

**DEPARTMENT OF HEALTH**

**Board of Dentistry**

RULE TITLE: RULE NO.:

Licensure and Renewal Fees 64B5-15.006

PURPOSE AND EFFECT: The Board proposes to amend this rule to increase the fees.

SUBJECT AREA TO BE ADDRESSED: Increase in fees.

SPECIFIC AUTHORITY: 456.013, 456.023, 466.013 FS.

LAW IMPLEMENTED: 456.013, 456.023, 466.013 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE ANNOUNCED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Sue Foster, Executive Director, Board of Dentistry/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

**THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:**

64B5-15.006 Licensure and Renewal Fees.

(1) The fee for biennial renewal of a dental license shall be ~~\$300~~ ~~\$200~~, and for a dental hygiene license, the renewal fee shall be ~~\$135~~ ~~\$90~~.

(2) No change.

Specific Authority 456.013, 456.023, 466.013 FS. Law Implemented 456.013, 456.023, 466.013 FS. History—New 4-1-80, Amended 1-25-82, 10-3-83, Formerly 21G-15.06, Amended 11-16-89, 8-13-92, Formerly 21G-15.006, 61F5-15.006, Amended 5-6-96, Formerly 59Q-15.006, Amended.

**DEPARTMENT OF HEALTH**

**Board of Osteopathic Medicine**

RULE TITLE: RULE NO.:

Medicinal Drugs Which May be Ordered 64B15-18.003

by Pharmacists

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

SUBJECT AREA TO BE ADDRESSED: Medicinal drugs which may be ordered by pharmacists.

SPECIFIC AUTHORITY: 465.186(2) FS.

LAW IMPLEMENTED: 465.186 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: John Taylor, Executive Director, Board of Osteopathic Medicine/MQA, 4052 Bald Cypress Road, Bin C06, Tallahassee, Florida 32399-3256

**THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:**

64B15-18.003 Medicinal Drugs Which May be Ordered by Pharmacists.

A Pharmacist may dispense from the following formulary, subject to the stated conditions:

(1) through (6) No change.

(7) Antihistamines and decongestants. The following, including their salts, either as a single ingredient product or in combination including nasal decongestants, may be ordered for patients above (6) years of age:

(a) through (b) No change.

(c) Loratadine (maximum 14 days supply only)  
~~Clemastine — 1.34 mg-~~

(d) No change.

(e) Azelastine ~~Chlorpheniramine~~

(f) through (g) No change.

(h) Fexofenadine ~~Triprolidine~~

The patient should be warned that antihistamines should not be used by patients with bronchial asthma or other lower respiratory symptoms, glaucoma, cardiovascular disorders, hypertension, prostate conditions and urinary retention. Antihistamines shall be labeled to advise of drowsiness side effects and caution against use with alcohol or other depressants.

~~(i) Pseudoephedrine~~

~~(j) Phenylpropanolamine~~

(k) through (o) renumbered (i) through (m) No change.

Oral decongestants shall not be ordered for use by patients with coronary artery disease, angina, hyperthyroidism, diabetes, glaucoma, prostate conditions, hypertension, or patients currently using monoamine oxidase inhibitors.

(8) through (14) No change.

Specific Authority 465.186(2) FS. Law Implemented 465.186 FS. History—New 5-1-86, Formerly 21R-18.003, 61F9-18.003, 59W-18.003, Amended.

**Section II  
Proposed Rules**

**DEPARTMENT OF BANKING AND FINANCE**

**Board of Funeral and Cemetery Services**

RULE TITLE: RULE NO.:

Description of Merchandise on 3F-8.006  
Preneed Contracts

PURPOSE AND EFFECT: The Board proposes to amend this rule to clarify when merchandise is available for delivery.

SUMMARY: This rule sets forth available time merchandise is considered ready for delivery.

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: 487.103(1) FS.

LAW IMPLEMENTED: 497.333(6)(c) 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: Diana M. Evans, Executive Director, Board of Funeral and Cemetery Services, 101 East Gaines Street, Tallahassee, Florida 32399-0350

THE FULL TEXT OF THE PROPOSED RULE IS:

3F-8.006 Description of Merchandise on Preeed Contracts.

(1) through (5) No change.

(6) For the purposes of this rule, merchandise shall be considered available for delivery if the merchandise can be attained in the market place within twenty-four hours.

Specific Authority 497.103(1) FS. Law Implemented 497.333(6)(c) FS. History--New 4-10-97, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Funeral and Cemetery Services

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Funeral and Cemetery Services

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 20, 2001

**DEPARTMENT OF BANKING AND FINANCE**

**Board of Funeral and Cemetery Services**

RULE TITLE: Citations RULE NO.: 3F-11.003

PURPOSE AND EFFECT: This rule is being amended to clarify the Department's authority to impose fines for each occurrence of the same violations, pursuant to Section 497.121, F.S.

SUMMARY: This rule clarifies the authority of the Department to impose fines for each occurrence of the same violation for those offenses that are not a substantial threat to the health, safety, and welfare of the public.

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: 497.103, 497.121 FS.

LAW IMPLEMENTED: 497.121, 497.421 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: Diana M. Evans, Executive Director, Board of Funeral and Cemetery Services, 101 East Gaines Street, Tallahassee, Florida 32399-0350

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

3F-11.003 Citations.

(1) Pursuant to Section 497.121, F.S., the Board sets forth in this rule those violations for which there is not substantial threat to the public health, safety, and welfare. The Department shall have the authority to issue citations for the violations set forth herein. ~~The licensee Prior to the issuance of the citations, the Department~~ must confirm that the violation has been corrected or is in the process of being corrected, upon acceptance of the citation. For each violation, there is a range of fines to be imposed depending upon whether the violation is the first ~~or~~, second, ~~or third~~ violation of the particular provision within the previous ~~six (6) three (3)~~ year period. (Multiple occurrences of a specific violation within an examination report will be cited as one violation.)

(2) The following violations with accompanying fines and conditions may be disposed of by citation:

(a) For each of the following violations, a range of fines is to be imposed depending upon whether the citation is the first ~~or~~, second, ~~or third~~ violation of the particular provision by the certificateholder, licensee or registrant. For each of the violations listed under this part, the fine to be imposed for the first violation shall be ~~\$200.00 \$50.00~~, and the fine to be imposed for the second violation shall be ~~\$400.00 \$100.00~~, and the fine to be imposed for the third violation shall be \$400.00.

~~1. Failing to display license, as provided in Section 497.301, F.S.~~

~~2. Unintentionally failing to remit 1% to <5% of the amounts required to be deposited to any trust fund for an examination period, as provided in Section 497.233(1)(d), F.S.~~

~~1.3.~~ Failing to provide to any person, upon request, a copy of the cemetery bylaws, as provided in Section 497.233(1)(s)(+), F.S.

~~2.4.~~ Failing to register a branch name for a common business enterprise, in violation of Section 497.407(4), F.S.

~~3.5.~~ Failing to have all financial records available at all reasonable times for examination by the Department, as provided in Section 497.309, F.S.

4. Failing to furnish, for retention, a printed or typewritten list of current retail prices for burial rights, burial merchandise, or burial services, as provided in Section 497.233(1)(q), F.S.

