

property (26 42'50.9"/81 36'42.1") and an informational marker will be located 300 feet west (26 42'46.2"/81 36'43.8") of the regulatory marker and east from the centerline of the Alva Bridge (S.R. 78) to 300 feet east (26 42'49"/81 36'17") of the most eastern boundary of the Alva Public Boat Ramp and an informational marker will be located 2450 feet east (26 42'50"/81 35'53.3") of the most eastern boundary of the Alva Boat Ramp, as depicted in drawing A.

(b) Marker 93-99 – A "Slow Speed Minimum Wake In Channel, Weekends and Holidays 9:00 A.M. – 7:00 P.M.; 25 MPH All Other Times" from Shell Point (26°31.5"/81°59.9") generally northeasterly for approximately 1,050 feet to green daymark 93 (26°31.6"/81°59.7") continuing generally southwesterly for approximately 6,000 feet to green daymark 99 (26°31.0"/82°00.9")

(2) Lee County is authorized to install and maintain appropriate regulatory markers as directed by the Division of Law Enforcement within ~~such the boating restricted areas and shall install and maintain "Idle Speed No Wake" and "Resume Normal Safe Operation" markers at the east and western boundaries of the boating restricted area.~~

(3) The boating restricted areas ~~is are~~ depicted in the following drawings:

DRAWINGS NOT AVAILABLE AT THIS TIME

Specific Authority 327.04 FS. Law Implemented 327.46 FS. History–New 11-25-96, Amended.

Section II Proposed Rules

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Standards

RULE TITLE: Standards
 RULE NO.: 5F-10.001
 PURPOSE AND EFFECT: The purpose of Rule 5F-10.001, F.A.C., is to adopt the most recent version of the chemical and physical standards set forth in the American Society for Testing and Materials for antifreeze (engine coolant). The effect of each adoption is to maintain nationally recognized standards. There is also a change in the text to remove the word "ethylene." This reflects the consolidation of standards for these products.

SUMMARY: Proposed Rule 5F-10.001, F.A.C., will adopt the most recent versions of the American Society for Testing and Materials' standards and specifications for antifreeze products in accordance with 501.921, Florida Statutes. The Department will use these standards and specifications when evaluating antifreeze products offered for registration with the Department or offered for sale to the public.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: 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: 570.07(23), 501.921 FS.

LAWS IMPLEMENTED: 501.913, 501.917, 501.921 FS.

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

TIME AND DATE: 10:00 a.m., Monday, October 14, 2002

PLACE: Division of Standards' Conference Room, Suite E, Room 135, Doyle Conner Administration Building, 3125 Conner Boulevard, Tallahassee, Florida 32399-1650

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Eric Hamilton, Bureau Chief, Bureau of Petroleum Inspection, 3125 Conner Blvd., Bldg. #1, Tallahassee, FL 32399-1650, (850)488-9740

THE FULL TEXT OF THE PROPOSED RULE IS:

5F-10.001 Standards.

(1) The performance specifications and standards for ~~ethylene~~ glycol base antifreeze are hereby incorporated by reference: ASTM D 3306-~~0100a~~, "Standard Specification for Glycol Base Engine Coolant for Automobile and Light Duty Service," (approved April 10, 2001).

(2) The performance specifications and standards for recycled ~~prediluted aqueous~~ glycol base antifreeze are hereby incorporated by reference: ASTM D 6471-99, "Standard Specification for Recycled Prediluted Aqueous Glycol Base Engine Coolant (50 Volume % Minimum) for Automobile and Light Duty Service," (approved November 10, 1999) and ASTM D 6472-00, "Standard Specification for Recycled Glycol Base Engine Coolant Concentrate for Automobile and Light Duty Service," (approved January 10, 2000).

(3) No change.

Specific Authority 570.07(23), 501.921 FS. Laws Implemented 501.913, 501.917, 501.921 FS. History–New 10-6-93, Amended 7-5-95, 12-9-98, 6-25-00, 10-22-01, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Eric Hamilton

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Ben Faulk, Director, Division of Standards

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 9, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 23, 2002

DEPARTMENT OF EDUCATION

State Board of Education

RULE TITLE: Pupil Attendance Records
 RULE NO.: 6A-1.044

PURPOSE AND EFFECT: The purpose of this amendment is to revise existing requirements of the statewide attendance recordkeeping system to establish standards for electronic attendance recordkeeping systems so that individual school districts will no longer be required to obtain prior approval for alternate systems on a case by case basis. The effect is to maintain standards for auditable attendance records while allowing for advances in technology where appropriate and without placing undue burden on school districts.

SUMMARY: A rule to establish attendance recordkeeping procedures for any student enrolled in public schools who is earning high school credit as provided in Section 232.2462, Florida Statutes, who is funded as provided in Chapter 236, Florida Statutes, and the Appropriations Act, or who is required to be in attendance by the compulsory attendance requirements as provided in Chapter 232, Florida Statutes.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: 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 the notice.

SPECIFIC AUTHORITY: 120.53(1)(b), 229.053(1), 229.555(3) FS.

LAW IMPLEMENTED: 232.021, 232.022, 232.023 FS.

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

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

PLACE: Room LL03, The Capitol, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Martha Haynes, Education Information Services, Department of Education, 325 West Gaines Street, Tallahassee, Florida 32399-0400, (850)487-2280

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-1.044 Pupil Attendance Records.

(1) Pupil attendance records shall be maintained for any student enrolled in public schools who is earning high school credit as provided in Section 232.2462, Florida Statutes, who is funded as provided in Chapter 236, Florida Statutes, and the Appropriations Act, or who is required to be in attendance by the compulsory attendance requirements as provided in Chapter 232, Florida Statutes.

(2) ~~Beginning in the fiscal year 1988-89, the automated student attendance recordkeeping system as provided for in Rule 6A-1.0014, FAC., shall be the attendance system as used in this rule.~~

(3) The presence, absence, or tardiness of each student shall be checked once each day at a time or times prescribed by the school board and all absent and tardy pupils shall be recorded daily in the Automated Student Attendance Recordkeeping System as described in the Department of

Education Comprehensive Management Information Automated System Attendance Recordkeeping Handbook ~~or daily by such alternate system of recording attendance as has been specifically approved by the Deputy Commissioner for Administration and Technology. In approving alternate systems, the Deputy Commissioner for Administration and Technology shall use the following criteria:~~ The attendance recordkeeping system shall provide complete and accurate attendance data and shall make provision for maintaining auditable records for three (3) years or until applicable audits are completed. ~~Any alternate system shall be approved prior to implementation only upon specific application from the district.~~ The attendance records shall also show the dates of a student's enrollment, withdrawal or re-entry in the school for the applicable year. Data shall not be recorded in temporary records, and then transferred at a later date to attendance records, except for the first ten (10) days of each school year.

(4) Attendance of all pupils must be maintained during the one hundred eighty (180) day school year or the equivalent and summer school when applicable as provided by law and rules of the State Board shall be required, except for absence due to illness, or as otherwise provided by law.

(5) For the purpose of compliance with this rule, a pupil shall be deemed to be in attendance if actually present at school, or away from school on a school day and engaged in an educational activity which constitutes a part of the school-approved instructional program for that pupil. Any such attendance must be in accordance with the minimum time requirements specified by Section 228.041(13), Florida Statutes.

(6) For the purpose of recording attendance, attendance of pupils shall be reported as follows:

(a) Each pupil who is scheduled at a school center for the minimum required school day, and who is recorded as being present or tardy, shall be reported as present one (1) day.

(b) Each pupil who is scheduled at a school center for instructional purposes for a partial day, and at an area vocational-technical center, a vocational school, a community college, a university, or another school center for a partial day shall be reported as present or absent for the appropriate portion of the day at each center.

(c) The attendance of a pupil who is assigned to an on-the-job instructional program which does not require his or her presence at a school center for on-the-job instructional purposes shall be reported as being in attendance when documented through the use of a time card to report actual days in attendance and a time card or work schedule to report instructional or work hours. Both the time card and schedule should be signed by the employer or instructional supervisor.

(d) The attendance of a pupil who is assigned to an instructional program which does not require his or her regular presence at a school center for instructional purposes shall be reported as present or absent at an assigned school center.

(7) The Automated Student Attendance Recordkeeping System, ~~or the approved alternate record~~, shall be retained at the school or district level as directed by the superintendent of schools.

(8) The district school board is authorized to destroy the records contained in or produced from the Automated Student Attendance Recordkeeping System after three (3) years or the completion of an audit by the state audit agency, whichever period is longer, provided that the district shall comply with the legislative intent of Chapter 257, Florida Statutes, as expressed in Section 257.37, Florida Statutes, and shall permanently preserve attendance information for each pupil as required by Rule 6A-1.0955, FAC. Attendance information must be permanently preserved for pupils not covered by Rule 6A-1.0955, FAC.

(9) The principal shall be responsible for the administration of attendance policies and procedures and for the accurate reporting of attendance in the school under his or her direction. The principal shall assure that all teachers and clerks are instructed in the proper recording of attendance, and it shall be his or her duty to see that such instructions are followed. The principal or designee shall inspect and determine the completeness and accuracy of the records contained in the Automated Student Attendance Recordkeeping System for each of the required full-time equivalent student membership periods. ~~If an approved alternate system is used, the principal or designee shall inspect for completeness and accuracy the automated record which replaces the Automated Student Attendance Recordkeeping System and therefore is the record of attendance.~~ At the end of each school year the principal or designee shall certify the completeness and accuracy of the automated attendance records indicating that all attendance records have been kept as prescribed by law and rules of the State Board. The method used to certify the records is based on internal district procedures. The automated student attendance records shall be readily accessible in a form prescribed in subsection (12) of this rule for state auditing and monitoring purposes. An attendance record containing any material inaccuracies, resulting from willful or intentional falsification of data by or for the principal, shall be considered a false report for which the principal shall be subject to penalties as provided by law.

(10) For FTE auditing purposes, ~~beginning with the 1983-84 fiscal year~~, if the principal or designee failed to sign an attendance record or report, a signed and dated certified statement from the principal or designee identifying that the record was the record used to report attendance for a particular school year, that the record has not been changed since that time, and that attendance was reported as prescribed by law and rules of the State Board may be substituted for the lack of an original signature. If neither the principal nor designee is an employee of the school district when the absence of a signature on an attendance record is discovered, the superintendent or

designee may sign the certified statement. If attendance records are incomplete as to verification of full-time equivalent student membership for funding purposes prior to July 1, ~~2001~~ 1988, other records maintained by the school district may be used to verify membership provided a signed and dated certified statement is appropriately attached as provided in this subsection.

(11) The Automated Student Attendance Recordkeeping System ~~or other approved alternate system~~ shall be prima facie evidence of the facts which it is required to show.

(12) Forms ESE 950 Automated Individual Student Attendance Record, Grades PK-12; ~~ESE 951 Automated 20 Day Adult Student Attendance Register; ESE 952 Automated 20 Day Student Attendance Register, Grades PK-12;~~ ESE 953 Automated Individual Student Attendance By Period Record, Grades 9-12; ~~and~~ ESE 954 Automated Individual Student Attendance by Period Summary, Grades 9-12 and ESE 981 Automated Student Attendance by Period Summary, Grades 9-12; are hereby incorporated by reference and made a part of this rule to become effective for the fiscal year 1987-88. Forms ESE 955, Automated Multi-Day Student Attendance Register, Grades PK-12; ESE 956, Automated Multi-Day Student Attendance by Period, Grades 9-12; ~~and~~ ESE 957, Automated Multi-Day Adult Student Attendance Register; ~~are hereby incorporated by reference and made a part of this rule to become effective July, 1989.~~ Forms ESE 981 Automated Student Attendance by Period Summary, Grades 9-12; ESE 958 Adult Student Attendance Register; and ESE 982 Adult Student Attendance Roster are hereby incorporated by reference and made a part of this rule to become effective November 2002 ~~October, 1991~~. These forms may be obtained from Education Information and Accountability Services, Division of Technology, Department of Education, 325 West Gaines Street, The Florida Education Center, Tallahassee, Florida 32399-0400.

Specific Authority 229.053(1), 232.02, 232.021, 232.022 FS. Law Implemented 232.021, 232.022, 232.023 FS. History—New 2-20-71, Amended 9-17-71, 10-18-71, Revised 8-19-72, Amended 11-18-72, Repromulgated 12-5-74, Formerly 6A-1.44, Amended 9-16-87, 1-11-88, 7-5-89, 10-3-91, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Martha Haynes, Education Information Services, Department of Education

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Charlie Crist, Commissioner of Education

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 9, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 28, 2001

DEPARTMENT OF EDUCATION

State Board of Education

RULE TITLES:

- Specialization Requirements for Certification in Primary Education (Grades K-3) – Academic Class
- Specialization Requirements for Certification in Elementary Education (Grades 1-6) – Academic Class
- Specialization Requirements for Certification in the Area of Emotionally Handicapped (Grades K-12) – Academic Class
- Specialization Requirements for Certification in the Area of Mentally Handicapped (Grades K-12) – Academic Class
- Specialization Requirements for Certification in the Area of Physically Impaired (Grades K-12) – Academic Class
- Specialization Requirements for Certification in the Area of Specific Learning Disabilities (Grades K-12) – Academic Class
- Specialization Requirements for Certification in the Area of Varying Exceptionalities (Grades K-12) – Academic Class

RULE NOS.:

- 6A-4.014
- 6A-4.015
- 6A-4.0171
- 6A-4.0173
- 6A-4.0174
- 6A-4.0175
- 6A-4.0177

PURPOSE AND EFFECT: The above listed rules were superseded July 1, 2002, by Rules 6A-4.0151 and 6A-4.01795, FAC. Therefore, these rules are recommended for repeal.

SUMMARY: The implementation of a streamlined certification structure includes the repeal of rules for the subject areas that were incorporated under a broader subject coverage as part of the new subject structure.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: 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 the notice.

SPECIFIC AUTHORITY: 229.053, 231.15(1), 231.17(6)(b) FS.

LAW IMPLEMENTED: 229.053, 231.15(1), 231.17(6)(b) FS.

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

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

PLACE: 400 South Monroe Street, Room LL03, The Capitol, Tallahassee, Florida 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: David Ashburn, Director, Division of Professional Educators, 325 West Gaines Street, Room 203, Tallahassee, Florida 32399-0400, (850)487-3663

THE FULL TEXT OF THE PROPOSED RULES IS:

6A-4.014 Specialization Requirements for Certification in Primary Education (Grades K-3) – Academic Class.

