

Section I
Notices of Development of Proposed Rules
and Negotiated Rulemaking

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."

AGENCY FOR HEALTH CARE ADMINISTRATION

Division of Managed Care and Health Quality

RULE TITLE: Spontaneous Fetal Demise
 RULE NO.: 59A-11.0125

PURPOSE AND EFFECT: The Agency proposes to adopt Rule 59A-11.0125, Florida Administrative Code, consistent with provisions of s. 383.33625, F.S. The statute provides for adoption of rules to develop forms to be used for notifications and elections by health care facilities.

SUBJECT AREA TO BE ADDRESSED: The proposed rule establishes procedures and a form to be used by health care facilities to provide notification to a mother of the options available for the disposition of fetal remains in the event of a spontaneous fetal demise occurring after a gestation period of less than 20 completed weeks.

SPECIFIC AUTHORITY: 383.33625(6) FS.

LAW IMPLEMENTED: 383.33625 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., February 13, 2004

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building #3, Conference Room C, Tallahassee, FL 32303

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Bill McCort, Bureau of Health Facility Regulation, 2727 Mahan Drive, Tallahassee, Florida or call (850)487-0641

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59A-11.0125 Spontaneous Fetal Demise.

When a spontaneous fetal demise occurs after a gestation of less than 20 completed weeks, the health care practitioner identified in Ch. 383.33625, F.S., shall follow the provisions of that section and shall provide AHCA Form XXXX-xxxx, which is incorporated by reference, to the mother for her

completion. A copy of the signed and completed form shall be retained in the mother's birth center file and shall be available for review by the Agency or Department of Health.

Specific Authority 383.33625 FS. Law Implemented 383.33625 FS. History--New _____.

AGENCY FOR HEALTH CARE ADMINISTRATION

Health Facility and Agency Licensing

RULE TITLE: HMO and PHC Penalty Categories
 RULE NO.: 59A-12.0073

PURPOSE AND EFFECT: The purpose and effect of the rule amendment is to correct the rule to comply with statutory authority by removing the language dealing with the Agency having the authority to charge examination or investigative costs in addition to assessing fines.

SUBJECT AREA TO BE ADDRESSED: The non statutory authority to assess examination or investigative fees by the Agency in addition to any fines assessed under this rule against health maintenance organizations and prepaid health clinics.

SPECIFIC AUTHORITY: 641.56 FS.

LAW IMPLEMENTED: 641.512(3),(7) FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 9:30 a.m., Monday, February 16, 2004

PLACE: Conference Room 316, Building 1, Agency for Health Care Administration, 2727 Mahan Drive, Tallahassee, FL

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Hazel Greenberg, Medical Health Care Program Analyst, Agency for Health Care Administration, Bureau of Managed Health Care, Data Analysis Unit, 2727 Mahan Drive, Bldg. 1, Mail Stop Code 26, Tallahassee, FL 32308, (850)414-9444

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59A-12.0073 HMO and PHC Penalty Categories.

(1) through (5)(g) No change.

(6) Mitigating Factors. The following mitigating factors are considered in determining penalties for violations not listed in this rule, and, as to listed violations, the placement of the penalty within the range specified:

(a) Whether corrective activities were actually and substantially initiated (not just planned) and implemented by the HMO or PHC before the violation was noted by or brought to the attention of the Agency and before the HMO or PHC was made aware that the Agency was investigating the alleged violation. Such corrective activities must be implemented to assure that the violation does not recur and may shall include

but are not limited to the following: personnel changes, reorganization or discipline, and making any injured party whole as to harm suffered in relation to the violation.

(b) through (d) No change.

(7) Penalty Categories and Fines Assessed. Violations are divided into three categories. Category I violations are the most serious and Category III violations are the least serious. Category I violations are violations that will cause harm to the subscriber; Category II violations are violations that have the potential to cause harm to the subscriber; and, Category III violations are violations that would cause no harm to the subscriber. The Agency will use the factors in subsections (5) and (6) above, and any similar or analogous violation listed in this rule, if applicable, to determine, within the penalty ranges specified below, the fine for each violation within a category. ~~The penalty amount does not include any examination or investigative costs that may be assessed in addition to the fine.~~

(a) through (c)5. No change.

Specific Authority 641.56 FS. Law Implemented 641.52, 641.511, 641.55, 641.58 FS. History—New 12-9-03, Amended.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Cosmetology

RULE TITLE: RULE NO.:
Facials (Including Skin Care 61G5-22.006
and Hair Removal)

PURPOSE AND EFFECT: The Board proposes development of this rule to restructure the requirements for facials.

SUBJECT AREA TO BE ADDRESSED: Facials (Including Skin Care and Hair Removal).

SPECIFIC AUTHORITY: 477.016 FS.

LAW IMPLEMENTED: 477.0201, 477.023(2) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Julie Malone, Executive Director, Board of Cosmetology, 1940 North Monroe Street, Tallahassee, Florida 32399-0783

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Cosmetology

RULE TITLE: RULE NO.:
Salon License Fee 61G5-24.005

PURPOSE AND EFFECT: The Board proposes development of this rule to address the salon license fee.

SUBJECT AREA TO BE ADDRESSED: Salon License Fee.

SPECIFIC AUTHORITY: 477.016, 477.026 FS.

LAW IMPLEMENTED: 477.026(1)(c) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Julie Malone, Executive Director, Board of Cosmetology, 1940 North Monroe Street, Tallahassee, Florida 32399-0783

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Cosmetology

RULE TITLE: RULE NO.:
Cosmetologist Reexamination Fee 61G5-24.006

PURPOSE AND EFFECT: The Board proposes development of this rule to address the reexamination fee.

SUBJECT AREA TO BE ADDRESSED: Cosmetologist Reexamination Fee.

SPECIFIC AUTHORITY: 477.016, 477.026 FS.

