

Section I Notices of Development of Proposed Rules and Negotiated Rulemaking

DEPARTMENT OF BANKING AND FINANCE

Division of Banking

RULE TITLE: Credit Union Assessments
 RULE NO.: 3C-110.053

PURPOSE AND EFFECT: The proposed amendment will correct a mathematical error found in the current credit union assessment schedule. The proposed amendment expands the ranges of credit union assets to be assessed. Finally, the proposed amendment clarifies the date on which semi-annual assessments are due.

SUBJECT AREA TO BE ADDRESSED: Credit union assessment schedule.

SPECIFIC AUTHORITY: 655.012(3) FS.

LAW IMPLEMENTED: 655.047, 657.053 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: 1:00 p.m., January 7, 2002

PLACE: Division of Banking Conference Room, 6th Floor, 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: Linda B. Charity, Chief, Bureau of Financial Institutions, District I, Division of Banking, 101 East Gaines Street, Suite 636, Tallahassee, Florida 32399-0350, (850)410-9111

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

3C-110.053 Credit Union Assessments.

(1) Each state credit union shall pay to the Department a semiannual assessment computed on total assets as shown on the Quarterly Call Report (NCUA 5300S) of the credit union as of the last business day in June and the last business day in December of each year. In the event an NCUA 5300S report is amended, and such amendment results in a change in consolidated total assets, the semiannual assessment shall be computed on the adjusted total assets reported in the amended NCUA F5300 Report only if such report is postmarked no later than July 31 or January 31 of the current assessment period. No adjustment will be made for amended reports postmarked after this date.

(2) The State credit unions shall pay to the Department a semiannual assessment which shall be computed on the following schedule:

(a) For assets under \$500,000, an assessment of \$50.00;

(b) For assets over \$500,000, an assessment of \$50.00 plus \$0.135 per \$1,000 over \$500,000;

(c) For assets over \$150,000,000, an assessment of \$20,232 plus \$0.105 per \$1,000 over \$150,000,000; and

(d) For assets over \$300,000,000, an assessment of \$34,482.50 plus \$0.08 per \$1,000 over \$300,000,000.

Total Assets		Base	Plus	of Assets Over
Over	But Not Over			
\$0	\$500,000	\$50.00	0	\$0
\$500,000	\$150,000,000	\$50.00	0.000135	\$500,000
\$150,000,000	\$300,000,000	\$20,232.50	0.000105	\$150,000,000
\$300,000,000	\$750,000,000	\$35,982.50	0.000080	\$300,000,000
\$750,000,000	\$1,000,000,000	\$71,982.50	0.000050	\$750,000,000
\$1,000,000,000	\$1,500,000,000	\$84,482.50	0.000045	\$1,000,000,000
\$1,500,000,000	\$2,000,000,000	\$106,982.50	0.000040	\$1,500,000,000
\$2,000,000,000		\$126,982.50	0.000035	\$2,000,000,000

(3) A semi-annual assessment is "timely filed" if it is postmarked on or before January 31 or July 31. If either date falls on a weekend or holiday, a semi-annual assessment is timely filed if it is postmarked on the next business day.

(4) The Department shall levy a late penalty of \$100.00 per day for each day that a semiannual assessment is past due, unless the late payment penalty is excused for good cause, including isolated clerical and other minor errors. For intentional late filing of a semiannual assessment, the Department shall levy a late payment penalty of \$1,000.00 per day for each day that a semiannual assessment is past due.

Specific Authority 655.012(3), 657.053 FS. Law Implemented 655.047, 657.053 FS., s. 3, Chapter 96-168, L.O.F. History—New 8-18-96, Amended

DEPARTMENT OF INSURANCE

RULE TITLES: Minimum Benefit Standards for Policies or Certificates Issued for Delivery Prior to January 1, 1992
 Benefit Standards for Policies or Certificates Issued or Delivered on or After January 1, 1992
 Guaranteed Issue for Eligible Persons

PURPOSE AND EFFECT: To amend Florida Administrative Code to conform to recent updates in the National Association of Insurance Commissioners Model regulation for Medicare Supplement policies. Additionally, the amendments include typographical and grammatical corrections as well as minor changes that clarify existing language.

SUBJECT AREA TO BE ADDRESSED: Medicare Supplement policies.

SPECIFIC AUTHORITY: 624.308, 624.308(1), 627.674(2), 627.674(2)(a), 627.674(5) FS.

LAW IMPLEMENTED: 624.307(1), 627.410, 627.411, 627.673, 627.674, 627.6741, 627.6745, 627.6746 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., January 8, 2002

PLACE: Room 116, Larson Building, 200 East Gaines Street, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Department at least 5 calendar days before the program by contacting the person listed below.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Linda Ziegler, Bureau of Life and Health Forms and Rates, Department of Insurance, 200 East Gaines Street, Tallahassee, Florida 32399-0328, (850)413-5032

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

4-156.006 Minimum Benefit Standards for Policies or Certificates Issued for Delivery Prior to January 1, 1992.

No policy certificate may be advertised, solicited, issued, delivered or issued for delivery in this State as a Medicare supplement policy or certificate unless it meets or exceeds the following minimum standards. These are minimum standards and do not preclude the inclusion of other provisions or benefits which are not inconsistent with these standards.

- (1) No change.
- (2) Minimum Benefit Standards.
- (a) through (e) No change.

(f) Coverage for the coinsurance amount or in the case of hospital outpatient department services paid under a prospective payment system, the copayment amount, of Medicare eligible expenses under Part B regardless of hospital confinement, subject to a maximum calendar year out-of-pocket amount equal to the Medicare Part B deductible [\$100]. Coverage for the coinsurance amount of Medicare eligible expenses for covered outpatient drugs used in immunosuppressive therapy subject to the Medicare deductible amount is included herein.

- (g) No change.

