

Section III

Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF BANKING AND FINANCE

Board of Funeral and Cemetery Services

RULE NO.: 3F-6.009
 RULE TITLE: Permanent Identification on Outer Burial Containers

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 28, No. 15, May 12, 2002, Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF INSURANCE

Division of State Fire Marshal

RULE NO.: 4A-60.006
 RULE TITLE: Manufactured and Prototype Buildings

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. 17, April 26, 2002 of the Florida Administrative Weekly.

Subsection 4 is changed to read:

(4)(e) This subsection does not apply to factory built school buildings. Each master plan for the factory built school buildings to be built according to such plan shall be reviewed by a firesafety inspector certified pursuant to Section 633.081(2), Florida Statutes, conducting an inspection pursuant to Section 633.081(1), Florida Statutes, or Section 235.06, Florida Statutes, who shall note or cause to be noted on the face of the plans the following:

The remainder of the rule reads as previously published.

DEPARTMENT OF REVENUE

RULE NO.: 12-28.003
 RULE TITLE: Enrollment Procedures

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed amendments to Rule 12-28.003, F.A.C., in accordance with subparagraph 120.54(3)(d)1., F.S., as originally published in the Florida Administrative Weekly (Vol. 28, No. 19, pp. 2129-2132). These changes are in response to written comments received from the Joint Administrative Procedures Committee of the Florida Legislature.

A) In response to comments received by the Department regarding the proposed amendments to Rule 12-28.003, F.A.C., the first sentence of paragraph (4)(a) has been changed, so that, when adopted, this subsection will read as follows:

(4)(a) The Department prescribes Form DR-653W, Internet Registration/Authorization Agreement (August, 2002), as the form to be used for the purpose of this chapter and hereby incorporates this form by reference.

B) In response to comments received by the Department regarding Form DR-653W, the revision date on the form has been changed to "R. 08/02". Also, the notarized affirmation statement at the bottom of Form DR-653W has been eliminated.

STATE BOARD OF ADMINISTRATION

Florida Prepaid College Board

RULE NOS.: 19B-5.001
 RULE TITLES: Contract Types
 19B-5.003 Contract Requirements

NOTICE OF CORRECTION

The date of the hearing on the proposed changes to Rules 19B-5.001 and 19B-5.003, F.A.C., as published in the June 21, 2002, Vol. 28, No. 25, issue of the Florida Administrative Weekly, is incorrect. The correct date and time of the hearing, if a hearing is requested, will be:

TIME AND DATE: 2:00 p.m., July 18, 2002

PLACE: Suite 210, Hermitage Building, 1801 Hermitage Boulevard, Tallahassee, Florida

DEPARTMENT OF CITRUS

RULE CHAPTER NO.: 20-71
 RULE CHAPTER TITLE.: Manifests for Processed Products
 RULE NOS.: 20-71.005
 RULE TITLES: Manifest Requirements and Statements for In-State Bulk Transports
 20-71.006 Manifest Requirements and Statements for Transports of Processed Citrus Products

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), F.S., published in Vol. 28, No. 15, April 12, 2002, issue of the Florida Administrative Weekly:

20-71.005 Manifest Requirements and Statements for In-State Bulk ~~Inter-company and Intra-company~~ Transports.

Any time a shipper is transporting bulk processed citrus products ~~inter-company and intra-company~~ within the state of Florida, the shipper shall deliver to the inspector a copy of the loading manifest for each shipment. A bulk ~~An inter-company or intra-company~~ transport occurs when bulk processed citrus product is transported between registered facilities. ~~owned by different registered processors or between facilities owned by the same registered processor. that are one hundred percent (100%) owned by the shipper.~~ These manifests shall indicate:

(1) Name of shipper;

(2) Date of shipment;

(3) A certified statement that the processed citrus products are being transported in bulk inter-company or intra-company as processor grade.

(4) Each manifest shall include a statement, by the shipper, that all processed citrus products regulated by Chapter 601, Florida Statutes, included in such shipment, will be inspected at a receiving facility plant that is a registered citrus processor and that payment of all excise taxes and inspection fees has been made or guaranteed as provided in applicable rules of the Department of Citrus.

