

- (a) DI4-261 Automobile Accident Report rev. 6/00
- (b) DI4-866 Mileage Reimbursement rev. 3/01
- (c) DI4-1403 General Liability Loss Report rev. 6/00
- (d) DI4-1404 Lien Disclosure Statement rev. 3/01
- (e) DI4-1406 Insurer's Disclosure Statement Pursuant to Section 627.4137, F.S. rev. 6/00
- (f) ~~DFS-D014-1407~~ Medical Authorization rev. ~~3/04~~ 6/00
- (g) DI4-1410 Substitute Form W9 new 6/00

(2) Copies of each form adopted and incorporated by reference in this rule are available from the Division of Risk Management, Department of Financial Services, Larson Building, Tallahassee, Florida 32399-0300.

Specific Authority 284.39 FS. Law Implemented 284.39 FS. History—New 1-7-92, Amended 6-28-01, Formerly 4H-2.008, Amended _____.

Section II Proposed Rules

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Licensing

RULE TITLE: RULE NO.:
Licensed Firearms Instructors; Schools or Training Facilities; License Application 5N-1.134

PURPOSE, EFFECT AND SUMMARY: The purpose is to amend the rule and the form relating to schools or training facilities that offer classes required for security and recovery agents (repossessors) to be licensed. The effect is that schools operating programs for tuition or a fee at other than public educational facilities will no longer have to submit Department of Education approval to the Division of Licensing.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: The cost is limited to the cost of publishing this notice.

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: Laws of Florida, s. 249, 2002-387, codified at s. 1005.06(1)(g) FS.

LAW IMPLEMENTED: 493.6304(3), 493.6406(3) FS.

IF REQUESTED WITHIN 21 DAYS 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., May 7, 2004

PLACE: Conference Room, 2520 North Monroe Street, Tallahassee, Florida 32303

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kristi Reid Bronson, Assistant General Counsel, Department of Agriculture and Consumer Services, Division of Licensing, 2520 North Monroe Street, Tallahassee, FL 32303, (850)488-3492, Fax (850)488-2789

THE FULL TEXT OF THE PROPOSED RULE IS:

5N-1.134 Licensed Firearms Instructors; Schools or Training Facilities; License Application.

(1) Licensed Firearms Instructors. All licensed Firearms Instructors must utilize the instruction requirements and materials contained in the Division's Firearms Instructors Training Manual.

(2) Schools or Training Facilities. All persons or business entities desiring to operate a security officer school or training facility, or recovery agent school or training facility, shall make application for licensure as required by Sections 493.6304 and 493.6406, Florida Statutes, using Form DACS – 16003 (4/04), available at <http://licgweb.doacs.state.fl.us/forms/index.html>. The Division shall examine such application to determine if it complies with all requirements of the law and these rules. ~~Applicants who operate programs for tuition or a fee at other than public educational facilities must submit a letter from the Department of Education confirming that the Department of Education's requirements have been met.~~ Upon a determination by the Division that the application is complete and all requirements have been met, the Division shall issue a written temporary approval authorizing commencement of operations. A school or training facility shall not operate until temporary written approval is granted. A representative of the Division shall inspect the school or training facility within 4 months of the commencement of operations. Within 60 days of such inspection, a license shall be granted or denied. Licensure shall be valid for a period of 2 years unless suspended or revoked by final order of the Division. A license for a school or training facility is valid only for the training site, facility or branch office named on the license and is not transferable to any other location. If a licensed location is changed, a new complete application and appropriate fee must be submitted. In addition to the application, the following shall be submitted before written temporary approval is granted:

- (a) through (3) No change.

Specific Authority 493.6105(6), 493.6115(8), 493.6304(3), 493.6406(3) FS. Law Implemented 493.6105(6),(7), 493.6115(8), 494.6304(3), 493.6406(3) FS. History—New 10-1-91, Amended 2-18-93, 7-6-93, 7-31-96, Formerly 1C-3.134, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Kristi Reid Bronson, Assistant General Counsel, Department
 of Agriculture and Consumer Services, Division of Licensing,
 2520 North Monroe Street, Tallahassee, FL 32303,
 (850)488-3492, Fax (850)488-2789
 NAME OF SUPERVISOR OR PERSON WHO APPROVED
 THE PROPOSED RULE: Gene Bryan, Division Director
 DATE PROPOSED RULE APPROVED BY AGENCY
 HEAD: February 18, 2004
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT
 PUBLISHED IN FAW: February 27, 2004

DEPARTMENT OF EDUCATION

Commission for Independent Education

RULE TITLE: Medical Clinical Clerkship Programs

RULE NO.: 6E-2.0042

PURPOSE AND EFFECT: The Commission proposes to rewrite the rule.

SUMMARY: The proposed rule amendment substantially rewrites the rule to clarify the criteria for medical clinical clerkship programs.

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), 1005.35, 1005.37, 1005.38 FS.

LAW IMPLEMENTED: 1005.22, 1005.35, 1005.37, 1005.38 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 L. Ferguson, Executive Director, Commission for Independent Education, 2650 Apalachee Parkway, Suite A, Tallahassee, Florida 32301

THE FULL TEXT OF THE PROPOSED RULE IS:

(Substantial rewording of Rule 6E-2.0042 follows. See Florida Administrative Code for present text.)

6E-2.0042 Medical Clinical Clerkship Programs.

(1) Purpose. The purpose of this rule is to establish criteria for licensure by the Commission of qualified, accredited foreign medical schools to provide clinical clerkship training in Florida teaching hospitals. Clinical clerkships are a required part of the foreign medical schools' education programs, which are not wholly located in Florida. This rule also establishes criteria for students of foreign medical schools who apply for individual approval for an occasional elective clerkship in

Florida. This rule is intended to protect the health and welfare of citizens of Florida by limiting participation in such clinical clerkships to students of qualified, accredited foreign medical institutions who demonstrate the capacity to profit from such clinical instruction; to benefit the medical students by establishing standards which will promote the acquisition of a medical education equivalent to a US medical school education; to protect the students from deceptive, fraudulent or substandard education; and to protect the integrity of medical degrees held by Florida citizens. Terms used in this rule are defined in Rule 6E-1.003, F.A.C.

(2) An applicant for initial licensure of a foreign medical school including its clinical clerkship programs shall submit all the forms and documents, accurately, fully and satisfactorily completed as required for each step of licensure in accordance with Rule 6E-2.004, F.A.C. Additionally, for the applicant foreign medical school to be found qualified for licensure it must comply with the following:

(a) Document to the Commission that it has been determined by the United States Department of Education that the medical accreditation standards used by its chartering nation to evaluate and approve the applicant school were comparable to the standards used to evaluate programs leading to the Doctor of Medicine (M.D.) or Doctor of Osteopathy (D.O.) degree in the United States.

(b) Document that the applicant medical school has on staff a board-certified clinical chairperson for each core clerkship subject area.

(c) Document that the principal academic officer of the clinical clerkship program has been designated by the chief academic officer of the parent medical school and possesses academic and experiential qualifications appropriate to the assignment.

(d) Ensure that the application contains sufficiently detailed information showing that the educational clinical clerkship program, contains 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.

(e) Document that the faculty of the clinical clerkship program and of the parent medical school have joint responsibility for developing the curriculum for each clerkship. Copies shall be filed with the Commission of officially adopted policies of the parent medical school, outlining procedures for such faculty involvement and the means of ensuring that such procedures are implemented. The parent medical school shall also describe how it will ensure that the curriculum developed for each clerkship will actually be adhered to at each teaching hospital.

(f) Provide the Foreign Medical School parent hospital affiliation agreement that includes the following elements:

1. A statement of the purposes and objectives of the clerkship program;

2. A statement on the desired outcomes or what the foreign medical school expects its students to learn in each clerkship. This may be specified in the foreign medical school's manual or clerkship course syllabi;

3. The clerkships that will be conducted at the teaching hospital and the length of each clerkship;

4. The maximum number of students who will be engaged in clerkship training per year;

5. The titles and academic rank of the individuals appointed by the foreign medical school who will be responsible for supervising and monitoring the educational program;

6. A statement describing the administration and supervision of the clerkship program by the foreign medical school;

7. The responsibility of the teaching hospital in the administration of the clerkship program;

8. The process by which the students will be selected to perform clerkships at the teaching hospital;

9. The support services that will be available for students, including housing, health care, guidance, insurance, and adequate clinical clerkship library facilities.

