

499.0122(1)	Possession of other Rx drugs by medical oxygen retailer	3
499.023	Activity with unapproved new drug	2-1
499.03(1)	Illegal possession, etc. of habit forming toxic, etc. new drug	3-1
499.005(12)	Possession in violation of 499.001-499.081	3*
499.028(15)	Illegal possession of a sample drug	3-1
499.65	Illegal possession of ether >2.5 gallons	3-1
499.69	Possession of ether within 500' of <u>residence residents</u>	2

(5) Administrative fines due the department may be paid by cashier's check, certified check, money order, or other guaranteed funds, payable to the Florida Drugs, Devices and Cosmetics Trust Fund, at 2818-A Mahan Drive, Tallahassee, Florida 32308.

(6) If a prescription drug wholesaler, including a broker only, or out-of-state prescription drug wholesaler fails to pay an administrative fine or costs within 30 days after the fine or costs become final, the department may make a claim against the bond or other security as provided in s. 499.012(2)(a) and (c), F.S.

PROPOSED EFFECTIVE DATE: January 1, 2004.

Specific Authority 499.05 FS. Law Implemented 499.0121, 499.066 FS. History—New 7-1-96, Formerly 10D-45.0595, Amended 1-26-99, 4-17-01, 1-1-04.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Jerry Hill, Chief of Statewide Pharmaceutical Services

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Phil E. Williams, Director, Division of Health Awareness and Tobacco

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 24, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 22, 2003

Section III Notices of Changes, Corrections and Withdrawals

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."

DEPARTMENT OF CITRUS

RULE CHAPTER NO.:	RULE CHAPTER TITLE:
20-36	Certification For "Tree Run" Grade
RULE NOS.:	RULE TITLES:
20-36.002	Inspection Required
20-36.006	Determination of Quantity

NOTICE OF WITHDRAWAL

Notice is hereby given that the above proposed rules published in the Florida Administrative Weekly, Vol. 29, No. 33, August 15, 2003 has been withdrawn.

DEPARTMENT OF CORRECTIONS

RULE NO.:	RULE TITLE:
33-601.504	Transition Assistance Program

NOTICE OF PUBLIC HEARING

Notice is hereby given that a public hearing on the above referenced proposed rule, as noticed in the Florida Administrative Weekly, Vol. 29, No. 37, September 12, 2003, will be held at 10:00 a.m. on Tuesday, October 14, 2003, at the Department of Corrections Central Office located at 2601 Blair Stone Road, Tallahassee, Florida 32399-2500.

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NO.:	RULE TITLE:
59G-4.165	Inpatient Mental Health and Tuberculosis Hospital Services

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the Notice of Rule Development in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 29, No. 38, September 19, 2003 of the Florida Administrative Weekly. The date of the workshop for proposed rule development was erroneous. The correct date for the workshop will be as follows:

TIME AND DATE: 10:00 a.m., Tuesday, October 21, 2003

PLACE: 2727 Mahan Drive, Building #3, Conference Room A, Tallahassee, FL

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Kris Russell, Medicaid Services, 2727 Mahan Drive, Building 3, Mail Stop 20, Tallahassee, Florida 32308-5407, (850)922-7353

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NO.:	RULE TITLE:
59G-8.200	Home and Community-Based Services Waivers

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. 32, August 8, 2003, issue of the Florida Administrative Weekly.

In response to comments received from Medicaid Contract Management, the Florida Medicaid Provider Reimbursement Handbook, Non-Institutional 081, which is being incorporated by reference in Rule 59G-8.200, F.A.C., has been revised as follows:

Handbook Page 1-3, Third Party Payer and Insurance Claims, the second paragraph was corrected to read, "For non-Medicare claims, the claim must be received by Medicaid or the Medicaid fiscal agent no later than 12 months from the date of service or six months from the date of the other insurance payment or denial."

Handbook Page 3-2, Remittance Voucher Description, the last sentence was corrected to read, "If the provider receives payment by paper check, the check is mailed separately."

DEPARTMENT BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Engineers

RULE NO.: RULE TITLE:
61G15-20.007 Foreign Degrees

NOTICE OF CORRECTION

Notice is hereby given that the following correction is made to the Notice of Change for the above rule published in the August 22, 2003, Vol. 29, No. 34, issue of the Florida Administrative Weekly.