LAW IMPLEMENTED: 455.2171, 477.026(1)(b) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Julie Malone, Executive Director, Board of Cosmetology, 1940 N. Monroe Street, Tallahassee, Florida 32399-0783

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Employee Leasing Companies

RULE TITLE: RULE NO.:
Time for Payment of Civil Penalties 61G7-4.003

PURPOSE AND EFFECT: This rule is being amended to clarify when the payment of a penalty must be made.

SUBJECT AREA TO BE ADDRESSED: Time for Payment of Civil Penalties.

SPECIFIC AUTHORITY: 455.227(3) FS.

LAW IMPLEMENTED: 120.53, 455.227(3) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Anthony Spivey, Executive Director, Board of Employee Leasing Companies, 1940 North Monroe Street, Tallahassee, Florida 32399-0767

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61G7-4.003 Time for Payment of Civil Penalties.

(1) In cases where the Board imposes a civil penalty for violation of Chapter 455 or Chapter 468, F.S., or of the rules promulgated thereunder, the penalty shall be paid within 30 days of the filing of the Board's order ~~its imposition by order of the Board.~~

(2) No change.

Specific Authority 455.227(3) FS. Law Implemented 120.53, 455.227(3) FS. History—New 4-29-92, Formerly 21EE-4.003, Amended _____.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Employee Leasing Companies

RULE TITLES:	RULE NOS.:
Application Procedure; Application Form; Fees;	
Confidential Information; Denial of	
Application; Request for Hearing	61G7-5.001
Registration and Fee for De Minimis	
Operations	61G7-5.0011
Historical Sketch	61G7-5.0012
Annual Assessment on Gross Florida Payment	61G7-5.002
Attestation of Financial Statements	61G7-5.003
Audited Financial Statements	61G7-5.0031
Reviewed Financial Statements	61G7-5.0032
Consolidated and Combined Financial	
Statements	61G7-5.0033
Use of Franchised or Licensed Names	61G7-5.0034
Deficiency in Tangible Accounting Net Worth;	
Guaranty Form Acceptable to Board;	
Sufficient Evidence of Guarantor's	
Adequate Resources	61G7-5.005

PURPOSE AND EFFECT: These rules are being amended to remove obsolete language, update forms, clarify existing language, and to specify the Board's website address for use by its licensees; to clarify assessments that the Board shall be paid; to allow for workers' compensation requirements to be covered by a letter for the Joint Underwriters Association; and to clarify what the letter should read to allow for proof of coverage to be bound by letter from agent or carrier authorized

to bind; to require that employee leasing companies acquiring 10% or more of the voting stock must report to the Board on form EL 4512 within 30 days.

SUBJECT AREA TO BE ADDRESSED: Application Procedure; Application Form; Fees; Confidential Information; Denial of Application; Request for Hearing; Registration and Fee for De Minimis Operations; Historical Sketch; Annual Assessment on Gross Florida Payroll; Attestation of Financial Statements; Audited Financial Statements; Reviewed Financial Statements; Consolidated and Combined Financial Statements; Use of Franchised or Licensed Names; and Deficiency in Tangible Accounting Net Worth; Guaranty Form Acceptable to Board; Sufficient Evidence of Guarantor's Adequate Resources.

SPECIFIC AUTHORITY: 120.53(1), 455.2281, 468.522, 468.5245, 468.5275 FS.

LAW IMPLEMENTED: 468.524(2), 468.5245, 468.525, 468.526, 468.527, 468.5275, 468.529 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Anthony Spivey, Executive Director, Board of Employee Leasing Companies, 1940 North Monroe Street, Tallahassee, Florida 32399-0767

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61G7-5.001 Application Procedure; Application Form; Fees; Confidential Information; Denial of Application; Request for Hearing.

(1) Applicants for licensure as an employee leasing company or as a controlling person shall file a completed application on Form EL4501, DPR/EL-001, "Application for Licensure as Employee Leasing Company," and/or EL4510, "Application for Licensure as a Controlling Person." ~~or "Controlling Person,"~~ effective 9-8-94. The form, together with its attached instructions for completing the application form, is incorporated herein by reference and may be obtained from the Board's office at 1940 North Monroe Street, Tallahassee, Florida 32399-0750 or from its Website located at www.myflorida.com. Applicants shall cure all deficiencies in their application noted by the board within 90 days from the date of the letter notifying the applicant or the application will be denied as an incomplete application. For purposes of this rule, an application is complete when all items on the application form have been fully answered, the applicant has paid the application fee specified in subsection (2), and has submitted all attendant documentation, certifications, fingerprint cards, explanations of answers, and

other items specified in the form and its attached instructions. An application for licensure as an employee leasing company or group will not be deemed complete until both the controlling person(s) and employee leasing company parts are complete.

(2) No change.

(3) License fees shall be assessed as follows:

(a) for initial licensure applications to be effective ~~filed~~ in the first year of the biennium:

1. \$1,000 for each controlling person;
2. \$1,500 for each employee leasing company;
3. \$2,500 for each employee leasing company group.

(b) for initial licensure applications to be effective ~~filed~~ in the second year of the biennium:

1. \$500 for each controlling person;
2. \$750 for each employee leasing company;
3. \$1,250 for each employee leasing company group.

(c) for renewal licensure applications:

1. \$1,000 for each controlling person;
2. \$1,500 for each employee leasing company;
3. \$2,500 for each employee leasing company group.

(d) For purposes of this rule the first biennium shall end on April 30, 1994. ~~Thereafter, each biennium shall end on April 30~~ of every even-numbered year.

(e) No change.

(f) Initial assessments shall be paid as per Rule 61G7-5.002, F.A.C.

(4) through (5) No change.

(6) In determining that an applicant meets the licensure requirements in Section 468.525, F.S., the Board must find that the applicant:

(a) In the case of an individual applying for licensure as a controlling person:

1. Is at least 18 years of age;
2. Is of good moral character as defined in Section 468.525(2)(a), F.S.;
3. Has sufficient education or experience to successfully operate as a controlling person of an employee leasing company.