Specific Authority 229.053(1), 231.15(1), 231.17(1) FS. Law Implemented 231.02, 231.145, 231.15, 231.17 FS. History–New 4-20-64, Amended 7-7-68, Revised 8-17-74, Repromulgated 12-5-74, Formerly 6A-4.14, Amended 10-10-89, 5-30-94, Repealed.

6A-4.015 Specialization Requirements for Certification in Elementary Education (Grades 1-6) – Academic Class.

Specific Authority 229.053(1), 231.15(1), 231.17(1) FS. Law Implemented 231.02, 231.145, 231.15, 231.17 FS. History–New 4-20-64, Amended 7-7-68, 9-17-73, Revised 8-17-74, Repromulgated 12-5-74, Formerly 6A-4.15, Amended 10-10-89, Repealed.

6A-4.0171 Specialization Requirements for Certification in the Area of Emotionally Handicapped (Grades K-12) – Academic Class.

Specific Authority 229.053(1), 231.15(1), 231.17(3) FS. Law Implemented 229.053, 231.145, 231.15, 231.17 FS. History–New 7-1-92, Amended 11-10-92, 7-17-00, Repealed.

6A-4.0173 Specialization Requirements for Certification in the Area of Mentally Handicapped (Grades K-12) – Academic Class.

Specific Authority 229.053(1), 231.15(1), 231.17(3) FS. Law Implemented 229.053, 231.145, 231.15, 231.17 FS. History–New 7-1-92, Amended 11-10-92, 7-17-00, Repealed.

6A-4.0174 Specialization Requirements for Certification in the Area of Physically Impaired (Grades K-12) – Academic Class.

Specific Authority 229.053(1), 231.15(1), 231.17(3) FS. Law Implemented 229.053, 231.145, 231.15, 231.17 FS. History–New 7-1-92, Amended 7-17-00, Repealed.

6A-4.0175 Specialization Requirements for Certification in the Area of Specific Learning Disabilities (Grades K-12) – Academic Class.

Specific Authority 229.053(1), 231.15(1), 231.17(3) FS. Law Implemented 229.053, 231.145, 231.15, 231.17 FS. History–New 7-1-92, Amended 11-10-92, 7-17-00, Repealed.

6A-4.0177 Specialization Requirements for Certification in the Area of Varying Exceptionalities (Grades K-12) – Academic Class.

Specific Authority 229.053(1), 231.15(1), 231.17(3) FS. Law Implemented 229.053, 231.145, 231.15, 231.17 FS. History–New 7-1-92, Amended 7-17-00, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Betty Coxe, Deputy Commissioner for Educational Programs, Department of Education

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Charlie Crist, Commissioner of Education

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 9, 2002

DEPARTMENT OF CORRECTIONS

RULE TITLE: Inmate Welfare Trust Fund and Canteen Operations
 RULE NO.: 33-203.101

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to: increase the maximum amount of weekly canteen purchases for inmates; to clarify the purposes for which inmate welfare trust funds may be disbursed; to delete obsolete provisions concerning the operation of inmate welfare trust fund activities; to provide for a state-wide policy regarding canteen items and pricing; and to set a maximum rate of pay for inmate canteen workers.

SUMMARY: The proposed rule increases the maximum amount of weekly canteen purchases for inmates; clarifies the purposes for which inmate welfare trust funds may be disbursed; deletes obsolete provisions concerning the operation of inmate welfare trust fund activities; provides for a state-wide policy regarding canteen items and pricing; and sets a maximum rate of pay for inmate canteen workers.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: 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: 20.315, 944.09, 945.215 FS.

LAW IMPLEMENTED: 20.315, 944.09, 945.215 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Perri King Dale, Office of the General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE FULL TEXT OF THE PROPOSED RULE IS:

33-203.101 Inmate Welfare Trust Fund and Canteen Operations.

(1) No change.

(2) Each inmate shall be allowed to purchase \$65.00 ~~\$45.00~~ of canteen merchandise on a weekly basis, exclusive of any items obtained through special mail order procedures, unless an increase up to \$100.00 is approved by the Secretary for special occasions.

(3) Budgeting and Disbursement of Inmate Welfare Trust Funds.

(a) No change.

(b) Inmate welfare trust funds shall be budgeted and disbursed exclusively:

1. through 5. No change.

6. For operating and fixed-capital expenses associated with the delivery to inmates of literacy programs, vocational training programs, and academic programs that comply with standards of the Department of Education;

7. through 8. No change.

9. For expenses associated with various inmate clubs; ~~and~~

10. For expenses associated with legal services for inmates;

11. To develop, implement and maintain the medical copayment accounting system;

12. To employ personnel to provide inmate substance abuse treatment and transition and life skills training programs; and

13. For operating and fixed-capital expenses associated with the delivery of inmate substance abuse treatment and transition and life skills training programs.

(c) Expenditures for items listed in subparagraphs 5. through ~~13.~~ ~~40.~~ above are categorized as inmate benefit program expenditures. Expenditures for correctional education programs in subparagraphs 5. and 6. must exceed the total of all other inmate benefit program expenditures.

(4) through (5) No change.

~~(6) Copies of annual Inmate Welfare Trust Fund financial statements and Inmate Welfare Trust Fund Committee meeting minutes or equivalent information will be made available to inmates.~~

~~(6)(7) Inmate Welfare Trust Fund Procedures.~~

(a) Department wide. The Office of Administration shall develop procedures Secretary shall appoint members to the Inmate Welfare Trust Fund Policy Committee whose responsibilities will include development of policies to govern the operation of Inmate Welfare Trust Fund activities and annual review of institutional inmate welfare trust fund budgets.

~~(b) Regional Level: Each Regional Director will appoint a Regional Inmate Welfare Trust Fund Committee which will review, revise, and recommend approval of institutional Inmate Welfare Trust Fund budgets for that region. The Department and Regional Inmate Welfare Trust Fund committees will strive to maintain uniform sales prices throughout the Department within the bounds of good purchasing practices. The regional committee will assist the Regional Director in investigating and reporting Inmate Welfare Trust Fund shortages or losses which occur in the region's community facilities. In cases wherein the shortage is recovered, the report need not be processed further than the Regional Office. If shortages are not recovered, the report will be forwarded to the Department Inspector General for review and action.~~

(b)(e) Institutional Level: Service center support staff are responsible for overseeing Each institutional warden will appoint an inmate Welfare Trust Fund Committee to oversee the operation of the institution's Inmate Welfare Trust Fund

~~and canteen operations, to assist in the development of operating budgets and to approve expenditures for inmate benefit programs. The committee will also assist the warden in the investigation and reporting of shortages or losses. The committee shall include at least one inmate representative who will be present for all meetings where expenditures of monies from the Inmate Welfare Trust Fund are decided upon.~~

~~(7)(8) A standard mark-up policy implemented through the department's cashless canteen system will be used to price canteen resale items. Inmate Welfare Trust Fund committees will determine the prices for which items are to be sold at canteens. Current price lists will be posted in the proximity of the canteen for inmate viewing purposes.~~

~~(9) Budgeting and Use of Telephone Commission Revenues. Commission revenue derived from telephones designated for inmate use is a funding source for inmate welfare trust fund activity as authorized under s. 945.215, F.S. Telephone commissions shall be directed to and accumulated by the Central Office Bureau of Finance and Accounting to be budgeted by the inmate welfare trust fund policy committee for authorized department wide purposes identified as follows:~~

- ~~(a) Canteen construction and canteen start-up cost for new facilities;~~
- ~~(b) Installation of the department's automated cashless canteen/inmate banking system at new facilities and the maintenance of the system at existing facilities;~~
- ~~(c) Special construction projects such as educational buildings and facilities, chapels, libraries, and visiting pavilions;~~
- ~~(d) Maintenance of inmate law libraries, including the establishment of law libraries at new facilities and required upgrades at existing facilities;~~
- ~~(e) Other uses authorized by s. 945.215, F.S., and approved by the central office inmate welfare trust fund policy committee.~~

~~(8)(10) Items Authorized for Sale in Canteens.~~

~~(a) A list of items authorized for resale in canteens at Department institutions will be posted on bulletin boards at each institution. This list has been generated from input from throughout the Department and has been approved by the Inmate Welfare Trust Fund Policy Committee and the Secretary of the Department.~~

~~(b) through (e) renumbered (a) through (d) No change.~~

~~(9)(11) Inmate Salaries. An inmate may receive compensation from the Inmate Welfare Trust Fund if the inmate is actually performing canteen or canteen support functions. The monthly rate of pay shall not exceed \$75.00 the maximum amount established by the Inmate Welfare Trust Fund Policy Committee.~~

~~(12) through (14) renumbered (10) through (12) No change.~~

Specific Authority 20.315, 944.09, 945.215 FS. Law Implemented 20.315, 944.09, 945.215 FS. History—New 1-20-86, Formerly 33-3.035, Amended 11-22-91, 5-25-95, 11-13-95, 5-28-96, 2-12-97, Formerly 33-3.0035, Amended

NAME OF PERSON ORIGINATING PROPOSED RULE:
Rhonda Vause
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Michael W. Moore
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 4, 2002
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 16, 2002

DEPARTMENT OF CORRECTIONS

RULE TITLE: Placement of Inmates into Community
Release Programs
RULE NO.: 33-601.606

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to clarify ineligibility criteria for community release programs and to delete unnecessary language from the rule.

SUMMARY: The proposed rule clarifies ineligibility criteria for community release programs and deletes unnecessary language from the rule.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: 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: 945.091 FS.

LAW IMPLEMENTED: 945.091 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Perri King Dale, Office of the General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE FULL TEXT OF THE PROPOSED RULE IS:

33-601.606 Placement of Inmates into Community Release Programs.

(1) Definitions.

(a) through (b) No change.

~~(c) Pre Work Release Transition Program refers to the department's 100-hour transitional skills program which prepares inmates for employment and re-entry into society prior to an inmate being assigned to work release. The program covers thirteen modules including goal setting, problem solving, social situations, emotional control, job hunting, pre-employment skills, keeping a job, money management,~~

~~wellness, sexual responsibility and parenting, domestic violence, continuing education, special needs issues and community re-entry support. The program is provided by an OPS teacher position in conjunction with a local community college.~~

(d) through (e) renumbered (c) through (d) No change.

(2) Eligibility and Ineligibility Criteria.

(a) An inmate is ineligible for community release programs if he has:

1. No change.

2. A disciplinary report for escape within the last five years or ~~Current or prior convictions for escape covered by s. 945.092, F.S. or had a disciplinary report for escape within the last five years.~~

3. ~~Been~~ Terminated from work release, community-based residential substance abuse program or center work assignment for disciplinary reasons during his current commitment.

4. No change.

5. Refused to complete or has an unsatisfactory removal from substance abuse or ~~and~~ academic programs unless the refusal was based upon objections to the religious based content of the program, in which case, an alternate non-deity based program will be offered and must be successfully completed. The removal of an inmate from a program for violation of program or institutional rules, or for behavioral management problems constitutes an unsatisfactory removal from a program. The inmate shall remain ineligible until a comparable program is satisfactorily completed.

6. through 7. No change.

(b) through (3) No change.

(4) Process for Removal from CWA, Work Release and Community-Based Residential Substance Abuse Programs.

(a) through (b) No change.

(c) If the ICT disapproves the termination ~~disapproved~~, the inmate shall be reinstated to his previous work release status by the ICT. If the ICT determines that there is a need to transfer the inmate to a different work release facility, the ICT shall forward the request to the SCO for approval.

(d) If ~~approved by the ICT~~ approves the termination, the termination shall be forwarded to the SCO who shall approve or disapprove the termination.

(e) If ~~disapproved by the SCO~~ disapproves the termination, the SCO shall ensure that the inmate is returned to his or her previous work release status.

(5) No change.

Specific Authority 945.091 FS. Law Implemented 945.091 FS. History--New 3-14-01, Amended 9-2-01, 3-19-02, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Jerry Vaughan

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Richard Dugger

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 9, 2002

COMMISSION ON ETHICS

RULE TITLE: List of Forms and Instructions
RULE NO.: 34-7.010

PURPOSE AND EFFECT: The proposed amendment is to promulgate the 2002 version of CE Form 1 and CE Form 6, which will become effective on January 1, 2003. Pursuant to Chapter 2002-180, Laws of Florida, the instructions for CE Form 1 and CE Form 6 need to be amended to add and delete certain boards statutorily required to file disclosure. CE Form 1F and CE Form 6F are also being amended, and the "Guide to the Sunshine Amendment and Code of Ethics for Public Officers and Employees" is being repealed as a rule but will continue to be published and distributed by the Commission.

SUMMARY: CE Form 1, CE Form 6, CE Form 1F, CE Form 6F, and the "Guide to the Sunshine Amendment and Code of Ethics for Public Officers and Employees" will be affected by this proposed rule development.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No statement of estimated regulatory costs has been prepared.

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

SPECIFIC AUTHORITY: Art. II, Sec. 8(f),(h), Fla. Const., 112.3144, 112.3145, 112.3147, 112.3215(13), 112.322(7),(10), 112.324 FS.

LAW IMPLEMENTED: Art. II, Sec. 8(a),(f),(h), Fla. Const., 112.313(9),(12), 112.3143, 112.3144, 112.3145, 112.3148, 112.3149, 112.3215 FS.

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

TIME AND DATE: 9:00 a.m., Friday, October 25, 2002

PLACE: Department of Transportation Auditorium, 605 Suwannee Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Julia Cobb Costas, Staff Attorney

THE FULL TEXT OF THE PROPOSED RULE IS:

34-7.010 List of Forms and Instructions.

(1) The following forms and instructions are adopted by reference and are used by the Commission in its dealings with the public:

(a) Form 1, Statement of Financial Interests. To be utilized by state officers, local officers, candidates for state or local office and specified state employees for compliance with Section 112.3145(2) and (3), Florida Statutes. Effective 1/2003 ~~4/2002~~.

(b) No change.

(c) Form 6, Full and Public Disclosure of Financial Interests. To be utilized by all elected constitutional officers, candidates for such offices, other statewide elected officers, and others as prescribed by law for compliance with Article II, Section 8(a) and (h), Florida Constitution, as specified in Chapter 34-8, F.A.C., of these rules. Effective ~~1/2003~~ 1/2002.

(d) No change.

~~(e) A Guide to the Sunshine Amendment and Code of Ethics for Public Officers, Candidates, and Employees. Instructions to be utilized by public officers, public employees, candidates for public office, and other interested persons in complying with the Sunshine Amendment and the Code of Ethics for Public Officers and Employees, Part III, Chapter 112, Florida Statutes. Effective 1/2002.~~

(f) through (o) renumbered (e) through (n) No change.

