

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that the above proposed rule, as noticed in Vol. 28, No. 7, February 15, 2002, Florida Administrative Weekly has been withdrawn.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

Administrative Weekly. The Board, at its meeting held on June 8, 2002, in Tampa, Florida voted to make the following changes:

1. Subsection (19) shall read "DH-MQA 2000, entitled "Application for Licensure as a Physician Assistant," (3/02) ."
 2. Subsection (22) which refers to Form DH-MQA 2003, shall be deleted from the rule.
 3. The remaining subsection (23) shall be renumbered as (22).
- THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Larry G. McPherson, Jr., Executive Director, Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253

DEPARTMENT OF HEALTH

Board of Medicine

RULE NO.: RULE TITLE:
64B8-2.001 Definitions

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 28, No. 17, of the Florida Administrative Weekly on April 26, 2002 has been withdrawn.

THE PERSON TO BE CONTACTED REGARDING THE RULE IS: Larry G. McPherson, Jr., Executive Director, Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253

DEPARTMENT OF HEALTH

Board of Medicine

RULE NO.: RULE TITLE:
64B8-40.008 Address of Licensee

NOTICE OF CHANGE

Notice is hereby given that the following change has been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 27, No. 52, of the December 28, 2001, issue of the Florida Administrative Weekly. The change is in response to written comments submitted by the staff of the Joint Administrative Procedures Committee. The Board of Medicine, at its meeting held on June 8, 2002, in Tampa, Florida, voted to change the second sentence of the rule to read as follows: "Within 60 days of changing this address, whether or not within this state, the licensee shall notify the Department, by notifying the Council, of the new address either in writing or electronically."

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kaye Howerton, Executive Director, Dietetics and Nutrition Practice Council, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

DEPARTMENT OF HEALTH

Board of Medicine

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

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 27, No. 52, of the December 28, 2001, 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 of Medicine, at its meeting held on June 8, 2002, in Tampa, Florida, voted to make the following changes:

1. The second sentence of subsection (4) shall read: "The Department of Health assesses an additional fee of \$5.00, payable at the time of initial licensure, for the fund to combat unlicensed activity pursuant to Section 456.065."
2. The second sentence of subsection (6) shall read: "The Department of Health assesses an additional fee of \$5.00, payable at the time of initial licensure, for the fund to combat unlicensed activity pursuant to Section 456.065."
3. The second sentence of subsection (9) shall read: "The Department of Health assesses an additional fee of \$5.00, payable at the time of initial licensure, for the fund to combat unlicensed activity pursuant to Section 456.065."

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kaye Howerton, Executive Director, Dietetics and Nutrition Practice Council, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

DEPARTMENT OF HEALTH

Board of Medicine

RULE NO.: RULE TITLE:
64B8-42.004 Exemption of Spouses of Members
of Armed Forces from License
Renewal Requirements

NOTICE OF CHANGE

Notice is hereby given that the following change has been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 27, No. 52, of the December 28, 2001, issue of the Florida Administrative Weekly. The change is in response to written comments submitted by the staff of the Joint Administrative Procedures Committee. The Board of Medicine, at its meeting held on June 8, 2002, in Tampa, Florida, voted to make a change to the rule.

The change is as follows:
Delete the phrase "under these rules" from the proposed rule text.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kaye Howerton, Executive Director, Dietetics and Nutrition Practice Council, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

DEPARTMENT OF HEALTH

Board of Medicine

RULE NO.: 64B8-44.004
RULE TITLE: Documentation

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 27, No. 52, of the Florida Administrative Weekly on December 28, 2001, has been withdrawn.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kaye Howerton, Executive Director, Dietetics and Nutrition Practice Council, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

DEPARTMENT OF HEALTH

Board of Medicine

RULE NO.: 64B8-50.008
RULE TITLE: Address of Licensee

NOTICE OF CHANGE

Notice is hereby given that the following change has been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 28, No. 5, of the February 1, 2002, issue of the Florida Administrative Weekly. The change is in response to written comments submitted by the staff of the Joint Administrative Procedures Committee. The Board of Medicine, at its meeting held on June 8, 2002, in Tampa, Florida, voted to change the second sentence of the rule to read as follows: "Prior to changing this address, whether or not within this state, the licensee shall notify the Department, by notifying the Council either in writing or electronically of the new address at which the licensee may be served with notices or other documents."

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

DEPARTMENT OF HEALTH

Board of Medicine

RULE NO.: 64B8-52.003
RULE TITLE: Procedure for Approval of Attendance at Continuing Education Courses

NOTICE OF CHANGE

Notice is hereby given that the following change has been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 27, No. 52, of the December 28, 2001, issue of the Florida Administrative Weekly. The change is in response to written comments submitted by the staff of the Joint Administrative Procedures Committee. The Board of Medicine, at its meeting held on June 8, 2002, in Tampa, Florida, voted to change subsection (4) of the rule to read as follows:

(4) Two (2) hours each biennium must be obtained by each licensee in approved offerings on prevention of medical errors, including a study of root-cause analysis, error reduction and prevention, and patient safety.

