

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Catherine Hughes, OMC II, Biomedical Research Program
 NAME OF SUPERVISOR OR PERSON WHO APPROVED
 THE PROPOSED RULE: Landis K. Crockett, MD, MPH,
 Director, Division of Disease Control
 DATE PROPOSED RULE APPROVED BY AGENCY
 HEAD: October 4, 2001
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT
 PUBLISHED IN FAW: February 23, 2001

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Economic Self-Sufficiency Program

RULE TITLE: Drug Screening and Drug Testing of Temporary Cash Assistance Applicants
 RULE NO.: 65A-4.301

PURPOSE AND EFFECT: The rule proposed for repeal is unnecessary as the statutory authority for this rule has expired. The demonstration project for Drug Screening and Drug Testing Program for Temporary Cash Assistance Applicants expired June 30, 2001 and was not re-authorized by the Legislature.

SUMMARY: This rule proposed for repeal is not necessary, as statutory authority for it no longer exists.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 414.45 FS.

LAW IMPLEMENTED: 414.70 FS.

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

TIME AND DATE: 9:00 am, November 13, 2001
 PLACE: 1317 Winewood Boulevard, Building 3, Room 455, Tallahassee, Florida 32399-0700, telephone (850)921-5553

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE AND ECONOMIC STATEMENT IS: Audrey Mitchell, Program Administrator, Public Assistance Policy, Policy Support Unit, 1317 Winewood Boulevard, Building 3, Room 406-A, Tallahassee, Florida 32399-0700

THE FULL TEXT OF THE PROPOSED RULE IS:

65A-4.301 Drug Screening and Drug Testing of Temporary Cash Assistance Applicants.

Specific Authority 414.45 FS. Law Implemented 414.70 FS. History—New 11-11-99, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Marcia Dukes, Operations Review Specialist
 NAME OF SUPERVISOR OR PERSON WHO APPROVED
 THE PROPOSED RULE: Audrey Mitchell, Program Administrator, Public Assistance Policy
 DATE PROPOSED RULE APPROVED BY AGENCY
 HEAD: October 8, 2001

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

DEPARTMENT OF INSURANCE

RULE NO.: 4-171.002
 RULE TITLE: General Reporting Requirements
 NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 27, No. 37, September 14, 2001, of the Florida Administrative Weekly. These changes are being made to address recommendations submitted in writing to the Department.

Paragraph (5)(b) is changed to read:

(b) For purposes of this rule ~~the~~ percentage of market shall be calculated by dividing the insurer's written current premiums from the most recent calendar year ~~written for the insurer by the preceding year's total statewide written premiums for the same calendar year written in the state~~ for that line of insurance.

The remainder of the rule reads as previously published.

DEPARTMENT OF REVENUE

**NOTICE OF CABINET AGENDA
 ON OCTOBER 30, 2001**

The Governor and Cabinet, on October 30, 2001, sitting as head of the Department of Revenue, will consider approval of amendments to 12D-1.010, F.A.C., Reconciliation of Interim Tax Rolls-Form of Notification; 12D-7.015, F.A.C., Educational Exemption; 12D-13.014, F.A.C., Penalties or Interest, Collection on Roll; 12D-13.019, F.A.C., Collection of Interest or Penalties on Back Assessments; 12D-13.028, F.A.C., Homestead Tax Deferral - Definitions; 12D-13.037, F.A.C., Collection of Taxes by Mail; Minimum Tax Bill; Collection Prior to Certified Roll; 12D-13.061, F.A.C., Minimum Standards for Ownership and Encumbrance Reports Made in Connection with Tax Deed Applications; Fees.; 12D-13.062, F.A.C., Notices; Advertising, Mailing, Delivering and Posting of Notice of Tax Deed Sale; 12D-13.063, F.A.C., Sale at Public Auction; 12D-16.002, F.A.C., Index to Forms. The proposed amendment to Rule 12D-1.010, F.A.C., is needed to remove reference to obsolete provisions. The proposed amendment to Rule 12D-7.015, F.A.C., is needed to

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-602.205
 RULE TITLE: Inmate Telephone Use

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 27, No. 34, August 24, 2001 issue of the Florida Administrative Weekly:

33-602.205 Inmate Telephone Use.

(1) This subsection sets forth the minimum telephone privileges that shall be granted to inmates housed in institutions or facilities other than community correctional centers, Florida State Prison, or death row at Union Correctional Institution. All inmate calls, with the exception of those calls placed to attorneys pursuant to (3)(a) shall be subject to monitoring and recording. Due to the high level of security needs at Florida State Prison and death row at Union Correctional Institution, the only telephone privileges available to FSP and UCI death row inmates are those set forth in (3)(a), private calls to attorneys, and (4), calls made in the event of family crisis.

(2) Inmate telephone procedures will be conducted as follows:

(a) through (i) No change.

(j) Wardens are authorized to designate additional staff who will be responsible for monitoring telephone calls and reviewing records and recordings recorded tapes of monitored calls.

(k) Records and Tape recordings of monitored calls shall be kept in an area where staff access is controlled. Records and recordings tapes of monitored calls shall be retained for a minimum of one year. Access to tapes and records and recordings shall be limited to the following persons:

1. through 6. No change.

(l) The department's contract manager for operations and wWardens shall ensure that the system is checked periodically to assess the integrity of all components of the system. If the notification system is not functioning properly, monitoring of the telephone calls shall immediately cease until the problem is corrected.

(3) Calls to attorneys.

(a) Inmates shall be allowed to make private telephone calls to attorneys upon presentation to the warden or his designee of evidence that the call is necessary. Such evidence shall be a letter from the attorney (transmission by FAX is acceptable) requesting the return call due to an impending court deadline, or a court order containing a deadline; the inmate cannot meet if he must communicate by letter with the attorney. Except as authorized by warrant or order of court, telephone calls to attorneys made pursuant to this section shall not be monitored or electronically recorded. These calls will be placed on telephones designated for this purpose and shall be

collect calls; there shall be at least one telephone at each institution that is not connected to the monitoring system for these calls.

(b) If an inmate requests to place his or her attorney's telephone number on his or her calling list, the attorney must provide written acknowledgment of the telephone procedures by completing Form DC6-214, Inclusion of Attorney on Inmate Telephone List and indicating that he or she understands that there are options available for private calls. The requesting inmate will be responsible for notifying the attorney and arranging for the correspondence to the institution. There will be no special provisions for these calls. They will be placed on regular inmate telephones, will be collect, subject to monitoring and recording, and limited to 15 ~~10~~ minutes. ~~The telephone calls will not be monitored or recorded. However, staff will call the numbers submitted to verify the telephone number is to the office of a licensed attorney.~~ If the inmate and the attorney want to have non-monitored conversations, the procedures in (3)(a) must be followed. Form DC6-214, Inclusion of Attorney on Inmate Telephone List, is hereby incorporated by reference. A copy of this form is available from the Forms Control Administrator, Office of the General Counsel, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. The effective date of this form is _____.