10. A statement specifying the responsibility for health care, medical insurance and the treatment and follow-up when students are exposed to infectious or environmental hazards or other occupational injuries.

11. The financial arrangement between the foreign medical school and the teaching hospital.

(g) The application for licensure shall document that all students participating in core clerkship programs meet the following standards:

1. Completed at least three (3) years of undergraduate education at a college or university.

2. Completed a basic science program totaling at least four (4) semesters in length. This program shall include, but is not necessarily limited to, rigorous instruction in the major disciplines of the biological sciences (i.e., anatomy, biochemistry, pharmacology, physiology, pathology, and microbiology), the behavioral sciences, and an introduction to clinical diagnosis. Adequate laboratory facilities for this instruction must be provided.

3. Obtained a passing score on Step I of the United States Medical Licensing Examination within 12 weeks of commencing their third year of medical education.

(h) Demonstrate that the hospital provides access to adequate clinical clerkship library facilities and resources available to the students to support the medical clerkship.

(i) Affirm that the medical school will conduct clinical clerkships only in a teaching hospital as defined in this rule.

(j) Institutions shall document policies addressing student exposure to infectious and environmental hazards including: education of the students about methods of prevention; the procedures for care and treatment after exposure, including definition of financial responsibility; and the effects of infectious and environmental disease or disability on student learning activities.

(3) A factor to be considered by the Commission in determining if the foreign medical school is qualified for licensure is whether the foreign medical school has been certified by the Department of Health pursuant to Section 458.314, Florida Statutes.

(4) An application for initial licensure of a foreign medical school shall be reviewed by an expert medical school review committee appointed by the chair of the Commission. The committee members shall include individuals who have expertise and degrees in medical education, institutional governance and evaluation experience in clinical clerkships for medical students. The review committee shall prepare a report that addresses whether or not the applicant for licensure of the foreign medical school has met the standards contained in these rules. The committee report shall be advisory to the Commission, and shall supplement the regular staff review.

(5) The Commission shall require an independent review or audit of any applicant medical school's submission from the school's original records when necessary to verify any or all information provided. Such review or audit shall be at the expense of the applicant school.

(6) Each licensed foreign medical school shall submit an annual report to the Commission, updating any information provided in its last submission. This report shall include a list of the names of students who have studied in Florida, the Florida clinical programs in which they studied, the dates of attendance, and the subject or subjects studied. Any substantive change, as defined in subsection 6E-1.003(43), F.A.C., shall result in the medical school receiving a Provisional License pursuant to the provisions of Section 1005.31(5), Florida Statutes, and subsection 6E-2.002(1), F.A.C.

(7) Licensed foreign medical schools may provide additional clinical clerkships other than the approved programs for their students at Florida teaching hospitals if the school documents the following conditions to the Commission:

(a) The teaching hospital provides residency programs approved by the Accreditation Council for Graduate Medical Education (ACGME) or the American Osteopathic Association (AOA).

(b) The licensed foreign medical school submits to the Commission a written affiliation agreement between the foreign medical school and the teaching hospital that meets the criteria of subsection 6E-2.0042(2)(f), F.A.C.

(c) The teaching hospital will provide the same facilities, learning opportunities, and supervision as would be provided to U.S. medical schools' students taking clinical training programs in the hospital.

(d) The licensed foreign medical school's appointed faculty will be responsible for providing the same quality in the educational program to the licensed foreign medical school's students as is provided to students of an United States medical school.

(8) Application for individual approval of an occasional clerkship elective for a student of an unlicensed foreign medical school can obtain approval for an occasional elective clerkship as defined in subsection 6E-1.003(36), F.A.C., provided the student demonstrates compliance with paragraphs (2)(c), (f), (g), and (h) of this rule. In addition to the requirements set forth in paragraph (2)(g), the student shall submit a transcript directly from his or her medical school indicating completion of all core rotations, and documentation that the student has obtained a passing score on Step 2 of the United States Medical Licensing Examination. The teaching hospital and the medical school shall sign a written affiliation agreement that meets the criteria of subsection 6E-2.0042(2)(f), F.A.C.

(9) If an application for an individual occasional clerkship occurs in between regularly scheduled Commission meetings, the materials submitted are complete and in compliance with Commission standards, interim executive approval shall be granted by the Executive Director and reported to the Commission at its next meeting for further action.

(10) Denial, probation, or revocation of licensure of a medical clinical clerkship program or individual approval of an occasional clerkship elective shall follow the procedural provisions of Rule 6E-2.0061, F.A.C.

(11) Penalties. See Section 1005.38, Florida Statutes, and Rule 6E-2.0061, F.A.C., for penalties and due process procedures. In the event any violation of this rule poses an immediate threat to the health or safety of Florida patients, emergency action shall be taken by the Commission to suspend the privileges permitted under the medical school's license until due process has been followed.

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, 10-20-03, _____.

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: March 19, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 12, 2004

DEPARTMENT OF TRANSPORTATION

RULE CHAPTER TITLE: Qualification, Selection and Performance Evaluation Requirements for Professional Consultants to Perform Work for DOT

RULE CHAPTER NO.: 14-75

RULE TITLE: Consultant Qualification Process

RULE NO.: 14-75.0022

PURPOSE AND EFFECT: The Request for Qualification Package for Professional Consultants, DOT Form 375-030-01, is being revised to include two new fields. Because this form was previously incorporated by reference, the revised form also must be incorporated by reference in the same manner as the previous version. The website address also is updated.

SUMMARY: This amendment incorporates by reference a revised version of the Request for Qualification Package for Professional Consultants, DOT Form 375-030-01. The website address also is updated.

SPECIFIC AUTHORITY: 287.055, 334.044(2), 337.105 FS.
LAW IMPLEMENTED: 287.055, 337.107, 337.1075, 337.167 FS.

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

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: James C. Myers, Clerk of Agency Proceedings, Florida Department of Transportation, Office of the General Counsel, 605 Suwannee Street, Mail Station 58, Tallahassee, Florida 32399-0458

THE FULL TEXT OF THE PROPOSED RULE IS:

14-75.0022 Consultant Qualification Process.

(1) through (2) No change.

(3) Application for Qualification.

(a) A Professional Consultant who desires to qualify with the Department shall submit a Request for Qualification Package for Professional Consultants, Form No. 375-030-01, Rev. ~~03/04~~ ~~01/03~~, incorporated herein by reference, which may be obtained from the Procurement Office, MS 20, Haydon Burns Building, 605 Suwannee Street, Tallahassee, Florida 32399-0450, or from the Department's web page at <http://www.dot.state.fl.us/procurement/> ~~www11.myflorida.com/procurement/~~.

(b) through (7) No change.

Specific Authority 287.055, 334.044(2), 337.105 FS. Law Implemented 287.055, 337.107, 337.1075, 337.167 FS. History—New 3-29-89, Amended 1-2-91, 9-29-92, 2-22-94, 8-5-96, 1-17-99, 8-2-01, 4-29-03.

NAME OF PERSON ORIGINATING PROPOSED RULE: Terry Cappellini, Manager, Procurement Office
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: José Abreu, P.E., Secretary
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 30, 2004
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 26, 2004

DEPARTMENT OF TRANSPORTATION

RULE CHAPTER TITLE: 511 Traveler Information
 RULE CHAPTER NO.: 14-111
 Phone Services

RULE TITLE: 511 Traveler Information Phone Services
 RULE NO.: 14-111.001

PURPOSE AND EFFECT: The new rule is being promulgated in accordance with Section 334.60, Florida Statutes, to provide for the uniform administration by the Department in the coordination of 511 traveler information phone services in the state.