Specific Authority 624.308(1), 627.674(2) FS. Law Implemented 624.307(1), 627.410, 627.411, 627.674, 627.6741 FS. History—New 1-1-81, Formerly 4-51.05, Amended 9-4-89, 12-9-90, Formerly 4-51.005, Amended 1-1-92, 3-4-01,_____.

4-156.007 Benefit Standards for Policies or Certificates Issued or Delivered on or After January 1, 1992.

The following standards are applicable to all Medicare supplement policies or certificates delivered or issued for delivery in this state on or after January 1, 1992. No policy or

certificate may be advertised, solicited, delivered or issued for delivery in this state as a Medicare supplement policy or certificate unless it complies with these benefit standards.

(1) General Standards. The following standards apply to Medicare supplement policies and certificates and are in addition to all other requirements of this regulation.

- (a) through (f) No change.
- (g)1. through 2. No change.

3. Each Medicare supplement policy shall provide that benefits and premiums under the policy shall be suspended (for ~~any~~ the period that is provided by federal regulation) at the request of the policyholder if the policyholder is entitled to benefits under Section 226(b) of the Social Security Act and is covered under a group health plan (as defined in Section 1862(b)(1)(A)(v) of the Social Security Act). If suspension occurs and if the policyholder or certificate holder loses coverage under the group health plan, the policy shall be automatically reinstated (effective as of the date of loss of coverage) if the policyholder provides notice of loss of coverage within 90 days after the date of ~~the such~~ loss of coverage and pays the premium attributable to the period, effective as of the date of termination of enrollment in the group health plan entitlement.

4. Reinstitution of such coverages as described in subparagraphs 2. and 3.:

- a. through c. No change.

(2) Standards for Basic (“Core”) Benefits Common to All Benefit Plans. Every issuer shall make available a policy or certificate including only the following basic “core” package of benefits to each prospective insured. An issuer may make available to prospective insureds any of the other Medicare Supplement Insurance Benefit Plans in addition to the basic “core” package, but not in lieu thereof.

- (a) through (d) No change.

(e) Coverage for the coinsurance amount, or in the case of hospital outpatient department services paid under a prospective payment system, the copayment amount, of Medicare eligible expenses under Part B regardless of hospital confinement, subject to the Medicare Part B deductible.

- (3) No change.

Specific Authority 624.308, 627.674(2)(a) FS. Law Implemented 624.307(1), 627.410, 627.674, 627.6741 FS. History—New 1-1-92, Amended 7-26-99, 3-4-01,_____.

4-156.0095 Guaranteed Issue for Eligible Persons.

(1) Guaranteed Issue.

(a) Eligible persons are those individuals described in subsection (2) who, ~~subject to subsection (2)(b)2.:~~

1. Seek to enroll under the policy during the period specified in subsection (3) Apply to enroll under the policy not later than sixty three (63) days after the date of the termination of enrollment described in subsection (2); and

2. Submit evidence of the date of termination or disenrollment with the application for a Medicare supplement policy.

(b) With respect to eligible persons, an issuer shall not:

1. Deny or condition the issuance or effectiveness of a Medicare supplement policy described in subsection (5)(3) that is offered and is available for issuance to new enrollees by the issuer;

2. No change.

(2) Eligible Persons. An eligible person is an individual described in any of the following paragraphs:

(a) No change.

(b) ~~The individual is enrolled with a Medicare + Choice organization under a Medicare + Choice plan under Part C of Medicare, and any of the following circumstances apply, or the individual is 65 years of age or older and is enrolled with a Program of All-Inclusive Care for the Elderly (PACE) provider under Section 1894 of the Social Security Act, and there are circumstances similar to those described below that would permit discontinuance of the individual's enrollment with such provider if such individual were enrolled in a Medicare + Choice plan:~~

~~1.a. The certification of the organization or plan under this part has been terminated, or the organization or plan has notified the individual of an impending termination of such certification; or~~

~~2.b. The organization has terminated or otherwise discontinued providing the plan in the area in which the individual resides, or has notified the individual of an impending termination or discontinuance of such plan;~~

~~3.e. No change.~~

~~4.d. The individual demonstrates, in accordance with guidelines established by the Secretary, that:~~

~~a.(H) The organization offering the plan substantially violated a material provision of the organization's contract under this part in relation to the individual, including the failure to provide an enrollee on a timely basis medically necessary care for which benefits are available under the plan or the failure to provide such covered care in accordance with applicable quality standards; or~~

~~b.(H) The organization, or agent or other entity acting on the organization's behalf, materially misrepresented the plan's provisions in marketing the plan to the individual, or~~

~~5.e. The individual meets such other exceptional conditions as the Secretary may provide.~~

~~2.a. An individual described in subparagraph (b) may elect to apply subsection (1) by substituting, for the date of termination of enrollment, the date on which the individual was notified by the Medicare + Choice organization of the impending termination or discontinuance of the Medicare + Choice plan it offers in the area in which the individual resides, but only if the individual disenrolls from the plan as a result of such notification.~~

~~b. In the case of an individual making the election in subparagraph (c)1. above, the issuer involved shall accept the application of the individual submitted before the date of termination of enrollment, but the coverage under subsection (1) shall only become effective upon termination of coverage under the Medicare + Choice plan involved.~~

~~(c)1. The individual is enrolled with:~~

~~a. An eligible organization under a contract under Section 1876, 42 U.S.C. Section 1395mm (1999 Supplement) which is hereby incorporated by reference (Medicare risk or cost);~~

~~b. through d. No change.~~

~~2. No change.~~

~~(d) No change.~~

~~(e)1. The individual was enrolled under a Medicare supplement policy and terminated enrollment and subsequently enrolled, for the first time, with:~~

~~a. No change.~~

~~b. An eligible organization under a contract under Section 1876, 42 U.S.C. Section 1395mm (1999 Supplement) which is hereby incorporated by reference (Medicare risk or cost), any similar organization operating under demonstration project authority;~~

