

DEPARTMENT OF HEALTH

Division of Environmental Health

RULE CHAPTER TITLE: Nursing Student Loan Forgiveness Program
RULE CHAPTER NO.: 64E-23

PURPOSE AND EFFECT: To implement 2002 statutory amendments requiring changes to rules and forms to administer the Nursing Scholarship Program.

SUBJECT AREA TO BE ADDRESSED: Initial and renewal applications and agreement for the program and rules governing criteria for continuing participation.

SPECIFIC AUTHORITY: 240.4075 FS.

LAW IMPLEMENTED: 240.4075 FS.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIMES, DATES AND PLACES SHOWN BELOW:

TIME AND DATE: 1:00 p.m., July 22, 2002

PLACE: Florida Department of Health, 4052 Bald Cypress Way, Room 301, Tallahassee, FL

TIME AND DATE: 1:00 p.m., July 24, 2002

PLACE: Tampa Airport Marriott, Tampa, FL

TIME AND DATE: 1:00 p.m., July 26, 2002

PLACE: Hotel Sofitel, 5800 Blue Lagoon Drive, Miami, FL

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Caroline Roth, Program Administrator, Division of Emergency Medical Services and Community Health Resources, 4052 Bald Cypress Way, Bin #C-15, Tallahassee, Florida 32399-1735, (850)245-4440, Ext. 2711

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT WILL BE AVAILABLE, UPON REQUEST, ONE WEEK PRIOR TO THE WORKSHOPS.

DEPARTMENT OF HEALTH

Division of Environmental Health

RULE CHAPTER TITLE: Nursing Scholarship Program
RULE CHAPTER NO.: 64E-24

PURPOSE AND EFFECT: To implement 2002 statutory amendments requiring changes to rules and forms to administer the Nursing Scholarship Program.

SUBJECT AREA TO BE ADDRESSED: Initial and renewal applications and agreement for the program and rules governing criteria for continuing participation.

SPECIFIC AUTHORITY: 240.4076 FS.

LAW IMPLEMENTED: 240.4076 FS.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIMES, DATES AND PLACES SHOWN BELOW:

TIME AND DATE: 9:00 a.m., July 22, 2002

PLACE: Florida Department of Health, 4052 Bald Cypress Way, Room 301, Tallahassee, FL

TIME AND DATE: 9:00 a.m., July 24, 2002

PLACE: Tampa Airport Marriott, Tampa, FL

TIME AND DATE: 9:00 a.m., July 26, 2002

PLACE: Hotel Sofitel, 5800 Blue Lagoon Drive, Miami, FL
THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Caroline Roth, Program Administrator, Division of Emergency Medical Services and Community Health Resources, 4052 Bald Cypress Way, Bin #C-15, Tallahassee, Florida 32399-1735, (850)245-4440, Ext. 2711

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT WILL BE AVAILABLE, UPON REQUEST, ONE WEEK PRIOR TO THE WORKSHOPS.

**Section II
Proposed Rules**

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Aquaculture

RULE CHAPTER TITLE: Aquaculture Best Management Practices
RULE CHAPTER NO.: 5L-3

RULE TITLE: Aquaculture Best Management Practices Manual
RULE NO.: 5L-3.004

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to amend 5L-3 to reference an updated aquaculture best management practice manual, dated May, 2002. The manual change will specifically include an additional section to the aquaculture best management practices for aquatic animal health.

SUMMARY: The proposed rule establishes the procedures to follow and best management practices to implement by aquaculture producers in order to obtain an aquaculture certificate of registration from the Florida Department of Agriculture and Consumer Services.

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 within 21 days of this notice.

SPECIFIC AUTHORITY: 570.07(23), 597.004(2)(b) FS.

LAW IMPLEMENTED: 597.002, 597.003, 597.004 FS.

WRITTEN COMMENTS MAY BE SUBMITTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE TO: Kal Knickerbocker, 1203 Governor's Square Boulevard, 5th Floor, Tallahassee, Florida 32301

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 1:00 p.m., Monday, July 22, 2002

PLACE: Division of Aquaculture Conference Room, 1203 Governor's Square Boulevard, 5th Floor, Tallahassee, Florida
 If accommodation for a disability is needed to participate in this activity, please notify the Personnel Services Specialist in the Bureau of Personnel Management, (850)921-6262, at least seven days before the meeting.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kal Knickerbocker, Division of Aquaculture, 1203 Governor's Square Boulevard, 5th Floor, Tallahassee, Florida 32301, (850)488-4033

THE FULL TEXT OF THE PROPOSED RULE IS:

5L-3.004 Aquaculture Best Management Practices Manual.

(1) The Best Management Practices manual used by the Department under Chapter 5L-3, F.A.C. is adopted and incorporated by reference in this section. The manual is listed below by subject title and date. Copies of the manual may be obtained by contacting the Department.

(2) Aquaculture Best Management Practices Manual, May, 2002 ~~July, 2000~~.

Specific Authority 570.07(23), 595.004(2)(b) FS. Law Implemented 597.003, 597.004 FS. History--New 10-4-00, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE: Kal Knickerbocker

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Sherman Wilhelm, Director, Division of Aquaculture

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 10, 2000

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

RULE CHAPTER TITLE: Examinations
 RULE CHAPTER NO.: 61-11

RULE TITLE: Conduct at Test Site, and Notice of Protection Privileges by and to the Department
 RULE NO.: 61-11.007

PURPOSE AND EFFECT: The purpose of this rule development is to clarify the department's authority to use available technology to monitor examinations and to thoroughly investigate any conduct that may subvert the examination process.

