

Section I
Notices of Development of Proposed Rules
and Negotiated Rulemaking

DEPARTMENT OF BANKING AND FINANCE

Division of Securities and Finance

RULE TITLES:	RULE NOS.:
Curriculum for Mortgage Broker Pre-licensing Classroom Education	3D-40.026
Mortgage Broker Pre-licensing Education Requirement	3D-40.027
Continuing Education Requirements for Mortgage Brokers, Loan Originators and Principal Representative	3D-40.0271
Permit for Mortgage Business School	3D-40.028
Mortgage Business Schools Prohibited Practices and Advertising/Publicity	3D-40.0281
Mortgage Business School Permit Renewal	3D-40.029
Accreditation Process for a Mortgage Business School	3D-40.030
Disciplinary Guidelines for Mortgage Business Schools	3D-40.033
Mortgage Broker License Renewal and Reactivation	3D-40.043
Application Procedure for Mortgage Brokerage Business License	3D-40.051
Application Procedure for Change in Ownership or Control of Saving Clause Mortgage Lender	3D-40.100
Out of State Examination Costs	3D-40.150
Principal Brokers	3D-40.160
Branch Brokers	3D-40.165
Application Procedure for Mortgage Lender License	3D-40.200
Application Procedure for Correspondent Mortgage Lender License	3D-40.220
Principal Representative	3D-40.242

PURPOSE AND EFFECT: The purpose of the proposed amendments and new rules is to implement legislative changes to Chapter 494, Florida Statutes, made by Chapter 2001-228, Laws of Florida, that will take effect on October 1, 2001, and to make other changes to the existing rules.

SUBJECT AREA TO BE ADDRESSED: Continuing education and other registration requirements for licensees under Chapter 494, Florida Statutes.

SPECIFIC AUTHORITY: 494.0011(2), 494.0029, 494.00295(3), 494.0033(3), 494.034(2), 494.035, 494.0061, 494.0062 FS.

LAW IMPLEMENTED: 494.0016, 494.0025, 494.0029, 494.00295, 494.0033, 494.0034, 494.0035, 494.0041, 494.0061, 494.0062, 494.0064, 494.0065, 494.0067 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: 10:00 a.m., September 18, 2001

PLACE: Room 547, Fletcher Building, 101 East Gaines Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Bob Tedcastle, Financial Administrator, Room 550, Fletcher Building, 101 East Gaines Street, Tallahassee, Florida 32399-0350, (850)410-9500

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

3D-40.026 Curriculum for Mortgage Broker Pre-licensing Classroom Education.

Section 494.0033, ~~F.S. Florida Statutes~~, requires any person applying for a mortgage brokerage license after July 1, 1992, to have completed twenty-four (24) hours of classroom education prior to becoming licensed. The curriculum for the education shall cover primary and subordinated financing transactions, the provisions of Chapter 494, F.S., and Chapter 3D-40, F.A.C., laws and rules of ss. 494.001-494.0077, Florida Statutes, federal statutes which apply to the financing of real estate, current and accepted mortgage principles and technical information basic to the mortgage broker profession, and shall include the following:

- (1) through (11) No change.

Specific Authority 494.0011(2), 494.0033(3) FS. Law Implemented 494.0033 FS. History—New 7-2-92, Amended 5-19-96,_____.

3D-40.027 Mortgage Broker Pre-licensing Education Requirement.

(1) Effective July 5, 1992, persons desiring to become licensed as a mortgage broker pursuant to Section s. 494.0033, F.S., shall satisfactorily complete twenty-four (24) hours of classroom study on primary and subordinated financing transactions and the provisions of Chapter 494, F.S., and Chapter 3D-40, F.A.C., laws and rules of ss. 494.001-494.0077, F.S. The course of study shall include the curriculum for mortgage broker classroom education in Rule 3D-40.026, F.A.C.

(2) Qualifying hours may be obtained by attendance at a duly permitted and accredited Mortgage Business Brokerage School or an accredited college, university, community college, or area vocational-technical school in this State which offers the twenty-four (24) hour mortgage brokerage training course. Any ~~individual person or~~ school offering qualifying hours must include the curriculum for mortgage broker classroom education, Rule 3D-40.026, F.A.C., and the

provisions of Chapter 494, F.S., and Chapter 3D-40, F.A.C., laws and rules of ss. 494.001-494.0077, F.S., as the basis for course study.

(3) For the purpose of this rule "School" means any duly permitted and accredited Mortgage Business Brokerage School and any accredited college, university, community college or area vocational-technical school in this State, which offers the twenty-four (24) hour mortgage brokerage training course as a condition precedent to licensure as a mortgage broker. Such course shall include the curriculum described in Rule 3D-40.026, F.A.C.

(4) Within five (5) days of completion of each twenty-four (24) hour mortgage broker course, the school shall submit to the Department a typed list of all students who successfully completed the course. In lieu of the typed list, the school may submit the list on a 3.5" diskette, or by e-mail, or by accessing the Department's website at www.dbf.state.fl.us. The list shall include the full name of the student, the social security number of each student, the school's name, the school's license number, and the completion date. Each mortgage business school shall maintain student completion records for at least three (3) years from the completion dates.

Specific Authority 494.0011(2), 494.0016 FS. Law Implemented 494.0016, 494.00295, 494.0033 FS. History--New 7-5-92, Amended 11-5-95, 11-24-97, 8-22-99, _____.

3D-40.0271 Continuing Education Requirements for Mortgage Brokers, Loan Originators, and Principal Representatives.

(1) Effective October 1, 2001, all persons licensed as a mortgage broker shall satisfactorily complete fourteen (14) hours of professional education ("continuing education") covering primary and subordinate financing transactions and appropriate laws and regulations governing such transactions. The course of study shall include at least four (4) hours on the laws in Chapter 494, F.S., and the rules in Chapter 3D-40, F.A.C.

(2) Effective October 1, 2002, the principal representative, loan originators, and associates of a mortgage lender, correspondent mortgage lender, or mortgage lender pursuant to the savings clause shall satisfactorily complete fourteen (14) hours of professional continuing education covering primary and subordinate financing transactions and appropriate laws and regulations governing such transactions. The course of study shall include at least four (4) hours on the laws in Chapter 494, F.S., and the rules in Chapter 3D-40, F.A.C.

(3) Qualifying hours may be obtained by attendance at a duly permitted and accredited Mortgage Business School or an accredited college, university, community college, or area vocational-technical school in this State which offers the fourteen (14) hour continuing education course. In addition, the Department is authorized to offer continuing education

programs, which will satisfy the requirement of at least four (4) hours covering the provisions of Chapter 494, F.S., and the rules in Chapter 3D-40, F.A.C.

(4) For the purpose of this rule, the following definitions will apply:

(a) "Hour" shall mean 60 minutes of class time, of which 50 minutes shall be instruction, with a maximum of 10 minutes of break per hour.

(b) "School" shall mean any duly permitted and accredited Mortgage Business School and any accredited college, university, community college, or area vocational-technical school in this State, which offers the fourteen (14) hour continuing education course.

(c) "Student" shall mean all persons licensed as a mortgage broker, the principal representative, and loan originators of a mortgage lender, correspondent mortgage lender, or mortgage lender pursuant to the savings clause.

(d) "Good Cause" means an incident or occurrence which is beyond the control of the student and which prevents attendance. Examples of good cause include, but are not limited to, disabling accident, illness, call to military duty, or declared national emergency.

(5) The fourteen (14) hours of continuing education can be taken in one or more courses by one or more schools.

(6) Schools shall not issue certificates of completion to students who do not attend or complete the scheduled hours for any continuing education course.

(a) Schools shall be responsible for determining that the student attending or completing the continuing education course is the actual person scheduled to complete the class or session.

(b) At the discretion of the school, students may miss a class or session and attend a make-up class or session to complete the attendance requirements upon showing good cause.

(c) The school may hold make-up classes or sessions to accommodate the student.

(7) An instructor of a school who teaches a continuing education course may use the course toward the satisfactory completion of the continuing education requirement.

(8) Neither students nor instructors may earn continuing education credit for attending or instructing at any subsequent offering of the same continuing education course during any two (2) year period.

(9) The continuing education requirements are waived for the license renewal of the mortgage broker, for the biennial license period in which the individual became licensed as a mortgage broker.

(10) The continuing education requirements for the principal representative are waived for the license renewal of the mortgage lender, correspondent mortgage lender, or mortgage lender pursuant to the savings clause, for the biennial license period in which the principal representative completes

the 24 hours of classroom education in accordance with Rule 3D-40.027, F.A.C., and also passed a written test in accordance with Rule 3D-40.025, F.A.C., in order to qualify to be designated as a principal representative.

(11) The continuing education courses may be offered through classroom instruction, electronic transmission ("Internet"), or distance education ("correspondence course").

(12) The continuing education courses taught by using the Internet and correspondence courses shall have:

(a) Course subject matter, assignment work, scholastic standards and other related requirements substantially similar to the course offered by classroom instruction, having due regard however, to the different methods of presentation.

(b) Shall provide students an address and telephone number of an instructor to answer inquiries. The instructor shall be available during normal working hours (9:00 A.M. to 5:00 P.M.) each business day excluding legal holidays.

(c) When the course is in the form of a video tape or CD-Rom, the presentation must be of a quality that permits the student to view and listen to the presentation without interfering with the learning process.

(13) Within five (5) days of completion of each continuing education course, the school shall submit to the student a certificate of completion indicating successful completion of the course, and the number of hours that course consisted of. The schools are not to submit copies of the continuing education requirement certificates to the Department. Each mortgage business school shall maintain all student course completion records for at least three (3) years from the completion dates.

Specific Authority 494.0011(2), 494.0029(3) FS. Law Implemented 494.0016, 494.0029, 494.00295, 494.0034, 494.0064, 494.0067 FS. History--New _____.

3D-40.028 Permit for Mortgage Business Brokerage School.

(1) Application Process. Each person, school, or institution desiring to obtain a permit for a Mortgage Business Brokerage School shall apply to the Department by submitting the following:

(a) ~~A~~ ~~a~~ completed Application for Mortgage Business Brokerage School Permit, Form DBF-MBS-101, revised ~~10/01 8-22-99~~, which is hereby incorporated by reference and available by mail from the Department of Banking and Finance, Division of Securities and Finance, ~~101 East Gaines Street Suite 550, Fletcher Building~~, Tallahassee, Florida 32399-0350.

(b) ~~A~~ ~~a~~ non-refundable application fee of \$500 which shall be the permit fee for the annual period beginning October 1 of each year or any part thereof.

(c) ~~A~~ ~~a~~ \$400 non-refundable accreditation fee which shall be for the annual period beginning October 1 of each year or any part thereof.

(2) Request for Additional Information. Any request for additional information will be made by the Department within thirty (30) days after receipt of the application by the Department. The additional information must be received by the Department within thirty (30) days from the date of the request. Failure to respond to the request shall be construed by the Department as grounds for denial for failure to complete the application, and the application shall be denied pursuant to Subsection 120.60(1), F.S.

(3) Refunds. If the application is withdrawn or denied, the application fee is non-refundable. The accreditation fee shall be refunded when the application is withdrawn prior to a decision being rendered by the Department by mutual consent.

(4) No change.

(5) Valid Period of Permit. Upon approval of an application, a permit will be issued for the remainder of the annual license period, which ends each September 30th. The permit will be valid for this period unless the Department takes administrative action against it or unless the permit is terminated by the holder.

Specific Authority 494.0011(2), 494.0029(1),(3)(b) ~~494.0031~~ FS. Law Implemented 120.60(1), 494.0029 ~~494.0031~~ FS. History--New 11-5-95, Amended 8-22-99, _____.

3D-40.0281 Mortgage Business Brokerage Schools Prohibited Practices and Advertising/Publicity.

(1) The following practices are prohibited from being used in any publicity or advertising done by mortgage business brokerage schools and will be considered a violation of Subsections 494.0029(3)(c) and (d) Chapter 494.00311 (3)(e) and (f), F.S.:

(a) Making ~~making~~ any reference or comparison to another school (named or unnamed).