~~(o)(p)~~ Form 1F, Final Statement of Financial Interests. To be filed within 60 days of leaving public office or employment. Effective ~~1/2003~~ 1/2002.

~~(p)(q)~~ Form 6F, Final Full and Public Disclosure of Financial Interests. To be filed within 60 days of leaving public office. Effective ~~1/2003~~ 1/2002.

(r) through (s) renumbered (q) through (r) No change.

(2) No change.

PROPOSED EFFECTIVE DATE: January 1, 2003.

Specific Authority Art. II, Sec. 8(i), Fla. Const., 112.3144, 112.3145, 112.3147, 112.3215(13), 112.322(9) FS. Law Implemented Art. II, Sec. 8(a),(f),(h), Fla. Const., 112.313(9),(12), 112.3143, 112.3144, 112.3145, 112.3148, 112.3149, 112.3215 FS. History—New 4-11-76, Formerly 34-7.10 through 7.22, 8.10, Amended 2-23-77, 4-7-77, 5-17-77, 10-20-77, 2-25-79, 1-29-80, 4-29-81, 1-12-82, 3-25-82, 2-21-83, Formerly 34-7.10, Amended 7-10-88, 3-4-91, 10-6-91, 10-29-91, 12-22-91, 7-5-92, 10-15-92, 12-6-92, 11-10-93, 12-27-93, 11-21-94, 2-16-95, 12-26-95, 1-27-97, 1-1-98, 1-1-99, 1-1-00, 1-1-00, 12-4-00, 12-21-00, 10-14-01, 11-22-01, 1-1-02, 1-1-03.

NAME OF PERSON ORIGINATING PROPOSED RULE: Julia Cobb Costas, Staff Attorney

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Phil Claypool, General Counsel

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 5, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 30, 2002

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE CHAPTER TITLE: Florida 211 Network Provider Certification Requirements

RULE CHAPTER NO.: 59G-11

RULE TITLES: Purpose

RULE NOS.: 59G-11.001

Definitions

59G-11.002

Agency Certification Process and Requirements

59G-11.003

Revocation of a 211 Number

59G-11.004

PURPOSE AND EFFECT: The purpose of this rule is to provide a framework by which the Agency will administer subsections (1) and (2) of Section 408.918, Florida Statutes, Florida 211 Network: Uniform Certification Requirements.

SUMMARY: This rule enables the Agency to establish a certification process and develop criteria to certify information and referral entities as Florida 211 Network Providers.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No statement of estimated regulatory cost has been prepared.

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

SPECIFIC AUTHORITY: 408.918 FS.

LAW IMPLEMENTED: 408.918 FS.

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

TIME AND DATE: 9:00 a.m., October 11, 2002

PLACE: Agency for Health Care Administration, Conference Room C, Building 3, 2727 Mahan Drive, Tallahassee, FL 32308

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Debby Walters, Bureau of Medicaid Research, 2727 Mahan Drive, MS 48, Tallahassee, Florida 32317-2600, (850)922-5532

THE FULL TEXT OF THE PROPOSED RULES IS:

FLORIDA 211 NETWORK PROVIDER CERTIFICATION REQUIREMENTS

59G-11.001 Purpose.

The purpose of this rule is to develop a certification criteria for entities to become certified by the Agency as Florida 211 Network Providers as directed in Subsection (2) of Section 408.918, Florida Statutes.

Specific Authority 408.918 FS. Law Implemented 408.918 FS. History—New

59G-11.002 Definitions.

The following definitions are applicable to Chapter 59G-11, F.A.C..

(1) “Agency” means the Agency for Health Care Administration.

(2) “Agency 211 Certification Process” means the application of criteria established by the Agency for certification of a 211 provider in the Florida 211 Network.

(3) “211” means a three-digit dialing code assigned by the Federal Communications Commission (FCC) to be used for community information and referral purposes.

(4) “Florida 211 Network Provider” means an information and referral organization whose primary purpose is to maintain information about human service resources in the community, supply descriptive information about the agencies or organizations that offer services, and assist consumers in accessing appropriate providers.

(5) “Alliance of Information and Referral Systems” or “AIRS” means a non-profit, as defined by Section 501(c) (3) of the federal tax code, professional membership organization for information and referral providers.

(6) “Alliance of Information and Referral Systems accreditation” or “AIRS accreditation” means a process by which the Alliance of Information and Referral Systems determines whether information and referral programs are in compliance with the standards in *Standards for Professional Information and Referral, September 2000*.

(7) “Alliance of Information and Referral Systems certification” or “AIRS certification” means the awarding of professional credentials to individuals who successfully complete the Alliance of Information and Referral Systems certification program.

(8) “AIRS/INFO LINE Taxonomy of Human Services” means the national standardized service classification system used to facilitate retrieval of community resource information, increase the reliability of planning data, make evaluation processes consistent and reliable, and facilitate national comparisons of data.

(9) “Candidate” means an organization that requests to be certified by the Agency to become a Florida 211 Network Provider in the Florida 211 Network.

(10) “Client information” means any information that can be used to identify a specific individual to whom services are being provided.

(11) “Donation management” means assisting individuals or agencies to make financial or in-kind contributions to community organizations.

(12) “Florida 211 Network” means the system of 211 providers certified by the Agency that provide 211 services throughout the state.

(13) “Information and Referral Services” mean programs whose primary purpose is to maintain information about human service resources in the community, to link people who need assistance with appropriate service providers, and to supply descriptive information about the agencies or organizations that offer services.

(14) “Provisional certification” means the temporary certification granted by the Agency to a Florida 211 Network Provider that loses AIRS accreditation.

(15) “*Standards for Professional Information and Referral, 4th edition, September 2000*” means the document published by the Alliance of Information and Referral Systems that defines the national standards for information and referral programs and systems.

(16) “Volunteer Management” means assisting individuals or organizations to provide volunteer services to the community.

Specific Authority 408.918 FS. Law Implemented 408.918 FS. History—New

59G-11.003 Agency Certification Process and Requirements.

(1) The Agency shall certify a single Florida 211 Network Provider for each county. This shall not preclude the Florida 211 Network Provider from serving multiple counties. To ensure the maximum use of the 211 number for information and referral services, the certified Florida 211 Network Provider shall be required to coordinate with all other information and referral services and the telecommunications companies within the designated county or counties. If the Agency receives more than one application for Florida 211 Network Provider certification from organizations representing the same county, the Agency will notify the organizations by certified mail that the Agency shall only accept one collaborative designation application per county.

(2) In order to become a Florida 211 Network Provider candidates shall submit to the Agency a Florida 211 Network Provider Certification Application Form, which is incorporated herein by reference. Candidates shall also provide the Agency with written documentation verifying that the organization meets the following criteria:

(a) Provides 24-hour coverage, 7 days a week either on-site or through written arrangements with other organizations for after hours coverage, that shall be provided by personnel monitoring the 211 phone line and shall not be answered through an answering service or answering machine;

(b) Adheres to the Alliance of Information and Referral Systems, Incorporated *Standards for Professional Information and Referral, 4th edition, September 2000*, which is incorporated herein by reference, and is AIRS accredited, or has initiated the written application process and shall become accredited within three years;

(c) Has 25 percent or more of eligible staff with AIRS certification as information and referral specialists or resource specialists;

(d) Works collaboratively and has written agreements with specialized information and referral systems which shall include crisis centers, child care resource and referral programs, elder help-lines, homeless coalitions, designated emergency management systems, and 911 and 311 systems, where applicable;

(e) Has an established automated information tracking system that maintains call center data that shall include call volume, number of abandoned calls, average speed of answering, average call length and other appropriate call center statistics;

(f) Maintains a computerized information and referral system database that has up-to-date information and resource data and the capacity to collect caller information;

(g) Uses the Alliance of Information and Referral Systems and AIRS/INFO LINE Taxonomy and has incorporated the taxonomy into its resource data base;

(h) Publicizes 211 services through a written public awareness, marketing, advertising and education plan to inform the public regarding available services;

(i) Obtains teletyping (TTY) services for speech and hearing impaired individuals and multi-lingual accessibility either on-site, or through access to translators;

(j) Has formal agreements with appropriate clearinghouse agencies that provide volunteer or donation management services;

(k) Ensures quality of service and caller and customer satisfaction through appropriate follow-up and written outcome evaluations;

(l) Shares resource database information with other Florida 211 Network Providers;

(m) Tracks information on inquirer needs, unmet needs, and barriers to services and shares this data with other Florida 211 Network Providers, and local and state organizations;

(n) Uses a method common to all Florida 211 Network Providers to measure and evaluate outcomes for the operation of a 211 call center;

(o) Submits to the Agency an annual report documenting the information and referral services provided. The annual report shall include geographical areas served, call volume, number of abandoned calls, average speed of answering, average call length, information on inquirer needs, unmet needs, and barriers to services. This report shall cover the previous year's activities and shall follow the state's fiscal year from July 1st through June 30th. The report shall be due to the Division of Medicaid in the Agency on or before August 1st of each year; and

(p) Adheres to the provisions of the Health Insurance Portability and Accountability Act of 1996 (HIPPA).

(3) Candidates with AIRS accreditation that submit a Florida 211 Network Provider Certification Application Form with accompanying written documentation that verifies compliance with the Agency's certification criteria shall be certified for three years as a Florida 211 Network Provider.

(4) Candidates that have applied for, but have not yet received AIRS accreditation and that submit a Florida 211 Network Provider Certification Application Form with accompanying written documentation that verifies compliance with the Agency's certification criteria, shall be certified by the Agency for one year as a Florida 211 Network Provider. Prior to certifying a candidate who does not have AIRS accreditation, the Agency shall conduct an on-site visit to review the candidate's compliance with the Agency's certification criteria.

(5) Within 45 days of the receipt of the initial Florida 211 Network Provider Certification Application Form, the Agency shall notify a candidate of whether the candidate is in compliance with the Agency's certification requirements. Such notification shall include a statement of deficiencies for candidates that are determined not in compliance with the certification requirements. Candidates determined by the Agency to not be in compliance with the certification requirements, shall submit a plan of correction to the Agency within 21 calendar days of receipt of the statement of deficiencies. The plan of correction shall include a list of corrective actions the candidate will take to remedy identified deficiencies and shall include the date by which each action shall be completed. Plans of correction shall be reviewed by the Agency for approval. The Agency shall notify candidates by certified mail of whether their plan of corrections has been approved. Candidates shall conform to the certification criteria within 45 days of receipt of the Agency's notification of approval of the plan of correction, or shall be ineligible for certification by the Agency. Candidates that fail to submit and adhere to an approved plan of correction shall not be certified by the Agency as a Florida 211 Network Provider. Candidates shall be eligible to re-apply for Agency certification after one year from the date of notification by the Agency.

(6) If a Florida 211 Network Provider loses AIRS accreditation, yet is in compliance with the Agency's certification criteria, the provider shall be granted a one-year provisional certification by the Agency as a Florida 211 Network Provider, if after consulting with AIRS it is deemed that the provider is eligible to reapply for re-accreditation. The Agency shall notify the provider by certified mail that it has one year from the date of loss of accreditation by AIRS to obtain re-accreditation. Within 45 days of notification, the provider shall submit to the Agency for approval a plan to secure AIRS accreditation within the provisional timeframe.

(7) If the Agency determines that a Florida 211 Network Provider is not in compliance with the Agency's certification criteria, the provider shall be notified by certified mail that it shall conform to the standards within 45 calendar days of receipt of the certified letter or lose certification by the Agency.

(8) If the Agency receives a written complaint that a Florida 211 Network Provider is in violation of the Agency's certification criteria, the Agency shall initiate an investigation of the complaint within 21 calendar days of notification.

(9) The Agency shall renew a Florida 211 Network Provider's certification which has AIRS accreditation for an additional 3 years, if the provider submits a new Florida 211 Network Provider Certification Application Form with accompanying written documentation that verifies compliance with the Agency's certification criteria 60 days prior to the termination of the certification.

(10) The Agency shall renew the certification of a Florida 211 Network Provider which does not have AIRS accreditation, if the provider submits the following by at least 60 calendar days prior to the termination of the certification period: a new 211 Florida Network Provider Certification Application Form; written documentation that verifies compliance with the remainder of the Agency's certification criteria; and a written plan of how the provider intends to obtain AIRS accreditation. Prior to re-certifying a provider who does not have AIRS accreditation, the Agency shall conduct an on-site visit to review the provider's compliance with the Agency's certification criteria. The Agency shall renew certification for 1 year for a provider that does not have AIRS accreditation if the Agency finds that the provider is in compliance with the certification criteria subsequent to an on-site visit. Subsequent to the on-site visit the Agency shall notify a provider by certified mail if it is in violation of the Agency's certification criteria. The provider shall have 45 days from receipt of the notification to become compliant. Providers who become compliant with the certification criteria within 45 days shall be granted an additional year of certification.

(11) Dispute resolution. Any dispute related to the Agency's certification of a Florida 211 Network Provider shall be resolved through a Chapter 120, F.S., administrative hearing.

Specific Authority 408.918 FS. Law Implemented 408.918 FS. History—New

59G-11.004 Revocation of a 211 Number.

The Agency shall request the Federal Communications Commission to direct the local exchange company to revoke the use of the 211 dialing code from any entity that leases a 211 number from a local exchange company but is not certified by the Agency. Prior to requesting revocation by the Federal Communications Commission and the local exchange company, the Agency shall notify the entity leasing the 211 number by certified mail that it has 30 days from receipt of the notification to submit the Florida 211 Network Provider Certification Application Form and accompanying documentation. If the entity leasing the 211 number fails either to submit a completed application and certification form within 30 days of receipt of the certified letter, or become certified by the Agency, the Agency shall, after consultation with the local exchange company and the Public Service Commission, request that the Federal Communications Commission direct the local exchange company to revoke use of the 211 number.

Specific Authority 408.918 FS. Law Implemented 408.918 FS. History—New

NAME OF PERSON ORIGINATING PROPOSED RULE:
Debby Walters

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Rhonda M. Medows, M.D., FAAFP, Secretary

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 5, 2002

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Engineers

RULE TITLE: Performance Standards and Measurable Outcomes

RULE NO.: 61G15-37.001

PURPOSE AND EFFECT: The Board proposes to develop a new rule addressing the Florida Engineers Management Corporation's performance standards and measurable outcomes with the assistance of the Department of Business and Professional Regulation.

SUMMARY: This rule sets forth the performance standards and measurable outcomes for the Florida Engineers Management Corporation as developed by the Board and the Department of Business and Professional Regulation.

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

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

SPECIFIC AUTHORITY: 471.038(3)(m) FS.