~~c. Any PACE provider program under Section 1894 of the Social Security Act; or-~~

~~d. An organization under an agreement under Section 1833(a)(1)(A), 42 U.S.C. Section 1395I (1999 Supplement) which is hereby incorporated by reference, (health care prepayment plan); or~~

~~d.e. A Medicare Select policy; and~~

~~2. No change.~~

~~(f) The individual, upon first becoming eligible for benefits under Part A of Medicare at age 65, enrolls in a Medicare + Choice plan under Part C of Medicare, or with in a PACE program provider under Section 1894 of the Social Security Act, and disenrolls from the plan or program by not later than twelve (12) months after the effective date of enrollment.~~

~~(3) Guaranteed Issue Time Periods.~~

~~(a) In the case of an individual described in paragraph (2)(a), the guaranteed issue period:~~

~~1. Begins on the later of:~~

~~a. The date the individual receives a notice of termination or cessation of the supplemental health benefits (or, if a notice is not received, notice that a claim has been denied because of such a termination or cessation); or~~

~~b. The date that the applicable coverage terminates or ceases; and~~

~~2. Ends sixty-three (63) days after the date of the applicable notice.~~

~~(b) In the case of an individual described in paragraph (2)(b), (c), (e) or (f) whose enrollment is terminated involuntarily, the guaranteed issue period begins on the date~~

that the individual receives a notice of termination and ends sixty-three (63) days after the date the applicable coverage is terminated;

(c) In the case of an individual described in subparagraph (2)(d)1., the guaranteed issue period begins on the earlier of:

1. The date that the individual receives a notice of termination, a notice of the issuer's bankruptcy or insolvency, or other similar notice if any; and

2. The date that the applicable coverage is terminated, and ends on the date that is sixty-three (63) days after the date the coverage is terminated;

(d) In the case of an individual described in paragraph (2)(b), subparagraph (d)2. or 3., or paragraph (2)(e) or (f) who disenrolls voluntarily, the guaranteed issue period begins on the date that is sixty (60) days before the effective date of the disenrollment and ends on the date that is sixty-three (63) days after the effective date; and

(e) In the case of an individual described in subsection (2) but not described in the preceding provisions of this subsection, the guaranteed issue period begins on the effective date of disenrollment and ends on the date that is sixty-three (63) days after the effective date.

(4) Extended Medicare Supplement access for interrupted trial periods.

(a) In the case of an individual described in paragraph (2)(e) (or deemed to be so described, pursuant to this paragraph) whose enrollment with an organization or provider described in subparagraph (2)(e)1. is involuntarily terminated within the first twelve (12) months of enrollment, and who, without an intervening enrollment, enrolls with another such organization or provider, the subsequent enrollment shall be deemed to be an initial enrollment described in Rule 4-156.0095(2)(e), F.A.C.:

(b) In the case of an individual described in paragraph (2)(f) (or deemed to be so described, pursuant to this paragraph) whose enrollment with a plan or in a program described in paragraph (2)(f) is involuntarily terminated within the first twelve (12) months of enrollment, and who, without an intervening enrollment, enrolls in another such plan or program, the subsequent enrollment shall be deemed to be an initial enrollment described in Rule 4-156.0095(2)(f), F.A.C.; and

(c) For purposes of paragraphs (2)(e) and (2)(f), no enrollment of an individual with an organization or provider described in subparagraph (2)(e)1., or with a plan or in a program described in paragraph (2)(f), may be deemed to be an initial enrollment under this paragraph after the two year period beginning on the date on which the individual first enrolled with such an organization, provider, plan or program.

(3) through (4) renumbered (5) through (6) No change.

Specific Authority 624.308, 627.674(2), 627.6741(5) FS. Law Implemented 624.307(1), 627.410, 627.673, 627.674, 627.6745, 627.6746 FS. History--New 7-26-99, Amended 3-4-01,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Linda Ziegler, Bureau of Life and Health Forms and Rates, Division of Insurer Services, Department of Insurance

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Rich Robleto, Chief, Bureau of Life and Health Forms and Rates, Division of Insurer Services, Department of Insurance

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 5, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 21, 2001

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Engineers

RULE TITLES: Grounds for Disciplinary Proceedings
Disciplinary Guidelines; Range of Penalties; Aggravating and Mitigating Circumstances

RULE NOS.: 61G15-19.001
61G15-19.004

PURPOSE AND EFFECT: The Board proposes to review these rules to determine if any amendments are necessary.

SUBJECT AREA TO BE ADDRESSED: Grounds for disciplinary proceedings; Disciplinary guidelines; range of penalties; aggravating and mitigating circumstances.

SPECIFIC AUTHORITY: 455.227, 471.008, 471.031, 471.033 FS.

LAW IMPLEMENTED: 455.227, 471.025(1), 471.031, 471.033 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 BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Commission

RULE TITLE: License Status of Active Officers and Directors

RULE NO.: 61J2-5.016

PURPOSE AND EFFECT: The purpose of the proposed rule development is to amend provisions relating to real estate salespersons' ability to be an officer of a real estate entity.

SUBJECT AREA TO BE ADDRESSED: The proposed rule development affects rule provisions relating to real estate salespersons' ability to be an officer of a real estate entity.

SPECIFIC AUTHORITY: 475.05 FS.
 LAW IMPLEMENTED: 475.01, 475.15 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: 8:30 a.m. or as soon thereafter as possible, January 16, 2002
 PLACE: Division of Real Estate, Room 301, Commission Meeting Room, North Tower, Hurston Building, 400 West Robinson Street, Orlando, Florida 32801
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Florida Real Estate Commission, Lori Crawford, Deputy Clerk, Division of Real Estate, Suite N308, Hurston Building, North Tower, 400 West Robinson Street, Orlando, Florida 32801
 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

DOCKET NO.: 01-57R
 RULE CHAPTER TITLE: PERMITS
 RULE TITLES:
 Procedures to Obtain Permits and Other Authorizations; Applications
 Regulatory Program and Surveillance Fees for Wastewater Facilities or Activities Discharging to Surface Waters

RULE CHAPTER NO.: 62-4
 RULE NOS.: 62-4.050, 62-4.052

PURPOSE AND EFFECT: The Florida Department of Environmental Protection (Department) implements the federal National Pollutant Discharge Elimination System (NPDES) through its EPA approved NPDES program which resides within various provisions of Florida Administrative Code Chapters 62-4, 62-620, 62-621, and 62-624, F.A.C.