SUMMARY: The proposed rule will clarify the department's authority to use available technology to monitor examinations and to thoroughly investigate any conduct that may subvert the examination process.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: 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: 455.203(5), 455.217(1)(e) FS.

LAW IMPLEMENTED: 455.217(1)(e) FS.

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

TIME AND DATE: 1:30 p.m. – 3:30 p.m., EST, July 24, 2002

PLACE: The Secretary's Conference Room, Second Floor, The Johns Building, 725 South Bronough Street, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this hearing is asked to advise the agency at least 48 business hours before the hearing by contacting Michael D. Kooi, Assistant General Counsel, (850)487-9636. If you are hearing or speech impaired, please contact the agency by calling 1(800)955-8771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE 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, (850)487-9636

THE FULL TEXT OF THE PROPOSED RULE IS:

61-11.007 Conduct at Test Site, and Notice of Protection Privileges by and to the Department.

(1) The examination supervisor, proctors, and computer-based testing vendor are the Department's designated agents in maintaining a secure and proper examination administration.

(2) The department and its designated agents may use any technology reasonably necessary to protect the integrity and security of any license examination.

~~(3)~~(2) Any individual found by the Department or any board within the Department to have engaged in conduct which subverts or attempts to subvert the examination process may have his or her scores on the examination withheld and/or declared invalid, be disqualified from the practice of the profession, and/or be subject to the imposition of other appropriate sanctions by the Department or, if administered by a board within the Department, by the applicable board.

~~(4)~~(3) Conduct which subverts or attempts to subvert the examination process includes:

(a) Conduct which violates the security of the examination materials, such as removing from the examination room any of the examination materials; reproducing or reconstructing any portion of the licensing examination; aiding by any means in

the reproduction or reconstruction of any portion of the licensing examination; selling, distributing, buying, receiving or having unauthorized possession of any portion of a future or current licensing examination.

(b) Conduct which violates the standard of test administration, such as communicating with any other examinee during the administration of the examination; copying answers from another examinee or permitting one's answers to be copied by another examinee during the administration of the examination; having in one's possession during the administration of the licensing examination any book, notes, written or printed materials or data of any kind, other than the examination materials distributed or specifically listed as approved materials for the examination room in the information provided to the examinee in advance of the examination date by the Department and/or the national supplier of the examination.

(c) Conduct which violates the credentialing process, such as falsifying or misrepresenting educational credentials or other information required for admission to the examination; impersonating an examinee or having an impersonator take the licensing examination on one's own behalf.

(5)(4) Any violation of the conduct rules or other irregularities will be documented in writing by the Department's agent(s) and the documentation of the violation or irregularity will be presented to the appropriate regulatory board or departmental unit for consideration and action. The Department's agent(s) shall exercise extreme care in their documentation to ensure that the violation or irregularities are precisely recorded as they were witnessed.

(6) The department or its designated agents shall take steps reasonably necessary to prevent or investigate any conduct which subverts or attempts to subvert the examination process.

Specific Authority 455.203(5), 455.217(1)(e) FS. Law Implemented 455.217(1) FS. History--New 9-25-80, Formerly 21-11.07, Amended 6-22-88, Formerly 21-11.007, Amended 9-18-96, 2-25-01, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Michael D. Kooi, Assistant General Counsel, Department of Business and Professional Regulation

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Kim Binkley-Seyer, Secretary, Department of Business and Professional Regulation

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 17, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 24, 2002, Vol. 28, No. 21

DEPARTMENT OF HEALTH

Board of Medicine

RULE TITLE: Examinations
 RULE NO.: 64B8-5.001

PURPOSE AND EFFECT: The proposed rule amendment is intended to address the requirement that all three steps of the USMLE be successfully completed within 7 years.

SUMMARY: The proposed rule amendment sets forth the conditions under which the Board will extend the 7 year requirement for passage of the USMLE.

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

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

SPECIFIC AUTHORITY: 458.309, 458.311(1)(h), 458.313(4), 456.017(1) FS.

LAW IMPLEMENTED: 458.311, 458.313, 456.017(1) 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: Larry G. McPherson, Jr., Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253

THE FULL TEXT OF THE PROPOSED RULE IS:

64B8-5.001 Examinations.

(1) Pursuant to subsection 456.017(1)(c), F.S., the Board hereby approves and designates the use of the United States Medical Licensing Examination prepared by the Federation of State Medical Boards of the United States, Inc. and the National Board of Medical Examiners (USMLE) ~~as the examination prescribed by section 458.311, F.S., for use by the Department and designates said examination as the Florida Board Examination, as that term is used in Section 6, Ch. 86-245, Laws of Florida.~~

(2) Any applicant who attempts to qualify for licensure by successfully completing the USMLE first used in 1994 shall meet the following requirements:

(a) A candidate may take any step or steps at any sitting and may take Step 3 only after completion of Steps 1 and 2. However, all steps must be successfully completed within a seven-year period. Applicants may exceed the seven-year requirement under the following conditions:

1. The applicant has successfully passed all three steps of the USMLE in no more than two attempts on each step; or

2. The applicant was enrolled in an M.D./Ph.D. program at the time the USMLE was taken.

(b) No change.

