

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Don Davis, Office of Data Quality and Collection, Division of
 Workers' Compensation
 NAME OF SUPERVISOR OR PERSON WHO APPROVED
 THE PROPOSED RULE: Dan Sumner, Assistant Director,
 Division of Workers' Compensation
 DATE PROPOSED RULE APPROVED BY AGENCY
 HEAD: October 16, 2006
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT
 PUBLISHED IN FAW: October 27, 2006

THE FULL TEXT OF THE PROPOSED RULES IS:

9B-43.0041 Application and Administrative Requirements.

The Florida Small Cities CDBG program is governed by the Housing and Community Development Act of 1974, as amended; Title 24 C.F.R. 570; the "Guide to National Objectives and Eligible Activities for State CDBG Program" published by the US Department of Housing and Urban Development, as amended/revised; and the Florida Small Cities CDBG Program Application Manual, Form CDBG-A-1, Effective, which can be obtained by contacting the Florida Small Cities CDBG Program at the Department of Community Affairs, and are incorporated herein by reference, as effective on _____.

(1) through (1)(e) No change.

(f) Documents to meet application requirements ~~or additional submissions resulting from the site visit~~ must be submitted in original or photocopy form. ~~Facsimile or electronic submissions are not acceptable.~~ Additional submissions resulting from the site visit may be submitted by mail, facsimile or electronically.

(g) A local government with an open Planning and Design Specifications subgrant cannot apply for a new Commercial Revitalization, Housing or Neighborhood Revitalization subgrant.

(2) through (3)(c) No change.

(4) Consistency with Local Comprehensive Plan.

~~(a)~~ The application shall include affirmation that the proposed activities are consistent with applicable elements of the adopted local comprehensive plan and shall include applicable excerpts from the applicant's comprehensive plan in the supporting documentation section of the application.

~~(b) If the Department determines that an application is inconsistent with the adopted local comprehensive plan, the applicant shall be advised of that determination in the completeness review letter. If after review of the applicant's response, the Department reaffirms its determination of inconsistency, the application shall be rejected.~~

(5)(a) No change.

(b) Activities undertaken outside the applicant's jurisdiction which are also undertaken within the applicant's jurisdiction, except in an Economic Development application where the infrastructure activities may be undertaken exclusively outside the jurisdiction. Applicants considering projects that would benefit Entitlement community residents should refer to the HUD Memorandum entitled "State CDBG Activities benefiting Entitlement Community Residents," issued May 26, 2006.

(5)(c) through (d)3. No change.

(e) When two jurisdictions apply for funding for a joint project supported by two subgrants, an interlocal agreement must be included in each application that indicates that the

Section III

Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Aquaculture

RULE CHAPTER NO.: RULE CHAPTER TITLE:
 5L-3 Aquaculture Best Management Practices

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 32, No. 50, December 15, 2006 issue of the Florida Administrative Weekly. The date of a hearing, if requested, was incorrectly published. If requested in writing, the correct hearing date will be as follows:

DATE AND TIME: Monday, January 8, 2007, 9:00 a.m.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kal Knickerbocker, Department of Agriculture and Consumer Services, Division of Aquaculture, 1203 Governor's Square Boulevard, 5th Floor, Tallahassee, Florida 32301, (850)488-4033

DEPARTMENT OF COMMUNITY AFFAIRS

Division of Housing and Community Development

RULE CHAPTER NO.: RULE CHAPTER TITLE:
 9B-43 Florida Small Cities Community Development Block Grant Program
 RULE NOS.: RULE TITLES:
 9B-43.0041 Application and Administrative Requirements
 9B-43.0051 Grant Administration and Project Implementation

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with Section 120.54(3)(d)1., F.S., published in Vol. 32, No. 47, November 22, 2006, issue of the Florida Administrative Weekly. These changes are in response to comments received at a public hearing held on December 14, 2006 in Tallahassee.

jurisdictions have agreed upon a service area, how the funding under each subgrant will be expended, and evidence that each subgrant will meet the LMI national objective.

(6) through (7)(c) No change.

(8) Completeness Review Letter (for all grant categories except economic development). Following the site visit, the Department will advise the applicant of the status of the application review.

