

(8) through (9) No change.

Specific Authority 456.077, 460.405 FS. Law Implemented 456.035, 456.072(3), 456.073 FS. History—New 1-19-92, Amended 4-26-93, Formerly 21D-16.0075, 61F2-16.0075, Amended 7-18-95, Formerly 59N-16.0075, Amended 2-11-99, 5-31-00, 10-7-02,\_\_\_\_\_.

**DEPARTMENT OF HEALTH**

**Board of Massage Therapy**

RULE TITLE: Requirements for Reactivation  
of an Inactive License

RULE NO.: 64B7-28.0042

PURPOSE AND EFFECT: The Board proposes to review the existing language in this rule to determine if any amendments are necessary.

SUBJECT AREA TO BE ADDRESSED: Requirements for reactivation of an inactive license.

SPECIFIC AUTHORITY: 456.034, 456.036(9), 480.035(7), 480.0425 FS.

LAW IMPLEMENTED: 456.034, 456.036(9),(10), 480.0425 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Pamela King, Executive Director, Board of Massage Therapy, 4052 Bald Cypress Way, Bin #C06, Tallahassee, FL 32399

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

**DEPARTMENT OF HEALTH**

**Board of Nursing**

RULE TITLE: Disciplinary Proceedings

RULE NO.: 64B9-8.005

PURPOSE AND EFFECT: The Board proposes the rule review to determine whether any amendments are necessary.

SUBJECT AREA TO BE ADDRESSED: The rule amendments are proposed to clarify the definition of “unprofessional conduct.”

SPECIFIC AUTHORITY: 464.006 FS.

LAW IMPLEMENTED: 464.018 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE SCHEDULED AT THE BOARD’S NEXT MEETING TO BE HELD ON AUGUST 13, 2003, IN TALLAHASSEE, FLORIDA.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Dan Coble, Executive Director, Board of Nursing/MQA, 4052 Bald Cypress Way, Bin #C02, Tallahassee, Florida 32399-3252  
THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

**DEPARTMENT OF HEALTH**

**Board of Nursing Home Administrators**

RULE TITLE: Approved Providers

RULE NO.: 64B10-15.0021

PURPOSE AND EFFECT: The Board proposes to conduct a rules workshop to review and discuss the existing language in this rule to determine if amendments are necessary.

SUBJECT AREA TO BE ADDRESSED: Approved providers.

SPECIFIC AUTHORITY: 468.1685, 468.1725 FS.

LAW IMPLEMENTED: 468.1715, 468.1725 FS.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD

AT THE TIME, DATE AND PLACE SHOWN BELOW.

TIME AND DATE: 9:00 a.m., Friday, August 8, 2003

PLACE: Marriott Tampa Westshore, 1001 North Westshore Boulevard, Tampa, Florida 33607

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Lucy Gee, Interim Executive Director, 4052 Bald Cypress Way, Tallahassee, Florida 32399

Section 286.0105, Florida Statutes, provides that, if a person decides to appeal any decision made by the board with respect to any matter considered at this hearing, they will need a record of proceedings, and for such purposes, they may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

**Section II  
Proposed Rules**

**DEPARTMENT OF EDUCATION**

**State Board of Education**

RULE TITLE: State Uniform Transfer of High School Credits

RULE NO.: 6A-1.09941

PURPOSE AND EFFECT: The purpose of the rule amendment is to identify the procedures relating to the acceptance of transfer work and credit for students. The effect will be a rule that clearly delineates the procedures.

SUMMARY: This rule identifies uniform procedures relating to the acceptance of transfer work and credit for students entering Florida's public schools.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 1003.25(3) FS.

LAW IMPLEMENTED: 1003.25(3) FS.

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

TIME AND DATE: 8:00 a.m., August 19, 2003

PLACE: 325 West Gaines Street, Tallahassee, Florida 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sharon Koon, Office of Articulation, Department of Education, 325 West Gaines Street, Suite 1401, Tallahassee, Florida 32399, (850)245-0427

THE FULL TEXT OF THE PROPOSED RULE IS:

(Substantial rewording of Rule 6A-1.09441 follows. See Florida Administrative Code for present text.)

6A-1.09941 State Uniform Transfer of High School Credits.

The purpose of this rule is to establish uniform procedures relating to the acceptance of transfer work and credit for students entering Florida's public schools. The procedures shall be as follows:

(1) Credits and grades earned and offered for acceptance shall be based on official transcripts and shall be accepted at face value subject to validation if required by the receiving school's accreditation. If validation of the official transcript is deemed necessary, or if the student does not possess an official transcript or is a home education student, credits shall be validated through performance during the first grading period as outlined in subsection (2) of this rule.

(2) Validation of credits shall be based on performance in classes at the receiving school. A student transferring into a school shall be placed at the appropriate sequential course level and should have a minimum grade point average of 2.0 at the end of the first grading period. Students who do not meet this requirement shall have credits validated using the Alternative Validation Procedure, as outlined in subsection (3) of this rule.

(3) Alternative Validation Procedure. If validation based on performance as described above is not satisfactory, then any one of the following alternatives shall be used for validation purposes as determined by the teacher, principal, and parent:

(a) Portfolio evaluation by the superintendent or designee;

(b) Written recommendation by a Florida certified teacher selected by the parent and approved by the principal;

(c) Demonstrated performance in courses taken through dual enrollment or at other public or private accredited schools;

(d) Demonstrated proficiencies on nationally-normed standardized subject area assessments;

(e) Demonstrated proficiencies on the FCAT; or

(f) Written review of the criteria utilized for a given subject provided by the former school.

Students must be provided at least ninety (90) days from date of transfer to prepare for assessments outlined in paragraphs (3)(d) and (3)(e) of this rule if required.

Specific Authority 1003.25(3) FS. Law Implemented 1003.25(3) FS. History--New 8-28-00, Formerly 6-1.099, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Sharon Koon, Office of Articulation, Department of Education  
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: John Winn, Deputy Commissioner for Accountability, Research, and Measurement, Department of Education

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 9, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 13, 2003

**DEPARTMENT OF EDUCATION  
 State Board of Education**

RULE TITLE: Articulation Between Universities, Community Colleges, and School Districts  
 RULE NO.: 6A-10.024

PURPOSE AND EFFECT: The purpose of this rule amendment is to provide for Advanced International Certificate of Education cut off scores to be used to grant postsecondary credit at community colleges and universities. The effect is consistency between all public community colleges and universities in Florida.

SUMMARY: This rule directs all postsecondary institutions to accept Advanced International Certificate of Education credit as approved by the Articulation Coordinating Committee.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 1007.01(2), 1007.27(9) FS.

LAW IMPLEMENTED: 1007.01(2), 1007.23(1), 1007.27(9) FS.

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

TIME AND DATE: 8:00 a.m., August 19, 2003  
 PLACE: 325 West Gaines Street, Tallahassee, Florida 32399  
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sharon Koon, Office of Articulation, Department of Education, 325 West Gaines Street, Suite 1401, Tallahassee, Florida 32399, (850)245-0427

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-10.024 Articulation Between Universities, Community Colleges, and School Districts.

(1) through (5) No change.

(6) The associate in science degree is the career education degree of the community colleges. It is a two-year degree intended to prepare students for the workforce. The following provisions allow for articulation from an associate in science to a baccalaureate degree.

(a) through (b) No change.

(c) The Career Ladder Agreement – Beginning fall term 2000, all graduates of a Florida community college associate in science degree program listed in the Statewide Articulation Manual shall be granted admission to any of the universities in the State University System in the program designated to articulate with their degree, except for limited access programs and those requiring specific grades on particular courses for admission. Each State University System institution shall develop admissions criteria to ensure that associate in science degree students are evaluated on an equal basis with associate in arts degree graduates and native university students for admission into programs designated as limited access and those requiring specific grades on particular courses for admission.

1. through 2. No change.

3. The associate in science to bachelor of arts/bachelor of science articulation agreements between the State Board of Community Colleges and the State University System shall be documented and maintained in a Statewide Articulation Manual. The State Board of ~~Education Community Colleges~~ and the Board of ~~Governors Regents~~, in consultation with their member institutions, shall review periodically, as necessary, but no more than once a year, the provisions of the state articulation agreements and the prescribed curricula to ensure the continued effectiveness of the articulation between the A.S. and B.A./B.S. programs. Any recommendations for revisions to the state articulation agreements will be forwarded to the Articulation Coordinating Committee for review and approval.

(7) through (13) No change.

