

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."

EXECUTIVE OFFICE OF THE GOVERNOR**Office of Tourism, Trade, and Economic Development**

RULE CHAPTER TITLE: Entertainment Industry
RULE CHAPTER NO.: 27M-2

Financial Incentive

PURPOSE AND EFFECT: The purpose and effect of the rule development is to implement the provisions of Sections 228.125 through 228.1258, F.S.

SUBJECT AREA TO BE ADDRESSED: State funding incentives for location of entertainment industry projects and entities to locate in Florida.

SPECIFIC AUTHORITY: 288.1254 FS.

LAW IMPLEMENTED: 228.1254, 1258 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: Ted Bonanno, Executive Director, Office of Tourism, Trade, and Economic Development, The Capitol, Suite 2001, Tallahassee, Florida 32399-0001

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

EXECUTIVE OFFICE OF THE GOVERNOR**Office of Tourism, Trade and Economic Development**

RULE CHAPTER TITLE: Professional Sports Facilities Funds
RULE CHAPTER NO.: 27M-3

PURPOSE AND EFFECT: The purpose and effect of the rule development is to implement the provisions of Section 288.1162(2), F.S.

SUBJECT AREA TO BE ADDRESSED: State funding for facilities for a new professional sports franchise, a facility for a retained professional sports franchise or a facility for a retained spring training franchise.

SPECIFIC AUTHORITY: 288.1162(2) FS.

LAW IMPLEMENTED: 212.20, 288.1162 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: Ted Bonanno, Executive Director, Office of Tourism, Trade and Economic Development, The Capitol, Suite 2001, Tallahassee, Florida 32399-0001

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

DEPARTMENT OF CORRECTIONS

RULE TITLE: Public Information and Inspection of Records
RULE NO.: 33-102.101

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to revise an incorporated form for consistency with current Florida Statutes.

SUBJECT AREA TO BE ADDRESSED: Public records.

SPECIFIC AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 119.07, 120.53 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: Perri King Dale, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-102.101 Public Information and Inspection of Records.
(1) through (4) No change.

(5) When copies requested pursuant to this rule are available to be picked up or for mailing, the requestor shall be notified of the costs of reproduction as specified in subsections (2) and (3) on an Invoice for Production of Records, Form DC1-201. Form DC1-201 shall also indicate if any information is redacted from the copies provided as required by state law. Form DC1-201 is hereby incorporated by reference. Copies of this form are available from the Forms Control Administrator, Office of Research, Planning and Support Services, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. The effective date of Form DC1-201 is ~~10-29-01~~.

Specific Authority 944.09, FS. Law Implemented 119.07, 120.53 FS. History—New 10-8-76, Amended 2-14-81, Formerly 33-1.04, Amended, 6-9-86, 2-9-88, Formerly 33-1.004, Amended 10-29-01, _____.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**RULE TITLE:**

Division of Real Estate General

Licensing Forms

RULE NO.:

61-6.025

PURPOSE AND EFFECT: This rule incorporates Division of Real Estate forms utilized in applications for professional licensing.

SUBJECT AREA TO BE ADDRESSED: The rule will adopt and incorporate by reference the Division of Real Estate licensing forms.

SPECIFIC AUTHORITY: 455.213(1), 475.415, 475.161, 475.180, 475.182 FS.

LAW IMPLEMENTED: 455.203, 455.213, 475.045 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.

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: Jennifer Causseaux, (850)414-7677. If you are hearing or speech impaired, please contact the agency using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Jennifer Causseaux, Office of the General Counsel, 1940 North Monroe Street, Tallahassee, FL 32399

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**Division of Alcoholic Beverages and Tobacco****RULE CHAPTER TITLE:**

General

RULE CHAPTER NO.:

61A-2

RULE TITLE:

Penalty Guidelines

RULE NO.:

61A-2.022

PURPOSE AND EFFECT: The purpose and effect of the proposed rules are to implement statutory provisions and define terms relating to the regulation of cigarette licensing based on Chapter 2005-228, Laws of Florida, to review and modify existing penalty guidelines.

SUBJECT AREA TO BE ADDRESSED: The subject area to be addressed is the implementation of statutory provisions and terms defining the regulation of cigarette licensing.

SPECIFIC AUTHORITY: 210.09, 210.10, 210.11, 210.12, 210.16, 210.161, 210.20, 210.75, 561.11, 569.009 FS.

LAW IMPLEMENTED: 210.01, 210.02, 210.03, 210.04, 210.05, 210.06, 210.07, 210.09, 210.12, 210.14, 210.15, 210.16, 210.161, 210.18, 210.181, 210.185, 210.25, 210.50, 210.60, 210.65, 569.002, 569.004, 569.005, 569.006, 569.007, 569.0075, 569.101, 569.11, 569.12, 569.14 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT, IF AVAILABLE, IS: Angela Desmond, Assistant Attorney, Department of Business and Professional Regulation, Division of Alcoholic Beverages and Tobacco, Office of the General Counsel, 1940 North Monroe Street, Suite 42, Tallahassee, Florida 32399, Tel: (850)487-2563

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE AT THIS TIME.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**Division of Alcoholic Beverages and Tobacco****RULE CHAPTER TITLE:**

Cigarette Tax Division Rule

RULE CHAPTER NO.:

61A-10

PURPOSE AND EFFECT: The purpose and effect of the proposed rules are to implement statutory provisions and define terms relating to the regulation of cigarette licensing based on Chapter 2005-228, Laws of Florida.

SUBJECT AREA TO BE ADDRESSED: The subject area to be addressed is the implementation of statutory provisions and terms defining the regulation of cigarette licensing.

SPECIFIC AUTHORITY: 210.09, 210.10, 210.11, 210.75, 561.11 FS.

LAW IMPLEMENTED: 210.01, 210.02, 210.03, 210.04, 210.05, 210.06, 210.07, 210.09, 210.11, 210.15, 210.185, 210.25, 210.30, 210.55, 210.60, 210.75, 218.215, 218.23, 218.245, 218.25, 218.26, 569.007 FS.