(3) through (5) No change.

Specific Authority 458.309, 458.311(1)(h), 458.313(4), 456.017(1) FS. Law Implemented 458.311, 458.313, 456.017(1) FS. History—New 12-5-79, Amended 11-10-82, 11-28-84, 3-13-85, 8-11-85, 12-4-85, Formerly 21M-21.01, Amended 2-16-86, 12-16-86, 5-10-89, Formerly 21M-21.001, Amended 5-9-94, Formerly 61F6-21.001, Amended 10-18-94, 1-2-95, Formerly 59R-5.001, Amended 8-18-98, 2-3-00, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Medicine

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

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 24, 2002

DEPARTMENT OF HEALTH

Board of Medicine

RULE TITLE: Standards for Adequacy of Medical Records RULE NO.: 64B8-9.003

PURPOSE AND EFFECT: The proposed rule amendment is intended to require that patient medical records be maintained in English.

SUMMARY: The proposed rule amendment requires that all patient medical records be maintained in English.

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

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

SPECIFIC AUTHORITY: 458.309, 458.331(1)(v) FS.

LAW IMPLEMENTED: 456.061, 458.331(1)(g),(h),(k),(m), (t),(gg),(hh) 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: Larry G. McPherson, Jr., Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253

THE FULL TEXT OF THE PROPOSED RULE IS:

64B8-9.003 Standards for Adequacy of Medical Records.
(1) No change.

(2) A licensed physician shall maintain patient medical records in English in a legible manner and with sufficient detail to clearly demonstrate why the course of treatment was undertaken or why an apparently indicated course of treatment was not undertaken.

(3) through (5) No change.

Specific Authority 458.309, 458.331(1)(v) FS. Law Implemented 456.061, 458.331(1)(g),(h),(k),(m),(t),(gg),(hh) FS. History—New 1-1-92, Formerly 21M-27.003, Amended 1-12-94, Formerly 61F6-27.003, Amended 9-3-95, Formerly 59R-9.003, Amended _____.

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

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

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 24, 2002

DEPARTMENT OF HEALTH

Board of Podiatric Medicine

RULE TITLES: RULE NOS.:

Procedure for Application for Inactive Status of Licensure 64B18-13.006

Procedure for Renewal of Inactive Status of Licensure 64B18-13.007

Procedure for Reactivation of Inactive Status to Active Status 64B18-13.008

PURPOSE AND EFFECT: The proposed rule amendments are intended to update the inactive license procedures for podiatric x-ray assistants.

SUMMARY: The proposed rule amendments address the lack of procedures available to x-ray assistants who have inactive license status since initial licensure was established by Ch. 99-397, Laws of Florida.

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

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

SPECIFIC AUTHORITY: 456.025, 456.036, 461.005, 461.008 FS.

LAW IMPLEMENTED: 456.036, 461.008 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: Joe Baker, Jr., Executive Director, Board of Podiatric Medicine, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

THE FULL TEXT OF THE PROPOSED RULES IS:

64B18-13.006 Procedure of Application for Inactive Status of Licensure.

To register for inactive status, a podiatrist or x-ray assistant must make application for inactive licensure status on forms provided by the Department, and pay the application fee for

inactive licensure status. If the application and fee arrive at the Department during the timeframe specified by the Department for the biennial renewal of active licenses, then the applicant does not need to pay any other fee. If, however, the application or fee arrives at any other time, then the podiatrist must pay an additional fee of three hundred fifty dollars (\$350) and the x-ray assistant, seventy-five dollars (\$75).

Specific Authority 456.036, 461.005, 461.008 FS. Law Implemented 456.036, 461.008 FS. History—New 1-1-96, Formerly 59Z-13.006, Amended.

64B18-13.007 Procedure for Renewal of Inactive Status of Licensure.

To renew inactive status, a licensee must complete the renewal form available from the Department and pay the biennial renewal fee for inactive status. If the renewal form and fee arrive at the Department during the timeframe specified by the Department for the biennial renewal of active licenses, then the licensee does not need to pay any other fee. If, however, the application or fee arrives at the Department at any other time, then the licensee must pay an additional fee of three hundred fifty dollars (\$350) for a podiatrist and seventy-five dollars (\$75) for an x-ray assistant.

Specific Authority 456.036, 461.005, 461.008 FS. Law Implemented 456.036, 461.008 FS. History—New 1-1-96, Formerly 59Z-13.007, Amended.

64B18-13.008 Procedure for Reactivation of Inactive Status to Active Status.

(1) One whose license is on inactive status may apply to reactivate that license by making application for reactivation on forms provided by the Department and paying the appropriate fees. If the application and fees arrive at the Department during the timeframe specified by the Department for the biennial renewal of active licenses, then the licensee must pay only the application fee for reactivation plus the fee for biennial renewal of active license. If, however, the application or fees arrive at the Department at any other time, then the licensee must pay an additional fee of three hundred fifty dollars (\$350) for a podiatrist and seventy-five dollars (\$75) for an x-ray assistant.

(2) through (3) No change.

