

verification of the amount of the court ordered child support payment is required to receive a child support deduction in the food stamp budget.

(8) Current with Child Support Payment. "Current with child support payment" means that the non-custodial parent is not delinquent in any payment (within the last 30 days) due under a court order, including a court approved delay in payment or a court ordered payment plan or a CSE approved payment plan, or it means the non-custodial parent meets criteria for an inability to cooperate in accordance with 7 CFR subpart 273(p)(2), such as:

(a) The individual receives temporary cash assistance or Supplemental Security Income or claims a medical incapacity that is substantiated through a statement from a licensed physician that the individual is unable to work and the individual attests or states in writing that there is no other source of income; or

(b) Reunification with the family or physical custody of the child(ren) changed from the custodial parent to the non-custodial parent and action has been initiated for a change in the physical custody (not to exceed 90 days). Court ordered visitation does not constitute a change in custody.

(9) Impact of Failure to Cooperate. Upon a determination by the Department of Children and Family Services that failure to meet child support requirements was without good cause, action will be taken to deny approval or to impose a food stamp penalty for the non-cooperative individual only and a notice of adverse action will be generated to the participant. The non-cooperative individual is to be treated as a Prorated Adult in the food stamp filing unit and the individual's income will be prorated and their assets will be counted in full in determining eligibility for the remaining AG members. The remainder of the AG may be approved, but the non-cooperative individual will be excluded until verification of CSE cooperation is provided.

(10) Re-Qualifying Upon Cooperation. Upon verification that the individual is in compliance with CSE requirements, and that all other requirements of eligibility have been met, the department will take action to add the individual to the AG or to remove the food stamp sanction and reinstate benefits.

(11) Copies of CF-ES 3106, CF-ES 2640, and CF-ES 2641 may be obtained from the Department of Children and Family Services, Economic Self-Sufficiency, 1317 Winewood Boulevard, Building 3, Room 421, Tallahassee, Florida 32399-0700.

Specific Authority 414.45 FS. Law Implemented 414.32 FS. History--New 1-31-94, Formerly 10C-1.602, Amended 7-29-01, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Lonna Cichon, Government Operations Consultant II
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Audrey Mitchell, Program Administrator, Economic Self-Sufficiency Policy, Program Support Unit

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 22, 2002

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

Section III Notices of Changes, Corrections and Withdrawals

FLORIDA PAROLE COMMISSION

RULE NOS.:	RULE TITLES:
23-25.001	General
23-25.002	Definitions
23-25.003	Addiction Recovery Supervision Evaluation Procedure
23-25.004	Addiction Recovery Supervision
23-25.005	Revocation of Addiction Recovery Supervision

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rules in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 28, No. 31, August 2, 2002, issue of the Florida Administrative Weekly.

THE FULL TEXT OF THE PROPOSED RULE IS:

23-25.001 General.

The Parole Commission is charged with establishing the term and conditions of supervision for offenders released from incarceration who are subject to the addiction-recovery supervision as provided under section 944.4731, F.S. The Parole Commission has the authority to issue warrants and revoke such supervision upon a finding of a violation of a condition of addiction-recovery supervision.

Specific Authority 944.4731(8) FS. Law Implemented 944.4731, 947.141 FS. History--New _____.

23-25.002 Definitions.

(1) Chair – means the Chair of the Parole Commission.

(2) Addiction Recovery Supervisor – means the person assigned to provide supervision for the Releasee.

(3) Commission – means the Parole Commission.

(4) Controlled Substance – means a “controlled substance” as defined in section 893.02, F.S.

(5) Conviction – means a “conviction” as defined in section 921.0021, F.S.

(6) Department – means the Department of Corrections

(7) Eligible Offender – means any offender who meets the criteria of section 944.4731(2)(a), F.S.

