

Section I
Notices of Development of Proposed Rules
and Negotiated Rulemaking

DEPARTMENT OF BANKING AND FINANCE

Division of Finance

RULE TITLE: Proof of Ownership and Entitlement to Unclaimed Property
RULE NO.: 3D-20.0022

PURPOSE AND EFFECT: The purpose and effect of the proposed rule amendment is to specify what must be filed with the Department when filing a claim for unclaimed property owned by a dissolved corporation. As an alternative to filing a certified copy of the last corporate filing reflecting the officers and directors of the corporation, the claimant may provide the Department with a state's web site address if the same information is available on the Internet site. As an alternative to a bankruptcy search, the claimant may provide the Department with the results of a Public Access to Court Electronic Records (PACER) search in the bankruptcy court of the state and district of incorporation and where the main office is located, if different. The rule amendments also require bankruptcy information to be provided if the dissolved corporation has been a debtor in bankruptcy. If the bankruptcy estate is open or if the bankruptcy estate is reopened, the unclaimed property will be remitted to the bankruptcy estate.

SUBJECT AREA TO BE ADDRESSED: Filing claims for unclaimed property owned by dissolved corporations.

SPECIFIC AUTHORITY: 717.138 FS.

LAW IMPLEMENTED: 92.525, 717.124, 717.126 FS.

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

TIME AND DATE: 9:00 a.m., Wednesday, May 15, 2002

PLACE: Suite 547, The Fletcher Building, 101 E. Gaines St., Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Paul C. Stadler, Jr., Assistant General Counsel, Department of Banking and Finance, Suite 526, The Fletcher Building, 101 E. Gaines St., Tallahassee, Florida 32399-0350, (850)410-9896

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

3D-20.0022 Proof of Ownership and Entitlement to Unclaimed Property.

(1) through (5)(b) No change.

(c)1. If the unclaimed business account is for a dissolved corporation, the claimant shall specify the corporation's state of incorporation and principal place of business address. The claimant shall provide a certified copy of the last corporate filing reflecting the officers and directors of the corporation, which shall be obtained if the unclaimed business account is for a dissolved corporation, then certification from an appropriate state official of the state of incorporation, certified within one (1) year of the filing of the claim, shall be provided to the Department to reflect the last corporate filing. The certified copy of the last corporate filing shall not be required if:

a. The officers and directors of the dissolved corporation as of the last corporate filing are identified on the Internet site of the Florida Department of State, or

b. The claimant has provided the address of a free Internet site maintained by the state of incorporation of the dissolved corporation that identifies the officers and directors of the dissolved corporation as of the date of the last corporate filing.

2. Appropriate evidence shall be provided to reflect that the dissolved corporation is the same corporation as on the Department's records and appropriate evidence shall be provided to reflect the claimant is entitled to all or a proportional share of the dissolved corporation or that the person is an officer or director of the corporation.

3. A claim for an unclaimed business account for a dissolved corporation shall state if the dissolved corporation has ever been a debtor in bankruptcy. If the dissolved corporation has ever been a debtor in bankruptcy, the claimant shall identify the bankruptcy chapter that the case proceeded under. The claimant shall also state the location of the bankruptcy court, the case number, and the address and telephone number of the Office of the U.S. Trustee in that jurisdiction. If no bankruptcy proceedings of the dissolved corporation are known, the claimant shall so state and shall either provide the results of a bankruptcy court web site Public Access to Court Electronic Records (PACER) search in the bankruptcy court of the state and district of incorporation and where the main office is located, if different, or provide a completed United States Bankruptcy Court Application for Search of Bankruptcy Records shall be provided to the Department from the state and district of incorporation, and where the main office is located, if different.

4. The Office of the U.S. Trustee will be contacted by the Department if the dissolved corporation was a debtor in a closed bankruptcy case if the aggregate value of the unclaimed property is greater than \$250.00. If the bankruptcy case is reopened, the unclaimed property shall be remitted to the bankruptcy trustee.

5. The unclaimed property shall be remitted to the bankruptcy trustee if one has been appointed and the dissolved corporation is a debtor in a pending bankruptcy case.

6. A claim for an unclaimed business account for a dissolved corporation shall include the personal identification of the officer, director or shareholder filing the claim shall be provided as specified in subsection (2) of this rule.

Specific Authority 717.138 FS. Law Implemented 92.525, 717.124, 717.126 FS. History--New 3-20-91, Amended 3-13-96, 8-18-96, 1-28-97, 1-18-99, 4-16-02, _____.

DEPARTMENT OF INSURANCE

RULE TITLES:

RULE NOS.:

Filing, Approval of Subscriber Contract and Related Forms	4-203.042
Rates	4-203.045
Prescribed Forms	4-203.100

PURPOSE AND EFFECT: The primary purpose of the proposed rule amendments is to require Prepaid Limited health Service Organizations to submit the standardized data letter that all insurers are required to submit with every rate and form filing made with the Department of Insurance. The proposed changes also set forth the materials that must be included with each rate and form filing. Finally, the changes correct addresses to be used in submitting filings.

SUBJECT AREA TO BE ADDRESSED: Rate and form filings by prepaid limited health service organizations.

SPECIFIC AUTHORITY: 636.067 FS.

LAW IMPLEMENTED: 624.321(1)(a), 636.005, 636.008, 636.009, 636.012, 636.016, 636.017, 636.018, 636.043 FS.

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

TIME AND DATE: 1:30 p.m., May 21, 2002

PLACE: Room 143, Larson Building, 200 E. Gaines St., Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Frank Dino, Chief Actuary, Bureau of Life and Health Forms and Rates, Division of Insurer Services, Department of Insurance, 200 E. Gaines Street, Room 312-D, Larson Building, Tallahassee, FL 32399-0328, (850)413-5014

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program should advise the Department at least 5 calendar days before the program by contacting Yvonne White, (850)413-4214.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

4-203.042 Filing, Approval of Subscriber Contract and Related Forms.

(1) Every group or individual subscriber contract and every rider, endorsement, certificate, application, or other form to be used or issued in connection with any subscriber contract shall be filed by the PLHSO for approval by the Department before it may be delivered in this state, pursuant to the criteria in Section 636.0186(1)(a), Florida Statutes. ~~The form may be used immediately but is subject to disapproval by the Department. If disapproved, use of the form shall be discontinued immediately.~~

(2) Every form required to be filed by the PLHSO shall be identified by a unique form number, placed in the lower left hand corner of each form.

(3) Filing Format for All Forms. Two copies of each filing shall be submitted at the time of filing. PLHSOs in possession of a Certificate of Authority shall mail submit all contract filings to: the Bureau of Life and Health Forms and Rates, Division of Insurer Services, Department of Insurance, Post Office Box 8040, Tallahassee, Florida 32301-8040 99-0328; submit filings electronically to lhfrbureau@doi.state.fl.us; or submit filings to the Department by Federal Express or any other form of special delivery by delivery to: Bureau of Life and Health Forms and Rates, Division of Insurer Services, Department of Insurance, 1st Floor, Larson Building, 200 East Gaines Street, Tallahassee, FL 32399-0328. A filing shall consist of one copy of each of the following items:

(a) A brief letter explaining the type and nature of the filing. The letter shall indicate if the filing is for a new product, or a resubmission. If the filing is a resubmission, the letter shall indicate when the previous filing was submitted, the Florida filing number, and the date of the disapproval.

(b) Form DI4-1507, "The Florida Department of Insurance, Treasurer and Fire Marshal Life and Health Forms and Rates Universal Standardized Data Letter," completely filled out in accordance with Form DI4-1507A, "The Florida Department of Insurance, Treasurer and Fire Marshal Life and Health Forms and Rates Universal Standardized Data Letter Instruction Sheet."

(c) The form being submitted by the PLHSO for approval.

(d) An actuarial memorandum consistent with the requirements of Rule 4-203.045, F.A.C.

(e) Rate pages that define all proposed rates, rating factors, and methodologies for determining rates applicable in the state.

Specific Authority 636.067 FS. Law Implemented 636.016, 636.017, 636.018 FS. History--New 11-15-94, Amended _____.

4-203.045 Rates.

(1) through (7) No change.

(8) Filing Format for All Rate Filings. A filing shall consist of one copy of each of the following:

(a) A brief letter explaining the type and nature of the filing. The letter shall indicate if the filing is for a new product, a rate revision, or a resubmission. If the filing is a resubmission, the letter shall indicate when the previous filing was submitted, the Florida filing number, and the date of the disapproval.

(b) Form DI4-1507, "The Florida Department of Insurance, Treasurer and Fire Marshal Life and Health Forms and Rates Universal Standardized Data Letter," completely filled out in accordance with Form DI4-1507A, "The Florida Department of Insurance, Treasurer and Fire Marshal Life and Health Forms and Rates Universal Standardized Data Letter Instruction Sheet."

(c) An actuarial memorandum, consistent with the requirements of Rule 4-203.045, F.A.C.

(d) Rate pages that define all proposed rates, rating factors, and methodologies for determining rates applicable in the state. The PLHSO shall submit two copies of each rate filing to the Department of Insurance, Life and Health Rate and Reserve Analysis, Tallahassee, Florida 32399-0300.