(a) The Department shall request in writing required documentation determined unavailable or inadequate during the site visit. Except for Economic Development applications, applicants shall have 21 ~~42~~ calendar days from the date the request is received to provide appropriate documentation to the Department.

(8)(b) through (d)2. No change.

(9) Eligibility. ~~Contract performance shall be considered "on time" for open subgrants that have received an agreement period extension of less than twelve months.~~ Performance is on time schedule when expenditures and work activity plans stated in awarded subgrant agreement(s) have been met or surpassed. Any subgrants which have received an extension of the grant period of twelve months or more will be considered not on time, except for the time extension required for an Economic Development project for the purpose of tracking additional job creation when contractual job creation commitments have been met, but the cost per job exceeds \$10,000.

Specific Authority 290.048 FS. Law Implemented 290.044, 290.046, 290.047, 290.0475 FS. History--New 5-23-06, Amended _____.

9B-43.0051 Grant Administration and Project Implementation.

(1) Administrative Costs.

(a) If proposed administrative cost percentages in an application are exceeded, as set forth in Section 290.047, F.S., the dollars for administrative costs shall be reduced prior to the offering of a subgrant award in order to bring the percentages into compliance based on the total eligible subgrant costs.

(b) During the term of the subgrant, requests for payment of administrative funds will be approved as reflected on approved workplans unless otherwise agreed to by the Department.

(2) through (5) No change.

(6) Completion of Activities. The Department will acknowledge a local government's closeout by mailing an administrative closeout notification or a Notice of Outstanding Closeout Issues (NOCISS).

(a) The NOCISS letter shall identify impediments to closeout which the local government must resolve before the Department's review of the closeout will proceed and will advise the local government that any remaining balance of funds will be deobligated.

(b) No change.

(7) Non-performance Penalties. Subgrant application penalties and subgrant application restrictions shall be assessed based on non-performance of contractual requirements related to project accomplishments. The following penalties and restrictions will apply to subgrant agreements for which an administrative closeout was submitted prior to the upcoming application cycle deadline and will apply regardless of whether the subgrant agreement has been amended to permit the reduction in accomplishments:

(a) A penalty of five points per housing unit, up to a maximum of 50 points, for failure to address the number of housing units scored in the original Housing category application.

(b) A penalty of five points per low and moderate income household not served OR a penalty of five points for each business facade not addressed, as geographically displayed on the original application maps (as modified, if necessary, during the completeness process) in the Neighborhood Revitalization or Commercial Revitalization categories, up to a maximum of 50 points. All direct benefit activities proposed in the application (e.g., water hookups) must be completed to avoid this penalty. No penalty shall be assessed for failure to provide a water or sewer hookup if the hookup is not possible because the home is vacant or was damaged or destroyed after application submission and there are no other homes in the service area that were identified in the application as unmet need which qualify for a hookup.

(c) A penalty of five points per job, up to a maximum of 50 points, for failure to create or retain the total number of jobs in the original contract in the Economic Development category.

(d) All performance-related penalties penalty will be applied to the Category Subscore of the next application for funding.

(d) through (e) renumbered (e) through (f) No change.

(8) through (11)(b) No change.

(c) Upon completion of the activities contained in the local government's CDBG subgrant agreement, including any amendments, the local government shall submit to the Department a closeout which, at a minimum, gives the final statement of costs, certifies that the project and all non-administrative activities are completed and accepted, that all costs except those reflected on the closeout, and reflected on an enclosed final request for funds, have been paid, that the final score at closeout is within the fundable range as last amended and reports demographics of the program's beneficiaries.

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

(g) A local government whose closeout is not received by the Department prior to the date of the opening of the application cycle, as defined in the Notice of Funding Availability (NOFA), shall not be eligible to apply for a

Commercial Revitalization, Housing, Neighborhood Revitalization, or Planning and Design Specifications subgrant in that cycle.

(h) through (j) No change.

(12) Audit Requirements. If an audit or an attestation statement has not been received from a local government with either an open or administratively closed contract by the June 30 April 30 deadline date, a 25 point penalty will be assessed. The penalty will expire two years from the date that the audit or attestation statement was received.

(13) Program Income. Program income generated after closeout shall be returned to the Department. Program income generated prior to closeout of a subgrant shall be returned to the Department unless: Any program income generated by a Florida Small Cities CDBG subgrant, whether open or closed, shall be reported and returned to the Department.