(8) History of substance abuse or addiction – means: (1) a score of 4 or more on the Department of Corrections Drug Simple Screening Instrument; or (2) two or more prior

convictions for an offense for which an element of that offense relates to a controlled substance, alcohol, or drug paraphernalia; or (3) one prior conviction for any offense for which an element of that offense relates to a controlled substance, alcohol, or drug paraphernalia and the current offense has as an element of the offense a controlled substance, alcohol or drug paraphernalia; or (4) acknowledgement by the offender that he or she has sought help for alcohol or substance abuse.

(9) Participated in any drug treatment – means prior community supervision drug treatment, prison drug treatment, or mandated or voluntary substance abuse treatment.

(10) Releasee – means an offender placed on addiction recovery supervision pursuant to section 944.4731, F.S.

(11) Revocation – means the order of the Commission entered after a Releasee has been found to have violated one or more conditions of the addiction recovery supervision, and requires the Releasee's return to prison to resume service of sentence.

(12) Standard Conditions of Supervision – include the following:

(a) Promptly upon being released on addiction recovery supervision, you will proceed to (address) _____, where you will reside. Within 3 days of your release, you will report by personal visit to the Addiction Recovery Supervisor under whose supervision you are to be released.

(b) You shall secure the permission of your Addiction Recovery Supervisor before:

1. You change your residence or employment,
2. You leave the county of your residence or the state,
3. You post bail or accept pretrial release if you are arrested for a felony.

(c) You shall submit a full and truthful report to your Addiction Recovery Supervisor before the fifth day of each month in writing on the forms provided or in person.

(d) You shall not:

1. Use alcohol or intoxicants of any kind.
2. Use or possess narcotics, drugs or marijuana unless prescribed by a physician.

(e) You shall not knowingly associate with any person who is engaging in any criminal activity.

(f) You shall secure the permission of your Addiction Recovery Supervisor before you own, carry, or have in your constructive possession a knife or any other weapon.

(g) You shall obey all laws, ordinances and statutory conditions of addiction recovery supervision.

(h) You shall:

1. Submit to a search by an Addiction Recovery Supervisor of your person, residence or automobile,
2. Waive extradition back to the state of Florida if you are wanted for return as an alleged addiction recovery supervision violator,

3. Permit your Addiction Recovery Supervisor to visit you at your residence, employment or elsewhere,

4 Promptly and truthfully answer all questions and follow instructions asked or given to you by your Addiction Recovery Supervisor or the Commission.

(i) You understand that you are to remain on addiction recovery supervision until released therefrom by expiration or by Commission order.

(j) During your addiction recovery supervision term, you shall submit to random testing as directed by your supervising officer or the professional staff of any treatment center or residential program where treatment is being received to determine the presence or use of alcohol or controlled substances pursuant to Section 877.111, Florida Statutes, or Chapter 893, Florida Statutes.

(k) During your addiction recovery supervision term, you shall submit and pay for urinalysis testing to identify alcohol and/or drug usage and understand that your failure to make such payment or participate as defined under this condition of your addiction recovery supervision will be considered grounds for revocation of addiction recovery supervision by the Parole Commission.

(l) You shall pay cost of supervision and rehabilitation as calculated and assessed by the Department of Corrections as provided and required in Section 948.09, Florida Statutes, and any court ordered payments such as child support and restitution.

(m) You shall participate and be supervised under drug offender probation pursuant to Section 948.001(4), Florida Statutes.

(n) You shall not enter any business establishment whose primary purpose is the sale/consumption of alcoholic beverages.

(o) You shall execute and present to your Addiction Recovery Supervisor all necessary authorizations to release records to your Addiction Recovery Supervisor and the Commission so that your progress and participation in required programs can be monitored and documented.

~~(p)~~ If you are accepted into a substance-abuse-transition housing program, you shall comply with the terms and conditions of that program, including payment of fees to defray the cost of your participation.

~~(q)~~ You must participate in (Alcoholics Anonymous or Narcotics Anonymous) and attend meetings as directed by your Addiction Recovery Supervisor.

(13) Tentative Release Date – means the projected release date computed by the Department of Corrections based upon length of sentence reduced by applicable gain-time.