LAW IMPLEMENTED: 471.038(3)(m) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Natalie Lowe, Administrator, Board of Professional Engineers, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

FLORIDA ENGINEERS MANAGEMENT CORPORATION

61G15-37.001 Performance Standards and Measurable Outcomes.

In order to facilitate efficient and cost effective regulation by the Florida Engineers Management Corporation ("FEMC"), the following performance standards and measurable outcomes are adopted:

(1) FEMC shall make a determination of legal sufficiency within 30 days of receipt of a complaint.

(2) Within fifteen days of receiving a complaint that is determined to be legally sufficient, FEMC shall furnish to the subject or the subject's attorney a copy of the complaint or document that resulted in the initiation of the investigation.

(3) FEMC shall refer all unlicensed cases to the Department within 15 days.

(4) FEMC shall refer to the board any investigation or disciplinary proceeding not before the Division of Administrative Hearings pursuant to chapter 120 or otherwise completed by FEMC within 1 year after the filing of a complaint.

(5) FEMC shall periodically notify the person who filed the complaint the status of the investigation, whether probable cause has been found, and the status of any administrative proceeding or appeal.

(6) At least 90 days before the end of a licensure cycle, FEMC shall forward a licensure renewal notification to active or inactive licensees at the licensee's last known address of record with FEMC.

(7) At least 90 days before the end of a licensure cycle, FEMC shall forward a notice of pending cancellation of licensure to a delinquent status licensee at the licensee's last known address of record with FEMC.

(8) Upon receipt of an application for a license, FEMC shall examine the application and, within 30 days after such receipt, notify the applicant of any apparent errors or omissions and request any additional information FEMC is permitted by law to require.

(9) Every application for a license shall be approved or denied within 90 days after receipt of a completed application.

(10) If an applicant seeks a license for an activity that is exempt from licensure, FEMC shall notify the applicant and return any tendered application fee within 30 days after receipt of the original application.

Specific Authority 471.038(3)(m) FS. Law Implemented 471.038(3)(m) FS. History—New

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Professional Engineers

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 18, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 23, 2002

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Commission

RULE TITLE: Pre-licensing Education for Broker and Salesperson Applicants
RULE NO.: 61J2-3.008

PURPOSE AND EFFECT: The purpose of the proposed rule is to bring the rule into compliance with statutory changes which took effect July 1, 2002.

SUMMARY: The proposed rule affects rule provisions relating to the method of providing pre-licensure education for real estate licensees.

SUMMARY OF STATEMENT OF ESTIMATE OF REGULATORY COSTS: No Statement of Estimated Regulatory Costs was prepared.

Any person who wishes to provide information regarding the Statement of Estimated Regulatory Costs, or to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this Notice.

SPECIFIC AUTHORITY: 475.05 FS.

LAW IMPLEMENTED: 475.04, 475.17, 475.182, 475.183, 475.451 FS.

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

TIME AND DATE: 8:30 a.m. or as soon thereafter as possible, October 16, 2002

PLACE: Division of Real Estate, Commission Meeting Room 901, North Tower, 400 West Robinson Street, Orlando, Florida 32801

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Lori Crawford, Deputy Clerk, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N308, Orlando, Florida 32801

THE FULL TEXT OF THE PROPOSED RULE IS:

61J2-3.008 Pre-licensing Education for Broker and Salesperson Applicants.

(1) Persons desiring to become licensed as a real estate salesperson must satisfactorily complete the educational course prescribed by the Commission and designated as Course I. This course will consist of a minimum of 63 classroom or interactive distance education hours of 50 minutes each, inclusive of examination, in the basic fundamentals of real estate principles and practices, basic real estate law, and real estate license law. The course approval criteria and procedure are found in paragraph (6) of this rule.

(2) Any licensed salesperson desiring to become licensed as a broker must satisfactorily complete the educational course prescribed by the Commission and designated as Course II. This course will consist of a minimum of 72 classroom or interactive distance education hours of 50 minutes each, inclusive of examination, in the fundamentals of real estate appraising, investment, financing, plus brokerage operations and management. The course approval criteria and procedure are found in paragraph (6) of this rule. Each salesperson must, as a prerequisite to registering for Course II, have been licensed as an active salesperson for a period of not less than 6 months. The six-month active period is not applicable to a full-time degree-seeking student majoring in real estate at an accredited university, college or community college.

(3) If administered in classroom. The school permit holder, permitted administrative person, or permitted instructor must certify attendance, assure classroom control, assure necessary equipment performance, and shall administer and proctor the end of course examination.

(4)(a) The Commission prescribed Course I for salesperson, or a Commission approved course equivalent to Course I, may be taught through the use of a video tape of instruction by a currently licensed instructor. Quality standards for the video tape and standards for classroom use of video tape instruction are detailed in Rules 61J2-3.016 and 61J2-3.017, Florida Administrative Code. The course approval criteria and procedure are found in paragraph (5) of this rule.

(b) Course content and level of instruction of a video tape course shall be the same as that contained in the Commission prescribed Course I syllabus. This Commission prescribed course is structured for sequential presentation in twenty 3-hour sessions. The first session must be conducted by "live instruction" using a permitted school instructor. In addition, whenever the video tape is not current with the latest law or real estate practice, the tape must be corrected prior to its use in the classroom or a permitted instructor must be in attendance during the affected portion of that session. The course approval criteria and procedure are found in paragraph (5) of this rule.

(c) A copy of the initial course video tape must be submitted to the Commission for review and approval at least 60 days prior to its first planned use in a classroom. After approval, subsequent changes to the course video tape must be submitted to the Commission for review and approval prior to use in a classroom.

(5)(a) Satisfactory course completion is demonstrated by achieving a grade of 70 percent or higher on the Commission prescribed course examination. The examination is administered by the applicable college, university, community college, area technical center or real estate school upon completion of the classroom instruction. However, notice of satisfactory course completion shall not be issued to any student having absences in excess of 8 classroom hours. If an applicant does not pass the licensing examination within 2 years after the successful course completion date, the course is invalid for licensure.

(b) A copy of the course and a copy of each form of the end of course examinations that will be distributed to students shall be submitted to the Commission for evaluation at least 60 days prior to use. The Commission will issue a status report to the course provider within 30 days after submission of the course and examinations. Approval or denial of the Commission-required pre-licensing course (Course I or Course II) will be based on the extent to which the course content covers the material set forth in the appropriate course syllabus, incorporated herein by reference, effective January 1, 2001 (course I) and effective September 1, 1999 (course II), as developed by the Commission. Examinations must test the

course material. If course approval is denied, the institution or school may resubmit the course, with the mandated changes. Approval must be granted before the course and examinations may be offered. It is the responsibility of the institution or school offering the Commission-approved courses to keep the course materials current and accurate.

(c) Pre-licensure course materials and examinations will be approved for a 2 year period from the date of the approval. A course may not be offered after the expiration date except for a course that is begun before the expiration date may be completed even if the completion date is after the expiration date.

(d) The institution or school shall develop at least 2 forms of the end of course examination which must be submitted for approval as provided in paragraph (5)(b) above. The answer key must be unique for each form of the examination. The answer key must reference the page number(s) containing the information on which each question and correct answer is based. At least 20% of the questions on each form of the test shall be application oriented.

(6) The institution or school offering these Commission prescribed courses shall inform each student of the standards and requirements at the commencement of each course. Notice of course completion shall be made as prescribed by the Commission in Rule 61J2-3.015, Florida Administrative Code.

(7) Students failing the Commission prescribed end of course examination must wait at least 30 days from the date of the original examination to again take the end of course examination. Within one year of the original end of course examination, a student may retake the prescribed end of course examination a maximum of one time. Otherwise, students failing the Commission prescribed end of course examination must repeat the Commission prescribed course prior to being eligible to again take the end of course examination. Students retaking the end of course examination must be administered a different form of the end of course examination.

(8) Make up classes to enable a student to take the course examination and make up examinations due to student or family illness may not extend more than 30 days beyond their scheduled class examination without approval from the Commission. Make up classes must be the classes missed by the student and must consist of the original course material.

(9) These Commission prescribed courses may be offered by accredited universities, colleges, community colleges and area technical centers in this state or by real estate schools registered pursuant to s. 475.451, Florida Statutes. The course approval criteria and procedure are found in paragraph (6) of this rule. Satisfactory completion of these courses will not entitle any person to receive a license as a real estate broker or salesperson until such person has met all other requirements of law and has passed the applicable examination administered by the BPR.

(10) Any active member in good standing with The Florida Bar who is otherwise qualified under the real estate license law is exempt from Commission prescribed prerequisite education course for licensure as a real estate salesperson. This must be noted on the application to take the salesperson's examination by affixing a copy of the applicant's current Bar card.

(11) Any applicant for licensure who has received a 4-year degree in real estate from an accredited institution of higher education is exempt from the Commission prescribed prerequisite education courses for licensure.

(12)(a) In addition to the requirements as established in this chapter, pre-education and post education courses that are offered as on-line interactive distance education courses shall comply with the requirements listed below. Distance education course subject matter, assignment work, scholastic standards and other related requirements shall be substantially the same as the course offered by classroom instruction, having due regard however, to the different method of presentation.

(b) Interactive on-line distance education courses shall be offered by the following institutions:

1. An USDOE accredited college or university that offers distance education programs in other discipline

2. An entity that has received approval for college credit by the American Council on Education through its ACE/Credit Program

3. A school that has been approved by the International Distance Education Certification Center (IDECC) of the Association of Real Estate License Law Officials (ARELLO)

4. A school that has been approved by a national certification entity similar to one as defined in 2(c)

(c) The course must continuously maintain the accreditation or approval status in order to maintain the Commission approval.

(d) The course must be submitted to the Commission for content approval. The course must contain high levels of interactivity which promotes student involvement. The course provider must demonstrate that the program measures learning and assesses mastery of content at regular intervals.

(e) Course provider must be able to monitor student enrollment, participation, and course completion.

(f) Course provider must be able to satisfactorily demonstrate that stated course hours are consistent with the actual hours it takes to complete the course.

(g) The course provider must provide qualified instructor(s) to answer questions and provide the students with the necessary assistance during the duration of the course. Instructors of the courses must be identified at the time the course is submitted to the Commission for approval, unless offered by institutions in Section (2)(a) and (2)(b) of this rule.

(h) The student shall complete a statement at the end of the course that he/she has personally completed each module of instruction.

(i) Satisfactory completion of the Commission prescribed distance education is demonstrated by achieving a grade of 70% or higher on the Commission approved end-of-the-course final examination. Students failing the Commission prescribed course examination must repeat the Commission prescribed distance education course of study prior to being eligible to again take the course examination, which must be a different examination from the one the student previously failed. No examination shall contain more than 20% duplication of questions contained in other approved final examinations. The end-of-the-course examinations shall contain at least 2 items for each hour of course offered.

(j) A complete set of the distance education course material and a copy of each form of the end-of-the-course examinations must be submitted to the Commission for evaluation and approval at least 90 days prior to use. A minimum of two end-of-the-course examinations must be submitted for approval. The Commission will issue a status report to the course provider within 45 days after submission of the course and examinations. Approval must be granted before the course and examinations may be offered. Thereafter, the course and examinations shall be maintained by each institution or school offering the distance education course in accordance with the Commission approved standard which will be modified by changing times, standards and laws. It is the responsibility of the institution or school offering the Commission approved distance education courses to keep the course material current and accurate, and notify the Commission at least 60 days before implementing any significant changes to the course during its approval period.

(k) The objective of the distance education end-of-the-course examination is to test fairly and reliably whether students have learned essential facts and concepts from the course. All distance education end-of-the-course examination questions shall be multiple choice with 4 answer choices each. The order of the examination questions may not follow the sequence of the course content. The answer key must be unique for each form of the examination. The answer key must reference the page number(s) containing the information on which each question and correct answer is based. At least 70% of the questions on each form of the test shall be at the application level or higher. Application level is defined as the ability to use the learned material in a completely new and concrete situation. It usually involves the application of rules, policies, methods, computations, laws, theories, or any other relevant and available information. No more than 10% of the questions on each form of the test shall be at the knowledge level. Knowledge level is defined as recalling specific facts, patterns, methods, terms, rules, dates, formulas, names, or other information that must be committed to memory. The answer key must be unique for each form of the examination. Any Florida institution or licensed real estate

school offering the Commission prescribed distance education courses must maintain a sufficient bank of questions to assure examination validity.

(l) Distance education courses will be approved for a period of 24 months after which time the courses must be renewed pursuant to applicable rules. Renewal applications must be sent in 90 days prior to the date of expiration. Courses may not be offered, distributed or graded after the expiration date. Students must be notified of the course expiration date when approved to take the course.

Specific Authority 475.05 FS. Law Implemented 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-3.08, Amended 7-16-86, 10-13-88, 5-20-90, 1-13-91, 7-20-93, Formerly 21V-3.008, Amended 12-13-94, 6-14-95, 8-2-95, 12-30-97, 9-1-99, 1-18-00, 11-6-00, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Florida Real Estate Commission
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Florida Real Estate Commission
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 21, 2002
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 9, 2002, Section I

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Commission

RULE TITLE: Continuing Education for Active and Inactive Broker and Salesperson Licensees

RULE NO.: 61J2-3.009

PURPOSE AND EFFECT: The purpose of the proposed rule to bring the rule into compliance with statutory changes relating to distance education.

SUMMARY: The proposed rule affects rule provisions relating to continuing education courses.

SUMMARY OF STATEMENT OF ESTIMATE OF REGULATORY COSTS: No Statement of Estimated Regulatory Costs was prepared.

Any person who wishes to provide information regarding the Statement of Estimated Regulatory Costs, or to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this Notice.

SPECIFIC AUTHORITY: 455.2123, 475.01(1)(d),(e),(2), 475.05, 475.42(1)(c) FS.

LAW IMPLEMENTED: 455.2123, 475.04, 475.17, 475.182, 475.183, 475.451 FS.

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

TIME AND DATE: 8:30 a.m., or as soon thereafter as possible, October 16, 2002

PLACE: Division of Real Estate, Commission Meeting Room 901, North Tower, 400 West Robinson Street, Orlando, Florida 32801

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Lori Crawford, Deputy Clerk, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N308, Orlando, Florida 32801

THE FULL TEXT OF THE PROPOSED RULE IS:

61J2-3.009 Continuing Education for Active and Inactive Broker and Salesperson Licensees.