~~5.6.~~ Establishing a condition for entry on or access to cemetery property, as provided in Section 497.317(3), F.S.

~~6.7.~~ Failing to mark the place on a grave where a monument is to be installed and requiring any person who installs a monument to obtain insurance or post a bond as described in Section 497.317, F.S.

7. Failing to notify preneed purchasers that the merchandise purchased will be accepted in the cemetery of the purchaser's choice as required by Section 497.441, F.S.

8. Consistently failing to make timely deposits to any trust fund, in violation of Section 497.245(2), F.S.

9. Failing to state the type, size and design of merchandise and the description of the service to be delivered or performed as required by Section 497.333(6)(c), F.S. and Rule 3F-8.006, F.A.C.

10. Failing to maintain procedures for handling complaints as provided by Section 497.445(6), F.S.

11. Failing to comply with the filing and remittance of fee requirements as required by Section 497.407(12), F.S.

12. Failing to comply with the filing and remittance of fee requirements as required by Section 497.413(2), F.S.

13. Failing to provide a Good Faith Estimate of all fees and costs the consumer will incur to use any burial right, merchandise, or services purchased as provided in Section 497.333(4), F.S.

(b) For each of the following violations, a range of fines is to be imposed depending upon whether the citation is the first ~~or~~; second, ~~or third~~ violation of the particular provision by the certificateholder, licensee or registrant. For each of the violations listed under this part, the fine to be imposed for the first violation shall be ~~\$500.00~~ ~~\$100.00~~, and the fine to be imposed for the second violation shall be ~~\$1,000.00~~ ~~\$200.00~~, and the fine to be imposed for the third violation shall be ~~\$800.00~~.

1. Discouraging the purchase of any burial merchandise or burial service which is advertised or offered for sale, with the purpose of encouraging the purchase of any additional or more expensive burial merchandise or service, as provided in Section 497.233(1)(p)(~~e~~), F.S.

~~2.~~ Failing to furnish, for retention, a printed or typewritten list of retail prices for burial rights, burial merchandise, or burial services, as provided in Section 497.233(1)(p), F.S.

~~2.3.~~ Assessing fees and costs which have not been disclosed to the customer as provided in Section 497.233(1)(~~t~~)(~~s~~), F.S.

3. Attempting to sell grave space tied to the purchase of a monument from or through the seller or any other designated person or corporation, as provided in Section 497.325(1)(a), F.S.

4. Requiring the payment of a setting or service charge, by whatever name known, from third party installers for the placement of a monument, as provided in Section 497.325(1)(c)1., F.S.

5. Refusing to provide care or maintenance for any portion of a gravesite on which a monument has been placed, as provided in Section 497.325(1)(c)2., F.S.

6. Attempting to waive liability with respect to damage to a monument after installation, where the monument or installation service is not purchased from the person, cemetery company or other entity authorized to sell or to provide grave space, as provided in Section 497.325(1)(c)3., F.S.

7. Conditioning any program offering free burial rights by any requirement to purchase additional burial rights or burial merchandise, as provided in Section 497.325(2), F.S.

8. Failing to disclose all fees and costs the customer may incur to use the burial rights or burial merchandise purchased as provided in Section 497.515(3), F.S.

~~9.~~ Failing to disclose information to the public, as provided in Section 497.333(1), (2), (4), (5), (7), or (8), F.S.

~~8.10.~~ Unintentionally failing to remit 1% to <5% 5% to <10% of the amounts required to be deposited to any trust fund for an examination period, as provided in Section 497.233(1)(d), F.S.

~~11.~~ Failure to make disclosures on insurance funded preneed contracts as required by Rule 3F-8.005.

~~9.12.~~ Failing to maintain cemetery grounds in reasonable condition as required by Rule 3F-6.002.

~~13.~~ Failure to comply with the filing and remittance of fee requirements as required by Section 497.407(12), F.S.

~~14.~~ Failure to comply with the filing and remittance of fee requirements as required by Section 497.413(2), F.S.

~~10.15.~~ Failing to deliver monuments in a timely manner as required by Section 497.361(5), F.S.

~~16.~~ Failure to notify preneed purchasers that the merchandise purchased will be accepted in the cemetery of the purchaser's choice as required by Section 497.441, F.S.

~~11.17.~~ Assessing other charges in violation of Section 497.313, F.S.

12. Selling a preneed contract or permitting a person to sell a preneed contract without being registered as a preneed sales agent or being exempted as provided by Section 497.439, F.S.

~~18. Failing to have preneed contracts and related forms filed with and approved by the Board, as required by Section 497.409, F.S.~~

~~19. Failure to state the type, size and design of merchandise and the description of the service to be delivered or performed as required by Section 497.425(9), F.S.~~

(c) For each of the following violations, a range of fines is to be imposed depending upon whether the citation is the first ~~or~~, second, ~~or third~~ violation of the particular provision by the certificateholder, licensee or registrant. For each of the violations listed under this part, the fine to be imposed for the first violation shall be ~~\$800.00~~ \$200.00, and the fine to be imposed for the second violation shall be ~~\$1,600.00~~ \$400.00, and the fine to be imposed for the third violation shall be \$1600.00.

1. Failing to furnish, for retention, to each purchaser of burial rights, burial merchandise, or burial services a written agreement, the form of which has been approved by the Board, as provided in Section 497.233(1)(~~r~~)(~~q~~), F.S.

2. Unintentionally failing to remit ~~5% to <10%~~ 10% to <15% of the amounts required to be deposited to a trust fund for an examination period, as provided in Section 497.233(1)(d), F.S.

~~3. Failing to meet the time requirements for deposits to the care and maintenance trust fund, as provided in Section 497.245(2), F.S.~~

~~4. Attempting to sell grave space tied to the purchase of a monument from or through the seller or any other designated person or corporation, as provided in Section 497.325(1)(a), F.S.~~

~~5. Failing to disclose information to the public, as provided in Section 497.333(3) or (6), F.S.~~

~~3.6.~~ Requiring lot owners or current customers to make unnecessary visits to the cemetery company office for the purpose of solicitation, as provided in Section 497.515(1), F.S.

~~4.7.~~ Failing to maintain accurate burial records as required by Section 497.309, F.S.

~~5.8.~~ Failing to honor cancellations and to issue refunds, as provided by Sections 497.419, F.S., and 497.515(5), F.S.

~~9. Misrepresenting any burial merchandise or burial service when offered for sale to the public, as provided in Section 497.515(6), F.S.~~

~~6.10.~~ Knowingly disclosing to the department or an employee thereof any false report made pursuant to this chapter as stated in Section 497.519, F.S.

~~11. Selling a preneed contract or permitting a person to sell a preneed contract without being registered as a preneed sales agent or being exempted as provided by Section 497.439, F.S.~~

~~12. Engaging in any misrepresentation, false advertising, presentation of false information, unfair claim settlement practices, failing to maintain procedures for handling complaints, or discriminatory refusal to issue a contract, as provided in Section 497.445, F.S.~~

~~7.13.~~ Failing to honor the preneed contract cancellation request by the heirs of a contract purchaser as provided in Section 497.421, F.S.

~~8.14.~~ Failing to meet the construction timeframes, as provided in Section 497.257(1)-(8), F.S.

9. Failing to have preneed contracts and related forms filed with and approved by the Board, as required by Section 497.409, F.S.