4. Notwithstanding the foregoing, an applicant shall not be deemed to meet the requirements of Section 468.525(1)(c), F.S., if the applicant has been affiliated directly or indirectly with any person, persons or entities (not only an employee leasing company) whose business operations are being or have been operated in a manner detrimental to clients, employees, governmental agencies, investors or creditors through the improper manipulation of assets or accounts. The foregoing shall apply only if the applicant would have been considered a "controlling person" of any such entity as that term is defined in Section 468.520(7), F.S. "Business operations which are deemed to be detrimental to clients, employees, governmental agencies, investors or creditors" shall mean a history, pattern or significant incidence of the following:

a. The imposition of federal or state withholding or payroll tax liens,

b. Unpaid federal, state or local withholding or payroll taxes,

c. Violating federal wage and hour laws,

d. Failure to comply with state or federal workers' compensation requirements,

e. Failure to comply with applicable laws relating to the providing and maintenance of health insurance benefits to employees, and

f. Failure to comply with occupational health and safety act (OSHA) requirements.

5. If any person applying for licensure as a controlling person, pursuant to Section 468.525, F.S., has engaged in the activities set forth in 4.a. through f. above, this shall not be deemed to be an automatic bar to licensure. In determining whether to approve an applicant for licensure in spite of such activities, the Board shall consider the following factors:

a. The length of time since the prior activity.

b. The steps taken by the applicant to insure the non-occurrence of similar actions in the future.

c. The restitution of any damages suffered by any company, client or victim of the applicant's actions.

d. The lack of any recurrent actions by the applicant.

e. The lack of any wrongful intent by the applicant at the time of the action.

6. Any controlling person's license approved by the board shall exist only in conjunction with a license granted to an employee leasing company. When any controlling person ceases to meet the statutory and rule criteria to be a controlling person then the controlling person's license shall expire and become null and void. If a controlling person notifies the Department within ninety (90) days of the event which ends the individual's status as a controlling person that the individual is going to become a controlling person with another employee leasing company then a new controlling person license will be issued upon payment of a \$5.00 application fee. For such an application only, the background checks required of all initial controlling person applicants shall be waived insofar as the information would be available from the previous licensure file.

(b) In the case of a sole proprietorship, partnership, corporation, or other form of business entity applying for licensure as an employee leasing company:

1. If a corporation, is validly organized in the State of Florida, or appropriately registered as a Foreign Corporation doing business in the State of Florida as evidenced by a Certificate of Standing issued by the Florida Secretary of State.

2. Has and is maintaining, at the time of application, a positive working capital as determined in accordance with generally accepted accounting principles as demonstrated in the information filed with the application.

3. Has a tangible accounting net worth of not less than \$50,000 in accordance with generally accepted accounting principles as demonstrated in the information filed with the application.

4. Has, at the time of application, a contract form meeting the requirements of Sections 468.525(3) and (4), F.S., which will be used after licensure to engage in employee leasing with new or renewal clients.

5. Has provided with the application a certificate of workers' compensation insurance coverage which shall name the Board as a Certificate Holder and shall provide for a minimum of 30 days' notification of cancellation or if a policy from the Florida Joint Underwriters Association (JUA) is to be utilized by the applicant, the applicant has provided a letter from the JUA which sets forth that the policy will issue immediately upon licensure by the Board, and the policy issues from the JUA within thirty (30) days of the JUA's notification from the Board that the applicant has been approved subject to the JUA policy issuing. The employee leasing company may not contact to provide any services to leased employees until the JUA policy has issued.

6.a. Has provided with the application copies of the declaration pages and all endorsements (~~other than additional work site or alternate employer endorsements~~) on all plans for workers' compensation insurance covering leased employees. Notice of any changes in these insurance plans shall be submitted to the Department in writing along with copies of any policies, declaration pages and endorsements within sixty (60) days or:-

b. Has supplies the Board a letter signed by an agent or a carrier authorized to bind coverage on behalf of such carrier, which substantially reads as follows:

Board of Employee Leasing Companies
Division of Business and Professional Regulation
Northwood Centre

1940 North Monroe Street
Tallahassee, Florida 32399

RE: _____

Dear _____:

Enclosed is a copy of the Certificate of Liability Insurance for is an authorized agent and has the authority to bind coverage with _____. This policy number is _____, effective from to _____ and issued to _____. This policy provides coverage to leased employees in Florida.

7.a. Has provided with the application copies of the policies, declaration pages and all endorsements on all plans or arrangements of group insurance for the provision of health benefits to leased employees. Notice of any changes in these insurance plans shall be submitted to the Department in writing along with copies of any policies, declaration pages and endorsements within sixty (60) days; or:-

b. Has supplied the Board the affidavit set forth in paragraph 61G7-5.001(12)(b), F.A.C.

(7) through (10) No change.

(11) An applicant to become a controlling person of an already licensed employee leasing company, who will become a controlling person as the result of a change in control of the voting securities of the employee leasing company, shall, at the time of application, submit the closing papers with the application or a letter to the Board after the sale has been completed in order to confirm that ownership of the voting securities was transferred to the applicant.

(12)(a) Every employee leasing company or employee leasing company group which sponsors a plan for health benefits for its employees shall submit a complete copy of the plan or health insurance policy to the Board for review to insure compliance with subsection 468.529(1), F.S. In the event that the Board's review indicates that the submitted plan or policy is a self-insured plan of health benefits, the applicant or licensee shall submit an amended policy in conformity with subsection 468.529(1), F.S.

(b) As an alternative to the submission of the plan or health insurance policy as provided in paragraph (a) the applicant or licensee may submit an affidavit from the insurer showing that the policy or plan is in compliance. Nothing in this rule shall impose any requirement on any insurer to provide such an affidavit. In the event that an affidavit is submitted, it shall be in substantially the following form:

AFFIDAVIT

I, (Name of affiant), after being duly sworn upon my oath, depose and state:

1. I am employed by (name of employer) as (position). (Name of employer) is an admitted insurance carrier in the State of Florida. I possess the authority to make the following statements on behalf of (name of employer) and to bind (name of employer) concerning the statements made herein.

