

**PURPOSE AND EFFECT:** The Bureau proposes an amendment to extend the expiration date for temporary medical exemptions.

**SUBJECT AREA TO BE ADDRESSED:** The subject area to be addressed is extending the expiration date for temporary medical exemptions.

**SPECIFIC AUTHORITY:** 381.003 (1)(e)2. FS.

**LAW IMPLEMENTED:** 232.032 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 PLACE:** 1:00 p.m. (EST), February 1, 2002

**PLACE:** Room 340N, 2585 Merchants Row Blvd., Tallahassee, FL 32399-1719

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS:** Susan Lincicome, Senior Management Analyst Supervisor, Department of Health, Bureau of Immunization, Room 210N, 2585 Merchants Row Blvd., Tallahassee, FL 32399-1719, (850)245-4342; Mailing address – 4052 Bald Cypress Way, Bin #A-11, Tallahassee, FL 32399-1719

**THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:**

64D-3.011 Control of Communicable Diseases, Public and Nonpublic Schools, Grades Preschool, and Kindergarten Through 12; Forms and Guidelines.

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

(b) Exemptions – A child may attend school without a valid DH Form 680, Florida Certification of Immunization, Certificate of Immunization for K-12 Excluding 7th Grade Requirements (Part A-1) and/or Certificate of Immunization Supplement for 7th Grade Requirement (Part A-2) only if he presents a completed DH Form 680, Florida Certification of Immunization Temporary Medical Exemption (Part B), Permanent Medical Exemption (Part C), or completed Form DH 681, Religious Exemption From Immunization, incorporated by reference in subsection 64D-3.011(5), F.A.C., or if he is a transfer student. Exemption forms noted shall be completed per instructions for the appropriate school year provided in Immunization Guidelines Florida Schools and Child Care Facilities Effective August 2000, or Immunization Guidelines Florida Schools, Child Care Facilities and Family Day Care Effective July 2001, as incorporated by reference in subsection 64D-3.011(5), F.A.C.

1. Medical Exemptions – A child in attendance with a medical exemption must present or have on file the DH Form 680, Florida Certification of Immunization Temporary Medical Exemption (Part B), incorporated by reference in subsection 64D-3.011(5), F.A.C., properly dated and signed or authorized by a physician licensed under provisions of Chapter 458, 459, or 460 or DH Form 680, Florida Certification of Immunization

Permanent Medical Exemption (Part C), incorporated by reference in subsection 64D-3.011(5), F.A.C., properly dated and signed by a physician licensed under provisions of Chapter 458 or 459, F.S. The original paper temporary or permanent medical exemption shall be transferred for follow-up in addition to the electronic transfer of these records. DH Form 680, Florida Certification of Immunization Temporary Medical Exemption (Part B) is a temporary medical exemption which must indicate an expiration date. A child attending under such an exemption is not fully immunized. The expiration date indicated is to be fifteen (15) days after each child’s next scheduled appointment to receive additional vaccine appropriate to the child’s age. The department may approve issuance of temporary medical exemptions with extended expiration dates by those entities authorized above when it is determined that a vaccine shortage exists. In such predetermined cases, the expiration date for the DH Form 680, Florida Certificate of Immunization Temporary Medical Exemption (Part B) shall reflect the estimated date for manufacturer production of sufficient quantities of vaccine necessary to resume deferred immunizations. DH Form 680, Florida Certification of Immunization Permanent Medical Exemption (Part C) is a permanent medical exemption which indicates the child is not fully immunized and cannot receive any more of a particular vaccine due to medical reasons. Medical reasons must be stated for each vaccine that is contraindicated as described above.

(b)2. through (10) No change.

Specific Authority 232.032(1), 381.0011(13), 381.003(1), (2), 381.005(2) FS. Law Implemented 232.032(1), 381.0011(4), 381.003(1), 381.005(1)(i) FS. History—New 12-29-77, Amended 6-7-82, 11-6-85, Formerly 10D-3.88, Amended 2-26-92, 9-20-94, 9-21-95, 4-7-96, Formerly 10D-3.088, Amended 7-14-99, 1-22-01, 7-23-01, \_\_\_\_\_.

## Section II Proposed Rules

### DEPARTMENT OF STATE

#### Division of Library and Information Services

RULE TITLE: Library Grant Programs RULE NO.: 1B-2.011

**PURPOSE AND EFFECT:** The proposed amendment will provide for a waiver of financial match requirements on Division grant programs.

**SUMMARY:** The Division of Library and Information Services will waive the financial matching requirements on grants for rural communities that have been designated in accordance with Section 288.0656 and 288.06561, Florida Statutes. Eligible communities applying for Library Services and Technology Act grants or Florida Library Literacy grants must request waiver of matching requirements at the time of grant application.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No statement of estimated regulatory cost has been prepared.

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

SPECIFIC AUTHORITY: 257.14 FS.

LAW IMPLEMENTED: 257.12, 257.14, 288.0656, 288.06561 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:

TIME AND DATE: 10:00 a.m., February 11, 2002

PLACE: Board Room, State Library of Florida, R. A. Gray Building, 500 South Bronough Street, Tallahassee, FL

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Barratt Wilkins, Director, Division of Library and Information Services, R. A. Gray Building, 500 South Bronough Street, Tallahassee, FL 32399-0250, (850)245-6600, SUNCOM 205-6600

THE FULL TEXT OF THE PROPOSED RULE IS:

1B-2.011 Library Grant Programs.

(1) through (3) No change.

(4) The Division of Library and Information Services will waive the financial matching requirements on grants for rural communities that have been designated in accordance with 288.0656, Florida Statutes. Eligible communities applying for Library Services and Technology Act grants and Florida Library Literacy grants must request waiver of matching requirements at the time of grant application.

~~(5)~~(4) This section supersedes Chapter 1B-3 and 1B-5, F.A.C.

Specific Authority 257.12, 257.14, 257.191, 257.192, 257.24, 257.41(2) FS. Law Implemented 240.5185, 257.12, 257.14, 257.15, 257.16, 257.17, 257.171, 257.172, 257.18, 257.19, 257.191, 257.192, 257.195, 257.21, 257.22, 257.23, 257.24, 257.25, 257.40, 257.41, 257.42, 240.5186, 288.0656, 288.06561 FS. History—New 1-25-93, Amended 7-17-96, 4-1-98, 2-14-99, 4-4-00, 12-18-00, 11-20-01, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Marian Deeney

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Barratt Wilkins, Director, Division of Library and Information Services

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 7, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 18, 2002

**DEPARTMENT OF BANKING AND FINANCE**

**Division of Banking**

RULE TITLE: Credit Union Assessments

RULE NO.: 3C-110.053

PURPOSE AND EFFECT: The purpose of the proposed amendments is to correct a mathematical error and update the rule.

SUMMARY: 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 the semi-annual assessments are due.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No statement of estimated regulatory cost has been prepared.

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

SPECIFIC AUTHORITY: 655.012(3) FS.

LAW IMPLEMENTED: 655.047, 657.053 FS.

IF REQUESTED WITHIN 21 DAYS 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: 1:00 p.m., February 11, 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 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 FULL TEXT OF THE PROPOSED RULE 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)(3) 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

NAME OF PERSON ORIGINATING PROPOSED RULE: Linda Charity, Chief, Bureau of Financial Institutions, District I, Division of Banking

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Alex Hager, Director, Division of Banking

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 6, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 14, 2001

**DEPARTMENT OF BANKING AND FINANCE**

**Division of Banking**

RULE TITLE: Applications RULE NO.: 3C-140.002

PURPOSE AND EFFECT: The purpose and effect of the proposed rule amendment is to implement the provisions of Section 663.10, F.S., which allow an international agency office to convert to an international branch, and to repeal portions of the rule that are no longer applicable.

SUMMARY: The rule will allow an international agency to convert to an international branch and provides an application form.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No statement of estimated regulatory cost has been prepared.

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: 655.012(3), 663.13 FS.

LAW IMPLEMENTED: 663.05, 663.10 FS.

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

TIME AND DATE: 10:00 a.m., February 11, 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 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 FULL TEXT OF THE PROPOSED RULE IS:

3C-140.002 Applications.

(1) The application for authority to establish an international branch, or international bank agency, shall be filed on Form DBF-C-20, Application for the Establishment of an International Banking Branch or Agency in the State of Florida, revised 8/97. The application for authority to establish an International Representative Office or International Administrative Office shall be filed on Form DBF-C-20A, Application for the Establishment of an International Representative Office or International Administrative Office in the State of Florida, effective 8/97. The application to convert an international agency office to an international branch office shall be filed on Form DBF-C-20B, Application for Authority to Convert an International Agency to a Branch Office, effective 11/01. The application shall be submitted with a nonrefundable filing fee in the amount prescribed by Section 663.12, Florida Statutes, which is made payable to the Department of Banking and Finance.

(2) No change.

(3) An applicant may submit biographical information concerning its directors, executive officers, principal shareholders and proposed Florida management in the same form that such information was submitted to the Board of Governors. ~~Each of such individuals who has successfully~~

completed a background investigation conducted on behalf of or at the request of the Board of Governors shall be deemed to satisfy the requirements of Fla. Stat. ss. 663.05(5).

~~(4) An application for renewal of an annual license to operate an international banking office shall be filed, not later than thirty days before the expiration of the annual license, on Form DBF-C-21, Application for Renewal of Annual License to Operate an International Banking Office in the State of Florida, revised 7/92. An annual license renewal fee of \$2,000.00 shall accompany the application.~~

~~(5) The application for conversion of an annual license to an indefinite license for the operation of an international banking corporation shall be filed on Form DBF-C-57, Application for Indefinite License to Operate an International Banking Corporation in the State of Florida, effective 7/92. An international banking corporation that is granted a license for an indefinite period shall annually file with the Department current certified comparative statements of financial condition, income, cash flows, and related notes. The international banking corporation shall pay an annual fee equal to the annual renewal fee for each banking license held by the international banking corporation. Form DBF-C-57 shall be postmarked not later than January 31 of each year.~~

~~(4)(6) Copies of Form DBF-C-20, Form DBF-C-21, Form DBF-C-57, and Form DBF-C-20A, and Form DBF-C-20B, which are hereby incorporated by reference, may be obtained online at the Division of Banking web page located at [www.dbf.state.fl.us/banking.html](http://www.dbf.state.fl.us/banking.html) or from the Director, Division of Banking, Suite 636, Fletcher Building, 101 East Gaines Street, Tallahassee, Florida 32399-0350.~~

Specific Authority 655.012(3), ~~663.05(4)~~; 663.13 FS. Law Implemented 663.05, ~~663.10~~ FS. History—New 7-21-81, Amended 12-20-82, 3-8-84, Formerly 3C-15.09, Amended 2-9-87, 10-1-87, 10-10-88, 1-24-89, Formerly 3C-15.009, Amended 3-22-93, 9-5-94, Formerly 3C-140.050, Amended 11-5-97, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Linda Charity, Chief, Bureau of Financial Institutions  
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Alex Hager, Director, Division of Banking  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 19, 2001  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 7, 2001

**DEPARTMENT OF BANKING AND FINANCE**

**Division of Securities and Finance**

RULE TITLES:	RULE NOS.:
Definitions	3C-560.902
Deferred Presentment Transactions	3C-560.903
Database Access	3C-560.907
Database Transaction Requirements	3C-560.908
Database Availability	3C-560.909

Database Transaction Fees	3C-560.910
Database Dispute Resolution	3C-560.911
Database Confidentiality	3C-560.912

PURPOSE AND EFFECT: The purpose of the proposed amendments and new rules is to implement the provisions of Part IV, Chapter 560, Florida Statutes, regarding the database that the Department is to establish on or before March 1, 2002, for use by the deferred presentment industry to verify outstanding deferred presentment transactions.

SUMMARY: Rule 3D-560.902 is amended to provide definitions of “database,” “database vendor,” “registered,” “recorded,” “uniform service agreement,” and “consumer credit counseling.” Rule 3C-560.903 describes when a deferred presentment transaction is terminated. Rule 3C-560.907 describes how a deferred presentment provider obtains access to the database. Rule 3C-560.908 sets forth the requirements for entering a deferred presentment transaction into the database. Rule 3C-560.909 sets forth the availability of the database. Rule 3C-560.910 sets forth the fees that will be charged for use of the database. Rule 3C-560.911 sets forth the procedures for database dispute resolution. Rule 3C-560.912 sets forth the confidentiality provisions of the database information.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No statement of estimated regulatory cost has been prepared.

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: 560.105(3), 560.404(23) FS.

LAW IMPLEMENTED: 560.404 FS.

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

TIME AND DATE: 10:00 a.m., February 13, 2002

PLACE: Room G16C, Fletcher Building, 101 East Gaines Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Rick White, Financial Administrator, or Mike Ramsden, Financial Examiner/Analyst II, Room 550, Fletcher Building, 101 East Gaines Street, Tallahassee, Florida 32399-0350, (850)410-9805

THE FULL TEXT OF THE PROPOSED RULES IS:

- 3C-560.902 Definitions.
- (1) The term “provider” means a deferred presentment provider as defined by Section 560.402(5), F.S.
  - (2) The term “close of business” means the time of day that a provider closes its office to the public ceases operations for that calendar day.

(3) The term “database” means the Department administered transactional database authorized by Section 560.404(23), F.S.

(4) The term “database vendor” means the vendor, which contracted with the Department for the purpose of developing and administering the daily operations of the database.

(5) The term “registered” means that a deferred presentment provider has provided to the database the information required to identify a valid deferred presentment transaction.

(6) The term “recorded” means that the database has assigned a transaction authorization number to a registered transaction, logged it as an open transaction, and communicated the transaction authorization number to the deferred presentment provider.

(7) The term “uniform service agreement” means the required uniform agreement executed between the database vendor and each provider outlining the terms of service regarding database usage by providers.

(8) The term “consumer credit counseling” means a confidential comprehensive personal money management review, including budget counseling resulting in a written assessment of the client’s financial situation by the consumer credit counselor which includes a suggested client action plan based upon a range of options chosen according to the best interests of the client. The suggested client action plan may include: the client handling their financial concerns on their own; enrollment in a debt repayment plan managed by the credit counseling agency; and/or information about bankruptcy other than legal advice.

Specific Authority 560.105(3), 560.404(23) FS. Law Implemented 560.402, 560.404 FS. History—New 12-17-01, Amended \_\_\_\_\_.

### 3C-560.903 Deferred Presentment Transactions.

(1)(a) A deferred presentment transaction shall be considered terminated at such time as the check that is the basis of the deferred presentment agreement has been:

1. Redeemed by the drawer by payment to the provider of the face amount of the check in cash;

2. Exchanged by the provider for a cashier’s check or cash from the drawer’s financial institution;

3. Deposited by the provider and such provider has evidence that such check has cleared in accordance with subsection (2);

4. Collected by the provider through any civil remedy available under Part IV of Chapter 560, F.S.; or

5. Collected by means of a repayment plan between the drawer and the provider or as the result of credit counseling where the provider has been paid the amount required under such plan.

(b) In the event that the amount collected from the drawer exceeds the face amount of the check, the provider shall notify the drawer that he or she may retrieve such excess at the provider’s location where the initial agreement between the drawer and provider was executed.

(2)(a) The drawer shall provide evidence to the provider that his or her check that was the basis of a previous deferred presentment transaction has cleared the drawer’s account at least 24 hours prior to entering into a new deferred presentment transaction (except that the provider may obtain such evidence as provided in subparagraph 4. below). Evidence of a check having cleared the drawer’s account may include, but shall not be limited to:

1. A copy of the drawer’s bank statement showing the check has cleared;

2. The canceled check or a copy of the canceled check;

3. A copy of any other record provided by the drawer’s financial institution or electronic network to which that financial institution subscribes such as an ATM inquiry that shows the check to have cleared; or

4. A verbal representation from the drawer’s financial institution to the provider that the drawer’s check has cleared, if the drawer’s financial institution will provide such representation.

(b) Upon receipt of evidence that a drawer’s check that is the basis of a previous deferred presentment transaction has cleared, the provider shall immediately update the database to close the transaction. The provider who deposited the drawer’s check is the only provider that can close out the transaction on the database.

(c) The provider shall retain a copy of the evidence presented by the drawer which it relies upon to terminate an existing deferred presentment transaction or to enter into a new transaction.

Specific Authority 560.105(3), 560.404(23) FS. Law Implemented 560.404 FS. History—New \_\_\_\_\_.

### 3C-560.907 Database Access.

(1) Every person who engages in deferred presentment transactions with drawers located in the State of Florida after the time that the database becomes available shall, prior to conducting such transactions:

(a) Be and remain licensed pursuant to Part II or Part III of Chapter 560, F.S., and provide a “Declaration of Intent to Engage in Deferred Presentment Transactions” together with the required fee to the Department as provided by Rule 3C-560.108, F.A.C.;

(b) Enter into the uniform service agreement with the database vendor which agreement shall be legally binding and in full force and effect at the time of the transactions. A copy of such agreement shall be maintained by the provider;

(c) Enter all required information into the database regarding all open deferred presentment transactions upon being given notice by the database vendor of the database being available to accept such open transactions; and

(d) Thereafter enter all new deferred presentment transactions into the database in accordance with the provisions of Rule 3C-560.908, F.A.C.

(2) Every primary business location of a deferred presentment provider, and every branch office location which the Department has been notified of, shall be permitted to register transactions on the database. The Department will provide the database vendor with nightly updates Monday through Friday of each week regarding primary business and branch office locations. It will be the responsibility of each provider's designated security administrator to assign user identification numbers and passwords to those employees at new branch office locations who may register deferred presentment transactions on the database after notice of such branch office location has been provided to the Department.

(3) The database vendor will make available limited predefined reporting capabilities to providers, but under no circumstances will these reporting capabilities extend beyond transactions entered by that provider. Any provider may request additional predefined reports from the vendor, but the vendor shall have discretion to deny these requests. Any reports designed by the vendor for one provider shall be made available to all providers.

(4) A provider's access to the Department's database, including all locations of such provider, will be restricted by the database vendor at such time as the Department provides notice to the database vendor via the nightly registration information update that the provider's:

(a) Registration pursuant to Part II or Part III of the code is surrendered, revoked, expired, or the registrant is denied renewal of such licensure; or

(b) "Declaration of Intent to Engage in Deferred Presentment Transactions" is not renewed with the Department.

(5) Any provider who has had its access to the Department's database restricted shall not have access reinstated until the next business day following resolution of the issue which caused the restriction.

(6) The database vendor may restrict a provider's access to the database after giving final written notice of not less than ten (10) business days for any material breach of the uniform service agreement between the provider and the database vendor which breach has not been cured within the 10-day period. The database vendor shall reinstate the provider's access to the database within one (1) business day from the time the provider has taken the necessary action to be in compliance with the uniform service agreement.

Specific Authority 560.105(3), 560.404(23) FS, Law Implemented 560.404 FS, History--New \_\_\_\_\_.

#### 3C-560.908 Database Transaction Requirements.

(1) Each deferred presentment transaction shall be registered with the database and receive a transaction authorization number evidencing the transaction as being recorded in the database prior to a provider giving currency or a payment instrument (Part II registrants only) to the drawer. The purpose of this database is to:

(a) Prevent the practice of rollover transactions;

(b) Prevent simultaneous deferred presentment transactions with multiple providers by an individual drawer; and

(c) Prevent a new deferred presentment transaction by a drawer within 24 hours of the termination of a prior transaction.

(2) The provider will begin each transaction by:

(a) Accessing the database using the assigned user identification and password provided to each employee by the security administrator for the provider;

(b) Conducting a search of the database based upon either a social security number, alien registration number, or ITIN number of the person seeking a new deferred presentment transaction. The database will provide the result of the search indicating whether the person is eligible or ineligible to enter into a new deferred presentment transaction;

(c) If the person is eligible for a new deferred presentment transaction, the provider may submit all of the required information on a person necessary to have the transaction registered on the database; and

(d) Once all of the required information has been submitted to the database, the database will re-verify the search. If the drawer's eligibility is confirmed, the deferred presentment transaction will be recorded as open, assigned a transaction authorization number, and the transaction authorization number will be communicated to the provider as evidence that the transaction has been authorized by the database. The provider shall place the transaction authorization number on the deferred presentment agreement.

(3) Providers may cancel a deferred presentment agreement, but the database transaction fee shall still be assessed to the provider. If a provider elects to cancel a deferred presentment agreement with a drawer, the provider shall not assess either the transaction fee or the verification fee to the drawer. The provider shall update the transaction fields to indicate that no fees were charged to the drawer and close the transaction on the database.

(4) Providers shall update open transactions on the database when:

(a) The check that is the basis of the deferred presentment agreement has been deposited by the provider;

(b) A drawer has requested the 60-day grace period in accordance with Section 560.404(22)(a), F.S.; and

(c) The drawer's check is returned to the provider as not collected.

(5) Providers shall be responsible for closing all transactions on the database when the transaction has terminated.

(6) Any inquiry that results in the person being deemed ineligible by the database will provide a printable notice with a description of the reason for the determination together with the toll-free support number of the database vendor. The notice shall be provided to the person any time the database renders a determination that the person is not eligible to enter into a new deferred presentment agreement.

Specific Authority 560.105(3), 560.404(23) FS. Law Implemented 560.404 FS. History–New

3C-560.909 Database Availability.

(1) The database shall be accessible 24 hours a day every day of the year except for routine scheduled system maintenance and upgrades performed by the database vendor. During times of scheduled maintenance or system upgrades, providers will be given no less than 24 hours notice in the form of electronic mail to the designated security administrator for each provider.

(2) In the event the database is unavailable, providers shall adhere to the following procedures:

(a) The provider shall confirm that the database remains unavailable by attempting to access the database with every person seeking a new deferred presentment transaction unless they have been notified via electronic mail by the database vendor of an expected period of time necessary to correct whatever problem is causing the database to remain unavailable;

(b) The provider shall then contact the toll-free help desk or AVR (Automated Voice Response) system to obtain a temporary transaction authorization number directly from the database vendor; and

(c) Within 24 hours of obtaining the temporary transaction authorization number from the database vendor, the provider shall enter the remaining transactional data into the database.

Specific Authority 560.105(3), 560.404(23) FS. Law Implemented 560.404 FS. History–New

3C-560.910 Database Transaction Fees.

(1) The database transaction fee shall be \$1.00 per transaction. A provider shall be assessed this fee for each transaction that has been both registered and recorded on the database.

(2) The database vendor shall be responsible for all billing and collection of database usage fees from providers. The frequency and method of collection shall be included in the uniform service agreement between the vendor and provider.

Specific Authority 560.105(3), 560.404(23) FS. Law Implemented 560.404 FS. History–New

3C-560.911 Database Dispute Resolution.

(1) Any inquiry into the database where the person is deemed ineligible for a new deferred presentment transaction will provide a printable notice describing the reason the person was deemed ineligible together with the toll-free support number of the database vendor. The provider shall provide a copy of the notice to the person any time the database deems the person to be ineligible for a new deferred presentment transaction.

(2) Only the person deemed ineligible may make a direct inquiry to the database vendor via the toll-free customer support number printed on the notice.

(3) Any person deemed ineligible by the database may seek to dispute the determination by following the dispute resolution procedures of the database vendor.

(4) In accordance with the terms of the uniform service agreement, the database vendor shall request any additional information from the person and the provider, regarding any negative eligibility determination, that the database vendor deems necessary.

Specific Authority 560.105(3), 560.404(23) FS. Law Implemented 560.404 FS. History–New

3C-560.912 Database Confidentiality.