(b) Any ~~any~~ type of guarantee of non-measurable outcomes, such as, but not limited to, "satisfaction guaranteed".

(c) Any ~~any~~ claim to being the only, largest, best, less expensive, or other such comparison.

(d) Any ~~any~~ claim or reference as to a mortgage brokerage school's knowledge of the State of Florida Mortgage Broker Test questions and answers.

(2) For the purpose of this rule, any publicity or advertising shall include:

(a) Any ~~any~~ written material, including but not limited to, study guides, business cards, flyers, pamphlets, and correspondence.

(b) Any ~~any~~ electronic media, including but not limited to, video and audio tapes, cassettes, or disks.

(c) Any ~~any~~ oral presentation, including but not limited to, speeches and telephone conversations.

(3) Pass/Fail Ratio as used in Subsection 494.0029(3)(f), F.S., Chapter 494.00311(3)(f), shall be defined as any reference to how a student or any group of students performed

on the State Mortgage Broker Examination. No reference shall be made to any comparative superlatives such as, but not limited to, "excellent passing ratio" or "better than average results."

(4) The following additional practices of mortgage business schools are prohibited:

(a) Misrepresenting any material submitted to the Department.

(b) Failing to conduct classes or sessions for the total required hours.

(c) Allowing a proxy to complete the course.

(d) Falsifying any course completion record or other document related to the course.

(e) Offering to teach a course without first being permitted as a mortgage business school.

Specific Authority 494.0011(2) FS. Law Implemented 494.0025~~(5)~~, 494.0029, 494.00295 ~~494.00311(3)~~ FS. History—New 8-14-97, Amended _____.

3D-40.029 Mortgage ~~Business Brokerage~~ School Permit Renewal.

(1) Each active Mortgage ~~Business Brokerage~~ School permit shall be renewed for the annual period beginning October 1 of each year upon submission of the following:

(a) ~~A~~ ~~a~~ permit renewal fee of \$500 and a completed renewal form, Form DBF-MBS-202, Mortgage ~~Business Brokerage~~ School Renewal Form, revised ~~10/01~~ ~~8-22-99~~, which is hereby incorporated by reference and available by mail from the Department of Banking and Finance, Division of ~~Securities and~~ Finance, ~~101 East Gaines Street, Suite 550, Fletcher Building,~~ Tallahassee, Florida 32399-0350; and

(b) ~~A~~ ~~a~~ recertification accreditation fee of \$400 for the school.

(2) No change.

Specific Authority 494.0011(2), 494.0029 ~~494.00311(1),(3)(b)~~ FS. Law Implemented 494.0029 ~~494.00311~~ FS. History—New 11-5-95, Amended 8-22-99, _____.

3D-40.030 Accreditation Process for a Mortgage ~~Business Brokerage~~ School.

(1) Section 494.0029 ~~494.00311~~, F.S., authorizes the Department to evaluate each school by an accreditation process to determine compliance and competency of mortgage ~~business brokerage~~ schools and to recertify each school on an annual basis.

(2) The basis for accreditation of mortgage business schools that offer the 24-hour mortgage broker pre-licensing course and the professional education ("continuing education") will consist of the following evaluation criteria:

(a) Minimum adherence to the required curriculum.

(b) Quality and substance of course outline, workbooks ~~workbooks~~ and study guide available to student from school.

(c) Reference material, library and training manuals available for non-classroom study.

(d) Training and visual aids equipment utilized in classroom.

(e) Instructor's ability to convey subject matter.

(f) Classroom and review procedures.

(g) Student interviews (post-course).

(h) Compliance with American Disabilities Act.

(i) Physical classroom facilities.

(j) Compliance with Florida Statutes and Administrative Rules.

(3) The basis for accreditation of mortgage business schools that only offer the 14-hour professional education ("continuing education") will consist of the following evaluation criteria:

(a) Compliance with Florida Statutes and Administrative Rules.

(b) Compliance with American Disabilities Act.

(c) Minimum adherence to the required curriculum.

(4)(2) The accreditation process will be conducted by the Department or its designee during the license year by one or more of the following methods:

(a) Pre-arranged on-site interview with owners and/or management;

(b) Visitation with no prior notice to observe instructor during classroom session;

(c) Questionnaires and/or personal interviews with current and former students;

(d) Questionnaires completed by owners and/or management;

(e) Written correspondence from prior students/student complaints;

(f) Compliance with Florida Statutes and Administrative Rules.

Specific Authority 494.0011(2) FS. Law Implemented 494.0029 ~~494.00311~~ FS. History—New 11-5-95, Amended 8-22-99, _____.

3D-40.033 Disciplinary Guidelines for Mortgage ~~Business Brokerage~~ Schools.

Each permitted and accredited mortgage ~~business brokerage~~ school which violates any provision of Chapter 494, F.S., ~~Florida Statutes~~, or which fails to achieve minimum standards in the accreditation process described in Rule 3D-40.030, F.A.C., shall be subject to the following disciplinary guidelines:

(1) Failure to achieve minimum standards of accreditation shall result in any of the following penalties:

(a) ~~R~~eprimand,

(b) ~~S~~suspension,

(c) ~~R~~evocation, and/or

(d) ~~P~~probation.

(2) The probation shall be for such period of time and subject to such conditions as the Department may specify.

Specific Authority 494.0011(2), ~~494.0029~~ ~~494.0031~~ FS. Law Implemented ~~494.0029~~, ~~494.0041~~, ~~494.0031~~ FS. History—New 11-5-95, Amended

3D-40.043 Mortgage Broker License Renewal and Reactivation.

(1) Each active mortgage broker license shall be renewed for the biennial period beginning September 1 of each odd-numbered year upon submission of the statutory renewal fee required by Section 494.0034, F.S., certification of compliance with the continuing education requirements of Section 494.00295, F.S., and a completed renewal form. Form DBF-MB-103, Mortgage Broker License Renewal and Reactivation Form, revised 10/01 ~~10/99~~, is hereby incorporated by reference and available by mail from the Department of Banking and Finance, Division of Securities and Finance, 101 East Gaines Street, Tallahassee, Florida 32399-0350.

(2) A mortgage broker license that is not renewed as required in subsection (1) prior to September 1 of the renewal year shall revert from active to inactive status. An inactive license may be reactivated within two (2) years after becoming inactive upon payment of the statutory renewal and reactivation fees required by Section 494.0034, F.S., certification of compliance with the continuing education requirements of Section 494.00295, F.S., and submission of a completed reactivation form. If August 31 of the year is on a Saturday, Sunday, or legal holiday pursuant to Section 110.117, F.S., then the renewals received on the next business day will be considered timely received.

(3) No change.

(4) The Department shall not renew or reactivate a mortgage broker license if the minimum continuing education requirements are not satisfied prior to the renewal or reactivation.

(5) The licensee is responsible for maintaining copies of the certificate of completion for all continuing education courses completed and shall supply them to the Department upon request.

Specific Authority 494.0011(2), 494.0034(2) FS. Law Implemented 494.00295, 494.0034 FS. History—New 11-2-86, Amended 6-23-91, 11-12-91, 9-3-95, 12-12-99, 2-5-01, _____.

3D-40.051 Application Procedure for Mortgage Brokerage Business License.

(1) Each person desiring to obtain licensure as a mortgage brokerage business shall apply to the Department by submitting the following:

(a) A completed Application for Licensure as a Mortgage Brokerage Business, Form DBF-MB-201, revised 10/01 ~~10/99~~, which is hereby incorporated by reference and available by mail from the Department of Banking and Finance, Division of Securities and Finance, 101 East Gaines Street, Tallahassee, Florida 32399-0350;

(b) The statutory, non-refundable application fee required by Section 494.0031, F.S., which shall be the fee for the biennial period beginning September 1 of each even-numbered year or any part thereof.

(c) Evidence that the applicant's designated principal broker has been actively licensed as a mortgage broker pursuant to Section 494.0033, F.S., for at least one year, or has demonstrated to the satisfaction of the Department that the designated principal broker has been actively engaged in a mortgage-related business for at least one year.

(d) For the purpose of this rule, examples of "actively engaged in a mortgage-related business" shall include, but are not limited to, the following positions that are engaged in the origination, underwriting, closing, and servicing of mortgage loans: loan originator, loan underwriter, officer, or director of a mortgage lender or correspondent mortgage lender; mortgage loan officer of a financial institution; mortgage broker in another state; loan closer for a title insurance company or agency; loan representative, loan underwriter, officer, or director of a private mortgage insurance company; and mortgage regulator from this state, another state, or a federal government agency.

(2) Each ultimate equitable owner of 10% or greater interest, the chief executive officer and each director of an entity applying for licensure as a mortgage brokerage business, shall submit a completed fingerprint card and Biographical Summary, Form MBB-BIO-1 (revised 10/99), to the Department along with a \$15 nonrefundable processing fee. Form MBB-BIO-1 is hereby incorporated by reference and available by mail from the Department of Banking and Finance, Division of Securities and Finance, 101 East Gaines Street, Tallahassee, Florida 32399-0350.

(a) Any entity that is a wholly-owned subsidiary of a state or federally approved financial institution is exempt from the provisions of subsection (2).

(b) For purposes of this rule, "chief executive officer" means the person primarily responsible for the operation of the business, and a "financial institution" means a state or federal association, bank, trust company, international bank agency, or credit union.

(c) If the individual owner, director, or chief executive officer holds an active mortgage broker's license with the Department, they are exempt from the provisions of subsection (2).

(d) If an entity holds an active license under Chapter 494, F.S., with the Department, it is exempt from the provisions of subsection (2) this rule when it applies for a different type of license, unless there has been a change of control of 50% or more of the ownership interest since the time its initial license was approved by the Department.

(e) Any claim to any of the above exemptions shall be supported by attaching evidence of the exemption with the application for license.

(3) through (8) No change.

Specific Authority 215.405, 494.0011(2) FS. Law Implemented 494.0031, 494.0035 FS. History—New 10-30-86, Amended 1-30-89, 11-28-89, 10-1-91, 6-6-93, 5-14-95, 7-14-96, 11-24-97, 8-22-99, 12-12-99.

3D-40.100 Application Procedure for Change in Ownership or Control of Saving Clause Mortgage Lender.

(1) Each person who seeks to obtain a controlling ownership or voting interest in a mortgage lender licensed pursuant to the saving clause shall apply to the Department by submitting the following:

(a) A completed application for Change in Ownership or Control of Saving Clause Mortgage Lender, Form DBF-MLST, revised 10/01 ~~10/99~~, which is hereby incorporated by reference and available by mail from the Department of Banking and Finance, Division of Securities and Finance, 101 East Gaines Street, Tallahassee, Florida 32399-0350;

(b) A non-refundable application fee of \$500, which shall be the fee for the biennial period beginning September 1 of each even-numbered year or any part thereof;

(c) Audited financial statements documenting a minimum net worth of \$25,000 as of the applicant’s most recent fiscal year end. If the application is submitted within three (3) months of the most recent fiscal year end and an audited statement from the most recent fiscal year is not available, then an audited statement from the previous fiscal year end is acceptable.

(d) Designate a principal representative who shall exercise control of the licensee’s business. Beginning October 1, 2001, the principal representative must have completed 24 hours of classroom education in accordance with Rule 3D-40.027, F.A.C., and must also have passed a written test in accordance with Rule 3D-40.025, F.A.C., prior to the application being approved. If the designated principal representative holds an active mortgage broker license with the Department, he or she will have satisfied the 24-hour classroom education and testing requirements of this section.

(2) Request for Additional Information. Any request for additional information will be made by the Department within thirty (30) days after receipt of the application by the Department. The additional information must be received by the Department within forty-five (45) days from the date of the request. Failure to respond to the request within forty-five (45) days from the date of request shall be construed by the Department as grounds for denial for failure to complete the application and the application shall be denied pursuant to Subsection 120.60(1), F.S.

(3) through (6) No change.

Specific Authority 494.0011(2) FS. Law Implemented 494.0061(1), 494.0065 FS. History—New 8-24-93, Amended 9-3-95, 8-22-99, 12-12-99.

3D-40.150 Out of State Examination Costs Fees.