(a) The program income is used to fund additional units of CDBG activities referenced in the subgrant agreement under which the program income was generated; and

(b) The recipient amends the subgrant agreement to encompass expenditure of that program income prior to administrative closeout.

(14) Non-program Income. No change.

Specific Authority 290.048 FS. Law Implemented 290.044, 290.046, 290.047, 290.0475 FS. History—New 5-23-06, Amended _____.

THE PERSON TO BE CONTACTED REGARDING THE NOTICE OF CHANGE: Esrone McDaniels, Program Administrator

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

Notices for the Board of Trustees of the Internal Improvement Trust Fund between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

STATE BOARD OF ADMINISTRATION

RULE NO.: 19-15.001 RULE TITLE: Insurance Capital Build-Up Incentive Program
 NOTICE OF CHANGE

The State Board of Administration, announces that the public meeting of the State Board of Administration during which the State Board of Administration intended to seek permission from the Trustees to file Rule 19-15.001, F.A.C., Insurance Capital Build-Up Incentive Program and the incorporated forms, for adoption, which was scheduled for January 17, 2007, as published in the Florida Administrative Weekly, Vol. 33, No. 51, on December 21, 2006, has been rescheduled to be held on January 18, 2007, at 9:00 a.m., in the Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, Florida

AGENCY FOR HEALTH CARE ADMINISTRATION

Division of Health Quality Assurance
 RULE NO.: 59A-3.255 RULE TITLE: Emergency Care

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule as noticed in Vol. 29, No. 48, November 26, 2003, Florida Administrative Weekly has been withdrawn.

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid
 RULE NO.: 59G-4.230 RULE TITLE: Physician Services

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 32, No. 44, November 3, 2006, issue of the Florida Administrative Weekly. These changes were made in response to written comments received prior to the public hearing.

The proposed rule is incorporating by reference Update March 2007 to the Florida Medicaid Physician Services Coverage and Limitations Handbook. The purpose of the update is to include the Medicaid Hospitalist Program policies. The Hospitalist Program is being implemented in Miami-Dade and Palm Beach counties. On Page 5-2, Recipients Who Are Excluded from the Hospitalist Program, we made the following revisions. For clarity, we revised the fourth bullet to read, "Recipients pending Medicaid Eligibility." We deleted the fifth bullet, "Recipients who are eligible but unassigned to a managed care plan"; because these recipients are not excluded from the Hospitalist Program.

A copy of the revised Update March 2007 to the Florida Medicaid Physician Services Coverage and Limitations Handbook is available from Diane Weller, Bureau of Medicaid Services, at (850)410-3037 or wellerd@ahca.myflorida.com.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants
 RULE NO.: 61C-5.006 RULE TITLE: Elevator Fees; Construction and Alteration Permits; Annual Certificates of Operation; Delinquency Fee; Temporary Operation Permits Certificate Replacement

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 32, No. 43, October 27, 2006 issue of the Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Pari-Mutuel Wagering

RULE NOS.:	RULE TITLES:
61D-4.002	Evaluating a Permit Application for a Pari-Mutuel Facility
61D-4.004	Application for Annual Racing License

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule referenced above in accordance with subparagraph 120.54(3)(d)1., Florida Statutes, published in Vol. 31, No. 51, December 23, 2005, issue of the Florida Administrative Weekly. The changes are in response to written comments received from the Joint Administrative Procedures Committee.

61D-4.002 Evaluating a Permit Application for a Pari-Mutuel Facility.

An applicant for a Florida Pari-Mutuel Facility permit shall submit a Form DBPR PMW-3010, Permit Application, a Form DBPR PMW-3030, Personal History Record, adopted and incorporated by Rule 61D-10.001, Florida Administrative Code, and a Form DBPR PMW-3195 ~~0400~~, Request for Release of Information and Authorization to Release Information, adopted and incorporated by Rule 61D-10.001, Florida Administrative Code.

(1) through (3) No change.

Specific Authority 550.054(5), 550.155(1), 550.1815(5) FS. Law Implemented 550.0251, 550.054, 550.0951, 550.155, 550.1815 FS. History--New 10-20-96, Amended 12-15-97,_____.

61D-4.004 Application for Annual Racing License.