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

TIME AND DATE: 10:00 a.m. – 5:00 p.m., Monday, September 26, 2005

PLACE: Division of Alcoholic Beverages and Tobacco Conference Room, Department of Business and Professional Regulations, 1940 North Monroe Street, Tallahassee, Florida 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Angela Desmond, Assistant Attorney, Department of Business and Professional Regulation, Division of Alcoholic Beverages and Tobacco, Office of the General Counsel, 1940 North Monroe Street, Suite 42, Tallahassee, Florida 32399, (850)487-2563

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Pari-Mutuel Wagering

RULE TITLES:	RULE NOS.:
General Definitions	61D-2.001
Wagering Prohibitions	61D-2.004
Violations	61D-2.005
Electrical or Mechanical Device Prohibition	61D-2.006
Pre-meet Report Required	61D-2.008
Ineligible or Disqualified Jai Alai Player or Racing Animal	61D-2.009
Photofinish Camera and Video Tape Requirement	61D-2.010
Post Position Drawing Requirement	61D-2.011
Racing Animal Identification	61D-2.012
Altered Identification Exclusion	61D-2.016
Pooling of Prize Money in Jai Alai Prohibited	61D-2.018
Inspection of Kennels and Stables	61D-2.022

PURPOSE AND EFFECT: The purpose and effect of the proposed rule will be to implement and interpret Florida Statutes that relate to rules regulating the conduct of races at pari-mutuel racing facilities.

SUBJECT AREA TO BE ADDRESSED: The subject areas to be addressed in this rule are changes in definition of terms as used in pari-mutuel rules, eligibility requirements for racing animals due to owners license status, to amend and provide a new section regarding pre-race draw and limitations on the number of entries from the same kennel and to amend requirements regarding the duties of the paddock judge or horse identifier and requiring that inspections of kennels and stables to be reported on appropriate forms.

SPECIFIC AUTHORITY: 550.01215(4), 550.0251(2),(3), (5),(6),(9),(11), 550.0351(8), 550.054(5), (8)(b), 550.105(2)(c),(4)(b),(d),(5),(9), 550.125(2)(b), 550.155(1), 550.1815(5), 550.2415(13), 550.2614(4), 550.2625(2)(d), 550.3551(10),(11), 550.3615(5), 550.495(2)(a),(4), 550.6305(5) FS.

LAW IMPLEMENTED: 120.80, 550.01215, 550.0251, 550.0351, 550.054, 550.0951(4), 550.09514, 550.105, 550.1155, 550.125, 550.155, 550.1645, 550.1815, 550.235, 550.2415, 550.2625, 550.3551, 550.3615, 550.495, 550.6305 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 (PREVIOUS WORKSHOP POSTPONED DUE TO POTENTIAL THREAT OF HURRICANE KATRINA):

TIME AND DATE: 9:00 a.m. – 1:00 p.m., September 29, 2005

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

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: Mary Polombo, (850)413-0750. If you are hearing or speech impaired, please contact the agency using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Mary Polombo, Clerk, Division of Pari-Mutuel Wagering, 1940 North Monroe Street, Tallahassee, Florida 32399-1035

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Pari-Mutuel Wagering

RULE TITLES:	RULE NOS.:
Hearings Before Stewards/Judges	61D-3.001
Appeal Hearing Procedures	61D-3.002
Stay of Steward/Judges' Penalty	61D-3.003
Payment of Fines	61D-3.004

PURPOSE AND EFFECT: The purpose and effect of the proposed rule will be to implement and interpret Florida Statutes that relate to the conduct of proceedings before the judges and stewards officiating races at pari-mutuel facilities and procedures related to appeals of orders of judges and stewards.

SUBJECT AREA TO BE ADDRESSED: The subject areas to be addressed in this rule are amendments requiring notice to be provided to owners of animals in cases where a purse may be redistributed, amendments to procedures and forms in requesting an appeal of a judges' or stewards' ruling, procedures regarding the payment of fines and obtaining a stay pending an appeal.

SPECIFIC AUTHORITY: 120.80(4)(a), 550.0251, 550.0251(3), 550.054(9)(b), 550.1155, 550.1155(1),(2), 550.2415(7) FS.

LAW IMPLEMENTED: 120.80(4)(a), 550.0251, 550.054, 550.1155, 550.2415 FS.

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DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Pari-Mutuel Wagering

RULE TITLES:	RULE NOS.:
Cost of Investigation	61D-4.001
Evaluating a Permit Application for a Pari-Mutuel Facility	61D-4.002
Application for Lease Addendum to Permit	61D-4.003
Application for Annual Racing License	61D-4.004

PURPOSE AND EFFECT: The purpose and effect of the proposed rule will be to implement and interpret Florida Statutes that relate to forms for applications for pari-mutuel permits, leasing of facilities and annual racing licenses.

SUBJECT AREA TO BE ADDRESSED: The subject areas to be addressed in this rule are revisions to forms and rules regarding the investigation of an applicant for a permit to conduct pari-mutuel wagering and for authorization to lease premises for the conduct of pari-mutuel wagering. The provisions also add a new rule to formalize the use of the form under which pari-mutuel permitholders apply for annual racing licenses.

SPECIFIC AUTHORITY: 550.0251(3), 550.105(1),(2),(5),(9) FS.

LAW IMPLEMENTED: 550.0251, 550.105 FS.

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DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Pari-Mutuel Wagering

RULE TITLES:	RULE NOS.:
Occupational Licensure	61D-5.001
Possession of a License	61D-5.002
Applications for Licensure; Fingerprint Requirements; Exemptions from Fingerprinting	61D-5.003
Temporary Occupational Licenses	61D-5.004
Exemptions to Occupational Licensing Requirements	61D-5.005
Waiver of Criminal Convictions or Other Offenses	61D-5.006
Basis for Denial or Cancellation of License	61D-5.007

PURPOSE AND EFFECT: The purpose and effect of the proposed rule will be to implement and interpret Florida Statutes that relate to the forms for the application for a pari-mutuel license and regulations regarding use of a pari-mutuel license.

SUBJECT AREA TO BE ADDRESSED: The subject areas to be addressed in this rule are revisions to forms for applications for pari-mutuel occupational licenses and incorporation of those forms within the rules, amendments regarding the requirements for display of licenses and revisions of rules to conform to current statutory classification of licenses, providing for persons over 70 years of age to obtain background information checks from FDLE, amendments to

rules implementing provisions related to temporary licenses, requiring permitholder security to maintain a list of unlicensed employees working in restricted areas, and revisions related to forms for the application of a waiver of criminal convictions and the cancellation of voluntarily relinquished licenses.