(5) Identity of receiving Florida registered citrus processing facility processor and physical location where processed product inspection will take place.

(6) Where inspected product is delivered from a registered processor for storage or transfer only (no re-processing) subsequent manifests from the storage facility may indicate previous inspection with no re-inspection required, as specified in Rule 20-72.009, F.A.C.

Specific Authority 601.10(1),(7), 601.11, 601.49 FS. Law Implemented 601.10(7), 601.11, 601.49, 601.52 FS. History—New 4-26-01, Amended _____.

20-71.006 Manifest Requirements and Statements for Transports of Processed Citrus Products.

With the exception of bulk citrus product shipments inter-company and intra-company transports, as specified in 20-72.009, every shipper of processed citrus products shall deliver to the inspector a copy of the loading manifest for each shipment, which shall indicate:

(1) Name of shipper;

(2) Date of shipment;

(3) An itemized list of products for each grade, showing number, size and kind of immediate containers, together with respective code numbers.

(4) Each manifest shall include a statement, by the shipper, that all processed citrus products regulated by Chapter 601, Florida Statutes, included in such shipment have been inspected and certified, that official certificates of inspection are on file and available upon request, and that payment of all excise taxes and inspection fees has been made or guaranteed as provided in applicable rules of the Department of Citrus.

(5) Loading manifests shall accompany original inspection certificates. The inspector shall not furnish certificates of inspection until such manifests have been delivered to him.

Specific Authority 601.10(1),(7), 601.11, 601.49 FS. Law Implemented 601.10(7), 601.11, 601.49, 601.52 FS. History—New 4-26-01, Amended _____.

DEPARTMENT OF CITRUS

RULE CHAPTER NO.: 20-72
RULE CHAPTER TITLE: Certificate of Grade Inspection – Processed Products

RULE NO.: 20-72.009
RULE TITLE: Alternate Proof of Inspection

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), F.S., published in Vol. 28, No. 15, April 12, 2002 issue of the Florida Administrative Weekly:

20-72.009 Alternate Proof of Inspection.

Subject to limitations prescribed by the Florida Department of Agriculture and Consumer Services or its authorized agents, the fact of inspection for each shipment of processed citrus products may be shown by appropriate means on the manifest or bill of lading in lieu of the certification of grade inspection required to accompany each shipment. Provided, however, an inspector may issue a certificate of processor grade. This rule section does not apply when processed citrus products are transferred in bulk as specified in Rule 20-71.005, F.A.C. between registered processing plants and Such bulk product will be inspected and/or re-graded before final shipment from a receiving registered citrus processing facility processor. Once a bulk citrus product has been inspected, if the product is not further processed and is transported and/or stored by third parties and the chain of custody of the processed citrus product is maintained (who may or may not be registered processing plants), subsequent manifests may indicate the prior inspection &/or grade for transportation purposes and further inspection is not required. Provided, however, that the manifests clearly state that grade is certified as processor grade. This provision shall not affect the requirements of the USDA Inspection and Grading Service or the terms of individual contracts, which may, under specific facts and circumstances, require additional inspections and/or grading of previously graded product to maintain grade certification.

Specific Authority 601.49 FS. Law Implemented 601.49 FS. History—Formerly 105-1.22(5), Revised 1-1-75, Formerly 20-72.09, Amended 4-26-01, _____.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Alcoholic Beverages and Tobacco

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

RULE NO.: 61A-3.048
RULE TITLE: Exploitation of Dwarfs

NOTICE OF CHANGE

Notice is hereby given that the following change has been made to the proposed rule referenced above in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 28, No. 20, May 17, 2002, issue of the Florida Administrative Weekly. The rule number is being changed from 61A-3.047 to 61A-3.048 and is necessary due to the fact that Rule Number 61A-3.047 had previously been repealed.

61A-3.0487 Exploitation of Dwarfs.