(1) Any permitholder authorized to submit an application for an annual license to conduct races or games pursuant to Section 550.0115, Florida Statutes, shall make such application to the division on Form DBPR PMW-3060, Permitholder Application for Annual License and Operating Dates, and Form DBPR PMW-3080, Permitholder Calendar, both adopted and incorporated by Rule 61D-10.001, Florida Administrative Code, and Form DBPR PMW-3190 ~~0040~~, Officers and Directors, adopted and incorporated by Rule 61D-10.001, Florida Administrative Code. during the period between December 15 and January 4 for performances to be conducted during the next state fiscal year.

(2) No change.

Specific Authority 550.0251(3) FS. Law Implemented 550.0115, 550.01215, 550.5251 FS. History--New _____.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Pari-Mutuel Wagering

RULE NO.:	RULE TITLE:
61D-6.011	Penalty Guidelines for Class I-V Drug Violations

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule referenced above in accordance with subparagraph 120.54(3)(d)1., Florida Statutes, published in Vol. 31, No. 51, December 23, 2005, issue of the Florida Administrative Weekly. The changes are in response to written comments received from the Joint Administrative Procedures Committee.

61D-6.011 Penalty Guidelines for Class I-V Drug Violations.

(1) The presence of a Class I-V foreign substance, as defined by the Uniform Classification Guidelines for Foreign Substances revised April 15, 2004, (current edition) as promulgated by the Association of Racing Commissioners International, Inc., in the bodily fluids of an animal collected either immediately prior to or immediately after the racing of that animal constitutes a violation of Chapter 550, Florida Statutes. The Uniform Classification Guidelines for Foreign Substances revised April 15, 2004, (current edition) as promulgated by the Association of Racing Commissioners International, Inc., is hereby incorporated and adopted by reference. A copy of this document may be obtained by contacting the Division of Pari-Mutuel Wagering at 1940 North Monroe Street, Tallahassee, Florida 32399-1035.

(2) through (3) No change.

Specific Authority 550.0251(3), 550.2415(13), (14) FS. Law Implemented 550.0251, 550.1155, 550.2415(14) FS. History--New 1-5-98, Amended 2-8-01,_____.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Pari-Mutuel Wagering

RULE NOS.:	RULE TITLES:
61D-8.002	Financial Reporting Requirements
61D-8.005	Purses and Florida Owners' Awards, Horse Racing

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule referenced above in accordance with subparagraph 120.54(3)(d)1., Florida Statutes, published in Vol. 31, No. 51, December 23, 2005, issue of the Florida Administrative Weekly. The changes are in response to written comments received from the Joint Administrative Procedures Committee.

61D-8.002 Financial Reporting Requirements.

(1) through (4) No change.

(5) Every permitholder shall keep records to show all financial activity and shall submit to the division two copies of complete audited financial statements within 120 days after the conclusion of the permitholder's fiscal year. The financial statements shall contain, at a minimum, all reports and supplemental schedules as prescribed in ~~the Department of Business and Professional Regulation, Division of Pari-Mutuel Wagering's Form DBPR PMW-3690, 14-020~~; Uniform Reporting System Prescribed for Pari-Mutuel Permitholders, adopted and herein incorporated by Rule 61D-10.001, Florida Administrative Code reference. ~~A copy of this document may be obtained by contacting the Division of Pari-Mutuel Wagering at 1940 North Monroe Street, Tallahassee, Florida 32399-1035. The effective date of this document is _____.~~ All financial statements, supplemental schedules, and reports shall be examined in accordance with generally accepted auditing standards by a certified public accountant licensed to practice in Florida. The accountant shall express an opinion as to whether the financial statements, supplemental schedules, and reports are fairly stated in accordance with generally accepted accounting principles.

(6) through (9) No change.

Specific Authority 550.0251(3), (7), (9), 550.125(2)(b), 550.155(1), 550.3551(10), 550.6305(5) FS. Law Implemented 550.0251, 550.0951(5), 550.125, 550.155, 550.3551, 550.615, 550.6305, 550.6335 FS. History—New 10-20-96, Amended 12-15-97, 9-19-04, _____.

61D-8.005 Purses and Florida Owners' Awards, Horse Racing.

(1) through (12)(d) No change.