2. It is my understanding that, as a requirement for licensure as an employee leasing company in Florida, an employee leasing company may not sponsor a plan of self-insurance for health benefits except as may be permitted by the provisions of the Florida Insurance Code or, if applicable, by Pub. L. No. 93-406, the Employees Retirement Income Security Act. (Name of insurer) Group Insurance Policy # issued to (name of leasing company), is in compliance with the requirements of this law as it is a fully insured insurance product which is fully insured by (name of insurer). Notwithstanding any provision in the policy which could be interpreted to the contrary (name of insurer) is ultimately fully responsible for all incurred claims under the terms of the policy.

After having read the above statements, I swear that they are true and correct to the best of my knowledge and belief.

FURTHER AFFIANT SAYETH NAUGHT.

Subscribed to before me this ---- day of -----, 200, 199-, by (Name of affiant), who being known to me/produced written identification in the form of (Type of identification), and did take an oath.

Notary Public

My Commission Expires _____

Specific Authority 120.53(1), 455.2281, 468.522, 468.5245, 468.5275 FS. Law Implemented 468.524(2), 468.5245, 468.525, 468.526, 468.527, 468.5275, 468.529 FS. History--New 5-5-92, Amended 7-15-92, 10-20-92, Formerly 21EE-5.001, Amended 10-24-93, 3-14-94, 7-4-94, 9-8-94, 11-13-94, 2-13-95, 6-4-95, 11-9-95, 5-26-96, 5-19-97, 4-29-99, _____.

61G7-5.0011 Registration and Fee for De Minimis Operations.

(1) Any employee leasing company or group which meets the qualifications for de minimis operations pursuant to section 468.5275, Florida Statutes, shall apply to the Board on form EL-4501, ~~DPR/EL-009~~, entitled "Application for Registration of an Employee Leasing Company or Employee Leasing Company Group De Minimis Exemption & Registration" effective ~~1-31-95~~, which is incorporated herein by reference and available from the Board office or from its Website located at www.myflorida.com. The annual fee for de minimis registration shall be \$250 for an employee leasing company and \$500 for an employee leasing company group.

(2) No change.

Specific Authority 468.522, 468.5275(2) FS. Law Implemented 468.5275 FS. History--New 8-17-94, Amended 1-31-95, 11-9-95, _____.

61G7-5.0012 Historical Sketch.

(1) Each initial application for an Employee Leasing Company license shall be accompanied by a completed "Historical Sketch", Form EL-4512, ~~BPR/EL-012~~, effective ~~1-25-98~~, which is hereby incorporated by reference and available by mail from the Board office or from its Website at www.myflorida.com, from those individuals who:

(a) directly or indirectly control 20% or more of the voting stock of the applicant or of its ultimate parent, if the applicant or its ultimate parent is a publicly traded company; or

(b) directly or indirectly control 10% or more of the voting stock of the applicant or of its ultimate parent, if the applicant or its ultimate parent is a closely held company; or

(c) are directors or principal officers of the applicant or its ultimate parent.

(2) No change.

(3) Each employee leasing company shall, within thirty (30) days of any person or entities acquisition of 10% or more of its voting stock or the voting stock of the employee leasing company's ultimate parent (if the employee leasing company or its ultimate parent is a closely-held company) or 20% or more of the voting stock of the employee leasing company or of its ultimate parent (if the employee leasing company or its ultimate parent is a publicly-held company) submit form EL-4512 to the Board from such person(s) or entities.

~~(4)(3)~~ As a condition of renewal all employee leasing companies are also required to update any material changes to the previously filed forms or alternative information. ~~If no changes have occurred the licensee must state that no changes have occurred.~~

~~(5)(4)~~ Each application for a certificate of approval for a proposed change of ownership shall be accompanied by a completed Form EL-4512, ~~BPR/EL-012~~ for the same individuals as specified in subparagraph (1) above.

~~(6)(5)~~ Those employee leasing companies that were not required to have submitted Form EL-4512, ~~BPR/EL-012~~ or provide the alternative information as specified in paragraph (2) above as a requirement for initial licensure must submit such forms or information as a condition for renewal of licensure for the period beginning April 1, 1998.

~~(7)(6)~~ If any individual who is required to submit a completed Form EL-4512, ~~BPR/EL-012~~ or in the alternative information evidences a lack of good moral character, as defined in Section 468.525(2)(a), F.S., then the initial employee leasing licensure application shall be denied or the license shall not be renewed until the individual(s) in question is no longer involved with the employee leasing company in a capacity which would require the submission of a historical sketch of the individual(s) to the Board as provided herein.

Specific Authority 468.522, 468.524(2), 468.5245 FS. Law Implemented 468.524(2), 468.5245 FS. History--New 1-25-98, Amended _____.

61G7-5.002 Annual Assessment on Gross Florida Payroll.

