

FLORIDA HOUSING FINANCE CORPORATION

RULE TITLES:	RULE NOS.:
Definitions	67-32.002
Notice of Fund Availability	67-32.003
General Program Restrictions	67-32.004
Application Procedures	67-32.005
Terms and Conditions of Loan	67-32.006
Selection, Ranking and Funding Guidelines	67-32.007
Selection for Participation in Program	67-32.008
Right to Inspect and Monitor	
Funded Developments	67-32.010
Fees	67-32.011

PURPOSE AND EFFECT: Pursuant to Section 420.5087(3)(c)2., Florida Statutes (F.S.), the Florida Housing Finance Corporation administers the Elderly Housing Community Loan (EHCL) Program. This program provides loans to sponsors of affordable rental housing for very low-income elderly households. Rule 67-32, F.A.C., provides the procedures for the administration of this loan program and criteria for receiving, evaluating, and competitively ranking all applications for loans under the EHCL Program. The intent of this Rule is to provide loans to sponsors of housing for the elderly to make building preservation, health, or sanitation repairs or improvements which are required by federal, state, or local regulation or code, or life-safety or security-related repairs or improvements to such housing.

SUBJECT AREA TO BE ADDRESSED: The Rule Development workshop will be held to receive comments and suggestions from interested persons relative to the development of the 2003 application and program requirements for the Elderly Housing Community Loan Program, as specified in Rule Chapter 67-32, Florida Administrative Code (F.A.C.).

SPECIFIC AUTHORITY: 420.5087 FS.

LAW IMPLEMENTED: 420.5087 FS.

IF REQUESTED, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 10:00 a.m., January 13, 2003

PLACE: Florida Housing Finance Corporation, 227 North Bronough Street, Sixth Floor, Closing Room A, Tallahassee, FL 32301-1329

Any person requiring special accommodation at this workshop because of a disability or physical impairment should contact Vicki Brady at the address below. If you are hearing or speech impaired, please use the Florida Dual Party Relay system which can be reached at 1(800)955-8771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Vicki Brady, SAIL Program Manager, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329, (850)488-4197

**Section II
Proposed Rules**

DEPARTMENT OF BANKING AND FINANCE

Division of Banking

RULE TITLE: Branch Office Closing **RULE NO.:** 3C-105.407

PURPOSE AND EFFECT: To make the branch closing process less burdensome for financial institutions subject to the provisions of Section 658.26, Fla. Stat.

SUMMARY: The rule addresses the written notification requirement for branch closure for financial institutions subject to the provisions of Section 658.26, Fla. Stat.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: 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 in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 655.012(3), 658.26(3)(e) FS.

LAW IMPLEMENTED: 655.012(3), 658.26(3), 655.013, 667.003 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: 10:00 a.m., January 27, 2003

PLACE: Suite 526, Fletcher Building, 101 East Gaines Street, Tallahassee, Florida 32399-0350

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: John Pullen, Division of Banking, Department of Banking and Finance, Suite 636, The Fletcher Building, 101 East Gaines Street, Tallahassee, Florida 32399-0350, (850)410-9111

THE FULL TEXT OF THE PROPOSED RULE IS:

3C-105.407 Branch Office Closing.

The Department shall be notified in writing at least 30 days prior to the closing of an established branch office. Such notification shall include a statement that the financial institution's evidence of a board has approved resolution approving the closing and a copy of the notice that was sent to the customers of the branch office have been notified notifying them of the anticipated closing.

Specific Authority 655.012(3), ~~658.26(3)(e)~~ FS. Law Implemented 655.012(3), 658.26(3), 665.013, 667.003 FS. History--New 7-27-81, Formerly 3C-13.071, 3C-13.0071, Amended 8-14-94, 4-15-98, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Linda Charity, Bureau Chief, District I, Division of Banking

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Alex Hager, Director, Division of Banking

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 27, 2002

DEPARTMENT OF BANKING AND FINANCE

Board of Funeral and Cemetery Services

RULE TITLE: Residential Solicitations RULE NO.: 3F-9.002

PURPOSE AND EFFECT: The Board proposes to amend this rule to remove references to cemetery company and substitute licensee or certificateholder in its place and change the time for solicitation to 9:00 p.m. rather than 9:30.

SUMMARY: This rule sets forth the criteria for funeral and cemetery services companies to solicit the public.

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: 497.103, 497.115, 497.321 FS.

LAW IMPLEMENTED: 497.115, 497.321 FS.

IF REQUESTED IN WRITING WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNED IN THE FAW (IF NOT REQUESTED, A HEARING WILL NOT BE HELD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Diana Evans, Executive Director, Board of Funeral and Cemetery Services, 101 East Gaines Street, Tallahassee, FL 32399-0350

THE FULL TEXT OF THE PROPOSED RULE IS:

3F-9.002 Residential Solicitations.

(1) No Change.

(2) No ~~licensee or certificateholder, cemetery company~~ officer, director, employee, or agent shall initiate, conduct, or attempt to conduct a pre-need residential solicitation, for the purpose of selling or other transfer of burial rights, merchandise, or services, after the hour of ~~9:00~~ 9:30 p.m. and before the hour of 9:00 a.m. of the next calendar day except upon the prior express request of the person solicited.

(3) No ~~licensee or certificateholder, cemetery company~~ officer, director, employee, or agent shall knowingly initiate, conduct, or attempt to conduct pre-need residential solicitation, for the purpose of selling or other transfer of burial rights,

merchandise, or services, of any person, or of any family of any person, who is suffering ill health except upon the prior express request of the person solicited.

Specific Authority 497.103, 497.115, 497.321 FS. Law Implemented 497.115, 497.321 FS. History--New 4-16-86, Formerly 3D-30.034, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Funeral and Cemetery Services

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Funeral and Cemetery Services

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 16, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 22, 2002

DEPARTMENT OF INSURANCE

Division of Workers' Compensation

RULE TITLES: Compensation Notice RULE NOS.: 4L-6.007

Notice of Election to be Exempt and Revocation of Election to be Exempt by Sole Proprietors, Partners, or Corporate Officers 4L-6.012

PURPOSE, EFFECT AND SUMMARY: Section 440.40, Florida Statutes, as amended in the 2002 legislative session, provides that the Department may by rule prescribe the form of a notice regarding the new Anti-Fraud Reward program. Rule 4L-6.007, F.A.C., does this.

Section 440.05, Florida Statutes, permits sole proprietors and partners to elect to be exempt from the requirements of the workers' compensation law, provided that they submit certain federal tax records with their applications. New businesses lack federal tax records which would enable them to qualify for an exemption. The purpose of this rule amendment is to implement the changes to that section enacted in Chapter 2002-236, Laws of Florida (CS/CS/SB.108). The effect of the rule is to adopt criteria that will enable the new sole proprietor or partner to demonstrate an intent to engage in a legitimate enterprise within the construction industry and not evade the statutory requirements for an exemption. paragraph 4L-6.012(2)(c), is amended to conform with Chapter 202-236, Laws of Florida, CS/CS/SB.108.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: None.

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

SPECIFIC AUTHORITY: 440.05(9), 440.10(1)(f), 440.40, 440.107(2), 440.591 FS.

LAW IMPLEMENTED: 440.05, 440.10(1)(f), 440.40, 440.107(2), 440.107(2), 440.591 FS.

IF REQUESTED IN WRITING 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: 9:30 a.m., January 23, 2003

PLACE: Room 116, Larson Building, 200 East Gaines Street, Tallahassee, Florida

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Philip Wilcox, Investigations Manager, Bureau of Compliance, 200 East Gaines Street, Tallahassee, FL 32399-4228, (850)488-2333, Ext. 173

THE FULL TEXT OF THE PROPOSED RULES IS:

4L-6.007 Compensation Notice.

(1) Upon issuance of an insurance policy or certificate of membership in a self-insurance fund or a renewal certificate thereof, the insurer or self-insurance servicing agent shall furnish the employer a sufficient number of typewritten or printed compensation notices, commonly referred to as the "broken arm poster." The Such compensation notice shall be:

~~(a) Red with white lettering on the background and with black, blue and red lettering on the arm;~~

~~(b) 11 inches by 17 inches, printed on paper or cardboard stock 11 inches by 17 inches, and have the same form and content as Form D14-1548, "Worker's Comp Works For You Poster", (Rev 12/02), which is incorporated herein by reference. As an alternative to having the Anti-Fraud Reward Program language in the poster itself, the employer may elect to attach the Anti-Fraud Reward Program Notice to the poster on a separate piece of paper, with the same form and contract as D14-1549, "Anti-Fraud Reward Program Notice", (Rev 12/02), which is incorporated herein by reference.~~

~~(c) headed: "Workers' Comp Works For You", in letters not less than one-half inch high; and~~

~~(d) contain the following words: "This notice of compliance must be posted by the employer and maintained conspicuously in and about the employer's place or places of employment."~~

(2) through (5) No change.

Specific Authority 440.40 FS. Law Implemented 440.40 FS. History--New 11-20-79, Amended 4-15-81, 1-2-86, Formerly 38F-6.07, Amended 2-2-00, Formerly 38F-6.007, Amended _____.

4L-6.012 Notice of Election to be Exempt and Revocation of Election to be Exempt by Sole Proprietors, Partners, or Corporate Officers.

(1) Any sole proprietor or partner actively engaged in the construction industry, and any corporate officer of a construction or non-construction industry corporation, who elects to be exempt from the provisions of the workers' compensation law (Chapter 440, Florida Statutes) shall file with the Division a Notice of Election to be Exempt (~~DWC LES Form BCM-250~~).

(2) The following documentation shall be attached by the applicant to every Notice of Election to be Exempt (~~DWC LES Form BCM-250~~):

(a) Each sole proprietor actively engaged in the construction industry shall attach a copy of the sole proprietor's Federal Income Tax Form 1040 and its accompanying Schedule C as filed by the applicant with the Internal Revenue Service (IRS) for the most recent tax year.

(b) Each partner of a partnership actively engaged in the construction industry shall attach a copy of the partner's Federal Income Tax Schedule K-1 (Form 1065), and Form 1040 and its accompanying Schedule E as filed by the applicant with the IRS for the most recent tax year.

(c) In lieu of the documents required in paragraphs (a) and (b) above, a sole proprietor or partner that is engaged in the construction industry but has not been in business long enough to provide the federal tax documentation prescribed in paragraphs (a) and (b) shall establish an intention to engage in a legitimate enterprise within the construction industry by submitting all of the following: Each corporate officer shall attach, if the applicant is not listed as an officer of the corporation on the current records of the Florida Secretary of State, Division of Corporations, must provide a notarized affidavit must attesting that the applicant is a bona fide officer of the corporation and providing the date such appointment or election became or shall become effective.

1. A copy of any occupational license required by the jurisdiction in which the business is located or performing regular work;

2. A copy of any trade license required by the political subdivision of the State in which the work is being performed or a state license required under Chapter 489, F.S.;

3. Proof that the business has obtained a fictitious name if a fictitious name is used; and

4. A Federal Employer Identification Number issued to the business associated with the sole proprietor, partner, applying for the exemption;

(d) Each corporate officer shall attach, if the applicant is not listed as an officer of the corporation on the current records of the Florida Secretary of State, Division of Corporations, a notarized affidavit attesting that the applicant is a bona fide officer of the corporation and providing the date such

appointment or election became or shall become effective. The statement must be signed, under oath, by both the officer and the president or chief operating officer of the corporation.