SUMMARY: This is a new rule covering the implementation of 511 traveler services with the Department of Transportation serving as the state’s lead agency and point of contact.

SPECIFIC AUTHORITY: 334.60 FS.

LAW IMPLEMENTED: 334.03, 334.044, 334.60 FS.

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

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: James C. Myers, Clerk of Agency Proceedings, Florida Department of Transportation, Office of the General Counsel, 605 Suwannee Street, Mail Station 58, Tallahassee, Florida 32399-0458

THE FULL TEXT OF THE PROPOSED RULE IS:

14-111.001 511 Traveler Information Phone Services.

(1) Definitions.

(a) “Department” means the Florida Department of Transportation.

(b) “Governmental Entity” means as defined in Section 11.45, Florida Statutes.

(2) The 511 dialing code is reserved for the provision of traveler information. The 511 dialing code may not be used for any other purpose.

(3) Any person or entity, whether private or governmental, prior to providing 511 services anywhere within the state, shall notify the ITS Office of the Department, 605 Suwannee Street, MS 90, Tallahassee, Florida 32399-0450, in writing, and negotiate with the Department for the authorization to implement 511 services. No person or entity may implement 511 services in the state, directly or through a governmental entity, without the Department’s written authorization.

(4) The provision of 511 services shall be in accordance with the *Implementation and Operational Guidelines for 511 Services, Version 2.0*, September 2003, published by the 511 Deployment Coalition; the Federal Communications Commission’s Third Report and Order, CC Docket No. 92-105, NSD-L-99-24, adopted July 21, 2000; and the Department’s *Conceptual Design for Statewide 511 Advanced Traveler Information System*, issued January 18, 2004; incorporated herein by reference. All agreements entered with 511 service providers shall comply with the requirements of this rule chapter. The plan is available at: <http://www.dot.state.fl.us/IntelligentTransportationSystems/>.

(5) Any governmental entity authorized to disseminate traveler information through the use of the 511 dialing code may not license or transfer the authority to any person or entity without the written consent of the Department. The governmental entity shall be responsible for all costs to implement the 511 services, including tariff or other charges assessed by its provider of 511 services.

(6) At no time shall the authorized use of the 511 number or dialing code imply any ownership of the number or dialing code by a provider of 511 services, whether by a private or governmental entity.

Specific Authority 334.60 FS. Law Implemented 334.03, 334.044, 334.60 FS. History—New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Gene Glotzbach, Intelligent Transportation Systems Office
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: José Abreu, P.E., Secretary
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 25, 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.”

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE CHAPTER TITLE: RULE CHAPTER NO.:

Individual Environmental 40D-4
 Resource Permits

RULE TITLE: RULE NO.:

Publications and Agreements Incorporated
 by Reference 40D-4.091

PURPOSE AND EFFECT: The purpose and effect of the proposed amendments is to address concerns expressed by the staff of the Joint Administrative Procedures Committee (JAPC) regarding Section 5.1 and 5.6 of the District's Environmental Resource Permitting Basis of Review.

SUMMARY: The amendment will adopt the proposed revisions to Chapter 5 of the Environmental Resource Permitting Basis of Review. The District is amending sections of the Basis of Review in response to comments by JAPC. The revision of Section 5.1 is intended to clarify requirements and delete vague or arbitrary language. The revisions clarify rule requirements allowing a permit applicant to use alternative methods to provide reasonable assurance of compliance with State water quality standards. Alternative methods must provide equivalent treatment to systems designed using the criteria specified in Chapter 5 of the District's Environmental Resource Permitting Basis of Review. Section 5.6 will be repealed in its entirety.

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-4.091, 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, 373.046, 373.113, 373.171, 373.414, F.S. 373.0361, 373.114 FS.

LAW IMPLEMENTED: 373.171, 373.403, 373.413, 373.414, 373.416, 373.429, 373.441 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: Karen E. West, Deputy General Counsel, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, Extension 4651

THE FULL TEXT OF THE PROPOSED RULE IS:

40D-4.091 Publications and Agreements Incorporated by Reference.

The following documents are hereby incorporated into this chapter and Chapters 40D-40 and 40D-400, F.A.C.:

(1) "Basis of Review for Environmental Resource Permit Applications with the Southwest Florida Water Management District, _____ ~~March 11, 2004~~. This document is available from the District upon request.

(2) through (4) No change.

Specific Authority 373.044, 373.046, 373.113, 373.171, 373.414 FS. Law Implemented 373.0361, 373.114, 373.171, 373.403, 373.413, 373.414, 373.416, 373.429, 373.441 FS. History—New 4-2-87, Amended 3-1-88, 9-11-88, 10-1-99, 4-1-91, 11-16-92, 1-30-94, 10-3-95, 12-26-95, 5-26-96, 7-23-96, 4-17-97, 4-12-98, 7-2-98, 12-3-98, 7-28-99, 8-3-00, 9-20-00, 6-12-01, 10-11-01, 2-27-02, 7-29-02, 3-26-03, 7-23-03, 8-3-03, _____.

**ENVIRONMENTAL RESOURCE PERMITTING
 INFORMATION MANUAL
 BASIS OF REVIEW**

5.1 Projects shall be designed so that discharges will meet applicable state water quality standards.

~~The following design and performance standards are established for the purpose of determining compliance with storm water discharge requirements.~~

Projects designed using the criteria found in this section shall be presumed to provide reasonable assurance of compliance with the state water quality standards referenced above. The applicant may also provide reasonable assurance of compliance with state water quality standards by the use of alternative ~~propose other~~ methods that utilize a combination of treatment practices that will provide equivalent treatment equivalent to systems designed using the criteria specified as compared to the systems listed in this section. If the applicant chooses to use alternative methods ~~propose a design that does not address the specific criteria listed herein, the applicant must provide~~ the District will determine whether the applicant has provided ~~with~~ reasonable assurance based on plans, test results and other information specific to the proposed design and submitted by the applicant ~~proposed that the construction, alteration or operation of the system will not discharge, emit, or cause pollution in contravention of the standards referenced above.~~

5.6 ~~Septic Tank~~—Septic tank systems shall be in accordance with ~~Rules of the Department of Health and Rehabilitative Services, Chapter 10D-6, F.A.C.~~

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Florida Land Sales, Condominiums and Mobile Homes

RULE TITLES:	RULE NOS.:
Guarantees of Common Expenses Under Section 718.116(9)(a)2., Florida Statutes	61B-22.004
Financial Reporting Requirements	61B-22.006
Transition Financial Statements;	
Turnover Audit	61B-22.0062

PURPOSE AND EFFECT: The rule amendment changes the calculation of a developer's guarantee obligation in order to provide that expenses incurred during the production of non-assessment revenues may be offset by the revenues produced by the activity.

SUMMARY: The rule provides a change in the calculation of the developer funding obligation during a developer guarantee period, and the final accounting at the expiration of such period.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: 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: 718.111(13), 718.501(1)(f) FS.

LAW IMPLEMENTED: 718.116(9) 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: 2:00 p.m., May 3, 2004

PLACE: Warren Building, Meeting Room #B03, 201 W. Bloxham Street, Tallahassee, Florida

THOSE PERSONS WHO CANNOT ATTEND IN PERSON MAY SUBMIT THEIR COMMENTS IN WRITING TO: Sharon A. Elzie, Senior Management Analyst II, Division of Florida Land Sales, Condominiums and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-1030, within 21 days of this notice. written comments received after the hearing may not be considered.

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: Sharon A. Elzie, Senior Management Analyst II, (850)488-1631. If you are hearing or speech impaired, please contact the agency by calling 1(800)955-8771.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Sharon A. Elzie, Senior Management Analyst II, Division of Florida Land Sales, Condominiums and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32311-1030, (850)488-1631

THE FULL TEXT OF THE PROPOSED RULES IS:

61B-22.004 Guarantees of Common Expenses Under Section 718.116(9)(a)2., Florida Statutes.

