

DEPARTMENT OF HEALTH**Board of Medicine**

RULE TITLE:

Citations

RULE NO.:

64B8-55.002

PURPOSE AND EFFECT: The Board proposes to amend the existing rule to change the penalty for a first time violation of failure to comply with continuing education requirements to a \$500.00 fine and completion of all incomplete continuing education credits.

SUMMARY: The first time violation of failure to comply with continuing education requirements is increased to \$500.00 and the requirement that all incomplete continuing education credits 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 regulatory cost alternative must do so in writing within 21 days of this notice.

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

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

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kaye Howerton, Executive Director, Board of Medicine, Electrolysis Council, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

64B8-55.002 Citations.

(1) through (3) No change.

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

(a) through (l) No change.

(m) Failure to comply with continuing (m) First time violation \$500
\$250 fine; and completion of all
incomplete continuing education
credits.

(n) through (s) No change.

(5) through (6) No change.

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

NAME OF PERSON ORIGINATING PROPOSED RULE: Electrolysis Council

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 5, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 27, 2003

Section III Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF FINANCIAL SERVICES**Division of State Fire Marshal**

RULE CHAPTER NO.: RULE CHAPTER TITLE:

4A-63

The Arson Laboratory

RULE NO.:

RULE TITLE:

4A-63.001

Arson Laboratory Requirements
and Procedures for Submission
of Evidence

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule published in Vol. 29, No. 10, the March 7, 2003, edition of the Florida Administrative Weekly, in accordance with subparagraph 120.54(3)(d)1., Florida Statutes:

4A-63.001 Arson Laboratory Requirements and Procedures for Submission of Evidence.

(1) through (2) No change.

(3)(a) Following are the general submission and shipping requirements.

1. through 7. No change.

8.a. Cans and containers found on the scene shall have any liquid removed. If the liquid is suspected of being an ignitable liquid, follow the instructions in subparagraph 5 above. Seal the holes on the container with a cork stopper and tape over, then place the evidence into an approved container of appropriate size.

b. CAUTION: If the can is suspected to have fingerprints, do not use a plastic bag. Package it in the following manner (which is Instruction Number 3 of the Federal Bureau of Investigations Handbook of Forensic Services, Evidence Submission, Packaging and Shipping Evidence, located at <http://www.fbi.gov/hq/lab/handbook/submissn.htm>):

(I) Place nonporous evidence in individual protective coverings such as thick transparent envelopes or suspend in a container so that there is minimal surface contact.

(II) Place porous evidence in individual protective coverings such as paper envelopes. Stabilize the evidence to avoid movement or friction during shipment according to Florida Department of Law Enforcement or Federal Bureau of Investigations procedures.

c. The packaging in b.(I) and b.(II) above ~~it~~ will not be appropriate for ignitable liquid analysis.

d. It is the investigator's responsibility to choose the forensic method that would provide the best evidence.

9. through 12. No change.

(b) No change.

(4) The following are requirements for transportation of evidence to the laboratory:

(a) through (b) No change.

(c) Courier. A completed evidence submission form must accompany the evidence. Only certified carrier services which provide for positive tracking or a return receipt should be used (example: United Parcel Services, Federal Express, Purolator, United States Postal Service, Airborne). Evidence must be traceable through the carrier such as having a certified or registered mail receipt number or a similar means of positively tracking the parcel.

(d) 1. The Evidence Submission Form. By completely and properly filling out the submission form, Form DI4-1096, Revised 10/02, which is hereby adopted and incorporated by reference, the investigator is documenting all the information necessary for the laboratory to track and process the case. Form DI4-1096 also provides a chain of custody for the evidence's receipt and return. This laboratory uses a computerized laboratory information management system. Because of this, there are certain items of information that are required to properly log the case. The following information is provided with respect to the evidence form. Please refer to Form DI4-1096.

2. Form DI4-1096 may be obtained by writing to the Arson Laboratory at 38 Academy Drive, Havana, Florida 32333.

(4) through (5) No change.

(6) Public Records.

