

Section I

Notices of Development of Proposed Rules and Negotiated Rulemaking

DEPARTMENT OF BANKING AND FINANCE

Board of Funeral and Cemetery Services

RULE TITLE: Procedure for Licensing Transferred Cemeteries RULE NO.: 3F-5.006

PURPOSE AND EFFECT: This rule is being amended to incorporate by reference an updated version of Form DBF-F-35, Application for Authority to Acquire Control of an Existing Cemetery Company.

SUBJECT AREA TO BE ADDRESSED: Procedure for Licensing Transferred Cemeteries.

SPECIFIC AUTHORITY: 497.103 FS.

LAW IMPLEMENTED: 497.201(1), 497.209 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: Diana 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-5.006 Procedure for Licensing Transferred Cemeteries.

(1) Application. When a person, a group of persons or a corporation proposes to purchase or acquire of an existing cemetery company either by purchasing the outstanding capital stock of any cemetery company, or the interest of the owner or owners, and thereby to change the control of said cemetery company, such person shall file an Application for Authority to Acquire Control of an Existing Cemetery Company, Form DBF-F-35, effective _____, and ~~October 23, 1991, which~~ is hereby incorporated by reference. This application shall be accompanied by a non-refundable applicatoin fee of \$5,000.

(2) through (7) No change.

Specific Authority 497.103 FS. Law Implemented 497.201(1), 497.209 FS. History—New 9-29-75, Amended 11-2-78, 1-27-81, Formerly 3D-30.17, Amended 10-23-91, Formerly 3D-30.017, Amended _____.

DEPARTMENT OF INSURANCE

RULE TITLE: Forms Incorporated By Reference RULE NO.: 4-193.065

PURPOSE AND EFFECT: This rule is being amended to adopt and incorporate forms DI4-471, Application for Provisional Certificate, and form DI4-473, Application for Certificate of Authority, by reference.

SUBJECT AREA TO BE ADDRESSED: This rule is being amended to adopt and incorporate forms by reference.

SPECIFIC AUTHORITY: 624.308(1), 651.013, 651.015(1),(3) FS.

LAW IMPLEMENTED: 651.021, 651.022, 651.023, 651.024, 651.026, 651.033, 651.035 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

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

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Raleigh Close, Sr. Management Analyst, Insurance Consumer Service, Department of Insurance, phone (850)413-5816

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 at (850)922-3110, ext. 4214.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IF AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Standards

RULE CHAPTER TITLE: Permitting and Inspection RULE CHAPTER NO.:

Requirements for Amusement Rides

5F-8

RULE TITLES: Qualified Inspectors RULE NOS.:

Exempt Nonmotorized or Human Powered

5F-8.003

Amusement Rides 5F-8.024

PURPOSE AND EFFECT: Applicable law, Section 616.242(3)(q)2. and 3., Florida Statutes, requires the Department to identify, by rule, educational programs that will be accepted for certification as a "Qualified Inspector". Section 616.242(10)(b), Florida Statutes, allows the Department to exempt from inspection and permitting, by rule, certain human powered equipment which might otherwise be classified as amusement rides. The purpose and effect of revising these rules is to identify certain educational programs which will be recognized as meeting education requirements for qualified inspectors and to exempt certain human powered equipment from permitting and inspection as amusement rides.

SUBJECT AREA TO BE ADDRESSED: Rule 5F-8.003, Florida Administrative Code, is the department rule defining educational requirements for qualified inspectors and Rule

5F-8.024, Florida Administrative Code, is a proposed Department Rule which excludes certain human powered equipment from permitting and inspection as amusement rides by the Department as required by s. 616.242(10)(b), F.S.

SPECIFIC AUTHORITY: 616.241, 616.242 FS.

LAW IMPLEMENTED: 616.241, 616.242(3)(q),(4)(b),(10)(b) FS.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 10:00 a.m., July 5, 2001

PLACE: Division of Standards Conference Room, 131 Administration Building, 3125 Conner Boulevard, Tallahassee, Florida 32399-1650

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Isadore Rommes, Bureau Chief, Bureau of Fair Ride Inspections, 3125 Conner Boulevard, Suite N, Tallahassee, Florida 32399-1650, Phone (850)488-9790, Fax (850)488-9023

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

5F-8.003 Qualified Inspectors.

