Section I
Notices of Development of Proposed Rules and Negotiated Rulemaking

DEPARTMENT OF BANKING AND FINANCE

Division of Securities and Finance

RULE TITLE: RULE NO.:
Exemption for Issuers of Section
4(2) Offerings 3E-500.016

PURPOSE AND EFFECT: The National Securities Markets Improvement Act of 1996 ("NSMIA") preempted state securities registration laws with respect to "covered securities" as defined in Section 18(b) of the Securities Act of 1933 ("1933 Act"). Included in the definition of covered securities are securities issued pursuant to Section 4(2) of the 1933 Act. The SEC promulgated Rule 506 of Regulation D, which further defines the types of transactions exempt under Section 4(2). NSMIA, however, does not preempt state registration requirements for broker dealers, issuers and other sellers of such securities.

Currently, issuers of Rule 506 offerings must register as issuer dealers pursuant to Section 517.12(1), Florida Statutes, or rely on a transactional exemption pursuant to Section 517.061, Florida Statutes. Therefore, additional burdens are placed upon issuers in order for them to offer and sell Rule 506 offerings.

Pursuant to Section 517.061(19), Florida Statutes, the Department finds that the registration provisions of Sections 517.07 and 517.12, Florida Statutes, are not necessary in the public interest and for the protection of investors because of the limited nature of the offering. The proposed rule will provide an exemption from the registration requirements of Section 517.12, Florida Statutes, for issuers and their bona fide employees who offer and sell Rule 506 offerings.

SUBJECT AREA TO BE ADDRESSED: Exempt transactions.

SPECIFIC AUTHORITY: 517.03(1), 517.061(19) FS.

LAW IMPLEMENTED: 517.061(19) 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., October 29, 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: Rick White, Financial Administrator, Division of Securities and Finance, Room 550, Fletcher Building, 101 East Gaines Street, Tallahassee, Florida 32399-0350, (850)410-9805

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

3E-500.016 Exemption for Issuers of Section 4(2) Offerings.

Securities offered or sold in a transaction exempt under a rule or regulation issued by the Securities and Exchange Commission under Section 4(2) of the Securities Act of 1933, as it existed on January 1, 2001, are hereby exempted from the filing requirements of Section 517.07, F.S. An issuer of such securities and each of its bona fide employees who satisfy the criteria set forth in Section 517.021(6)(b)6., F.S., and through whom the issuer elects to sell such securities, shall be exempted from the registration requirements of Section 517.12(1), F.S.

Specific Authority 517.03(1), 517.061(19) FS. Law Implemented 517.061(19) FS. History–New .

STATE BOARD OF ADMINISTRATION

RULE TITLES:	RULE NOS.:
Purpose	19-7.001
Pooled Investment Accounts	19-7.010
Rate of Return Calculation	19-7.011
Pool Participation	19-7.012
Reporting Procedures	19-7.013
Number of Accounts	19-7.014
Allocation of Earnings	19-7.015
Close of Business	19-7.016
Pooled Investment Account Reserve Fund	19-7.017

PURPOSE AND EFFECT: To discuss proposed amended rules regarding local government pools.

SUBJECT AREA TO BE ADDRESSED: Definitions; rate of return calculations; pool participations; reporting procedures; numbers of accounts; allocation of earnings; close of business procedures; and the investment account reserve fund.

SPECIFIC AUTHORITY: 218.405, 218.412 FS.

LAW IMPLEMENTED: 218, Part IV 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. – 11:30 a.m., Wednesday, October 31, 2001

PLACE: Room 116, Hermitage Conference Room, 1801 Hermitage Blvd., Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT WORKSHOP IS: Cindy Gokel, Assistant General Counsel, Office of the General Counsel, State Board of Administration, 1801 Hermitage Blvd., Tallahassee, FL 32308, (850)413-1199

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop is requested to contact Ms. Gokel at least 5 calendar days before the workshop.

Copies of the preliminary text of the proposed rule development may be obtained from: Cindy Gokel, State Board of Administration, P. O. Box 13300, Tallahassee, FL 32317-3300, (850)413-1199 or e-mail: gokel_cindy@fsba.state.fl.us.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT WILL BE AVAILABLE FOR DISTRIBUTION ON OCTOBER 22, 2001.

PUBLIC SERVICE COMMISSION

DOCKET NO: UNDOCKETED

RULE TITLE: RULE NO.:

Calculation of Rate Reduction After Rate Case Expense is Amortized 25-30.4705

PURPOSE AND EFFECT: Codifies the method to be used to remove rate case expense from rates after the four year amortization period has expired as required by Section 367.0816, F.S.

