

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Kaye Howerton, Executive Director, Board of Physical Therapy Practice, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3259

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B17-3.002 Licensure Examination Subjects and Passing Score; Additional Requirements After Third Failure.

(1) through (2) No change.

(3) An applicant must reapply in order to retake the examination. If an applicant wishes to take the examination for the fourth time, the applicant must submit to the Board for approval satisfactory evidence of having successfully completed the following since the last taking of the examination: successful completion of a course of study or internship designed by a physical therapy program accredited by the American Physical Therapy Association. An applicant who has completed these additional requirements may take the examination on two more occasions. An applicant who has failed the Department administered examination after five attempts is no longer eligible to take the examination.

Specific Authority 456.017, 486.025, 486.051 FS. Law Implemented 456.017, 486.051 FS. History—New 8-6-84, Formerly 21M-7.22, Amended 3-16-88, 6-20-89, Formerly 21M-7.022, Amended 6-6-90, 6-3-92, 3-24-93, Formerly 21MM-3.002, 61F11-3.002, Amended 12-22-94, Formerly 59Y-3.002, Amended _____.

DEPARTMENT OF HEALTH

Board of Physical Therapy Practice

RULE TITLE: RULE NO.:

Licensure Examination Subjects and Passing Score; Additional Requirements After Third Failure 64B17-4.002

PURPOSE AND EFFECT: The Board proposes to provide the applicant with greater flexibility in preparing to re-take the examination for the fourth time.

SUBJECT AREA TO BE ADDRESSED: Licensure Examination Subjects and Passing Score; Additional Requirements After Third Failure.

SPECIFIC AUTHORITY: 456.017(1)(b), 486.025, 486.104 FS.

LAW IMPLEMENTED: 456.017, 486.104 FS.

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

TIME AND DATE: 4:00 p.m., June 30, 2001

PLACE: The Embassy Suites Hotel, 1100 S. E. 17th Street, Ft. Lauderdale, FL 33316

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Kaye Howerton, Executive Director, Board of Physical Therapy Practice, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3259

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B17-4.002 Licensure Examination Subjects and Passing Score; Additional Requirements After Third Failure.

(1) through (2) No change.

(3) An applicant must reapply in order to retake the examination. If an applicant wishes to take the examination for the fourth time, the applicant must submit to the Board for approval satisfactory evidence of having successfully completed the following since the last taking of the examination: successful completion of a course of study or internship designed by a physical therapist or physical therapist assistant program accredited by the American Physical Therapy Association. An applicant who has completed these additional requirements may take the examination on two more occasions. An applicant who has failed the Department administered examination after five attempts is no longer eligible to take the examination.

Specific Authority 456.017(1)(b), 486.025, 486.104 FS. Law Implemented 456.017, 486.104 FS. History—New 8-6-84, Formerly 21M-10.22, Amended 4-12-87, 3-16-88, 6-20-89, Formerly 21M-10.022, Amended 6-3-92, 3-24-93, Formerly 21MM-4.002, 61F11-4.002, Amended 12-22-94, Formerly 59Y-4.002, Amended _____.

**Section II
Proposed Rules**

DEPARTMENT OF BANKING AND FINANCE

Board of Funeral and Cemetery Services

RULE TITLE: RULE NO.:

Application for Certificate of Authority Branch Office License 3F-5.0021

PURPOSE AND EFFECT: The Board proposes to update this rule to adopt an updated version of the form DBF-COAB-12/00.

SUMMARY: This rule sets forth the necessary procedures for applying for a license to operate a branch office and the fee for same.

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 FS.

LAW IMPLEMENTED: 497.103, 497.407(4) FS.

IF REQUESTED IN WRITING 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: Diana Evans, Executive Director, Board of Funeral and Cemetery Services, 101 East Gaines Street, Tallahassee, FL 32399-0350

THE FULL TEXT OF THE PROPOSED RULE IS:

3F-5.0021 Application for Certificate of Authority Branch Office License.

(1) Every Certificate of Authority holder that is part of a common business enterprise and elects to operate under a different name shall apply to the Board for a license to operate a branch office by submitting the following:

(a) A completed Application for Certificate of Authority Branch Office Registration, Form DBF-COAB-12/00, effective 6-5-97, which is hereby incorporated by reference and available from the Department of Banking and Finance, Division of Finance, The Fletcher Building, 101 East Gaines Street, Tallahassee, Florida 32399-0350. The application must be completed and signed within thirty (30) days of receipt by the Board; and

(b) An application fee of \$150 which shall be the fee for the annual period beginning July 1 of each year or any part thereof.