(1) Each person seeking to perform amusement ride inspections as a qualified inspector for an insurance underwriter and execute the Affidavit of Compliance or Affidavit of Nondestructive Testing required for the annual permit, shall provide the department the following documents:

(a) Written certification from an insurance company that the applicant is an employee or agent of the company and is authorized to act as a qualified inspector for that insurance company, which is insuring the amusement ride; and (b) Written references verifying employment dates together with names and addresses of employers for such period of time as will demonstrate the required experience in the amusement ride field; at least two years of which were involved in actual ride inspection with an amusement ride manufacturer, government agency, park, carnival or insurance company; and

(c) A written statement or certificate from a school or seminar which demonstrates at least eighty hours of formal education from a school or seminar for amusement ride inspection or ride safety, which is approved by rule of the department, during the past five years. Nondestructive testing training that meets the requirements of American Society of Nondestructive Testing (ASNT), may be substituted for up to half of the required hours of formal education; and

(d) A written statement or certificate from a school or sponsor of a seminar showing thirty two hours per year of continuing education annually at a school or schools, or a seminar, approved by the department. These continuing education hours may include in-service industry or manufacturer updates and seminars. Curriculum subjects considered for credits are ~~only~~ those subjects included in schools or seminars conducted or sponsored by: National

Association of Amusement Ride Safety Officials (NAARSO), Amusement Industry Manufacturers and Suppliers International (AIMS), Council for Amusement and Recreational Equipment Safety (CARES), Glenn Barclay and Associates or any nationally recognized amusement ride organization, ride inspector or ride safety training programs conducted or sanctioned by state or local government amusement ride regulatory agencies in any jurisdiction, exempt permanent facilities in the state of Florida, and vocational training programs that reasonably relate to amusement ride safety or inspection, or other nationally recognized programs relating to amusement ride inspection or ride safety in their respective school. Nondestructive testing training that meets the requirements of ASNT may be substituted for up to half of the required hours of continuing education.

(e) If the applicant possesses the requisite qualifications the department will provide the applicant a letter designating that person as a qualified inspector for the purpose of executing the Affidavit of Compliance and Affidavit of Nondestructive testing required for the annual permit and will assign a qualified inspector number which shall be used when executing the required affidavits. The letter of authorization and qualified inspector number issued by the department to a qualified inspector shall be valid for up to one year, if the applicant continuously possesses the qualifications required by s. 616.242(1), F.S.

(f) The department acknowledges the amusement ride inspection, safety and education programs of NAARSO, AIMS, CNA Insurance, Glynn Barclay and Associates, and the Pennsylvania Amusement Ride Safety Seminar, as educational programs meeting the department's requirements to certify a qualified inspector.

(g) A sponsor or an attendee of any school or seminar that concerns, or is reasonably related to, amusement ride inspection or ride safety may request consideration as an educational program which meets the requirements of this rule by contacting the Bureau Chief, Bureau of Fair Ride Inspections, Suite N Administration Building, 3125 Conner Boulevard, Tallahassee, Florida 32399-1650; Phone: 850/488-9790; FAX: 850/488-9023.

(2) Each person seeking authorization to perform amusement ride inspection as a professional engineer (PE) and execute the Affidavit of Compliance or Affidavit of Nondestructive Testing required for the Annual Permit shall submit to the department a copy of his or her professional engineer's license issued by the Department of Business and Professional Regulation of the State of Florida or the equivalent licensing body in another state. Upon receipt of proof of current licensure the department will provide the applicant a letter of authorization to act as a qualified inspector, and will assign a qualified inspector number which shall be used when executing any required affidavit, for the purpose of executing the Affidavit of Compliance and

Affidavit of Nondestructive testing required for the annual permit. The letter of authorization and qualified inspector number shall remain valid for up to one year, or until expiration of the professional engineer's license and may be renewed upon presentation of the new professional engineer's license.

(3) When a qualified inspector or PE ceases to possess the qualifications required by s. 616.242(1), F.S., the letter of authorization from the department shall be void, and that person shall immediately notify the department, cease to act as a qualified inspector and surrender the letter of authorization back to the department.

Specific Authority 616.165, 616.242(3)(q),(5) FS. Law Implemented 616.242 FS. (2000) History--New 9-15-92, Amended 2-23-94, 2-14-99,_____.

5F-8.024 Exempt Nonmotorized or Human Powered Amusement Rides.

The following amusement rides, and those of comparable construction or function, are exempt from permitting and inspection by the Department pursuant to s. 616.242(10)(b), F.S., because they are nonmotorized or human powered.

(1) Orbitron, Gyro Sphere or other comparable equipment that allows the patron to rotate on several axes without mechanical assistance.

(2) Climbing Walls, Rock Climbs or other comparable equipment, which allows the patron to climb a vertical wall without mechanical assistance.

(3) Trampolines, or other comparable equipment, which use elastic cords to prevent a patron from falling from the trampoline. The elastic cords also assist the patron with jumping, but no additional mechanical assistance is provided.

(4) Single carrier "Spin the Apple" ride or other comparable equipment, which is mounted in a stationary position and is not motorized. The patron rotates the carrier by physically pushing against a wheel on the ride center.

(5) A "Swingin Gym" or other comparable equipment where the patron, through physical effort, swings on a frame supported platform and attempts to propel the platform in a 360 degree arc.

(6) "Ore cars" or other comparable equipment which are human powered train cars that are propelled around a flat track by the patron's physical effort.