As authorized by Section 402 of the Clean Water Act, EPA has relinquished its NPDES permitting authority to the state as the Department has developed rules to incorporate the various elements of the NPDES regulatory framework into its Wastewater Facility and Activities Permitting program. On May 1, 2000, EPA relinquished permitting authority for the stormwater element of the NPDES program. On October 23, 2000, Chapter 62-624, F.A.C., was adopted, along with amendments to Chapters 62-4, 62-620 and 62-621, F.A.C., to implement the first of two phases (Phase I) of the federal NPDES stormwater element as part of the state permitting program. Additional stormwater regulations have been published by EPA to effect Phase II of the stormwater element of the NPDES program, as required by the Clean Water Act, which must be incorporated into the state's NPDES program. The proposed rules to be developed shall set forth fees to be charged for Phase II activities which shall include small

construction activities (disturbing more than one (1) but less than five (5) acres of land) as well as the discharge of stormwater from small municipal separate stormwater sewer systems (MS4s). Additionally, after more than a year of implementing Phase I of the NPDES stormwater program, the need for an increase in fees required for certain Phase I activities has become apparent. Fees related construction activities that disturb five (5) or more acres of land and annual fees charged to operators of medium and large MS4s shall be adjusted within the proposed rules.

SUBJECT AREA TO BE ADDRESSED: Fees charged for activities regulated under the NPDES stormwater program related to construction and municipal separate storm sewer systems (MS4s).

SPECIFIC AUTHORITY: 373.043, 373.418, 403.061, 403.087, 403.704(30) FS.
 LAW IMPLEMENTED: 373.109, 373.309, 373.409, 373.413, 373.4135, 373.414(9),(11),(12)(a), (13),(14), (15),(16), 373.4145, 373.418, 373.421, 403.061, 403.087, 403.0877, 403.088, 403.722, 403.861(7) FS.

A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Fred Noble, P.E., NPDES, Stormwater Section, Florida Department of Environmental Protection, Mail Station 2500, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

DOCKET NO.: 01-58R
 RULE CHAPTER TITLE: WASTEWATER FACILITY AND ACTIVITIES PERMITTING
 RULE TITLE: Scope\Applicability\References

RULE CHAPTER NO.: 62-620
 RULE NO.: 62-620.100

PURPOSE AND EFFECT: The Florida Department of Environmental Protection (Department) implements the federal National Pollutant Discharge Elimination System (NPDES) through its EPA approved NPDES program which resides within various provisions of Florida Administrative Code Chapters 62-4, 62-620, 62-621, and 62-624, F.A.C.

As authorized by Section 402 of the Clean Water Act, EPA has relinquished its NPDES permitting authority to the state as the Department has developed rules to incorporate the various elements of the NPDES regulatory framework into its Wastewater Facility and Activities Permitting program. On May 1, 2000, EPA relinquished permitting authority for the stormwater element of the NPDES program. On October 23, 2000, Chapter 62-624, F.A.C., was adopted, along with amendments to Chapters 62-4, 62-620 and 62-621, F.A.C., to

implement the first of two phases (Phase I) of the federal NPDES stormwater element as part of the state permitting program. Additional stormwater regulations have been published by EPA to effect Phase II of the stormwater element of the NPDES program, as required by the Clean Water Act, which must be incorporated into the state's NPDES program. As the Phase II rules are developed adjustments to the references cited under Rule 62-620.100(3), F.A.C., will be necessary to reflect current versions of various incorporated documents and to incorporate new documents necessary to effect Phase II of the NPDES stormwater program.

SUBJECT AREA TO BE ADDRESSED: Materials incorporated by reference necessary to effect certain provisions of the Department's NPDES program.

SPECIFIC AUTHORITY: 403.061, 403.087 FS.

LAW IMPLEMENTED: 403.061, 403.087, 403.088, 403.0885 FS.

A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Fred Noble, P.E., NPDES Stormwater Section, Florida Department of Environmental Protection, Mail Station 2500, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

DOCKET NO.: 01-59R

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Generic Permits	62-621
RULE TITLE:	RULE NO.:
Permits	62-621.300

PURPOSE AND EFFECT: The Florida Department of Environmental Protection (Department) implements the federal National Pollutant Discharge Elimination System (NPDES) through its EPA approved NPDES program which resides within various provisions of Florida Administrative Code chapters 62-4, 62-620, 62-621, and 62-624.

As authorized by Section 402 of the Clean Water Act, EPA has relinquished its NPDES permitting authority to the state as the Department has developed rules to incorporate the various elements of the NPDES regulatory framework into its Wastewater Facility and Activities Permitting program. On May 1, 2000, EPA relinquished permitting authority for the stormwater element of the NPDES program. On October 23, 2000, chapter 62-624, F.A.C., was adopted, along with amendments to chapters 62-4, 62-620 and 62-621, to implement the first of two phases (Phase I) of the federal NPDES stormwater element as part of the state permitting program. Additional stormwater regulations have been published by EPA to effect Phase II of the stormwater element

of the NPDES program, as required by the Clean Water Act, which must be incorporated into the state's NPDES program. The Department anticipates establishing a generic permit to regulate small MS4s under Phase II and addressing small construction activities regulated under Phase II by amending the Department's existing construction generic permit or establishing a separate generic permit for Phase II small construction activities. Chapter 62-621 must be amended to accommodate any new generic permits, or amendments to existing generic permits, as well as to incorporate any new forms created to facilitate utilization of the generic permits.