(13) ~~The division shall require specific records as necessary for conducting purse audits. A format as required by the division, shall be utilized for the reporting requirements in paragraphs (11) and (12).~~

(a) through (19) No change.

Specific Authority 550.2614(1), (2), (3), (4), 550.2625(2)(d) FS. Law Implemented 550.2614, 550.2625(2), 550.625, 550.655 FS. History—New 10-20-96, Amended 12-15-97, _____.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Pari-Mutuel Wagering

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

Notice is hereby given that the following changes have been made to the proposed rule referenced above in accordance with subparagraph 120.54(3)(d)1., Florida Statutes, published in Vol. 31, No. 51, December 23, 2005, issue of the Florida Administrative Weekly. The changes are in response to written comments received from the Joint Administrative Procedures Committee.

61D-10.001 Incorporated and Approved Forms.

The following is a list of all forms now incorporated which are to be used by the division in its dealing with the public and the racing industry. A copy of these forms may be obtained by contacting the Division of Pari-Mutuel Wagering at 1940 North Monroe Street, Tallahassee, Florida 32399-1035. The effective date of each of these forms is the promulgation date of this rule.

FORM NUMBER	SUBJECT	EFFECTIVE DATE
(1) through (7)	No change.	
(8) DBPR PMW-3100	Request for Appeal of Stewards'/Judges' <u>Ruling Hearing</u>	()
(9) through (13)	No change.	
(14) DBPR PMW-3190	<u>Officers and Directors</u>	()
(15) DBPR PMW-3195	<u>Request for Release of Information and Authorization to Release Information</u>	()
(16)(14) DBPR PMW-3280	Veterinarian Report of Race-Day Salix Administration	()
(17)(15) DBPR PMW-3290	Notification to Stewards/Judges of Split Sample Request	()
(18)(16) DBPR PMW-3300	Bleeder's Certificate	()
(19)(17) DBPR PMW-3310	Request to Discontinue Salix	()
(20)(18) DBPR PMW-3330	Salix Certification Waiver	()
(21)(19) DBPR PMW-3360	Kennel Personnel Roster	()
(22)(20) DBPR PMW-3510	Report of Escheated Outs	()
(23)(21) DBPR PMW-3520	Notification of Pari-Mutuel Operations	()
(24)(22) DBPR PMW-3540	Statement of Proceeds for Charity Day Performance	()
(25)(23) DBPR PMW-3550	Charity Day Proceeds and Distribution	()
(26)(24) DBPR PMW-3560	Monthly Remittance Report On-Track	()
(27)(25) DBPR PMW-3570	Monthly Remittance Report Intertrack	()
(28)(26) DBPR PMW-3580	Report of System Event or Malfunction	()
(29)(27) DBPR PMW-3590	Notification of Interstate Broadcasting	()
(30)(28) DBPR PMW-3600	Notification of Intertrack Wagering	()
(31)(29) DBPR PMW-3610	Totalisator System Checklist	()

- ~~(32)(30)~~ DBPR PMW-3620 Retired Jai Alai Players' Fund Distribution ()
- ~~(33)(34)~~ DBPR PMW-3630 Tickets Purchased and Cashed by the Totalisator Company ()
- (34) DBPR PMW-3690 Uniform Reporting System Prescribed for Pari-Mutuel Permitholders ()

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), (4)(d), (5), (9), 550.125(2)(b), (3)(a), 550.155(1), 550.1815(5), 550.2415(2), (3)(b), (5)(a), (5)(b), (6)(b), (8)(a), (8)(b), (8)(c), (8)(e), (9)(b), (9)(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. History—New 10-20-96, Amended 12-15-97,_____.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Pari-Mutuel Wagering

RULE NO.: 61D-11.009
 RULE TITLE: Cardroom Employee Occupational License

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule referenced above in accordance with subparagraph 120.54(3)(d)1., Florida Statutes, published in Vol. 31, No. 51, December 23, 2005, issue of the Florida Administrative Weekly. The changes are in response to written comments received from the Joint Administrative Procedures Committee.

61D-11.009 Cardroom Employee Occupational License.

(1) through (3) No change.

(4) All occupational and fingerprint fees are nonrefundable, except in situations where the applicant was charged in error. The Division will return the licensing fee if the applicant withdraws the application before processing begins.

(5) through (8) No change.