Specific Authority 616.165, 616.242(4)(b),(10)(b) FS. Law Implemented 616.242 FS. (2000) History--New _____.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Food Safety

RULE TITLE:

Grading Services for Poultry

RULE NO.:

5K-5.014

PURPOSE AND EFFECT: The rule amendment changes the fee and cost schedule for grading services provided by Department graders and amends the definitions used in the rule.

SUBJECT AREA TO BE ADDRESSED: Grading Services for Poultry.

SPECIFIC AUTHORITY: 570.07(23), 583.04, 570.07(23) FS.

LAW IMPLEMENTED: 583.051, 583.052 FS.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 11:00 a.m., June 26, 2001

PLACE: Florida Department of Agriculture and Consumer Services, Conner Complex, Training and Education Center, 3125 Conner Boulevard, Tallahassee, FL, Telephone (850)488-3951

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Dr. John Fruin, Chief, Bureau of Food and Meat Inspection, 3125 Conner Boulevard, Tallahassee, Florida 32399-1650, Telephone (850)488-3951

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

5K-5.014 Grading Services for Poultry.

(1) Definitions. As used in this rule, the following definitions shall apply:

(a) Days not previously scheduled or non-specified days means days not scheduled in the application for service.

(b) Department means the Florida Department of Agriculture and Consumer Services.

(c) Non-resident location means a production site to which no full-time ~~grader inspector~~ has been assigned, but the site has been previously approved for grading inspection in accordance with an application for service.

(d) ~~Full-time resident~~ ~~resident~~ location means a production site to which a full-time ~~grader inspector~~ has been assigned in accordance with an application for service requesting 40 or more hours of grading services per week.

(e) Part-time resident location means a production site where a part-time grader has been assigned to the site in accordance with an application for service requesting less than 40 hours of grading services per week.

(2) Pursuant to its authority under Section 583.052, Florida Statutes, to cooperate with and enter into agreements with various state and federal agencies, the department has entered a Cooperative Agreement with the United States Department of Agriculture for the providing of a voluntary cooperative poultry grading service ~~to Florida producers.~~

(3) Under that agreement and to offset the cost of providing the services to the producer who orders them, the department establishes the following schedule:

(a) Grader's time per hour for:

| | |
|--------------------------|--------------------------|
| 1. Resident location | \$27.50 24.05 |
| 2. Overtime | \$31.00 26.50 |
| 3. Non-resident location | \$34.00 28.50 |
| 4. Non-specified days | \$34.00 28.50 |

5. In addition to the charge for the grader's time per hour, an additional charge of \$1.40 per hour shall be charged to regular and overtime hours worked at a resident location on a shift beginning after 1:00 p.m.

~~(b) Travel time and costs to and from grader's headquarters:~~

1. Time for travel to and from the grader's headquarters for grading services at a non-resident or part-time resident location, or on non-specified days at a resident location shall be charged at the same rate as grading services provided.

~~Non-resident location 28.50~~

2. Mileage and per diem to and from the grader's headquarters for grading services at a non-resident or part-time resident location, or on non-specified days at a resident location shall be reimbursed at the prevailing rates provided in Section 112.061, Florida Statutes.

~~Non-specified days \$28.50~~

~~(c) Mileage and per diem to and from the grader's headquarters shall be reimbursed at the prevailing rates provided in Section 112.061, Florida Statutes.~~

(4) Moneys due to the department for grading services provided to a producer who orders said services must be received within 30 days of the date of invoice.

(5) USDA volume charge on a per pound of poultry basis will be identified separately on each billing statement ~~on separate billing statements.~~

Specific Authority 570.07(23), 583.04 FS. Law Implemented 583.051, 583.052 FS. History--New 8-13-92, Formerly 5E-7.014, Amended 9-30-96,

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Food Safety

RULE TITLE: Grading Services for Shell Eggs RULE NO.: 5K-6.010

PURPOSE AND EFFECT: The rule amendment changes the fee and cost schedule for grading services provided by Department graders and amends the definitions used in the rule.

SUBJECT AREA TO BE ADDRESSED: Grading Services for Shell Eggs.

SPECIFIC AUTHORITY: 570.07(23), 583.04 FS.

LAW IMPLEMENTED: 583.051, 583.052 FS.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 11:00 a.m., June 26, 2001

PLACE: Florida Department of Agriculture and Consumer Services, Conner Complex, Training and Education Center, 3125 Conner Boulevard, Tallahassee, FL, Telephone (850)488-3951

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Dr. John Fruin, Chief, Bureau of Food and Meat Inspection, 3125 Conner Boulevard, Tallahassee, Florida 32399-1650, Telephone (850)488-3951

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

5K-6.010 Grading Services for Shell Eggs.

(1) Definitions. As used in this rule, the following definitions shall apply:

(a) Days not previously scheduled or non-specified days means days not scheduled in the application for service.

(b) Department means the Florida Department of Agriculture and Consumer Services.

(c) Non-resident location means a production site to which no full-time ~~grader inspector~~ has been assigned, but the site has been previously approved for grading inspection in accordance with the application for service.