(14) Violation Hearing – means an administrative proceeding provided to a Releasee under warrant and conducted by the Commission, a Commissioner, or a duly

authorized representative of the Commission, to determine whether the Releasee has violated any condition(s) of his/her release.

(15) Warrant – means a document executed by any member of the Commission which will cause the arrest and detention of a Releasee pending further action by the Commission.

Specific Authority 944.4731(8) FS. Law Implemented 944.4731, 947.141 FS. History–New _____.

23-25.003 Addiction Recovery Supervision Evaluation Procedure.

Within 180 days prior to an Eligible Offender's Tentative Release Date, a representative of the Department of Corrections will interview the offender and review the offender's program participation, disciplinary record, psychological and medical records, release plan, court ordered payments including, but not limited to, costs of supervision and restitution, and any other information pertinent to the pending release. The Department of Corrections will forward the results of said interview and review to the Commission. A panel of no fewer than two Commissioners shall review the results of the interview and review, and establish the term and conditions of such release.

Specific Authority 944.4731(8) FS. Law Implemented 944.4731, 947.141 FS. History–New _____.

23-25.004 Addiction Recovery Supervision.

(1) Prior to an Eligible Offender being released from incarceration, the Commission shall determine the term and conditions of supervision.

(2) If an Eligible Offender has received a term of probation or community control to be served after release from incarceration, the period of probation or community control shall not be substituted for addiction recovery supervision, but shall follow the term of addiction recovery supervision.

(3) If an Eligible Offender is subject to both conditional release supervision and addiction recovery supervision, the offender shall be subject to the type of supervision that will result in the longest term of supervision, taking into consideration any applicable term of probation. If the terms of supervision are equal, the offender shall be subject to addiction recovery supervision.

(4) The Commission will determine the term of addiction recovery supervision based on the amount of gain-time that the inmate received on sentences that are eligible for addiction recovery supervision, and will toll periods of supervision as necessary to achieve the maximum period of supervision.

(a) In cases involving concurrent sentences, the maximum supervision date will be based on the eligible sentence that has the greatest amount of gain-time.

(b) In cases involving consecutive sentences, the amount of gain-time from eligible sentences will be added together to obtain the maximum term of supervision.

(5) All Eligible Offenders placed on addiction recovery supervision shall be initially subject to Standard Conditions of Supervision upon their release from incarceration. In addition to the Standard Conditions of Supervision, Eligible Offenders shall be subject to such special conditions of supervision as the Commission deems necessary from its review of the record.

(6) Offenders shall have no right to administrative review of the term and conditions of addiction recovery supervision as determined by the Commission.

Specific Authority 944.4731(8) FS. Law Implemented 944.4731, 947.141 FS. History–New _____.

23-25.005 Revocation of Addiction Recovery Supervision.

(1) Warrants.

(a) A warrant for the arrest of a Releasee shall only be executed by a Commissioner except in the case of an emergency warrant as provided in (2) herein. The decision to issue a warrant shall be based on evidence which indicates reasonable grounds to believe a Releasee has violated a condition of addiction recovery supervision. The issuance of a warrant is discretionary.

(b) Warrant requests will be reviewed by Commission staff for sufficiency of information and if found sufficient, staff shall submit a warrant request to a Commissioner for review.

(c) The reviewing Commissioner will execute a warrant, deny the warrant request, or have the warrant request placed before a panel of no fewer than two Commissioners for a decision.

(d) Should a warrant be issued, such will be transmitted to the requesting agency for appropriate service or filing. Alleged violators of addiction recovery supervision will be entered into the Florida Crime Information Center and the National Crime Information Center, unless in custody. The Commission has authority to pursue extradition of alleged violators from other jurisdictions.

(e) Should a warrant be issued and a dismissal of the warrant is requested, the signing Commissioner or Chair is authorized to dismiss the warrant for good cause.

(2) Emergency Warrants.

