

SPECIFIC AUTHORITY: 455.213(6), 455.2177, 455.2178, 455.2179, 471.017(3), 471.019 FS.

LAW IMPLEMENTED: 455.213(6), 455.2177, 455.2178, 455.2179, 471.008 FS.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

61G15-22.002 Definitions.

(1) through (5) No change.

(6) Commercial educator: An individual or business organization trained in teaching and offering education courses for a profit.

Specific Authority 455.213(6), 455.2177, 455.2178, 455.2179, 471.017(3), 471.019 FS. Law Implemented 455.213(6), 455.2177, 455.2178, 455.2179, 471.008 FS. History—New 9-16-01, Amended 8-1-02,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Professional Engineers

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 24, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 21, 2003

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

#### DEPARTMENT OF BANKING AND FINANCE

##### Division of Banking

RULE NO.:	RULE TITLE:
3C-100.600	Appraisals, and Appraisal Standard Policies of State Financial Institutions

##### NOTICE OF WITHDRAWAL

Notice is hereby given that the above proposed rule development, as noticed in Vol. 28, No. 52, December 27, 2002, Florida Administrative Weekly has been withdrawn.

#### DEPARTMENT OF BANKING AND FINANCE

##### Division of Banking

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

##### NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 28, No. 52, December 27, 2002, Florida Administrative Weekly has been withdrawn.

#### DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

##### Office of Agricultural Water Policy

RULE CHAPTER NO.:	RULE CHAPTER TITLE:
5M-4	Interim Measures for Tri-County Agricultural Area Farms
RULE NOS.:	RULE TITLES:
5M-4.001	Purpose
5M-4.002	Approved Interim Measure Best Management Practices
5M-4.003	Notice of Intent to Implement
5M-4.004	Record Keeping

##### NOTICE OF WITHDRAWAL

Pursuant to Section 120.54(3)(d)1., Florida Statutes, notice is hereby given that the above proposed rule, as noticed in Vol. 29, No. 17, April 25, 2003, issue of the Florida Administrative Weekly, has been withdrawn in response to comments received from the Joint Administrative Procedures Committee.

#### PUBLIC SERVICE COMMISSION

DOCKET NO. 020398-EQ

RULE NO.:	RULE TITLE:
25-22.082	Selection of Generating Capacity

##### NOTICE OF CORRECTION

Notice is hereby given that the following corrected changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 29, No. 17, April 25, 2003, issue of the Florida Administrative Weekly, which erroneously omitted the strikeouts from the following subsection:

~~(5)(f) All criteria, including weighting and ranking factors that will be applied to select the finalists. Such criteria may include price and non-price considerations, but no criterion shall be employed that is not expressly identified in the RFP absent a showing of good cause;~~

#### DEPARTMENT OF CORRECTIONS

RULE NO.:	RULE TITLE:
33-203.201	Inmate Trust Fund

##### 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:

## 33-203.201 Inmate Trust Fund.

(1) No change.

