

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.

DEPARTMENT OF TRANSPORTATION

RULE CHAPTER NO.: 14-15
 RULE NO.: 14-15.002
 RULE CHAPTER TITLE: Incorporation by Reference
 RULE TITLE: Manual of Uniform Minimum Standards for Design, Construction and Maintenance for Streets and Highways

NOTICE OF CHANGE

There was no hearing request. However, timely written comments from Florida Power and Light and the review comments of the Joint Administrative Procedures Committee (JAPC) were considered in making changes to the manual. There are no changes to the basic rule, which incorporates the manual by reference. The changes include those resulting from a December 11, 2000, review letter from the JAPC, changes in response to those recommendations, and further changes or corrections resulting from a subsequent meeting with the JAPC attorney.

The following Changes include a summary of the JAPC comment followed by the change or comment by the Department:

1. General Comment regarding publication date for the notice of rule development. The reference date for the publication of the notice of rule development is corrected to June 25, 1999.

2. Introduction Page ii: JAPC Comment: "included by reference" should be "incorporated by reference."
 Department of Transportation Response: The correction has been made.

3. Chapter 1,B,4.: JAPC Comment: Correction of a typographical error in the second sentence.
 Department of Transportation Response: The correction has been made.

4. Chapter 2, C.3.: JAPC Comment: The last bulleted sentence should be ended with a period.
 Department of Transportation Response: The correction has been made.

5. Chapter 3, C.1.: No Tables in this chapter were provided.
 Department of Transportation Response: The tables and figures have been provided.

6. Chapter 3, C.4.b.: JAPC Comment: Should the FDOT Roadway and Traffic Design Standards and AASHTO "A Policy on Geometric Design on Highways and Streets" be incorporated by reference in the 2nd and 3rd paragraphs?
 Department of Transportation Response: These documents have been referenced for informational purposes only. These references have been rephrased to clarify this.

7. C.4.e.: JAPC Comment: The document entitled "A Policy on Geometric Design of Highways and Streets" should be incorporated by reference. The reference should contain specific effective date rather than the "latest edition." Also mentioned were "C.9.d.3., C.9.d.4., and C.10.g.d.

Department of Transportation Response: The specific table that applied to this reference has now been included in the document, and the reference to the AASHTO has been removed. This is also the case regarding section C.9.d.4. For section C.9.d.3, the reference has been removed. For sections C.9.e.1. and C.10.d., the references are included to provide additional subject information only. The specific effective date has been included.

8. C. 7.b.1.: JAPC Comment: Identify the rule which incorporates by reference the FDOT Bicycle Facilities Planning and Design Manual.

Department of Transportation Response: This reference has been removed.

9. C.7.i.: JAPC Comment: Question regarding the indentation and bulleted format for the second paragraph. Should there be a comma after 250 in the second to last paragraph?

Department of Transportation Response: This has been corrected and a comma has been added.

10. C.9.a.: JAPC Comment: Statement regarding the correction of a grammatical error in the third sentence.

Department of Transportation Response: This has been corrected.

11. C.9.d.2.: JAPC Comment: Should AASHTO "A Policy on Geometric Design of Highways and Streets" be incorporated by reference? Replace "latest edition" with date.

Department of Transportation Response: This section has been rephrased and appropriate tables have been added to the end of the chapter (Tables 3-22 through 3-24). The references that remain are for informational purposes only, and "latest edition" has been replaced by "1990."

12. C.9.g. (6th paragraph): JAPC Comment: The "current AASHTO publications" referred to should be identified.

Department of Transportation Response: The appropriate publication has been identified and referenced to provide additional subject information only. This paragraph has been rephrased to clarify this.

13. C.10.a.2.: JAPC Comment: The ANSI standards and the Florida Accessibility Code for Building Construction referred to should be incorporated by reference.

