other applicants or licensees from violations.

(2) Violations and Range of Penalties. In imposing discipline upon applicants and licensees, in proceedings pursuant to Sections 120.57(1) and 120.57(2), Florida Statutes, the Board shall act in accordance with the following disciplinary guidelines and shall impose a penalty within the range corresponding to the violations set forth below. The verbal identification of offenses are descriptive only; the full language of each statutory provision cited must be consulted in order to determine the conduct included.

(3) When the Board finds an applicant or licensee whom it regulates under Chapter 484, F.S., has committed any of the acts set forth in Section 484.014, F.S., it shall issue a final order imposing appropriate penalties within the ranges recommended in the following disciplinary guidelines:

VIOLATIONS

RECOMMENDED PENALTIES

	<u>First Offense</u>	<u>Second Offense</u>	<u>Third Offense</u>
<u>(a) Procuring or attempting to procure, or renew a license by misrepresentation, bribery, fraud or through an error of the Department or the Board. (484.014(1)(a), F.S.); (456.072(1)(h), F.S.)</u>	<u>(a) From reprimand to probation of the license and an administrative fine ranging from \$250.00 to \$500.00, or refusal to certify an application for licensure.</u>	<u>(a) From suspension to revocation of the license and an administrative fine ranging from \$500.00 to \$1,000.00, or refusal to certify an application for licensure.</u>	<u>(a) From revocation, without the ability to reapply, and an administrative fine ranging from \$500.00 to \$1,000.00, or refusal to certify an application for licensure.</u>
<u>(b) Procuring or attempting to procure a license for any other person by making or causing to be made any false representation. (484.014(1)(b), F.S.)</u>	<u>(b) From reprimand to suspension of the license, and an administrative fine ranging from \$250.00 to \$1,000.00, or refusal to certify an application for licensure.</u>	<u>(b) From probation to suspension of the license, and an administrative fine ranging from \$500.00 to \$1,000.00, or refusal to certify an application for licensure.</u>	<u>(b) From revocation, without the ability to reapply, and an administrative fine of \$1,000.00, or refusal to certify an application for licensure.</u>
<u>(c) Filing a false report or failing to file a report as required. Such reports or records shall include only those which the person is required to make or file as an optician. (484.014(1)(c), F.S.); (456.072(1)(l), F.S.)</u>	<u>(c) From a letter of concern to probation of the license, and an administrative fine ranging from \$250.00 to \$500.00, or refusal to certify an application for licensure.</u>	<u>(c) From reprimand to suspension of the license and an administrative fine ranging from \$250.00 to \$750.00, or refusal to certify an application for licensure.</u>	<u>(c) From suspension to revocation of the license, and an administrative fine ranging from \$250.00 to \$1000.00, or refusal to certify an application for licensure.</u>
<u>(d) Failing to make fee or price information readily available by providing such information upon request or upon the presentation of a prescription. (484.014(1)(d), F.S.)</u>	<u>(d) From a letter of concern to reprimand of the license, and an administrative fine ranging from \$250.00 to \$500.00, or refusal to certify an application for licensure.</u>	<u>(d) From reprimand to probation of the license, and an administrative fine ranging from \$250.00 to \$750.00, or refusal to certify an application for licensure.</u>	<u>(d) From probation to suspension of the license, and an administrative fine ranging from \$250.00 to \$1000.00, or refusal to certify an application for licensure.</u>
<u>(e) False, deceptive, or misleading advertising. (484.014(1)(e), F.S.)</u>	<u>(e) From a letter of concern to probation of the license, and an administrative fine ranging from \$250.00 to \$1000.00, or refusal to certify an application for licensure.</u>	<u>(e) From probation to suspension of the license, and an administrative fine ranging from \$500.00 to \$1,000.00, or refusal to certify an application for licensure.</u>	<u>(e) From suspension to revocation of the license, and an administrative fine ranging from \$750.00 to \$1,000.00, or refusal to certify an application for licensure.</u>

(f) Fraud or deceit, or negligence, incompetency, or misconduct in the authorized practice of opticianry. (484.014(1)(f), F.S.).

(f) From reprimand to probation of the license, and an administrative fine ranging from \$250.00 to \$1,000.00, or refusal to certify an application for licensure.

(f) From probation to suspension of the license, and an administrative fine ranging from \$500.00 to \$1,000.00, or refusal to certify an application for licensure.

(f) From suspension to revocation of the license, and an administrative fine ranging from \$750.00 to \$1,000.00, or refusal to certify an application for licensure.

(g)1. Violation or repeated violation of Chapter 484 or Chapter 456, or any rules promulgated pursuant thereto, or a subpoena of the Department. (484.014(1)(g),(i), F.S.) (456.072(1)(b),(q), F.S.)

(g)1. From reprimand to revocation of the license, and an administrative fine ranging from \$250.00 to \$1,000.00, or refusal to certify an application for licensure.

(g)1. From probation to revocation of the license, and an administrative fine ranging from \$500.00 to \$1,000.00, or refusal to certify an application for licensure.

(g)1. From suspension to revocation of the license, and an administrative fine ranging from \$750.00 to \$1,000.00, or refusal to certify an application for licensure.

2. Violation of a lawful order of the Board or Department

2. From reprimand to revocation of the license, and an administrative fine ranging from \$250.00 to \$1,000.00, or refusal to certify an application for licensure.

2. From probation to revocation of the license, and an administrative fine ranging from \$250.00 to \$1,000.00, or refusal to certify an application for licensure.