(1) ~~The Effective April 1, 1992,~~ the Department of Business and Professional Regulation shall assess each Employee Leasing Company and each Employee Leasing Company Group an annual assessment fee based upon the preceding calendar year's gross Florida payroll of the company or group. The assessment shall be due on April 1 of each year and shall become delinquent after April 30. For new applicants the initial assessment shall be due with the licensure application. Funds collected under this assessment are to be made payable to the Board and to be deposited into the Professional Regulation Trust Fund as created within the Department. The annual assessment fee shall be calculated in accordance with the following table:

Amount of Gross Florida Payroll	Assessment Fee Due
less than \$250,000	\$144.00
\$250,000 – \$500,000	\$254.00
\$500,001 – \$1,000,000	\$380.00
\$1,000,001 – \$2,500,000	\$535.00
\$2,500,001 – \$5,000,000	\$689.00
\$5,000,001 – \$7,500,000	\$844.00
\$7,500,001 – \$10,000,000	\$998.00
\$10,000,001 – \$15,000,000	\$1,154.00
\$15,000,001 – \$20,000,000	\$1,308.00
\$20,000,001 – \$30,000,000	\$1,462.00
\$30,000,001 – \$40,000,000	\$1,617.00
\$40,000,001 – \$50,000,000	\$1,829.00
greater than \$50,000,000	\$2,039.00

(2) In order to ensure compliance with the requirements of subsection (1), each employee leasing company or employee leasing company group shall annually submit a statement of total gross Florida payroll along with copies of all Florida Unemployment Compensation Tax returns (UCT-6) for the preceding calendar year and payment of the assessment levied under subsection (1). Every employee leasing company shall submit the statement of total gross Florida payroll and copies of all Florida Unemployment Compensation Tax returns (UCT-6) on or before April 1 of each year. Total gross Florida payroll shall be subject to independent verification by the Board ~~with the Department of Labor and Employment Security, Division of Unemployment Compensation,~~ and shall also be subject to audit by the Board.

(3) through (4) No change.

Specific Authority 468.522 FS. Law Implemented 468.526 FS. History--New 7-15-92, Formerly 21EE-5.002, Amended 4-25-94, 6-10-96, 6-22-98, 7-11-00, _____.

61G7-5.003 Attestation of Financial Statements.

Financial statements submitted to the Board by an employee leasing company shall be accompanied by a completed form EL-4503, DPR/EL-003, entitled "Employee Leasing Company Attestation To Financial Statements," effective ~~7-20-92~~, which is incorporated herein by reference and may be obtained by contacting the Board's office or its Website at www.myflorida.com. The form shall be executed by the chief financial officer, the chief executive officer, and the controlling person of the employee leasing company.

Specific Authority 455.227(3) FS. Law Implemented 468.524(2) FS. History--New 7-20-92, Formerly 21EE-5.003, Amended.

61G7-5.0031 Audited Financial Statements.

(1) No change.

(2) For ~~every any~~ fiscal year, ~~beginning January 1, 1994, and for every subsequent fiscal year,~~ audited financial statements must be submitted to the Board within 120 days of

the licensee's fiscal year end. For purposes of this rule, "submitted" means that the audited financial statement must be postmarked within 120 days of the end of the fiscal year.

(3) through (4) No change.

(5) All members of an employee leasing company group must have the same fiscal year end. In the event that all members of such a group do not have the same fiscal year end at the time of initial licensure, such group shall have two (2) years from the date of initial licensure to comply with this rule. ~~Already licensed employee leasing company groups shall also have two (2) years from the effective date of this rule to comply with the above stated requirement.~~ In addition, any member added to a group after initial licensure shall change its fiscal year end to the group's fiscal year end within one (1) year of joining the group.

Specific Authority 468.522, 468.525(3)(e) FS. Law Implemented 468.525(3)(e) FS. History--New 8-17-94, Amended 5-26-96, _____.

61G7-5.0032 Reviewed Financial Statements.

(1) No change.

(2) For ~~every any~~ fiscal year, ~~beginning January 1, 1994, and for every subsequent fiscal year,~~ reviewed financial statements must be submitted to the Board within 120 days of the licensee's fiscal year end. For purposes of this rule, "submitted" means that the reviewed financial statement must be postmarked within 120 days of the end of the fiscal year.

(3) through (4) No change.

(5) All members of an employee leasing company group must have the same fiscal year end. In the event that all members of such a group do not have the same fiscal year end at the time of initial licensure, such group shall have two (2) years from the date of initial licensure to comply with this rule. ~~Already licensed employee leasing company groups shall also have two (2) years from the effective date of this rule to comply with the above stated requirement.~~ In addition, any member added to a group after initial licensure shall change its fiscal year end to the group's fiscal year end within one (1) year of joining the group.

Specific Authority 468.522, 468.525(3)(e) FS. Law Implemented 468.525(3)(e) FS. History--New 8-17-94, Amended 5-26-96, _____.

61G7-5.0033 Consolidated and Combined Financial Statements.

(1) An employee leasing company or an employee leasing group may submit consolidated audited or reviewed financial statements to meet the requirements of Section 468.525(3)(e), F.S., as applicable, so long as the entity exercising control over the entities that are reporting on a consolidated basis is a member of the employee leasing company group, or in the case of an EL license, as long as the entity exercising control is a properly licensed employee leasing company and there are cross guarantees for both entities. "Control" is defined as ownership of more than fifty (50) per cent of the voting stock

of all reporting entities. Non-licensed entities may be included in the consolidated statements so long as the foregoing requirements are met.

(2) An employee leasing company group may submit combined audited or reviewed financial statements to meet the requirements of Section 468.525(3)(e), F.S., as applicable, so long as all entities covered in the combined financial statement reports are members of the Florida licensed employee leasing company group. Other entities ~~that are not members of the Florida licensed employee leasing company group~~ may not be included in combined financial statements.

Specific Authority 468.522, 468.525(3)(e) FS. Law Implemented 468.525(3)(e) FS. History—New 5-26-96, Amended _____.

61G7-5.0034 Use of Franchised or Licensed Names.

- (+) No change.
- (1)(a) No change.
- (a)1- No change.
- (b)2- No change.

The difference in names between two or more licensees entitled to use the name of a franchisor or licensor must be plainly different and the differences must indicate a distinction in location or some other clear distinction.

- (2)(b) No change.
- (3)(e) No change.
- (4)(d) No change.
- (5)(e) No change.
- (6)(f) No change.
- (a)1- No change.
- (b)2- No change.
- (c)3- No change.

(7) Licensees majority owned by the same ultimate parent entity or persons, may utilize the same dba.

Specific Authority 468.522, 468.525(3)(e) FS. Law Implemented 468.525(3)(e) FS. History—New 5-26-96, Amended _____.