Notwithstanding any other provision of this rule, any evidence referred to in this rule which constitutes a public record as defined in Section 119.011(1), Florida Statutes, shall be maintained in accordance with the retention schedule of the Department of Financial Services Insurance, which has been submitted to the Department of State for review and approval, and which has been reviewed and approved by the Department of State, all pursuant to Section 257.36(6), Florida Statutes, and Rules 1B-24.001 and 1B-24.003, Florida Administrative Code.

Specific Authority 633.01(1) FS. Law Implemented 633.03, 633.111 ~~633.044~~ FS. History--New _____.

DEPARTMENT OF REVENUE

Corporate, Estate and Intangible Tax

RULE NO.: RULE TITLE:
12C-1.051 Forms

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed amendments to Rule 12C-1.051, F.A.C., as published in the January 13, 2003 edition of the Florida

Administrative Weekly (Vol. 29, No. 5, pp. 431-434). These changes are in accordance with s. 120.54(3)(d)1., F.S., and are in response to written comments received by the Department from the Joint Administrative Procedures Committee.

The proposed amendments to paragraph (4)(b), subsection (5), and paragraph (6)(b) of Rule 12C-1.051, F.A.C. (Forms), have been changed so that, when adopted, those paragraphs and that subsection will read:

Form Number	Title	Effective Date
(4)(b) F-1065N	Instructions for Preparing Form F-1065 Florida Partnership Information Return (R. <u>05/03</u> 01/01)	<u>08/02</u>
(5) F-1120A	Florida Corporate Short Form Income Tax Return (R. <u>05/03</u> 01/02)	<u>08/02</u>
(6)(b) F-1120N	F-1120 Instructions- Corporate Income/Franchise and Emergency Excise Tax Return for taxable years beginning on or after January 1, <u>2002</u> 2001 (R. <u>05/03</u> 01/02)	<u>08/02</u>

The following provision of Form F-1065N (Instructions for Preparing Form F-1065 Florida Partnership Information Return) has been revised, so that, when adopted, that provision will read:

Extension of Time for Filing

An extension of time to file Form F-1065 may be granted. An application must be made prior to the date the F-1065 return is due. Use *Florida Tentative Income/Franchise and/or Emergency Excise Tax Return and Application for Extension of Time to File Return* (Form F-7004).

If federal Form 8736 was filed for federal tax purposes, an extension will be automatically approved if the Florida Form F-7004 is filed with the Department on or before the original due date of the return. A copy of federal Form 8736 and Form F-7004 must be attached to Form F-1065 when it is filed.

An extension for Florida tax purposes may be granted, even though no federal extension was granted, if good cause for an extension is shown when Form F-7004 is filed. For additional information, see Internal Revenue Service Announcements 60-90 and 63-113.

Extensions are valid for six months. Only one extension is permitted.

The following provision of Form F-1120A (Florida Corporate Short Form Income Tax Return) has been revised, so that, when adopted, that provision will read:

Extension of Time to File

To apply for an extension of time for filing Florida Form F-1120A, detach and complete Florida Form F-7004, *Florida Tentative Income/Franchise and/or Emergency Excise Tax Return and Application for Extension of Time to File Return*. A

copy of the federal extension will not extend the time for filing the Florida return. Florida Form F-7004 must be filed to extend the time to file. An extension for Florida tax purposes may be granted, even though no federal extension was granted, if good cause for an extension is shown. For additional information, see Internal Revenue Service Announcements 60-90 and 63-113.

Florida Form F-7004, along with payment of all the tax due (tentative tax), must be filed on or before the original due date of Florida Form F-1120. An extension of time will be void if: 1) payment is not made with the application, or 2) the required payment is underpaid by the greater of \$2,000 or 30 percent of the tax shown on Florida Form F-1120 when filed. Extensions are valid for six months. Only one extension is permitted per tax year.

The following provision of Form F-1120N (F-1120 Instructions-Corporate Income/Franchise and Emergency Excise Tax Return for taxable years beginning on or after January 1, 2002) has been revised, so that, when adopted, that provision will read:

Extension of Time to File

To apply for an extension of time for filing Florida Form F-1120, complete Florida Form F-7004, *Florida Tentative Income/Franchise and/or Emergency Excise Tax Return and Application for Extension of Time to File Return*. Florida Form F-7004 with instructions is included in the Florida Form F-1120 package.