SUBJECT AREA TO BE ADDRESSED: Water and Wastewater Industry Removal of Rate Case Expense.

SPECIFIC AUTHORITY: 350.127(2), 367.121 FS.

LAW IMPLEMENTED: 367.0816, 367.121 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 WORKSHOP REQUEST MUST BE SUBMITTED IN WRITING WITHIN 14 DAYS OF THE DATE OF THIS NOTICE TO: Samantha Cibula, Division of Appeals, 2540 Shumard Oak Boulevard, Tallahassee, FL 32399-0850

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Samantha Cibula, see address above

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

25-30.4705 Calculation of Rate Reduction After Rate Case Expense is Amortized.

To calculate the rate reduction to be made four years after a rate case as required by Section 367.0816, F.S., the following methodology shall be used. The annual amount of rate case expense, which is equal to one-fourth of the total allowed rate case expense, shall be divided by the regulatory assessment fee gross up factor. The resulting number shall then be divided by the revenue requirement to determine the percentage of the rate reduction. The percentage is then multiplied against the new rates to determine the amount of the future rate reduction. Revised tariff sheets implementing the reduction shall be filed no later than one month before the end of the fourth year.

Specific Authority 350.127(2), 367.121 FS. Law Implemented 367.0816, 367.121 FS. History–New .

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Pari-Mutuel Wagering

RULE TITLE: RULE NO.:

Pari-Mutuel Wagering Racing and Game Officials 61D-2.020

PURPOSE AND EFFECT: The purpose and effect of the proposed rule will be to interpret Florida Statutes which grant permitholders the authority to designate racing officials.

SUBJECT AREA TO BE ADDRESSED: The subject area to be addressed in this rule is the interpretation of Florida Statutes, which is necessary to ensure the integrity of the industry.

SPECIFIC AUTHORITY: 550.0251(3),(11), 550.105(2)(c), (4)(b),(9), 550.2415(13), 550.2625(2)(d) FS.

LAW IMPLEMENTED 550.0251, 550.09514, 550.105, 550.235, 550.2415, 550.2625 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. – 4:00 p.m., October 30, 2001

PLACE: Florida Department of Business and Professional Regulation, Northwood Centre, Board Room, Room 130, 1940 N. Monroe Street, Tallahassee, Florida 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Mary Polombo, Clerk, Division of Pari-Mutuel Wagering, 1940 North Monroe Street, Tallahassee, Florida 32399-1035

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 Mary Polombo at (850)413-0750. If you are hearing or speech impaired, please contact the agency using the Florida Dual Party Relay System by calling 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Pari-Mutuel Wagering

RULE TITLE: RULE NO.:

Hearings Before Stewards/Judges 61D-3.001

PURPOSE AND EFFECT: The purpose and effect of the proposed rule will be to interpret Florida Statutes which grant authority to Division stewards and judges to hear disciplinary matters.

SUBJECT AREA TO BE ADDRESSED: The subject area to be addressed in this rule is the interpretation of Florida Statutes necessary to maintain disciplinary control over the industry.

SPECIFIC AUTHORITY: 120.80(4)(a), 550.0251, 550.1155 FS.

LAW IMPLEMENTED 120.80(4)(a), 550.0251, 550.1155 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. – 4:00 p.m., October 30, 2001

PLACE: Florida Department of Business and Professional Regulation, Northwood Centre, Board Room, Room 130, 1940 N. Monroe Street, Tallahassee, Florida 32399

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Pari-Mutuel Wagering

RULE TITLE: RULE NO.:
Pari-Mutuels 61D-7.020

PURPOSE AND EFFECT: The purpose and effect of the proposed rule will be to interpret Florida Statutes which relate wagering activities on pari-mutuel events.

SUBJECT AREA TO BE ADDRESSED: The subject area to be addressed in this rule is the interpretation of Florida Statutes, which is necessary to ensure proper oversight on pari-mutuel wagering within the State of Florida.

SPECIFIC AUTHORITY: 550.0251(3),(7), 550.105(2)(c), 550.155(1), 550.495(4) FS.

LAW IMPLEMENTED 550.0251, 550.0425, 550.105, 550.155, 550.495 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. – 4:00 p.m., October 30, 2001

PLACE: Florida Department of Business and Professional Regulation, Northwood Centre, Board Room, Room 130, 1940 N. Monroe Street, Tallahassee, Florida 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Mary Polombo, Clerk, Division of Pari-Mutuel Wagering, 1940 North Monroe Street, Tallahassee, Florida 32399-1035

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 Mary Polombo, (850)413-0750. If you are hearing or speech impaired, please contact the agency using the Florida Dual Party Relay System by calling 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Auctioneers

RULE TITLE: RULE NO.:
Requirements for Conducting an Auction 61G2-5.001

PURPOSE AND EFFECT: The Board proposes to review this rule to determine if amendments are necessary.