(d) Full-time resident ~~Resident~~ location means a production site to which a full-time ~~grader inspector~~ has been assigned in accordance with an application for service requesting 40 or more hours of grading services per week.

(e) Part-time resident location means a production site where a part-time grader has been assigned to the site in accordance with an application for service requesting less than 40 hours of grading services per week.

(2) Pursuant to its authority under Section 583.052, Florida Statutes, to cooperate with and enter into agreements with various state and federal agencies, the department has entered a Cooperative Agreement with the United States Department of Agriculture for the providing of a voluntary cooperative shell egg grading service.

(3) Under that agreement and to offset the cost of providing the services to the producer who orders them, the department establishes the following schedule:

- (a) Grader's time per hour for:
 - 1. Resident location \$27.50 ~~24.05~~
 - 2. Overtime \$31.00 ~~26.50~~
 - 3. Non-resident location \$34.00 ~~28.50~~
 - 4. Non-specified days \$34.00 ~~28.50~~

5. In addition to the charge for the grader's time per hour, an additional charge of \$1.40 per hour shall be charged to regular and overtime hours worked at a resident location on a shift beginning after 1:00 p.m.

~~(b) Travel time and costs time to and from grader's headquarters:~~

1. Time for travel to and from the grader's headquarters for grading services at a non-resident or part-time resident location, or on non-specified days at a resident location shall be charged at the same rate as grading services provided.

~~Non-resident location 28.50~~

2. Mileage and per diem to and from the grader's headquarters for grading services at a non-resident or part-time resident location, or on non-specified days at a resident location shall be reimbursed at the prevailing rates provided in Section 112.061, Florida Statutes.

~~Non-specified days \$28.50~~

~~(e) Mileage and per diem to and from the grader's headquarters shall be reimbursed at the prevailing rates provided in Section 112.061, Florida Statutes.~~

(4) Moneys due to the department for grading services provided to a producer who orders said services must be received within 30 days of the date of invoice.

(5) USDA volume charge on a per dozen basis will be identified separately on each billing statement ~~on separate billing statements.~~

Specific Authority 570.07(23), 583.04 FS. Law Implemented 583.051, 583.052 FS. History—New 8-13-92, Formerly 5E-7.014, Amended 9-30-96.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Pilot Commissioners

RULE TITLE: Safety Guidelines

RULE NO.: 61G14-15.003

PURPOSE AND EFFECT: The Board will discuss this rule to determine if any amendments are necessary.

SUBJECT AREA TO BE ADDRESSED: Safety guidelines.

SPECIFIC AUTHORITY: 310.185 FS.

LAW IMPLEMENTED: 310.075(4), 310.101(1)(d) FS.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIMES AND DATES: 1:00 p.m. or thereafter, July 19, 2001; and, if necessary 9:00 a.m. or thereafter, July 20, 2001

PLACE: Hampton Inn, 19 South 2nd Street, Fernandina Beach, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Anthony Spivey, Executive Director, Board of Pilot Commissioners, Northwood Centre, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

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

DEPARTMENT OF HEALTH

Division of Medical Quality Assurance

RULE TITLE: Practitioner Profile

RULE NO.: 64B-2.001

PURPOSE AND EFFECT: The Department of Health is proposing amendments to include additional information required by statute, and to clarify the time limit for submitting required license renewal information.

SUBJECT AREA TO BE ADDRESSED: Updating practitioner profile requirements and information.

SPECIFIC AUTHORITY: 456.004, 456.044, 456.046 FS.

LAW IMPLEMENTED: 456.039, 456.0391, 456.041, 456.042, 456.043, 456.044, 456.045, 456.046, 458.319, 459.008, 460.407, 461.007, 464.012 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND TO RECEIVE A PRELIMINARY DRAFT, IF AVAILABLE, IS: Lucy Gee, Chief of Operations, Department of Health, 4052 Bald Cypress Way, Bin #C10, Tallahassee, FL 32399-3255

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

DEPARTMENT OF HEALTH

Board of Occupational Therapy

RULE CHAPTER TITLE: Organization

RULE CHAPTER NO.: 64B11-1

RULE TITLE: Attendance at Board Meetings

RULE NO.: 64B11-1.001

PURPOSE AND EFFECT: The Board proposes to define unexcused absences.

SUBJECT AREA TO BE ADDRESSED: Attendance at Board Meetings.

SPECIFIC AUTHORITY: 456.011(3) FS.

LAW IMPLEMENTED: 456.011(3) 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: Kaye Howerton, Executive Director, Board of Occupational Therapy, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3259

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B11-1.001 Attendance at Board Meetings.

(1) Board members shall attend all regularly scheduled Board meetings unless prevented from doing so by reason of court order, subpoena, business with a court with the sole prerogative of setting the date of such business, death of a family member, illness of the Board member, or illness of the member's immediate family, or other similar extenuating circumstances.