A copy of the federal extension alone will not extend the time for filing the Florida return. Florida Form F-7004 must be filed to extend the time to file. An extension for Florida tax purposes may be granted, even though no federal extension was granted, if good cause for an extension is shown. For additional information, see Internal Revenue Service Announcements 60-90 and 63-113.

Florida Form F-7004, along with payment of all the tax due (tentative tax), must be filed on or before the original due date of Florida Form F-1120. An extension of time will be void if: 1) payment is not made with the application, or 2) the required payment is underpaid by the greater of \$2,000 or 30 percent of the tax shown on Florida Form F-1120 when filed. Extensions are valid for six months. Only one extension is permitted per tax year.

DEPARTMENT OF REVENUE

Division of Child Support Enforcement

RULE NO.:	RULE TITLE:
12E-1.022	Overpayment Recovery
NOTICE OF CHANGE	

Notice is hereby given that the following changes have been made to this proposed rule, as published in the Florida Administrative Weekly on January 17, 2003, Vol. 29, No. 3,

pp. 186-187. These changes are in response to comments received from the Joint Administrative Procedures Committee, in accordance with s. 120.54(3)(d)1., F.S.

Paragraph (e) of subsection (4) of the proposed rule has been changed by replacing the word "may" by the word "shall." When adopted, paragraph (4)(e) will read:

(e) That if an overpayment is established when the reconsideration process is concluded, and the obligee does not repay the overpayment, sign a repayment agreement, or respond to the department in writing, the department shall attempt to recover the overpayment by withholding future collections or by pursuing other collection actions or legal remedies to recover the overpayment from the obligee; and

Subparagraph 4. of paragraph (a) of subsection (5) of the proposed rule has been changed by replacing the word "may" by the word "shall." When adopted, subparagraph (5)(a)4. will read:

4. That if an overpayment is established when the reconsideration process is concluded, and the obligee does not repay the overpayment, sign a repayment agreement, or respond to the department in writing, the department shall attempt to recover the overpayment by withholding future collections or by pursuing other collection actions or legal remedies to recover the overpayment from the obligee; and

Subparagraph 4. of paragraph (c) of subsection (5) of the proposed rule has been changed by replacing the word "may" by the word "shall." When adopted, subparagraph (5)(c)4. will read:

4. That the department shall pursue other collection actions or legal remedies to recover the overpayment from the obligee.

Subsection (9) of the proposed rule has been changed by replacing the reference to "42 United States Code, Section 657" by a reference to "Section 409.2558(1), Florida Statutes." When adopted, subsection (9) will read:

(9) Amounts withheld from future collections received by the department that would otherwise be disbursed to the obligee shall be applied toward the overpayment until it has been repaid. The remaining amount of each collection will be disbursed as required by Section 409.2558(1), Florida Statutes. Subsection (10) of the proposed rule has been removed.

In addition to the above changes to proposed Rule 12E-1.022, F.A.C., that have been made in response to comments received from the Joint Administrative Procedures Committee, a technical change has been made to subsection (6) of the proposed rule by adding the word "form" in two places. When adopted, subsection (6) will read:

(6) The department shall provide a repayment agreement form with each written notice of overpayment that is sent to the obligee. The obligee may use the repayment agreement form to respond to the department in writing.

Notice is hereby given that the notice of proposed rulemaking that was published in the Florida Administrative Weekly on January 17, 2003, Vol. 29, No. 3, pp. 186-187, inadvertently omitted certain information about promulgation of the proposed amendments to this rule that subparagraph 120.54(3)(a)1., Florida Statutes, requires to be included in the notice and that Rule 1S-1.003(4), F.A.C., requires to be in a specified format in the notice. The required information that was omitted is as follows:

NAME OF PERSON ORIGINATING PROPOSED RULE:
Lynn D. Chang, Government Analyst II, Department of Revenue, P. O. Box 8030, Tallahassee, FL 32314-8030, (850)922-9573

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Tom Mato, Chief Counsel, Child Support Enforcement Program Legal Section, Department of Revenue, P. O. Box 8030, Tallahassee, FL 32314-8030, (850)414-9966