(1) Inquiries to the database by providers shall only state that a person is eligible or ineligible for a new deferred presentment transaction together with a description of the reason for such determination.

(2) Only the person seeking the deferred presentment transaction may make a direct inquiry to the database vendor to request a more detailed explanation of a particular transaction that was the basis for the database’s ineligibility determination.

(3) Any information regarding any person’s transactional history is confidential pursuant to Section 560.4041, F.S., and shall not be released to the public.

(4) Providers shall be able to receive reports prepared by the system, but only for transactions entered by that provider.

Specific Authority 560.105(3), 560.404(23) FS. Law Implemented 560.404 FS. History–New

NAME OF PERSON ORIGINATING PROPOSED RULE: Mike Ramsden and Rick White, Division of Securities and Finance

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Don Saxon, Director, Division of Securities and Finance

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 7, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 16, 2001

**DEPARTMENT OF TRANSPORTATION**

RULE CHAPTER TITLE: Incorporation by Reference  
 RULE CHAPTER NO.: 14-15

RULE TITLE: Manual on Uniform Traffic Control Devices  
 RULE NO.: 14-15.010

PURPOSE AND EFFECT: This is a fast track amendment to Rule 14-15.010, F.A.C., to adopt Revision No. 1 to the new Millennium Edition (December 2000) *Manual on Uniform Traffic Control Devices*, under the provisions of Section 120.54(6), Florida Statutes.

SUMMARY: This amendment adopts Revision No. 1 to the Millennium Edition (December 2000) *Manual on Uniform Traffic Control Devices*, under the provisions of Section 120.54(6), Florida Statutes.

SPECIFIC AUTHORITY: 316.0745(1), 334.044(2) FS.

LAW IMPLEMENTED: 316.0745(2),(3),(7), 335.09, 335.14, 339.05 FS.

THIS RULEMAKING IS UNDERTAKEN PURSUANT TO SECTION 120.54(6), FLORIDA STATUTES.

WRITTEN COMMENTS MAY BE SUBMITTED WITHIN 14 DAYS OF THE DATE OF THIS NOTICE TO: James C. Myers, Administrative and Management Support Level IV, Florida Department of Transportation, Office of the General Counsel, 605 Suwannee Street, Mail Station 58, Tallahassee, Florida 32399-0458

SUBSTANTIALLY AFFECTED PERSONS MAY WITHIN 14 DAYS OF THE DATE OF THIS NOTICE, FILE AN OBJECTION TO THIS RULEMAKING WITH THE AGENCY. THE OBJECTION SHALL SPECIFY THE PORTIONS OF THE PROPOSED RULE TO WHICH THE PERSON OBJECTS AND THE SPECIFIC REASONS FOR THE OBJECTION.

**THE FULL TEXT OF THE PROPOSED RULE IS:**

14-15.010 Manual on Uniform Traffic Control Devices.

The Federal Highway Administration *Manual on Uniform Traffic Control Devices*, Millennium Edition (December 2000), which became effective January 17, 2001, as amended by Errata No. 1 dated June 14, 2001, and Revision No. 1 dated December 28, 2001, is hereby incorporated by this rule and made a part of the rules of the Department of Transportation. This federal document is available for downloading from the internet at the Federal Highway Administration’s website as listed as follows: <http://mutcd.fhwa.dot.gov/kno-millennium.htm>. A certified copy has been filed with the Department of State.

**PROPOSED EFFECTIVE DATE: February 13, 2002**

Specific Authority 316.0745(1), 334.044(2) FS. Law Implemented 316.0745(2),(3),(7), 335.09, 335.14, 339.05 FS. History–New 7-15-79, Amended 1-8-81, 8-15-85, Formerly 14-15.10, Amended 11-29-89, 4-25-95, 1-15-99, 4-5-00, 3-7-01, 8-15-01, 2-13-02.

**DEPARTMENT OF CORRECTIONS**

RULE TITLE: Rules of Prohibited Conduct and Penalties  
 RULE NO.: 33-601.314

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to provide more detailed disciplinary charges for misconduct involving safety or security devices.

SUMMARY: The proposed rule provides detailed disciplinary charges for misconduct involving safety or security devices.

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: 944.09 FS.

LAW IMPLEMENTED: 20.315, 944.09, 944.14, 944.279, 944.28 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Perri King Dale, Office of the General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

**THE FULL TEXT OF THE PROPOSED RULE IS:**

33-601.314 Rules of Prohibited Conduct and Penalties for Infractions.

The following table shows established maximum penalties for the indicated offenses. As used in the table, “DC” means the maximum number of days of disciplinary confinement that may be imposed and “GT” means the maximum number of days of gain time that may be taken. Any portion of either penalty may be applied.

	Maximum Disciplinary Actions
Section 1 through Section 8	No change.
<b>SECTION 9 – MISCELLANEOUS INFRACTIONS</b>	
9-1 through 9-32	No change.
<u>9-33 Tampering with, defeating or depriving staff of any security device</u>	<u>60 DC + All GT</u>
<u>9-34 Tampering with or defeating any fire or other safety device</u>	<u>60 DC + All GT</u>
Section 10 through Section 11	No change.

Specific Authority 944.09 FS. Law Implemented 20.315, 944.09, 944.14, 944.279, 944.28 FS. History–New 3-12-84, Formerly 33-22.12, Amended 1-10-85, 12-30-86, 9-7-89, 11-2-90, 6-2-94, 10-01-95, 3-24-97, 7-9-98, 8-13-98, Formerly 33-22.012, Amended 9-30-99, 6-7-00, \_\_\_\_\_.



NAME OF PERSON ORIGINATING PROPOSED RULE: Jerry Vaughan
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Michael W. Moore
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 2, 2002
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 7, 2001

DEPARTMENT OF CORRECTIONS

RULE TITLE: Placement of Inmates into Community
RULE NO.: 33-601.606

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to clarify definitions of terms applicable to offender eligibility and ineligibility for community release programs and placement therein.

SUMMARY: The proposed rule provides and clarifies definitions of terms applicable to offender eligibility and ineligibility for community release programs and placement therein.

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: 945.091 FS.

LAW IMPLEMENTED: 945.091 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

PLACE: Law Library Conference Room, Room B-404, 2601 Blair Stone Road, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Anthony W. Garcia, Office of the General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE FULL TEXT OF THE PROPOSED RULE IS:

33-601.606 Placement of Inmates into Community Release Programs.

- (1) No change.
(2) Eligibility and Ineligibility Criteria.
(a) An inmate is ineligible for community release programs if he has:
1. through 4. No change.
5. Refused to complete substance abuse and academic substance abuse programs Modality II, or III, unless the refusal was based upon objections to the religious based content of the

program, in which case, an alternate non-deity based substance abuse program will be offered and must be successfully completed.

- 6. through 7. No change.
(b) No change.
(3) through (5) No change.

Specific Authority 945.091 FS. Law Implemented 945.091 FS. History--New 3-14-01, Amended 9-2-01, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Jerry Vaughan

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Michael W. Moore, Secretary, Department of Corrections

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 10, 2001

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

WATER MANAGEMENT DISTRICTS

Suwannee River Water Management District

RULE CHAPTER TITLE: Environmental Resource Permits
RULE CHAPTER NO.: 40B-400

RULE TITLES: Formal Determination
RULE NOS.: 40B-400.046

Exemptions 40B-400.051

Publications and Agreements Incorporated

by Reference 40B-400.091

Limiting Conditions 40B-400.115

Variances 40B-400.191

General Permit to the Department to Conduct Minor Activities 40B-400.483

PURPOSE AND EFFECT: The purpose and effect of the proposed amendments are to repeal and amend District rules which were listed by the District as unauthorized in whole or in part pursuant to Section 120.536, F.S.; respond to objections of the Joint Administrative Procedures Committee identifying language that is nonspecific; and clarify the authority for certain forms incorporated by reference.

SUMMARY: Chapter 40B-400, F.A.C., addresses environmental resource permitting including noticed general environmental resource permits for those activities which have been determined to have minimal impacts to the water resources of the District. Specifically, the proposed amendments: make grammatical and typographical corrections (40B-400.046(7)(b), 40B-400.483(1)); specify that to be exempt from the requirement of a permit, certain insect control impoundment dikes must be connected to tidally influenced waters during the period from September 1 to February 28 (40B-400.051(2)(e)); clarify permit exemptions for installation, replacement or repairs associated with certain piers, docks and docking facilities (40E-400.051(2)(f) and (g)); delete language which excludes the exemption of construction

of vertical seawalls in estuaries or lagoons unless the construction is within an existing man-made canal where the shoreline is currently occupied by vertical seawalls (40B-400.051(2)(k)); delete language that requires restoration of a seawall or riprap in accordance with the criteria of Section 373.414(5), F.S. (40B-400.051(2)(l) and (m)); delete an exemption for the use of rotenone by the Florida Fish and Wildlife Conservation Commission (40B-400.051(2)(s)); delete Governing Board option to waive or modify certain general conditions issued pursuant to this chapter and Chapter 40B-4 (40B-400.115(1)); provide reference citations for certain forms (40B-400.091 and 40B-400.115(1)(j)); require that the Governing Board impose project-specific conditions to achieve District objectives (40B-400.115(2)); repeal the Governing Board authority to grant variances from the provisions of sections 373.414 and 403.201, F.S. (40B-400.191(1)).

**SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST:** None.

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

**SPECIFIC AUTHORITY:** 373.044, 373.046(4), 373.113, 373.118, 373.171, 373.414, 373.415, 373.118, 373.421(2), 373.461(3) FS.

**LAW IMPLEMENTED:** 373.046, 373.118, 373.413, 373.4135, 373.415, 373.416, 373.421(2)-(6), 373.426, 373.461(3) FS.

**IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.**

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS:** Linda Welch, Suwannee River Water Management District Headquarters, 9225 County Road 49, Live Oak, Florida 32060, (386)362-1001

**THE FULL TEXT OF THE PROPOSED RULES IS:**

40B-400.046 Formal Determination.

(1) through (6) No change.

(7) A petition for a new formal determination for a property for which a formal determination already exists shall require the reduced fee set forth in s. 40B-1.706, F.A.C., provided:

(a) No change.

(b) The rules setting forth the methodology used to delineate the landward extent of wetlands or other surface waters have ~~has~~ not changed since the previous formal determination; and

(c) No change.

(8) No change.

Specific Authority 373.044, 373.113, 373.118 FS. Law Implemented 373.118, 373.413, 373.416, 373.426 FS. History—New 10-3-95, Amended \_\_\_\_\_.

40B-400.051 Exemptions.

(1) No change.

(2) No permit shall be required under Chapters 40B-4, or 40B-400, F.A.C., for the following activities:

(a) though (d) No change.

(e) The restoration of less than 100 feet in length of existing insect control impoundment dikes and the connection of such impoundments to tidally influenced waters. Such impoundments shall be connected to tidally influenced waters for at least six months each year, beginning September 1; and ending February 28, ~~if feasible, or operated in accordance with an impoundment management plan approved by the District.~~ The connection shall be of sufficient cross-sectional area to allow beneficial tidal influence. Restoration shall involve no more dredging than needed to restore the dike to original design specifications, and the final elevation of the dredge area shall be within two feet of immediately adjacent bottom elevations. For the purposes of this paragraph, restoration shall not include maintenance of impoundment dikes of insect control impoundments.

(f) The installation, replacement or repair of mooring pilings and dolphins associated with private docking facilities or piers.

(g) The installation and repair of private docks ~~of~~, piers and recreational docking facilities, or piers and recreational docking facilities of local government entities when the local government entities' activities will not take place in any manatee habitat which structures have 1000 square feet or less of surface area over wetlands or other surface waters or 500 square feet or less of surface area over wetlands or other surface waters ~~for docks~~ which are ~~located in~~ Outstanding Florida Waters. This exemption shall include the construction and repair of structures above the dock area, such as gazebos and boat shelters, provided such structures are not enclosed with walls and doors, are not used for living, commercial purposes, or storage of materials other than those associated with recreational use, and provided the structures do not exceed, together with the docking facility, the total area limitations above. To qualify for this exemption, any such ~~dock and associated~~ structure:

1. through 3. No change.

4. Shall be the sole dock constructed pursuant to this exemption as measured along the shoreline for a minimum distance of 65 feet, unless the parcel of land or individual lot as platted is less than 65 feet in length along the shoreline, in which case there may be one exempt dock allowed per parcel or lot. For the purposes of this paragraph, multi-family living complexes and other types of complexes or facilities associated with the proposed private dock shall be treated as one parcel of property regardless of the legal division of ownership or control of the associated property. Construction of a private

dock under this exemption does not require the District to issue a subsequent permit to construct a channel to provide navigational access to the dock. Activities associated with a private dock shall include the construction of structures attached to the dock pier which are only suitable for the mooring or storage of boats (i.e., boatlifts).

Nothing in this paragraph shall prohibit the Department from taking appropriate enforcement action pursuant to chapter 403, F.S., to abate or prohibit any activity otherwise exempt from permitting pursuant to this paragraph if the Department can demonstrate that the exempted activity has caused water pollution in violation of Chapter 403, F.S.

(h) through (j) No change.

(k) Construction of seawalls or riprap, including only that backfilling needed to level the land behind seawalls or riprap, in artificially created waterways, where such construction will not violate existing water quality standards, impede navigation or adversely affect flood control. An artificially created waterway is defined as a body of water that has been totally dredged or excavated and which does not overlap natural wetlands or other surface waters. For the purpose of this exemption, artificially created waterways shall also include existing residential canal systems. ~~This exemption does not apply to the construction of vertical seawalls in estuaries or lagoons unless the proposed construction is within an existing man-made canal where the shoreline is currently occupied in whole or in part by vertical seawalls.~~

(l) The restoration of a seawall or riprap at its previous location or upland of or within one foot waterward of its previous location. No filling can be performed except in the actual restoration of the seawall or riprap. No construction shall be undertaken without necessary title or leasehold interest, especially where private and public ownership boundaries have changed as a result of natural occurrences such as accretion, reliction and natural erosion. ~~Restoration and repair shall be performed using the criteria set forth in Section 373.414(5), F.S.~~ This exemption shall be limited to functioning seawalls or riprap. This exemption shall not affect the permitting requirements of Chapter 161, F.S.

(m) The construction of private vertical seawalls in wetlands or other surface waters, other than in an estuary or lagoon, and the construction of riprap revetments, where such construction is between and adjoins at both ends existing seawalls or riprap, follows a continuous and uniform construction line with the existing seawalls or riprap, is no more than 150 feet in length, does not violate state water quality standards, impede navigation, or adversely affect flood control. However, this exemption shall not affect the permitting requirements of Chapter 161, F.S. ~~Construction shall be in accordance with Section 373.414(5), F.S.~~

(n) through (r) No change.

~~(s) The use of rotenone, by the Florida Game and Fresh Water Fish Commission, in conducting tests related to its responsibility regarding fish management. The chemical selected shall be used at no more than the strength approved by the EPA label. In addition, the chemical shall be used only under the direct onsite supervision of a staff member of the Florida Game and Fresh Water Fish Commission.~~

(t) through (u) renumbered (s) through (t) No change.

~~(u)(v)~~ The construction or maintenance of culverted driveway or roadway crossings and bridges of artificial waterways, provided:

1. through 12. No change.

13. If dewatering is performed, all temporary fill dikes and dewatering discharges shall be installed and constructed so that no upstream flooding or impoundment occurs and to prevent siltation, erosion or turbid discharges into waters of the State in violation of state water quality standards. Any temporary works shall be completely removed, and all areas upstream and downstream from the crossing shall be restored to grades, elevations and conditions which existed before the construction;

14. through 15. No change.

~~(w)(v)~~ No change.

(3) through (5) No change.

Specific Authority 373.044, 373.113, 373.118 FS. Law Implemented 373.118, 373.413, 373.416, 373.426 FS. History—New 10-3-95, Amended \_\_\_\_\_.

40B-400.091 Publications and Agreements Incorporated by Reference.

The Governing Board hereby adopts by reference:

(1) “Environmental Resource Permit Applicant’s Handbook – February 2002”

(2) No change.

Specific Authority 373.044, 373.046(4), 373.113, 373.118, 373.171, 373.415, 373.421(2), 373.461(3) FS. Law Implemented 373.046, 373.118, 373.413, 373.4135, 373.415, 373.416, 373.421(2)-(6), 373.426, 373.461(3) FS. History—New 10-3-95, Amended 12-3-98, \_\_\_\_\_.

40B-400.115 Limiting Conditions.

(1) The following general conditions shall be a part of all permits issued pursuant to this chapter and Chapter 40B-4, F.A.C., ~~unless waived or modified by the Board upon a determination that the conditions are inapplicable to the activity authorized by the permit.~~

(a) through (i) No change.

(j) Within 30 days after completion of construction of the permitted system, or independent portion of the system, the permittee shall submit a written statement of completion and certification by a registered professional engineer or other appropriate individual as authorized by law, using utilizing the supplied As-Built Certification Form No. 40B-1.901(21) incorporated by reference in subsection 40B-1.901(16), F.A.C. When the completed system differs substantially from the permitted plans, any substantial deviations shall be noted and

explained and two copies of as-built drawings submitted to the District. Submittal of the completed form shall serve to notify the District that the system is ready for inspection. The statement of completion and certification shall be based on on-site observation of construction (conducted by the registered professional engineer, or other appropriate individual as authorized by law, or under his or her direct supervision) or review of as-built drawings for the purpose of determining if the work was completed in compliance with approved plans and specifications. As-built drawings shall be the permitted drawings revised to reflect any changes made during construction. Both the original and any revised specifications must be clearly shown. The plans must be clearly labeled as "as-built" or "record" drawing. All surveyed dimensions and elevations shall be certified by a registered surveyor. The following information, at a minimum, shall be verified on the as-built drawings:

- 1. through 7. No change.
- (k) through (t) No change.

(2) In addition to those general conditions set forth in ss. (1), the Governing Board ~~shall~~ ~~may~~ impose on any permit granted under this chapter and Chapter 40B-4, F.A.C., such reasonable project-specific conditions as are necessary to assure that the permitted system will not be inconsistent with the overall objectives of the District or be harmful to the water resources of the District. Upon receipt of notice of intended agency action, any substantially affected person shall have the right to request a hearing in accordance with s. 40B-1.511 and 40B-1.521, F.A.C.

Specific Authority 373.044, 373.113, 373.118 FS. Law Implemented 373.118, 373.413, 373.416, 373.426 FS. History—New 10-3-95, Amended.

**40B-400.191 Variances.**

Specific Authority 373.044, 373.113, 373.414(9), 373.414(17) FS. Law Implemented 373.118, 373.413, 373.416, 373.426 FS. History—New 10-3-95, Repealed.

**40B-400.483 General Permit to the Department to Conduct Minor Activities.**

A general permit is hereby granted to the Department to conduct the activities described below:

(1) The repair, replacement or alteration of any existing bridge, levee, dam, pump station, lock, culvert, spillway, weir, or any other water control structure with structures of the same design or of a comparable design, provided that the maximum discharge rate capacity and control elevation do not exceed that of the structure to be replaced. Minor deviations in the structure's design are authorized, including those due to changes in materials, construction techniques, or current construction codes or safety standards. Associated construction activities authorized by this permit include; temporary fill plugs or cofferdams; upland bypass channels; channel shaping needed to accommodate the repair, replacement, or alteration of the structure; and channel and bank stabilization, including

riprap within 200 feet of the structure. Replacement may occur at the same site, or adjacent to the original structure. The area of wetlands or other surface waters from which material is to be dredged or filled shall not exceed a total of 0.5 acre for any one structure;

- (2) through (3) No change.

Specific Authority 373.044, 373.113, 373.118 FS. Law Implemented 373.118, 373.413, 373.416, 373.426 FS. History—New 10-3-95, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
David Still, Director, Department of Resource Management, 9225 CR 49, Live Oak, Florida 32060, (386)362-1001

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Suwannee River Water Management District Governing Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 8, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 28, 2001

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Certificate of Need**

RULE TITLE: Nursing Facility Beds  
RULE NO.: 59C-1.036

PURPOSE AND EFFECT: The agency is proposing to amend certificate of need (CON) Rule 59C-1.036 by deleting those portions of the rule which concern CON review of proposals for hospital-based skilled nursing unit (SNU) beds licensed under Chapter 395, F.S. The amendment will occur simultaneously with adoption of a new Rule 59C-1.0365 that is limited to CON review of proposals for such SNU beds. A Notice of Proposed Rulemaking concerning that new rule is expected to appear elsewhere in this edition of the FAW. The remaining portions of Rule 59C-1.036, with only the necessary editorial changes, will retain the existing requirements for CON review of nursing facility beds licensed under Chapter 400, F.S. These proposed amendments and the proposed new SNU rule will be the subject of the public hearing described below.

SUMMARY: The agency is amending Rule 59C-1.036 to delete those portions that describe certificate of need (CON) requirements for hospital-based skilled nursing units (SNUs) licensed under Chapter 395, F.S. The SNU requirements will be revised and promulgated as a new Rule 59C-1.0365 that is limited to SNUs. Except for necessary editorial changes, the remaining existing portions of Rule 59C-1.036 that concern community nursing home beds licensed under Chapter 400, F.S., are not changed by these amendments.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None prepared.

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 within 21 days of this notice.

SPECIFIC AUTHORITY: 408.15(8), 408.034(5) FS.

LAW IMPLEMENTED: 408.036(1)(g) 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: 2:00 p.m., February 12, 2002

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: John Davis, Certificate of Need, 2727 Mahan Drive, Building 1, Tallahassee, Florida

THE FULL TEXT OF THE PROPOSED RULE IS:

#### 59C-1.036 Nursing Facility Beds.

(1) Agency Intent. This rule implements s. 408.034(3), F.S., which requires the agency to develop uniform need methodologies for certificate of need (CON) review of proposals, and s. 408.036(1)(g), F.S., which requires certificate of need review of proposals projects for the addition of nursing home care beds licensed under Chapter 400, F.S. nursing facility beds The rule regulates the construction of new nursing facilities, the addition of new nursing facility beds, and conversion of other health care facility bed types to nursing facility beds, including conversion of licensed sheltered nursing facility beds in continuing care facilities regulated under section 651.118, F.S. Projects for the addition of sheltered nursing home beds are excluded from this rule and regulated under Rule 59C-1.037, F.A.C., and conversion to nursing facility beds of acute care or specialty care hospital beds licensed under Chapter 395, F.S. For purposes of this rule there are two types of nursing facility beds, nursing facility beds licensed under Chapter 400, F.S., excluding sheltered beds, and nursing facility beds licensed under Chapter 395, F.S. It is the intent of the agency to ensure the availability of nursing facility services to all persons needing such services, regardless of ability to pay. Nothing in this rule is intended to interpret, modify, limit or expand Florida law regarding standing, or the right of an existing health care provider to initiate or intervene in a formal administrative hearing challenging intended agency action on a certificate of need application for ~~either Chapter 395 or Chapter 400~~ nursing facility beds regulated under this rule.