(14) Advanced International Certificate of Education Program (AICE). Transfer of Advanced International Certificate of Education credit under terms of this rule is mandatory, provided that the institution awarding the credit did

so on the basis of the Articulation Coordinating Committee's recommended minimum scores and maximum amount of credit guaranteed to transfer.

(14) through (23) renumbered (15) through (24) No change.

Specific Authority ~~1007.01(2), 1007.27(9), 229.053(1), 240.115(1) FS. Law Implemented 1007.01(2), 1007.23(1), 1007.27(9), 228.093(3)(d), 229.053(2)(e), 229.551(1)(f), 229.555(2), 229.814(5), 240.115, 240.116, 246.013 FS. History—New 5-5-75, Amended 10-7-75, 6-8-76, 8-22-77, 12-26-77, 3-28-78, 5-10-78, 7-2-79, 2-27-80, 5-27-81, 1-6-83, 4-5-83, 6-28-83, 1-9-85, Formerly 6A-10.24, Amended 8-4-86, 5-18-88, 5-29-90, 7-30-91, 10-4-93, 5-3-94, 1-2-95, 9-30-96, 6-15-9, 12-13-99, 8-14-00, 10-16-01, \_\_\_\_\_.~~

NAME OF PERSON ORIGINATING PROPOSED RULE: Sharon Koon, Office of Articulation, Department of Education  
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: John Winn, Deputy Commissioner for Accountability, Research, and Measurement, Department of Education

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 9, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 13, 2003

**DEPARTMENT OF EDUCATION**

**Commission for Independent Education**

RULE TITLE: Fair Consumer Practices  
 RULE NO.: 6E-1.0032

PURPOSE AND EFFECT: The Commission proposes the rule amendment to update the minimum time guidelines for student refund policies.

SUMMARY: The proposed rule amendments change the minimum for student refunds for enrolled period less than the duration of an entire program from two weeks to one week.

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: 1005.22(1)(e), 1., 1005.34 FS.

LAW IMPLEMENTED: 1005.04, 1005.22(1)(k), 1005.31(13), 1005.32(5), 1005.34 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: Samuel Ferguson, Executive Director, Commission for Independent Education, 2650 Apalachee Parkway, Suite A, Tallahassee, Florida 32301

THE FULL TEXT OF THE PROPOSED RULE IS:

6E-1.0032 Fair Consumer Practices

(1) through (5) No change.

(6) Each prospective student shall be provided a written copy, or shall have access to an electronic copy, of the institution's catalog prior to enrollment or the collection of any tuition, fees or other charges. The catalog shall contain the following required disclosures, and catalogs of licensed institutions must also contain the information required in subsections 6E-2.004(11) and (12), F.A.C.:

(a) through (h) No change.

(i) Student refund policies: This rule establishes the Commission's minimum refund guidelines for licensed institutions. Refund policies which pertain to students who are receiving Title IV Federal Student Financial Assistance or veterans' benefits shall be in compliance with applicable federal regulations. All institutions shall have an equitable prorated refund policy for all students, which shall be disclosed in the catalog and enrollment agreement or similar documents, and must be uniformly administered. Any nonrefundable fees or charges shall also be disclosed. The institution's refund policy shall provide a formula for proration of refunds based upon the length of time the student remains enrolled, up to a minimum of 40 percent of a program, if the student is charged tuition for an entire program; or 20 percent, if the institution charges the student for a term, quarter, semester, or other time period that is less than the duration of the entire program. As an alternative, an institution that charges tuition for a term, quarter, semester or other time period that is less than the duration of the entire program may establish a drop/add period which shall be no less than 10 percent of the period for which the student is financially committed, or one two weeks, whichever is less. If the student withdraws before the end of the drop/add period, the student will be refunded all tuition and fees, as well as any funds paid for supplies, books, or equipment which can be and are returned to the institution. The refund policy shall not consider that all or substantially all tuition for an entire program or term is earned when a student has been enrolled for only a minimal percentage of the program or term. The refund policy shall provide for cancellation of any obligation, other than a book and supply assessment for supplies, materials and kits which are not returnable because of use, within 3 working days from the student's signing an enrollment agreement or contract. Refunds shall be made within 30 days of the date that the institution determines that the student has withdrawn. Institutions need not keep attendance, but must adopt and publish an equitable policy by which withdrawal dates will be determined, which may include notification by the student or reports from faculty. This policy shall be submitted to the Commission before publication. Nonrefundable application fees for Florida students shall not exceed \$50. The requirements regarding refund policies as stated herein do not apply to dormitory or

meal fees. Refund policies for those fees, if charged, shall be set by the institution and also disclosed in conjunction with the refund policy.

(j) through (k) No change.

(7) through (10) No change.

Specific Authority 1005.22(1)(e)1., 1005.34 FS. Law Implemented 1005.04, 1005.22(1)(k), 1005.31(13), 1005.32(5), 1005.34 FS. History--New 10-19-93, Amended 4-2-96, 11-5-00, 1-7-03, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Commission for Independent Education

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Commission for Independent Education

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 16, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 6, 2003

**DEPARTMENT OF EDUCATION**

**Commission for Independent Education**

RULE TITLE: Medical Clinical Clerkship Programs

RULE NO.: 6E-2.0042

PURPOSE AND EFFECT: The Commission proposes the rule amendments to update an applicant medical school's licensure requirements for its medical clinical clerkship program.

SUMMARY: The proposed rule amendments address the responsibilities for adequate library resources and evaluation of the educational program.

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

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

SPECIFIC AUTHORITY: 1005.22(1)(e)1., 1005.31(2), (3),(11) FS.

LAW IMPLEMENTED: 1005.31(11) 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: Samuel Ferguson, Executive Director, Commission for Independent Education, 2650 Apalachee Parkway, Suite A, Tallahassee, Florida 32301

THE FULL TEXT OF THE PROPOSED RULE IS:

6E-2.0042 Medical Clinical Clerkship Programs

(1) No change.

(2) Applications for licensure of clinical clerkship programs. In addition to submitting all the forms and documents, accurately, fully and satisfactorily completed as

required for each step of licensure in accordance with these rules, for the applicant medical school to be found qualified for licensure it must:

(a) through (c) No change.

(d) Ensure that the application contains sufficiently detailed information showing that the educational program, faculty planning, teaching, budgeting and allocation of other educational resources, faculty appointments and student assignments are coordinated and integrated with the overall program of the parent medical school. ~~Formal agreements shall be executed between the parent medical school and the teaching hospital or approved facility in which the students are to be engaged in clinical clerkships and shall be submitted to the Commission. The formal agreement between the parent medical school and the teaching hospital or approved facility shall vest responsibility and authority for the conduct and evaluation of the educational program in the parent medical school.~~

(e) through (l) No change.

(m) Demonstrate that the hospital provides access to adequate library facilities and resources available to the students to support the medical clerkship. ~~Demonstrate that the hospital has adequate library facilities to support a medical education program leading to the M.D. degree.~~

(n) No change.

(o) Formal agreements shall be executed between the parent medical school and the teaching hospital or approved facility in which the students are to be engaged in clinical clerkships and shall be submitted to the Commission. The formal agreement between the parent medical school and the teaching hospital or approved facility shall vest responsibility and authority for the conduct and evaluation of the educational program in the parent medical school.

(3) through (9) No change.

Specific Authority 1005.22(1)(e)1., 1005.31(2),(3),(11) FS. Law Implemented 1005.31(11) FS. History--New 12-6-84, Formerly 6E-2.042, Amended 11-27-88, 11-29-89, 10-19-93, 12-11-96, 1-7-03,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Commission for Independent Education

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Commission for Independent Education

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 16, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 6, 2003

**BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND**

Pursuant to Chapter 2003-145, Laws of Florida, all notices for the Board of Trustees of the Internal Improvement Trust Fund are 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."

**PUBLIC SERVICE COMMISSION**

DOCKET NO. 030405-TL

RULE TITLES:	RULE NOS.:
Uniform System of Accounts	25-4.017
Telephone Directory Advertising Revenues	25-4.0405
Annual Reports	25-4.135
Earnings Surveillance Report	25-4.1352
Annual Separations Cost Study	25-4.1357

PURPOSE AND EFFECT: To update the version of the Uniform System of Accounts that telecommunications companies are required to follow and to streamline or eliminate certain reporting requirements applicable to rate-of-return regulated local exchange telecommunications companies.