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 3, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: These proposed rules were noticed for a Rule Development Workshop in the Florida Administrative Weekly on October 25, 2002 (Vol. 28, No. 43, pp. 4590-4592). The workshop was held on November 12, 2002. No comments were received at the workshop and the department received no written comments on the proposed rule amendments.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

DOCKET NO.: 01-10R

RULE CHAPTER NO.:	RULE CHAPTER TITLE:
18-21	Sovereignty Submerged Lands Management

RULE NOS.:	RULE TITLES:
18-21.003	Definitions
18-21.004	Management Policies, Standards, and Criteria
18-21.0051	Delegation of Authority
18-21.009	Applications for Public Easement
18-21.010	Applications for Private Easement
18-21.011	Payments and Fees

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as published in Vol. 29, No. 1, January 3, 2003, Florida Administrative Weekly, and noticed in the Department's official notice Internet site at www.dep.state.fl.us under the link "official Notices," has been withdrawn. A corrective notice was published in Vol. 29, No. 5, January 31, 2003, Florida Administrative Weekly and on the Department's notice site.

DEPARTMENT OF CORRECTIONS

RULE NO.:	RULE TITLE:
33-501.401	Admissible Reading Material

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. 29, No. 14, (April 4, 2003), issue of the Florida Administrative Weekly:

33-501.401 Admissible Reading Material.

(1) through (13) No change.

(14) Literature Review Committee.

(a) There shall be a literature review committee to act as the final reviewing authority for appeals regarding reading material impounded or rejected pursuant to criteria established in this rule. The committee shall be composed of:

1. Chief of bureau of security operations or designee;

2. Chief of bureau of inmate grievance appeals or designee;

3. Library services administrator or designee;

4. Chief of bureau of classification or designee.

(b) through (24) No change.

Specific Authority 944.09, 944.11 FS. Law Implemented 944.11 FS. History—New 10-8-76, Amended 3-3-81, 9-24-81, Formerly 33-3.12, Amended 6-9-87, 3-11-91, 12-17-91, 3-30-94, 11-2-94, 5-10-98, 10-20-98, Formerly 33-3.012, Amended 3-21-00, 8-10-00, 10-13-02, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Allen Overstreet

DEPARTMENT OF CORRECTIONS

RULE NO.:	RULE TITLE:
33-601.725	Permissible Items for Visitors

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. 29, No. 14, (April 4, 2003), issue of the Florida Administrative Weekly:

33-601.725 Permissible Items for Visitors.

(1) Visitors shall be allowed to bring only authorized items listed into any department facility. Entry shall be denied if the visitor attempts to enter the institution or facility while possessing any unauthorized item or any authorized item in more than the approved amounts. Authorized items include:

(a) through (h) No change.

(i) Small unopened package of facial tissues in clear plastic.

(2) No change.

Specific Authority 20.315, 944.09, 944.23 FS. Law Implemented 944.09, 944.23 FS. History—New 11-18-01, Amended 5-27-02, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
James Upchurch

WATER MANAGEMENT DISTRICTS**Southwest Florida Water Management District**

RULE NO.: 40D-4.091
 RULE TITLE: Publications and Agreements
 Incorporated by Reference

NOTICE OF CORRECTION

Notice is hereby given that the Summary included in the Notice of Proposed Rulemaking published in the Florida Administrative Weekly, Vol. 29, No. 18 on May 2, 2003 is corrected to read as follows:

Rule 40D-4.042, Florida Administrative Code (F.A.C.) has been amended to provide that a petitioner seeking a formal determination of wetlands or other surface waters may publish notice of the agency action in accordance with Rule 40D-1.1010, F.A.C. This change made the process for noticing petitions for formal wetland determinations consistent with the processes for noticing water use and environmental resource permit applications. This proposed rulemaking will amend the language in the B.O.R. to conform with Rule 40D-4.042, F.A.C.

AGENCY FOR HEALTH CARE ADMINISTRATION**Certificate of Need**

RULE NO.: 59C-1.045
 RULE TITLE: Long-Term Care Hospital Beds

NOTICE OF WITHDRAWAL

Notice is hereby given that the above proposed rule, as noticed in Vol. 29, No. 7, Florida Administrative Weekly, February 14, 2003, has been withdrawn.