SUBJECT AREA TO BE ADDRESSED: Establishment of new generic permits or amendment of existing generic permits to accommodate implementation of Phase II of the NPDES stormwater element.

SPECIFIC AUTHORITY: 373.043, 373.1131, 373.413, 373.416, 403.061, 403.087, 403.0877 FS.

LAW IMPLEMENTED: 373.043, 373.1131, 373.413, 373.416, 403.061, 403.087, 403.0877, 403.088, 403.0885 FS.

A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Fred Noble, P.E., NPDES, Stormwater Section, Florida Department of Environmental Protection, Mail Station 2500, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

DOCKET NO.: 01-60R

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Municipal Separate Storm	

Sewer Systems	62-624
RULE TITLES:	RULE NOS.:
Policy and Purpose	62-624.100
Definitions	62-624.200
General Provisions	62-624.300
General Conditions	62-624.310
Application Procedures for New MS4 Permits	62-624.400
Re-application Procedures for MS4 Permits	62-624.420
Contents of Re-application for MS4 Permit	62-624.440
Application Processing	62-624.460
Standards for Issuing or Denying Permits	62-624.500
Annual Report	62-624.600
Transfer of Operational Authority	62-624.700

PURPOSE AND EFFECT: The Florida Department of Environmental Protection (Department) implements the federal National Pollutant Discharge Elimination System (NPDES) through its EPA approved NPDES program which resides within various provisions of Florida Administrative Code chapters 62-4, 62-620, 62-621, and 62-624.

As authorized by Section 402 of the Clean Water Act, EPA has relinquished its NPDES permitting authority to the state as the Department has developed rules to incorporate the various elements of the NPDES regulatory framework into its Wastewater Facility and Activities Permitting program. On May 1, 2000, EPA relinquished permitting authority for the stormwater element of the NPDES program. On October 23, 2000, chapter 62-624, F.A.C., was adopted, along with amendments to chapters 62-4, 62-620 and 62-621, to implement the first of two phases (Phase I) of the federal NPDES stormwater element as part of the state permitting program. Additional stormwater regulations have been published by EPA to effect Phase II of the stormwater element of the NPDES program, as required by the Clean Water Act, which must be incorporated into the state's NPDES program. Under Phase II, the Department must address small Municipal Separate Storm Sewer Systems (small MS4s). Medium and large MS4s were addressed under Phase I. The Department must now amend chapter 62-624 to accommodate the implementation of Phase II of the NPDES stormwater element as it applies to MS4s.

SUBJECT AREA TO BE ADDRESSED: Regulation of MS4s under Phase II of the NPDES stormwater element.

SPECIFIC AUTHORITY: 403.061, 403.087 FS.

LAW IMPLEMENTED: 403.087, 403.088, 403.0885 FS.

A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Fred Noble, P.E., NPDES, Stormwater Section, Florida Department of Environmental Protection, Mail Station 2500, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400

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

DEPARTMENT OF HEALTH

Board of Clinical Laboratory Personnel

RULE TITLE: Clinical Laboratory Personnel
 RULE NO.: 64B3-2.002

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

SUBJECT AREA TO BE ADDRESSED: Clinical Laboratory Personnel.

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

LAW IMPLEMENTED: 483.035(1), 483.803, 483.811(3), (4) 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 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:

64B3-2.002 Clinical Laboratory Personnel.

(1) Director means a Clinical Laboratory Director ~~person~~ qualified ~~to be a director~~ pursuant to the Board's rules who is responsible for and assures the overall operation and administration of the clinical laboratory and fulfills the responsibilities specified in Rule 64B3-13.001, ~~64B3-5.007(5)~~, F.A.C.

(2) Supervisor means a person qualified to be a supervisor pursuant to the Board's rules who is responsible for the day-to-day supervision and oversight of technical and scientific operations in a clinical laboratory and fulfills the responsibilities specified in Rule 64B3-13.002, ~~64B3-5.002(3)~~, F.A.C.

(3) Technologist means a person qualified to be a technologist under the Board's rules who represents the first level of independent practice and under general supervision, fulfills the responsibilities specified in Rule 64B3-13.003, ~~64B3-5.003(5)~~, F.A.C.

(4) Technician means a person qualified as a technician pursuant to the Board's rules who practices the profession and may perform tests classified as highly complex pursuant to 42 CFR 493.17 (September 7, 1999), incorporated by reference herein, only when under direct supervision of a licensed technologist, supervisor, or director unless the technician meets the minimum qualifications contained in 42 CFR 493.1489 (September 7, 1999), incorporated by reference herein, and the requirements contained in Rule 64B3-5.004(5) and fulfills the responsibilities specified in Rule 64B3-13.004, ~~64B3-5.004(7)~~, F.A.C.

(5) through (6) No change.

(7) Direct supervision means supervision by a qualified director, licensed supervisor, or licensed technologist who is on the premises; or is available to the laboratory when test procedures are being performed and is responsible for the oversight of testing and reporting of results.

Specific Authority 483.805(4), 483.811(4) FS. Law Implemented 483.035(1), 483.803, 483.811(3),(4) FS. History--New 11-4-93, Formerly 61F3-2.002, Amended 11-21-94, 7-12-95, 5-15-96, Formerly 59O-2.002, Amended 3-19-98, 12-13-98, 9-27-00,_____.

DEPARTMENT OF HEALTH

Board of Clinical Laboratory Personnel

RULE TITLE: Trainee Registration
 RULE NO.: 64B3-4.001

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

SUBJECT AREA TO BE ADDRESSED: Trainee Registration.

SPECIFIC AUTHORITY: 483.805(4) FS.

LAW IMPLEMENTED: 483.809(3), 483.811(2),(3),(4), 483.825, 483.827 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 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:

64B3-4.001 Trainee Registration.