THE REMAINDER OF THE RULE WILL READ AS PUBLISHED

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

RULE CHAPTER NO.:	RULE CHAPTER TITLE:
61C-4	Public Food Service Establishments
RULE NO.:	RULE TITLE:
61C-4.023	Food Protection Manager Certification and Public Food Service Employee Training

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 27, No. 33, August 17, 2001, edition of the Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Appraisal Board

RULE NO.:	RULE TITLE:
61J1-4.006	Correspondence Courses for Hardship Cases

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as notice in Vol. 27, No. 45, November 9, 2001, has been withdrawn.

DEPARTMENT OF HEALTH

Board of Medicine

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

NOTICE OF PUBLIC HEARING

The Board of Medicine hereby gives notice of a public hearing on the above-referenced rule to be held on July 20, 2002, at 2:00 p.m. or as soon thereafter as can be heard, Hyatt Regency, 50 Alhambra Plaza, Coral Gables, Florida 33134. The hearing is being held in response to a request for a public hearing submitted on behalf of the Florida Chapter of the American College of Physicians – American Society of Internal Medicine and the Florida Society of Plastic Surgeons. The rule was originally published in Vol. 28, No. 20, of the May 17, 2002, Florida Administrative Weekly.

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

Any person requiring a special accommodation at this hearing because of a disability or physical impairment should contact the Board's Executive Director at least five calendar days prior to the hearing. If you are hearing or speech impaired, please contact the Board office using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

DEPARTMENT OF HEALTH

Board of Medicine

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

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the paragraph numbering of the Notice of Change previously published with regard to the above-referenced rule in the June 28, 2002, issue of the Florida Administrative Weekly. The correction is as follows:

Paragraph 3., of the Notice of Change refers to a change to subsection (9). The correct subsection should be (10).

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 Nursing

RULE NO.:	RULE TITLE:
64B9-15.001	Definitions
64B9-15.002	Certified Nursing Assistant Authorized Duties
64B9-15.003	Application for Certification
64B9-15.004	Eligibility for Certification
64B9-15.005	Standards for Certified Nursing Assistant Training Programs
64B9-15.006	Standardized Curriculum
64B9-15.007	Approval of Certified Nursing Assistant Training Programs

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 28, No. 15, April 12, 2002, Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF HEALTH**Board of Pharmacy**

RULE NO.:

64B16-27.831

RULE TITLE:

Standards of Practice for the
Dispensing of Controlled
Substances for Treatment of
Pain**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. 19, issue of the Florida Administrative Weekly. Based on comments received from the Joint Administrative Procedures Committee, the Board voted on June 11, 2002 to make the following changes:

1. The paragraph numbering will be changed from (a) through (e) renumbered (1) through (5).

2. Paragraph (2) shall read as follows:

(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 dispensing 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. Paragraph (4) shall read as follows:

(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 controlled substance medications, (2) Only controlled substance medications are prescribed for a patient, (3) One person presents controlled substance prescriptions with different patient names, (4) Same or similar controlled substance 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 a controlled substance 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.

4. A new paragraph (6) shall be added to read as follows:

(6) Any pharmacist who believes that a prescriber of controlled substances is involved in the diversion of controlled substances shall report such prescriber to the Department of Health.

5. The following citations shall be added to the law implemented: 456.072(1)(i), 465.016(1)(o) F.S.

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

DEPARTMENT OF HEALTH**Council of Medical Physicists**

RULE NO.:

64B23-2.001

RULE TITLE:

Documentation for Licensure

NOTICE OF CHANGE

In accordance with subparagraph 120.54(3)(d)1., F.S., notice is hereby given that the following changes have been made to the proposed rules as published in Vol. 28, No. 20, of the May 17, 2002, issue of the Florida Administrative Weekly. The changes are in response to comments received from the staff of the Joint Administrative Procedures Committee. When changed the rule will read as follows:

64B23-2.001 Documentation for Licensure.

Each applicant for licensure shall make application on Form DH 1274, Application for Licensure as a Medical Physicist, hereby incorporated by reference, which is effective 6-10-99 and shall be provided by the Department. The following items must be submitted with each application:

(1) One passport style photograph of applicant taken within the last six months; ~~and~~

(2) Official documentation of board certification; ~~or~~

(3) Licensure/~~Certification~~ verification sent directly from the agency that issued the license ~~or certification and~~

(4) Proof of completion of a two (2) hour course relating to the prevention of medical errors pursuant to the requirements of Section 456.013, F.S.