SUMMARY: Most of these rules were last revised in 1996, in response to the 1995 changes in the Florida Statutes. The 1995 changes required that the Commission streamline its reporting requirements for small local exchange companies. Since 1996, all but one small local exchange company has elected price cap regulation. The one remaining company is the smallest, therefore we are simplifying our reporting requirements even further. Rule 25-4.017, F.A.C., is to be amended to update the reference to the most recent Uniform System of Accounts, Code of Federal Regulations, Part 32, as of October 1, 2002. Rule 25-4.0405, F.A.C., is to be amended to update for changes in the number of rate-of-return regulated local exchange telecommunication companies. The amendment eliminates companies to which the rule no longer applies. Rule 25-4.135, F.A.C., is to be amended to update the reference to the revised annual report form. Some schedules have been deleted, while other schedules have been consolidated in the form. The audit report requirement is removed. Rule 25-4.1352, F.A.C., is to be repealed as the earnings surveillance report has been incorporated as part of the annual report form.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None 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: 350.127(2) FS.

LAW IMPLEMENTED: 350.115, 350.117(1), 364.03(1), 364.07(2), 364.17, 364.037 FS.

Written comments or suggestions on the proposed rule may be submitted to the FPSC, Division of the Commission Clerk and Administrative Services, within 21 days of the date of this notice for inclusion in the record of the proceeding.

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

If any person decides to appeal any decision of the Commission with respect to any matter considered at the rulemaking hearing, if held, a record of the hearing is necessary. The appellant must ensure that a verbatim record, including testimony and evidence forming the basis of the appeal is made. The Commission usually makes a verbatim record of rulemaking hearings.

Any person requiring some accommodation at this hearing because of a physical impairment should call the Division of the Commission Clerk and Administrative Services, (850)413-6770, at least 48 hours prior to the hearing. Any person who is hearing or speech impaired should contact the Florida Public Service Commission by using the Florida Relay Service, which can be reached at 1(800)955-8771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Christiana T. Moore, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, Florida 32399-0862, (850)413-6245

THE FULL TEXT OF THE PROPOSED RULES IS:

25-4.017 Uniform System of Accounts.

(1) Each rate-of-return regulated local exchange telecommunications company shall maintain its accounts and records in conformity with the Uniform System of Accounts for Telecommunications Companies (USOA) as prescribed by the Federal Communications Commission in Title 47, Code of Federal Regulations, Part 32 Class A, revised as of October 1, 2002 ~~1994~~, and as modified below. Inquiries relating to interpretation of the USOA shall be submitted in writing to the Commission's Division of Economic Regulation.

(2) through (4) No change.

Specific Authority 350.127(2) FS. Law Implemented 350.115, 364.17 FS. History—Revised 12-1-68, Amended 3-31-76, 8-21-79, 1-2-80, 12-13-82, 12-13-83, 9-30-85, Formerly 25-4.17, Amended 11-30-86, 4-25-88, 2-10-92, 8-11-92, 3-10-96, \_\_\_\_\_.

25-4.0405 Telephone Directory Advertising Revenues.

(1) The provisions of this rule, in conjunction with the provisions of Section 364.037, Florida Statutes (2002) (~~1995~~), shall govern the ratemaking treatment for telephone directory advertising revenues and expenses of rate-of-return regulated local exchange telecommunication companies.

(2) No change.

(3) The dollar amount of the 1982 Gross Profit Base for each local exchange telephone company is established pursuant to Section 364.037(3) as follows:

<u>Local Exchange Company</u>	<u>1982 Gross Profit Base</u>
ALLTEL Florida, Inc.	\$299,380
Floral Telephone Company, Inc.	\$1,780
Gulf Telephone Company	\$54,794
Indiantown Telephone System, Inc.	\$28,319
Northeast Florida Telephone Company, Inc.	\$20,676
Quincy Telephone Company	\$68,580
St. Joseph Telephone and Telegraph Company	\$148,538
Southern Bell Telephone & Telegraph Company Florida	\$102,215,043
Frontier Telephone Company	\$8,830
Vista United Telecommunications	\$161,840

(4) The Average 1982 Access Lines for each local exchange telephone company is as follows:

<u>Local Exchange Company</u>	<u>1982 Average Access Lines</u>
ALLTEL Florida, Inc.	36,435
Floral Telephone Company, Inc.	1,417
Gulf Telephone Company	5,934
Indiantown Telephone System, Inc.	1,501
Northeast Florida Telephone Company, Inc.	3,874
Quincy Telephone Company	7,089
St. Joseph Telephone and Telegraph Company	16,229
Southern Bell Telephone & Telegraph Company Florida	2,993,084
Frontier Telephone Company	2,279
Vista United Telecommunications	1,706

Specific Authority 350.127(2) FS. Law Implemented 364.037 FS. History—New 4-21-86, Formerly 25-4.405, Amended 4-25-88, 3-10-96, \_\_\_\_\_.

25-4.135 Annual Reports.

(1) Each rate-of-return regulated local exchange telephone company shall file annual reports with the Commission on Commission Form PSC/ECR Q18-T (~~(/)~~) (~~3/96~~) which is incorporated by reference into this rule. Form PSC/ECR Q18-T, entitled "Annual Report of Local Exchange Telephone Companies", may be obtained from the Commission's Division of Economic Regulation. These reports shall be verified by a responsible accounting officer of the company making the report and shall be due on or before April 30 for the preceding calendar year. A company may file a written request for an extension of time with the Division of Economic Regulation no later than April 30. One extension of 31 days will be granted upon request. A request for Commission approval of a longer extension must be accompanied by a statement of good cause and shall specify the date by which the report will be filed. Good cause means a demonstration that the company has worked diligently to prepare the report and that

the additional time period requested to complete and submit the report is both reasonable and necessary given the company's particular circumstances.

~~(2) The company shall also file with the original and each copy of the annual report form, or separately within 30 days, a letter or report, signed by an independent certified public accountant, attesting to the conformity in all material respects of the following schedules and their applicable notes of Form PSC/ECR 18 with the Commission's applicable uniform system of accounts and published accounting releases:~~

- ~~(a) Schedule B-1 Balance Sheet,~~
- ~~(b) Schedule B-2 Statement of Cash Flows, and~~
- ~~(c) Schedule I-1 Income Statement.~~

~~(3)(a) Each company shall file with the Commission an audit report issued by an independent auditor commenting on the company's compliance with its Cost Allocation Manual (CAM) or written accounting procedures for nonregulated operations. Beginning January 1, 1996, the compliance audit shall be performed no less than once every three years. The audit report shall be filed with the annual report or within 30 days of filing the annual report.~~

~~(b) Each company shall file, along with the audit report, a list of all incidents of non-compliance with the CAM or written accounting procedures for nonregulated operations. This list shall include all errors and irregularities detected by the independent auditor during the audit, regardless of materiality.~~

~~(c) The expense of the audit shall be separately identified and shall not be chargeable to expense for ratemaking purposes. The Commission may, upon sufficient showing, modify or waive these requirements.~~

Specific Authority 350.127(2) FS. Law Implemented 364.17 FS. History--New 12-27-94, Amended 3-10-96, \_\_\_\_\_.

25-4.1352 Earnings Surveillance Report.

Specific Authority 350.127(2) FS. Law Implemented 364.03(1), 350.117(1) FS. History--New 11-18-82, Formerly 25-4.245, Amended 8-21-90, Formerly 25-4.0245, Amended 6-10-94, 3-10-96, Repealed \_\_\_\_\_.

25-4.1357 Annual Separations Cost Study.

Specific Authority 350.127(2) FS. Law Implemented 364.07(2) FS. History--New 10-31-93, Amended 3-10-96, Repealed \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Dave Mailhot

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Florida Public Service Commission  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 1, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 14, 2003, Vol. 29, No. 11

**DEPARTMENT OF CORRECTIONS**

RULE TITLE:	RULE NO.:
Inmate Death Notification Process	33-602.112

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to clarify notification responsibilities of staff in the event of an inmate death.

SUMMARY: The proposed rule provides for notification of certain government and law enforcement entities by the Inspector General, rather than institution staff, in the event of an inmate's death. The proposed rule clarifies when it is not necessary to notify the Anatomical Board, and provides for consideration of whether the inmate is entitled to burial in a national cemetery as a veteran of the armed forces in accordance with s. 406.50, F.S.

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: 944.09 FS.

LAW IMPLEMENTED: 406.50-.54 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:

33-602.112 Inmate Death Notification Process.