(3) The following information may be stricken by any applicant from a Federal Income Tax Form before filing same with the Division:

(a) ~~Identification of the spouse and dependents of the applicant, including filing status;~~

(b) ~~Any W-2 income, interest and dividend income, refunds, credits, alimony received, capital gains or losses other than those associated with the applicant's business enterprise;~~

(c) ~~IRA distributions, pensions, annuities, farm income, unemployment compensation, or social security benefits;~~

(d) ~~Any deductions from income in order to derive adjusted gross income;~~

(e) ~~Tax computation, credits, other taxes, payments, refunds or amounts owed.~~

(4) No change.

(5) Any sole proprietor, partner or corporate officer who has been issued an exemption from the provisions of Florida's workers' compensation law (Chapter 440, Florida Statutes) may revoke such exemption by filing with the Division a Revocation of Election to be Exempt (~~DWC LES Form BCM-250-R~~).

(6) No change.

(7) Notice of Election to be Exempt (~~DWC LES Form BCM-250~~), or Revocation of Election to be Exempt (~~DWC LES Form BCM-250-R~~), shall only be filed by an applicant on the applicant's own behalf.

(8) No change.

Specific Authority 440.05(9), 440.591 FS. Law Implemented 440.05 FS. History—Amended 2-15-94, 12-28-97, 2-2-00, 9-6-01, Formerly 3F-6.012, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Philip Wilcox, Bureau of Compliance, Division of Workers Compensation, Department of Insurance

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Lee Pease, Chief of Compliance, Bureau of Compliance, Division of Workers Compensation, Department of Insurance

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 8, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 19, 2002

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

DOCKET NO.: 02-50R

RULE CHAPTER TITLE: State Buffer Preserves RULE CHAPTER NO.: 18-23

RULE TITLES:	RULE NOS.:
Scope and Goals	18-23.002
Activities in Buffer Preserves Enforcement	18-23.007
	18-23.010

PURPOSE AND EFFECT: The Office of Coastal and Aquatic Managed Areas (CAMA) is proposing to amend Chapter 18-23, F.A.C., to ensure that the State Buffer Preserves and natural upland islands within the State Aquatic Preserves are appropriately managed to protect their natural and cultural resources for today's citizens and for future generations. The amendment will apply to all uplands managed by CAMA, which have expanded from the old Buffer Preserves listed in paragraph 18-23.002(4)(a), F.A.C. Paragraph 18-23.002(4)(a), F.A.C., has been deleted because it is inaccurate as to some of the areas described, and it does not include all uplands currently managed by CAMA. Describing the boundary of each Buffer Preserve in the rule is not practicable because the Buffer Preserves are constantly changing in size and shape as more lands are acquired by Board of Trustees under the Florida Forever Act and leased to CAMA. However, the rule has provided an address and telephone number so that any person requesting the boundaries of any Buffer Preserve can obtain them as they exist when the person requests the information. Chapter 18-23, F.A.C., does not include spoil islands, which are sovereignty submerged lands, not uplands, and spoil islands are not subject to this chapter. The language in subsection 18-23.002(3), F.A.C., stating the management goals of CAMA, has been clarified, but the goals have not substantially changed.

Rule 18-23.007 has been substantially renumbered and partially reorganized to clarify which activities in Buffer Preserves are prohibited and which are limited. Two activities formerly listed in subsections 18-23.007(16) and (18), F.A.C., have been deleted. The language of the prohibited and limited activities has been clarified. A waiver of prohibitions and limitations imposed by this section has been added for Department employees or certain designees.

New Rule 18-23.010, F.A.C., has been added to implement the provisions of Section 253.86, Fla. Stat., enacted in 2001, specifying civil fines of up to \$500 for violations of the rules promulgated under that section. Subsection (1) provides fines for three categories of violations. The amount for violation of each paragraph of subsections 18-23.002(a) and (b), F.A.C., has been provided in subsection 18-23.010(1), F.A.C. The procedure for notification of the person in violation has been added as subsection (2).

SUMMARY: The rule is being amended to: (1) delete the currently-described Buffer Preserves and provide for the rule to apply to all Buffer Preserves and natural islands within Aquatic Preserves; (2) advise the public where it can obtain information about boundaries of current Buffer Preserves; (3)

clarify the management goals of CAMA for the Buffer Preserves; (4) clarify which activities are prohibited and which are limited in the Buffer Preserves; (5) provide for limitations and restrictions to be waived under certain circumstances; (6) provide for fines for violations of the rule; and (7) provide amounts of fines and procedure for notification to the violator of such fines.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None 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: 253.86(1) FS.

LAW IMPLEMENTED: 253.86, Ch. 258, Part II FS.

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

TIME AND DATE: 6:00 p.m. – 9:00 p.m., February 6, 2003

PLACE: West Melbourne Public Library, 2755 Wingate Blvd., West Melbourne, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this hearing is asked to advise the agency at least 48 hours before the workshop by contacting the Bureau of Personnel Services, (850)488-2996. If you are hearing or speech impaired, please contact the Florida Relay Service by calling 1(800)955-8771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Danny Riley, Office of Coastal and Aquatic Managed Areas, 3900 Commonwealth Blvd., Mail Station 235, Tallahassee, Florida 32399-3000, (850)245-2094

THE FULL TEXT OF THE PROPOSED RULES IS:

18-23.002 Scope and Goals Intent.

(1) The rules of this chapter are supplemental to Chapter 18-2, F.A.C. (Management of Uplands Vested in the Board of Trustees). This chapter applies to all lands managed by the Office of Coastal and Aquatic Managed Areas that are on mainlands above the mean or ordinary high water line adjacent to aquatic preserves, and to natural islands lying within the Aquatic Preserves designated in chapter 258, Part II, F.S., owned by the State. This chapter does not include spoil islands. The lands subject to this chapter are collectively entitled "Buffer Preserves." Any lands above the mean or ordinary high water line that are within state buffer preserve boundary and are managed by the Office of Coastal and Aquatic Managed Areas shall be managed in accordance with this rule.

(2) Contact the Office of Coastal and Aquatic Managed Areas, Department of Environmental Protection, 3900 Commonwealth Boulevard, MS 235, Tallahassee, FL 32399-3000 (telephone (850)245-2094) for specific information regarding the geographic locations and boundaries

~~of the Buffer Preserves. The policies, standards and criteria in this rule are supplemental to Chapter 18-2, F.A.C. (Management of Uplands Vested in the Board of Trustees), and shall be utilized in the management of all state buffer preserve properties.~~

(3) The management goals of the Buffer Preserves are to:

(a) ~~To~~ Conserve and preserve natural ecological values of ecosystems and systems;

(b) Provide public access and recreation that is compatible with natural and cultural resource conservation;

(c)(b) ~~To~~ Protect and preserve wetlands, natural and water resources of adjacent aquatic preserves, parks and other special management areas administered by either the Department or other state, or federal, or local government authorities;

(d)(c) ~~To~~ Protect and preserve native plant and animal species and natural communities, particularly any that are endangered or threatened;

(e)(d) ~~To~~ Restore natural communities and original ecosystem functions, which have been historically degraded, to the greatest extent possible;

(f)(e) ~~To~~ Protect archaeological/historical/cultural resources; and

(g)(f) ~~To~~ Enhance public appreciation for elements of natural and cultural diversity;

(g) ~~To~~ Provide public visitation and recreation.

(4) ~~Persons interested in obtaining details or legal descriptions of a particular preserve should contact the Office of Coastal and Aquatic Managed Areas, Department of Environmental Protection, 3900 Commonwealth Boulevard, Tallahassee, FL 32399, (telephone (904)488-3456).~~

(a) The preserves are described as follows:

1. Charlotte Harbor State Buffer Preserve, as described in the Official Records of Lee County in Book 1050, pages 1656-1660 and 1672-1678; Book 1067, pages 1989-1995; Book 1161, pages 305-307; Book 1268, pages 1972-1994; Book 1685, pages 3863 and 3864; Book 1763, page 46; Book 1791, pages 4492-4494; Book 1794, pages 940-948; Book 2348, pages 1843-1847; and in the Official Records of Charlotte County in Book 565, pages 1096, 1168, and 1723-1765; Book 567, pages 1183-1191; Book 569, pages 535, and 520-530; Book 571, pages 1778-1809; Book 597, pages 1490-1498; Book 616, page 771; Book 715, pages 406 and 407; Book 886, pages 2046 and 2047; Book 951, pages 2138-2143; and Book 953, pages 1384-1386.

2. Coupon Bight State Buffer Preserve, as described in the Official Records of Monroe County in Book 997, page 999; Book 1078, pages 1094, 1095, 1153, 1425, 1462, and 2098; Book 1082, page 1818; Book 1084, page 2156; Book 1085, page 1483; Book 1092, page 878; Book 1097, page 2299; Book 1104, pages 578 and 579; Book 1116, page 1649; Book 1117, pages 1113 and 1134; Book 1119, page 1785; Book 1120, pages 1642 and 1645; Book 1123, page 743; Book 1131; pages

1377, 1730, and 1731; Book 1145, pages 1007, 1008, and 1336; Book 1151, page 1301; Book 1155, page 720; Book 1225, pages 1236 and 1237; and Book 1229, pages 962 and 963.

3. Estero Bay State Buffer Preserve, as described in the Official Records of Lee County in Book 1924, pages 2148-2150; Book 2125, pages 84-86; and Book 2207, pages 4418-4439.

Specific Authority ~~253.86(1)~~ ~~253.03~~ FS. Law Implemented ~~253.86, ch. 258, Part II~~ ~~259.032~~ FS. History—New 8-7-94, Amended 5-8-96, _____.