~~(1) The Department shall charge \$250.00 per eight hour day for each examiner engaged in an examination of a mortgage brokerage business, mortgage lender, or correspondent mortgage lender. The Department may not charge more than \$500 in examination fees per biennial period to any one mortgage brokerage business, mortgage lender or correspondent mortgage lender. Such examination fees shall be calculated on an hourly basis and shall be rounded to the nearest hour. For examinations conducted out of state travel, the licensee shall pay the travel expense and per diem subsistence allowance provided for state employees in Section s: 112.062, F.S.~~

~~(2) For the purpose of this rule, “biennial period” means the two year period beginning September 1 of each even numbered year.~~

Specific Authority 494.0011(2), 494.0012(3) FS. Law Implemented 494.0012(3) FS. History—New 10-1-91, Amended 8-24-99.

3D-40.160 Principal Brokers.

(1) Each mortgage brokerage business shall designate a licensed mortgage broker as the principal broker and the individual designated shall accept responsibility by completing the Principal Broker Designation, Form DBF-MB-PB, effective 10/91 ~~October 7, 1994~~, which is hereby incorporated by reference and available by mail from the Department of Banking and Finance, Division of Securities and Finance, 101 East Gaines Street, Tallahassee, Florida 32399-0350.

(2) Upon any change of principal broker, the licensee and the newly designated principal broker shall complete the Principal Broker Designation, Form DBF-MB-PB ~~(effective 10/94)~~. Form DBF-MB-PB shall be maintained at the principal office of the mortgage brokerage business, and a copy shall be mailed to the Department at the above address or electronically transmitted to the Department’s website at www.dbf.state.fl.us on the Internet within thirty (30) days of said designation or change in designation. Anyone being designated as a principal broker after October 1, 2001, must submit evidence that he or she has been actively licensed as a mortgage broker pursuant to Section 494.0033, F.S., for at least one year, or has demonstrated to the satisfaction of the Department that the designated principal broker has been actively engaged in a mortgage-related business for at least one year.

(3) No change.

(4) Each principal broker shall notify the Department of Banking and Finance, Division of Securities and Finance, ~~Attention: Licensing Section~~, 101 East Gaines Street, Tallahassee, Florida 32399-0350 in writing, within thirty (30) days, of the termination of principal broker status.

Specific Authority 494.0011(2), 494.0035 FS. Law Implemented 120.695, ~~494.0011(2)~~, 494.0016, 494.0035 FS. History—New 10-7-91, Amended 7-25-96, 12-12-99.

3D-40.165 Branch Brokers.

(1) Each mortgage brokerage business shall designate a licensed mortgage broker as the branch broker of the branch office, and the individual shall accept such responsibility by completing the Branch Broker Designation Form, Form DBF-MB-BB (effective 10/91), which is hereby incorporated by reference and available by mail from the Department of Banking and Finance, Division of Securities and Finance, 101 East Gaines Street, Tallahassee, Florida 32399-0350.

(2) Upon any change of Branch Broker, the licensee and the newly designated branch broker shall complete the Branch Broker Designation, Form DBF-MB-BB. Form DBF-MB-BB shall be maintained at the applicable branch office of the mortgage brokerage business, and a copy shall be mailed to the Department at the above address or electronically transmitted to the Department's website at www.dbf.state.fl.us on the Internet within thirty (30) days of said designation or change in designation.

(3) through (4) No change.

Specific Authority 494.0011(2), 494.0035(2) FS. Law Implemented 120.695, ~~494.0011(2)~~, 494.0016, 494.0035(2) FS. History—New 10-7-91, Amended 7-26-96, 12-19-99.

3D-40.200 Application Procedure for Mortgage Lender License.

(1) Each corporation, general partnership, limited partnership, limited liability company, or other lawful entity desiring to obtain licensure as a mortgage lender shall apply to the Department by submitting the following:

(a) A completed Application for Licensure as a Mortgage Lender, Form DBF-ML-222, revised 10/01 ~~10/99~~, which is hereby incorporated by reference and available by mail from the Department of Banking and Finance, Division of Securities and Finance, 101 East Gaines Street, Tallahassee, Florida 32399-0350;

(b) The statutory, non-refundable fee required by Section 494.0061, F.S., which shall be the fee for the biennial period beginning September 1 of each even-numbered year or any part thereof;

(c) Audited financial statements documenting a minimum net worth of \$250,000 as of the applicant's most recent fiscal year end. If the application is submitted within three (3) months of the most recent fiscal year end and an audited statement from the most recent fiscal year is not available, an audited statement from the previous fiscal year end is acceptable;

(d) A surety bond, issued by a bonding company or insurance company authorized to do business in this State, in the amount of \$10,000; and submitted on Form DBF-ML-444, Mortgage Brokerage and Mortgage Lending Act Surety Bond, effective 10-1-91, which is hereby incorporated by reference and available by mail from the Department of Banking and Finance, Division of Securities and Finance, 101 East Gaines Street, Tallahassee, Florida 32399-0350.

(e) Designate a principal representative who shall exercise control of the licensee's business. Beginning October 1, 2001, the principal representative must have completed 24 hours of classroom education in accordance with Rule 3D-40.027, F.A.C., and must also have passed a written test in accordance with Rule 3D-40.025, F.A.C., prior to the application being approved. If the designated principal representative holds an active mortgage broker license with the Department, he or she will have satisfied the 24-hour classroom education and testing requirements of this section.

(2) Each ultimate equitable owner of 10% or greater interest, the chief executive officer and each director of an entity applying for licensure as a mortgage lender, shall submit a completed fingerprint card and Biographical Summary, Form ML-BIO-1 (revised 10/99), to the Department along with a \$15 nonrefundable processing fee. Form ML-BIO-1 is hereby incorporated by reference and available by mail from the Department of Banking and Finance, Division of Securities and Finance, 101 East Gaines Street, Tallahassee, Florida 32399-0350.

(a) Any entity that is a wholly-owned subsidiary of a state or federally approved financial institution is exempt from the provisions of subsection (2).

(b) For purposes of this rule, "chief executive officer" means the person primarily responsible for the operation of the business, and a "financial institution" means a state or federal association, bank, trust company, international bank agency, or credit union.

(c) If the individual owner, director, or chief executive officer holds an active mortgage broker's license with the Department, they are exempt from the provisions of subsection (2).

(d) If an entity holds an active license under Chapter 494, F.S., with the Department, it is exempt from the provisions of subsection (2) this rule when it applies for a different type of license, unless there has been a change of control of 50% or more of the ownership since the time its initial license was approved by the Department.

(e) Any claim to any of the above exemptions shall be supported by attaching evidence of the exemption with the application for license.

(3) Request for Additional Information. Any request for additional information will be made by the Department within thirty (30) days after receipt of the application by the Department. The additional information must be received by the Department within forty-five (45) days from the date of the request. Failure to respond to the request within forty-five (45) days from the date of request shall be construed by the Department as grounds for denial for failure to complete the application and the application shall be denied pursuant to Subsection 120.60(1), F.S.

(4) through (8) No change.

Specific Authority 215.405, 494.0011(2), 494.0061(3) FS. Law Implemented 494.0061(3) FS. History—New 10-1-91, Amended 6-6-93, 5-14-95, 9-3-95, 11-5-95, 7-14-96, 11-24-97, 8-22-99, 12-12-99, _____.

3D-40.220 Application Procedure for Correspondent Mortgage Lender License.

(1) Each corporation, general partnership, limited partnership, limited liability company, or other lawful entity desiring to obtain licensure as a correspondent mortgage lender shall apply to the Department by submitting the following:

(a) A completed Application for Licensure as a Correspondent Mortgage Lender, Form DBF-CL-333, revised 10/01 ~~10/99~~, which is hereby incorporated by reference and available by mail from the Department of Banking and Finance, Division of Securities and Finance, 101 East Gaines Street, Tallahassee, Florida 32399-0350;

(b) The statutory, non-refundable fee required by Section 494.0062, F.S., which shall be the fee for the biennial period beginning September 1 of each even-numbered year or any part thereof;

(c) Audited financial statements documenting a minimum net worth of \$25,000 as of the applicant's most recent fiscal year end. If the application is submitted within three (3) months of the most recent fiscal year end and an audited statement from the most recent fiscal year is not available, an audited statement from the previous fiscal year end is acceptable;

(d) A surety bond, issued by a bonding company or insurance company authorized to do business in this State, in the amount of \$10,000; and submitted on Form DBF-ML-444, Mortgage Brokerage and Mortgage Lending Act Surety Bond, effective 10-1-91, which is hereby incorporated by reference and available by mail from the Department of Banking and Finance, Division of Securities and Finance, 101 East Gaines Street, Tallahassee, Florida 32399-0350.

(e) Designate a principal representative who shall exercise control of the licensee's business. Beginning October 1, 2001, the principal representative must have completed 24 hours of classroom education in accordance with Rule 3D-40.027, F.A.C., and must also have passed a written test in accordance with Rule 3D-40.025, F.A.C., prior to the application being approved. If the designated principal representative holds an active mortgage broker license with the Department, he or she will have satisfied the 24-hour classroom education and testing requirements of this section.

(2) Each ultimate equitable owner of 10% or greater interest, the chief executive officer and each director of an entity applying for licensure as a correspondent mortgage lender, shall submit a completed fingerprint card and Biographical Summary, Form CL-BIO-1 (revised 10/99), to the Department along with a \$15 nonrefundable processing fee. Form CL-BIO-1 is hereby incorporated by reference and

available by mail from the Department of Banking and Finance, Division of Securities and Finance, 101 East Gaines Street, Tallahassee, Florida 32399-0350.

(a) Any entity that is a wholly-owned subsidiary of a state or federally approved financial institution is exempt from the provisions of subsection (2).

(b) For purposes of this rule, "chief executive officer" means the person primarily responsible for the operation of the business, and a "financial institution" means a state or federal association, bank, trust company, international bank agency, or credit union.

(c) If the individual owner, director, or chief executive officer holds an active mortgage broker's license with the Department, they are exempt from the provisions of subsection (2).

(d) If an entity holds an active license under Chapter 494, F.S., with the Department, it is exempt from the provisions of subsection (2) this rule when it applies for a different type of license, unless there has been a change of control of 50% or more of the ownership since the time its initial license was approved by the Department.

(e) Any claim to any of the above exemptions shall be supported by attaching evidence of the exemption with the application for license.

(3) Request for Additional Information. Any request for additional information will be made by the Department within thirty (30) days after receipt of the application by the Department. The additional information must be received by the Department within forty-five (45) days from the date of the request. Failure to respond within forty-five (45) days from the date of request shall be construed by the Department as grounds for denial for failure to complete the application and the application shall be denied pursuant to Subsection 120.60(1), F.S.

(4) through (8) No change.

Specific Authority 215.405, 494.0011(2), 494.0062(3) FS. Law Implemented 494.0062(3) FS. History—New 10-1-91, Amended 6-6-93, 5-14-95, 9-3-95, 11-5-95, 7-14-96, 11-24-97, 8-22-99, 12-12-99, _____.

3D-40.242 Principal Representative.

(1) Effective October 1, 2001, each mortgage lender, correspondent mortgage lender, and mortgage lender pursuant to the saving clause shall designate a principal representative and the individual designated shall accept responsibility by completing the Principal Representative Designation, Form DBF-ML/CL-PR, effective 10/01, which is hereby incorporated by reference and available by mail from the Department of Banking and Finance, Division of Securities and Finance, 101 East Gaines Street, Tallahassee, Florida 32399-0350.

(2) An individual can only be a principal representative for one mortgage lender, correspondent mortgage lender, or mortgage lender pursuant to the saving clause.

(3) Upon any change of principal representative, the licensee and the newly designated principal representative shall complete the Principal Representative Designation, Form DBF-ML/CL-PR. Form DBF-ML/CL-PR shall be maintained at the principal office of the mortgage lender, correspondent mortgage lender, or mortgage lender pursuant to the saving clause, and a copy shall be mailed to the Department at the above address or electronically transmitted to the Department's website at www.dbf.state.fl.us on the Internet within thirty (30) days of said designation or change in designation.