61G7-5.005 Deficiency in Tangible Accounting Net Worth; Guaranty Form Acceptable to Board; Sufficient Evidence of Guarantor’s Adequate Resources.

(1) When an applicant chooses to have a guaranty to offset any deficiency in tangible accounting net worth, accounting net worth, or working capita, such guaranty shall be made on Form EL-4505, DPR/EL-005, entitled “Board Approved Guaranty Form,” effective _____, ~~September 6, 1993~~, which is incorporated herein by reference, and such guaranty shall be irrevocable until such time that the deficiency causing the guaranty has been corrected.

(2) Applicants and licensed employee leasing companies who submit a guaranty in accordance with subsection (1) shall also show that the guarantor has adequate resources to satisfy the obligation of the guaranty. Upon the Board’s finding that the guarantor’s resources and the guaranty are acceptable, the

applicant or licensed employee leasing company shall provide the original guaranty to the Board to keep with the leasing company’s applicant’s file.

(3) When an applicant or leased employee leasing company chooses to submit an irrevocable letter of credit to offset any deficiency in tangible accounting net worth, accounting net work, or net working capital, such irrevocable letter of credit is acceptable so long as: (a) the responsibility for repayment of any sums disbursed under the letter of credit is not an obligation of the employee leasing company or any entity affiliated with the employee leasing company; (b) the letter of credit contains an “evergreen” clause, which automatically renews the letter of credit unless the issuer of the letter of credit notifies the employee leasing company and the Department within sixty (60) days of the decision not to renew; (c) the letter of credit is issued by a financial institution authorized to do so under applicable state or federal banking laws.

Specific Authority 468.522, 468.525(3)(d) FS. Law Implemented 468.525(3) FS. History—New 9-6-93, Amended 5-29-94, 5-26-96, _____.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Employee Leasing Companies

RULE TITLE: RULE NO.:

Definitions 61G7-6.001

PURPOSE AND EFFECT: This rule is being amended to remove definitions which are no longer necessary and to add definitions that are necessary and to clarify other definitions relative to the rule.

SUBJECT AREA TO BE ADDRESSED: Definitions.

SPECIFIC AUTHORITY: 468.520, 468.522, 468.525 FS.

LAW IMPLEMENTED: 468.520, 468.522, 468.525(4),(4)(b), 468.529(1) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Anthony Spivey, Executive Director, Board of Employee Leasing Companies, 1940 North Monroe Street, Tallahassee, Florida 32399-0767

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61G7-6.001 Definitions.

To enable the Board and the Department to administer Part XI of Chapter 468, F.S., the Board hereby interprets the following terms as used in the definition of employee leasing as follows:

~~(1) “Actively involved” as used in s. 468.520(7), F.S., to determine whether an entity is an employee leasing company, the Board interprets actively involved to mean the actual exercise of duties on behalf of an employee leasing company. Any natural person who possesses, directly or indirectly, the power to direct or cause the direction of the management or policies of any employee leasing company, through direct or indirect control of 50 percent or more of the voting securities of an employee leasing company, is deemed actively involved.~~

~~(2) “Employment responsibilities” as used in s. 468.525(4), F.S., means all those responsibilities generally incumbent on an employer, including payment of wages and taxes and the right to hire, direct, control, discipline, and terminate employees.~~

~~(1)(3) “Full Responsibility” as used herein to determine whether an employee leasing company’s contractual arrangements comply with the conditions as set forth in s. 468.525(4), F.S., means complete and total responsibility for the collection of and payment of all payroll taxes on payroll reported to and paid by the employee leasing company, which are payable to the Internal Revenue Service and/or to the State of Florida for services performed by leased employees as leased employees.~~

~~(2)(4) “Health benefits or health plan,” as used in Section 468.529, F.S., means provision of comprehensive major medical health benefits.~~

~~(3)(5) “Intangible assets” as used herein to enable initial applicants to properly report their financial assets to meet the requirements for licensure, means assets that lack physical substance. The value of intangible assets is generally based on the value of the rights inherent in them or results from allocation of costs incurred to future periods, in which case they have no realizable or recoverable value outside of their ability to benefit future earnings in the normal course of operations. Intangible assets are normally subject to amortization. Examples of intangible assets include goodwill, copyrights, trademarks, patents, organization costs, deferred costs, client enrollment costs, and excess of assets acquired over purchase price.~~

~~(6) “Long term ongoing nature” means a situation where a client company and an employee leasing company arrange for leased employees to do more than supplement the client company’s workforce in special work situations, such as employee absences, temporary skill shortages, seasonal workloads, and special assignments and projects. This definition in no way is meant to alter the concept of at-will employment.~~

~~(4)(7) “Primarily responsible” as used in Section 468.529(1), F.S., means that the admitted carrier is liable for all claims incurred under the plan of insurance during its effective period, regardless of any reimbursement or indemnification agreement between the licensed employee leasing company and the carrier. Any reimbursement or~~

indemnification agreement between the employee leasing company and the admitted insurance carrier shall not limit or diminish the carrier’s primary responsibility for its obligation under the health plan for the payment of claims incurred or the provision of benefits under the health plan.