(1) All persons holding active or inactive licenses as brokers or salespersons must satisfactorily complete a minimum of 14 classroom or interactive distance education hours of instruction of 50 minutes each as prescribed or approved by the Commission during each license renewal period excluding the first renewal period of their current license. A copy of the course and all course materials shall be submitted to the Commission for evaluation at least 60 days prior to use. The Commission will issue a status report to the course provider within 30 days after submission of the course. Approval must be granted before the course and examinations, if required, may be offered. It is the responsibility of the institution or school offering the Commission-approved courses to keep the course materials current and accurate, and notify the Commission at least 60 days before implementing any significant changes to the course during its approval period.

(2)(a) The Commission prescribed Core Law course or courses totaling 3 classroom or interactive distance education hours of instruction of 50 minutes each will review and update licensees on the Florida real estate license law, Commission rules, and agency law, and provide an introduction to other state laws, federal laws, and taxes affecting real estate. Approval or denial of the Commission-required Core Law course will be based on the extent to which the course content covers the above-referenced subject areas. Examinations, if required, must test the course material. Approval must be granted before the course and examinations may be offered. If course approval is denied, the institution or school may resubmit the course, with the mandated changes. It is the responsibility of the institution or school offering the Commission-approved courses to keep the course materials current and accurate, and notify the Commission at least 60 days before implementing any significant changes to the course during its approval period.

(b) "Specialty" courses on real estate practices totaling 11 classroom or interactive distance education hours of instruction of 50 minutes each will be prescribed or approved by the Commission. Approval or denial of a specialty course will be based on the extent to which the course content focuses on real estate issues relevant to Chapter 475, Florida Statutes. Examinations, if required, must test the course material.

Approval must be granted before the course and examination may be offered. If course approval is denied, the institution or school may resubmit the course, with the mandated changes. It is the responsibility of the institution or school offering the Commission-approved courses to keep the course materials current and accurate, and notify the Commission at least 60 days before implementing any significant changes to the course during its approval period.

(c) A licensee who takes the 3 hour Core Law course in each year of the renewal period shall be allowed a total of 6 hours toward the 14 hour requirement. In such event, the "specialty" course hours need total only 8 hours. The purpose of this paragraph is to encourage licensees to keep abreast of changes in the law by taking the Core Law course in each year of the renewal period.

(3) The Commission may approve any course, seminar or conference in the real estate practice area provided by a public or private school, firm, association, organization, person, corporation or society. The course will be approved for 24 months plus the remaining period of the renewal cycle following the end of the 24 month period at which point the course will expire. A course may not be offered after the expiration date except for a course that is begun before the expiration date may be completed even if the completion date is after the expiration date.

(4) Satisfactory completion of the Commission prescribed continuing education course or courses of classroom instruction is demonstrated by successfully meeting standards established for each Commission prescribed course. Notice of satisfactory course completion shall only be issued to any licensee attending a minimum of 90% of each of the classroom hours of Commission prescribed course instruction.

~~(5)(a) The continuing education courses required in this rule may be taught by a Commission approved equivalent distance education course. Distance education is education that takes place when the learner is separated from the source of instruction by time and/or distance. Such distance education course subject matter, assignment work, scholastic standards and other related requirements shall be substantially the same as the course offered by classroom instruction, having due regard however, to the different method of presentation.~~

~~(b) Satisfactory completion of the Commission prescribed continuing education course or courses through distance education is demonstrated by achieving a grade of 80% or higher on the Commission approved course final examination prepared and administered by the Florida institution or licensed real estate school offering such distance education course. Students failing the Commission prescribed course examination must repeat the Commission prescribed distance education course of study prior to being eligible to again take the course examination, which must be a different examination from the one the student previously failed. No examination shall contain more than 20% duplication of questions~~

~~contained in other approved final examinations administered by the Florida institution or licensed real estate school offering the distance education course.~~

~~(c) A copy of the distance education course materials and a copy of each form of the end of course examinations that will be distributed to students shall be submitted to the Commission for evaluation and approval at least 60 days prior to use. A minimum of five end of course examinations for each course shall be submitted for approval. The Commission will issue a status report to the course provider within 30 days after submission of the course and examinations. Approval must be granted before the course and examinations may be offered. Thereafter, the course and examinations shall be maintained by each institution or school offering the distance education course in accordance with the Commission approved standard as subsequently modified by changing times, standards and laws. It is the responsibility of the institution, school or sponsor offering the Commission approved distance education courses to keep the course material current and accurate, and notify the Commission at least 60 days before implementing any significant changes to the course during its approval period.~~

~~(d) The objective of the distance education course of study end of course examination is to test fairly and reliably whether students have learned essential facts and concepts from the course. This examination shall consist of a minimum of 30 questions. All questions shall be multiple choice with 4 answer choices each. The order of the examination questions may not follow the sequence of the course content. The answer key must be unique for each form of the examination. The answer key must reference the page number(s) containing the information on which each question and correct answer is based. At least 70% of the questions on each form of the test shall be at the application level or higher. No more than 10% of the questions on each form of the test shall be at the knowledge level. The answer key must be unique for each form of the examination. Any Florida institution or licensed real estate school offering the Commission prescribed continuing education course of study by distance education must maintain a sufficient bank of questions to assure examination validity when administered to licensees from a common source such as a specific business, firm or family.~~

~~1. Application level is defined as the ability to use the learned material in a completely new and concrete situation. It usually involves the application of rules, policies, methods, computations, laws, theories, or any other relevant and available information.~~

~~2. Knowledge level is defined as recalling specific facts, patterns, methods, terms, rules, dates, formulas, names, or other information that must be committed to memory.~~

~~(e) In all Commission approved continuing education courses by distance education, the real estate school and school permitholder shall provide to students an address and telephone number of a permitted instructor registered with~~

~~such school to answer inquiries. The instructor shall be available during normal working hours each business day. Normal working hours are defined as being 9:00 A.M. to 5:00 P.M., in the appropriate time zone, Monday through Friday excluding legal holidays.~~

~~(f) Continuing education courses by distance education will be approved for 24 months plus the remaining period of the license renewal cycle following the end of the 24 month period at which point the course will expire. The license renewal cycles can be found in Rule 61-6.001(4) under Real Estate (Group I, Group II, Group III or Group IV). Courses may not be offered, distributed or graded after the expiration date. However, a 15 day grace period beyond the expiration date will be allowed in order to grade an examination postmarked or otherwise received prior to the expiration date of the course. Students must be notified of the course expiration date upon receipt of the course materials.~~

~~(5)(g) When the continuing education course by distance education is in the form of a video tape, the video tape must conform to the video tape quality standards found in paragraphs (2) through (4) of Rule 61J2-3.016, Florida Administrative Code.~~

(6) The Florida institution, licensed real estate school or Commission approved sponsor offering these Commission prescribed or approved courses shall inform each student of the standards and requirements at the commencement of each course by providing each student a course syllabus that clearly states the course objective(s) and explains the desired learning outcomes. At least 70% of the desired learning outcomes shall be at the application level or higher. No more than 10% of the desired learning objectives shall be at the knowledge level. Notice of course completion shall be made as prescribed by the Commission in Rule 61J2-3.015, Florida Administrative Code.

(7) The Commission prescribed or approved specialty courses may be offered by accredited universities, colleges and community colleges in this state, area technical centers, approved sponsors or real estate schools licensed pursuant to s. 475.451, Florida Statutes. The Commission prescribed Core Law course or courses may be offered by accredited universities, colleges and community colleges in this state, area technical centers or real estate schools licensed pursuant to s. 475.451, Florida Statutes. Satisfactory completion of these courses will not entitle any person to renew a license as a real estate broker or salesperson until such person has met all requirements of law.

(8) Any active member in good standing with The Florida Bar and who is otherwise qualified under the real estate license law is exempt from the continuing education requirements of this rule.

(9) Of the required 14 classroom hours, 3 hours may be applied toward the continuing education "specialty" course hours by attending a meeting of the Commission wherein disciplinary cases are considered. Licensees must attend the

entire day of disciplinary cases to receive the continuing education "specialty" credit hours. At least 7 days advance notice of the intent to attend the disciplinary case session must be given to the Education Section of the Division of Real Estate so attendance may be monitored. Failure to give advance notice will result in no credit hours. A maximum of 3 hours will be allowed during a renewal cycle. Credit hours may not be earned when the licensee attends a disciplinary case session as a party to a disciplinary action.

(10) An instructor who teaches a Commission approved continuing education course may use the course towards the satisfactory completion of the continuing education requirement. However, an instructor may not claim the course more than once in a renewal cycle.

Specific Authority 455.2123, 475.01(1)(d),(e),(2), 475.05, 475.42(1)(c) 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, 10-19-83, 9-16-84, Formerly 21V-3.09, Amended 10-13-88, 6-17-91, 12-29-91, 12-8-92, 6-28-93, Formerly 21V-3.009, Amended 2-2-94, 11-13-94, 5-13-96, 12-30-97, 10-25-98, 3-7-99, 1-18-00, 9-17-00.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Florida Real Estate Commission

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Florida Real Estate Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 21, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 9, 2002, Section I

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Commission

RULE TITLE: Post-licensing Education for Active and Inactive Broker and Salesperson Licensees

RULE NO.:

61J2-3.020

PURPOSE AND EFFECT: The purpose of the proposed rule is to bring the rule into compliance with statutory changes taking effect July 1, 2002, relating to distance education.

SUMMARY: The proposed rule affects rule provisions relating to the method of providing post-licensure education for real estate licensees.

SUMMARY OF STATEMENT OF ESTIMATE OF REGULATORY COSTS: No Statement of Estimated Regulatory Costs was prepared.

Any person who wishes to provide information regarding the Statement of Estimated Regulatory Costs, or to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this Notice.

SPECIFIC AUTHORITY: 475.05, 475.17 FS.

LAW IMPLEMENTED: 475.04, 475.17, 475.182 FS.

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

TIME AND DATE: 8:30 a.m., or as soon thereafter as possible, October 16, 2002

PLACE: Division of Real Estate, Commission Meeting Room 901, North Tower, 400 West Robinson Street, Orlando, Florida 32801

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Lori Crawford, Deputy Clerk, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N308, Orlando, Florida 32801

THE FULL TEXT OF THE PROPOSED RULE IS:

61J2-3.020 Post-licensing Education for Active and Inactive Broker and Salesperson Licensees.

(1) All applicants for licensure who pass a broker or salesperson licensure examination must satisfactorily complete a Commission prescribed post-licensing educational course requirement prior to the first renewal following initial licensure. The post-licensing course or courses must be taken at an accredited college, university, community college, or area technical center in this state, or at a real estate school registered, pursuant to s. 475.451, Florida Statutes, or given by a Commission approved sponsor.

(a) For a salesperson, the post-licensing education course shall consist of one or more Commission-approved courses which total at least 45 classroom or interactive distance education hours of 50 minutes each, inclusive of examination, in subjects including, but not limited to: agency law, property management, appraisal, real estate finance, or economics of real estate management.

(b) For a broker, the post-licensing education courses shall consist of one or more Commission-approved courses which total at least 60 classroom hours of 50 minutes each, inclusive of examination, in subjects including, but not limited to: agency law, advanced appraisal, advanced property management, real estate marketing, business law, advanced real estate investment analysis, advanced legal aspects, general accounting, real estate economics, syndications, commercial brokerage, feasibility analysis, advanced real estate finance, residential brokerage, or real estate brokerage office operations.

(2) Post-licensing education courses shall be training oriented, to the maximum extent possible, and shall build on the academic body of knowledge acquired during the pre-licensing education courses. Development of the skills necessary for licensees to operate effectively and to provide increased public protection shall be emphasized in all courses.

(3) The course content for both broker and salesperson post-licensing education courses shall be directed toward the various real estate specialty areas, that is, brokers or salespersons specializing in residential sales shall be able to take courses directly related to improving their knowledge and skills in that area. Other specialty areas to be considered are commercial sales, property management, business opportunity

and business enterprise sales, syndication and counseling. Additional specialty areas also may be considered by the Commission.

(4)(a) A copy of the course shall be submitted to the Commission for evaluation at least 60 days prior to use. The Commission will issue a status report to the course provider within 30 days after submission of the course. Approval or denial of the course will be based on the extent to which the course content covers the material set forth in paragraph (1)(a) above for salespersons and paragraph (1)(b) above for brokers. Examinations must test the course material. If course approval is denied, the institution or school may resubmit the course, with the mandated changes. Institutions, schools and sponsors offering Commission approved post-licensing education courses are responsible for keeping the course subject matter current and accurate.

(b) The course syllabus and examinations will be approved for a 2 year period from the date of approval. A course may not be offered after the expiration date except for a course that is begun before the expiration date may be completed even if the completion date is after the expiration date.

(5) Satisfactory course completion is demonstrated by achieving a grade of 75% or higher on the course examination. For classroom courses aAt least 2 unique forms of the examinations shall be submitted for approval with the detailed course syllabus and shall test the learning objectives contained therein. The answer key must be unique for each form of the examination. The answer key must reference the page number(s) containing the information on which each question and correct answer is based. The Commission approved examination shall be administered by the applicable university, college, community college, area technical center, registered real estate school, or Commission-approved sponsor.

(6) Notice of satisfactory course completion shall only be issued to any student attending a minimum of 90% of the classroom hours for each course.

(7) The institutions, schools or sponsors offering these Commission prescribed or approved courses shall inform each student of the standards and requirements at the commencement of each course. Notice of course completion shall be made as prescribed by the Commission in Rule 61J2-3.015, Florida Administrative Code.

(8)(a) Students failing a Commission prescribed post-licensing education end of course examination must wait at least 30 days from the date of the original examination to again take the end of course examination. Within one year of the original end of course examination, a student may retake the prescribed end of course examination a maximum of one time. Otherwise, students failing the Commission prescribed end of course examination must repeat the Commission prescribed course prior to being eligible to again take the end

of course examination. Students retaking the end of course examination must be administered a different form of the end of course examination.

(b) Make-up classes to enable a student to take the prescribed end of course examination due to student or family illness may not extend more than 30 days beyond the class scheduled end of course examination without approval of the Commission. Make-up classes must be the classes missed by the student and must consist of the original Commission prescribed course material.

(9) The Commission may allow an additional 6-month period after the first renewal following initial licensure for brokers and salespersons who cannot, due to individual physical hardship, complete the course or courses within the required time. Individual physical hardship shall be as defined in Rule 61J2-3.013(2), Florida Administrative Code. Requests under this rule shall be handled in the same manner as contained in Rule 61J2-3.013(3), Florida Administrative Code.

(10) Any licensee who has received a 4-year degree in real estate from an accredited institution of higher education is exempt from the post-license education requirements.