(4) through (13) No change.

(14) Prison Tips Crime-stoppers Hotline.

(a) A toll-free number will be available for dialing from any telephone designated for inmate use to report suspected criminal activity or crimes that occur inside or outside the institution.

(b) The inmate will not have to enter his or her personal identification number (PIN) to access the prison tips crime-stoppers hotline.

(c) Calls to the prison tips crime-stoppers hotline will be limited to two minutes and will be recorded and retained for 30 days.

Specific Authority 944.09 FS. Law Implemented 20.315, 944.09 FS. History--New 11-19-81, Formerly 33-3.125, Amended 11-21-86, 1-6-92, 3-24-97, 7-22-97, 12-21-98, Formerly 33-3.0125, Amended 2-7-00, _____.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Florida Land Sales, Condominiums and Mobile Homes

RULE NOS.:	RULE TITLES:
61B-39.001	Definitions
61B-39.002	Public Offering Statement and Purchase Agreement Requirements
61B-39.003	Filing of Single-Site Timeshare Plans

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 27, No. 36, September 7, 2001, issue of the Florida Administrative Weekly.

NOTE: The add/delete coding shown on the following changes reflects changes from text as proposed rather than amendments from current Florida Administrative Code.

Subsections 61B-39.001(9) and (15) are amended to read:

(9) "Notify" for purposes of Sections 721.06(1)(g)(~~f~~) and 721.065(2)(c), Florida Statutes, shall mean that a written notice of cancellation is delivered, by any means which may include certified mail return receipt requested, to the entity designated to receive the notice of cancellation in the statement required by Sections 721.06(1)(g)(~~f~~) or 721.065(2)(c), Florida Statutes.

(15) 'Substantially complied' as used in Sections 721.07(5)(gg)(~~ii~~) and 721.55(5), Florida Statutes, means that:

(a) The information required in Section 721.07 or Section 721.55(5), Florida Statutes, or these rules if applicable, has been filed with the division;

(b) The information has been filed in the format required in these rules if applicable; and

(c) The purchasers have been furnished a purchaser POS pursuant to Section 721.07(6) or Section 721.551, Florida Statutes, and these rules.

Subsections 61B-39.002(1)(e),(7) and (8) are amended to read:

(1) Each registered public offering statement shall:

(e) Not contain conspicuous type except where required by statute or rule, or as permitted by the division pursuant to Section 721.07(5)(gg)(~~ii~~), Florida Statutes.

(7) The division shall notify a developer within the first ten business days of the statutory review period prescribed in Sections 721.07(2)(a) and 721.07(3)(a)1., Florida Statutes, if a ~~filed~~ POS submitted to the division for review is not in the format required by these rules ~~and if, by reason thereof, the POS is not considered "received" as defined in these rules and for purposes of beginning the statutory review period. If the Division does not so notify the developer, the statutory review period is not tolled during the first ten business days of the statutory review period.~~

(8) The substance of the definition of the term "notify" as defined in Rule 61B-39.001, Florida Administrative Code, shall be disclosed in the purchase agreement executed by a purchaser immediately following the space in the contract reserved for the signature of the purchaser, disclosed as a footnote to the disclosure required by Section 721.06(1)(g)(~~f~~), or Section 721.065(2)(c), Florida Statutes.

Sub-paragraphs 61B-39.003(2)(g)19. and 20. are amended to read:

19. Section 7.c. shall contain the information required in Sections 721.07(5)(j),(cc),(dd), Florida Statutes. If the developer does not own the real property underlying any

particular accommodation or facility, the developer shall disclose the extent to which such accommodation or facility will be available to purchasers, including an explanation of any limitations, risk, or restrictions on availability. This disclosure shall not relieve the developer from complying with the financial assurance or non-disturbance requirements of Chapter 721, Florida Statutes, or these rules, where applicable;

20. Section 7.d. shall contain the information required in Sections 721.07(5)(q)1. and ~~(q)(s)2.~~, Florida Statutes; and

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Florida Land Sales, Condominiums and Mobile Homes

RULE NOS.:	RULE TITLES:
61B-40.003	Books and Financial Records; Fiscal Year
61B-40.005	Guarantee of Common Expenses Under Sections 718.116(9) and 721.15(2), Florida Statutes

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 27, No. 36, September 7, 2001 issue of the Florida Administrative Weekly.

NOTE: The add/delete coding shown on the following changes reflects changes from text as proposed rather than amendments from current Florida Administrative Code.

Paragraphs 61B-40.003(2)(b) and (c) are amended to read:

(b) The managing entity of a multicondominium timeshare plan shall maintain separate accounting records for the multicondominium ~~multi-condominium~~ association and for each condominium operated by the association. Multicondominium associations created prior to July 1, 2000, that do not create separate ownership interests of the common surplus of the association for each unit, as provided in Sections 718.104(4)(h) and 718.110(12), Florida Statutes, shall not maintain separate fund balances for the association, and shall allocate all association revenues and expenses to each condominium operated by the association pursuant to the provisions of each condominium's respective declaration;

(c) For timeshare plans engaged in activities that generate nonassessment revenues, the managing entity shall maintain accounting ~~books and financial~~ records in sufficient detail to permit the determination of the revenues and expenses of each such revenue generating activity.

Paragraph 61B-40.005(5)(d) is amended to read:

(d) If a guarantee pursuant to ~~Section 718.116(9) or~~ Section 721.15(2), Florida Statutes, existed within a multicondominium association created prior to July 1, 2000, the guarantor's financial obligation to the association shall be calculated as provided in Subsections (a) through (c) for each condominium in which the guarantee existed. If a guarantee

pursuant to ~~Section 718.116(9)~~ or Section 721.15(2), Florida Statutes, existed within a multicondominium association created after June 30, 2000, or a multicondominium association that created separate ownership interests of the common surplus of the association for each purchaser as provided in Sections 718.104(4)(h) and 718.110(12), Florida Statutes, the guarantor's financial obligation to the association shall include the amount calculated pursuant to Section 718.116(9)(c), except that the calculation shall include total revenues as provided in Section 721.15(2), rather than the maintenance fee revenues as provided in Section 718.116(9)(c).

DEPARTMENT OF HEALTH

Board of Opticianry

RULE NO.: RULE TITLE:
64B12-8.020 Disciplinary Guidelines
 NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54 (3)(d)1., F.S., published in Vol. 27, No. 11, March 16, 2001 issues of the Florida Administrative Weekly. These changes are in response to comments received from the Joint Administrative Procedures Committee.

THE FULL TEXT OF THE PROPOSED RULE IS:

(Substantial rewording of Rule 64B12-8.020 follows. See Florida Administrative Code for present text.)