(1) Notice of Death. Upon the death of an inmate while in the custody of the department:

(a) The institution shall immediately notify:

~~1. The district medical examiner of the district in which the death occurred;~~

~~2. The State Attorney of the judicial circuit in which the death occurred;~~

~~3.~~ The person designated by the inmate to receive notice of his death; the chaplain will normally be responsible for giving or arranging such notice;

~~4.~~ The Office of the Inspector General duty officer via emergency action center, as well as the local institution inspector;

~~5.~~ The Office of Health Services;

~~6.~~ Any authorized organ donor organization which has received prior approval from the deceased for removal and donation of organs; and

~~7.~~ In the case of the death of a foreign national, the nearest consulate of that national's country.

(b) The Office of the Inspector General shall immediately notify:

1. The district medical examiner of the district in which the death occurred.

2. The State Attorney of the judicial circuit in which the death occurred.

3. The Florida Department of Law Enforcement.

(c)(b) Notice of the death shall be given to the Anatomical Board at the University of Florida Health Science Center if the inmate was indigent or if the body is unclaimed or is required to be disposed of at state expense. Notice to the Anatomical Board is not required when:

- 1. Death was caused by a crushing injury;
- 2. The deceased had a contagious disease;
- 3. An autopsy was required to determine cause of death; ~~or~~
- 4. The body was in a state of severe decomposition; or
- 5. A family member objects to use of the body for medical education and research.

(2) No change.

(3) If the body of the deceased inmate is not claimed as outlined in (2)(c), disposal shall be by burial or cremation, as determined by the warden or his designee, based on cost considerations and available space, locally or at the department's designated cemetery, and whether the deceased inmate is entitled to burial in a national cemetery as a veteran of the armed forces. The warden or his designee shall make a reasonable effort, including contacting the county veterans service office or regional office of the United States Department of Veterans Affairs, to determine if the deceased inmate is entitled to burial in a national cemetery as a veteran of the armed forces. When cremation is the option selected for disposal, the institution or facility shall:

(a) Ensure that cremation is not prohibited by the tenets of the faith preference of the deceased inmate.

(b) Inform family members, whenever possible and practical, that disposal of the body is to be by cremation.

(4) No change.

Specific Authority 944.09 FS. Law Implemented ~~245-06, 245-08, 382, 406.50-54, 936~~ FS., Article 37 of the Vienna Convention on Consulate Relations. History--New 10-8-76, Amended 9-24-81, Formerly 33-3.09, Amended 6-2-88, 2-18-90, 2-12-97, Formerly 33-3.009, Formerly 33-401.301, Amended 3-25-02, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Michael Rathmann

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: James V. Crosby, Jr.,

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 30, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 6, 2003

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

RULE TITLE: Forms and Instructions

RULE NO.: 40D-1.659

PURPOSE AND EFFECT: The purpose and effect of the proposed rulemaking is to incorporate a new form relating to surface water permits into the District's rules.

SUMMARY: Forms that the District uses in dealings with the public must be formally adopted by rule pursuant to Section 120.55(1)(a)(4), Florida Statutes. Section J of the Joint Application for Environmental Resource Permit/Authorization to use State Owned Submerged Lands/Federal Dredge and Fill Permit FORM 547.27/ERP ( / ) has not previously been incorporated into the District's rules. The purpose and effect of this rulemaking is to incorporate this form into the District's rules in compliance with the requirements of the above-referenced statutory provision.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: A Statement of Estimated Regulatory Cost is not being prepared based on the District's determination that the proposed revisions to Rule 40D-1.659, F.A.C., will not result in a substantial increase in the costs to affected parties and there will not be significant adverse effects on competition, employment, investment or productivity.

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, 373.149, 373.171 FS.

LAW IMPLEMENTED: 373.116, 373.206, 373.207, 373.209, 373.216, 373.219, 373.229, 373.239, 373.306, 373.308, 373.309, 373.313, 373.323, 373.324, 373.339, 373.413, 373.414, 373.416, 373.419, 373.421 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: Jack R. Pepper, Senior Attorney, Office of General Counsel, Southwest Florida Water Management District, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, Extension 4651

THE FULL TEXT OF THE PROPOSED RULE IS:

40D-1.659 Forms and Instructions.

The following forms and instructions have been approved by the Governing Board and are incorporated by reference into this Chapter. Copies of these forms may be obtained from the District.

GROUND WATER

(1) through (20) No change.

SURFACE WATER

Application for Permit – Used for Docks or Piers and Bulkheads



(1) JOINT APPLICATION FOR: ENVIRONMENTAL RESOURCE PERMIT/AUTHORIZATION TO USE STATE OWNED SUBMERGED LANDS/FEDERAL DREDGE AND FILL PERMIT FORM 547.27/ERP ( / )

(2) through (14) No change.

Specific Authority 373.044, 373.113, 373.149, 373.171 FS. Law Implemented 373.116, 373.206, 373.207, 373.209, 373.216, 373.219, 373.229, 373.239, 373.306, 373.308, 373.309, 373.313, 373.323, 373.324, 373.339, 373.413, 373.414, 373.416, 373.419, 373.421 FS. History—New 12-31-74, Amended 10-24-76, Formerly 16J-0.40, 40D-1.1.901, 40D-1.901, Amended 12-22-94, 5-10-95, 10-19-95, 5-26-95, 7-23-96, 2-16-99, 7-12-99, 7-15-99, 12-2-99, 5-31-00, 10-26-00, 6-26-01, 11-4-01, 6-12-02, 8-25-02, 2-26-03.

NAME OF PERSON ORIGINATING PROPOSED RULE: Jack R. Pepper, Senior Attorney, Southwest Florida Water Management District, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, Extension 4651

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Governing Board of the Southwest Florida Water Management District

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 19, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 11, 2003

**DEPARTMENT OF THE LOTTERY**

RULE TITLE: Code of Ethics RULE NO.: 53-22.001

PURPOSE AND EFFECT: The purpose of the proposed repeal of Rule 53-22.001, F.A.C., is to repeal a rule in which the provisions are obsolete.

SUMMARY: The Department of the Lottery is repealing this permanent rule regarding the Code of Ethics in which the provisions are obsolete. Emergency Rule 53ER03-33, F.A.C., was filed on June 25, 2003, and sets forth the current provisions for the Lottery's Code of Ethics.

SPECIFIC AUTHORITY: 24.105(20) FS.

LAW IMPLEMENTED: 24.105(20) FS.

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

TIME AND DATE: 9:00 a.m., August 18, 2003

PLACE: Department of the Lottery, Office of the General Counsel, 250 Marriott Drive, Tallahassee, Florida 32399-4011

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Diane D. Schmidt, Office of the General Counsel, 250 Marriott Drive, Tallahassee, Florida 32399-4011, (850)487-7724

THE FULL TEXT OF THE PROPOSED RULE IS:

53-22.001 Code of Ethics.

Specific Authority 24.105(20) FS. Law Implemented 24.105(20) FS. History—New 2-25-93, Repealed \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Diane D. Schmidt, Office of the General Counsel

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Kenneth H. Hart, Jr., General Counsel

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 25, 2003

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Division of Hotels and Restaurants**

RULE CHAPTER TITLE: General RULE CHAPTER NO.: 61C-1

RULE TITLES: Licensing and Inspection Requirements License Fees RULE NOS.: 61C-1.002 61C-1.008

PURPOSE AND EFFECT: The purpose of this rule development is to implement the statutory requirements of Section 509.032, Florida Statutes, as amended by CS/CS for SB 990 during the 2002 Legislature. This rule provides revisions to licensing requirements for temporary event food vendors, inspection frequency of transient and non-transient apartments, and license fees for establishments licensed by the Division of Hotels and Restaurants.

SUMMARY: The proposed rule provides requirements for licensing of temporary event food vendors, the inspection frequency for transient and non-transient apartments and license fees for establishments licensed by the Division of Hotels and Restaurants. Copies of the rule may be obtained from: Lee Cornman, Division of Hotels and Restaurants Tallahassee Office, (850)487-1395.

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: 509.032(6), 509.251, 509.302 FS.

LAW IMPLEMENTED: 509.032(2)(a), 509.032(3)(c), 509.251(1), 509.251(2), 509.302(3) 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: 3:00 p.m. (EST), Friday, August 8, 2003

PLACE: Secretary's Conference Room, Room 259, The Johns Building, 725 South Bronough Street, Tallahassee, 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 hearing by contacting: Lee M. Cornman,

Operational Review Specialist, (850)487-1395. If you are hearing or speech impaired, please contact the agency by calling 1(800)955-8771 (TDD)

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Lee M. Cornman, Operational Review Specialist, Department of Business and Professional Regulation, Division of Hotels and Restaurants, 1940 North Monroe Street, Tallahassee, FL 32399-1012, (850)487-1395

THE FULL TEXT OF THE PROPOSED RULE IS:

61C-1.002 Licensing and Inspection Requirements.