~~(5)(8) “Shared responsibility” as used in Section 468.525(4)(a), F.S., means that the client company exercises such right of direction and control over the leased employee as is necessary to conduct its business and without which the client would be unable to conduct its business, discharge any fiduciary responsibility which it may have, or comply with any applicable licensure, regulatory, or other responsibilities the client company may have.~~

~~(6)(9) “Tangible accounting net worth” means net worth presented in accordance with generally accepted accounting principles (as defined in Rule 61H1-20.007, F.A.C., incorporated herein by reference and effective 4-24-01) reduced by the aggregate amount of intangible assets.~~

~~(7)(10) “Temporary” as used in subsection 468.520(4), F.S., means a situation in which leased employees are not needed on a long-term, ongoing basis, but rather are only needed to support or supplement the client company’s work force in special work situations, such as employee absences, temporary skill shortages, seasonal workloads, and special assignments and projects, for a period not to exceed one year.~~

~~(8) “Reserves a night of direction an control over leased employees assigned to the client’s location” does not require the actual exercise of such direction and control by the employee leasing company at the jobsite at which or from which leased employees work. The client shall be allowed to exercise such direction and control as may be allocated to the client, in writing, and in conformity with Florida law.~~

~~(9) “Retains authority to hire, terminate, discipline, and reassign the leased employees” does not require the actual exercise of such authority by the employee leasing company at the jobsite at which or from which the leased employees work. The client shall be allowed to exercise such authority as may be allocated to the client, in writing, and in conformity with Florida Law.~~

~~(10) Retains a right of discretion and control over management of safety, risk, and hazard control at the worksite or sites affecting its leased employees, including:~~

~~(a) Responsibility for performing safety inspections of client equipment and premises.~~

~~(b) Responsibility for the promulgation an administration of employment and safety policies.~~

~~(c) Responsibility for the management of workers’ compensation claims, claims filings, and related procedures, does not require the actual exercise of such direction an control by the employee leasing company at the worksite at which or from which the leased employees work. The client shall be~~

allowed to exercise such direction and control as may be allocated to the client, in writing, and in conformity with Florida law.

(11) "Assumes responsibility for the payment of wages" as used in Section 468.525(4)(b), F.S., means the obligation of the employee leasing company to comply with the terms of employment established by the employee leasing company with an employee relating to the payment of wages of the employee. The term does not include any obligation on the part of the employee leasing company to assume any contractual obligation which may exist between a client of an employee leasing company and any leased employee, or any other compensation or benefit, in any form, unless the employee leasing company specifically adopts such obligations by way of a written agreement entered into with the leased employee.

Specific Authority 468.520, 468.522, 468.525 FS. Law Implemented 468.520, 468.522, 468.525(4), 468.529(1) FS. History--New 7-20-92, Formerly 21EE-6.001, Amended 9-14-93, 10-24-94, 7-18-95, 4-26-01, _____.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Employee Leasing Companies

RULE TITLE: Disciplinary Guidelines; Range of Penalties RULE NO.: 61G7-7.001

PURPOSE AND EFFECT: The Board is reviewing this rule to determine if changes are necessary at this time.

SUBJECT AREA TO BE ADDRESSED: Disciplinary Guidelines; Range of Penalties.

SPECIFIC AUTHORITY: 468.522, 468.530(4) FS.

LAW IMPLEMENTED: 455.227, 468.531, 468.532 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Anthony Spivey, Executive Director, Board of Employee Leasing Companies, 1940 North Monroe Street, Tallahassee, Florida 32399-0767

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Employee Leasing Companies

RULE TITLE: Advertising RULE NO.: 61G7-11.001

PURPOSE AND EFFECT: This rule is being amended to add the advertising medium of internet websites.

SUBJECT AREA TO BE ADDRESSED: Advertising.

SPECIFIC AUTHORITY: 468.522, 468.530(4) FS.

LAW IMPLEMENTED: 468.530(4) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Anthony Spivey, Executive Director, Board of Employee Leasing Companies, 1940 North Monroe Street, Tallahassee, Florida 32399-0767

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61G7-11.001 Advertising.

(1) through (h) No change.

(i) Any employee leasing company official website.

(2) through (3) No change.

Specific Authority 468.522 FS. Law Implemented 468.530(4) FS. History--New 11-8-00, Amended 3-28-95, _____.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Employee Leasing Companies

RULE TITLE: Contractual Requirements RULE NO.: 61G7-12.001

PURPOSE AND EFFECT: This rule is being amended to correct the reference to the Division of Workers' Compensation.

SUBJECT AREA TO BE ADDRESSED: Advertising.

SPECIFIC AUTHORITY: 468.522, 468.525(4) FS.

LAW IMPLEMENTED: 468.525(4) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Anthony Spivey, Executive Director, Board of Employee Leasing Companies, 1940 North Monroe Street, Tallahassee, Florida 32399-0767

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61G7-12.001 Contractual Requirements.

In order to meet the requirements of Section 468.525(4), F.S., the employee leasing company's contractual arrangement with its client must provide for the right of both the employee leasing company and its assigns to conduct an annual onsite physical examination of the client who is or was subject to an

applicable employee leasing contractual relationship. The purpose of this examination is to aid in the determination of proper workers' compensation classifications of leased employees and to aid in the determination of payroll amounts paid to such leased employees. Such examination shall allow for both the employee leasing company and its assigns to conduct audits of the client for the purposes set forth above to the extent set forth in Section 440.381, F.S., and the rules promulgated thereto by the Department of Financial Services, Division of Workers' Compensation Insurance and the Department of Labor and Employment Security.

Specific Authority 468.522, 468.525(4) FS. Law Implemented 468.525(4) FS. History—New 11-8-00, Amended _____.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Pursuant to Chapter 2003-145, Laws of Florida, all notices for the Department of Environmental Protection are published on the Internet at the Department of Environmental Protection's home page at <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

DEPARTMENT OF HEALTH

Board of Medicine

RULE TITLE: Continuing Education Requirements
 RULE NO.: 64B8-52.001

PURPOSE AND EFFECT: The Council and Board proposes the rule amendment to update biennial continuing education requirements.

SUBJECT AREA TO BE ADDRESSED: The proposed rule amendment specifies the requirements for courses in prevention of medical errors and blood-borne diseases.

SPECIFIC AUTHORITY: 478.43(4), 478.50(2),(4)(a),(b) FS.

LAW IMPLEMENTED: 478.50(4)(a),(b) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Kaye Howerton, Executive Director, Electrolysis Council, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B8-52.001 Continuing Education Requirements.

(1) through (2) No change.