(1) through (3) No change.

(4) Upon graduation from a Board approved training program, a student who intends to work in a laboratory licensed under Chapter 483, Florida Statutes, shall apply for licensure.

(a) Individuals enrolled in a Board-approved histology program shall be issued a two-year trainee registration.

(5) through (6) No change.

Specific Authority 483.805(4) FS. Law Implemented 483.809(3), 483.811(2), (3), (4), 483.825, 483.827 FS. History--New 7-20-93, Formerly 21KK-4.001, 61F3-4.001, Amended 4-10-96, 7-3-97, Formerly 59O-4.001, Amended 3-19-98, 2-15-01, _____.

DEPARTMENT OF HEALTH

Board of Clinical Laboratory Personnel

RULE TITLE: Medical Errors

RULE NO.: 64B3-5.001

PURPOSE AND EFFECT: The Board proposes to add a new rule with regard to medical error prevention.

SUBJECT AREA TO BE ADDRESSED: Medical Errors.

SPECIFIC AUTHORITY: 456.013(7) FS.

LAW IMPLEMENTED: 456.013(7) 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: Joe Baker, Jr., Board

Executive Director, Board of Clinical Laboratory Personnel, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B3-5.001 Medical Errors.

All applicants for initial licensure and renewal shall be required to take a Board approved 2-hour course relating to the prevention of medical errors, which shall include root-cause analysis, error reduction and prevention, and patient safety.

Specific Authority 456.013(7) FS. Law Implemented 456.013(7) FS. History--New _____.

DEPARTMENT OF HEALTH

Board of Medicine

RULE TITLE: List of Approved Forms; Incorporation

RULE NO.: 64B8-1.007

PURPOSE AND EFFECT: The Board proposes the development of rule amendments to incorporate revised forms and a new form in its rule regarding forms.

SUBJECT AREA TO BE ADDRESSED: Revised forms and a new form to be incorporated in the rule.

SPECIFIC AUTHORITY: 120.55(1)(a),(4), 456.013, 456.036(5), 456.048(1), 458.309, 458.311, 458.312(6), 458.313(4), 458.3145, 458.315(2), 458.320(8), 458.321(2), 458.347(13), 458.351(6) FS.

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

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE 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: Pamela King, Acting Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B8-1.007 List of Approved Forms; Incorporation.

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

(1) DH-MQA 1000, entitled “Board of Medicine Application For Licensure By Examination and Endorsement Materials To Be Licensed By Examination, Endorsement, Public Health Certificate, Public Psychiatry Certificate (Medical Doctor),” ~~(8/01) (1/00)~~.

(2) through (17) No change.

~~(18) DH-MQA 1048, entitled “Medical Director Acceptance Form,” 10/01.~~

~~(19)(18) No change.~~

~~(20)(19) DH-MQA 2000, entitled “Application for Licensure as a Physician Assistant,” (8/01) (10/00).~~

(20) through (21) renumbered (21) through (22) No change.

~~(23)(22) DH-MQA 2003, entitled, “FPALE Re-Examination Application,” (10/01) (2/01).~~

~~(24)(23) No change.~~

Specific Authority 120.55(1)(a),(4), 456.013, 456.036(5), 456.048(1), 458.309, 458.311, 458.312(4), 458.313(4), 458.3145, 458.315(2), 458.320(8), 458.321(2), 458.347(13), 458.351(6) FS. Law Implemented 456.013, 456.035, 456.036, 456.048, 456.073, 458.309, 458.311, 458.3124, 458.313, 458.3145, 458.315, 458.316, 458.317, 458.319, 458.320, 458.321, 458.345, 458.347, 458.351 FS. History—New 4-17-01, Amended 11-20-01.

DEPARTMENT OF HEALTH

Board of Medicine

RULE TITLES:

Renewal Fees

RULE NOS.:

64B8-3.003

Inactive and Delinquent Status Fees

64B8-3.004

PURPOSE AND EFFECT: The Board proposes the development of rule amendments to address a small increase in the inactive renewal fee and to clarify that the inactive and delinquent fees for residents shall be the same as those for other licensees.

SUBJECT AREA TO BE ADDRESSED: Renewal fees, inactive and delinquent status fees.

SPECIFIC AUTHORITY: 456.025, 456.036, 458.309(1), 458.3145, 458.315, 458.316, 458.3165, 458.317, 458.319, 458.345 FS.

LAW IMPLEMENTED: 456.025(1), 456.036, 458.3145, 458.316, 458.3165, 458.319(1), 458.345 FS.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B8-3.003 Renewal Fees.

(1) No change.

(2) The following renewal fees are prescribed by the Board:

(a) Biennial renewal fee for physicians licensed pursuant to Sections 458.311, 458.3115, 458.3124, and 458.313, F.S., for physicians holding a limited license; and for physicians holding a medical faculty certificate as a distinguished medical scholar, a temporary certificate for practice in areas of critical need, a public psychiatry certificate, or a public health certificate shall be \$385.00. However the following exceptions shall apply:

1. through 3. No change.

4. If the licensee whose license is on inactive status chooses to renew the license in an inactive status, the biennial renewal fee shall be \$110.00 ~~\$100.00~~.

(b) No change.

Specific Authority 456.025, 458.309(1), 458.3145, 458.315, 458.316, 458.3165, 458.317, 458.319, 458.345 FS. Law Implemented 456.025(1), 456.036(3), 458.319(1), 458.345(4) FS. History—New 12-5-79, Amended 10-24-85, Formerly 21M-19.03, Amended 12-4-86, 11-3-87, 5-24-88, 11-15-88, 11-12-89, 1-9-92, Formerly 21M-19.003, Amended 9-21-93, 4-14-94, Formerly 61F6-19.003, Amended 10-10-95, 6-24-96, 1-26-97, Formerly 59R-3.003, Amended 6-7-98, 8-11-98, 12-14-99, 10-31-01.