Department of Transportation Response: The reference to ANSI standards has been removed. In regard to the Florida Accessibility Code for Building construction, this is an existing requirement and is not made mandatory by this manual. The reference is made only to make notice of the existing requirement. The word "Note:" has been added to the beginning of the sentence for clarification.

14. C.10.a.4.: JAPC Comment: Identify the rule which incorporates by reference the Department's Standard Index Sheets, Index 304. Should the FDOT Roadway and Traffic Design Standards be incorporated by reference in the second to last paragraph?

Department of Transportation Response: This document has been referenced for informational purposes only. This sentence has been rephrased to clarify this.

15. C.10.b.: JAPC Comment: Comment regarding a grammatical error in the second sentence.

Department of Transportation Response: This has been corrected.

16. C.10.c.: JAPC Comment: Should the AASHTO Standard Specifications for Highway Bridges be incorporated by reference?

Department of Transportation Response: This section has been rephrased to show the reference as informational only. The appropriate information from this reference has been incorporated into this Chapter in Figures 3-16 and 3-17.

17. Chapter 4: D.5.e.: JAPC Comment: Identify the rules which incorporate the respective documents by reference. Should the FDOT Roadway and Traffic Design Standards be incorporated by reference.

Department of Transportation Response: This document has been referenced for informational purposes only. This sentence has been rephrased to clarify this.

18. D.8. (4th paragraph): JAPC Comment: The term "NESC clearance" should be defined.

Department of Transportation Response: The term has been defined.

19. D.8. (5th paragraph): JAPC Comment: Comment regarding a typographical error in the first sentence. Identify the rule which incorporates by reference the department's Utility Accommodation Manual. No such table was provided with the rule package. Comment regarding spelling errors and grammatical corrections in the last sentence.

Department of Transportation Response: The typographical errors have been corrected. The rule associated with the Department's Utility Accommodation Manual has been identified. The table in question has now been included.

20. D.12.: JAPC Comment: Should the FDOT Roadway and Traffic Design Standards and the AASHTO "A Guide for Erecting Mailboxes on Highways" be incorporated by reference?

Department of Transportation Response: These documents have been referenced for informational purposes only. This section has been rephrased to clarify this.

21. Chapter 5: A.: JAPC Comment: The last bulleted item contains an incomplete sentence.

Department of Transportation Response: This has been corrected.

22. B.1.: JAPC Comment: Identify the rule which incorporates by reference the department's Flexible Pavement Design Manual.

Department of Transportation Response: This reference is included to provide additional subject information only.

23. Chapter 6: D.: JAPC Comment: The identified document should be incorporated by reference.

Department of Transportation Response: This reference is included to provide additional subject information only.

24. Chapter 7: B.2. (2nd Paragraph): JAPC Comment: Identify the rule which incorporates by reference the MUTCD for Streets and Highways. Identify what is meant by "applicable Design Standards."

Department of Transportation Response: This paragraph has been rephrased, and the reference has been removed.

25. (3rd paragraph): JAPC Comment: Identify the rule which incorporates by reference the department's Highway Safety Improvement Program Manual.

Department of Transportation Response: This paragraph has been rephrased, and the reference has been removed.

26. C.1.a.: JAPC Comment: Table 3-14 was not provided with the rule package.

Department of Transportation Response: This table has now been included.

27. C.1.b.; C.1.c.; and C.10.: JAPC Comment: No figures were provided with the rule package.

Department of Transportation Response: All of the figures have now been included.

28. D. (page 10): JAPC Comment: The last sentence is incomplete.

Department of Transportation Response: This has been corrected.

29. Figure 7-3: JAPC Comment: Should the listed documents be incorporated by reference?

Department of Transportation Response: These documents were referenced for informational purposes only, however this figure has been removed from the manual and replaced with an informational reference to Index 17882 in Section C.10 of Chapter 7.

30. Chapter 8: B. (4th paragraph): JAPC Comment: Comment regarding a spelling error in the first sentence. Explain what is meant by the term "desire lines."

