

(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.

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.:	RULE TITLES:
4-154.102	Applicability and Scope
4-154.112	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.

(1) Subsection (2) of Rule 4.154-102, F.A.C., is changed to read: (2) Rules 4-154.110 through 4-154.112 and Rules 4-154.114 through 4-154.116, F.A.C., shall also apply to insurance coverage subject to the provisions of Section 627.6487, Florida Statutes. Notwithstanding the foregoing, nothing in this rule chapter shall be construed to establish that the Department has rate approval authority over any rate applicable to a group policy issued outside this state, where that authority is not separately conferred by statute.

(2) Subsection (3)(a) of Rule 4.154-112, F.A.C., is changed to read: (3)(a) To enable the Department to monitor this coverage, the issuer shall file no later than March 1 of each year report the information in 1. through 5. on an annual (calendar year) basis. Form D14-1386, (rev. 11/2001), Individual Health Coverage Policy Forms Issued/Renewed in Florida, which is hereby adopted and incorporated by reference. Copies of the form may be obtained from and shall be submitted to the Bureau of Life and Health Forms and Rates, Division of Insurer Services, Department of Insurance, Tallahassee, FL 32399-0328, or submitted electronically through <http://portal.fldoi.com>. Forms are also available and may be printed from the Department's website: [www.doi.state.fl.us](http://www.doi.state.fl.us).

The remainder of the rule reads as previously published.

#### DEPARTMENT OF INSURANCE

RULE NOS.:	RULE TITLES:
4-154.511	Discontinuance or Modification of Policy Forms
4-154.513	Employee Health Care Access Act Annual and Quarterly Statement Reporting Requirement
4-154.514	Designation of Election to Become a Risk-Assuming or Reinsuring Carrier
4-154.515	Change of Status of Small Employer Carrier's Election to Become Risk-Assuming Carrier or Reinsuring Carrier

#### NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule as noticed in Vol. 28, No. 33, August 16, 2002, of the Florida Administrative Weekly has been withdrawn.

#### DEPARTMENT OF INSURANCE

RULE NO.:	RULE TITLE:
4-154.517	Group Conversion Election and Premium Notice Form

#### 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. 33, August 16,

2002, of the Florida Administrative Weekly. These changes are being made to address concerns expressed by the Joint Administrative Procedures Committee.

In subsection (2) of Rule 4-154.517, paragraph (e) is deleted and the remaining paragraphs renumbered accordingly; and subparagraph (g)3. is deleted and the remaining subparagraphs renumbered accordingly.

The remainder of the rule reads as previously published.

#### DEPARTMENT OF INSURANCE

RULE NOS.:	RULE TITLES:
4-204.001	Purpose and Scope
4-204.002	Definitions
4-204.004	Form Filings
4-204.006	Forms Review
4-204.010	Viatical Settlement Contracts and Forms Related Thereto
4-204.012	Viatical Settlement Purchase Agreements
4-204.022	Required Business Records in General
4-204.0225	Required Business Record
4-204.025	Department Forms

#### NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule as noticed in Vol. 27, No. 45, November 9, 2001, of the Florida Administrative Weekly and subsequently noticed in Vol. 27, No. 51, Vol. 28, No. 12, Vol. 28, No. 29, Vol. 28, No. 39 and Vol. 28, No. 46, has been withdrawn.

#### DEPARTMENT OF INSURANCE

RULE NO.:	RULE TITLE:
4-235.003	Sale of Certificates of Deposit

#### NOTICE OF CORRECTION

When the notice of proposed rulemaking for Rule 4-235.003, F.A.C., was filed, it incorrectly identified August 23, 2002 as the date the notice of proposed rule development was published in the Florida Administrative Weekly. The correct date that it was actually published was August 16, 2002, which is in Vol. 28, No. 33 of the Florida Administrative Weekly.

The remainder of the rule reads as previously published.

#### DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

##### Division of Agricultural Environmental Services

RULE CHAPTER NO.:	RULE CHAPTER TITLE:
5E-2	Pesticides

#### NOTICE OF CHANGE

A notice is hereby given that the following corrections have been made to the "Purpose, Effect and Summary" section of the proposed rule notice published in Vol. 28, No. 51, December 19, 2002, issue of the Florida Administrative Weekly.

When corrected the above referenced section of the notice will read as follows:

**PURPOSE, EFFECT AND SUMMARY:** The purpose and effect of this proposed rule is to adopt performance standards and acceptable test conditions for pesticides with directions for use as preventative termite treatments for new construction. The language of this rule was developed through a negotiated rulemaking as provided for in Chapter 120.54(2)(d), F.S., noticed by the Department in the April 26, 2002 issue of the Florida Administrative Weekly, Vol. 28, No. 17. The negotiating committee represented pesticide registrants, pest control operators, home builders, building officials, insurance industry, university extension service, and the Department. The language proposed in this notice represents the consensus of the negotiating committee. The committee also agreed that any performance standard for these pesticides adopted by the United States Environmental Protection Agency subsequent to the adoption of the rule should be adopted as allowed under Chapter 487.041(4)(e), F.S., provided the conditions of the statute are met.

#### DEPARTMENT OF CORRECTIONS

<b>RULE NO.:</b>	<b>RULE TITLE:</b>
33-208.101	Employee Grooming, Uniform and Clothing Requirements

#### 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. 35, (August 30, 2002), issue of the Florida Administrative Weekly, and amended in the first notice of change, published in Vol. 28, No. 47, November 22, 2002 issue of the Florida Administrative Weekly.

33-208.101 Employee Grooming, Uniform and Clothing Requirements.

(1) through (8) No change.

(9) Correctional Probation Officer Badges.

(a) No change.

1. No change.

2. The circuit administrator or designee shall conduct quarterly circuit badge inventories and submit the circuit badge inventory to the regional director. The quarterly circuit badge inventory shall include the following information:

a. through c. No change.

d. Status (including issued, not issued, stolen, lost, or retired), and

e. Total counts for each status, including the total number of badges issued, the total number of badges not issued, the total number of badges stolen, the total number of badges lost, and the total number of badges retired.

3. No change.

(b) through (d) No change.

(e) Loss or theft of a badge shall be reported to the officer's immediate supervisor within 72 hours of the officer becoming aware that the badge was stolen or lost. Theft or loss of a badge shall be reported by the officer on the Community Corrections Incident Report, Form DC3-225, followed by a MINS report by the circuit administrator. Form DC3-225 is incorporated by reference in Rule 33-302.104, F.A.C. The officer shall be responsible for reimbursing the department for any issued badge which is lost.

(f) through (i) No change.

(10) No change.

#### DEPARTMENT OF CORRECTIONS

<b>RULE NO.:</b>	<b>RULE TITLE:</b>
33-302.105	Probation and Parole – Use of Force

#### 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. 42, October 18, 2002, issue of the Florida Administrative Weekly:

33-302.105 Probation and Parole – Use of Force.

(1) through (4) No change.

(5) Use of chemical agents.

(a) through (b) No change.

(c) Only those chemical agents containing oleoresin capsicum and that are non-flammable shall be approved for use. Chemical agents may be issued to correctional probation staff including clerical support staff who have received training pursuant to paragraph (5)(b). Trained support staff are authorized to be issued a chemical agent with not more than two (2) ounces. The Receipt for Chemical Agents, Form DC3-254, will be utilized to document the issuance, testing, and return of chemical agents. ~~This form is hereby incorporated by reference.~~ The Chemical Agent Inventory, Form DC3-253, is utilized by the circuit office to maintain control of the chemical agents issued, stored, returned, and disposed of within the circuit. Forms DC3-253 and DC3-254 are ~~This form is~~ hereby incorporated by reference. Copies of Form DC3-254 and DC3-253 may be obtained from the Forms Control Administrator, Office of the General Counsel, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. The effective date of these forms is October 2, 2001. Staff who have received training may carry chemical agents upon their persons during working hours. Nothing in this rule authorizes staff to carry department issued chemical agents while off duty. Support staff must store chemical agents safely and securely in the office after working hours. If an employee has a question regarding chemical agents, he or she shall refer to the manufacturer's instructions or shall contact his or her supervisor.