2. From suspension to revocation of the license, and an administrative fine ranging from \$250.00 to \$1,000.00, or refusal to certify an application for licensure.

(h) Practicing with a revoked, suspended, inactive or delinquent license. (484.014(1)(h), F.S.).

(h) From reprimand to probation of the license, and an administrative fine ranging from \$250.00 to \$1,000.00, or refusal to certify an application for licensure.

(h) From probation to suspension of the license and an administrative fine ranging from \$500.00 to \$1,000.00, or refusal to certify an application for licensure.

(h) From suspension to revocation, and an administrative fine ranging from \$500.00 to \$1,000.00, or refusal to certify an application for licensure.

(i) Violation of any provision of section 484.012. (484.014(1)(j), F.S.).

(i) From reprimand to suspension of the license, and an administrative fine ranging from \$250.00 to \$1,000.00, or refusal to certify an application for licensure.

(i) From probation to suspension, and an administrative fine ranging from \$500.00 to \$1,000.00, or refusal to certify an application for licensure.

(i) From suspension to revocation, and an administrative fine ranging from \$750.00 to \$1,000.00, or refusal to certify an application for licensure.

(j) Conspiring to restrict another from lawfully advertising his or her services. (484.014(1)(k), F.S.).

(j) From reprimand to probation of the license, and an administrative fine ranging from \$250.00 to \$1,000.00, or refusal to certify an application for licensure.

(j) From probation to suspension of the license, and an administrative fine ranging from \$500.00 to \$1,000.00, or refusal to certify an application for licensure.

(j) From suspension to revocation of the license and an administrative fine ranging from \$750.00 to \$1,000.00, or refusal to certify an application for licensure.

(k) Willfully submitting to any third-party payor a claim for services which were not provided to a patient. (484.014(1)(l), F.S.).

The licensee's reimbursement to the third party payor shall be considered as a mitigating factor by the board.

(l) Failing to keep written prescription files. (484.014(1)(m), F.S.).

(m) Failure to report another licensee in violation of Chapter 484, Part I, Chapter 456 or rule of the Board or Department. (484.014(1)(n), F.S.); (456.072(1)(i), F.S.).

(n) Exercising influence on a client for financial gain of the licensee or of a third party. (484.014(1)(o), F.S.); (456.072(1)(n), F.S.).

(o) Gross or repeated malpractice. (484.014(1)(p), F.S.).

(k) From reprimand to suspension of the license, and an administrative fine ranging from \$250.00 to \$1,000.00, or refusal to certify an application for licensure.

(l) From a reprimand to probation of the license, and an administrative fine ranging from \$250.00 to \$1,000.00, or refusal to certify an application for licensure.

(m) From a letter of concern to probation of the license, and an administrative fine ranging from \$250.00 to \$1,000.00, or refusal to certify an application for licensure.

(n) From probation to suspension of the license, and an administrative fine ranging from \$250.00 to \$1,000.00, or refusal to certify an application for licensure.

(o) From probation to revocation of the license, and an administrative fine ranging from \$250.00 to \$1,000.00, or refusal to certify an application for licensure.

(k) From probation to suspension, and an administrative fine ranging from \$500.00 to \$1,000.00, or refusal to certify an application for licensure.

(l) From probation to suspension of the license, and an administrative fine ranging from \$500.00 to \$1,000.00, or refusal to certify an application for licensure.

(m) From probation to suspension of the license, and an administrative fine ranging from \$500.00 to \$1,000.00, or refusal to certify an application for licensure.

(n) From suspension to revocation of the license, and an administrative fine ranging from \$500.00 to \$1,000.00, or refusal to certify an application for licensure.

(o) From suspension to revocation of the license, and an administrative fine ranging from \$500.00 to \$1,000.00, or refusal to certify an application for licensure.

(k) From suspension to revocation of the license, and an administrative fine ranging from \$750.00 to \$1,000.00, or refusal to certify an application for licensure.

(l) From suspension to revocation of the license, and an administrative fine ranging from \$750.00 to \$1,000.00, or refusal to certify an application for licensure.

(m) From suspension to revocation of the license, and an administrative fine ranging from \$750.00 to \$1,000.00, or refusal to certify an application for licensure.

(n) From revocation and an administrative fine ranging from \$750.00 to \$1,000.00, or refusal to certify an application for licensure.

(o) From suspension to revocation of the license, without the ability to reapply, and an administrative fine ranging from \$750.00 to \$1,000.00, or refusal to certify an application for licensure.

(p) Permitting any person not licensed as an optician in this state to fit or dispense any licenses, spectacles, eyeglasses, or other optical devices which are part of the practice of opticianry. (484.014(1)(q), F.S.).

(p) From reprimand to probation of the license, and an administrative fine ranging from \$250.00 to \$1,000.00, or refusal to certify an application for licensure.

(p) From probation to suspension of the license, and an administrative fine ranging from \$500.00 to \$1,000.00, or refusal to certify an application for licensure.

(p) From suspension to revocation of the license, and an administrative fine ranging from \$750.00 to \$1,000.00, or refusal to certify an application for licensure.

(q) Guilty of a crime directly relating to the ability to practice opticianry or to the practice of opticianry. (484.014(1)(r), F.S.);(456.072(1)(c), F.S.).

(q) From reprimand to revocation of the license, and an administrative fine ranging from \$250.00 to \$1,000.00, or refusal to certify an application for licensure.