(2) No Board member may be absent from three consecutive regularly scheduled Board meetings unless the absence is excused for one of the reasons stated in section (1) of this rule. Other absences constitute unexcused absences for the purpose of declaring a vacancy on the Board. An otherwise excused absence is not excused if the Board member fails to notify the Board office of the impending absence prior to the regularly scheduled Board meeting at which the absence will occur unless the failure to notify is the result of emergency circumstances that would reasonably tend to preclude timely notification.

Specific Authority 456.011(3) FS. Law Implemented 456.011(3) FS. History--New

DEPARTMENT OF HEALTH

Board of Occupational Therapy

RULE TITLE: Standards of Practice; Discipline
RULE NO.: 64B11-4.003
PURPOSE AND EFFECT: The Board proposes to update the existing rule text regarding violations and penalties as authorized by Chapter 456, Florida Statutes.
SUBJECT AREA TO BE ADDRESSED: Discipline.
SPECIFIC AUTHORITY: 455.627, 468.204 FS.
LAW IMPLEMENTED: 455.627 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, IF AVAILABLE, IS: Kaye Howerton, Board Executive Director, Board of Occupational Therapy, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3259

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

DEPARTMENT OF HEALTH

Board of Occupational Therapy

RULE TITLE: Address of Licensee
RULE NO.: 64B11-4.007
PURPOSE AND EFFECT: The Board proposes to define the requirement that the licensees must provide their address of record.
SUBJECT AREA TO BE ADDRESSED: Address of Licensee.
SPECIFIC AUTHORITY: 456.035 FS.
LAW IMPLEMENTED: 456.035 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: Kaye Howerton, Executive Director, Board of Occupational Therapy, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3259

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B11-4.007 Address of Licensee.

Each person holding a license issued pursuant to Part III of Chapter 468, Florida Statutes, must maintain on file with the Board a current mailing address at which any notice required by law may be served by the Department, the Board, or its agents, and the address of the current place of practice if different from the current mailing address. The licensee shall notify the Board in writing of any change of address within 60 days, whether or not within this state.

Specific Authority 456.035 FS. Law Implemented 456.035 FS. History--New

DEPARTMENT OF HEALTH

Board of Pharmacy

RULE TITLES: Continuing Education Credits
Manner of Application
Tripartite Continuing Education Committee
RULE NOS.: 64B16-26.103
64B16-26.203
64B16-26.600

PURPOSE AND EFFECT: The purpose of the rule amendment in Rule 64B16-26.103, FAC. is to update the rule text with regard to courses on HIV/AIDS. The purpose of the rule amendment in Rule 64B16-26.203, FAC. is to add additional rule text regarding the course work on HIV/AIDS. The purpose of the rule amendments in Rule 64B16-26.600, FAC. is to amend the rule title and rule text to reflect a Tripartite Continuing Education Committee and the authority delegated by the Board. Unnecessary language is being deleted.

SUBJECT AREA TO BE ADDRESSED: Continuing Education Credits, Manner of Application, and Tripartite Continuing Education Committee.

SPECIFIC AUTHORITY: 456.033, 465.005, 465.009 FS.

LAW IMPLEMENTED: 456.013(1), 456.033, 465.007, 465.009, 465.022 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 Pharmacy/MQA, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B16-26.103 Continuing Education Credits.

(1) through (2) No change.

(3) No biennial renewal of license shall be issued by the Board until the applicant submits proof satisfactory to the Board that during the biennial period preceding the renewal period the licensee has participated in a CE course approved by the Board on HIV/AIDS. The course shall be not less than 1 contact hour and must contain these components:

(a) through (e) No change.

(f) Protocols and procedures applicable to HIV counseling and testing, reporting, the offering of HIV testing to pregnant women, and partner notification issues pursuant to §§381.004 and 384.25, F.S.

Notwithstanding the provisions of Section (2), proof of completion must be returned when submitting the biennial renewal fee. Hours obtained pursuant to Section (3) may be applied to the requirements of Section (1).

(4) through (7) No change.

Specific Authority 456.033, 465.009 FS. Law Implemented 456.033, 465.009 FS. History--New 3-19-79, Formerly 21S-6.07, Amended 1-7-87, Formerly 21S-6.007, Amended 7-31-91, 10-14-91, Formerly 21S-26.103, 61F10-26.103, Amended 7-1-97, Formerly 59X-26.103, Amended 7-11-00,_____.

64B16-26.203 Manner of Application.

All applicants for licensure shall complete a course on HIV/AIDS prior to licensure. The course shall be no less than 3 contact hours and shall cover the subjects listed in 64B16-26.103(3). For those applicants who apply within one year following receipt of their pharmacy degree, completed academic course work on HIV/AIDS will be accepted by the Board as an educational course under this section, provided such course work is no less than 3 contact hours and that it covers the subjects listed in Rule 64B16-26.103(3), as evidenced by a letter attesting to subject matter covered from the Dean of the University.

(1) through (3) No change.