Specific Authority 456.036, 461.005, 461.008 FS. Law Implemented 456.036, 461.008 FS. History—New 1-1-96, Formerly 59Z-13.008, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Podiatric Medicine

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

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

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

DEPARTMENT OF HEALTH

Division of Environmental Health

RULE CHAPTER TITLE: Drinking Water Systems RULE CHAPTER NO.: 64E-8

RULE TITLES: New Limited Use Public Water RULE NOS.:

System Construction 64E-8.002

New Private and Multi-family Water System Construction 64E-8.003

Limited Use System Operating Permits Operation and Maintenance 64E-8.004

Public Notification 64E-8.008

PURPOSE AND EFFECT: These rules are being amended to remove the water system construction requirements from Chapter, 64E-8, F.A.C., and reference Florida’s Department of Environmental Protections Chapter 62-532, F.A.C., construction requirements for limited use water systems. Some minor glitches are also being corrected.

SUMMARY: Subsection 64E-8.002(2), 64E-8.002(3), and 64E-8.003(1), referencing Chapter 62-532, F.A.C., construction requirements and removing construction requirements for 64E-8. Glitches in subsections 64E-8.002(4), 64E-8.002(5), Rule 64E-8.003, paragraph 64E-8.004(6)(e), subparagraph 64E-8.005(1)(d)3. and subsection 64E-8.008(2), F.A.C., are being corrected.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None 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: 381.0011, 381.006, 381.0062, 403.862 FS.

LAW IMPLEMENTED: 381.006, 381.0062, 403.862 FS.

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

TIME AND DATE: 10:00 a.m., July 22, 2002

PLACE: 4042 Bald Cypress Way, Conference Room 225Q, Tallahassee, Florida

Pursuant to the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop is asked to advise the department at least seven days before the hearing by contacting the Bureau of Water Programs, (850)245-4240. If you are hearing or speech impaired, please contact the department by calling 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD)

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Pepe Menendez, Bureau of Water Programs, HSEW, 4052 Bald Cypress Way, Bin #C-22, Tallahassee, FL 32399-1742, (850)245-4240

THE FULL TEXT OF THE PROPOSED RULES IS:

64E-8.002 New Limited Use Public Water System Construction.

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

(b)1. Twenty-five feet from a building foundation when the soil has been chemically treated for pests. Wells that are installed through an impervious strata of clay, hardpan, or rock and that are constructed in accordance with Chapter 62-532.500(2)(f)3. and 4., F.A.C., paragraph (2)(e) below may be placed no less than ~~15~~ 15 feet from a chemically treated building foundation.

2. No change.

3. Other setback distances are as established by rule Chapter 62-532, F.A.C., Water Well Permitting and Construction Requirements Chapters 62-524, Delineated Areas; 62-532; Water Well Permitting and Construction Requirements; 62-600, Domestic Waste; 62-610, Reclaimed Water; 62-640, Waste Residual; 62-660, Industrial Waste; 62-670, Feedlots; 62-701, Solid Waste; 62-730, Hazardous Waste; and 52-761, F.A.C., Underground Storage Tanks.

~~(2)(e)~~ Down hole equipment may be installed prior to department approval.

~~(c)(d)~~ Abandonment of wells ~~is shall be~~ required per rules 62-532.440 and .500(4), F.A.C., and rule chapters 40A-~~3.531, 40B-3.531, 40C-3.531, 40D-3.53~~ through and 40E.531, F.A.C.

~~(e)~~ In addition to meeting the general construction requirements for wells with driven casing in Chapters 40A through E-3 and 62-532, F.A.C., the bottom of a driven well casing shall be constructed by undercutting or under-reaming the last five feet of the hole before seating the casing. One foot of such enlarged hole must be into the consolidated formation. The entire five-foot portion shall be filled with cement, and the casing driven through the cement to refusal. The upper twenty feet of casing shall be sealed with not less than a two-inch thickness of cement.

(3) ~~The upper terminus of the well casing shall project at least 12 inches above the concrete apron surface and at least 18 inches above the final ground surface.~~ Water systems Wells shall be equipped with:

(a) A conveniently accessible, non-threaded, downward-opening, tap, located at least 12 inches above grade, between the source and any storage or treatment equipment; and

(b) A minimum six foot square concrete apron four inches thick centered around the well; and

(c) A waterproof seal at the upper terminus of the well casing. Vents shall be directed downward and protected with 20 mesh screen; and

~~(b)(d)~~ A working pressure gauge.

(4) Systems shall be sized according to this subsection and subsection (5), below; ~~however, the department shall give due consideration to a Florida licensed professional engineer's design.~~

(5) Piping. ~~Systems with more than 600 feet of distribution pipe or more than 60 GPM calculated peak demand shall be designed by a professional engineer licensed in Florida.~~

(a) through (11) No change.

Specific Authority 381.0011(4),(13), 381.006, 381.0062(1),(3)(a),(6), 403.862(1)(f) FS. Law Implemented 381.0012, 381.0061, 381.0067, 381.006(1),(2), 381.0062(1),(2),(3), 403.862(1)(f) FS. History--New 1-1-93, Amended 8-20-96, Formerly 10D-4.025, Amended 1-26-98, 1-24-00, 11-13-00, 1-26-98, _____.

64E-8.003 New Private and Multi-family Water System Construction.