18-23.007 ~~Limitations on Activities in Buffer Preserves.~~

~~In order to conserve, preserve and restore the natural resources of the preserves and ensure the safety and enjoyment of their visitors, the following uses or activities may be limited or prohibited within the preserves. The preserve manager shall authorize such activities only in the case of a life-threatening emergency or as part of a natural resource management program.~~

(1) ~~The Buffer Preserves shall be open to the public from sunrise to until sunset, except for those that are natural islands, which shall remain open at all times unless otherwise closed pursuant to the authority of the rules of this chapter unless otherwise posted. Visitors are required to notify the preserve manager of their intent to occupy the preserve during closed hours. The Department in furtherance of the policy and intent of Chapter 253, F.S., shall close any preserve or section thereof to the public at any time or for any interval of time, when necessary in order to protect the public's health, safety or welfare due to causes such as fire, severe weather conditions, natural hazards, management activities or environmental conditions.~~

(2) ~~To conserve, preserve and restore the natural and cultural resources and ensure the safety and enjoyment of visitors, the following activities shall be limited or prohibited within the boundaries of the Buffer Preserves. The Buffer Preserve manager shall verbally authorize such activities only in the case of a life-threatening emergency or as part of a natural resource management program designed to promote environmental protection, which is approved by the Department. Any other authorization for any prohibited or limited activity may be sought by submitting a written request to the Department of Environmental Protection, Office of Coastal and Aquatic Managed Areas, 3900 Commonwealth Boulevard, MS 235, Tallahassee, FL 32399-3000. A written request shall, at a minimum, contain the following information: name of requestor, contact person, address, telephone number, location of proposed activity, reason for proposed activity, number of people expected to participate in the proposed activity, how the requestor will avoid damage to natural and cultural resources, and how the requestor will address public safety, if needed. Such requests shall only be granted if the Department determines that the proposed activity would not damage the natural or cultural resources. Such authorizations~~

~~shall include any restrictions necessary to protect natural and cultural resources and shall contain provisions for revocation. The number of authorizations issued shall be limited by the Department if necessary to avoid cumulative impacts or address public safety concerns.~~

(a) Prohibited Activities:

~~1.(2) Possession and Consumption of alcoholic beverages is prohibited. This does not apply to the natural islands of the Buffer Preserves.~~

~~2.(3) Use of Vehicles may not be used on in areas other than designated public access preserve roads.~~

~~3.(4) Hunting, harassing, possessing or trapping of wildlife is prohibited.~~

~~(5) No person shall otherwise possess, trap, harass or hunt any animal without authorization.~~

~~4.(6) Also prohibited are all Use of animal trapping or concealment devices and the erection of any structure for the purpose of concealment. Shooting into preserve areas from beyond preserve boundaries is prohibited.~~

~~5.(7) The Use or possession of firearms of any type or other weapons potentially dangerous to wildlife and humans, including shooting into Buffer Preserves from beyond the boundaries safety are prohibited.~~

~~6.(8) Admission of Unleashed domestic animals are prohibited, except those assisting the handicapped.~~

~~(9) Hiking, horseback riding, and bicycle riding shall be restricted to trails or preserve roads specifically designated for each such recreational activity.~~

~~(10) Camping may be conducted only at designated areas.~~

~~(11) Fires are allowed in designated areas only.~~

~~(12) All waste water, refuse and trash shall be disposed of properly by placing it in designated containers, if provided, or removed to an off-site disposal facility or receptacle.~~

~~7.(13) The Transplantation or removal of any plant or animal, or parts of plants or animals life (living or dead) from any buffer preserve is prohibited, except as provided herein. Any person, upon being convicted of a violation of this rule, shall be accountable for all costs in reparation to the area of violation which shall be determined by biological assessment.~~

~~(14) Solicitation or distribution and advertising of any event, other than department materials or announcements of preserve sponsored or sanctioned events and gatherings.~~

~~(15) Personal watercraft operation in wetland or low lying areas so designated with signs and referenced on the base map of the preserve.~~

~~(16) Aquaculture.~~

~~8.(17) Any Removal, disturbance, pollution or destruction of property, or natural, historic, or cultural resources. No person shall, regardless of intent, destroy, dig, or remove from any preserve area or the waters thereof any plant, animal, artifact, or other material. The mutilation, displacement, or breaking off of any water bottom formation or~~

growth is also prohibited. Such person, upon being convicted of a violation of this rule shall be accountable for all costs in reparation to the area of violation which shall be determined by biological assessment.

9. Motor vehicle or vessel operation in interior water bodies, wetlands, or low lying areas, except those so designated for such use with signs.

10. Solicitation or distribution of commercial materials and advertising of any commercial event, other than Department materials or announcements of Department-sponsored or sanctioned events and gatherings.

(18) Authorizations for any prohibited activity shall be obtained by submitting a written request to the Department of Environmental Protection, Office of Coastal and Aquatic Managed Areas, 3900 Commonwealth Boulevard, Mail Station 235, Tallahassee, FL 32399. Authorizations shall only be granted if the Department determines that the proposed activity would not unfavorably affect or damage areas of the preserve. Authorizations shall include restrictions based on resource protection concerns and shall contain conditions for revocation. The number of authorizations issued shall be limited by the Department based on cumulative impacts or public safety concerns. The Office of Coastal and Aquatic Managed Areas shall respond to all authorizations within 60 days of the date of receipt of the written request.

(b) Limited Activities:

1. Hiking, horseback riding, and bicycle riding shall be restricted to trails or roads specifically designated for those activities.

2. Camping may be conducted only in designated areas.

3. Fires are allowed only in designated areas.

4. Visitors shall be responsible for the proper disposal of all waste-water, refuse and trash by placing it in designated containers, if provided, or removed to an off-site disposal facility or receptacle.

(c) Waiver of Restrictions for Property Management.

The prohibition or limitation of activities in this section shall not apply to Department staff or cooperating management agencies, volunteers, or contractors conducting management activities that are approved by the Department, consistent with a management plan approved by the Board of Trustees, and authorized in accordance with Chapter 18-2 F.A.C., if such authorization is required.

(d) Closures.

The Department, in furtherance of the policy and intent of Chapter 253, F.S., shall close any Buffer Preserve or section thereof to the public at any time and for any interval of time, when necessary to protect: public health, safety or welfare due to causes such as fire, weather conditions, natural hazards, management activities or environmental conditions; natural resources such as seasonally nesting birds at a specific site; and

cultural resources such as Indian middens. Staff of the Department's Office of Coastal and Aquatic Managed Areas shall post the closings.

Specific Authority 253.86(1) ~~253.03~~ FS. Law Implemented 253.86, ch. 258, Part II ~~253.03, 253.034, 253.04, 253.05, 253.12, 253.127~~ FS. History--New 8-7-94, Amended 5-8-96.

18-23.010 Enforcement.

(1) Violation of the rules of this chapter constitutes a non-criminal infraction and shall be punishable by fines as follows:

(a) A Non-Destructive Violation, which includes violation of the following rules: 18-23.007(2)(a)1. or 10., or (2)(b)4. is punishable by a fine of \$100.

(b) A Resource Damage Violation which includes violation of the following rules: 18-23.007(2)(a)2., 4., 6., 7., 8., or 9., or (2)(b)1. or 2. is punishable by a fine of \$250.

(c) A Public Danger Violation, which includes violation of the following rules: 18-23.007(2)(a)3. or 5. or (2)(b)3. is punishable by a fine of \$500.

(2) Violators shall be notified of the rule(s) violated and the amount of the fine by issuance of a non-criminal citation by a certified law enforcement officer.

Specific Authority 253.86(2) FS. Law Implemented 253.86 FS. History--New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Danny Riley, Office of Coastal and Aquatic Managed Areas, address and phone above

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Katherine Andrews, Director, Office of Coastal and Aquatic Managed Areas, address and phone above

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 1, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT AND SUMMARY PUBLISHED, PURSUANT TO SEC. 120.551, F.S., IN THE DEPARTMENT'S OFFICIAL NOTICE INTERNET SITE AT WWW.DEP.STATE.FL.US UNDER THE LINK TITLED "OFFICIAL NOTICES," AND IN FAW Vol. 28, No. 46, November 15, 2002

DEPARTMENT OF CORRECTIONS

RULE TITLE: Interstate Corrections Compact RULE NO.: 33-601.401

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to reflect office reassignment of responsibilities for interstate corrections compact issues.

SUMMARY: The proposed rule reflects office reassignment of responsibilities for interstate corrections compact issues and deletes unnecessary language.

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: 941.57, 944.09, 945.21 FS.

LAW IMPLEMENTED: 941.55, 941.56, 941.57 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:

33-601.401 Interstate Corrections Compact.

(1) Definitions. As used in this Chapter:

(a) “Transfer” means transfer under the Interstate Corrections Compact authorized by Sections 941.56 and 941.57, F.S.

(b) “Addministrator” means the Interstate Corrections Compact Administrator in the Office of Institutions ~~the Assistant Secretary for Community Corrections~~.

(c) “Sending state” means the state from which an inmate is transferred.

(d) “Receiving state” means the state to which an inmate is transferred.

(2) A current list of states that are parties to the Interstate Corrections Compact and copies of contracts with individual party states may be obtained by writing the Interstate Corrections Compact Administrator, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. A list of party states is also published in Florida Statutes Annotated (West Publishing Co.) at Section 941.55.

(3) ~~All transfers must be approved by T~~the Interstate Corrections Compact Administrator shall approve, deny or initiate the interstate transfer of an inmate.

(4) When Florida is the Sending State.

(a) The institutional classification team (ICT) is authorized to recommend an inmate for interstate compact transfer with or without the inmate’s request. A request for transfer may be initiated by the inmate to the ICT ~~or by the Warden~~ of the institution at which the inmate is incarcerated.

(b) Any inmate whose transfer has been requested, but who does not consent to the transfer, shall be given a hearing before the ICT Classification Team ~~or other appointed committee~~. The inmate shall be given at least 48 hours written notice of such hearing.

(c) Any request for transfer shall be evaluated by the ICT Classification Team, which shall make its recommendations to the Interstate Corrections Compact Warden. ~~If the Warden~~

~~approves the requested transfer he shall forward the request to the Administrator for final action by the Assistant Secretary for Community Corrections.~~

(d) Inmates may be transferred:

1. ~~To be near home and job opportunities,~~

2. ~~For the safety of the inmate,~~

3. ~~To serve two sentences concurrently, or~~

4. For any ~~other~~ reason within the scope of Section 941.56, F.S.

(e) through (g) No change.

(5) When Florida is the Receiving State.

(a) A progress report shall be provided ~~given~~ to the sending state at six month intervals. The sending state shall be kept informed at all times of the inmate’s institutional address and shall be notified immediately if the inmate escapes.

(b) No change.

~~(c) Institutional or other officials of Florida shall not release publicity concerning inmates from a sending state except information of public record, such as sentence date. Information concerning the escape of an inmate may be given directly to news media by Florida. Persons who request other information shall be referred to the sending state.~~

~~(c)(d)~~ The release of inmates confined under the Interstate Corrections Compact will be in accordance with the instructions of the sending state.

~~(d)(e)~~ Inmates confined under the Interstate Corrections Compact shall be afforded the opportunity and shall be required to participate in programs of occupational training, industrial or other work on the same basis as inmates of Florida. Qualified inmates will be eligible for participation in Community Work Release Programs with the approval of the sending state. Approval will be obtained through the Interstate Corrections Compact Administrator.

(f) through (g) renumbered (e) through (f) No change.

~~(g)(h)~~ Inmates may be returned to the sending state upon recommendations by the ICT Classification Team and subsequent approval by the Interstate Corrections Compact Administrator Warden and the Secretary or his designee for the following reasons:

1. ~~F~~ailure to adjust,

2. ~~P~~ersonal safety of an inmate in the sending state is no longer a factor,

3. ~~P~~ersonal safety of an inmate in the receiving state becomes a factor,

4. ~~A~~t the request of the sending state, or

5. ~~O~~ther valid reason(s).

~~(h) If~~ When the return of an inmate is finally approved the sending state shall be notified to retake the inmate within 30 days.

(6) The Interstate Corrections Compact AAdministrator shall coordinate the implementation of this section and shall conduct all routine correspondence with other party states.