64B8-3.004 Inactive and Delinquent Status Fees.

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

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

(b) No change.

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

(d) through (e) No change.

(2) No change.

Specific Authority 458.309, 456.036 FS. Law Implemented 456.036, 458.3145, 458.316, 458.3165, 458.345 FS. History—New 2-13-95, Amended 10-10-95, 12-18-95, Formerly 59R-3.004, Amended 8-11-98, 11-20-01.

DEPARTMENT OF HEALTH

Board of Medicine

RULE TITLE:

Approval of Physician Office Accrediting Organizations

RULE NO.:

64B8-9.0092

PURPOSE AND EFFECT: The Board proposes the development of a rule amendment to identify a Board approved accrediting agency in the rule.

SUBJECT AREA TO BE ADDRESSED: The Board proposes to identify a Board approved accrediting agency in the rule.

SPECIFIC AUTHORITY: 458.309(3) FS.

LAW IMPLEMENTED: 458.309(3) FS.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B8-9.0092 Approval of Physician Office Accrediting Organizations.

(1) through (6) No change.

(7) Board approved accrediting agency or organizations include Florida Academy of Cosmetic Surgery, Inc.

Specific Authority 458.309(3) FS. Law Implemented 458.309(3) FS. History—New 3-9-00, Amended _____.

DEPARTMENT OF HEALTH

Board of Nursing

RULE TITLE: Continuing Education on Bioterrorism

RULE NO.: 64B9-5.013

PURPOSE AND EFFECT: The Board proposes to develop a new rule to address continuing education requirements.

SUBJECT AREA TO BE ADDRESSED: Continuing education requirements.

SPECIFIC AUTHORITY: 464.013(3) FS.

LAW IMPLEMENTED: 464.013(3) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Joe Baker, Interim Executive Director, Board of Nursing/MQA, 4052 Bald Cypress Way, Bin #C02, Tallahassee, Florida 32399-3252

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

DEPARTMENT OF HEALTH

Board of Nursing

RULE CHAPTER TITLE: LPN Supervision in Nursing

RULE CHAPTER NO.: 64B9-16

Home Facilities

64B9-16

PURPOSE AND EFFECT: The Board proposes the development of a rule chapter to address LPN supervision guidelines in nursing home facilities.

SUBJECT AREA TO BE ADDRESSED: Definitions; Supervision by licensed practical nurses in nursing home facilities; Competency and knowledge requirements necessary to qualify the LPN to supervise in nursing home facilities; Delegation of tasks prohibited.

SPECIFIC AUTHORITY: 400.23(3) FS.

LAW IMPLEMENTED: 400.23(3) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Joe Baker, Interim Executive Director, Board of Nursing/MQA, 4052 Bald Cypress Way, Bin #C02, Tallahassee, Florida 32399-3252

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

DEPARTMENT OF HEALTH

Board of Osteopathic Medicine

RULE TITLE: Standards for the Prescription of

RULE NO.: 64B15-14.004

Obesity Drugs

64B15-14.004

PURPOSE AND EFFECT: The Board proposes to substantially reword this rule to clearly define the standards for the prescription of obesity drugs and to comport this rule to the companion rule by the Board of Medicine.

SUBJECT AREA TO BE ADDRESSED: Standards for the prescription of obesity drugs.

SPECIFIC AUTHORITY: 459.005, 459.0135 FS.

LAW IMPLEMENTED: 459.0135 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: Karen Eaton, Executive Director, Board of Osteopathic Medicine/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

(Substantial rewording of Rule 64B15-14.004 follows. See Florida Administrative Code for present text.)

64B15-14.004 Standards for the Prescription of Obesity Drugs.

The prescription of medication for the purpose of enhancing weight loss should only be performed by osteopathic physicians qualified by training and experience to treat obesity. All licensees are expected to abide by the following guidelines and standards in the utilization of any drug, any synthetic compound, any nutritional supplement or herbal treatment, for the purpose of providing medically assisted weight loss.

(1) To justify the use of weight loss enhancers as set forth above, the patient must have a Body Mass Index (BMI) of 30 or above, or a BMI of greater than 27 with at least one comorbidity factor, or a measurable body fat content equal to or greater than 25% of total body weight for male patients or 30% of total body weight for women. The prescription of such weight loss enhancers is not generally appropriate for children. Any time such prescriptions are made for children, the prescribing osteopathic physician must obtain a written informed consent from the parent or legal guardian of the minor patient in addition to complying with the other guidelines and standards set forth in this rule. BMI is calculated by use of the formula $BMI = kg/m^2$.

(2) Osteopathic physicians in Florida are prohibited from prescribing, ordering, dispensing, or administering any weight loss enhancer that is both a serotonergic and anorexic agent unless the drug has been approved by the Food and Drug Administration (FDA) specifically for use in weight loss management. Selective serotonin re-uptake inhibitors (SSRIs) that have not been approved by the FDA for weight loss may not be prescribed, ordered, dispensed, or administered for such purposes.

(3) An initial evaluation of the patient shall be conducted prior to the prescribing, ordering, dispensing, or administering of any drug, synthetic compound, nutritional supplement or herbal treatment and such evaluation shall include an appropriate physical and complete history; appropriate tests related to medical treatment for weight loss; and appropriate medical referrals as indicated by the physical, history, and testing; all in accordance with general medical standards of care.

(a) The initial evaluation may be delegated to an appropriately educated and trained osteopathic physician's assistant licensed pursuant to Chapter 459, Florida Statutes, or an appropriately educated and trained advanced registered nurse practitioner licensed pursuant to Chapter 464, Florida Statutes.

(b) If the initial evaluation required above is delegated to an osteopathic physician's assistant or to an advance registered nurse practitioner, then the delegating osteopathic physician must personally review the resulting medical records prior to the issuance of an initial prescription, order, or dosage.

