

64E-12.014 Inspection Forms.

The forms in this section are incorporated by reference. DH Form 4029, 12/03, Residential Group Care Inspection Report. This form is not intended for public use.

Specific Authority 381.006(16) FS. Law Implemented 381.006(6), (16) FS. History--New

Section II Proposed Rules

DEPARTMENT OF EDUCATION

Commission for Independent Education

RULE TITLE: Standards and Procedures for Licensure RULE NO.: 6E-2.004

PURPOSE AND EFFECT: The Commission proposes a rule amendment to address the deletion of unnecessary language.

SUMMARY: The proposed amendment deletes repetitive language in the student catalog that describes the institution's policy regarding satisfying academic progress.

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: 1005.22(1)(e), 1005.31(2), (3), 1005.34, 1005.39 FS.

LAW IMPLEMENTED: 1005.04, 1005.31, 1005.33(1), 1005.34, 1005.39 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Samuel L. Ferguson, Executive Director, Commission for Independent Education, 2650 Apalachee Parkway, Suite A, Tallahassee, Florida 32301

THE FULL TEXT OF THE PROPOSED RULE IS:

6E-2.004 Standards and Procedures for Licensure.

Each institution applying for a license or moving to a new level of licensure shall provide to the Commission the following specific information, in English. All information and documentation submitted pursuant to the provisions of these rules shall be accompanied by certification signed by the chief administrative officer of the institution, affirming that the information and documentation submitted is accurate. Any application or review which is not substantially complete shall be returned to the institution with a request to complete and resubmit the material.

(1) through (10) No change. (11) Standard 11: Publications and Advertising.

(a) No change.

(b) Catalog.

1. No change.

2. Each institution shall publish and provide to each enrolled student a catalog. Written catalogs shall be professionally printed and bound. If electronic catalogs are also used, the two versions shall contain the same information, except for updates that may be provided more quickly in electronic versions. The catalog shall constitute a contractual obligation of the school to the student and shall be the official statement of the school's policies, programs, services, and charges and fees. The catalog shall include, at a minimum, the following information:

a. through r. No change.

s. A complete explanation of the standards of satisfactory academic progress process. This policy shall include, at a minimum: Minimum grades and/or standards considered satisfactory; conditions for interruption due to unsatisfactory grades or progress; a description of the probationary period, if applicable; and conditions of re-entrance for those students suspended for unsatisfactory progress;

t. through y. No change.

z. A description of the institution's policy regarding satisfying academic progress;

aa. through ee. renumbered z. through dd. No change.

3. No change.

(c) No change.

Specific Authority 1005.22(1)(e), 1005.31(2), (3), 1005.34, 1005.39 FS. Law Implemented 1005.04, 1005.31, 1005.33(1), 1005.34, 1005.39 FS. History--Repromulgated 12-5-74, Formerly 6E-3.01(1), Readopted 11-11-75, Amended 3-7-77, 5-7-79, 10-13-83, Formerly 6E-2.04, Amended 11-27-88, 11-29-89, 12-10-90, 10-19-93, 4-2-96, 4-11-00, 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: January 22, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 27, 2004

DEPARTMENT OF COMMUNITY AFFAIRS

Florida Building Commission

RULE CHAPTER TITLE: Florida Building Commission - RULE CHAPTER NO.: 9B-3

Operational Procedures

RULE TITLE: State Building Code Adopted RULE NO.: 9B-3.047

PURPOSE AND EFFECT: The proposed amendment of Rule 9B-3.047, F.A.C., is needed fulfill the Commission's obligation to update the Florida Building Code every three years. The initial edition of the code was adopted by the Commission in 2001. The adoption of the proposed amendment incorporates the International Building Code and International Residential Code, as well as updates the remainder of the subcodes which were already based upon the family of model codes promulgated by the International Code Council. The update additional incorporates previously adopted statewide amendments as determined by the Commission.

SUMMARY: The rule as amended will establish the 2004 edition of the Florida Building Code, which incorporates the 2003 International Building Code, the 2003 International Residential Code, the 2003 International Plumbing Code, and the 2003 International Fuel Gas Code. Previously approved amendments to the Florida Building Code have been integrated with the model codes and additional modifications have been made to assure consistency with the Florida Fire Prevention Code. Materials containing the resulting text of the Florida Code are available at www.floridabuilding.org.

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: 553.73 (1), (2), (7) FS.

LAW IMPLEMENTED: 553.72, 553.73 (2), (3), (7), (9) FS.

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

TIME AND DATE: 10:00 a.m., April 20, 2004

PLACE: Rosen Center Hotel, 9840 International Drive, Orlando, Florida 32819

Any person requiring special accommodations at the workshop because of a disability of physical impairment should contact Ila Jones, Community Program Administrator, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100, (850)487-1824 at least seven days prior to the date of the workshop using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Ila Jones, Community Program Administrator, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100, (850)487-1824

THE FULL TEXT OF THE PROPOSED RULE IS:

9B-3.047 State Building Code Adopted.

(1) The Florida Building Code as updated revised by the Florida Building Commission on June 30, 2003, is hereby adopted as the Florida Building Code, 2004 edition, and incorporated by reference as the building code for the State of Florida.

(2) No change.

Specific Authority 553.73(1), (2), (7) FS. Law Implemented 553.72, 553.73(2), (3), (7), (9) FS. History--New 7-18-90, Amended 3-30-93, 10-17-93, 8-28-95, 9-24-96, 12-26-96, 4-27-97, 10-5-97, 10-14-97, 9-7-00, 11-28-00, 2-7-01, 12-16-01, 6-30-03,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Ila Jones, Community Program Administrator, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100, (850)487-1824.

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Janice Browning, Director, Division of Housing and Community Development, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 16, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 13, 2004

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."