SUBJECT AREA TO BE ADDRESSED: Requirements for Conducting an Auction.

SPECIFIC AUTHORITY: 468.384(2) FS.

LAW IMPLEMENTED: 468.388, 468.389 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Julie Baker, Executive Director, Board of Auctioneers, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Engineers

RULE TITLE: RULE NO.:
Probable Cause Determination 61G15-18.005

PURPOSE AND EFFECT: The Board proposes to review this rule to determine if amendments are necessary.

SUBJECT AREA TO BE ADDRESSED: Probable cause determination.

SPECIFIC AUTHORITY: 455.225 FS.

LAW IMPLEMENTED: 455.225 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Natalie Lowe, Administrator, Board of Professional Engineers, 2507 Callaway Road, Suite 200, Tallahassee, Florida 32303-5267

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

DEPARTMENT OF HEALTH

Board of Clinical Laboratory Personnel

RULE TITLE: RULE NO.:
Definitions 64B3-2.003

PURPOSE AND EFFECT: The Board proposes to clarify which courses will be counted as academic science.

SUBJECT AREA TO BE ADDRESSED: Definitions.

SPECIFIC AUTHORITY: 483.805(4), 483.811(2) FS.

LAW IMPLEMENTED: 483.803, 483.811, 483.821, 483.823 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 TO BE ANNOUNCED.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Joe Baker, Jr., Board Executive Director, Board of Clinical Laboratory Personnel, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3259

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B3-2.003 Definitions.

(1) through (5) No change.

(6) Academic science is a science course with a ~~physical~~, chemical or biological science prefix. Acceptable courses include general chemistry, organic chemistry, biochemistry, qualitative or quantitative analysis, ~~physics~~, general biology, zoology, physiology, comparative anatomy, bacteriology, parasitology, cell biology and immunology. For purposes of this rule, the courses of geology, astronomy, entomology, oceanography marine biology, physics and physical science or remedial, preparatory or introductory science courses shall not be acceptable.

(7) through (20) No change.

Specific Authority 483.805(4), 483.811(2) FS. Law Implemented 483.803, 483.811, 483.821, 483.823 FS. History–New 11-4-93, Formerly 61F3-2.003, Amended 11-21-94, 11-30-94, 12-26-94, 5-3-95, 7-12-95, Formerly 59O-2.003, Amended 3-19-98, 12-13-98, 3-28-99, 9-12-99, 11-15-99, _____.

DEPARTMENT OF HEALTH

Board of Clinical Laboratory Personnel

RULE TITLES: RULE NOS.:
Technologist 64B3-5.003
Director; Limitations, Qualifications and Responsibilities 64B3-5.007

PURPOSE AND EFFECT: The Board proposes to eliminate unnecessary duplication by striking information that was located in multiple locations.

SUBJECT AREA TO BE ADDRESSED: Technologist; Director; Limitations, Qualifications and Responsibilities.

SPECIFIC AUTHORITY: 483.805(4), 483.811(2), 483.823, 483.051 FS.

LAW IMPLEMENTED: 381.0034, 483.800, 483.809, 483.811(2), 483.815, 483.823, 483.041(5), 483.051(1), 483.823(1), 483.824 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND FOR A COPY OF THE PRELIMINARY DRAFT IS: Joe Baker, Jr., Board Executive Director, Board of Clinical Laboratory Personnel, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3259

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B3-5.003 Technologist.

(1) through (5) No change.

~~(6) Responsibilities of Technologists. Technologists shall:~~

~~(a) Assist the supervisor in fulfilling the supervisor's responsibilities, as assigned, or, in the absence of the supervisor, handle supervisory responsibilities as needed.~~

~~(b) Follow the clinical laboratory's procedures for specimen handling and processing, test analyses, reporting and maintaining records of patient test results.~~

~~(c) Adhere to the clinical laboratory's quality control policies, document all quality control activities, instrument and procedural calibrations and maintenance performed in accordance with the clinical laboratory's policies and procedures.~~

~~(d) Follow the clinical laboratory's established policies and procedures whenever test systems are not within the clinical laboratory's defined acceptable levels of performance and document corrective action taken.~~

~~(e) Identify problems that may adversely affect test performance or reporting of test results and either correct the problems or immediately notify a supervisor or director.~~

~~(f) Exercise professional judgement in evaluation of specimen integrity, result accuracy and validity and take corrective action as necessary. If a specimen appears to be compromised, the technologist shall cause a disclaimer statement to appear in the report indicating the potential compromised nature of the result and why, in accordance with Chapter 64B3-7, F.A.C.~~

~~(g) When performing cytology procedures, document slide interpretation results of each case examined or reviewed as specified in Chapter 64B3-7, F.A.C., and the clinical laboratory's policies and procedures. In each 24-hour period, record the number of slides and the number of hours spent examining or reviewing slides.~~

(7) No change.