Department of Transportation Response: The error has been corrected and the term "desire lines" has been reworded.

31. E.3. (3rd paragraph): JAPC Comment: The applicable AASHTO Design Standards should be identified and incorporated by reference.

Department of Transportation Response: The appropriate information has been included and the reference has been removed.

32. E.4. (2nd paragraph): JAPC Comment: Comment regarding a typographical error in the second sentence.

Department of Transportation Response: This has been corrected.

33. Chapter 9: B.2.: JAPC Comment: No figures were provided with the rule package.

Department of Transportation Response: All Chapter 9 figures have now been included.

34. C. (last sentence): JAPC Comment: Identify the rule which incorporates by reference the Florida Bicycle Facilities Planning and Design Handbook.

Department of Transportation Response: This reference is included to provide additional subject information only.

35. C.1. (1st paragraph): JAPC Comment: The applicable traffic laws should be identified.

Department of Transportation Response: This reference has been removed.

36. Chapter 10: JAPC Comment: General comment that the chapter is written in language which is permissive rather than mandatory. Reconcile this fact with Section 336.045(1), Florida Statutes, which provides that the department shall adopt uniform minimum standards.

Department of Transportation Response: The “should” in the first sentence of Section C has been changed to a “shall.”

37. Chapter 11: C.: JAPC Comment: Identify the rules which incorporate by reference the respective documents. Should the correct date be used rather than “current” edition?

Department of Transportation Response: The rule for the MUTCD has been stated. The other references are included to provide additional subject information only. This document has been referenced for informational purposes only. Therefore the word “current” has been deleted. This matches the other reference in the paragraph.

38. Chapter 12: D.3.b.: JAPC Comment: The applicable standards should be identified and incorporated by reference. Question regarding “as specifically designated” by whom?

Department of Transportation Response: This section has been reworded to and the referenced standards now are for informational purposes only. This is to be designated by the Engineer and has been rephrased to specify this.

39. Chapter 13: A. (4th paragraph): JAPC Comment: Statement regarding a grammatical error in the last sentence.

Department of Transportation Response: This has been corrected.

40. C.5.: JAPC Comment: The specific design standards should be identified and incorporated by reference.

Department of Transportation Response: This reference is included to provide additional subject information only.

41. Chapter 14: A. (1st paragraph): JAPC Comment: Statement regarding a grammatical error in the last sentence.

Department of Transportation Response: This has been corrected

42. B.: JAPC Comment: Questions regarding clarification of a Design Exception as to permissive or discretionary criteria or standards as set forth in the manual. Are all the 13 Design Elements encompassed within the tables set forth in this chapter?

Department of Transportation Response: The provision has been clarified. The 13 controlling design elements are contained in other chapters within the manual.

43. C. (1st paragraph): JAPC Comment: The definitions of the 13 Controlling Design Elements should be incorporated by reference.

Department of Transportation Response: These references, Section C, and all of the tables in this chapter have been deleted.

Department of Transportation Response: These references, Section C, and all of the tables in this chapter have been deleted.

44. C. (2nd paragraph): JAPC Comment: The applicable provisions of the specified document should be incorporated by reference.

Department of Transportation Response: These references, Section C, and all of the tables in this chapter have been deleted.

45. F. (1st paragraph): JAPC Comment: Confirm the provisions of this section are permissive.

Department of Transportation Response: This has been reworded to clarify.

46. Benefit/Cost Analysis Note: JAPC Comment: The identified documents should be incorporated by reference.

Department of Transportation Response: These documents were referenced for informational purposes only. This section has been rephrased to clarify this.

In addition to the comments and recommendations of the JAPC, the Department received timely comments from Florida Power and Light. Most of these comments referred to typographical errors, missing tables and figures, and other editorial corrections similar to those of the JAPC reviewer. In addition, there were comments regarding inconsistencies in footers, inconsistencies in chapter identification, and the table of contents. The grammatical corrections and font/format corrections are being made. Some of the final corrections to footers and table of contents will be made to the final version of the manual after the deleted language is removed and all delete/add coding is removed from the draft.