(9) Filings shall be mailed to: Bureau of Life and Health Forms and Rates, Division of Insurer Services, Department of Insurance, Post Office Box 8040, Tallahassee, FL 32301-8040; submitted electronically to lhfrbureau@doi.state.fl.us.; or submitted to the Department by Federal Express or any other form of special delivery by delivery to: Bureau of Life and Health Forms and Rates, Division of Insurer Services, Department of Insurance, 1st Floor, Larson Building, 200 East Gaines Street, Tallahassee, FL 32399-0328.

Specific Authority 636.067 FS. Law Implemented 636.017, 636.018, 636.043 FS. History—New 11-15-94, Amended _____.

4-203.100 Prescribed Forms.

The forms listed below are incorporated herein, and made a part of, these rules by reference:

Title	Form Number
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(1) through (13) No change.

(14) The Florida Department of Insurance, Treasurer and Fire Marshal Life and Health Forms and Rates Universal Standardized Data Letter DI4-1507 (1/02).

(15) The Florida Department of Insurance, Treasurer and Fire Marshal Life and Health Forms and Rates Universal Standardized Data Letter Instruction Sheet DI4-1507A(1/02).

Application forms may be obtained from the Application Coordinator, Insurer Services Support, Tallahassee, FL 32399-0327. All other forms may be obtained from the Department of Insurance, Bureau of Life and Health Insurer Solvency, Larson Building, Tallahassee, FL 32399-0327.

Specific Authority 636.067 FS. Law Implemented 624.321(1)(a), 636.005, 636.008, 636.009, 636.012, 636.043 FS. History—New 11-15-94, Amended _____.

DEPARTMENT OF INSURANCE

Division of State Fire Marshal

RULE CHAPTER TITLE: Fire Protection System
 CONTRACTORS AND SYSTEMS

RULE CHAPTER NO.: 4A-46

RULE TITLE: Installation Requirements for Automatic
 Sprinkler Systems Employing Water
 as the Extinguishing Agent

RULE NO.: 4A-46.040

PURPOSE AND EFFECT: The changes would have the purpose and effect of specifically determining the point of service for a complete sprinkler system as it relates to the backflow preventer. The proposed rule change is intended to address a petition requesting a declaratory statement which, if issued, would constitute an agency statement of general applicability that implements, interprets, or prescribes law or policy, or would constitute an amendment of an existing rule.

SUBJECT AREAS TO BE ADDRESSED: The point of service of a water based sprinkler system in relation to the backflow preventer.

SPECIFIC AUTHORITY: 633.01(1), 633.517(1) FS.

LAW IMPLEMENTED: 633.021(18) FS.

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

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

PLACE: Conference Rooms A, B, and C, Hurston South Tower, State Office Building, 400 West Robinson Street, Orlando, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Jim Goodloe, Chief, Bureau of Fire Prevention, Division of State Fire Marshal, Bureau of Fire Prevention, 200 East Gaines Street, Tallahassee, FL 32399-0342, (850)922-3171

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Department at least 5 calendar days before the program by contacting Millicent King, (850)413-3619.

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

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Agricultural Environmental Services

The Department hereby announces that it intends to convene a negotiated rulemaking proceeding.

RULE SUBJECT AND SCOPE: Under Chapter 487.041(4)(e) F.S., the Department has been authorized and required to develop rules to specifying the performance standards and acceptable testing conditions for data submitted in support of efficacy claims for pesticide products containing label statements for use as preventative treatments for termites for new construction. This negotiated rulemaking will concern the

language of the rule that will specify the performance standards and acceptable testing conditions regarding data provided in support of registration of pesticide products containing label statements for use as preventative treatments for termites for new construction so that the data show that the product will prevent damage to a structure and its contents for a minimum of five years under Florida conditions.

LIST OF INVITED COMMITTEE MEMBERS:

The following persons are invited to participate in this negotiated rulemaking procedure:

Frank Gasperini, Director of State Issues, Responsible Industry for a Sound Environment (RISE), representing pesticide registrant interests.

1156 15th Street, N.W.
Suite 400
Washington, DC 20005
(202)872-3860

Norm Smith, Certified Pest Control Operators, representing pest control operators interests.

6635 W. Commercial Boulevard
Suite 201
Tamarac, FL 33319
(954)724-8806

DR Sapp, Legislative Affairs Chairman, Florida Pest Management Association, representing pest control operators interests.

c/o Florida Pest Management Association
6882 Edgewater Commerce Parkway
Orlando, FL 32810-4281
(800)426-4829

Bob Rosenberg, Executive Director, National Pest Management Association, representing pest control operators interests.

National Pest Management Association
8100 Oak Street
Dunn Loring, Virginia 22027
(703)573-8330

Jack Glenn, Technical Services Director, Florida Home Builders Association, representing home builders interests.

Florida Home Builders Association
243 Office Plaza Drive
Tallahassee, FL 32301
(800)261-9447 Ext. 18

A. Roland Holt, Director of Building Division and Building Official, Palm Beach County Florida, representing building officials interests.

100 Australian Avenue
West Palm Beach, FL 33406-1465
(561)233-5100

Michael C. Beckers, Wilson and Schmidt Insurance, representing insurance industry interests.

Citrus Center
Post Office Drawer 1793
Orlando, Florida 32802
(407)540-1400

Phil Koehler, Professor, University of Florida, Agricultural Extension Service, representing the entomology extension service of the Institute of Food and Agricultural Sciences.

Department of Entomology and Nematology
University of Florida
P. O. Box 110620
Gainesville, FL 32611-0620
(352)392-1901

Steve Dwinell, Assistant Division Director, Division of Agriculture Environmental Services, Department of Agriculture and Consumer Services, representing the Department of Agriculture and Consumer Services, 3125 Conner Boulevard, C16, Tallahassee, Florida 32399

RULEMAKING TIME FRAMES: The committee shall report in writing the results of its deliberations and /or proposed rules to the agency at the earliest possible time, not to exceed 90 days from the date of the last negotiation meeting.

MEETING TIMES, DATES AND PLACES ARE AS FOLLOWS:

10:00 a.m. – 4:00 p.m., May 29, 2002, Hurston South Tower, 400 South Robinson St., Orlando, FL 32810.

10:00 a.m. – 4:00 p.m., June 18, 2002, Broward County Extension Service, 3245 College Ave., Davie, FL 333314.

10:00 a.m. – 4:00 p.m., July 9, 2002, USDA Building, 1700 SW 23rd Drive, Gainesville, FL 32608.

10:00 a.m. – 4:00 p.m., July 25, 2002, Hurston South Tower, 400 South Robinson St., Orlando, FL 32810.

10:00 a.m. – 4:00 p.m., August 20, 2002, Hurston South Tower, 400 South Robinson St., Orlando, FL 32810.

10:00 a.m. – 4:00 p.m., September 10, 2002, Hurston South Tower, 400 South Robinson St., Orlando, FL 32810.

PERSONS WHO WISH TO PARTICIPATE IN THE COMMITTEE: If you believe your interests in this proceeding are not adequately represented, you may apply to participate on this committee by doing the following:

1. Submit a written request to participate to: Mr. Steven Dwinell, Assistant Director, Division of Agricultural Environmental Services, Department of Agriculture and Consumer Services, 3125 Conner Blvd., Tallahassee, Florida 32399-1650.

2. Your request to participate must be submitted to the person and address listed above within 30 days of the date of this notice.

3. The agency will respond in writing to your request within 20 days of receipt of your request by the agency. The agency's response will notify you as to whether or not your request to participate has been granted or denied and shall state the basis for granting or denying your request.

NEGOTIATING COMMITTEE NEUTRAL FACILITATOR: Mr. Jeff Blair, with the Florida Conflict Resolution Consortium will serve at the pleasure of the Negotiating Committees as the neutral facilitator.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Standards

RULE TITLES: RULE NOS.:

Standards of National Fire Protection Association Adopted	5F-11.002
Installation of Containers on Roofs of Buildings Out of Service Account Procedure	5F-11.028
Dispensing Units	5F-11.043
	5F-11.045

PURPOSE AND EFFECT: The purpose of this rule revision is to adopt the 2001 edition of National Fire Protection Association Standard #58, The LP-Gas Code and to revise references within the rules to be consistent with the 2001 edition.

SUBJECT AREA TO BE ADDRESSED: Adoption of the 2001 edition of the National Fire Protection Association Standard #58, The LP-Gas Code.

SPECIFIC AUTHORITY: 527.06 FS.

LAWS IMPLEMENTED: 527.06, 527.062 FS.

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

TIME AND DATE: 10:00 a.m., May 20, 2002

PLACE: Division of Standards Conference Room, Suite E, Doyle Conner Administration Building, 3125 Conner Boulevard, Tallahassee, Florida 32399-1650

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Vicki O'Neil, Bureau Chief, Bureau of Liquefied Petroleum Gas Inspection, 3125 Conner Blvd., Suite N, Tallahassee, Florida 32399-1650, (850)921-8001

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

5F-11.002 Standards of National Fire Protection Association Adopted.