(2) ~~Separate~~ CON Reviews. Proposals for nursing facility beds seeking licensure under Chapter 400, F.S., will be comparatively reviewed to each other, ~~and proposals for nursing facility beds seeking licensure under Chapter 395, F.S., will be comparatively reviewed to each other.~~ This rule contains a methodology ~~separate methodologies~~ for

determining the numeric need for nursing facility beds proposed to be licensed under Chapter 400, F.S., ~~and nursing facility beds proposed to be licensed as a distinct part of a hospital under Chapter 395, F.S.~~ An application for nursing facility beds seeking licensure under Chapter 400, F.S., will ~~shall~~ not be approved in the absence or insufficiency of a numeric need indicated by the formula in subsection (4) of this rule, unless the absence or insufficiency of numeric need is outweighed by other information presented in a certificate of need application showing special circumstances consistent with applicable and relevant criteria in s. 408.035, F.S. ~~An application for nursing facility beds seeking licensure under Chapter 395, F.S., shall not be approved in the absence or insufficiency of a numeric need indicated by the formula in subsection (5) of this rule, unless the absence or insufficiency of numeric need is outweighed by other information presented in a certificate of need application showing special circumstances consistent with applicable and relevant criteria in s. 408.035, F.S.~~

#### (3) General Provisions.

(a) No change.

(b) Batching Cycles. Proposals for nursing facility beds seeking licensure under Chapter 400, F.S., ~~and proposals for nursing facility beds seeking licensure under Chapter 395, F.S.,~~ will be reviewed in the batching cycles for "Other Beds and Programs" ~~nursing facility projects~~ described in paragraph 59C-1.008(1)(g)(4), F.A.C.

(c) No change.

(d) Subdistrict Need Determination. The agency will use the subdistrict designation shown in Rule 59C-2.200, F.A.C., for agency service districts 1 through 11 respectively in projecting need for nursing facility beds licensed under Chapter 400, F.S. ~~The agency will use the subdistrict designation shown in Rule 59C-2.100, F.A.C., for agency service districts 1 through 11 respectively in projecting need for nursing facility beds licensed under Chapter 395, F.S.~~

(e) through (4) No change.

~~(5) Numeric Need Formula for Nursing Facility Beds Seeking Licensure Under Chapter 395, F.S.~~

~~(a) Projected Need. In addition to the other relevant statutory and rule criteria used in considering the allocation of new or additional nursing facility beds to be licensed under Chapter 395, F.S., the agency will determine if there is a projected need for new or additional beds at the planning horizon according to the definitions and methodology specified in this subsection.~~

~~(b) Summary of Need Formula. The need formula for nursing facility beds seeking licensure under Chapter 395, F.S., links the projected subdistrict need to the projected subdistrict number of Medicare funded patient days in acute care hospital beds. That projected number is derived by multiplying the current number of such days times the expected growth in the subdistrict population age 65 and over. The projected~~

subdistrict number of Medicare-funded acute care patient days is multiplied by a ratio that compares all patient days in nursing facilities licensed under Chapter 395, F.S., to the projected Medicare-funded acute care patient days. The ratio used in each subdistrict is equal to the larger of either the current ratio or the current median value of such ratios among subdistricts which had patient days in nursing facilities licensed under Chapter 395, F.S., in the most recent 6-month reporting period for which data are available preceding publication of the projected need. The resulting projected number of nursing facility patient days is divided by the number of days in the most recent 6-month reporting period, and then divided by an 80 percent occupancy standard, which produces a projected total need in the subdistrict for nursing facility beds licensed under Chapter 395, F.S. The projected total bed need is then reduced by the current number of licensed and approved beds to produce a net need for additional nursing facility beds licensed under Chapter 395, F.S. If the current occupancy of nursing facility beds licensed under Chapter 395, F.S., is less than 70 percent, the net need in the subdistrict is zero regardless of whether the formula otherwise shows a net need. The 70 percent standard is not applicable in subdistricts where there are no licensed or approved hospital-based skilled nursing beds.

(e) Need Formula. The formula for determining the net need in a subdistrict for nursing facility beds licensed under Chapter 395, F.S., is as follows:

$$NN = \frac{[(MAPD/2) \times (PPOP/CPOP) \times (RATIO)] - LNFB - ANFB}{(DAYS) \times (.80)}$$

where:

NN is the net need for additional nursing facility beds to be licensed under Chapter 395, F.S.

MAPD is the 12-month subdistrict total of Medicare-funded patient days for discharges from acute care general hospitals in the subdistrict during the most recent fiscal year for which data are available to the agency as of the beginning of the quarter of the publication of the fixed need pool. MAPD/2 is an estimated 6-month total of such patient days.

CPOP is the current subdistrict population age 65 and over as of January 1 when the planning horizon is also January 1, or July 1 when the planning horizon is July 1. In the case of subdistricts that contain portions of a county, the allocation of the current county total population to those subdistricts shall be based on the proportional distribution of the county total in the most recent U.S. Census of Population.

PPOP is the projected subdistrict population age 65 and over as of January 1 when the planning horizon is also January 1, or July 1 when the planning horizon is July 1. In the case of subdistricts that contain portions of a county, the allocation of the projected county total population to those subdistricts shall be based on the proportional distribution of the county total in the most recent U.S. Census of Population.

DAYS is the number of calendar days in the most recent 6-month total of patient days in nursing facilities licensed under Chapter 395, F.S., as reported to the agency.

.80 equals the desired average 6-month occupancy rate for nursing facility beds licensed under Chapter 395, F.S., in the subdistrict.

RATIO is a subdistrict-specific ratio of projected patient days in nursing facilities licensed under Chapter 395, F.S., compared to projected Medicare-funded acute care patient days, determined as follows:

1. For each subdistrict, calculate the ratio of current patient days in nursing facilities licensed under Chapter 395, F.S., to current Medicare-funded acute care patient days by dividing the most recent 6-month total of patient days in nursing facilities licensed under Chapter 395, F.S., reported to the agency consistent with the provisions of subsection (6), by the estimated 6-month subdistrict total of Medicare-funded patient days for discharges from acute care general hospitals in the subdistrict. The estimated 6-month subdistrict total of such patient days is equal to MAPD/2.

2. Rank all subdistricts with a calculated ratio greater than zero from the lowest to highest values, and identify the median ratio in this array.

3. If the ratio as calculated in step 1 is less than the median, including subdistricts with a ratio of zero, then RATIO equals the median ratio.

4. If the ratio as calculated in step 1 is equal to or greater than the median, then RATIO equals the current ratio calculated for that subdistrict.

LNFB is the current number of beds in nursing facilities licensed under Chapter 395, F.S. The number of these beds that is subtracted shall be the number as of the most recent published deadline for agency initial decisions prior to publication of the fixed need pool.

ANFB is the current number of approved beds for nursing facilities licensed under Chapter 395, F.S. The number of these beds that is subtracted shall be the number for which the agency has issued a certificate of need, a letter stating the agency's intent to issue a certificate of need, a signed stipulated agreement, or a final order granting a certificate of need, as of the most recent published deadline for agency initial decisions prior to publication of the fixed bed need pool.

(d) If the subdistrict average occupancy of nursing facility beds licensed under Chapter 395, F.S., during the most recent reporting period was less than 70 percent, net need in that subdistrict is zero regardless of results from the formula in paragraph (e). This provision does not apply in subdistricts where there are no licensed or approved hospital-based skilled nursing beds.

~~(e) Proposed Services. Applicants shall provide a detailed description of the services to be provided, staffing pattern, patient characteristics, expected average length of stay, ancillary services, patient assessment tools, admission policies, and discharge policies.~~

~~(f) Quality of Care. In assessing the applicant's ability to provide quality of care pursuant to s. 408.035(1)(e), F.S., the agency shall evaluate the following facts and circumstances:~~

~~1. Whether the applicant has had a nursing facility Medicare certification denied, revoked, or suspended within the 36 months prior to the application.~~

~~2. The extent to which the conditions identified in subparagraph 1. threatened or resulted in direct, significant harm to the health, safety or welfare of the nursing facility residents.~~

~~3. The extent to which the conditions identified within subparagraph 2. were corrected within the time frames allowed by the appropriate state agency in each respective state and in a manner satisfactory to the agency.~~

~~(g) Harmful Conditions. The agency shall question the ability of the applicant to provide quality of care within any nursing facility when the conditions identified in subparagraphs (f)1. and (f)2. resulted in direct, significant harm to the health, safety or welfare of a nursing facility resident, and were not corrected within the time frames allowed by the appropriate state agency in each respective state and in a manner satisfactory to the agency.~~

~~(5)(6) No change.~~

~~(7) Applicability of this Amended Rule. This amended rule shall be applied beginning with the first nursing facility review cycle of 1998.~~

Specific Authority 408.15(8), 408.034(5) FS. Law Implemented 408.034(3), ~~408.035~~, 408.036(1)(~~g~~)(~~a~~), (~~b~~), (~~c~~), (~~d~~), (~~e~~) FS. History—New 1-1-77, Amended 11-1-77, 6-5-79, 4-24-80, 2-1-81, 4-1-82, 11-9-82, 2-14-83, 4-7-83, 6-9-83, 6-10-83, 12-12-83, 3-5-84, 5-14-84, 7-16-84, 8-30-84, 10-15-84, 12-25-84, 4-9-85, Formerly 10-5-11, Amended 6-19-86, 11-24-86, 1-25-87, 3-2-87, 3-12-87, 8-11-87, 8-7-88, 8-28-88, 9-12-88, 4-19-89, 10-19-89, 5-30-90, 7-11-90, 8-6-90, 10-10-90, 12-23-90, Formerly 10-5.011(1)(k), Amended 8-9-92, Formerly 10-5.036, Amended 10-6-92, 8-24-93, 6-11-98,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
John Davis, Health Services and Facilities Consultant  
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Laura MacLafferty, Consultant Supervisor  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 3, 2001  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 2, 2001

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Certificate of Need**

RULE TITLE: Hospital-Based Skilled Nursing Units  
RULE NO.: 59C-1.0365

PURPOSE AND EFFECT: The agency is proposing to revise existing requirements regarding certificate of need (CON) review of proposals for hospital-based skilled nursing unit (SNU) beds licensed under Chapter 395, F.S. The revision will be accomplished through adoption of a new rule limited to SNUs. The new rule will modify several provisions regarding SNU beds found in current Rule 59C-1.036, F.A.C., which also contains provisions regarding nursing facility beds licensed under Chapter 400, F.S. Upon adoption of the revised SNU requirements, Rule 59C-1.036 will be amended to delete references to SNUs, so that the remaining language will pertain only to Chapter 400 nursing facilities. A Notice of Proposed Rulemaking concerning those other amendments is expected to appear elsewhere in this edition of the FAW.

The proposed revision of the SNU requirements responds to recent trends showing a decreasing hospital interest in establishing or maintaining a SNU. Need for a separate SNU rule is also suggested by the moratorium created by section 52 of Chapter 2001-45, Laws of Florida, which bars CON approval of any additional community nursing facility beds that would be a net increase in the number licensed under Chapter 400, F.S., while allowing continued approval of SNU beds.

As noted above, the agency proposes to retain the Chapter 400 CON rule requirements in a revised Rule 59C-1.036 that concerns only Chapter 400 beds. Those proposed amendments and this proposed new SNU rule will be the subject of the public hearing described below.

SUMMARY: The agency is proposing a new rule which revises existing requirements regarding certificate of need (CON) review of proposals for hospital-based skilled nursing unit (SNU) beds licensed under Chapter 395, F.S. The existing SNU requirements, found in Rule 59C-1.036, F.A.C., will be deleted so that Rule 59C-1.036 describes only the existing and unchanged requirements for community nursing home beds.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None prepared.

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 within 21 days of this notice.

SPECIFIC AUTHORITY: 408.15(8), 408.034(5) FS.

LAW IMPLEMENTED: 408.036(1)(g) 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: 2:00 p.m., February 12, 2002

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: John Davis, Certificate of Need, 2727 Mahan Drive, Building 1, Tallahassee, Florida

THE FULL TEXT OF THE PROPOSED RULE IS:

59C-1.0365 Hospital-Based Skilled Nursing Units.

(1) Agency Intent. This rule implements s. 408.034(3), F.S., which requires the agency to develop uniform need methodologies for certificate of need (CON) review of proposals, and s. 408.036(1)(g), F.S., which requires certificate of need review of proposals for the addition of hospital-based skilled nursing unit (SNU) beds licensed under Chapter 395, F.S. The rule regulates the proposed establishment of a SNU, the addition of new SNU beds, and the conversion of other health care facility bed types to SNU beds. The agency will consider applications for SNU beds in context with the applicable review criteria in Section 408.035, F.S., and the standards and need criteria set forth in subsections (3) through (7) of this rule.

(2) Definitions.

(a) “Agency.” The Agency for Health Care Administration.

(b) “District.” A health service planning district of the agency defined in subsection 408.032(5), F.S.

(c) “Skilled Nursing Unit (SNU).” A distinct part of a hospital licensed under chapter 395, F.S., consisting of Medicare and Medicaid certified skilled nursing inpatient beds, and used for the provision of skilled nursing and related services to patients who require medical or nursing care, or services for the rehabilitation of injured, disabled, or sick persons. SNU beds are separately enumerated on the hospital license.

(d) “Subdistrict.” A group of counties, a county, or a portion of a county which forms a subdivision of a district. The subdistricts identified in this rule are the acute care subdistricts described in Rule 59C-2.100, F.A.C.

(3) General Provisions.

(a) Batching Cycles. Proposals for the addition of SNU providers and SNU beds will be reviewed in the batching cycles for “Other Beds and Programs” described in paragraph 59C-1.008(1)(g), F.A.C.

(b) CON Reviews. Proposals for the addition of SNU providers and SNU beds will be comparatively reviewed to each other.

(c) Challenges to Intended Agency Action. Nothing in this rule is intended to interpret, modify, limit or expand Florida law regarding standing, or the right of an existing health care provider to initiate or intervene in a formal administrative hearing challenging intended agency action on a certificate of need application for SNU beds regulated under this rule.

(d) Rural Hospitals. A rural hospital proposing SNU beds is exempt from the provisions of this rule provided the requirements of s. 408.036(3)(c), F.S., are met.

(4) Numeric Need for a New SNU.

(a) Numeric need for a new SNU is demonstrated in any subdistrict where there is no existing or approved SNU.

(b) Numeric need for a new SNU in a subdistrict with at least one existing SNU is demonstrated if the subdistrict average occupancy rate for all licensed SNUs in the subdistrict was at least 75 percent during the most recent 6 month period reported to the agency consistent with subsection (8) of this rule.

(c) An additional new SNU will not be approved for a subdistrict where none of the approved new SNUs has been licensed as of the most recent published deadline for agency initial decisions regarding SNU projects.

(5) Bed Capacity of a New SNU. The number of beds proposed by an applicant for a new SNU pursuant to subsection (4) shall not exceed the number determined as follows:

$$N = (APD \times .12)$$

$$(DAYS \times .75)$$

where:

(a) APD is the total of acute care patient days occurring at the applicant hospital during the 6 months ending one month prior to the letter of intent deadline.

(b) .12 is the estimated proportion of acute care patient days that will be SNU days.

(c) DAYS is the number of calendar days included in APD.

(d) .75 equals the desired average 6 month occupancy rate for SNU beds.

(6) Expanded Capacity of an Existing SNU. A hospital experiencing SNU occupancy of 75 percent or more during the 6 months ending one month prior to the letter of intent deadline may propose a number of additional beds not exceeding the number which, if added to the existing SNU capacity, would have reduced the average occupancy of that SNU to 75 percent.

(7) Approval in Special Circumstances. An application for SNU beds will not be approved in the absence or insufficiency of a numeric need indicated in subsections (5) or (6) of this rule unless the absence or insufficiency of a numeric need is outweighed by other information presented in a certificate of need application showing special circumstances consistent with applicable and relevant criteria in s. 408.035, F.S.

(8) Utilization Reports. Within 45 days after the end of each calendar quarter, facilities with SNU beds shall report to the agency, or its designee, the total number of patient days which occurred in the quarter and the number of such days that were Medicaid days.

(9) Applicability of this Rule. Upon adoption, the provisions in this rule replace and supersede the provisions respecting CON review of SNUs found in Rule 59C-1.036, F.A.C.

Specific Authority 408.15(8), 408.034(5) FS. Law Implemented 408.036(1)(g) FS. History—New \_\_\_\_\_.



NAME OF PERSON ORIGINATING PROPOSED RULE: John Davis, Health Services and Facilities Consultant
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Laura MacLafferty, Consultant Supervisor
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 3, 2001
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 2, 2001

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Funeral Directors and Embalmers

RULE TITLE: Approved Courses
PURPOSE AND EFFECT: To eliminate unnecessary redundancy in HIV-AIDS training by limiting time required.
SUMMARY: Reduce to one (1) hour the HIV-AIDS instruction required biennially.
SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.

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

SPECIFIC AUTHORITY: 455.2226(7), 470.005, 470.006, 470.007, 470.008, 470.009, 470.011, 470.015, 470.016, 470.017 470.018 FS.

LAW IMPLEMENTED: 455.2226, 470.006, 470.007, 470.008, 470.009, 470.011, 470.015, 470.016, 470.017, 470.018 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sherry Landrum, Executive Director, Board of Funeral Directors and Embalmers, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G8-32.002 Approved Courses.

The following courses are approved by the Board as meeting the requirements of Sections 455.2226 and 470.015, Florida Statutes:

- (1) An approved communicable diseases and HIV-AIDS course must consist of a minimum 1 2-hour presentation.
(2) No change.

Specific Authority 455.2226(7), 470.005, 470.006, 470.007, 470.008, 470.009, 470.011, 470.015, 470.016, 470.017, 470.018 FS. Law Implemented 455.2226, 470.006, 470.007, 470.008, 470.009, 470.011, 470.015, 470.016, 470.017, 470.018 FS. History--New 5-24-89, Amended 2-14-90, Formerly 21J-32.002, Amended 2-20-95, 9-18-95, 4-5-98,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Funeral Directors and Embalmers
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Funeral Directors and Embalmers
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 6, 2001
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 29, 2001

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Funeral Directors and Embalmers

RULE TITLE: Requirement for Instruction on Human Immunodeficiency Virus, Acquired Immune Deficiency Syndrome and Communicable Diseases
RULE NO.: 61G8-32.007

PURPOSE AND EFFECT: The Board proposes to correct a cross reference.

SUMMARY: The rule amendment changes a reference from 61G8-32.001 to 61G8-32.002.

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

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

SPECIFIC AUTHORITY: 470.005, 455.2226(7), 470.006, 470.007, 470.008, 470.009, 470.011, 470.015, 470.016, 470.017, 470.018 FS.

LAW IMPLEMENTED: 455.2226, 455.219(2), 470.006, 470.007, 470.008, 470.009, 470.011, 470.015, 470.016, 470.017, 470.018 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sherry Landrum, Executive Director, Board of Funeral Directors and Embalmers, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G8-32.007 Requirement for Instruction on Human Immunodeficiency Virus, Acquired Immune Deficiency Syndrome and Communicable Diseases.

(1) As a condition of renewal of licensure, each funeral director, embalmer, and direct disposer licensed under Chapter 470, Florida Statutes, shall complete a board-approved educational course as set out in Rule 61G8-32.002~~4~~ which shall be presented by a board-approved provider. Each licensee shall confirm on the application for license renewal that he or she has completed such educational course.

(2) through (10) No change.

Specific Authority 470.005, 455.2226(7), 470.006, 470.007, 470.008, 470.009, 470.011, 470.015, 470.016, 470.017, 470.018 FS. Law Implemented 455.2226, 455.219(2), 470.006, 470.007, 470.008, 470.009, 470.011, 470.015, 470.016, 470.017, 470.018 FS. History—New 3-19-92, Amended 6-17-92, Formerly 21J-32.007, Amended 5-1-95, 10-29-97, 8-8-00, 10-17-01, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Funeral Directors and Embalmers

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Funeral Directors and Embalmers

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 6, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 29, 2001

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Florida Real Estate Commission**

RULE TITLE: School Records; Class Rosters

RULE NO.: 61J2-17.012

PURPOSE AND EFFECT: The purpose of the proposed rule is to comply with the Department’s technology advancements.

SUMMARY: The proposed rule change affects rule provisions relating to data submissions by education providers for the purpose of monitoring compliance with education requirements.

SUMMARY OF STATEMENT OF ESTIMATE OF REGULATORY COSTS: No Statement of Estimated Regulatory Costs was prepared.

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: 455.2123, 475.05 FS.

LAW IMPLEMENTED: 455.2123, 475.04, 475 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:

TIME AND DATE: 8:30 a.m., or as soon thereafter as possible, February 20, 2002

PLACE: Division of Real Estate, Commission Meeting Room 301, North Tower, 400 West Robinson Street, Orlando, Florida 32801

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Lori Crawford, Deputy Clerk, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N308, Orlando, Florida 32801

THE FULL TEXT OF THE PROPOSED RULE IS:

61J2-17.012 School Records; Class Rosters.

(1) Each person, school, or institution permitted pursuant to s. 475.451, Florida Statutes, is required to keep registration records, course rosters, attendance records, a file copy of each examination and progress test and all student answer sheets for a period of at least 3 years subsequent to the beginning of each course and make them available to BPR for inspection and copying upon request.

(2) Each school permit holder of a proprietary real estate school, chief administrative person of an institution or course sponsor shall deliver to the Education Section of the Division of Real Estate a copy of the classroom course roster of courses that require satisfactory completion of an examination no later than 30 days beyond the course completion date, or distance education course roster no later than 30 days beyond the end of the calendar month in which the course was completed, in a manner prescribed by the Department.

(3) The course roster shall consist of the institution or school name and permit number (if applicable), the instructor’s name and permit number (if applicable), course title, beginning and ending dates of the course, number of course hours, course location (if applicable), student’s full name, license number (if applicable), student’s mailing address and the numerical grade the student achieved. The course roster shall also include the signature of the school permit holder, chief administrative person or course sponsor.

Specific Authority 455.2123, 475.05 FS. Law Implemented 455.2123, 475.04, 475.17, 475.175, 475.451, 475.5015 FS. History—New 2-25-93, Formerly 21V-17.012, Amended 11-24-97, 10-15-00, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Florida Real Estate Commission

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Florida Real Estate Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 19, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 21, 2001, Section VI

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

**Division of Resource Management**

RULE CHAPTER TITLE: Spoil Site Program

RULE CHAPTER NO.: 62C-22

<b>RULE TITLES:</b>	<b>RULE NOS.:</b>
Intent	62C-22.001
Definitions	62C-22.002
Eligible Project Selection Criteria	62C-22.003
Requirements and Limitations for Site Acquisitions and Improvements	62C-22.004
Requirements and Limitations for Other Projects	62C-22.005
Advisory Committee	62C-22.006
Disposal Site Management	62C-22.007
Disposal Site Management Plan	62C-22.008
Application for Disposal Site Acquisition and Improvement Funds	62C-22.009
Application for Projects Other than Acquisition and Improvements	62C-22.010
Processing of Applications	62C-22.011
Project Payments	62C-22.012
Notice of proposed rulemaking repealing obsolete Chapter 62C-22, F.A.C. "Spoil Site Program" because the enabling statute was repealed and the program does not exist.	

The full text of this notice is published on the Internet at the Department of Environmental Protection's home page at <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

**DEPARTMENT OF HEALTH  
Board of Chiropractic Medicine**

<b>RULE TITLE:</b>	<b>RULE NO.:</b>
Certified Chiropractic Physician's Assistant Fees	64B2-12.015

**PURPOSE AND EFFECT:** The Board proposes to raise Certified Chiropractic Physician's Assistant fees.

**SUMMARY:** The Board determined that it is necessary to raise the various application, status, and renewal fees for certified Chiropractic Physician's Assistants. The biennial renewal fee is being raised by 10%.