Specific Authority 483.805(4), 483.811(2), 483.823 FS. Law Implemented 381.0034, 483.800, 483.809, 483.811(2), 483.815, 483.823 FS. History–New 12-6-94, Amended 7-12-95, 9-10-95, 12-4-95, Formerly 59O-5.003, Amended 5-26-98, 1-11-99, 7-5-01, _____.

64B3-5.007 Director; Limitations, Qualifications and Responsibilities.

(1) through (4) No change.

~~(5) Responsibilities of a Director. The director is responsible for the:~~

~~(a) Overall operation and administration of the clinical laboratory.~~

~~(b) Employment of personnel who have appropriate education and experience and are competent to perform the procedures and tasks assigned to them and perform test methods according to the laboratory's policies and procedures.~~

~~(c) Prompt, accurate and proficient performance, recording and reporting of test results.~~

~~(d) Compliance of the laboratory with all applicable state and federal laws, rules and regulations.~~

~~(e) Performance of the duties of a supervisor or technologist, as needed.~~

~~(f) Physical plant and environmental conditions of the clinical laboratory which shall be appropriate for the testing performed and provide a safe environment where employees are protected from physical, chemical and biological hazards.~~

~~(g) Verification of test methodologies and testing systems to determine the accuracy, precision, and other pertinent characteristics of the method or system to assure quality results required for patient care.~~

~~(h) Enrollment and active participation of the laboratory in a proficiency testing program for the testing performed which meets the requirements of Rule Chapter 59A-7, F.A.C., and the review of proficiency testing reports to evaluate performance, identify problems that require corrective action and initiate the necessary corrective action.~~

~~(i) Quality control and quality assurance programs established and maintained by the laboratory to assure the quality of clinical laboratory services provided and to identify and correct problems as they occur.~~

~~(j) Remedial actions taken and documented whenever significant deviations from the clinical laboratory's established performance characteristics are identified.~~

~~(k) Inclusion of pertinent information required for interpretation in test reports.~~

~~(l) Availability of consultation services to the clinical laboratory's clients on matters relating to the quality of test results reported, the methodology used, and their interpretation concerning specific patient conditions.~~

~~(m) Assessment of laboratory staffing needs and the advisement of management when insufficient clinical laboratory personnel are employed.~~

~~(n) Laboratory procedure manual approved by the clinical laboratory director and for its distribution to all personnel responsible for any aspect of the testing process.~~

~~(o) Policies and procedures established to monitor and evaluate clinical laboratory personnel and personnel who collect, process and handle specimens, perform test procedures and report test results. When necessary, identify needs for remedial training or continuing education to improve skills.~~

~~(p) Selection of the clinical laboratory's test menu and methods, the schedule of testing, the criteria for specimen collection and rejection and the methods for reporting results.~~

~~(q) Patient identification system established and maintained by the laboratory.~~

~~(r) Financial management of resources for the clinical laboratory and for establishing and maintaining accurate billing practices.~~

~~(s) Workload limits for each individual examining slides in cytology and for ensuring that individuals do not exceed the slide limit established in Chapter 59A-7, F.A.C., regardless of testing location.~~

~~(t) Specify in writing the responsibilities and duties of each person engaged in laboratory test performance. In each case, the procedures which the individual is authorized to perform and whether supervision is necessary shall be annotated.~~

Specific Authority 483.051, 483.805(4) FS. Law Implemented 483.041(5), 483.051(1), 483.811(2), 483.823(1), 483.824 FS. History–New 6-6-85, Formerly 10D-41.67, Amended 3-11-90, Formerly 10D-41.067, Amended 7-1-97, Formerly 59O-5.007, Amended _____.

DEPARTMENT OF HEALTH

Board of Clinical Laboratory Personnel

RULE TITLE: RULE NO.:
Manner of Application 64B3-6.001

PURPOSE AND EFFECT: The Board proposes to update the social security disclosure language, the application form, and the examination information.

SUBJECT AREA TO BE ADDRESSED: Manner of Application.