(1) through (3) No change.

(4) Cash funding requirements during the guarantee. The cash payments required from the guarantor during the guarantee period shall be determined as follows:

(a) If at any time during the guarantee period the funds collected from unit owner assessments at the guaranteed level and other revenues collected by the association are not sufficient to provide payment, on a timely basis, of all common expenses, including the full funding of the reserves unless properly waived, the guarantor shall advance sufficient cash to the association at the time such payments are due; and,

(b) Expenses incurred in the production of non-assessment revenues, not in excess of the non-assessment revenues, shall not be included in the common expenses referenced in paragraph (5) of this rule. If the expenses attributable to non-assessment revenues exceed non-assessment revenues only the excess expenses must be funded by the guarantor. For example, if the association operates a rental program in which rental expenses exceed rental revenues the guarantor shall fund the rental expenses in excess of the rental revenues. Interest earned on the investment of association funds may be used to pay the income tax expense incurred as a result of the investment, such expense shall not be charged to the guarantor, and the net investment income shall be retained by the association. Each such non-assessment revenue generating activity shall be considered separately. Capital contributions collected from unit owners are not revenues, and shall not be used to pay common expenses. No revenues or capital contributions other than regular periodic assessments, and cash payments by the guarantor as provided in paragraph (4)(a) of this rule, may be utilized for the payment of common expenses during the guarantee period. This restriction includes items such as interest revenues, vending revenues, laundry revenues, other non-assessment revenue, and capital contributions.

(5) Calculation of guarantor's final obligation. The guarantor's total financial obligation to the association at the end of the guarantee period shall be determined on the accrual basis using the following formula:

(a) The guarantor shall fund the total common expenses incurred during the guarantee period, including the full funding of the reserves unless properly waived; less,

(b) The total regular periodic assessments earned by the association from the unit owners other than the guarantor during the guarantee period regardless of whether the actual level charged was less than the maximum guaranteed amount.

(c) If a guarantee pursuant to Section 718.116(9), Florida Statutes, existed within a multicondominium association created prior to July 1, 2000, the guarantor's financial obligation to the association shall be calculated as provided in paragraphs (a) and (b) for each condominium in which the guarantee existed. If a guarantee pursuant to Section 718.116(9), Florida Statutes, existed within a multicondominium association created after June 30, 2000, or within a multicondominium association created prior to July 1, 2000, that has created separate ownership interests of the common surplus of the association for each unit as provided in Sections 718.104(4)(h) and 718.110(12), Florida Statutes, the guarantor's financial obligation to the association shall include the amount calculated pursuant to Section 718.116(9)(c), Florida Statutes.

(d) Expenses incurred in the production of non-assessment revenues, not in excess of the non-assessment revenues, shall not be included in the common expenses referenced in paragraph (5) of this rule. If the expenses attributable to non-assessment revenues exceed non-assessment revenues only the excess expenses shall be funded by the guarantor. For example, if the association operates a rental program in which rental expenses exceed rental revenues the guarantor shall fund the rental expenses in excess of the rental revenues. Interest earned on the investment of association funds may be used to pay the income tax expense incurred as a result of the investment, such expense shall not be charged to the guarantor, and the net investment income shall be retained by the association. Each such non-assessment revenue generating activity shall be considered separately.

Specific Authority 718.501(1)(f) FS. Law Implemented 718.112(2)(b)2., 718.116(9), 718.501 FS. History--New 7-11-93, Formerly 7D-22.004, Amended 12-18-01,_____.

61B-22.006 Financial Reporting Requirements.

(1) through (3)(d) No change.

(e) If a guarantee pursuant to Section 718.116(9), Florida Statutes, existed at any time during the fiscal year, the financial statements shall disclose the following:

1. The period of time covered by the guarantee;
2. The amount of common expenses incurred during the guarantee period;
3. The amount of assessments charged to the non-developer unit owners during the guarantee period;
4. The amount of non-assessment revenues earned by the association, with each non-assessment revenue generating activity disclosed separately, during the guarantee period;

5. The amount of expenses incurred in the production of non-assessment revenues, with each non-assessment revenue generating activity disclosed separately, during the guarantee period;

4. through 5. renumbered 6. through 7. No change.

(4) through (7) No change.

Specific Authority 718.111(13), 718.501(1)(f) FS. Law Implemented 718.111(12)(a)11., (13), 718.301(4) FS. History--New 7-11-93, Formerly 7D-22.006, Amended 12-20-95, 2-13-97, 12-18-01,_____.

61B-22.0062 Transition Financial Statements; Turnover Audit.

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

(d) If a guarantee pursuant to Section 718.116(9), Florida Statutes, existed at any time during the period covered by the audit the financial statements shall disclose the following:

1. The period of time covered by the guarantee;
 2. The amount of common expenses incurred during the guarantee period;
 3. The amount of assessments charged to the non-developer unit owners during the guarantee period;
 4. The amount of non-assessment revenues earned by the association, with each non-assessment revenue generating activity disclosed separately, during the guarantee period;
 5. The amount of expenses incurred by the association in the production of non-assessment revenues, with each non-assessment revenue generating activity disclosed separately, during the guarantee period;
4. through 5. renumbered 6. through 7. No change.

Specific Authority 718.111(13), 718.501(1)(f) FS. Law Implemented 718.111(13)(14), 718.301(4)(c) FS. History--New 7-11-93, Formerly 7D-22.0062, Amended 12-20-95,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Ross Fleetwood, Director, Division of Florida Land Sales, Condominiums and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-1030

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 24, 2004

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Electrical Contractors' Licensing Board

RULE TITLE: RULE NO.:

Financial Responsibility; Definitions;

Grounds for Denial 61G6-5.005

PURPOSE AND EFFECT: The Board proposes to revise the existing rule to delete a ground for denial of an application for a qualifying agent pursuant to Rule 61G6-5.004, F.A.C.

SUMMARY: A rule will be amended to delete a ground for denial of an application for a qualifying agent pursuant to Rule 61G6-5.004, F.A.C.

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: 489.511(3) FS.

LAW IMPLEMENTED: 489.501, 489.511(3) 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: John Knap, Executive Director, Electrical Contractors' Licensing Board, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G6-5.005 Financial Responsibility; Definitions; Grounds for Denial.

(1) No change.

(2) The following factors will be reviewed when examining the financial responsibility of the applicant:

~~(a) Failure to submit any of the items required by Rule 61G6-5.004.~~

~~(a)~~(b) Evidence that the applicant or any of its corporate officers, or any of its shareholders holding 10% or more of the corporate stock has filed or been a party to voluntary or involuntary bankruptcy within the past five years preceding its application, arising out of the electrical contracting construction operations of said applicant, corporate officer or 10% shareholder.

~~(b)~~(c) The existence, within the past five years preceding the application, of a court judgment rendered against the applicant or any of its corporate officers, or any of its shareholders holding 10% or more of its corporate stock, based upon the failure of the applicant or any of its corporate officers or 10% shareholders to pay their obligations to materialmen, laborers, suppliers, or any other parties with whom the applicant or corporate officer or 10% shareholder conducted business as a contractor.

~~(c)~~(d) The existence of any liens of record by the United States Internal Revenue Service or the State of Florida Corporation Tax Division against the applicant or any of its corporate officers or any of its 10% shareholders.

~~(d)~~(e) An unfavorable credit history as indicated by any of the documents submitted pursuant to Rule 61G6-5.004, F.A.C.

(3) No change.

Specific Authority 489.511(3) FS. Law Implemented 489.501, 489.511(3) FS. History—New 1-2-80, Amended 4-17-80, 4-30-81, 1-24-85, Formerly 21GG-5.05, Amended 2-23-86, 8-16-88, Formerly 21GG-5.005, Amended 2-13-97, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Electrical Contractors' Licensing Board

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Electrical Contractors' Licensing Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 18, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 20, 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: English Proficiency Requirement for Licensure

RULE NO.: 64B1-4.0012

PURPOSE AND EFFECT: The Board proposes to revise the method for determining a passing score for the examination required of licensure applicants who take the national examination in any language other than English. The revised method will be based on a scaled numerical score, rather than a percentage of the total range of scores for a particular examination.