Specific Authority 941.57, 944.09, 945.21 FS. Law Implemented 941.55, 941.56, 941.57 FS. History—New 7-7-81, Formerly 33-21.01, Amended 12-30-96, Formerly 33-21.001, 33-301.101, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Jerry Vaughan
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Michael W. Moore
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 10, 2002
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 22, 2002

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE TITLE: Publications, Rules, and Interagency

RULE NO.:

Agreements Incorporated by Reference 40E-4.091

PURPOSE AND EFFECT: Rule 40E-4.091(1)(a), F.A.C., incorporates by reference the “Basis of Review for Environmental Resource Permit Applications within the South Florida Water Management District – June, 2002” (ERP BOR). Included as part of the ERP BOR are Appendices 2, 3, and 6. This rulemaking initiative proposes to amend Appendix 6, entitled “Above Ground Impoundments” by revising the reporting requirements and the typical special condition language.

SUMMARY: Appendix 6 of the SFWMD’s ERP BOR specifies for the benefit of the regulated community the appropriate criteria applicable to the construction and operation of above ground impoundments associated with surface water management systems. An above ground impoundment is defined in Section 373.403(1), F.S., as a “dam”, which means “any artificial or natural barrier, with appurtenant works, raised to obstruct or impound, or which does obstruct or impound, any of the surface waters of the state.” Specifically, the proposed revisions to Appendix 6 clarify that inspection reports of the conditions of such above ground impoundments must be retained by the permittee and made available to SFWMD staff upon request. Additionally, the typical special condition for all above ground impoundments sets forth with particularity that permittees must inspect on an annual basis the above ground impoundment, control structure, levee and berm for structural integrity and memorialize the inspection via a report signed and sealed by a Florida Professional Engineer. In the event that any deficiencies are found which may impact off-site areas, the report must detail proposed techniques and schedules for repairs, as necessary, and be submitted to SFWMD staff.

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

Substantially affected persons, no later than 21 days from the publication date of this notice, may submit to the SFWMD a good faith written proposal for a lower cost regulatory alternative to this proposed rule which substantially accomplishes the objectives of the law being implemented. The proposal may include the alternative of not adopting any rule, so long as the proposal explains how the lower costs and objectives of the law will be achieved by not adopting any rule. The proposal shall be timely submitted to the contact person named below.

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: 373.044, 373.113, 373.171, 373.413 FS.

LAW IMPLEMENTED: 373.413, 373.4135, 373.416, 373.418, 373.421, 373.426 FS.

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

TIME AND DATE: 8:30 a.m., February 13, 2003

PLACE: South Florida Water Management District Headquarters, Auditorium, 3301 Gun Club Road, West Palm Beach, FL 33406

Although Governing Board meetings, hearings and workshops are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including testimony and evidence upon which any appeal is to be based.

Persons with disabilities or handicaps who need assistance may contact Garrett Wallace, District Clerk, (561)682-6371, at least two business days in advance to make appropriate arrangements.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Penelope Bell, South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406, 1(800)432-2045, Extension 6320, Suncom 229-6320 or (561)682-6320 or via email at pbell@sfwmd.gov

THE FULL TEXT OF THE PROPOSED RULE IS:

40E-4.091 Publications, Rules and Interagency Agreements Incorporated by Reference.

(1) The following publications, rules and interagency agreements are incorporated by reference into this chapter, Chapters 40E-40, 40E-41, and 40E-400, F.A.C.:

(a) “Basis of Review for Environmental Resource Permit Applications Within the South Florida Water Management District – _____ ~~“June 2002”~~”

(b) through (j) No change.

(2) No change.

Specific Authority 373.044, 373.113, 373.171, 373.413, 373.441, 373.171 FS. Law Implemented 373.413, 373.4135, 373.4137, 373.414, 373.4142, 373.416, 373.418, 373.421, 373.426, 373.441 FS. History—New 9-3-81, Amended 1-31-82, 12-1-82, Formerly 16K-4.035(1), Amended 5-1-86, 7-1-86, 3-24-87, 4-21-88, 11-21-89, 11-15-92, 1-23-94, 4-20-94, 10-3-95, 1-7-97, 12-3-98, 5-28-00, 8-16-00, 1-17-01, 7-19-01, _____.

(The following represents proposed amendments to “Appendix 6 – Above Ground Impoundments” of the document entitled “Basis of Review for Environmental Resource Permit Applications Within the South Florida Water Management District – June, 2002”)

APPENDIX 6

ABOVE GROUND IMPOUNDMENTS

1.0 through 3.0 No change.

4.0 OPERATION AND MAINTENANCE

4.1 Reporting

Inspection Reporting of impoundment conditions, repairs, etc. will be a continuing process required by permit special condition. Inspection reports are to be retained by the permittee and copies made available to the District upon request. It The District will indicate those general areas of interest for which reporting is required, but it is the basic responsibility of the permittee to initiate interim reporting and/or more detailed reporting to the District as conditions change, emergencies or problems arise, etc. It is expected that Major impoundments will be reported in accordance with the operation and maintenance manual and emergency response and evacuation plan adopted at the time of permit issuance, with updates as necessary.

4.2 No change.

4.3 Typical Special Condition

4.3.1 UPON COMPLETION OF CONSTRUCTION, AND ON AN ANNUAL BASIS (IN MARCH OF EACH YEAR) THE PERMITTEE SHALL HAVE AN INSPECTION PERFORMED TO ASSESS THE STRUCTURAL ADEQUACY OF ALL ABOVE GROUND DIKES, CONTROL STRUCTURES, LEVEES AND BERMS BEHIND WHICH WATER IS TO BE CONTAINED AND WHERE FAILURE COULD IMPACT OFF-SITE AREAS. A PROFESSIONAL ENGINEER REGISTERED IN THE STATE OF FLORIDA SHALL PERFORM EACH INSPECTION AND PREPARE EACH REPORT. THESE REPORTS SHALL BE SIGNED AND SEALED BY THE PROFESSIONAL ENGINEER PERFORMING THE INSPECTION, KEPT ON FILE BY THE PERMITTEE AND MADE AVAILABLE TO SOUTH FLORIDA WATER MANAGEMENT DISTRICT (SFWMD) PERSONNEL UPON REQUEST. IF DEFICIENCIES ARE FOUND THAT WILL AFFECT THE PERFORMANCE OF THE IMPOUNDMENT, A REPORT WHICH IS SIGNED AND SEALED BY THE ENGINEER PERFORMING THE INSPECTION SHALL BE SUBMITTED TO THE DISTRICT

WHICH INCLUDES, BUT IS NOT LIMITED TO, THE PROPOSED TECHNIQUE AND SCHEDULE FOR REPAIR OF ANY DEFICIENCIES NOTED.

~~4.3.1. Upon completion of construction, or alteration the permittee shall submit a report to this District of engineering adequacy of all above ground dikes, levees and berms behind which water is to be contained and where failure could impact off-site areas. Such reports shall include proposal of technique and schedule for repair of any deficiencies noted, and shall be signed and sealed by a Florida registered professional engineer.~~

~~4.3.2. On a semi-annual basis (in May and December of each year), the permittee shall submit reports to this District of engineering adequacy of all above ground dikes, levees and berms behind which water is to be contained and where failure could impact off-site areas.~~

5.0 No change.

NAME OF PERSON ORIGINATING PROPOSED RULE: Terrie Bates, Director, Environmental Resource Regulation Department

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Chip Merriam, Deputy Executive Director, Water Resources Management

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 11, 2002

DEPARTMENT OF ENVIRONMENTAL PROTECTION

DOCKET NO.: 02-52R

RULE CHAPTER TITLE: Operation Permits for Major Sources of Air Pollution

RULE CHAPTER NO.:

RULE TITLES:

62-213

Title V Air General Permits

RULE NOS.:

Forms and Instructions

62-213.300

PURPOSE AND EFFECT: The department proposes to develop a new Title V air general permit for area-source secondary aluminum sweat furnaces subject to 40 CFR Part 63, Subpart RRR. The general permit would be available to those facilities that elect to comply with the federal regulation by using an afterburner.

62-213.900

The full text of this notice is published on the Internet at the Department of Environmental Protection’s home page at <http://www.dep.state.fl.us/> under the link or button titled “Official Notices”.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

DOCKET NO.: 01-50R

RULE CHAPTER TITLE: Drinking Water Standards, Monitoring, and Reporting

RULE CHAPTER NO.:

62-550

RULE TITLES:	RULE NOS.:
Intent and Scope	62-550.102
Definitions for Public Water Systems	62-550.200
Primary Drinking Water Standards:	
Treatment Technique Requirements	62-550.315
Physical Characteristics Monitoring	
Requirements	62-550.517
Microbiological Monitoring Requirements	62-550.518
Monitoring Requirements for Surface	
Water Systems and Ground Water	
Systems Under the Direct Influence	
of Surface Water	62-550.560
Reporting Requirements for Public	
Water Systems	62-550.730
Requirements for Subpart H Surface	
Water Systems	62-550.817

SUMMARY: The Department is incorporating the U.S. Environmental Protection Agency’s (USEPA’s) Interim Enhanced Surface Water Treatment Rule (IESWTR) into the Department’s drinking water rules, Chapters 62-550 and 62-555. The Department is also amending the State surface water treatment rules (SWTR) by replacing certain paraphrasing of federal rules with references to federal rules, by moving surface water treatment rules from Chapter 62-555 to Chapter 62-550, F.A.C., and by amending DEP Forms 62-555.900(2) and (6).

The full text of this notice is published on the Internet at the Department of Environmental Protection’s home page at <http://www.dep.state.fl.us/> under the link or button titled “Official Notices.”

For more information, contact: Greg Parker, P.E., (850)245-8635.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

DOCKET NO.: 01-51R

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Permitting and Construction of	
Public Water Systems	62-555

RULE TITLE:	RULE NOS.:
Scope of Additional Requirements for	
Surface Water Systems	62-555.600
Surface Water Treatment Requirements	62-555.610
Surface Water Filtration	62-555.620
Surface Water Disinfection	62-555.630
Forms and Instructions	62-555.900

SUMMARY: The Department is incorporating the U.S. Environmental Protection Agency’s (USEPA’s) Interim Enhanced Surface Water Treatment Rule (IESWTR) into the Department’s drinking water rules, Chapters 62-550 and 62-555, F.A.C. The Department is also amending the State surface water treatment rules (SWTR) by replacing certain paraphrasing of federal rules with references to federal rules,

by moving surface water treatment rules from Chapter 62-555 to Chapter 62-550, F.A.C., and by amending DEP Forms 62-555.900(2) and (6).

The full text of this notice is published on the Internet at the Department of Environmental Protection’s home page at <http://www.dep.state.fl.us/> under the link or button titled “Official Notices.”

For more information, contact: Greg Parker, P.E., (850)245-8635.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Generic Permits	62-621
RULE TITLE:	RULE NO.:
Permits	62-621.300

DEP announces proposed amendments to Rule 62-621, F.A.C., incorporating a new generic permit to address the regulation of Phase II MS4s under the NPDES stormwater program.

The full text of this notice is published on the Internet at the Department of Environmental Protection’s home page at <http://www.dep.state.fl.us/> under the link or button entitled “Official Notices.”