SPECIFIC AUTHORITY: 456.013, 483.805(4) FS.

LAW IMPLEMENTED: 456.013, 483.815, 483.823 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., October 19, 2001

PLACE: Hilton Jacksonville Riverfront, 1201 Riverplace Blvd., Jacksonville, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Joe R. Baker, Jr., Executive Director, Board of Clinical Laboratory Personnel, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3259

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

DEPARTMENT OF HEALTH

Board of Clinical Laboratory Personnel

RULE TITLES: RULE NOS.:
Responsibilities of Supervisors 64B3-13.002
Responsibilities of Technologists 64B3-13.003
Responsibilities of Technicians 64B3-13.004

PURPOSE AND EFFECT: The Board proposes to resolve issues with regard to the delegation of duties by the clinical laboratory supervisor the clinical laboratory technologist; the Board proposes to remove obsolete text with regard to clinical laboratory technicians.

SUBJECT AREA TO BE ADDRESSED: Responsibilities of Supervisors; Responsibilities of Technologist; Responsibilities of Technicians.

SPECIFIC AUTHORITY: 483.805(4), 483.823 FS.

LAW IMPLEMENTED: 483.800, 483.813, 483.823, 483.825 FS.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B3-13.002 Responsibilities of Supervisors.

(1) The supervisor is responsible for fulfilling the responsibilities of the director as assigned ~~or in the absence of the director~~ and for monitoring compliance with all applicable regulations of the board and of the Department.

(2) In addition, the supervisor shall fulfill the following responsibilities:

(a) Performs the duties of a technologist in the specialty or specialties in which licensure is held, as needed.

(b) Assigns, if needed, performance of his or her direct supervision responsibilities to licensed technologists, however, the supervisor remains responsible for ensuring that direct supervision ~~of technicians~~ is properly performed. The assignment of responsibilities from the supervisor to the technologist must be written and specific.

(2)(c) through (f) No change.

(g) Provides on-site direct supervision when testing is being performed by those technicians who are required to work under direct supervision.

(h) through (s) No change.

(t) Designs and/or implements a quality assurance program to monitor variables which affect the quality of clinical laboratory services.

(u) through (aa) No change.

Specific Authority 483.805(4) FS. Law Implemented 483.800, 483.813, 483.823, 483.825 FS. History–New 12-6-94, Amended 3-28-95, Formerly 59O-13.002, Amended _____.

64B3-13.003 Responsibilities of Technologists.

(1) The technologist is responsible for fulfilling the responsibilities of the supervisor, as assigned~~, or, in the absence of the supervisor when authorized by this rule~~. The assignment of responsibilities must be written and specific.

(2)(a) through (g) No change.

(h) Exercises professional judgment in evaluation, of specimen integrity, result accuracy and inter-result validity and takes corrective action as necessary. Such corrective action shall include specimen rejection, recollection, and/or retesting using the same or alternate methods and/or utilizes other skills associated with the practice of clinical laboratory science to ensure validity and accuracy of testing at all times taking care not to compromise patient care with excessive rejections, recollections or delays. If in their judgment a specimen is compromised, the technologist shall include an appropriate

disclaimer statement in the report indicating the potential compromised nature of the result and why, in accordance with Rule Chapter 59A-7, F.A.C.

(i) through (j) No change.

Specific Authority 483.805(4), 483.823 FS. Law Implemented 483.800, 483.813, 483.823, 483.825 FS. History–New 12-6-94, Amended 3-28-95, 7-12-95, 12-4-95, Formerly 59O-13.003, Amended 4-10-01, _____.

64B3-13.004 Responsibilities of Technicians.

The technician shall:

(1) No change.

~~(2) When affixing the name or signature to any laboratory record or patient report, indicate the professional status by adding the designation "MLT" to designate Medical Laboratory Technician immediately following the name or signature if holding a current Florida license in any specialty at the technician level. The holder of temporary licensure shall use the designation "GMLT" to designate Graduate Medical Laboratory Technician until such time as licensure is granted by the Board.~~

(3) through (10) renumbered (2) through (9) No change.

Specific Authority 483.805(4) FS. Law Implemented 483.800, 483.813, 483.823, 483.825 FS. History–New 12-6-94, Amended 3-28-95, 7-12-95, Formerly 59O-13.004, Amended 1-27-00, 9-27-00, _____.

DEPARTMENT OF HEALTH

Board of Dentistry

RULE TITLE: RULE NO.:
Dental Hygiene Examination 64B5-2.0135

PURPOSE AND EFFECT: The Board proposes to amend this rule to update the rule text with regard to the dental hygiene examination.