64B12-8.020 Disciplinary Guidelines.

(1) The Board provides within this rule disciplinary guidelines which shall be imposed upon applicants or licensees whom it regulates under Chapter 484, F.S. The purpose of this

rule is to notify applicants and licensees of the ranges of penalties that will routinely be imposed unless the Board finds it necessary to deviate from the guidelines for the stated reasons given within this rule. The ranges of penalties provided below are based upon a single count violation of each provision listed; multiple counts of the violated provisions or a combination of the violations may result in a higher penalty than that for a single, isolated violation. Each range includes the lowest and highest penalty and all penalties falling between. The purposes of the imposition of discipline are to punish the applicants or licensees for violations and to deter them from future violations; to offer opportunities for rehabilitation, when appropriate; and to deter other applicants or licensees from violations.

(2) Violations and Range of Penalties. In imposing discipline upon applicants and licensees, in proceedings pursuant to subsection 120.57(1) and subsection 120.57(2), F.S., the Board shall act in accordance with the following disciplinary guidelines and shall impose a penalty within the range corresponding to the violations set forth below. The verbal identification of offenses are descriptive only; the full language of each statutory provision cited must be consulted in order to determine the conduct included.

(3) When the Board finds an applicant or licensee whom it regulates under Chapter 484, F.S., has committed any of the acts set forth in Section 484.014, F.S., it shall issue a final order imposing appropriate penalties within the ranges recommended in the following disciplinary guidelines:

VIOLATIONS	RECOMMENDED PENALTIES		
	First Offense	Second Offense	Third Offense
<p><u>(a) Procuring or attempting to procure, or renew a license by misrepresentation, bribery, fraud or through an error of the Department or the Board. (484.014(1)(a), F.S.); (456.072(1)(h), F.S.)</u></p>	<p><u>(a) From reprimand to probation of the license and an administrative fine ranging from \$250.00 to \$500.00, or refusal to certify an application for licensure. If the violation is for fraud or making a false or fraudulent representation, the administrative fine is \$10,000.00.</u></p>	<p><u>(a) From suspension to revocation of the license and an administrative fine ranging from \$500.00 to \$750.00, or refusal to certify an application for licensure. If the violation is for fraud or making a false or fraudulent representation, the administrative fine is \$10,000.00.</u></p>	<p><u>(a) From revocation, without the ability to reapply, and an administrative fine ranging from \$750.00 to \$1,000.00, or refusal to certify an application for licensure. If the violation is for fraud or making a false or fraudulent representation, the administrative fine is \$10,000.00.</u></p>
<p><u>(b) Procuring or attempting to procure a license for any other person by making or causing to be made any false representation. (484.014(1)(b), F.S.)</u></p>	<p><u>(b) From reprimand to probation of the license, and an administrative fine ranging from \$250.00 to \$500.00, or refusal to certify an application for licensure. If the violation is for fraud or making a false or fraudulent representation, the administrative fine is \$10,000.00.</u></p>	<p><u>(b) From probation to suspension of the license, and an administrative fine ranging from \$500.00 to \$750.00, or refusal to certify an application for licensure. If the violation is for fraud or making a false or fraudulent representation, the administrative fine is \$10,000.00.</u></p>	<p><u>(b) From suspension to revocation, without the ability to reapply, and an administrative fine of \$1,000.00, or refusal to certify an application for licensure. If the violation is for fraud or making a false or fraudulent representation, the administrative fine is \$10,000.00.</u></p>
<p><u>(c) Filing a false report or failing to file a report as required. Such reports or records shall include only those which the person is required to make or file as an optician. (484.014(1)(c), F.S.); (456.072(1)(l), F.S.)</u></p>	<p><u>(c) From a letter of concern to reprimand of the license, and an administrative fine ranging from \$250.00 to \$500.00, or refusal to certify an application for licensure.</u></p>	<p><u>(c) From probation to suspension of the license and an administrative fine ranging from \$500.00 to \$750.00, or refusal to certify an application for licensure.</u></p>	<p><u>(c) From suspension to revocation of the license, and an administrative fine ranging from \$750.00 to \$1,000.00, or refusal to certify an application for licensure.</u></p>
<p><u>(d) Failing to make fee or price information readily available by providing such information upon request or upon the presentation of a prescription. (484.014(1)(d), F.S.)</u></p>	<p><u>(d) From a letter of concern to reprimand of the license, and an administrative fine ranging from \$250.00 to \$500.00, or refusal to certify an application for licensure.</u></p>	<p><u>(d) From reprimand to probation of the license, and an administrative fine ranging from \$500.00 to \$750.00, or refusal to certify an application for licensure.</u></p>	<p><u>(d) From probation to suspension of the license, and an administrative fine ranging from \$750.00 to \$1,000.00, or refusal to certify an application for licensure.</u></p>

<u>(e) False, deceptive, or misleading advertising. (484.014(1)(e), F.S.)</u>	<u>(e) From a letter of concern to probation of the license, and an administrative fine ranging from \$250.00 to \$500.00, or refusal to certify an application for licensure.</u>	<u>(e) From probation to suspension of the license, and an administrative fine ranging from \$500.00 to \$750.00, or refusal to certify an application for licensure.</u>	<u>(e) From suspension to revocation of the license, and an administrative fine ranging from \$750.00 to \$1,000.00, or refusal to certify an application for licensure.</u>
<u>(f) Fraud or deceit, or negligence, incompetency, or misconduct in the authorized practice of opticianry. (484.014(1)(f), F.S.)</u>	<u>(f) From reprimand to probation of the license, and if fraud is proven, an administrative fine of \$10,000.00, or refusal to certify an application for licensure.</u>	<u>(f) From probation to suspension of the license, and if fraud is proven, an administrative fine of \$10,000.00, or refusal to certify an application for licensure.</u>	<u>(f) From suspension to revocation of the license, and if fraud is proven, an administrative fine of \$10,000.00, or refusal to certify an application for licensure.</u>
<u>(g)1. Violation or repeated violation of Chapter 484 or Chapter 456, or any rules promulgated pursuant thereto, or a subpoena of the Department. (484.014(1)(g), (i), F.S.) (456.072(1)(b), (q), F.S.)</u>	<u>(g)1. From reprimand to suspension of the license, and an administrative fine ranging from \$250.00 to \$750.00, or refusal to certify an application for licensure.</u>	<u>(g)1. From probation to revocation of the license, and an administrative fine ranging from \$500.00 to \$1,000.00, or refusal to certify an application for licensure.</u>	<u>(g)1. From suspension to revocation of the license, and an administrative fine ranging from \$750.00 to \$1,000.00, or refusal to certify an application for licensure.</u>
<u>2. Violation of a lawful order of the Board or Department.</u>	<u>2. From a letter of concern to reprimand of the license, and an administrative fine ranging from \$250.00 to \$500.00, or refusal to certify an application for licensure.</u>	<u>2. From probation to suspension of the license, and an administrative fine ranging from \$500.00 to \$750.00, or refusal to certify an application for licensure.</u>	<u>2. From suspension to revocation of the license, and an administrative fine ranging from \$750.00 to \$1,000.00, or refusal to certify an application for licensure.</u>
<u>(h) Practicing with a revoked, suspended, inactive or delinquent license. (484.014(1)(h), F.S.)</u>	<u>(h) From reprimand to probation of the license, and an administrative fine ranging from \$250.00 to \$500.00, or refusal to certify an application for licensure.</u>	<u>(h) From probation to suspension of the license and an administrative fine ranging from \$500.00 to \$750.00, or refusal to certify an application for licensure.</u>	<u>(h) From suspension to revocation, and an administrative fine ranging from \$750.00 to \$1,000.00, or refusal to certify an application for licensure.</u>
<u>(i) Violation of any provision of section 484.012. (484.014(1)(j), F.S.)</u>	<u>(i) From reprimand to suspension of the license, and an administrative fine ranging from \$250.00 to \$500.00, or refusal to certify an application for licensure.</u>	<u>(i) From probation to suspension, and an administrative fine ranging from \$500.00 to \$750.00, or refusal to certify an application for licensure.</u>	<u>(i) From suspension to revocation, and an administrative fine ranging from \$750.00 to \$1,000.00, or refusal to certify an application for licensure.</u>