SUMMARY: The proposed change will revise the passing score for the TSE and TOEFL examinations to a scaled numerical score, rather than a percentage of the total range of scores given.

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: 457.104, 457.105(2)(a) FS.

LAW IMPLEMENTED: 457.105(2)(a) 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: Pamela King, Executive Director, Board of Acupuncture, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399

THE FULL TEXT OF THE PROPOSED RULE IS:

64B1-4.0012 English Proficiency Requirement for Licensure.

(1) Applicants who have passed the national written examination in any language other than English shall demonstrate their ability to communicate in English by earning a passing score on either the Test of English as a Foreign Language examination (hereinafter TOEFL) or the Test of Spoken English examination (hereinafter TSE), as administered by the Educational Testing Services, ~~with a total score greater than or equal to 70% of the total range of scores available for the particular test taken.~~ As used throughout this section, a passing score for the TOEFL is defined as a scaled score of 500 or greater for paper or 173 or greater for computer; a passing score for the TSE is defined as a scaled score of 50 or greater. It shall be the individual responsibility of such applicants to apply for and schedule either the TOEFL Test of English as a Foreign Language examination or the TSE Test of Spoken English examination, and to obtain their official score report from the testing services prior to applying for licensure. These applicants shall submit a copy of their official score report with their application.

(2) Applicants applying for licensure by examination who indicate on their application that they wish to take the national written examination for licensure in Florida in any language other than English shall also at the time of their application submit a copy of their official score report indicating that they have passed either the TOEFL Test of English as a Foreign Language examination or the TSE Test of Spoken English examination ~~with a total score greater than or equal to 70% of the total range of scores available for the particular test taken.~~

Specific Authority 457.104, 457.105(2)(a) FS. Law Implemented 457.105(2)(a) FS. History--New 8-28-01, Amended.

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: October 17, 2003

DEPARTMENT OF HEALTH

Board of Acupuncture

RULE TITLES:	RULE NOS.:
Definitions	64B1-6.002
Requirements for the Provider	64B1-6.006
Preapproved Providers	64B1-6.007
Process for Program Approval	64B1-6.008

PURPOSE AND EFFECT: The Board proposes to amend the continuing education rules to conform to existing statutory authority and the findings made in a DOAH rule challenge

proceeding, wherein portions of the rules were invalidated. The changes will require all continuing education providers to submit their programs to the Board for approval and pay a \$100.00 registration fee each biennium. The changes clarify that the Board will not be exercising discretion in approving providers, will not be charging a program processing or approval fee and will not require pre-approval of programs.

SUMMARY: The proposed changes will require all continuing education programs to be approved by the Board. They clarify that the Board will not exercise discretion in approving providers but will charge each provider a \$100.00 registration fee per biennium and require registration. The changes eliminate the requirement for a program processing fee and Board pre-approval of programs.

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, 456.025, 456.033, 457.104, 457.107(3) FS.

LAW IMPLEMENTED: 456.013, 456.025, 456.033, 457.107(3) 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 RULES IS: Pamela King, Executive Director, Board of Acupuncture, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399

THE FULL TEXT OF THE PROPOSED RULES IS:

64B1-6.002 Definitions.

(1) through (7) No change.

(8) "Participant" means an acupuncturist who attends a program presented by an ~~approved~~ provider in order to achieve the stated objectives of the program.

(9) through (10) No change.

Specific Authority 456.013, 456.025, 456.033, 457.104, 457.107(3) FS. Law Implemented 456.013, 456.025, 456.033, 457.107(3) FS. History--New 2-24-88, Formerly 21AA-6.002, 61F1-6.002, Amended 1-16-97, Formerly 59M-6.002, Amended.

64B1-6.006 Requirements for the Provider.

Each provider shall:

(1) File all information necessary for provider registration on Form DOH/AP007, Continuing Education Provider Registration, which is hereby incorporated by reference and will be effective _____, copies of which may be obtained from the Board office, and pay the appropriate provider registration fee. The provider registration fee is non-refundable

and shall be paid within each biennium upon the earliest of the following events that occurs during the biennium: a.) when the provider submits a new program or programs for Board approval or; b.) when the provider provides a continuing education program to Chapter 457, F.S. licensees for licensure renewal credit. File all information necessary for provider and program approval on Forms DOH/AP007, Continuing Education Course Approval Applications, DOH/AP006, Continuing Education Provider Approval, which are hereby incorporated by reference and will be effective 2-18-98, copies of which may be obtained from the Board office.

(2) through (10) No change.

~~(11) A clearly defined refund policy shall be in the flyer.~~

~~(11)(12) No change.~~

~~(12)(13) Providers shall maintain records of individual offerings for inspection by the Department Board; records shall include subject matter, objectives, faculty qualifications, evaluation mechanisms, credit hours and rosters of participants.~~

Specific Authority 456.013, 457.104, 457.107(3) FS. Law Implemented 456.013, 457.107(3) FS. History--New 2-24-88, Amended 7-25-88, Formerly 21AA-6.006, 61F1-6.006, Amended 3-18-97, Formerly 59M-6.006, Amended 2-18-98,_____.

64B1-6.007 Preapproved Providers.

Specific Authority 456.013(7),(8),(9), 457.104, 457.107(3) FS. Law Implemented 456.013(7),(8),(9), 457.107(3) FS. History--New 2-24-88, Formerly 21AA-6.007, Amended 7-4-94, Formerly 61F1-6.007, Amended 4-10-97, Formerly 59M-6.007, Repealed _____.

64B1-6.008 Process for Program Approval.

(1) Each program for which continuing education credit is awarded within a biennium to an acupuncture licensee must be approved by the Board. Application for approval Form DOH/AP006, Continuing Education Program Approval, which is hereby incorporated by reference and will be effective _____, copies of which may be obtained from the Board office shall be submitted to the Board Office for program approval. Each program to be offered by an approved provider must be approved by the Board. Applications for approval Form DOH/AP007, Continuing Education Provider Approval, which are hereby incorporated by reference and will be effective 2-18-98, copies of which may be obtained from the Board office shall be submitted to the Board Office at least 60 days prior to the date of presentation.

(2) Each program application shall contain:

(a) through (d) No change.

~~(e) A nonrefundable fee of \$50.00.~~

(3) through (4) No change.

Specific Authority 456.013(7),(8),(9), 456.025, 457.104, 457.107(3) FS. Law Implemented 456.013(7),(8),(9), 456.025, 457.107(3) FS. History--New 2-24-88, Formerly 21AA-6.008, 61F1-6.008, Amended 1-16-97, Formerly 59M-6.008, Amended 2-18-98,_____.

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 Acupuncture

RULE TITLE: Mediation

RULE NO.:

64B1-9.006

PURPOSE AND EFFECT: The Board proposes to enact a mediation rule section in response to changes made to Section 456.078, F.S. (2003). The rule establishes an offense, which is appropriate for mediation.

SUMMARY: The rule designates the offense of "failure of the licensee to timely respond to a continuing education audit" as an offense susceptible to mediation pursuant to Section 456.078, Florida Statutes.

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: 456.078 FS.

LAW IMPLEMENTED: 456.078 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: Pamela King, Executive Director, Board of Acupuncture, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399

THE FULL TEXT OF THE PROPOSED RULE IS:

64B1-9.006 Mediation.

(1) "Mediation" means a process whereby a mediator is appointed by the Department to encourage and facilitate resolution of a legally sufficient complaint. It is an informal and non-adversarial process with the objective of assisting the parties or the complainant and the subject of a complaint to reach a mutually acceptable agreement.

(2)(a) The Board finds that mediation is an acceptable method of dispute resolution for the following alleged violations:

(b) Failure of the licensee to timely respond to a continuing education audit.