SUBJECT AREA TO BE ADDRESSED: Dental hygiene examination.

SPECIFIC AUTHORITY: 456.017, 466.004(4), 466.007 FS.

LAW IMPLEMENTED: 456.017, 466.007 FS.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B5-2.0135 Dental Hygiene Examination.

(1) through (2) No change.

(3) The clinical (or practical) portion of the examination requires a candidate to perform scaling/debridement, ~~a complete prophylaxis. In addition,~~ root planing, and polishing. ~~will be performed on 4 designated teeth, none of which shall be primary teeth.~~ More specifically, the clinical (or practical) portion of the examination shall consist of 2 ~~3~~ parts and shall be weighted as to each part as follows:

(a) Scaling/debridement and root planing	90%
~~scaling/calculus removal~~	~~70%~~
(b) Polishing	10%
~~(c) Root planing~~	~~20%~~

(4) The total time allowed for the clinical (or practical) portion will be 150 minutes and the clinical (or practical) portion is to be performed on a patient provided by the applicant. It is the applicant's responsibility to provide a patient whose medical history permits dental treatment, who is at least 18 years of age, and who has a minimum of 20 natural teeth with generalized ~~light to~~ moderate ~~calculus, both~~ supra and subgingival calculus and periodontitis such that there is a progression of gingival inflamation into the alveolar bone crest with slight bone loss and slight loss of connective tissue. ~~submarginal.~~ The applicant's patient must have a minimum of 4 teeth, ~~none of which shall have a full crown restoration,~~ with not less than 5 millimeter pockets with root roughness ~~4 mm. pockets which require root planing at least~~ one of which shall be a multi-rooted molar which is in proximal contact with at least one ~~other~~ tooth, none of which shall be primary teeth or have full crown restorations. In order that the examination may be conducted in an efficient and orderly manner, an applicant will be allowed no more than three attempts to qualify a patient during the specified check-in period.

(5) The following criteria shall be utilized in grading the two (2) ~~three (3)~~ parts of the clinical (or practical) portion of the examination. Failure to meet this criteria shall be regarded as an error.

(a) Scaling/debridement and root planing: ~~Scaling/calculus removal:~~

1. Complete removal of all supra gingival ~~marginal~~ calculus from each tooth without laceration to the surrounding tissues.

2. Complete removal of all subgingival ~~submarginal~~ calculus from each tooth without laceration to the surrounding tissues.

3. Smoothing of all rough root surfaces.

(b) Polishing: ~~1.~~ complete removal of all plaque and extrinsic stain from each tooth without abrasion.

~~(c) Root planing:~~

~~1. smoothing of all rough root surfaces.~~

(6) The two ~~three~~ parts of the clinical (or practical) portion of the examination shall be graded as follows:

(a) For the scaling/debridement and root planing part, ~~scaling/calculus removal part,~~ an applicant's score will be based on the absence of or number of corroborated errors committed.

Errors		Grade
≥10	~~> 8~~	0
9	~~7~~	1
8	~~6~~	2
5-7	~~5~~	3
2-4	~~4~~	4
0-1	~~0-3~~	5

(b) For the polishing part, an applicant's score will be based on the absence of or number of corroborated errors committed.

Errors		Grade
≥10	~~> 8~~	0
9	~~7~~	1
8	~~6~~	2
5-7	~~5~~	3
2-4	~~4~~	4
0-1	~~0-3~~	5

~~(c) For the root planing part, an applicant's score will be based on the absence of or number of corroborated errors committed. Only four teeth will be evaluated and at least one of which shall be a multi-rooted molar. The four teeth will be identified to the applicant prior to the beginning of the clinical (or practical) part.~~

(7) through (8) No change.

Specific Authority 456.017, 466.004(4), 466.007 FS. Law Implemented 456.017, 466.007 FS. History–New 3-16-82, Amended 5-2-84, 5-19-85, 10-8-85, 12-8-85, Formerly 21G-2.135, Amended 12-31-86, 10-19-87, 2-21-88, 5-29-88, Formerly 21G-2.0135, 61F5-2.0135, Amended 11-15-95, Formerly 59Q-2.0135, Amended _____.

DEPARTMENT OF HEALTH

Board of Dentistry

RULE TITLE: RULE NO.:
Financial Responsibility 64B5-17.011

PURPOSE AND EFFECT: The purpose of the rule amendments is to update the rule text.

SUBJECT AREA TO BE ADDRESSED: Financial responsibility.

SPECIFIC AUTHORITY: 466.004(4) FS.