(a) An emergency warrant can be issued by a Commissioner or any Commission representative duly authorized by the Chair, when the Commission receives notification from an arresting agency that a Releasee has been arrested and charged with a new felony offense and there is no outstanding Commission warrant for the Releasee.

(b) The decision to issue an emergency warrant shall be based on evidence which indicates there are reasonable grounds to believe a Releasee violated the conditions of addiction recovery supervision.

(c) Should an emergency warrant be issued, Commission staff will transmit the warrant to the detaining agency for appropriate service or filing and enter information regarding

the Releasee into the Florida Crime Information Center and National Crime Information Center, unless the Releasee is in custody. The Commission has authority to pursue extradition of alleged violators from other jurisdictions.

(3) Release on Recognizance.

(a) The Commission or a Commissioner may at any time during the violation process release a Releasee on recognizance. Such release will be conditioned upon the releasee's appearance at any hearings noticed by the Commission or until further order of the Commission and may include any other condition deemed warranted from the Commission's review of the record.

(b) A review regarding release on recognizance for alleged addiction recovery supervision violators who are in custody shall be conducted before or at the time of the initial service of the notice of the Violation Hearing.

(c) The alleged violator must be informed that by accepting release on recognizance, he is waiving any and all time constraints related to the Violation Hearing.

(d) Any Releasee who has been arrested pursuant to a Commission warrant may request and shall be provided a hearing on the matter of release on recognizance regarding the Commission warrant. Such hearing shall be held by a Commissioner or a duly authorized representative of the Commission, who shall provide the Commission with a written summary of the hearing, after which a panel of no fewer than two Commissioners shall make a decision and inform the Releasee. Should the Commission or an authorized representative receive reliable information that the Releasee has violated the conditions of the release on recognizance, a Commissioner can enter an order revoking the release on recognizance. Such order shall be sufficient to cause the arrest and return of the Releasee to custody.

(4) Addiction Recovery Supervision Violation Hearing.

(a) A Commissioner or a duly authorized representative of the Commission shall convene a Violation Hearing within 45 days after notification of the arrest in the State of Florida of a Releasee charged with violation(s), unless waived by the Releasee, or within 45 days of receipt of written notification from the Department of Corrections that the alleged violator has been returned to the custody of the Department from another jurisdiction.

(b) The Releasee shall be informed, in writing, at least 14 days prior to the Violation Hearing of the date, time and location of the hearing. The notice of the hearing shall contain the charges of violation and a list of the Releasee's rights, as follows:

1. The opportunity to be present for the Violation Hearing.
2. The opportunity to present evidence in his or her own behalf, including witnesses and evidence secured by subpoena or subpoena duces tecum.

3. The opportunity to receive, prior to the Violation Hearing, the disclosure of evidence that will be presented at the Violation Hearing.

4. The opportunity to confront and cross-examine any adverse witness.

5. The opportunity to be represented by counsel, either retained or appointed, provided that such appointment is made consistent with the guidelines of the United States Supreme Court case of *Gagnon v. Scarpelli*, 411 U.S. 778 (1973).

(c) Any Violation Hearing may be waived by the Releasee after an explanation of the consequences of a waiver. The waiver shall be in writing and shall be executed before a Commissioner or duly authorized representative of the Commission. The Releasee may withdraw the waiver by submitting a written request which waives all time constraints. The waiver withdrawal request must be appropriately witnessed, and postmarked within 14 days after the execution of the waiver. Upon receipt of the waiver withdrawal request, a Violation Hearing shall be convened after appropriate notice.

(d) The Releasee may request that the Violation Hearing be postponed until such time as any pending criminal charges that are listed on the Commission's warrant or notice of hearing have been resolved. The granting of a postponement on behalf of the Releasee constitutes a waiver by the Releasee of all time constraints and any requirements for a local hearing. If there are also pending technical charges, the granting of the postponement also postpones disposition of the technical charges until such time as the criminal charges are resolved.