~~15. Requesting disbursement of funds from the preneed or merchandise trust funds when the contract has not been fulfilled as described in Section 497.421, F.S.~~

Specific Authority 497.103, 497.121 FS. Law Implemented 497.121 FS. History—New 1-24-95, Amended 5-19-97, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Funeral and Cemetery Services

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Funeral and Cemetery Services

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 20, 2001

**DEPARTMENT OF INSURANCE**

**Division of State Fire Marshal**

RULE TITLES:	RULE NOS.:
Definitions	4A-2.002
Manufacture; License Required	4A-2.004
Storage; Shortages or Thefts; Reports Required	4A-2.012
Use; General	4A-2.019
All Investigative Reports Must be Filed	4A-2.022

PURPOSE AND EFFECT: This rule is being amended to delete the duplicative language as a result of the section 120.536(2)(b), F.S. review.

SUMMARY: Deletion of duplicative language.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No statement of estimated regulatory costs 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: 552.13 FS.

LAW IMPLEMENTED: 552.081, 552.091, 552.113, 552.12, 552.13, 552.241, 633.01(2) FS.

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

TIME AND DATE: 9:30 a.m., June 7, 2001

PLACE: Room 142, Larson Building, 200 East Gaines Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Gabe Mazzeo, Division of Fire Marshal, 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 RULES IS:

4A-2.002 Definitions.

~~(1) "Explosive materials," as defined in Section 552.081(1), Florida Statutes, means explosives, blasting agents, or detonators.~~

~~(2) "Explosives," as defined in Section 552.081(2), Florida Statutes, means any chemical compound, mixture, or device, the primary purpose of which is to function by explosion. The term "explosives" includes, but is not limited to, dynamite, nitroglycerin, trinitrotoluene, other high explosives, black powder, pellet powder, initiating explosives, detonators, safety fuses, squibs, detonating cord, igniter cord, and igniters. "Explosives" does not include cartridges for firearms, and does not include fireworks as defined in Chapter 791, Florida Statutes.~~

~~(3) "Blasting agent," as defined in Section 552.081(3), Florida Statutes, means any material or mixture, consisting of fuel and oxidizer, intended for blasting and not otherwise defined as an explosive, provided the finished product, ready for use or shipment, cannot be detonated by means of a number eight (8) test blasting cap when unconfined.~~

~~(4) "Detonator," as defined in Section 552.081(4), Florida Statutes, means any device containing a detonating charge that is used for initiating detonation of an explosive and includes, but is not limited to, blasting caps and electric blasting caps of instantaneous and delay types.~~

~~(5) "Person," as defined in Section 552.081(5), Florida Statutes, means any natural person, partnership, association or corporation.~~

~~(6) "Manufacturer distributor," as defined in Section 552.081(6), Florida Statutes, means a person engaged in the manufacture, compounding, combining, production, or distribution of explosives.~~

~~(7) "Dealer," as defined in Section 552.081(7), Florida Statutes, means a person engaged in the wholesale or retail business of buying and selling explosives.~~

~~(8) "User," as defined in Section 552.081(8), Florida Statutes, means a dealer or manufacturer distributor who uses an explosive as an ultimate consumer or a person, who, as an ultimate consumer of an explosive, purchases such explosive from a dealer or manufacturer distributor.~~

~~(9) "Blaster," as defined in Section 552.081(9), Florida Statutes, means a person employed by a user who detonates or otherwise effects the explosion of an explosive.~~

~~(10) "Sale," as defined in Section 552.081(10), Florida Statutes, and its various forms includes delivery of an explosive with or without consideration.~~

~~(11) "Highway," as defined in Section 552.081(11), Florida Statutes, means any public highway in this state, including public streets, alleys, and other thoroughfares, by whatever name, in any municipality.~~

~~(12) "Manufacturer's mark," as defined in Section 552.081(12), Florida Statutes, means the mark placed on each carton of and each individual piece of explosive by the manufacturer to identify the manufacturer and the location, date and shift of manufacture.~~

~~(13) "Two component explosives," as defined in Section 552.081(13), Florida Statutes, means any two inert components which, when mixed, become capable of detonation by a number 6 (6) blasting cap, and shall be classified as a Class "A" explosive when so mixed.~~

~~(14) "Division," as defined in Section 552.081(14), Florida Statutes, means the Division of State Fire Marshal of the Department of Insurance.~~

~~(15) "Purchase," as defined in Section 552.081(15), Florida Statutes, and its various forms means acquisition of any explosive by a person with or without consideration.~~

~~(16) through (25) renumbered (1) through (10) No change.~~

~~Specific Authority 552.13 FS. Law Implemented 552.081, 552.13 FS. History--Amended 6-25-66, 10-18-67, Repromulgated 12-24-74, Amended 2-1-79, Formerly 4A-2.02, Amended \_\_\_\_\_.~~

4A-2.004 Manufacture; License Required.

~~Specific Authority 552.13 FS. Law Implemented 552.081, 552.13 FS. History--Amended 6-25-66, Repromulgated 12-24-74, Formerly 4A-2.04, Repealed \_\_\_\_\_.~~

4A-2.012 Storage; Shortages or Thefts; Reports Required.

~~Specific Authority 552.13 FS. Law Implemented 552.113, 552.13 FS. History--Amended 6-25-66, Repromulgated 12-24-74, Formerly 4A-2.12, Repealed \_\_\_\_\_.~~

4A-2.019 Use; General.

~~Specific Authority 552.13 FS. Law Implemented 552.12, 552.13, 552.241, 633.01(2) FS. History--Amended 6-25-66, 10-18-67, Repromulgated 12-24-74, Formerly 4A-2.19, Repealed \_\_\_\_\_.~~

4A-2.022 All Investigative Reports Must be Filed.

Specific Authority, 552.13 FS. Law Implemented 552.113 FS. History—Amended 6-25-66, Repromulgated 12-24-74, Formerly 4A-2.22, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Gabe Mazzeo, State Fire Marshal, Department of Insurance  
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Jim Goodloe, State Fire Marshal, Department of Insurance  
DATE PROPOSED RULE APPROVED BY THE AGENCY HEAD: April 12, 2001  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 6, 2001

DEPARTMENT OF INSURANCE

Division of State Fire Marshal

RULE TITLES: RULE NOS.:  
Definitions 4A-50.013  
Minimum Fireworks Safety Standards 4A-50.020  
PURPOSE AND EFFECT: This rule is being amended to delete the duplicative language as a result of the section 120.536(2)(b), F.S. review.

SUMMARY: To delete duplicative language.  
SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No statement of estimated regulatory costs 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: 633.01(1), 791.012 FS.  
LAW IMPLEMENTED: 791.01, 791.015, 791.02, 791.04, 791.012, 791.013 FS.

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

TIME AND DATE: 9:00 a.m., June 7, 2001  
PLACE: Room 142, Larson Building, 200 East Gaines Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Gabe Mazzeo, Senior Attorney, Division of State Fire Marshal, Department of Insurance, 200 East Gaines Street, Tallahassee, FL 32399-0300, phone number (850)413-3604

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)413-4214.

THE FULL TEXT OF THE PROPOSED RULES IS:

4A-50.013 Definitions.

(1) No change.