Specific Authority 456.078 FS. Law Implemented 456.078 FS. History--New

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: Disciplinary Guidelines
PURPOSE AND EFFECT: The proposed rule amendment is intended to address the statutory requirement found in Section 456.0575, F.S., with regard to notification of adverse incidents by responsible practitioners.

SUMMARY: The proposed rule amendment sets forth the recommended range of penalties for responsible practitioners who fail to notify patients of adverse incidents pursuant to Section 456.0575, Florida Statutes.

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: 456.0375(4)(c), 456.0575, 456.079, 458.309, 458.331(5) FS.

LAW IMPLEMENTED: 456.0375(4)(c), 456.0575, 456.072, 456.079, 458.331(5) 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:

64B8-8.001 Disciplinary Guidelines.

(1) No change.

(2) Violations and Range of Penalties. In imposing discipline upon applicants and licensees, in proceedings pursuant to Sections 120.57(1) and (2), F.S., the Board shall act in accordance with the following disciplinary guidelines and

shall impose a penalty within the range corresponding to the violations set forth below. The verbal identification of offenses are descriptive only; the full language of each statutory provision cited must be consulted in order to determine the conduct included.

Table with 3 columns: VIOLATION, RECOMMENDED RANGE OF PENALTY, SECOND OFFENSE. Includes rows for (a) through (rr) No change, (ss) For the practitioner(s) responsible for the adverse incident, failing to inform a patient, or an individual identified pursuant to Section 765.401(1), F.S., in person about adverse incidents that result in serious harm to the patient. (456.0575, F.S.), and (3) through (7) No change.

Specific Authority 456.0375(4)(c), 456.0575, 456.079, 458.309, 458.331(5) FS. Law Implemented 456.0375(4)(c), 456.0575, 456.072, 456.079, 458.331(5) FS. History--New 12-5-79, Formerly 21M-20.01, Amended 1-11-87, 6-20-90, Formerly 21M-20.001, Amended 11-4-93, Formerly 61F6-20.001, Amended 6-24-96, 12-22-96, Formerly 59R-8.001, Amended 5-14-98, 12-28-99, 1-31-01, 7-10-01, 6-4-02, 9-10-02, 12-11-02, 8-20-03,

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: March 5, 2004

DEPARTMENT OF HEALTH

Board of Medicine

RULE TITLE: Notice of Noncompliance
RULE NO.: 64B8-8.011

PURPOSE AND EFFECT: The proposed rule amendment is intended to address the statutory requirement found in Section 456.0575, F.S., with regard to notification of adverse incidents by non-responsible practitioners.

SUMMARY: The proposed rule amendment sets forth issuance of a notice of non-compliance for non-responsible practitioners who fail to notify patients of adverse incidents pursuant to Section 456.0575, Florida Statutes.

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: 456.073(3), 458.309 FS.
 LAW IMPLEMENTED: 456.073(3), 456.0575 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:

64B8-8.011 Notice of Noncompliance.

(1) Pursuant to Section 456.073(3), F.S., the Department is authorized to provide a notice of noncompliance for an initial offense of a minor violation if the board establishes by rule a list of minor violations. A minor violation is one which does not endanger the public health, safety, and welfare and which does not demonstrate a serious inability to practice the profession. A notice of noncompliance in lieu of other action is authorized only if the violation is not a repeat violation and only if there is only one violation. If there are multiple violations, then the Department may not issue a notice of noncompliance, but must prosecute the violations under the other provisions of Section 456.073, F.S. There are only two exceptions to the prohibition against use of a notice of noncompliance when there is more than one violation. The first is that a notice of noncompliance may be issued to a registered dispensing practitioner for a first time violation of one or more of the violations listed in paragraph (3)(b), subparagraphs 4., 5., 10., 11., 12., 13., and 14., if there is not evidence of diversion. The second is that a notice of noncompliance may be issued to a licensee for a first time violation of one or both of the violations listed in paragraph (3)(c). Failure of a licensee to take action in correcting the violation within 15 days after notice may result in the institution of regular disciplinary proceedings.

(2) No change.

(3) The following violations are those for which the board authorizes the Department to issue a notice of noncompliance.

(a) No change.

(b) Failure to perform one of the following statutory or legal obligations:

1. through 17. No change.

18. First occurrence of failing to comply with the provisions of Sections 456.0575, F.S., to notify the patient or an individual identified pursuant to Section 765.401(1), F.S., in person about adverse incidents that result in serious harm to the patient, for the practitioner(s) who was not responsible for the adverse incident.

(c) through (d) No change.

Specific Authority 456.073(3), 458.309 FS. Law Implemented 456.073(3), 456.0575 FS. History—New 11-15-90, Formerly 21M-20.011, 61F6-20.011, 59R-8.011, Amended 1-27-00, 1-8-02, 1-12-03, _____.

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: March 5, 2004

DEPARTMENT OF HEALTH

Board of Osteopathic Medicine

RULE TITLE: Aggravating or Mitigating Circumstances

RULE NO.: 64B15-19.003

PURPOSE AND EFFECT: The proposed rule amendments are intended to address criteria with regard to aggravating and mitigating circumstances for the purpose of imposing discipline.

SUMMARY: The proposed rule amendments clarify aggravating and mitigating circumstances for the purpose of imposing discipline.

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: 456.079 FS.

LAW IMPLEMENTED: 456.079 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: Pamela King, Executive Director, Board of Osteopathic Medicine/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

THE FULL TEXT OF THE PROPOSED RULE IS:

64B15-19.003 Aggravating or Mitigating Circumstances.

When either the petitioner or respondent is able to demonstrate aggravating or mitigating circumstances to the board by clear and convincing evidence, the board shall be entitled to deviate from the above guidelines in imposing discipline upon an applicant or licensee. Absence of any such evidence of aggravating or mitigating circumstances before the hearing officer prior to the issuance of a recommended order shall not relieve the board of its duty to consider evidence of mitigating or aggravating circumstances. Aggravating and mitigating circumstances shall include, but not be limited to the following ~~Based upon the following factors, the board may impose disciplinary action other than the penalties recommended above:~~

- ~~(1)~~ The severity of the offense;
- ~~(1)~~~~(2)~~ The danger to the public;
- ~~(3)~~ The number of repetitions of offenses;
- ~~(2)~~~~(4)~~ The length of time since the violations;
- ~~(3)~~~~(5)~~ The number of times the licensee has been previously disciplined by the Board;
- ~~(4)~~~~(6)~~ The length of time the licensee has practiced;
- ~~(5)~~~~(7)~~ The actual damage, physical or otherwise, caused by the violation;
- ~~(6)~~~~(8)~~ The deterrent effect of the penalty imposed;
- ~~(7)~~~~(9)~~ The effect of penalty upon the licensee's livelihood;
- ~~(8)~~~~(10)~~ Any effort of rehabilitation by the licensee;
- ~~(9)~~~~(11)~~ The actual knowledge of the licensee pertaining to the violation;
- ~~(10)~~~~(12)~~ Attempts by the licensee to correct or stop violations or refusal by licensee to correct or stop violations;
- ~~(11)~~~~(13)~~ Related violations against licensee in another state, including findings of guilt or innocence, penalties imposed and penalties served;
- ~~(12)~~~~(14)~~ The actual negligence of the licensee pertaining to any violations;
- ~~(13)~~~~(15)~~ The penalties imposed for related offenses;
- ~~(14)~~~~(16)~~ The pecuniary gain to the licensee;
- ~~(15)~~~~(17)~~ Any other relevant mitigating or aggravating factors under the circumstances. Any penalties imposed by the board may not exceed the maximum penalties set forth in Section 459.015(2), F.S.

Specific Authority 456.079 FS. Law Implemented 456.079 FS. History—New 9-30-87, Formerly 21R-19.003, 61F9-19.003, 59W-19.003, Amended _____

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Osteopathic Medicine

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 21, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 5, 2004

DEPARTMENT OF HEALTH

Board of Respiratory Care

RULE TITLE: Mediation

RULE NO.: 64B32-5.006

PURPOSE AND EFFECT: The Board proposes to update the existing rule text.