SPECIFIC AUTHORITY: 550.0251(3), 550.105(1),(2),(5),(9) FS.

LAW IMPLEMENTED: 550.0251, 550.105 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 (PREVIOUS WORKSHOP POSTPONED DUE TO POTENTIAL THREAT OF HURRICANE KATRINA):

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DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Pari-Mutuel Wagering

RULE TITLES:	RULE NOS.:
Purpose for Rules; Definitions Related to Drugs and Medications	61D-6.001
General Duties and Responsibilities	61D-6.002
Prohibited Devices, Medications, and Procedures; Exceptions	61D-6.004
Procedures Relating to Split Samples	61D-6.006
Permitted Medications for Racing Greyhounds	61D-6.007
Veterinarians	61D-6.009
Penalty Guidelines for Class I-V Drug Violations	61D-6.011

PURPOSE AND EFFECT: The purpose and effect of the proposed rule will be to implement and interpret Florida Statutes that relate to forms and procedures related to the use of medication in racing animals.

SUBJECT AREA TO BE ADDRESSED: The subject areas to be addressed in this rule are references to forms that are being incorporated in the rules. Some forms are being revised and a new form is being created for the identification of the trainer of record. Rules regarding notice of positive tests that may result in purse redistribution to owners are being deleted so they may be moved to rules regarding procedures for stewards' and judges' hearings.

SPECIFIC AUTHORITY: 120.80(4)(a), 550.0251(3),(11), 550.155(1), 550.2415(5),(8),(9),(13),(14),(16) FS.

LAW IMPLEMENTED: 120.80(4)(a), 550.0251, 550.1155, 550.155, 550.235, 550.2415, 550.2415(14) 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 (PREVIOUS WORKSHOP POSTPONED DUE TO POTENTIAL THREAT OF HURRICANE KATRINA):

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DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Pari-Mutuel Wagering

RULE TITLES:	RULE NOS.:
Definitions	61D-7.001
Calculation of Payout and Distribution of Pools – General	61D-7.002
Pick (N) Pools	61D-7.014
Trifecta and Superfecta Combinations	61D-7.015

Mutuels Tickets, Cashing, Records, and
 Totalisator Security Requirements 61D-7.021
 Outs Cashed After the End of the Meet 61D-7.022
 Reporting of Wagering Activities,
 Permitholder and Totalisator Reports 61D-7.023
 Totalisator Requirements 61D-7.024

PURPOSE AND EFFECT: The purpose and effect of the proposed rule will be to implement and interpret Florida Statutes that relate to reporting of pari-mutuel wagering activity on pools and totalisator reports.

SUBJECT AREA TO BE ADDRESSED: The subject areas to be addressed in this rule are amendments to the existing rules to appropriately reference revised forms for reporting of pari-mutuel and totalisator activity.

SPECIFIC AUTHORITY: 550.0251(3),(7), 550.125(2)(b), 550.155(1), 550.125(2)(b), 550.1645(1), 550.495(4),(5), 550.6305(5) FS.

LAW IMPLEMENTED: 550.0251, 550.125, 550.155, 550.1645, 550.2633, 550.3551, 550.495, 550.6305 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 (PREVIOUS WORKSHOP POSTPONED DUE TO POTENTIAL THREAT OF HURRICANE KATRINA):

TIME AND DATE: 9:00 a.m. – 1:00 p.m., September 29, 2005

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DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Pari-Mutuel Wagering

RULE TITLES:	RULE NOS.:
Admissions Requirements	61D-8.001
Financial Reporting Requirements	61D-8.002

Reporting Requirements for Charity/ Scholarship Performances	61D-8.003
Retired Jai Alai Players Charity Days Fund: Accumulation Payments and Reporting	61D-8.004
Purses and Florida Owners' Awards, Horse Racing	61D-8.005

PURPOSE AND EFFECT: The purpose and effect of the proposed rule will be to implement and interpret Florida Statutes that relate to reporting requirements for taxes and takeout on pari-mutuel wagering.

SUBJECT AREA TO BE ADDRESSED: The subject areas to be addressed in this rule are amendments to the existing rules to appropriately reference revised forms for reporting of pari-mutuel taxes and takeout.

SPECIFIC AUTHORITY: 550.0251(3),(7),(9), 550.0351(8), 550.0951(2), 550.125(2)(b), 550.155(1), 550.2614(1),(2), (3),(4), 550.2625(2)(d), 550.3551(10), 550.6305(5) FS.

LAW IMPLEMENTED: 550.0251, 550.0351, 550.0951, 550.0951(5), 550.125, 550.155, 550.1647, 550.1648, 550.2614, 550.2625(2), 550.3551, 550.615, 550.625, 550.6305, 550.655 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 (PREVIOUS WORKSHOP POSTPONED DUE TO POTENTIAL THREAT OF HURRICANE KATRINA):

TIME AND DATE: 9:00 a.m. – 1:00 p.m., September 29, 2005

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

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: Mary Polombo, (850)413-0750. If you are hearing or speech impaired, please contact the agency using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

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THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**Division of Pari-Mutuel Wagering**

RULE TITLES:	RULE NOS.:
Interstate and Intertrack Broadcasts	61D-9.001
Interstate and Intertrack Broadcasts – Emergency Procedures	61D-9.003
Intertrack Wagering – Permitholder Accounting, Reporting and Ticket Cashing Responsibilities	61D-9.004

PURPOSE AND EFFECT: The purpose and effect of the proposed rule will be to implement and interpret Florida Statutes that relate to reporting of interstate (simulcast) and intertrack wagering activities.

SUBJECT AREA TO BE ADDRESSED: The subject areas to be addressed in this rule are amendments to the existing rules to appropriately reference revised forms for reporting of pari-mutuel interstate (simulcast) and intertrack wagering.

SPECIFIC AUTHORITY: 550.0251(3),(7), 550.155(1), 550.125(2)(b), 550.2625(2)(d), 550.3551(10), 550.495(4), 550.6305(5) FS.