(1) The standards of the National Fire Protection Association for the storage and handling of liquefied petroleum gases as published in NFPA No. 58, LP-Gas Code 2001 1998 edition, and for gas appliances and gas piping as published in NFPA No. 54, American National Standard National Fuel Gas Code, 1999 edition, shall be the accepted standards for this

state, subject to such additions and exceptions as are set forth in these rules. Reference to NFPA 58 and NFPA 54 in these rules shall be to the most recent edition as adopted herein.

~~(a) The compliance date referenced in Section 2-3.1.5, NFPA 58, with regard to equipping cylinders with an overfill prevention device is extended to July 1, 1999.~~

~~(b) The compliance date referenced in Section 3-2.10.11, NFPA 58, with regard to installation of manually operated remote emergency shutoff devices is extended to September 1, 1999.~~

~~(c) Tentative Interim Amendment 98-1 to the 1998 edition of NFPA 58, issued by the National Fire Protection Association Standards Council in regard to Section 5-4 entitled "Storage Outside of Buildings" and the related appendices, is hereby adopted.~~

~~(a)(d) Section 3.2.10 3-2.5 of NFPA 58, 2001 1998 edition, titled "Installation of Containers on Roofs," is hereby excluded from adoption.~~

(2) Each of the NFPA publications listed in subsection (1) above is incorporated by reference in each rule within this rule chapter in which reference is made to the publication. In each instance, the publication becomes a part of the rule, in the entirety of the publication, or in part thereof, as the rule provides or the context of the rule may require.

(3) "NFPA" is the recognized abbreviation for the National Fire Protection Association, Inc., and generally the abbreviation is used in these rules in identifying the publications of the association. The public may obtain a copy of any NFPA publication by writing the association, whose address is: National Fire Protection Association, Inc., Batterymarch Park, Quincy, Massachusetts 02269.

Specific Authority 527.06 FS. Law Implemented 527.06 FS. History—New 8-7-80, Formerly 4A-1.01, Amended 7-18-85, Formerly 4B-1.01, Amended 10-8-86, 2-6-90, 8-9-92, Formerly 4B-1.001, Amended 7-20-95, 7-23-97, 6-8-99, 5-23-00,_____.

5F-11.028 Installation of Containers on Roofs of Buildings.

Installation of containers on roofs of buildings as referenced in NFPA 58, Section 3.2.10 3-5.2 is prohibited.

Specific Authority 527.06 FS. Law Implemented 527.06, 527.062 FS. History—New 6-8-99, Amended 5-23-00,_____.

5F-11.043 Out of Service Account Procedure.

(1) All licensed suppliers of LP gas shall:

(a) Identify those accounts where stationary, company-owned tanks with a 100 gallon or more container capacity have been out of service for a period of 12 months, and within 60 days, initiate appropriate container abandonment procedures pursuant to Section 3.2.9.1 (f) 3-2.4.8(h) of NFPA 58. Alternatively, licensed suppliers may provide for the safe removal of the container or containers, install a suitable mechanical device that prevents the system from being activated or have a pressure leak safety check pursuant to

Appendix D of NFPA 54 performed every 12 months. The supplier shall provide reasonable notice to the customer prior to initiating such procedures.

(b) In the event an account is reactivated, the supplier shall perform an appropriate pressure leak safety check. Each supplier shall maintain records of such inactive accounts suitable for inspection by the Department.

(2) All consumers, end users or owners of LP gas containers shall:

(a) Within 60 days initiate the safety procedures outlined in subparagraph (1)(a) above, ~~pursuant to Section 3-2.4.8(h) of NFPA 58~~ for any stationary LP gas tank with a 100 gallon or more container capacity which has not been in use for a period of 12 months.

Specific Authority 527.06 FS. Law Implemented 527.06 FS. History—New 7-23-86, Amended 2-6-90, Formerly 5F-11.044, Amended 4-30-96.

5F-11.045 Dispensing Units.

(1) through (4) No change.

(5) The requirements for an actuated liquid withdrawal valve pursuant to Section ~~2.2.3~~ ~~2-2~~ of NFPA 58 as incorporated by reference in Rule 5F-11.002, F.A.C., shall not apply to dispensing units when such units are equipped with a bottom outlet valve piped for liquid withdrawal or other method of liquid withdrawal that is permanently in place. In such cases, the actuated liquid withdrawal valve may be replaced with an approved valve pursuant to the requirements of NFPA 58.

Specific Authority 527.06 FS. Law Implemented 527.06 FS. History—New 6-8-88, Formerly 4B-1.032, Amended 3-15-94, 7-20-95, 6-5-97.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Standards

RULE TITLE: Installer Licenses

RULE NO.: 5F-11.012

PURPOSE AND EFFECT: The purpose of this rule revision is to provide a separate licensing category for persons engaged in the installation of propane cylinders at certain defined consumer sites. This will address new activities emerging within the industry along with developing technologies.

SUBJECT AREA TO BE ADDRESSED: Establishment of a new specialty installer license category as provided by Section 527.02, Florida Statutes.

SPECIFIC AUTHORITY: 527.06, 527.01(11) FS.

LAW IMPLEMENTED: 527.01(11), 527.02(2) FS.

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

TIME AND DATE: 1:00 p.m., May 20, 2002

PLACE: Division of Standards Conference Room, Suite E, Doyle Conner Administration Building, 3125 Conner Boulevard, Tallahassee, Florida 32399-1650

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Vicki O’Neil, Bureau Chief, Bureau of Liquefied Petroleum Gas Inspection, 3125 Conner Blvd., Suite N, Tallahassee, Florida 32399-1650, (850)921-8001

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

5F-11.012 Installer Licenses.

(1) The following license types are established under the Specialty Installer category:

(a) through (c) No change.

(d) Installer E is any person engaged in the liquefied petroleum gas business whose services include installing portable propane cylinders of no more than 40 lbs. water capacity at a consumer site for the sole purpose of fuel for outdoor appliances and equipment; servicing, altering, or modifying outdoor appliances, equipment, piping, or tubing to convey liquefied petroleum gas to such outdoor appliances or equipment and selling or offering to sell, leasing or offering to lease, outdoor appliances or equipment for the use of liquefied petroleum gas. The scope of work that may be performed by an Installer E does not include installing, servicing, altering, or modifying liquefied petroleum gas motor fuel systems, liquefied petroleum gas equipment, appliances or systems on recreational vehicles, permanently installed liquefied petroleum gas containers or container assemblies, or liquefied petroleum gas equipment, piping, appliances or systems installed in the interior of any permanent building or structure.

Specific Authority ~~527.01(11)~~, 527.06 FS. Law Implemented ~~527.01(10)~~, 527.01(11), 527.02(2) FS. History—New 8-31-93, Formerly 4B-1.036 Amended

DEPARTMENT OF TRANSPORTATION

RULE CHAPTER TITLE: Incorporation by Reference

RULE CHAPTER NO.: 14-15

RULE TITLE: Manual of Uniform Minimum Standards for

RULE NO.:

Design, Construction and Maintenance for Streets and Highways 14-15.002

CORRECTION – The following Notice of Proposed Rule Development was inadvertently published under Section II, Proposed Rules, in Vol. 28, No. 13, March 29, 2002, issue of the Florida Administrative Weekly on page 1430.

PURPOSE AND EFFECT: The *Manual of Uniform Minimum Standards for Design, Construction and Maintenance for Streets and Highways*, commonly referred to as “the Green Book,” is being revised.

SUBJECT AREA TO BE ADDRESSED: The rule adopts the *Manual of Uniform Minimum Standards for Design, Construction and Maintenance for Streets and Highways*,

commonly referred to as “the Green Book.” Because the manual has been revised, that revised edition has to be incorporated by reference.

SPECIFIC AUTHORITY: 334.044(2), 336.045(1) FS.

LAW IMPLEMENTED: 336.045 FS.

IF REQUESTED IN WRITING, A RULE DEVELOPMENT WORKSHOP WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: 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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

14-15.002 Manual of Uniform Minimum Standards for Design, Construction and Maintenance for Streets and Highways.

The *Manual of Uniform Minimum Standards for Design, Construction and Maintenance for Streets and Highways*, May – 2002, 2001 edition, is hereby incorporated by this rule and made a part of the rules of the Department of Transportation. Copies of this Department manual and any amendments thereto are available from the Department of Transportation, Maps and Publications Sales, 605 Suwannee Street, Mail Station 12, Tallahassee, Florida 32399-0450, at no more than cost.

Specific Authority 334.044(2), 336.045(1) FS. Law Implemented 336.045 FS. History–New 1-22-76, Amended 7-13-81, 6-24-84, Formerly 14-15.02, Amended 8-25-86, 11-29-89, 11-1-94, 5-15-01, _____.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Alcoholic Beverages and Tobacco

RULE CHAPTER TITLE: Vendors and Licensees
 RULE CHAPTER NO.: 61A-3

RULE TITLE: Exploitation of Dwarfs
 RULE NO.: 61A-3.047

PURPOSE AND EFFECT: The purpose of this rule development is to prohibit the exploitation of dwarfs by prohibiting alcoholic beverage licensees from promoting or engaging in any contest, promotion or activity which results in the endangerment of the health, safety and welfare of a dwarf on any licensee’s premises. “Dwarf-tossing” is specifically prohibited.