~~(2) "Sparkler" means a device which emits showers of sparks upon burning, does not contain any explosive compounds, does not detonate or explode, is hand-held or ground-based, cannot propel itself through the air, and that contains not more than 100 grams of the chemical compound which produces sparks upon burning. Any sparkler that is not approved by the division is classified as fireworks.~~

(3) through (4) renumbered (2) through (3) No change.

~~(5) "Explosive compound" means any chemical compound, mixture, or device the primary or common purpose of which is to function by the substantial instantaneous release of gas and heat. For purposes of this rule, an explosive compound can be a chemical compound, but not all chemical compounds are explosive compounds. "Sparklers" shall not contain any more than 100 grams of a chemical compound, which is not an explosive compound, which produces sparks upon burning.~~

(6) through (11) renumbered (4) through (9) No change.

Specific Authority 624.308(1) FS. Law Implemented 791.01, 791.015, 791.02, 791.04 FS. History—New 6-1-88, Amended.

4A-50.020 Minimum Fireworks Safety Standards.

Specific Authority 624.308(1), 791.012 FS. Law Implemented 791.01, 791.015, 791.02, 791.04, 791.012, 791.013 FS. History—New 10-2-96, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Gabe Mazzeo, Senior Attorney, State Fire Marshal, Department of Insurance

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Charles D. Clark, Division Director, State Fire Marshal, Department of Insurance

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 4, 2001

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

DEPARTMENT OF EDUCATION

State Board of Education

RULE TITLE: RULE NO.:  
Florida Teacher Certification Examination 6A-4.0021

PURPOSE AND EFFECT: The purpose of this rule amendment is to adopt an updated examination application form for persons to use when registering for the Florida Teacher Certification Examination. The effect will be to provide an updated application form for individuals pursuing a teaching certificate.

SUMMARY: The rule adopts by reference the form to be used by persons desiring to register for the Florida Teacher Certification Examination.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 229.053(1), 231.15(1), 231.17(1) FS.

LAW IMPLEMENTED: 229.053, 231.145, 231.15, 231.17 FS.  
A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 9:00 a.m., June 12, 2001

PLACE: Room LL03, The Capitol, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Tom Fisher, Bureau of Curriculum, Instruction, and Assessment, Department of Education, 325 West Gaines Street, Room 414, Tallahassee, Florida 32399-0400, (850)488-8198

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-4.0021 Florida Teacher Certification Examination.

(1) through (4)(a)1. No change.

a. A completed application Form CG-20-01, CG-20-00, Registration Application: Certification Examinations for Florida Educators Florida Teacher Certification Examination Registration Application or Form CG-22-00, FTCE/FELE Supplemental Registration Application, which includes the applicant's signature. Form CG-20-01, CG-20-00, Registration Application: Certification Examinations for Florida Educators is Florida Teacher Certification Examination Registration Application and Form CG-22-00, FTCE/FELE Supplemental Registration Application, effective October, 2000 are hereby incorporated by reference and made a part of this rule to become effective July 2001. This The form may be obtained without cost from the Bureau of Educator Teacher Certification, Florida Department of Education, 325 West Gaines Street, The Florida Education Center, Tallahassee, Florida 32399.

b. through (10) No change.

(11) Score reports for the reading, writing, mathematics, professional skills, and subject area subtests.

(a) No change.

(b) The examinee shall be sent two (2) authenticated score reports as described in Rule 6A-4.0021(11)(a), F.A.C. In addition, a copy of the score report may be issued by the test administration agency without a fee to one (1) Florida college or university and to one (1) Florida school district provided the examinee identifies the recipient or recipients of the score report on the CG-20-01, CG-20, Registration Application: Certification Examinations for Florida Educators Florida Teacher Certification Examination Registration Application.

(c) through (15) No change.

Specific Authority 231.15(1), 231.17(4),(5),(8),(11), 231.30 FS. Law Implemented 231.145, 231.15, 231.17, 231.30 FS. History--New 8-27-80, Amended 1-11-82, 1-6-83, 5-3-83, 10-5-83, 10-15-84, Formerly 6A-4.021, Amended 12-25-86, 4-26-89, 4-16-90, 7-10-90, 4-22-91, 10-3-91, Amended 8-10-92, 11-28-93, 4-12-95, 7-1-96, 9-30-96, 10-1-99, 7-17-00,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Betty Coxe, Deputy Commissioner for Educational Programs, Department of Education

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Charlie Crist, Commissioner of Education

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 30, 2001

DATE NOTICE OF PROPOSED DEVELOPMENT PUBLISHED IN FAW: April 13, 2001

**DEPARTMENT OF EDUCATION**

**State Board of Education**

RULE TITLE: Florida Educational Leadership Examination RULE NO.: 6A-4.00821

PURPOSE AND EFFECT: The purpose of this rule amendment is to adopt an updated examination application form for persons registering for the Florida Educational Leadership Examination. The effect will be the availability of an updated form for persons applying to take Florida Educational Leadership Examination.

SUMMARY: This rule is amended to adopt the updated application form for the Florida Educational Leadership Examination.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 231.15(1), 231.17(8),(11), 231.0861(3), 231.30(1) FS.

LAW IMPLEMENTED: 231.0861, 231.15, 231.17, 231.30 FS.  
A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 9:00 a.m., June 12, 2001

PLACE: Room LL03, The Capitol, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Tom Fisher, Bureau of Curriculum, Instruction, and Assessment, Department of Education, 325 West Gaines Street, Room 414, Tallahassee, Florida 32399-0400, (850)488-8198

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-4.00821 Florida Educational Leadership Examination.

(1) through (4)(a)1. No change.

a. A completed application Form CG-20-01, Registration Application: Certification Examinations for Florida Educators CG-30-00, Florida Educational Leadership Examination Registration Application or Form CG-22-00, FTCE/FELE Supplemental Registration Application, as incorporated by reference in Rule 6A-4.0021, F.A.C., which includes the applicant's signature. Form CG-20-01, Registration Application: Certification Examinations for Florida Educators CG-30-00, Florida Educational Leadership Examination Registration Application is hereby incorporated by reference and made a part of this rule to become effective July 2001 October 2000. ~~This~~ These forms may be obtained without cost from the Bureau of Educator Teacher Certification, Department of Education, 325 West Gaines Street, Turlington Building, Tallahassee, Florida 32399-0400.

b. through (8) No change.

(9) Score reports.

(a) No change.

(b) The examinee shall be sent two (2) authenticated score reports. In addition, a copy of the score report may be issued by the test administration agency without a fee to one (1) Florida college or university and to one (1) Florida school district provided the examinee identifies the recipient or recipients of the score report on the CG-20-01, Registration Application: Certification Examinations for Florida Educators CG-30, Florida Educational Leadership Examination Registration Application.

(c) through (10) No change.

Specific Authority 231.15(1), 231.17(8)(11), 231.0861(3), 231.30(1) FS. Law Implemented 231.0861, 231.15, 231.17, 231.30 FS. History—New 12-25-86, 1-11-89, 5-19-98, 10-5-99, 7-17-00, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Betty Coxe, Deputy Commissioner for Educational Programs, Department of Education

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Charlie Crist, Commissioner of Education

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 30, 2001

DATE NOTICE OF PROPOSED DEVELOPMENT PUBLISHED IN FAW: May 4, 2001

**DEPARTMENT OF TRANSPORTATION**

RULE CHAPTER TITLE: Illumination of the State Highway System RULE CHAPTER NO.: 14-64

RULE TITLE: Illumination of the State Highway System RULE NO.: 14-64.0011

PURPOSE AND EFFECT: The rule on the illumination of the state highway system is considered to be obsolete. A Department procedure will be used to administer the highway lighting program.