Specific Authority 465.005, 456.033 FS. Law Implemented 465.007, 456.033, 456.013(1), 465.022 FS. History--New 10-17-79, Formerly 21S-12.04, 21S-12.004, Amended 7-31-91, 10-14-91, Formerly 21S-26.203, 61F10-26.203, Amended 7-1-97, Formerly 59X-26.203, Amended 8-17-99, _____.

64B16-26.600 Tripartite Continuing Education Committee.

The Tripartite Continuing Education Committee will be composed of equal representation from the Board of Pharmacy, each College and School of Pharmacy in the State, and practicing pharmacists within the State. The members of the Committee shall be selected by the Board of Pharmacy and shall serve for a period of two years. The chairman of the committee shall be selected by the chair of the Board. The Board delegates to the Tripartite Continuing Education Committee the authority to act upon applications to become a qualified continuing education provider as well as the approval of programs or courses submitted by such providers. Course outlines and materials reviewed by the Committee shall be kept on file at the executive offices of the Board in Tallahassee, Florida, for a period of one year. members of the committee. This committee is responsible for approval of the content of each program offered by a provider of Continuing Education Credit. In all other matters concerning the approval of Continuing Education providers, the role of the Committee is to advise and submit its recommendation to the Board. The Committee shall hold meetings as may be convened at the call of the Chairman of the Committee.

Specific Authority 465.005, 465.009(5) FS. Law Implemented 465.009 FS. History--New 10-18-79, Amended 7-29-81, Formerly 21S-13.01, 21S-13.001, 21S-26.600, 61F10-26.600, 59X-26.600, Amended_____.

DEPARTMENT OF HEALTH

Board of Pharmacy

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|-------------------------------|--------------|
| RULE TITLES: | RULE NOS.: |
| Oral Prescriptions and Copies | 64B16-27.103 |
| Pharmacy Technician 1:1 Ratio | 64B16-27.410 |

PURPOSE AND EFFECT: The purpose of the rule amendments to Rule 64B16-27.103 is to update the rule text with regard to copies. The purpose of the rule amendments to Rule 64B16-27.410 is to update the rule text by adding additional rule text which will further clarify the functions of a pharmacy technician.

SUBJECT AREA TO BE ADDRESSED: Oral prescriptions and copies, pharmacy technical 1:1 ratio.

SPECIFIC AUTHORITY: 465.005, 465.0155, 465.022 FS.

LAW IMPLEMENTED: 465.003(13), 465.022 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 Pharmacy/MQA, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B16-27.103 Oral Prescriptions and Copies.

Only a Florida registered pharmacist or registered pharmacy intern acting under the direct personal supervision of a Florida registered pharmacist may, in the State of Florida, accept an oral prescription of any nature. Upon so accepting such oral prescription it must immediately be reduced to a hard copy, writing, and only a Florida registered pharmacist or registered pharmacy intern acting under the direct personal supervision of a Florida registered pharmacist may, in the State of Florida, prepare a copy of a prescription or read a prescription to any person for purposes of providing reference concerning treatment of the person or animal for whom the prescription was written, and when said copy is given a notation shall be made upon the prescription that a copy has been given, the date given, and to whom given.

Specific Authority 465.005, 465.0155, 465.022 FS. Law Implemented 465.022, 465.003(13) FS. History--Amended 5-19-72, Repromulgated 12-18-74, Formerly 21S-1.18, 21S-1.018, 21S-27.103, 61F10-27.103, Amended 9-19-94, Formerly 59X-27.103, Amended.

64B16-27.410 Pharmacy Technician 1:1 Ratio.

Pharmacy technicians may assist a Florida licensed pharmacist in performing professional services within a community pharmacy or institutional pharmacy environment provided that no licensed pharmacist shall supervise more than one pharmacy technician unless otherwise permitted by the Florida Board of Pharmacy. A pharmacist's supervision of a pharmacy technician in a 1:1 ratio working environment requires that a pharmacy technician be under the direct and immediate personal supervision of a Florida licensed pharmacist. All pharmacy technicians shall identify themselves as pharmacy technicians by wearing a type of identification badge that is clearly visible which specifically identifies the employee by name and by status as a "pharmacy technician", and in the context of telephone or other forms of communication, pharmacy technicians shall state their names and verbally identify themselves (or otherwise communicate their identities) as pharmacy technicians. Pursuant to the direction of the licensed pharmacist, pharmacy technicians may engage in the following functions to assist the licensed pharmacist:

- (1) through (4) No change.
- (5) Initiate communication ~~a phone call~~ to a prescribing practitioner or their medical staffs (or agents) regarding patient prescription refill authorization requests. Such pharmacy technician activities allow initiating calls to the practitioner or agent, communicating the refill request and confirming the

patient's name medication, strength, quantity, directions and date of last refill. Any response to the above refill request that indicates a change in the order must be directly received by the pharmacist and/or pharmacy intern.