The proposed rule would have established criteria to be used in review of certificate of need (CON) applications to establish or expand a long-term care hospital. A Notice of Proposed Rulemaking incorporating changes from the withdrawn rule is expected to appear elsewhere in this edition of the F.A.W.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**Board of Landscape Architecture**

RULE NO.: 61G10-18.001
 RULE TITLE: Continuing Education Credit Requirements

NOTICE OF CHANGE

Notice is hereby gives notice 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.18, May 3, 2002, issue of the Florida Administrative Weekly and amended in the Vol. 29, No. 8, February 21, 2003, issue of the Florida Administrative Weekly. These changes are in response to comments from the Joint Administrative Procedures Committee and from comments made at the Board meeting held on April 25, 2003.

The changes are as follows:

1. Proposed subsection (1) shall place the phrase "who have held a license for more than 24 months and" between the words "Licensees" and "whose."

2. Proposed subsection (1)(c)1. The sentence "The completion of courses in landscape architecture subjects at universities and colleges shall be accredited by an accrediting agency that is recognized by the United States Office or Department of Education, including accredited junior and community college programs" shall be replaced with the sentence "Courses in landscape architecture subjects can be taken only at universities and colleges which are accredited by an accrediting agency that is recognized by the United States Department of Education, including accredited junior and community college programs."

3. Proposed subsection (1)(c)2. The sentence "The number of hours of credit shall be consistent with Rule 61G10-18.003, F.A.C." shall be replaced with the phrase "providing the courses shall be consistent with Rule 61G10-18.003, F.A.C." which shall be added to the immediately preceding sentence of the subsection.

4. Proposed subsection (3) the phrase "12 or more months" shall be replaced with "12 to 24 months."

5. Proposed subsection (3)(a) the phrase "or by complying with subsection (5)" shall be placed directly after the phrase "Florida Statutes."

6. Proposed subsection (5) shall be deleted in its entirety.

7. Proposed subsection (6) through (7) shall be renumbered (5) through (6).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Juanita Chastain, Executive Director, Florida Board of Landscape Architecture, 1940 North Monroe Street, Northwood Centre, Tallahassee, Florida 32399-0750

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**Board of Pilot Commissioners**

RULE NO.: 61G14-17.004
 RULE TITLE: Guidelines for the Disposition of Disciplinary Cases

NOTICE OF CHANGE

Notice is hereby gives notice changes to the proposed rule, published in Vol. 28, No. 45, of the November 8, 2002, issue of the Florida Administrative Weekly have been made in accordance with subparagraph 120.54(3)(d)1., F.S. The changes, approved April 25, 2003, are in response to concerns from the Joint Administrative Procedures Committee.

The changes are as follows:

1. Proposed Subsection (5) shall be deleted in its entirety.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Anthony Spivey, Executive Director, Board of Pilot Commissioners, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**Board of Pilot Commissioners**

RULE NO.: RULE TITLE:
 61G14-20.001 Deputy Pilots' and State Pilots'
 Physical and Mental Capabilities
 NOTICE OF CHANGE

Notice is hereby given that changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 29, No. 12, of the March 21, 2003, issue of the Florida Administrative Weekly. The changes are in response to concerns from the Joint Administrative Procedures Committee.

The changes shall be as follows:

2. Subsection (2)(c)2. will read as follows:

2. An original or true copy of form Dept. of Trans., USCG, CG-719K (Rev. 1/02) entitled "Merchant Marine Personnel Physical Examination Report," which form is incorporated herein by reference and can be obtained by contacting the Board office at 1940 North Monroe Street, Tallahassee, Florida 32399-0773. The form shall bear a date no later than thirteen months after the date appearing on the copy of such form most recently submitted; and

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Anthony Spivey, Executive Director, 1940 North Monroe Street, Tallahassee, Florida 32399-2202

DEPARTMENT OF ENVIRONMENTAL PROTECTION**Office of the Secretary**

RULE CHAPTER NO.: RULE CHAPTER TITLE:
 62S-4 Coastal Management Program
 Grants

NOTICE OF CORRECTION

Proposed amendments to rule titles and proposed new rules were inadvertently omitted from the "Rule Titles" and "Rule Nos." sections of the Notice of Proposed Rulemaking, Docket No. 03-01R (Rule Chapter Title Coastal Management Program Grants), published on the Internet at the Department of Environmental Protection's home page on April 25, 2003.