(1) All potable wells serving private water systems and multi-family water systems, shall be separated from major contaminant sources per subsection 64E-8.001(4) and subparagraphs 64E-8.002(2)(a),(b)1. and 3., and shall be constructed at least 75 feet from any OSTDS. Subsection 64E-8.002(2)(c) ~~and (d)~~ shall also apply to wells serving private and multi-family systems.

(2) through (6) No change.

Specific Authority 403.862(1)(f), 381.0011(4),(13), 381.006, 381.0062(1),(3)(a) FS. Law Implemented 381.0012, 381.0061, 381.0067, 381.006(1),(2), 381.0062(1),(3), 403.862(1)(f) FS. History--New 1-1-93, Amended 8-20-96, Formerly 10D-4.026, Amended 1-26-98, 1-24-00, 11-13-00, _____.

64E-8.004 Limited Use System Operating Permits.

(1) through (6)(d) No change.

(e) Provide satisfactory analyses reports as required in this section within 60 days of notification by the department. ~~If continuous treatment is required to correct an MCL violation or to comply with the terms of a variance, the supplier of the limited use commercial system shall no longer be eligible for an exemption and the registration shall be revoked.~~

(f) through (h) No change.

Specific Authority 403.862(1)(f), 381.0011(4),(13), 381.006, 381.0062(1),(3)(a),(6) FS. Law Implemented 381.0012, 381.0061, 381.0067, 381.006(1),(2), 381.0062, 403.862(1)(f) FS. History--New 1-1-93, Amended 8-20-96, Formerly 10D-4.027, Amended 1-26-98, 1-24-00, 11-13-00, _____.

64E-8.005 Operation and Maintenance.

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

~~3. Any county health department that required all Limited Use Systems to provide continuous disinfection prior to 1993 may continue that requirement.~~

(2) No change.

Specific Authority 403.862(1)(f), 381.0011(4),(13), 381.006, 381.0062(1),(3)(a) FS. Law Implemented 381.0012, 381.0061, 381.0067, 381.006(1),(2), 381.0062, 403.862(1)(f) FS. History--New 1-1-93, Amended 8-20-96, Formerly 10D-4.028, Amended 1-26-98, _____.

64E-8.008 Public Notification.

(1) No change.

(2) Notices shall be neatly printed in large type ~~in English and other languages considering the nationality of all consumers~~, and the supplier shall provide a copy to the county health department.

(3) through (6) No change.

Specific Authority 403.862(1)(f), 381.0011(4),(13), 381.006, 381.0062(1),(3)(a) FS. Law Implemented 381.0011(8), 381.0012, 381.0061, 381.0067, 381.006(1),(2), 381.0062, 403.862(1)(f) FS. History—New 1-1-93, Amended 8-20-96, Formerly 10D-4.031, Amended 1-26-98, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Pepe Menendez, Bureau of Water Programs, HSEW, 4052 Bald Cypress Way, Bin #C-22, Tallahassee, FL 32399-1742, (850)245-4240

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Bart Bibler, Chief, Bureau of Water Programs, HSEW, 4052 Bald Cypress Way, Bin #C-22, Tallahassee, Florida 32399-1742

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 25, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN THE FAW: May 17, 2002

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.

SUMMARY: This rule requires a minimum number of business hours for permit holders under the Florida Drug and Cosmetic Act, Chapter 499, Florida Statutes.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: This rule will not impact the vast majority of permit holders because they currently meet the minimum business hours proposed in this rule. However, some businesses may have to hire additional staff in order to meet these requirements. Even though businesses are currently required to designate business hours on the application, for ease of calculation, the economic impact will be based on hiring an additional staff person at minimum wage. The impact may amount to either \$2,678 (\$5.15 per hour X 10 hours per week X 52 weeks) or \$5,356 (\$5.15 per hour X 20 hours per week X 52 weeks) annually depending upon whether the business must hire additional staff to meet the 10 or 20 hour minimum.

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

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

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

TIME AND DATE: 10:00 a.m., Tuesday, July 23, 2002

PLACE: Bureau of Pharmacy Services Conference Room, 2818-A Mahan Drive, Tallahassee, Florida 32308

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 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 FULL TEXT OF THE PROPOSED RULE IS:

64F-12.015 Licensing, Application, Permitting.

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

(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.

(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. At a minimum, these business hours must meet the following 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 fours 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.

These standards set forth minimum business hours and agents of the Department of Health and the Department of Law Enforcement may inspect, monitor, and investigate during other hours as authorized by law.

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, 4-18-01, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Jerry Hill, Chief of Pharmacy Services
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Annie R. Neasman, R.N., M.S., Deputy Secretary for Health
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 10, 2002
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 26, 2002

FISH AND WILDLIFE CONSERVATION COMMISSION

Manatees

RULE TITLE: Indian River County Zones
 RULE NO.: 68C-22.007

PURPOSE AND EFFECT: The purpose of the proposed rule amendments is to improve protection of manatees and manatee habitat in the Jungle Trail Narrows and Vero Beach Power Plant areas of Indian River County. Improved protection would be provided through the revision of the existing manatee protection zones in the Jungle Trail Narrows area that limit allowable motorboat speed and operation and the establishment of a seasonal safe haven zone in the Vero Beach Power Plant area.