There was one substantive comment regarding clarification of a new paragraph in Chapter 3, C.10.a.3. That paragraph has been revised to clarify the language.

Notice was published in Florida Administrative Weekly, Vol. 26, No. 46, dated November 17, 2000.

DEPARTMENT OF CITRUS

RULE CHAPTER NO.:	RULE CHAPTER TITLE:
20-64	Standards for Processed Citrus Products
RULE NOS.:	RULE TITLES:
20-64.0081	Orange Juice
20-64.0082	Orange Juice Marked with Florida Sunshine Tree or Florida Citrus Growers' Certification Mark
20-64.020	Sanitary Requirements

NOTICE OF CHANGE

Notice is hereby given that the following change has been made to the proposed rule in accordance with subparagraph 120.54(3)(d), F.S., published in Vol. 27, No. 4, January 26, 2001, issue of the Florida Administrative Weekly:

In the proposed rule text the above rules listed a proposed effective date of March 15, 2001. This will not be the effective date of these rules.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**Building Code Administrators and Inspectors Board**

RULE NO.:	RULE TITLE:
61G19-6.012	Provisional Certificates

NOTICE OF CHANGE

Pursuant to subparagraph 120.54(3)(d)1., F.S., notice is hereby given that the following changes have been made to the proposed rule, as published in Vol. 26, No. 15, April 14, 2000, issue of the Florida Administrative Weekly.

Subsections (1) and (2) shall now read:

(1) The Board shall issue a provisional certificate to any newly employed or newly promoted building code administrator, plans examiner, or building code inspector subject to the provisions of Section 468.609 and the provisions of this rule.

(2) Provisional certificates are not renewable, and are valid for the following terms:

- (a) Three years for building code inspectors;
- (b) Three years for plans examiners;
- (c) Three years for building code administrators;

Subsections (6)(b) and (d) shall now read:

(b) All duties performed by the applicant under this exception shall be performed under the direct supervision of the building code administrator for the agency employing the applicant. The building code administrator shall hold a current, valid standard certificate as a building code administrator at all times when he or she is supervising the applicant. However, direct supervision may be provided by a building code administrator who holds a limited or provisional certificate in any county with a population of less than 75,000 and in any municipality located within such a county.

(d) Upon being notified that he or she has been determined by the Board to be not qualified for a provisional certificate in the category sought, an applicant shall immediately cease performing duties as a plans examiner or building code inspector under this exception.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Anthony Spivey, Executive Director, Building Code Administrators and Inspectors Board, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

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

RULE NO.:	RULE TITLE:
62B-26.011	Description of the Pinellas County Coastal Construction Control Line

NOTICE OF CONTINUATION OF PUBLIC HEARING

The Office of Beaches and Coastal Systems of the Department of Environmental Protection announces the continuation of the rule adoption hearing for rule 62B-26.011, F.A.C. published in Vol. 26, No. 51, FAW. The time, date and place of the continued hearing will be published in a future issue of the Florida Administrative Weekly.

Any information regarding this notice or rulemaking, may be obtained by writing: Office of Beaches and Coastal Systems, c/o Rosaline Beckham, 3900 Commonwealth Blvd., Mail Station 300, Tallahassee, Florida 32399, or by calling (850)487-1262.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

RULE NO.:	RULE TITLE:
65-28.001	Alternate Service Procurement Method (ASPM)

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 27, No. 5, February 2, 2001, Florida Administrative Weekly, has been withdrawn.

Section IV Emergency Rules

DEPARTMENT OF THE LOTTERY

RULE TITLE:	RULE NO.:
Instant Game Number 338, MONTHLY GRAND	53ER01-9
SUMMARY OF THE RULE: This emergency rule relates to the Instant Game Number 338, "MONTHLY GRAND" for which the Department of the Lottery will start selling tickets on	