Those sections of the Notice of Proposed Rulemaking should read as follows:

RULE TITLES:	RULE NOS.:
Definitions	62S-4.001
Application Procedures for Coastal Partnership Initiative Grants	62S-4.004
Application Procedures for Coastal Management Grants to State Agencies and Water Management Districts	62S-4.0045
Eligibility for Funding of Coastal Partnership Initiative Grants Preliminary Approval	62S-4.005
Eligibility for Funding of Coastal Management Grants to State Agencies and Water Management Districts	62S-4.0055
Review Procedures and Criteria	62S-4.007

DEPARTMENT OF HEALTH**Division of Family Health Services**

RULE NOS.: RULE TITLES:
 64F-12.001 General Regulations; Definitions
 64F-12.012 Records of Drugs, Cosmetic, and
 Devices

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rules in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 29, No. 10, on March 7, 2003, issue of the Florida Administrative Weekly. The changes are in response to written comments received from staff of the Joint Administrative Procedures Commission and comments received from industry related to the required statements in the proposed rule for the wholesale distribution of specified drugs. Paragraph (2)(b) of Rule 64F-12.001, F.A.C., shall now read as follows:

64F-12.001 General Regulations; Definitions.

(2) In addition to definitions contained in Sections 499.003, 499.012(1), 499.0122(1), 499.028(1), and 499.61, F.S., the following definitions apply to rule Chapter 64F-12, F.A.C.:

(b) "Affiliated group" – means the definition set forth in Section 1504 of the Internal Revenue Code, (as of April 24, 2003) which is incorporated by reference.

Specific Authority 499.05, 499.61, 499.701 FS. Law Implemented 499.003, 499.004, 499.005, 499.0054, 499.0057, 499.006, 499.007, 499.008, 499.009, 499.01, 499.012, 499.0121, 499.0122, 499.013, 499.014, 499.015, 499.023, 499.024, 499.025, 499.028, 499.03, 499.033, 499.035, 499.039, 499.041, 499.05, 499.051, 499.052, 499.06, 499.066, 499.067, 499.069, 499.61, 499.62, 499.63, 499.64, 499.65, 499.66, 499.67, 499.71, 499.75 FS. History—New 1-1-77, Amended 12-12-82, 1-30-85, Formerly 10D-45.31, Amended 11-26-86, 2-4-93, 7-1-96, Formerly 10D-45.031, Amended 1-26-99, 4-18-01,

Paragraph (3) of Rule 64F-12.012, F.A.C., shall now read as follows:

64F-12.012 Records of Drugs, Cosmetics and Devices.

(3)(a) For drugs other than specified drugs, the pedigree papers required by Section 499.0121(6)(d), F.S., must include either the proprietary name or the generic name with the name of the manufacturer (manufacturer, distributor or relabeler) ~~or distributor reflected on the label of the product;~~ dosage form; strength; container size; quantity by lot number; the name and address of each owner of the prescription drug; the name and address of each location from which it was shipped if different from the owner's; and the transaction dates. A copy of the pedigree paper must be maintained by each recipient.

(b) Effective 60 days after the effective date of this paragraph (b), for a specified drug:

1. Any person who distributes a specified drug that it did not manufacture must provide to each purchaser and recipient that is a wholesale distributor either the statement set forth in a. or a pedigree paper as set forth in b. as follows:

a. Upon the wholesale distribution of a prescription drug that was purchased directly from the manufacturer by the establishment or a member of the establishment's affiliated group as an authorized distributor of record that has an ongoing relationship with the manufacturer as defined in subparagraph 64F-12.001(2)(j)2., F.A.C., a statement on the invoice or transfer document as follows:

i. If the establishment is not a member of an affiliated group: "This establishment purchased the specific unit of the specified drug directly from the manufacturer as an authorized distributor of record." or

ii. If the establishment is a member of an affiliated group: "This establishment or a member of my affiliated group purchased the specific unit of the specified drug directly from the manufacturer as an authorized distributor of record." or

b. Before the wholesale distribution of a specific unit of a prescription drug that was not purchased by the establishment or a member of its affiliated group directly from the manufacturer and is therefore not an authorized distributor of record with an ongoing relationship with the manufacturer as defined in subparagraph 64F-12.001(2)(j)2., F.A.C., a written statement ("pedigree paper") identifying each previous wholesale distribution of that unit of the specified drug back to the manufacturer.