Subsection (4) of the above rule should have been completely deleted.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Commission

RULE NO.: RULE TITLE:
61J2-2.027 Applications by Individuals

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule referenced above in accordance with subparagraph 120.54(3)(d)1., F.S., originally published in Vol. 28, No. 22, May 31, 2002, issue of the Florida Administrative Weekly.

Changes have been made to the proposed rule that address the comments made by the Joint Administrative Procedures Committee and for the purpose of publishing the specific text changes to the rule as amended and proposed by the Florida Real Estate Commission in order to comply with the recent statutory changes.

61J2-2.027 Applications by Individuals.

The application of a natural person for active licensure, whether the applicant expects to operate alone, or as a partner, or with a corporation, or as a sales associate salesperson, is governed by substantially the same rules and forms.

(1) The applicant must meet necessary personal qualifications as follows:

(a) Is 18 years of age or older.

(b) If the application is for broker:

1. Has been registered as an active salesperson for at least 12 months during the preceding 5 years under one or more brokers;

2. Has held a current and valid real estate sales associate's ~~salesperson's~~ license for at least 12 months during the preceding 5 years in the employ of a governmental agency for a salary and performing the duties authorized in Chapter 475, Florida Statutes; or

3. through (c) No change.

(2) through (c) No change.

(d) If ever had a broker's or sales associate's ~~salesperson's~~ license revoked, suspended, or otherwise acted against, or had an application for such licensure denied, by the real estate licensing agency of another state, territory, or country.

(3) No change.

~~(4) Each application shall be accompanied by two photographs of the applicant 2" x 2" in size and taken within a period of one year preceding the filing of the application.~~

~~(4)(5)~~ All applicants for permits to instruct or be a permitholder for a real estate school must comply with ss. 475.451(2)(a) and (c), Florida Statutes.

Specific Authority 475.05 FS. Law Implemented 475.17, 475.175, 475.451 FS., Georgia Association of Realtors, Inc., et al. v. Florida Real Estate Commission, et al., Civil Case No. 87-15-Orl-Civ-18 (M.D. Fla. 1987). History—New 1-1-80, Formerly 21V-2.27, Amended 4-10-88, 5-20-90, 1-13-91, 7-15-92, 7-20-93, Formerly 21V-2.027, Amended 11-10-97, 1-18-00, _____.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Commission

RULE NO.: RULE TITLE:
61J2-2.031 Where to Apply

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule referenced above in accordance with subparagraph 120.54(3)(d)1., F.S., originally published in Vol. 28, No. 22, May 31, 2002, issue of the Florida Administrative Weekly.

Changes have been made to the proposed rule that address the comments made by the Joint Administrative Procedures Committee and for the purpose of publishing the specific text changes to the rule as proposed by the Florida Real Estate Commission in order to comply with the recent statutory changes.

61J2-2.031 Where to Apply.

Completed applications for licensure shall be submitted to the Division of Real Estate online or at the address listed on the application to 400 West Robinson Street, N308, Orlando, Florida 32801-1772.

Specific Authority 475.05 FS. Law Implemented 475.175 FS. History—New 9-16-84, Formerly 21V-2.31, Amended 7-20-93, Formerly 21V-2.031, Amended 1-19-99, _____.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Commission

RULE NO.:	RULE TITLE:
61J2-5.016	License Status of Active Officers and Directors

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule referenced above in accordance with subparagraph 120.54(3)(d)1., F.S., originally published in Vol. 28, No. 22, May 31, 2002, issue of the Florida Administrative Weekly. Changes have been made to the proposed rule that address the comments made by the Joint Administrative Procedures Committee and for the purpose of publishing the specific text changes to the rule as proposed by the Florida Real Estate Commission in order to comply with the recent statutory changes.

61J2-5.016 License Status of Active Officers and Directors.

Officers and directors who expect to be active must qualify and become licensed in the same manner and procedure as any other applicant for active license. No registration shall be issued to the corporation or partnership unless every broker licensed with the corporation or partnership is registered as an officer, director or partner of the corporation or partnership. No sales associate or broker associate salesperson or broker-salesperson may be registered as an officer, director of a brokerage corporation or general partner of a brokerage partnership.

Specific Authority 475.05 FS. Law Implemented 475.01, 475.15 FS. History—New 1-1-80, Amended 7-15-84, 6-9-85, Formerly 21V-5.16, Amended 6-28-93, Formerly 21V-5.016, Amended _____.