(1) through (3) No change.

(4) No change.

(a) through (b) No change.

(c) Resort Condominium and Resort Dwelling – each public lodging establishment classified as a resort condominium or resort dwelling as defined in Section 509.242, F.S., shall obtain a single, group or collective license pursuant to Section 509.251, F.S., prior to commencing operation.

1. A single license may include multiple units within a building or group of buildings owned and operated by an individual person or entity, but not an agent licensed under Chapter 475, F.S.

2. A group license is a license issued by the division to a licensed agent to cover all rooms or units within a building or group of buildings in a single complex. A group license shall only cover those rooms or units which are held out to the public as a place regularly rented to guests as defined in Chapter 509, F.S.

3. A collective license is a license issued by the division to a licensed agent who represents a collective group of rooms or units found on separate locations of resort condominiums or resort dwellings. A collective license may not be issued for more than 75 units per license and is restricted to counties within one district.

4. through 5. No change.

(d) No change.

(5) No change.

(a) Nonseating:

1. through 3. No change.

4. Temporary public food service establishments and vendors.

a. Temporary public food service establishments are classified as those establishments operated at temporary food service events as defined in Section 509.013(8), F.S. Each temporary public food service establishment shall be inspected by the division each time the establishment sets up for operation. If the temporary public food service establishment does not meet minimum sanitation standards as provided in

Chapters 61C-1 and 61C-4, F.A.C., food service operations shall be discontinued until corrections are complete and verified by the division.

b. Public food service establishments that have a current license may operate one facility at a single temporary event of three days or less in duration as part of the existing license. Each additional facility operated by the same licensee must acquire a separate temporary food service event license.

5. through 6. No change.

(b) Seating – seating establishments are classified as those public food service establishments that provide and maintain accommodations for consumption of food on the premises of the establishment or under the control of the establishment. The operator of the establishment is responsible for providing the number of seats available to the public to the division prior to licensing. Any changes in the number of seats provided which may affect the license fee, the Florida Clean Indoor Air Act, fire safety, bathroom requirements or any other sanitation and safety requirements provided in law or rule, shall be reported immediately to the division by the operator.

(c) Plan Reviews and Variances.

1. through 4. No change.

(d) No change.

(6) through (7) No change.

(8) General Inspection Requirements.

(a) through (c) No change

(d) Inspection Frequency.

1. Except as otherwise provided in this section, public lodging and food service establishments shall be inspected a minimum of three times annually.

2. Nontransient rooming houses ~~establishments~~ and vending machines shall be inspected a minimum of twice annually.

3. Vendors at temporary food service events shall be inspected at the time of licensure and shall be inspected at such other times as the division determines is necessary to ensure the public's health, safety, and welfare ~~Resort condominiums, resort dwellings, and a minimum of once annually.~~

4. Nontransient and transient apartments shall be inspected once annually.

~~5.4.~~ Establishments licensed for a partial year will receive a prorated number of inspections, including the opening inspection, during the first partial year of operation.

Specific Authority 509.032(2)(d), 509.032(6), 509.241(1) FS. Law Implemented 213.0535, 509.032(2)(a),(d),(e), 509.032(6), 509.241(1), 509.241(3), 509.251, 559.79(1) FS. History—Amended 1-20-63, 9-19-63, 5-20-64, 2-23-66, 8-9-68, Revised 2-4-71, Amended 10-18-71, Repromulgated 12-18-74, Amended 9-1-83, 10-1-83, Formerly 7C-1.02, Amended 1-30-90, 12-31-90, 2-27-92, 6-15-92, Formerly 7C-1.002, Amended 3-31-94, 3-15-95, 10-9-95, 9-25-96, 5-11-98, \_\_\_\_\_.

61C-1.008 License Fees.

(1) through (3) No change.

(4) Amount of License Fee – Public Lodging Establishment. The license fee to conduct a public lodging establishment shall be in accordance with the following schedule exclusive of the categories of fee adjustments set forth in subsection 61C-1.008(1) and (3), F.A.C.:

(a) TRANSIENT LODGING/EXCLUDING TRANSIENT APARTMENTS AND RESORT CONDOMINIUMS AND DWELLINGS.

NUMBER OF UNITS	BASIC FEE	INCREMENTAL UNIT FEE	HEP FEE	TOTAL FEE
SINGLE UNIT	\$170+25	\$10	\$106	\$190+44
2-25	\$170+25	\$20	\$106	\$200+54
26-50	\$170+25	\$35	\$106	\$215+66
51-100	\$170+25	\$50	\$106	\$230+84
101-200	\$170+25	\$75	\$106	\$255+206
201-300	\$170+25	\$105	\$106	\$285+236
301-400	\$170+25	\$135	\$106	\$315+266
401-500	\$170+25	\$160	\$106	\$340+294
OVER 500	\$170+25	\$190	\$106	\$370+324

(b) TRANSIENT APARTMENTS.

NUMBER OF UNITS	BASIC FEE	INCREMENTAL UNIT FEE	HEP FEE	TOTAL FEE
SINGLE UNIT	\$125	\$10	\$10	\$145
2-25	\$125	\$20	\$10	\$155
26-50	\$125	\$35	\$10	\$170
51-100	\$125	\$50	\$10	\$185
101-200	\$125	\$75	\$10	\$210
201-300	\$125	\$105	\$10	\$240
301-400	\$125	\$135	\$10	\$270
401-500	\$125	\$160	\$10	\$295
OVER 500	\$125	\$190	\$10	\$325

(c)(b) RESORT CONDOMINIUMS AND RESORT DWELLINGS.

1. through 2. No change.

3.a. RESORT CONDOMINIUMS AND DWELLINGS/COLLECTIVE LICENSE.

BASIC FEE	PER UNIT FEE	HEP FEE	TOTAL FEE
\$150+05	\$105	\$106	VARIES

b. RESORT CONDOMINIUMS AND DWELLINGS/GROUP AND SINGLE LICENSE.

NUMBER OF UNITS	BASIC FEE	INCREMENTAL UNIT FEE	HEP FEE	TOTAL FEE
SINGLE UNIT	\$150+05	\$10	\$106	\$170+24
2-25	\$150+05	\$20	\$106	\$180+34
26-50	\$150+05	\$35	\$106	\$195+46
51-100	\$150+05	\$50	\$106	\$210+64
101-200	\$150+05	\$75	\$106	\$235+86
201-300	\$150+05	\$105	\$106	\$265+246
301-400	\$150+05	\$135	\$106	\$295+246
401-500	\$150+05	\$160	\$106	\$320+274
OVER 500	\$150+05	\$190	\$106	\$350+304

(d)(e) NONTRANSIENT APARTMENTS LODGING.

NUMBER OF UNITS	BASIC FEE	INCREMENTAL UNIT FEE	HEP FEE	TOTAL FEE
4 OR LESS	0	0	0	0
5-25	\$95	\$20	\$106	\$125+24
26-50	\$95	\$35	\$106	\$140+36
51-100	\$95	\$50	\$106	\$155+54
101-200	\$95	\$75	\$106	\$180+76
201-300	\$95	\$105	\$106	\$210+206
301-400	\$95	\$135	\$106	\$240+236
401-500	\$95	\$160	\$106	\$265+264
OVER 500	\$95	\$190	\$106	\$295+294

(e) NONTRANSIENT ROOMING HOUSES.

NUMBER OF UNITS	BASIC FEE	INCREMENTAL UNIT FEE	HEP FEE	TOTAL FEE
4 OR LESS	0	0	0	0
5-25	\$140	\$20	\$10	\$170
26-50	\$140	\$35	\$10	\$185
51-100	\$140	\$50	\$10	\$200
101-200	\$140	\$75	\$10	\$225
201-300	\$140	\$105	\$10	\$255
301-400	\$140	\$135	\$10	\$285
401-500	\$140	\$160	\$10	\$310
OVER 500	\$140	\$190	\$10	\$340

(5) Amount of License Fee – Public Food Service Establishment. The license fee for a public food service establishment shall be in accordance with the following schedule exclusive of the categories of fee adjustments set forth in subsections 61C-1.008(1) and (3), F.A.C.:

(a) Nonseating:

1.