LAW IMPLEMENTED: 550.0251, 550.155, 550.125, 550.2625, 550.3551, 550.495, 550.615, 550.625, 550.6305 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 (PREVIOUS WORKSHOP POSTPONED DUE TO POTENTIAL THREAT OF HURRICANE KATRINA):

TIME AND DATE: 9:00 a.m. – 1:00 p.m., September 29, 2005

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

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: Mary Polombo, (850)413-0750. If you are hearing or speech impaired, please contact the agency using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Mary Polombo, Clerk, Division of Pari-Mutuel Wagering, 1940 North Monroe Street, Tallahassee, Florida 32399-1035

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**Division of Pari-Mutuel Wagering**

RULE TITLE:	RULE NO.:
Incorporated and Approved Forms	61D-10.001

PURPOSE AND EFFECT: The purpose and effect of the proposed rule will be to implement and interpret Florida Statutes that relate to reporting of activities conducted at a pari-mutuel wagering facility.

SUBJECT AREA TO BE ADDRESSED: The subject area to be addressed in this rule is renumbering and revisions to all forms utilized by the division in its rules regulating pari-mutuel wagering.

SPECIFIC AUTHORITY: 120.80(4)(a), 550.01215(4), 550.0251(2),(3),(5),(6), 550.0351(8), 550.054(5),(8)(b), 550.105(1),(2)(c),(4)(b),(d),(5),(9), 550.125(2)(b), (3)(a), 550.155(1), 550.1815(5), 550.2415(2),(3)(b),(5)(a),(b),(6)(b), (8)(a),(b),(c),(e), (9)(b),(c), (13), 550.2614(4), 550.2625(2)(d), 550.3551(10), 550.495(2)(a),(4), 550.6305(5) FS.

LAW IMPLEMENTED: 120.633, 120.80, 550.01215, 550.0251, 550.0351, 550.054, 550.105, 550.125, 550.155, 550.1815, 550.2415, 550.2625, 550.354, 550.3551, 550.495, 550.615, 550.625, 550.6305 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 (PREVIOUS WORKSHOP POSTPONED DUE TO POTENTIAL THREAT OF HURRICANE KATRINA):

TIME AND DATE: 9:00 a.m. – 1:00 p.m., September 29, 2005

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

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: Mary Polombo, (850)413-0750. If you are hearing or speech impaired, please contact the agency using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Mary Polombo, Clerk, Division of Pari-Mutuel Wagering, 1940 North Monroe Street, Tallahassee, Florida 32399-1035

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**Division of Pari-Mutuel Wagering**

RULE TITLES:	RULE NOS.:
Cardroom Games	61D-11.002
Cardroom Operator License	61D-11.007
Cardroom Business Occupational License	61D-11.008
Cardroom Employee Occupational License	61D-11.009
Duties of Cardroom Operators	61D-11.012
Chips and Tokens	61D-11.015
Admissions Requirements	61D-11.017
Reporting Requirements to Determine Net Proceeds	61D-11.018
Tournaments	61D-11.027

PURPOSE AND EFFECT: The purpose and effect of the proposed rule will be to implement and interpret Florida Statutes that relate to reporting on the operation of cardrooms by pari-mutuel permitholders who possess a cardroom license issued by the division.

SUBJECT AREA TO BE ADDRESSED: The subject areas to be addressed in this rule are amendments to the existing rules to conform with recent legislation allowing for the relocation of a cardroom in certain circumstances and for the rules to appropriately reference revised forms for reporting of cardroom activity.

SPECIFIC AUTHORITY: 550.0251(12), 849.086(4),(5),(6), (8),(11),(13) FS.

LAW IMPLEMENTED: 849.086 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 (PREVIOUS WORKSHOP WAS POSTPONED DUE TO POTENTIAL THREAT OF HURRICANE KATRINA):

TIME AND DATE: 9:00 a.m. – 1:00 p.m., September 29, 2005

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

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: Mary Polombo, (850)413-0750. If you are hearing or speech impaired, please contact the agency using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Mary Polombo, Clerk, Division of Pari-Mutuel Wagering, 1940 North Monroe Street, Tallahassee, Florida 32399-1035

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**Division of Pari-Mutuel Wagering**

RULE TITLE:	RULE NO.:
Incorporated and Approved Forms	61D-12.001

PURPOSE AND EFFECT: The purpose and effect of the proposed rule will be to implement and interpret Florida Statutes that relate to reporting of activities conducted in licensed cardrooms operated by a pari-mutuel wagering permitholder.

SUBJECT AREA TO BE ADDRESSED: The subject area to be addressed in this rule is renumbering and revisions to all forms utilized by the division in its rules regulating cardroom activities.

SPECIFIC AUTHORITY: 550.0251(12), 849.086(4), (5), (6), (7), (9), (11), (13), (16), (17) FS.

LAW IMPLEMENTED: 849.086 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 (PREVIOUS WORKSHOP POSTPONED DUE TO POTENTIAL THREAT OF HURRICANE KATRINA):

TIME AND DATE: 9:00 a.m. – 1:00 p.m., September 29, 2005

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

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: Mary Polombo, (850)413-0750. If you are hearing or speech impaired, please contact the agency using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Mary Polombo, Clerk, Division of Pari-Mutuel Wagering, 1940 North Monroe Street, Tallahassee, Florida 32399-1035

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF HEALTH**Board of Chiropractic Medicine****RULE TITLE:**

Deceptive and Misleading Advertising

RULE NO.:

Prohibited; Policy; Definition 64B2-15.001

PURPOSE AND EFFECT: The Board proposes to add language clarifying what advertisement or advertising of acupuncture services shall be deemed by the Board to be fraudulent, false, deceptive or misleading.

SUBJECT AREA TO BE ADDRESSED: Deceptive and Misleading Advertising Prohibited; Policy; Definition.

SPECIFIC AUTHORITY: 460.405 FS.

LAW IMPLEMENTED: 456.062, 460.413(1)(d) FS.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B2-15.001 Deceptive and Misleading Advertising Prohibited; Policy; Definition.

(1) No change.