STATE BOARD OF ADMINISTRATION

RULE TITLE: Reimbursement Premium Formula **RULE NO.:** 19-8.028

PURPOSE AND EFFECT: This rule is promulgated to implement Section 215.555, Florida Statutes, regarding the Florida Hurricane Catastrophe Fund, for the 2004-2005 contract year.

SUMMARY: Proposed amended Rule 19-8.028, F.A.C., establishes the premium formula and adopts the rates for the 2004-2005 contract year.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: The Board has prepared a statement and found the cost to be minimal.

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: 215.555(3) FS.

LAW IMPLEMENTED: 215.555(2), (3), (4), (5), (6), (7) FS.

REGARDLESS OF WHETHER OR NOT REQUESTED, A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 9:00 a.m. to Noon, Eastern Daylight Time, Tuesday, May 18, 2004

PLACE: Room 116 (Hermitage Conference Room), 1801 Hermitage Blvd., Tallahassee, FL 32308

In compliance with the Americans with Disabilities Act, anyone needing special accommodation to attend this meeting is asked to call Patti Elsbernd, (850)413-1346, five (5) days prior to the meeting so that appropriate arrangements can be made.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Jack E. Nicholson, Senior FHCF Officer of the Florida Hurricane Catastrophe Fund, State Board of Administration, P. O. Box 13300, Tallahassee, FL 32317-3300; telephone (850)413-1340

THE FULL TEXT OF THE PROPOSED RULE IS:

19-8.028 Reimbursement Premium Formula.

(1) through (2)(a) No change.

(b) Board or SBA means the ~~Florida~~ State Board of Administration of Florida.

(c) Citizens Property Insurance Corporation (Citizens) means the entity formed under Section 627.351, Florida Statutes and refers to both Citizens Property Insurance Corporation High Risk Account (~~formerly the Florida Windstorm Underwriting Association~~) and Citizens Property Insurance Corporation Personal Lines and Commercial Lines Accounts (~~formerly the Florida Residential Property and Casualty Joint Underwriting Association~~).

(d) through (j) No change.

(k) New Participants. The term means all Companies which are granted a certificate of authority by the Department of Financial Services after the beginning of the FHCF's Contract Year on June 1 and which write Covered Policies, or which already have a certificate of authority and begin writing Covered Policies on or after the beginning of the FHCF's Contract Year on June 1 and did not or was not required to enter into a contract on June 1 of the Contract Year. A Company that enters into an ~~pursuant to an~~ assumption agreement with Citizens that includes Covered Policies and is effective after June 1 and had written no other Covered Policies on or before June 1 is also considered a New Participant.

(l) through (n) No change.

(3)(a) through (f) No change.

(g) For the 2004-2005 Contract Year, the Formula developed by the Board's Independent Consultant, "Florida Hurricane Catastrophe Fund: 2004 Ratemaking Formula Report to the State Board of Administration of Florida, March __, 2004" is hereby adopted and incorporated by reference.

The basic premium rates developed in accordance with the Premium Formula methodology approved by the Board on April 13, 2004, are hereby adopted and incorporated by reference in Form FHCF-Rates 2004, "Florida Hurricane Catastrophe Fund Proposed 2004 Rates, March __, 2004.

(4)(a) Special Circumstances.

1. Allocation of Premium. Premiums paid to the FHCF with reference to property covered by Quota Share Primary Insurance Arrangements, as that phrase is defined in Section 627.351(6)(c)2.a.(I), Florida Statutes, will be allocated by the FHCF between the Insurer and Citizens in accordance with the percentages specified in the Quota Share Primary Insurance Arrangement for the purposes of premium billing, calculating retentions and determining reimbursement payments.

2. Section II Exposure. The Premium Formula for Section II exposure will be based on the use of computer modeling for each individual Company for which it is applicable. Because of the difference in potential loss exposure between Section I and Section II, it is not equitable to apply FHCF rates developed for Section I exposures to Section II exposures. Therefore, the Independent Consultant will recommend guidelines for individual company Section II portfolio modeling to estimate individual company FHCF expected losses. Individual company FHCF expected losses for Section II exposures will be loaded for investments and expenses on the same basis as the FHCF premium rates used for Section I exposures, but will also include a loading for the additional cost of individual company modeling. The minimum exposure threshold for FHCF Section II rating will be sufficient to generate estimated FHCF premium greater than the cost of modeling and other considerations. The Independent Consultant will calculate the minimum threshold of Section II exposure required for the separate coverage levels of 45%, 75%, and 90% using the Section I rates established pursuant to subsection (3) herein. The methodology used by the Independent Consultant will be based on sound actuarial principles to establish greater actuarial equity in the premium structure. Companies with exposure meeting the definition of Section II, shall report the said exposure under Section II using Section II reporting specifications.

(b) through (c) No change.

(d) Specialized Fine Arts Risks. Any policy or endorsement exclusively covering Specialized Fine Arts Risks and not covering any residential structure ~~and~~ or contents thereof other than such specialized fine arts items covered in the fine arts policy, shall be exempt from the Fund as a risk meeting specialized loss control requirements if the insurer employs underwriting criteria and requires its policyholders to adhere to sub-subparagraphs 1. through 7., immediately below. For purposes of the exemption in this paragraph, a Specialized Fine Arts Risk is a policy or endorsement which insures paintings, works on paper, etchings, art glass windows, pictures, statuary, sculptures, tapestries, antique furniture,

antique silver, antique rugs, rare books, and other bona fide works of art, of rarity, of historic value, or artistic merit; which charges a minimum Premium of \$500; which insures scheduled items valued, in the aggregate, at no less than \$100,000; and which requires an investment by the insured in loss control measures to protect the Fine Arts Risks being insured.

1. through 7. No change.

(5) All the forms adopted and incorporated by reference in this rule may be obtained from: Administrator, Florida Hurricane Catastrophe Fund, Paragon Strategic Solutions, Inc., Reinsurance Risk Management Services, Inc., 3600 American Boulevard West 80th Street, Minneapolis, Minnesota 55431.