(d) through (e) No change.

(f) Use of chemical agents on animals shall be limited to those situations in which the officer is in danger of an immediate attack from the animal. Following use of chemical agents, the officer shall immediately remove himself from the area, contact local animal control officers or local law enforcement if there is no local animal control office, and make a formal complaint regarding the attack. Under no circumstances shall chemical agents be used on animals who are not posing an immediate threat to the officer. ~~Form DC3-225, Community Corrections Incident Report, shall be used to report use of chemical agents on animals.~~

(g) No change.

(6) Staff or Offender Injury Sustained During Use of Force Incident.

(a) through (b) No change.

(c) When the offender has not been taken into custody after a use of force incident, the correctional probation officer shall advise the offender that he or she must be examined by a health care provider. When there is noticeable physical injury and the extent of the noticeable injury indicates that the offender needs emergency medical services, the correctional probation officer shall call emergency services for the offender as soon as the emergency has been resolved to an extent which allows the officer to leave the scene possible. Documentation of notification to the offender that a medical examination is required, any express refusal of medical care, and all contacts for medical services by the correctional probation officer shall be included in the Community Corrections Report of Force Used, Form DC3-210.

(7) No change.

Specific Authority 944.09 FS. Law Implemented 944.35 FS. History--New 5-28-86, Amended 8-6-90, 2-15-98, Formerly 33-24.017, Amended 10-2-01.

## AGENCY FOR HEALTH CARE ADMINISTRATION

### Medicaid

RULE CHAPTER NO.: 59G-11  
RULE CHAPTER TITLE: Florida 211 Provider Certification Requirements

RULE NOS.: 59G-11.002  
RULE TITLES: Definitions  
59G-11.003 Agency Certification Process and Requirements

#### 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. 38, September 20, 2002, issue of the Florida Administrative Weekly.

The document Standards for Professional Information and Referral, 4th edition, September 2000, which is incorporated herein by reference is deleted from Rules 59G-11.002 and .003, F.A.C., and replaced with Standards for Professional Information and Referral, 4th edition, revised October, 2002.

## DEPARTMENT OF HEALTH

### Board of Medicine

RULE NO.: 64B8-44.003  
RULE TITLE: Disciplinary Guidelines  
NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 28, No. 17, of the April 26, 2002, issue of the Florida Administrative Weekly.

The change is in response to written comments submitted by the staff of the Joint Administrative Procedures Committee. The Council, at its meeting of September 13, 2002, voted to change subsection (4)(r) of the rule. The Board of Medicine, at its meeting held on December 7, 2002, in Tampa, Florida, approved the Council's recommendation.

When changed, subsection (4)(r) shall read as follows:

<p>(r) Performing or attempting to perform health care services on the wrong patient, a wrong procedure, an unauthorized procedure, or a procedure that is medically unnecessary or otherwise unrelated to the patient's diagnosis or medical condition. (456.072(1)(aa))</p>	<p>(r) For the first offense, from 1 year probation with conditions and a \$1,000 fine to 1 year suspension, 2 years probation and a \$5,000 fine. For the second offense, from 1 year suspension, 2 years probation with conditions and a \$5000 fine to revocation and a \$10,000 fine.</p>
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THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kaye Howerton, Executive Director, Dietetics and Nutrition Practice Council, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

## DEPARTMENT OF HEALTH

### Board of Medicine

RULE NO.: 64B8-56.002  
RULE TITLE: Equipment and Devices; Protocols for Laser and Light-Based Devices

#### NOTICE OF WITHDRAWAL

Notice is hereby given that the above proposed rule development, as noticed in Vol. 28, No. 34, of the Florida Administrative Weekly on August 23, 2002, has been withdrawn.