	BASIC FEE	SERVICE TYPE FEE	EPIDEMIOLOGICAL FEE	HEP FEE	TOTAL FEE
Permanent	\$220+75	\$0	\$12+0	\$106	\$242+94
Mobile Food Dispensing Vehicle	\$185+40	\$135	\$17+4	\$106	\$347+295
Catering	\$185+40	\$55	\$13+0	\$106	\$263+244

2.

	BASIC FEE	EPIDEMIOLOGICAL FEE	HEP FEE	TOTAL FEE
Temporary Public Food Service Establishments and Vendors	\$77	\$42	\$106	\$9185
1-3 Day events	\$9095	\$54	\$106	\$105
4 through 30-day events	\$942	\$48	\$10	\$1000
Annual vendor				
Vending Machines	\$10	\$1	\$106	\$2147

3. Theme Park Food Carts.

No. of Carts	Basic Fee	Capacity Fee	Epidemiologica l Fee	HEP Fee	Total Fee
1-5	\$185440	\$55	\$1240	\$106	\$262244
6-10	\$185440	\$65	\$1340	\$106	\$273224
11-15	\$185440	\$85	\$1444	\$106	\$294242
16-20	\$185440	\$105	\$1542	\$106	\$315263
21-25	\$185440	\$125	\$1643	\$106	\$336284
26 or more	\$185440	\$145	\$1744	\$106	\$357305

(b) Seating:

No. of Seats	Basic Fee	Capacity Fee	Epidemiological Fee	HEP Fee	Total Fee
1-49	\$185440	\$55	\$1240	\$106	\$262244
50-149	\$185440	\$65	\$1340	\$106	\$273224
150-249	\$185440	\$85	\$1444	\$106	\$294242
250-349	\$185440	\$105	\$1542	\$106	\$315263
350-499	\$185440	\$125	\$1643	\$106	\$336284
500 or more	\$185440	\$145	\$1744	\$106	\$357305

(c) No change.

1. through 2. No change.

(6) No change.

Specific Authority 509.032(6), 509.251 FS. Law Implemented 509.013, 509.032(2)(e), 509.032(3)(c), 509.251, 509.302(3) FS. History—New 7-31-79, Revised 9-1-80, Formerly 7C-1.08, Amended 5-10-89, 9-10-89, 10-31-89, 4-3-90, 12-31-90, 9-11-91, 2-27-92, 7-6-9, 8-23-92, 11-4-92, 4-4-93, Formerly 7C-1.008, Amended 9-20-93, 12-22-93, 6-29-95, 10-9-95, 9-25-96, 5-11-98, 9-21-00,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Lee M. Cornman, Operational Review Specialist, Division of Hotels and Restaurants, Department of Business and Professional Regulation

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Diane Carr, Secretary, Department of Business and Professional Regulation

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 10, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 20, 2003

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**  
Pursuant to Chapter 2003-145, Laws of Florida, all notices for the Department of Environmental Protection are 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 HEALTH  
Board of Chiropractic Medicine**

RULE TITLE: Criminal Background Check Fee  
PURPOSE AND EFFECT: The Board proposes to repeal the existing rule.

RULE NO.: 64B2-12.020

SUMMARY: The Board proposes to repeal an unnecessary rule in its entirety relating to Criminal Background Check Fee. SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.

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

SPECIFIC AUTHORITY: 215.405, 460.405 FS.  
LAW IMPLEMENTED: 456.025, 460.406(1)(g), 460.407(1) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joe Baker, Jr., Board Executive Director, Board of Chiropractic Medicine, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3259

THE FULL TEXT OF THE PROPOSED RULE IS:

64B2-12.020 Criminal Background Check Fee.

Specific Authority 215.405, 460.405 FS. Law Implemented 456.025, 460.406(1)(g), 460.407(1) FS. History—New 7-12-99, Repealed\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Chiropractic Medicine

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 27, 2003

**DEPARTMENT OF HEALTH  
Board of Chiropractic Medicine**

RULE TITLE: Continuing Education  
RULE NO.: 64B2-13.004

PURPOSE AND EFFECT: The Board proposes to delete a section and add new provisions to this rule.

SUMMARY: The Board is requiring that Continuing Education Providers furnish a special disclaimer to Florida licensees for any course that may fall outside the scope of practice of chiropractic medicine or is advertised as certified. The Board is deleting a portion of text, and adding a provision exempting current Board members from the laws and rules requirement.

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

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

SPECIFIC AUTHORITY: 460.408(3) FS.

LAW IMPLEMENTED: 456.013(6), 456.036(10), 460.408 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joe Baker, Jr., Board Executive Director, Board of Chiropractic Medicine, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3259

THE FULL TEXT OF THE PROPOSED RULE IS:

64B2-13.004 Continuing Education.

(1) through (2) No change.

(3) Continuing education providers, including providers of AIDS and risk management, seeking initial approval by the Board shall pay a fee of \$250. Continuing education providers seeking renewal of provider status shall also pay a \$250 fee each biennium. To receive Board approval, a continuing education program:

(a) through (d) No change.

(e) If any course or program is outside the scope of practice or there is reasonable doubt as to whether such course falls within the parameters of chiropractic or constitutes an adjunctive modality outside the scope of practice, the course sponsor or provider must furnish each Florida licensee attending the program and include in all advertised material a dated written disclaimer in 12-point font which states: THIS COURSE HAS BEEN OFFERED FOR EDUCATIONAL PURPOSES AND FOR CONTINUING EDUCATION CREDIT HOURS ONLY. THE INFORMATION TAUGHT, DEMONSTRATED, OR DISCUSSED IN THIS COURSE MAY NOT BE USED OR PRACTICED BY FLORIDA LICENSED CHIROPRACTIC PHYSICIANS UNLESS AND UNTIL THE BOARD HAS DECLARED IT TO BE WITHIN THE SCOPE OF PRACTICE AS DEFINED IN SECTION

460.403, FLORIDA STATUTES. If a course provider advertises that a course or program is "certified," the provider shall disclose by whom the course is recognized as certified. Failure to provide proof of having provided this disclaimer to participant licensees on the date that the course or program was offered or falsely representing that the Florida Board of Chiropractic Medicine has certified a course, shall constitute grounds for losing course sponsor or providership status.

(4) through (8) No change.

~~(9) A member of the Board of Chiropractic Medicine, or a previous member serving in a probable cause panel, may obtain five (5) hours of continuing chiropractic education in the subject area of risk management for attendance at one Board meeting or probable cause panel. The maximum CE hours allowable per biennium under this paragraph shall be ten (10).~~

(10) through (13) renumbered (9) through (12) No change.

(13) Board members are exempt from the laws and rules requirement during their term on the Board.

Specific Authority 460.408(3) FS. Law Implemented 456.013(6), 456.036(10), 460.408 FS. History—New 1-10-80, Amended 11-25-80, 1-13-82, Formerly 21D-13.04, Amended 6-22-86, 7-5-87, 1-25-88, 10-17-90, 10-15-92, Formerly 21D-13.004, Amended 10-26-93, Formerly 61F2-13.004, Amended 3-16-95, 7-18-95, 6-11-96, Formerly 59N-13.004, Amended 6-24-98, 8-4-99, 7-11-02,

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Chiropractic Medicine

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 6, 2002

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

**DEPARTMENT OF HEALTH**

**Board of Nursing**

RULE TITLE: Qualifications for Examination

RULE NO.: 64B9-3.002

PURPOSE AND EFFECT: The Board proposes the rule amendments to update the English proficiency requirements for certification to take the licensure examination.

SUMMARY: The proposed rule amendments add new examinations and academic courses to address the evidence needed to demonstrate competency in English.

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: 464.006 FS.

LAW IMPLEMENTED: 112.011(1)(b), 455.564(1), 464.008 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 AUGUST 13, 2003 IN TALLAHASSEE, FLORIDA.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Dan Coble, Executive Director, Board of Nursing/MQA, 4052 Bald Cypress Way, Bin #C02, Tallahassee, Florida 32399-3252

THE FULL TEXT OF THE PROPOSED RULE IS:

64B9-3.002 Qualifications for Examination.

(1) An applicant seeking certification to take the licensure examination shall submit, on forms provided by the Department, evidence that he or she meets the qualifications prescribed by the Nurse Practice Act, Chapter 464, F.S. Such evidence shall consist of:

(a) through (d) No change.