Specific Authority 550.0251(12), 849.086(4), (5), (6) FS. Law Implemented 849.086, 849.086(6) FS. History—New 1-7-97, Amended 5-9-04,_____.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Notices for the Department of Environmental Protection between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

DEPARTMENT OF HEALTH

Board of Medicine

RULE NO.: 64B8-53.001
 RULE TITLE: Requirements for Electrolysis Training Programs Approved by the Board

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 31, No. 28, July 15, 2005 issue of the Florida Administrative Weekly.

The changes are in response to comments submitted by the staff of the Joint Administrative Procedures Committee. The Electrolysis Council made recommendations for changes to the rule to the Board of Medicine, which were considered by the Board on April 7, 2006. The Board reviewed a different version of the rule than the version approved by the Council. No action was taken by the Board. The Council, at its meeting held on May 15, 2006, approved changes to the rule which were considered by the Board on June 2, 2006. The Board had additional concerns with the Council's recommendation and sent the rule back to the Council for additional changes. On December 2, 2006, the Board considered yet another draft of changes to the rule and approved the changes. When changed, the rule will be substantially reworded to read as follows:

(Substantial rewording of Rule 64B8-53.001. See Florida Administrative Code for present text).

64B8-53.001 Requirements for Electrolysis Training Programs Approved by the Board.

An electrolysis training program shall be approved by the Board for pre-licensure training if the following requirements are met:

(1) The electrolysis training program is licensed by the Commission for Independent Education and the license is a current, unencumbered provisional, regular or biennial license issued pursuant to Sections 1005.31-.38, F.S.

(a) Electrolysis training programs intended to train individuals to practice in Florida must provide the Electrolysis Council copies of all documents submitted to the Department of Education for initial approval and renewal by the Commission for Independent Education. Failure to provide these materials to the Council shall result in a denial or revocation of program approval by the Council.

(b) No home study or correspondence school or course will be considered in assessing an applicant's qualifications for licensure.

(2) Applicants shall complete and submit to the Council the application entitled "New Facility or New Ownership Application for Electrology Facility Licensure", form DOH/MQA/EP APP/REV-9/99, which is hereby incorporated by reference, copies of which may be obtained from the

Council Office at 4052 Bald Cypress Way, BIN C 05, Tallahassee, FL 32399. Approval by the Council is necessary before students are admitted.

(3) The facility where initial training is offered shall submit to the Council at least the following:

(a) A statement of the educational goals and objectives of the program;

(b) A detailed course outline or syllabus, including method of instruction, and testing materials;

(c) A current curriculum vitae of the course instructor(s);

(d) A sample certificate or diploma which includes the following which shall be filled in by the facility at the time of graduation:

Academic Hours	Traditional Classroom	Non-Traditional Classroom
Per 64B8-53.002(1) Successfully Completed	_____	_____
Clinical Hours	Traditional Classroom	Non-Traditional Classroom
Per 64B8-53.002(2) Successfully Completed	_____	_____

(e) A copy of the electrology facility license and the most recent Department of Health inspection sheet from the location where the training courses are to be offered demonstrating compliance with Rule 64B8-51.006, F.A.C.

(f) Proof of current, unencumbered licensure by the Commission for Independent Education, pursuant to Chapter 1005, Florida Statutes. Failure to maintain that license in good standing shall result in the loss of Council approval of the Program.

(g) Provide a copy of the application form submitted by students which shall include the following Notice in bold type no smaller than 14 points:

“Notice from the Florida Electrolysis Council

Applicants for an Electrolysis License in the State of Florida are required to have completed a specifically outlined course of academic and clinical studies. Those studies must have been taken in a classroom setting in the physical presence of the instructor. Only such classroom education will be considered adequate for licensure. No credit shall be awarded applicants for home study, correspondence, or other distance education.

I confirm that I have read and understand the foregoing notice.

Student Signature Date”

(4) The content of the program must include the curriculum standards set forth in subsections 64B8-53.002(1) and (2), F.A.C.. All curriculum must harmonize with and not be contrary to the following statements:

(a) The procedures to be used for electrolysis involve the insertion of a sterile needle electrode into the hair follicle(s) of prepared skin. After the application of the selected current, the treated hair(s) is (are) removed with sterile forceps. After treatment is complete, the treated area of the skin is given post-treatment care.