(2) No chiropractor shall disseminate or cause the dissemination of any advertisement or advertising which is in any way fraudulent, false, deceptive or misleading. Any advertisement or advertising shall be deemed by the Board to be fraudulent, false, deceptive, or misleading if it:

(a) through (l) No change.

(m) Contains a reference that the chiropractic physician is licensed to practice acupuncture, unless the chiropractic physician is licensed under the provisions of Chapter 457, Florida Statutes. Any chiropractic physician certified to practice acupuncture pursuant to Section 460.403, Florida Statutes, and Rules 64B2-11.012, 64B2-11.013, and 64B2-17.003, F.A.C., and using the term "acupuncture" in the letterhead, business card, or other advertisement, must state that the practitioner is "certified" to practice acupuncture and identify that the practitioner is a chiropractor in the same print size or volume.

(3) No change.

Specific Authority 460.405 FS. Law Implemented 456.062, 460.413(1)(d) FS. History—New 1-10-80, Amended 11-25-81, 5-12-83, Formerly 21D-15.01, Amended 4-19-89, Formerly 21D-15.001, 61F2-15.001, Amended 7-18-95, Formerly 59N-15.001, Amended 9-21-98, 5-20-99, 4-23-00, 11-19-00, 10-24-04, _____.

DEPARTMENT OF HEALTH**Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling****RULE TITLES:**

Disciplinary Guidelines

RULE NOS.:

64B4-5.001

Minor Violations, Notice of Noncompliance 64B4-5.005

PURPOSE AND EFFECT: The Board proposes to amend the existing rules to clarify what discipline will be imposed on a licensee practicing on retired status license.

SUBJECT AREA TO BE ADDRESSED: Disciplinary Guidelines; Minor Violations, Notice of Noncompliance.

SPECIFIC AUTHORITY: 120.695, 456.073(3), 456.079, 468.365(4), 491.004(5) FS.

LAW IMPLEMENTED: 120.695, 456.072, 456.073(3), 468.365, 491.009(2)(n), 491.0149 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: Susan Foster, Executive Director, Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

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

DEPARTMENT OF HEALTH**Board of Dentistry****RULE TITLE:**

Teaching Permits

RULE NO.:

64B5-7.005

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

SUBJECT AREA TO BE ADDRESSED: Teaching Permits.

SPECIFIC AUTHORITY: 466.002(6), 466.004(4) FS.

LAW IMPLEMENTED: 466.002(6), 466.017(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: Sue Foster, Executive Director, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B5-7.005 Teaching Permits.

(1) A teaching permit ~~shall~~ ~~may~~ be issued by the Board of Dentistry to a faculty member of a dental education program school accredited by the Commission on Dental Accreditation of the American Dental Association and located within a dental school as defined herein ~~or a medical school accredited by the American Medical Association's Liaison Committee for Medical Education~~ upon the request of the dean of the school if the faculty member:

(a) Has a degree in dentistry and is ~~is~~ eligible to take the Florida dental licensure examination or has not failed the Florida dental licensure examination. A permit may not be issued if an applicant fails to pass the clinical examination in three attempts until he or she completes a one year general practice residency, advanced education general dentistry residency, or pedodontic residency or a minimum of one academic year of undergraduate clinical coursework in dentistry at a dental school approved by the American Dental Association's Commission on Dental Accreditation; and

(b) Is a full-time faculty member; and unless otherwise permitted by law:

(c) Does not engage in the practice of dentistry, except at the teaching facilities under the programs of the dental ~~or medical~~ school described in subsections 64B5-7.005(1), (3), F.A.C.

(2) A teaching permit ~~shall~~ ~~may~~ be issued to a graduate of a foreign dental college if the graduate meets the requirements of paragraphs 64B5-7.005(1)(a)-(c), F.A.C.

(3) A dental school is an educational institution that includes but need not be limited to a predoctoral dental education program of not less than four years from which students graduate with a D.D.S. or D.M.D. degree.

~~(4)(3)~~ A teaching permit or temporary teaching permit authorizes the holder to practice dentistry at the teaching facility under the following terms and conditions:

(a) All records pertaining to the teaching practice shall be subject to review and available to the Board.

(b) Upon the Board's request, the permit holder shall submit any information the Board deems necessary to evaluate compliance with Chapters 456 and 466, F.S., and Chapter 64B5, F.A.C.

(c) Permits shall be in effect only as long as the holder is a full-time faculty member of the College of Dentistry ~~or School of Medicine~~ and shall be automatically cancelled and nullified by the termination of the holder as a faculty member of the teaching facility or third time failure of the Florida dental licensure examination.

(d) Teaching permits are subject to cancellation or revocation by the Board for failure to comply with Chapters 456 and 466, F.S., and Chapter 64B5, F.A.C.

~~(5)(4)~~ Prior to issuance of a teaching permit, each faculty member must provide proof of current CPR certification. If otherwise eligible, the faculty member will be granted a permit with the requirement that current CPR certification be obtained within 60 days. Each faculty member holding a teaching faculty permit shall maintain current CPR certification.

Specific Authority 466.002(6), 466.004(4) FS. Law Implemented 466.002(6), 466.017(4) FS. History--New 4-30-80, Amended 1-13-81, Formerly 21G-7.05, Amended 1-29-89, Formerly 21G-7.005, 61F5-7.005, Amended 10-16-96, 3-16-97, Formerly 59Q-7.005, Amended 11-10-98, 8-3-00, 1-12-04,

DEPARTMENT OF HEALTH

Board of Massage Therapy

RULE CHAPTER TITLE:

RULE CHAPTER NO.:

Fee Schedule

64B7-27

PURPOSE AND EFFECT: The Board proposes the development of rule amendments and new rules to address retired status licenses and other issues in order to implement Section 456.036, F.S., 2005 and other laws.

SUBJECT AREA TO BE ADDRESSED: Fee Schedule.

SPECIFIC AUTHORITY: 456.013(2), 456.025(7), 456.036, 456.065(3), 480.035(7), 480.0425, 480.044(1) FS.