(4) Anyone being designated as a principal representative or any change in the principal representative after October 1, 2001, must submit that evidence that he or she has been actively licensed as a mortgage broker pursuant to Section 494.0033, F.S., or has completed 24 hours of classroom education in accordance with Rule 3D-40.027, F.A.C., and has passed a written test in accordance with Rule 3D-40.025, F.A.C. If the newly designated principal representative has not been licensed as a mortgage broker in this state, he or she will have 90 days from the date that he or she is designated as the principal representative to complete the educational and testing requirements of this section.

(5) The penalty for failure to maintain Form DBF-ML/CL-PR shall be the issuance of a "notice of noncompliance" for a first offense. Any subsequent finding of a violation of this rule during an examination or investigation shall be a fine of \$500. In cases where the failure to maintain Form DBF-ML/CL-PR is intentional, the penalty shall be a fine of \$5,000.

(6) Each principal representative shall notify the Department of Banking and Finance, Division of Securities and Finance, 101 East Gaines Street, Tallahassee, Florida 32399-0350 in writing, within thirty (30) days, of the termination of his or her principal representative status.

Specific Authority 494.0011(2) FS. Law Implemented 120.695, 494.001(29), 494.0061, 494.0062, 494.0067 FS. History--New

DEPARTMENT OF INSURANCE

RULE TITLE: Annual and Quarterly Reporting Requirements

RULE NO.: 4-137.001

PURPOSE AND EFFECT: The amendment would allow companies to submit financial filings to the NAIC via the Internet. The NAIC has established the ability to receive such filings via the Internet and they would like to add that filing option for insurers.

SUBJECT AREA TO BE ADDRESSED: Electronic filings for annual and quarterly reports.

SPECIFIC AUTHORITY: 624.308(1) FS.

LAW IMPLEMENTED: 624.307(1), 624.424(1) 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: 9:30 a.m., September 18, 2001

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Bob Norris, Financial Administrator, Insurer Services, Department of Insurance

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 the contact person listed above.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

4-137.001 Annual and Quarterly Reporting Requirements.

(1) through (2) No change.

(3) Manual and Automated Reporting.

(a) Annual and quarterly statements in manual form shall be identical to those filed in accordance with paragraph (b) below, and shall be filed with the Department in accordance with subsection (2), above.

(b) 1. Each insurer shall submit its annual and quarterly statement information in computer readable ~~format form~~ using the diskette medium or other computer readable format compatible with the electronic data processing system specified in (c) below.

2. Diskettes or information in a computer-readable format shall not be submitted to the Department.

3. Annual and quarterly statements in diskette form or other computer readable format shall be sent or transmitted electronically to the National Association of Insurance Commissioners, 120 West 12th Street, Suite 1100, Kansas City, Missouri 64105. The envelope shall be marked to indicate that diskettes are enclosed if that medium is used.

(c) 1. The National Association of Insurance Commissioners Annual Statement Diskette Filing Specifications or electronic transmission filing specifications are hereby adopted and incorporated by reference.

2. A copy of these specifications may be obtained from the National Association of Insurance Commissioners, at the address in paragraph (b), above.

3. These specifications may be inspected during regular business hours at the ~~Bureau of Data Control~~, Division of Insurer Services, Department of Insurance, ~~6th Floor~~, Larson Building, 200 East Gaines Street, Tallahassee, Florida 32399.

Specific Authority 624.307, 624.308(1) FS. Law Implemented 624.307(1), 624.424(1) FS. History--New 3-31-92, Amended 8-24-93, 4-9-95, 4-9-97,

DEPARTMENT OF EDUCATION

State Board of Education

RULE TITLE: Pupil Attendance Records
 RULE NO.: 6A-1.044

PURPOSE AND EFFECT: The purpose of this rule development is to revise existing requirements of the statewide attendance recordkeeping system to establish standards for electronic attendance recordkeeping systems so that individual school districts will no longer be required to obtain prior approval for alternate systems on a case by case basis. The effect is to maintain standards for auditable attendance records while allowing for advances in technology where appropriate and without placing undue burden on school districts.

SUBJECT AREA TO BE ADDRESSED: Pupil Attendance Records; Handbook for DOE Automated Student Recordkeeping System.

SPECIFIC AUTHORITY: 120.53(1)(b), 229.053(1), 229.555(3) FS.

LAW IMPLEMENTED: 232.021, 232.022, 232.023 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.

Requests for the rule development workshop should be addressed to: Wayne V. Pierson, Agency Clerk, Department of Education, 325 West Gaines Street, Room 1214, Tallahassee, Florida 32399-0400.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Lavan Duker, Education Information and Accountability Services, Department of Education, 325 West Gaines Street, Room 814, Tallahassee, Florida 32399-0400, (850)487-2280

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

6A-1.044 Pupil Attendance Records.

(1) Pupil attendance records shall be maintained for any student enrolled in public schools who is earning high school credit as provided in Section 232.2462, Florida Statutes, who is funded as provided in Chapter 236, Florida Statutes, and the Appropriations Act, or who is required to be in attendance by the compulsory attendance requirements as provided in Chapter 232, Florida Statutes.

(2) ~~Beginning in the fiscal year 1988-89, the automated student attendance recordkeeping system as provided for in Rule 6A-1.0014, FAC., shall be the attendance system as used in this rule.~~

(3) The presence, absence, or tardiness of each student shall be checked once each day at a time or times prescribed by the school board and all absent and tardy pupils shall be recorded daily in the Automated Student Attendance

~~Recordkeeping System as described in the Department of Education Comprehensive Management Information System Attendance Recordkeeping Handbook or daily by such alternate system of recording attendance as has been specifically approved by the Deputy Commissioner for Administration and Technology. In approving alternate systems, the Deputy Commissioner for Administration and Technology shall use the following criteria: The attendance recordkeeping system shall provide complete and accurate attendance data and shall make provision for maintaining auditable records for three (3) years or until applicable audits are completed. Any alternate system shall be approved prior to implementation only upon specific application from the district.~~ The attendance records shall also show the dates of a student's enrollment, withdrawal or re-entry in the school for the applicable year. Data shall not be recorded in temporary records, and then transferred at a later date to attendance records, except for the first ten (10) days of each school year.

(4) Attendance of all pupils must be maintained during the one hundred eighty (180) day school year or the equivalent and summer school when applicable as provided by law and rules of the State Board shall be required, except for absence due to illness, or as otherwise provided by law.

(5) For the purpose of compliance with this rule, a pupil shall be deemed to be in attendance if actually present at school, or away from school on a school day and engaged in an educational activity which constitutes a part of the school-approved instructional program for that pupil. Any such attendance must be in accordance with the minimum time requirements specified by Section 228.041(13), Florida Statutes.

(6) For the purpose of recording attendance, attendance of pupils shall be reported as follows:

(a) Each pupil who is scheduled at a school center for the minimum required school day, and who is recorded as being present or tardy, shall be reported as present one (1) day.

(b) Each pupil who is scheduled at a school center for instructional purposes for a partial day, and at an area vocational-technical center, a vocational school, a community college, a university, or another school center for a partial day shall be reported as present or absent for the appropriate portion of the day at each center.

(c) The attendance of a pupil who is assigned to an on-the-job instructional program which does not require his or her presence at a school center for on-the-job instructional purposes shall be reported as being in attendance when documented through the use of a time card to report actual days in attendance and a time card or work schedule to report instructional or work hours. Both the time card and schedule should be signed by the employer or instructional supervisor.

DEPARTMENT OF CORRECTIONS

RULE TITLE: Special Management Meal
RULE NO.: 33-602.223

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to correct technical coding matters and to clarify when inmates may be placed on the special management meal.

SUBJECT AREA TO BE ADDRESSED: Special management meal.

SPECIFIC AUTHORITY: 20.315, 944.09 FS.

LAW IMPLEMENTED: 20.315, 944.09 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: Perri King Dale, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-602.223 Special Management Meal.

(1) through (2) No change.

(3) Inmates in any confinement status may be placed on the special management meal for creating a security problem by any of the following acts:

(a) The throwing or misuse of food, beverage, food utensils, food tray, or human waste products, or spitting at staff;

(b) through (c) No change.

(4) Placement on the Special Management Meal.

(a) When any employee observes inmate behavior that he believes meets the criteria for application of the special management meal, the employee shall prepare Form DC6-218, Special Management Meal Report, and forward the report to the chief of security for review. Form DC6-218, Special Management Meal Report, is hereby incorporated by reference. A copy of this form may be obtained from the Forms Control Administrator, Office of the General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. ~~If forms are to be mailed, a self-addressed stamped envelope must accompany the request.~~ The effective date of this form is 8-1-00.

(b) through (c) No change.

(5) Canteen privileges authorized by 33-602.220(8)(n), F.A.C., and 33-601.803(3)(f), F.A.C., for inmates in administrative confinement and close management status shall be suspended for the duration of the period that an inmate is on special management meal status.

(6) through (8) No change.

Specific Authority 20.315, 944.09 FS. Law Implemented 20.315, 944.09 FS. History--New 1-11-88, 3-4-92, 5-27-97, 11-25-98, Formerly 33-3.0085, Amended 8-1-00.

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE TITLE: Payment Methodology for Nursing Home Services
RULE NO.: 59G-6.010

PURPOSE AND EFFECT: The purpose of the proposed amendment is to incorporate changes to the Florida Title XIX Long-term Care Reimbursement Plan (the Plan) payment methodology, effective January 1, 2002.

1. There will be direct care and indirect care subcomponents of the patient care component of the per diem rate. These two subcomponents together shall equal the patient care component of the per diem rate. Separate cost-based ceilings shall be calculated for each patient care subcomponent. The direct care subcomponent of the per diem rate shall be limited by the cost-based class ceiling and the indirect care subcomponent shall be limited by the lower of the cost-based class ceiling, by the target rate class ceiling or by the individual provider target. The Agency will adjust the patient care component effective January 1, 2002. The cost to adjust the direct care subcomponent shall be net of the total funds previously allocated for the case mix add-on. The agency shall make the required changes to the nursing home cost reporting forms to implement this requirement effective January 1, 2002.

2. The direct care subcomponent shall include salaries and benefits of direct care staff providing nursing services including registered nurses, licensed practical nurses, and certified nursing assistants who deliver care directly to residents in the nursing home facility. This excludes nursing administration, MDS, and care plan coordinators, staff development, and staffing coordinator.

3. All other patient care costs shall be included in the indirect care cost subcomponent of the patient care per diem rate. There shall be no costs directly or indirectly allocated to the direct care subcomponent from a home office or management company.

The effect of the proposed amendment is the creation of direct care and indirect care subcomponents of the patient care component of the per diem rate. These two subcomponents together shall equal the patient care component of the per diem rate. Separate cost-based ceilings shall be calculated for each patient care subcomponent. The direct care subcomponent of the per diem rate shall be limited by the cost-based class ceiling and the indirect care subcomponent shall be limited by the lower of the cost-based class ceiling, by the target rate class ceiling or by the individual provider target. The Agency will adjust the patient care component effective January 1, 2002. The cost to adjust the direct care subcomponent shall be net of the total funds previously allocated for the case mix add-on.

The agency shall make the required changes to the nursing home cost reporting forms to implement this requirement effective January 1, 2002.

The direct care subcomponent shall include salaries and benefits of direct care staff providing nursing services including registered nurses, licensed practical nurses, and certified nursing assistants who deliver care directly to residents in the nursing home facility. This excludes nursing administration, MDS, and care plan coordinators, staff development, and staffing coordinator.

All other patient care costs shall be included in the indirect care cost subcomponent of the patient care per diem rate. There shall be no costs directly or indirectly allocated to the direct care subcomponent from a home office or management company.

SUBJECT AREA TO BE ADDRESSED: The subject area to be addressed is the patient care component of the nursing facilities per diem rate and the creation of direct care and indirect care subcomponents. The Agency is adjusting the patient care component effective January 1, 2002.

SPECIFIC AUTHORITY: 409.909 FS.

LAW IMPLEMENTED: 409.908 FS.