(q) From probation to revocation of the license, and an administrative fine ranging from \$500.00 to \$1,000.00, or refusal to certify an application for licensure.

(q) From suspension to revocation of the license, and an administrative fine ranging from \$750.00 to \$1,000.00, or refusal to certify an application for licensure.

(r) Action taken against license by another jurisdiction.

Licensing authority's acceptance of a relinquishment of licensure, stipulation, consent order, or other settlement, offered in response to or in anticipation of the filing of charges against the license, shall be construed as action against the license. (484.014(1)(s), F.S.); (456.072(1)(f), F.S.).

(r) From reprimand to probation of the license, and an administrative fine ranging from \$250.00 to \$1,000.00, or refusal to certify an application for licensure.

(r) From probation to suspension of the license, and an administrative fine ranging from \$500.00 to \$1,000.00, or refusal to certify an application for licensure.

(r) From suspension to revocation of the license, and an administrative fine ranging from \$750.00 to \$1,000.00, or refusal to certify an application for licensure.

(s) Being unable to practice opticianry with reasonable skill and safety by reason of illness or use of drugs, narcotics, chemicals, or any other type of material or as a result of any mental or physical condition. (484.014(1)(t), F.S.).

(s) From reprimand to suspension of the license, and an administrative fine ranging from \$250.00 to \$1,000.00, or refusal to certify an application for licensure.

(s) From suspension to revocation of the license, and an administrative fine ranging from \$500.00 to \$1,000.00, or refusal to certify an application for licensure.

(s) From revocation of the license, and an administrative fine ranging from \$750.00 to \$1,000.00, or refusal to certify an application for licensure.

(4) When the Board finds an applicant or licensee whom it regulates under Chapter 484, F.S., has violated Section 484.014(1)(g), F.S., by violating any of the following Board rules, it shall issue a final order imposing appropriate penalties within the ranges recommended in the following disciplinary guidelines:

VIOLATIONS

RECOMMENDED PENALTIES

	<u>First Offense</u>	<u>Second Offense</u>	<u>Third Offense</u>
<u>(a) Failure to give notice of withdrawal of services pursuant to Rule 64B12-10.003, F.A.C.</u>	<u>(a) From reprimand to probation of the license, and an administrative fine ranging from \$250.00 to \$1,000.00, or refusal to certify an application for licensure.</u>	<u>(a) From probation to suspension of the license, and an administrative fine ranging from \$500.00 to \$1,000.00, or refusal to certify an application for licensure.</u>	<u>(a) From suspension to revocation of license, and an administrative fine ranging from \$750.00 to \$1,000.00, or refusal to certify an application for licensure.</u>
<u>(b) Failure to display a current license pursuant to Rule 64B12-10.004, F.A.C.</u>	<u>(b) From a letter of concern to reprimand of the license, and an administrative fine ranging from \$250.00 to \$1,000.00, or refusal to certify an application for licensure.</u>	<u>(b) From reprimand to suspension of the license, and an administrative fine ranging from \$500.00 to \$1,000.00, or refusal to certify an application for licensure.</u>	<u>(b) From suspension to revocation of license, and an administrative fine ranging from \$750.00 to \$1,000.00, or refusal to certify an application for licensure.</u>
<u>(c) Failure to properly keep and transfer prescription files pursuant to Rule 64B12-10.006, F.A.C.</u>	<u>(c) From a letter of concern to reprimand of the license, and an administrative fine ranging from \$250.00 to \$1,000.00, or refusal to certify an application for licensure.</u>	<u>(c) From reprimand to suspension of the license, and an administrative fine ranging from \$500.00 to \$1,000.00, or refusal to certify an application for licensure.</u>	<u>(c) From suspension to revocation of license, and an administrative fine ranging from \$750.00 to \$1,000.00, or refusal to certify an application for licensure.</u>
<u>(d) Failure to assure that duplicate prescription forms contain the information required by Rule 64B12-10.0065, F.A.C.</u>	<u>(d) From a letter of concern to reprimand of the license, and an administrative fine ranging from \$250.00 to \$1,000.00, or refusal to certify an application for licensure.</u>	<u>(d) From reprimand to suspension of the license, and an administrative fine ranging from \$500.00 to \$1,000.00, or refusal to certify an application for licensure.</u>	<u>(d) From suspension to revocation of license, and an administrative fine ranging from \$750.00 to \$1,000.00, or refusal to certify an application for licensure.</u>
<u>(e) Failure to maintain the equipment required by Rule 64B12-10.007, F.A.C.</u>	<u>(e) From reprimand to revocation of the license, and an administrative fine ranging from \$250.00 to \$1,000.00, or refusal to certify an application for licensure.</u>	<u>(e) From suspension to revocation of the license, and an administrative fine ranging from \$500.00 to \$1,000.00, or refusal to certify an application for licensure.</u>	<u>(e) From revocation of license, and an administrative fine ranging from \$750.00 to \$1,000.00, or refusal to certify an application for licensure.</u>

(f) Failure to have a licensed optician on the business premises at any time that opticianry is being practiced.

Should the violator be an unlicensed person, the Board will request the Department to enter a cease and desist order.

(f) From a letter of concern to reprimand of the license, and an administrative fine ranging from \$250.00 to \$1,000.00, or refusal to certify an application for licensure.

(f) From reprimand to suspension of the license, and an administrative fine ranging from \$500.00 to \$1,000.00, or refusal to certify an application for licensure.

(f) From suspension to revocation of license, and an administrative fine ranging from \$750.00 to \$1,000.00, or refusal to certify an application for licensure.