SUMMARY: The rule is being repealed because it is considered to be obsolete.

SPECIFIC AUTHORITY: 334.044(2), 337.401 FS.

LAW IMPLEMENTED: 337.401, 339.08(2)(c) FS.

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

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

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: James C. Myers, Administrative and Management Support Level IV, Florida Department of Transportation, Office of the General Counsel, 605 Suwannee Street, Mail Station 58, Tallahassee, Florida 32399-0458

THE FULL TEXT OF THE PROPOSED RULE IS:

14-64.0011 Illumination of the State Highway System.

Specific Authority 334.044(2), 337.401 FS. Law Implemented 334.03, 337.401, 339.08(2)(c) FS. History—New 12-31-96, Repealed \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Bill Albaugh, Highway Operations Director

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Thomas F. Barry, Jr., P.E., Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 30, 2001

**DEPARTMENT OF CORRECTIONS**

RULE TITLE: ADA Provisions for Inmates RULE NO.: 33-210.201

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to establish guidelines with regard to ADA provisions for inmates.

SUMMARY: The proposed rule provides relevant definitions; establishes procedures for accommodation requests by inmates; establishes procedures and guidelines for the approval or denial of accommodation requests; provides procedures relating to the approval, possession, and maintenance of health care appliances; and, establishes guidelines for the maintenance of health accessible features and equipment.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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



SPECIFIC AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 944.09, 958.04 FS.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

33-210.201 ADA Provisions for Inmates.

(1) Policy. In accordance with the Americans with Disabilities Act (ADA), 42 U.S.C. 12101 et. seq., the Department of Corrections does not discriminate, on the basis of a disability, against any inmate with regard to its programs, services, or activities for which the inmate is otherwise qualified. Inmates shall be provided the opportunity to identify the nature of any disability and to request an accommodation or auxiliary aids. Additional information on the ADA is available from the chief administrator or the impaired inmate coordinator of any department facility.

(2) Definitions.

(a) ADA Coordinator – the central office employee assigned to implement provisions of Title I and Title II of the ADA and Section 504 of the 1973 Rehabilitation Act.

(b) Direct threat – refers to a health or safety risk in which an inmate poses a significant likelihood of substantial harm to department staff, the public, other inmates, or herself or himself.

(c) Equally effective communication – communication with inmates with various disabilities that is equal to communication with inmates without any documented disabilities.

(d) Health care appliance – refers to devices or medical support equipment prescribed for a disabled inmate and approved by the Office of Health Services or its designee.

(e) Individual with a disability – refers to an inmate, as determined by department medical staff, who has a physical or mental impairment that substantially limits one or more major life activities.

(f) Intake officer – refers to the staff member at an institution who is designated to respond to inmate grievances alleging a violation of the ADA and to requests for accommodation.

(g) Major life activities – activities that an average person can perform with little or no difficulty, such as walking, speaking, performing manual tasks, hearing, learning, and seeing.

(h) Mental impairment – any mental or psychological disorder such as mental retardation, organic brain syndrome, emotional or mental illness and specific learning disabilities.

(i) Other permanent disability – refers to a disability other than a mobility, hearing, vision or speech impairment that may require the inmate to be placed in a designated facility due to the severity of the disability.

(j) Permanent disability – an impairment that is not expected to improve within six months.

(k) Qualified inmate with a disability – refers to a person who meets the essential eligibility requirements of the department and Title II of the ADA of 1990 and whose access to the department's programs, services, or activities can be accomplished by reasonable accommodation.

(l) Reasonable accommodation – refers to any modification or adjustment that will allow a qualified individual to participate in, or benefit by, the programs, services, or activities of a department institution or facility.

(m) Substantially limited – refers to an individual who is unable to perform, or is significantly limited in the ability to perform, a major life activity compared to an average person in the general population.

(n) Undue hardship – refers to an action that is excessively costly, extensive, substantial, or disruptive to the business being conducted at a facility or that would fundamentally alter the nature or operation of the facility.

(o) Youthful offender – refers to the category of individual set forth in Rule 33-506.101, F.A.C.

(3) Accommodation Request Procedure.

(a) The determination of whether an inmate is disabled shall be made by department medical staff, either at reception or at the institution where the inmate is assigned, based upon the inmate's record of impairment or some other qualified evaluation of the inmate's impairment.

1. The nature and extent of the disability will be assessed during the evaluation process.

2. In determining if a person's impairment substantially limits a major life activity, the following factors shall be considered:

a. The nature and severity of the impairment;

b. The length of time the impairment is expected to last; and

c. The expected, permanent, or long-term impact of the impairment.

(b) All department and privately operated facilities shall furnish to any inmate, upon request, a Reasonable Modification or Accommodation Request, Form DC2-530. Form DC2-530 is hereby incorporated by reference. Copies of this form are available from the Forms Control Administrator, Office of the General Counsel, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. The effective date of this form is \_\_\_\_\_.

(c) Individuals requesting an accommodation or modification shall submit a request in writing on the Reasonable Modification or Accommodation Request, Form

DC2-530, specifying the type of accommodation requested and why it is necessary. Any supporting documentation must be attached to Form DC2-530.

1. The Reasonable Modification or Accommodation Request, Form DC2-530, shall be submitted to the designated intake officer. This staff member shall be:

a. The assistant warden for programs (AWP) or the assistant warden (AW) at major department institutions, in the event the institution does not have an AWP;

b. The correctional officer major at work release centers;

c. The facility chief for community facilities; or,

d. The facility supervisor for contract facilities.

2. Inmates who cannot put their requests in writing shall make their verbal requests to classification, security, or library staff or to the intake officer who shall reduce the request to writing and have the inmate sign or otherwise acknowledge it.

(d) The intake officer shall review the DC2-530 and approve, give modified approval of, or deny the inmate's request for an accommodation.

1. If the intake officer approves the request for accommodation, the inmate shall be notified by memo, with the anticipated completion date, if necessary, of the accommodation.

2. If the intake officer denies or grants a modified approval of the request, she or he shall forward the form, and any supporting documents, to the central office ADA coordinator within ten days, including a justification or reason for the denial or modification. The requesting inmate shall be notified of the action taken by memo.

(e) The central office ADA coordinator shall review the request received and note whether she or he concurs or disagrees with the intake officer's decision.

1. If the ADA coordinator disagrees with the intake officer's recommendation, she or he will consult with the central office director for the program area in which the accommodation is requested to obtain input.

2. If, after consulting with the central office director for the program area in which the accommodation is requested, the recommendation of the ADA coordinator is a reversal of the intake officer's decision, the form shall be returned to the intake officer with a memorandum stating the reasons for this action.

(f) Once the institution receives this information, it will take steps to comply with the recommendations of the ADA coordinator and notify the inmate of the actions to be taken by memo.