Specific Authority 215.555(3) FS. Law Implemented 215.555(2), (3), (4), (5), (6), (7) FS. History--New 9-20-99, Amended 7-3-00, 9-17-01, 7-17-02, 7-2-03, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Jack E. Nicholson, Senior FHCF Officer, Florida Hurricane Catastrophe Fund, State Board of Administration of Florida
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: The Trustees of the State Board of Administration of Florida
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 13, 2004
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 19, 2003, Vol. 29, No 51

DEPARTMENT OF CORRECTIONS

RULE TITLE: Placement of Inmates into Community Release Programs
 RULE NO.: 33-601.606

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to revise and clarify definitions and eligibility criteria for community release programs.

SUMMARY: The proposed rule revises the time periods during which an inmate is eligible for community release programs, clarifies application of eligibility requirements for inmates with non-advanceable release dates, provides definitions for "community work release" and "non-advanceable release date," and revises the definition of institutional classification team to provide for inclusion of correctional officer lieutenants.

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: 945.091 FS.

LAW IMPLEMENTED: 945.091 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:

33-601.606 Placement of Inmates into Community Release Programs.

(1) Definitions.

(a) No change.

(b) Community Work Release (CWR) refers to the community residential program for incarcerated inmates, which allows them to work at paid employment in the community while continuing as inmates of the facility where they are confined.

(c)(b) Institutional Classification Team (ICT) refers to the a team at the institutional level consisting of the warden or assistant warden, classification supervisor a correctional officer chief, and other members as necessary when appointed by the warden or designated by rule. The ICT is and of security who are responsible for making work, program, housing, and inmate status decisions at a facility and for making other recommendations to the state classification office.

(d)(e) No change.

(d) Work Release refers to the community residential program for incarcerated inmates, which allows them to work at paid employment in the community while continuing as inmates of the facility where they are confined.

(e) Non-advanceable date refers to an inmate's release date that is restricted from continuous, monthly gain time awards (that reduce an inmate's release date) over the entire length of the sentence, including: tentative release date based upon offenses occurring on or after October 1, 1995; presumptive parole release date (PPRD); 100% minimum service requirements such as Prison Releasee Re-Offender Act or Three-time Violent Offender cases.

(2) Eligibility and Ineligibility Criteria.

(a) No change.

(b) In order to be eligible for community release programs an inmate must:

1. through 3. No change.

4. Inmates with non-advanceable dates must bBe within 18 months of his earliest release date if the inmate is earning discretionary gain time, or be within 15 12 months of their tentative release date or presumptive parole his earliest non-advanceable release date for CWA, community-based residential substance abuse program, or pre-work release program or within 10 months of their earliest tentative release date for CWR.

5. ~~Inmates without non-advanceable dates must be within 21 months of their tentative release date for CWA, community-based residential substance abuse program, or pre-work release program or within 15 months of their tentative release date for CWR. Be within 12 months of his earliest release date if the inmate is earning discretionary gain time or be within 7 months of his earliest non-advanceable release date for work release.~~

6. The Secretary of the Florida Department of Corrections, or his designee who shall be the Assistant Secretary for Director of Institutions, shall have the authority to place an inmate who is in community custody at any work release center regardless of time constraints for the purpose of a specialized work detail.

(3) through (5) No change.

Specific Authority 945.091 FS. Law Implemented 945.091 FS. History--New 3-14-01, Amended 9-2-01, 3-19-02, 11-18-02, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Jerry Hewett
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: James V. Crosby, Jr.
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 11, 2004
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 29, 2003

DEPARTMENT OF MANAGEMENT SERVICES

Division of Purchasing

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
General Regulations	60A-1
RULE TITLES:	RULE NOS.:
Vendors and Contractors	60A-1.006
MyFloridaMarketPlace Vendor Registration	60A-1.030

PURPOSE AND EFFECT: The purpose of the proposed rule is to amend the rules relating to MyFloridaMarketPlace, the state-wide program for on-line procurement of commodities and contractual services.

SUMMARY: The rules, as amended, require vendors to register in MyFloridaMarketPlace unless exempted and indicates that vendors are prequalified to sell commodities and contractual services to the State. The rule also amends the qualifying language for exemptions.

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: 120.57(3)(d), 287.042, 287.057(23) FS.

LAW IMPLEMENTED: 120.57(3), 287.017, 287.032, 287.042, 287.057, 287.133 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: 1:00 p.m., Monday, April 19, 2004
 PLACE: Room 260L, 4050 Esplanade Way, Tallahassee, Florida 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Lois Tepper, Office of the General Counsel, Department of Management Services, Suite 260, 4050 Esplanade Way, Tallahassee, Florida 32399

THE FULL TEXT OF THE PROPOSED RULES IS:

60A-1.006 Vendors and Contractors.

(1) ~~Registration of all Vendors Doing Business with the State All vendors desiring to sell to the State commodities or contractual services as defined in Section 287.012, F.S., shall register in MyFloridaMarketPlace, the State e procurement system, in compliance with Rule 60A-1.030, F.A.C. The integrity, reliability, and qualifications of a bidder offeror, with regard to the capability in all respects to perform fully the contract requirements, shall be determined by the agency prior to the award of the contract.~~

(2) through (6) No change.

Specific Authority 120.57(3)(d), 287.042, 287.057(23)(d) FS. Law Implemented 120.57(3), 287.042, 287.017, 287.057, 287.133 FS. History--New 5-20-64, Revised 2-6-68, 5-20-71, Amended 7-31-75, 10-1-78, 12-11-79, 2-26-80, 8-6-81, 10-11-81, 11-10-81, 2-11-82, 8-10-82, 10-13-83, 11-12-84, 12-17-85, Formerly 13A-1.06, Amended 2-9-87, 11-3-88, 1-18-90, 4-1-91, 9-1-92, Formerly 13A-1.006, Amended 4-24-94, 1-9-95, 7-6-98, 1-2-00, 7-1-03, _____.