(g) Failure to return certificates and licenses to the Department.

(g) From a letter of concern to reprimand of the license, and an administrative fine ranging from \$250.00 to \$1,000.00, or refusal to certify an application for licensure.

(g) From reprimand to suspension of the license, and an administrative fine ranging from \$500.00 to \$1,000.00, or refusal to certify an application for licensure.

(g) From suspension to revocation of license, and an administrative fine ranging from \$750.00 to \$1,000.00, or refusal to certify an application for licensure.

(h) Failure to pay any civil penalty imposed by order of the Board within thirty days of the effective date of the order as required by Rule 64B12-8.017, F.A.C.

(h) From a letter of concern to suspension of the license until such time as the fine has been paid and the licensee personally appears before the Board, and an administrative fine ranging from \$250.00 to \$1,000.00, or refusal to certify an application for licensure.

(h) From reprimand to suspension of the license until such time as the fine has been paid and the licensee personally appears before the Board, and an administrative fine ranging from \$500.00 to \$1,000.00, or refusal to certify an application for licensure.

(h) From reprimand to revocation of license until such time as the fine has been paid and the licensee personally appears before the Board, and an administrative fine ranging from \$750.00 to \$1,000.00, or refusal to certify an application for licensure.

(i) Failure to conspicuously display the certificate or copy of the certificate of a Board Certified Optician in each place of business where the licensee fits contact lenses pursuant to Rule 64B12-10.004, F.A.C.

(i) From a letter of concern to suspension of the license, and an administrative fine ranging from \$250.00 to \$1,000.00, or refusal to certify an application for licensure.

(i) From reprimand to suspension of the license, and an administrative fine ranging from \$500.00 to \$1,000.00, or refusal to certify an application for licensure.

(i) From reprimand to suspension of license, and an administrative fine ranging from \$750.00 to \$1,000.00, or refusal to certify an application for licensure.

(j) Failure to comply with Rule 64B12-15.001(5), F.A.C., which requires the licensee to comply with the Department's random audit of the licensee's continuing education records.

(j) From a letter of concern to suspension of the license, and an administrative fine ranging from \$500.00 to \$1,000.00, or refusal to certify an application for licensure.

(j) From reprimand to suspension of the license, and an administrative fine ranging from \$500.00 to \$1,000.00, or refusal to certify an application for licensure.

(j) From reprimand to revocation of license, and an administrative fine ranging from \$750.00 to \$1,000.00, or refusal to certify an application for licensure.

(k) Failure to properly supervise an apprentice as required by Rule Chapter 64B12-16.003, F.A.C.

For each offense, depending upon aggravating and mitigating circumstances, the Board may require probation with the condition that the licensee not serve as a sponsor.

(k) From a letter of concern to revocation of the license, and an administrative fine ranging from \$250.00 to \$1,000.00, or refusal to certify an application for licensure.

(k) From reprimand to revocation of the license, and an administrative fine ranging from \$500.00 to \$1,000.00, or refusal to certify an application for licensure.

(k) From suspension to revocation of license, and an administrative fine ranging from \$750.00 to \$1,000.00, or refusal to certify an application for licensure.

(l) Failure to properly terminate an apprenticeship as required by Rule 64B12-16.004, F.A.C. For each offense, depending upon aggravating and mitigating circumstances, the board may deny credit for hours of apprenticeship.

(l) From a letter of concern to suspension of the license, and an administrative fine ranging from \$250.00 to \$1,000.00, or refusal to certify an application for licensure.

(l) From reprimand to suspension of the license, and an administrative fine ranging from \$500.00 to \$1,000.00, or refusal to certify an application for licensure.

(l) From suspension to revocation of license, and an administrative fine ranging from \$750.00 to \$1,000.00, or refusal to certify an application for licensure.

(m) Failure to properly notify the Department of termination as a sponsor as required by 64B12-16.006, F.A.C.

Depending upon aggravating and mitigating circumstances for each offense, the Board may require probation with the condition that the licensee not serve as a sponsor.

(m) From a letter of concern to suspension of the license, and an administrative fine ranging from \$250.00 to \$1,000.00, or refusal to certify an application for licensure.

(m) From reprimand to suspension of the license, and an administrative fine ranging from \$500.00 to \$1,000.00, or refusal to certify an application for licensure.

(m) From suspension to revocation of license, and an administrative fine ranging from \$750.00 to \$1,000.00, or refusal to certify an application for licensure.

(n) Failure of a sponsor or apprentice to comply with Chapters 484, Part I, and 456, Florida Statutes, and the rules of the Board and Department or to timely file complete reports or information as required by 64B12-16.008, F.A.C.

(n) From a letter of concern to suspension of the license, and an administrative fine ranging from \$250.00 to \$1,000.00, or refusal to certify an application for licensure.

(n) From reprimand to suspension of the license, and an administrative fine ranging from \$500.00 to \$1,000.00, or refusal to certify an application for licensure.

(n) From suspension to revocation of license, and an administrative fine ranging from \$750.00 to \$1,000.00, or refusal to certify an application for licensure.

Depending upon aggravating and mitigating circumstances for each offense, the Board may require probation with the condition that the licensee not serve as a sponsor or the board may deny credit for hours of apprenticeship.

(o) Failure to maintain accurate and complete records of time worked by an apprentice, pursuant to 64B12-16.009, F.A.C.