<p><u>(j) Conspiring to restrict another from lawfully advertising his or her services. (484.014(1)(k), F.S.).</u></p>	<p><u>(j) From reprimand to probation of the license, and an administrative fine ranging from \$250.00 to \$500.00, or refusal to certify an application for licensure.</u></p>	<p><u>(j) From probation to suspension of the license, and an administrative fine ranging from \$500.00 to \$750.00, or refusal to certify an application for licensure.</u></p>	<p><u>(j) From suspension to revocation of the license and an administrative fine ranging from \$750.00 to \$1,000.00, or refusal to certify an application for licensure.</u></p>
<p><u>(k) Willfully submitting to any third-party payor a claim for services which were not provided to a patient. (484.014(1)(l), F.S.).</u> <u>The licensee's reimbursement to the third party payor shall be considered as a mitigating factor by the board.</u></p>	<p><u>(k) From reprimand to suspension of the license, and an administrative fine ranging from \$250.00 to \$750.00, or refusal to certify an application for licensure.</u></p>	<p><u>(k) From probation to suspension, and an administrative fine ranging from \$500.00 to \$1,000.00, or refusal to certify an application for licensure.</u></p>	<p><u>(k) From suspension to revocation of the license, and an administrative fine ranging from \$750.00 to \$1,000.00, or refusal to certify an application for licensure.</u></p>
<p><u>(l) Failing to keep written prescription files. (484.014(1)(m), F.S.)</u></p>	<p><u>(l) From a reprimand to probation of the license, and an administrative fine ranging from \$250.00 to \$500.00, or refusal to certify an application for licensure.</u></p>	<p><u>(l) From probation to suspension of the license, and an administrative fine ranging from \$500.00 to \$750.00, or refusal to certify an application for licensure.</u></p>	<p><u>(l) From suspension to revocation of the license, and an administrative fine ranging from \$750.00 to \$1,000.00, or refusal to certify an application for licensure.</u></p>
<p><u>(m) Failure to report another licensee in violation of Chapter 484, Part I, Chapter 456 or rule of the Board or Department. (484.014(1)(n), F.S.); (456.072(1)(i), F.S.).</u></p>	<p><u>(m) From a letter of concern to probation of the license, and an administrative fine ranging from \$250.00 to \$500.00, or refusal to certify an application for licensure.</u></p>	<p><u>(m) From probation to suspension of the license, and an administrative fine ranging from \$500.00 to \$750.00, or refusal to certify an application for licensure.</u></p>	<p><u>(m) From suspension to revocation of the license and an administrative fine ranging from \$750.00 to \$1,000.00, or refusal to certify an application for licensure.</u></p>
<p><u>(n) Exercising influence on a client for financial gain of the licensee or of a third party. (484.014(1)(o), F.S.); (456.072(1)(n), F.S.).</u></p>	<p><u>(n) From reprimand to probation of the license, and an administrative fine ranging from \$250.00 to \$500.00, or refusal to certify an application for licensure.</u></p>	<p><u>(n) From probation to revocation of the license, and an administrative fine ranging from \$500.00 to a \$750.00, or refusal to certify an application for licensure.</u></p>	<p><u>(n) From suspension to revocation and an administrative fine ranging from \$750.00 to \$1,000.00, or refusal to certify an application for licensure.</u></p>
<p><u>(o) Gross or repeated malpractice. (484.014(1)(p), F.S.).</u></p>	<p><u>(o) From probation to revocation of the license, and an administrative fine ranging from \$500.00 to \$750.00, or refusal to certify an application for licensure.</u></p>	<p><u>(o) From suspension to revocation of the license, and an administrative fine ranging from \$750.00 to \$1,000.00, or refusal to certify an application for licensure.</u></p>	<p><u>(o) From suspension to revocation of the license, without the ability to reapply, and an administrative fine ranging from \$900.00 to \$1,000.00, or refusal to certify an application for licensure.</u></p>