60A-1.030 MyFloridaMarketPlace Vendor Registration.

(1) Each vendor ~~desiring to sell doing business with the State for the sale of~~ commodities or contractual services as defined in Section 287.012, F.S., to the State through the on-line procurement system is prequalified to do so and shall register in the MyFloridaMarketPlace system, unless exempted under subsection 60A-1.030(3), F.A.C. Information about the registration process is available, and registration may be completed, at the MyFloridaMarketPlace website (link under Business on the State portal at www.myflorida.com). Interested persons lacking Internet access may request assistance from the MyFloridaMarketPlace Customer Service (866)FLA-EPRO (866)352-3776 or from State Purchasing, 4050 Esplanade Drive, Suite 300, Tallahassee, Florida 32399.

(2) No change.

(3) Notwithstanding subsections (1) and (2), an agency may enter into an agreement for the sale of commodities or contractual services as defined in Section 287.012, F.S., with an unregistered vendor ~~when if, and only if,~~ one or more of the following conditions is satisfied:

(4) through (5) No change.

Specific Authority 287.042(12), 287.057(23) FS. Law Implemented 287.032, 287.042, 287.057 FS. History--New 7-1-03, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Alberto Dominguez, General Counsel, Department of Management Services
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Robert Hosay, Deputy Secretary, Department of Management Services
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 16, 2004
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 27, 2004

DEPARTMENT OF MANAGEMENT SERVICES

Personnel Management System

RULE CHAPTER TITLE: Conduct of Employees
RULE CHAPTER NO.: 60L-36
RULE TITLE: Political Activities
RULE NO.: 60L-36.002
PURPOSE AND EFFECT: The purpose of the proposed rule is to amend subsection (3)(c) of Rule 60L-36.002, F.A.C., implementing the statute that relates to political activities by career service employees.

SUMMARY: The proposed rule includes soliciting or accepting campaign contributions from persons or entities that are regulated by, or do business with, an employee's department or agency as an activity presumed to interfere with the employee's state employment.

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: 110.1055, 110.201(1), 110.233(4) FS.

LAW IMPLEMENTED: 110.233(4)(a) 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: 10:00 a.m., Monday, April 19, 2004
PLACE: Room 260L, 4050 Esplanade Way, Tallahassee, Florida 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Lois Tepper, Office of the General Counsel, Department of Management Services, Suite 260, 4050 Esplanade Way, Tallahassee, Florida 32399.

THE FULL TEXT OF THE PROPOSED RULE IS:

- 60L-36.002 Political Activities.
(1) through (2) No change.

(3) Candidacy for or holding local public office shall be presumed to involve activities that interfere with an employee's state employment in the following instances:

(a) Campaign or, if elected, office activities are performed during the employee's assigned working hours with the state.

(b) Campaign or, if elected, office activities will involve the use of state space, personnel, time, equipment, or supplies.

(c) The employee solicits or accepts campaign contributions from persons or entities that are regulated by, or otherwise do business with, the employee's department or agency.

Specific Authority 110.1055, 110.20(1), 110.233(4) FS. Law Implemented 110.233(4)(a) FS. History--New 1-22-02, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Alberto Dominguez, General Counsel, Department of Management Services

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Robert Hosay, Deputy Secretary, Department of Management Services

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 16, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 27, 2004

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

RULE TITLE: Disbursement of Examination Fees
RULE NO.: 61-20.504

PURPOSE AND EFFECT: The Council proposes to reflect a change of disbursement of examination fees based on a change in the cost to the applicant of the professional testing service and permit the Department to collect more of its costs.

SUMMARY: The disbursement of examination fees.

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: 468.4315, 943.053 FS.

LAW IMPLEMENTED: 455.2171, 455.219(3), (6), 455.2281, 455.271, 468.4315(2), 468.433, 468.435, 943.053 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Julie Malone, Executive Director, Regulatory Council of Community Association Managers, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61-20.504 Fees.

The following fees are adopted by the Council:

(1) through (2) No change.

(3) Examination fee: When the examination is not conducted by a professional testing service pursuant to Section 455.2171, Florida Statutes, \$100.00 payable to the Department. When the examination is conducted by a professional testing service pursuant to Section 455.2171, Florida Statutes, \$73.00 ~~\$61.00~~ payable to the Department plus \$27.00 ~~\$39.00~~ payable to the testing service.

(4) Re-examination fee: When the examination is not conducted by a professional testing service pursuant to Section 455.2171, Florida Statutes, \$100.00 payable to the Department. When the examination is conducted by a professional testing service pursuant to Section 455.2171, Florida Statutes, \$73.00 ~~61.00~~ payable to the Department. \$27.00 ~~39.00~~ payable to the testing service.

(5) through (16) No change.

Specific Authority 468.4315, 943.053 FS. Law Implemented 455.2171, 455.219(3), (6) 455.2281, 455.271, 468.4315(2), 468.433, 468.435, 943.053 FS. History--New 5-4-97, Amended 5-10-98, 9-9-98, 2-11-99, 3-13-00, 11-2-00, 1-3-01, 7-15-02, 12-14-03, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Julie Malone, Executive Director, Regulatory Council of Community Association Managers

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Regulatory Council of Community Association Managers

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 23, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 6, 2004

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Pari-Mutuel Wagering

RULE TITLES: RULE NOS.:

Permitted Medications for Racing Greyhounds 61D-6.007

Permitted Medications for Horses 61D-6.008

PURPOSE AND EFFECT: The purpose and effect of the proposed rule will be to implement and interpret Florida Statutes that relate to the adoption of medication levels for caffeine based upon the receipt of a finalized study by the University of Florida pursuant to the Pharmacokinetic and Clearance Study Agreement referenced in Section 550.2415(16), Florida Statutes.

SUMMARY: These rules adopt permissible levels for caffeine and its primary metabolites in urine samples collected from horses and greyhounds participating in pari-mutuel wagering racing events in this state.