(o) From a letter of concern to suspension of the license, and an administrative fine ranging from \$250.00 to \$1,000.00, or refusal to certify an application for licensure.

(o) From reprimand to suspension of the license, and an administrative fine ranging from \$500.00 to \$1,000.00, or refusal to certify an application for licensure.

(o) From reprimand to revocation of license, and an administrative fine ranging from \$750.00 to \$1,000.00, or refusal to certify an application for licensure.

Depending upon aggravating and mitigating circumstances for each offense, the Board may require probation with the condition that the licensee not serve as a sponsor.

(p) Failure to provide change of address, pursuant to 64B12-10.012, F.A.C.

(p) From a letter of concern to reprimand of the license, and an administrative fine ranging from \$250.00 to \$1,000.00, or refusal to certify an application for licensure.

(p) From reprimand to probation of the license, and an administrative fine ranging from \$500.00 to \$1,000.00, or refusal to certify an application for licensure.

(p) From reprimand to suspension of license, and an administrative fine ranging from \$750.00 to \$1,000.00, or refusal to certify an application for licensure.

(5) When the Board finds an applicant or licensee whom it regulates under Chapter 484, F.S., has violated Section 456.072, F.S., by violating any of the following provisions, it shall issue a final order imposing appropriate penalties within the ranges recommended in the following disciplinary guidelines:

VIOLATIONS

RECOMMENDED PENALTIES

	<u>First Offense</u>	<u>Second Offense</u>	<u>Third Offense</u>
<u>(a) Making misleading, deceptive, or fraudulent representations in or related to the practice of opticianry. (456.072(1)(a), F.S.)</u>	<u>(a) From reprimand to suspension of the license, and an administrative fine ranging from \$250.00 to \$5,000.00, or refusal to certify an application for licensure.</u>	<u>(a) From reprimand to revocation of the license, and an administrative fine ranging from \$1,000.00 to \$10,000.00, or refusal to certify an application for licensure.</u>	<u>(a) From suspension to revocation of license, and an administrative fine ranging from \$5,000.00 to \$10,000.00, or refusal to certify an application for licensure.</u>
<u>(b) Failing to comply with the educational course requirements for human immunodeficiency virus and acquired immune deficiency syndrome. (456.072(1)(e), F.S.)</u>	<u>(b) From reprimand to suspension of the license, and an administrative fine ranging from \$250.00 to \$5,000.00, or refusal to certify an application for licensure.</u>	<u>(b) From reprimand to revocation of the license, and an administrative fine ranging from \$1,000.00 to \$10,000.00, or refusal to certify an application for licensure.</u>	<u>(b) From suspension to revocation of license, and an administrative fine ranging from \$5,000.00 to \$10,000.00, or refusal to certify an application for licensure.</u>
<u>(c) Having been found liable in a civil proceeding for knowingly filing a false report or complaint with the department against another licensee. (456.072(1)(g), F.S.)</u>	<u>(c) From reprimand to suspension of the license, and an administrative fine ranging from \$250.00 to \$5,000.00, or refusal to certify an application for licensure.</u>	<u>(c) From reprimand to revocation of the license, and an administrative fine ranging from \$1,000.00 to \$10,000.00, or refusal to certify an application for licensure.</u>	<u>(c) From suspension to revocation of license, and an administrative fine ranging from \$5,000.00 to \$10,000.00, or refusal to certify an application for licensure.</u>
<u>(d) Aiding, assisting, procuring, employing, or advising any unlicensed person or entity to practice opticianry contrary to Chapters 484 and 456, Florida Statutes, or the rules of the department or the board. (456.072(1)(j), F.S.)</u>	<u>(d) From reprimand to suspension of the license, and an administrative fine ranging from \$250.00 to \$5,000.00, or refusal to certify an application for licensure.</u>	<u>(d) From reprimand to revocation of the license, and an administrative fine ranging from \$1,000.00 to \$10,000.00, or refusal to certify an application for licensure.</u>	<u>(d) From suspension to revocation of license, and an administrative fine ranging from \$5,000.00 to \$10,000.00, or refusal to certify an application for licensure.</u>
<u>(e) Failure to perform legal obligation. (456.072(1)(k), F.S.)</u>	<u>(e) From letter of concern to suspension of the license, and an administrative fine ranging from \$250.00 to \$5,000.00, or refusal to certify an application for licensure.</u>	<u>(e) From reprimand to revocation of the license, and an administrative fine ranging from \$1,000.00 to \$10,000.00, or refusal to certify an application for licensure.</u>	<u>(e) From suspension to revocation of license, and an administrative fine ranging from \$5,000.00 to \$10,000.00, or refusal to certify an application for licensure.</u>

(f) Making deceptive, untrue, or fraudulent representations in or related to the practice of a profession or employing a trick or scheme in or related to the practice of a profession.
(456.072(1)(m), F.S.)

(f) From reprimand to suspension of the license, and an administrative fine ranging from \$250.00 to \$10,000.00, or refusal to certify an application for licensure.

(f) From reprimand to revocation of the license, without the ability to reapply, and an administrative fine ranging from \$1,000.00 to \$10,000.00, or refusal to certify an application for licensure.

(f) From suspension to revocation of license, without the ability to reapply, and an administrative fine ranging from \$5,000.00 to \$10,000.00, or refusal to certify an application for licensure.

(g) Practicing or offering to practice beyond the scope permitted by law or accepting and performing professional responsibilities the licensee knows, or has reason to know, the licensee is not competent to perform.
(456.072(1)(o), F.S.)