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

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

**SPECIFIC AUTHORITY:** 460.405, 460.4165(9) FS.

**LAW IMPLEMENTED:** 456.036, 460.4165(3),(5),(6),(9) FS.

**IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.**

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS:** Joe Baker, Jr., Executive Director, Board of Chiropractic Medicine, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3259

**THE FULL TEXT OF THE PROPOSED RULE IS:**

(Substantial rewording of Rule 64B2-12.015 follows. See Florida Administrative Code for present text.)

64B2-12.015 Certified Chiropractic Physician's Assistant Fees.

- (1) The application fee shall be \$100.00.
- (2) The initial license fee shall be \$100.00.
- (3) The fee for biennial renewal shall be \$55.00.
- (4) The fee for inactive status shall be \$75.00.
- (5) The fee for reactivation of an inactive license shall be \$50.00.
- (6) A delinquent status license shall pay a delinquency fee of \$50.00.

Specific Authority 460.405, 460.4165(9) FS. Law Implemented 456.025, 456.036, 460.4165(3),(5),(6),(9) FS. History--New 10-15-92, Formerly 21D-12.015, 61F2-12.015, Amended 10-15-95, Formerly 59N-12.015, Amended.

**NAME OF PERSON ORIGINATING PROPOSED RULE:**  
Board of Chiropractic Medicine  
**NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE:** Board of Chiropractic Medicine  
**DATE PROPOSED RULE APPROVED BY AGENCY HEAD:** December 7, 2001  
**DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW:** November 2, 2001

**DEPARTMENT OF HEALTH  
Board of Dentistry**

<b>RULE TITLE:</b>	<b>RULE NO.:</b>
Financial Responsibility	64B5-17.011

**PURPOSE AND EFFECT:** The purpose of the rule amendments is to update the rule text with regard to financial responsibility.

**SUMMARY:** The Board has determined that amendments are necessary in order to increase the professional liability coverage per claim and to assure that proper medical malpractice insurance and financial responsibility are being met.

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

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

**SPECIFIC AUTHORITY:** 466.004(4) FS.

**LAW IMPLEMENTED:** 456.048 FS.

**IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.**

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

THE FULL TEXT OF THE PROPOSED RULE IS:

64B5-17.011 Financial Responsibility.

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

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

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

(3) through (4) No change.

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

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Dentistry

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 29, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 12, 2001

**DEPARTMENT OF HEALTH**

**Board of Dentistry**

RULE TITLE: Required Sterilization and Disinfection Procedures

RULE NO.: 64B5-25.003

PURPOSE AND EFFECT: The purpose of the rule amendment is to add the word “sterilants”.

SUMMARY: The Board has determined that the word “sterilants” should be included in the rule’s text.

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

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

SPECIFIC AUTHORITY: 456.032, 466.004(4) FS.

LAW IMPLEMENTED: 456.032, 466.028(1)(a), (x), 466.041 FS.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

64B5-25.003 Required Sterilization and Disinfection Procedures.

(1) At least one of the following procedures must be used in order to provide proper sterilization:

(a) through (d) No change.

(e) disinfectant/sterilant. U.S. Environmental Protection Agency (EPA) approved disinfectant/sterilants or U.S. Food and Drug Administration (FDA) approved sterilant may be used but are only appropriate for sterilization when used in appropriate dilution and for the time periods set forth in the manufacturer’s recommendation and only on non-heat tolerant instruments which do not penetrate soft tissue.

(2)(a) through (10) No change.

Specific Authority 456.032, 466.004(4) FS. Law Implemented 456.032, 466.028(1)(u), (x), 466.041 FS. History—New 2-24-87, Amended 12-6-87, 10-24-88, 1-7-92, 4-5-93, Formerly 21G-25.003, Amended 11-22-93, Formerly 61F5-25.003, 59Q-25.003, Amended 10-31-01,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Dentistry

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 29, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 30, 2001

DEPARTMENT OF HEALTH

Board of Medicine

RULE TITLE: List of Approved Forms; Incorporation RULE NO.: 64B8-1.007

PURPOSE AND EFFECT: The proposed rule amendments are intended to incorporate revised forms and a new form in the Board's rule regarding forms.

SUMMARY: The proposed rule amendments incorporate revised forms and a new form in the Board's rule regarding forms.

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

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

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

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

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

TIME AND DATE: 10:00 a.m., February 12, 2002 PLACE: Room 324, Collins Building, 107 W. Gaines Street, Tallahassee, FL

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

THE FULL TEXT OF THE PROPOSED RULE 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)," (12/01) (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, 458.3124(6), 458.313(4), 458.3145, 458.315(2), 458.320(8), 458.321(2), 458.347(13), 458.351(6) FS. Law Implemented 456.013, 456.035, 456.036, 456.048, 456.073, 458.309, 458.311, 458.3124, 458.313, 458.3145, 458.315, 458.316, 458.317, 458.319, 458.320, 458.321, 458.345, 458.347, 458.351 FS. History--New 4-17-01, Amended 11-20-01.

NAME OF PERSON ORIGINATING PROPOSED RULE: Rules Committee, Board of Medicine

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

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

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

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 proposed rule amendments are intended 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.

SUMMARY: The proposed rule amendments increase the inactive renewal fee from \$100 to \$110 and clarify that the inactive and delinquent fees for residents shall be the same as those for other licensees.

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

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

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

TIME AND DATE: 10:00 a.m., February 12, 2002

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Pamela King, Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253

THE FULL TEXT OF THE PROPOSED RULES 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,

NAME OF PERSON ORIGINATING PROPOSED RULE: Rules Committee, Board of Medicine

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

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

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

**DEPARTMENT OF HEALTH**

**Board of Medicine**

RULE TITLE: RULE NO.:

Approval of Physician Office Accrediting Organizations 64B8-9.0092

PURPOSE AND EFFECT: The Board proposed rule amendment is intended to identify a Board approved accrediting agency in the rule.

SUMMARY: The proposed rule amendment identifies the Florida Academy of Cosmetic Surgery, Inc., as a Board approved accrediting agency.

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

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

SPECIFIC AUTHORITY: 458.309(3) FS.

LAW IMPLEMENTED: 458.309(3) FS.

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

TIME AND DATE: 10:00 a.m., February 12, 2002

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

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

THE FULL TEXT OF THE PROPOSED RULE 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 \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Rules Committee, Board of Medicine  
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Medicine  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 1, 2001  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 21, 2001

**DEPARTMENT OF HEALTH  
Board of Occupational Therapy Practice**

RULE TITLE: Requirement for License Renewal of an Active License  
RULE NO.: 64B11-5.001

PURPOSE AND EFFECT: The Board proposes to update the existing rule text to include prevention of medical error education.

SUMMARY: The Board is fulfilling the requirement that an active license shall be renewed once the licensee has paid the renewal fee set forth and has complied with all the requirements.

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

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

SPECIFIC AUTHORITY: 456.036, 468.219 FS.  
LAW IMPLEMENTED: 456.033, 456.036, 468.219 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT A TIME, DATE AND PLACE TO BE PUBLISHED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

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

THE FULL TEXT OF THE PROPOSED RULE IS:  
  
64B11-5.001 Requirements for License Renewal of an Active License.

An active license shall be renewed upon demonstration that the licensee has paid the renewal fee set forth in Rule 64B11-2.009 or 64B11-3.007, F.A.C., respectively, and has complied with the following requirements:

- (1) through (4) No change.

(5) Each licensee shall attend and certify attending a Board-approved 2-hour continuing education course relating to the prevention of medical errors. The 2-hour course shall count toward the total number of continuing education hours required for licensure renewal.

~~(6)(5)~~ The licensee must retain such receipts, vouchers, certificates or other papers necessary to document completion of the required continuing education for a period of not less than four (4) years from the date the course was taken. The Board will audit licensees at random to assure that the continuing education requirements have been met.

~~(6) All continuing education programs and courses meeting the requirements of Rule 64B11-6.001, F.A.C., taken after January 31, 1995 and prior to October 30, 1995 shall be deemed approved continuing education for purposes of this rule.~~

- (7) through (8) No change.

Specific Authority 456.036, 468.219 FS. Law Implemented ~~456.013~~, 456.033, 456.036, 468.219 FS. History--New 4-17-95, Amended 10-30-95, 3-11-96, Formerly 59R-64.060, Amended 9-23-99, 10-18-01, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Occupational Therapy  
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Occupational Therapy  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 24, 2001  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 9, 2001

**DEPARTMENT OF HEALTH  
Board of Orthotists and Prosthetists**

RULE TITLES: Licensure Under the Provisions of Section 468.805 Fees Application, Examination and Initial Licensure Fees Biennial Renewal Fee Delinquent License Fee Reactivation Fee Change of Status Fee Fees for Licensure by Examination  
RULE NOS.: 64B14-2.001 64B14-2.0015 64B14-2.002 64B14-2.003 64B14-2.004 64B14-2.005 64B14-2.014

PURPOSE AND EFFECT: The Board proposes an amendment to existing rules increasing the fees for application for license, initial licensure, renewal of license, reactivation of license and the repeal of an obsolete rule.

SUMMARY: The amendments to the existing rule will increase the fees for application for license, initial license, renewal of license, reactivation of license, and examination.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No statement of estimated regulatory cost has been prepared.





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: 468.802, 468.806 FS.

LAW IMPLEMENTED: 468.806, 456.024 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW:

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joe Baker, Jr., Executive Director, Board of Orthotists and Prosthetists, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

THE FULL TEXT OF THE PROPOSED RULE IS:

64B14-5.002 Continuing Education Requirement.

(1)(a) through (b) No change.

(c) For each biennium ending after May 31, 2001, each licensee's continuing education must include one hour of continuing education on cardiopulmonary resuscitation; one hour on infectious diseases including HIV/AIDS, two ours of continuing education relating to prevention of medical errors which shall include a study of root-cause analysis, error reduction and prevention, and patient safety and two hours on Chapter 456, 468, Part XIV, F.S., and Rule Chapter 64B14, F.A.C. The two hour course relating to the prevention of medical errors shall count toward the total number of continuing education hours required and shall be a course approved by the Board or a course approved by another health care profession's board.

(2) through (5)(a) No change.

(b) Courses offered for continuing education by FAOP and those approved by ABC or BCP for their respective professions.

(c) through (d) No change.

(6) through (8) No change.

Specific Authority 468.802, 468.806 FS. Law Implemented 456.024, 456.013, 468.806 FS. History--New 7-1-98, Amended 5-18-00,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Orthotists and Prosthetists

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Joe Baker, Jr., Executive Director, Board of Orthotists and Prosthetists, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 20, 2000 and November 30, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 30, 2001

**DEPARTMENT OF HEALTH**

**Board of Orthotists and Prosthetists**

RULE TITLE: Citations

RULE NO.: 64B14-7.004

PURPOSE AND EFFECT: The Board proposes amendments to an existing rule setting forth violations that may be resolved with a citation.

SUMMARY: The Board is amending the existing citation rule to provide for additional violations to be resolved by citation, including continuing education violations, failure to pay fees and fines timely, and payment by dishonored check.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No statement of estimated regulatory costs was prepared.

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: 456.077 FS.

LAW IMPLEMENTED: 456.077 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW:

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joe Baker, Jr., Executive Director, Board of Orthotists and Prosthetists, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

THE FULL TEXT OF THE PROPOSED RULE IS:

64B14-7.004 Citations.

(1) through (4) No change.

(5) First-time failure of the licensee to satisfy continuing education requirements established by the board: Fine of \$250 and within 180 days provide one additional hour of continuing education for each hour not completed or completed late.

(6) Tendering a check that is dishonored by the institution upon which it is drawn shall result in a fine of \$100 and payment of the check amount within 30 days.

(7) Failure to pay a fee or fine timely: if paid no later than 60 days from the date due, a fine of \$500.00; if fine or fee is paid but more than 60 days from the date due, the fine shall be double the original fee or fine amount.

Specific Authority ~~456.077~~ ~~455.617~~ FS. Law Implemented 456.077 FS. History--New 7-1-98, Amended\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Orthotists and Prosthetists

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Joe Baker, Jr., Executive Director, Board of Orthotists and Prosthetists, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 30, 2001  
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 28, 2001

**DEPARTMENT OF HEALTH**

**Board of Podiatric Medicine**

RULE TITLE: Active Licenses: Biennial Renewal

RULE NO.: 64B18-12.004

Fees and Delinquency Fee

PURPOSE AND EFFECT: The purpose of the rule amendments is to set forth the biennial renewal fee for x-ray assistants.

SUMMARY: The Board has determined that this rule should be amended to include a biennial renewal fee for x-ray assistants.

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

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

SPECIFIC AUTHORITY: 456.025(1), 461.005, 461.007, 461.0135 FS.

LAW IMPLEMENTED: 120.52(9), 456.013(2), 456.025, 456.036(7), 461.007(1), 456.0135 FS.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

64B18-12.004 Active Licenses: Biennial Renewal Fees Fee and Delinquency Fee.

To maintain active status of licensure, a podiatrist shall pay a biennial renewal fee of three hundred fifty dollars (\$350.00) if the biennial renewal fee is received by the Department during the timeframe established by the Department as the timeframe for the biennial renewal of licensure; otherwise, the podiatrist shall pay a delinquency fee of three hundred fifty dollars (\$350.00) in addition to the biennial renewal fee. The biennial renewal fee for x-ray assistants shall be \$75.00.

Specific Authority 456.025(1), 461.005, 461.007, 461.0135 FS. Law Implemented 120.52(9), 456.013(2), 456.025, 456.036(7), 461.007(1), 456.0135 FS. History—New 1-29-80, Amended 10-23-85, Formerly 21T-12.05, 21T-12.005, 61F12-12.005, Amended 1-1-96, Formerly 59Z-12.004, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Podiatric Medicine

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 12, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 16, 2001

**DEPARTMENT OF HEALTH**

**Board of Psychology**

RULE TITLE: Notice to the Department of Mailing

RULE NO.: 64B19-13.0025

Address and Place of Practice of Licensee

PURPOSE AND EFFECT: The Board intends to promulgate a new rule entitled “Notice to the Department of Mailing Address and Place of Practice of Licensee.”

SUMMARY: The Board proposes to promulgate a new rule which will permit licensees to provide notification of change of address.

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

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

SPECIFIC AUTHORITY: 456.035 FS.

LAW IMPLEMENTED: 456.035 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kaye Howerton, Executive Director, Board of Psychology, Department of Health, 4052 Bald Cypress Way, Tallahassee, Florida 32399-3257

THE FULL TEXT OF THE PROPOSED RULE IS:

64B19-13.0025 Notice to the Department of Mailing Address and Place of Practice of Licensee.

(1) Each licensee shall provide either written or electronic notification to the Department of the licensee’s current mailing address and place of practice. The term “place of practice” means the primary physical location where the psychologist practices the profession of psychology.

(2) Each licensee shall provide either written or electronic notification to the Department of a change of address within 45 days.

(3) If electronic notification is used, it shall be the responsibility of the licensee to ensure that the electronic notification was received by the Department.

Specific Authority 456.035 FS. Law Implemented 456.035 FS. History--New

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Psychology
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Psychology
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 8, 2001
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 7, 2001

DEPARTMENT OF HEALTH

Board of Psychology

RULE TITLE: Continuing Psychological Education Credit RULE NO.: 64B19-13.003
PURPOSE AND EFFECT: The purpose of the rule is for the prevention of medical errors.

SUMMARY: Rule amendment clarifies rule criteria regarding continuing psychological education credit.

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

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

SPECIFIC AUTHORITY: 490.004(4), 490.0085(4) FS.
LAW IMPLEMENTED: 490.007(2), 490.0085(1),(3) FS.
IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kaye Howertron, Executive Director, Board of Psychology, Department of Health, 4052 Bald Cypress Way, Tallahassee, Florida 32399-3257

THE FULL TEXT OF THE PROPOSED RULE IS:

64B19-13.003 Continuing Psychological Education Credit.

(1)(a) through (h) No change.

(i) Continuing education courses approved by any Board within the Division of Medical Quality Assurance of the Department of Health, provided that such courses enhance the psychological skills and/or psychological knowledge of the licensee.

(2) No change.

(3) As a condition of biennial licensure renewal, each licensee must complete forty (40) hours of continuing psychological education. One (1) of the forty (40) hours must be on domestic violence or on end of life and palliative health care consistent with Chapter 456.031(1)(a), and three (3) of the forty (40) hours must be on professional ethics and Florida

statutes and rules legal issues affecting the practice of psychology. Two (2) of the forty (40) hours must relate to prevention of medical errors, including a study of root-cause analysis, error reduction and prevention, and patient safety. If the course is offered by a facility licensed pursuant to chapter 395 for its employees, the Board will approve up to one (1) hour of the two (2) hour course to be specifically related to error reduction and prevention methods used in that facility. Courses on prevention of medical errors approved by any Board within the Division of Medical Quality Assurance of the Department of Health pursuant to Section 456.013(7), Florida Statutes, are approved by this Board. Passage of the laws and rules examination of the Board constitutes forty (40) hours of continuing education credit, including credit for professional ethics and Florida Statutes and rules legal issues affecting the practice of psychology. Passage of the laws and rules examination, however, does not satisfy the requirement for one (1) credit of continuing education on domestic violence, nor the requirement for two (2) hours relating to prevention of medical errors.

(4) No change.

Specific Authority 456.013(7), 490.004(4), 490.0085(4) FS. Law Implemented 456.013(7), 490.007(2), 490.0085(1),(3) FS. History--New 1-28-93, Amended 7-14-93, Formerly 21U-13.0042, Amended 6-14-94, Formerly 61F13-13.0042, Amended 2-8-96, 11-18-96, Formerly 59AA-13.003, Amended 1-10-01,

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Psychology
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Psychology
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 8, 2001
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 7, 2001

DEPARTMENT OF HEALTH

Board of Psychology

RULE TITLE: Reactivation of Inactive Licenses RULE NO.: 64B19-15.003
PURPOSE AND EFFECT: The purpose of the rule is to incorporate a form to apply for reactivation of inactive license.

SUMMARY: The rule amendment is for the purpose of updating the reactivation of inactive licenses.

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

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

SPECIFIC AUTHORITY: 490.004(5), 456.036 FS.

LAW IMPLEMENTED: 456.036 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kaye Howertron, Executive Director, Board of Psychology, Department of Health, 4052 Bald Cypress Way, Tallahassee, Florida 32399-3257

THE FULL TEXT OF THE PROPOSED RULE IS:

64B19-15.003 Reactivation of Inactive Licenses.

(1) A licensee may reactivate his or her own inactive license and thereby place the license on active status by:

(a) Making application on form DOH/MQA/PY-REACT APP/REV. 12/01, "Application for Reactivation of Inactive Psychologist Licensure," effective \_\_\_\_\_, which is hereby incorporated by reference, copies of which may be obtained from the Board office; a form available from the Department,

(b) Paying the application fee set out in Rule 64B19-12.006,

(c) Paying the fee for biennial renewal of an active license set out in Rule 64B19-12.005,

(d) Paying any owed delinquency fees, and

(e) Paying any owed fees for changing status ~~at any time other than the time established for the biennial renewal of licenses.~~

(2) In addition, the licensee must submit proof ~~certify~~ that the licensee has obtained forty (40) hours of continuing education for each biennium or part thereof of inactive licensure status. Finally, the licensee must either report any disciplinary action that has been taken against the licensee by any regulatory agency or must state that no such disciplinary action has been taken against the licensee. If the licensee has any outstanding administrative fines, the license may not be restored to active status until the administrative fines are paid.

Specific Authority 490.004(5), 456.036 FS. Law Implemented 456.036 FS. History—New 1-19-84, Formerly 21U-13.015, 21U-13.0015, 21U-19.003, 61F13-19.003, Amended 1-7-96, Formerly 59AA-15.003, Amended \_\_\_\_\_

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Psychology

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 8, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 7, 2001

**DEPARTMENT OF HEALTH**

**Board of Psychology**

RULE TITLE: \_\_\_\_\_ RULE NO.: \_\_\_\_\_

Disciplinary Guidelines 64B19-17.002

PURPOSE AND EFFECT: The purpose of this rule is for the removal of aggravating factors and addition of disciplinary guidelines for wrong patient procedures.

SUMMARY: The Board is rewording this rule to update the Disciplinary Guidelines as it relates to aggravating factors and wrong patient procedures.

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

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

SPECIFIC AUTHORITY: 456.079, 490.004(4) FS.

LAW IMPLEMENTED: 456.079, 456.072, 490.009 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kaye Howertron, Executive Director, Board of Psychology, Department of Health, 4052 Bald Cypress Way, Tallahassee, Florida 32399-3257

THE FULL TEXT OF THE PROPOSED RULE IS:

64B19-17.002 Disciplinary Guidelines.

(1) When the Board finds that an applicant or a licensee has committed any of the acts set forth in Section 456.072(1) or 490.009(2), F.S., it shall issue a final order imposing one or more of the penalties listed in Section 456.072(2) appropriate penalties as recommended in the following disciplinary guidelines.

(a) through (z) No change.

(aa) Performing or attempting to perform health care services on the wrong patient, a wrong procedure, an unauthorized procedure, or a procedure that is medically unnecessary or otherwise unrelated to the patient's diagnosis or medical condition. The recommended penalty shall be an administrative fine from \$1,000 to \$10,000, and from reprimand to probation, continuing education, suspension, or revocation.

(2) Based upon consideration of aggravating and mitigating factors present in an individual case, consideration of the following factors, the Board may deviate from the penalties recommended impose disciplinary action other than the penalties recommended above. The Board shall consider as aggravating or mitigating circumstances the following:

~~(a) The harm caused to the patient;~~

~~(a)(b) The danger to the public;~~

- ~~(e)~~ The number of repetitions of offenses;
  - ~~(b)~~~~(d)~~ The length of time since the date of violation;
  - ~~(c)~~~~(e)~~ The number of complaints filed against the licensee;
  - ~~(d)~~~~(f)~~ The length of time the licensee has practiced without complaint or violations;
  - ~~(e)~~~~(g)~~ The actual damage, physical or otherwise, to the patient;
  - ~~(f)~~~~(h)~~ The deterrent effect of the penalty imposed;
  - ~~(g)~~~~(i)~~ The effect of the penalty upon the licensee's livelihood;
  - ~~(h)~~~~(j)~~ Any efforts the licensee has made toward rehabilitation;
  - ~~(i)~~~~(k)~~ The actual knowledge of the licensee pertaining to the violation;
  - ~~(j)~~~~(l)~~ Attempts by the licensee to correct or stop violations or refusal by the licensee to correct or stop violations;
  - ~~(k)~~~~(m)~~ Related violations found against the licensee in another state including findings of guilt or innocence, penalties imposed and penalties served;
  - ~~(l)~~~~(n)~~ Any other mitigating or aggravating circumstances that are particular to that licensee or to the situation so long as the aggravating or mitigating circumstances are articulated in the Board's final order.
- (3) No change.

Specific Authority 456.079, 490.004(4) FS. Law Implemented 456.072, 456.079, 490.009 FS. History--New 11-24-86, Amended 7-18-88, 4-26-93, Formerly 21U-18.003, Amended 6-14-94, Formerly 61F13-18.003, Amended 1-9-96, Formerly 59AA-17.002, Amended 9-18-97, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Psychology  
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Psychology  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 8, 2001  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 7, 2001

**DEPARTMENT OF HEALTH**

**Board of Psychology**

RULE TITLE: Citations  
RULE NO.: 64B19-17.004

PURPOSE AND EFFECT: The proposed rule amendments are intended to set forth additional violations which are appropriate for the issuance of citations.