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 NO.:	RULE TITLE:
64B2-15.001	Deceptive and Misleading Advertising Prohibited; Policy; Definition

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule is being withdrawn. This proposed rule was published in the Vol. 29, No. 34, August 22, 2003 issue of the Florida Administrative Weekly. 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 32399-3257

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Mental Health Program

RULE NOS.:	RULE TITLES:
65E-14.003	Audits of Contractors Participating in the Substance Abuse and Mental Health Programs
65E-14.020	Cost Reimbursement Method of Payment
65E-14.021	Unit Cost Method of Payment
65E-14.022	Data Requirements

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 29, No. 35, August 29, 2003 issue of the Florida Administrative Weekly. These changes are being made in response to comments by the Joint Administrative Procedures Committee.

65E-14.003 Audits of Contractors Participating in the Substance Abuse and Mental Health Programs.

(1) through (4) No change.

(5) The following special audit schedules and documents, ~~and any instructions~~, are hereby incorporated by reference, copies of which may be obtained from the Substance Abuse Program Office, ATTN: PDSA, 1317 Winewood Blvd., Building 6, Tallahassee, Florida 32399-0700:

- (a) CF-MH 1034, Jul 2003 Schedule of State Earnings, consisting of a one-page form and one page of instructions
- (b) CF-MH 1035, Jul 2003 Schedule of Related Party Transaction Adjustments
- (c) CF-MH 1036, Jul 2003 Schedule of Bed-Day Availability Payments, consisting of a one-page form and one page of instructions

(d) CF-MH 1037, Aug 2003 Program/Cost Center Actual Expenses & Revenues Schedule, consisting of a two-page form and seven pages of instructions

(e) OMB Circular
No. A-133, June 27, 2003

Audits of States, Local Governments, and Non-Profit Organizations

65E-14.020 Cost Reimbursement Method of Payment.

(1) through (3) No change.

(4) The following forms, ~~and any instructions~~, are hereby incorporated by reference, copies of which may be obtained from the Substance Abuse Program Office, ATTN: PDSA, 1317 Winewood Blvd., Building 6, Tallahassee, Florida 32399-0700:

(a) CF-MH 1038, Jul 2003 Line Item Operating Budget

(b) CF-MH 1039, Jul 2003 Budget Narrative, consisting of a one-page form and two pages of instructions

(c) CF-MH 1040, Jul 2003 Cost Reimbursement Report of Expenditures & Request for Payment or Advance

65E-14.021 Unit Cost Method of Payment.

This section provides guidelines and requirements for implementing a unit cost method of payment for substance abuse and mental health services.

(1) through (10) No change.

(11) The following forms, ~~and any instructions~~, are hereby incorporated by reference, copies of which may be obtained from the Substance Abuse Program Office, ATTN: PDSA, 1317 Winewood Blvd., Building 6, Tallahassee, Florida 32399-0700:

(a) CF-MH 1041, Aug 2003 Personnel Detail Record, consisting of a one-page form and five pages of instructions

(b) CF-MH 1042, Aug 2003 Projected Cost Center Operating and Capital Budget, consisting of a two-page form and nine pages of instructions

(c) CF-MH 1043, Jul 2003 Agency Capacity Report, consisting of a thirteen-page form and three pages of instructions

(d) CF-MH 1044, Aug 2003 Alternative Projected Operating and Capital Budget, consisting of a two-page form and five pages of instructions

(e) CF-MH 1045, Jul 2003 Program Description

(f) CF-MH 1047, Aug 2003 Monthly Request for Non-TANF Payment / Advance, consisting of a one-page form and two pages of instructions

(g) CF-MH 1058, Aug 2003 Monthly Request for TANF Payment/Advance, consisting of a one-page form and two pages of instructions

(h) CF-MH 1046, Aug 2003 Worksheet for Monthly Request for Payment, consisting of a one-page form and three pages of instructions

(i) CF-MH 1048, Jul 2003 Integrated Rate/Purchase of Service Invoice, consisting of a one-page form and one page of instructions

(j) CF-MH 1049, Jul 2003 Integrated Rate/Purchase of Services Invoice Attachment, consisting of a one-page form and one page of instructions

65E-14.022 Data Requirements.

The following document is hereby incorporated by reference, copies of which may be obtained from the Substance Abuse Program Office, ATTN: PDSA, 1317 Winewood Blvd., Building 6, Tallahassee, Florida 32399-0700:

(1) CFP 155-2, July 2003 Mental Health and Substance Abuse Measurement and Data, 5th Edition Version 2

Section IV Emergency Rules

NONE