(g) From reprimand to suspension of the license, and an administrative fine ranging from \$250.00 to \$5,000.00, or refusal to certify an application for licensure.

(g) From reprimand to revocation of the license, and an administrative fine ranging from \$1,000.00 to \$10,000.00, or refusal to certify an application for licensure.

(g) From suspension to revocation of license, and an administrative fine ranging from \$5,000.00 to \$10,000.00, or refusal to certify an application for licensure.

(h) Delegating or contracting for the performance of professional responsibilities by a person when the licensee delegating or contracting for performance of such responsibilities knows, or has reason to know, such person is not qualified by training, experience, and authorization when required to perform them.
(456.072(1)(p), F.S.)

(h) From reprimand to suspension of the license, and an administrative fine ranging from \$250.00 to \$5,000.00, or refusal to certify an application for licensure.

(h) From reprimand to revocation of the license, and an administrative fine ranging from \$1,000.00 to \$10,000.00, or refusal to certify an application for licensure.

(h) From suspension to revocation of license, and an administrative fine ranging from \$5,000.00 to \$10,000.00, or refusal to certify an application for licensure.

(i) Improperly interfering with an investigation or inspection authorized by statute, or with any disciplinary proceeding.
(456.072(1)(r), F.S.)

(i) From letter of concern to suspension of the license, and an administrative fine ranging from \$250.00 to \$10,000.00, or refusal to certify an application for licensure.

(i) From reprimand to revocation of the license, and an administrative fine ranging from \$1,000.00 to \$10,000.00, or refusal to certify an application for licensure.

(i) From suspension to revocation of license, and an administrative fine ranging from \$5,000.00 to \$10,000.00, or refusal to certify an application for licensure.

(j) Engaging or attempting to engage a patient or client in verbal or physical sexual activity. For the purposes of this section, a patient or client shall be presumed to be incapable of giving free, full, and informed consent to verbal or physical sexual activity.
(456.072(1)(u), F.S.)

(j) From reprimand to suspension of the license, and an administrative fine ranging from \$1,000.00 to \$10,000.00, or refusal to certify an application for licensure.

(j) From reprimand to revocation of the license, and an administrative fine ranging from \$5,000.00 to \$10,000.00, or refusal to certify an application for licensure.

(j) From suspension to revocation of license, and an administrative fine ranging from \$5,000.00 to \$10,000.00, or refusal to certify an application for licensure.

(k) Failing to report to the board, or the department if there is no board, in writing within 30 days after the licensee has been convicted or found guilty of, or entered a plea of nolo contendere to, regardless of adjudication, a crime in any jurisdiction.
(456.072(1)(w), F.S.)

(k) From letter of concern to suspension of the license, and an administrative fine ranging from \$1,000.00 to \$5,000.00, or refusal to certify an application for licensure.

(k) From reprimand to revocation of the license, and an administrative fine ranging from \$1,000.00 to \$10,000.00, or refusal to certify an application for licensure.

(k) From suspension to revocation of license, and an administrative fine ranging from \$5,000.00 to \$10,000.00, or refusal to certify an application for licensure.

(6) Based upon consideration of aggravating or mitigating factors, present in an individual case, the Board may deviate from the penalties recommended in paragraphs (3) through (5) above. If mitigating factors are present, the administrative fine may be reduced and a less severe action, such as a reprimand or probation, taken against the licensee from the range of actions given in the disciplinary guidelines. If aggravating factors are present, the maximum administrative fine may be imposed and more severe action, such as suspension or revocation, taken against the licensee from the range of actions given in the disciplinary guidelines. The Board shall consider as aggravating or mitigating factors the following:

- (a) The severity of the offense;
- (b) The danger to the public;
- (c) The number of repetitions of offenses;
- (d) The length of time since the violation;
- (e) The number of times the licensee has been previously disciplined by the Board;
- (f) The length of time licensee has practiced;
- (g) The actual damage, physical or otherwise, caused by the violation;
- (h) The deterrent effect of the penalty imposed;
- (i) The effect of the penalty upon the licensee's livelihood;
- (j) Any effort of rehabilitation by the licensee;

(k) The actual knowledge of the licensee pertaining to the violation;

(l) Attempts by licensee to correct or stop violation or refusal by licensee to correct or stop violation;

(m) Related violations against licensee in another state including findings of guilt or innocence, penalties imposed and penalties served;

(n) Actual negligence of the licensee pertaining to any violation;

(o) Penalties imposed for related offenses under subsections (1) and (2) above;

(p) Any other relevant mitigating or aggravating under the circumstances.

(5) Penalties imposed by the Board pursuant to Subsections (3) through (5) above may be imposed in combination or individually. All penalties at the upper range of the sanctions set forth in the guidelines (e.g., suspension, revocation) include lesser penalties, i.e., fine, reprimand or probation, which may be included in the final penalty. Such penalties are as follows:

(a) Refusal to certify to the Department an application for licensure.

(b) Issuance of a reprimand.

(c) Imposition of an administrative fine not to exceed \$1,000 for each count or separate offense.

(d) Placement of the optician on probation for a period of time and subject to such conditions as the Board may specify, including requiring the optician to submit to treatment or to work under the supervision of another optician.

(e) Suspension of a license.

(f) Permanent revocation of a license.

Specific Authority 456.079, 484.005 FS. Law Implemented 456.079, 456.072, 484.014, FS. History--New 3-5-87, Amended 3-30-89, 4-22-90, 12-23-90, 1-27-93, Formerly 21P-8.020, Amended 5-2-94, Formerly 61G13-8.020, 59U-8.020, Amended _____.