(e) The Releasee may request that the Violation Hearing be continued upon showing of good cause. The request for continuance may be submitted to the person conducting the hearing in writing prior to convening the hearing, provided that the reasons for the request are outlined with specificity. The granting of a continuance on behalf of the Releasee constitutes a waiver by the Releasee of all time constraints, and any requirements for a local hearing. If a Violation Hearing has been convened, such may be continued beyond 45 days on the motion of the Releasee, the Commission or duly authorized representative of the Commission, provided the record reflects a good cause for such continuance.

(f) Subpoenas and subpoenas duces tecum for the Releasee and the Commission shall be issued by a Commissioner or a duly authorized representative of the Commission on behalf of the State or the Releasee. The Commission, a Commissioner or a duly authorized representative of the Commission will decline a request to subpoena a witness whose testimony is found to be cumulative, irrelevant or non-probative. The party requesting the subpoenas shall furnish to the Commission, a Commissioner or a duly authorized representative of the Commission the names and addresses of his proposed witnesses at least 14 days prior to the hearing date.

(g) At the hearing, the Releasee may waive representation by an attorney, provided the waiver is reflected clearly in writing or in the record of the proceeding. Should the Releasee desire, retained counsel may represent the Releasee at the hearing. If the Releasee desires counsel and has not retained one, the following procedure shall apply:

(1) The person conducting the hearing shall determine the Releasee's financial ability to retain private counsel. When the person conducting the hearing determines a Releasee has the ability to retain private counsel, reasonable time shall be permitted for the Releasee to secure counsel, if the Releasee so desires.

(2) If the person conducting the hearing concludes the Releasee is unable to secure counsel by reason of indigence, the person conducting the hearing shall then proceed to determine if the Releasee is eligible for appointed counsel as provided in the guidelines outlined in Gagnon v. Scarpelli, 411 U.S. 778 (1973). If a request for counsel is denied, the grounds for the denial shall be stated in the record.

(h) During the Violation Hearing, the person conducting the hearing has authority to entertain arguments of counsel or the Releasee. The person conducting the hearing has authority to elect to rule on such matters during the course of the Violation Hearing or may elect to withhold ruling pending consultation with counsel or staff. Arguments of counsel of a legal nature must be reduced to writing, and, if possible, presented prior to the Violation Hearing.

(i) Based on evidence presented at the Violation Hearing, or received by stipulation, the person conducting the hearing shall make findings of fact regarding the alleged violations, with a written recommendation to the Commission. When the Commission finds that the Releasee has committed one or more violations, the Commission shall enter an order revoking the addiction recovery supervision, restoring the Releasee to supervision or such an order as deemed appropriate. Notification by copy of the Commission order shall be provided to the Releasee. If the decision of the Commission is to revoke, the order entered shall contain the condition(s) that have been violated and the evidence relied upon.

(j) The person conducting the hearing has authority to elect to receive information following the Violation Hearing if the Releasee stipulates to the receipt of such information and such stipulation is reflected in the record.

(k) When a panel of no fewer than two Commissioners revokes addiction recovery supervision, the Releasee shall be entitled to credit for time spent in custody on the Commission's warrant prior to the Violation Hearing. Time spent in another jurisdiction as a result of intervening sentences shall be considered. Credit for time in custody as decided by the panel shall be reflected in the order of revocation of addiction recovery supervision.

(l) Pursuant to the United States Supreme Court's decision in Pennsylvania Board of Probation & Parole v. Scott, 524 U.S. 357 (1998), the Commission may consider evidence that has been excluded in a criminal proceeding as the result of the application of the federal exclusionary rule.

Specific Authority 944.4731(8) FS. Law Implemented 944.4731, 947.141 FS. History—New _____.

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NO.:
59G-8.200

RULE TITLE:
Home and Community-Based
Waiver Services

NOTICE OF CHANGE

Notice is hereby given that substantial changes have been made to proposed Rule 59G-8.200, F.A.C., in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 28, No. 18, May 3, 2002 issue of the Florida Administrative Weekly.

These changes are pursuant to a preliminary review of the above noted rule by the Joint Administrative Procedures Committee, dated August 2, 2002.