SUMMARY: The proposed rule amendments set forth additional violations which are appropriate for the issuance of citations

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

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

SPECIFIC AUTHORITY: 456.077 FS.

LAW IMPLEMENTED: 456.077 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

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

THE FULL TEXT OF THE PROPOSED RULE IS:

64B19-17.004 Citations.

In lieu of the disciplinary procedures contained in Section 456.073, F.S., the offenses enumerated in this rule may be disciplined by the issuance of a citation. The citation shall impose the prescribed penalty. The citation and fine option is available only to first time offenders, and no citation may be issued if more than one offense can be charged in the case. 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. In addition to the fine indicated, the licensee shall pay the Department's cost of investigation and prosecution.

(1) through (7) No change.

(8) Violation of Section 490.009(1)(t), F.S. (for failing to pay an administrative fine within thirty (30) days after notification of delinquency): 10% of the fine and/or cost of imposed fine and cost (failure to pay citation will result in an administrative complaint).

(9) Violation of Section 490.009(1)(d), F.S. (for failing to comply with advertising requirements): \$500 fine.

(10) Violation of Section 490.009(1)(n), F.S., (for failing to respond to a written request for a report of examination or treatment): \$500 fine.

(11) Violation of Section 490.009(1)(o), F.S. (for failing to respond within 30 days to a written communication from the Department concerning any investigation by the Department or to make available any relevant records with respect to any investigation about the licensee's conduct or background): \$500 fine.

(12) Violation of Section 490.012(2) (for failing to display license): \$100 fine.

(13) Issuance of a worthless bank check to the Department or to the Board in violation of Section 490.009(1)(a), F.S.: \$100 fine.

Specific Authority 456.077 FS. Law Implemented 456.077 FS. History--New 1-16-92, Amended 4-26-93, Formerly 21U-18.006, 61F13-18.006, Amended 1-9-96, Formerly 59AA-17.004, Amended 11-23-97, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Psychology  
NAME OF SUPERVISOR OR PERSON WHO APPROVED  
THE PROPOSED RULE: Board of Psychology  
DATE PROPOSED RULE APPROVED BY AGENCY  
HEAD: December 8, 2001  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT  
PUBLISHED IN FAW: December 7, 2001

**DEPARTMENT OF HEALTH**

**Board of Psychology**

RULE TITLE: Use of Test Instruments  
RULE NO.: 64B19-18.004

PURPOSE AND EFFECT: The proposed rule amendment is intended to clarify the criteria for release of test data.

SUMMARY: The proposed rule amendment adds assessment-related notes to test data material and clarifies any test data may be released to school psychologists licensed pursuant to Chapter 490 or Florida certified.

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

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

SPECIFIC AUTHORITY: 490.004(4) FS.

LAW IMPLEMENTED: 490.003(4), 490.009(1)(r),(s),(v),(w) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

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

THE FULL TEXT OF THE PROPOSED RULE IS:

64B19-18.004 Use of Test Instruments.

(1) through (2) No change.

(3) A psychologist who uses test instruments may not release test data, such as test protocols, test questions, assessment-related notes, or written answer sheets, except (1) to a licensed psychologist or school psychologist licensed pursuant to Chapter 490 or Florida certified, or (2) after complying with the procedures set forth in Rule 64B19-19.005(6), F.A.C., and obtaining an order from a court or other tribunal of competent jurisdiction, or (3) when the release of the material is otherwise required by law. When raw test data is released pursuant to this paragraph, the psychologist shall certify to the service user or the service user's designee that all raw test data from those test

instruments have been provided. Psychologists are expected to make all reasonable efforts to maintain the integrity of the test protocols, modalities and instruments when releasing information as provided herein.

(4) through (6) No change.

Specific Authority 490.004(4) FS. Law Implemented 490.003(4), 490.009(1)(r),(s),(v),(w) FS. History--New 6-14-94, Formerly 61F13-20.004, Amended 5-19-97, Formerly 59AA-18.004, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Psychology

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

DATE PROPOSED RULE APPROVED BY AGENCY  
HEAD: December 8, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT  
PUBLISHED IN FAW: December 7, 2001

**DEPARTMENT OF HEALTH**

**Board of Respiratory Care**

RULE TITLE: Disciplinary Guidelines  
RULE NO.: 64B32-5.001

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

SUMMARY: The Board is correcting and updating the Disciplinary Guidelines.

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

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

SPECIFIC AUTHORITY: 468.365(4) FS.

LAW IMPLEMENTED: 468.365 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT A TIME, DATE AND PLACE TO BE PUBLISHED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

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

THE FULL TEXT OF THE PROPOSED RULE IS:

64B32-5.001 Disciplinary Guidelines.

(1) No change.

(2) The range of disciplinary penalties which the Board may impose includes any and all set forth in Section 456.072, F.S. denial of an application, revocation, suspension, probation, reprimand, and a fine. In determining the appropriate disciplinary action to be imposed in each case, the Board shall take into consideration the following factors:

- (a) ~~The severity of the offense;~~
  - (a)(b) ~~The danger to the public;~~
  - (c) ~~The number of repetitions of offenses;~~
  - (b)(d) ~~The length of time since the date of the violation;~~
  - (c)(e) ~~The number of previous disciplinary cases filed against the certificate holder or registrant;~~
  - (d)(f) ~~The length of time certificate holder or registrant has practiced;~~
  - (e)(g) ~~The actual damage, physical or otherwise, to the patient;~~
  - (f)(h) ~~The deterrent effect of the penalty imposed;~~
  - (g)(i) ~~The effect of the penalty upon the certificate holder's or registrant's livelihood;~~
  - (h)(j) ~~Any efforts for rehabilitation;~~
  - (i)(k) ~~Any other mitigating or aggravating circumstances.~~
- (3) Violations and Range of Penalties. In imposing discipline upon applicants and licensees, in proceedings pursuant to Section 120.57(1) and (2), Florida Statutes, the

Board shall act in accordance with the following disciplinary guidelines and shall impose a penalty within the range corresponding to the severity and repetition of the violations as set forth below. The mitigating or aggravating circumstances used to justify any deviation from the specified guidelines must be enunciated in the final order. 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. For applicants, any and all offenses listed herein are sufficient for refusal to certify an application for licensure. In addition to the penalty imposed, the Board shall recover the costs of the investigation and prosecution of the case. Additionally, if the Board makes a finding of pecuniary benefit or self-gain related to the violation, then the Board shall require refund of fees billed and collected from the patient or a third party on behalf of the patient.

VIOLATION		RECOMMENDED RANGE OF PENALTY
(a) Attempting to obtain a license or certificate by <del>ability to reapply upon</del> bribery, fraud or through an error of the Department or the Board. (468.365(1)(a), <u>456.072(1)(h)</u> , F.S.) <u>However, if the violation is not through an error but is for fraud or making a false or fraudulent representation, the fine is increased to \$10,000 per count or offense.</u>	<u>First Offense</u>	<del>(a) From one year probation with conditions to denial or revocation and of license with payment of a fine from a minimum of \$250 to \$1,000.00 to denial of license without ability to reapply.</del>
	<u>Second Offense</u>	<u>From revocation with ability to reapply and a fine from \$2,000 to \$6,000.</u>
	<u>Third Offense</u>	<u>From revocation with no ability to reapply and a fine from \$6,000 to \$10,000.</u>
(b) Actions taken against license by another jurisdiction. (468.365(1)(b), <u>456.072(1)(f)</u> , F.S.)	<u>First Offense</u>	<del>(b) From imposition of discipline comparable to the discipline which would have been imposed if the substantive violation occurred in Florida to suspension or denial of the license until the license is unencumbered in the jurisdiction in which disciplinary action was originally taken, and an administrative fine ranging from \$300 \$100.00 to \$1,000.00. Impaired practitioners working in this state may be ordered into the PRN.</del>
	<u>Second Offense</u>	<u>Same as for a first offense except a fine shall range from \$1,000 to \$2,000.</u>
	<u>Third Offense</u>	<u>Same minimum as for a first offense with a maximum penalty of revocation and a fine from \$2,000 to \$10,000.</u>
(c) Guilt of crime directly relating to practice or ability to practice. (468.365(1)(c), <u>456.072(1)(c)</u> , F.S.)	<u>First Offense</u>	<del>(c) From a minimum of six months probation with conditions to revocation or denial of the license and an administrative fine ranging from \$300 \$100.00 to \$1,000.00. Any Board ordered probation shall be for no less time than Court ordered sanctions.</del>
	<u>Second Offense</u>	<u>From one year suspension and \$5,000 fine to revocation and fine of \$10,000.</u>
(d) <del>Willfully Filing a false report or failing to file a report as required.</del> (468.365(1)(d), <u>456.072(1)(l)</u> , F.S.)	<u>First Offense</u>	<del>(d) From six months to one year probation with conditions to revocation or denial, and an administrative fine from \$300 \$100.00 to \$1,000.00.</del>
	<u>Second Offense</u>	<u>From one year probation with conditions to six months suspension and a fine from \$500 to \$3,000.</u>
	<u>Third Offense</u>	<u>From one year suspension to revocation and a fine from \$3,000 to \$10,000.</u>
<u>However, if the offense is for fraud or for willfully making a false or fraudulent report, the fine is increased to \$10,000 per count or offense.</u>		
(e) False, deceptive, or misleading advertising. (468.365(1)(e), F.S.)	<u>First Offense</u>	<del>(e) From reprimand to one (1) year suspension or denial, and an administrative fine from \$250.00 to \$1,000.00.</del>
	<u>Second Offense</u>	<u>From one year probation with conditions to one year suspension and a fine from \$500 to \$3,000.</u>
	<u>Third Offense</u>	<u>From one year suspension to revocation and a fine from \$3,000 to \$10,000.</u>
(f) Unprofessional conduct. (468.365(1)(f), F.S.)	<u>First Offense</u>	<del>(f) From a minimum of one year probation with conditions to revocation or denial, and an administrative fine from \$300 \$250.00 to \$2,000 \$1,000.00.</del>
	<u>Second Offense</u>	<u>From one year suspension to revocation and a fine from \$2,000 to \$10,000.</u>
(g) Controlled substances. (468.365(1)(g), F.S.)	<u>First Offense</u>	<del>(g) From a minimum of six months probation with conditions to revocation or denial of the license and an administrative fine ranging from \$250.00 to \$1,000.00 to \$5,000. Any Board ordered probation shall be for no less time than Court ordered sanctions.</del>
	<u>Second Offense</u>	<u>From one year suspension to revocation and a fine from \$5,000 to \$10,000.</u>



(h) Failure to report another licensee in violation. (468.365(10)(h), 456.072(1)(i), F.S.)	<u>First Offense</u>	<del>(h)</del> From a <u>letter of concern reprimand</u> to a <u>minimum of six months probation with conditions</u> or <u>denial</u> , and an administrative fine from <u>\$300</u> <del>\$100.00</del> to <u>\$1,000.00</u> .
	<u>Second Offense</u>	<u>From six months probation with conditions to one year suspension and a fine from \$500 to \$3,000.</u>
	<u>Third Offense</u>	<u>From one year suspension to revocation and a fine from \$3,000 to \$10,000.</u>
(i) Violation of <del>law, rule or</del> order of the Board or Department <u>or failure to comply with subpoena.</u> (468.365(1)(i), 456.072(10)(q), F.S.)	<u>First Offense</u>	<del>(i)</del> From a reprimand to <u>six months suspension</u> <del>revocation or denial</del> , and an administrative fine from <u>\$300</u> <del>\$100.00</del> to <u>\$1,000.00</u> . For failure to comply with subpoena, \$250.00 minimum fine and ninety day suspension and thereafter until compliance.
	<u>Second Offense</u>	<u>From one year suspension to revocation and a fine from \$2,000 to \$10,00.</u>
(j) Violation of rule. <del>(468.365(1)(j), F.S.)</del>		(j) From a reprimand to revocation or denial, and an administrative fine from <del>\$100.00 to \$1,000.00.</del> <del>For failure to comply with subpoena, \$250.00 minimum fine and ninety day suspension and thereafter until compliance.</del>
(j) <del>(k)</del> Unlicensed practice. (468.365(1)(j) <del>(k)</del> , F.S.)	<u>First Offense</u>	<del>(k)</del> A reprimand to <u>six months suspension followed by one year probation with conditions</u> <del>revocation or denial</del> , and an administrative fine from <u>\$500</u> <del>\$100.00</del> plus \$10 per day for each day over ten worked to <u>\$1,000.00</u> .
	<u>Second Offense</u>	<u>From six months suspension to revocation and a fine from \$2,000 to \$10,000.</u>
	<u>Third Offense</u>	<u>Revocation with no ability to reapply and a fine from \$5,000 to \$10,000.</u>
(k) <del>(l)</del> Aiding unlicensed practice. (468.365(1)(k) <del>(l)</del> , 456.072(1)(j), F.S.)	<u>First Offense</u>	<del>(l)</del> From a minimum of one year probation with conditions to <u>six months suspension followed by one year of probation with conditions</u> <del>revocation or denial</del> , and an administrative fine from <u>\$500</u> <del>\$250.00</del> to <u>\$3,000</u> <del>\$1,000.00</del> .
	<u>Second Offense</u>	<u>From six months suspension followed by one year of probation with conditions to revocation and a fine from \$2,000 to \$10,000.</u>
	<u>Third Offense</u>	<u>From one year suspension followed by two years probation with conditions to revocation with no ability to reapply and a fine from \$6,000 to \$10,000.</u>
(l) <del>(m)</del> Failure to perform legal obligation. (468.365(1)(l) <del>(m)</del> , 456.072(1)(k), F.S.)	<u>First Offense</u>	<del>(m)</del> From a reprimand to revocation or <del>denial</del> , and an administrative fine from <u>\$300</u> <del>\$100.00</del> to <u>\$1,000.00</u> .
	<u>Second Offense</u>	<u>From one year probation with conditions to six months suspension and a fine from \$500 to \$5,000.</u>
	<u>Third Offense</u>	<u>From one year suspension to revocation with no ability to reapply and a fine from \$3,000 to \$10,000.</u>
(m) <del>(n)</del> Practicing beyond competence level. (468.365(1)(m) <del>(n)</del> , 456.072(1)(o), F.S.)	<u>First Offense</u>	<del>(n)</del> From reprimand to <u>one year suspension followed by two years probation</u> to <del>revocation or denial</del> , and an administrative fine from <u>\$300</u> <del>\$100.00</del> to <u>\$2,000</u> <del>\$1,000.00</del> .
	<u>Second Offense</u>	<u>From six months suspension followed by one year probation with conditions to revocation and a fine from \$1,000 to \$10,000.</u>
	<u>Third Offense</u>	<u>From one year suspension followed by two years probation to revocation with no ability to reapply and a fine from \$3,000 to \$10,000.</u>
(n) <del>(o)</del> Delegation of professional responsibilities to unqualified person. (468.365(1)(n) <del>(o)</del> , 456.072(1)(p), F.S.)	<u>First Offense</u>	<del>(o)</del> From one year probation with conditions to <del>denial or</del> revocation, and an administrative fine from <u>\$300</u> <del>\$250.00</del> to <u>\$1,000.00</u> .
	<u>Second Offense</u>	<u>From six months suspension followed by one year probation with conditions to revocation and a fine from \$1,000 to \$10,000.</u>
	<u>Third Offense</u>	<u>From one year suspension followed by two years probation to revocation with no ability to reapply and a fine from \$3,000 to \$10,000.</u>

(o)(p) Malpractice. (468.365(1)(o)(p), F.S.)	<u>First Offense</u>	(p) From one year probation with conditions to revocation <del>or denial</del> , and an administrative fine from <del>\$500 \$150.00</del> to <del>\$2,000 \$1,000.00</del> .
	<u>Second Offense</u>	<del>From two years probation with conditions to revocation and a fine from \$2,000 to \$10,000.</del>
	<u>Third Offense</u>	<del>From one year suspension followed by two years probation to revocation with no ability to reapply and a fine from \$3,000 to \$10,000.</del>
(p)(q) Kickbacks or split fee arrangements. (468.365(1)(p)(q), F.S.)	<u>First Offense</u>	(q) From <del>refund of fees billed and</del> six months suspension followed by at least one year probation with conditions to revocation <del>or denial</del> , and administrative fine from <del>\$300 \$250.00</del> to <del>\$3,000 \$1,000.00</del> .
	<u>Second Offense</u>	<del>From one year suspension followed by two years probation with conditions to revocation with no ability to reapply and a fine from \$2,000 to \$10,000.</del>
(q)(r) Exercising influence or engage patient in sex. (468.365(1)(q)(r), 456.072(1)(u), F.S.)	<u>First Offense</u>	(r) From one year suspension followed by at least one year probation with conditions and possible referral to the PRN to revocation <del>or denial</del> , and an administrative fine from <del>\$500.00</del> to <del>\$2,000 \$1,000.00</del> .
	<u>Second Offense</u>	<del>From one year suspension followed by at least one year probation with conditions to revocation with no ability to reapply and possible referral to PRN a fine from \$1,000 to \$10,000.</del>
(r)(s) Deceptive, untrue, or fraudulent representations in the practice of respiratory care. (468.365(1)(r)(s), 456.072(1)(a) and (m), F.S.)	<u>First Offense</u>	(s) From a minimum of one year probation with conditions to revocation <del>or denial</del> , and an administrative fine <del>of \$10,000 per count or offense from \$250.00 to \$1,000.00.</del>
	<u>Second Offense</u>	<del>From two years of probation with conditions to revocation with no ability to reapply and a fine of \$10,000 per count or offense.</del>
(s)(t) Improper solicitation of patients. (468.365(1)(t), 456.072(1)(x), F.S.)	<u>First Offense</u>	(t) From a minimum of one year probation with conditions to revocation <del>or denial</del> , and an administrative fine from <del>\$300 \$250.00</del> to <del>\$1,000.00</del> .
	<u>Second Offense</u>	<del>From two years probation with conditions to revocation and a fine from \$2,000 to \$10,000.</del>
	<u>Third Offense</u>	<del>From one year suspension followed by two years probation to revocation with no ability to reapply and a fine from \$3,000 to \$10,000.</del>
<u>However, if the violation is for fraud or soliciting patients by making a false or fraudulent representation, the fine is increased to \$10,000 per count or offense.</u>		
(t)(u) Failure to keep written medical records. (468.365(1)(t)(u), F.S.)	<u>First Offense</u>	(u) From a <del>letter of concern reprimand</del> to <del>denial</del> <del>or</del> one year suspension, followed by a minimum of one year probation with conditions and an administrative fine from <del>\$300 \$100.00</del> to <del>\$1,000.00</del> .
	<u>Second Offense</u>	<del>From a reprimand to two years probation with conditions and a fine from \$500 to \$5,000.</del>
	<u>Third Offense</u>	<del>From six months suspension followed by one year probation to revocation and a fine from \$3,000 to \$10,000.</del>
(u)(v) Exercising influence on patient for financial gain. (468.365(1)(u)(v), 456.072(1)(n), F.S.)	<u>First Offense</u>	(v) From <del>refund of fees billed and</del> a minimum of one year probation with conditions <del>to denial</del> , to <del>two years suspension</del> and an administrative fine from <del>\$500 \$250.00</del> to <del>\$3,000 \$1,000.00</del> .
	<u>Second Offense</u>	<del>From refund of fees billed and two years probation with conditions to revocation and a fine from \$2,000 to \$10,000.</del>
	<u>Third Offense</u>	<del>From refund of fees billed and one year suspension followed by two years probation to revocation with no ability to reapply and a fine from \$3,000 to \$10,000.</del>

<p>(v)(w) Performing professional services not authorized by physician. (468.365(1)(v)(w), F.S.)</p>	<p><u>First Offense</u></p>	<p><del>(w)</del> From a reprimand to <del>denial</del> or one year suspension, followed by a minimum of one year probation with conditions and an administrative fine from <del>\$300</del> <del>\$100.00</del> to \$1,000.00.</p>
	<p><u>Second Offense</u></p>	<p><u>From six months probation with conditions to revocation and a fine from \$1,000 to \$10,000.</u></p>
	<p><u>Third Offense</u></p>	<p><u>From six months suspension followed by one year probation to revocation with no ability to reapply and a fine from \$3,000 to \$10,000.</u></p>
<p>(w)(x) Inability to practice respiratory care with skill and safety. (468.365(1)(w)(x), 456.072(1)(y), F.S.)</p>	<p><u>First Offense</u></p>	<p><del>(x)</del> From <u>referral to PRN for submission to</u> <del>of</del> a mental or physical examination directed towards the problem; <u>and/or</u> one year probation with conditions, <del>possible referral to PRN to revocation or denial</del>, and an administrative fine from \$100.00 to \$1,000.00.</p>
	<p><u>Second Offense</u></p>	<p><u>From referral to PRN and/or two years of probation with conditions to revocation and a fine from \$300 to \$5,000.</u></p>
<p>(x) Violation of this chapter, chapter 456, or any rules adopted pursuant thereto. (468.365(1)(x), 456.072(1)(b) and (cc), F.S.)</p>	<p><u>First Offense</u></p>	<p><u>From a reprimand to revocation and a fine from \$300 to \$2,000.</u></p>
	<p><u>Second Offense</u></p>	<p><u>From six months of probation with conditions to revocation and a fine from \$1,000 to \$10,000.</u></p>
	<p><u>Third Offense</u></p>	<p><u>From one year of probation with conditions to revocation and a fine from \$2,000 to \$10,000.</u></p>
<p>(y) Violation of Code of Ethics— Rule 64B8-74.003, F.A.C. (y) Improper interference with investigation, inspection or discipline. (456.072(1)(r), F.S.)</p>	<p><u>First Offense</u></p>	<p><del>(y)</del> From a minimum of one year probation with conditions to revocation or denial, and an administrative fine from \$250.00 to \$1,000.00.</p>
	<p><u>Second Offense</u></p>	<p><u>From six months suspension followed by one year probation with conditions to revocation with no ability to reapply and a fine from \$1,000 to \$10,000.</u></p>
<p>(z) Failure to report conviction or plea. (456.072(1)(w), F.S.)</p>	<p><u>First Offense</u></p>	<p><u>From reprimand to six months suspension and a fine from \$300 to \$1,000.</u></p>
	<p><u>Second Offense</u></p>	<p><u>From one year probation with conditions to revocation with no ability to reapply and a fine from \$1,000 to \$10,000.</u></p>
<p>(aa) Wrong patient, wrong site, or wrong or unauthorized procedure. (456.072(1)(aa), F.S.)</p>	<p><u>First Offense</u></p>	<p><u>From one year probation with conditions to revocation and a fine from \$500 to \$2,000.</u></p>
	<p><u>Second Offense</u></p>	<p><u>From two years probation with conditions to revocation and a fine from \$2,000 to \$10,000.</u></p>
	<p><u>Third Offense</u></p>	<p><u>From one year suspension followed by two years probation to revocation with no ability to reapply and a fine from \$3,000 to \$10,000.</u></p>
<p>(bb) Leaving a foreign body in a patient. (456.072(1)(bb), F.S.)</p>	<p><u>First Offense</u></p>	<p><u>From one year probation with conditions to revocation and a fine from \$500 to \$2,000.</u></p>
	<p><u>Second Offense</u></p>	<p><u>From two years probation with conditions to revocation and a fine from \$2,000 to \$10,000.</u></p>
	<p><u>Third Offense</u></p>	<p><u>From one year suspension followed by two years probation to revocation with no ability to reapply and a fine from \$3,000 to \$10,000.</u></p>

(4) through (6) No change.