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Fred Noble, P.E., NPDES Stormwater Section, Florida Department of Environmental Protection, Mail Station 2500, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400

DEPARTMENT OF ENVIRONMENTAL PROTECTION

DOCKET NO.: 01-57R

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Municipal Separate Storm	
Sewer System	62-624

RULE TITLES:	RULE NOS.:
Policy and Purpose	62-624.100
Definitions	62-624.200
General Provisions	62-624.300
General Conditions	62-624.310
Application Procedures for New MS4 Permits	62-624.400
Re-application Procedures for MS4 Permits	62-624.420
Contents of Re-application for MS4 Permit	62-624.440
Application Processing	62-624.460
Standards for Issuing or Denying Permits	62-624.500
Annual Report	62-624.600
Transfer of Operational Authority	62-624.700
Regulated Phase II MS4s	62-624.800
Permit Application Procedures for	
Phase II MS4s	62-624.810

DEP announces proposed amendments to Rule 62-624, F.A.C., incorporating unregulated “Phase II MS4s”.

The full text of this notice is published on the Internet at the Department of Environmental Protection’s home page at <http://www.dep.state.fl.us/> under the link or button entitled “Official Notices.”

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Fred Noble, P.E., NPDES Stormwater Section, Florida Department of Environmental Protection, Mail Station 2500, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400

DEPARTMENT OF HEALTH
Division of Medical Quality Assurance

RULE TITLES:	RULE NOS.:
Application Deadlines; Examination Rescheduling	64B-1.001
Notification of Applicants	64B-1.002
Examination Administration	64B-1.003
Conduct at Test Site	64B-1.004
Licensure Examination Format; Examination Procedures for Candidates with Disabilities	64B-1.005
Practical Examinations	64B-1.006
Selection Criteria for Examiners and Examination Consultants	64B-1.007
Grading of Examinations; Grade Notification; Chiropractic Examination Grading	64B-1.008
Requesting a Pre-hearing Review	64B-1.009
Security and Monitoring Procedures	64B-1.010
Requirements and Standards of a National Examination	64B-1.011
Post-Examination Review	64B-1.013
Fees: Examination and Post-Examination Review	64B-1.016
Use of Pilot Test Items	64B-1.017

PURPOSE AND EFFECT: The Department of Health proposes to update the rules regarding licensure examinations.

SUMMARY: The Department of Health has determined to review the entirety of this chapter to update the language and to remove redundant text. Specifically, the terms related to candidates with disabilities, selection criteria for examiners and examination consultants, the requirements and standards for a national vender and the post-examination review process are clarified. Also, the laws and rules fee and the certification fee for optometry examinations are deleted, and a CBT laws and rules fee is added.

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: 456.004, 456.013, 456.017 FS.

LAW IMPLEMENTED: 456.013, 456.017 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: Christie Brown, Division of Medical Quality Assurance, 4052 Bald Cypress Way, Bin #C90, Tallahassee, Florida 32399-3290

THE FULL TEXT OF THE PROPOSED RULES IS:

64B-1.001 Application Deadlines; Examination Rescheduling.

(1) No change.

(2) The original examination fee paid by the applicant shall be applied to a rescheduled examination in the following situations:

(a) If the applicant is unable to sit for the originally scheduled examination by reason of ~~the~~ military service and submits to the board, or the department, where there is no board, a copy of the applicant’s military orders or a letter from the applicant’s commanding officer, no later than twenty-one (21) days following the examination date the applicant was scheduled for; or

(b) If the applicant demonstrates to the board, or to the department, where there is no board, that serious injury, illness, or other physical impairment prevented the candidate from taking the examination. Any such request to reschedule sitting for an examination shall include a statement from the applicant’s treating physician, which shall be received no later than twenty-one (21) days following the examination date for which the applicant was scheduled, and shall include:

1. through 2. No change.

3. An attestation that such injury, illness, or physical impairment prevented the applicant from taking the examination; or

(c) No change.

~~(d) If the department or contract provider; through some mechanical or clerical error of the department, insufficient time is allowed for completion of an examination or clinical procedure, materials are lost by the department, or other problems occur which are due to the department’s inaction or negligence.~~

1. Provides insufficient time for completion of an examination or clinical procedure through some mechanical or clerical error, or

2. Loses examination materials, or

3. Has other problems that prevent an examination from being administered in its entirety.

(3) Examination Administrator is defined as a person(s) responsible for the administration or the delivery of the examination to the candidate either in person or electronically.

Specific Authority 456.004(5), 456.013(1), 456.017(1) FS. Law Implemented 456.013(1), 456.017(1) FS. History—New 9-7-98, Amended _____.

64B-1.002 Notification of Applicants.

(1) Unless otherwise specified by board rule after a decision is made that an applicant meets the lawful requirements for the licensure examination, the department or contract provider will schedule the applicant for the next examination for which space is available that begins at least forty-five (45) days after the applicant is certified or after ninety (90) days from receipt of a complete application.

(2) If all certified candidates cannot be scheduled for the next subsequent examination due to space, time, or other limitations beyond the control of the department or contract provider, the candidates will be scheduled chronologically according to the date the application was complete.

(3) The department or contract provider ~~its designee~~ will notify candidates of the place, date and time of the examination and provide the candidate with verification of scheduling. For department developed examinations, a candidate will also receive an official admission slip which will be required for admission to sit for the examination. The department or contract provider shall inform the candidate of the length of the examination, patient criteria when a patient is needed for a practical examination, and any special equipment or materials the candidate needs to bring to the examination. Except with regard to national examinations, the department or contract provider shall also inform a candidate of the major content areas tested on the examination.

Specific Authority 456.004(5), 456.017(1) FS. Law Implemented 456.017(1) FS. History—New 9-7-98, Amended.

64B-1.003 Examination Administration.

Unless the national examination requires a different set of administration procedures, the following procedures shall be followed for any examination administered by the department or its contract provider ~~designee~~.

(1) All examinations ~~administered by the department~~ will be administered in accordance with the department's "General Administration Manual for Examinations," 1996, incorporated herein by reference, and can be obtained from the Division of Medical Quality Assurance, Bureau of Operations, Testing Services, 4052 Bald Cypress Way, Bin C-90, Tallahassee, Florida 32399-3290. Administration requirements set forth by national examination will be compiled within the administration of the specific examination.

(2) During the examination, the candidates will follow the instructions given by ~~of~~ the examination administrator supervisor. The instructions shall be provided to the candidates in either written or oral form and shall be read to the candidates by the examination administrator supervisor. ~~The candidates will be permitted to ask the examination supervisor or proctor reasonable questions relating to the instructions.~~

(3) The department's valid admission slip for the specified examination and a government-issued photo identification ID such as a valid driver's license or passport, shall be presented in order to gain admission to the examination. A

government-issued photo identification ~~A valid government-issued photo I.D. such as a driver's license~~, shall be acceptable in the absence of the admission slip provided the candidate's name appears on the examination admission roster that has been prepared ~~by the department or its contract provider~~ for the specific examination.

(4) If the candidate arrives at the designated testing location after the designated starting time, the examination administrator will attempt reasonable accommodations.

(a) Candidates sitting for paper and pencil examinations ~~the candidate~~ will be permitted to take the examination only after signing a statement indicating the candidate's late arrival time, and the candidate's agreement that he/she and agreeing that the candidate will have only the remaining designated time in the examination to complete the examination. No late arriving candidate for paper and pencil examinations will be permitted to take that examination if:

1. The ~~Any~~ candidate ~~who~~ refuses to sign such a statement, or will be disqualified from the examination and may apply to the department for scheduling for the next available examination.

2. At the time ~~If, when~~ the late candidate arrives, any other candidate has already finished the examination and left the examination room.

In either case, if the late candidate wants to take the examination, he or she will not be permitted to sit for the examination and shall apply to the department for scheduling for the next available examination.

(b) For candidates sitting for computer-based testing examinations, reasonable accommodation will be the re-scheduling of the examination by the examination administrator.

(c) Candidates sitting for practical or clinical examinations will not be allowed to take the examination at their scheduled time. If reasonable accommodation is not available at a later time during the scheduled examination and the late candidate wants to take the examination, he or she shall apply to the department for scheduling for the next available examination.

(5) If through some mechanical or clerical error of the department or the contract provider, the candidate does not receive the allotted time to complete the examination, additional time shall be allowed upon approval of the examination administrator supervisor.

(6) All examination questions, booklets, answer sheets, electronic files and other examination papers and materials, in any form, are the sole property of the department or the national provider. No candidate shall take any of the examination questions, booklets, portions thereof, answers sheets, electronic files and other examination papers and materials, in any form, from the examination room, or retain, reproduce or compromise the examination in whole or in part by any means or method whatsoever.

Specific Authority 456.004(5), 456.017(1)(d) FS. Law Implemented 456.017(1)(d) FS. History--New 9-7-98, Amended _____.

64B-1.004 Conduct at Test Site.

For examinations administered by the department or a contract provider For professions directly regulated by the department and for professions regulated by a board, if incorporated into the rules of the appropriate board, the conduct at the test site shall be as follows:

(1) The examination ~~administrator supervisor~~ and proctors are the department's designated agents in maintaining a secure and proper examination administration. Failure to comply with the written or oral instructions provided by the department's designated agents shall result in the removal of the examinee from the examination room.

(2) through (4) No change.

Specific Authority 456.004(5), 456.017(1)(d) FS. Law Implemented 456.017(1)(d) FS. History--New 9-7-98, Amended _____.

(Substantial rewording of Rule 64B-1.005 follows. See Florida Administrative Code for present text.)

64B-1.005 Licensure Examination Format; Examination Procedures for ~~Disabled~~ Candidates with Disabilities.

(1) Definitions.

(a) The term "disability" means, with respect to an individual:

1. A physical or mental impairment that substantially limits one or more of the major life activities of such individual;

2. A record of such an impairment; or

3. Being regarded as having such an impairment.

(b) A physical or mental impairment means:

1. Any physiological disorder, or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological, musculoskeletal, special sense organs, respiratory (including speech organs), cardiovascular, reproductive, digestive, genito-urinary, hemic and lymphatic, skin, and endocrine; or

2. Any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities. The term does not include learning problems that are primarily the result of visual, hearing or motor disabilities, mental retardation, emotional disturbance, english as a foreign language, or of environmental, cultural or economical disadvantage.

(c) Major life activities are activities that an average person can perform with little or no difficulty which include: walking, talking, hearing, seeing, speaking, breathing, learning, working, caring for one's self and performing manual tasks.

(2)(a) The department will provide reasonable and appropriate accommodations to candidates with physical, mental, or specific learning disabilities to the extent permitted

by cost, administration restraints, security considerations and availability of resources. Accommodations made will vary depending upon the nature and the severity of the impairment.

(b) For national examinations the national vendor will determine what accommodations are available.

(3)(a) Candidates requesting special testing accommodation due to a disability shall file a request for special testing accommodation no later than sixty (60) days prior to the first day of the examination on form DH 1307, Application For Candidates Requesting Special Testing Accommodation in Accordance with the Americans with Disabilities Act, for which special testing accommodation is requested. Form DH 1307 is hereby incorporated by reference, and can be obtained from the Division of Medical Quality Assurance, Bureau of Operations, Testing Services, 4052 Bald Cypress Way, Bin C-90, Tallahassee, Florida 32399-3290. If a candidate becomes disabled after the sixty-day deadline has passed and that candidate has not requested special accommodation, the department will provide any such requested accommodation that can be made available without posing undue burden or jeopardizing the security and integrity of the examination. However, in no event will accommodation be provided to exam candidates requesting special accommodation ten (10) days or less, before the examination.