(2)(a) All monies (cashiers checks, money orders, or certified bank drafts only; no cash or personal checks allowed) that are mailed to the Bureau of Finance and Accounting, Inmate Trust Fund Section, for an inmate shall be initially deposited in the Inmate Trust Fund. Funds must be mailed with the completed deposit form and made payable to the Inmate Trust Fund and include the inmate's name and DC number. Once the deposit is posted to the inmate's account, a receipt will be printed at the institution and provided to the inmate. Funds will become available for the inmate's use within ten working days after receipt by the Bureau of Finance and Accounting, Inmate Trust Fund Section, in Tallahassee. Every effort shall be made to have funds available sooner. Any money order, cashiers check, or certified bank draft in the amount of \$300 or higher posted to an inmate's account will have a ten day hold placed on the funds. After ten days the funds will be available for the inmate's use. ~~If the funds were not deposited to the inmate's account due to the fact that the money order, cashier's check or certified bank draft was lost in the mail system and it is determined that the instruments were never cashed, it is the responsibility of the sender to stop payment on the instrument. The Department is not responsible for any stop payment fees charged to the sender.~~ Deposits mailed to institutional or other department addresses other than the Bureau of Finance and Accounting, Inmate Trust Fund Section will be returned to the sender. In order to deposit the funds the sender shall complete Form DC2-303, Inmate Trust Fund Deposit Form. Form DC2-303 is hereby incorporated by reference. This form may be obtained from any institution, facility, or by requesting in writing from the Bureau of Finance and Accounting, Inmate Trust Fund Section, Centerville Station, P. O. Box 12100, Tallahassee, Florida 32317-2100, or the Forms Control Administrator, Office of the General Counsel, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. The effective date of this form is \_\_\_\_\_. Other items found in the incoming mail will be returned to the sender and will not be forwarded to the inmate. ~~The sender can also transmit funds up to \$5,000.00 using Western Union's "Quick Collect" service. To utilize this process, the sender, if residing in the U.S. or Canada, must complete a quick collect form at a Western Union agent, include the required information, and pay the transaction fee. The sender can also transmit funds via Western Union using a credit card, by telephone, or by visiting their website at www.westernunion.com. In addition, senders who reside in a foreign country can send funds using Western Union's "Quick Pay" service. The sender must complete a Quick Pay/Payment Services form at a Western Union agent and pay a transaction fee. Additional information is available on their website at www.payment-solutions.com. The funds will be sent via electronic funds transfer (EFT) and will usually be available for the inmate's use within one to three working days.~~

(b) In accordance with 38 U.S.C. 5301 and 42 U.S.C 407, Veterans Administration (VA) and Social Security (SS) benefit checks are exempt from attachment, levy or seizure. The department shall not place liens on the inmate's trust fund account for medical co-payments, legal copies, or other department generated liens for VA and SS benefits checks mailed directly to the Bureau of Finance and Accounting, Inmate Trust Fund Section.

~~(c) Federal Income Tax refund checks received by inmates shall not be deposited until a determination is made by the department that it is a valid tax refund. If it is determined that the tax return is fraudulent, the check will be returned to the IRS and the inmate will be subject to disciplinary action. Additionally, inmates involved in tax fraud are subject to penalties in accordance with the Internal Revenue Code, 26 U.S.C. 6702.~~

~~(c)(d)~~ No change.

~~(d)(e)~~ No change.

(3) through (12) No change.

Specific Authority 944.09, 944.516, 945.091, 945.215 FS. Law Implemented 57.085, 717, 944.09, 944.516, 945.091, 945.215 FS. History--New 1-27-86, Amended 7-16-89, 5-1-90, 3-2-92, 6-2-92, 8-25-92, 10-19-92, 4-13-93, 5-28-96, 6-15-98, Formerly 33-3.018, Amended 5-7-00, \_\_\_\_\_.

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

RULE CHAPTER NO.: RULE CHAPTER TITLE:

40D-22

Year-Round Water Conservation Measures

**NOTICE OF CONTINUATION OF PUBLIC HEARING**

The Southwest Florida Water Management District hereby gives notice in accordance with subparagraph 120.54(3)(c), F.S., that the public hearing held on March 25, 2003 regarding the Notice of Proposed Rulemaking for Rule 40D-22, F.A.C., to update the Year-Round Water Conservation Measures published in Vol. 28, No. 47, Pages 5207 through 5211 on November 22, 2002 of the Florida Administrative Weekly is continued to its May Governing Board meeting. The District's monthly Governing Board meeting will be held on May 27, 2003 in the Boardroom of the Southwest Florida Water Management District's Brooksville Office at 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211.

A copy of the agenda may be obtained by writing: the Southwest Florida Water Management, 2379 Broad Street, Brooksville, Florida 34604-6899.