(3) Those persons certified for licensure during the second year of a biennium are exempt from the continuing education requirements for their first renewal except for the two hour prevention of medical errors course required by Section

456.013, F.S., and subsection 64B8-52.003(4), F.A.C., and the two hour blood-borne disease course including one hour on HIV/AIDS education as required by subsection 64B8-52.003(3), F.A.C. Continuing education requirements must be met for each biennium thereafter.

Specific Authority 478.43(4), 478.50(2),(4)(a),(b) FS. Law Implemented 478.50(4)(a),(b) FS. History—New 6-1-93, Formerly 21M-77.001, 61F6-77.001, Amended 5-11-95, Formerly 59R-52.001, Amended _____.

DEPARTMENT OF HEALTH

Board of Medicine

RULE TITLE: Requirements for Approval of Continuing
 RULE NO.: Education Courses for Laser and

Light-Based Removal or Reduction 64B8-52.004

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

SUBJECT AREA TO BE ADDRESSED: Compliance with the requirements for holding a facility license and Department of Health inspection sheets, as outlined in paragraph 64B8-51.006(3)(g), F.A.C.

SPECIFIC AUTHORITY: 478.43 FS.

LAW IMPLEMENTED: 478.42(5), 478.43(3), 478.50 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Kaye Howerton, Executive Director, Electrolysis Council, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

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

DEPARTMENT OF HEALTH

Division of Family Health Services

RULE TITLE: Records of Drugs, Cosmetics and Devices
 RULE NO.: 64F-12.012

PURPOSE AND EFFECT: Prescription drug wholesalers and pharmacies or other end-users of prescription drugs have expressed a concern how to comply with the pedigree paper recordkeeping requirements for prescription drugs, in particular prescription drugs that are on the specified drug list. This proposed will with provide guidance to the industry for preparing and passing on pedigree papers for the subsequent wholesale distribution of a specified prescription drug that has been returned to a wholesaler by an end-user.

SUBJECT AREA TO BE ADDRESSED: Pedigree paper recordkeeping requirements for a specified prescription drug that has been returned to a wholesaler by an end-user in accordance with the requirements of Section 499.0121(6)(e), F.S.

SPECIFIC AUTHORITY: 499.0121, 499.05 FS.

LAW IMPLEMENTED: 499.0121 FS.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: February 12, 2004, beginning upon adjournment of the Drug Advisory Council Meeting, but no earlier than 11:00 a.m. The workshop is scheduled for 1 and 1/2 hours.

PLACE: Department of Health, 4042 Bald Cypress Way, Room 301 (Capital Circle Office Complex), Tallahassee, Florida

If special accommodations are needed to attend this meeting because of a disability, please contact: Maxine Wenzinger, (850)487-1257, Ext. 205.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Sandra Stovall, Compliance Officer, 2818-A Mahan Drive, Tallahassee, Florida 32308, (850)487-1257, Ext. 210, sandra_stovall@doh.state.fl.us

The preliminary text will be available on the Department's website by February 6, 2004, www.doh.state.fl.us/pharmacy/drugs and accessing the What's Hot link.

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

Tests to Determine Accuracy of Speedometer Devices	15B-2.011
Tests to Determine Accuracy of Time Measurement Devices	15B-2.012
Approved Speed Measuring Devices	15B-2.013
Minimum Design Criteria for Laser Speed Measurement Devices	15B-2.014
Checks to Determine Speed and Distance Accuracy of Laser Speed Measuring Devices	15B-2.015
Tests to Determine Accuracy of Laser Speed Measuring Devices	15B-2.016

PURPOSE AND EFFECT: The purpose of the proposed rule action is to amend the current rule to revise operator training requirements; revise requirements for type acceptance; re-designate visual average speed devices as Average Speed Calculators (ASC); revise testing accuracy, and operation requirements for ASC, as well as, radar and laser devices; add provisions for distance measurement in using ASE; revise speedometer testing and provide such testing for motorcycles; allow accuracy tests of electronic stop watches to be performed by certified electronics technicians meeting the requirements of paragraph 15B-2.009(1)(a), F.A.C.; revise test speeds for radar bench tests; permit radar daily tests to be performed with tuning forks meeting manufacturer's specifications; update list of approved speed measuring devices; amend minimum design criteria for LSMD and correct a typographical error in paragraph 15B-2.016(2)(b), F.A.C.

SUMMARY: The proposed rule action allows accuracy tests of stop watches used by the department to be performed by certified electronics technicians meeting the requirements of paragraph 15B-2.009(1)(a), F.A.C., as well as, jewelers and watch repair-smiths. This proposed rule action also updates the list of approved speed measuring devices approved by the department for use in this State to include the recently approved radar units and laser speed measuring devices. "VASCAR" is re-designated a "ASC" with attendant changes to testing and operator certifications for such units. Form HSMV 61070 is revised to add higher target speeds. The daily tuning fork test is revised to permit test of a tuning fork meeting manufacturer's specifications. Revisions are made to clarify sight testing for laser devices. The reference to an erroneous sub-section in paragraph 15B-2.016(2)(b), F.A.C., is corrected. Operator training; type acceptance; accuracy checks, bench tests, minimum design criteria are revised for speed measurement devices (SMD).

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The costs of the rule actions to the agency will be those normally associated with the administrative processing of rulemaking activity. The erection of new Laser test markers will be approximately \$200 (\$100 each). The proposed rule action will have minimal impact on small entities.

Section II Proposed Rules

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

Division of Florida Highway Patrol

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Speed Measuring Devices	15B-2
RULE TITLES:	RULE NOS.:
Approval Requirements	15B-2.007
Requirements for Type Acceptance	15B-2.008
Minimum Design Criteria for Radar Units	15B-2.0082
Test to Determine Speed Accuracy of Doppler Radar Devices	15B-2.009
Test to Determine Speed Accuracy of Visual Average Speed Computer Devices	15B-2.010
Tests to Determine Speed Accuracy of Average Speed Calculators	15B-2.0101
Certified Operator of Visual Average Speed Computer Device	15B-2.0102