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

DEPARTMENT OF HEALTH

Board of Podiatric Medicine

RULE NOS.: 64B18-14.002
RULE TITLES: Penalties

THIRD 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 in response to comments received from the staff of the Joint Administrative Procedures Committee (JAPC). A Notice of Change was previously published for Rule 64B18-14.002 in Vol. 28, No. 7, February 15, 2002, Florida Administrative Weekly. In addition, a Second Notice of Change was published in for this rule in Vol. 28, No. 19, of the May 10, 2002, Florida Administrative Weekly. Based on additional written comments submitted by the staff of JAPC, the Board, at its meeting held on June 7, 2002, in Miami, Florida made the following changes to the rule:

1. The second sentence of paragraph (1)(a) shall now read, "In the case of an applicant, the Board shall deny the application and impose a \$10,000 fine."
2. The last sentence of paragraph (1)(c) shall now read, "In the case of an applicant, the Board shall deny the application and impose a \$10,000 fine."
3. The second sentence of paragraph (2)(a) shall now read, "In the case of an applicant, the Board shall deny the application and impose a fine of \$10,000, if fraud."
4. The second sentence of paragraph (2)(x) shall now read, "The Board shall impose a penalty ranging from a fine of \$1000 to \$10,000, and probation or suspension if a practice issue is involved or denial of license, if an applicant."
5. Paragraph (2)(aa) shall now read, "Fraud, deceit, or misconduct in the practice of podiatric medicine. The Board shall impose a penalty depending on the severity of the offense ranging from probation to revocation and a fine of \$5000, to \$10,000 if fraud is alleged."

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

DEPARTMENT OF HEALTH

Board of Respiratory Care

RULE NO.: 64B32-4.001
RULE TITLE: Fees

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 the Vol. 28, No. 15, April 12, 2002, issue of the Florida Administrative Weekly. The changes are in response to comments received from the Joint Administrative Procedures Committee.

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

The rule shall now read as follows:

64B32-4.001 Fees.

- (1) The biennial renewal fee for licensure shall be \$121.00.
- (2) through (5) No change.
- (6) The delinquency fee shall be \$121.00.
- (7) The change in status fee shall be \$35.00.

Specific Authority 456.025(1), 456.065, 456.036(7),(8), 468.353(1), 468.364 FS. Law Implemented 456.025(1),(6), 456.065, 456.036, 468.364 FS. History—New 4-29-85, Formerly 21M-36.04, Amended 5-10-92, Formerly 21M-36.004, Amended 9-21-93, 1-3-94, Formerly 61F6-36.004, Amended 7-18-95, Formerly 59R-73.004, 64B8-73.004, Amended 4-27-00.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Respiratory Care

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 11, 2002

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

FLORIDA HOUSING FINANCE CORPORATION

RULE NOS.:	RULE TITLES:
67-38.002	Definitions
67-38.0025	Notice of Funding Availability
67-38.003	Application Procedures
67-38.004	Selection and Rejection Criteria
67-38.005	Scoring and Ranking Guidelines
67-38.007	Terms and Conditions of the Loan
67-38.008	Eligible Uses for the Advance and Loan
67-38.010	Credit Underwriting Procedures
67-38.011	Fees
67-38.012	Sale, Transfer or Conveyance of Project
67-38.014	Disbursement Procedures
67-38.0145	Compliance and Monitoring Procedures

67-38.015	Disposition of Property Accruing to the Corporation
67-38.017	Application Procedures for Applicants Participating Under 1998 Cycles I and II

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule(s), as noticed in Vol. 28, No. 25, June 21, 2002, Florida Administrative Weekly has been withdrawn.

**Section IV
Emergency Rules**

STATE BOARD OF ADMINISTRATION

RULE TITLES:	RULE NOS.:
Reimbursement Contract	19ER02-1 (19-8.010)
Insurer Reporting Requirements	19ER02-2 (19-8.029)

SPECIFIC REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY OR WELFARE: In 1995, the Legislature, determining that it was essential to the state’s economy and to the public health, safety, and welfare, created the Florida Hurricane Catastrophe Fund (“Fund”). The purpose of the Fund is to provide a stable and ongoing source of reimbursement to insurers for a portion of their catastrophic hurricane losses and thus protect homeowners’ from the loss of reliable property insurance coverage. The yearly hurricane season runs from June 1 through November 30. The Fund enters into reimbursement contracts with insurers, effective June 1, to ensure coverage for the hurricane season. This year, during the Legislative Session, several bills were passed which affect these reimbursement contracts and the exposure information reported to the Fund. Specifically, coverage under the reimbursement contracts was added for certain collateral protection policies and certain additional living expenses. These emergency rules amend Rule 19-8.010, F.A.C. and 19-8.029, F.A.C. including the reimbursement contract, Form No. FHCF-2002K, incorporated into Rule 19-8.010, F.A.C., the insurer reporting requirements, Form Nos. FHCF-D1A and FHCF-D1B, the interim loss report, Form No. FHCF-L1A, the proof of loss report, Form No. FHCF-L1B and the reinsurance recovery worksheet, Form No. FHCF-L1C, all of which are incorporated into Rule 19-8.029, F.A.C. The amendments are necessary because CS/SB 1418 became law on May 9, 2002 and CS/HB 385 became law on May 29, 2002. The reimbursement contract (incorporated into Rule 19-8.010, F.A.C.) must be signed and returned by June 1, and the insurer reporting requirements (incorporated into Rule 19-8.029, F.A.C.) are due September 1. These dates cannot be met under the normal time frame for promulgating rules. The interim and proof of loss reports and the reinsurance recovery worksheets (incorporated into Rule 19-8.029, F.A.C.) must be ready for insurers use when