IF REQUESTED IN WRITING WITHIN 14 DAYS OF THE DATE OF THIS NOTICE, AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE BELOW (IF NOT REQUESTED IN WRITING, A WORKSHOP WILL NOT BE HELD):

TIME AND DATE: 9:00 a.m., September 19, 2001

PLACE: The Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Conference Room C, Tallahassee, Florida 32308

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: John Owens, Medicaid Program Analysis, Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Mail stop 21, Tallahassee, Florida 32308, (850)414-2756

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

DEPARTMENT OF MANAGEMENT SERVICES

Agency for Workforce Innovation

RULE TITLES:	RULE NOS.:
School Readiness Program Eligibility	60BB-4.001
Definitions	60BB-4.002
Parent Fees	60BB-4.003
School Readiness Program Standards	60BB-4.004
Tiered Reimbursement Rates	60BB-4.005

PURPOSE AND EFFECT: The 2001 Legislature in SB 1162 amended Section 411.01, F.S. and transferred by type two transfer the Florida Partnership for School Readiness, the pre-kindergarten early intervention, subsidized childcare, and other related programs to the Agency for Workforce

Innovation. The law also repealed various statutes related to those programs to be effective December 31, 2001. Section 411.01, F.S., requires the Florida Partnership for School Readiness to develop rules to prepare and implement the system for school readiness. The workshop is to hear public comment and develop rules in the areas that will be lost due to the repeal of those statutes under those programs, but are still vital and necessary to the effectiveness of those programs and the system for school readiness.

SUBJECT AREA TO BE ADDRESSED: School Readiness Programs.

SPECIFIC AUTHORITY: 411.01, F.S., as amended by SB 1162 (2001-170, Laws of Florida)

LAW IMPLEMENTED: 411.01, F.S., as amended by SB 1162 (2001-170, Laws of Florida)

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

TIME AND DATE: September 17, 2001, 12:00 p.m. – 7:00 p.m.

PLACES: University of North Florida, Room 1044, Banquet Hall 01, 12000 Alumni Drive, Jacksonville, Florida 32224-2678; Administration Center (City Hall), City of Dania Beach, 100 W. Dania Beach Blvd., Commission Chamber Room, Dania Beach, Florida 33004

TIME AND DATE: September 18, 2001, 12:00 p.m. – 7:00 p.m.

PLACES: R. A. Gray Building Auditorium, 500 South Bronough Street, Tallahassee, Florida 32399-0250; Florida Southern College, Alumni Center, Alumni Room, 111 Lake Hollingsworth Drive, Lakeland, Florida 33801

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Molly Jones, Director of Policy, Florida Partnership for School Readiness, Holland Building, Suite 252, 600 South Calhoun Street, Tallahassee, FL 32399, (850)488-0337

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

DEPARTMENT OF HEALTH

Board of Medicine

RULE TITLE:	RULE NO.:
Notices	64B8-1.006

PURPOSE AND EFFECT: The proposed rule amendment is intended to implement a new change pursuant to section 456.035, Florida Statutes, with regard to electronic notification of change of address.

SUBJECT AREA TO BE ADDRESSED: Change of address notification.

SPECIFIC AUTHORITY: 458.309 FS.

LAW IMPLEMENTED: 456.035(1), 458.319(5) FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Tanya Williams, Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B8-1.006 Notices.

In addition to the requirements of Section 458.319(3), Florida Statutes, each person holding a license issued pursuant to Chapter 458, Florida Statutes, must maintain on file with the Board of Medicine the current address at which any notice required by law may be served by the Board or its agent. Within 60 days of changing this address, whether or not within this state, the licensee shall notify the Board in writing of the new address at which the licensee may be served with notices or other documents. The written notification to the Board may be made electronically.

Specific Authority 458.309 FS. Law Implemented 456.035(1), 458.319(5) FS. History--New 2-21-93, Formerly 21M-18.018, 61F6-18.018, Amended 12-22-96, Formerly 59R-1.018, Amended.

DEPARTMENT OF HEALTH

Board of Medicine

RULE TITLE: List of Approved Forms; Incorporation

RULE NO.: 64B8-1.007

PURPOSE AND EFFECT: The Board proposes the development of a rule amendment to incorporate a revised incident reporting form into the rule on forms.

SUBJECT AREA TO BE ADDRESSED: Revision to the Physician Office Adverse Incident Report.

SPECIFIC AUTHORITY: 120.55(1)(a),(4), 456.013, 456.036(5), 456.048(1), 458.309, 458.311, 458.3124(6), 458.313(4), 458.3145, 458.315(2), 458.320(8), 458.321(2), 458.347(13), 458.351(6) FS.

LAW IMPLEMENTED: 456.013, 456.035, 456.036, 456.048, 456.073, 458.309, 458.311, 458.3124, 458.313, 458.3145, 458.315, 458.316, 458.317, 458.319, 458.320, 458.321, 458.345, 458.347, 458.351 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Tanya Williams, Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B8-1.007 List of Approved Forms; Incorporation.

The following forms used by the Board in its dealings with the public are listed as follows and are hereby adopted and incorporated by reference, and can be obtained from the Board office by writing to the Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-1753, or by telephoning (850)245-4131:

(1) through (15) No change.

(16) DH-MQA 1030, entitled "Physician Office Adverse Incident Report," (9/01) ~~(2/00)~~.

(17) through (23) No change.

Specific Authority 120.55(1)(a),(4), 456.013, 456.036(5), 456.048(1), 458.309, 458.311, 458.3124(6), 458.313(4), 458.3145, 458.315(2), 458.320(8), 458.321(2), 458.347(13), 458.351(6) FS. Law Implemented 456.013, 456.035, 456.036, 456.048, 456.073, 458.309, 458.311, 458.3124, 458.313, 458.3145, 458.315, 458.316, 458.317, 458.319, 458.320, 458.321, 458.345, 458.347, 458.351 FS. History--New 4-17-01, Amended.

DEPARTMENT OF HEALTH

Board of Medicine

RULE TITLE: Definitions

RULE NO.: 64B8-2.001

PURPOSE AND EFFECT: The Board proposes the development of a rule amendment to set forth definitions for the various levels of supervision.

SUBJECT AREA TO BE ADDRESSED: Definitions for the various levels of supervision.

SPECIFIC AUTHORITY: 458.309, 458.315(1), 458.317(1)(c), 458.319(1), 766.314(4) FS.

LAW IMPLEMENTED: 458.303, 458.311, 458.313, 458.315(1), 458.317(1)(c), 458.331(1)(u), 458.3485, 766.314(4) FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Tanya Williams, Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B8-2.001 Definitions.

(1) Levels of Supervision: ~~The phrase "direct supervision and control" as used in Section 458.303(2), F.S., shall require the following: The physical presence of the supervising physician on the premises so that the supervising physician is immediately available when needed.~~

(a) "Direct supervision and control" shall require the physical presence of the supervising licensee on the premises so that the supervising licensee is immediately available as needed.

(b) "Direct supervision" shall require the physical presence of the supervising licensee on the premises so that the supervising licensee is reasonably available as needed. When this term is used in probationary terms of a Final Order, it requires that the licensee practice medicine only if the approved supervisor is on the premises.

(c) "Direct supervision and responsibility" shall not require the supervising licensee to be physically present on the premises, but the supervising licensee must be within close physical proximity and easily accessible as needed.

(d) "Indirect supervision" shall require only that the supervising licensee practice at a location which is within close physical proximity of the practice location of the supervised licensee and that the supervising licensee must be readily available for consultation as needed.

(e) "Close physical proximity" shall be within 20 miles unless otherwise authorized by the Board.

(2) through (5) No change.

(6) The phrase "direct responsibility," as defined by the Board of Medicine, and as used in Section 458.3485, Florida Statutes, shall mean that the responsible physician need not be physically present on the premises but must be within close physical proximity and easily accessible.

(7) through (11) renumbered (6) through (10) No change.

Specific Authority 458.309, 458.315(1), 458.317(1)(c), 458.319(1), 766.314(4) FS. Law Implemented 458.303, 458.311, 458.313, 458.315(1), 458.317(1)(c), 458.331(1)(u), 458.3485, 766.314(4) FS. History--New 11-10-82, Amended 12-4-85, Formerly 21M-29.01, Amended 12-4-86, 11-15-88, 3-13-89, 1-1-92, 9-24-92, 2-21-93, Formerly 21M-29.001, Amended 4-14-94, Formerly 61F6-29.001, 59R-2.001, Amended 4-7-99.

DEPARTMENT OF HEALTH

Board of Medicine

RULE TITLES: RULE NOS.:

Application, Certification, Registration, and Licensure Fees 64B8-3.002
Inactive and Delinquent Status Fees 64B8-3.004

PURPOSE AND EFFECT: The Board proposes the development of a rule amendment to incorporate an increase in the initial licensure fees and inactive and delinquent fees.

SUBJECT AREA TO BE ADDRESSED: Initial licensure, inactive and delinquent fees.

SPECIFIC AUTHORITY: 456.013, 456.025, 456.036, 458.309, 458.311, 458.313, 458.3135, 458.3145, 458.315, 458.316, 458.3165, 458.317, 458.345, 458.347 FS.

LAW IMPLEMENTED: 456.013, 456.025, 456.036, 458.311, 458.3115, 458.3124, 458.313, 458.3135, 458.3145, 458.315, 458.316, 458.317, 458.345, 458.347 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Tanya Williams, Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B8-3.002 Application, Certification, Registration, and Licensure Fees.

The following fees are prescribed by the Board:

(1) through (5) No change.

(6) The initial certification fee for any person who is issued a temporary certificate to practice in areas of critical need, public health certificate, public psychiatry certificate, or medical faculty certificate and the initial license fee for a person who is issued a license to practice as a physician as provided in Section 458.311, 458.3115 or 458.3124, F.S., or Section 458.313, F.S.; or a limited license as provided in Section 458.317, F.S., shall be \$385.00 \$350.00 with the following exceptions:

(a) through (d) No change.

(7) through (8) No change.

Specific Authority 456.013, 456.025, 458.309, 458.311, 458.313, 458.3135, 458.3145, 458.315, 458.316, 458.3165, 458.317, 458.345, 458.347 FS. Law Implemented 456.013, 456.025, 458.311, 458.3115, 458.3124, 458.313, 458.3135, 458.3145, 458.315, 458.316, 458.317, 458.345, 458.347 FS. History--New 12-5-79, Amended 11-10-82, 8-11-85, 10-24-85, Formerly 21M-19.02, Amended 12-4-86, 11-3-87, 7-4-88, 10-23-89, 11-12-89, 11-11-90, 1-16-91, 1-9-92, 2-10-92, 9-7-92, Formerly 21M-19.002, Amended 9-21-93, Formerly 61F6-19.002, Amended 2-13-95, 2-20-96, 6-24-96, Formerly 59R-3.002, Amended 6-7-98, 8-11-98, 11-22-98, 12-14-99, 1-31-01.

64B8-3.004 Inactive and Delinquent Status Fees.

(1) The fees for individuals holding a medical license, a temporary certificate to practice in areas of critical need, or a limited license shall be:

(a) The fee for an inactive status license shall be \$385.00 \$350.00. The fee for inactive status for a resident shall be \$200.00.

(b) No change.

(c) The fee for delinquent status as set forth in Subsection 456.036(7), F.S., shall be \$385.00 \$350.00. The fee for delinquent status for a resident shall be \$200.00.

(d) No change.

(2) No change.

Specific Authority 458.309, 456.036 FS. Law Implemented 456.036, 458.3145, 458.316, 458.3165, 458.345 FS. History--New 2-13-95, Amended 10-10-95, 12-18-95, Formerly 59R-3.004, Amended 8-11-98.

DEPARTMENT OF HEALTH

Board of Medicine

RULE TITLE: Applications
RULE NO.: 64B8-4.009

PURPOSE AND EFFECT: The Board proposes the development of a rule amendment to incorporate the requirements for initial licensure with regard to educational requirements in the rule which covers applications for licensure.

SUBJECT AREA TO BE ADDRESSED: Educational requirements for initial licensure.

SPECIFIC AUTHORITY: 120.53, 456.031, 456.033, 458.309, 458.311 FS.