LAW IMPLEMENTED: 456.048 FS.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B5-17.011 Financial Responsibility.

As a prerequisite for licensure or license renewal every dentist is required to maintain medical malpractice insurance or provide proof of financial responsibility as set forth herein:

(1) Obtaining and maintaining professional liability coverage in an amount not less than $100,000 ~~$25,000~~ per claim, with a minimum annual aggregate of not less than $300,000, ~~$75,000,~~ from an authorized insurer as defined under Section 624.09, Florida Statutes, from a surplus lines insurer as defined under Section 626.914(2), Florida Statutes, from a risk retention group as defined under Section 627.942, Florida Statutes, from the Joint Underwriting Association established under Section 627.351(4), Florida Statutes, or through a plan of self-insurance as provided in Section 627.357, Florida Statutes.

(2) Obtaining and maintaining an unexpired, irrevocable letter of credit, established pursuant to Chapter 675, in an amount not less than $100,000 ~~$25,000~~ per claim, with a minimum aggregate availability of credit of not less than $300,000 ~~$75,000~~. The letter of credit shall be payable to the dentist as beneficiary upon presentment of a final judgment indicating liability and awarding damages to be paid by the dentist or upon presentment of a settlement agreement signed by all parties to such agreement when such final judgment or settlement is a result of a claim arising out of the rendering of, or the failure to render, dental care and services. Such letter of credit shall be nonassignable and nontransferable. Such letter of credit shall be issued by any bank or savings association organized and existing under the laws of the State of Florida or any bank or savings association organized under the laws of the United States that has its principal place of business in this state or has a branch office which is authorized under the laws of this state or of the United States to receive deposits in this state.

(3) through (4) No change.

Specific Authority 466.004(4) FS. Law Implemented 456.048 FS. History–New 11-22-93, Amended 3-31-94, Formerly 61F5-17.011, 59Q-17.011, Amended 12-20-98, _____.

DEPARTMENT OF HEALTH

Board of Pharmacy

RULE TITLE: RULE NO.:
Standards of Practice – Continuous
Quality Improvement Program 64B16-27.300

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

SUBJECT AREA TO BE ADDRESSED: Standards of practice – continuous quality improvement program.

SPECIFIC AUTHORITY: 465.0155 FS.

LAW IMPLEMENTED: 465.0155 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: John Taylor, Executive Director, Board of Pharmacy/MQA, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B16-27.300 Standards of Practice – Continuous Quality Improvement Program.

(1) through (2) No change.

(3)(a) Each pharmacy shall establish a Continuous Quality Improvement Program which program shall be described in the pharmacy's policy and procedure manual and, at a minimum, shall contain:

1. through 3. No change.

4. The procedure for reviewing Quality Related Events.

(b) As a component of its Continuous Quality Improvement Program, each pharmacy shall assure that, following a Quality-Related Event, all reasonably necessary steps have been taken to remedy any problem for the patient. ~~Records shall be maintained for two years of all remedial measures undertaken following a Quality-Related Event.~~

(c) No change.

(4) Each Quality-Related Event that occurs, or is alleged to have occurred, as the result of activities in a pharmacy, shall be documented in a written record or computer database created solely for that purpose. The Quality-Related Event shall be initially documented by the pharmacist to whom it is described, and it shall be recorded on the same day of its having been described to the pharmacist. Documentation of a Quality-Related Event shall include a description of the event that is sufficient to permit categorization and analysis of the event. Pharmacists shall maintain such records ~~for~~ at least until the event has been considered by the committee and incorporated in the summary required in subsection (5) below ~~two years from the date of their creation~~.

(5) Records maintained as a component of a pharmacy Continuous Quality Improvement Program are confidential under the provisions of section 766.101, F.S. In order to determine compliance the Department may review the policy and procedures and a Summarization of Quality-Related Events. The summarization document shall analyze remedial measures undertaken following a Quality-Related Event. At a minimum, the review shall consider the effects on quality of pharmacy systems due to staffing levels, workflow, and technological support. No patient name or employee name shall be included in this summarization. The summarization shall be maintained for two years. Records are considered peer-review documents and are not subject to discovery in civil litigation or administrative actions.

~~(6) Only those pharmacies located in a facility that is operating a medical review committee under the provisions of section 766.101(1)(a), Florida Statutes, shall be subject to the requirement of this section.~~

Specific Authority 465.0155 FS. Law Implemented 465.0155 FS. History–New 7-15-99, Amended .

DEPARTMENT OF HEALTH

Board of Pharmacy

RULE TITLE: RULE NO.:
Citations 64B16-30.003

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

SUBJECT AREA TO BE ADDRESSED: Citations.