64B12-8.021 Citations.

(1) Definition. As used in this rule:

(a) "Citation" means an instrument which meets the requirements set forth in Section 456.077 s. 455-617, F.S., and which is served upon a subject for the purpose of assessing a penalty in an amount established by this rule.

(b) "Subject" means the licensee or apprentice alleged to have committed a violation designated in this rule.

(2) In lieu of the disciplinary procedures contained in Section 456.973 s. 455-621, F.S., the Department is hereby authorized to dispose of any violation designated herein by issuing a citation to the subject within six months after the filing of the complaint which is the basis for the citation.

(3) Citations shall be issued for first offense violations only.

(4) The Board hereby designates the following as citation violations, which shall result in the indicated penalty:

(a) Failing to make a fee or price information readily available by providing such information upon request or upon the presentation of a prescription pursuant to Section 484.014(1)(d), F.S., \$200.00 \$150 and a reprimand;

(b) Failing to keep written prescription files pursuant to Section s. 484.014(1)(m), F.S., \$200.00 \$150;

(c) Failing to give notice of withdrawal of services pursuant to Rule 64B12-10.003, F.A.C., \$200.00 \$150;

(d) Failing to display a current license pursuant to Rule 64B12-10.004, F.A.C., \$200.00 \$150;

(e) Failing to properly keep and transfer prescription files pursuant to Rule 64B12-10.006, F.A.C., \$200.00 \$150;

(f) Failing to assure that duplicate prescription forms contain the information required by Rule 64B12-10.0065, F.A.C., \$200.00 \$150;

(g) Failing to return certificates and licenses to the Department, \$500.00;

(h) Failing to pay any civil penalty imposed by order of the Board as required by Rules 64B12-8.017, and 64B12-11.011, F.A.C., as long as the penalty has been paid prior to the issuance of the citation, \$200.00 \$150;

(i) Failing to conspicuously display the certificate or a copy of the certificate in each place of business where the Board Certified Optician engages in contact lens fitting pursuant to Rule 64B12-10.004 64B12-10.009(2), Florida Administrative Code F.A.C., \$250.00;

(j) Failing to complete the continuing education requirements prescribed in Section s. 484.008, F.S., and the rules promulgated thereto, \$500 plus \$25 per credit hour missing and proof of completing the continuing education;

(k) Negligently failing to file a report or record required by state or federal law which person is required to make or file as an optician pursuant to Section 484.014(1)(c), F.S., \$150.00;

(l) Practicing opticianry with an inactive license, so long as the license has been inactive for a period not to exceed two months, \$500.00;

(m) Failing to terminate an apprenticeship properly, so long as the required reports were filed within 6 months of the date they were due, as required by Rule 64B12-16.004, F.A.C., \$200.00 \$150;

(n) Failing to notify the Department properly of termination as a sponsor, so long as the required reports were filed within 6 months of the date they were due as required by Rule 64B12-16.006, F.A.C., \$200.00 \$150; and

(o) Failing to file complete reports and information timely, so long as they were filed within 6 months of the date they were due, as required by Rule 64B12-16.008, F.A.C., \$200.00; and

(p) Failing to provide change of address, pursuant to Rule 64B12-10.012, F.A.C., \$200.00 \$250.

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

Specific Authority 484.005, 456.077 455-617 FS. Law Implemented 456.077 455-617, 456.073 455-621, 484.014 FS. History--New 1-19-92, Amended 5-27-92, Formerly 21P-8.021, Amended 5-2-94, Formerly 61G13-8.021, Amended 12-4-95, Formerly 59U-8.021, Amended 8-6-97, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Opticianry, Division of Medical Quality Assurance,
Department of Health, 4052 Bald Cypress Way, BIN #C06,
Tallahassee, Florida 32399-3257

NAME OF SUPERVISOR OR PERSON WHO APPROVED
THE PROPOSED RULE: Sue Foster, Executive Director,
Board of Opticianry, Division of Medical Quality Assurance,
Department of Health, 4052 Bald Cypress Way, BIN #C06,
Tallahassee, Florida 32399-3257

DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: March 7, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: March 16, 2001

DEPARTMENT OF HEALTH

Board of Opticianry

RULE TITLE: Examination Review Procedure
 RULE NO.: 64B12-9.003

PURPOSE AND EFFECT: The Board proposes an amendment to Rule 64B12-9.003, F.A.C., to amend the time allowed to request an examination review.

SUMMARY: Rule 64B12-9.003, F.A.C., is amended to change the amount of time required to request a review of examination results, from thirty (30) to twenty-one (21) days.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: A statement has not been prepared regarding this proposed rule.

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

SPECIFIC AUTHORITY: 456.017 FS.

LAW IMPLEMENTED: 456.017 FS.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting, is asked to advise the agency at least 5 calendar days before the meeting by contacting Robin McKenzie. If you are hearing or speech impaired, please contact the agency by calling (850)245-4461.

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

Section 286.0105, Florida Statutes, provides that, if a person decides to appeal any decision made by the department with respect to any matter considered at this hearing, they will need a record of proceedings, and for such purposes, they may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sue Foster Executive Director, Board of Opticianry, Division of Medical Quality Assurance, Department of Health, 4052 Bald Cypress Way, BIN #C06, Tallahassee, Florida 32399-3257

THE FULL TEXT OF THE PROPOSED RULE IS:

64B12-9.003 Examination Review Procedure.