LAW IMPLEMENTED: 456.013(2), 456.025(1), (7), 456.036, 456.065(3), 480.043(7), 480.044(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, IF AVAILABLE, IS: Pamela E. King, Executive Director, Board of Massage Therapy, 4052 Bald Cypress Way, Bin #C06, Tallahassee, FL 32399-3256

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

DEPARTMENT OF HEALTH

Board of Massage Therapy

RULE TITLE:

RULE NO.:

Disciplinary Guidelines

64B7-30.002

PURPOSE AND EFFECT: The Board proposes to review the existing language in this rule to determine whether changes are necessary.

SUBJECT AREA TO BE ADDRESSED: Disciplinary Guidelines.

SPECIFIC AUTHORITY: 456.072(2), 456.073(4), 456.079(1),(3),(4), 480.035(7) FS.

LAW IMPLEMENTED: 456.072(2), 456.073(4), 456.079(1),(3),(4), 480.046, 480.047 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Pamela E. King, Executive Director, Board of Massage Therapy, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF HEALTH

Board of Massage Therapy

RULE TITLE: Advertisement
RULE NO.: 64B7-33.001

PURPOSE AND EFFECT: The Board proposes to review the existing language in this rule to determine whether changes are necessary.

SUBJECT AREA TO BE ADDRESSED: Advertisement.

SPECIFIC AUTHORITY: 480.035(7) FS.

LAW IMPLEMENTED: 480.046(1)(d),(f), 480.0465 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Pamela E. King, Executive Director, Board of Massage Therapy, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF HEALTH

Board of Medicine

RULE TITLES: Physician Assistant Licensure
Citation Authority
RULE NOS.: 64B8-30.003
64B8-30.014

PURPOSE AND EFFECT: In Rule 64B8-30.003, F.A.C., the Board proposes the development of a rule amendment clarifying the criteria for those who have not passed the NCCPA PANCE exam within 5 attempts. For Rule 64B8-30.014, F.A.C., the Board proposes the development of rule amendments to set forth additional violations which are appropriate for issuance of a citation, and to increase the fine for failure to notify of a change in supervisor.

SUBJECT AREA TO BE ADDRESSED: Clarification of criteria for those who have not passed the PA licensure exam within 5 attempts and violations appropriate for the issuance of citations.

SPECIFIC AUTHORITY: 456.013, 456.031(2), 456.033(6), 456.077, 458.309, 458.347 FS.

LAW IMPLEMENTED: 456.013, 456.017, 456.031, 456.033, 456.077, 458.347 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: Larry McPherson, Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B8-30.003 Physician Assistant Licensure.

(1) No change.

(2) Applicants who have not passed the NCCPA PANCE examination within five (5) attempts and have not practiced as a fully licensed physician assistant shall be required to successfully complete a minimum of three (3) months in a full-time review course at an accredited physician assistant program approved by the Chair of the Physician Assistant Committee ~~prior to sitting for the sixth examination attempt.~~ Said completion shall be documented by a letter signed by the head of the program stating that the applicant has satisfactorily completed the course.

(3) through (5) No change.

Specific Authority 456.013, 456.031(2), 456.033(6), 458.309, 458.347 FS. Law Implemented 456.013, 456.017, 456.031, 456.033, 458.347 FS. History—New 4-28-76, Amended 11-15-78, 10-23-80, 12-4-85, Formerly 21M-17.03, Amended 5-13-87, 11-15-88, 11-15-90, 1-9-92, 5-6-93, Formerly 21M-17.003, Amended 9-21-93, Formerly 61F6-17.003, Amended 9-8-94, 11-30-94, 10-25-95, 3-25-96, Formerly 59R-30.003, Amended 6-7-98, 8-19-99, 5-28-00, 3-3-02, 5-19-03, 10-19-03, 11-17-03, 9-5-05, _____.

64B8-30.014 Citation Authority.

In lieu of the disciplinary procedures contained in Section 456.073, F.S., the offenses enumerated in this rule may be disciplined by the issuance of a citation. The citation shall include a requirement that the licensee correct the offense, if possible, within a specified period of time, impose whatever obligations will correct the offense, and impose the prescribed penalty.

(1) through (2) No change.

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

VIOLATIONS	PENALTY
(a) through (f) No change.	
(g) Failure to report to the Department of addition/deletion/change of supervising physician(s). (Section 456.035, F.S.) (Section 458.331(1)(g), F.S.) (Section 458.347(7)(e), (g), F.S.)	<u>\$250 fine per supervising physician \$125 fine</u>

(h) Failure to notify the Board in writing within 30 days if an action as defined in Section 458.331(1)(b), F.S., has been taken against one's license to practice as a physician assistant in another state, territory, or country if that action was based on action taken by the Florida Board of Medicine. (Section 458.331(1)(kk), F.S.) (Section 456.072(1)(w), F.S.)

(i) First time failure to pay fine or costs imposed by Board Order within 30 days of the due date of the fine or costs. (Failure to pay more than 30 days after the due date will result in an administrative complaint) (Section 456.072(1)(q), F.S.)

(4) Citations shall be issued to licensees by the Bureau of Investigative Services only after review by the legal staff of the Department of Health, Division of Regulation. Such review may be by telephone, in writing, or by facsimile machine.

(5) The procedures described herein apply only for an initial offense of the alleged 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 an initial offense for which a citation could be issued occur in conjunction with other violations, then the procedures of Section 456.073, F.S., shall apply.

(6) The subject has 30 days from the date the citation becomes a final order to pay any fine imposed and costs. All fines and costs are to be made payable to the "Department of Health" and sent to the Department of Health in Tallahassee. A copy of the citation shall accompany the payment of the fine.

~~(5)(7)~~ The Department of Health shall, at the end of each calendar quarter, submit a report to the Board of the citations issued, which report shall contain the name of the subject, the violation, fine imposed, and the number of subjects who dispute the citation and chose to follow the procedures of Section 456.073, F.S.

Specific Authority 456.077, 458.309, 458.347(7)(g),(12) FS. Law Implemented 456.077, 458.331, 458.347(7)(g),(12) FS. History--New 3-3-02, Amended 5-19-03, 11-17-03, 5-4-04,_____.

DEPARTMENT OF HEALTH

Board of Opticianry

RULE TITLES:	RULE NOS.:
Retirement Status Fee	64B12-11.005
Duplicate License Fee	64B12-11.017

PURPOSE AND EFFECT: The Board proposes new rule to add fees for retirement status and amend rules to delete obsolete language.