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 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: 550.2415(13), (16) FS.

LAW IMPLEMENTED 550.2415 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: 10:00 a.m. – Noon, April 27, 2004

PLACE: Florida Department of Business and Professional Regulation, Northwood Centre, Board Room, 1940 N. Monroe Street, Tallahassee, Florida 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Mary Polombo, Clerk, Division of Pari-Mutuel Wagering, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-1035

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 Department at least 5 calendar days before the hearing by contacting Mary Polombo at (850)413-0750. If you are hearing or speech impaired, please contact the agency using the Florida Dual Party Relay System by calling (800)955-8770 (Voice) or (800)955-8771 (TDD).

Written comments or suggestions on the proposed rule may be submitted to Mary Polombo, Clerk, Division of Pari-Mutuel Wagering, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-1035, within 21 days of this notice for inclusion in the record of this proceeding.

THE FULL TEXT OF THE PROPOSED RULES IS:

61D-6.007 Permitted Medications for Racing Greyhounds. The following medications are permitted to be administered to racing greyhounds in the dosages and under the conditions listed below:

(1) through (2)(c) No change.

(3) The detection of caffeine at a urinary concentration less than 200 nanograms per milliliter and/or its metabolites, theophylline and theobromine at a urinary concentration less than 400 nanograms per milliliter shall not be reported by the racing laboratory to the division as a violation of Section 550.2415, Florida Statutes.

~~(4)(3)~~ All prescription medication, regardless of method of administration, shall be safeguarded under lock and key when not being actively administered.

Specific Authority 120.80(4)(a), 550.0251(3), (11), 550.2415(13), (16) FS. Law Implemented 120.80(4)(a), 550.0251, 550.2415 FS. History--New 10-20-96, Amended 6-6-00,_____.

61D-6.008 Permitted Medications for Horses.

(1) through (4)(b) No change.

(5) The detection of caffeine at a urinary concentration less than 200 nanograms per milliliter and/or its metabolites, theophylline and theobromine at a urinary concentration less than 400 nanograms per milliliter shall not be reported by the racing laboratory to the division as a violation of Section 550.2415, Florida Statutes.

~~(6)(5)~~ Sulfa drug(s) is/are permitted to be administered to a race horse providing:

(a) through (c) No change.

~~(7)(6)~~ All prescription medication, regardless of method of administration, shall be safeguarded under lock and key when not being actively administered.

Specific Authority 120.80(4)(a), 550.0251(3), 550.2415(8), (9), (13), (16) FS. Law Implemented 120.80(4)(a), 550.0251, 550.2415 FS. History--New 10-20-96, Amended 1-5-98, 6-6-00, 5-14-02,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:

David J. Roberts, Director, Division of Pari-Mutuel Wagering

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:

March 17, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW:

February 13, 2004

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Pari-Mutuel Wagering

CHAPTER TITLE:

Rules of Horseracing

RULE TITLES:

General Rules

Stewards

Jockeys and Drivers

Maintaining a Straight Course

Disqualification

Use of Whips

CHAPTER NO.:

61D-13

RULE NOS.:

61D-13.001

61D-13.002

61D-13.003

61D-13.004

61D-13.005

61D-13.006

PURPOSE AND EFFECT: The purpose and effect of the proposed rules will be to implement rules of horseracing. Some rules are generally applicable to all horse racing authorized in this state. Some rules are specific to thoroughbred or harness horseracing. The rules will govern certain infractions that occur during a race and in the stabling areas of a track. The rules also clarify the authority of the stewards or judges at a pari-mutuel facility.

SUMMARY: The rules address the following subject matter areas:

1 – General rules that govern conduct of persons at all horse tracks. These rules address safety concerns for racing animals and participants and are generally applicable to all types of horseracing being conducted in the state.

2 – Stewards rules to clarify the authority of the stewards or judges at a pari-mutuel facility are generally applicable to all types of horseracing being conducted in the state.

3 – Jockeys and drivers rules specifically address the conduct of jockeys and drivers participating in horseracing in this state.

4 – Rules of racing are provided to require participants to maintain a straight course.

5 – Rules of racing are provided to specify when a participant will be disqualified.

6 – Rules are provided specifying appropriate and inappropriate use of a whip.

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 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: 120.80(4)(a), 550.0251(3), (11), 550.1155 FS.

LAW IMPLEMENTED 120.80(4)(a), 550.0251, 550.1155 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: 10:00 a.m. – Noon, April 27, 2004

PLACE: Florida Department of Business and Professional Regulation, Northwood Centre, Board Room, 1940 N. Monroe Street, Tallahassee, Florida 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Mary Polombo, Clerk, Division of Pari-Mutuel Wagering, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-1035

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 Department at least 5 calendar days before the hearing by contacting Mary Polombo at (850)413-0750. If you are hearing or speech impaired, please contact the agency using the Florida Dual Party Relay System by calling (800)955-8770 (Voice) or (800)955-8771 (TDD).

Written comments or suggestions on the proposed rule may be submitted to Mary Polombo, Clerk, Division of Pari-Mutuel Wagering, Department of Business and Professional

Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-1035, within 21 days of this notice for inclusion in the record of this proceeding.

THE FULL TEXT OF THE PROPOSED RULES IS:

61D-13.001 General Rules.

(1) These rules apply to every permitholder and licensee participating in horseracing in Florida. Distances and other special conditions not provided herein shall be governed by the rules of the appropriate horse breeding and registry association.

(2) Prior to the beginning of the meet, permitholder management shall notify the division of the post time of the first race of each performance of the meet.

(3) Racing permitholders shall at all times maintain their track surfaces in good condition and shall have proper implements to maintain a uniform track, weather conditions permitting.

(4) All persons who exercise, breeze, or race horses on the track surface shall wear a protective helmet and vest.

(5) It shall be a violation of these rules for any person to:

(a) Leave unattended any needle or syringe in a stall, horse barn, or any part of a permitholder's facility used for the stabling of horses, excluding receptacles designated for the permanent disposal of needles and syringes.