The Southwest Florida Water Management District does not discriminate on the basis of any individual's disability status. Anyone requiring reasonable accommodation as provided for in the American's With Disability Act should contact: Dianne Lee, (352)796-7211 or 1(800)423-1476, Extension 4658, TDD only number 1(800)231-6103, Fax (352)754-6878, Suncom 663-6878.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION****Board of Architecture and Interior Design**

RULE NO.:	RULE TITLE:
61G1-23.010	Responsible Supervising Control Over Architectural Practice in the Architect's Office

**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. 21, of the May 24, 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 (JAPC). The Board, at its meeting held on February 5, 2003, voted to make changes to the rule to address the JAPC concerns. The changes are as follows:

1. In the proposed subsection (1)(a), the word "or" shall be stricken from the end of that subsection.

2. The proposed subsection (2) shall be reworded to read: "The architect providing responsible supervisory control must be a full time employee within that office location in responsible control for projects in that office. Therefore an architect can only provide responsible supervisory control over one location."

3. The last sentence of proposed subsection (3) shall read: "Every office offering architecture services must have a resident full time architect meeting the requirements of this rule."

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION****Board of Funeral Directors and Embalmers**

RULE NO.:	RULE TITLE:
61G8-16.004	Examination for Licensure by Endorsement for Funeral Directors

**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. 29, No. 9, February 28, 2003, issue of the Florida Administrative Weekly. The changes are in response to comments from the Board meeting held on November 21, 2002.

The changes are as follows:

1. The phrase "appropriate national examinations and pass" shall be replaced with the phrase "examination(s) appropriate to the licensure sought, as set forth in Section 470.007 or 470.011, F.S., and shall pass."

2. The Law Implemented Section shall add a citation to Section 470.007, F.S.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Juanita Chastain, Executive Director, Board of Funeral Directors and Embalmers, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

**DEPARTMENT OF PROFESSIONAL REGULATION****Board of Accountancy**

RULE NO.:	RULE TITLE:
61H1-33.007	Reactivation of Inactive Licenses

**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. 29, No. 10, of the March 7, 2003, issue of the Florida Administrative Weekly. The change is in response to written comments submitted by the staff of the Joint Administrative Procedures Committee (JAPC). The Board, at its meeting on April 30, 2003, in Tallahassee, Florida, voted to repeal the rule in its entirety to address the concerns of JAPC.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: John W. Johnson, Executive Director, Board of Accountancy, 240 N. W. 76 Drive, Suite A, Gainesville, Florida 32607

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

RULE NO.:	RULE TITLE:
64B8-9.014	Standards for Telemedicine Prescribing Practice

**NOTICE OF PUBLIC HEARING**

The Board of Medicine hereby gives notice that a public hearing on the above-referenced rule will be held in response to a request for a hearing following publication of the notice in Vol. 29, No. 8, of the February 21, 2003, Florida Administrative Weekly (FAW). The Rules Committee will hold a hearing on this rule on June 5, 2003, at 2:00 p.m., or as soon thereafter as can be heard, at the Embassy Suites, 3974 N. W. South River Drive, Miami, Florida 33142.

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

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

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

**NOTICE OF CORRECTION**

Notice is hereby given that changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., to be published in Vol. 29, No. 19, of the May 9, 2003, issue of the Florida Administrative Weekly.

The changes shall be as follows:

Section (m) Violation should read: "Failure to comply with continuing education.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kaye Howerton, Executive Director, Electrolysis Council, Board of Medicine, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3253

**DEPARTMENT OF HEALTH****Division of Environmental Health**

RULE NOS.:	RULE TITLES:
64E-11.004	Food Protection
64E-11.006	Food Equipment and Utensils
64E-11.007	Sanitary Facilities and Controls

**NOTICE OF CHANGE**

Notice is hereby given that the following changes have been made in the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 29, No. 13, March 28, 2003, of the Florida Administrative Weekly:

The changes were made in response to comments received from the Joint Administrative Procedures Committee.

