

violation(s), and if possible, the name of the person in charge. Mail to the Bureau of Facility Programs, 4052 Bald Cypress Way, Bin A08, Tallahassee, FL 32399-1710.

(2)(4) In responding to complaints concerning alleged violations of Sections 386.205 or 386.206, F.S., in public places not inspected by DBPR, DOH personnel will, by certified mail:

(a) Issue a letter of noncompliance complaint to the proprietor or other person in charge of the affected public place indicating that alleged complaints have been received.

(b) through (d) No change.

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

(4) ~~Upon completion of the on-site inspection, inspectors will complete the required sections of the Inspection Form, reporting that:~~

(a) ~~The facility is not in compliance with the FCIAA and an extension should be granted, or~~

(b) ~~The facility is not in compliance with the FCIAA and administrative proceedings should be initiated, or~~

(c) ~~The facility is in compliance with the FCIAA and the case should be closed.~~

(5) ~~The county health department director will forward the completed inspection form to the Bureau of Facility Programs, 4052 Bald Cypress Way, Tallahassee, Florida 32399-1710.~~

(6) ~~Upon receipt of the county health department director's report the Bureau of Facility Programs will:~~

(a) ~~Issue a letter of extension citing the period of the extension and the action needed to comply with the FCIAA or,~~

(b) ~~Initiate administrative procedures according to the provisions of Chapter 120, F.S., or~~

(c) ~~Close the case.~~

Specific Authority ~~420.535~~, 386.207 FS. Law Implemented ~~420.535~~, 381.0012, 386.205, 386.206 FS. History—New 2-27-94, Amended 4-2-96, Formerly 10D-105.010, Formerly 64D-1.003, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE: Donna Arnold

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Eric Grimm, Chief, Bureau of Facility Programs

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 3, 2002

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

Section III
Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF BANKING AND FINANCE

Division of Finance

RULE NO.: 3D-20.0022

RULE TITLE: Proof of Ownership and Entitlement to Unclaimed Property

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 28, No. 22, May 31, 2002, Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF INSURANCE

RULE NOS.: 4-204.001, 4-204.002, 4-204.004, 4-204.006, 4-204.010, 4-204.012, 4-204.022, 4-204.025

RULE TITLES: Purpose and Scope, Definitions, Form Filings, Forms Review, Viatical Settlement Contracts and Forms Related Thereto, Viatical Settlement Purchase Agreements, Required Business Records in General, Department Forms

NOTICE OF ADDITIONAL HEARING

PROPOSED RULE DEVELOPMENT PUBLICATION: Vol. 26 No. 41, October 13, 2001

PROPOSED RULE HEARING PUBLICATION: Vol. 27, No. 45, November 9, 2001

PURPOSE AND EFFECT: To promulgate a rule chapter to implement the Viatical Settlement Act, Part X of Chapter 626, Florida Statutes. The rule is mandatory.

SUMMARY: This rule is mandated by the Viatical Settlement Act, Part X of Chapter 626, Florida Statutes. The rule contains, among other things, definitions of terms used in the act, disclosure for purchases of viatical settlements, record keeping requirements related to executed viatical settlement contracts and viatical settlement purchase agreements, collection of data, advertising and reporting of life expectancies. There have been to (2) previous workshops on this matter.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: None.

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

SPECIFIC AUTHORITY: 626.9921, 626.9922, 626.9923, 626.99235, 626.99236, 626.9924, 626.9925 FS.

LAW IMPLEMENTED: 626.9911, 626.9922, 626.9923, 626.99235, 626.99236, 626.9924, 626.9925, 626.99277 FS.

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

TIME AND DATE: 9:30 a.m., September 5, 2002
PLACE: Room 116, Larson Building, 200 East Gaines Street, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Department at least 5 calendar days before the program by contacting the contact person above.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Ted Straughn, Specialty Insurers, Department of Insurance, 200 East Gaines Street, Tallahassee, Florida 32399-0331, (850)413-2474

DEPARTMENT OF INSURANCE

RULE NO.: 4-220.001
RULE TITLE: Pre-qualification and Licensure of Emergency Adjusters

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. 21, May 24, of the Florida Administrative Weekly:

Paragraph (8) "8/98" is changed to "6/02."
This change is being made to incorporate the latest revision of the form.

The remainder of the rule reads as previously published.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Agricultural Environmental Services

RULE NO.: 5E-2.0311
RULE TITLE: Pesticides

NOTICE OF CHANGE

The Department of Agriculture and Consumer Services announces the cancellation of one of the negotiated rulemaking meetings which appeared in the April 26, 2002 issue of the Florida Administrative Weekly, Vol. 28, No. 17.