(b) Smoke in horse stalls, feed rooms, and under the sheds.

(c) Sleep in any of the feed rooms or stalls at any time.

(d) Lock stalls occupied by horses.

(e) Permit open fires anywhere in the stable area, or to use any oil or gas burning lanterns or lamps.

(f) Possess electrical appliances that are not in safe working condition to be used in the stable area.

(g) Permit the accumulation of debris in the alleyway in front of the stalls and blockage of the alleyway that would prevent easy access to each stall door in case of fire.

Specific Authority 550.0251(3), (11) FS. Law Implemented 550.0251 FS. History—New_____.

61D-13.002 Stewards.

(1) The stewards shall be strictly responsible for the conduct of all race meets pertaining to the laws and rules of the division relating to racing.

(2) The stewards shall supervise the conduct of owners, trainers, jockeys, grooms, and other persons attending horses; they shall generally supervise all activity on the backside.

(3) Disputes which may not be covered by these rules of racing will be resolved by the stewards in conformance with generally accepted standards and in the best interest of racing.

(4) No racing official other than the stewards shall have the right to impose a fine or suspension of license for a violation of state laws or rules.

(5) The stewards shall, within 72 hours after the close of each racing day, file with the division, a signed report of any and all infractions of the laws and rules coming under their observation, and shall file with the division any and all rulings on infractions or otherwise as soon as said rulings are made.

Specific Authority 120.80(4)(a), 550.0251(3), (11), 550.1155 FS. Law Implemented 120.80(4)(a), 550.0251, 550.1155 FS. History—New_____.

61D-13.003 Jockeys and Drivers.

(1) Each jockey must obtain an occupational license from the division.

(2) All jockeys shall faithfully fulfill all engagements in respect to racing.

(3) No jockey or driver shall make a bet on any race nor accept the promise or the token of any bet, with respect to the race in which the jockey or driver is participating, except through or from the owner or trainer of the horse the jockey rides or driver drives, and then only on that horse to win or place first in any multiple horse type wager.

(4) A jockey or driver under temporary suspension shall not ride or drive in a race during the period of the suspension except that the jockey or driver may fulfill any designated stake race engagements on file with the stewards at the beginning of the meet.

(5) The use of spurs by a jockey is prohibited.

(6) Jockeys and drivers shall keep their feet in the stirrups at all times during the race.

Specific Authority 550.0251(3), (11) FS. Law Implemented 550.0251 FS. History—New_____.

61D-13.004 Maintaining A Straight Course.

(1) If the stewards determine that a racing infraction was intentional, or due to careless riding or driving, the jockey or driver may be held responsible.

(2) When the way is clear in a race, a horse may be ridden or driven to any part of the course, but if any horse swerves, or is ridden to either side so as to interfere with, impede, or intimidate any other horse, it is a racing infraction.

(3) The offending horse may be disqualified if, in the opinion of the stewards, the racing infraction altered the outcome of the race, regardless of whether the infraction was accidental, willful, or the result of careless riding.

(4) A horse crossing another horse so as actually to impede that horse shall be disqualified, unless the impeded horse was partly in fault or the crossing was wholly caused by the fault of some other horse or jockey or driver.

(5) If a horse or jockey or driver jostles another horse, the aggressor may be disqualified, unless the jostle was wholly caused by the fault of some other horse or jockey or driver.

(6) If a jockey or driver willfully strikes another horse or jockey or driver, or rides willfully or carelessly so as to injure another horse which is in no way in fault, or so as to cause other horses to do so, his horse is disqualified.

(7) When a horse is disqualified under the rules, the other horse or horses in the same race coupled as an entry may be disqualified.

(8) Complaints under this rule can only be received from the owner, trainer, or jockey or driver of the horse alleged to be aggrieved and must be made to the Clerk of Scales or to the stewards prior to the race being made official. Nothing in this section shall prevent the stewards taking notice on their own recognizance of foul riding or driving.

(9) Any jockey or driver against whom a foul is claimed shall be given the opportunity to present his case to the stewards before any decision is made by them.

(10) A jockey or driver whose horse has been disqualified or who unnecessarily causes his horse to shorten its stride with a view to complain or so as to give the appearance of having suffered a racing infraction, or an owner, trainer, jockey or driver who complains frivolously that his horse has been crossed or jostled, may be fined or suspended.

(11) All horses, jockeys and drivers are expected to give their best effort to win all races in which they participate, and any instructions or advice to the jockeys or drivers, or any handling of their horses by the jockeys or drivers other than for the purpose of winning are forbidden. All persons violating this rule will be subject to fines or license suspension, or both, by the stewards.

(12) The decision of the stewards as to the extent of a disqualification of any horse in any race shall be final.

Specific Authority 550.0251(3), (11) FS. Law Implemented 550.0251 FS. History—New_____.

61D-13.005 Disqualification.

(1) When the stewards determine that a horse shall be disqualified for interference, they may place the offending horse behind such horses, as in their judgment, it interfered with, or they may place it last.

(2) Possession of any electrical or mechanical stimulating or shocking device by a jockey, driver, horse owner, trainer, or other person authorized to handle or attend to a horse, shall be prima facie evidence of these rules and is sufficient grounds for the stewards to scratch or disqualify the horse and impose penalties upon the possessors of such devices.

(3) The stewards may determine that a horse shall be unplaced for the purpose of purse distribution.

Specific Authority 550.0251(3), (11) FS. Law Implemented 550.0251 FS. History—New_____.

61D-13.006 Use of Whips.

(1) Although the use of a whip is optional, any jockey or driver who uses a whip during a race shall do so only in a manner consistent with exerting his or her best efforts to win.

(2) In all races where a jockey or driver participates without a whip, an announcement of such fact shall be made over the public address system.