<p><u>(p) Permitting any person not licensed as an optician in this state to fit or dispense any licenses, spectacles, eyeglasses, or other optical devices that are part of the practice of opticianry. (484.014(1)(q), F.S.).</u></p>	<p><u>(p) From reprimand to probation of the license, and an administrative fine ranging from \$250.00 to \$500.00, or refusal to certify an application for licensure.</u></p>	<p><u>(p) From probation to suspension of the license, and an administrative fine ranging from \$500.00 to \$750.00, or refusal to certify an application for licensure.</u></p>	<p><u>(p) From suspension to revocation of the license, and an administrative fine ranging from \$750.00 to \$1,000.00, or refusal to certify an application for licensure.</u></p>
<p><u>(q) Guilty of a crime directly relating to the ability to practice opticianry or to the practice of opticianry. (484.014(1)(r), F.S.); (456.072(1)(c), F.S.).</u></p>	<p><u>(q) From reprimand to suspension of the license, and an administrative fine ranging from \$500.00 to \$750.00, or refusal to certify an application for licensure.</u></p>	<p><u>(q) From probation to revocation of the license, and an administrative fine ranging from \$500.00 to \$1,000.00, or refusal to certify an application for licensure.</u></p>	<p><u>(q) From suspension to revocation of the license, and an administrative fine ranging from \$750.00 to \$1,000.00, or refusal to certify an application for licensure.</u></p>
<p><u>(r) Action taken against license by another jurisdiction. Licensing authority's acceptance of a relinquishment of licensure, stipulation, consent order, or other settlement, offered in response to or in anticipation of the filing of charges against the license, shall be construed as action against the license. (484.014(1)(s), F.S.); (456.072(1)(f), F.S.).</u></p>	<p><u>(r) From reprimand to probation of the license, and an administrative fine ranging from \$250.00 to \$500.00, or refusal to certify an application for licensure.</u></p>	<p><u>(r) From probation to suspension of the license, and an administrative fine ranging from \$500.00 to \$750.00, or refusal to certify an application for licensure.</u></p>	<p><u>(r) From suspension to revocation of the license, and an administrative fine ranging from \$750.00 to \$1,000.00, or refusal to certify an application for licensure.</u></p>
<p><u>(s) Being unable to practice opticianry with reasonable skill and safety by reason of illness or use of alcohol, drugs, narcotics, chemicals, or any other type of material or as a result of any mental or physical condition. (484.014(1)(t), F.S.); (456.072(1)(y), F.S.).</u></p>	<p><u>(s) From reprimand to suspension of the license, and an administrative fine ranging from \$250.00 to \$500.00, or refusal to certify an application for licensure.</u></p>	<p><u>(s) From probation to revocation of the license, and an administrative fine ranging from \$500.00 to \$750.00, or refusal to certify an application for licensure.</u></p>	<p><u>(s) From suspension to revocation of the license, and an administrative fine ranging from \$750.00 to \$1,000.00, or refusal to certify an application for licensure.</u></p>

(4) When the Board finds an applicant or licensee whom it regulates under Chapter 484, F.S., has violated subsection 484.014(1)(g), F.S., by violating any of the following Board rules, it shall issue a final order imposing appropriate penalties within the ranges recommended in the following disciplinary guidelines:

VIOLATIONS	RECOMMENDED PENALTIES		
	First Offense	Second Offense	Third Offense
<p><u>(a) Failure to give notice of withdrawal of services pursuant to Rule 64B12-10.003, F.A.C.</u></p>	<p><u>(a) From reprimand to probation of the license, and an administrative fine ranging from \$250.00 to 500.00, or refusal to certify an application for licensure.</u></p>	<p><u>(a) From probation to suspension of the license, and an administrative fine ranging from \$500.00 to \$750.00, or refusal to certify an application for licensure.</u></p>	<p><u>(a) From suspension to revocation of license, and an administrative fine ranging from \$750.00 to \$1,000.00, or refusal to certify an application for licensure.</u></p>
<p><u>(b) Failure to properly keep and transfer prescription files pursuant to Rule 64B12-10.006, F.A.C.</u></p>	<p><u>(b) From a letter of concern to reprimand of the license, and an administrative fine ranging from \$250.00 to \$500.00, or refusal to certify an application for licensure.</u></p>	<p><u>(b) From reprimand to probation of the license, and an administrative fine ranging from \$500.00 to \$750.00, or refusal to certify an application for licensure.</u></p>	<p><u>(b) From suspension to revocation of license, and an administrative fine ranging from \$750.00 to \$1,000.00, or refusal to certify an application for licensure.</u></p>
<p><u>(c) Failure to assure that duplicate prescription forms contain the information required by Rule 64B12-10.0065, F.A.C.</u></p>	<p><u>(c) From a letter of concern to reprimand of the license, and an administrative fine ranging from \$250.00 to \$500.00, or refusal to certify an application for licensure.</u></p>	<p><u>(c) From reprimand to probation of the license, and an administrative fine ranging from \$500.00 to \$750.00, or refusal to certify an application for licensure.</u></p>	<p><u>(c) From suspension to revocation of license, and an administrative fine ranging from \$750.00 to \$1,000.00, or refusal to certify an application for licensure.</u></p>
<p><u>(d) Failure to maintain the equipment required by Rule 64B12-10.007, F.A.C.</u></p>	<p><u>(d) From reprimand to suspension of the license, and an administrative fine ranging from \$250.00 to \$500.00, or refusal to certify an application for licensure.</u></p>	<p><u>(d) From probation to revocation of the license, and an administrative fine ranging from \$500.00 to \$750.00, or refusal to certify an application for licensure.</u></p>	<p><u>(d) From suspension to revocation of license, and an administrative fine ranging from \$750.00 to \$1,000.00, or refusal to certify an application for licensure.</u></p>
<p><u>(e) Failure to have a licensed optician on the business premises at any time that opticianry is being practiced. Should the violator be an unlicensed person, the Board will request the Department to enter a cease and desist order.</u></p>	<p><u>(e) From a reprimand to probation of the license, and an administrative fine ranging from \$250.00 to \$750.00, or refusal to certify an application for licensure.</u></p>	<p><u>(e) From probation to suspension of the license, and an administrative fine ranging from \$500.00 to \$1,000.00, or refusal to certify an application for licensure.</u></p>	<p><u>(e) From suspension to revocation of license, and an administrative fine ranging from \$750.00 to \$1,000.00, or refusal to certify an application for licensure.</u></p>