Specific Authority 468.365(4), 456.079 FS. Law Implemented 468.365, 456.072 FS. History—New 4-29-85, Formerly 21M-37.01, 21M-37.001, Amended 1-3-94, Formerly 61F6-37.001, 59R-74.001, 64B8-74.001, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Respiratory Care  
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Respiratory Care  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 14, 2001  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 19, 2001

**DEPARTMENT OF HEALTH**  
**Division of Environmental Health**

RULE TITLES:	RULE NOS.:
Permits	64E-6.003
Alternative Systems	64E-6.009
Standards for the Construction, Operation, and Maintenance of Aerobic Treatment Units	64E-6.012
Construction Materials and Standards for Treatment Receptacles	64E-6.013
System Location, Design and Maintenance Cesspit and Undocumented System	64E-6.018
Replacement and Interim System Use	64E-6.0181
Requirements for Registration	64E-6.019
Master Septic Tank Contractors	64E-6.020
Issuance of Registration Certificates and Renewal	64E-6.021
Certificate of Partnerships and Corporations	64E-6.023
Permits	64E-6.027
Fees	64E-6.030

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

SUMMARY: The proposed rule amends many of the current standards related to onsite sewage treatment and disposal systems which are necessitated by the modification of Chapter 381, F.S. Additionally, changes are necessary to codify updated standards and methods related to the industry and program.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: Not prepared.

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: 154.06, 381.0011, 381.006, 381.0065, 381.0066, 489.553, 489.557 FS.

LAW IMPLEMENTED: 154.01, 381.001, 381.0011, 381.0012, 381.0025, 381.006, 381.0061, 381.0065, 381.00655, 381.0067, 386.01, 386.03, 386.041, 489.553, 489.554, 489.555, 489.557 FS., Ch. 2001-337, LOF.

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

TIME AND DATE: 10:00 a.m., Monday, February 11, 2002  
PLACE: Bureau of Onsite Sewage Programs, Conference Room 140 P, Capital Circle Office Center, 4042 Bald Cypress Way, Tallahassee, Florida

Any person requiring a special accommodation at this hearing because of disability or physical impairment should contact Shirley Kugler, (850)245-4070, at least two weeks prior to the hearing.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Gerald Briggs, Chief, Bureau of Onsite Sewage Programs, HSES, 4052 Bald Cypress Way, Bin #A08, Tallahassee, FL 32399-1713

THE FULL TEXT OF THE PROPOSED RULES IS:

64E-6.003 Permits.

(1) through (4) No change.

(5) Operating permits – No business shall occupy a building served by an onsite sewage treatment and disposal system if the building is located in an area zoned or used for industrial or manufacturing purposes or its equivalent; where a business will generate commercial sewage waste; or where an aerobic treatment unit or performance-based treatment system is used, until an “Application for Onsite Sewage Treatment and Disposal System Operating Permit” has been received and approved by the department. Form DH 4081, 10/96, “Application for Onsite Sewage Treatment and Disposal System Operating Permit,” is hereby incorporated by reference.

(a) Property owners or their authorized agents are required to obtain an annual operating permit for systems located in an area zoned or used for industrial or manufacturing purposes or its equivalent or where a business will generate commercial sewage waste. The permit shall designate the person or entity responsible for the operation and maintenance of the system; the type of activity proposed on the site; persons or businesses which will use the system; equipment and types and quantities of chemical compounds which will be used by the building occupants which are likely to be discharged into the onsite sewage treatment and disposal system. At a minimum, the owner or person responsible for maintenance of the system shall test, or cause to be tested, the onsite sewage treatment and disposal system effluent in a qualitative and quantitative

manner for any chemical compounds associated with the particular industrial or manufacturing operations conducted in that establishment, as directed by the county health department. The frequency of testing shall be specified on the annual operating permit.

(b) Operating permits are not transferable. If the owner of the system remains the same but the tenancy of the building changes, a survey form which is an attachment to Form DH 4081, 10/96 must be completed and submitted to the DOH county health department for review. Changes in building occupancy shall be reviewed per section 381.0065(4), F.S.

(c) Maintenance entities contracting to service Persons using aerobic treatment systems and performance-based treatment systems meeting the standards set forth in Rule 64E-6.012 installed on or after July 1, 1991, shall obtain a biennial an annual operating permit from the DOH county health department for the system. aerobic treatment unit. The fee collected for this permit as set forth in Rule 64E-6.024(1)(m) shall be used by the department to perform periodic monitoring and effluent sampling of the unit. Persons operating an aerobic treatment unit or performance-based treatment system shall permit department personnel right of entry to the property during normal working hours to allow for effluent sampling or evaluating the general state of repair or function of the system. Persons required to obtain an annual operating permit for an onsite sewage treatment and disposal system in an industrial or manufacturing zone or its equivalent, shall not also be required to obtain an annual operating permit for an aerobic treatment unit or performance-based treatment system at that site. Performance-based treatment systems that also include an aerobic treatment unit require only one biennial operating permit for the system.

(6) All forms incorporated herein may be obtained by contacting the department.

Specific Authority 154.06, 381.0011, 381.006, 381.0065, 489.553, 489.557 FS. Law Implemented 154.01, 381.001, 381.0011, 381.0012, 381.0025, 381.006, 381.0061, 381.0065, 381.00655, 381.0066, 381.0067, 386.041 FS. History—New 12-22-82, Amended 2-5-85, Formerly 10D-6.43, Amended 3-17-92, 1-3-95, 5-14-96, 2-13-97, Formerly 10D-6.043, Amended 3-22-00,

64E-6.009 Alternative Systems.

When approved by the DOH county health department, alternative systems may, at the discretion of the applicant, be utilized in circumstances where standard subsurface systems are not suitable or where alternative systems are more feasible. Unless otherwise noted, all rules pertaining to siting, construction, and maintenance of standard subsurface systems shall apply to alternative systems. In addition, the DOH county health department may, using the criteria in section 64E-6.004(4), F.A.C., require the submission of plans prepared by an engineer registered in the State of Florida, prior to considering the use of any alternative system. The DOH county health department shall require an engineer registered in the state of Florida to design a system having a total

absorption area greater than 1000 square feet and shall require the design engineer to certify that the installed system complies with the approved design and installation requirements.

(1) through (2) No change.

(3) Mound systems – are used to overcome certain limiting site conditions such as an elevated seasonal high water table, shallow permeable soil overlying slowly permeable soil and shallow permeable soil located over creviced or porous bedrock. Special installation instructions or design techniques to suit a particular site shall, using the criteria in section 64E-6.004(4), F.A.C., be specified on the construction permit in addition to the following general requirements.

(a) Site preparation must render the site in compliance with requirements of Rule 64E-6.006(1)-(6), F.A.C.

(b) Prior to the construction of a mound system, the applicant may fill all or a portion of a lot may be filled utilizing slightly limited soil.

(c) The “O<sup>2</sup> horizon of original topsoil, ~~any black or very dark gray organic topsoil,~~ and vegetation must be removed from beneath the drainfield, shoulder and slope area the fill site and the exposed underlying soil plowed or roughened to prevent formation of an impervious barrier between the fill and natural soil. Moderately limited soil material required to be removed from the fill site may be used in the construction of mound systems, but shall only be used in the construction of mound slopes and the soil cap. If moderately or severely limited soil is to be replaced beneath the mound, Rule 64E-6.008, F.A.C., Table III, footnote 3. shall be followed.

(d) Where the soil material underlying a mound system is of a similar slightly limited textural material as that used in system construction, the mound drainfield size shall be based on estimated sewage flows as specified in 64E-6.008, F.A.C., Table I and upon the quality of fill material utilized in the mound system. When estimated sewage flows are calculated to be less than 200 gallons per day, specifications for system design shall be based on a minimum flow of 200 gallons per day. Maximum sewage loading rates for soils used in mound construction shall be in compliance with the following:

Fill Material	Maximum Sewage Loading	Maximum Sewage Loading
	Rate to Mound Drain Trench Bottom Surface in gallons per square foot per day	Rate to Mound Absorption Bed Bottom Surface in gallons per square foot per day
Sand; Coarse Sand;	1.00	0.75
Loamy Coarse Sand		
Fine Sand	0.80	0.65
Sandy Loam; Coarse	0.65	0.40
Sandy Loam; Loamy Sand		

(e) Where moderately limited soils underlie the mound within 36 inches of the bottom of the drainfield, drainfield sizing shall be based on the most restrictive soil texture existing in the profile to a depth of 36 inches below the bottom of the drainfield, using Table III for soil loading rates.

(f) There shall be a minimum ~~4~~ 5 feet separation between the shoulder of the fill and the nearest trench or absorption bed sidewall. Where a portion of the mound slope will be placed adjacent to ~~a building foundations, pilings or supports foundation, including pilings~~ for elevated structures, ~~or within 5 feet of mobile home walls, swimming pool walls, retaining walls, or similar obstructions impeding lateral water movement~~ there shall be a minimum ~~5~~ 7 foot separation between the sidewall of the absorption area and the ~~obstruction obstructed or compacted area~~. ~~Such obstructions shall impact the slope on no more than 50 percent of the shoulder perimeter. Retaining walls must be designed by a professional engineer registered in the state of Florida to withstand the lateral earth forces under saturated conditions and to prevent seepage.~~ Where mounds are placed on slopes exceeding 2 percent, the ~~toe of the slope shoulder fill~~ on the downslope side of the mound shall, ~~at a minimum,~~ extend an additional ~~4 inches 1-foot~~ for each additional 1 percent of slope. To taper the maximum elevation of the mound down to the toe of the slope, additional moderately or slightly limited fill shall be placed at a minimum 2 foot horizontal to 1 foot vertical grade where mound height does not exceed 36 inches. Mound heights which exceed 36 inches shall have a slope not ~~steeper than 3 foot horizontal to 1 foot vertical to exceed 3:1~~. The slopes of a mound system shall be stabilized with sod. When the mound slopes are not stabilized with sod, the mound slopes shall be a minimum of a 5:1 grade. ~~Where fill material is present in the amount so as to provide a level surface from the top of the required cover over the system over the area where the slopes would normally be located, no slopes shall be required. For example, if the neighboring lot has been permanently filled to the same level as the applicant's lot, a five-foot separation from the property line to the system will be required, as opposed to requiring the slope area. The entire mound including slopes, shoulders and the soil cap shall be stabilized with sod or by seeding with grass and a layer of hay or similar cover shall be placed to prevent mound erosion. Stabilization of a mound shall be the responsibility of the septic tank contractor who constructed the mound system unless the written agreement for system construction clearly states the system owner is responsible. Mound slopes which do not conform to permit requirements shall at a minimum be restored to permit specifications prior to stabilizing. Other vegetative covers providing protection from mound erosion equal to or better than sod shall be approved by the State Health Office. Final installation approval shall not be granted until sodding or seeding and haying or other approved stabilization of the mound has occurred. No portion of the drainfield or shoulder area shall be covered with asphalt or a concrete driveway or be subject to vehicular traffic. Landscaping features such as boulders or trees which obstruct drainfield or fill shoulder area shall not be used. Retaining walls shall not be allowed that reduce the minimum required shoulder or slope of a mounded system.~~

(g) There shall be a ~~9 to 12 inch~~ soil cap ~~of slightly or moderately limited soil material spread evenly over the drainfield and shoulder area gravel exclusive of the thickness of sod.~~ The soil cap shall be no less than 6 inches thick at the outer perimeter of the shoulder. Additional soil cap material shall be placed over the mound and graded to provide drainage off and away from the mound. The maximum depth from the bottom of the drainfield to the finished ground surface shall not exceed 30 inches after natural settling.

(h) The site shall be landscaped according to permit specifications and shall be protected from automotive traffic or other activity that could damage the system. Swales or other surface drainage structures shall be utilized to prevent water shed from mounds draining onto neighboring property.

(i) All fill material used in the construction of systems shall be free of extraneous non-soil material such as grass, roots and any other debris. Shell fragments between 0.1 and 1.0 mm in diameter are excluded from the classification of extraneous non-soil materials and are considered to be soil particles. Severely limited soil material shall not be used in system construction. Fill Carbonate fill material consisting of mechanically crushed and sieved rock shall not be used in system construction.

(4) Filled systems – filled systems shall be constructed in accordance with the minimum requirements for mounds ~~as specified in (3) above~~, except as provided for in footnote 5., Table III, and that sewage loading rates to trench or absorption bed bottom areas shall be based on values found in Table III.

(5) through (8) No change.

Specific Authority 381.0011(4),(13), 381.006, 381.0065(3)(a), 489.553(3), 489.557(1) FS. Law Implemented 154.01, 381.001(2), 381.0011(4), 381.0012, 381.0025, 381.006(7), 381.0061, 381.0065, 381.0067, 386.041, 489.553 FS. History—New 12-22-82, Amended 2-5-85, Formerly 10D-6.49, Amended 3-17-92, 1-3-95, Formerly 10D-6.049, Amended 11-19-97, 2-3-98, 3-22-00,

64E-6.012 Standards for the Construction, Operation, and Maintenance of Aerobic Treatment Units.

When aerobic treatment units are used for treating domestic and commercial sewage waste, each unit shall be installed, operated and maintained in conformance with the following provisions:

(1) No change.

(2) The following additional requirements shall also apply to the construction, design, and operation of aerobic treatment units treating 1500 gallons per day or less:

(a) through (l) No change.

(m) The DOH county health department shall, at least annually, ~~inspect monitor~~ the maintenance and performance of aerobic treatment units ~~by selecting a representative sample of in-use systems for evaluation.~~ The DOH county health department shall also inspect each authorized maintenance entity, including review of their service records and maintenance agreements. Aerobic treatment units shall be sampled as necessary to determine compliance with

~~performance criteria. A report summarizing results of field evaluations, aerobic treatment unit effluent sample analysis, and a summary of maintenance agreement and servicing records compliance, shall be provided annually to the State Health Office for a determination of the effectiveness of the provisions of this section in assuring proper operation, maintenance, performance and utilization of aerobic treatment unit systems. At a minimum, aerobic treatment unit effluent sample analysis shall be conducted to determine that Class I standards as specified by ANSI/NSF Standard 40 are maintained.~~

(3) No change.

(4) No aerobic treatment unit shall be serviced or repaired by a person or entity engaged in an aerobic treatment unit maintenance service until the service entity has obtained an annual written permit issued on Form DH 4013 from the DOH county health department in the county where the service company is located. Each service entity shall employ at least one plumbing contractor licensed under s. 489.105(3)(m), F.S., septic tank contractor registered under Part III of chapter 489, F.S., or a state-licensed wastewater treatment plant operator, who is responsible for maintenance and repair of all systems under contract. Application for ~~a an Aerobic Treatment Unit~~ Maintenance Service Permit, Form DH 4066, shall be made to the DOH county health department and shall contain the following information:

(a) Evidence that the maintenance entity possesses a manufacturer's maintenance and operations manual and has received training from the manufacturer in proper installation and service of the unit and has received written approval from the manufacturer to perform service on their units. The manual shall contain detailed instructions on proper operation and maintenance procedures, a replacement parts list for all models being installed and maintained, a statement giving the capabilities of each unit, instructions on how to detect a malfunctioning unit and what to expect from a properly functioning unit.

(b) A signed statement from the applicant attesting that the applicant has adequate staff, possesses proper equipment and has sufficient spare structural and mechanical parts and components to perform routine system monitoring and servicing and is able to make a service response within 36 hours after notification of the need for emergency repairs. The statement shall include confirmation that the location or locations of service personnel and replacement parts will be no more than 200 miles from any aerobic treatment unit under contract for servicing.

(c) Payment of \$25.00 to the DOH county health department per annum for the aerobic treatment unit maintenance service permit.

(5) No change.

Specific Authority 381.0011(13), 381.006, 381.0065(3)(a), 489.553(3), 489.557(1) FS. Law Implemented 154.01, 381.001(2), 381.0011(4), 381.0012, 381.0025, 381.006(7), 381.0061, 381.0065, 381.0067, Part I 386 FS. History—New 3-17-92, Amended 1-3-95, Formerly 10D-6.0541, Amended 11-19-97,

64E-6.013 Construction Materials and Standards for Treatment Receptacles.

(1) Onsite wastewater treatment receptacle design – The following requirements shall apply to all onsite wastewater treatment receptacles manufactured for use in Florida unless specifically exempted by other provisions of these rules:

(a) through (d) No change.

(e) Structural design of receptacles shall be verified by actual vacuum load or hydrostatic test in accordance with the department's policy for Test Requirements for Structural Proofing August 1999, herein incorporated by reference. All vacuum testing shall be followed by a watertightness test as defined in ASTM C1227 98, Standard Specification for Precast Concrete Septic Tanks, paragraph 9.2. Manufacturers may use calculations provided by the design engineer in lieu of proof testing for tanks using reinforcement bars for structural strength and having a wall thickness of 5 inches or greater. Curve-shaped tanks, fiberglass tanks and polyethylene tanks shall be vacuum tested followed by a watertightness test. Vacuum testing of polyethylene tanks shall demonstrate a distortion of volume of no more than 5% at a safety factor of 1.0 and watertightness at a safety value of 1.4 to be considered satisfactory. To determine the vacuum or hydrostatic pressure at a 1.0 safety factor, divide by 1.4 the values required on pages 3 through 5 of the department's policy entitled "Test Requirements for Structural Proofing, August 1999", herein incorporated by reference. Calculations shall not be used in place of proof testing for structural design verification of receptacles.

(f) through (h) No change.

(2) Onsite wastewater treatment receptacle design requirements – The following details shall be incorporated into the design:

(a) Septic tanks and graywater tanks shall have multiple compartments, or single compartment tanks shall be placed in series to achieve the required effective capacity. Grease interceptors, laundry tanks, pump tanks, aerobic treatment unit tanks and retention tanks shall be either multi-compartment or single compartment tanks. Except as noted in this paragraph, the first chamber of a dual compartment septic or graywater tank or the first tank of single compartment tanks in series shall have a minimum effective capacity of at least 2/3 of the total required effective capacity. The second single compartment tank or chamber of a multi-compartment tank shall have a minimum effective capacity of at least 1/5 ~~1/3~~ of the total required effective capacity. The combined effective capacities of the first and second chambers or the first and second single-compartment tanks shall equal or exceed the total required effective capacity. Systems with daily flows of 3500

gallons or less per day may utilize two tanks to achieve the total required effective capacity, provided that the first tank shall provide no less than 2/3 and no more than 4/5 of the total effective required capacity. Systems with daily flows in excess of 3500 gallons per day may utilize two tanks to achieve the total required effective capacity, provided that the first tank shall provide no less than 1/2 and no more than 4/5 of the total required effective capacity.

(b) The liquid depth of compartments for septic tanks, ~~laundry interceptors~~ and grease interceptors shall be at least 42 inches. The liquid depth of compartments for graywater tanks, laundry interceptors and pumping tanks shall be at least 30 inches. Liquid depths greater than 84 inches shall not be considered in determining the effective capacity.

(c) A minimum free board or airspace of 15 percent by volume of the effective capacity of all tanks shall be provided. The volume of risers above the liquid level line cast as an integral part of the tank may be included as free board or airspace. For pump tanks, the 15% airspace may be included in the pump tank minimum effective capacity.

(d) The inlet invert of septic tanks, graywater tanks and laundry interceptors shall enter the tank 1 to 3 inches above the liquid level of the tank. A vented inlet tee, vented sweep or a baffle may be provided at the discretion of the manufacturer to divert the incoming sewage. The inlet device, if utilized, shall have a minimum diameter of 4 inches and shall not extend below the liquid surface more than 33 percent of the liquid depth.

(e) In septic tanks, graywater tanks and laundry interceptors, a minimum 4 inch diameter vented outlet tee, sweep or baffle shall extend below the liquid level of the tank so that the invert level of the outlet device is a distance not less than 30 percent nor greater than 40 percent of the liquid depth. The outlet device shall extend at least 4 inches above the liquid level. The submerged intake orifice of any the outlet fixture not incorporating an approved outlet filter device shall be provided with an approved solids deflection device to reduce, by a minimum of 90 percent, the intake area of the outlet fixture exposed to the vertical rise and fall of solid particles within the tank. Turning the intake orifice of an outlet tee or sweep 90 degrees from the vertical will satisfy the solids deflection device requirement.

(f) through (k) No change.

(l) Tank designs that specify a monolithic compartment wall from the bottom of the tank up to the invert of the pass-through orifice and a drop-in section for the upper portion of the wall shall be approved for both single and multi-compartment use.

(3) Onsite wastewater treatment receptacle design approval – All onsite wastewater treatment receptacles distributed in the state shall be approved for use by the

department prior to being offered for sale or installed. Such approval shall not be obtained until the manufacturer of a specific tank model has submitted the following:

(a) through (g) No change.

(h) A series of receptacles may be approved by successful demonstration of the largest in a series of tanks. Approval for inclusion of the receptacles to be considered in a series must be obtained from the state health office prior to testing the receptacles. A series is either where only one dimension, this being height, length, or width, is changed or where two dimensions change in the same proportion to offer a different capacity of treatment tank.

(i) through (j) No change.

(4) No change.

(5) Onsite wastewater treatment manufacturer's yearly inspection- Yearly inspection of the manufacturer's facility shall consist of the following:

(a) through (k) No change.

(l) Yearly inspection shall be performed by an employee of the department that has been certified in accordance with the policy entitled "Test Requirements for Structural Proofing, August 1999", ~~herein incorporated by reference.~~ A report shall be submitted to the State Health Office.

(6) Concrete onsite wastewater receptacles shall be built of precast or poured in place concrete in accordance with ACI 318-99, Building Code Requirements for Structural Concrete (1999) or ASTM C 1227-98, Standard Specification for Precast Concrete Septic Tanks (1998), except as revised herein.

(a) No change.

(b) Temperature and shrinkage crack control in concrete receptacles shall be accomplished by use of steel reinforcing in accordance with ACI 318-99 Chapter ~~16~~ ~~14~~, or by use of fiber reinforcement. Minimum ratio of vertical and horizontal reinforcement area to gross concrete area shall be 0.0010 ~~0.0015~~ for deformed bars or welded wire fabric. Fiber reinforcing materials may be used by the manufacturer to achieve crack control equivalent to the use of deformed bars or welded wire fabric. To be considered equivalent, acceptable fibers shall at least meet or exceed ACI recommendations regarding materials, fiber sizing, and required fiber quantities. Any current or future revisions to the ACI recommendations may be used by the manufacturer, at their option. Materials other than materials recognized by ACI for crack control use will not be acceptable.

(c) through (i) No change.

(j) The bottoms of concrete septic tanks shall be monolithic and shall either be an integral part of the walls or shall be sealed to the walls using water-stops cast into the wall and bottom. Tank bottoms ~~and~~ shall not contain openings for any purpose, for example, to facilitate the removal of rainwater.



(k) Reapproval of designs approved prior to the effective date of this rule and approval of new designs shall not be granted until the following has been completed and submitted as part of the application:

1. Establish a design mix and production process. Record the aggregate material, size and gradation; type and strength of cement; cement to aggregate ratios; water to cement ratio; and any other pertinent design data. Record the production process, for example; measuring equipment, batch sizes, mixing sequence, transportation techniques from mixer to mold, pouring techniques with consolidation of concrete methods detailed.

2. Construct three tanks using the design mix.

3. Test two sets of cylinders from the design mix at 7 days and 28 days.

4. Structural proof test three tanks to the design strength in accordance with Rule 64E-6.013(1)(e), F.A.C., for tanks having an effective capacity of 1350 gallons or less.