LAW IMPLEMENTED: 120.53, 456.031, 456.033, 458.311, 458.3124, 458.313, 458.3145, 458.315, 458.316, 458.3165, 458.317 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Tanya Williams, Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B8-4.009 Applications.
(1) through (9) No change.

(10) The applicant must submit notarized statements attesting to the following:

(a) completion of three hours of all Category I, American Medical Association Continuing Medical Education which includes the topics of Human Immunodeficiency Virus and Acquired Immune Deficiency Syndrome: the disease and its spectrum of clinical manifestations; epidemiology of the disease; related infections including TB; treatment, counseling, and prevention; transmission from healthcare worker to patient and patient to healthcare worker; universal precautions and isolation techniques; and legal issues related to the disease. If the applicant has not already completed the required continuing medical education, upon submission of an affidavit of good cause, the applicant will be allowed six months to complete this requirement.

(b) completion of one hour of continuing medical education on domestic violence which includes information on the number of patients in that professional's practice who are likely to be victims of domestic violence and the number who are likely to be perpetrators of domestic violence, screening procedures for determining whether a patient has any history of being either a victim or a perpetrator of domestic violence, and

instruction on how to provide such patients with information on, or how to refer such patients to, resources in the local community, such as domestic violence centers and other advocacy groups, that provide legal aid, shelter, victim counseling, batterer counseling, or child protection services, and which is approved by any state or federal government agency, or nationally affiliated professional association, or any provider of Category I or II American Medical Association Continuing Medical Education. Home study courses approved by the above agencies will be acceptable. If the applicant has not already completed the required continuing medical education, upon submission of an affidavit of good cause, the applicant will be allowed six months to complete this requirement.

(c) completion of two hours of continuing medical education relating to prevention of medical errors which includes a study of root cause analysis, error reduction and prevention, and patient safety, and which is approved by any state or federal government agency, or nationally affiliated professional association, or any provider of Category I or II American Medical Association Continuing Medical Education. One hour of a two hour course which is provided by a facility licensed pursuant to Chapter 395, F.S. for its employees may be used to partially meet this requirement.

(8) through (9) renumbered (9) through (10) No change.

Specific Authority 120.53, ~~456.031~~, ~~456.033~~, 458.309, 458.311 FS. Law Implemented 120.53, ~~456.031~~, ~~456.033~~, 458.311, 458.3124, 458.313, 458.3145, 458.315, 458.316, 458.3165, 458.317 FS. History—New 3-31-80, Amended 12-4-85, Formerly 21M-22.09, Amended 9-7-88, 3-13-89, 1-1-92, 2-21-93, Formerly 21M-22.009, Amended 11-4-93, Formerly 61F6-22.009, Amended 11-15-94, 2-15-96, Formerly 59R-4.009, Amended 7-10-01,

DEPARTMENT OF HEALTH

Board of Medicine

RULE TITLE: Disciplinary Guidelines
RULE NO.: 64B8-8.001

PURPOSE AND EFFECT: The Board proposes the development of rule amendments to address changes to the disciplinary guidelines.

SUBJECT AREA TO BE ADDRESSED: Disciplinary guidelines.

SPECIFIC AUTHORITY: 456.079, 458.309, 458.331(5) FS.

LAW IMPLEMENTED: 456.072, 456.079, 458.331(5) FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Tanya Williams, Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253

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

DEPARTMENT OF HEALTH

Board of Medicine

RULE TITLE: Notice of Noncompliance
RULE NO.: 64B8-8.011

PURPOSE AND EFFECT: The Board proposes the development of a rule amendment to address notices of noncompliance with regard to delinquent licensure status.

SUBJECT AREA TO BE ADDRESSED: Notices of noncompliance.

SPECIFIC AUTHORITY: 456.073(3), 458.309 FS.

LAW IMPLEMENTED: 456.073(3) FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Tanya Williams, Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B8-8.011 Notice of Noncompliance.

(1) through (2) No change.

(3) The following violations are those for which the board authorizes the Agency to issue a notice of noncompliance.

(a) through (b) No change.

(c) Violating any of the following provisions of chapter 458, as prohibited by Section 458.331(1)(x), Florida Statutes:

- 1. Section 458.327, Florida Statutes, which provides for criminal penalties for the practice of medicine without an active license. A notice of noncompliance would be issued for this violation only if the subject of the investigation met the following criteria: the subject must be the holder of a license to practice medicine at all time material to the matter; that license is otherwise in good standing; and that license must be renewed and placed in an active status within 90 days of becoming delinquent reverting to inactive status based on failure to renew the license. If the license was delinquent in an inactive status for more than 90 days and the individual continued to practice, then the matter would proceed under the other provisions of Section 456.073, Florida Statutes.
2. No change.

Specific Authority 456.073(3), 458.309 FS. Law Implemented 456.073(3) FS. History--New 11-15-90, Formerly 21M-20.011, 61F6-20.011, 59R-8.011, Amended 1-27-00,_____.

DEPARTMENT OF HEALTH

Board of Medicine

RULE TITLE: Citation Authority
RULE NO.: 64B8-8.017

PURPOSE AND EFFECT: The Board proposes the development of rule amendments to set forth additional violations for which a citation is deemed appropriate.

SUBJECT AREA TO BE ADDRESSED: Additional citation violations.

SPECIFIC AUTHORITY: 458.309, 456.077 FS.

LAW IMPLEMENTED: 456.077 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Tanya Williams, Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B8-8.017 Citation Authority.

(1) through (2) No change.

(3) The following violations with accompanying penalty may be disposed of by citation with the specified penalty:

Table with 2 columns: VIOLATIONS and PENALTY. Row 1: CME violations (Sections 458.321, 458.331(1)(g), (x), 456.072(1)(e), (s), F.S.) - Within twelve months of issuance, Respondent must submit certified documentation of completion of all CME requirements for the period for which the citation was issued; prior to renewing the license for the next biennium, Respondent must document compliance with the CME requirements for the relevant period; AND \$500 fine. Row 2: Failure to document required HIV/AIDS and related infections of TB CME. \$500 fine. Row 3: Failure to document required domestic violence CME. \$500 fine. Row 4: Failure to document required medical errors CME. \$500 fine.

- 4.3- Failure to document required HIV/AIDS and related infections of TB and failure to document domestic violence and medical errors CME. \$1000 fine
- 5.4- Documentation of some, but not all, 40 hours of required CME for license renewal. \$50 fine for each hour not documented.
- (b) through (d) No change.
- (e) Failure to provide medical records of only one patient or excessively charging copying fees for patient records (64B8-10.003, F.A.C.) (Sections 458.331(1)(g), 456.057). \$500 fine and reimbursement of excessive fees charged.
- (f) No change.
- (g) False, deceptive or misleading advertising. (Section 458.331(1)(d), F.S.)
 - 1. Advertising violations other than those included in Rule 64B8-8.011(3)(a)1., F.A.C. \$500 fine
 - 2. Advertising or holding oneself out as a board-certified specialist, if not qualified under Section 458.3312, F.S. (Section 458.331 (1)(ll), F.S.) \$500 fine
- (h) Failure to update physician profile as required in Sections 456.039(3) and 457.319(1), F.S. (Sections 456.039(3)(b), F.S.) \$1000 fine and 3 hours CME in ethics
- (i) Failure to notify the Board in writing within 30 days if action as defined in Section 458.331(1)(b), F.S., has been taken against one's license to practice medicine in another state, territory, or county if that action was \$1000 fine

- based on action taken by the Florida Board of Medicine.
- (j) Failure to comply with Sections 381.0261, F.S., by failing to inform patients of the address and telephone number of the agency responsible for responding to patient complaints or failure to make available a summary of rights to patients. (Sections 458.331(1)(g) and 456.072(1)(k), F.S.)
 - 1. For non-willful violations \$100 fine
 - 2. For willful violations \$500 fine
- (k) First time failure to pay fine or costs imposed by Board Order (failure to pay citation will result in an administrative complaint). 10% of the fine and/or costs imposed, fine and costs.
- (4) through (7) No change.

Specific Authority 458.309, 456.077 FS. Law Implemented 456.077 FS. History--New 12-30-91, Formerly 21M-20.017, Amended 11-4-93, Formerly 61F6-20.017, Amended 8-23-95, Formerly 59R-8.017, Amended 4-7-99, 1-27-00,_____.

DEPARTMENT OF HEALTH

Board of Medicine

RULE TITLE: Standards for Telemedicine Prescribing Practice
 RULE NO.: 64B8-9.014
 PURPOSE AND EFFECT: The Board proposes the development of a rule to address appropriate electronic prescribing practice for physicians.
 SUBJECT AREA TO BE ADDRESSED: Electronic prescribing practice for physicians.
 SPECIFIC AUTHORITY: 458.309, 458.331(1)(v) FS.
 LAW IMPLEMENTED: 458.331(1)(q),(v) FS.
 IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Tanya Williams, Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B8-9.014 Standards for Telemedicine Prescribing Practice.

(1) Prescribing medications based solely on an electronic medical questionnaire constitutes the failure to practice medicine with that level of care, skill, and treatment which is recognized by reasonably prudent physicians as being acceptable under similar conditions and circumstances, as well as prescribing legend drugs other than in the course of a physician's professional practice. Such practice shall constitute grounds for disciplinary action pursuant to Section 458.331(1)(q) and (t), F.S.

(2) Physicians shall not provide treatment recommendations, including issuing a prescription, via electronic or other means, unless the following elements have been met:

(a) A documented patient evaluation, including history and physical examination, adequate to establish the diagnosis for which any drug is prescribed.

(b) Sufficient dialogue between the physician and the patient regarding treatment options and the risks and benefits of treatment.

(c) Maintenance of contemporaneous medical records meeting the requirements of Section 458.331(1)(m), F.S.

(3) The provisions of this rule are not applicable in an emergency situation. For purposes of this rule an emergency situation means those situations in which the prescribing physician determines that the immediate administration of the medication is necessary for the proper treatment of the patient, and that it is not reasonably possible for the prescribing physician to comply with the provision of this rule prior to providing such prescription.

(4) The provisions of this rule shall not be construed to prohibit patient care in consultation with another physician who has an ongoing relationship with the patient, and who has agreed to supervise the patient's treatment, including the use of any prescribed medications, nor on-call or cross-coverage situations in which the physician has access to patient records.

Specific Authority 458.309, 458.331(1)(v) FS. Law Implemented 458.331(1)(q),(v) FS. History-New

DEPARTMENT OF HEALTH

Board of Medicine

RULE TITLE: RULE NO.:

Continuing Education for Biennial Renewal 64B8-13.005

PURPOSE AND EFFECT: The Board proposes the development of rule amendments to clarify required continuing educational courses for biennial licensure renewal.

SUBJECT AREA TO BE ADDRESSED: Continuing education requirements for biennial licensure renewal.

SPECIFIC AUTHORITY: 458.309, 456.013(6), 456.031(4), 458.319 FS.

LAW IMPLEMENTED: 456.013(5),(6), 456.031(1)(a),(3), 458.319(4) FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Tanya Williams, Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B8-13.005 Continuing Education for Biennial Renewal.

(1) Every physician licensed pursuant to Chapter 458, Florida Statutes, shall be required to complete 40 hours of continuing medical education courses approved by the Board in the 24 months preceding each biennial renewal period as established by the Department Agency.

(a) For licensees who are renewing a medical license for the first time at least 1 of such continuing medical education hours required for renewal shall concern risk management.

(b) For all licensees no more and no less than one hour shall consist of training in domestic violence which includes information on the number of patients in that professional's practice who are likely to be victims of domestic violence and the number who are likely to be perpetrators of domestic violence, screening procedures for determining whether a patient has any history of being either a victim or a perpetrator of domestic violence, and instruction on how to provide such patients with information on, or how to refer such patients to, resources in the local community, such as domestic violence centers and other advocacy groups, that provide legal aid, shelter, victim counseling, batterer counseling, or child protection services, and which is approved by any state or federal government agency, or nationally affiliated professional association, or any provider of Category I or II American Medical Association Continuing Medical Education. Home study courses approved by the above agencies will be acceptable as required by s. 456.031(1)(a), F.S., and described in subsection (10) of this rule. Notwithstanding the foregoing, a physician may complete continuing education on end of life care and palliative health care in lieu of continuing education in domestic violence, if that physician has completed the domestic violence continuing education in the immediately preceding biennium. This allows for end of life care and palliative health care continuing education to substitute for domestic violence continuing education in alternate bienniums.