<p><u>(f) Failure to return certificates and licenses to the Department.</u></p>	<p><u>(f) From a letter of concern to reprimand of the license, and an administrative fine ranging from \$250.00 to \$500.00, or refusal to certify an application for licensure.</u></p>	<p><u>(f) From reprimand to suspension of the license, and an administrative fine ranging from \$500.00 to \$750.00, or refusal to certify an application for licensure.</u></p>	<p><u>(f) From suspension to revocation of license, and an administrative fine ranging from \$750.00 to \$1,000.00, or refusal to certify an application for licensure.</u></p>
<p><u>(g) Failure to pay any civil penalty imposed by order of the Board within thirty days of the effective date of the order as required by Rule 64B12-8.017, F.A.C.</u></p>	<p><u>(g) From reprimand to suspension of the license until such time as the fine has been paid and the licensee personally appears before the Board, and an administrative fine ranging from \$250.00 to \$500.00, or refusal to certify an application for licensure.</u></p>	<p><u>(g) From probation to suspension of the license until such time as the fine has been paid and the licensee personally appears before the Board, and an administrative fine ranging from \$500.00 to \$750.00, or refusal to certify an application for licensure.</u></p>	<p><u>(g) From suspension to revocation of license until such time as the fine has been paid and the licensee personally appears before the Board, and an administrative fine ranging from \$750.00 to \$1,000.00, or refusal to certify an application for licensure.</u></p>
<p><u>(h) Failure to comply with Rule 64B12-15.001(5), F.A.C., which requires the licensee to comply with the Department's random audit of the licensee's continuing education records.</u></p>	<p><u>(h) From a reprimand to probation of the license, and an administrative fine ranging from \$250.00 to \$500.00, or refusal to certify an application for licensure.</u></p>	<p><u>(h) From probation to suspension of the license, and an administrative fine ranging from \$500.00 to \$750.00, or refusal to certify an application for licensure.</u></p>	<p><u>(h) From suspension to revocation of the license, and an administrative fine ranging from \$750.00 to \$1,000.00, or refusal to certify an application for licensure.</u></p>
<p><u>(i) Failure to properly supervise an apprentice as required by Rule Chapter 64B12-16.003, F.A.C. For each offense, depending upon aggravating and mitigating circumstances, the Board may require probation with the condition that the licensee not serve as a sponsor.</u></p>	<p><u>(i) From a reprimand to probation of the license, and an administrative fine ranging from \$250.00 to \$500.00, or refusal to certify an application for licensure.</u></p>	<p><u>(i) From probation to suspension of the license, and an administrative fine ranging from \$500.00 to \$750.00, or refusal to certify an application for licensure.</u></p>	<p><u>(i) From suspension to revocation of license, and an administrative fine ranging from \$750.00 to \$1,000.00, or refusal to certify an application for licensure.</u></p>
<p><u>(j) Failure to properly terminate an apprenticeship as required by Rule 64B12-16.004, F.A.C. For each offense, depending upon aggravating and mitigating circumstances, the board may deny credit for hours of apprenticeship.</u></p>	<p><u>(j) From a reprimand to probation of the license, and an administrative fine ranging from \$250.00 to \$500.00, or refusal to certify an application for licensure.</u></p>	<p><u>(j) From probation to suspension of the license, and an administrative fine ranging from \$500.00 to \$750.00, or refusal to certify an application for licensure.</u></p>	<p><u>(j) From suspension to revocation of license, and an administrative fine ranging from \$750.00 to \$1,000.00, or refusal to certify an application for licensure.</u></p>

<p><u>(k) Failure to properly notify the Department of termination as a sponsor as required by 64B12-16.006, F.A.C.</u> <u>Depending upon aggravating and mitigating circumstances for each offense, the Board may require probation with the condition that the licensee not serve as a sponsor.</u></p>	<p><u>(k) From a reprimand to probation of the license, and an administrative fine ranging from \$250.00 to \$500.00, or refusal to certify an application for licensure.</u></p>	<p><u>(k) From probation to suspension of the license, and an administrative fine ranging from \$500.00 to \$750.00, or refusal to certify an application for licensure.</u></p>	<p><u>(k) From suspension to revocation of license, and an administrative fine ranging from \$750.00 to \$1,000.00, or refusal to certify an application for licensure.</u></p>
<p><u>(l) Failure of a sponsor or apprentice to comply with Chapters 484, Part I, and 456, Florida Statutes, and the rules of the Board and Department or to timely file complete reports or information as required by 64B12-16.008, F.A.C.</u> <u>Depending upon aggravating and mitigating circumstances for each offense, the Board may require probation with the condition that the licensee not serve as a sponsor or the board may deny credit for hours of apprenticeship.</u></p>	<p><u>(l) From a reprimand to suspension of the license, and an administrative fine ranging from \$250.00 to \$500.00, or refusal to certify an application for licensure.</u></p>	<p><u>(l) From probation to suspension of the license, and an administrative fine ranging from \$500.00 to \$750.00, or refusal to certify an application for licensure.</u></p>	<p><u>(l) From suspension to revocation of license, and an administrative fine ranging from \$750.00 to \$1,000.00, or refusal to certify an application for licensure.</u></p>
<p><u>(m) Failure to maintain accurate and complete records of time worked by an apprentice, pursuant to 64B12-16.009, F.A.C.</u> <u>depending upon aggravating and mitigating circumstances for each offense, the Board may require probation with the condition that the licensee not serve as a sponsor.</u></p>	<p><u>(m) From a reprimand to probation of the license, and an administrative fine ranging from \$250.00 to \$500.00, or refusal to certify an application for licensure.</u></p>	<p><u>(m) From probation to suspension of the license, and an administrative fine ranging from \$500.00 to \$750.00, or refusal to certify an application for licensure.</u></p>	<p><u>(m) From suspension to revocation of license, and an administrative fine ranging from \$750.00 to \$1,000.00, or refusal to certify an application for licensure.</u></p>
<p><u>(n) Failure to provide change of address, pursuant to 64B12-10.012, F.A.C.</u></p>	<p><u>(n) From a letter of concern to reprimand of the license, and an administrative fine ranging from \$250.00 to \$500.00, or refusal to certify an application for licensure.</u></p>	<p><u>(n) From reprimand to probation of the license, and an administrative fine ranging from \$500.00 to \$750.00, or refusal to certify an application for licensure.</u></p>	<p><u>(n) From reprimand to suspension of license, and an administrative fine ranging from \$750.00 to \$1,000.00, or refusal to certify an application for licensure.</u></p>

(5) When the Board finds an applicant or licensee whom it regulates under Chapter 484, F.S., has violated subsection 456.063(3), F.S. or Section 456.072, F.S., by violating any of

the following provisions, it shall issue a final order imposing appropriate penalties within the ranges recommended in the following disciplinary guidelines:

VIOLATIONS	RECOMMENDED PENALTIES		
	First Offense	Second Offense	Third Offense
<p><u>(a) Failure to report allegations of sexual misconduct to the department, regardless of the practice setting in which the alleged sexual misconduct occurred. (456.063(3), F.S.)</u></p>	<p><u>(a) From reprimand to suspension of the license, and an administrative fine ranging from \$1,500.00 to \$5,000.00, or refusal to certify an application for licensure. If fraud or making a false or fraudulent representation is proven, the administrative fine is \$10,000.00.</u></p>	<p><u>(a) From probation to suspension of the license, and an administrative fine ranging from \$5,000.00 to \$7,500.00, or refusal to certify an application for licensure. If fraud or making a false or fraudulent representation is proven, the administrative fine is \$10,000.00.</u></p>	<p><u>(a) From suspension to revocation of license, and an administrative fine ranging from \$7,500.00 to \$10,000.00, or refusal to certify an application for licensure. If fraud or making a false or fraudulent representation is proven, the administrative fine is \$10,000.00.</u></p>
<p><u>(b) Making misleading, deceptive, or fraudulent representations in or related to the practice of opticianry. (456.072(1)(a), F.S.)</u></p>	<p><u>(b) From reprimand to suspension of the license, and if fraudulent representations are proven, an administrative fine of \$10,000.00, or refusal to certify an application for licensure.</u></p>	<p><u>(b) From probation to revocation of the license, and if fraudulent representations are proven, an administrative fine of \$10,000.00, or refusal to certify an application for licensure.</u></p>	<p><u>(b) From suspension to revocation of license, and if fraudulent representations are proven, an administrative fine of \$10,000.00, or refusal to certify an application for licensure.</u></p>
<p><u>(c) Failing to comply with the educational course requirements for human immunodeficiency virus and acquired immune deficiency syndrome. (456.072(1)(e), F.S.)</u></p>	<p><u>(c) From letter of concern to reprimand of the license, and an administrative fine ranging from \$500.00 to \$1,000.00, or refusal to certify an application for licensure.</u></p>	<p><u>(c) From reprimand to probation of the license, and an administrative fine ranging from \$1,000.00 to \$5,000.00, or refusal to certify an application for licensure.</u></p>	<p><u>(c) From suspension to revocation of license, and an administrative fine ranging from \$5,000.00 to \$10,000.00, or refusal to certify an application for licensure.</u></p>
<p><u>(d) Having been found liable in a civil proceeding for knowingly filing a false report or complaint with the department against another licensee. (456.072(1)(g), F.S.)</u></p>	<p><u>(d) From reprimand to suspension of the license, and an administrative fine ranging from \$1,000.00 to \$2,500.00, or refusal to certify an application for licensure.</u></p>	<p><u>(d) From probation to revocation of the license, and an administrative fine ranging from \$2,500.00 to \$5,000.00, or refusal to certify an application for licensure.</u></p>	<p><u>(d) From suspension to revocation of license, and an administrative fine ranging from \$5,000.00 to \$10,000.00, or refusal to certify an application for licensure.</u></p>