(e) Successful completion of any one of the approved English competency examinations with: Proof of the ability to communicate in the English language as indicated by one of the following:

1. A minimum score of 540 (207 on computerized version) 550 on the Test of English as a Foreign Language (TOEFL) TOEFL Examination, a minimum score of 80% on MELAB, or a minimum MELAB converted score of 80% on the Michigan ECPE Examination;

2. A minimum score of 79% on the Michigan English Language Assessment Battery (MELAB);

3. A minimum MELAB converted score of 79% on the Michigan Examination for the Certificate of Proficiency in English (ECPE Examination);

4. A minimum score of 725 on Test of English for International Communication (TOEIC);

5. A minimum score of 6.5 overall with a 7.0 on the spoken portion on the academic version of International English Language Testing System (IELTS);

~~6.2.~~ Completion of a nursing program given in English in another country;

~~7.3.~~ A passing score on a nursing licensing examination which is given in English;

~~8.4.~~ A certificate from the Commission on Graduates from Foreign Nursing Schools or other agency which indicates successful completion of TOEFL, TOEIC, or IELTS;

~~9.~~ Completion of a college level course for academic credit in a U.S. institution; or

~~10.~~ Completion of English as a Second Language (ESOL) through Level IV.

(f) No change.

(2) through (5) No change.

Specific Authority 464.006 FS. Law Implemented 112.011(1)(b), 455.564(1), 464.008 FS. History--New 4-27-80, Amended 3-16-81, 8-2-81, 7-11-83, Formerly 21O-8.21, Amended 3-3-87, 12-8-87, 6-8-88, Formerly 21O-8.021, Amended 1-30-94, Formerly 61F7-3.002, Amended 9-25-96, Formerly 59S-3.002, Amended 7-27-98, 4-19-00, 5-8-01.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Nursing

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 12, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 13, 2003

**DEPARTMENT OF HEALTH**

**Board of Nursing**

RULE TITLE: Licensure by Endorsement  
RULE NO.: 64B9-3.008

PURPOSE AND EFFECT: The Board proposes the rule amendments to clarify the licensure verification required from applicants for licensure by endorsement.

SUMMARY: The proposed rule amendments specify licensure confirmation from the original state or territory where licensure was obtained and from where the applicant holds an active license.

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: 464.006, 464.009 FS.

LAW IMPLEMENTED: 464.006, 464.009 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 AUGUST 13, 2003 IN TALLAHASSEE, FLORIDA.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Dan Coble, Executive Director, Board of Nursing/MQA, 4052 Bald Cypress Way, Bin #C02, Tallahassee, Florida 32399-3252

THE FULL TEXT OF THE PROPOSED RULE IS:

64B9-3.008 Licensure by Endorsement.

(1) An applicant for licensure by endorsement must apply to the Department on prescribed forms, including verification of licensure forms from the original state or territory in which licensure was obtained and from a state or territory in which the applicant holds an active license every state in which the applicant has been licensed, and pay the required fee. If the applicant:

(a) through (b) No change.

(2) through (3) No change.

Specific Authority 464.006, 464.009 FS. Law Implemented 464.006, 464.009 FS. History--New 4-27-80, Amended 7-12-81, 7-11-83, 7-3-84, Formerly 210-8.26, Amended 3-3-87, 12-8-87, 8-3-89, 11-19-91, Formerly 210-8.026, Amended 9-7-93, Formerly 61F7-3.008, Amended 1-1-96, Formerly 59S-3.008, Amended 2-18-98, 5-8-01, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Nursing  
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Nursing  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 12, 2003  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 3, 2003

**DEPARTMENT OF HEALTH**

**School Psychology**

RULE TITLE: Disciplinary Guidelines  
RULE NO.: 64B21-504.001

PURPOSE AND EFFECT: The Department proposes a new rule establishing disciplinary guidelines for the profession of school psychology.

SUMMARY: This new rule proposes to set forth and establish a meaningful range of disciplinary guidelines in relation to school psychologists.

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: 456.079 FS.

LAW IMPLEMENTED: 456.072, 456.079, 490.009 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, 4052 Bald Cypress Way, Tallahassee, Florida 32399

THE FULL TEXT OF THE PROPOSED RULE IS:

DISCIPLINARY GUIDELINES

64B21-504.001 Disciplinary Guidelines.

(1) When the Department finds that an applicant or a licensee has committed any of the acts set forth in Section 490.009(1) or 456.072(1), F.S., it shall issue a final order imposing one or more of the penalties listed in Section 456.072(2), F.S., as recommended in the following disciplinary guidelines. In addition to any other discipline imposed, the Department, pursuant to Section 456.072(4), F.S., shall assess the costs related to the investigation and prosecution of a case.

If the violation is for fraud or making false or fraudulent representation, the Department shall impose a fine of \$10,000 per count or offense.

(a) Section 490.009(1)(a), F.S., or Section 456.072(1)(h), F.S.:

1. Attempting to obtain, obtaining, or renewing a license under Chapter 490, F.S., by bribery – a fine of \$1,000 up to \$5,000 and probation up to revocation. For a second offense, a fine of \$5,000 up to \$10,000 and suspension followed by probation up to revocation. After a second offense, a fine of \$10,000 and revocation.

2. Attempting to obtain, obtaining, or renewing a license under Chapter 490, F.S., by fraudulent misrepresentation – a fine of \$10,000 and from probation up to revocation. For a second offense, a fine of \$10,000 and revocation.

3. Attempting to obtain, obtaining, or renewing a license under Chapter 490, F.S., through an error of the Department – a fine of \$1,000 up to \$5,000 and a reprimand up to probation. For a second offense, a fine of \$5,000 up to \$10,000 and suspension followed by probation up to revocation. After a second offense, a fine of \$10,000 and revocation.

(b) Section 490.009(1)(b), F.S., or Section 456.072(1)(f), F.S.: having a license to practice a comparable profession acted against, including the denial of certification or licensure by another state, territory, or country – the penalty against a licensee shall be a penalty concurrent with that of the other jurisdiction and an administrative fine up to \$10,000. After the first offense, action shall be consistent with the disciplinary guidelines for a repeat offense had the violation occurred in Florida. In the case of an applicant, the penalty shall range from probation to permanent denial of licensure and an administrative fine up to \$10,000. If the violation included sexual misconduct, the penalty shall be permanent denial of licensure.

(c) Section 490.009(1)(c), F.S., or Section 456.072(1)(c), F.S.: entering a plea of nolo contendere to, regardless of adjudication, or guilt of a crime in any jurisdiction which relates to the practice or the ability to practice – for a misdemeanor, a fine of \$1,500 up to \$5,000 and probation up to suspension. For a felony, a fine of \$7,500 up to \$10,000 and probation up to revocation. After the first offense, for either a misdemeanor or a felony, the penalty shall be suspension of license until such time as the licensee can, to the Department's satisfaction, demonstrate rehabilitation, and a fine up to \$10,000. In the case of an applicant, the penalty shall be from probation to permanent denial of licensure and a fine up to \$10,000.

(d) Section 490.009(1)(d), F.S.: false, deceptive, or misleading advertising, or obtaining a fee or other thing of value upon the licensee's representation that beneficial results from any treatment will be guaranteed – a fine of \$1,000 up to

\$5,000 and a reprimand. For a second offense, a fine of \$2,500 up to \$10,000 and probation. After the second offense, a fine of \$10,000 and suspension up to revocation.

(e) Section 490.009(1)(e), F.S.: advertising, practicing, or attempting to practice under a name other than one's own – a fine of \$1,000 up to \$5,000 and a reprimand. For a second offense, a fine of \$2,500 up to \$10,000 and probation. After the second offense, a fine of \$10,000 and suspension up to revocation.

(f) Section 490.009(1)(f), F.S.: maintaining a professional association with any person who the licensee knows, or has reason to believe, is in violation of Chapter 490, F.S., or of a rule of the Department – a fine of \$1,000 up to \$5,000 and a reprimand. For a second offense, a fine of \$2,500 up to \$10,000 and probation. After the second offense, a fine of \$10,000 and suspension up to revocation.

(g) Section 490.009(1)(g), F.S., or Section 456.072(1)(j), F.S.: knowingly aiding, assisting, procuring, or advising a non-licensed person to practice school psychology or hold himself or herself out as a school psychologist – for a first offense a fine of \$5,000 up to \$10,000 and probation up to suspension followed by probation. After the first offense a fine of \$7,500 up to \$10,000 and revocation.

(h) Section 490.009(1)(h), F.S., or Section 456.072(1)(k), F.S.: failing to perform any statutory or legal obligation placed upon the licensee under Chapters 490 or 456, F.S., or any rules promulgated pursuant to those chapters – a fine up to \$2,500 and a letter of concern up to probation. For a second offense, a fine up to \$7,500 and suspension followed by probation. After the second offense, a fine up to \$10,000 and revocation.