Specific Authority 475.05, 475.17 FS. Law Implemented 475.04, 475.17, 475.182 FS. History—New 1-1-89, Amended 1-4-90, 6-28-93, Formerly 21V-3.020, Amended 8-2-95, 12-30-97, 2-24-00, 7-23-00.

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Florida Real Estate Commission
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Florida Real Estate Commission
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 21, 2002
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 9, 2002, Section I

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Commission

RULE TITLE: Probation
 RULE NO.: 61J2-24.006

PURPOSE AND EFFECT: The purpose of the proposed rule is to amend provisions relating to failure to timely comply with the requirements of probation to comply with the statutory authority.

SUMMARY: The proposed rule affects rule provisions relating probation requirements.

SUMMARY OF STATEMENT OF ESTIMATE OF REGULATORY COSTS: No Statement of Estimated Regulatory Costs was prepared.

Any person who wishes to provide information regarding the Statement of Estimated Regulatory Costs, or to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this Notice.

SPECIFIC AUTHORITY: 475.05 FS.

LAW IMPLEMENTED: 455.227, 475.25 FS.

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

TIME AND DATE: 8:30 a.m., or as soon thereafter as possible, October 16, 2002

PLACE: Division of Real Estate, Commission Meeting Room 901, North Tower, 400 West Robinson Street, Orlando, Florida 32801

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Lori Crawford, Deputy Clerk, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N308, Orlando, Florida 32801

THE FULL TEXT OF THE PROPOSED RULE IS:

61J2-24.006 Probation.

(1) Unless otherwise stated in the final order a term of probation shall be ninety (90) days, to commence thirty (30) days after the filing of the final order.

(2) If a respondent is unable to complete the requirements of probation within the ninety (90) days or such other time specified in the final order, the Division Director is authorized to grant a ninety (90) days extension for the following reasons:

- (a) Illness;
- (b) Unavailability of a required course.

(3) In the event the Division Director denies a request for extension or the request for extension involves a reason other than stated in paragraph (2), then the request shall be heard by the Commission.

(4) It is the responsibility of the respondent to submit to the Division Director or the Commission written documentation to substantiate the request for extension. Such request must be made prior to the expiration of the initial term of probation. Failure to request an extension either of the Division Director or the Commission within the initial term of probation will result in the automatic denial of the request for extension and any penalty or penalties associated with the failure to timely complete probation will become effective.

~~(5)(a) When the requirements of probation are not timely completed and a timely request for extension has not been made either of the Division Director or the Commission, or a timely request has been denied, then the respondent's license shall be automatically suspended until such time as the requirements of probation are completed or ten (10) years, whichever occurs first.~~

(b) The respondent will be released early from probation upon the successful completion of the terms of probation and the required information being submitted to the Division of Real Estate Legal Section.

Specific Authority 475.05 FS. Law Implemented 455.227, 475.25 FS. History—New 2-13-96, Amended 11-10-97.

NAME OF PERSON WHO ORIGINATING PROPOSED RULE: Florida Real Estate Commission
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Florida Real Estate Commission
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 21, 2002
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 19, 2002, Section I

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Pilot Commissioners

RULE TITLE: Application and Examination Fee
 RULE NO.: 61SS-6.003
 PURPOSE AND EFFECT: The rule was not transferred to the Department of Business and Professional Regulation from the Department of Professional Regulation and the content of the rule is covered elsewhere in the rules.
 SUMMARY: The rule is being repealed.
 SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.
 Any person who wishes to provide information regarding the statement of estimated costs, or to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.
 SPECIFIC AUTHORITY: 310.185, 310.071(2) FS.
 LAW IMPLEMENTED: 310.071(2) FS.
 IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE NEXT AVAILABLE ISSUE OF THE FLORIDA ADMINISTRATIVE WEEKLY.
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Anthony Spivey, Executive Director, Board of Pilot Commissioners, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61SS-6.003 Application and Examination Fee.

Specific Authority 310.185, 310.071(2) FS. Law Implemented 310.071(2) FS. History—New 1-28-80, Formerly 21SS-6.03, Repealed.

NAME OF PERSON WHO ORIGINATING PROPOSED RULE: Board of Pilot Commissioners
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Pilot Commissioners
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 11, 2002

DEPARTMENT OF HEALTH

Board of Hearing Aid Specialists

RULE TITLES: Continuing Education Fees
 RULE NOS.: 64B6-4.010
 PURPOSE AND EFFECT: The Board proposes to create a new rule.

SUMMARY: The Board proposes to set a non-refundable application fee of \$100 for review of a proposed continuing education program and a biennial fee of \$100 for an approved program.

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

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

SPECIFIC AUTHORITY: 484.0447 FS.

LAW IMPLEMENTED: 484.0447, 456.025(7) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT A TIME, DATE AND PLACE TO BE SCHEDULED AND ANNOUNCED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

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

THE FULL TEXT OF THE PROPOSED RULE IS:

64B6-4.010 Continuing Education Fees.

(1) The application fee for seeking approval to provide a continuing education program shall be \$100, which shall be non-refundable.

(2) The biennial fee for renewal of the providership of an approved program shall be \$100.

Specific Authority 484.0447 FS. Law Implemented 484.0447, 456.025(7) FS. History—New

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Hearing Aid Specialists
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Hearing Aid Specialists
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 26, 2002
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 16, 2002

DEPARTMENT OF HEALTH

Board of Medicine

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

PURPOSE AND EFFECT: The proposed rule amendment is intended to add a revised form with regard to financial responsibility and prior acts coverage.

SUMMARY: The proposed rule amendment incorporates a revised form into the rule to address the prior acts coverage.

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

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

SPECIFIC AUTHORITY: 120.55(1)(a),(4), 456.013, 456.036(5), 456.048(1), 458.309, 458.311, 458.3124(6), 458.313(4), 458.3145, 458.315(2), 458.320(8), 458.321(2), 458.347(13), 458.351(6) FS.

LAW IMPLEMENTED: 456.013, 456.035, 456.036, 456.048, 456.073, 458.309, 458.311, 458.3124, 458.313, 458.3145, 458.315, 458.316, 458.317, 458.319, 458.320, 458.321, 458.345, 458.347, 458.351 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

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

THE FULL TEXT OF THE PROPOSED RULE IS:

64B8-1.007 List of Approved Forms; Incorporation.

The following forms used by the Board in its dealings with the public are listed as follows and are hereby adopted and incorporated by reference, and can be obtained from the Board office by writing to the Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-1753, or by telephoning (850)245-4131:

- (1) through (10) No change.
- (11) DH-MQA 1014, entitled "Statement of Financial Responsibility and Exemptions," (6/02) (1/00).
- (12) through (22) No change.

Specific Authority 120.55(1)(a),(4), 456.013, 456.036(5), 456.048(1), 458.309, 458.311, 458.3124(6), 458.313(4), 458.3145, 458.315(2), 458.320(8), 458.321(2), 458.347(13), 458.351(6) FS. Law Implemented 456.013, 456.035, 456.036, 456.048, 456.073, 458.309, 458.311, 458.3124, 458.313, 458.3145, 458.315, 458.316, 458.317, 458.319, 458.320, 458.321, 458.345, 458.347, 458.351 FS. History—New 4-17-01, Amended 11-20-01, 8-13-02.

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

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 2, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 23, 2002

DEPARTMENT OF HEALTH

Board of Medicine

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

PURPOSE AND EFFECT: The proposed rule amendment is intended to clarify definitions for direct and indirect supervision.

SUMMARY: The proposed rule amendments clarify definitions of direct and indirect supervision.

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

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

SPECIFIC AUTHORITY: 458.309, 458.315(1), 458.317(1)(c), 458.319(1), 766.314(4) FS.

LAW IMPLEMENTED: 456.072(2)(g), 458.303, 458.311, 458.313, 458.315(1), 458.317(1)(c), 458.331(1)(u), 458.3485, 766.314(4) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

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

THE FULL TEXT OF THE PROPOSED RULE IS:

64B8-2.001 Definitions.

(1) Levels of Supervision: The phrase "direct supervision and control" as used in Section 458.303(2), F.S., shall require the following: The physical presence of the supervising physician on the premises so that the supervising physician is immediately available when needed.

(a) "Direct supervision" shall require the physical presence of the supervising licensee on the premises so that the supervising licensee is reasonably available as needed. When this term is used in probationary terms of a Final Order, it requires that the licensee practice medicine only if the approved supervisor is on the premises.

(b) "Indirect supervision" shall require only that the supervising licensee practice at a location which is within close physical proximity of the practice location of the supervised

licensee and that the supervising licensee must be readily available for consultation as needed. "Close physical proximity" shall be within 20 miles or 30 minutes unless otherwise authorized by the Board.

(c) Unless otherwise provided by law or rule, the above definitions will apply to all supervised licensees.

(2) through (5) No change.

~~(6) The phrase "direct responsibility," as defined by the Board of Medicine, and as used in Section 458.3485, Florida Statutes, shall mean that the responsible physician need not be physically present on the premises but must be within close physical proximity and easily accessible.~~

(7) through (12) renumbered (6) through (11) No change.

Specific Authority 458.309, 458.315(1), 458.317(1)(c), 458.319(1), 766.314(4) FS. Law Implemented 456.072(2)(g), 458.303, 458.311, 458.313, 458.315(1), 458.317(1)(c), 458.331(1)(u), 458.3485, 766.314(4) FS. History—New 11-10-82, Amended 12-4-85, Formerly 21M-29.01, Amended 12-4-86, 11-15-88, 3-13-89, 1-1-92, 9-24-92, 2-21-93, Formerly 21M-29.001, Amended 4-14-94, Formerly 61F6-29.001, 59R-2.001, Amended 4-7-99, 10-2-01, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Rules Committee, Board of Medicine
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Medicine
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 2, 2002
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 23, 2002

DEPARTMENT OF HEALTH

Board of Medicine

RULE TITLE: Inactive and Delinquent Status Fees
RULE NO.: 64B8-3.004

PURPOSE AND EFFECT: The proposed rule amendment is intended to address reactivation of a delinquent license.

SUMMARY: The proposed rule amendment clarifies that the reactivation of a delinquent license for the purpose of converting the license to a limited license requires the payment of a \$25 fee.

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

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

SPECIFIC AUTHORITY: 456.036, 458.309 FS.

LAW IMPLEMENTED: 456.036, 458.3145, 458.316, 458.3165, 458.345 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

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

THE FULL TEXT OF THE PROPOSED RULE IS:

64B8-3.004 Inactive and Delinquent Status Fees.

(1) The fees for individuals holding a medical license, a temporary certificate to practice in areas of critical need, or a limited license shall be:

(a) through (d) No change.

(e) The fee for reactivation of an inactive and a delinquent license for the purpose of converting the license to a limited license pursuant to Section 458.317(4), F.S., shall be \$25.00.

(2) No change.

Specific Authority 456.036, 458.309 FS. Law Implemented 456.036, 458.3145, 458.316, 458.3165, 458.345 FS. History—New 2-13-95, Amended 10-10-95, 12-18-95, Formerly 59R-3.004, Amended 8-11-98, 11-20-01, 3-25-02, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Rules Committee, Board of Medicine
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Medicine
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 2, 2002
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 23, 2002

DEPARTMENT OF HEALTH

Board of Medicine

RULE TITLE: Standards for the Use of Controlled
RULE NO.: 64B8-9.013

PURPOSE AND EFFECT: The proposed rule amendments are intended to clarify that criteria with regard to prescribing medication for the treatment of pain are standards of practice.

SUMMARY: The proposed rule amendments clarify the rule and specify that the criteria for prescribing medication for the treatment of pain are standards of practice.

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

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

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

LAW IMPLEMENTED: 458.326, 458.331(1)(g),(t),(v) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

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

THE FULL TEXT OF THE PROPOSED RULE IS:

64B8-9.013 Standards for the Use of Controlled Substances for Treatment of Pain.

(1) Pain management principles.

(a) No change.

(b) Inadequate pain control may result from physicians' 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. Physicians should not fear disciplinary action from the Board or other state regulatory or enforcement agencies for prescribing, dispensing, or administering controlled substances including opioid analgesics, for a legitimate medical purpose and that is supported by appropriate documentation establishing a valid medical need and treatment plan. Accordingly, these ~~standards~~ guidelines have been developed to clarify the Board's position on pain control, specifically as related to the use of controlled substances, to alleviate physician uncertainty and to encourage better pain management.

(c) through (e) No change.

(f) Each case of prescribing for pain will be evaluated on an individual basis. The Board will not take disciplinary action against a physician for failing to adhere strictly to the provisions of these ~~standards~~ guidelines, if good cause is shown for such deviation. The physician's conduct will be evaluated to a great extent by the treatment outcome, taking into account whether the drug used is medically and/or pharmacologically recognized to be appropriate for the diagnosis, the patient's individual needs including any improvement in functioning, and recognizing that some types of pain cannot be completely relieved.

(g) The Board will judge the validity of prescribing based on the physician's treatment of the patient and on available documentation, rather than on the quantity and chronicity of prescribing. The goal is to control the patient's pain for its duration while effectively addressing other aspects of the patient's functioning, including physical, psychological, social, and work-related factors. The following ~~standards~~ guidelines are not intended to define complete or best practice, but rather to communicate what the Board considers to be within the boundaries of professional practice.

(2) No change.

(3) ~~Standards~~ Guidelines. The Board has adopted the following ~~standards for guidelines when evaluating~~ the use of controlled substances for pain control:

(a) through (b) No change.

(c) Informed Consent and Agreement for Treatment. The physician should discuss the risks and benefits of the use of controlled substances with the patient, persons designated by the patient, or with the patient's surrogate or guardian if the patient is incompetent. The patient should receive prescriptions from one physician and one pharmacy where possible. If the patient is determined to be at high risk for medication abuse or have a history of substance abuse, the physician ~~should~~ may employ the use of a written agreement between physician and patient outlining patient responsibilities, including, but not limited to:

1. Urine/serum medication levels screening when requested;
2. Number and frequency of all prescription refills; and
3. Reasons for which drug therapy may be discontinued (i.e., violation of agreement).

(d) Periodic Review. At reasonable intervals based on the individual circumstances of the patient, the physician should review the course of treatment and any new information about the etiology of the pain. Continuation or modification of therapy should depend on the physician's evaluation of ~~the patient's progress toward stated treatment objectives such as improvement in patient's pain intensity and improved physical and/or psychosocial function, i.e., ability to work, need of health care resources, activities of daily living, and quality of social life.~~ If treatment goals are not being achieved, despite medication adjustments, the physician should reevaluate the appropriateness of continued treatment. The physician should monitor patient compliance in medication usage and related treatment plans.