(g) The intake officer will complete an "Inmate Request for Accommodation Log," Form DC2-529 for each Form DC2-530 received. Form DC2-529 is hereby incorporated by reference. Copies of this form are available from the Forms Control Administrator, Office of the General Counsel, 2601

Blair Stone Road, Tallahassee, Florida 32399-2500. The effective date of this form is \_\_\_\_\_ . Form DC2-259 shall include:

1. The name of the requesting inmate;

2. The inmate's Florida Department of Corrections identification number;

3. The date the request was received;

4. The disposition of the request, (approved, modified, or denied);

5. The name of the individual making the decision;

6. Whether an appeal was filed;

7. The resolution of the appeal, if any; and,

8. The date of the final decision.

(h) The intake officer will forward each Form DC2-529 to the ADA coordinator by the fifth day of each month.

(i) Copies of the requests, logs, and all other documentation shall be placed in the inmate's medical record and in the department's confidential ADA file located in the central office.

(4) Justification for Denial of Requests for Accommodation. A request for accommodation shall be denied for any of the following reasons:

(a) A legitimate penological interest:

1. A request for accommodation shall be denied when it would pose a risk to the safety or security of the institution, staff, or the public, or when the request would adversely impact other penological interests, including deterring crime and maintaining inmate discipline.

2. In all determinations of reasonable accommodation, public safety and the health, safety, and security of all inmates and staff shall remain the overriding considerations.

(b) The department need not take an action to provide accessibility to a service, program or activity if the action would impose or require:

1. An undue financial burden on the agency where, in a cost benefit analysis, its costs would be an unjustifiable use of public funds. The ADA coordinator shall consult with the Office of the General Counsel to make a determination if an accommodation would result in an undue financial burden.

2. An administrative burden on the agency; or,

3. A fundamental alteration of the nature of the service, program, or activity. The ADA coordinator shall consult with the Office of the General Counsel to make a determination if an accommodation would constitute a fundamental alteration.

(c) Direct Threat. The ADA coordinator, in consultation with the Office of the General Counsel and the central office director for the program area in which the accommodation is requested, shall make a final determination on whether a requested accommodation poses a direct threat.

(d) Equally Effective Means. A request for accommodation shall be denied if equally effective access to a program, service, or activity can be afforded through an

alternate method which is less costly or intrusive. Alternative methods that are less costly or intrusive to the existing operation or program shall be utilized to provide reasonable access in lieu of modifications requested by the inmate so long as they are equally effective.

(5) Inmates shall appeal the denial of requests for accommodation by following the guidelines set forth in Rule 33-103.001, F.A.C.

(6) Effective Communication. Reasonable accommodation shall be afforded to inmates with disabilities to ensure equally effective communication with staff, other inmates, and, where applicable, the public.

(a) Auxiliary aids which are reasonable, effective, and appropriate to the needs of the inmate, shall be provided to ensure equal access to programs, services, or activities offered by the department when simple written or oral communication is not effective.

(b) Auxiliary aids include bilingual aids or qualified interpreters, readers, sound amplification devices, captioned television or text displays, telecommunication devices for the deaf (TDD), audiotaped texts, Braille materials, large-print signs and materials, or the assignment of an inmate aid for work, training, and school.

(c) When an auxiliary aid is deemed necessary to provide an inmate with an equal opportunity to participate in a program, service or activity, it shall be provided at the expense of the department.

(7) Health Care Appliances.

(a) Prescription and approval.

1. A physician or clinical associate shall prescribe and approve health care appliances for eligible inmates if these devices meet medical necessity, safety, and security requirements. Health care appliances include orthopedic prostheses, orthopedic braces or shoes, crutches, canes, walkers, wheelchairs, hearing aids, and other items which are necessary to accommodate the inmate's needs.

2. If security staff denies a health care appliance to an inmate for safety or security reasons, the Chief of Security, or his or her designee, shall immediately consult with the Chief Health Officer, or his or her designee, to determine necessary action to accommodate the inmate's needs.

3. Accommodations shall include modifying the appliance or substituting a different appliance at state expense, as long as, its function is equivalent or superior.

(b) Possession of Health Care Appliances.

1. Health care staff shall identify health care appliances as property of the inmate and appropriately document them as such in accordance with Rule 33-602.201, F.A.C.

2. Any health care appliance the disabled inmate has properly obtained while in the department's custody shall not be removed unless there are legitimate documented safety or security reasons.

3. Health care appliances shall be removed if a physician or dentist determines that the appliance is no longer medically necessary or appropriate.

(c) Maintenance of Health Care Appliances.

1. When an appliance, other than a wheelchair, is in need of repair or replacement, the inmate shall notify health care staff of his or her needs by a medical call-out or a request to see a doctor.

a. Health care staff shall schedule the inmate for an appointment and evaluate the condition of the appliance.

b. Once the need for repair or replacement is verified, the inmate shall be issued an appropriate appliance or accommodation.

2. A non-indigent inmate shall be financially responsible for damage, repair and replacement of appliances, or parts and batteries and shall be charged for the cost thereof in accordance with Rule 33-601.308(4), F.A.C.

(8) Maintenance of Accessible Features and Equipment. The department shall maintain necessary equipment in operable working condition and necessary structural features of buildings to make its services, programs, and activities accessible to disabled inmates. If maintenance or repairs are required, service or access shall be temporarily interrupted for no longer than 30 days duration.

(9) Educational and work programs. Inmates with disabilities shall have the opportunity to participate in educational and work programs.

(a) Inmates shall be evaluated to participate in an educational or work program on a case-by-case basis.

(b) Eligibility to participate in any program is dependent on the inmate's ability to perform the essential functions of the program with, or without, reasonable accommodation and on meeting the department's requirement for the program.

Specific Authority 944.09 FS. Law Implemented 944.09, 958.04 FS. History—New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Martie Taylor

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 26, 2001

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

**DEPARTMENT OF LABOR AND EMPLOYMENT SECURITY**

**Division of Workers' Compensation**

RULE TITLE: Florida Workers' Compensation Reimbursement Manual for Hospitals

RULE NO.: 38F-7.501

**PURPOSE AND EFFECT:** The purpose of this rule amendment is to adopt by reference replacement pages 4, 9 and 22 for the 1999 Florida Workers' Compensation Reimbursement Manual for Hospitals, which contains reimbursement policies and per diem rates for hospital services and supplies. It is essential for all users of the UB-92 manual to have all the updates in order to have a complete manual. Hospitals follow the data elements provided in the manual to report the services rendered and to process hospital bills for payment. Payers need the complete manual to know what data the Florida workers' compensation program requires hospitals to complete before hospitals forward bills to payers for reimbursement.

**SUMMARY:** This rule sets forth reimbursement policies and per diem rates in the Florida Workers' Compensation Reimbursement Manual for Hospitals.

**SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST:** The proposed rule is anticipated to have no cost to the agency other than the normal expenses incurred in the promulgation of administrative rules; will have no special or particular impact upon small businesses, counties, or cities; and will not adversely impact competition and the open market for employment.

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:** 440.13(4)(b), 440.13(6), 440.13(11), 440.13(12), 440.13(14) FS.