2. The pedigree paper must include either the proprietary name or the generic name with the name of the manufacturer (manufacturer, distributor or relabeler); dosage form; strength; container size; quantity by lot number; the name and address of each prior owner of the prescription drug; consistent with (b)1.a. or (b)1.b., above; the name and address of each location from which it was shipped if different from the owner's; and the transaction dates for all distributions subsequent to the distribution by the wholesaler, or its affiliated group member that purchased that unit of the prescription drug from the manufacturer. The pedigree paper must clearly identify the invoice to which it relates. A copy of the pedigree paper must be maintained by each recipient.

(c) A repackager must comply with this subsection.

(d) If a separate document from the invoice is used to transmit the statement in (b)1.a. above, that document must clearly identify the invoice to which it relates.

(e) A wholesale distributor may use one invoice to distribute prescription drugs, some of which are subject to subparagraph (b)1.a. and some of which are subject to (b)1.b.; however, the line items on the invoice must be coded in such a manner to distinguish whether (b)1.a. or (b)1.b. applies. Similarly, the individual units of the prescription drugs must be identified in such a manner to distinguish whether (b)1.a. or (b)1.b. applies to each unit.

Specific Authority 499.05, 499.012, 499.0121, 499.0122, 499.013, 499.014, 499.052 FS. Law Implemented 499.012, 499.0121, 499.0122, 499.013, 499.014, 499.05, 499.051, 499.052 FS. History--New 1-1-77, Amended 12-12-82, 7-8-84, 1-30-85, Formerly 10D-45.53, Amended 11-26-86, 2-7-93, 7-1-96, Formerly 10D-45.053, Amended 1-26-99, 4-18-01, _____.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sandra Stovall, Compliance Officer, 2818-A Mahan Drive, Tallahassee, Florida 32308, (850)487-1257, Ext. 210, sandra_stovall@doh.state.fl.us.fl

FISH AND WILDLIFE CONSERVATION COMMISSION

Marine Fisheries

RULE CHAPTER NO.: 68B-24
RULE CHAPTER TITLE: Pompano, African Pompano, and Permit

RULE NO.: 68B-24.0055
RULE TITLE: Commercial Requirements

NOTICE OF CHANGE

The Fish and Wildlife Conservation Commission announces that the proposed amendment of Rule 68B-24.0055, F.A.C., as published in the April 25, 2003 issue of the Florida Administrative Weekly inadvertently omitted a subsection regarding daily harvest and possession limits applicable to persons commercially harvesting spiny lobster by diving. The proposed amendment of the rule will now read as follows:

68B-24.0055 Commercial ~~Licensing~~ Requirements.

(1) Section 370.14, Florida Statutes, requires each person using traps to harvest spiny lobster or taking spiny lobster in commercial quantities to purchase and possess a trap number, also known as a crawfish endorsement or crawfish license. A crawfish endorsement is hereby required to harvest spiny lobster for commercial purposes, and shall only be issued to a person, firm, or corporation that possesses a valid saltwater products license with a restricted species endorsement. "Harvest for commercial purposes" means the taking or harvesting of spiny lobster for purposes of sale or with intent to sell or in excess of established bag limits.

(2) Beginning in the 2004-2005 fishing season, in addition to a valid saltwater products license with a restricted species endorsement and a valid crawfish endorsement, a commercial dive permit is required to harvest spiny lobster in commercial quantities by diving. Application for issuance of a commercial dive permit shall be made on a form provided by the Commission (Form DMF-SL0610 (7-03)), incorporated herein by reference. The applicant must have documented commercial dive lobster landings pursuant to Commission trip ticket records generated under the provisions of Rule Chapter 68E-5, F.A.C., during the license year July 1, 2001 through June 30, 2002, or during the license year July 1, 2002 through June 30, 2003. Commercial dive permits will not be issued to or renewed for applicants who own one or more trap certificates. Effective January 1, 2005, no new commercial dive permits will be issued and no commercial dive permit will be renewed or replaced except those that were active during the 2004-2005 fishing season.