SUBJECT AREA TO BE ADDRESSED: \$50.00 retirement status fee; and obsolete wall certificate and duplicate license fees.

SPECIFIC AUTHORITY: 456.025(11), 484.005 FS.

LAW IMPLEMENTED: 456.025(11), 456.036 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: Sue Foster, Executive Director, Board of Opticianry, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3253

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B12-11.005 Retirement Status Fee.

The fee for retirement status of an active or inactive license shall be \$50.00.

Specific Authority 484.005 FS. Law Implemented 456.036 FS. History--New _____.

64B12-11.017 Duplicate License Fee.

(1) If a duplicate license is requested by a licensee, the fee is \$25.00 for the duplicate license.

(2) Licensees licensed prior to July 1, 1998, may obtain a wall certificate by submitting a written request to the Board along with a \$25.00 fee.

(3) If a duplicate wall certificate is requested by a licensee, the fee is \$25.00 for the duplicate wall certificate.

Specific Authority 456.025(11), 484.005 FS. Law Implemented 456.025(11) FS. History--New 2-23-93, Formerly 21P-11.017, 61G13-11.017, 59U-11.017, Amended 10-29-02,_____.

DEPARTMENT OF HEALTH**Board of Osteopathic Medicine**

RULE TITLE: RULE NO.:

Citation Authority 64B15-6.01051

PURPOSE AND EFFECT: The Board proposes the development of rule amendments to set forth additional violations which are appropriate for issuance of a citation, and to increase the fine for failure to notify of a change in supervisor.

SUBJECT AREA TO BE ADDRESSED: The Board proposes the development of rule amendments to set forth additional violations which are appropriate for issuance of a citation, and to increase the fine for failure to notify of a change in supervisor.

SPECIFIC AUTHORITY: 456.077, 459.005, 459.022(7)(f),(12) FS.

LAW IMPLEMENTED: 456.077, 459.015, 459.022(7)(f),(12) 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: Pamela King, Executive Director, Board of Osteopathic Medicine/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B15-6.01051 Citation Authority.

In lieu of the disciplinary procedures contained in Section 456.073, F.S., the offenses enumerated in this rule may be disciplined by the issuance of a citation. The citation shall include a requirement that the licensee correct the offense, if possible, within a specified period of time, impose whatever obligations will correct the offense, and impose the prescribed penalty.

(1) through (2) No change.

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

VIOLATIONS

(a) through (f) No change.

(g) Failure to report to the Department of addition/deletion/change of supervising physician(s).

(Sections 456.035, 459.015(1)(g), 459.022(7)(e),(g), F.S.)

PENALTY

\$250 fine per supervising physician ~~\$125 fine~~

(h) Failure to notify the Board in writing within 30 days if an action as defined in Section 459.015(1)(b), F.S., has been taken against one's license to practice as a physician assistant in another state, territory, or country if that action was based on action taken by the Florida Board of Osteopathic Medicine. (Section 456.072(1)(w), F.S.)

(i) First time failure to pay fine or costs imposed by Board Order within 30 days of the due date of the fine or costs. (Failure to pay more than 30 days after the due date will result in an administrative complaint). (Section 456.072(1)(q), F.S.)

(4) Citations shall be issued to licensees by the Bureau of Investigative Services only after review by the legal staff of the Department of Health, Division of Regulation. ~~Such review may be by telephone, in writing, or by facsimile machine.~~

~~(5) The procedures described herein apply only for an initial offense of the alleged 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 an initial offense for which a citation could be issued occur in conjunction with other violations, then the procedures of Section 456.073, F.S., shall apply.~~

~~(6) The subject has 30 days from the date the citation becomes a final order to pay any fine imposed and costs. All fines and costs are to be made payable to the "Department of Health" and sent to the Department of Health in Tallahassee. A copy of the citation shall accompany the payment of the fine.~~

~~(5)(7) The Department of Health shall, at the end of each calendar quarter, submit a report to the Board of the citations issued, which report shall contain the name of the subject, the violation, fine imposed, and the number of subjects who dispute the citation and chose to follow the procedures of Section 456.073, F.S.~~

Specific Authority 456.077, 459.005, 459.022(7)(f),(12) FS. Law Implemented 456.077, 459.015, 459.022(7)(f),(12) FS. History--New 3-10-02, Amended 1-12-04, 5-4-04, _____.

DEPARTMENT OF HEALTH**Board of Osteopathic Medicine**

RULE TITLE: RULE NO.:

Definitions 64B15-9.0055

PURPOSE AND EFFECT: The Board proposes the development of a rule amendment to address the definition of administrative medicine.

SUBJECT AREA TO BE ADDRESSED: The definition of administrative medicine.

SPECIFIC AUTHORITY: 456.013(13), 459.005 FS.

LAW IMPLEMENTED: 456.036(9), 459.007(5) 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: Pamela King, Executive Director, Board of Osteopathic Medicine/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B15-9.0055 Definitions.

The term "administrative medicine" as used in this rule chapter, shall be defined as the administration or management of a private or government organization, by a licensed physician, wherein the physician is required to apply and utilize the medical and clinical knowledge, skills, and judgment that are unique to a licensed physician. Administrative medicine shall include, but is not limited to, administering or managing a hospital or other health service, developing health operational policy, planning or purchasing health services or administering or managing a government healthcare benefit program. Administration medicine does not include diagnosing or treating patients or the prescription of drugs or controlled substances.

Specific Authority 456.013(13), 459.005 FS. Law Implemented 456.036(9), 459.007(5) FS. History—New _____.

DEPARTMENT OF HEALTH**Board of Osteopathic Medicine**

RULE TITLE: RULE NO.:

Retired Physician Fee 64B15-10.011

PURPOSE AND EFFECT: The Board proposes the development of rule to address the fee for retired physicians.

SUBJECT AREA TO BE ADDRESSED: Retired physician fee.

SPECIFIC AUTHORITY: 456.036 FS.

LAW IMPLEMENTED: 456.036 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Pamela King, Executive Director, Board of Osteopathic Medicine/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

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

DEPARTMENT OF HEALTH**Board of Osteopathic Medicine**

RULE TITLE: RULE NO.:

Violations and Penalties 64B15-19.002

PURPOSE AND EFFECT: The Board proposes the development of a rule amendment to address the penalty for licensees who have been terminated or failed to comply with a treatment program.