(b) In addition to form DH 1307, the candidate shall provide the department with documentation of their disability completed by a practitioner licensed pursuant to Chapter 490, (Psychology), Chapter 458 (Medical Practice), Chapter 459 (Osteopathy), Chapter 461 (Podiatry), Chapter 463 (Optometry), Chapter 468, Part I (Speech-Language Pathology & Audiology), or Chapter 460 (Chiropractic Medicine), Florida Statutes, or by a comparable practitioner licensed in another jurisdiction in the United States. Such documentation shall be sufficient to allow an independent reviewer to evaluate the diagnosed condition(s) and shall include:

1. The diagnosis and duration of the candidate's condition;

2. The name of the test(s) used for diagnosis; and

3. Recommendations regarding appropriate accommodations and testing environment.

4. Reasonable accommodations shall be made for candidates who qualify. All accommodations must be directly linked to the amelioration of the identified functional limitations caused by the asserted disability. Permissible accommodations include:

(a) Additional Time: Provided for candidates requiring extra time to take an examination. However, in no event shall a candidate be provided an untimed examination.

(b) Alternate Setting: Individual and small group examination administrations shall be available to qualified candidates.

(c) Alternate Recording of Responses: The candidate's responses can be recorded by a proctor or by another method approved by the department. In the event answer sheets are

machine-scored, the proctor shall transcribe the candidate's responses onto a machine-scannable answer sheet. In these instances, the candidate will verify that the answer marked was the candidate's intended option.

(d) Alternate Format: The test booklet can be produced in an appropriate manner as approved by the department on a case-by-case basis, based on the practitioner's recommendation.

(e) Assistive Devices: The candidate will be allowed to use appropriate assistive devices approved by the department based on the practitioner's recommendation.

(5) The department reserves the right to request further evidence on the necessity of the accommodation when the information submitted to substantiate a candidate's need for the requested accommodation is insufficient, incomplete, inconclusive, unclear, or does not substantiate the need for the requested accommodation.

(6) In no case shall any modifications authorized herein be interpreted or construed as an authorization to provide a candidate with assistance in determining the answer to any test question. No accommodation or modification shall be made that adversely affects the security or integrity of the examination.

(7) If a candidate approved for special testing accommodations receives a failing grade on his or her examination and requests an examination review, the candidate will receive the same approved accommodation at the review.

Specific Authority 456.004(5), 456.017(1) FS. Law Implemented 456.017(1) FS. History—New 9-7-98, Amended _____.

64B-1.006 Practical Examinations.

Unless specified in board rule, the following procedures shall be used with regard to department-developed practical examinations:

(1) Candidates required to take a practical/clinical examination shall be informed by the department in writing of the applicable performance criteria, patient criteria and any special equipment required for such performance.

(2) In the event professional examiners are employed to evaluate candidate performance on ~~in~~ practical examinations, no less than two (2) examiners shall independently evaluate the performance of each candidate. ~~The independent grades of the examiners shall be averaged to produce a final score.~~

(3) The examiners shall not discuss any ~~the~~ candidate's performance with anyone at any time during the examination or before the grades are recorded.

(4) The department's contract provider ~~examiners or their designee~~ shall provide instructions to the candidates.

(5) No change.

(6) The candidates and examiners shall not engage in conversation during the practical performance, unless said conversation is part of the practical examination.

Specific Authority 456.004(5), 456.017(1) FS. Law Implemented 456.017 FS. History—New 9-7-98, Amended _____.

(Substantial rewording of Rule 64B-1.007 follows. See Florida Administrative Code for present text.)

64B-1.007 Selection Criteria for Examiners and Examination Consultants.

Unless otherwise specified in board rule, in order to be eligible to serve as an examiner or an examination consultant for department-developed examinations, the prospective examiner or examination consultant:

(1) Must have three (3) years of continuous practice in the respective field in the state;

(2) Must possess an active license in the respective field in the state at the time of the examination;

(3) Must not have had his/her license in the respective field suspended or revoked. If the prospective examiner's or examination consultant's license has been disciplined other than with suspension or revocation, the department reserves the right to evaluate his/her selection as deemed appropriate;

(4) Must not currently be under investigation by the department; and

(5) Must not currently be teaching in the respective field in either: an academic setting in this state, or an examination preparation course in any state.

Specific Authority 456.004(5), 456.017(1) FS. Law Implemented 456.017(1) FS. History—New 9-7-98, Amended _____.

(Substantial rewording of Rule 64B-1.008 follows. See Florida Administrative Code for present text.)

64B-1.008 Grading of Examinations; Grade Notification; Chiropractic Examination Grading.

(1) Grading of all examinations shall be processed as follows:

(a) National examinations shall be graded solely and exclusively by the national examination provider or its contract provider.

(b) Department-developed objective, multiple choice examinations shall be graded by the department or its contract provider. The department or its contract provider shall review any statistically questionable items for psychometric soundness via the item analysis. Based upon this review and the examination consultant's recommendations, the department or its contract provider shall adjust the scoring key by totally disregarding psychometrically unsound questions for grading purposes, or by giving credit for more than one correct answer per question. The department or its contract provider shall calculate each candidate's grade utilizing the scoring key, or adjusted scoring key if applicable, and shall provide each candidate a grade report.

(c) Department-developed practical examinations shall be graded by the department or its contract provider.

1. The department shall review any statistically questionable items or procedures for psychometric soundness after the examination has been administered. Based upon this review or the examination consultant's recommendations, the department shall adjust the scoring key by rejecting, crediting, or giving partial credit for any question or procedure which does not adequately and reliably measure the applicant's ability to practice the profession. The department or its contract provider shall calculate each candidate's grade using the scoring key, or adjusted scoring key if applicable, and shall provide each candidate a grade report.

2. In the event professional examiners are employed to evaluate candidate performance on practical examinations, no less than two (2) examiners shall independently evaluate the performance of each candidate.

3. Preceding each examination administration, examiners shall attend a standardization session to discuss the scoring criteria and standards.

(d) With regard to the Chiropractic examination:

1. Examiners shall meet the qualifications of Rule 64B2-11.007, Florida Administrative Code.

2. The practical examinations of candidates shall be reevaluated at a discrepancy review if the total score by one examiner is below passing and the total score by the second examiner is passing.

a. The candidate's practical examination shall be reevaluated by a committee of at least three (3) members.

b. The committee shall include at least two (2) examiners other than the two (2) original examiners.

c. The committee shall reevaluate the candidate's performance based on those criteria used by the two (2) original examiners.

d. The committee will conduct the evaluation using the examiner scan sheets, the videotape of the candidate's examination, and any other related information.

e. The final score awarded by the evaluation committee shall be the official score reported to the candidate.

(2) If there are additional adjustments to the scoring key due to mechanical or clerical miscalculations after the grades have been provided for a particular examination, amended grade reports shall be provided to all candidates whose status changes from fail to pass due to the adjustment unless the candidate has taken and passed a subsequent administration of the examination.

(3) Examinations developed for the department or by a professional testing entity other than a national examination provider shall be graded by that testing entity or by its contract provider. Grading procedures shall be in compliance with the provisions of this rule.

(4) The department or its contract provider shall notify the candidate of the results of the candidate's examination no later than sixty (60) days after the examination date except when the grades are computed by or for a national organization

responsible for a national examination in Florida. In the case of a national examination, the grades shall be sent to the candidate no later than thirty (30) days after the department's receipt of the grades from the national examination provider.

(5) If the official grades are to be posted on the department's website, the website shall indicate in advance the official notification date the grades will be available on the internet.

(6) The department shall inform each passing candidate of the candidate's status and provide necessary instructions for the receipt of a license.

(7) Any candidate failing to receive a passing score on a licensure or certification examination shall be notified of the requirements for re-examination. For department-developed examinations, failing candidates shall also receive information regarding post-examination review and election of hearing rights.

(8) For computer-based testing examinations, candidates shall receive a preliminary grade report at the computer-based testing site.

Specific Authority 456.004(5), 456.017(1) FS. Law Implemented 456.017(1) FS. History—New 9-7-98, Amended _____.

(Substantial rewording of Rule 64B-1.009 follows. See Florida Administrative Code for present text.)

64B-1.009 Requesting a Pre-hearing Review.

After the candidate's petition for a hearing, pursuant to section 120.57, Florida Statutes, and Rule 28-106.201, Florida Administrative Code, has been filed, either the candidate, the candidate's attorney or both shall be permitted one (1) pre-hearing review of the disputed examination questions and answers at the department's headquarters in Tallahassee for the purpose of preparing for the administrative hearing under the following conditions:

(1) Pre-hearing reviews will not be conducted during the thirty (30) day period immediately prior to the next examination.

(2) A written request for such review shall be submitted to the department's attorney at least fourteen (14) days prior to the hearing date.

(3) If the candidate has previously paid a post-examination review fee, no fee will be charged for the pre-hearing review. If the candidate has not paid a post-examination review fee, then the candidate will be required to pay the fee in order to receive a pre-hearing review.

(4) The department will not respond to any oral or written comments made about the examination during the pre-hearing review.

(5) All procedures outlined in Rules 64B-1.004 and 64B-1.013, Florida Administrative Code, shall apply to pre-hearing reviews. Rule 64B-1.013, Florida Administrative Code, shall apply to the candidate and the candidate's attorney, if present, for the pre-hearing review.

Specific Authority 456.004(5), 456.017, 456.014 FS. Law Implemented 456.017, 456.014 FS. History—New 9-7-98, Amended 2-21-00, _____.

64B-1.010 Security and Monitoring Procedures.

Specific Authority 456.004(5), 456.017(1)(d) FS. Law Implemented 456.017(1)(d) FS. History—New 9-7-98, Repealed _____.

(Substantial rewording of Rule 64B-1.011 follows. See Florida Administrative Code for present text.)

64B-1.011 Requirements and Standards of a Definition of a National Examination.

(1) National examinations will be certified by the department according to the criteria established in this rule.

(a) The national examination shall be developed either by or for a national or multi-state professional association, board, council or society (hereinafter referred to as national organization). The national organization providing the examination shall either:

- 1. Be recognized by state regulatory boards as a national organization, or
- 2. Be recognized by a substantial number of that profession’s licensed practitioners as a national organization, or
- 3. Have a substantial number of the nation’s practitioners licensed or certified through an examination provided by or for the national organization.

(b) Examinations prepared by or for a national organization shall meet the following requirements:

- 1. The examinations shall be administered for the purpose of assessing entry-level skills necessary to protect the health, safety and welfare of the public from incompetent practice.
- 2. The national organization or its test provider shall be the responsible body for overseeing the development and scoring of the national examination, and
- 3. The national organization or its test provider shall provide security guidelines for the development, administration and scoring of the national examination and shall oversee the enforcement of these guidelines.

(c) A national examination shall meet the following generally accepted testing standards:

- 1. The examination tests the scope of practice and entry-level knowledge, skills and abilities defined by a national or multi-state job/task analysis or similar study with a representative sample of licensed practitioners and professional practices.
- 2. The examination is justified in terms of the protection of the health, safety and welfare of the patient or client.
- 3. The scores, sub-scores or combinations of scores are statistically reliable.
- 4. The examination uses psychometrically sound methods to determine the passing score.
- 5. There are standardized procedures for administering and scoring the examination.