(e) Consultation. The physician should be willing to refer the patient as necessary for additional evaluation and treatment in order to achieve treatment objectives. Special attention should be given to those pain patients who are at risk for misusing their medications and those whose living arrangements pose a risk for medication misuse or diversion. The management of pain in patients with a history of substance abuse or with a comorbid psychiatric disorder ~~may~~ requires extra care, monitoring, and documentation, and may require consultation with or referral to an expert in the management of such patients.

(f) Medical Records. The physician is required to keep accurate and complete records to include, but not be limited to:

1. The medical history and physical examination, including history of drug abuse or dependence, as appropriate;
2. through 9. No change.

Records must remain current and be maintained in an accessible manner and readily available for review.

(g) No change.

Specific Authority 458.309(1), ~~458.331(1)(v)~~ FS. Law Implemented 458.326, 458.331(1)(g),(t),(v) FS. History--New 12-21-99, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE: Quality Assurance Committee, Board of Medicine
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Medicine
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 2, 2002
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 23, 2002

DEPARTMENT OF HEALTH

Board of Medicine

RULE TITLE: Requirements for Approval of Training Courses for Laser and Light-based Hair Removal or Reduction
RULE NO.: 64B8-52.004

PURPOSE AND EFFECT: The Board proposes to amend this rule to include 15 hours of home-study didactic training as acceptable courses for laser and light-based hair removal or reduction training.
SUMMARY: This rule amendment adds 15 hours of home-study didactic training as acceptable courses for laser and light-based hair removal or reduction training.

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

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

SPECIFIC AUTHORITY: 478.43 FS.

LAW IMPLEMENTED: 478.42(5), 478.43(3), 478.50 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kaye Howerton, Executive Director, Board of Medicine/MQA, 2020 Capital Circle, S. E., Bin #C05, Tallahassee, Florida 32399-3253

THE FULL TEXT OF THE PROPOSED RULE IS:

64B8-52.004 Requirements for Approval of Continuing Education Training Courses for Laser and Light-based Hair Removal or Reduction.
The Electrolysis Council will approve laser and light-based hair removal or reduction continuing education training courses upon application if the following requirements are met:

(2) The course consists of thirty (30) hours of instruction, which may include 15 hours of home-study didactic training, in the use of laser and light-based hair removal or reduction devices, including:

- (a) through (w) No change.

Specific Authority 478.43 FS. Law Implemented 478.42(5), 478.43(3), 478.50 FS. History--New 10-3-00, Amended 12-24-01, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Electrolysis Council

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Electrolysis Council

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 23, 2002

DEPARTMENT OF HEALTH

Board of Medicine

RULE TITLE: Citations
RULE NO.: 64B8-55.002

PURPOSE AND EFFECT: The Board proposes to change the rule to add the violations for which citations may be issued.
SUMMARY: This amendment to the rule adds violations for which citations may be issued.

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

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

SPECIFIC AUTHORITY: 456.077(1),(2) FS.

LAW IMPLEMENTED: 456.072(3)(b), 456.077(1),(2), 478.51, 478.52 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kaye Howerton, Executive Director, Board of Medicine, Electrolysis Council/MQA, 2020 Capital Circle, S. E., Bin #C05, Tallahassee, Florida 32399-3253

THE FULL TEXT OF THE PROPOSED RULE IS:

64B8-55.002 Citations.

(1) No change.

(4) The Board designates the following as citation violations:

- (a) Failure to provide satisfaction including the costs incurred within 45 days of receipt of the Department's notification of a check dishonored for insufficient funds. Issuing a bad check to the Department. (a) A \$100.00 fine

(b) through (r) No change.

(s) Advertising any discounted or free service without including the required statement. s. 456.062, F.S.

(5) through (6) No change.

Specific Authority 456.077(1),(2) FS. Law Implemented 456.072(3)(b), 456.077(1),(2), 478.51, 478.52 FS. History–New 11-16-93, Formerly 61F6-80.002, Amended 1-2-95, Formerly 59R-55.002, Amended 11-13-97, 10-12-98, 2-11-01, 2-20-02.

NAME OF PERSON ORIGINATING PROPOSED RULE: Electrolysis Council
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Electrolysis Council
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 22, 2002
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 23, 2002

DEPARTMENT OF HEALTH

Board of Medicine

RULE TITLE: Mediation
RULE NO.: 64B8-55.004

PURPOSE AND EFFECT: The Board proposes to add a provision as to the circumstances under which mediation will be available to licensees and to clarify the procedure for referring a case to mediation.

SUMMARY: This rule amendment adds circumstances under which mediation will be available to licensees and clarifies the procedure for referring a case to mediation.

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

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

SPECIFIC AUTHORITY: 456.078, 478.43 FS.

LAW IMPLEMENTED: 456.078 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kaye Howerton, Executive Director, Board of Medicine, Electrolysis Council/MQA, 2020 Capital Circle, S. E., Bin #C05, Tallahassee, Florida 32399-3253

THE FULL TEXT OF THE PROPOSED RULE IS:

64B8-55.004 Mediation.

(1) "Mediation" means a process whereby a mediator appointed by the Department acts to encourage and facilitate resolution of a legally sufficient complaint. It is an informal and nonadversarial process with the objective of assisting the parties to reach a mutually acceptable agreement.

(2) Mediation shall be available to licensees only after review by the legal staff of the Agency for Health Care Administration, Division of Regulation. Such review may be by telephone, in writing, or by facsimile machine.

~~(3)~~(2) For purposes of section 456.078, F.S., the Board designates the following as being appropriate for mediation:

(a) Failure to respond timely to a continuing education audit;

(b) Failure to comply with advertising requirements, where there has been no harm to any patients;

(c) Permitting a license to become delinquent for fewer than 30 days, provided the licensee has not practiced, attempted to practice, or offered to practice the profession during the delinquency period;

(d) Offering discounted or free professional services without providing the statement required by Section 456.062, F.S., where there has been no harm to any patients.

(4) All costs of mediation shall be borne by the licensee.

Specific Authority 456.078, 478.43 FS. Law Implemented 456.078 FS. History–New 12-17-01, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Electrolysis Council

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Electrolysis Council

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 23, 2002

DEPARTMENT OF HEALTH

Board of Orthotists and Prosthetists

RULE TITLE: Documentation of Eligibility for Licensure
RULE NO.: 64B14-4.003

PURPOSE AND EFFECT: The Board proposes to add language to this rule to require a course relating to the prevention of medical errors.

SUMMARY: The promulgation of new language requiring a course on the prevention of medical errors is being added to this rule pursuant to s. 456.013(7), F.S.

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

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

SPECIFIC AUTHORITY: 456.013(7), 468.802 FS.

LAW IMPLEMENTED: 456.013, 468.803 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joe Baker, Jr., Executive Director, Board of Orthotists and Prosthetists, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Joe Baker, Jr., Executive Director, Board of Orthotists and Prosthetists, 4052 Bald Cypress Way, Bin C07, Tallahassee, Florida 32399-3257

THE FULL TEXT OF THE PROPOSED RULE IS:

THE FULL TEXT OF THE PROPOSED RULES IS:

64B14-4.003 Documentation of Eligibility for Licensure. (1) through (4) No change.

(5) Each applicant, as a condition to initial licensure, shall attend and provide proof of attending a Board approved two-hour course relating to the prevention of medical errors. The course must include: a study of root-cause analysis, error reduction and prevention, and patient safety.

64B14-5.001 Licensure Renewal. Each licensee, including provisional licensees, must renew his or her license no later than November 30 ~~May 31~~ of each odd-numbered year. Each applicant shall remit the licensure renewal fee established in Rule 64B14-2.002, F.A.C.

Specific Authority 468.802, 468.806(2) FS. Law Implemented 468.805(2), 468.806 FS. History—New 7-1-98, Amended 12-10-98, _____.

Specific Authority 468.802 FS. Law Implemented 456.013(1), 468.803 FS. History—New 12-10-98, Amended _____.

64B14-5.002 Continuing Education Requirement.

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

(c) For each biennium ending after May 31, 2001, each licensee’s continuing education must include one hour of continuing education on cardiopulmonary resuscitation; one hour on infectious diseases including HIV/AIDS, two hours of continuing education relating to prevention of medical errors which shall include a study of root-cause analysis, error reduction and prevention, and patient safety and two hours on Chapters 456, ~~468~~, Part XIV, F.S., and Rule Chapter 64B14, F.A.C. The two-hour course relating to the prevention of medical errors shall count toward the total number of continuing education hours required and shall be a course approved by the Board ~~or Department~~.

(2) through (8) No change.

(9) For the first renewal period after licensure the licensee is exempt from continuing education requirements of subsection 64B14-5.002(1), F.A.C., except for hours mandated for medical errors.

Specific Authority 468.802, 468.806 FS. Law Implemented 456.013, 456.024, 468.806 FS. History—New 7-1-98, Amended 5-18-00, 7-18-02, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Orthotists and Prosthetists
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Orthotists and Prosthetists
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 2, 2002
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 30, 2002

DEPARTMENT OF HEALTH

Board of Orthotists and Prosthetists

RULE TITLES: RULE NOS.:
Licensure Renewal 64B14-5.001
Continuing Education Requirement 64B14-5.002
Continuing Education Course Criteria 64B14-5.003
PURPOSE AND EFFECT: The board proposes to correct specific text in Rules 64B14-5.001 and 64B14-5.003 and add new text to Rule 64B14-5.002.

SUMMARY: The board proposes to correct the biennial period pursuant to Rule 64B-9.001(4), F.A.C. in Rule 64B14-5.001. New language in Rule 64B14-5.002 clarifies the continuing education requirements for a licensee’s first renewal period and unnecessary text is being stricken from rule 64B14-5.003.

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

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

SPECIFIC AUTHORITY: 456.013, 468.802, 468.806 FS.

LAW IMPLEMENTED: 456.013, 456.024, 468.806 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE NEXT AVAILABLE ISSUE OF THE FLORIDA ADMINISTRATIVE WEEKLY.

64B14-5.003 Continuing Education Course Criteria.

(1) through (7) No change.

(8) Each licensee attending a course must be required to sign in ~~and out~~, and must attend all of the course in order to be awarded continuing education credit.

Specific Authority 456.013, 468.802, 468.806 FS. Law Implemented 456.013(8), 468.806 FS. History—New 5-18-00, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Orthotists and Prosthetists

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Orthotists and Prosthetists

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 2, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN THE FAW: August 30, 2002

DEPARTMENT OF HEALTH

Board of Physical Therapy Practice

RULE TITLE: RULE NO.:

Licensure by Endorsement 64B17-3.003

PURPOSE AND EFFECT: The Board proposes to add to current rule text.

SUMMARY: The Board determined that active licensure in another jurisdiction should replace a listing of the other possible jurisdictions. The national exam provider must be certified by the Department and an applicant who has failed to pass the examination after 5 attempts in any jurisdiction is precluded from licensure.

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

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

SPECIFIC AUTHORITY: 486.025, 486.081 FS.

LAW IMPLEMENTED: 486.081 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT A TIME, DATE AND PLACE TO BE PUBLISHED IN THE NEXT AVAILABLE 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

THE FULL TEXT OF THE PROPOSED RULE IS:

64B17-3.003 Licensure by Endorsement.

An applicant demonstrating that he or she meets the requirements of Rule 64B17-3.001, F.A.C., may be licensed to practice physical therapy by endorsement by presenting evidence satisfactory to the Board that the applicant has active licensure in another jurisdiction and has passed an examination before a similar, lawful, authorized examining board in physical therapy in such other jurisdiction another state, the District of Columbia, a territory or a foreign country if their standards for licensure are as high as those maintained in Florida. The standard for determining whether the standards of another jurisdiction state, the District of Columbia, a territory, or a foreign country are as high as the standards in Florida shall be whether the written examination taken for licensure in such other jurisdiction by applicants meeting Florida's minimum educational qualifications was through the national physical therapy examination provider certified by the Department. An applicant who has failed to pass the examination after five attempts, regardless of the jurisdiction through which the examination was taken, is precluded from licensure.

Specific Authority 486.025, 486.081 FS. Law Implemented 486.081 FS. History—New 8-6-84, Formerly 21M-7.26, Amended 5-18-86, Formerly 21M-7.026, 21MM-3.004, 61F11-3.004, 59Y-3.004, Amended 4-21-02,

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Physical Therapy Practice

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Physical Therapy Practice

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 2, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 23, 2002

DEPARTMENT OF HEALTH

Board of Physical Therapy Practice

RULE TITLE: RULE NO.:

Licensure by Endorsement 64B17-4.003

PURPOSE AND EFFECT: The Board proposes to add to current rule text.

SUMMARY: The Board determined that an applicant who has failed to pass the examination after 5 attempts in any jurisdiction is precluded from licensure.

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

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

SPECIFIC AUTHORITY: 486.025, 486.107(1) FS.

LAW IMPLEMENTED: 486.107(1) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT A TIME, DATE AND PLACE TO BE PUBLISHED IN THE NEXT AVAILABLE 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

THE FULL TEXT OF THE PROPOSED RULE IS:

64B17-4.003 Licensure by Endorsement.

An applicant demonstrating that he or she is licensed in another state may be licensed to practice as a physical therapist assistant by endorsement by presenting evidence of active licensure in another jurisdiction, under oath, and evidence satisfactory to the Board that the applicant from such other jurisdiction has been licensed under standards for licensure as high as those maintained in Florida. The standard for determining whether those requirements are as high as those in Florida shall be whether the applicant was required to meet educational standards equivalent to those set forth in subsection 64B17-4.001(3), F.A.C., and whether the written

examination taken for licensure in such other jurisdiction was through the designated national physical therapy assistants examination provider certified by the Department. An applicant who has failed to pass the examination after five attempts, regardless of the jurisdiction through which the examination was taken, is precluded from licensure.

Specific Authority 486.025, 486.107(1) FS. Law Implemented 486.107(1) FS. History—New 8-6-84, Formerly 21M-10.26, Amended 5-18-86, Formerly 21M-10.026, 21MM-4.004, 61F11-4.004, 59Y-4.004, Amended 7-11-02,

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Physical Therapy Practice

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Physical Therapy Practice

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 2, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 23, 2002

DEPARTMENT OF HEALTH

School Psychology

RULE TITLES: RULE NOS.:
Application Form Required for Licensure 64B21-500.002
Education Requirements for School Psychologists 64B21-500.009

PURPOSE AND EFFECT: The Board proposes to update the existing language in these rules.