SUMMARY: The board is clarifying the meaning of the word “Mediation”, fixing clerical errors and adding new offenses subject to mediation to the rule.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY: 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: 456.078 FS.

LAW IMPLEMENTED: 456.078 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, Board Executive Director, Board of Respiratory Care, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

THE FULL TEXT OF THE PROPOSED RULE IS:

64B32-5.006 Mediation.

(1) “Mediation” means a process whereby a mediator appointed by the Department acts to encourage and facilitate resolution of a legally sufficient complaint. It is an informal and nonadversarial process with the objective of assisting the parties to reach a mutually acceptable agreement. When an offense subject to mediation is also a citation violation, the mediator shall be informed regarding the citation penalty for the offense.

(2) For purposes of Section 456.078, F.S., the Board designates as being appropriate for mediation:

(a) First first time violations of subsection 64B32-6.001(2), F.A.C., failure to respond to a continuing education audit.

(b) Failure to notify the Department of a change of address as required by Rule 64B32-1.006, F.A.C., if there is a dispute and the Respondent did not timely respond to a notice of noncompliance.

(c) Issuance of a bad check to the Department under Section 468.365(1)(l), F.S. if there is a dispute and the Respondent did not timely respond to a notice of noncompliance.

(d) Violation of continuing education requirements under Section 468.361, F.S.

(e) Unprofessional conduct violations under Rule 64B32-5.003, F.A.C.

(f) Exercising influence on a patient to exploit the patient for financial gain under Section 468.365(1)(u), F.S.

(g) Failure to pay required fees and/or fines in a timely matter if disputed under Section 468.365(1)(i), F.S.

Specific Authority 456.078 FS. Law Implemented 456.078 FS. History—New 3-21-95, Formerly 59R-74.005, 64B8-74.005, Amended _____

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Respiratory Care

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 13, 2004
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 5, 2004

DEPARTMENT OF HEALTH

Board of Respiratory Care

RULE TITLE: Citations
RULE NO.: 64B32-5.007

PURPOSE AND EFFECT: The Board proposes to update the existing rule text.

SUMMARY: The board decided that citations must include a requirement that a subject correct a violation within 60 days but allows longer for continuing education violations. Additional information regarding violations is provided and a new citation offense for failing to pay fees or fines in a timely manner is added.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY: 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: 456.077 FS.

LAW IMPLEMENTED: 456.072(3), 456.077 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, Board Executive Director, Board of Respiratory Care, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

THE FULL TEXT OF THE PROPOSED RULE IS:

64B32-5.007 Citations.

(1) Pursuant to Section 456.077, F.S., the Board sets forth below those violations for which there is no substantial threat to the public health, safety, and welfare; or, if there is a substantial threat to the public health, safety, and welfare, such potential for harm has been removed prior to the issuance of the citation. Next to each violation is the penalty to be imposed. All citations will include a requirement that the subject correct the violation, if remediable, within a specified period of time not to exceed 60 days, and impose whatever obligations will remedy the offense, except documentation of completion of continuing education requirements shall be as specified in paragraph (2)(a). If the violation is not corrected, or is disputed, the Department shall follow the procedure set forth in Section 456.073, F.S. In addition to any administrative

fine imposed, the Respondent ~~shall~~ may be required by the Department to pay the costs of investigation. The form to be used is specified in the rules of the Department of Health.

(2) The following violations with accompanying penalty may be disposed of by citation with the specified penalty:

(a) Violations of continuing education requirements required by Sections 468.361(2), (3), or (4), F.S.: within six months of the date citation is issued, licensee must submit certified documentation of completion of all the CE requirements for the period for which the citation was issued; prior to renewing the license for the next biennium, licensee must document compliance with the CE requirements for the relevant period; ~~AND~~.

(b) No change.

(c) Practicing on a delinquent license under Section 468.365(1)(x), F.S. if the license is renewed to active status within 120 days of the date the license should have been renewed: \$200 \$50 fine for each month or part thereof.

(d) No change.

(e) Failure to keep written respiratory care records justifying the reason for the action taken ~~by the certificate holder or registrant~~ on only one patient under Section 468.365(1)(t), F.S.: \$100 fine.

(f) No change.

(g) Exercising influence on a patient to exploit the patient for financial gain by promoting or selling services, goods, appliances or drugs under Section 468.365(1)(u), F.S., where the patient has received a refund within 30 days of purchase: \$1,000 fine.

(h) Failure to submit compliance documentation after within 45 days from the receipt of the continuing education audit notification under Section 468.365(1)(x), F.S.: \$150 fine.

(i) Failure to provide satisfaction including the costs incurred following within 45 days of receipt of the Department's notification of a check dishonored for insufficient funds under Section 468.365(1)(l), F.S.: \$150 fine.

(j) Failure to pay required fees and/or fines in a timely manner under Section 468.365(1)(i), F.S.: \$150 fine.

(3) No change.

(4) ~~The procedures described herein apply only for an initial violation. Subsequent violation(s) of the same rule or statute shall require the procedures of Section 456.073, F.S., to be followed. In addition, should~~ When an initial violation for which a citation could be issued ~~occurs~~ occurs in conjunction with a violation or other violations for which a citation could not be issued, the procedures of Section 456.073, F.S., shall apply.

(5) No change.

(6) The Department of Health shall periodically at the end of each calendar quarter, submit a report to the Board regarding the number and nature of the citations issued, the penalties imposed, and the level of compliance, containing the name of

~~the licensee, the violation, and the fine imposed, and the number of licensees who elected to follow the procedures of Section 456.073, F.S.~~

~~Specific Authority 456.077 FS. Law Implemented 456.072(3), 456.077 FS. History—New 5-19-96, Formerly 59R-74.006, 64B8-74.006, Amended 1-6-02, _____.~~

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Respiratory Care
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Respiratory Care
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 13, 2004
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 5, 2004

DEPARTMENT OF HEALTH

Board of Respiratory Care

RULE TITLE: Notice of Noncompliance
RULE NO.: 64B32-5.008
PURPOSE AND EFFECT: The Board proposes to create a new rule.

SUMMARY: The Board is creating a rule that directs a Notice of Noncompliance as a first response to change of address and bad check violations. The violation must be corrected within 15 days of the notice.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY: 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: 120.695, 456.073(3), 486.025 FS.

LAW IMPLEMENTED: 120.695, 456.073(3) 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, Board Executive Director, Board of Respiratory Care, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

THE FULL TEXT OF THE PROPOSED RULE IS:

64B32-5.008 Notice of Noncompliance.

In accordance with Section 456.073, F.S. and Section 120.695, F.S., the Board shall issue a notice of noncompliance as a first response to a minor violation of a rule. Failure of a licensee to take action to correct the violation within 15 days shall result in either the issuance of a citation when appropriate or the initiation of regular disciplinary proceedings. The minor violations which shall result in a notice of noncompliance are:

(1) Failure to notify of a change of address within 60 days as required by Rule 64B17-6.004, F.A.C.

(2) Non-intentional issuance of a bad check to the Department under Section 486.125(1)(k), Florida Statutes.

Specific Authority 120.695, 456.073(3), 486.025 FS. Law Implemented 120.695, 456.073(3) FS. History—New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Respiratory Care
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Respiratory Care
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 13, 2004
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 5, 2004

DEPARTMENT OF HEALTH

Board of Respiratory Care

RULE TITLE: Procedures for Approval of Attendance
RULE NO.: 64B32-6.004
at Continuing Education Courses

PURPOSE AND EFFECT: The Board proposes to update the existing rule text.

SUMMARY: The Board is correcting clerical errors and adding approved certification classes.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY: 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: 468.353(1), 468.361(2) FS.

LAW IMPLEMENTED: 468.361(2) 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, Board Executive Director, Board of Respiratory Care, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

THE FULL TEXT OF THE PROPOSED RULE IS:

64B32-6.004 Procedures for Approval of Attendance at Continuing Education Courses.

(1) No change.