SUMMARY: The existing seasonal (November 1 through April 30) zone (30 MPH in the Atlantic Intracoastal Waterway channel [ICW], Slow Speed outside the ICW) in Jungle Trail Narrows would be replaced by a year-round Slow Speed zone that would allow speeds up to 30 MPH in the ICW north of marker “95.” South of marker “95,” including a portion of the Indian River east of Hole-in-the-Wall Island, would be a shore-to-shore Slow Speed zone that includes the ICW. A seasonal (November 15 – March 31) No Entry zone would be added to a portion of the canal system immediately north of the Vero Beach Municipal Power Plant. Motorboat access to private residences, boat houses and docks in the No Entry zone by residents and authorized guests would be allowed at Idle Speed pursuant to permits issued under Rule 68C-22.003, FAC.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Costs (SERC) has been prepared.

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

SPECIFIC AUTHORITY: 370.12(2)(f),(h),(m),(n) FS.

LAW IMPLEMENTED: 370.12(2)(d),(f),(h),(j),(m),(n) FS.

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

TIME AND DATE: 5:30 p.m., Monday, July 15, 2002

PLACE: Indian River County Administrative Building, Commission Chambers, 1840 25th Street, Vero Beach, Florida
 Commission staff will be available before public testimony is taken to answer questions about the proposed amendments. Both spoken and written comments will be accepted at the hearing. Written comments received by the Commission on or before the date of the final public hearing will also be considered and made a part of the rulemaking record.

THE FINAL PUBLIC HEARING WILL BE HELD BY THE COMMISSION AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 8:30 a.m., Thursday, September 12, 2002

PLACE: Osceola County Administration Building, County Commission Chambers, Rm. 4000, One Courthouse Square, Kissimmee, Florida

If accommodation for a disability is needed to participate in either of the above hearings, please notify the contact person listed below at least five days before the hearing.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Mr. Scott Calleson, Environmental Specialist III, Florida Fish and Wildlife Conservation Commission, Bureau of Protected Species Management (OES-BPS), 620 South Meridian Street, Tallahassee, Florida 32399-1600

THE FULL TEXT OF THE PROPOSED RULE IS:

68C-22.007 Indian River County Zones.

(1) For the purpose of protecting manatees and manatee habitat in ~~regulating the speed and operation of motorboats within~~ Indian River County, the following year-round and seasonal zones are established, which shall include all associated and navigable tributaries, lakes, creeks, coves, bays, backwaters, canals, channels and boat basins, unless otherwise designated or excluded:

(a) IDLE SPEED ZONE (Year-round)

1. through 7. No change.

8. Indian River, Vero Beach Area: Those waters of the main canal and associated waters, westerly of the general contour of the westerly shoreline of Indian River, and easterly of the flood gate located approximately 200 feet easterly of Country Club Drive; and all waters of those canals southerly of Royal Palm Boulevard, northerly of Harbor Drive South, and westerly of the general contour of the westerly shoreline of the Indian River, excepting that area otherwise designated for seasonal regulation under (1)(e) when said seasonal zone is in effect;

9. through 13. No change.

(b) SLOW SPEED ZONE (Year-round)

1. through 6. No change.

7. Jungle Trail Narrows to Hole-in-the-Wall Island Area: All waters of the Indian River, Jungle Trails Narrows, and associated waters, including the Atlantic Intracoastal Waterway channel and waters within 100 feet thereof, south of a line bearing approximately 58° through Red Intracoastal Waterway Channel Marker "96" (approximate latitude 27° 44' 35.2" North, approximate longitude 80° 24' 02.1" West) and Green Intracoastal Waterway Channel Marker "95" (approximate latitude 27° 44' 36.6" North, approximate longitude 80° 23' 59.4" West), north of a line bearing 80° from a point (approximate latitude 27° 43' 09.2" North, approximate longitude 80° 24' 03.2" West) on the eastern shoreline of Hole-in-the-Wall Island to a point (approximate latitude 27° 43' 11.9" North, approximate longitude 80° 23' 45.6" West) on the western shoreline of Barker Island, west of the eastern shoreline of Jungle Trail Narrows and a line bearing 194° from a point (approximate latitude 27° 43' 29.8" North, approximate longitude 80° 23' 36.6" West) on the eastern shoreline to a point (approximate latitude 27° 43' 19.8" North, approximate longitude 80° 23' 39.5" West) on the northern shoreline of Barker Island, and east of a line that begins at a point (approximate latitude 27° 43' 09.2" North, approximate longitude 80° 24' 03.2" West) on the eastern shoreline of Hole-in-the-Wall Island and runs northerly along the shoreline of Hole-in-the-Wall Island for a distance of 1290 feet to another point (approximate latitude 27° 43' 21.8" North, approximate longitude 80° 24' 05.3" West) on the eastern shoreline of Hole-in-the-Wall Island, then bears 19° to a point (approximate latitude 27° 43' 32.3" North, approximate longitude 80° 24' 01.1" West) on the southwestern shoreline of Pine Island, and then runs southeasterly then northerly along the southwestern and then eastern shoreline of Pine Island to the line's terminus at a point (approximate latitude 27° 44' 31.4" North, approximate longitude 80° 24' 08.9" West) on the eastern shoreline of Pine Island.