(i) Section 490.009(1)(i), F.S., or Section 456.072(1)(l), F.S.: willfully or negligently filing of a false report or record, or failing to file a report or record required by law – a fine of \$2,500 up to \$5,000 and a reprimand up to probation. After the first offense, a fine of \$5,000 up to \$10,000 and suspension followed by probation up to revocation.

(j) Section 490.009(1)(j), F.S.: kickback, rebate, bonus, or other remuneration for receiving or referring a patient or client – a fine of \$1,000 up to \$5,000 and a reprimand. For a second offense, a fine of \$2,500 up to \$7,500 and probation up to suspension followed by probation. After the second offense, a fine of \$5,000 up to \$10,000 and suspension followed by probation up to revocation.

(k) Section 490.009(1)(k), F.S., or Section 456.072(1)(u), F.S.: committing any act upon a patient or client which would constitute sexual battery or which would constitute sexual misconduct as defined in Section 490.0111 or 456.063, F.S. – a fine of \$7,000, a PRN evaluation and probation up to suspension followed by probation with a PRN evaluation. After the first offense, a fine of \$7,000 up to \$10,000 and PRN evaluation and suspension followed by probation, or in the alternative, revocation.

(l) Section 490.009(1)(l), F.S., or Section 456.072(1)(a), F.S.: making misleading, deceptive, untrue, or fraudulent representations in the practice of school psychology – a fine of \$2,500 up to \$5,000 per count or offense and a reprimand up to probation. After the first offense, a fine of \$5,000 up to \$10,000 per count or offense and suspension followed by probation up to revocation. If it is determined that the violation included fraudulent conduct, then the fine shall be \$10,000 per count regardless of whether it is a first or subsequent offense.

(m) Section 490.009(1)(m), F.S.: soliciting patients or clients personally or through an agent, through the use of fraud, intimidation, undue influence, or any form of overreaching or vexatious conduct – a fine of \$1,000 up to \$10,000 and probation up to suspension followed by probation. For a second offense, a fine of \$5,000 up to \$10,000 and suspension followed by probation, or in the alternative, revocation. If it is determined that the violation included fraudulent conduct, then the fine shall be \$10,000 per count regardless of whether it is a first or subsequent offense.

(n) Section 490.009(1)(n), F.S.: failing to provide upon written request, copies of test results, reports or documents – a fine of \$1,000 up to \$5,000 and a letter of concern up to a reprimand. For a second offense, a fine of \$2,500 up to \$5,000 and a reprimand up to probation. After the second offense, a fine up to \$10,000 and suspension followed by probation, or in the alternative, revocation.

(o) Section 490.009(1)(o), F.S.: failing to respond within thirty days or to make available any relevant records to the Department concerning any investigation by the Department with respect to the investigation – a fine of \$1,000 up to \$5,000 and a letter of concern up to a reprimand. For a second offense, a fine of \$3,000 up to \$10,000 and suspension followed by probation or suspension until such time as the licensee demonstrates, to the Department's satisfaction, that an appropriate response has been made by the licensee, or revocation.

(p) Section 490.009(1)(p), F.S., or Section 456.072(1)(y), F.S.: unable to practice with reasonable skill or competence – the penalty shall be suspension until such time as the licensee demonstrates rehabilitation satisfactory to the Department, then probation and mental or physical evaluations by Department approved professionals.

(q) Section 490.009(1)(q), F.S.: performing any treatment or therapy which constitutes experimentation on human subjects without written consent – a fine of \$1,000 up to \$5,000 and a reprimand up to probation. After the first offense, the penalty shall be a fine of \$5,000 up to \$10,000 and suspension followed by probation, or in the alternative, revocation.

(r) Section 490.009(1)(r), F.S.: failing to meet the minimum standards of performance – a fine of \$1,000 up to \$5,000 and a reprimand. For a second offense, a fine of \$2,500



up to \$7,500 and probation up to suspension followed by probation. For a third offense, a fine of \$5,000 up to \$10,000 and suspension followed by probation, or in the alternative, revocation.

(s) Section 490.009(1)(s), F.S., or Section 456.072(1)(p), F.S.: delegating professional responsibilities to an unqualified person – a fine of \$1,000 up to \$5,000 and a reprimand up to probation. After the first offense, a fine of \$5,000 up to \$10,000 and suspension followed by probation, or in the alternative, revocation.

(t) Section 490.009(1)(t), F.S., or Section 456.072(1)(q), F.S.: violating any lawfully issued order or subpoena – a fine of \$1,000 up to \$5,000 and a letter of concern up to a reprimand or probation. For a second offense, a fine of \$2,500 up to \$7,500 and probation up to suspension followed by probation. After the second offense, a fine of \$7,500 up to \$10,000 and suspension followed by probation up to revocation.

(u) Section 490.009(1)(u), F.S.: failing to maintain confidence of client communication – a fine of \$1,000 up to \$5,000 and a reprimand. For a second offense, a fine of \$2,500 up to \$10,000 and probation up to suspension followed by probation. After the second offense, the penalty shall be revocation.

(v) Section 490.009(1)(v), F.S.: making public statements which are derived from test data, client contacts, or behavioral research and which identify or damage research subjects or clients – a fine of \$1,000 up to a \$5,000 and a reprimand up to probation. For the second offense, a fine of \$2,500 up to \$7,500 and probation up to suspension followed by probation. After the second offense, a fine of \$5,000 up to \$10,000 and suspension followed by probation, or in the alternative, revocation.

(w) Section 490.009(1)(w), F.S., or Section 456.072(1)(cc), F.S.: violating any provision of this chapter or Chapter 456, or any rules adopted thereto – a fine of \$1,000 up to \$5,000 and a letter of concern up to a reprimand. For a second offense, a fine of \$5,000 up to \$10,000 and probation. After the second offense, a fine of \$7,500 up to \$10,000 and suspension followed by probation or revocation. If the violation is for engaging or attempting to engage in sexual misconduct, then the penalty shall be a \$10,000 fine and revocation.

(x) Section 456.072(1)(s), F.S.: failing to comply with the continuing education requirement for domestic violence – a fine of \$250 up to \$2,500 and a letter of concern up to probation until compliance. After the first offense, a fine of \$1,000 up to \$10,000 and probation until compliance up to suspension until compliance.

(y) Section 456.072(1)(n), F.S.: exercising influence on the patient or client for the purpose of financial gain of the licensee or a third party – a fine of \$1,000 up to \$5,000 and a reprimand up to probation. For a second offense, a fine of \$2,500 up to \$7,500 and probation up to suspension followed

by probation. After the second offense, a fine of \$5,000 up to \$10,000 and suspension followed by probation, or in the alternative, revocation.

(z) Section 456.072(1)(r), F.S.: improperly interfering with an investigation or inspection authorized by statute, or with any disciplinary proceeding – a fine of \$1,000 up to \$5,000 and a letter of concern up to a reprimand. After the first offense, a fine of \$3,000 up to \$10,000 and suspension followed by probation, or in the alternative, revocation.

(2) Based upon consideration of aggravating and mitigating factors present in an individual case, the Department may deviate from the penalties recommended above. The Department shall consider as aggravating or mitigating circumstances the following:

- (a) The danger to the public;
- (b) The length of time since the date of violation;
- (c) The number of complaints filed against the licensee;
- (d) The length of time the licensee has practiced without complaint or violations;
- (e) The actual damage, physical or otherwise, to the patient;
- (f) The deterrent effect of the penalty imposed;
- (g) The effect of the penalty upon the licensee's livelihood;
- (h) Any efforts the licensee has made toward rehabilitation;
- (i) The actual knowledge of the licensee pertaining to the violation;
- (j) Attempts by the licensee to correct or stop violations, or refusal by the licensee to correct or stop violations;
- (k) Related violations found against the licensee in another state including findings of guilt or innocence, penalties imposed and penalties served;
- (l) Any other mitigating or aggravating circumstances that are particular to that licensee or to the situation so long as the aggravating or mitigating circumstances are articulated in the Department's final order.

(3) The provisions of this rule shall not be construed to prohibit civil action or criminal prosecution as provided by law, nor may the provisions of this rule be construed to limit the ability of the Department to enter into binding stipulations as per Section 120.57(4), F.S.

Specific Authority 456.079 FS. Law Implemented 456.072, 456.079, 490.009 FS. History–New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Kaye Howerton, Executive Director

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Amy Jones, Division Director

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 11, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 28, 2003