(6) Under the direction and supervision of a licensed pharmacist, initiate communication to a prescribing practitioner or their medical staff (or agents) to obtain clarification on illegible dates, prescriber name, brand/generic preference, or DEA and/or license numbers. Nothing in this rule shall be construed to allow a technician to obtain information which will result in a change concerning a dosage or directions to the patient.

Specific Authority 465.005 FS. Law Implemented 465.014 FS. History--New 2-14-77, Amended 3-31-81, Formerly 21S-4.02, Amended 8-31-87, Formerly 21S-4.002, Amended 9-9-92, Formerly 21S-27.410, 61F10-27.410, Amended 1-30-96, Formerly 59X-27.410, Amended 2-23-98, _____.

DEPARTMENT OF HEALTH

Board of Pharmacy

| RULE TITLES: | RULE NOS.: |
|---|--------------|
| Record Maintenance Systems for Community, Special-Limited Community, Special-Closed Systems, Special-Parenteral/Enteral, and Nuclear Permits | 64B16-28.140 |
| Modified Class II Institutional Pharmacies | 64B16-28.702 |
| Special Pharmacies | 64B16-28.800 |

PURPOSE AND EFFECT: The purpose of the rule amendments to Rule 64B16-28.140 is to update the rule text with regard to record maintenance. The purpose of the rule amendments to Rule 64B16-28.702 is to delete unnecessary rule text. The purpose of the rule amendments to Rule 64B16-28.800 is to update the rule text with regard to the policy and procedure manual.

SUBJECT AREA TO BE ADDRESSED: Record maintenance systems for community, special-limited community, special-closed systems, special-parenteral/enteral, and nuclear permits; modified class II institutional pharmacies; and special pharmacies.

SPECIFIC AUTHORITY: 465.005, 465.0155, 465.022 FS.
LAW IMPLEMENTED: 465.019(2)(c), 465.0196, 465.022, 465.026, 893.07 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 Pharmacy/MQA, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B16-28.140 Record Maintenance Systems for Community, Special-Limited Community, Special-Closed Systems, Special-Parenteral/Enteral, and Nuclear Permits.

(1) Requirements for records maintained in a data processing system.

(a) through (c) No change.

(d) Original prescriptions, including prescriptions received as provided for in Section 64B16-28.130, F.A.C., Transmission of Prescription Orders, shall be reduced to a hard copy writing if not received in written form. All original prescriptions shall be retained for a period of not less than two years from date of last filling. To the extent authorized by 21 C.F.R. Section 1304.04, a pharmacy may, in lieu of retaining the actual original prescriptions, use an electronic imaging recordkeeping system, provided such system is capable of capturing, storing, and reproducing the exact image of the prescription, including the reverse side of the prescription if necessary, and that such image be retained for a period of no less than two years from the date of last filing.

(e) through (h) No change.

(2) through (5) No change.

(6) Any other records, policy and procedure manuals, or reference materials which are not specifically required by statute or rule to be kept in a hard copy may be kept in a readily retrievable data processing system which complies with the provisions of subparagraph (1)(f)1.

Specific Authority 465.005, 465.0155, 465.022 FS. Law Implemented 465.022, 465.026, 893.07 FS. History—New 3-16-94, Formerly 61F10-28.140, Amended 3-12-97, 6-4-97, Formerly 59X-28.140, Amended 10-29-97, 6-15-98, 11-11-98,_____.

64B16-28.702 Modified Class II Institutional Pharmacies.

(1) through (4) No change.

(5) A copy of the permittee's policy and procedure manual as provided herein shall accompany the permit application. The original policy and procedure manual shall be kept within the Modified Class II Institutional Pharmacy and shall be available for inspection by the Agency for Health Care Administration. ~~Changes in the policy and procedure manual shall be approved by the Board of Pharmacy prior to the implementation thereof.~~

(6) through (8) No change.

Specific Authority 465.005, 465.022 FS. Law Implemented 465.019(2)(c) FS. History—New 4-22-82, Amended 11-5-85, Formerly 21S-1.37, Amended 4-16-86, Formerly 21S-1.037, Amended 7-31-91, Formerly 21S-28.702, 61F10-28.702, Amended 9-4-96, Formerly 59X-28.702, Amended_____.

64B16-28.800 Special Pharmacies.

(1) through (2) No change.

(3) The Policy and Procedure Manual shall be prepared, maintained, and will be reviewed and is subject to approval by the Board of Pharmacy or its designee prior to the issuance of the permit and the initiation of the operation of the permittee.

The policy and procedure manual is reviewed to determine if the operation of the facility will be in compliance with Chapters 465 and 893, F.S., and Chapter 64B16, F.A.C. The Policy and Procedure Manual shall be made available upon request of the Board or its agents. The applicant who requests a special permit shall be subject to inspection prior to the issuance of the permit.

Specific Authority 465.005, 465.022 FS. Law Implemented 465.0196 FS. History—New 2-21-84, Formerly 21S-1.39, 21S-1.039, Amended 7-31-91, 10-14-91, Formerly 21S-28.800, 61F10-28.800, Amended 3-10-96, 6-4-97, Formerly 59X-28.800, Amended 11-11-98,_____.