8.7. No change.

9.8. Atlantic Intracoastal Waterway, Merrill Barber Bridge Area: ~~That portion:~~ Those portions of the main marked channel of the Atlantic Intracoastal Waterway and those waters within 100 feet of the eastern and western boundaries of said channel described as follows: Southerly of Green Intracoastal Waterway Channel Marker "137" (latitude 27° 39' 31" North, longitude 80° 22' 37" West), and northerly of the centerline of the Merrill Barber (State Road 60) Bridge.

(c) SLOW SPEED ZONE (November 1 through April 30)/UNREGULATED REMAINDER OF YEAR

1. No change.

2. Indian River, Hobart Lodge to Grand Harbor Development Area: All waters of Indian River, ~~east~~ easterly of the general contour of the ~~western~~ westerly shoreline of Indian River, ~~north and west of a line that begins at a point (approximate latitude 27° 43' 21.8" North, approximate longitude 80° 24' 05.3" West) on the eastern shoreline of~~

Hole-in-the-Wall Island then bears 19° to a point (approximate latitude 27° 43' 32.3" North, approximate longitude 80° 24' 01.1" West) on the southwestern shoreline of Pine Island and then runs northerly along the ~~western~~ westerly of the general contour of the ~~westerly~~ shoreline of Pine Island, ~~south and west~~ westerly of a line bearing 80° from a point (approximate latitude 27° 43' 09.2" North, approximate longitude 80° 24' 03.2" West) on the eastern shoreline of Hole-in-the-Wall Island to a point 100 feet west of the western boundary of the Atlantic Intracoastal Waterway, then running southerly 100 feet ~~west~~ westerly of and parallel with the ~~western~~ westerly boundary of the main marked channel of the Atlantic Intracoastal Waterway, southerly of a line which bears 90° from a point (approximate latitude 27° 44' 19.4" North, approximate longitude 80° 25' 18.4" West) on the ~~western~~ shoreline of the Indian River North 90° 00' 00" East (True) located 1000 feet ~~north~~ northerly of the easternmost tip of the peninsula on the ~~northern~~ northerly shoreline of the southernmost canal of the Hobart Lodge Marina canals (approximate latitude 27° 44' 10" North, approximate longitude 80° 25' 07" West), ~~southwesterly of a line which bears North 50° 00' 00" West (True) from Green Intracoastal Waterway Channel Marker "109" (latitude 27° 43' 28" North, longitude 80° 23' 47" West), and~~ north northerly of a line which bears 90° North 90° 00' 00" East (True), running through Red Intracoastal Waterway Channel Marker "120" (latitude 27° 42' 04" North, longitude 80° 23' 28" West).

3. No change.

4. ~~Indian River, Pine Island Area:~~ Those waters of Indian River ~~easterly of the general contour of the easterly shoreline of the large unnamed island northeasterly of the northerly end of Pine Island, easterly of a line which bears South 80° 00' 80" West (True) from the southernmost tip of said unnamed island (approximate latitude 27° 45' 01" North, approximate longitude 80° 24' 14" West) and easterly of the general contour of the easterly shoreline of Pine Island, said general contour line extending across the mouth of any tributary or backwater area, westerly of a line 100 feet westerly of and parallel with the westerly boundary of the main marked channel of the Atlantic Intracoastal Waterway, easterly of a line 100 feet easterly of and parallel with the easterly boundary of said main marked channel, westerly of the easterly shoreline of Indian River, southerly of a line which bears North 40° 00' 00" East (True) from the northernmost tip of the aforementioned unnamed island (approximate latitude 27° 45' 27" North, approximate longitude 80° 24' 31" West), and northerly of a line which bears North 75° 00' 00" East (True) and northerly of a line which bears North 50° 00' 00" West (True) from Green Intracoastal Waterway Channel Marker "109" (latitude 27° 43' 28" North, longitude 80° 23' 47" West).~~

(d) MAXIMUM 30 MPH ZONE IN CHANNEL (November 1 through April 30)/UNREGULATED REMAINDER OF YEAR ~~Indian River, Pine Island Area:~~

~~Those Waters of the main marked channel of the Atlantic Intracoastal Waterway and those waters within 100 feet of the easterly and westerly boundaries of said channel, southerly of a line which bears North 40° 00' 00" East (True) from the northernmost tip of the aforementioned unnamed island (approximate latitude 27° 45' 27" North, approximate longitude 80° 24' 31" West), and northerly of a line which bears North 75° 00' 00" East (True) and northerly of a line which bears North 50° 00' 00" West (True) from Green Intracoastal Waterway Channel Marker "109" (latitude 27° 43' 28" North, longitude 80° 23' 47" West).~~

~~(d)~~(e) MAXIMUM 30 MPH ZONE (Year-round)

1. Atlantic Intracoastal Waterway Areas: Those portions of the main marked channel of the Atlantic Intracoastal Waterway, including those waters within 100 feet of its eastern and western boundaries, described as follows:

a. No change.

b. ~~South Southerly~~ of Red Intracoastal Waterway Channel Marker "78" (approximate latitude 27° 45' 53.7" North, approximate longitude 80° 25' 17.3" West), and ~~north of a line bearing approximately 58° through Red Intracoastal Waterway Channel Marker "96" (approximate latitude 27° 44' 35.2" North, approximate longitude 80° 24' 02.1" West) and Green Intracoastal Waterway Channel Marker "95" (approximate latitude 27° 44' 36.6" North, approximate longitude 80° 23' 59.4" West) northerly of a line which bears North 40°00'00" East (True) running through the northernmost tip of an unnamed island (approximate latitude 27° 45' 27" North, approximate longitude 80° 24' 31" West);~~

c. ~~South Southerly~~ of a line bearing 80° from a point (approximate latitude 27° 43' 09.2" North, approximate longitude 80° 24' 03.2" West) on the eastern shoreline of Hole-in-the-Wall Island to a point (approximate latitude 27°