(3) Prohibited use of the whip includes whipping a horse:

(a) On the head, flanks, or on any part of the horse's body other than the shoulders or hind quarters.

(b) During the post parade or after the finish of the race.

(c) Excessively or brutally causing welts or breaks in the horse's skin.

(d) When the horse is clearly out of the race or has obtained its maximum placing.

(f) Persistently, even though the horse is showing no response under the whip.

(g) Striking another horse, jockey or driver.

Specific Authority 550.0251(3), (11) FS. Law Implemented 550.0251 FS. History—New_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: David J. Roberts, Director, Division of Pari-Mutuel Wagering

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: March 17, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 13, 2004

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 Acupuncture

RULE TITLE: Continuing Education Requirement

RULE NO.: 64B1-7.0015

PURPOSE AND EFFECT: The Board proposes to suspend, for the current biennium, all continuing education requirements not specifically required by statute for licensure renewal. The suspension is imposed because the Board does not have the ability to require approval of continuing education course criteria for programs prior to programs being offered to chapter 457 licensees. The Board will seek to regain this authority through legislation.

SUMMARY: The rule suspends the acupuncture licensure renewal continuing education requirements for the current biennium, for all continuing education not specifically required by statute.

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: 456.013, 456.033, 457.104, 457.107, 457.108, 457.1085 FS.

LAW IMPLEMENTED: 456.013, 456.033, 457.107, 457.108, 457.1085, 5457.109 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE NEXT AVAILABLE ISSUE OF THE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Pamela King, Executive Director, Board of Acupuncture, 4052 Bald Cypress Way, Bin C06, Tallahassee, Florida 32399

THE FULL TEXT OF THE PROPOSED RULE IS:

64B1-7.0015 Continuing Education Requirement.

(1) through (6) No change.

(7) Other provisions of a rule of the Board notwithstanding, effective for the biennium beginning March 1, 2004, and ending February 28, 2006, all non-statutory continuing education licensure renewal requirements imposed by Board rule are suspended. No continuing education credits will be required for renewal of licensure at the February 28, 2006 renewal date except for the medical errors and HIV/palliative care requirements imposed by Sections 456.013(7) and 456.033, F.S. respectively.

Specific Authority 456.013, 456.033, 457.104, 457.107, 457.108, 457.1085 FS. Law Implemented 456.013, 456.033, 457.107, 457.108, 457.1085, 5457.109 FS. History—New 3-18-97, Formerly 59M-7.0015, Amended 4-25-00, 4-3-01, 11-24-02, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Acupuncture

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 12, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 1, 2003

DEPARTMENT OF HEALTH

Board of Medicine

RULE TITLE: Applications
 RULE NO.: 64B8-4.009

PURPOSE AND EFFECT: The proposed rule amendment is intended to address continuing medical education for the purpose of initial licensure relating to the five most misdiagnosed conditions.

SUMMARY: The proposed rule amendment sets forth continuing education for the purpose of initial licensure with regard to the five most misdiagnosed conditions.

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: 120.53, 456.031, 456.033, 458.309, 458.311, 458.3137 FS.

LAW IMPLEMENTED: 120.53, 456.013(7), 456.031, 456.033, 458.311, 458.3124, 458.313, 458.3145, 458.315, 458.316, 458.3165, 458.317 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: Larry McPherson, Jr., Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin # C03, Tallahassee, Florida 32399-3253

THE FULL TEXT OF THE PROPOSED RULE IS:

64B8-4.009 Applications.

(1) through (7) No change.

(8) The applicant must submit statements attesting to the following:

(a) through (b) No change.

(c) Completion of two hours of continuing medical education relating to prevention of medical errors which includes a study of root cause analysis, error reduction and prevention, and patient safety, and which is approved by any state or federal government agency, or nationally affiliated professional association, or any provider of Category I or II American Medical Association Continuing Medical Education. One hour of a two hour course which is provided by a facility licensed pursuant to Chapter 395, F.S., for its employees may be used to partially meet this requirement. The course must include information relating to the five most mis-diagnosed conditions during the previous biennium, as determined by the Board. The following areas have been determined as the five most mis-diagnosed conditions: wrong-site/patient surgery; cancer; cardiac; timely diagnosis of surgical complications and failing to diagnose pre-existing conditions prior to prescribing contraindicated medications.

(9) through (10) No change.

Specific Authority 120.53, 456.031, 456.033, 458.309, 458.311, 458.3137 FS. Law Implemented 120.53, 456.013(7), 456.031, 456.033, 458.311, 458.3124, 458.313, 458.3145, 458.315, 458.316, 458.3165, 458.317 FS. History—New 3-31-80, Amended 12-4-85, Formerly 21M-22.09, Amended 9-7-88, 3-13-89, 1-1-92, 2-21-93, Formerly 21M-22.009, Amended 11-4-93, Formerly 61F6-22.009, Amended 11-15-94, 2-15-96, Formerly 59R-4.009, Amended 7-10-01, 1-31-02, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Rules Committee, Board of Medicine

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 7, 2004
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 27, 2004

DEPARTMENT OF HEALTH

Board of Medicine

RULE TITLE: Continuing Education for Biennial Renewal
 RULE NO.: 64B8-13.005

PURPOSE AND EFFECT: The proposed rule amendment is intended to address continuing medical education for the purpose of licensure renewal relating to the five most misdiagnosed conditions.

SUMMARY: The proposed rule amendment sets forth continuing education for the purpose of licensure renewal with regard to the five most misdiagnosed conditions.

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

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

SPECIFIC AUTHORITY: 456.013(6), (7), 456.031(4), 458.309, 458.319 FS.

LAW IMPLEMENTED: 456.013(6), (7), 456.031(1)(a), (3), 458.319(4) 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: Larry McPherson, Jr., Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin # C03, Tallahassee, Florida 32399-3253

THE FULL TEXT OF THE PROPOSED RULE IS:

64B8-13.005 Continuing Education for Biennial Renewal.