6. There are standardized procedures to ensure the security of the examination.

(2) If an organization makes a request to the department to certify a national examination, the organization shall submit to the Division of Medical Quality Assurance, Bureau of Operations, Testing Services, 4052 Bald Cypress Way, Bin C-90, Tallahassee, Florida 32399-3290, documentation establishing that it meets the requirements established in subsection (1) of this rule, and a non-refundable fee of:

- 1. \$1,700 for a written examination,
- 2. \$3,000 for a clinical examination, or
- 3. \$4,200 for an examination consisting of both a written and clinical component.

(3) No fee shall be charged for certifying an examination if the request for certification is initiated by the department or the respective board.

Specific Authority 456.004(5), 456.017(1)(c) FS. Law Implemented 456.017(1)(c) FS. History—New 9-7-98, Amended _____.

(Substantial rewording of Rule 64B-1.013 follows. See Florida Administrative Code for present text.)

64B-1.013 Post-Examination Review ~~Post Exam Review of Examination Questions, Answers, Papers, Grades and Grading Key.~~

(1) When review of a national examination administered by the department is permitted, the review shall be conducted in accordance with national examination security procedures.

(2) A candidate who has taken and failed a department-developed objective multiple choice examination, a department-developed practical examination or an examination developed for the department by a professional testing entity shall have the right to one (1) post-examination review of those examination questions answered incorrectly, the answers to those examination questions answered incorrectly, and to materials, grades and grading keys related thereto.

(a) The candidate shall request a post-examination review in writing to the department. The request shall be received by the department within twenty-one (21) days from the date of notification of the failing grade. If the official grade report is sent by regular U.S. mail, the department will allow an additional five (5) days for mailing. If the official grade is posted on the department’s website, the candidate’s request for post-examination review shall be post-marked within twenty-one (21) days from the date the official grades are posted as indicated on the department’s website.

(b) Post-examination reviews shall be completed no later than sixty (60) days following the date on which the grades for the examination are released.

(c) Post-examination reviews will not be conducted during the thirty (30) day period immediately prior to the next administration of the examination.

(d) The provisions outlined in Rule 64B-1.004, Florida Administrative Code, shall apply to all review sessions. Violation of such provisions by a candidate shall result in termination of the review session and the candidate shall be subject to other sanctions as determined by the appropriate board pursuant to the board’s disciplinary guidelines.

(e) Post-examination reviews shall be conducted in the presence of a representative of the department at its Tallahassee headquarters during regular working hours which are defined as 8:00 a.m. through 4:30 p.m., Monday through Friday, excluding official state holidays. For opticianry neutralization and computer-based testing examinations, post-examination reviews may be conducted at another location.

(f) A representative from the department shall remain with all candidates throughout all post-examination reviews. The representative shall inform candidates that he or she cannot defend the examination or attempt to answer any examination questions during the review.

(g) For written examinations, the candidate will be provided one-half the time given for the examination administration for completion of a post-examination review. For clinical examinations, the time provided will be determined for each specific profession.

(h) Prior to a post-examination review, candidates shall be provided written instructions concerning the conduct, rules and guidelines for the review, and shall acknowledge in writing at that time, receipt of such instructions and affirm that they will abide by such instructions.

(i) Upon completion of a post-examination review, candidates shall acknowledge in writing: the start and end time of the review, all materials that have been reviewed and any other relevant review information.

(j) In addition to the other provisions of this rule, candidates shall be prohibited from leaving a post-examination review with written notes, grade sheets, or any other examination materials.

(3) A candidate who has taken and failed a department-developed examination, completed a post-examination review and wishes to challenge the examination shall file a request/petition for administrative hearing with the department within 21 days after the date on which he/she completes his/her post-examination review.

Specific Authority 456.004(5), 456.017(1) FS. Law Implemented 456.017(1) FS. History–New 9-7-98, Amended _____.

64B-1.016 Fees; Examinations, and Post-Examination Review Fees.

(1)(a) The following fees shall be assessed by the department to cover administrative costs, actual per-applicant costs, and costs incurred to develop, purchase, validate, administer, and defend the following department developed, administered, or managed examinations:

Profession	Exam Fees	Exam Fee
Acupuncture Chiropractic Medicine	Exam	
	National Written	\$1,091.00
	Physical Diagnosis	\$610.00
	Technique	\$250.00
	X-Ray	\$180.00
	Laws & Rules	\$60.00
	Acupuncture	\$220.00
Dental	CBT Laws & Rules	\$35.00
	CBT Acupuncture	\$135.00
	Clinical	\$950.00
Dental Hygiene	Laws & Rules	\$95.00
	CBT Laws & Rules	\$30.00
	Clinical	\$325.00
Electrolysis	Laws & Rules	\$60.00
	CBT Laws & Rules	\$20.00
	Written Exam	\$505.00
Hearing Aid Specialist	National Written	\$300.00
	Massage	
Massage	Colonics	\$595.00
	CBT Colonics	\$385.00
	Nursing Home Administrator	
Opticianry	Laws & Rules	\$240.00
	CBT Laws & Rules	\$155.00
	Practical	\$385.00
Optometry	Neutralization	\$190.00
	Laws & Rules	\$115.00
	Clinical	\$590.00
Osteopathic Medicine	Pharmacology	\$370.00
	CBT Laws & Rules	\$30.00 70.00
	Certification	\$168.00
Psychology	National Written	\$2,500.00
	National Exam	\$458.00
	Laws & Rules	\$120.00
	CBT Laws & Rules	\$80.00

(b) No change.

(2) No change.

Specific Authority 456.004 FS. Law Implemented 456.004(10), 456.017(2) FS. History–New 3-14-02, Amended _____.

64B-1.017 Use of Pilot Test Items.

Multiple choice examinations developed by or for the department might include pilot test or experimental questions for the purpose of evaluating the statistical and psychometric qualities of new or revised questions prior to their use in an examination.

(1) Pilot test or experimental questions will not be identified to the candidates as pilot test questions on the examination.

(2) The maximum number of pilot test questions included on an examination form shall not exceed 20 percent of the number of scored questions on the examination or ten (10) questions, whichever is greater.

(3) Pilot test questions shall not be counted toward the candidate's score on the examination. Answers to pilot test questions shall not be subject to review by the candidates during the candidates' post-examination review session.

Specific Authority 456.004(5), 456.017(1) FS. Law Implemented 456.017(1) FS. History--New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Amy Jones, Division Director, Medical Quality Assurance
NAME OF SUPERVISOR OR PERSON WHO APPROVED
THE PROPOSED RULE: Amy Jones, Division Director,
Medical Quality Assurance
DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: December 18, 2002
DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: October 18, 2002

DEPARTMENT OF HEALTH

Board of Hearing Aid Specialists

RULE TITLE: RULE NO.:
Continuing Education as a Condition 64B6-5.001
for Renewal

PURPOSE AND EFFECT: The Board proposes to update the rule regarding the laws and rules course.

SUMMARY: The Board sets forth in this rule the requirements for teaching a laws and rules course and the subject areas that must be included in the course. The Board also deletes a reference to the continuing education requirement for the 1999-2001 biennium.

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(6),(8), 484.044, 484.047(1),(4) FS.

LAW IMPLEMENTED: 484.047(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: Sue Foster, Executive Director, Board of Hearing Aid Specialist, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

THE FULL TEXT OF THE PROPOSED RULE IS:

64B6-5.001 Continuing Education as a Condition for Renewal.

(1) As a condition of the biennial renewal of an active license, each hearing aid specialist shall attend and certify attending 20 credit hours (per biennium) of Board approved continuing education which are relevant to, and which enhance, the licensee's ability to dispense hearing aids. Board-approved means approved by a chairman-appointed committee of one, or as specified by subsection 64B6-5.002(1), F.A.C. Continuing education courses, or portions thereof, which are devoted to content areas other than those identified in Rule 64B6-8.003, F.A.C., or risk management, shall not be approved for continuing education credit. Effective for the biennium beginning in 2001, these certified hours shall include two hours per biennium relating to hearing aid laws and rules. ~~Not more than two hours of continuing education relating to hearing aid laws and rules shall be accepted for the 1999-2001 biennium.~~

(a) The laws and rules course shall be taught by a Board approved instructor and shall include the following subject areas:

- 1. Chapter 484, Part II, F.S.
- 2. Rule Chapter 64B6, F.A.C.
- 3. Chapter 456, F.S.

(b) The laws and rules course must provide integration of the above subject areas into the competencies required for the practice of dispensing hearing aids.

(2) No change.

Specific Authority 456.013(6),(8), 484.044, 484.047(1),(4) FS. Law Implemented 484.047(4) FS. History--New 4-1-85, Formerly 21JJ-15.001, Amended 8-5-87, 4-8-90, 8-21-90, 8-19-91, Formerly 21JJ-5.005, Amended 11-20-95, Formerly 61G9-5.005, Amended 9-23-99, 6-28-00, 11-9-00, _____.

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: November 22, 2002
DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: December 20, 2002

DEPARTMENT OF HEALTH

Board of Hearing Aid Specialists

RULE TITLES:	RULE NOS.:
Definitions	64B6-8.001
Qualifications for Trainees, Sponsors and Designated Hearing Aid Specialists	64B6-8.002
Trainee Stages, Minimum Training Requirements, and Training Program	64B6-8.003

PURPOSE AND EFFECT: The Board proposes to update the rules regarding the trainee program.

SUMMARY: In these rules, the Board redefines the term "sponsor," and clarifies when an audiologist may be a sponsor. The Board also specifies when trainees who have failed the exam may continue to function as trainees.

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: 484.0445(1), 484.044 FS.

LAW IMPLEMENTED: 484.041, 484.0445, 484.045 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: Sue Foster, Executive Director, Board of Hearing Aid Specialist, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

THE FULL TEXT OF THE PROPOSED RULE IS:

64B6-8.001 Definitions.

(1) No change.

(2) Sponsor: An active Florida licensed hearing aid specialist or dispensing audiologist with an established place of business in Florida, who is responsible for the direct supervision and education of a trainee, and who meets the qualifications established by this chapter.

(3) through (4) No change.

Specific Authority 484.0445(1), 484.044 FS. Law Implemented 484.041, 484.0445, 484.045 FS. History—New 2-12-84, Amended 4-18-85, Formerly 21JJ-8.01, Amended 8-12-87, 9-13-90, Formerly 21JJ-8.001, 61G9-8.001, Amended _____.

64B6-8.002 Qualifications for Trainees, Sponsors and Designated Hearing Aid Specialists.

(1) No change.

(2) The Department shall temporarily certify as a sponsor, until the next Board meeting, only those persons who meet the following requirements, in addition to those imposed by law:

(a) The prospective sponsor must have possessed an active license and have been actively practicing for at least two (2) consecutive years immediately prior to sponsorship, and must be Board certified by the National Board for Certification in Hearing Instrument Sciences (NBCHIS), except that audiologists licensed under Chapter 484, Part II, Florida Statutes, are not required to be NBCHIS certified. Compliance with national board certification will take effect three (3) years from the time this rule takes effect;

(b) through (c) No change.