Following is the summary of changes made:

59G-8.200(12)

The phrase, "until required to use HCFA-1500" has been removed from the coded copy of the rule and the text of the handbook.

Handbook, pages i, 1-1

Specific statutory authority for the promulgation of the Developmental Services/Waiver Services handbook into Rule (59G-8.200), are found in the following provisions of law: 408.301, F.S., 408.302, F.S., 409.919, F.S.

Handbook, pages 1-8, 2-7

Under the Definitions for Support Plan, the phrase "whenever possible" has been removed.

Handbook, page 1-10

See attached pages 1-13 and 1-15. Underlined text is new; strikethrough information has been removed from text.

Handbook, page 1-27

See attached page 1-30. Underlined text in shaded area is new Handbook, page 1-28

See attached page 1-31. Strikethrough information in shaded area has been removed from text.

Handbook, pages 1-31, 38, 49, 52

Projected Service Outcomes have been further clarified through the following language:

Projected Service Outcomes are goals used to determine, through monitoring and review, the effectiveness of service provision. Outcomes should be measured considering individual skills and circumstances.

- Beneficiaries receiving services demonstrate an increase in abilities, self-sufficiency, and changes in their lives.....
- Beneficiaries served annually who have a stated support plan goal to be employed in the community, access.....
- Beneficiaries served are satisfied with the services based on the results of the annual satisfaction survey,
- Beneficiaries achieve or make progress toward the support plan goal.....
- Beneficiaries who use the supports and services of the provider are allowed maximum freedom of choice,.....

Handbook, pages 1-8, 2-8, 15, 16, 20, 38, 46, 51, 58, 70, 80, 111, 120,

Appendix C, pages 6, 9, 16, 18, 27

The phrase “as appropriate”, “if appropriate” or word “appropriate” and the phrase “as necessary”, “if necessary” have been removed from the text of the handbook and appendices.

Handbook, pages 2-22, 50, 52, 54

The word “may” has been removed.

Handbook, pages 2-28, 35, 53

The phrase “include (ed)(ing), but not limited to”, has been removed.

Handbook, page 2-41

The first paragraph has been reworded as follows: The waiver The Department of Children and Families will not fund the purchase of both a manual wheelchair and a stroller in a five-year period.

Handbook, page 2-64

The phrase “if applicable” has been removed.

Handbook, pages 2-92, 3-3

The reference to the Department is explained as follows; “... the operating agency, which is the Department of Children and Families”.

Handbook, page 2-111

The reference to “or subsequent updates” has been removed.

Appendix B and C

All references to “the Department” These two appendices are documents originated by the Department of Children and Families (DCF), (the Department), which is the operating agency for the Developmental Services Home and Community Based Waiver Services. Any changes to these appendices have been made by the Agency for Health Care Administration (AHCA) with the concurrence of DCF.

Handbook, Appendix C, page 13

The reference to “all applicable state statutes” has been restated as follows: “The provider will comply with state statutes and rules of the operating agency, which is the Department of Children and Families”.

Handbook, Appendix C, page 13

The reference to “as may be amended from time to time” has been removed.

These changes are pursuant to recommended Medicaid changes as well as public input from the August 19, 2002, hearing.

Following is the summary of changes made:

All references to persons receiving services under the waiver, i.e., (recipient, client, consumer, individual), are now referred to as “beneficiaries”.

Handbook page 2-56, 2nd paragraph, 4th sentence has been modified to read; “Total EAA cannot exceed \$20,000 during a five-year period”.

Handbook page 1-3, appendix C page 17

Deleted definition of Direct Service Core Competency Curriculum

Deleted all references to the Core Competency Curriculum in handbook text and appendices.

Handbook page 2-24

ADT Limitations – sentence clarified as follows: This service generally begins at the age of 22 when a beneficiary is out of the public school system or when they have graduated from the public school system.

ADT Limitations – sentence added: Beneficiaries over the age of 22 who have not graduated shall also be eligible.