**LAW IMPLEMENTED:** 440.13(4)(b), 440.13(6), 440.13(11), 440.13(12), 440.13(14) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT A TIME, DATE AND PLACE TO BE NOTICED IN A FUTURE ISSUE OF THE FLORIDA ADMINISTRATIVE WEEKLY. THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Nancy M. Rice, Registered Nurse Consultant, Suite 101, Forrest Building, 2728 Centerview Drive, Tallahassee, FL, (850)410-1093

THE FULL TEXT OF THE PROPOSED RULE IS:

38F-7.501 Florida Worker' Compensation Reimbursement Manual for Hospitals.

(1) The Florida Workers' Compensation Reimbursement Manual for Hospitals, 1999 Edition, and replacement pages 4, 9, and 22 are is adopted by reference as part of this rule. The manual contains reimbursement policies and per diem rates for hospital services and supplies as well as basic instructions and information for all hospitals and carriers in the preparation and reimbursement of bills for hospital services.

(2) LES Form DWC-90, also known as the UB-92, or HCFA-1450, is hereby incorporated by reference as part of this rule.

(3) The Florida Workers' Compensation Reimbursement Manual for Hospitals, 1999 Edition, and LES Form DWC-90, are available for inspection during normal business hours, at the Division of Workers' Compensation, Bureau of Rehabilitation and Medical Services, ~~101~~ ~~400~~ Forrest Building, 2728 Centerview Drive, Tallahassee, Florida 32399-0664, or via the Division's home page at <http://www2.myflorida.com.les/wc/> ~~http://www.we.les.state.fl.us/DWC/~~.

Specific Authority 440.13(4)(b), 440.13(6), 440.13(11), 440.13(12), 440.13(14) FS. Law Implemented 440.13(4)(b), 440.13(6), 440.13(11), 440.13(12), 440.13(14) FS. History--New 6-9-87, Amended 6-1-92, 10-27-92,

**NAME OF PERSON ORIGINATING PROPOSED RULE:** William A. Wood, WC Deputy Chief

**NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE:** Charles Williams, Director, Division of Workers' Compensation

**DATE PROPOSED RULE APPROVED BY AGENCY HEAD:** April 11, 2001

**DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW:** April 27, 2001, Vol. 27, No. 17, page 2032

**AGENCY FOR HEALTH CARE ADMINISTRATION  
Medicaid**

**RULE TITLE:** Provider Requirements **RULE NO.:** 59G-5.020

**PURPOSE AND EFFECT:** The purpose of this rule amendment is to incorporate by reference the revised Florida Medicaid Provider Reimbursement Handbook, HCFA-1500 and Child Health Check-Up 221, May 2001. The effect will be to incorporate by reference in the rule the revised Florida Medicaid Provider Reimbursement Handbook, HCFA-1500 and Child Health Check-Up.

**SUMMARY:** The purpose of this rule amendment is to incorporate by reference the revised Florida Medicaid Provider Reimbursement Handbook, HCFA-1500 and Child Health Check-Up 221, May 2001, which contains current provider enrollment policies and numerous technical changes.

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

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

**SPECIFIC AUTHORITY:** 409.919 FS.

**LAW IMPLEMENTED:** 409.902, 409.906, 409.907, 409.908 FS.

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

TIME AND DATE: 10:00 a.m., June 4, 2001

PLACE: Agency for Health Care Administration, Conference Room C, Building 3, 2727 Mahan Drive, Tallahassee, Florida  
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Angela Smith, Medicaid Contract Management, 2308 Killearn Center Blvd., Suite 200, Tallahassee, Florida 32308, (850)922-7344

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-5.020 Provider Requirements.

All advanced registered nurse practitioners; ambulatory surgery centers; audiologists; birthing centers; child health check-up providers; chiropractors; community mental health services providers; county health departments; county health department certified match providers; dentists (when submitting claims on the HFCA-1500 claim form); durable medical equipment and medical supply providers; early intervention service providers; federally qualified health centers; freestanding dialysis centers; hearing aid specialists; home health agencies; independent laboratories; licensed midwives; Medicaid certified school match providers; medical foster care providers; opticians; optometrists; physicians; physician assistants; podiatrists; portable x-ray providers; prescribed pediatric extended care centers; registered nurse first assistants; rural health clinics; therapists; and visual services providers enrolled in the Medicaid program and their billing agents must comply with the provisions of the Florida Medicaid Provider Reimbursement Handbook, HCFA-1500 and Child Health Check-Up 221, updated ~~May 2001~~ ~~July 1999~~, which is incorporated by reference and available from the fiscal agent.

Specific Authority 409.919 FS. Law Implemented 409.902, 409.906, 409.907, 409.908, 409.912 FS. History—New 9-22-93, Formerly 10P-5.020, Amended 7-8-97, 1-9-00,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Angela Smith

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Ruben J. King-Shaw, Jr., Secretary  
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 4, 2001

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Accountancy**

RULE TITLE: Continuing Professional Education  
 RULE NO.: 61H1-33.003

PURPOSE AND EFFECT: The Board proposes to amend this rule to correct the example in (4) wherein the rule states ... or two (2) all technical ... which should have read ... or eight (8) all technical ..., and to add the reference to 61H1-27.001(1) which defines accredited institution.

SUMMARY: This rule sets forth the continuing professional educational requirements necessary to maintain a CPA license. It explains courses required for continuing education credits and how the credit is given.

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

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

SPECIFIC AUTHORITY: 120.55(1)(a)4., 473.304, 473.312 FS.

LAW IMPLEMENTED: 473.312 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A NOTICE OF HEARING DATE WILL BE PUBLISHED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY (IF NOT REQUESTED IN WRITING, A HEARING WILL NOT BE HELD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Martha Willis, Executive Director, Board of Accountancy, 240 N. W. 76 Drive, Suite 1, Gainesville, Florida 32607

THE FULL TEXT OF THE PROPOSED RULE IS:

61H1-33.003 Continuing Professional Education.

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

(4) Credit may be prorated by the sponsor for courses that cover more than one area of study by (1) prorating the amount of time spent in each area or (2) awarding credit based on the lowest topic covered with accounting and auditing being the highest and behavioral the lowest. Therefore an eight (8) hour course that was 75% accounting and auditing and 25% management would receive six (6) hours of accounting and auditing credit and two (2) hours of technical business or eight (8) ~~two (2)~~ hours of all technical business. Hours cannot be prorated in less than one hour increments.

(5) In order for a licensee to receive credit for programs of learning, as defined above, the following formalities and further requirements must be met:

(a) Courses taken at institutions of higher education:

1. Higher education credit courses taken from an accredited institution as defined in 61H1-27.001(1) shall be credited for continuing professional education purposes at the rate of 15 hours for each semester hour of higher education credit and 10 hours for each quarter hour of higher education credit, provided the number of contact hours (hours in the

classroom) totals at least 90% of the continuing professional education credit so determined. Otherwise, continuing professional education credit shall be limited to the actual number of contact hours.

2. through (7) No change.

Specific Authority 120.55(1)(a)4., 473.304, 473.312 FS. Law Implemented 473.312 FS. History--New 12-4-79, Amended 2-3-81, 4-5-83, 10-19-83, 7-7-85, 8-20-85, 9-18-88 Formerly 21A-33.03, Amended 9-18-88, 7-7-92, 12-2-92, Formerly 21A-33.003, Amended 12-14-93, 1-26-98, 12-17-00.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Accountancy

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

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 9, 2001

**DEPARTMENT OF HEALTH**

**Board of Dentistry**

RULE TITLE: Citation Authority RULE NO.: 64B5-13.0046

PURPOSE AND EFFECT: The Board has determined that this rule should be amended to conform to recent amendments to Section 456.072(3)(a), F.S.