(3) The sponsor may designate only those persons who meet the following requirements, in addition to those imposed by law, to assist in the training of a trainee pursuant to Section 484.0445, Florida Statutes, and this chapter:

(a) The designated person must have possessed an active hearing aid specialist license and have been actively practicing for at least two (2) consecutive years immediately prior to being designated to assist in a training program; and must be Board certified by the National Board for Certification in Hearing Instrument Sciences, except that audiologists licensed under Chapter 484, Part II, Florida Statutes, are not required to be NBCHIS certified. Compliance with national board certification will take effect three (3) years from the time this rule takes effect; and

(b) No change.

Specific Authority 484.044, 484.0445 FS. Law Implemented 484.0445, 484.045 FS. History—New 1-12-84, Formerly 21JJ-8.02, Amended 8-12-87, 9-13-90, Formerly 21JJ-8.002, Amended 12-6-94, Formerly 61G9-8.002, Amended _____.

64B6-8.003 Trainee Stages, Minimum Training Requirements, and Training Program.

(1) A training program shall be a minimum of six months in length. The trainee shall be in a training program for a minimum of twenty (20) hours each week. A trainee shall be under the direct supervision of the sponsor at all times when performing the functions of a hearing aid specialist. During the training program, a trainee shall complete the International National Hearing Aid Society Home Study Course and shall submit proof of passing the home study course final examination prior to taking the licensure examination. If the trainee passes the home study course final examination but fails the licensure examination, he or she will not have to repeat the home study course prior to the next available licensure examination. The training program shall be divided into three (3) stages:

(a) through (c) No change.

(2) through (5) No change.

(6) A ~~if~~ trainee who fails the licensure examination ~~she~~ ~~or he~~ may continue in Stage III of the training program by submitting to the Board within 10 days of receiving the examination results a training program continuation request repeat the training program one time by meeting the criteria in Rule 64B6-8.002, F.A.C., and taking the next available examination. A trainee who fails the licensure examination and does not submit a training program continuation request to the Board within 10 days of receiving the examination results may repeat the training program one time by meeting the criteria in Rule 64B6-8.002, F.A.C., and taking the next available examination.

(7) through (8) No change.

Specific Authority 484.0445(1), 484.044 FS. Law Implemented 484.0445, 484.045 FS. History—New 2-12-84, Formerly 21JJ-8.03, Amended 8-12-87, 10-1-90, 1-28-91, 4-23-91, 8-19-91, Amended 3-18-93, Formerly 21JJ-8.003, Amended 4-21-94, Formerly 61G9-8.003, Amended 7-11-02, _____.

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: November 22, 2002
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 20, 2002

DEPARTMENT OF HEALTH

Board of Medicine

RULE TITLE: Licensure Denial
RULE NO.: 64B8-4.022

PURPOSE AND EFFECT: The current rule with regard to licensure denial is being repealed.

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 regulatory cost alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 458.309, 458.310, 458.311, 458.3115, 458.3124, 458.313, 458.3135, 458.3145, 458.315, 458.316, 458.3165, 458.317 FS.

LAW IMPLEMENTED: 458.311, 458.313, 458.331 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:

64B8-4.022 Licensure Denial.

Specific Authority 458.309, 458.310, 458.311, 458.3115, 458.3124, 458.313, 458.3135, 458.3145, 458.315, 458.316, 458.3165, 458.317 FS. Law Implemented 458.311, 458.313, 458.331 FS. History--New 11-4-93, Formerly 61F6-22.022, 59R-4.022, Repealed.

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: December 6, 2002

DEPARTMENT OF HEALTH

Board of Medicine

RULE TITLE: Probationary Conditions and Definitions
RULE NO.: 64B8-8.006

PURPOSE AND EFFECT: The rule is being repealed since the definitions contained therein have been incorporated in the recent amendment to Rule 64B8-2.001, F.A.C.

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 regulatory cost alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 458.309 FS.

LAW IMPLEMENTED: 458.331 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:

64B8-8.006 Probationary Conditions and Definitions.

Specific Authority 458.309 FS. Law Implemented 458.331 FS. History--New 11-15-88, Formerly 21M-20.006, 61F6-20.006, Amended 8-23-95, 5-29-97, Formerly 59R-8.006, Repealed.

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: December 6, 2002

DEPARTMENT OF HEALTH

Board of Pharmacy

RULE TITLE: Standards of Practice for the Dispensing
RULE NO.:
of Controlled Substances for
Treatment of Pain

64B16-27.831

PURPOSE AND EFFECT: The rule amends the time requirement for providing prescription records pursuant to Section 465.017(2), Florida Statutes, to accommodate any non-business hours over week-ends; and, specifies an exemption from the requirements to obtain suitable identification when dispensing a controlled substance prescription by mail.

SUMMARY: The rule clarifies when records of controlled substance prescriptions shall be made available pursuant to Section 465.017(2), Florida Statutes, and when an exemption from the requirements to obtain suitable identification is allowed.

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: 465.005, 465.0155 FS.

LAW IMPLEMENTED: 465.0155, 456.072(1)(i), 465.016(1)(i), 465.016(1)(o), 465.017(2) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AT THE BOARD'S NEXT MEETING TO BE HELD ON FEBRUARY 5, 2003 IN GAINESVILLE, FLORIDA.

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

THE FULL TEXT OF THE PROPOSED RULE IS:

64B16-27.831 Standards of Practice for the Dispensing of Controlled Substances for Treatment of Pain.

(1) through (4) No change.

(5) Every pharmacy permit holder shall maintain a computerized record of controlled substance prescriptions dispensed. A hard copy printout summary of such record, covering the previous 60 day period, shall be made available within 72 24 hours following a request for it by any law enforcement personnel entitled to request such summary under authority of Section 465.017(2), F.S. Such summary shall include information from which it is possible to determine the volume and identity of controlled substance medications being dispensed under the prescription of a specific prescriber, and the volume and identity of controlled substance medications being dispensed to a specific patient.

(6) No change.

(7) Any pharmacist that dispenses a controlled substance subject to the requirements of this rule when dispensed by mail shall be exempt from the requirements to obtain suitable identification.

Specific Authority 465.005, 465.0155 FS. Law Implemented 465.0155, 456.072(1)(i), 465.016(1)(i), 465.016(1)(o), 465.017(2) FS. History--New 8-29-02, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Pharmacy

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

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 1, 2002

DEPARTMENT OF HEALTH

Board of Pharmacy

RULE TITLE: Centralized Prescription Filling

RULE NO.: 64B16-28.450

PURPOSE AND EFFECT: The rule implements Section 465.003(16) and Section 465.0265, Florida Statutes, both enacted by Chapter 2002-182, Laws of Florida.

SUMMARY: The rule addresses the requirements for pharmacies engaged in centralized prescription filling.

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: 465.005, 465.003, 465.0265 FS.

LAW IMPLEMENTED: 465.003(16), 465.0265 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AT THE BOARD'S NEXT MEETING TO BE HELD ON FEBRUARY 5, 2003 IN GAINESVILLE, FLORIDA.

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

THE FULL TEXT OF THE PROPOSED RULE IS:

64B16-28.450 Centralized Prescription Filling. Pharmacies acting as the supplier pharmacy under the centralized prescription filling of Section 465.0265, Florida Statutes, shall be licensed as either a community pharmacy or a non-resident pharmacy as appropriate.

(1) Community pharmacies acting as the supplier pharmacy and limiting its dispensing to centralized prescription filling may petition the board for exemptions from the following rules:

(a) Rule 64B16-28.1035, F.A.C. Patient Consultation Area;

(b) The signage requirement of Subsection 64B16-28.109(1), F.A.C.;

(c) Rule 64B16-28.140, F.A.C. Record Maintenance Systems for Community, Special-Limited Community, Special-Closed Systems, Special-Parenteral/Enteral, and Nuclear Permits;

(d) Rule 64B16-28.404, F.A.C. Regulation of Daily Operating Hours.

(2) A Policy and Procedure Manual shall:

(a) Be prepared and maintained specific to the supplying and receiving pharmacy at both locations;

(b) Appropriately address each of the elements required by Section 465.0265(2)(a)-(f), Florida Statutes;

(c) Be reviewed and found compliant with this section and Section 465.0265, Florida Statutes, by a board representative prior to initiation of service.

(3) Delivery shall only be to the pharmacy where the prescription resides and must be in a timely manner.

(4) The supplying and receiving pharmacy shall each be identified on the prescription container label. The receiving pharmacy shall be identified with pharmacy name and address. The supplying pharmacy may be identified by a code available at the receiving pharmacy.

(5) The receiving pharmacy shall notify prescription drug patrons of the pharmacy by printed notice or signage that a central pharmacy may be involved in the preparation of dispensed prescription drug products.

Specific Authority 465.005, 465.003, 465.0265 FS. Law Implemented 465.003(16), 465.0265 FS. History–New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Pharmacy
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Pharmacy
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 3, 2002
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 20, 2002

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Economic Self-Sufficiency Program

RULE TITLE: Overpayment and Benefit Recovery
PURPOSE AND EFFECT: Benefit Recovery staff have determined that it is not cost effective to pursue claims of \$1,250 or less in bankruptcy proceedings. This rule amendment establishes claim thresholds to correspond to that determination.

RULE NO.: 65A-1.900

SUMMARY: The benefit recovery program will not pursue a claim in bankruptcy proceedings if the amount of the claim is at or below \$1,250.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: An estimate of the regulatory cost was not prepared for these rules.

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: 414.41, 414.45 FS.

LAW IMPLEMENTED: 24.115(4), 414.31, 414.41 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: 11:00 a.m., January 20, 2003

PLACE: Building 3, Room 100, 1317 Winewood Boulevard, Tallahassee, FL 32399-0700

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: John Bowman, Program Administrator, 1317 Winewood Boulevard, Building 3, Room 417, Tallahassee, FL 32399-0700, (850)921-5549

THE FULL TEXT OF THE PROPOSED RULE IS:

65A-1.900 Overpayment and Benefit Recovery.

The purpose of this section is to define the administrative policies applicable to the establishment and recovery of overpayment in the public assistance programs.

(1) through (8) No change.

(9) Claim Thresholds.

The benefit recovery program will not pursue a claim in bankruptcy proceedings if the amount of the claim is at or below \$1,250.

(9) through (11) renumbered (10) through (12) No change.

Specific Authority 414.41, 414.45 FS. Law Implemented 24.115(4), 414.31, 414.41 FS. History–New 7-21-92, Amended 1-5-93, 9-5-93, Formerly 10C-1.900, Amended 7-9-98, 4-22-00, 2-26-02, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Rodney McInnis, Operations Review Specialist
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: John Bowman, Program Administrator, Technologies and Systems Development Bureau, Special Programs Unit
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 10, 2002
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 27, 2002

**Section III
Notices of Changes, Corrections and
Withdrawals**

DEPARTMENT OF INSURANCE

RULE NOS.: 4-154.102
4-154.112
RULE TITLES: Applicability and Scope
Guaranteed Availability of Individual Health Coverage to Eligible Individuals

SECOND NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 28, No. 43, October 25, 2002, of the Florida Administrative Weekly. The first Notice of Change was published in Vol. 28, No. 47, November 22, 2002. These changes are being made to address concerns expressed at the public hearing.