43' 11.9" North, approximate longitude 80° 23' 45.6" West) on the western shoreline of Barker Island which bears North 50°00'00" West (True) running through Green Intracoastal Waterway Channel Marker "109" (latitude 27° 43' 28" North, longitude 80° 23' 47" West), and north northerly of Green Intracoastal Waterway Channel Marker "137" (approximate latitude 27° 39' 30.9 34" North, approximate longitude 80° 22' 36.8 37" West);

d. through e. No change.

2. No change.

(e) NO ENTRY ZONE (November 15 through March 31) – Vero Beach Power Plant Area: All waters of the westernmost of the three north-south canals immediately north of the Vero Beach Municipal Power Plant (north of 17th Street) and those waters of the east-west entrance canal west of a line bearing 174° from the southernmost point (approximate latitude 27° 38' 03.0" North, approximate longitude 80° 22' 41.0" West) of the western shoreline of the middle north-south canal.

(f) No change.

(2) No change.

(3) The zones described in ~~Rule 68C-22.007(1), F.A.C. herein~~ are depicted on the following maps labeled "Indian River County Manatee Protection Zones, The maps," Maps 4 through 6 and dated July 1992 for identification: ~~(Maps provided~~ are intended as depictions of the above-described zones. In the event of conflict between the maps and descriptions ~~two~~, the ~~above~~ descriptions shall prevail. ~~Zones depicted on July 1992 maps shall supersede those depicted on previously published maps associated with Rule 68C-22.007, F.A.C. in like geographic areas. The July 1992 maps shall become effective for purposes of this rule concurrent with its effective date.)~~

INSERT MAP
PAGE 1 OF 2

(INSERT MAPS – PAGE 2 OF 2)

Specific Authority 370.12(2)(f),(m),(n) FS. Law Implemented 370.12(2)(d),(f),(j),(m),(n) FS. History–New 3-19-79, Formerly 16N-22.07, Amended 12-3-87, 8-28-90, 10-21-91, 8-18-92, Formerly 16N-22.007, 62N-22.007, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Mr. Bradley J. Hartman, Director of the Office of Environmental Services

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Mr. Kenneth D. Haddad, Executive Director

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 8, 2002

Section III
Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF BANKING AND FINANCE

Board of Funeral and Cemetery Services

RULE NO.: 3F-5.0025
RULE TITLE: Inactive Certificates of Authority
NOTICE OF CHANGE

Pursuant to subparagraph 120.54(3)(d)1., F.S., notice is hereby given that the following changes have been made to the proposed rule published in Vol. 28, No. 22, May 31, 2002, issue of the Florida Administrative Weekly. Based on comments received from the Joint Administrative Procedures Committee, the following changes are being made to the rule: Parenthesis will be added to each numbered or lettered subparagraph, Section 497.436(7), F.S., will be added to Law Implemented, and subsection (6) is being amended to read as follows:

(6) To ensure compliance with this rule, the Department is authorized to request additional information as needed concerning including but not limited to trust reports, bank statements, work papers and statements of accounts receivable.

Specific Authority 497.103(1) FS. Law Implemented 497.436(7), 497.437 History–New _____.

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

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Agricultural Environmental Services

RULE NO.: 5E-14.105
RULE TITLE: Contractual Agreements in Public’s Interest – Control and Preventive Treatment for Wood-Destroying Organisms

NOTICE OF WITHDRAWAL

Notice is hereby given that the above proposed rule, as noticed in Vol. 28, No. 7, February 15, 2002, Florida Administrative Weekly has been withdrawn.

STATE BOARD OF ADMINISTRATION

RULE NO.: 19-10.001
RULE TITLE: Asset Transfer Procedures: Initial Transfers Occurring between 7/1/02 and 3/31/03

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed amended rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in the Vol. 28, No. 16, which is the April 19, 2002, issue of the Florida Administrative Weekly.

1) In paragraph 19-10.001(2)(d), F.A.C., the definition of “effective enrollment in PEORP” is clarified by adding “date of” on the last line and will now read as follows:

(d) “Effective enrollment in PEORP” means that the employee has completed the enrollment form; that the completed enrollment form has been received by the employee’s employer; that the employer has forwarded the completed enrollment form to the TPA; that the TPA has entered the employee into its recordkeeping system; and that the TPA has informed the division and the employee’s employer of the employee’s effective date of enrollment in PEORP.

2) In subparagraph 19-10.001(3)(a)6., F.A.C., is clarified by adding “and the election shall be final” to the first sentence which will now read:

6. The enrollment form shall be complete and the election shall be final if all the required information is clearly indicated and if the enrollment form is received by 4:00 p.m. (Eastern time) on the first day of the employee’s election period if the employee has filed prior to the beginning of the election period.

DEPARTMENT OF HEALTH

Board of Medicine

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

SECOND 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. 3, of the January 18, 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 and comments received at the Board meeting. A previous Notice of Change published in the April 19, 2002, Florida