SPECIFIC AUTHORITY: 456.073, 456.077, 465.005 FS.

LAW IMPLEMENTED: 456.077 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: John Taylor, Executive Director, Board of Pharmacy/MQA, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B16-30.003 Citations.

(1) through (2) No change.

(3) The following violations with accompanying fines may be disposed of by citation:

(a) through (c) No change.

In addition, licensees shall take two additional hours of continuing education for each of the continuing education deficiencies. Said hours shall not count for continuing education renewal requirements for the next biennium.

(d) Failure to timely pay a fine or costs imposed by a final order.	$500 per month late to a maximum of $5,000 (penalty will require permittee or licensee to also pay the original fine and/or costs).
(e) Failure to display any sign, license or permit required by statute or rule.	$500
(f) Failure to have any reference material required by statute or rule available.	$500

(g) Failure to notify the board of a change in a prescription department manager or consultant pharmacist.	Fine based on the length of time prior to notifying board $200 a month to $5,000 maximum.

(4) through (5) No change.

Specific Authority 456.077, 456.073, 465.005 FS. Law Implemented 456.077 FS. History–New 12-22-91, Formerly 21S-30.003, 61F10-30.003, 59X-30.003, Amended 4-3-00, _____.

DEPARTMENT OF HEALTH

Division of Environmental Health

RULE CHAPTER TITLE: RULE CHAPTER NO.:
Standards for Onsite Sewage Treatment and Disposal Systems 64E-6

PURPOSE AND EFFECT: Recently amended Chapter 381, Florida Statutes, and 99-395, Laws of Florida, specifically addresses the requirements for use of onsite sewage treatment and disposal systems. The rule must be modified to incorporate revisions. Rule language that requires technical corrections will also be addressed, as well as areas that are being addressed by the Technical Review and Advisory Panel.

SUBJECT AREAS TO BE ADDRESSED: Areas to be discussed include the following. Construction standards for drainfield mounds, operating permits for aerobic treatment units and performance-based treatment systems, criteria for maintenance entities, aerobic treatment unit inspection and sampling, treatment receptacle testing and construction criteria, contractor continuing education course and course provider approval, interim construction standards for systems in the Florida Keys, contractor registration requirements, contractor registration renewal requirements, certification of partnerships and corporations, fees.

SPECIFIC AUTHORITY: 154.06, 381.0011, 381.006, 381.0065, 489.553, 489.557 FS.

LAW IMPLEMENTED: 154.01, 381.001, 381.0011, 381.0012, 381.0025, 381.006, 381.0061, 381.0065, 381.00655, 381.0066, 381.0067, Part I 386, Part III 489 FS., and 2001-337, Laws of Florida.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Dale Holcomb, Department of Health, Bureau of Onsite Sewage Programs, HSES, 4042 Bald Cypress Way, Bin #A08, Tallahassee, FL 32399-1713

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

Section II
Proposed Rules

DEPARTMENT OF INSURANCE

RULE TITLES:	RULE NOS.:
Purpose	4-157.001
Applicability and Scope	4-157.002
Definitions	4-157.003
Out-of-State Group Long-Term Care Insurance	4-157.004
Pre-existing Conditions	4-157.006
Conditions of Eligibility	4-157.007
Minimum Coverage	4-157.009
Requirements for Replacement	4-157.016
Prior Institutionalization	4-157.017
Right to Return Policy – Free Look	4-157.018
Long-Term Care Policies – Statements Required	4-157.019
Outline of Coverage	4-157.020
Nonforfeiture Protection Provision	4-157.023
Required Disclosure Provisions	4-157.024
Prohibition Against Post – Claims Underwriting	4-157.025
Discontinuance and Replacement	4-157.026
Appropriateness of Recommended Purchase	4-157.027
Requirements for Application Forms and Replacement Coverage	4-157.028
Prohibition Against Preexisting Conditions and Probationary Periods in Replacement Policies or Certificates	4-157.029
Reporting Requirements	4-157.030
Requirement to Deliver Shopper's Guide	4-157.031

PURPOSE AND EFFECT: To adopt NAIC standards applicable to Long Term Care and Certain Limited Benefit Insurance policies.

SUMMARY: The proposed amendments adopt NAIC standards regarding the content, rates, and sales of long term care and limited benefit insurance policies.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: None.

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

SPECIFIC AUTHORITY: 624.308, 627.9407 FS.

LAW IMPLEMENTED: 624.307(1), 624.3161, 626.9541, 627.9403, 627.9405, 627.9406, 627.9407, 627.94072, 626.9641 FS.