(2) Excluding any recertification, review, refresher, or preparatory courses, all licensees shall be awarded contact hours for:

(a) Attendance at offerings that are approved by:

1. through 3. No change.

(b) Attendance at all offerings that are conducted by institutions approved by the Committee on Accreditation For Respiratory Care (CoARC) Joint Review Committee for Respiratory Therapy Education (JRCTE);

(c) No change.

(d) Successful completion of the following certification classes, up to a maximum total of 16 hours per biennium:

- 1. Advanced cardiac life support;
- 2. Neonatal resuscitation program;
- 3. Pediatric advanced life support.

~~(e)(d)~~ Successful completion of the following recertification classes, up to a maximum total of 8 hours per biennium;

1. through 3. No change.

~~(f)(e)~~ Successful passage, one time per biennium, of the following recertifying examinations given by the National Board for Respiratory Care (NBRC):

- 1. through 2. No change.
- 3. Certified Respiratory Therapist Recertifying Therapy Technician Entry Examination – maximum of 3 hours;

4. through 5. No change.

~~(g)(f)~~ No change.

(3) through (4) No change.

Specific Authority 468.353(1), 468.361(2) FS. Law Implemented 468.361(2) FS. History—New 4-29-85, Formerly 21M-38.04, Amended 9-29-86, 11-29-88, 9-24-92, 10-15-92, Formerly 21M-38.004, Amended 1-2-94, 7-10-94, Formerly 61F6-38.004, Amended 11-1-94, 3-14-95, 7-18-95, 4-24-96, 8-27-96, Formerly 59R-75.004, 64B8-75.004, Amended 6-8-00, 5-7-01, 1-22-03, 7-29-03, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Respiratory Care

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 13, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 5, 2004

DEPARTMENT OF FINANCIAL SERVICES

Division of Insurance Agents and Agency Services

RULE TITLES: RULE NOS.:

Actively engaged in Business; Place Suitably Designated; Accessible to Public 69B-221.051
 Notice of Change of Address 69B-221.060

PURPOSE AND EFFECT: The purposes of the proposed rule development are to define “full-time” employment for temporary bail bond agents and set forth the minimum number of hours per week that the employer must allow the bond agent to work; to adopt a form for notification of changes of address by bail bond agents; to revise requirements pertaining to the suitability of agent offices; and to make corrections to citations to the laws being implemented.

SUMMARY: This rule amendment eliminates the requirement that the entrance to a bail bond agency be “separate and distinct.” It also eliminates the requirement that the sign at the entrance to a bail bond agency contains the name of every individually licensed bail bond agent and temporary bail bond agent employed at the location. Also the definition of “full time” is clarified to mean 1,540 hours during 12 months as opposed to 30 hours per week. The rule amendment compels employers of bail bond agents to employ temporary bail bond agents at least 30 hours a week. The amendment also incorporates a notice of change of address form.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No substantial regulatory costs are expected to result from the proposed rules.

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: 648.26 FS.

LAW IMPLEMENTED: 626.318(2), 648.25, 648.33, 648.34, 648.355, 648.36, 648.365, 649.387, 648.421, 648.44(6), 648.48 FS.

IF REQUESTED IN WRITING 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: 9:30 a.m., April 27, 2004

PLACE: Room 143, Larson Building, 200 East Gaines Street, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Department at least 5 calendar days before the program by contacting the person listed below.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Jerry Whitmore, Chief, Bureau of Agent and Agency Investigations, Division of Agent and Agency Services, Department of Financial Services, 200 East Gaines Street, Tallahassee, Florida 32399-0320, (850)413-5600

THE FULL TEXT OF THE PROPOSED RULES IS:

69B-221.051 Actively Engaged in Business; Place Suitably Designated; Accessible to Public.

Every bail bond agent must be actively engaged in the bail bond business; in a building suitably designated as a bail bond agency, which must be maintained open and accessible to the public to render service during reasonable business hours.

(1) No change.

(2) Each bail bond agency and each branch office shall have ~~an a separate and distinct~~ entrance easily accessible to the public and used by the bail bond agent in the regular course of

their business dealings with the public. As used in this rule, “accessible to the public means tThe entrance shall be suitably designated by a sign or other display, readable from a reasonable distance, which provides at a minimum the agency name ~~and the name of every individually licensed bail bond agent, and temporary bail bond agent employed at that agency location.~~ Additionally, if a bail bond agency is located in a building which maintains a uniform office directory on its premises, the directory shall provide at a minimum the current name of that bail bond agency.

(3) No change.

(4)(a) A temporary bail bond agent must be employed ~~at least 30 hours per week, which is considered working~~ full-time and shall be physically accompanied by the supervising bail bond agent or bail bond agent from the same agency as required by Sections 648.25(9) and 648.355(8), Florida Statutes. As used in this rule, the term “full-time” means that the temporary bail bond agent must work at least 1,540 hours during 12 months of employment as a temporary bail bond agent. This will result in an average of slightly less than 30 hours per week. Each employer of a temporary bail bond agent must provide the temporary bail bond agent the opportunity to work at least 30 hours a week during the period of employment and may allow the temporary bail bond agent to work more than 30 hours per week.

(b) through (c) No change.

Specific Authority 648.26, 648.355(1)(e) FS. Law Implemented 648.25, 648.34, 648.355, 648.387 648.44(6) FS. History—Repromulgated 12-24-74, Amended 7-27-78, 12-23-82, Formerly 4-1.04, 4-1.004, Amended 4-14-97, 7-2-98, 1-22-03, _____.

69B-221.060 Notice of Change of Address.

Each licensee under Chapter 648, Florida Statutes, shall notify in writing the Department of ~~Financial Services Insurance~~, Bail Bond Section, Larson Building, 200 E. Gaines Street, Tallahassee, Florida 32399-0320, insurer, managing general agent and the clerks of each court in which they are registered, of a change of each business address, telephone number, or name of each agency or firm for which they write bonds within ten (10) working days of such change. Each licensee shall use Form DFS-H2-1564, entitled “Bail Bond Agent Notice of Change of Address,” which is hereby incorporated and adopted by reference, to comply with the notice requirements of this rule. This form may be obtained from the address listed above or from the Department’s website: www.fldfs.com.

Specific Authority 648.26 FS. Law Implemented 648.421 FS. History—New 12-23-82, Formerly 4-1.17, Amended 9-10-91, Formerly 4-1.017, Amended 4-14-97, 1-22-03, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Jerry Whitmore, Chief, Bureau of Agent and Agency Investigations, Division of Agent and Agency Services, Department of Financial Services

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Glenda Ostreich, Management Review Specialist, Bureau of Agent and Agency Investigations, Division of Agent and Agency Services, Department of Financial Services

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 5, 2004

Section III Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Consumer Services

RULE NO.: RULE TITLE:
5J-15.003 Denials

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule as noticed in Vol. 30, No. 9, February 27, 2004, Florida Administrative Weekly, has been withdrawn.

DEPARTMENT OF COMMUNITY AFFAIRS

Florida Building Commission

RULE CHAPTER NO.: RULE CHAPTER TITLE:
9B-70 Florida Building Commission –
 Building Code Training Program

RULE NO.: RULE TITLE:
9B-70.001 Building Code Training Program

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.543(3)(d)1., F.S., published in Vol. 29, No. 51, December 19, 2003, issue of the Florida Administrative Weekly.

9B-70.001 Building Code Training Program.

The purpose of the Building Code Training Program is to educate licensed building department personnel, contractors, and design professionals through required core curriculum courses or equivalency examination that addresses the Florida Building Code.

(1) The Core Curriculum:

(a) The Core Curriculum is comprised of the Basic Core Course that emphasizes the administrative, enforcement and procedural aspects of the Florida Building Code and updates and amendments thereto. Licensees regulated under Chapters 468, Part XII, 481, and 489, Parts I and II, F.S., shall at a minimum complete ~~the one~~ course by June 1, 2003 or within two (2) years of initial certification or registration, whichever is later. Licensees regulated under Chapter 471, F.S., are