(b) Electrolysis training programs shall be limited to training in the universally accepted procedures of electrolysis and shall not include extemporaneous procedures licensed by any other Florida Board. One example of such an extemporaneous procedure would be waxing the treated area after electrolysis. A Cosmetology license is required for certain types of waxing. A second example would be the intentional treatment of telangiectasis (spider veins) with the epilator. This type of vascular surgery may only be performed by a Florida licensed physician.

(5) Only needle-type epilators shall be used in electrolysis training programs.

(6) All students in the clinical application phase of an electrolysis training program shall have access to a full work station consisting of an epilator, treatment table, stool, and supplies. During the clinical application phase of instruction in an electrolysis training program, there shall be only one student assigned to each work station.

(7) Each facility where electrolysis training programs are offered must meet the curriculum standards in Rule 64B8-53.002, F.A.C., and have the equipment required by Rule 64B8-53.003, F.A.C.

(8) Each facility where electrolysis training programs are offered must be licensed as an electrology facility pursuant to Rule 64B8-51.006, F.A.C.

(9) An electrolysis training program in another state or jurisdiction which does not license the practice of electrolysis shall be an approved electrolysis training program if meets requirements substantially equivalent to those in subsections 64B8-53.001(1) and (2), F.A.C.

Specific Authority 478.43(4), 478.50(4)(b) FS. Law Implemented 478.43(4), 478.45(1)(e), 478.50(4)(b) FS. History—New 9-29-93, Formerly 61F6-78.001, Amended 6-19-96, Formerly 59R-53.001, Amended 11-13-97,_____.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Susan Love, Executive Director, Electrolysis Council, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

DEPARTMENT OF HEALTH

Board of Pharmacy

RULE NO.: RULE TITLE:
64B16-27.103 Oral Prescriptions and Copies
NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 30, No. 50, December 10, 2004 issue of the Florida Administrative Weekly.

The change is in response to written comments submitted by the staff of the Joint Administrative Procedures Committee. The changes are as follows:

- 1. Subsection (1) shall now read as follows:
 - (1) Only a pharmacist or registered pharmacy intern acting under the supervision of a pharmacist may, in the state of Florida, accept an oral prescription of any nature.
- 2. Subsection (2) shall now read as follows:
 - (2) Only a pharmacist or registered pharmacy intern acting under the supervision of a pharmacist may, in the State of Florida, prepare a copy of a prescription or read a prescription to any person for purposes of providing reference concerning treatment of the person or animal for whom the prescription was written, and when said copy is given a notation shall be made upon the prescription that a copy has been given, the date given, and to whom given.
- 3. Section 465.014, F.S. will be added to the specific authority and law implemented.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Rebecca Poston, Executive Director, Board of Pharmacy, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254

DEPARTMENT OF HEALTH

Board of Pharmacy

RULE NO.: RULE TITLE:
 64B16-27.1001 Practice of Pharmacy
 NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 30, No. 50, December 10, 2004 issue of the Florida Administrative Weekly.

The change is in response to written comments submitted by the staff of the Joint Administrative Procedures Committee. The changes are as follows:

- 1. Subsection (1)(g) will be deleted in its entirety.
- 2. Subsection (6)(a) shall now read as follows:
 - (a) The pharmacist shall be considered present and on duty during any such meal break if a sign has been prominently posted in the pharmacy indicating the specific hours of the day during which meal breaks may be taken by the pharmacist and assuring patients that a pharmacist is available on the premises for consultation upon request during a meal break.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Rebecca Poston, Executive Director, Board of Pharmacy, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254

DEPARTMENT OF HEALTH

Board of Pharmacy

RULE NO.: RULE TITLE:
 64B16-27.1003 Transmission of Prescription Orders
 NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 30, No. 50, December 10, 2004 issue of the Florida Administrative Weekly.

The change is in response to written comments submitted by the staff of the Joint Administrative Procedures Committee. The rule shall now read as follows:

64B16-27.1003 Transmission of Prescription Orders.

Prescriptions may be transmitted from prescriber to dispenser in written form or by any means of communication. Prescriptions may be transmitted by facsimile systems as provided in Section 465.035, Florida Statutes, and federal law. Any direct transmission of prescriptions, including verbal, facsimile, telephonic or electronic data transmission, shall only be with the approval of the patient or patient’s agent. The pharmacist shall take such measures necessary to ensure the validity of all prescriptions received.