DEPARTMENT OF HEALTH

Division of Environmental Health and Statewide Programs

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|---|-------------------|
| RULE TITLES: | RULE NOS.: |
| Definitions | 64E-5.101 |
| Expiration and Termination of Licenses and Decommissioning of Sites and Separate Buildings or Outdoor Areas | 64E-5.214 |
| Radiological Criteria for License Termination | 64E-5.221 |
| Radiological Criteria for Unrestricted Use Criteria for License Termination Under Restricted Conditions | 64E-5.222 |
| Alternate Criteria for License Termination | 64E-5.223 |
| Public Notification and Public Participation | 64E-5.224 |
| Minimizing Contamination | 64E-5.225 |
| Posting of Notices to Workers | 64E-5.226 |
| | 64E-5.901 |

PURPOSE AND EFFECT: The purpose of the proposed rules is to establish safety measures to terminate a radioactive materials license. The effect of the proposed rules is protection of the public from unnecessary radiation exposure from radioactive materials in facilities of former radioactive materials licensees.

SUBJECT AREA TO BE ADDRESSED: Requirements for terminating radioactive materials licenses.

SPECIFIC AUTHORITY: 404.042, 404.051, 404.061, 404.081 FS.

LAW IMPLEMENTED: 404.051, 404.061, 404.081 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 9:00 a.m., July 10, 2001

PLACE: 4042 Bald Cypress Way, Room 210J, Tallahassee, FL 32311

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS William A. Passetti, Chief, Bureau of Radiation Control, (850)245-4266

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

FISH AND WILDLIFE CONSERVATION COMMISSION

Marine Fisheries

RULE CHAPTER TITLE: Stone Crabs

RULE TITLE:

RULE NO.:

Licenses, Endorsements, and Permits for

Experimental, Scientific and

Exhibitional Purposes

68B-13.006

PURPOSE AND EFFECT: The purpose of this rule development effort is to effect a one-year delay in the implementation of the stone crab trap limitation program. Other rules in the rule chapter were amended to accomplish the delay, in rulemaking concluded in the Commission's May 23, 2001 regular meeting. This rule was not before the Commission at that time. The effect of this effort will be to conform this rule to others in the chapter and accomplish the economic and environmental benefits of the program after the one-year delay.

SUBJECT AREA TO BE ADDRESSED: Stone Crab Trap Limitation Program.

SPECIFIC AUTHORITY: Art. IV, Sec. 9, Florida Constitution.

LAW IMPLEMENTED: Art. IV, Sec. 9, Florida Constitution.

IF REQUESTED AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT A TIME, DATE AND PLACE TO BE LATER ANNOUNCED IN THIS PUBLICATION.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 calendar days before the workshop/meeting by contacting Andrena Knicely, (850)487-1406. If you are hearing or speech impaired, please contact the agency by calling (850)488-9542.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: James V. Antista, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

68B-13.006 Licenses, Endorsements, and Permits for Experimental, Scientific and Exhibitional Purposes.

(1)(a) Except as provided in Rule 68B-13.010(5), F.A.C., in addition to a saltwater products license, a stone crab endorsement is required in order to harvest stone crabs for commercial purposes. This endorsement shall only be issued to

a person, firm or corporation that possess a valid restricted species endorsement on their saltwater products license issued pursuant to s. 370.06, Florida Statutes.

(b) Until July 1, 2002 ~~2001~~, no stone crab endorsements shall be renewed or replaced except those endorsements that were active during the 2000-2001 ~~1999-2000~~ fiscal year. Renewal of such endorsements shall be made by the endorsement holder or an immediate family member on the endorsement holder's behalf, prior to September 30, 2001 ~~2000~~. Failure to renew by September 30, 2001 ~~2000~~, shall lead to the deactivation of the holder's endorsement.

(2) In accordance with Section 370.10(2), Florida Statutes, the Fish and Wildlife Conservation Commission may issue permits to collect and possess whole stone crabs, dead or alive, solely for experimental, scientific, educational or exhibitional purposes.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art IV, Sec. 9, Fla. Const. History--New 7-1-00, Amended

**Section II
Proposed Rules**

DEPARTMENT OF INSURANCE

Division of State Fire Marshal

RULE TITLE:

RULE NO.:

Construction Materials Mining Activities

4A-2.024

PURPOSE, EFFECT AND SUMMARY: Section 552.30, F.S., gives the State Fire Marshal the sole and exclusive authority to promulgate standards, limits, and regulations regarding the use of explosives in conjunction with construction materials mining activities. Previously the counties or municipalities regulated this area. The standards address such issues as ground vibrations, air blast, date/time restrictions, and notice requirements. The proposed rulemaking will establish the required standards.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: 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: 552.30 FS.

LAW IMPLEMENTED: 552.161, 552.211, 552.30 FS.

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

TIME AND DATE: 9:30 a.m., July 2, 2001