Specifically, the July 25, 2002 meeting scheduled at the Hurston South Tower, 400 West Robinson Street, Orlando, Florida 32301, is hereby cancelled. If necessary, a new meeting will be announced at a later date.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Aquaculture

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

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

NOTICE OF WITHDRAWAL

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Engineers

RULE NOS.: 61G15-22.010
RULE TITLES: Qualifying Activities for Laws and Rule Requirements

61G15-22.011
Board Approval of Continuing Education Providers

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, as published in Vol. 28, No. 20, May 17, 2002, issue of the Florida Administrative Weekly. The changes are in response to comments received from staff at the Joint Administrative Procedures Committee.

Rule 61G15-22.010, Subsection (4) shall now read as follows:

(4) All consultant engineers used by the Board in the resolution of Board business, including rule making and prosecution of discipline cases and complaints, shall receive credit for four (4) PDH's in laws and rules of the Board by specific approval of the Board of a written list of such consultants during each biennium.

Rule 61G15-22.011, Subsection (10) shall now read as follows:

(10) The following providers shall be approved as providers until July 1, 2006, and the Board shall accept their courses for continuing education credit.

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Florida Real Estate Commission**

RULE NO.: 61J2-3.015  
 RULE TITLE: Notices of Satisfactory Course Completion  
 NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule referenced above in accordance with subparagraph 120.54(3)(d)1., F.S., originally published in Vol. 28, No. 22, May 31, 2002, issue of the Florida Administrative Weekly. The changes are pursuant to the orders of the Florida Real Estate Commission and for the purpose of publishing the specific text changes to the rule as amended and proposed by the Florida Real Estate Commission.

61J2-3.015 Notices of Satisfactory Course Completion.

(1) through (5) No change.

(6)(a) All providers of continuing education and post-licensing courses shall provide to all licensees who successfully complete ~~the relevant~~ course a certificate of completion which shall indicate the course title and number, the provider's name and number, the licensee's or registrant's name and license or registration number, the course dates, and total number of hours the student successfully completed ~~by specifying the number of core law and specialty course hours and listing each subject which the course covered.~~

(b) through (f) No change.

~~(7)(6)~~ All The course completion reports shall contain the following information: ~~for the type of course being completed.~~ Name and address of the school; course title and number of hours; start, completion and exam date; student's name, address, ~~social security number,~~ and where applicable, student's license number; ~~and~~ the authorized signature for the school; and the following language:

(a) through (e) No change.

~~(f) Each course completion report shall contain the following information:~~

The student named in this report has completed the referenced course in accordance with the requirements of the Florida Real Estate Commission. The school must give the student ~~the original course completion report is to be given to the student and both the student and the school must retain a copy for at least five years retained by the school.~~

Specific Authority 455.2123, 475.05 FS. Law Implemented 455.2123, 475.04, 475.17, 475.182, 475.183, 475.451 FS. History—New 1-1-80, Amended 8-24-80, 9-16-84, Formerly 21V-3.15, Amended 10-13-88, 12-29-91, 6-7-92, 6-28-93, Formerly 21V-3.015, Amended 9-11-94, 12-30-97, 1-18-00, 10-15-00,\_\_\_\_\_.

**DEPARTMENT OF HEALTH**

**Board of Osteopathic Medicine**

RULE NO.: 64B15-14.004  
 RULE TITLE: Standards for the Prescription of Obesity Drugs

**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, as published in Vol. 28, No. 8, February 22, 2002 issue of the Florida Administrative Weekly. The changes are in response to comments from the Joint Administrative Procedures Committee and from a Public Hearing requested by the Florida Osteopathic Medical Association held on June 7, 2002.

The changes are as follows:

1. The introductory paragraph shall read as follows:

The prescription of medication for the purpose of enhancing weight loss should only be performed by osteopathic physicians with training and experience to treat obesity. All licensees are expected to abide by the following guidelines and standards in the utilization of any drug or synthetic compound for the purpose of providing medically assisted weight loss.

2. Subparagraph (1) shall read as follows:

(1) To justify the use of weight loss enhancers as set forth above, the patient must have a Body Mass Index (BMI) of 30 or above, or a BMI of greater than 25 with at least one comorbidity factor, or a measurable body fat content equal to or greater than 25% of total body weight for male patients or 30% of total body weight for women. The prescription of such weight loss enhancers is not generally appropriate for children. Any time such prescriptions are made for children, the prescribing osteopathic physician must obtain a written informed consent from the parent or legal guardian of the minor patient in addition to complying with the other guidelines and standards set forth in this rule. BMI is calculated by use of the formula BMI = kg/m<sup>2</sup>. The osteopathic physician may deviate from these guidelines in individual cases where two or more comorbidity factors are present.