SUMMARY: Rule 64B21-500.002, F.A.C., is amended to update the form used for application as a school psychologist. Rule 64B21-500.009, F.A.C., is amended to require that applicants for initial licensure as a school psychologist complete a course on domestic violence and a course on medical errors, and to eliminate unnecessary language from the rule.

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

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

SPECIFIC AUTHORITY: 490.015 FS.

LAW IMPLEMENTED: 456.013, 456.017, 456.031, 490.005 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Kaye Howerton, Executive Director, Department of Health, 4052 Bald Cypress Way, BIN #C05, Tallahassee, Florida 32399-3255

THE FULL TEXT OF THE PROPOSED RULES IS:

64B21-500.002 Application Form Required for Licensure. Any person desiring a license to practice school psychology either through endorsement or by examination shall apply to the Department of Health. The application shall be made on form, DH-MQA 1067 DPR/DMQA/SS, Application for School Psychology Licensure, which is hereby adopted and incorporated by reference herein, revised effective 05/02 January 1, 1992, and can be obtained from the Department of Health, 4052 Bald Cypress Way, Bin C05 Northwood Centre, 1940 North Monroe Street, Tallahassee, Florida 32399-3255 32399-0788.

Specific Authority 490.015 ~~420.53(1)~~ FS. Law Implemented 490.005(2), 490.006 FS. History—New 4-13-82, Amended 2-11-85, Formerly 21U-500.02, Amended 6-21-92, Formerly 21U-500.002, 61E9-500.002, Amended

64B21-500.009 Education Requirements for School Psychologists.

(1) For the purposes of section 490.005(2), F.S., A doctorate, specialist, or equivalent degree in a program of study primarily psychological in nature from an institution accredited by any regional accrediting agency recognized by the Council on Postsecondary Accreditation or an institution which is publicly recognized as a member in good standing with the Association of Universities and Colleges of Canada pursuant to section 490.005(2)(b)1., Florida Statutes, a program of study primarily psychological in nature shall be defined as a program in which the majority of courses are in social, behavioral, and psychological sciences.

(2) No change.

(3) For licensure by examination or endorsement, all applicants must submit evidence of completion of a supervised practicum, or an internship, or field experience in a counseling setting which requires counseling and other school psychology skills. Such evidence shall be submitted by all applicants completing the appropriate form within the DPR/DMQA/SS, Application for Licensure as a School Psychologist, which is incorporated by reference herein, effective January 1, 1992. Such form shall be certified by an official from a college or university accredited by any accrediting agency approved by the United States Department of Education regardless of whether or not the supervised practicum, or internship, or field experience occurred within or outside the academic arena.

(4) Each applicant for initial licensure as a school psychologist shall complete a course on domestic violence as required by Section 456.031, F.S., and on the prevention of medical errors as required by Section 456.013(7), F.S.

Specific Authority 490.015 ~~420.53(1)~~ FS. Law Implemented 456.013, 456.031, 490.005(2) FS. History—New 4-13-82, Amended 2-2-83, Formerly 21U-500.09, Amended 1-2-92, 6-21-92, Formerly 21U-500.009, 61E9-500.009, Amended

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Kaye Howerton
 NAME OF SUPERVISOR OR PERSON WHO APPROVED
 THE PROPOSED RULE: Amy Jones
 DATE PROPOSED RULE APPROVED BY AGENCY
 HEAD: July 30, 2002
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT
 PUBLISHED IN FAW: August 23, 2002

DEPARTMENT OF HEALTH

Optical Establishments

RULE TITLE: Optical Establishment Inspection
 RULE NO.: 64B29-1.002
 PURPOSE AND EFFECT: The Department of Health proposes to promulgate a new rule addressing matters pertaining to optical establishment inspections.
 SUMMARY: This new rule sets forth and establishes the criteria of optical establishment inspections and procedures.
 SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.

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

SPECIFIC AUTHORITY: 484.005, 484.007, 484.014, 484.015 FS.

LAW IMPLEMENTED: 484.007, 484.014, 484.015 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE NEXT AVAILABLE ISSUE OF THE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Wayne McDaniel, Deputy Secretary, Department of Health, c/o General Counsel's Office, 4052 Bald Cypress Way, Bin A02, Tallahassee, Florida 32399-1703

THE FULL TEXT OF THE PROPOSED RULE IS:

64B29-1.002 Optical Establishment Inspection.

(1) Each optical establishment registered by the Department of Health to operate in the State of Florida shall be subject to periodic inspections by department personnel or its designee at least once every other year. Such inspections may be conducted at all reasonable hours including but not limited to regular business hours and may occur with or without notice.

(2) The inspection of the optical establishment shall include the following:

(a) Identification of the owner of the establishment, including the current name, street, mailing address and telephone number and in the case of a partnership, corporation, association, or entity, the identification of the registered agent or other person to receive service or papers or documents.

(b) Verification that the establishment location is permitted.

(c) Verification that the optical establishment has not changed ownership.

(d) Verification that if a change of ownership occurred within thirty (30) days after such a change in ownership of the establishment that the permit was returned to the department for cancellation.

(e) Determination if any provisions of Chapter 484, Part 1, Florida Statutes, or the rules promulgated pursuant thereto have been violated including:

1. Whether prescription written by a physician or optometrist for any lenses, spectacles, eyeglasses, contact lenses, or other optical devices are kept on file for a period of 2 years, and

2. Whether a violation of Sections 484.014 or 456.072, Florida Statutes, has occurred.

(f) Determination that the minimum equipment required by Rule 64B12-10.007, Florida Administrative Code, is maintained in each office in which an optician practices opticianry. The equipment required is pupillary gauges, thickness gauge, one set of hand tools necessary for fitting of eye glasses, one lensometer or vertometer or similar instrument, one colmascope or similar instrument, one frame heater, one lens measure, set of sample frames and mountings, keratometer or similar instrument and slit lamp or similar instrument if fitting and adapting contact lenses, and a set of trial soft contact lenses, if fitting and adapting contact lenses.

(g) Determination of whether a licensed optician is on the premises when optical devices are prepared or dispensed.

(h) The optical establishment permit is displayed.

Specific Authority 484.007, 484.014, 484.015 FS. Law Implemented 484.007, 484.014, 484.015 FS. History--New

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Department of Health

NAME OF SUPERVISOR OR PERSON WHO APPROVED
 THE PROPOSED RULE: Wayne McDaniel

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT
 PUBLISHED IN FAW: August 23, 2002

DEPARTMENT OF HEALTH

Division of Environmental Health

RULE CHAPTER TITLE: Mobile Home, Lodging, and Recreational
 RULE CHAPTER NO.:

Vehicle Parks and Recreational
 Camps Permits and Fees 64E-15

RULE TITLES: Sewage Disposal 64E-15.004
 Permits and Fees 64E-15.010

PURPOSE AND EFFECT: This rule is being revised to remove the requirement for an annual application for the renewal of permits for certain mobile home parks, recreational vehicle parks and recreational camps; incorporate into rule a departmental policy that allows the use of transportable wastewater containers for the collection and transport of certain wastewaters from recreational vehicles and tents; and to change language which stated that the plumbing for mobile homes would be the same type as sewage plumbing for recreational vehicles. The changes will reduce the paperwork and accompanying workload for county health departments and the regulated industry associated with renewing permits each year and allow for the disposal of more wastewaters into sanitary dump stations.

SUMMARY: Paragraph 64E-15.010(2)(a), F.A.C., will be revised to remove the requirement for existing establishments, other than migrant parks, to file an annual application for a permit. Rule 64E-15.004, F.A.C., Sewage, will be revised to clarify the usage of transportable wastewater containers used for the disposal of some domestic wastes such as laundry water, kitchen water and shower water. The amendment will also provide for the disposal of cassette-type toilet contents into sanitary dump stations under specific conditions. In the second sentence of subsection 64E-15.004(2), F.A.C., the phrase "by means of a readily removable," will be changed to state, "by means of a rigid, acid resistant connector."

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No statement of estimated regulatory cost has been prepared.

Any persons, who wish to provide information regarding the statement of estimated regulatory costs, must do so within 21 days of this notice.

SPECIFIC AUTHORITY: 381.0011(13), 513.05 FS.

LAW IMPLEMENTED: 513.03, 513.08, 513.12 FS.

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

TIME AND DATE: 1:30 p.m., October 16, 2002

PLACE: Conference Room 240P, Department of Health, 4042 Bald Cypress Way, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Ken Widergren, Environmental Specialist III, Bureau of Facility Programs, 4052 Bald Cypress Way, BIN #A08, Tallahassee, Florida, (850)245-4277

THE FULL TEXT OF THE PROPOSED RULES IS:

64E-15.004 Sewage Disposal.

(1) A safe method of sewage collection, disposal, or treatment and disposal shall be provided at each park or camp and shall be in compliance with either Chapter 64E-6, Standards for Individual Onsite Sewage Treatment and

Disposal Systems, or Chapter 62-600, Domestic Wastewater Facilities Treatment Requirements, Florida Administrative Code. Transportable wastewater containers and cassette-type toilets may be used under the following conditions:

(a) The transportable wastewater container and cassette-type toilet must be specifically designed and sold for holding and transporting wastewater, and must have a tight-capping lid and watertight connections that under normal use will not leak or spill.

(b) Waste from hand washing sinks, kitchen sinks, and showers may be disposed of into transportable wastewater containers. Toilet waste may not be placed into a transportable wastewater container.

(c) Cassette-type portable toilets are acceptable for the holding and transportation of toilet waste, provided the storage container can be sealed in such a manner as to preclude leaking or spillage during transportation.

(d) Transportable wastewater containers and cassette-type toilets shall be transported to an approved disposal site in such a manner as to preclude leakage, spillage or the creation of a sanitary nuisance.

(e) Should waste spill onto the ground from a transportable wastewater container or cassette-type toilet, the person transporting the tank shall immediately notify the park's management.

(f) Park managers are responsible for enforcement of these provisions. Parks or camps agreeing to the use of transportable wastewater containers and/or cassette-type toilets shall post a sign or otherwise notify camp residents of a phone number where any transportable wastewater containers or cassette toilet spills can be reported to management. Park management shall have on file a protocol for disinfecting spills, and will take action to disinfect the spill area.

(2) Each mobile home site shall be provided with a sanitary sewer connection point. The waste line connector between the mobile home unit and the park's sewer system shall be self-draining and leak proof from liquids and gases and be connected by means of a rigid, readily removable acid resistant connector.

(3) through (7) No change.

Specific Authority 381.011, 513.05 FS. Law Implemented 381.006(7), (14), 381.0065, 386.041, 513.08 FS. History—New 5-20-96, Formerly 10D-26.130, Amended.

64E-15.010 Permits and Fees.

(1) No change.

(2) Permit Application.

(a) Applications for first time permits, migrant parks, change of ownership, and modification of existing parks, and applications to reinstate existing permits shall be made on DH Form 4037, Application for Mobile Home Park, Mobile Home Park Housing, Migrant Farmworkers, Lodging Park, Recreational Vehicle Park and Recreational Camp, 09/98, which is incorporated herein by reference and furnished by the

department through the county ~~public health departments units~~. Applications for first time permits shall be filed with the department at least 30 days before a park or camp's operations are scheduled to begin. Applications for renewal of a park or camp permit are not required except for a migrant park. ~~Applications for parks and camps that have previously been permitted shall be filed with the department at least 30 days before the expiration date.~~

(3) Fees.

(a) Existing parks and camps that are renewing their annual permits shall pay the annual fee. ~~An applicant who applies for an annual permit shall pay the full fee.~~ All other permits applicants, such as those for a change of ownership, reinstatement after revocation of permit, modification of an existing park, those parks qualifying as migrant parks or new establishments permitted after the first quarter shall pay a prorated fee on the remaining quarters of operation. The applicant who operates a park as defined in Rule 64E-15 that is also regulated as migrant farmworker housing shall only be required to pay a single park fee, unless there have been major deficiencies or uncorrected deficiencies cited by the department or administrative action taken within the past year regarding the requirements for residential migrant housing set forth in Chapter 381, F.S., in which case the applicant shall pay the fee required in Section 381.0084, F.S.

(b) In determining the fee of a recreational camp operating as a commercial establishment, each 2 campers shall be considered equivalent to the occupancy of a tent space or a non self-contained recreational vehicle space. ~~An applicant who applies for an annual permit for a~~ A commercial recreational camp shall pay an annual ~~the full~~ fee based on \$3.50 per equivalent space which shall not be less than \$50 nor more than \$600. Commercial recreational camp permits issued for changes of ownership, reinstatements after revocation of permit, or new establishments permitted after December 31, shall pay a prorated fee based on the remaining quarters of an annual operation.

(c) ~~Permit Application~~ fees shall not be refunded once the permit has been issued ~~action has been taken on the application.~~

(4) Enforcement. Supplemental to other enforcement remedies, citations for violation of applicable rules shall be issued on DH Form 3159, Citation for Violation, Mobile Home, Recreational Vehicle, and Lodging Park and Recreational Program, which is incorporated herein by reference and furnished by the department through the county health departments.

Specific Authority 381.006, 381.001(13), 381.0084, 513.05 FS. Law Implemented 381.006, 381.061, 381.006(14), 381.008-.0085, 386.03, 513.012, 513.02, 513.03, 513.045, 513.05, 512.065 FS. History--New 5-20-96, Formerly 10D-26.190, Amended 6-23-98, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Ken Widergren, Environmental Specialist III
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Leslie Harris, Environmental Administrator, Bureau of Facility Programs
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 8, 2002
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 21, 2001 and May 18, 2001

Section III Notices of Changes, Corrections and Withdrawals

**DEPARTMENT OF EDUCATION
State Board of Education**

RULE NO.:	RULE TITLE:
6A-20.019	Children of Deceased or Disabled Veterans or Children of Servicemen Classified as Prisoners of War or Missing in Action Scholarships

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. 32, August 9, 2002, issue of the Florida Administrative Weekly:

Paragraph (1)(c) and Subparagraph (1)(g)2. are amended as follows:

(1)(c) Be enrolled for a minimum of ~~six (6) twelve (12) credits hours~~, or one hundred eighty (180) four hundred fifty (450) clock hours, at the end of the regular registration period, inclusive of the drop-add period, for each academic term in which aid is received.

(g)2. Have earned during the previous summer and two (2) semesters or three (3) quarters, if a renewal applicant, ~~six (6) twelve (12) credit hours~~ or one hundred eighty (180) four hundred fifty (450) clock hours per term or the equivalent for the number of terms for which the award was received. A student who has received funds through this program who fails to earn the required credits shall be ineligible for an award the following year. However, such student may be considered for restoration after one year, if the student has an earned cumulative grade point average of 2.0 on a 4.0 scale.