Handbook page 2-112

2nd paragraph, last sentence – deleted “an agency vacancy occurs or”.

Handbook page 2-113

Revised the entire paragraph to address the Family and Medical Leave Act issues broached during the 8/19/02 hearing.

Handbook page 2-118

2nd paragraph, last sentence – changed calendar days back to working days.

Handbook page 2-122

Clarified Note by adding the word “service”.

Handbook page 2-123

Clarifications in #2.

Appendix F

Page 4

Added language, per hearing of 8/19/02.

Pages 5, 6, & 7

Moved information from bottom of list to top of list.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Architecture and Interior Design

RULE NO.: 61G1-11.005
 RULE TITLE: Probable Cause Determinations

NOTICE OF RULE WITHDRAWAL

The Board of Architecture and Interior Design hereby gives notice that the above-referenced rule which was published in Vol. 28, No. 21, of the May 24, 2002, issue of the Florida Administrative Weekly has been withdrawn.

The person to be contacted regarding the rule is: Leon M. Biegalski, Executive Director, Board of Architecture and Interior Design, 1940 North Monroe Street, Northwood Centre, Tallahassee, Florida 32399-0750.

DEPARTMENT OF HEALTH

Board of Dentistry

RULE NO.: 64B5-4.002
 RULE TITLE: Advertising and Soliciting by Dentists

NOTICE OF ADDITIONAL PUBLIC HEARING

The Board of Dentistry hereby gives notice of an additional public hearing on the above-referenced rule(s) to be held on September 20, 2002, at 2:00 p.m. or as soon thereafter as possible, at The University of Florida Hotel and Conference Center, 1714 S. W. 34th Street, Gainesville, FL 32607, (352)371-3600. The rule was originally published in Vol. 28, No. 24, of the June 14, 2002, Florida Administrative Weekly. This hearing is being held at the request of the public.

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

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 Nursing

RULE NO.: 64B9-15.009
 RULE TITLE: Disciplinary Guidelines; Range of Penalties; Aggravating & Mitigating Circumstances

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. 27, July 5, 2002, issue of the Florida Administrative Weekly.

The changes are as follows:

1. Proposed subsections (1)(b),(c), and (g) shall be changed to replace the words “continuing education” with the words “continuing/in-service education.”
2. Proposed subsection (3)(l) shall reflect an additional statutory citation of 456.072(1)(i), F.S.
3. Proposed subsection (3)(s) shall be deleted in its entirety and all following subsections shall be renumbered accordingly.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Dan Coble, Executive Director, Board of Nursing, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

DEPARTMENT OF HEALTH

Council of Licensed Midwifery

RULE NO.: 64B24-1.004
 RULE TITLE: Meetings; Notice of Meetings, Agenda and Quorum

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 28, No. 24, June 14, 2002 Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF HEALTH

Council of Licensed Midwifery

RULE NOS.: 64B24-2.003
 64B24-2.004
 RULE TITLES: Licensure by Examination
 Licensure by Endorsement

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rules in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 28, No. 24, June 14, 2002, issue of the Florida Administrative Weekly. The changes are in response to comments received from the Joint Administrative Procedures Committee.

Subsection (1) of Rule 64B24-2.003 shall now read as follows:

- (1) An official transcript from an approved midwifery training program specifically setting forth all courses successfully completed, the date of the applicant’s graduation and the degree, certificate, or diploma awarded; Rule 64B24-2.004 shall be changed as follows: Subsection (1)(b)1. shall be deleted in its entirety.

Subsections (1)(b)2. through (1)(b)4. shall be renumbered as (1)(b)1. through (1)(b)3.

Subsection (1)(b)3. shall now read as follows:

3. The applicant’s diploma or certificate meets the requirements to render the applicant eligible to practice medicine or midwifery in the country from which the diploma or certificate was awarded.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Pamela E. King, Executive Director, Council of Licensed Midwifery/MQA, 4052 Bald Cypress Way, Tallahassee, Florida 32399-3256

**Section IV
 Emergency Rules**

NONE