SUBJECT AREA TO BE ADDRESSED: Disciplinary guidelines with regard to licensees who have been terminated or failed to comply with a treatment program.

SPECIFIC AUTHORITY: 456.079, 459.015(5) FS.

LAW IMPLEMENTED: 456.072, 456.079 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: Pamela King, Executive Director, Board of Osteopathic Medicine/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B15-19.002 Violations and Penalties.

In imposing discipline upon applicants and licensees, 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 statutory language is intended to provide a description of the violation and is not a complete statement of the violation; the complete statement may be found in the statutory provision cited directly under each violation description.

(1) through (57) No change.

(58) Being terminated from a treatment program for impaired practitioners, as described in Section 456.076, F.S., for failure to comply, without good cause, with the terms of the monitoring or treatment contract entered into by the licensee, or for not successfully completing any drug-treatment or alcohol-treatment program.
(456.072(1)(gg), F.S.)

FIRST OFFENSE:

Stayed suspension and probation and \$2,500 fine.

Suspension until licensee is able to demonstrate to the Board ability to practice with reasonable skill and safety to be followed by probation and \$5,000 fine.

SECOND OFFENSE:

Suspension until licensee is able to demonstrate to the Board ability to practice with reasonable skill and safety to be followed by probation and \$7,500 fine.

Revocation and \$10,000 fine.

Specific Authority 456.079, 459.015(5) FS. Law Implemented 456.072, 456.079 FS. History—New 9-30-87, Amended 10-28-91, 1-12-93, Formerly 21R-19.002, 61F9-19.002, 59W-19.002, Amended 2-2-98, 2-11-01, 6-7-01, 2-26-02, _____.

DEPARTMENT OF HEALTH

Board of Respiratory Care

RULE CHAPTER TITLE:

RULE CHAPTER NO.:

Fees

64B32-4

PURPOSE AND EFFECT: The Board proposes to review the entirety of this Chapter to ensure that all rules conform with existing statutory requirements and to determine if amendments and/or new rule language is necessary pertaining to all matters concerning the respiratory care profession or other mandatory requisites, pursuant to Section 120.74, FS.

SUBJECT AREA TO BE ADDRESSED: Retired or inactive licenses.

SPECIFIC AUTHORITY: 456.025(1), 456.036(7), 456.036(8), 468.353(1), 468.364 FS.

LAW IMPLEMENTED: 456.025(1), 456.025(6), 456.036, 456.065, 464.364 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A HEARING 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: Kaye

Howerton, Executive Director, Board of Respiratory Care, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

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

DEPARTMENT OF HEALTH

Board of Respiratory Care

RULE CHAPTER TITLE:

RULE CHAPTER NO.:

Discipline and Licensure

Provisions

64B32-5

PURPOSE AND EFFECT: The Board proposes to review the entirety of this Chapter to ensure that all rules conform with existing statutory requirements and to determine if amendments and/or new rule language is necessary pertaining to all matters concerning the respiratory care profession or other mandatory requisites, pursuant to Section 120.74, FS.

SUBJECT AREA TO BE ADDRESSED: Standard of practice for licensed respiratory therapists.

SPECIFIC AUTHORITY: 120.695, 456.072(4), 456.073(3), 456.077, 456.078, 456.079, 468.353(1), 468.354(5)(a), 468.365(1)(f), 468.365(4), 486.025 FS.

LAW IMPLEMENTED: 120.695, 456.032, 456.072, 456.072(3), 456.072(4), 456.073(3), 456.077, 456.078, 468.354(5)(a), 468.365, 468.365(1)(f), 468.365(1)(x), 468.365(2)(c) FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

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

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

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Family Safety and Preservation Program

RULE CHAPTER TITLE: RULE CHAPTER NO.:

Young Adult Independent Living 65C-31

PURPOSE AND EFFECT: To provide guidelines for the provision of Independent Living services and funding for persons between 18 and 23 years old who were previously in foster care.

SUBJECT AREA TO BE ADDRESSED: All Independent Living benefits available for young adults who were formerly foster children.

SPECIFIC AUTHORITY: 409.1451(9) FS.

LAW IMPLEMENTED: 409.1451(5) 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: 9:00 a.m., September 27, 2005

PLACE: Building 4, 1317 Winewood Blvd., Tallahassee, FL

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS AND A COPY OF THE PRELIMINARY DRAFT IS: Sherri Michel-Singer, Building 6, 1317 Winewood Blvd., Tallahassee, FL 32399, (850)413-0354

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

DEPARTMENT OF FINANCIAL SERVICES

OIR Administration

RULE TITLE: RULE NO.:

Organizational Structure of the Office 69N-121.003

PURPOSE AND EFFECT: To establish by rule the organizational structure of the Office of Insurance Regulation, as required by Section 20.121(3)(b), F.S.

SUBJECT AREA TO BE ADDRESSED: The organizational structure of the Office of Insurance Regulation.

SPECIFIC AUTHORITY: 20.121(3)(b) FS.

LAW IMPLEMENTED: 20.121(3)(b) 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.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Kathy Terwilliger, Legal Services, Office of Insurance Regulation, e-mail: kathy.terwilliger@fldfs.com

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

FINANCIAL SERVICES COMMISSION

Office of Insurance Regulation

RULE TITLE: RULE NO.:

Unfair Discrimination – Travel 69O-125.003

PURPOSE AND EFFECT: To identify the denial of life insurance or health insurance to a person based upon his or her travel plans as a prohibited act or practice pursuant to Section 626.9541(1)(g), F.S.

SUBJECT AREA TO BE ADDRESSED: Practices or acts prohibited by the Unfair Insurance Trade Practices Act.

SPECIFIC AUTHORITY: 626.9611, 624.308 FS.

LAW IMPLEMENTED: 626.9541 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., October 3, 2004

PLACE: Room 142, Larson Building, 200 East Gaines Street, Tallahassee, FL

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Frank Dino, Life and Health Product Review, Office of Insurance Regulation, E-mail frank.dino@fldfs.com.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.