(4) Prescriptions or orders for any drug, synthetic compound, nutritional supplement or herbal treatment for the purpose of assisting in weight loss must be in writing and signed by the prescribing osteopathic physician. Initial prescriptions or orders of this type shall not be called into a pharmacy by the osteopathic physician or by an agent of the osteopathic physician. Even if the osteopathic physician is registered as a dispensing osteopathic physician, a hard copy of the written prescription must be maintained in the patient's medical records for each time such weight loss enhancers are prescribed, ordered, dispensed, or administered.

(5) At the time of delivering the initial prescription or providing the initial supply of such drugs to a patient, the prescribing osteopathic physician must personally meet with the patient and personally obtain an appropriate written informed consent from the patient. Such consent must state that there is a lack of scientific data regarding the potential danger of long term use of combination weight loss treatments, and shall discuss potential benefits versus potential risks of weight loss treatments. The written consent must also clearly state the need for dietary intervention and physical exercise as a part of any weight loss regimen. A copy of the signed informed consent shall be included in the patient's permanent medical record.

(6) Each osteopathic physician who is prescribing, ordering, or providing weight loss enhancers to patients must assure that such patients undergo an in-person re-evaluation within 2 to 4 weeks of receiving a prescription, order, or dosage. The re-evaluation shall include the elements of the initial evaluation and an assessment of the medical effects of the treatment being provided. Any patient that continues on a drug, synthetic compound, nutritional supplement or herbal treatment assisted weight loss program shall be re-evaluated at least once every 3 months.

(7) Each osteopathic physician who prescribes, orders, dispenses, or administers any drug, synthetic compound, nutritional supplement or herbal treatment for the purpose of assisting a patient in weight loss shall maintain medical records in compliance with Rule 64B15-15.004, Florida Administrative Code, and must also reflect compliance with all requirements of this rule.

(8) Each osteopathic physician who prescribes, orders, dispenses, or administers weight loss enhancers for the purpose of providing medically assisted weight loss shall provide to each patient a legible copy of the Weight-Loss Consumer Bill of Rights as set forth in Section 501.0575(1)(a) through (e)3..

Florida Statutes. The osteopathic physician shall also conspicuously post said document in those rooms wherein patients are evaluated for weight loss treatment.

(9) Any osteopathic physician who advertises practice relating to weight loss or whose services are advertised by another person or entity shall be responsible for assuring that such advertising meets the requirements of Rule 64B15-14.001, Florida Administrative Code. In addition advertising of weight loss treatment shall be considered false, deceptive, or misleading if it contains representations that:

- (a) Promise specific results;
- (b) Raise unreasonable expectations;
- (c) Claim rapid, dramatic, incredible, or safe weight loss;
- (d) State or suggest that diets or exercise are not required;

or

- (e) Suggest that weight loss is effortless or magical.

Specific Authority 459.005, 459.0135 FS, Section 188, Chapter 97-264, Laws of Florida Law Implemented 459.0135 FS, Section 188, Chapter 97-264, Laws of Florida History--New 3-29-98, Amended _____.

DEPARTMENT OF HEALTH

Board of Physical Therapy Practice

RULE TITLE: Probable Cause Panel
 RULE NO.: 64B17-1.004

PURPOSE AND EFFECT: The Board proposes to add the rule with regard to The composition of the Probable Cause Panel.

SUBJECT AREA TO BE ADDRESSED: Probable Cause Panel.

SPECIFIC AUTHORITY: 456.073(4) FS.

LAW IMPLEMENTED: 456.073(4) FS.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B17-1.004 Probable Cause Panel.

(1) The determination as to whether probable cause exists regarding a violation of the provisions of Chapter 486 and 456, Florida Statutes, and/or the rules promulgated by the Board shall be made by majority vote of a probable cause panel of the Board.

(2) The Board Chair shall appoint at least two people to the probable cause panel and shall designate the panel Chair. The appointed people shall be either current Board members or

at least one current Board member and one or more former members of the Board. The panel must include a former or present consumer member if one is available, is willing to serve, and is appointed by the Board Chair. Otherwise, the panel shall be composed of former or present Board members who are licensed physical therapists. The determination as to whether probable cause exists that a violation has occurred shall be made by a majority vote of the probable cause panel of the Board.

(3) The Board Chair may designate an alternate panel with the same membership criteria to share the workload. With regard to either panel, the Board Chair may make temporary appointments, as needed, to conduct the business of the panel in the absence or unavailability of a regularly appointed panel member.

(4) If a Board member has reviewed a case as a member of the probable cause panel, that member shall be on the panel for reconsideration of that case if reconsideration is requested by the prosecutor and that panel member is able and available.

Specific Authority 456.073(4) FS. Law Implemented 456.073(4) FS. History--New _____.

**Section II
 Proposed Rules**

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Plant Industry

RULE CHAPTER TITLE: Florida Nursery Stock and Certification Fees
 RULE CHAPTER NO.: 5B-2

RULE TITLE: Special Inspection and Certification Fees
 RULE NO.: 5B-2.010

PURPOSE AND EFFECT: The purpose of this rule revision is to increase the fees charged for phytosanitary export certification and other special inspection and certification programs. The effect will be to increase the inspection charges by the following amounts: inspection and state of origin certificate, phytosanitary export certificate, and phytosanitary reexport certificate is being increased from \$35 to \$50 per inspection. Other special inspections are being increased from \$35 to \$50 per inspection. There will also be a change in the amount charged for each additional phytosanitary export, phytosanitary reexport, inspection and state of origin, and other applicable special inspection certificate written at the same location provided no inspection was made, from \$5 to \$15 per certificate.

Phytosanitary export certificate noncommercial (homeowner plants or homeowner plant products) and temporary certificate of inspection is being increased from \$15 to \$25 per inspection. Cut flower and cut fern inspection is being increased from \$5 per acre per crop to \$10 per acre per crop