SUBJECT AREA TO BE ADDRESSED: Prohibition of dwarf-tossing and promotion or permission of other recreational activities on the premises of alcoholic beverage licensees that is exploitative and dangerous to the health, safety and welfare of dwarfs.

SPECIFIC AUTHORITY: 561.11, 561.665 FS.

LAW IMPLEMENTED: 561.665 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Michael D. Kooi, Assistant General Counsel, Department of Business and Professional Regulation, Office of the General Counsel, 1940 North Monroe Street, Tallahassee, FL 32399-1012; Telephone: (850)487-9636

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61A-3.047 Exploitation of Dwarfs.

(1) A dwarf is a person with the medical condition known as dwarfism. Dwarfism means a person of disproportionate or proportionate short stature most often cause by a genetic syndrome.

(2) It is unlawful for a licensee to promote, engage in, or permit any exploitative contest, promotion or other form of recreational activity which results in the endangerment of the health, safety or welfare of a dwarf on any premises licensed under the beverage law. Any activity described as dwarf-tossing is specifically included within those acts of exploitation prohibited by this rule.

(3) Nothing contained herein shall be construed to prohibit dwarfs from engaging in non-exploitative sporting or recreational events of the type engaged in by persons who are not dwarfs.

(4) The division is authorized to impose all the penalties set forth in Section 561.29 or 561.665, Florida Statutes, against the license of any entity found in violation of this rule.

Specific Authority 561.11, 561.665 FS. Law Implemented 561.665 FS. History–New _____.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Commission

RULE TITLE: Inactive Renewal
 RULE NO.: 61J2-1.014

PURPOSE AND EFFECT: The purpose of the proposed rule development is to comply with statute giving the Department the authority to perform these functions rather than the Division.

SUBJECT AREA TO BE ADDRESSED: The proposed rule development affects rule provisions relating to the license renewal process for inactive licensees.

SPECIFIC AUTHORITY: 120.53, 475.05, 475.183 FS.

LAW IMPLEMENTED: 475.183 FS.

FREC WILL CONDUCT A RULE DEVELOPMENT WORKSHOP AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 8:30 a.m., or as soon thereafter as possible, May 15, 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 DEVELOPMENT IS: Lori Crawford, Deputy Clerk, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N308, Orlando, Florida 32801

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE FROM THE CONTACT PERSON LISTED ABOVE.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Commission

RULE TITLE: RULE NO.:

Continuing Education for Active and Inactive Broker And Salesperson Licensees 61J2-3.009

PURPOSE AND EFFECT: The purpose of the proposed rule development is to bring the rule into compliance with statutory changes and modify the types of courses that qualify for continuing education credit.

SUBJECT AREA TO BE ADDRESSED: The proposed rule development affects rule provisions relating to continuing education courses.

SPECIFIC AUTHORITY: 455.2123, 475.01(1)(d),(e),(2), 475.42(1)(c) FS.

LAW IMPLEMENTED: 455.2123, 475.04, 475.17, 475.182, 475.183, 475.451 FS.

FREC WILL CONDUCT A RULE DEVELOPMENT WORKSHOP AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 8:30 a.m., or as soon thereafter as possible, May 15, 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 DEVELOPMENT IS: Lori Crawford, Deputy Clerk, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N308, Orlando, Florida 32801

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE FROM THE CONTACT PERSON LISTED ABOVE.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Commission

RULE TITLE: RULE NO.:

Notices of Satisfactory Course Completion 61J2-3.015

PURPOSE AND EFFECT: The purpose of the proposed rule development is to amend the rule to better comply with statutory changes.

SUBJECT AREA TO BE ADDRESSED: The proposed rule development affects rule provisions relating to record keeping affecting course completion.

SPECIFIC AUTHORITY: 455.2123, 475.05 FS.

LAW IMPLEMENTED: 455.2123, 475.04, 475.17, 475.182, 475.183, 475.451 FS.

FREC WILL CONDUCT A RULE DEVELOPMENT WORKSHOP AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 8:30 a.m., or as soon thereafter as possible, May 15, 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 DEVELOPMENT IS: Lori Crawford, Deputy Clerk, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N308, Orlando, Florida 32801

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE FROM THE CONTACT PERSON LISTED ABOVE.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Commission

RULE TITLE: RULE NO.:

License Status of Active Officers and Directors 61J2-5.016

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

SUBJECT AREA TO BE ADDRESSED: The proposed rule development affects rule provisions relating to whether an active real estate salesperson can be an officer of a real estate brokerage.

SPECIFIC AUTHORITY: 475.05 FS.

LAW IMPLEMENTED: 475.01, 475.15 FS.

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

TIME AND DATE: 8:30 a.m., or as soon thereafter as possible, May 15, 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 DEVELOPMENT IS: Lori Crawford, Deputy Clerk, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N308, Orlando, Florida 32801

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE UPON CONTACTING THE PERSON LISTED ABOVE.

DEPARTMENT OF HEALTH

Board of Chiropractic Medicine

RULE TITLE: Processing Fee RULE NO.: 64B2-12.017

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

SUBJECT AREA TO BE ADDRESSED: Processing Fee.

SPECIFIC AUTHORITY: 456.036 FS.

LAW IMPLEMENTED: 456.036 FS.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B2-12.017 Processing Fee.

A licensee shall pay a processing fee of ~~\$350.00 three hundred fifty dollars (\$350.00)~~ when the licensee applies for a change in licensure status at any time other than during licensure renewal, except a certified chiropractic physician assistant shall pay \$55. The renewal period shall begin ~~90 ninety (90)~~ days prior to the end of the biennium and shall end on the last day of the biennium.

Specific Authority 456.036 FS. Law Implemented 456.036 FS. History--New 2-20-95, Formerly 59N-12.017, Amended_____.

DEPARTMENT OF HEALTH

Board of Chiropractic Medicine

RULE TITLE: Continuing Education RULE NO.: 64B2-13.004

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

SUBJECT AREA TO BE ADDRESSED: Continuing Education.

SPECIFIC AUTHORITY: 460.408(3) FS.

LAW IMPLEMENTED: 456.013(6), 456.036(10), 460.408 FS.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B2-13.004 Continuing Education.

(1) through 10) No change.

(11) In addition to the continuing chiropractic education credits authorized above, a course instructor, for one presentation only per biennium, will receive credit for a continuing education program sponsored by a provider approved by the Board, except that credit will be limited to the number of credits for which the instructor was personally responsible and shall not exceed the credit allowed for attending the program.

(12) In addition to the continuing chiropractic education credits authorized above, test examiners who have passed their trainee period and were used by the Department during the biennium will receive eight hours of credit for the biennium.

(13) In addition to the continuing chiropractic education credits authorized above, former Board members will receive eight hours of credit per biennium for annual service on a Probable Cause Panel.

Specific Authority 460.408(3) FS. Law Implemented 456.013(6), 456.036(10), 460.408 FS. History--New 1-10-80, Amended 11-25-80, 1-13-82, Formerly 21D-13.04, Amended 6-22-86, 7-5-87, 1-25-88, 10-17-90, 10-15-92, Formerly 21D-13.004, Amended 10-26-93, Formerly 61F2-13.004, Amended 3-16-95, 7-18-95, 6-11-96, Formerly 59N-13.004, Amended 6-24-98, 8-4-99, _____.

DEPARTMENT OF HEALTH

Board of Chiropractic Medicine

RULE TITLE: Inactive Status License RULE NO.: 64B2-13.0049

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

SUBJECT AREA TO BE ADDRESSED: Inactive Status License.

SPECIFIC AUTHORITY: 456.036 FS.

LAW IMPLEMENTED: 456.036 FS.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B2-13.0049 Inactive Status License.

(1) through (2) No change.

~~(3) Any inactive licensee who elects active status is not eligible to elect to return to inactive status until the next licensure renewal period.~~

Specific Authority 456.036 FS. Law Implemented 456.036 FS. History—New 2-20-95, Formerly 59N-13.0049, Amended _____.

DEPARTMENT OF HEALTH

Board of Chiropractic Medicine

RULE TITLE: Citations RULE NO.: 64B2-16.0075

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

SUBJECT AREA TO BE ADDRESSED: Citations.

SPECIFIC AUTHORITY: 456.077, 460.405 FS.

LAW IMPLEMENTED: 456.035, 456.072(3), 456.073 FS.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B2-16.0075 Citations.

(1) through (2) No change.

(3) The Board designates the following as citation violations, which shall result in a penalty of five hundred dollars (\$500.00) if the citation is accepted by the licensee:

(a) through (b) No change.

(c) Failure to review and correct any factual inaccuracies in the practitioner profile within 30 days of when furnished s. 460.413(1)(i), 456.041(7), 456.042, F.S. False, deceptive or misleading advertising, s. 460.413(1)(d), F.S.

(d) through (g) No change.

(4) through (9) No change.

Specific Authority 456.077, 460.405 FS. Law Implemented 456.035, 456.072(3), 456.073 FS. History—New 1-19-92, Amended 4-26-93, Formerly 21D-16.0075, 61F2-16.0075, Amended 7-18-95, Formerly 59N-16.0075, Amended 2-11-99, 5-31-00, _____.

DEPARTMENT OF HEALTH

Board of Hearing Aid Specialists

RULE TITLE: Definitions RULE NO.: 64B6-8.001

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

SUBJECT AREA TO BE ADDRESSED: Definitions.

SPECIFIC AUTHORITY: 484.0445(1), 484.044 FS.

LAW IMPLEMENTED: 484.041, 484.0445, 484.045 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Sue Foster, Executive Director, Board of Hearing Aid Specialist, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B6-8.001 Definitions.

(1) through (2) No change.

(3) Direct Supervision: A relationship in which the sponsor is responsible for all work being done and gives final approval to all hearing aid dispensing work performed by the trainee. The sponsor or hearing aid specialist designated by the sponsor must be physically present in the same room at the time a hearing aid is delivered to the client, and the receipt required by Section 484.051, Florida Statutes, must have the signature and license number of the sponsor or hearing aid specialist designated by the sponsor.

(4) Designated hearing aid specialist: An active Florida licensed hearing aid specialist designated by the sponsor of a trainee and approved by the Board, or its designee to assist in the training of a trainee pursuant to Section 484.0445, Florida Statutes, and this chapter ~~and who meets the qualifications established by this chapter.~~

Specific Authority 484.0445(1), 484.044 FS. Law Implemented 484.041, 484.0445, 484.045 FS. History—New 2-12-84, Amended 4-18-85, Formerly 21JJ-8.01, Amended 8-12-87, 9-13-90, Formerly 21JJ-8.001, 61G9-8.001, Amended _____.

DEPARTMENT OF HEALTH

Board of Massage Therapy

RULE TITLE: Requirements for Board Approval of RULE NO.:

Continuing Education Programs 64B7-28.010

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

SUBJECT AREA TO BE ADDRESSED: Requirements for Board Approval of Continuing Education Programs.

SPECIFIC AUTHORITY: 456.013(8), 456.025(7), 480.035(7), 480.0415 FS.

LAW IMPLEMENTED: 456.013(8), 456.025(7), 480.0415 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Karen Eaton, Executive Director, Board of Massage Therapy, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B7-28.010 Requirements for Board Approval of Continuing Education Programs.

(1) No change.

(a) Submit a completed Massage Continuing Education Provider Application, BMT5, and Approved Provider Supplemental Program/Instructor Information, BMT6, incorporated herein by reference, and a non-refundable ~~an~~ application fee of \$~~250~~ 400. The forms will be effective 2-18-98, copies of which may be obtained from the Board office at: ~~4052 Bald Cypress Way, BIN #C06, Tallahassee, FL 32399-3256~~ 2020 Capital Circle, SE, Bin C09, Tallahassee, Florida 32399-3259.

(b) No change.

(2) Each program presented by a Board ~~an~~ approved provider shall:

(a) Meet the standards of Rule 64B7-28.009(2), ~~(3)~~(a), (b), or (c);

(b) through (5) No change.

(6) A Board approved provider must submit a completed Form C, a part of the Massage Continuing Education Provider Application, BMT5, list of titles and brief descriptions of any new courses to the Board office prior to offering such courses for credit. The submitted information must also identify any new continuing education instructor and show that such instructor meets the criteria set forth in the rule. Whenever an instructor and his/her course has obtained approval by the Board, the instructor may teach the course at any time, in whole or in part, so long as the materials being taught do not deviate from course materials originally approved, there is no change of instructor, and the documentation of attendance clearly indicates the original course approval number and the hours of credit given for this version of the course. Therefore, the number of continuing education hours awarded for the

course may be the original number of hours approved, or less. An increase of the number of continuing education hours awarded will require submission of forms for approval of a course.

(7) A Board approved provider must revise and up-date all course materials that are affected by changes occurring during the biennial renewal period. The Board may rescind approval of any provider or course that is found to be obsolete, erroneous, and/or outside the scope of practice or for other causes as determined by the Board. The revised course materials must be submitted with the biennial renewal form and renewal fee.

~~(8)(7)~~ Provider numbers must be renewed biennially on or before ~~August~~ January 31 of the biennial renewal year. The provider must return the renewal form provided by the department together with a renewal fee of ~~\$250~~ 50. If the renewal form and renewal fee are not received by the department on or before ~~August~~ January 31 of the biennial year, the provider must submit a new application and, if approved, receive a new provider number.

Specific Authority 456.013(8), ~~456.025(7)~~, 480.035(7), 480.0415, ~~480.0425~~ FS. Law Implemented 456.013(8), ~~456.025(7)~~, 480.0415, ~~480.0425~~ FS. History—New 4-21-86, Amended 9-14-87, 8-29-88, 2-8-89, 3-12-90, 1-3-91, Formerly 21L-28.010, Amended 9-30-93, 8-16-94, 6-12-95, 2-12-97, Formerly 61G11-28.010, Amended 2-18-98, 10-26-98, 9-20-99, 11-4-99, _____.

DEPARTMENT OF HEALTH

Board of Medicine

RULE TITLE: Disciplinary Guidelines

RULE NO.: 64B8-8.001

PURPOSE AND EFFECT: The Board proposes the development of a rule amendment to address those serving as medical directors of clinics.

SUBJECT AREA TO BE ADDRESSED: Disciplinary guidelines for those serving as medical directors of clinics.

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

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

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B8-8.001 Disciplinary Guidelines.

(1) No change.

(2) Violations and Range of Penalties. In imposing discipline upon applicants and licensees, in proceedings pursuant to Section 120.57(1) and 120.57(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 violations set forth below. The

verbal identification of offenses are descriptive only; the full language of each statutory provision cited must be consulted in order to determine the conduct included.

VIOLATION	RECOMMENDED RANGE OF PENALTY	
	FIRST OFFENSE	SECOND OFFENSE
(a) through (oo) No change. <u>(pp) Violation of medical director clinic responsibilities (456.0375(4)(c), F.S.)</u>	<u>(pp) Based upon the severity of the offense and the potential for patient harm from a letter of concern to revocation and an administrative fine from \$1,000 to \$10,000.</u>	<u>(pp) Restricted from serving as the medical director of any registered clinic and based upon the severity of the offense and the potential for patient harm, from a reprimand to revocation and an administrative fine from \$5,000 to \$10,000.</u>

(3) through (7) No change.

Specific Authority 458.309, 458.331(5), 456.079 FS. Law Implemented 456.072, 456.079, 458.331(5) FS. History--New 12-5-79, Formerly 21M-20.01, Amended 1-11-87, 6-20-90, Formerly 21M-20.001, Amended 11-4-93, Formerly 61F6-20.001, Amended 6-24-96, 12-22-96, Formerly 59R-8.001, Amended 5-14-98, 12-28-99, 1-31-01, 7-10-01,_____.

(a) American Board of Facial Plastic & Reconstructive Surgery, Inc. (Approved February 1997).

(b) American Board of Pain Medicine (Approved August 1999).

(c) American Association of Physician Specialists, Inc. (Approved February 2002).

DEPARTMENT OF HEALTH

Board of Medicine

RULE TITLE: Advertising
RULE NO.: 64B8-11.001

PURPOSE AND EFFECT: The Board proposes to add the American Association of Physician Specialists, Inc., to the list of recognizing agencies currently approved by the Board.

SUBJECT AREA TO BE ADDRESSED: The addition of the American Association of Physician Specialists, Inc., to the list of recognizing agencies.

SPECIFIC AUTHORITY: 458.309 FS.

LAW IMPLEMENTED: 458.331(1)(d), (l), (n), (o) FS.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B8-11.001 Advertising.

(1) through (6) No change.

(7) The recognizing agencies currently approved by the Board of Medicine include:

Specific Authority 458.309 FS. Law Implemented 458.331(1)(d), (l), (n), (o) FS. History--New 3-31-80, Formerly 21M-24.01, Amended 11-15-88, Formerly 21M-24.001, Amended 12-5-93, Formerly 61F6-24.001, Amended 4-3-95, 4-16-96, 5-29-97, Formerly 59R-11.001, Amended 1-31-01,_____.

DEPARTMENT OF HEALTH

Board of Medicine

RULE TITLE: Physician Assistant Performance
RULE NO.: 64B8-30.012

PURPOSE AND EFFECT: The Council proposes the development of a rule amendment to specify appropriate records review with regard to physician assistants and supervising physicians.

SUBJECT AREA TO BE ADDRESSED: Appropriate records review.

SPECIFIC AUTHORITY: 458.309, 458.347(4)(a), (13) FS.

LAW IMPLEMENTED: 458.347(2), (3), (4), (13) FS.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B8-30.012 Physician Assistant Performance.

(1) through (2) No change.

(3) All tasks and procedures performed by the physician assistant must be documented in the appropriate medical record. For first-time prescribing physician assistants and for prescribing physician assistants who change their primary supervising physician, the supervising physician shall, during the initial six months of supervision, comply with the record review and signing requirements of Section 458.347(4)(e)8., or 459.022(4)(e)8., F.S., within fifteen days of each prescription. After the initial six month period of supervision, review and signing requirements must be completed at least quarterly. In licensed facilities the supervising physician must review and sign medical records by a physician assistant in accordance with the laws and rules regulating the facility. The supervising physician must review, sign and date the physician assistant record within seven (7) days.

(4) No change.

Specific Authority 458.309, 458.347(4)(a), (13) FS. Law Implemented 458.347(2), (3), (4), (13) FS. History–New 5-13-87, Amended 7-7-87, 11-15-88, 9-15-92, Formerly 21M-17.012, Amended 11-4-93, Formerly 61F6-17.012, 59R-30.012, Amended 10-13-98, 3-28-99.

DEPARTMENT OF HEALTH

Board of Medicine

Dietetics and Nutrition Practice Council

RULE TITLE: Fees RULE NO.: 64B8-41.001

PURPOSE AND EFFECT: The Council proposes the development of a rule amendment to delete the inactive status fee.

SUBJECT AREA TO BE ADDRESSED: Fees.

SPECIFIC AUTHORITY: 456.036, 468.507, 468.508 FS.

LAW IMPLEMENTED: 456.036, 456.065, 468.508 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Kaye Howerton, Executive Director, Dietetics and Nutrition Practice Council/MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B8-41.001 Fees.

(1) through (4) No change.

(5) When the Council Counsel certifies the applicant to sit for the examination or for re-examination, it is the applicant's responsibility to complete the examination process with the national vendor. In compliance with the Americans for

Disabilities Act, any applicant requesting special accommodations shall comply with the Department of Health's Rule 64B-1.005, F.A.C.

(6) through (8) No change.

~~(9) The inactive status fee shall be \$25.00.~~

~~(9)(10) The fee for renewal of inactive status shall be \$95.00.~~

~~(10)(11) The change of status processing fee shall be \$50.00.~~

Specific Authority 456.036, 468.507, 468.508 FS. Law Implemented 456.036, 456.065, 468.508 FS. History–New 4-9-89, Amended 8-28-90, 11-9-92, Formerly 21M-47.001, Amended 9-21-93, 11-4-93, 1-3-94, Formerly 61F6-47.001, Amended 12-28-94, 5-2-95, Formerly 59R-41.001, Amended 11-24-97, 6-22-99, 8-19-99, 9-26-01.

DEPARTMENT OF HEALTH

Board of Medicine

Dietetics and Nutrition Practice Council

RULE TITLE: Additional Educational Requirements RULE NO.: 64B8-42.005

for Initial Licensure

PURPOSE AND EFFECT: The Council proposes the development a new rule to address the educational requirements for initial licensure.

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

SPECIFIC AUTHORITY: 456.013(7), 456.033 FS.

LAW IMPLEMENTED: 456.013(7), 456.033 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Kaye Howerton, Executive Director, Dietetics and Nutrition Practice Council /MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B8-42.005 Additional Educational Requirements for Initial Licensure.

(1)(a) Each applicant for initial licensure shall confirm completion of a three-hour course on Human Immunodeficiency Virus and Acquire Immune Deficiency Syndrom (HIV/AIDS). The HIV/AIDS course must have been completed within the two years immediately preceding the submission of the application for licensure.

(b) Applicants for initial licensure, upon showing of good cause by affidavit, shall be given six months from the date of licensure to complete the HIV/AIDS course. Good cause

includes applicants for endorsement or examination who have been residing outside of Florida or who have been on active military service.

(c) The course on HIV/AIDS shall meet all the requirements of Section 456.033, Fla. Stat.

(d) Courses approved by any Board within the Division of Medical Quality Assurance of the Department of Health pursuant to Section 456.033, Fla. Stat., are recommended by the Council and approved by the Board.

(2)(a) Each applicant for initial licensure shall confirm completion of a two-hour course on the prevention of medical errors, including a study of root-cause analysis, error reduction and prevention, and patient safety. If the course is being offered by a facility licensed pursuant to chapter 395, F.S., for its employees, up to one hour of the two-hour course may be specifically related to error reduction and prevention methods used in that facility.

(b) Courses approved by any Board within the Division of Medical Quality Assurance of the Department of Health pursuant to Section 456.013(7), Fla. Stat., are recommended by the Council and approved by the Board.

Specific Authority 456.013(7), 456.033 FS. Law Implemented 456.013(7), 456.033 FS. History—New

DEPARTMENT OF HEALTH

Board of Medicine

RULE TITLE: Continuing Education on HIV/AIDS
 RULE NO.: 64B8-45.006

PURPOSE AND EFFECT: The Council proposes the development of a rule amendment to clarify the requirements for HIV/AIDS education.

SUBJECT AREA TO BE ADDRESSED: HIV/AIDS education.

SPECIFIC AUTHORITY: 456.033 FS.

LAW IMPLEMENTED: 456.033 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Kaye Howerton, Executive Director, Dietetics and Nutrition Practice Council/MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B8-45.006 Continuing Education on HIV/AIDS.

~~(1)(a) Applicants for initial licensure shall confirm completion of a three-hour course on Human Immunodeficiency Virus and Acquired Immune Deficiency~~

~~Syndrome (HIV/AIDS). The HIV/AIDS course must have been completed within the two years immediately preceding the submission of the application for licensure.~~

~~(b) Applicants for initial licensure, upon showing of good cause by affidavit, shall be given six months from the date of licensure to complete the HIV/AIDS course. Good cause includes applicants for endorsement or examination who have been residing outside of Florida or who have been on active military service.~~

~~(1)(2) For each renewal of licensure, licensees must complete a one-hour course on Human Immunodeficiency Virus and Acquired Immune Deficiency Syndrome (HIV/AIDS) HIV/AIDS course within the 24-month period prior to the expiration date of the license.~~

~~(2)(3) Persons reactivating an inactive license or seeking reinstatement of a suspended or revoked license must submit proof of completion of a three-hour HIV/AIDS course prior to licensure. The HIV/AIDS course must have been completed within the two years immediately preceding the submission of proof.~~

~~(3)(4) To satisfy the requirements of this Rule, each course on HIV/AIDS shall meet the requirements of Section 456.033, Florida Statutes, consist of at least one hour of classroom instruction or an equivalent home study program and shall include the following subject areas:~~

~~(a) Modes of transmission;~~

~~(b) Infection control procedures;~~

~~(c) Clinical management;~~

~~(d) Prevention;~~

~~(e) Current Florida law on AIDS and its impact on testing, confidentiality, treatment of patients, and any protocols and procedures applicable to HIV counseling and testing, reporting, the offering of HIV testing to pregnant women, and partner notification issues.~~

~~(4)(5) Courses approved by any Board within the Division of Medical Quality Assurance of the Department of Health pursuant to Section 456.033 455.604, Florida Statutes, are recommended by the Council and approved by the Board.~~

~~Specific Authority 456.033(7) FS. Law Implemented 456.033 FS. History—New 6-12-01, Amended~~

DEPARTMENT OF HEALTH

Board of Medicine

Electrolysis Council
 RULE TITLE: Additional Educational Requirements
 RULE NO.: 64B8-51.008

for Initial Licensure

PURPOSE AND EFFECT: The Council proposes the development of a rule to address instruction on the prevention of medical errors.

SUBJECT AREA TO BE ADDRESSED: Instruction on the prevention of medical errors.

SPECIFIC AUTHORITY: 478.43, 456.013(7) FS.

LAW IMPLEMENTED: 456.013(7) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Kaye Howerton, Executive Director, Electrolysis Council/MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B8-51.008 Additional Educational Requirements for Initial Licensure.

Before licensure, each applicant shall comply with the requirements of Section 456.013(7), F.S., regarding instruction on prevention of medical errors.

Specific Authority 478.43, 456.013(7) FS. Law Implemented 456.013(7) FS. History--New

DEPARTMENT OF HEALTH

Board of Optometry

RULE TITLES:	RULE NOS.:
Examination Requirements	64B13-4.001
Reexamination	64B13-4.002
Manner of Application	64B13-4.004

PURPOSE AND EFFECT: The Board proposes the development of rule amendments to provide for the use of the Treatment and Management of Ocular Disease (TMOD) part of the National Board examination as the certification examination. The rule proposals further conform the rules to reflect the change in not providing a certification examination prepared by the state.

SUBJECT AREA TO BE ADDRESSED: The rules are being amended to specify that the TMOD part of the National Board examination shall be used as the certification examination.

SPECIFIC AUTHORITY: 456.017(2), 463.006(1)(b),(2), 463.005, 456.033 FS.

LAW IMPLEMENTED: 456.017(2), 463.006(1)(b),(2), 456.033 FS.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B13-4.001 Examination Requirements.

The examination for licensure shall consist of the National Board of Examiners in Optometry examination (hereafter NBEO examination), ~~the certification examination~~, and Parts I and II of the state examination for licensure. The examination for certification of a licensee shall consist of the Treatment and Management of Ocular Disease (hereafter TMOD) part of the NBEO.

(1) through (2) No change.

(3) Certification Examination. A licensee applying for certification must obtain a passing score on the TMOD part of the NBEO or must have obtained a passing score on the state certification examination. Content of the certification examination is as specified in 64B13-10.0015.

Specific Authority 456.017(2), 463.006(2), 463.005 FS. Law Implemented 456.017(2), 463.006(2) FS. History--New 11-13-79, Amended 5-28-80, 7-10-80, 8-20-81, 2-14-82, 6-6-82, 10-3-82, 4-10-84, 5-29-85, Formerly 21Q-4.01, Amended 7-21-86, 11-20-86, 7-27-87, 7-11-88, 7-18-91, 4-14-92, Formerly 21Q-4.001, Amended 2-14-94, Formerly 61F8-4.001, Amended 8-8-94, 11-21-94, 4-21-96, Formerly 59V-4.001, Amended 7-27-99, _____.

64B13-4.002 Reexamination.

An applicant who fails Part I or, Part II, ~~or the certification examination~~ of the state examination for licensure shall be required to retake only that portion of the examination on which he or she failed to achieve a passing grade, provided that the applicant shall be limited to two (2) retakes within a two (2) year period from the date of original failure. The Board may grant an extension of time of one additional year to allow a second retake based on medical disability substantiated by documentation from the applicant's physician. If the applicant fails to achieve a passing grade as provided above, he or she shall be required to take the complete state examination for licensure and certification examination in order to be entitled to be licensed. ~~Reexamination shall be conditioned upon reapplication and payment of the reexamination fee, provided a qualifying score as set forth in Rule 64B13-4.001, Florida Administrative Code, is met at the time of application for reexamination.~~

Specific Authority 456.017(2), 463.005 FS. Law Implemented 456.017(2) FS. History--New 11-13-79, Amended 10-3-82, 4-7-85, 7-9-85, Formerly 21Q-4.02, Amended 11-20-86, 4-20-93, Formerly 21Q-4.002, 61F8-4.002, Amended 11-21-94, Formerly 59V-4.002, Amended _____.

64B13-4.004 Manner of Application.

(1) Any person desiring to be a licensed practitioner shall apply to the Agency to take the licensure examination and certification examinations. The board will determine if an applicant qualifies for examination. The board will approve each applicant who:

(a) through (4) No change.

Specific Authority 456.033, 463.006(1)(b), (2) FS. Law Implemented 456.033, 463.006(1)(b), (2) FS. History—New 11-13-79, Amended 4-17-80, Formerly 21Q-4.04, Amended 11-20-86, 4-19-89, 6-25-92, 6-6-93, Formerly 21Q-4.004, Amended 6-14-94, Formerly 61F8-4.004, Amended 3-21-95, 5-29-95, Formerly 59V-4.004, Amended _____.

DEPARTMENT OF HEALTH

Board of Optometry

RULE TITLE: Fees
 RULE NO.: 64B13-6.001

PURPOSE AND EFFECT: The Board proposes the development of several amendments to clarify fees and to provide that a fee must be paid for each branch office.

SUBJECT AREA TO BE ADDRESSED: Fees.

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

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

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B13-6.001 Fees.

The following fees are prescribed by the Board:

- (1) through (3) No change.
- (4) The biennial ~~active status~~ licensure renewal fee shall be \$300.00.
- (5) The fee to be paid for the renewal or reactivation of an inactive license shall be \$300.00.
- (6) The fee to be paid for the ~~initial~~ issuance of an initial Branch Office License shall be one hundred dollars (\$100). The fee for issuance of additional Branch Office Licenses shall be twenty-five dollars (\$25) each.
- (7) The fee to be paid for biennial renewal of an initial Branch Office License shall be one hundred dollars (\$100). The fee for renewal of additional Branch Office Licenses shall be twenty-five dollars (\$25) each.
- (8) The ~~application~~ fee to be paid to place a license in for inactive status shall be \$220.00.
- (9) No change.
- (10) ~~The examination fee for certification as a certified optometrist shall be \$250.00.~~
- (10)(11) No change.
- (11) The fee for obtaining a duplicate wall certificate shall be \$25.00.

(12) through (14) No change.

~~(15) The fee for processing a licensee's request to change licensure status at any time other than at the beginning of a licensure cycle shall be fifty dollars (\$50.00).~~

~~(15)(16) No change.~~

~~(16)(17) No change.~~

~~(18) The fee for processing a request to change licensure status at any time other than at the beginning of a licensure cycle for a branch office license shall be one hundred dollars (\$100.00).~~

~~(19) The fee for a delinquent status for a branch office license applying for active status shall be one hundred dollars (\$100.00).~~

~~(20) The fee for obtaining a duplicate wall certificate shall be \$25.00.~~

Specific Authority 456.013(2), 456.036, 463.005, 463.0057, 463.006, 463.007, 463.008 FS. Law Implemented 456.013(2), 456.025, 456.036, 463.0057, 463.006, 463.007, 463.008 FS. History—New 12-13-79, Amended 2-14-82, 8-18-82, 12-2-82, 5-6-84, 7-29-85, Formerly 21Q-6.01, Amended 11-20-86, 7-21-88, 2-5-90, 5-29-90, 7-10-91, 4-14-92, 7-1-93, Formerly 21Q-6.001, Amended 1-24-94, Formerly 61F8-6.001, Amended 12-22-94, 2-13-95, 4-5-95, 5-29-95, 12-31-95, Formerly 59V-6.001, Amended 12-24-97, 3-21-00, 11-18-01, _____.

DEPARTMENT OF HEALTH

Board of Optometry

RULE TITLE: Citations
 RULE NO.: 64B13-15.009

PURPOSE AND EFFECT: The Board proposes the deletion of paragraph (5) of the rule since it requires the investigator to ascertain compliance prior to the issuance of a citation.

SUBJECT AREA TO BE ADDRESSED: The deletion of paragraph (5) of the rule.

SPECIFIC AUTHORITY: 456.077, 463.005 FS.

LAW IMPLEMENTED: 456.077 FS.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B13-15.009 Citations.

(1) through (4) No change.

~~(5) Prior to issuance of the citation, the Department must confirm that the violation has been corrected or is in the process of being corrected. If the violation is a substantial threat to the public health, safety, and welfare, such potential for harm must be removed prior to issuance of the citation.~~

(5)(6) No change.

Specific Authority 456.077, 463.005 FS. Law Implemented 456.077 FS. History—New 1-1-92, Formerly 21Q-15.009, 61F8-15.009, 59V-15.009, Amended 3-21-00, 4-17-01, 5-1-02, _____.

DEPARTMENT OF HEALTH

Board of Optometry

RULE TITLES: **RULE NOS.:**
 Branch Office License 64B13-16.002

Requirements and Restrictions for Fixed Branch Offices 64B13-16.004

PURPOSE AND EFFECT: The Board proposes the development of rule amendments to require that each branch office be licensed.

SUBJECT AREA TO BE ADDRESSED: Requirements for branch offices.

SPECIFIC AUTHORITY: 463.005(1)(a) FS.
LAW IMPLEMENTED: 463.001, 463.011 FS.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B13-16.002 Branch Office License.

Each Branch Office must be licensed. The Department shall issue a Branch Office License for a specified location to each licensed practitioner or a certified optometrist in good standing who submits to the Board of Optometry, a written request and the fee required by Rule 64B13-6.001(6), Florida Administrative Code, for each location.

Specific Authority 463.005(1)(a) FS. Law Implemented 463.011 FS. History—New 5-29-90, Formerly 21Q-16.002, 61F8-16.002, 59V-16.002, Amended _____.

64B13-16.004 Requirements and Restrictions for Fixed Branch Offices.

Each licensed practitioner or certified optometrist using one or more fixed branch offices to practice optometry shall:

(1) ~~Report to the Board each fixed branch office location other than a primary office at which he or she is practicing optometry;~~

(2) through (4) renumbered (1) through (3) No change.

Specific Authority 463.005(1)(a) FS. Law Implemented 463.001, 463.011 FS. History—New 5-29-90, Formerly 21Q-16.004, 61F8-16.004, 59V-16.004, Amended _____.

DEPARTMENT OF HEALTH

Board of Osteopathic Medicine

RULE TITLES: **RULE NOS.:**

Application for Board Approved Provider Status 64B15-13.004

Standards for Board Approved Providers 64B15-13.0045

PURPOSE AND EFFECT: The Board proposes to promulgate two new rules to address applications for provider status and the standards for approved providers.

SUBJECT AREA TO BE ADDRESSED: Application for provider status and standards for approved providers.

SPECIFIC AUTHORITY: 456.027, 459.005, 459.0055 FS.

LAW IMPLEMENTED: 456.027, 459.0055 FS.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B15-13.004 Application for Board Approved Provider Status.

(1) Entities or individuals who wish to become approved providers of continuing education must submit the approval fee set forth in subsection 64B15-10.010(1), F.A.C., and an application which contains the following information, and which is accompanied by the following documentation:

(a) The name of the contact person who will fulfill the reporting and documentation requirements for approved providers and who will assure the provider’s compliance with Rule 64B15-13.0045, F.A.C.; and

(b) The qualifications of all instructors, which may be evidenced by a curriculum vitae or professional licensure in the subject area taught.

(2) If granted, provider approval will be granted for a period not to exceed the time from the date of approval to the end of the next successive licensure biennium after approval was obtained. Application for renewal of provider status shall be made at least 90 days prior to the end of the biennium in which approval expires and must be accompanied by the biennial renewal fee set forth in subsection 64B15-15.010(2), F.A.C. Renewal applications shall contain all information required for initial provider approval as well as course outlines and information evidencing compliance with Rule 64B15-13.0045, F.A.C., for each course offered during the provider status.

Specific Authority 456.027, 459.0055 FS. Law Implemented 456.025, 456.027, 459.0055 FS. History–New

64B15-13.0045 Standards for Board Approved Providers. Approved continuing professional education providers and providers authorized pursuant to Rule 64B15-13.004, F.A.C., shall comply with the following requirements:

(1) All courses shall reflect appropriate didactic and clinical training for the subject matter and shall be designed to meet specifically stated educational objectives.

(2) Instructors shall be adequately qualified by training, experience or licensure to teach specified courses.

(3) Facilities and equipment for each course in which patients are treated during instruction shall be adequate for the subject matter and method of instruction.

(4) Course length shall be sufficient to provide meaningful education in the subject matter presented. One half hour or one hour of continuing education credit shall be awarded for each 25 or 50 minutes of actual classroom or clinical instruction, respectively. No continuing education credit shall be awarded for participation of less than 25 minutes.

(5) Providers shall provide written certification to each participant who completes a continuing education course or portion of that course which consists of at least 25 minutes of instruction. Certification shall include the participant's name and license number, the provider's name and number, the course title, instructor, location, date offered and hours of continuing education credit awarded, and validation through the signature of the provider, official representative or instructor.

(6) Providers shall maintain records of each course offering for 4 years following each licensure biennium during which the course was offered. Course records shall include a course outline which reflects its educational objectives, the instructor's name, the date and location of the course, participants' evaluations of the course, the hours of continuing education credit awarded for each participant and a roster of participants by name and license number.

(7) Providers' records and courses shall be subject to Board review. Failure to maintain the standards set forth in this rule shall subject the provider to the suspension or rescission of the providership.

(8) Providers shall comply with rules promulgated by the Department of Health concerning the electronic transmission of course attendance information necessary to implement the electronic tracking system.

Specific Authority 456.027, 459.0055 FS. Law Implemented 456.025, 456.027, 459.0055 FS. History–New

DEPARTMENT OF HEALTH

Division of Family Health Services

RULE TITLE: Licensing, Application, Permitting

RULE NO.: 64F-12.015

PURPOSE AND EFFECT: To specify a minimum number of business hours in which permit holders under the Florida Drug and Cosmetic Act, Chapter 499, Florida Statutes, must operate so that customers can access the business if needed and agents of the Department of Health and the Department of Law Enforcement can adequately inspect, monitor, and investigate for the protection of the public health.

SUBJECT AREA TO BE ADDRESSED: The business hours designated on an application form for a permit under the Florida Drug and Cosmetic Act, Chapter 499, Florida Statutes, and subsequent modifications to those business hours communicated to the department in writing.

SPECIFIC AUTHORITY: 499.01(2)(a), 499.05(1)(a),(d) FS.

LAW IMPLEMENTED: 499.01(2)(a), 499.051 FS.

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

TIME AND DATE: 10:00 a.m., Tuesday, May 14, 2002

PLACE: 2818-A Mahan Drive, Tallahassee, Florida 32308; in the Bureau of Pharmacy Services Conference Room. If special accommodations are needed to attend this workshop because of a disability, please contact Maxine Wenzinger, (850)922-5190

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Sandra Stovall, Compliance Officer, 2818-A Mahan Drive, Tallahassee, Florida 32308; (850)487-1257 ext. 210; sandra_stovall@doh.state.fl.us.fl.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64F-12.015 Licensing, Application, Permitting.

This section addresses the application and permitting requirements of persons regulated under Part I of Chapter 499, F.S.

(1) No change.

(2) A permit is valid only for the name and address to which it is issued. The name in which a permit is issued will be changed, at no cost, upon notification to the department.

(a) through (b) No change.

(c) A person must be available for inspection at the permitted address during the normal business hours identified on the application form, holidays excluded. Permanent changes to these business hours must be communicated to the department in writing. These business hours must meet the following minimum standards:

1. For an establishment applying for a permit or permitted as a prescription drug wholesaler or prescription drug wholesaler – broker only, the establishment must designate a

minimum of 20 hours weekly between the hours of 8:00 a.m. and 5:00 p.m. EST., Monday through Friday, and at least one day of the week provide for four consecutive hours.

2. Other applicants and permitted establishments must designate a minimum of 10 hours weekly between the hours of 8:00 a.m. and 5:00 p.m. EST., Monday through Friday, and at least one day of the week provide for two consecutive hours.

Specific Authority 499.01, 499.012, 499.0122, 499.013, 499.014, 499.028, 499.04, 499.041, 499.05, 499.62, 499.63, 499.64, 499.66, 499.67, 499.701 FS. Law Implemented 499.01, 499.012, 499.0121, 499.0122, 499.013, 499.028, 499.04, 499.041, 499.05, 499.06, 499.062, 499.063, 499.064, 499.066, 499.067 FS. History—New 12-12-82, Amended 7-8-84, 1-30-85, Formerly 10D-45.54, Amended 11-26-86, 2-4-93, 7-1-96, Formerly 10D-45.054, Amended 1-26-99, 4-17-01.

FLORIDA HOUSING FINANCE CORPORATION

RULE TITLES:	RULE NOS.:
Purpose and Intent	67-50.001
Definitions	67-50.005
Fees	67-50.010
Notice of Funding Availability (NOFA)	67-50.020
General Program Eligible Activities	67-50.030
General Program Restrictions	67-50.040
HAP Program Restrictions	67-50.050
HOME Program Restrictions	67-50.060
Application Submission Procedures	67-50.070
Incomplete Applications and Rejection Criteria	67-50.080
Application Evaluation and Award Guidelines	67-50.090
Credit Underwriting Procedures, Analytical Review, and Loan Origination	67-50.100
Disbursement of Funds, Draw Requests, and Loan Servicing	67-50.110
Compliance and Monitoring	67-50.120

PURPOSE AND EFFECT: The purpose of this rule chapter is to establish the procedures by which the Corporation shall:

- (1) Administer the Application process, determine loan amounts, and service loans to Developers for the construction of affordable housing under the Florida Homeownership Assistance Program (HAP)/Construction Loan Program and provide purchase assistance to Eligible Homebuyers under the HAP Permanent Loan Program, authorized by Sections 420.507 and 420.5088, Florida Statutes (F.S.); and
- (2) Administer the Application process, determine loan amounts, and service loans to Developers for the construction, reconstruction and rehabilitation of affordable housing and provide purchase assistance to Eligible Homebuyers under the HOME Investment Partnerships (HOME) Homeownership Loan Program, authorized by Section 420.5089, F.S., and HUD regulations, 24 CFR § 92, which is adopted and incorporated herein by reference.

The adoption of this rule chapter will increase the efficiency and effectiveness of Program service and will provide greater clarification of the Program.

SUBJECT AREA TO BE ADDRESSED: The Rule Development Workshop will be held to receive comments and suggestions from interested persons relative to program requirements as specified in Rule Chapter 67-50 Florida Administrative Code.

SPECIFIC AUTHORITY: 420.507, 420.5088, 420.5089 FS.

LAW IMPLEMENTED: 420.507(23), 420.5088, 420.5089(2) FS.

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

TIME AND DATE: 2:00 p.m., Tuesday, May 14, 2002

PLACE: Florida Housing Finance Corporation, Seltzer Conference Room, 227 North Bronough Street, Tallahassee, Florida 32301

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Bridget E. Warring, HAP Construction Manager, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329

Any person requiring special accommodation at this hearing because of a disability or physical impairment should contact Laurie Camp at the above address. If you are hearing or speech impaired, please use the Florida Dual Party Relay system, which can be reached at 1(800)955-8770 (Voice) or 1(800)955-9771 (TDD).

**Section II
Proposed Rules**

DEPARTMENT OF BANKING AND FINANCE

Division of Securities and Finance

RULE TITLES:	RULE NO.:
Processing of Applications	3E-301.002

PURPOSE AND EFFECT: The purpose of the proposed amendments to Rules 3E-301.002, F.A.C., is to allow for the electronic filing for Federal Covered Advisers and Investment Advisers through the Investment Advisor Registration Depository (IARD) of the NASD.

SUMMARY: The proposed amendments update forms and specify the means for filing by Federal Covered Advisers and investment advisers.

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: 517.03, 517.12, 517.1201 FS.

LAW IMPLEMENTED: 120.53, 120.60, 517.051, 517.081, 517.082, 517.12, 517.1201, 517.1205, 517.161 FS.