Specific Authority 465.005, 465.0155, 465.022 FS. Law Implemented 465.022, 465.026, 893.07 FS. History–New_____.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Rebecca Poston, Executive Director, Board of Pharmacy, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254

DEPARTMENT OF HEALTH

Board of Pharmacy

RULE NO.: RULE TITLE:
 64B16-28.120 Location of Legend Drugs
 NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 31, No. 13, April 1, 2005 issue of the Florida Administrative Weekly.

The change is in response to written comments submitted by the staff of the Joint Administrative Procedures Committee. The changes are as follows:

- 1. Subsections (2)(a) and (b) shall now read as follows:
 - (2) All medicinal drugs or drug preparations as defined in Section 465.003(8), F.S., within Class I Institutional permittees as defined in Section 465.019(2)(a), F.S. shall:
 - (a) Be administered from individual prescription containers to the individual patient; and
 - (b) Be prohibited within the confines of Class I Institutional pharmacies unless obtained upon a proper prescription and properly labeled in accordance with chapter 499, F.S., and the rules and regulations contained in Chapter

59A-4, F.A.C., incorporated by reference and effective 8/1/06, pertaining to the licensure of nursing homes and related facilities.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Rebecca Poston, Executive Director, Board of Pharmacy, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254

DEPARTMENT OF HEALTH

Board of Respiratory Care

RULE NO.: RULE TITLE:
64B32-6.001 Continuing Education Requirement
 NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 32 No. 37, September 15, 2006 issue of the Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF HEALTH

Board of Respiratory Care

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

Notice is hereby given that the above rule, as noticed in Vol. 32, No. 38, September 22, 2006 issue of the Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF FINANCIAL SERVICES

Division of State Fire Marshal

PART II, State Fire Marshal Nursing Home Loan Guarantee Program for Installation of Fire Protection Equipment

69A-53.005 Purpose and Scope
69A-53.0051 Definitions
69A-53.0052 Fire Sprinkler Requirements for
 Nursing Homes
69A-53.0053 State Fire Marshal Nursing Home
 Loan Guarantee Program:
 Application Procedures
69A-53.0054 State Fire Marshal Nursing Home
 Loan Guarantee Program:
 Eligibility and Coordination of
 Construction with Loan
 Requirements

NOTICE OF CHANGE

The Notice of Change regarding Rule Chapter 69A-53 that was published in Vol. 32, No. 50, December 15, 2006 edition of FAW should have contained all of the above rule titles.

**Section IV
Emergency Rules**

**BOARD OF TRUSTEES OF THE INTERNAL
IMPROVEMENT TRUST FUND**

Notices for the Board of Trustees of the Internal Improvement Trust Fund between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Notices for the Department of Environmental Protection between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

**Section V
Petitions and Dispositions Regarding Rule
Variance or Waiver**

DEPARTMENT OF STATE

NOTICE IS HEREBY GIVEN that on November 27, 2006, the Department of State received from Volusia County, A Petition for Variance of section IX(H) of the Public Library Construction Grant Guidelines from Volusia County, which is incorporated by reference into Rule 1B-2.011, F.A.C. The Petition is seeking a variance from the rule that gives a recipient of a public library construction grant, 540 days from the date of the grant award to place the construction project under contract. There are no exceptions to this requirement unless the grant recipient is involved in litigation.

A copy of this petition can be obtained from: Lisa Ginn, Agency Clerk, Office of the General Counsel, Department of State, 500 Bronough Street, Tallahassee, FL 32399-0250. The Department of State will accept comments concerning this petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m. (Eastern Standard Time), on the 14th day after publication of this notice, at: Department of State, Office of the General Counsel, 500 South Bronough Street, Tallahassee, FL 32399-0250.

DEPARTMENT OF TRANSPORTATION

NOTICE IS HEREBY GIVEN that the Florida Department of Transportation received a Petition for Variance from Palm Beach County; International Trade Center, LLC; and American Equities, Ltd. No. 6 on December 7, 2006, seeking a variance from the provisions of Chapter 14-94, Florida Administrative Code. Chapter 14-94, F.A.C., establishes the statewide minimum level of service standards to be used in the planning