(2) through (7) No change.

(8) Upon approval of the application, a certificate of authority branch office license will be issued for the remainder of the annual license period ending June 30 of each year.

Specific Authority 497.103 FS. Law Implemented 497.103, 497.407(4) FS. History--New 6-5-97, Amended 12-13-00.

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 12, 2001

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

DEPARTMENT OF CORRECTIONS

RULE TITLE: Discharge Gratuity

RULE NO.: 33-601.502

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to clarify the Department's policy concerning payment of discharge gratuities and to change the maximum account balance that an inmate can have and still be eligible for a discharge gratuity.

SUMMARY: The proposed rule clarifies that payments will not be made to inmates who have account balances of \$100 or more at the time of release or who have previously maintained such balances and transferred money out of the account during the 180 days prior to release.

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: 20.315, 944.09 FS.

LAW IMPLEMENTED: 944.09 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: Perri King Dale, Office of the General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE FULL TEXT OF THE PROPOSED RULE IS:

33-601.502 Discharge Gratuity.

(1) The secretary shall authorize the payment of a discharge gratuity to inmates discharged from the custody of the Department of Corrections in such amounts as the Legislature may from time to time provide. A discharge gratuity ~~check~~ shall be provided to any inmate released on parole, expiration of sentence, pardon or permanent court order, except those inmates released in any of the following situations:

(a) Any inmate to be released who has participated in paid employment through PIE programs or the Work Release Program for a period of at least 120 days immediately preceding release;

(b) Any inmate to be released to another jurisdiction for which there is an existing judgment and sentence or detainer;

(c) Any inmate to be released to the Department of Children and Family Services under an order for involuntary commitment.

(2) Should a review of inmate bank trust fund records disclose that an inmate has an account balance of \$100 or more at the time of release or has had previously maintained an account balance of \$100 ~~\$200~~ or more at any time and transferred funds out of his account during the 180 days prior to his release date, the inmate shall ~~may~~ be denied a discharge gratuity ~~by the warden~~.

64B-2.003 Form.

Pursuant to the requirements of Section 456.0391, F.S., applicants for initial certification, and applicants for certification renewal, must complete, sign, and return to the Department, Form DH 1262 (Mandatory Practitioner Profile Questionnaire Packet). Form DH 1262, effective, 02/01, is hereby adopted and incorporated by reference, and can be obtained from the Division of Medical Quality Assurance, Bureau of Operations, at: 4052 Bald Cypress Way, Bin #C10, Tallahassee, Florida 32399-3260.

Specific Authority 456.004 FS. Law Implemented 456.0391 FS. History--New

NAME OF PERSON ORIGINATING PROPOSED RULE:
Lucy Gee, Chief, Bureau of Operations, 4052 Bald Cypress Way, Bin #C10, Tallahassee, Florida 32399-3260

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Lucy Gee, Chief, Bureau of Operations, 4052 Bald Cypress Way, Bin #C10, Tallahassee, Florida 32399-3260

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 1, 2001

DEPARTMENT OF HEALTH

Board of Medicine

RULE TITLE: Continuing Education Fees
RULE NO.: 64B8-45.003

PURPOSE AND EFFECT: Rule 64B8-45.003, F.A.C., is being repealed.

SUMMARY: The Board is repealing Rule 64B8-45.003.

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: 468.507, 455.587(3) FS.

LAW IMPLEMENTED: 468.514, 468.515, 455.587(3) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kaye Howerton, Executive Director, Dietetics and Nutrition Practice Council, 4052 Bald Cypress Way, Tallahassee, Florida 32399

THE FULL TEXT OF THE PROPOSED RULE IS:

64B8-45.003 Continuing Education Fees.

Specific Authority 468.507, 456.025(3) FS. Law Implemented 468.514, 468.515, 456.025(3) FS. History--New 4-6-92, Formerly 21M-51.003, 61F6-51.003, 59R-45.003, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Dietetics and Nutrition Practice Council

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 15, 2001

DEPARTMENT OF HEALTH

Board of Optometry

RULE TITLES:	RULE NOS.:
Hours Requirement	64B13-5.001
Criteria for Approval	64B13-5.002

PURPOSE AND EFFECT: The proposed rule amendments are intended to clarify the criteria for continuing education credit and to set forth programs which do not require prior Board approval.