SUMMARY: Due to recent amendments to Section 456.072(3)(a), F.S., the Board is amending the rule text, and it has been determined that the administrative fines for dentists and dental hygienists for failure to complete the required amount of continued education shall be increased as well.

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: 456.077, 466.004(4) FS.

LAW IMPLEMENTED: 456.072(3)(a), 456.077 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: Sue Foster, Executive Director, Board of Dentistry/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

THE FULL TEXT OF THE PROPOSED RULE IS:

64B5-13.0046 Citation Authority.

(1) Pursuant to Section 456.077, Florida Statutes (2000), (1991), the Board sets forth below those violations for which there is no substantial threat to the public health, safety, and welfare; or if there is a substantial threat to the public health, safety, and welfare, such potential for harm has been removed prior to the issuance of the citation and the appropriate penalties for specific violations. In addition to the penalty, the costs of investigation shall be assessed as determined by rules of the Department of Health. The form to be used for the issuance of the citation shall be set forth in rules of the Department of Health. The following subsections indicate those violations which may be disposed of by citation, with the accompanying penalty.

(2) No change.

(3) Violation of Section 466.028(1)(i) and/or 466.028(1)(aa), Florida Statutes, and/or Rule 64B5-12.013(1) or (2), F.A.C., by renewing a license without completing the required continuing education credits. The penalty for a dentist shall be a reprimand, an administrative fine of ~~\$100.00~~ \$150.00 per hour not completed as required, completion of all continuing education hours that were not completed, and completion of one additional hour of continuing education for each hour not completed or completed late 4 hours of continuing education in risk management within 6 months and completion within 6 months of all continuing education that was not completed as required. Said continuing education shall be in compliance with Rule 64B5-12, F.A.C., and shall be in addition to and not count toward any continuing education ~~required~~ request for biennial renewal of licensure. Furthermore, the licensee shall submit proof of completion of all required continuing education required under this rule to the Board office no later than 6 months from the date of the citation with each of the next 2 biennial renewals of licensure. The penalty for a dental hygienist shall be a ~~reprimand~~, an administrative fine of ~~\$35.00~~ \$25.00 per hour not completed as required, and completion of all continuing education hours that were not completed, and completion of one additional hour of continuing education for each hour not completed or completed late within 6 months of all continuing education that was not completed as required. Said continuing education shall be in compliance with Rule 64B5-12, F.A.C., and shall be in addition to and not count toward any continuing education required for biennial renewal of licensure. Furthermore, the licensee shall submit proof of completion of all required continuing education required under this rule to the Board office no later than 6 months from the date of citation with each of the next 2 biennial renewals of licensure.

(4) through (16) No change.

Specific Authority 456.077, 466.004(4) FS. Law Implemented 456.072(3)(a), 456.077 FS. History--New 12-24-91, Formerly 21G-13.0046, Amended 11-22-93, Formerly 61F5-13.0046, 59Q-13.0046, 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: March 3, 2001  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT  
PUBLISHED IN FAW: April 13, 2001

**FISH AND WILDLIFE CONSERVATION  
COMMISSION**

**Marine Fisheries**

RULE CHAPTER TITLE: Reef Fish

RULE TITLE: RULE NO.:

Commercial Harvest Requirements; Licenses,  
Season Closures, Special Restrictions 68B-14.0045

PURPOSE AND EFFECT: Amendment 15 of the Federal Gulf of Mexico Fishery Management Council’s Reef Fish Fishery Management Plan deleted the requirement that a federal permit be obtained to fish commercially for sea basses and red porgy in federal waters of the Gulf of Mexico. The purpose of this rulemaking is to delete the same requirement from rules of the Fish and Wildlife Conservation Commission governing waters of the State of Florida. The effect of this rulemaking will be to make uniform the requirements for commercial harvest of these species in both state and federal waters of the Gulf of Mexico.

SUMMARY: Subparagraph (1)(a)2. of Rule 68B-14.0045, F.A.C., is amended to state that the federal Gulf reef fish permit is not required for the commercial harvest of bank sea bass, black sea bass, rock sea bass, or red porgy from the Gulf of Mexico.

SPECIFIC AUTHORITY: Article IV, Section 9, Florida Constitution.

LAW IMPLEMENTED: Article IV, Section 9, Florida Constitution.

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

WRITTEN COMMENTS MAY BE SUBMITTED WITHIN 14 DAYS OF THE DATE OF THIS NOTICE TO: James V. Antista, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

Substantially affected persons may, within 14 days of the date of this notice, file an objection to this rulemaking with the agency. The objection shall specify the portions of the proposed rule to which the person objects and the specific reasons for the objection.

THE FULL TEXT OF THE PROPOSED RULE IS:

68B-14.0045 Commercial Harvest Requirements; Licenses, Season Closures, Special Restrictions.

(1) Licenses.

(a) Each person harvesting any of the species listed in Rule 68B-14.001(4) for commercial purposes in state waters shall possess a valid saltwater products license with a restricted species endorsement and

1. If fishing in state waters of the Atlantic Ocean, either a valid transferable commercial permit or a trip-limited commercial permit for South Atlantic snapper-grouper;

2. If fishing in state waters of the Gulf of Mexico, a valid commercial vessel permit for Gulf reef fish, and if fishing for red snapper, a Class 1 or Class 2 Gulf red snapper license. The requirement of a valid commercial vessel permit for Gulf reef fish shall not apply to the harvest of bank sea bass, black sea bass, rock sea bass, or red porgy for commercial purposes in the Gulf of Mexico.

(b) No person harvesting for commercial purposes pursuant to this subsection shall sell or attempt to sell any of the indicated species, or any part of the indicated species, without possessing and presenting to the purchaser the state and federal licenses and permits specified in paragraph (a). No wholesale dealer, as defined in Section 370.07(1), Florida Statutes, shall purchase any of these species, or any part thereof, without confirming that the seller thereof possesses the state and federal licenses and permits specified in this rule.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 2-1-90, Amended 12-31-92, 10-18-93, 3-1-94, 6-15-95, 1-1-96, 11-27-96, 12-31-98, 3-1-99, 1-1-00, 3-6-00, 1-1-01, 3-1-01, Formerly 46-14.0045, Amended \_\_\_\_\_.

**Section III  
Notices of Changes, Corrections and  
Withdrawals**

**DEPARTMENT OF COMMUNITY AFFAIRS**

**Florida Communities Trust**

RULE CHAPTER NO.:	RULE CHAPTER TITLE:
9K-7	Florida Forever Program
RULE NOS.:	RULE TITLES:
9K-7.008	Ranking and Selection of Applications
9K-7.009	Conceptual Approval of Projects

**NOTICE OF CHANGE**

Notice is hereby given that the following changes have been made to the proposed rules in accordance with subparagraph 120.54(3)(d)1., F.S., published April 6, 2001, in Vol. 27, No. 14 of the Florida Administrative Weekly.