<p><u>(e) Aiding, assisting, procuring, employing, or advising any unlicensed person or entity to practice opticianry contrary to Chapters 484 and 456, Florida Statutes, or the rules of the department or the board.</u> (456.072(1)(j), F.S.)</p>	<p><u>(e) From reprimand to suspension of the license, and an administrative fine ranging from \$2,000.00 to \$5,000.00, or refusal to certify an application for licensure.</u></p>	<p><u>(e) From probation to revocation of the license, and an administrative fine ranging from \$5,000.00 to \$7,500.00, or refusal to certify an application for licensure.</u></p>	<p><u>(e) From suspension to revocation of license, and an administrative fine ranging from \$5,000.00 to \$10,000.00, or refusal to certify an application for licensure.</u></p>
<p><u>(f) Failure to perform legal obligation.</u> (456.072(1)(k), F.S.)</p>	<p><u>(f) From reprimand to suspension of the license, and an administrative fine ranging from \$500.00 to \$2,500.00, or refusal to certify an application for licensure. If the violation is for fraud or making a false or fraudulent representation, the administrative fine is \$10,000.00.</u></p>	<p><u>(f) From probation to revocation of the license, and an administrative fine ranging from \$2,500.00 to \$5,000.00, or refusal to certify an application for licensure. If the violation is for fraud or making a false or fraudulent representation, the administrative fine is \$10,000.00.</u></p>	<p><u>(f) From suspension to revocation of license, and an administrative fine ranging from \$5,000.00 to \$10,000.00, or refusal to certify an application for licensure. If the violation is for fraud or making a false or fraudulent representation, the administrative fine is \$10,000.00.</u></p>
<p><u>(g) Making deceptive, untrue, or fraudulent representations in or related to the practice of a profession or employing a trick or scheme in or related to the practice of a profession.</u> (456.072(1)(m), F.S.)</p>	<p><u>(g) From reprimand to suspension of the license, and if fraudulent representation(s) is proven, an administrative fine of \$10,000.00, or refusal to certify an application for licensure.</u></p>	<p><u>(g) From probation to suspension of the license, without the ability to reapply, and if fraudulent representation(s) is proven, an administrative fine of \$10,000.00, or refusal to certify an application for licensure.</u></p>	<p><u>(g) From suspension to revocation of license, without the ability to reapply, and if fraudulent representation(s) is proven, an administrative fine of \$10,000.00, or refusal to certify an application for licensure.</u></p>
<p><u>(h) Practicing or offering to practice beyond the scope permitted by law or accepting and performing professional responsibilities the licensee knows, or has reason to know, the licensee is not competent to perform.</u> (456.072(1)(o), F.S.)</p>	<p><u>(h) From reprimand to suspension of the license, and an administrative fine ranging from \$1,000.00 to \$2,500.00, or refusal to certify an application for licensure.</u></p>	<p><u>(h) From probation to revocation of the license, and an administrative fine ranging from \$2,500.00 to \$5,000.00, or refusal to certify an application for licensure.</u></p>	<p><u>(h) From suspension to revocation of license, and an administrative fine ranging from \$5,000.00 to \$10,000.00, or refusal to certify an application for licensure.</u></p>

<p><u>(i) Delegating or contracting for the performance of professional responsibilities by a person when the licensee delegating or contracting for performance of such responsibilities knows, or has reason to know, such person is not qualified by training, experience, and authorization when required to perform them.</u> (456.072(1)(p), F.S.)</p>	<p><u>(i) From reprimand to suspension of the license, and an administrative fine ranging from \$1,000.00 to \$2,500.00, or refusal to certify an application for licensure.</u></p>	<p><u>(i) From probation to revocation of the license, and an administrative fine ranging from \$2,500.00 to \$5,000.00, or refusal to certify an application for licensure.</u></p>	<p><u>(i) From suspension to revocation of license, and an administrative fine ranging from \$5,000.00 to \$10,000.00, or refusal to certify an application for licensure.</u></p>
<p><u>(j) Improperly interfering with an investigation or inspection authorized by statute, or with any disciplinary proceeding.</u> (456.072(1)(r), F.S.)</p>	<p><u>(j) From reprimand to probation of the license, and an administrative fine ranging from \$500.00 to \$1,000.00, or refusal to certify an application for licensure.</u></p>	<p><u>(j) From probation to suspension of the license, and an administrative fine ranging from \$1,000.00 to \$5,000.00, or refusal to certify an application for licensure.</u></p>	<p><u>(j) From suspension to revocation of license, and an administrative fine ranging from \$5,000.00 to \$10,000.00, or refusal to certify an application for licensure.</u></p>
<p><u>(k) Engaging or attempting to engage a patient or client in verbal or physical sexual activity. For the purposes of this section, a patient or client shall be presumed to be incapable of giving free, full, and informed consent to verbal or physical sexual activity.</u> (456.072(1)(u), F.S.)</p>	<p><u>(k) From reprimand to suspension of the license, and an administrative fine ranging from \$1,000.00 to \$5,000.00, or refusal to certify an application for licensure.</u></p>	<p><u>(k) From probation to revocation of the license, and an administrative fine ranging from \$5,000.00 to \$7,500.00, or refusal to certify an application for licensure.</u></p>	<p><u>(k) From suspension to revocation of license, and an administrative fine ranging from \$5,000.00 to \$10,000.00, or refusal to certify an application for licensure.</u></p>
<p><u>(l) Failing to report to the board, or the department if there is no board, in writing within 30 days after the licensee has been convicted or found guilty of, or entered a plea of nolo contendere to, regardless of adjudication, a crime in any jurisdiction.</u> (456.072(1)(w), F.S.)</p>	<p><u>(l) From reprimand to suspension of the license, and an administrative fine ranging from \$1,000.00 to \$5,000.00, or refusal to certify an application for licensure.</u></p>	<p><u>(l) From probation to revocation of the license, and an administrative fine ranging from \$5,000.00 to \$7,500.00, or refusal to certify an application for licensure.</u></p>	<p><u>(l) From suspension to revocation of license, and an administrative fine ranging from \$7,500.00 to \$10,000.00, or refusal to certify an application for licensure.</u></p>