SUMMARY: The proposed amendments to Rule 64B13-5.001, F.A.C., clarifies the "transcript quality" continuing education requirements and requirement for out-of-state licensees for the jurisprudence requirement. The amendment to Rule 64B13-5.002, F.A.C., sets forth the continuing education courses which do not need prior approval by the Board.

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

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

SPECIFIC AUTHORITY: 463.005(1), 463.007(3),(4) FS.

LAW IMPLEMENTED: 463.007 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., July 18, 2001

PLACE: Room 324, Collins Building, 107 W. Gaines Street, Tallahassee, FL

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Joe Baker, Jr., Executive Director, Board of Optometry/MQA, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

THE FULL TEXT OF THE PROPOSED RULES IS:

64B13-5.001 Hours Requirement.

(1) As a condition to the renewal of a biennial license, each licensed practitioner shall be required to maintain professional competency by completing 30 clock hours of continuing education in subjects relating to optometry that have been approved by the Board. Licensed practitioners shall not be required to complete the continuing education requirements during the biennium in which they receive initial licensure. Credit will be allowed on the basis of an hour for hour. To receive one hour credit, a licensed practitioner must attend not less than 50 minutes. There will be no fractional hour credits. For certified optometrists, at least 6 of those 30 hours must be of "transcript quality". For purpose of this rule, the phrase "transcript quality" refers to coursework in ocular and systemic pharmacology and the diagnosis, treatment and management of ocular and systemic conditions and diseases. Transcript quality CE must be a course which is in conjunction with or sponsored by a school or college of optometry or equivalent educational entity as approved by the Board and which requires a test and passing grade. Attendance at a continuing education program must be certified by the lecturer or someone in charge of the program. An instructor of a course may credit the hours taught towards completion of the required continuing education; provided, however, that an instructor may only credit a course once, regardless of the number of times the course is taught. In addition, the instructor of a course may not credit the hours taught towards completion of the "transcript quality" portion of the continuing education requirement. However, for the biennium ending at the end of February 2001, each licensed practitioner may count hours of continuing education obtained between January 1, 1999, and the end of February, 2001.

~~(a) As of January 1, 1989 the Board of Optometry office shall implement a procedure providing for licensed practitioners and certified optometrists to report completion of required continuing education for biennial renewal by submitting a form provided by the Board office.~~

(b) through (e) renumbered (a) through (d) No change.

~~(2) Certified optometrists shall be required to obtain as a prerequisite to renewing certification at least 6 of the 30 hours in approved transcript quality coursework in ocular and systemic pharmacology and the diagnosis, treatment and management of ocular and systemic conditions and diseases during the 2-year period preceding application for license renewal.~~

(3) through (5) renumbered (2) through (4) No change.

~~(5)(6)~~ Licensed practitioners may earn two clock hours in the area of Florida jurisprudence as allowed by subsection ~~(6)(7)~~ by attending a meeting of the Board for no less than four continuous hours. Licensed practitioners will be required to

sign-in and sign-out with board staff. Those licensed practitioners present for disciplinary purposes are not eligible to earn the two clock hours for the Board meeting.

~~(6)(7)~~ No change.

(7) Out of state licensees may satisfy the requirements for jurisprudence by certifying that they have obtained and read a copy of Chapters 456 and 463, Florida Statutes, and Rule Chapter 64B13, Florida Administrative Code.

Specific Authority 463.005(1), 463.007(3),(4) FS. Law Implemented 463.007 FS. History--New 11-13-79, Amended 5-28-80, 9-16-80, 1-13-81, 2-14-82, Formerly 21Q-5.01, Amended 12-16-86, 12-11-88, 4-19-89, 12-20-89, 9-22-92, 10-28-92, Formerly 21Q-5.001, Amended 8-31-93, Formerly 61F8-5.001, Amended 11-29-94, 7-5-95, 8-18-96, Formerly 59V-5.001, Amended 3-21-00,_____.

64B13-5.002 Criteria for Approval.

(1) In determining whether to approve a program of continuing professional education required by Rule 64B13-5.001~~(1) or (2)~~, the Board shall consider only whether the proposed program contributes to the improvement, advancement, and extension of one's professional skill and knowledge to the benefit of the patient he serves. Continuing education courses in practice management and Florida jurisprudence as stated in 64B13-5.001~~(4)(5)~~ and ~~(6)(7)~~, F.A.C., shall be provided by the Florida Optometric Association or other organization with demonstrated competence in Florida Law pertaining to optometric practice as evidenced by the organization's credentials, education and experience.