(3)(a) For the season beginning August 6, 2003, persons harvesting lobster commercially by diving shall be subject to a daily harvest and possession limit of 250 spiny lobsters per day beginning August 6 and continuing through August 31 and 200 spiny lobster per day beginning September 1 and continuing through the remainder of the 2003-2004 season. For purposes of this paragraph, persons shall be considered to be harvesting lobster by diving if they are harvesting pursuant to a saltwater products license with a restricted species endorsement and crawfish license or trap number and are simultaneously in possession of any artificial underwater breathing apparatus or gear.

(b) Beginning in the 2004-2005 fishing season, the daily harvest and possession limits in paragraph (a) shall apply to persons possessing a valid commercial diver permit issued pursuant to subsection (2).

(c) No more than the applicable harvest and possession limit of spiny lobster shall be possessed aboard or landed from any vessel regardless of the number of commercial harvesters on board harvesting pursuant to this subsection.

Specific Authority Art IV, Sec. 9, Fla. Const. Law Implemented Art IV, Sec. 9, Fla. Const. History—New 7-1-01, Amended _____.

Section IV Emergency Rules

NONE

Section V Petitions and Dispositions Regarding Rule Variance or Waiver

DEPARTMENT OF HEALTH

NOTICE IS HEREBY GIVEN that on April 24, 2003, the Board of Physical Therapy Practice filed an Order disposing of a Petition for Waiver from paragraph 64B17-3.001(4)(h), Florida Administrative Code, filed by Georgious Adamopoulos. Paragraph 64B17-3.001(4)(h), Florida Administrative Code, requires that the credentialing agency for foreign educated applicants only use original documentation provided by the educational institution. The petition was filed with the Board on March 21, 2003, and was noticed in the Florida Administrative Weekly on April 4, 2003. No public comments were received.

The Order provides in summary that the underlying purposes of the statute will be achieved by the use of available documentation because it is impossible to obtain original documentation from an institution no longer in existence.

Accordingly, the petition for waiver from paragraph 64B17-3.001(4)(h), Florida Administrative Code, has been GRANTED.

A copy of the Order may be obtained from: Amy Carraway, Deputy Agency Clerk, Department of Health, Division of Medical Quality Assurance, Bin #C01, 4052 Bald Cypress Way, Tallahassee, Florida 32399-3251, (850)245-4121.

Section VI Notices of Meetings, Workshops and Public Hearings

The following state governmental agencies, boards and commissions announce a public meeting to which all persons are invited:

State Board of Administration
Financial Services Commission
Department of Veterans' Affairs
Department of Highway Safety and Motor Vehicles
Department of Law Enforcement
Department of Revenue
Department of Education
Administration Commission

Florida Land and Water Adjudicatory Commission
Board of Trustees of the Internal Improvement Trust Fund
Department of Environmental Protection

DATE AND TIME: May 28, 2003, 9:00 a.m.

PLACE: Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED:
Regular scheduled meeting of the Governor and Cabinet

The State Board of Administration will take action on matters duly presented on its agenda, which may include such matters as Executive Director's reports; approval of fiscal sufficiency of state bond issues; approval of sale of local bonds at an interest rate in excess of statutory interest rate limitation; report on investment performance; designation of banks as depositories for state funds; adoption of rules and regulations; investment of state funds pursuant to Chapter 215, F.S.; and consideration of other matters within its authority pursuant to Chapters 215 and 344, F.S., and Section 16 of Article IX of the Florida Constitution of 1885, as continued by subsection 9(c) of Article XII of the Florida Constitution of 1968. The Division of Bond Finance of the State Board of Administration will take action on matters duly presented on its agenda, which will deal with the issuance of State bonds, arbitrage compliance and related matters.

The Financial Services Commission will take action on matters duly presented on its agenda which may include, but not be limited to, matters relating to rulemaking for all activities concerning insurers and other risk bearing entities, including