5. Structural proof test one tank to the design strength in accordance with Rule 64E-6.013(1)(e), F.A.C., for tanks having an effective capacity greater than 1350 gallons but not more than 1500 gallons.

6. Structural proof test one tank or provide tank strength calculations in accordance with Rule 64E-6.013(1)(e), F.A.C., for tanks having an effective capacity exceeding 1500 gallons.

~~7.5.~~ Verify that the manufacturer is not removing tanks from the producer's facility prior to the tank achieving 75% of the design compressive strength. Record how this is accomplished.

(7) Fiberglass reinforced plastic onsite wastewater receptacles – The following structural requirements are applicable to fiberglass and polyethylene receptacles, and receptacles made of a comparable class of materials:

(a) through (d) No change.

(e) Polyethylene tanks shall meet the requirements of International Association of Plumbing and Mechanical Officials (IAPMO) PS 1-93, Paragraph 5.4 "Polyethylene", herein incorporated by reference. Where the requirements of IAPMO PS 1-93 Paragraph 5.4 "Polyethylene" conflict with the standards in this section, the standards in this section shall apply.

~~(f)(e)~~ A test report from an independent testing laboratory is required to substantiate that individual tank designs and material formulations meet the requirements of (d) above.

~~(g)(f)~~ Reapproval of designs approved prior to August 31, 1999 and approval of new designs shall not be granted until the following has been completed and submitted as part of the application:

1. Establish a design mix and production process. Record the fiberglass and resin material specifications and other pertinent design data. Record the production process, for

example; measuring equipment, batch sizes, mixing sequence, transportation techniques from mixer to mold, and spraying techniques.

2. Construct three tanks using the design mix.

3. Test two sets of test strips from the design mix.

4. Structural proof test three tanks to the design strength per paragraph 64E-6.013(1)(e), F.A.C., for tanks having an effective capacity of 1350 gallons or less. ~~64E-6.013(1)(f).~~

5. Structural proof test one tank to the design strength in accordance with Rule 64E-6.013(1)(e), F.A.C., for tanks having an effective capacity greater than 1350 gallons.

~~6.5.~~ Verify that the manufacturer is not planning to relocate the tanks prior to the tank achieving 75% of the design compressive strength. Record how this is accomplished.

(8) Grease interceptors are not required for a residence. However, one or more grease interceptors are required where grease waste is produced in quantities that could otherwise cause line stoppage or hinder sewage disposal. The design of grease interceptors shall be based on standards found in (a) below. In addition, the following general requirements found in (b), (c), and (d), apply when determining the proper use and installation of a grease interceptor used as a component of an onsite sewage treatment and disposal system.

(a) The inlet invert shall discharge a minimum 2 1/2 inches above the liquid level line and the outlet pipe shall have a tee with a minimum diameter of 4 inches that extends to within 8 inches of the bottom of the tank, ~~and may be a single compartment.~~

(b) through (c) No change.

(d) Sizing of grease interceptors shall be based on the equations below. The minimum volume of any grease interceptor shall be 750 gallons and the maximum volume of an individual a single grease interceptor chamber shall be 1250 gallons. When the required effective capacity of the grease interceptor is greater than 1250 gallons, installation of multi-chambered grease interceptors or grease interceptors in series is required.

1. through 2. No change.

(9) No change.

(10) Pump tanks and pumps – when used as part of an onsite sewage treatment and disposal system, the following requirements shall apply to all pump tanks manufactured for use in Florida unless specifically exempted by other provisions of these rules:

(a) Pump tanks shall have a minimum effective capacity measured from the bottom of the tank to the top of the tank invert of the inlet in accordance with Table II. At least 80% of the required effective capacity shall be contained below the invert of the inlet. Pump levels shall be set as low as practical to preserve as much reserve capacity as possible in the event of pump failure.

(b) Construction standards for pump tanks shall be the same as for treatment receptacles, except that single compartment tanks are allowed.

(c) When a pump is used as part of a system, the following conditions shall apply.

1. through 3. No change.

4. A pump chamber insert may, at the applicant's discretion, be used to house a pump inside a septic tank. If a pump chamber insert is used, it must be approved for use by the State Health Office. Approval shall be based on the ability of the pump chamber insert to effectively filter solids from the effluent prior to intake by the pump. The efficiency of solids removal by the pump chamber insert must be at least equal to a currently approved outlet filter device. Pump chamber inserts that do not meet this criteria shall not be approved and shall not be used. The filter device used as part of the pump chamber insert shall be considered to meet the requirement of using an outlet filter device for purposes of Rule 64E-6.008(2), F.A.C. The tank or compartment used to house the pump chamber insert shall be included in calculating the minimum effective capacity of the tank, subject to the following conditions.

a. through f. No change.

g. For repair installations, in addition to the requirements of a. through e.f. above, pump chamber inserts shall not be used in an existing septic tank of less than 750 gallons effective capacity. In addition, the minimum tank liquid depth shall be 36 inches below the pump-off switch level and the minimum effective capacity contained below the pump-off switch level shall be within two tank sizes of that required in Rule 64E-6.008, F.A.C., Table II. The total septic tank capacity shall include the minimum effective capacity within two tank sizes of required tank size, plus dosing capacity, plus dosing reserve capacity equal to the dosing capacity, plus freeboard or air space capacity which is equal to 15% of the minimum effective capacity.

(11) Transportation and installation.

(a) No change.

(b) Tanks shall be installed level from end to end and side to side. As used in this context, level includes a slope from the inlet end to the outlet end or from side to side of the tank not exceeding one-half inch over the entire length or width of the tank. The tank shall not be approved with any pitch upward from the inlet end to the outlet end of the tank.

(c) through (d) No change.

(12) No change.

(13) Effective dates – Except as noted herein, all provisions of this section are effective immediately.

(a) Tanks that have been approved prior to the effective date of this rule must comply with Rules 64E-6.013(2)(f) and (i), and 64E-6.013(6)(h), F.A.C., as of August 1, 2000 and must be reapproved for use in compliance with this entire section no later than March 22 February 1, 2002.

(b) Tanks designs that have not been reapproved as of March 22 February 1, 2002 shall not be used as part of an onsite sewage treatment and disposal system.

(14) All materials incorporated by reference in this section of rule may be obtained by contacting the department.

Specific Authority 381.0011(4),(13), 381.006, 381.0065(3)(a), 489.553 FS. Law Implemented 154.01, 381.001(2), 381.0011(4), 381.0012, 381.0025, 381.006(7), 381.0061, 381.0065, 381.0067, 386.041, 489.553 FS. History—New 12-22-82, Amended 2-5-85, Formerly 10D-6.55, Amended 3-17-92, 1-3-95, Formerly 10D-6.055, Amended 11-19-97, 2-3-98, 3-22-00,\_\_\_\_\_.

64E-6.018 System Location, Design and Maintenance Criteria.

Table III of Chapter 64E-6, F.A.C., Part I, and other subsections of Part I pertaining to soil texture, soil depth, and maximum sewage loading rates for specific soils shall not apply to areas subject to the provisions of this Part except for Table III, footnote 2. as it relates to the falling head percolation test procedure. However, approved system design criteria, system location, operation, maintenance and monitoring requirements of subsections 64E-6.018(1), (2), (3), and (4), F.A.C., shall apply. A minimum of one soil profile and one percolation test per application shall be required for site evaluations performed in the Florida Keys. However, a soil profile and percolation test is not required when the system design engineer chooses the use of an injection well for effluent disposal. All new onsite sewage treatment and disposal systems shall be performance-based treatment systems designed by an engineer registered in the State of Florida and shall meet the minimum level of waste treatment as defined in Rule 64E-6.017, F.A.C. All receptacles subject to a positive buoyancy exposure shall be anchored or otherwise weighted to prevent flotation during flooding periods. The receptacles shall be evaluated for buoyancy while in their normal operating condition.

(1) through (2) No change.

(3) The owner or lessee of a performance-based treatment system shall obtain and maintain a maintenance contract with an approved maintenance entity.

(a)(3) All new onsite sewage treatment and disposal systems shall be inspected by an approved maintenance entity at least two times each year.

(b)(4) A maintenance report shall be kept by the maintenance entity. A copy of all maintenance reports shall be provided to the county health department. The report shall include the following information:

1. The address of the system.
2. Date and time of inspection.
3. Sample collection time and date, and person who collected sample.
4. Results of all sampling.
5. Volume of effluent treated, to include total monthly and daily average.
6. Maintenance performed.

7. Problems noted with the treatment system and actions taken or proposed to overcome them.

~~(b) The maintenance entity shall at least annually sample the treated system effluent to determine compliance with the required minimum level of waste treatment.~~

(4) No change.

Specific Authority 381.0011(4),(13), 381.006, 381.0065(3)(a),(4)(k) FS. Law Implemented 154.01, 381.001(2), 381.0011(4), 381.006(7), 381.0061, 381.0065, 381.00655 FS. History—New 7-15-86, Amended 3-17-92, 1-3-95, Formerly 10D-6.063, Amended 3-3-98, 3-22-00,\_\_\_\_\_.

64E-6.0181 Cesspit and Undocumented System Replacement and Interim System Use.

(1) Where a property is determined to have a cesspit or an undocumented system, the cesspit or undocumented system shall be required to be replaced with an onsite sewage treatment and disposal system complying with Rule 64E-6.018, F.A.C., except as provided for in (2) ~~and (3).~~

~~(2) In areas that are scheduled to be served by a central sewage facility before July 1, 2010, interim construction standards specified in Rule 64E-6.0181(3), F.A.C., for new, modified, expanded or existing onsite sewage treatment and disposal systems or to replace cesspits or undocumented systems shall be allowed. Existing onsite sewage treatment and disposal system applications submitted for approval in areas scheduled to be served by a neighborhood or central sewerage system by December 31, 2004, shall be approved if the system is not a cesspit and provided the system is functioning so as to not create a sanitary nuisance. If a neighborhood or central sewerage system will not be available by December 31, 2004, but is scheduled for availability by December 31, 2009, an applicant that does not have a cesspit shall be required to upgrade the onsite sewage treatment and disposal system to meet at least the following minimum design criteria:~~

~~(a) Interim system requirements shall be allowed through July 1, 2004, for onsite sewage treatment and disposal systems in areas that are scheduled to be served, according to an adopted local comprehensive plan determined to be in compliance by the Department of Community Affairs, by a central sewage facility before July 1, 2010. The existing septic tank shall be retrofitted with an approved outlet filter device.~~

~~(b) After July 1, 2004, interim system requirements shall be allowed in an area scheduled to be served by a central sewage facility only when all of the following conditions are met: The existing drainfield shall be replaced with a drainfield having a design effluent loading rate not exceeding 1.2 gallons per square foot per day and shall have approved nutrient reducing material underlying the entire area of the drainfield:~~

~~1. An enforceable contract to provide the central sewage and collection system has been signed;~~

~~2. The contract contains a binding schedule for connection the onsite sewage treatment and disposal systems to the central sewage facility; and~~

3. There is an enforceable requirement for abandonment of the onsite sewage treatment and disposal systems.

(c) Onsite sewage treatment and disposal systems that are not scheduled to be served in accordance with this section shall provide the level of treatment required in Rule 64E-6.018, F.A.C. The bottom surface of the nutrient reducing material underlying the drainfield shall be a minimum of 6 inches above mean high water and the drainfield shall be set back from surface water the maximum distance practical.

(d) All onsite sewage treatment and disposal systems in operation on July 1, 2010, shall provide the level of treatment required in Rule 64E-6.018, F.A.C.

~~(3) Interim systems standards shall be: If a neighborhood or central sewerage system will be available by December 31, 2009, and the existing system is a cesspit, the cesspit shall be replaced with an interim onsite sewage treatment and disposal system which meets the following minimum interim system design, or a design that will produce at least an equal level of treatment as the interim system design. The minimum interim system shall be a properly sized septic tank per 64E-6.008, Table II, with an approved outlet filter and a drainfield having a design effluent loading rate not exceeding 1.2 gallons per square foot per day, and shall have a nutrient reducing material liner. The onsite sewage treatment and disposal system shall meet the maximum surface water setback achievable and the bottom surface of the nutrient removing material shall be a minimum of 12 inches above mean high water.~~

(a) A Class I aerobic treatment unit which meets the location, construction, maintenance and operational requirements of Rule 64E-6.0181(3)(a)1. or 2., F.A.C., and the certification, construction, operational and maintenance requirements of Rule 64E-6.012, F.A.C.

1. Where a Class I aerobic treatment unit is utilized, and where final effluent disposal is into a sand lined drainfield system, the following general requirements shall apply:

a. For a sand-lined drainfield, a minimum 12 inch thick layer of quartz sand shall be placed beneath the bottom of the drainfield absorption surface and a minimum 12 inch wide and minimum 24 inch thick layer of quartz sand shall be placed contiguous to the drainfield sidewall absorption surfaces in order to provide an additional level of effluent treatment prior to effluent passing into the surrounding natural limestone rock. Sand material shall have either an effective grain size in the range of 0.25 millimeter to 1.00 millimeter and shall have a uniformity coefficient of less than 3.5, or the material shall be of such size whereby at least 90 percent of the sand particles pass a U.S. Standard Number 18 sieve and less than 10 percent pass a number 60 sieve. These materials are in the USDA soil texture classes known as medium sand and coarse sand. The county health department shall require the installer of a sand-lined drainfield system to provide certification from the installer's sand supplier that the sand supplied for such type of installations meets the requirements of this subsection.

b. No part of the system shall be within 25 feet of the mean high water line of tidal surface water bodies or within 25 feet of the ordinary high water line of lakes, ponds or other non-tidal surface waters or salt marsh and Buttonwood Association habitat areas where the dominant vegetation species are those typical of salt marsh communities.

c. The bottom surface of the sand layer shall be at least 12 inches above mean high water.

d. The maximum sewage loading rate to an aerobic treatment unit absorption bed drainfield with underlying sand liner shall be 1.1 gallons per square foot per day.

e. Appropriate shallow root vegetative cover shall be established over drainfield systems to maximize the beneficial effects of evapotranspiration.

2. Provided a Class I aerobic treatment unit is utilized and provided effluent from the treatment unit, prior to discharge into an injection well, is passed through a mineral aggregate filter unit as described in Rule 64E-6.0181(3)(a)2., F.A.C., or where effluent is passed through a filter unit of another design which has been determined by the State Health Office to be at least equal to the mineral aggregate filter unit with regard to sewage treatment capability, an injection well shall be approved in compliance with the following:

a. An injection well shall not be permitted or installed under the provisions of this part in any area designated by the United States Environmental Protection Agency or the Florida Department of Environmental Protection as having a single or sole source aquifer. Single source aquifer is defined in subsection 62-520.200(14), F.A.C.

b. In areas where injection wells are approved for use, the DOH Monroe County Health Department shall be the permitting agent for the aerobic treatment unit, the filter unit and the injection well, where the estimated daily domestic sewage flow will not exceed 2000 gallons per day. For establishments having a total daily sewage flow greater than 2000 gallons per day but not greater than 10,000 gallons per day, the Monroe County Health Department shall be the permitting authority for the aerobic treatment unit and the filter unit and DEP is the permitting agent for the injection well and any additional associated effluent treatment device. The effluent from the treatment unit permitted by the DOH Monroe County Health Department shall not exceed 20 mg/l CBOD<sub>5</sub> or 20 mg/l suspended solids on a permitted annual average basis and shall have disinfection in accordance with sub paragraph 64E-6.0181(3)(a)2.h., F.A.C., prior to discharge into any injection well.

c. The interior of the aerobic treatment unit, the top surface of the mineral aggregate filter soil cover, and the ground surface within a distance of at least 10 feet in all directions around the injection well, filter unit and aerobic treatment unit shall not be subject to surface or ground water flooding. In

addition, the invert of the effluent inlet pipe to the injection well shall be a minimum 18 inches above the estimated seasonal high water level.

d. If there is adequate vertical and horizontal clearance to allow for proper maintenance, repair or replacement of the aerobic treatment unit, filter unit and injection well, such components of the onsite sewage treatment and disposal system shall be allowed to be placed beneath an elevated building.

e. If a mineral aggregate filter as referred to in subparagraph 64E-6.0181(3)(a)2., F.A.C., is utilized, effluent discharge from the aerobic unit shall be by gravity or pressure distribution to a perforated pipe distribution system as specified in Part I, Rule 64E-6.014, F.A.C. Such distribution system shall be placed within the walls of the mineral aggregate filter, shall have at least 4 inches of soil cover and shall be placed above a mineral aggregate filter layer which shall be at least 24 inches thick. Mineral aggregate filter material shall have either an effective size in the range of 2.36 millimeters to 4.75 millimeters and shall have a uniformity coefficient of less than 3.5 or the material shall be equivalent in size to Florida Department of Transportation aggregate classification number eight or nine. The DOH Monroe County Health Department shall require the installer of mineral aggregate filter systems to provide certification from the installer's mineral aggregate supplier that the aggregate supplied meets requirements of this sub-paragraph.

f. The maximum sewage loading rate to the mineral aggregate filter shall be 5.5 gallons per square foot per day based upon the top surface area of the filter layer. The maximum sewage loading rate to an approved filter unit other than a mineral aggregate filter as described in this section shall be evaluated by the State Health Office based on unit design, size, filter media characteristics and expected functional life of the unit.

g. Effluent having passed through a mineral aggregate filter shall collect in an underdrain for gravity or mechanical discharge into an injection well. The underdrain shall consist of minimum 4 inch diameter perforated drainpipe which is encased within a minimum 8 inch depth of 1/2 to 2 inch diameter washed and durable aggregate. The walls and bottom of the filter unit shall be reinforced concrete or other material of adequate strength and durability to withstand hydrostatic and earth stresses to which the unit will be subjected. The walls and bottom of the unit shall be made waterproof so that the total volume of effluent passed through the mineral aggregate filter will be collected in the filter underdrain for discharge into the injection well.

h. Prior to discharge into an injection well, effluent from the filter unit shall be disinfected by chlorination or other disinfection method approved by the State Health Office. A minimum disinfection level equivalent to a free chlorine residual of 0.5 milligram per liter measured at the point of

effluent discharge after a minimum chlorine contact time of 15 minutes into the injection well, shall be maintained in the effluent at all times.

i. An injection well to receive an estimated daily domestic sewage flow not exceeding 2000 gallons per day shall meet minimum construction criteria (I), (II) and (III) of this sub-paragraph. The DOH Monroe County Health Department shall not approve an injection well for use until the well driller has certified, in writing to the DOH Monroe County Health Department, that the well has been installed in compliance with the provisions of this sub-paragraph. The inspection fee for the construction of an injection well shall be \$125.00.

(I) An injection well as defined in subsection 64E-6.017(3), F.A.C., shall be constructed, in part, utilizing a casing of polyvinyl chloride, commonly referred to as PVC. The minimum PVC casing weight and strength classification shall be schedule 40 and the minimum outside diameter of the casing shall be 4 inches. Other casing materials having strength and corrosion resistance properties equal to or greater than PVC schedule 40 pipe shall also be approved.

(II) An open hole having a minimum diameter of 6 inches shall extend to a depth of not less than 30 feet below the bottom of the casing.

(III) The annular space between the casing and the natural rock wall of the borehole shall be grouted the full length of the casing.

j. A minimum of one maintenance visit every four months shall be made to those systems using injection wells for effluent disposal. In addition to the standard aerobic treatment unit maintenance visit, the visit shall include an inspection of the chlorination and filter units. Documents and reports required in Rule 64E-6.012, F.A.C., shall also include the results of these inspections and shall include information on chlorine residuals to assess compliance with the disinfection requirements of this rule.

k. If an injection well is discontinued for effluent disposal use such injection well shall be properly abandoned and plugged by filling the injection well from bottom to top with cement grout.

(b) A performance-based treatment system designed and certified by a professional engineer, registered in the state, as producing an effluent meeting at a minimum the treatment standards for a system designed in accordance with paragraph 64E-6.0181(3)(a), F.A.C., and permitted, constructed and monitored in accordance with Part IV.

Specific Authority 381.0011(4),(13), 381.006, 381.0065(3)(a),(4)(k) FS. Law Implemented 154.01, 381.001(2), 381.0011(4), 381.006(7), 381.0061, 381.0065, 381.00655, 386.01, 386.03, 386.041 FS., Ch. 2001-337, L.O.F. History—New 3-3-98, Amended 3-22-00, \_\_\_\_\_.

64E-6.019 Requirements for Registration.

(1) through (2) No change.

(3) A person shall be eligible to take the registration examination if they submit necessary exhibits and fees and meet the requirements of s. 489.553(4), F.S.

(a) Under the supervision and control of a registered septic tank contractor or a plumbing contractor in s. 489.553(4)(d), F.S., is defined as an employment relationship where compensation can be documented by the regular deduction of FICA and withholding tax and the provision of worker's compensation, all as required by law. Principal officers of a corporation or partnership providing onsite sewage contracting services shall be recognized as being under the supervision and control of the corporation's qualifying registered septic tank contractor or plumbing contractor.

(b) Related work experience includes but is not limited to onsite sewage treatment and disposal system design, inspection, installation, regulation, environmental health professional certification, site evaluation, underground utility contracting and wastewater treatment plant maintenance and operation. Related work experience does not include clerical, purchasing or estimating.

(c)(b) Out-of-state work experience on a year for year basis shall be accepted for any applicant who demonstrates that they hold a current statewide license for septic tank contracting which was issued upon satisfactory completion of an equivalent examination and required continuing education courses for renewal. For purposes of this section, an equivalent examination means that at a minimum, the following topics were tested and passed: system location and installation; site evaluation criteria; system size determinations; disposal of septage; construction standards for drainfield systems and U.S. Department of Agriculture soil textural classification system. A person employed by and under the supervision and control of such a licensed contractor shall be granted up to two years of related work experience.

(4) Completed applications for registration examination must be received by the department's Onsite Sewage Program at least 21 ~~30~~ days prior to examination. In order to be complete, the application must have all appropriate spaces filled, be signed by the applicant, be reviewed by the county health department where the applicant provides service, include a money order or sufficiently funded check in the correct amount and contain all necessary support documentation. Support documentation shall include:

(a) A list of the 25 most recent ~~all~~ contracts by the applicant or business organization under way at the time of filing, if any, along with a list of all contracts completed 3 years immediately preceding the date of filing. or, in the alternative, a list of the 25 most recent contracts performed. This list shall include the description of each job, location, owner, construction permit number if applicable, date job completed, and general contractor, if applicable.

(b) Affidavits from two persons not related to the applicant for whom the applicant has provided ~~contracted~~ services in the onsite sewage industry, stating what services were provided and that the applicant is of good moral character.

(c) Certification from a registered septic tank contractor or plumbing contractor of the applicant's employment dates and work responsibilities, ~~to include documentation of payment of federal withholding tax and social security and worker's compensation, all as required by law.~~

(d) Documentation of payment of federal withholding tax and social security and worker's compensation, all as required by law. For corporate officers or partners in the corporation, legal documentation of their position in the corporation or partnership may be substituted for withholding tax, social security and worker's compensation documentation.

~~(e)(4)~~ Two recent color passport style photographs, not older than 12 months and 1 1/2 x 1 1/2 inches in size.

(5) Eligible applicants must successfully complete an examination administered by the department. Minimum passing score for the examination shall be a ~~75~~ 70 percent correct response to all questions comprising the exam.