(2) Continuing optometric education programs other than transcript quality courses sponsored or approved by schools or colleges of optometry, the American Optometric Association; the American Academy of Optometry; the Florida Optometric Association; or any of their component or affiliate organizations are hereby approved by the Board. Neither those providers nor the programs they provide need be submitted to the Board for approval.

~~(3)(2)~~ All other continuing education programs other than transcript quality courses must be reviewed by the Board to ensure that the programs adequately and reliably contribute to the professional competency of the licensed practitioner and must meet the following requirements:

(a) through (b) No change.

~~(4)(3)~~ No change.

~~(4) All courses approved by the American Board of Optometric Practitioners are approved by the Board.~~

Specific Authority 463.005(1) FS. Law Implemented 463.007(4) FS. History--New 11-13-79, Formerly 21Q-5.02, Amended 12-16-86, 12-11-88, 7-10-91, 10-28-92, Formerly 21Q-5.002, 61F8-5.002, Amended 11-29-94, 7-5-95, 8-18-96, Formerly 59V-5.002, Amended 3-21-00,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Optometry

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

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Kaye Howerton, Executive Director, Department of Health, 4052 Bald Cypress Way, BIN #C05, Tallahassee, FL 32399-3255
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 11, 2001
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 18, 2001

Section III
Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF LABOR AND EMPLOYMENT SECURITY

Unemployment Appeals Commission

RULE NOS.:	RULE TITLES:
38E-2.002	Form of Appeal
38E-2.003	Filing an Appeal

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 27, No. 20, May 18, 2001, issue of the Florida Administrative Weekly. Based upon comments received from JAPC, the Commission clarifies that a Statement of Estimated Regulatory Cost was prepared by the agency. Due to the procedural nature of the proposed amendments, however, it was not anticipated that the parties or entities covered by the rule, or as otherwise contemplated under Section 120.541(2), F.S., would incur any additional costs above those associated with the existing rule.

A copy of the Statement of Estimated Regulatory Cost can be obtained from the person listed below. Additionally, as requested by JAPC, Rule 38E-2.002(1)(a) is amended to read as follows:

(a) The Unemployment Appeals Commission (Suite 300, Webster Building, 2671 Executive Center Circle, West, Tallahassee, FL 32399-0681);

The remainder of the rule reads as previously published.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: John W. Kunberger, Clerk-Unemployment Appeals Commission, Suite 300 Webster Building, 2671 Executive Center Circle, West, Tallahassee, Florida

DEPARTMENT OF LABOR AND EMPLOYMENT SECURITY

Unemployment Appeals Commission

RULE NO.:	RULE TITLE:
38E-3.007	Orders of the Commission

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 27, No. 20, May 18, 2001, issue of the Florida Administrative Weekly. Based upon comments received from JAPC, the Commission clarifies that a Statement of Estimated Regulatory Cost was prepared by the agency. Due to the procedural nature of the proposed amendments, however, it was not anticipated that the parties or entities covered by the rule, or as otherwise contemplated under Section 120.541(2), F.S., would incur any additional costs above those associated with the existing rule. A copy of the Statement of Estimated Regulatory Cost can be obtained from the person listed below.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: John W. Kunberger, Clerk-Unemployment Appeals Commission, Suite 300 Webster Building, 2671 Executive Center Circle, West, Tallahassee, Florida

DEPARTMENT OF LABOR AND EMPLOYMENT SECURITY

Unemployment Appeals Commission

RULE NOS.:	RULE TITLES:
38E-5.003	Form of Appeal
38E-5.004	Place for Filing Appeal
38E-5.005	Time for Filing Appeal

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 27, No. 20, May 18, 2001, issue of the Florida Administrative Weekly. Based upon comments received from JAPC, the Commission clarifies that a Statement of Estimated Regulatory Cost was prepared by the agency. Due to the procedural nature of the proposed amendments, however, it was not anticipated that the parties or entities covered by the rule, or as otherwise contemplated under Section 120.541(2), F.S., would incur any additional costs above those associated with the existing rule. A copy of the Statement of Estimated Regulatory Cost can be obtained from the person listed below. Additionally, as requested by JAPC, Rule 38E-5.004(2) is amended to read as follows:

(2) The central Office of Appeals (Woodcrest Office Park, 325 John Knox Rd., Bldg. L, Suite 210, Tallahassee, FL 32303) or district appeals referee offices maintained by the Office of Appeals;

The remainder of the rule reads as previously published.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: John W. Kunberger, Clerk-Unemployment Appeals Commission, Suite 300 Webster Building, 2671 Executive Center Circle, West, Tallahassee, Florida