3. Subparagraph (2) is deleted.

4. Subparagraph (3) is renumbered to subparagraph (2) and shall read as follows:

(2) An initial evaluation of the patient shall be conducted prior to the prescribing, ordering, dispensing, or administering of any drug or synthetic compound and such evaluation shall include an appropriate physical and complete history; appropriate tests related to medical treatment for weight loss; and appropriate medical referrals as indicated by the physical, history, and testing; all in accordance with general medical standards of care.

(a) through (b) No change.

5. Subparagraph (4) is renumbered to subparagraph (3) and shall read as follows:

(3) Prescriptions or orders for any drug or synthetic compound for the purpose of assisting in weight loss must be in writing and signed by the prescribing osteopathic physician.

Initial prescriptions or orders of this type shall not be called into a pharmacy by the osteopathic physician or by an agent of the osteopathic physician.

6. Subparagraph (5) is renumbered to subparagraph (4) No change.

7. Subparagraph (6) is renumbered to subparagraph (5) and shall read as follows:

(5) Each osteopathic physician who is prescribing, ordering, or providing weight loss enhancers to patients must assure that such patients undergo an in-person re-evaluation within 2 to 4 weeks of receiving a prescription, order, or dosage. The re-evaluation shall include the elements of the initial evaluation and an assessment of the medical effects of the treatment being provided. Any patient that continues on a drug or synthetic compound assisted weight loss program shall be re-evaluated at least once every 3 months.

8. Subparagraph (7) is renumbered to subparagraph (6) and shall read as follows:

(6) Each osteopathic physician who prescribes, orders, dispenses, or administers any drug or synthetic compound for the purpose of assisting a patient in weight loss shall maintain medical records in compliance with Rule 64B15-15.004, Florida Administrative Code, and must also reflect compliance with all requirements of this rule.

9. Subparagraph (8) is renumbered to subparagraph (7) and shall read as follows:

(7) Each osteopathic physician who prescribes, orders, dispenses, or administers weight loss enhancers for the purpose of providing medically assisted weight loss shall provide to each patient a legible copy of the Weight-Loss Consumer Bill of Rights as set forth in Section 501.0575(1)(a) through (e)3., Florida Statutes.

10. Subparagraph (9) is renumbered to subparagraph (8) No change.

11. Specific Authority citations shall now read as follows: 459.005, 459.0135 FS.

12. Law Implemented citation shall now read as follows: 459.0135 FS.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Karen Eaton, Executive Director, Board of Osteopathic Medicine/MQA, 2020 Capital Circle, S. E., Bin #C06, Tallahassee, Florida 32399-3256

**DEPARTMENT OF HEALTH**

**Board of Physical Therapy Practice**

RULE NO.: 64B17-3.001  
RULE TITLE: Licensure as a Physical Therapist by Examination

**NOTICE OF PUBLIC HEARING**

The Board of Physical Therapy Practice hereby gives notice of a public hearing on the above-referenced rules to be held on August 2, 2002 at 11:00 a.m., at the Crowne Plaza Hotel, 5555 Hazeltine National Drive, Orlando, Florida 32812. This public hearing is being held to consider credentialing, the feasibility of a credentialing agency approval process, and in response to comments received from the staff of the Joint Administrative Procedures Committee. The rules were originally published in Vol. 28, No. 22, May 31, 2002 issue of the Florida Administrative Weekly.

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

Any person requiring a special accommodation at this hearing because of a disability or physical impairment should contact the Board 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 Physical Therapy Practice**

RULE NO.: 64B17-4.001  
RULE TITLE: Licensure as a Physical Therapist Assistant by Examination

**NOTICE OF PUBLIC HEARING**

The Board of Physical Therapy Practice hereby gives notice of a public hearing on the above-referenced rules to be held on August 2, 2002 at 11:00 a.m., at the Crowne Plaza Hotel, 5555 Hazeltine National Drive, Orlando, Florida 32812. This public hearing is being held to consider credentialing, the feasibility of a credentialing agency approval process, and in response to comments received from the staff of the Joint Administrative Procedures Committee. The rules were originally published in Vol. 28, No. 22, May 31, 2002 issue of the Florida Administrative Weekly.

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

Any person requiring a special accommodation at this hearing because of a disability or physical impairment should contact the Board 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).