(1) No change.

(2) If, following the review of his examination, an applicant believes that an error was made in the grading of his examination, or in the evaluation of his answers, he may request that the Department review his examination. Requests

for review must be in writing, state with specificity the reasons why review is requested, and be received by the Department within ~~thirty (30)~~ twenty-one (21) days after the applicant received notice that he failed the examination.

Specific Authority 456.017 FS. Law Implemented 456.017 FS. History—New 12-6-79, Formerly 21P-9.03, Amended 4-22-90, Formerly 21P-9.003, 61G13-9.003, 59U-9.003, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Opticianry, Division of Medical Quality Assurance, Department of Health, 4052 Bald Cypress Way, BIN #C06, Tallahassee, Florida 32399-3257

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Sue Foster Executive Director, Board of Opticianry, Division of Medical Quality Assurance, Department of Health, 4052 Bald Cypress Way, BIN #C06, Tallahassee, Florida 32399-3257

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 7, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 16, 2001

DEPARTMENT OF HEALTH

Board of Osteopathic Medicine

RULE TITLE: Violations and Penalties
 RULE NO.: 64B15-19.002

PURPOSE AND EFFECT: The purpose of the rule amendment is to update the rule text with regard to violations and penalties to be imposed by the Board.

SUMMARY: New rule language sets forth the penalties in the event adverse action is taken against an applicant or licensee in another jurisdiction, and testing positive for specified drugs during employment related tests.

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

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

SPECIFIC AUTHORITY: 456.079, 459.015(5) FS.

LAW IMPLEMENTED: 456.072, 456.079 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: William Buckhalt, Executive Director, Board of Osteopathic Medicine/MQA, 2020 Capital Circle, S. E., Bin #C06, Tallahassee, Florida 32399-3256

THE FULL TEXT OF THE PROPOSED RULE IS:

64B15-19.002 Violations and Penalties.

In imposing discipline upon applicants and licensees, the board shall act in accordance with the following disciplinary guidelines and shall impose a penalty within the range corresponding to the violations set forth below. The statutory language is intended to provide a description of the violation and is not a complete statement of the violation; the complete statement may be found in the statutory provision cited directly under each violation description.

(1) through (52) No change.

(54) Action taken against any license by another jurisdiction (456.072(1)(f), F.S.).

<u>FIRST OFFENSE</u>	<u>probation and \$2,000 fine</u>	<u>revocation and \$5,000 fine or denial of license with ability to reapply for licensure in not less than 3 years</u>
<u>SECOND OFFENSE</u>	<u>suspension to be followed by probation and \$5,000 fine</u>	<u>revocation and \$10,000 fine or permanent denial of license</u>

(55) Testing positive for any drug on any confirmed preemployment or employer ordered drug screening (456.072(1)(z), F.S.).

<u>FIRST OFFENSE</u>	<u>probation and \$5,000 fine</u>	<u>suspension to be followed by probation and \$7,500 fine</u>
<u>SECOND OFFENSE</u>	<u>suspension to be followed by probation and \$7,500 fine</u>	<u>revocation and \$10,000 fine</u>

Specific Authority 456.079, 459.015(5) FS. Law Implemented 456.072, 456.079 FS. History—New 9-30-87, Amended 10-28-91, 1-12-93, Formerly 21R-19.002, 61F9-19.002, 59W-19.002, Amended 2-2-98, 2-11-01, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Osteopathic Medicine
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Osteopathic Medicine
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 15, 2000
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 17, 2000

Section III
Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF INSURANCE

RULE NO.: 4-228.220
RULE TITLE: Non-Compliance

SECOND 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. 35, September 1, 2000, of the Florida Administrative Weekly. A Notice of Change was published in Vol. 27, No. 9, March 2, 2001. This change is being made at the request of the Joint Administrative Procedures Committee. The rule is changed as follows: 4-228.220(5)(t)3.b.(II)(B) is changed to read:

(B) Either a CLU or CPCU designation, or a Bachelor of Science degree in risk management or insurance with evidence of 18 or more semester hours in upper-level insurance related courses with 18 hours of approved insurance courses; and
The remainder of the rule reads as previously published.

DEPARTMENT OF INSURANCE

Division of Insurer Services

RULE NO.: 4H-1.007
RULE TITLE: Settlement of Losses

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., Florida Statutes, published in Vol. 26, No. 43, October 27, 2001, of the Florida Administrative Weekly:

4H-1.007(1) in the first line after the word “basis” add the language “or cost of repair”.
The remainder of the rule reads as previously published.

DEPARTMENT OF INSURANCE

Division of Insurer Services

RULE CHAPTER NO.: 4H-2
RULE CHAPTER TITLE: Florida Casualty Insurance Risk Management Trust Fund

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., Florida Statutes, published in Vol. 26, No. 43, October 27, 2001, of the Florida Administrative Weekly:

4H-2.003(3)(b) Form DI4-1392, the title will be changed to read “Statutory Community Service Participants” the authority reference will be changed to 445.021(1)(d).

4H-2.003(3)(c) the authority references will be changed to correct errors, the correct sites are 985.21(4)(a)2., 985.231(1)(g), 985.231(1)(a)1.a. and 318.143(1)(d).

4H-2.003(3)(g), reference to subsection 948.01(2) will be deleted.

4H-2.003 add section 284.30 to law implemented.

4H-2.009 delete 627.730 from specific authority.

The remainder of the rule reads as previously published.