(c) For all licensees one hour of Category I American Medical Association Continuing Medical Education which includes the topics of Human Immunodeficiency Virus and Acquired Immune Deficiency Syndrome; the modes of transmission, including transmission from healthcare worker to patient and patient to healthcare worker; infection control procedures, including universal precautions; epidemiology of the disease; related infections including TB; clinical management; prevention; and current Florida law on AIDS and its impact on testing, confidentiality of test results, and treatment of patients. Any hours of said CME may also be counted toward the CME license renewal requirement. In order for a course to count as meeting this requirement, licensees practicing in Florida must clearly demonstrate that the course includes Florida law on HIV/AIDS and its impact on testing, confidentiality of test results, and treatment of patients. Only Category I hours shall be accepted.

(d) Notwithstanding the provisions of subsections (a) and (b), above, a physician may complete continuing education on end-of-life care and palliative health care in lieu of continuing education in HIV/AIDS or domestic violence, if that physician has completed the HIV/AIDS or domestic violence continuing education in the immediately preceding biennium. This allows for end-of-life care and palliative health care continuing education to substitute for HIV/AIDS or domestic violence continuing education in alternate biennia.

(e) Completion of two hours of continuing medical education relating to prevention of medical errors which includes a study of root cause analysis, error reduction and prevention, and patient safety, and which is approved by any state or federal government agency, or nationally affiliated professional association, or any provider of Category I or II American Medical Association Continuing Medical Education. One hour of a two hour course which is provided by a facility licensed pursuant to Chapter 395, F.S. for its employees may be used to partially meet this requirement.

(2) through (9) No change.

(10) Upon request by the Board or Department, the licensee must submit satisfactory documentation of compliance with the requirements set forth above. To receive credit for the required training on domestic violence, as set forth in subsection (1) of this rule, the licensee shall complete a course on domestic violence as set forth in s. 456.031(1)(a), F.S., and which is approved by any state or federal government agency, or nationally affiliated professional association, or any provider of Category I or II American Medical Association Continuing Medical Education. Home study courses approved by the above agencies will be acceptable for license renewal.

Specific Authority 458.309, 456.013(6), 456.031(4), 458.319 FS. Law Implemented 456.013(5),(6), 456.031(1)(a),(3), 458.319(4) FS. History--New 9-7-86, Amended 11-17-87, 11-15-88, 1-31-90, 9-15-92, Formerly 21M-28.002, Amended 12-5-93, Formerly 61F6-28.002, Amended 3-1-95, 1-3-96, 1-26-97, Formerly 59R-13.005, Amended 5-18-99, 2-7-01, _____.

DEPARTMENT OF HEALTH

Board of Optometry

Table with 2 columns: RULE TITLES and RULE NOS.: Patient Records; Transfer or Death of Licensed Practitioner (64B13-3.003), Entrance Sign (64B13-3.005), False, Fraudulent, Deceptive and Misleading Advertising Prohibited; Policy; Definitions; Affirmative Disclosure (64B13-3.009), Prescriptions (64B13-3.012)

PURPOSE AND EFFECT: The Board proposes the development of amendments to these rule to clarify requirements for patient records; to specify requirements for entrance signs; to clarify requirements for proper advertisements and to specify prescription requirements with regard to contact lenses.

SUBJECT AREA TO BE ADDRESSED: Patient records, entrance signs, advertising and prescriptions.

SPECIFIC AUTHORITY: 456.058, 463.005 FS.

LAW IMPLEMENTED: 456.057, 456.058, 456.072(1)(a),(m), 463.005, 463.012, 463.0135, 463.014, 463.016(1)(f),(g),(k) FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Joe Baker, Jr., Executive Director, Board of Optometry/MQA, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

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

DEPARTMENT OF HEALTH

Board of Optometry

Table with 2 columns: RULE TITLE and RULE NO.: Fees (64B13-6.001)

PURPOSE AND EFFECT: The Board proposes the development of a rule amendment to implement an initial license fee for a faculty certificate.

SUBJECT AREA TO BE ADDRESSED: Initial license fee for a faculty certificate.

SPECIFIC AUTHORITY: 456.013(2), 456.036, 463.005, 463.0057, 463.006, 463.007, 463.008 FS.

LAW IMPLEMENTED: 456.013(2), 456.025, 456.036, 463.0057, 463.006, 463.007, 463.008 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Joe Baker, Jr., Executive Director, Board of Optometry/MQA, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B13-6.001 Fees.

The following fees are prescribed by the Board:

(1) through (12) No change.

(13) The initial license fee for a faculty certificate shall be \$100.00.

(13) through (19) renumbered (14) through (20) No change.

Specific Authority 456.013(2), 456.036, 463.005, 463.0057, 463.006, 463.007, 463.008 FS. Law Implemented 456.013(2), 456.025, 456.036, 463.0057, 463.006, 463.007, 463.008 FS. History--New 12-13-79, Amended 2-14-82, 8-18-82, 12-2-82, 5-6-84, 7-29-85, Formerly 21Q-6.01, Amended 11-20-86, 7-21-88, 2-5-90, 5-29-90, 7-10-91, 4-14-92, 7-1-93, Formerly 21Q-6.001, Amended 1-24-94, Formerly 61F8-6.001, Amended 12-22-94, 2-13-95, 4-5-95, 5-29-95, 12-31-95, Formerly 59V-6.001, Amended 12-24-97, 3-21-00,

DEPARTMENT OF HEALTH

Board of Optometry

RULE TITLE: RULE NO.:

Citations 64B13-15.009

PURPOSE AND EFFECT: The Board proposes the development of a rule amendment to clarify the Department’s responsibility for providing quarterly reports with regard to citations.

SUBJECT AREA TO BE ADDRESSED: Quarterly reports with regard to citations.

SPECIFIC AUTHORITY: 456.077, 463.005 FS.

LAW IMPLEMENTED: 456.077 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Joe Baker, Jr., Executive Director, Board of Optometry/MQA, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

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

DEPARTMENT OF HEALTH

Board of Osteopathic Medicine

RULE TITLES: RULE NOS.:

Osteopathic Physician Office Incident Reporting 64B15-14.0075

Requirement for Osteopathic Physician Office Registration; Inspection or Accreditation 64B15-14.0076

Approval of Osteopathic Physician Office Accrediting Organizations 64B15-14.0077

PURPOSE AND EFFECT: The Board proposes to promulgate three new rules. Rule 64B15-14.0075 will address the reporting of office incidents. Rule 64B15-14.0076 will set forth the requirements for osteopathic physicians office registration; inspection or accreditation. Rule 64B15-14.0077 will set forth the definitions, application information standards for accreditation, and renewal of approval of accrediting organizations.

SUBJECT AREA TO BE ADDRESSED: Osteopathic physician office incident reporting, requirements for osteopathic physician office registration; inspection or accreditation; and approval of osteopathic physician office accrediting organization.

SPECIFIC AUTHORITY: 459.005(1), 459.026(6) FS.

LAW IMPLEMENTED: 459.005(2), 459.026 FS.

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

TIME AND DATE: 1:00 p.m., September 21, 2001

PLACE: Tampa Airport Hilton, 2225 Lois Avenue, Tampa, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Karen Easton, 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:

64B15-14.0075 Osteopathic Physician Office Incident Reporting.

(1) Definitions.

(a) “Adverse incident” for purposes of reporting to the department, is defined in Section 459.026, F.S., as an event over which the osteopathic physician or other licensee could exercise control and which is associated in whole or in part with a medical intervention, rather than the condition for which such intervention occurred, and which results in the following patient injuries:

1. The death of a patient.

2. Brain or spinal damage to a patient.

3. The performance of a surgical procedure on the wrong patient.

4. The performance of a wrong-site surgical procedure; the performance of a wrong surgical procedure; or the surgical repair of damage to a patient resulting from a planned surgical procedure where the damage is not a recognized specific risk as disclosed to the patient and documented through the

informed-consent process and if one of the listed procedures in this paragraph results in: death; brain or spinal damage; permanent disfigurement not to include the incision scar; fracture or dislocation of bones or joints; a limitation of neurological, physical or sensory function; or any condition that required transfer of the patient.

5. A procedure to remove unplanned foreign objects remaining from a surgical procedure.

6. Any condition that required the transfer of a patient to a hospital licensed under Chapter 395, Florida Statutes, from any facility or any office maintained by an osteopathic physician for the practice of medicine which is not licensed under Chapter 395, Florida Statutes.

(b) "Licensee" for purposes of this rule, includes an osteopathic physician or physician assistant issued a license, registration, or certificate, for any period of time, pursuant to Chapter 459, Florida Statutes.

(c) "Office maintained by an osteopathic physician" as that term is used in Section 459.026(1), F.S., is defined as a business location where the osteopathic physician delivers medical services regardless of whether other physicians are practicing at the same location or the business is non-physician owned.

(2) Incident Reporting System. An incident reporting system shall be established for each osteopathic physician office.

(a) Incident Reports. The incident reporting system shall include the prompt, postmarked and sent by certified mail within 15 calendar days after the occurrence of the adverse incident, reporting of incidents to the Agency for Health Care Administration, Consumer Services Unit, Post Office Box 14000, Tallahassee, Florida 32317-4000. The report shall be made on the Physician Office Adverse Incident Report. The report must be submitted by every licensee who was involved in the adverse incident. If multiple licensees are involved in the adverse incident, they may meet this requirement by signing off on one report; however, each signee is responsible for the accuracy of the report. This report shall contain the following information:

1. The patient's name, locating information, gender, age, diagnosis, date of office visit, and purpose of office visit.

2. A clear and concise description of the incident including time, date, and exact location within the office.

3. A listing of all persons then known to be involved directly in the incident, including license numbers and locating information, and a description of the person's exact involvement and actions.

4. A listing of any witnesses not previously identified in 3.

5. The name, license number, locating information, and signature of the osteopathic physician or licensee submitting the report, along with date and time that the report was completed.

(b) Incident Report Review and Analysis. Evidence of compliance with this paragraph will be considered in mitigation in the event the Board takes disciplinary action.

1. The osteopathic physician shall be responsible for the regular and systematic reviewing of all incident reports filed by the osteopathic physician or physician assistant under the osteopathic physician's supervision, for the purpose of identifying factors that contributed to the adverse incident and identifying trends or patterns as to time, place, or persons. The osteopathic physician shall implement corrective actions and incident prevention education and training indicated by the review of each adverse incident and upon emergence of any trend or pattern in incident occurrence.

2. Copies of incident reports shall be maintained in the osteopathic physician office.

(3) Death reports. Notwithstanding the provisions of this rule and Section 459.026, Florida Statutes, an adverse incident which results in death shall be reported immediately to the medical examiner pursuant to Section 406.12, Florida Statutes.

Specific Authority 459.005(1), 459.026(6) FS. Law Implemented 459.026 FS. History—New

64B15-14.0076 Requirement for Osteopathic Physician Office Registration; Inspection or Accreditation.

(1) Registration.

(a) Every Florida licensed osteopathic physician who holds an active Florida license and performs Level II surgical procedures in Florida with a maximum planned duration of five (5) minutes or longer or any Level III office surgery, as fully defined in 64B15-14.007, F.A.C., shall register with the Board of Osteopathic Medicine. It is the osteopathic physician's responsibility to ensure that every office in which he or she performs Levels II or III surgical procedures as described above is registered, regardless of whether other physicians are practicing in the same office or whether the office is non-physician owned.