Specific Authority 154.06(1), 381.0011(4),(13), 381.006, 381.0065(3)(a), 489.553(2), 489.553(3), 489.557 FS. Law Implemented 154.01, 381.001, 381.0011(4), 381.0012, 381.006, 381.0061, 381.0065, Part III 489.552, 489.553 FS. History—New 10-25-88, Amended 3-17-92, 1-3-95, 5-14-96, 2-13-97, Formerly 10D-6.072, Amended 2-3-98,\_\_\_\_\_.

#### 64E-6.020 Master Septic Tank Contractors.

(1) A septic tank contractor or a plumbing contractor certified under 489.105(3)(m), F.S., who is eligible under s. 489.553(5)(a) and (b), F.S., may apply to the department on Form DH 4105, 10/96, Application for Master Septic Tank Contractor Registration, hereby incorporated by reference and available from the department, to take the master contractor examination provided the contractor:

(a) Has been in "active" status for the three years immediately preceding the date of application. This time period may not be interrupted by more than 60 accumulated days as "inactive" or include any registration probation or suspension imposed by the department through administrative action.

(b) through (e) No change.

(f) Has successfully completed 30 hours of master contractor course work approved by the department. At a minimum, this course work shall include training and testing of soil classification, system design and theory, ~~contractor ethics~~, system material and construction standards, and regulatory requirements.

(f) Has successfully completed 30 hours of master contractor course work approved by the department. At a minimum, this course work shall include training and testing of soil classification, system design and theory, ~~contractor ethics~~, system material and construction standards, and regulatory requirements.

(2) Completed applications for registration examination must be received by the department Onsite Sewage Program office at least ~~21~~ 30 days prior to examination. In order to be complete, the application must have all appropriate spaces filled, be signed and dated by the applicant, be reviewed by the county health department where the applicant's primary place of business is located, and include a money order or sufficiently funded check in the correct amount.

(3) Eligible applicants must successfully complete a comprehensive ~~an~~ examination administered by the department. Minimum passing score for the examination shall be a 70 percent correct response to the examination questions.

(4) No change.

(5) Master septic tank contractor certificates shall be renewed only after the contractor has completed 12 classroom hours of approved instruction for each renewal cycle. At least 6 classroom hours must be successfully completed in an approved master contractor course. Instructional time spent by a master septic tank contractor in providing department approved continuing education training shall receive credit as master contractor course hours. Application for renewal shall be made on Form DH 4076, 10/96, Application for Septic Tank Contractor Registration Renewal, accompanied by the required supporting documentation and fees.

(a) A master septic tank contractor who only completes 6 classroom hours of approved instruction during the renewal cycle shall revert to registered septic tank contractor status and shall apply for renewal under Rule 64E-6.021, F.A.C.

(b) Applications for renewal not submitted in a timely and complete manner shall revert to inactive status. Each application for renewal shall be considered filed in a timely manner if it is postmarked prior to close of business on the date of expiration of the certificate. If that date falls on a weekend or legal holiday, the date of expiration shall be the first working day after the expiration date of the certificate. Application for renewal of an inactive certificate shall be made on Form DH 4076, 10/96, Application for Septic Tank Contractor Registration Renewal, accompanied by the required supporting documentation and fees.

(c) The department shall deny an application for renewal for an outstanding administrative penalty with the department where the penalty is final agency action.

(d) Master contractors with "inactive" certificates shall be reinstated to "active" upon completion of the following:

1. Take sufficient continuing education courses and pay registration fees to cover the inactive period, or

2. Retake and pass the comprehensive examination.

~~(e)(4)~~ Master contractor certificates not renewed within ~~five one~~ five renewal ~~cycles~~ cycles of the expiration date shall comply with subsections 64E-6.020(1) through (4), F.A.C., to be reinstated as active ~~be considered null and void.~~

Specific Authority 154.06(1), 381.0011(4),(13), 381.006, 381.0065(3)(a), 489.553(2), 489.553(3), 489.557 FS. Law Implemented 154.01, 381.001, 381.0011(4), 381.0012, 381.006, 381.0061, 381.0065, Part III 489.552, 489.553 FS. History—New 2-13-97, Formerly 10D-6.0725, Amended 2-3-98, \_\_\_\_\_.

64E-6.021 Issuance of Registration Certificates and Renewal.

(1) Certificates of registration shall be renewed only after information has been provided to the department that the contractor has successfully completed 6 classroom hours of ~~department-approved instruction within the previous 12-month period. However, if a registered contractor successfully completes 12 or more classroom hours of approved instruction within a 12-month period, a maximum of 6 unused hours can be rolled over to renew their next year's certificate of registration regarding the public health and environmental effects of onsite sewage treatment and disposal systems and the proper installation and use of onsite sewage treatment and disposal systems.~~ Such information shall be accompanied by necessary renewal fees and a completed renewal application on Form DH 4076, Application for Septic Tank Contractor Registration Renewal, incorporated by reference in these rules.

(2) No change.

(3) A registered contractor may request inactive status. Inactive registrations not renewed in ~~five two~~ renewal cycles from the date of inactivation shall be considered null and void. Persons wishing to renew an inactive registration must make application on Form DH 4076 and substantiate six classroom hours of approved instruction for each year the registration was considered inactive. Application must be accompanied by necessary exhibits and renewal fees.

(4) No change.

(5) Approval of continuing education courses and course providers will be in accordance with the department Policy on Requirements for Continuing Education Courses and Course Providers, August 2001 ~~1999~~, herein incorporated by reference.

(6) All materials incorporated herein may be obtained by contacting the department.

Specific Authority 154.06, 381.0011, 381.006, 381.0065, 489.553, 489.557 FS. Law Implemented 154.01, 381.001, 381.0011, 381.0012, 381.0025, 381.006, 381.0061, 381.0065, 381.00655, 381.0066, 381.0067, 386.041, Part III 489 FS. History—New 10-25-88, Amended 3-17-92, 1-3-95, 5-14-96, 2-13-97, Formerly 10D-6.073, Amended 3-22-00, \_\_\_\_\_.

64E-6.023 Certification of Partnerships and Corporations.

(1) Authorization of a corporation is only effective as to that corporation; subsidiaries or parents of authorized corporations must be separately authorized.

(a) Application for a certificate of authorization shall be made to the department on Form DH 4077, Application for Certificate of Authorization, incorporated by reference into this rule, and shall be accompanied by all necessary exhibits and

fees. A business that applies for a certificate of authorization after the mid point of the biennial authorization cycle shall pay one/half the fee required in Rule 64E-6.030, F.A.C.

(b) Any certificate of authorization not renewed in a timely manner shall revert to inactive status. Applications for renewal shall be considered timely filed if the application has been post marked prior to the close of business on the date of expiration of the certificate. If that date falls on a weekend or legal holiday, the day of expiration shall be the first working day after the expiration date of the certificate. ~~Inactive certificates not renewed within 2 years from the date of expiration shall be considered null and void.~~

(2) A registered contractor may not be the sole qualifying contractor for more than one business required to have requesting a certificate of authorization.

(3) A business organization which loses its qualifying ~~contractor person~~ shall have sixty (60) days from the date the qualifier terminated his affiliation within which to obtain another qualifying person. This period may be extended by the department upon a showing of good cause. During this period, the business organization may complete any existing contracts or continuing contracts, but may not undertake new contracts.

(4) A business organization shall provide written notification to the department within 30 days of any change in the ownership of the business.

(5) A business organization that changes its name shall apply for a new certificate of authorization within 30 days of the name change.

Specific Authority 154.06, 381.0011, 381.006, 381.0065, 489.553, 489.557 FS. Law Implemented 154.01, 381.001, 381.0011, 381.0012, 381.0025, 381.006, 381.0061, 381.0065, 381.00655, 381.0066, 381.0067, Part I 386, Part III 489 FS. History—New 10-25-88, Amended 3-17-92, 1-3-95, 5-14-96, 2-13-97, Formerly 10D-6.076, Amended \_\_\_\_\_.

64E-6.027 Permits.

Permits for performance-based treatment systems shall be issued in accordance with the following requirements.

(1) through (4) No change.

(5) Operating permits – No residence served by a performance-based treatment system shall be occupied until Form DH 4081, 10/96, “Application for Onsite Sewage Treatment and Disposal System Operating Permit” has been received and approved by the department. Form DH 4081, is hereby incorporated by reference, and is available from the department. Where a performance-based treatment system is used, only one operating permit shall be required for the system.

(a) Maintenance entities contracting to service Persons using performance-based treatment systems shall obtain a biennial an annual operating permit from the county health department for the system. Persons operating a performance-based treatment system shall permit department

personnel right of entry to the property during normal working hours to allow for effluent sampling or evaluating the general state of repair or function of the system.

(b) The permit shall designate the performance system maintenance entity responsible for the operation and maintenance of the system. At a minimum, the performance system maintenance entity responsible for maintenance of the system shall test, or cause to be tested, the performance-based treatment system in accordance with Part IV of this rule. The frequency of testing shall be specified on the annual operating permit. The operating permit shall also specify the observation interval to assess the operation of the system without taking monitoring samples.

(c) Systems and the structures which they serve shall be inspected by the department at least once annually during the term of the biennial ~~annual~~ operating permit to determine compliance with the terms of the operating permit.

(d) A copy of the signed maintenance agreement between the property owner or property lessee and an engineer-designed performance-based system maintenance entity shall be provided to the county health department by the maintenance entity. The maintenance agreement shall:

1. Initially be for a period of at least 2 years and subsequent maintenance agreement renewals shall be for at least 1 year periods for the life of the system.

2. Provide that a maintenance entity which desires to discontinue the provision of maintenance services, notify in writing, the property owners and lessees and the county health department at least 60 days prior to discontinuance of service.

3. Provide that, if a private maintenance entity discontinues business, property owners who have previously contracted with the discontinued maintenance service shall, within 60 days of the service termination date, contract with an approved maintenance service and provide the county health department a copy of the newly signed maintenance agreement.

4. Provide that each performance-based treatment system is inspected by an engineer-designed performance-based system maintenance entity at least two times each year. The maintenance entity shall furnish to the county health department a listing of all performance based treatment systems inspected or serviced during the respective reporting period. As a minimum, reports shall indicate the system owner or building lessee, the street address of the system, the date of system inspection or service and a statement as to the maintenance or service performed. The maintenance entity shall also include a list of the owners who have refused to renew their maintenance agreement.

(e) No performance-based treatment system shall be serviced or repaired by a person or entity engaged in a performance-based treatment system maintenance service until the service entity has obtained an annual written permit issued on Form DH 4013 from the DOH county health department in

the county where the service company is located. Each service entity shall employ at least one plumbing contractor licensed under s. 489.105(3)(m), F.S., septic tank contractor registered under Part III of Chapter 489, F.S., or a state-licensed wastewater treatment plant operator, who is responsible for maintenance and repair of all systems under contract. Application for a Maintenance Service Permit, Form DH 4066, shall be made to the DOH county health department and shall contain the following information: The county health department shall also inspect each authorized maintenance entity, including review of their service records and maintenance agreements. A report summarizing results of field evaluations, effluent sample analysis, and a summary of maintenance agreement and servicing records compliance, shall be provided annually to the departments' Bureau of Onsite Sewage Programs for a determination of the effectiveness of the provisions of this section in assuring proper operation and maintenance of performance-based treatment systems.

1. Evidence that the maintenance entity possesses a manufacturer's maintenance and operations manual and has received training from the manufacturer in proper installation and service of the performance-based treatment system components and has received written approval from the components' manufacturers to perform service on their components. The manual shall contain detailed instructions on proper operation and maintenance procedures, a replacement parts list for all components being installed and maintained, a statement giving the capabilities of each system, instructions on how to detect a malfunctioning system and what to expect from a properly functioning system.

2. A signed statement from the applicant attesting that the applicant has adequate staff, possesses proper equipment and has sufficient spare structural and mechanical parts and components to perform routine system monitoring and servicing and is able to make a service response within 36 hours after notification of the need for emergency repairs. The statement shall include confirmation that the location or locations of service personnel and replacement parts will be no more than 200 miles from any performance-based treatment system under contract for servicing.

3. Payment of \$25.00 to the DOH county health department per annum for the performance-based treatment system maintenance service permit.

Specific Authority 381.0011(13), 381.006, 381.0065(3)(a), 489.553(3), 489.557(1) FS. Law Implemented 154.01, 381.001(2), 381.0011(4), 381.0012, 381.0025, 381.006(7), 381.0061, 381.0065, 381.0067, Part I 386, 489.553 FS. History—New 2-3-98, Amended \_\_\_\_\_.



64E-6.030 Fees.

(1) The following fees are required to accompany applications for site evaluations, construction, modifications to existing systems or repair permits, and other services provided by the department, but do not include performance-based treatment systems.

- (a) Application for permitting of an onsite sewage treatment and disposal system, which includes application and plan review \$ 25
- (b) Application for permitting of a new performance-based treatment system \$125
- (b) through (l) renumbered (c) through (m) No change.
- (m)(4) Annual operating permit fee for systems in industrial, manufacturing, and equivalent areas, and for systems receiving commercial sewage waste \$150
- Amendments or changes to the operating permit during the permit period per change or amendment \$ 25
- (n)(m) Aerobic treatment unit biennial operating permit per annum \$100 150
- (o) Biennial operating permit fee for performance-based treatment system. A prorated fee is to be charged beginning with second year of operation. \$100
- (p) Review of application due to proposed amendments or changes after initial operating permit issuance for a performance-based treatment system. \$ 75
- (n) through (v) renumbered (q) through (y) No change.

(2) Except for the time limited research fee which is to be placed in a designated account, all fees collected pursuant to Rule 64E-6.030(1)(a) through (v)(s), F.A.C., shall be deposited in an individual county health department trust fund to be used to meet the cost of administering the onsite sewage treatment and disposal program.

(3) No change.

~~(4) The following fees are required to accompany applications for site evaluations and for construction or repair permits for performance-based treatment systems:~~

- ~~(a) Application for permitting of a new performance-based treatment system, which includes application and plan review~~ \$125
- ~~(b) Permit for new performance-based treatment system~~ \$125
- ~~(c) Installation inspection for a new performance-based treatment system~~ \$ 75
- The following research fee is to be collected in addition to, and concurrent with the permit for a new performance-based treatment system installation fee \$ 5

- ~~(d) Repair permit issuance for a performance-based treatment system, which includes inspection~~ \$125
- ~~(e) Inspection of a performance-based treatment system previously in use~~ \$ 25
- ~~(f) Reinspection fee per visit for site inspections after system construction approval~~ \$ 25
- ~~(g) Installation reinspection for non-compliant system per each site visit~~ \$ 50
- ~~(h) Performance-based treatment system abandonment permit, includes permit issuance and inspection~~ \$ 75
- ~~(i) Annual operating permit fee for performance-based treatment system. Fee is to be charged beginning with second year of operation. Review of application due to proposed amendments or changes after initial operating permit issuance.~~ \$ 75
- ~~(j) Variance Application for a single family residence with a performance-based treatment system~~ \$150

~~(5) Except for the research fee which is to be placed in a designated account, all fees collected pursuant to Rule 64E-6.030(4)(a) through (i) shall be deposited in an individual county health department trust fund to be used to meet the cost of administering the onsite sewage treatment and disposal program.~~

Specific Authority 381.0011(13), 381.006, 381.0065(3)(a), 381.0066, 489.553(3), 489.557(1) FS. Law Implemented 154.01, 381.001(2), 381.0011(4), 381.0012, 381.0025, 381.006(7), 381.0061, 381.0065, 381.0066, 381.0067, 386.041, 489.553, 489.554, 489.555, 489.557 FS. History—New 2-3-98, Amended 3-22-00,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Dale Holcomb

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Gerald Briggs, Chief, Bureau of Onsite Sewage Programs

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 20, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 12, 2001

**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

**Economic Self-Sufficiency Program**

RULE CHAPTER TITLE: Temporary Cash Assistance  
 RULE CHAPTER NO.: 65A-4  
 RULE TITLE: Learnfare Requirements  
 RULE NO.: 65A-4.2131

PURPOSE AND EFFECT: The 2001 Florida Legislature created s. 414.1251, F.S., to require a reduction in temporary cash assistance (TCA) if a participant's dependent child who has not been exempted from education requirements is identified as a habitual truant or as a dropout by the local school district. Also, a TCA participant with a school-age child is required to have a conference with an appropriate school official during each school semester to assure that the participant is involved in the child's educational progress and is aware of any existing attendance or academic problems.

SUMMARY: The proposed rule provides for a reduction of TCA benefits when a participant's dependent school-age child is determined to be a habitual truant, pursuant to s. 228.041(28), F.S., or a school dropout, pursuant to s. 228.041(29), F.S.; or, the parent or caretaker relative fails to attend a school conference each semester. Additionally, it provides for the local school district to identify and notify the department of a habitual truant or a school dropout and to determine if a dependent child meets an exemption from education participation requirements. It also provides for good cause determination; exemptions from school conference requirement; sanction notification; lifting of a sanction; and, forms incorporated by reference.

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: 414.1251 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 a.m., February 15, 2002

PLACE: 1317 Winewood Boulevard, Building 3, Room 455, Tallahassee, Florida 32399-0700

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Audrey Mitchell, Program Administrator, Economic Self-Sufficiency Services, Program Support Unit, 1317 Winewood Boulevard, Building 3, Room 421, Tallahassee, Florida 32399-0700

THE FULL TEXT OF THE PROPOSED RULE IS:

65A-4.2131 Learnfare Requirements.

(1) Learnfare Requirements. Temporary cash assistance (TCA) will be reduced when a participant's dependent school-age child(ren) is determined to be a habitual truant or school dropout or the parent or caretaker relative whose needs are included in the TCA assistance group fails to attend a school conference each semester. Notification of the Learnfare

Program requirements will be provided upon TCA application using the CF-ES 2606, Notice of Learnfare Requirements, DEC 01, incorporated by reference. The applicant must sign the CF-ES 2606 and a copy is to be retained in the case file.

(2) School-Age. Dependent children who are age 6, or who will be age 6 by February 1 of any school year, or who are over age 6 but under age 18 are subject to school attendance unless exempted from education participation requirements by the local school district.

(3) Referral to Regional Workforce Board. If a participant's dependent child is age 16 or 17 and is exempted from education participation by the school district, the child is to be referred to the regional workforce board or its designee to participate in TCA work or alternative requirement plan activities.

(4) Habitual Truant or Dropout. The local school district will be responsible for notifying the department when a dependent child of a TCA participant is identified as a habitual truant, pursuant to s. 228.041(28), F.S., or a dropout, pursuant to s. 228.041(29), F.S.

(5) School Conference. Verification of participation in a school conference each semester must be provided by participants using the form, CF-ES 2098, Learnfare School Conference Verification, DEC 01, incorporated by reference, or other written documentation from a school district official or by department staff's direct contact with a school official. If a redetermination is due during the summer when school is not in session, the conference verification from the previous semester will be sufficient documentation of compliance.

(6) Exemption from School Conference. Caretaker relatives whose needs are not included in the TCA assistance group and parents or included caretaker relatives that home school their children with the approval of the local school district are exempt from the school conference requirement.

(7) Good Cause. Upon notification by the local school district that a participant's dependent child is a habitual truant or dropout or a parent or caretaker relative fails to attend a school conference, the department must determine if good cause exists in accordance with s. 414.1251(1), F.S. If good cause does not exist, the department will notify the participant of penalty action using the CF-ES 4192, Notice of Work Penalties, SEP 00, incorporated by reference in administrative Rule 65A-4.205, F.A.C.

(8) Reinstatement of Benefits. Before benefits may be reinstated, verification must be provided that the participant's dependent child identified as a habitual truant or dropout is in compliance with Learnfare attendance requirements in accordance with s. 414.1251(1), F.S. or the parent or caretaker has met the school conference requirement.

(9) Copies of CF-ES 2606, CF-ES 2098, and CF-ES 4192 may be obtained from the Department of Children and Family Services, Economic Self-Sufficiency Services, 1317 Winewood Boulevard, Tallahassee, Florida 31399-0700.

Specific Authority 414.45 FS. Law Implemented 414.1251 FS. History—New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Lonna Cichon, Government Operations Consultant II  
NAME OF SUPERVISOR OR PERSON WHO APPROVED  
THE PROPOSED RULE: Audrey Mitchell, Program  
Administrator, Program Support Unit  
DATE PROPOSED RULE APPROVED BY AGENCY  
HEAD: December 24, 2001  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT  
PUBLISHED IN FAW: March 16, 2001

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

**DEPARTMENT OF BANKING AND FINANCE**

**Division of Securities and Finance**

RULE NO.:                      RULE TITLE:  
3C-560.903                      Deferred Presentment Transactions  
NOTICE OF WITHDRAWAL

Notice is hereby given that the Department is withdrawing the above referenced rule, which was originally published in Vol. 27, No. 39, September 28, 2001 issue of the Florida Administrative Weekly.

**DEPARTMENT OF BANKING AND FINANCE**

**Division of Securities and Finance**

RULE NO.:                      RULE TITLE:  
3D-30.060                      Preneed Sales Agent Renewal  
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. 50, December 14, 2001 issue of the Florida Administrative Weekly.

- 3D-30.060 Preneed Sales Agent Renewal.
- (1) through (4) No change.
- (5) Deleted.

~~Engaging in preneed sales with an expired license is a violation of Chapter 497 and is subject to disciplinary action.~~

Specific Authority 497.103, 497.105 FS. Law Implemented 497.439 FS. History—New \_\_\_\_\_.

**DEPARTMENT OF REVENUE**

NOTICE OF CABINET AGENDA  
ON JANUARY 29, 2002

The Governor and Cabinet, on January 29, 2002, sitting as head of the Department of Revenue, will consider the proposed amendments to Rule 12A-1.096, F.A.C. (Industrial Machinery and Equipment for Use in a New or Expanding Business). A Notice of Rule Development Workshop was published in the

September 7, 2001 edition of the Florida Administrative Weekly (Vol. 27, No. 36, pp. 4101-4102), and the workshop was held on September 26, 2001. No testimony was received at the workshop, and no written comments were submitted. A Notice of Proposed Rulemaking was published in the Florida Administrative Weekly on November 21, 2001 (Vol. 27, No. 47, pp. 5519-5520), and a public hearing was conducted on December 18, 2001. No testimony was received at the public hearing, and no written comments were submitted.

**DEPARTMENT OF TRANSPORTATION**

RULE CHAPTER NO.:	RULE CHAPTER TITLE:
14-15	Incorporation by Reference
RULE NO.:	RULE TITLE:
14-15.0081	Toll Facilities Description and Toll Rate Schedule

NOTICE OF CHANGE

SUMMARY OF CHANGE: The proposed action is being taken to determine the Toll Rate Schedule resulting from the Florida Department of Transportation's construction of the CR 470/Florida's Turnpike interchange. The project is located in Lake County. The change is an editorial correction of the date of the publication of the Notice of Rule Development. That correction is as follows:

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 16, ~~2000~~ 2001.

Notice of Rulemaking was published in Florida Administrative Weekly, Vol. 27, No. 49, dated December 7, 2001, Page 5699.

**STATE BOARD OF ADMINISTRATION**

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

NOTICE OF HEARING

The Florida State Board of Administration announces a public hearing to which all persons are invited.

TIME AND DATE: 9:00 a.m. – conclusion, Tuesday, January 29, 2002

PLACE: Cabinet Meeting Room, Lower Level, The Capitol, Monroe Street and Apalachee Parkway, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Trustees of the State Board of Administration, on January 29, 2002, will consider nine proposed amended rules in Rule Chapter 19-7, F.A.C., and will be asked for permission to file these nine rules for adoption: