

Accordingly, an amendment is proposed to Rule 64B23-4.001, F.A.C., to require completion of such a course as part each medical physicists' continuing education requirements. Additional amendment is made to delete the requirement that twelve (12) hours of the required continuing education be in the speciality for which the individual is licensed. The purpose of this amendment is to allow licensees greater compliance with continuing education requirements, as continuing education providers for the profession of medical physics generally do not offer continuing education hours by specialty. SUBJECT AREA TO BE ADDRESSED: Continuing Education requirements for medical physicist licensees in the State of Florida.

SPECIFIC AUTHORITY: 456.013, 483.901(6)(a) FS.

LAW IMPLEMENTED: 456.013, 483.901(6)(a) 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, IF AVAILABLE, IS: Joe Baker, Executive Director, Advisory Council of Medical Physicists, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

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

DEPARTMENT OF HEALTH

Council of Medical Physicists

RULE TITLE: Citations RULE NO.: 64B23-6.003

PURPOSE AND EFFECT: Rulemaking has been proposed with regard to Rule 64B23-4.001, F.A.C., to delete the requirement that twelve (12) hours of the required continuing education for medical physicist licensees, be in the speciality for which the individual is licensed. The purpose of that amendment is to allow for greater compliance with continuing education requirements as continuing education providers within the medical physicist profession generally do not provide continuing education hours by specialty. In conjunction with these proposed amendments to the continuing education requirements, the Department of Health is also proposing deletion of the corresponding citation offense, which cites licensees for failure to have twelve (12) hours of continuing education in the speciality for which the individual is licensed.

SUBJECT AREA TO BE ADDRESSED: Citation offenses for continuing education requirements for medical physicist licensees in the State of Florida.

SPECIFIC AUTHORITY: 456.077(1), 483.901(6)(a) FS.

LAW IMPLEMENTED: 456.077(1), 483.901(6)(a) 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, IF AVAILABLE, IS: Joe Baker, Executive Director, Advisory Council of Medical Physicists, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

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

**Section II
Proposed Rules**

DEPARTMENT OF STATE

Division of Elections

RULE TITLE: Write-in Procedures RULE NO.: 1S-2.0031

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to prescribe write-in procedures.

SUMMARY: This rule provides specific guidance for write-in procedures for voting systems. This includes the location of the write-in space on the ballot, guidance on procedures for tandem offices and other procedures for write-in votes.

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: 101.5608(3), (4) FS.

LAW IMPLEMENTED: 101.5608(3), 101.5608(4) FS.

HEARINGS WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 3:00 p.m., May 31, 2002

PLACE: 107 West Gaines Street, Room 112, Tallahassee, Florida 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Amy K. Tuck, Division of Elections, Department of State, 107 West Gaines Street, Tallahassee, Florida 32399, (850)245-6200

Pursuant to the Americans with Disabilities Act, persons needing special accommodations to participate in this meeting should contact Amy K. Tuck, (850)245-6200, at least three days in advance of the meeting.

THE FULL TEXT OF THE PROPOSED RULE IS:

(Substantial Rewording of Rule 1S-2.0031 follows. See Florida Administrative Code for present text.)

1S-2.0031 Write-in Procedures ~~Governing Electronic Voting Systems.~~

(1) Definition – As used in this rule, the term “write-in vote” means either a handwritten name of a candidate or the name of a candidate which has been input on a direct recording device.

(2) In order to familiarize the voter with the location of write-in positions on the ballot, all sample ballots produced or distributed pursuant to Section 101.20, F.S., shall show the location where a voter will write-in or input the name of a write-in candidate in any race in which a write-in candidate has qualified.

(3) The location of the write-in positions on the ballot shall be clearly marked by the words “Write-In Candidate” or “Write-In” directly below the candidates whose names appear on the ballot in each office for which a write-in candidate has qualified.

(4) Any abbreviation, misspelling, or other minor variation in the form of the name of a candidate must be disregarded in determining the validity of a write-in vote.

(5) The last name of the candidate for Governor or the last name of the candidate for Lieutenant Governor shall be sufficient to cast a write-in vote for the tandem office.

(6) The last name of the candidate for President or the last name of the candidate for Vice President shall be sufficient to cast a write-in vote for the tandem office.

(7) Unless the canvassing board is required to determine voter intent pursuant to Section 101.5614, F.S., or Rule 1S-2.027, F.A.C., a write-in vote shall only count on an optical scan ballot if the oval or arrow next to the write-in space is filled in.

Specific Authority 101.5608(3),(4), ~~101.5609(7)(d)~~ FS. Law Implemented ~~101.011(6)~~, 101.5608, 101.5614, 103.022 FS. History—New 12-20-82, Formerly 1C-7.031, Amended 7-7-86, Formerly 1C-7.0031, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Amy K. Tuck, Assistant General Counsel, Division of Elections

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: L. Clayton Roberts, Director, Division of Elections, Department of State

DATE OF PROPOSED RULE APPROVED BY AGENCY HEAD: April 30, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 29, 2002

DEPARTMENT OF EDUCATION

State Board of Education

RULE TITLE: Florida Teacher Certification Examinations
RULE NO.: 6A-4.0021

PURPOSE AND EFFECT: The purpose of this rule amendment is to specify the content to be measured by the General Knowledge Examination and to adopt minimum passing scores for the new General Knowledge, Exceptional Student Education, and Kindergarten-Grade 6 Examinations. The effect is that the General Knowledge Examination content will be specified and these new certification examinations will have a passing score.

SUMMARY: The content of the General Knowledge Examination will be specified and minimum passing scores will be adopted for the new General Knowledge, Exceptional Student Education, and Kindergarten-Grade 6 Examinations.

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 the notice.

SPECIFIC AUTHORITY: 231.002, 231.15(1), 231.17 FS.

LAW IMPLEMENTED: 231.17 FS.

A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 9:00 a.m., June 12, 2002

PLACE: 400 South Monroe Street, Room LL03, The Capitol, Tallahassee, Florida 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kenneth Loewe, Bureau of Curriculum, Instruction, and Assessment, Department of Education, 325 West Gaines Street, Tallahassee, Florida, (850)488-8198

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-4.0021 Florida Teacher Certification Examinations.

(1) No change.

(2) Description of the examinations and competencies to be demonstrated.

(a) through (b) No change.

(c) The following competencies are to be demonstrated by means of the written examinations:

1. Beginning with the July 2002 test administration, the general knowledge competencies and skills as contained in the publication “Competencies and Skills Required for Teacher Certification in Florida, Seventh Edition.” ~~General knowledge.~~

a. ~~The ability to write in a logical and understandable style with appropriate grammar and sentence structure.~~

b. ~~The ability to read, comprehend, and interpret professional and other written material.~~

~~c. The ability to compute, think logically and solve problems.~~

2. through (d) No change.

(3) through (6) No change.

(7) Scoring the general knowledge subtests. Effective July 2002, the passing scores for the general knowledge subtests listed below shall be a scaled score of at least two hundred (200). This scaled score shall be equivalent to the raw scores on the July 2002 test administration as defined below:

(a) General Knowledge Reading Subtest. A reading subtest raw score that results in an examinee passing rate of seventy six (76) percent, which was the passing rate of teacher candidates who took the College-Level Academic Skills Reading Subtest for the first time during the 2000-2001 administration year.

(b) General Knowledge English Skills Subtest. An English skill subtest raw score that results in an examinee passing rate of seventy four (74) percent, which was the passing rate for teacher candidates who took the College-Level Academic Skills English Skills Subtest for the first time during the 2000-2001 administration year.

(c) General Knowledge English Essay Subtest. An English essay subtest total raw score of six (6), which was the passing score of teacher candidates who took the College-Level Academic Skills Essay Subtest for the first time during the 2000-2001 administration year.

(d) General Knowledge Mathematics Subtest. A mathematics subtest raw score that results in an examinee passing rate of fifty-three (53) percent, which was the passing rate of teacher candidates who took the College-Level Academic Skills Mathematics Subtest for the first time during the 2000-2001 administration year.

~~(8)(7)~~ No change.

~~(9)(8)~~ Scoring of the subject area specialty examinations.

(a) through (j) No change.

(k) Effective July 2002, the passing scores for the subject area specialty examinations listed below shall be a scaled score of at least two hundred (200). This scaled score shall be equivalent to the raw scores on the July 2002 test administration as defined below:

1. Exceptional Student Education K-12 Examination. An examination raw score that results in an examinee passing rate of ninety-two (92) percent, which was the average of the passing rates of teacher candidates who took the Emotionally Handicapped K-12, Mentally Handicapped K-12, Physically Impaired K-12, Specific Learning Disabilities K-12, and Varying Exceptionalities K-12 specialty examinations for the first time during the 2000-2001 examination administration year. In the event that fewer than fifty (50) examinees are tested in the July 2002 examination administration, the passing score shall be seventy-one (71) percent of the items.

2. Kindergarten – Grade Six Examination. An examination raw score that results in an examinee passing rate of eighty-two (82) percent, which was the passing rate of teacher candidates who took the Elementary Education 1-6 speciality examination for the first time during the 2000-2001 administration year. In the event that fewer than fifty (50) examinees are tested in the July 2002 examination administration, the passing score shall be sixty-six (66) percent of the items.

(1) Not later than September 1, 2003, the Commissioner of Education shall review examinee performance levels for all General Knowledge Subtests, the Kindergarten – Grade Six Examination, and the Exceptional Student Education K-12 Examination and determine whether to recommend to the State Board of Education to maintain or change the existing passing scores.

(m) The Commissioner of Education shall review the passing score for each of the General Knowledge Subtests, each of the subject area specialty examinations, and the Professional Education Examination not less than once every five (5) years and determine whether to recommend to the State Board of Education to maintain or change the existing passing scores.

~~(n)(k)~~ No change.

~~(o)(4)~~ No change.

(9) through (14) renumbered (10) through (15) No change.

Specific Authority 231.15(1), 231.17(4),(5),(8),(11), 231.30 FS. Law Implemented 231.145, 231.15, 231.17, 231.30 FS. History—New 8-27-80, Amended 1-11-82, 1-6-83, 5-3-83, 10-5-83, 10-15-84, Formerly 6A-4.021, Amended 12-25-86, 4-26-89, 4-16-90, 7-10-90, 4-22-91, 10-3-91, Amended 8-10-92, 11-28-93, 4-12-95, 7-1-96, 9-30-96, 10-1-99, 7-17-00, 7-16-01, 3-24-02, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Betty Coxe, Deputy Commissioner for Educational Programs,
Department of Education

NAME OF SUPERVISOR OR PERSON WHO APPROVED
THE PROPOSED RULE: Charlie Crist, Commissioner of
Education

DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: April 30, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: March 22, 2002

DEPARTMENT OF EDUCATION

State Board of Education

RULE TITLES:	RULE NOS.:
Standards and Requirements for Educational Programs and Services for Exceptional Students Who Are Clients or Wards of the Florida Department of Health and Rehabilitative Services	6A-15.0001
Definitions	6A-15.001
Special Education Programs for Children Who Are Mentally Handicapped	6A-15.002

Special Education Programs for Children Who Are Physically Impaired 6A-15.006

Special Education Programs for Children Who Are Seriously Emotionally Disturbed 6A-15.007

Provision of Special Education Programs and Early Intervention Services 6A-15.009

Provision of Non-Academic and Extracurricular Services and Activities 6A-15.010

Personnel Employed in Special Programs for Exceptional Students Operated Directly by or Under Contract to the Department 6A-15.011

Administrators of Special Programs for Exceptional Students 6A-15.012

Education Records of Students 6A-15.013

Identification and Placement of Exceptional Children in Special Education or Early Intervention Programs 6A-15.014

Placement and Discharge of Exceptional Children in and from Department or Private Residential Facilities 6A-15.015

Assignment of Surrogate Parents 6A-15.019

Criteria for Establishing Contractual Arrangements with Non-Public Schools or Community Facilities 6A-15.020

Contractual Arrangements with Non-Public Schools or Community Facilities 6A-15.021

Multi-District Programs 6A-15.022

District Procedures for Special Programs for Exceptional Students 6A-15.023

Procedural Safeguards for Exceptional Children Ages Three through Five and Nineteen through Twenty-One Years of Age 6A-15.024

Procedural Safeguards for Children Birth Through Two Years of Age With Disabilities 6A-15.025

Special Programs for Children Birth Through Two Years of Age Who are Developmentally Delayed 6A-15.026

Special Programs for Children Birth Through Two Years of Age Who Have Established Conditions 6A-15.027

Development of Family Support Plans for Children With Disabilities Birth Through Five Years of Age 6A-15.028

Development of Family Support Plans for Students With Disabilities Ages Nineteen Through Twenty-One Years 6A-15.029

Special Education Programs for Children Who Are Autistic 6A-15.030

PURPOSE AND EFFECT: These rules are recommended to be repealed. The programs these rules address were transferred to the Department of Health, Children’s Medical Services. The Department had requested that the rules be transferred in 1998.

However, correspondence from the Joint Administrative Committee in December 2001 indicated that the rules had not been transferred as requested. The Department has since contacted the Department of Health, Children’s Medical Services, and confirmed that the rules are not required for the operation of the programs.

SUMMARY: These rules are to be repealed.

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 the notice.

SPECIFIC AUTHORITY: 229.053(1) FS.

LAW IMPLEMENTED: 228.081 FS.

A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 9:00 a.m., June 12, 2002

PLACE: 400 South Monroe Street, Room LL03, The Capitol, Tallahassee, Florida 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Shan Goff, Bureau of Instructional Support and Community Services, Department of Education, 325 West Gaines Street, Room 614, Tallahassee, Florida

THE FULL TEXT OF THE PROPOSED RULES IS:

6A-15.0001 Standards and Requirements for Educational Programs and Services for Exceptional Students Who Are Clients or Wards of the Florida Department of Health and Rehabilitative Services.

Specific Authority 229.053(1) FS. Law Implemented 228.081 FS. History–New 3-27-79, Formerly 6A-15.001, Repealed. c.f. P.L. 94-142, 20 USC 1412(6), 45 CFR 121a.600(a).

6A-15.001 Definitions.

Specific Authority 229.053(1) FS. Law Implemented 228.081 FS. History–New 3-27-79, Formerly 6A-15.01, Amended 8-15-94, Repealed. c.f. P.L. 94-142, 20 USC 1412(6), 34 CFR 300.600(a).

6A-15.002 Special Education Programs for Children Who Are Mentally Handicapped.

Specific Authority 229.053(1) FS. Law Implemented 228.081 FS. History–New 3-27-79, Formerly 6A-15.02, Amended 8-15-94, Repealed. c.f. P.L. 94-142, 20 USC 1412(6), 34 CFR 300.600(a).

6A-15.006 Special Education Programs for Children Who Are Physically Impaired.

Specific Authority 229.053(1) FS. Law Implemented 228.081 FS. History–New 3-27-79, Formerly 6A-15.06, Amended 8-15-94, Repealed. c.f. P.L. 94-142, 20 USC 1412(6), 34 CFR 300.600(a).

6A-15.007 Special Education Programs for Children Who Are Seriously Emotionally Disturbed.

Specific Authority 229.053(1) FS. Law Implemented 228.081 FS. History–New 3-27-79, Formerly 6A-15.07, Amended 8-15-94, Repealed. c.f. P.L. 94-142, 20 USC 1412(6), 34 CFR 300.600(a).

6A-15.009 Provision of Special Education Programs and Early Intervention Services.

Specific Authority 229.053(1) FS. Law Implemented 228.081 FS. History–New 3-27-79, Formerly 6A-15.09, Amended 8-15-94, Repealed _____, c.f. P.L. 94-142, 20 USC 1412(6), 34 CFR 300.600(a).

6A-15.010 Provision of Non-Academic and Extracurricular Services and Activities.

Specific Authority 229.053(1) FS. Law Implemented 228.081 FS. History–New 3-27-79, Formerly 6A-15.10, Amended 8-15-94, Repealed _____, c.f. P.L. 94-142, 20 USC 1412(6), 34 CFR 300.600(a).

6A-15.011 Personnel Employed in Special Programs for Exceptional Students Operated Directly by or Under Contract to the Department.

Specific Authority 229.053(1) FS. Law Implemented 228.081 FS. History–New 7-1-81, Formerly 6A-15.11, Repealed _____, c.f. P.L. 94-142, 20 USC 1412(6), 45 CFR 121a.600(a).

6A-15.012 Administrators of Special Programs for Exceptional Students.

Specific Authority 229.053(1) FS. Law Implemented 228.081 FS. History–New 3-27-79, Formerly 6A-15.12, Repealed _____, c.f. P.L. 94-142, 20 USC 1412(6), 45 CFR 121a.600(a).

6A-15.013 Education Records of Children.

Specific Authority 229.053(1) FS. Law Implemented 228.081, 228.093 FS. History–New 3-27-79, Formerly 6A-15.13, Amended 8-15-94, Repealed _____, c.f. P.L. 94-142, 20 USC 1412(6), 34 CFR 300.600(a).

6A-15.014 Identification and Placement of Exceptional Children in Special Education or Early Intervention Programs.

Specific Authority 229.053(1) FS. Law Implemented 228.081 FS. History–New 3-27-79, Formerly 6A-15.14, Amended 9-30-87, 8-15-94, Repealed _____, c.f. P.L. 94-142, 20 USC 1412(6), 34 CFR 300.600(a).

6A-15.015 Placement and Discharge of Exceptional Children in and from Department or Private Residential Facilities.

Specific Authority 229.053(1) FS. Law Implemented 228.081 FS. History–New 3-27-79, Formerly 6A-15.15, Amended 8-15-94, Repealed _____, c.f. P.L. 94-142, 20 USC 1412(6), 34 CFR 300.600(a).

6A-15.019 Assignment of Surrogate Parents.

Specific Authority 229.053(1) FS. Law Implemented 228.081 FS. History–New 3-27-79, Formerly 6A-15.19, Amended 8-15-94, Repealed _____, c.f. P.L. 94-142, 20 USC 1412(6), 34 CFR 300.600(a), 20 USC 1415(b)(1)(8), 34 CFR 300.514.

6A-15.020 Criteria for Establishing Contractual Arrangements with Non-Public Schools or Community Facilities.

Specific Authority 229.053(1) FS. Law Implemented 228.081 FS. History–New 3-27-79, Formerly 6A-15.20, Amended 8-15-94, Repealed _____, c.f. P.L. 94-142, 20 USC 1412(6), 45 CFR 121a.600(a).

6A-15.021 Contractual Arrangements with Non-Public Schools or Community Facilities.

Specific Authority 229.053(1) FS. Law Implemented 228.081 FS. History–New 3-27-79, Formerly 6A-15.21, Amended 8-15-94, Repealed _____, c.f. P.L. 94-142, 20 USC 1412(6), 34 CFR 300.600(a).

6A-15.022 Multi-District Programs.

Specific Authority 229.053(1) FS. Law Implemented 228.081 FS. History–New 3-27-79, Formerly 6A-15.22, Repealed _____, c.f. P.L. 94-142, 20 USC 1412(6), 45 CFR 121a.600(a).

6A-15.023 District Procedures for Special Programs for Exceptional Students.

Specific Authority 229.053(1) FS. Law Implemented 228.081 FS. History–New 3-27-79, Formerly 6A-15.23, Amended 9-30-87, 8-15-94, Repealed _____, c.f. P.L. 94-142, 20 USC 1412(6), 34 CFR 300.600(a).

6A-15.024 Procedural Safeguards for Exceptional Children Ages Three through Five and Nineteen through Twenty-One Years of Age.

Specific Authority 229.053(1), 230.23(4)(m)5. FS. Law Implemented 228.081 FS. History–New 9-30-87, Amended 8-15-94, Repealed _____, c.f. P.L. 94-142, 20 USC 1415, 34 CFR 300.500-300.514.

6A-15.025 Procedural Safeguards for Children Birth Through Two Years of Age with Disabilities.

Specific Authority 229.053(1), 230.23(4)(m)5. FS. Law Implemented 228.081 FS. History–New 8-15-94, Repealed _____, c.f. 34 CFR 303.400-303.405.

6A-15.026 Special Programs for Children Birth Through Two Years of Age Who Are Developmentally Delayed.

Specific Authority 229.053(1) FS. Law Implemented 228.081 FS. History–New 8-15-94, Repealed _____.

6A-15.027 Special Programs for Children Birth Through Two Years of Age Who Have Established Conditions.

Specific Authority 229.053(1) FS. Law Implemented 228.081 FS. History–New 8-15-94, Repealed _____.

6A-15.028 Development of Family Support Plans for Children With Disabilities Birth Through Five Years of Age.

Specific Authority 229.053(1) FS. Law Implemented 228.081 FS. History–New 8-15-94, Repealed _____.

6A-15.029 Development of Family Support Plans for Students With Disabilities Ages Nineteen Through Twenty-One Years.

Specific Authority 229.053(1) FS. Law Implemented 228.081 FS. History–New 8-15-94, Repealed _____.

6A-15.030 Special Education Programs for Children Who Are Autistic.

Specific Authority 229.053(1) FS. Law Implemented 228.081 FS. History–New 8-15-94, Repealed _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Wayne V. Pierson, Deputy Commissioner for Planning, Budgeting and Management, Department of Education

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Charlie Crist, Commissioner of Education

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 30, 2002

DEPARTMENT OF REVENUE

RULE TITLES:	RULE NOS.:
Scope	12-28.001
Definitions	12-28.002
Enrollment Procedures	12-28.003
Method of Transferring Funds and Associated Remittance Information	12-28.004
Means of Communication to Report Payment Information	12-28.005
Remittance or Transmission Problems	12-28.006
Procedures for Payment	12-28.007
Due Date; General Provisions	12-28.008
Distribution of Funds Received by the Department	12-28.009

PURPOSE AND EFFECT: The purpose of the proposed new Rule Chapter 12-28, F.A.C., Clerks of the Court Remittance Program, is to provide guidelines regarding the implementation of the Clerk of Court remittance program enacted by the 2001 Legislature. The effect of creating this new rule chapter is to ensure compliance with the requirement that the Florida Association of Court Clerks and DOR jointly develop procedures to implement the provisions of s. 213.13, F.S.

SUMMARY: A) Rule 12-28.001, F.A.C. (Scope) – explains that these new rules contain the Department’s procedures for implementing the electronic remittance requirements of s. 213.13, F.S. B) Rule 12-28.002, F.A.C. (Definitions) – defines terms that are used in these new rules. C) Rule 12-28.003, F.A.C. (Enrollment Procedures) – provides that each Clerk must enroll with DOR, and specifies the information that DOR must provide each Clerk upon completion of the enrollment procedures. D) Rule 12-28.004, F.A.C. (Method of Transferring Funds and Associated Remittance Information) – requires Clerks to remit funds using an “e-cash presentment” system, which will be processed using the ACH debit method, which is the method already required by DOR’s electronic funds transfer rules (Part I, Rule Chapter 12-24, F.A.C.). E) Rule 12-28.005, F.A.C. (Means of Communication to Report Payment Information)--states that Clerks must use a personal computer entry system to communicate the payment information required by these rules and the statute. F) Rule 12-28.006, F.A.C. (Remittance or Transmission Problems) – explains how a Clerk should handle remittance problems, and whom in DOR a Clerk can contact to receive assistance with such problems. G) Rule 12-28.007, F.A.C. (Procedures for Payment) – establishes the procedures for how Clerks must remit funds and associated remittance information to DOR, including when each Clerk must initiate the transaction, and the specific items of information that must accompany the remittance. H) Rule 12-28.008, F.A.C. (Due Date; General Provisions) – requires the Clerks to remit funds and submit associated remittance information on the next business day if the normal date for initiating the remittance occurs on a weekend or a legal holiday. I) Rule 12-28.009, F.A.C.

(Distribution of Funds Received by the Department) – states that the Department will verify the remitted funds and associated remittance information submitted by each Clerk, provides that DOR will distribute the remitted funds to the appropriate agency within two business days of receiving a correct remittance from a Clerk, and explains that DOR will not electronically distribute the remitted funds until it has verified that all information has been submitted and that it is correct.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: Since this proposed new Rule Chapter 12-28, F.A.C., Clerks of the Court Remittance Program, only implements statutory provisions, no new regulatory costs are being created. Therefore, no statement of estimated regulatory costs 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: 213.06(1) FS.

LAW IMPLEMENTED: 213.13, 213.131 FS.

A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 1:30 p.m., June 3, 2002

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Larry Green, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4830

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Any person requiring special accommodations to participate in any proceeding before the Technical Assistance and Dispute Resolution Office is asked to advise the Department at least five (5) calendar days before such proceeding by contacting Jamie Phillips at (850)488-0717. If you are hearing or speech impaired, please contact the Department by using the Florida Relay Service, which can be reached at (800)955-8700 (voice) and (800)955-8771 (TDD).

THE FULL TEXT OF THE PROPOSED RULES IS:

**CLERKS OF THE COURT REMITTANCE
REQUIREMENTS**

12-28.001 Scope.

This rule chapter sets forth the rules to be used in the administration of s. 213.13, F.S., which provides for the electronic remittance of all moneys collected by the Clerks of the Court on behalf of the state or on behalf of the Court for distribution to the state, and the electronic submission of

associated remittance information, to the Department of Revenue for further disbursement to the various trust funds and agencies as designated in the applicable statutes.

Specific Authority 213.06(1) FS. Law Implemented 213.13, 213.131 FS. History—New _____.

12-28.002 Definitions.

For the purposes of this rule chapter, the following terms and phrases when used in this rule chapter shall have the meanings ascribed to them in this rule, except where the context clearly indicates a different meaning:

(1) “ABA” means the American Banking Association.

(2) “ACH” or “Automated Clearing House” means a central distribution and settlement point for the electronic clearing of debits and credits between financial institutions rather than the physical movement of paper items.

(3) “ACH credit” means the electronic transfer of funds generated by a Clerk, cleared through the ACH for deposit to the State Treasury.

(4) “ACH debit” means the electronic transfer of funds from a Clerk’s account, which is generated upon the Clerk’s instruction and cleared through the ACH for deposit to the State Treasury.

(5) “Addenda record” means that information as provided in Rule 12-24.008 (2), F.A.C.

(6) “Associated remittance information” means that information required by statute or rules adopted by agencies that administer the programs for which the funds are collected.

(7) “Department” means the Florida Department of Revenue.

(8) “E-cash presentment” means the conversion of an electronic check into an EFT payment.

(9) “EFT” means an electronic funds transfer, electronic payment, or E-cash presentment.

(10) “Payment information” means the data that a Clerk must submit when making an e-cash presentment and that must be communicated to the Department.

(11) “FLAIR” means the Florida Accounting Information Resource.

Specific Authority 213.06(1) FS. Law Implemented 213.13, 213.131 FS. History—New _____.

12-28.003 Enrollment Procedures.

(1) Each Clerk of the Court or authorized designee who is required to electronically remit funds pursuant to section 213.13, F.S., must enroll with the Department by completing an Internet Registration/Authorization Agreement (Form DR-653W).

(2) Within 30 consecutive calendar days of receiving the completed DR-653W form, the Department will issue the Clerk an acknowledgement letter that includes the following:

- (a) The Clerk’s LOGIN Identification number.
- (b) The Clerk’s password.

(c) Instructions for signing onto the Internet Clerk of Court Remittance System.

(d) The telephone number of the Department’s e-Services Unit, which will assist the Clerks in complying with the requirements of this program and s. 213.13, F.S.

(3)(a) If for any reason a Clerk or his or her authorized designee is replaced or is unable to perform the activities required by s. 213.13, F.S., the successor must notify and enroll with the Department within 30 consecutive calendar days of taking office or being hired.

(b) However, all regularly-scheduled fund remittances must continue without interruption during any transition period.

(4)(a) The Department prescribes Form DR-653W, Internet Registration/Authorization Agreement, as the form to be used for the purpose of this chapter and hereby incorporates this form by reference. Copies of this form may be obtained without cost by one or more of the following methods: 1) writing the Florida Department of Revenue, Distribution Center, 168 Blountstown Highway, Tallahassee, Florida 32304; or 2) faxing the Distribution Center at (850)922-2208; or 3) using a fax machine telephone handset to call the Department’s automated Fax on Demand system at (850)922-3676; or 4) visiting any local Department of Revenue Service Center to personally obtain a copy; or 5) calling the Forms Request Line during regular office hours at (800)352-3671 (in Florida only) or (850)488-6800; or 6) downloading selected forms from the Department’s Internet site at the address shown inside the parentheses (<http://www.myflorida.com/dor/>). Persons with hearing or speech impairments may call the Department’s TDD at (800)367-8331.

(b) The Department will accept facsimile transmissions of the completed DR-653W at telephone number (850)922-5088.

Specific Authority 213.06(1) FS. Law Implemented 213.13, 213.131 FS. History—New _____.

12-28.004 Method of Transferring Funds and Associated Remittance Information.

(1) The prescribed method for remittance of funds by the Clerks of the Court to the Department shall be the e-cash presentment, which will be processed by the ACH debit method.

(2)(a) The Executive Director or the Executive Director’s designee will authorize a Clerk to use the ACH credit method only under the following circumstances:

1. The Clerk was using the ACH credit method to remit the funds affected by s. 213.13, F.S., prior to the effective date of this rule; and
2. The Clerk agrees in writing with the Department that he or she will shift all fund remittances subject to s. 213.13, F.S., to the ACH debit method no later than January 1, 2003.

(b) The Department reserves the right to revoke the ACH credit method payment privilege of any Clerk who:

1. Does not consistently transmit error-free payments; or,
2. Substantially varies from the requirements and specifications of the applicable state statutes or of this rule chapter regarding each revenue source collected by the Clerk; or
3. Repeatedly fails to make timely electronic payments or fails to timely provide associated remittance information and payment information; or
4. Repeatedly fails to provide the required addenda record with the electronic payment.

Specific Authority 213.06(1) FS. Law Implemented 213.13, 213.131 FS. History—New _____.

12-28.005 Means of Communication to Report Payment Information.

Clerks of the Court shall use a PC entry communication of payment information with a computer or other communication device as the means of communication to report payment information through the ACH debit method.

Specific Authority 213.06(1) FS. Law Implemented 213.13, 213.131 FS. History—New _____.

12-28.006 Remittance or Transmission Problems.

(1) If a Clerk of the Court makes an incorrect remission of funds or associated remittance information, such Clerk shall, on the nearest business day after the date on which the error is discovered:

(a) Contact the e-Services Unit at (850)487-7972 for specific instructions, if the Department has not yet disbursed the funds to the recipient agency; or

(b) Contact the recipient agency for further instructions, if the Department has already disbursed the funds to the recipient agency.

(2)(a)1. For remittances that have a statutorily-designated due date, if a Clerk using the ACH debit method communicates payment information after 3:45 p.m., Eastern Time, on the business day before the due date, the payment shall be posted to the Clerk's account on the next business day following the due date and shall constitute late payment.

2. For all other remittances, the payment information must be submitted at least once each month, no later than the 25th day of the month following the month in which the remittance was collected.

(b) To help the Clerks comply with all requirements for timely remittance by EFT of funds due, the Department will annually develop and distribute form DR-659, as adopted by Rule 12-24.007, F.A.C., which provides the final time and date for each month of the upcoming calendar year by which each Clerk must initiate a timely EFT remittance for each fund remitted subject to s. 213.13, F.S.

Specific Authority 213.06(1) FS. Law Implemented 213.13, 213.131 FS. History—New _____.

12-28.007 Procedures for Payment.

(1) The Clerks of the Court must report payment information and associated remittance information to the Department by the approved means of communication, no later than 3:45 p.m., Eastern Time, as provided in Rule 12-28.006, F.A.C. The Department must be contacted during the communication period specified in the acknowledgment letter provided to the Clerks of the Court. The Department will bear the costs of processing e-cash presentments by the ACH debit method. Contact by the Clerk during the communication period is mandatory to assure the timely posting of the Clerk's payment on the following business day.

(2) After establishing contact with the Department, the Clerk must initiate payment information and associated remittance information for each remittance. The following information is required:

(a) Payor information number, which consists of the:

1. Bank account number; and,
2. Financial routing and transit number as issued by the ABA;

(b) Payment amount;

(c) Payment period;

(d) Name of the Clerk or his or her authorized designee initiating the e-cash presentment.

(3) A confirmation number will be issued at the conclusion of the communication of the payment information for each remittance and associated remittance information. This number provides a means of verifying the accuracy of the recorded payment and serves as the Clerk's receipt for the transaction.

(4) Clerks who are temporarily authorized to use the ACH credit method pursuant to Rule 12-28.004, F.A.C., must contact their own financial institutions and make arrangements to transfer the remittance to the State Treasurer's account using an ACH credit transfer. The Department will not bear the costs for Clerks who are temporarily authorized to use the ACH credit method.

Specific Authority 213.06(1) FS. Law Implemented 213.13, 213.131 FS. History—New _____.

12-28.008 Due Date: General Provisions.

The Clerks of the Court who are required to remit funds through EFT must initiate the transfer so that the amount due is deposited as collected funds to the State Treasurer's account on or before the due date required by applicable statute or Rule 12-28.006, F.A.C. If a remittance due date falls on a Saturday, a Sunday, a legal holiday as defined in Chapter 683, F.S., or on a legal holiday of the jurisdiction in which the Clerk's financial institution is located, the deposit by electronic funds transfer is required on or before the next succeeding banking day after the due date. For the purposes of these rules, "banking day" has the meaning prescribed in s. 674.104 (1), F.S. If the date on which the Clerk is required to initiate an ACH debit transfer falls on a

Saturday, Sunday, or a business or banking holiday, the Clerk must initiate the transaction on the next succeeding business day.

Specific Authority 213.06(1) FS. Law Implemented 213.13, 213.131 FS. History—New _____.

12-28.009 Distribution of Funds Received by the Department.

(1) Upon receiving a Clerk’s payment information and associated remittance information, the Department shall verify that the funds for subsequent distribution reconcile with the associated remittance information provided by the Clerk.

(2) The Department shall cause such funds to be electronically distributed in accordance with the associated remittance information to the appropriate trust fund or agency as designated in statute, within two business days of receiving an accurate payment from the Clerk.

(3) If the Department determines that there is information missing, or that there has been an error made in the submission of the payment amount, payment information, or associated remittance information, the Department shall hold the funds in the Department of Revenue Clerks of the Court Trust Fund until the Clerk has been contacted and the error has been corrected.

Specific Authority 213.06(1) FS. Law Implemented 213.13, 213.131 FS. History—New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Larry Green, Tax Law Specialist, telephone (850)922-4830, and Shehla Milliron, Senior Attorney, telephone (850)488-6386, in the Office of Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Charles Strausser, Revenue Program Administrator II, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4746

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 29, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: These proposed rules were noticed for a Rule Development Workshop in the Florida Administrative Weekly on February 1, 2002 (Vol. 28, No. 22, pp. 2597-2608). A rule development workshop was held on February 19, 2002, in Room 116 of the Larson Building, 200 E. Gaines Street, Tallahassee, Florida, regarding these proposed rule changes. No one submitted comments before, during, or after the workshop.

PUBLIC SERVICE COMMISSION

DOCKET NO. 020095-EU

RULE TITLE:

RULE NO.:

Safety Standards for Construction of New

Transmission and Distribution Facilities 25-6.0345

PURPOSE AND EFFECT: The rule has the purpose and effect of meeting the requirement in Section 366.04(6)(b), Florida statutes, to adopt, after review, the latest edition of the National Electrical Safety Code.

SUMMARY: The amendment changes the 1997 edition of the National electrical Safety Code to the 2002 edition.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost (SERC) was found to be necessary and none 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: 350.127(2) FS.

LAW IMPLEMENTED: 366.04(6)(b) FS.

WRITTEN COMMENTS OR SUGGESTIONS ON THE PROPOSED RULE MAY BE SUBMITTED TO THE FPSC, DIVISION OF THE COMMISSION CLERK AND ADMINISTRATIVE SERVICES, WITHIN 21 DAYS OF THE DATE OF THIS NOTICE FOR INCLUSION IN THE RECORD OF THE PROCEEDING.

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: Richard Bellak, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, Florida 32399-0862, (850)413-6245

THE FULL TEXT OF THE PROPOSED RULE IS:

25-6.0345 Safety Standards for Construction of New Transmission and Distribution Facilities.

(1) In compliance with Section 366.04(6)(b), F.S., 1991, the Commission adopts and incorporates by reference the 2002 ~~1997~~ edition of the National Electrical Safety Code (ANSI C-2), published August 1, 2001 ~~August 1, 1996~~, as the applicable safety standards for transmission and distribution facilities subject to the Commission's safety jurisdiction. Each public electric utility, rural electric cooperative, and municipal electric system shall comply with the standards in these provisions. Standards contained in the 2002 ~~1997~~ edition shall be applicable to new construction for which a work order number is assigned on or after the effective date of this rule.

(2) Each public electric utility, rural electric cooperative and municipal electric utility shall report all completed electric work orders, whether completed by the utility or one of its

contractors, at the end of each quarter of the year. The report shall be filed with the Director of the Commission's Division of Auditing and Safety Electric and Gas no later than the 30th working day after the last day of the reporting quarter, and shall contain, at a minimum, the following information for each work order:

- (a) through (7) No change.

Specific Authority 350.127(2) FS. Law Implemented 366.04(2)(f), (6) FS. History--New 8-13-87, Amended 2-18-90, 11-10-93, 8-17-97,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Jim Ruehl

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Florida Public Service Commission
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 23, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: Vol. 28, No. 10, March 8, 2002

If any person decides to appeal any decision of the Commission with respect to any matter considered at the rulemaking hearing, if held, a record of the hearing is necessary. The appellant must ensure that a verbatim record, including testimony and evidence forming the basis of the appeal is made. The Commission usually makes a verbatim record of rulemaking hearings.

Any person requiring some accommodation at this hearing because of a physical impairment should call the Division of the Commission Clerk and Administrative Services at (850)413-6770 at least 48 hours prior to the hearing. Any person who is hearing or speech impaired should contact the Florida Public Service Commission by using the Florida Relay Service, which can be reached at 1(800)955-8771 (TDD).

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE CHAPTER TITLE: Individual Environmental
RULE CHAPTER NO.: Resource Permits

RULE TITLE: Permits Required
RULE NO.: 40D-4
40D-4.041

PURPOSE AND EFFECT: The purpose and effect of the proposed amendment to Rule 40D-4.041, F.A.C., is to remove a reference to invalidated rule exemptions.

SUMMARY: The proposed amendment to Rule 40D-4.041, F.A.C., will delete paragraph (3) of the rule. This provision refers to old exemptions that were determined to be invalid and subsequently repealed.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: A Statement of Estimated Regulatory Cost is not being prepared based on the District's determination that the proposed revisions to Rule 40D-4.041,

F.A.C., will not result in a substantial increase in the costs to affected parties and there will not be significant adverse effects on competition, employment, investment or productivity.

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: 373.044, 373.113, 373.118, 373.149, 373.171 FS.

LAW IMPLEMENTED: 373.413, 373.416, 373.426, 373.427 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: Jack Pepper, Senior Attorney, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4651

THE FULL TEXT OF THE PROPOSED RULE IS:

40D-4.041 Permits Required.

(1) through (2) No change.

~~(3) A permit may be required for surface water management systems exempt under subsections 40D-4.051(3) or (6) if the master drainage plan is altered so as to have an adverse impact on the off site water resources in the District.~~

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

Specific Authority 373.044, 373.113, 373.118, 373.149, 373.171 FS. Law Implemented 373.413, 373.416, 373.426, 373.427 FS. History--Readopted 10-5-74, Amended 12-31-74, 9-4-77, 6-7-78, Formerly 16J-4.04, 16J-4.10(1),(2),(4), Amended 10-1-84, 3-1-88, 10-3-95, 7-23-96, 10-16-96, 4-17-97, 10-11-01,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Jack Pepper, Senior Attorney, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4651

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Governing Board of the Southwest Florida Water Management District

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 26, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 3, 2002

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE CHAPTER TITLE: Individual Environmental Resource
RULE CHAPTER NO.: Permits

RULE TITLES: Formal Determination of Wetlands and
Other Surface Waters

RULE NOS.: 40D-4
40D-4.042

Publications and Agreements Incorporated

by Reference 40D-4.091

PURPOSE AND EFFECT: The proposed amendment to Rule 40D-4.042, F.A.C., will change delegation of authority for Formal Determination of Wetlands and Other Surface Waters from the Executive Director to the Regulation Department Directors. The proposed amendment to Rule 40D-4.091, F.A.C., will incorporate by reference the amendments to the Environmental Resource Permitting Information Manual Basis of Review (B.O.R.). The proposed amendment to Section 3.2.2.2, B.O.R., will clarify that provisions relating to environmental impact assessment criteria and required mitigation for fish, wildlife, listed species, and their habitat do not apply to man-made ponds less than 1 acre in size that were constructed in uplands. The proposed amendment to Section 3.2.8, B.O.R., will incorporate language consistent with recent legislation declaring that adverse wetland impacts offset by mitigation within the same drainage basin are not expected to result in unacceptable cumulative impacts.

SUMMARY: The proposed amendments will address paragraph 5 of Rule 40D-4.042, F.A.C., and sections 3.2.2.2 and 3.2.8 of the Basis of Review for Environmental Resource Permit Applications which Rule 40D-4.091, F.A.C., incorporates into the District’s rules by reference.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: A Statement of Estimated Regulatory Cost is not being prepared based on the District’s determination that the proposed revisions to Rules 40D-4.042 and 40D-4.091, F.A.C., will not result in a substantial increase in the costs to affected parties and there will not be significant adverse effects on competition, employment, investment or productivity.

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: 373.044, 373.046, 373.113, 373.118, 373.149, 373.171, 373.421(2), 373.414 FS.

LAW IMPLEMENTED: 373.0361, 373.114, 373.171, 373.403, 373.413, 373.414, 373.416, 373.421(2), 373.429, 373.441 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: Jack Pepper, Senior Attorney, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4651

THE FULL TEXT OF THE PROPOSED RULES IS:

40D-4.042 Formal Determination of Wetlands and Other Surface Waters.

(1) through (4) No change.

(5) The Regulation Department Executive Directors are is delegated the authority to take final action on petitions for formal determinations under this section. A formal determination shall be issued only if the petitioner has satisfied all the requirements of this section.

(6) through (8) No change.

Specific Authority 373.044, 373.113, 373.421(2) FS. Law Implemented 373.421(2) FS. History–New 10-3-95, Amended 7-2-98, 2-14-00, 5-28-00, _____.

40D-4.091 Publications and Agreements Incorporated by Reference.

The following documents are hereby incorporated into this chapter and Chapters 40D-40 and 40D-400, F.A.C.:

(1) “Basis of Review for Environmental Resource Permit Applications” within the Southwest Florida Water Management District, _____ February 27, 2002. This document is available from the District upon request.

(2) through (4) No change.

Specific Authority 373.044, 373.046, 373.113, 373.171, 373.414 FS. Law Implemented 373.0361, 373.114, 373.171, 373.403, 373.413, 373.414, 373.416, 373.429, 373.441 FS. History–New 4-2-87, Amended 3-1-88, 9-11-88, 10-1-88, 4-1-91, 11-16-92, 1-30-94, 10-3-95, 12-26-95, 5-26-96, 7-23-96, 4-17-97, 4-12-98, 7-2-98, 12-3-98, 7-28-99, 8-3-00, 9-20-00, 6-12-01, 10-11-01, 2-27-02, _____.

ENVIRONMENTAL RESOURCE PERMITTING INFORMATION MANUAL PART B – BASIS OF REVIEW

CHAPTER THREE – ENVIRONMENTAL

3.2.2 Fish, Wildlife, Listed Species and their Habitats

3.2.2.2 Alterations to wholly owned livestock watering ponds that were constructed entirely in uplands and which are less than one acre in area and alterations to drainage ditches that were constructed in uplands will not be required to comply with the provisions of subsections 3.2.2 through 3.2.2.3, 3.2.3 through 3.2.3.7 and 3.2.5 through 3.3.8, unless those ponds or ditches provide significant habitat for threatened or endangered species. This means that, except in cases where those ponds or ditches provide significant habitat for threatened or endangered species, the only environmental criteria that will apply to those ponds or ditches are those included in subsections 3.2.2.4, and 3.2.4 through 3.2.4.5. This provision shall only apply to those ponds and ditches which were constructed before a permit was required under Part IV, Chapter 373, F.S. or were constructed pursuant to a permit under Part IV, Chapter 373, F.S. This provision does not apply to ditches constructed to divert natural stream flow.

3.2.8 Cumulative Impacts

Pursuant to paragraph 3.1.1(g), an applicant must provide reasonable assurance that a regulated activity will not cause unacceptable cumulative impacts upon wetlands and other surface waters within the same

drainage basin as the regulated activity for which a permit is sought. The impact on wetlands and other surface waters shall be reviewed by evaluating the impacts to water quality as set forth in subsection 3.1.1(c) and by evaluating the impacts to functions identified in subsection 3.2.2. If an applicant proposes to mitigate any adverse impacts within the same drainage basin as the impacts, and if the mitigation fully offsets these impacts, then the District will consider the regulated activity to have no unacceptable cumulative impacts upon wetlands and other surface waters, and the condition for issuance in paragraph 3.1.1(g) will be satisfied. The drainage basins within the District are identified on Appendix 6. When adverse impacts to water quality or adverse impacts to the functions of wetlands and other surface waters, as referenced in the paragraph above, are not fully offset within the same drainage basin as the impacts, then an applicant must provide reasonable assurance that the proposed system, when considered with the following activities, will not result in unacceptable cumulative impacts to water quality or the functions of wetlands and other surface waters, within the same drainage basin:

(a) through (b) No change.

NAME OF PERSON ORIGINATING PROPOSED RULE: Jack Pepper, Senior Attorney, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4651

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Governing Board of the Southwest Florida Water Management District

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 26, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 19, 2002

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE CHAPTER TITLE: Standard General Environmental RULE CHAPTER NO.: 40D-40

Resource Permits RULE NO.: 40D-40.302

RULE TITLE: Conditions for Issuance of Standard General Permits

PURPOSE AND EFFECT: The proposed amendments will allow the issuance of Standard General Environmental Resource Permits by staff for projects that impact one or more total acres of wetlands or other surface waters which are ditches originally constructed in uplands or individually less than one-half acre in size and for which no mitigation is required.

SUMMARY: The proposed amendments to Rule 40D-40.302, F.A.C., will exclude ditches constructed in uplands and wholly owned isolated wetlands and other surface waters, that are less than one half acre in size and for which no mitigation is required, for purposes of determining whether a proposed activity qualifies for a Standard General Environmental Resource Permit.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: A Statement of Estimated Regulatory Cost is not being prepared based on the District's determination that the proposed revisions to Rule 40D-40.302, F.A.C., will not result in a substantial increase in the costs to affected parties and there will not be significant adverse effects on competition, employment, investment or productivity.

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: 373.044, 373.113, 373.118 FS.

LAW IMPLEMENTED: 373.413, 373.414, 373.416, 373.419 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: Jack Pepper, Senior Attorney, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4651

THE FULL TEXT OF THE PROPOSED RULE IS:

40D-40.302 Conditions for Issuance of Standard General Permits.

In order to qualify for a standard general permit for construction and operation under this chapter, the applicant must give reasonable assurances that the surface water management system meets all conditions of subsection 40D-40.302(1), F.A.C., ~~and~~ all thresholds in subsection 40D-40.302(2), F.A.C., and conditions of at least one other subsection. To obtain a standard general site conditions assessment permit under this chapter, the applicant must provide reasonable assurances that all conditions of subsection 40D-40.302(5), F.A.C., are met.

(1) ~~General~~ Conditions.

(a) The surface water management system must meet the conditions specified in Rules 40D-4.301 and 40D-4.302, F.A.C.

(b) The permittee must have obtained a Works of the District permit or other approval from the District if the permittee proposes to connect to, place structures in or across, or otherwise make use of works owned by the District.

(2) Thresholds.

(a) No change.

(b) Construction or alteration of a system, including dredging or filling to occur in, on or over a total of one acre or less of wetlands and other surface waters. For this purpose, calculation of the one acre area shall not include:

1. Ditches that were originally constructed in uplands.

2. Any wholly owned, isolated wetland or other surface water less than one-half acre in size and for which mitigation is not required.

(c) No change.

(3) through (4) No change.

(5) Conditions for a Standard General Site Conditions Assessment Permit.

(a) through (b) No change.

Specific Authority 373.044, 373.113, 373.118, FS. Law Implemented 373.413, 373.414, 373.416, 373.419 FS. History—New 10-1-84, Amended 3-1-88, 5-10-88, 9-13-88, 10-3-95, 7-23-96, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Jack Pepper, Senior Attorney, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4651

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Governing Board of the Southwest Florida Water Management District

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 26, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 3, 2002

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Engineers

RULE TITLE: Foreign Degrees RULE NO.: 61G15-20.007

PURPOSE AND EFFECT: The Board proposes to amend this rule by updating the text to incorporate a reference to an additional entity providing translation services regarding substantial equivalency of foreign degrees.

SUMMARY: The new language being added to this rule will double the number of approved translation services involved in determining the foreign degree holding applicant's credential equivalency and provide a foreign degree holding applicant with more choices in regard to approved transcription evaluation services.

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: 471.008 FS.

LAW IMPLEMENTED: 471.013, 471.015 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Natalie Lowe, Administrator, Board of Professional Engineers, 2507 Callaway Road, Suite 200, Tallahassee, Florida 32303-5267

THE FULL TEXT OF THE PROPOSED RULE IS:

61G15-20.007 Foreign Degrees.

(1) through (4) No change.

(5) The applicant must request an evaluation of substantial equivalency of his or her credentials to ABET standards through either Engineering Credentials Evaluation International, P. O. Box 13084, Baltimore, MD 21203-3084, or Joseph Silny & Associates, Inc., P. O. Box 248233, Coral Gables, Florida 33124.

(6) through (7) No change.

Specific Authority 471.008 FS. Law Implemented 471.013, 471.015 FS. History—New 7-20-95, Amended 6-5-96, 4-16-98, 1-17-99, 7-28-99, 1-6-02, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Professional Engineers

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 24, 2002

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Accountancy

RULE TITLE: Probable Cause Panel RULE NO.: 61H1-19.007

PURPOSE AND EFFECT: This rule is being amended pursuant to section 455.225(4), F.S., to set forth the Board's authority to appoint more than one probable cause panel and the criteria for same.

SUMMARY: The rule amendment permits the Board's Chair to appoint multiple probable cause panels as necessary.

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: 120.53, 455.225, 455.225(4), 473.304 FS.

LAW IMPLEMENTED: 455.013, 455.225, 455.225(4) 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: Martha Willis, Executive Director, Board of Accountancy, 240 N. W. 76 Drive, Suite #1, Gainesville, Florida 32607

THE FULL TEXT OF THE PROPOSED RULE IS:

61H1-19.007 Probable Cause Panel.

(1) through (4) No change.

(5) The Chairman, at his discretion, shall, as needed, appoint multiple probable cause panels which panels shall be constituted as set forth in subsection (2) above.

Specific Authority 120.53, 455.225, 455.225(4), 473.304 FS. Law Implemented 455.013, 455.225, 455.225(4) FS. History--New 12-4-79, Formerly 21A-19.07, Amended 12-2-92, Formerly 21A-19.007, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Accountancy

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 19, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 3, 2002

DEPARTMENT OF ENVIRONMENTAL PROTECTION

DOCKET NO: 02-25R

RULE CHAPTER TITLE: Air Pollution Control –

General Provisions 62-204

RULE TITLE: Federal Regulations Adopted by Reference 62-204.800

PURPOSE, EFFECT AND SUMMARY: The proposed rule amendments update through April 5, 2002, the adoptions by reference of air pollution regulations promulgated by the U.S. Environmental Protection Agency (EPA) at 40 CFR Parts 50, 51, 53, 58, 60, 61, 63, 64, 65, 68, 70, 72, 73, 75, 76, 77, 78, 81, 82, and 93. All references to the July 1, 1996, Code of Federal Regulations (CFR) are updated to the July 1, 2001, CFR. Obsolete references are deleted. Since the provisions of 40 CFR 50.7, National Primary and Secondary Ambient Air Quality Standards For Particulate Matter, are currently under review by the EPA, the department is proposing to exclude this regulation from adoption by reference at this time. 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 Optometry

RULE TITLE: Criteria for Selection of Investigators

RULE NO.: 64B13-3.011

PURPOSE AND EFFECT: The rule is not authorized and is being repealed. The Department sets the criteria for selection of investigators, in consultation with the Board.

SUMMARY: The rule is being repealed.

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: 456.004 FS.

LAW IMPLEMENTED: 456.004 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 Optometry/MQA, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3255

THE FULL TEXT OF THE PROPOSED RULE IS:

64B13-3.011 Criteria for Selection of Investigators.

Specific Authority 456.004 FS. Law Implemented 456.004 FS. History--New 10-6-81, Formerly 21Q-3.11, 21Q-3.011, 61F8-3.011, 59V-3.011, Repealed.

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

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 5, 2002

DEPARTMENT OF HEALTH

Board of Orthotists and Prosthetists

RULE TITLE: Probable Cause Determination

RULE NO.: 64B14-1.003

PURPOSE AND EFFECT: The Board proposes a new rule setting forth the procedure for a determination of probable cause including the composition of the probable cause panel.

SUMMARY: The Board has developed this rule to establish the composition of the probable cause panel and the procedures for determining probable cause.

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: 456.073, 468.801, 468.802 FS.

LAW IMPLEMENTED: 456.073 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 FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joe Baker, Jr., Board 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:

64B14-1.003 Probable Cause Determination.

(1) The determination of whether probable cause exists that a violation of Chapters 456 and 468, Part XIV, Florida Statutes, and/or the rules promulgated pursuant thereto, has occurred shall be made by a majority vote of a probable cause panel of the Board.

(2) The Chair of the Board shall appoint no more than three people to the probable cause panel and shall designate its chair. The appointed members shall be either current members of the Board or a former member of the Board. No more than one member of the panel may be a former board member.

(3) The Chair of the Board may make temporary appointments to the panel as necessary to conduct the business of the panel in the absence or unavailability of a regularly appointed panel member.

Specific Authority 456.073, 468.801, 468.802 FS. Law Implemented 456.073 FS. History—New _____.

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

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Orthotists and Prosthetists

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 12, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 25, 2002

DEPARTMENT OF HEALTH

Board of Orthotists and Prosthetists

RULE TITLE: RULE NO.:

Licensure Under the Provisions of Section 468.805 64B14-2.001

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

SUMMARY: The Board has decided to repeal this rule as the Department of Health’s rules govern examinations and the procedures for the same.

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

Any person who wishes to provide information regarding 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: 456.017(2) FS.

LAW IMPLEMENTED: 456.017(2) FS.

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

All written material received by the Department within 21 days of the date of publication of this notice shall be made a part of the official record.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sue Foster, Executive Director, Board of Opticianary, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

THE FULL TEXT OF THE PROPOSED RULE IS:

64B14-2.001 Licensure Under the Provisions of Section 468.805 Without Examination Fees.

Pursuant to s. 468.805, F.S., the Board established the following fees:

(1) Non-refundable application fee: ~~\$500.00~~ 200.00.

(2) Initial licensure fee: ~~\$500.00~~ 400.00.

(3) Initial licensure fee for provisional licensure: ~~\$500.00~~ 100.00.

(4) Examination fee for licensure without examination pursuant to s. 468.805(3), F.S.: ~~\$500.00~~ 400.00.

Specific Authority 456.025, 468.802, 468.805 FS. Law Implemented 456.025, 468.805 FS. History—New 2-25-99, Amended _____.

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

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Orthotists and Prosthetists

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 12, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 25, 2002

DEPARTMENT OF HEALTH**Board of Pharmacy**

RULE TITLE:

RULE NO.:

Standards of Practice for the Dispensing
of Controlled Substances for
Treatment of Pain

64B16-27.831

PURPOSE AND EFFECT: The Board is promulgating a new rule to address the standards of practice for dispensing controlled substances.

SUMMARY: The Board is creating a new rule which will set forth the standards of practice for a licensed pharmacist to dispense controlled substances.

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: 465.005, 465.0155 FS.

LAW IMPLEMENTED: 465.0155, 465.016 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: John Taylor, Executive Director, Board of Pharmacy, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254

THE FULL TEXT OF THE PROPOSED RULE IS:

64B16-27.831 Standards of Practice for the Dispensing of Controlled Substances for Treatment of Pain.

(1) The Board of Pharmacy recognizes that principles of quality pharmacy practice dictate that the people of the State of Florida have access to appropriate and effective pain relief. The appropriate application of up-to-date knowledge and treatment modalities can serve to improve the quality of life for those patients who suffer from pain as well as reduce the morbidity and costs associated with untreated or inappropriately treated pain. The Board encourages pharmacies to view effective pain management as a part of quality pharmacy practice for all patients with pain, acute or chronic, and it is especially important for patients who experience pain as a result of terminal illness. All pharmacists should become knowledgeable about effective methods of pain treatment as well as statutory requirements for prescribing and dispensing controlled substances.

(2) Inadequate pain control may result from pharmacists' lack of knowledge about pain management or an inadequate understanding of addiction. Fears of investigation or sanction by federal, state, and local regulatory agencies may also result in inappropriate or inadequate treatment of chronic pain

patients. Pharmacists should not fear disciplinary action from the Board or other state regulatory or enforcement agencies for prescribing, dispensing, or administering controlled substances for a legitimate medical purpose. Accordingly, these guidelines have been developed to clarify the Board's position on pain control, specifically as related to the use of controlled substances, to alleviate pharmacist uncertainty and to encourage better pain management.

(3) The Board of Pharmacy is obligated under the laws of the State of Florida to protect the public health and safety. The Board recognizes that inappropriate dispensing of controlled substances may lead to drug diversion and abuse by individuals who seek them for other than legitimate medical use. Pharmacists should be diligent in preventing the diversion of drugs for illegitimate purposes.

(4) An order purporting to be a prescription issued not in the usual course of professional treatment nor in legitimate and authorized research is not a prescription and the pharmacist knowingly filling such a purported prescription shall be subject to penalties for violations of the law. The following criteria should cause a pharmacist to question whether a prescription was issued for a legitimate medical purpose: (1) Frequent loss of opioid medications, (2) Only opioids medications are prescribed for a patient, (3) One person presents opioid prescriptions with different patient names, (4) Same opioid medication is prescribed by two or more prescribers at same time, (5) Patient always pays cash and always insists on brand name product. If any of these criteria is met, the pharmacist should insist that the person to whom medication is dispensed provide picture identification and the pharmacist should photocopy such picture identification for the pharmacist's records. If a photocopier is not available, the pharmacist should document on the back of the prescription complete descriptive information from the picture identification. If the person to whom medication is dispensed has no picture identification, the pharmacist should confirm the person's identity and document on the back of the prescription complete information on which the confirmation is based. The pharmacist should also verify the prescription with the prescriber. A pharmacist who believes a prescription for an opioid medication to be valid, but who has not been able to verify it with the prescriber, may determine that he or she is unable to supply the full quantity and may dispense a partial supply, not to exceed a 72 hours supply. After verification by the prescriber, the pharmacist may dispense the balance of the prescription within a 72 hour time period following the initial partial filling, unless otherwise prohibited by law.

(5) Every pharmacy permit holder shall maintain a computerized record of controlled substance prescriptions dispensed. A hard copy printout summary of such record, covering the previous 60 days period, shall be made available within 24 hours following a request for it by any law enforcement personnel entitled to request such summary under

authority of Section 465.017(2), F.S. Such summary shall include information from which it is possible to determine the volume and identity of controlled substance medications being dispensed under the prescription of a specific prescriber, and the volume and identity of controlled substance medications being dispensed to a specific patient.

Specific Authority 465.005, 465.0155 FS. Law Implemented 465.0155, 465.016(1)(i) FS. History--New

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Pharmacy

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 16, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 15, 2002

DEPARTMENT OF HEALTH

Division of Disease Control

RULE TITLE: Control of Communicable Diseases, Public and Nonpublic Schools, Grades Preschool, and Kindergarten Through 12; Forms and Guidelines

RULE NO.:

64D-3.011

PURPOSE AND EFFECT: The Bureau proposes an amendment to extend the expiration date for temporary medical exemptions and to update the Immunization Guidelines and other forms that are incorporated by reference.

SUMMARY: The proposed amendment to Rule 64D-3.011, F.A.C., modifies language allowing extension of the expiration dates for temporary medical exemptions in the event of a vaccine shortage, and updates the Immunization Guidelines and other forms that are incorporated by reference.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: At this time, a Statement of Estimated Regulatory cost is not available.

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: 381.003(1)(e), (2) FS.

LAW IMPLEMENTED: 232.032 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: 1:00 p.m., (EST), May 31, 2002

PLACE: Room 320P, 2585 Merchants Row Blvd., Tallahassee, FL 32399-1719

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Susan Lincicome, Senior Management Analyst Supervisor, Department of Health, Bureau of

Immunization, Room 210N, 2585 Merchants Row Blvd., Tallahassee, FL 32399-1719, whose telephone number is (850)245-4342 (Mailing address is 4052 Bald Cypress Way, Bin #A-11, Tallahassee, FL 32399-1719)

THE FULL TEXT OF THE PROPOSED RULE 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(9)(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~~, or Immunization Guidelines Florida Schools, Child Care Facilities and Family Day Care Effective July 2002, as incorporated by reference in subsection 64D-3.011(9)(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(9)(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(9)(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 (4) No change.

~~(5) Forms and Guidelines — Forms used to document compliance with Section 232.032, F.S., and guidelines for completion of the forms are hereby incorporated by reference:~~

FORM #	EFFECTIVE DATE	TITLE	FORMS AND GUIDELINES AVAILABILITY
DH-680	(Aug-2000)	Florida Certification of Immunization	DOH county health departments (DOH CHDs); physicians' offices
DH-680	(July 2001)	Florida Certification of Immunization	DOH CHDs; physicians' offices
DH-681	(May-99)	Religious Exemption From Immunization	DOH CHDs
DH-684	(Nov-96)	Immunization Annual Report of Compliance for Kindergarten and Seventh Grade	DOH CHDs
DH-685	(Nov-96)	Kindergarten and Seventh Grade Annual Report of Compliance County Summary	DOH CHDs
	(Aug-2000)	Immunization Guidelines Florida Schools and Child Care Facilities Effective August 2000	DOH CHDs
	(July 2001)	Immunization Guidelines Florida Schools, Child Care Facilities and Family Day Care Homes Effective July 2001	DOH CHDs

~~(5)(6) Adult Education Classes – Students under 21 years of age attending adult education classes will provide acceptable proof of immunization as specified in subsection 64D-3.011(1), F.A.C.~~

~~(6)(7) Florida SHOTS (State Health Online Tracking System) Opt Out Provision – Parents or guardians may elect to decline participation in the Florida immunization registry, Florida SHOTS, by completing a DH Form 1478, Florida SHOTS Notification and Opt Out Form, as incorporated by reference in subsection 64D-3.011(9)(10), F.A.C., and returning the form to the Department of Health. The immunization records of children whose parents choose to~~

opt-out will not be shared with other entities that are allowed by law to have access to the child's immunization record via authorized access to Florida SHOTS.

~~(7)(8) Florida SHOTS Private Provider Participation – Any health care practitioner licensed in Florida under Chapter 458, 459 or 464, Florida Statutes, may request authorization to access Florida SHOTS by filling out a DOH Form 1479, Authorized Private Provider User Agreement for Access to Florida SHOTS (Florida State Health Online Tracking System), as incorporated by reference in subsection 64D-3.011(9)(10), F.A.C. The DOH Form 1479 will be returned to the Department of Health for processing and authorization to access Florida SHOTS. Notification of access approval and instructions for accessing Florida SHOTS will be provided by the Department of Health. The authorized user and the applicable licensing authority or agency shall notify the Department of Health Bureau of Immunization Florida SHOTS personnel when an authorized user's license or registration has expired or has been suspended or revoked.~~

~~(8)(9) Florida SHOTS School and Licensed or Registered Child Care Facility Participation – Any public or nonpublic school, or licensed or registered child care facility may request authorization to access Florida SHOTS by completing a DOH Form 2115, Authorized School, and Licensed or Registered Child Care Facility User Agreement for Access to Florida SHOTS, as incorporated by reference in subsection 64D-3.011(9)(10), F.A.C. The DOH Form 2115 will be returned to the Department of Health for processing and authorization to access Florida SHOTS. Notification of access approval and instructions for accessing Florida SHOTS will be provided by the Department of Health. The authorized user and the applicable licensing authority or agency shall notify the Department of Health Bureau of Immunization Florida SHOTS personnel when an authorized user's license or registration has expired or has been suspended or revoked.~~

~~(9)(10) Forms and Guidelines – Forms used to document compliance with Sections 232.032 and 381.003, F.S., and guidelines for completion of the forms, are hereby incorporated by reference:~~

FORM #	EFFECTIVE DATES	TITLE	FORMS AND GUIDELINES AVAILABILITY
DH 680	(July 2001)	Florida Certification of Immunization	DOH county health departments (DOH CHDs); physicians' offices
DH 681	(May 1999)	Religious Exemption From Immunization	DOH CHDs
DH 681	(February 2002)	Religious Exemption Immunization (English/Spanish/Haitian-Creole Version)	DOH CHDs

DH 684	<u>(November 1996)</u>	<u>Immunization Annual Report of Compliance for Kindergarten and Seventh Grade</u>	DOH CHDs
DH 685	<u>(November 1996)</u>	<u>Kindergarten and Seventh Grade Annual Report of Compliance County Summary</u>	DOH CHDs
DH 150-615	<u>(July 2001)</u>	<u>Immunization Guidelines Florida Schools, Child Care Facilities and Family Day Care Homes</u>	DOH CHDs
DH 150-615	<u>(July 2002)</u>	<u>Immunization Guidelines Florida Schools, Child Care Facilities and Family Day Care Homes Effective July 2002</u>	DOH CHDs
DH 1478	Nov-2000 <u>(November 2000)</u>	Florida SHOTS Notification and Opt Out Form <u>(English Version)</u>	DOH Bureau of Immunization 4052 Bald Cypress Way, Bin # A-11 Tallahassee, FL 32399-1719
DH 1478S	<u>(November 2000)</u>	<u>Florida SHOTS Notification and Opt Out Form (Spanish Version)</u>	<u>DOH Bureau of Immunization 4052 Bald Cypress Way, Bin # A-11 Tallahassee, FL 32399-1719</u>
DH 1478H	<u>(February 2002)</u>	<u>Florida SHOTS Notification and Opt Out Form (Haitian Creole Version)</u>	<u>DOH Bureau of Immunization 4052 Bald Cypress Way Bin # A-11 Tallahassee, FL 32399-1719</u>
DH 1479	Nov-2000 <u>(November 2000)</u>	Authorized Private Provider User Agreement for Access to Florida SHOTS (State Health Online Tracking System)	DOH Bureau of Immunization 4052 Bald Cypress Way Bin # A-11 Tallahassee, FL 32399-1719
DH 2115	Nov-2000 <u>(November 2000)</u>	Authorized School and Licensed or Registered Child Care Facility User Agreement For Access to Florida SHOTS (State Health Online Tracking System)	DOH Bureau of Immunization 4052 Bald Cypress Way, Bin # A-11 Tallahassee, FL 32399-1719

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, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Charles H. Alexander, Chief, Bureau of Immunization
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Landis K. Crockett, M.D., M.P.H., Director, Division of Disease Control
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 18, 2002
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 18, 2002

Section III Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF BANKING AND FINANCE Board of Funeral and Cemetery Services

RULE NO.: 3F-5.0016
RULE TITLE: Certificate of Authority; Financial Requirements
NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 28, No. 8, of the February 22, 2002, issue of the Florida Administrative Weekly. The changes are in response to written comments submitted by the staff of the Joint Administrative Procedures Committee. The Board, at its meeting held on April 19, 2002, voted to change subsection (2) of the rule to read as follows:

(2) A Certificate of Authority holder or applicant must submit its most recent year-end financial statements (including a balance sheet and income statement), with the Certificate of Authority application and annually thereafter as provided in Section 497.407(1), F.S. The financial statements must be prepared in accordance with generally accepted accounting principles (GAAP) as those principles have been defined by the Florida Board of Accountancy in Chapter 61H1-20, F.A.C. If the applicant does not have the minimum net worth as set forth in section three (3) or lacks sufficient liquid assets to satisfy current liabilities or does not appear to have any substantial long-term assets, the Department shall request additional financial information concerning financial statements and the statement of cash flows.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Diana Evans, Executive Director, Board of Funeral and Cemetery Services, 101 East Gaines Street, Tallahassee, Florida 32399-0350