(b) In order to register an office for surgical procedures, the osteopathic physician must provide to the Board of Osteopathic Medicine, his or her name, mailing address, Florida license number, and a list of each office where the covered surgical procedures are going to be performed by the osteopathic physician. The list shall also include each office name, address, telephone number, and level of surgery being performed at that location by the osteopathic physician; and if more than one physician is practicing at that location, a list of all physicians and levels of surgery being performed must be provided. The list shall also include the name of each physician assistant, ARNP and CRNA involved in the office surgery or anesthesia; copies of any protocols necessary for the supervision of any ARNP or CRNA; and any transfer agreements with local hospitals. In addition, the osteopathic physician shall submit a statement of compliance with Rule 64B15-14.007, F.A.C., when registering with the Department.

(c) The osteopathic physician must immediately notify the Board Office, in writing, of any changes to the registration information.

(d) The registration shall be posted in the office.

(2) Inspection.

(a) Unless the osteopathic physician has previously provided written notification of current accreditation by a nationally recognized accrediting agency or an accrediting organization approved by the Board the osteopathic physician shall submit to an annual inspection by the Department. Nationally recognized accrediting agencies are the American Association for Accreditation of Ambulatory Surgery Facilities (AAAASF), Accreditation Association for Ambulatory Health Care (AAAHC) and Joint Commission on Accreditation for Ambulatory Healthcare Organizations (JCAHO). All nationally recognized and Board-approved accrediting organizations shall be held to the same Board-determined surgery and anesthesia standards for accrediting Florida office surgery sites.

(b) The initial inspection conducted pursuant to this rule shall be announced at least one week in advance of the arrival of the inspector(s).

(c) The Department shall determine compliance with the requirements of Rule 64B15-14.007, F.A.C.

(d) If the office is determined to be in noncompliance, the osteopathic physician shall be notified and shall be given a written statement at the time of inspection. Such written notice shall specify the deficiencies. Unless the deficiencies constitute an immediate and imminent danger to the public, the osteopathic physician shall be given 30 days from the date of inspection to correct any documented deficiencies and notify the Department of corrective action. Upon written notification from the osteopathic physician that all deficiencies have been corrected, the Department is authorized to reinspect for compliance.

(e) The deficiency notice and subsequent documentation shall be reviewed for consideration of disciplinary action. Documentation of corrective action shall be considered in mitigation of any offense.

(f) Nothing herein shall limit the authority of the Department to investigate a complaint without prior notice.

(3) Accreditation.

(a) The osteopathic physician shall submit written notification of the current accreditation survey of his or her office(s) from a nationally recognized accrediting agency or an accrediting organization approved by the Board in lieu of undergoing an inspection by the Department.

(b) An osteopathic physician shall submit, within thirty (30) days of accreditation, a copy of the current accreditation survey of his or her office(s) and shall immediately notify the Board of Osteopathic Medicine of any accreditation changes that occur. For purposes of initial registration, an osteopathic

physician shall submit a copy of the most recent accreditation survey of his or her office(s) in lieu of undergoing an inspection by the Department.

(c) If a provisional or conditional accreditation is received, the osteopathic physician shall notify the Board of Osteopathic Medicine in writing and shall include a plan of correction.

Specific Authority 459.005(1),(2) FS. Law Implemented 459.005(2) FS. History—New

64B15-14.0077 Approval of Osteopathic Physician Office Accrediting Organizations.

(1) Definitions.

(a) "Accredited" means full accreditation granted by a Board approved accrediting agency or organization. "Accredited" shall also mean provisional accreditation provided that the office is in substantial compliance with the accrediting agency or organization's standards; any deficiencies cited by the accrediting agency or organization do not affect the quality of patient care, and the deficiencies will be corrected within six months of the date on which the office was granted provisional accreditation.

(b) "Approved accrediting agency or organization" means nationally recognized accrediting agencies: American Association for Accreditation of Ambulatory Surgery Facilities (AAAASF), Accreditation Association for Ambulatory Health Care (AAAHC) and Joint Commission on Accreditation of Healthcare Organizations (JCAHO). Approved organizations also include those approved by the Board after submission of an application for approval pursuant to this rule.

(c) "Department" means the Department of Health.

(2) Application. An application for approval as an accrediting organization shall be filed with the Board office at 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256, and shall include the following information and documents:

(a) Name and address of applicant;

(b) Date applicant began to operate as an accrediting organization;

(c) Copy of applicant's current accreditation standards;

(d) Description of accreditation process, including composition and qualification of accreditation surveyors; accreditation activities; criteria for determination of compliance; and deficiency follow-up activities.

(e) A list of all osteopathic physician offices located in Florida that are accredited by the applicant, if any. If there are no accredited Florida physician offices, but there are accredited offices outside Florida, a list of the accredited offices outside of Florida is required.

(f) Copies of all incident reports filed with the state.

(g) Statement of compliance with all requirements as specified in this rule.

(3) Standards. The standards adopted by an accrediting organization for surgical and anesthetic procedures performed in a physician office shall meet or exceed provisions of Chapters 456 and 459 and rules promulgated thereunder. Standards shall require that all health care practitioners be licensed or certified to the extent required by law.

(4) Requirements. In order to be approved by the Board, an accrediting organization must comply with the following requirements:

(a) The accrediting agency must have a mandatory quality assurance program approved by the Board of Osteopathic Medicine.

(b) The accrediting agency must have anesthesia-related accreditation standards and quality assurance processes that are reviewed and approved by the Board of Osteopathic Medicine.

(c) The accrediting agency must have ongoing anesthesia-related accreditation and quality assurance processes involving the active participation of anesthesiologists.

(d) Accreditation periods shall not exceed three years.

(e) The accrediting organization shall obtain authorization from the accredited entity to release accreditation reports and corrective action plans to the Board. The accrediting organization shall provide a copy of any accreditation report to the Board office within 30 days of completion of accrediting activities. The accrediting organization shall provide a copy of any corrective action plans to the Board office within 30 days of receipt from the physician office.

(f) If the accrediting agency or organization finds indications at any time during accreditation activities that conditions in the physician office pose a potential immediate jeopardy to patients, the accrediting agency or organization will immediately report the situation to the Department.

(g) An accrediting agency or organization shall send to the Board any change in its accreditation standards within 30 calendar days after making the change.

(h) An accrediting agency or organization shall comply with confidentiality requirements regarding protection of patient records.

(5) Renewal of Approval of Accrediting Organizations. Every accrediting organization approved by the Board pursuant to this rule is required to renew such approval every 3 years. Each written submission shall be filed with the Board at least three months prior to the third anniversary of the accrediting organization's initial approval and each subsequent renewal of approval by the Board. Upon review of the submission by the Board, written notice shall be provided to the accrediting organization indicating the Board's acceptance of the certification and the next date by which a renewal submission must be filed or of the Board's decision that any identified changes are not acceptable and on that basis denial of renewal of approval as an accrediting organization.

(6) Any person interested in obtaining a complete list of approved accrediting organizations may contact the Board of Osteopathic Medicine or Department of Health.

Specific Authority 459.005(2) FS. Law Implemented 459.005(2) FS. History--New

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Economic Self-Sufficiency Program

RULE TITLE: Administrative Definitions
RULE NO.: 65A-1.203

PURPOSE AND EFFECT: The proposed rule amendment would provide a uniform definition of the degree of relationship a relative caregiver or caretaker must have to the parent or stepparent of a child(ren) for whom the relative caregiver is providing full-time care to be eligible for Temporary Assistance to Needy Families (TANF) funded assistance. The TANF regulations in 45 CFR section 263.2(b) provide a State with the latitude to define an eligible family and the members that comprise it. Currently in Florida, relative caregivers or caretakers may receive TANF funded assistance through the temporary cash assistance (TCA) program or the Relative Caregiver program. Under the TCA program, the degree of relationship for a relative caregiver or caretaker is defined to include an adult who is related to the child by blood or marriage pursuant to s. 414.0252(11), F.S. Under the Relative Caregiver program, the degree of relationship for a relative caregiver must be within the fifth degree of relationship by blood, marriage, or adoption to the parent or stepparent of the child pursuant to s. 39.5085, F.S. The proposed rule amendment would provide for the definition of the degree of relationship for a relative caregiver or caretaker under the TCA program to be the same as for the Relative Caregiver program. Relative caretakers are not permitted to simultaneously receive both a TCA benefit and a Relative Caregiver program benefit.

SUBJECT AREA TO BE ADDRESSED: This rule amendment would provide the degree of relationship a relative caregiver or caretaker must have to the parent or stepparent of the child(ren) for whom the relative caregiver is providing full-time care to be eligible for TCA and define the fifth degree of relationship.

SPECIFIC AUTHORITY: 414.45 FS.
LAW IMPLEMENTED: 409.903, 409.904, 414.0252, 414.095, 414.31 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., September 24, 2001
PLACE: Building 3, Room 455, 1317 Winewood Boulevard, Tallahassee, Florida 32399-0700

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Audrey Mitchell, Program Administrator, Building 3, Room 421, 1317 Winewood Boulevard, Tallahassee, FL 32399-0700, telephone (850)488-3090

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

Section II
Proposed Rules

DEPARTMENT OF LEGAL AFFAIRS

Division of Victim Services and Criminal Justice Programs

RULE TITLE: Claims RULE NO.: 2A-2.002

PURPOSE AND EFFECT: The proposed rule amendment is intended to revise an existing form utilized by the Division of Victim Services and Criminal Justice Programs in its domestic violence assistance program and to incorporate two additional forms into the rule.

SUMMARY: The proposed rule amendment revises an existing form utilized by the Division of Victim Services and Criminal Justice Programs in its domestic violence assistance program and incorporates two additional forms into the rule.

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

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

SPECIFIC AUTHORITY: 960.045(1) FS.

LAW IMPLEMENTED: 960.065, 960.07, 960.13(1)(b), 960.198 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., September 25, 2001

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Ellen Winslow, Assistant Attorney General, PL-01, The Capitol, Tallahassee, Florida 32399-1050

THE FULL TEXT OF THE PROPOSED RULE IS:

2A-2.002 Claims.

Application and benefit payment criteria, limitations and procedures for victim assistance are provided in the publication entitled "Victim Compensation Assistance," BVC-P001

(January 2000), effective 2-3-00, which is incorporated into these rules by reference. In addition, the following documents are incorporated into this rule by reference:

(1) through (5) No change.

(6) BVC 105, entitled "Domestic Violence Relocation Certification" (8/01) (4/99), effective 2-3-00.

(7) BVC 105A, entitled "Domestic Violence Relocation Expense Worksheet," (8/01), effective _____.

(7) through (10) renumbered (8) through (11) No change.

(12) BVC 421, entitled "Notification of Possible Recoupment and/or Prosecution for Fraud" (8/01), effective _____.

Specific Authority 960.045(1) FS. Law Implemented 960.065, 960.07, 960.13(1)(b), 960.198 FS. History--New 1-1-92, Amended 11-1-92, 9-13-94, 1-8-96, 6-25-96, 10-1-96, 9-24-97, 8-17-99, 2-3-00.

NAME OF PERSON ORIGINATING PROPOSED RULE: Rodney Doss, Director, Division of Victim Services and Criminal Justice Programs

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Richard Doran, Deputy Attorney General

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 1, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 10, 2001

DEPARTMENT OF LEGAL AFFAIRS

Florida Elections Commission

RULE CHAPTER TITLE: Practice and Procedure RULE CHAPTER NO.: 2B-1

RULE TITLES: Complaints RULE NOS.: 2B-1.0025

Minor Violations 2B-1.003

Hearings Before the Commission 2B-1.004

Fine Imposed; Timely Filed Reports 2B-1.0052

PURPOSE AND EFFECT: Rule 2B-1.0025 is amended to provide: (1) that for a complaint to be considered legally sufficient, it must contain credible evidence supporting specific facts that a person violated election laws over which the Commission has jurisdiction; and (2) that when determining the legal sufficiency of a complaint, the executive director shall consider any document referred to in the complaint, and when determining the legal sufficiency of a complaint alleging a violation of the campaign finance laws, the executive director shall also consider campaign treasurer's reports on file with the filing officer. Rule 2B-1.0025 also is amended to state that the complaint form, Complaint Form FEC 001, is available on the Commission's website and the complaint form, Complaint Form FEC 001, is amended and incorporated by reference to indicate that the Commission now has jurisdiction over violations of Section 105.071, F.S., dealing with prohibitions on political activities by judicial candidates.