Specific Authority 456.004, 456.013, 483.901(6)(b) FS. Law Implemented 456.013(4), 483.901(6)(b) FS. History—New 6-10-99, Amended.

DEPARTMENT OF HEALTH**Council of Medical Physicists**

RULE NO.:

RULE TITLE:

64B23-4.001

Continuing Education
Requirements**NOTICE OF CHANGE**

In accordance with subparagraph 120.54(3)(d)1., F.S., notice is hereby given that the following changes have been made to the proposed rules as published in Vol. 28, No. 20, of the May 17, 2002, issue of the Florida Administrative Weekly. The changes are in response to comments received from the staff of the Joint Administrative Procedures Committee. When changed subsection (1) of the rule will read as follows:

64B23-4.001 Continuing Education Requirements.

(1) For the purpose of renewing or reactivating a license, the licensee must demonstrate to the Department that he or she participated in at least twenty-four (24) hours of approved continuing education, of which two (2) twelve (12) hours must be in a course relating to the prevention of medical errors pursuant to the requirements of Section 456.013, F.S. the specialty in which the license is held.

Specific Authority 456.013, 483.901(6)(a) FS. Law Implemented 483.901(6)(a), 456.013 FS. History—New 6-21-99, Amended.

Section IV Emergency Rules

NONE

Section V Petitions and Dispositions Regarding Rule Variance or Waiver

DEPARTMENT OF INSURANCE

NOTICE IS HEREBY GIVEN that, on June 19, 2002, the Florida Department of Insurance, Division of State Fire Marshal received a Petition for Variance From, or Waiver of, Rule 4A-2.024, Florida Administrative Code, from Orica USA, Inc. The Petition, in seeking relief from Rule 4A-2.024, Florida Administrative Code, seeks to engage in blasting during hours and days, including Saturday, prohibited by the rule in relation to the Everglades Restoration Project Station 3-4.

The Division will accept comments concerning the Petition for 14 days from the date of publication of this notice.

A copy of the petition may be received from, and comments must be submitted by the end of business of the 14th day to: Division of State Fire Marshal, 200 East Gaines Street, Tallahassee, Florida 32399-0342, Attn: Terry Hawkins, Safety Program Manager.

WATER MANAGEMENT DISTRICTS

NOTICE IS HEREBY GIVEN that on June 3, 2002, South Florida Water Management District (District) received a petition for waiver from Florida Power & Light Company, for utilization of Works or Lands of the District known as the L-31E Levee, Miami-Dade County. The petition seeks relief from Rule 40E-6.221(2)(j), Fla. Admin. Code, and the Basis of Review for Use or Occupancy of the Works or Lands of the District Permit Applications within the South Florida Water Management District, incorporated by reference in Rule 40E-6.091(1), Fla. Admin. Code, which prohibit the placement of culverts through Levee 31 East, to allow installation of 40 operable gate and corrugated aluminum culvert connections.

A copy of the petition may be obtained from: Jan Sluth, (561)682-6299 or e-mail: jsluth@sfwmd.gov.

The District will accept comments concerning the petition for 14 days from the date of publication of this notice. To be considered, comments must be received by the end of business on the 14th day at: South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406, Attn: Jan Sluth, Office of Counsel.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

On June 17, 2002, DEP received a petition from Ms. Linda T. Reed requesting a waiver pursuant to Section 120.542, F.S., of the ATRP deductible required under paragraph 62-769.800(4)(c), F.A.C.

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

The Board of Dentistry hereby gives notice that it has received a petition filed on May 29, 2002, from Raed Aloul, seeking a waiver or variance of subsection 64B5-2.0146(2), with respect to Licensure Requirements for Applicants from Non-Accredited Schools or Colleges. Comments on this petition should be filed with Board of Dentistry/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3254 within 14 days of publication of this notice.