DEPARTMENT OF HEALTH

Board of Physical Therapy Practice

RULE NO.: RULE TITLE:
64B17-2.004 Initial Licensure Fee for Physical
 Therapist Assistants

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in the Vol. 27, No. 35, August 31, 2001, issue of the Florida Administrative Weekly. The changes are in response to comments received from the Joint Administrative Procedures Committee and from the Board meeting held on June 30, 2001.

The rule shall now read as follows:

64B17-2.004 Initial Licensure Fee for Physical Therapist Assistants.

An applicant who has been certified by the Board as having satisfied the licensure requirements of Rule Chapter 64B17-4, Florida Administrative Code, shall not be issued a license until the applicant remits to the Department an initial licensure fee in the amount of \$100.

Specific Authority 486.025 FS. Law Implemented 456.013(2), 486.106, 486.107(2) FS. History—New 8-6-84, Formerly 21M-10.35, Amended 4-12-87, 9-22-87, 6-20-89, Formerly 21M-10.035, Amended 10-17-90, Formerly 21MM-2.004, 61F11-2.004, 59Y-2.004, Amended _____.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kaye Howerton, Board Executive Director, Board of Physical Therapy Practice, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

DEPARTMENT OF HEALTH

Board of Physical Therapy Practice

RULE NO.: RULE TITLE:
64B17-3.002 Licensure Examination Subjects
 and Passing Score; Additional
 Requirements After Third
 Failure

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in the Vol. 27, No. 35, August 31, 2001, issue of the Florida Administrative Weekly. The changes are in response to comments received from the Joint Administrative Procedures Committee and from the Board meeting held on June 30, 2001.

The rule shall now read as follows:

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

(1) through (2) No change.

(3) An applicant must reapply in order to retake the examination. If an applicant wishes to take the examination for the fourth time, the applicant must submit to the Board for

approval satisfactory evidence of having successfully completed the following since the last taking of the examination: successful completion of a course of study or internship designed to prepare the applicant for the physical therapy examination. An applicant who has completed these additional requirements may take the examination on two more occasions. An applicant who has failed the Department administered examination after five attempts is no longer eligible to take the examination.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kaye Howerton, Board Executive Director, Board of Physical Therapy Practice, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

DEPARTMENT OF HEALTH

Board of Physical Therapy Practice

RULE NO.: RULE TITLE:
64B17-4.002 Licensure Examination Subjects
 and Passing Score; Additional
 Requirements After Third
 Failure

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in the Vol. 27, No. 35, August 31, 2001 issue of the Florida Administrative Weekly. The changes are in response to comments received from the Joint Administrative Procedures Committee and from the Board meeting held on June 30, 2001.

The rule shall now read as follows:

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

(1) through (2) No change.

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

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kaye Howerton, Board Executive Director, Board of Physical Therapy Practice, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

DEPARTMENT OF HEALTH

Board of Physical Therapy Practice

RULE NO.: 64B17-9.001
RULE TITLE: Continuing Education

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in the Vol. 27, No. 35, August 31, 2001, issue of the Florida Administrative Weekly. The changes are in response to comments received from the Joint Administrative Procedures Committee and from the Board meeting held on June 30, 2001.

The rule shall now read as follows:

64B17-9.001 Continuing Education.

(1) through (6) No change.

(7) The Board shall make exceptions for licensees from the continuing education requirements including waiver of all or a portion of these requirements or the granting of an extension of time in which to complete these requirements upon a finding of good cause by majority vote of the Board at a public meeting following receipt of a written request for exception based upon emergency or hardship. Emergency or hardship cases are those: 1) involving long term personal illness or illness involving a close relative or person for whom the licensee has care-giving responsibilities; 2) where the licensee can demonstrate that the required course(s) are not reasonably available; and 3) other demonstrated economic, technological or legal hardships that substantially relate to the ability to perform or complete the continuing education requirements.

Specific Authority 486.025 FS. Law Implemented 486.109(2)(3) FS. History—New 4-6-92, Formerly 21MM-9.001, Amended 3-7-94, Formerly 61F11-9.001, Amended 12-5-95, Formerly 59Y-9.001, Amended _____.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kaye Howerton, Board Executive Director, Board of Physical Therapy Practice, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

**Section IV
Emergency Rules**

NONE

**Section V
Petitions and Dispositions Regarding Rule
Variance or Waiver**

DEPARTMENT OF ENVIRONMENTAL PROTECTION

The Department of Environmental Protection has taken action on a petition for variance received from P2 Environmental, Inc., (P2) on July 9, 2001. Notice of receipt of this petition was published in the Florida Administrative Weekly, on July 27, 2001. The petition requested a variance from the zone of discharge prohibition for discharges through wells under Rule 62-522.300(3), of the Florida Administrative Code for the use of a remediation product to clean up sites contaminated with chlorinated aliphatic hydrocarbons. Specifically, the variance requested a zone of discharge for total recoverable petroleum hydrocarbons (TRPH) within a 20-foot radius from the point of discharge for a duration of 24 months. No public comment was received. On October 2, 2001, the Department granted a variance to P2 in a final order, OGC File No.: 01-1136. The final order granted a variance from the zone of discharge prohibition, and contained conditions. The conditions require that the use of the product must be through a Department-approved remedial action plan or other Department-enforceable document, and that such approval shall not be solely by a delegated program; that the discharge must be through a Class V, Group 4 underground injection control well which meets all applicable requirements of Chapter 62-528 of the Florida Administrative Code; that the extent of the zone of discharge for TRPH shall be a 20-foot radius from the point of injection for a duration of 24 months; that the injection of the product shall be at such a rate and volume that no undesirable migration occurs of the product, its by-products, or the contaminants already present in the aquifers; and that the Department-approved remedial action plan shall address appropriate ground water monitoring requirements associated with the use of the remediation product based on site-specific hydrogeology and conditions. For a copy of the final order write or call Cathy McCarty, Department of Environmental Protection, Underground Injection Control Section, MS 3530, 2600 Blair Stone Road, Twin Towers Office Building, Tallahassee, Florida 32399-2400, telephone (850)921-9412.