(1) Every physician licensed pursuant to Chapter 458, F.S., shall be required to complete 40 hours of continuing medical education courses approved by the Board in the 24 months preceding each biennial renewal period as established by the Department.

(a) through (d) No change.

(e) Completion of two hours of continuing medical education relating to prevention of medical errors which includes a study of root cause analysis, error reduction and prevention, and patient safety, and which is approved by any state or federal government agency, or nationally affiliated professional association, or any provider of Category I or II American Medical Association Continuing Medical Education. One hour of a two hour course which is provided by a facility licensed pursuant to Chapter 395, F.S., for its employees may

be used to partially meet this requirement. The course must include information relating to the five most mis-diagnosed conditions during the previous biennium, as determined by the Board. The following areas have been determined as the five most mis-diagnosed conditions: wrong-site/patient surgery; cancer; cardiac; timely diagnosis of surgical complications and failing to diagnose pre-existing conditions prior to prescribing contraindicated medications.

(2) through (11) No change.

Specific Authority 456.013(6), (7), 456.031(4), 458.309, 458.319 FS. Law Implemented 456.013(6), (7), 456.031(1)(a), (3), 458.319(4) FS. History--New 9-7-86, Amended 11-17-87, 11-15-88, 1-31-90, 9-15-92, Formerly 21M-28.002, Amended 12-5-93, Formerly 61F6-28.002, Amended 3-1-95, 1-3-96, 1-26-97, Formerly 59R-13.005, Amended 5-18-99, 2-7-01, 6-4-02, 10-8-03,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Rules Committee, Board of Medicine

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 7, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 27, 2004

DEPARTMENT OF HEALTH

Board of Speech-Language Pathology and Audiology

RULE TITLE: Examination
 RULE NO.: 64B20-2.005

PURPOSE AND EFFECT: The Board proposes to clarify and update the name of the organization administering the national examination required for licensure by examination, for speech-language pathologists and audiologists, as well as clarify the process for registering to take the exam.

SUMMARY: The proposed rule updates and clarifies the name of the national examination testing organization as well as clarifying the name of the organization to whom applications to take the exam should be sent.

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: 468.1135(4) FS.

LAW IMPLEMENTED: 456.017(1)(c), 468.1175 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE NEXT AVAILABLE ISSUE OF THE F.A.W.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Pamela E. King, Executive Director, Board of Speech-Language Pathology and Audiology, 4052 Bald Cypress Way, Bin C06, Tallahassee, Florida 32399

THE FULL TEXT OF THE PROPOSED RULE IS:

64B20-2.005 Examination.

(1) The Board hereby designates the Educational Testing Service PRAXIS Series American Speech Language Hearing Association approved National Examination in Speech-Language Pathology or Audiology as the licensure examination.

(2) Any person desiring to be licensed as a speech-language pathologist or audiologist shall apply directly to the Educational Testing Service, Praxis Series, Princeton, New Jersey, to take the licensure examination.

(3) No change.

Specific Authority 468.1135(4) FS. Law Implemented 456.017(1)(c), 468.1175 FS. History--New 3-14-91, Formerly 21LL-2.005, Amended 11-30-93, Formerly 61F14-2.005, Amended 9-26-95, Formerly 59BB-2.005, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Speech-Language Pathology and Audiology
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Speech-Language Pathology and Audiology
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 19, 2004
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 12, 2004

Section III
Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Forestry

Table with 2 columns: RULE NOS. and RULE TITLES. Rows include 5I-4.002 Purpose and Definitions, 5I-4.003 Vehicular, Animal and Pedestrian Control, 5I-4.005 Protection of Managed Lands, 5I-4.006 Recreational Activities and Facilities, 5I-4.008 Vendors; Authorization; Fees

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. 34, August 22, 2003, issue of the Florida Administrative Weekly.

TEXT OF PROPOSED RULE CHANGES:

5I-4.002 Purpose and Definitions.

The purpose of this chapter is to provide information regarding the utilization of lands and facilities managed or controlled by the Department of Agriculture and Consumer Services, Division of Forestry. The following words have the meaning indicated:

(10) GROUP CAMP: A designated primitive camping area designed to accommodate organized groups for overnight visits. Authorization will be given absent a determination that the proposed use will adversely affect managed lands. Group camp area use requires a State Forest Use Permit.

(27) SCHEDULE OF FEES: The Division is authorized under Section 589.011(3), F.S., to set and charge fees for the use or operation of facilities on state forest or any lands leased to the Division for management purposes. A schedule of current fees effective July 1, 2003 can be obtained through any local Division of Forestry office, by contacting the Florida Division of Forestry, Bureau of Forest Management, 3125 Conner Blvd., Tallahassee, FL 32399-1650 and they are located on the Division of Forestry's website located at http://www.fl-dof.com/state_forests/Forest_Fees.html.

5I-4.003 Vehicular, Animal and Pedestrian Control.

(11) No person shall bring horses or horse trailers into camping facilities, except upon showing that special request has been made to, and permission granted by the Division. The Division will may grant permission upon a determination that there is no threat to public safety, or to the condition of the camping facilities and that the horses and horse trailers do not constitute a nuisance.

(12) No person shall ride or lead horses off designated horse trails or field trial runs, except upon showing that special request has been made to, and permission granted by, the Division. The Division will may grant permission upon a determination that there is no threat to public safety or to the condition of these particular areas and those acts do not constitute a nuisance.

(17) The Division will may temporarily or permanently close any road, trail, facility, or area, or restrict the use thereof upon determination that there is a danger to the health, safety and welfare of any person; potential damage to the resources; or when it is determined necessary in the proper management of the forest.

5I-4.005 Protection of Managed Lands.

No person shall:

(2) Enter No person may any managed lands for the purpose of using the resources or facilities therein without paying the appropriate fee, where applicable.

(10) Pick up or remove dead wood from managed lands without a permit, except for collecting firewood to be burned in a designated area in a campground or camp zone.