Subsection 64E-11.002(7), F.A.C., is changed to correct the spelling of the term and will read, "Comminuted".

Paragraph 64E-11.004(14)(b), F.A.C., has been changed to read, "Except as specified in paragraph (d) of this subsection, a container of refrigerated, ready-to-eat, potentially hazardous food prepared and packaged by another food service establishment shall be marked to indicate the date, as specified under subsection 64E-11.004(15), F.A.C., by which food shall be sold or served."

Paragraph 64E-11.004(14)(c), F.A.C., has been changed to read, "When ready to eat, potentially hazardous food specified in paragraphs 64E-11.004(14)(a) and (b), F.A.C., is to be subsequently frozen, in addition to the date of preparation, the food shall comply with the following:

Subparagraph 64E-11.004(14)(c)2., F.A.C., has been changed to read, "The container must be clearly marked to indicate that the food shall be consumed within 24 hours of thawing and shall be exempted from paragraphs (15)(a) and (b) of this subsection; or

Paragraph 64E-11.004(14)(d), F.A.C., has been changed to read, "Paragraphs (b) and (c) of this section do not apply to:

Paragraph 64E-11.004(15)(b), F.A.C., has been changed to read, "An ingredient or a container of refrigerated, ready-to-eat, potentially hazardous food specified in paragraph 64E-11.004(14)(b), F.A.C., shall be discarded if not sold or served within 7 calendar days, excluding the time that the product is frozen, after the original package is opened or by the

manufacturer's "sell by" or "use by" date, whichever occurs first, if the manufacturer determined the date based on food safety.

Paragraph 64E-11.004(15)(c), F.A.C., has been renumbered as Paragraph 64E-11.004(15)(d), F.A.C.

Paragraph 64E-11.004(15)(d), F.A.C., has been renumbered as Paragraph 64E-11.004(15)(e), F.A.C.

Paragraph 64E-11.004(15)(c), F.A.C., has been created to read, "Ready to eat, potentially hazardous food specified in subparagraph 64E-11.004(14)(c)2., F.A.C., shall be discarded if not consumed within 24 hours after thawing.

Subsection 64E-11.006(1), F.A.C., has been changed to read, "Equipment and facilities provided—Every food service establishment shall be provided with equipment and utensils so designed, constructed, located, installed, maintained and operated as to permit full compliance with the provisions of this chapter. Equipment that is certified or classified for sanitation in accordance with American National Standards Institute/National Sanitation Foundation (ANSI/NSF) standards (Standard 2, July 1, 2002; Standard 3, July 1, 2001; Standard 4, April 26, 2002; Standard 6, December 6, 2002; Standard 7, April 1, 2001; Standard 8, December 26, 2002; Standard 12, November 1, 1992; Standard 13, August 1, 2001; Standard 18, August 29, 1996; Standard 20, July 1, 2000; Standard 25, December 26, 2002; Standard 29, November 1, 1990; Standard 36, January 1, 2002; Standard 37, April 26, 2002; Standard 51, June 14, 2002; and Standard 59, December 26, 2002) by an ANSI accredited program, will be deemed to comply with this section." The following equipment and facilities shall be provided where applicable to the operations conducted:

Subsection 64E-11.007(5), F.A.C., has been changed to read, "Each food service establishment shall be provided with adequate, readily accessible, conveniently located lavatories equipped with hot and cold running water, hand cleansing soap or detergent and individual single use sanitary towels or a heated-air hand drying devices in accordance with provisions of the applicable plumbing authority or, where no plumbing code has been adopted locally, with Chapter 64E-10, of the Florida Administrative Code. Handwashing facilities shall not be used for any purpose other than handwashing."

## Section IV Emergency Rules

**DEPARTMENT OF THE LOTTERY**

RULE TITLE:	RULE NO.:
Instant Game Number 481, DOUBLE DOWN	53ER03-24
SUMMARY OF THE RULE: This emergency rule describes Instant Game Number 481, "DOUBLE DOWN," 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	