## DEPARTMENT OF HEALTH

### Board of Optometry

RULE NO.: 64B13-5.002  
RULE TITLE: Criteria for Approval

**NOTICE OF PUBLIC HEARING**

The Board of Optometry hereby gives notice of an public hearing on the above-referenced rule(s) to be held on January 10, 2003, 11:00 a.m., Nova Southeastern University, University Park Plaza, 3530 S. University Drive, Room 516-517, Davie, FL. The rule was originally published in Vol. 28, No. 49, of the December 6, 2002, Florida Administrative Weekly.

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS:** Joe Baker, Executive Director, Board of Optometry/MQA, 2020 Capital Circle, S. E., Bin #C07, Tallahassee, Florida 32399-3257

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

**DEPARTMENT OF HEALTH****Board of Osteopathic Medicine**

**RULE NO.:** 64B15-14.007  
**RULE TITLE:** Standard of Care for Office Surgery

**NOTICE OF CHANGE**

Notice is hereby given that the following change has been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 28, No. 41, October 11, 2002 issue of the Florida Administrative Weekly.

The change is being made in response to a public hearing at the Board's December meeting.

The change is to (6)(b)1.a. to read as follows:

a. The surgeon must have staff privileges at a licensed hospital to perform the same procedure in that hospital as that being performed in the office setting or must be able to document satisfactory completion of training such as Board certification or Board qualification by a Board approved by the American Osteopathic Association, the American Board of Medical Specialties, the Accreditation Council on Graduate Medical Education or any other board approved by the Board of Osteopathic Medicine or must be able to demonstrate to the accrediting organization or to the Department comparable background, training and experience. In addition, the surgeon must have knowledge of the principles of general anesthesia. If the anesthesia provider is not an anesthesiologist, there must be a licensed M.D., or D.O., anesthesiologist, other than the surgeon, to provide direct supervision of the administration and maintenance of the anesthesia.

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS:** Pam King, Executive Director, Board of Osteopathic Medicine/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

**DEPARTMENT OF HEALTH****Optical Establishments**

**RULE NO.:** 64B29-1.002  
**RULE TITLE:** Optical Establishment Inspections

**NOTICE OF PUBLIC HEARING**

The Department of Health hereby gives notice of a public hearing on the above-referenced rule to be held on February 12, 2003, 9:00 a.m., or shortly thereafter, at the Clarion Hotel, 2101 Dixie Clipper Road, Jacksonville, Florida 32218, (904)741-1997. The rule was originally published in Vol. 28, No. 43, of the October 25, 2002, Florida Administrative Weekly.

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

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

**FISH AND WILDLIFE CONSERVATION  
COMMISSION****Vessel Registration and Boating Safety**

**RULE CHAPTER NO.:** 68D-1  
**RULE CHAPTER TITLE:** Boating Safety Forms  
**RULE NO.:** 68D-1.001  
**RULE TITLE:** Forms

**NOTICE OF WITHDRAWAL**

Notice is hereby given that the above proposed rule, as noticed in Vol. 27, No. 4, January 26, 2001, Florida Administrative Weekly, has been withdrawn.

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**Section IV  
Emergency Rules****DEPARTMENT OF THE LOTTERY**

**RULE TITLE:** Instant Game Number 458,  
"SUPER 7'S BINGO"  
**RULE NO.:** 53ER02-66

**SUMMARY OF THE RULE:** This emergency rule relates to the Instant Game Number 451, "SUPER 7'S BINGO" for which the Department of the Lottery will start selling tickets on a date to be determined by the Secretary of the Department. The rule sets forth the specifics of the game; determination of prizewinners; and the estimated odds of winning, value, and number and size of prizes in the game.