

Section III
Notices of Changes, Corrections and
Withdrawals

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

AGENCY FOR HEALTH CARE ADMINISTRATION
Health Facility and Agency Licensing

RULE CHAPTER NO.: 59A-9
 RULE CHAPTER TITLE: Abortion Clinics

CORRECTED NOTICE OF PROPOSED RULEMAKING

PURPOSE AND EFFECT: The Agency proposes to revise Rule 59A-9, Florida Administrative Code, consistent with provisions of Chapter 2005-95, Laws of Florida, which revised Section 390.012, F.S. The law provides for adoption of rules for regulation of clinics providing abortions after the first trimester of pregnancy.

SUMMARY: The proposed rule revisions establish criteria for abortion clinic's physical facilities, supplies and equipment, clinic personnel, medical screening and evaluation, abortion procedures, recovery room standards, follow up care and incident reporting.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost has been prepared.

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

SPECIFIC AUTHORITY: 390.012 FS.

LAW IMPLEMENTED: 390.012 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):

DATE AND TIME: June 22, 2006, 1:00 p.m. – 5:00 p.m.

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building #3, Conference Room A, Tallahassee, FL 32308

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: M. Riley Gibson, Bureau of Health Facility Regulation, 2727 Mahan Drive, Tallahassee, Florida, or call (850)922-7752

THE FULL TEXT OF THE PROPOSED RULE IS:

Unchanged from published on May 26, 2006.

AGENCY FOR HEALTH CARE ADMINISTRATION

Health Facility and Agency Licensing

RULE NOS.:	RULE TITLES:
59A-18.002	Definitions
59A-18.004	Licensure Requirements, Procedures, and Fees
59A-18.0081	Certified Nursing Assistant and Home Health Aide

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 the Vol. 32, No. 6, February 10, 2006, issue of the Florida Administrative Weekly, and the Notice of Change published in the Vol. 32, No. 18, May 5, 2006, issue of the Florida Administrative Weekly. The changes are made to address comments received from the Joint Administrative Procedures Committee.

The changes are as follows:

59A-18.002 Definitions.

~~(1) "Administrator" means managing employee, or other similarly titled individual who is responsible for the daily operation of the nurse registry, pursuant to Section 400.506 and 400.512, F.S.~~

59A-18.004 Licensure Requirements, Procedures, and Fees.

1. Paragraph (4) shall now read:

(4) An initial licensure application shall include: Initial licensure – An application for an initial license to operate a nurse registry shall be submitted for a new operation or change of licensee accompanied by a non-refundable license fee of \$2,000 for each site in operation to be licensed, and must be submitted and signed under oath on AHCA Form 3110-7001, Nurse Registry Application for Initial License, Revised May 2006 ~~December 2005~~, which is incorporated by reference, provided by the agency, and shall include:

(a) through (h) No change.

(i) A signed Affidavit of Compliance with Screening Requirements, AHCA Form 3110-1014, Revised May 2006, incorporated by reference, from the administrator, stating that the administrator, the financial officer, and each direct care contractor who enters the home of patients or clients and who was registered with the nurse registry on or after October 1, 2000 has been screened in accordance with level 1 standards ~~for good moral character~~ and that the remaining contractors have been continuously registered with the nurse registry since before October 1, 2000, pursuant to Section 400.512(2), F.S.

1. Screening for the administrator, or similarly titled individual who is the managing employee responsible for the daily operation of the nurse registry, and for the financial officer, or similarly titled individual who is responsible for the financial operation of the nurse registry, including billings for

patient care and services, shall be in accordance with level 2 standards for screening set forth in Chapter 435 and in accordance with Section 400.506(2), F.S. The fingerprint card for level 2 screening for the administrator and the financial officer can be obtained from, and must be submitted to, the Agency for Health Care Administration, Licensed Home Health Programs Unit, 2727 Mahan Drive, Mail Stop 34, Tallahassee, Florida 32308. Screening processing fees for level 2 screening shall be made payable to the Agency for Health Care Administration.

2. Level 1 screening, shall be done in accordance with screening standards as provided in chapter 435, F.S., and as required in Section 400.512, F.S., for each contractor, ~~shall consist of:~~

~~a. Submission of the Level 1 Criminal History Request, AHCA Form 3110-002, Revised July 2005, incorporated by reference, to the Background Screening Unit, AHCA, 2727 Mahan Drive Mail Stop 40, Tallahassee, Florida 32308 or to the Florida Department of Law Enforcement, Crime Information Bureau, Post Office Box 1489, Tallahassee, Florida 32302.~~

~~b. This form may be obtained at the Agency for Health Care Administration web site, <http://ahea.myflorida.com>, at the Background Screening Unit page. The cost of processing the criminal records check shall be borne by the nurse registry or the contractor being screened, at the determination of the administrator of the nurse registry. The checks for level 1 screening shall be made payable to AHCA when forms are submitted to the Background Screening Unit at AHCA for the criminal records check. When forms are submitted to the Florida Department of Law Enforcement, the check shall be made payable to the Florida Department of Law Enforcement.~~

(j) through (m) No change.

2. The form referenced in subsection (4), AHCA Form 3110-7001, Nurse Registry Application for Initial License, Revised May 2006, is revised as follows:

Three items are deleted from the application checklist cover page: completion of the Affidavit of Good Moral Character, AHCA Form 3110-0001; submission of proof of liability insurance; and submission of a plan for hiring independent contractors.

The following items are changed on the application checklist cover page: the AHCA Form 3110-1014 is changed from an Affirmation to an Affidavit of Compliance with Screening Requirements; the opening statement is changed to show that all direct care staff contracted with have been screened using the level 1 standards rather than meeting the minimum standards of good moral character, and shows a revised date of May 2006; the AHCA Form 3110-1015, Volunteer Board Member Statement, shows a revised date of May 2006 since a statement is added specifying that the form is only required from not for profit entities and referencing the statutes authorizing completion of this form; the proof of

employer identification number from the IRS is added since it is already requested on Page 2 of the form; and the resume of the Alternate Administrator is added since it is already requested on Page 3 of the form.

The date of birth and the educational background for the Administrator is deleted on Page 3. The date of birth is not required and the educational background is included on the resume that is already required to be submitted with the application.

On Page 7, Item VII, Affidavit, the statement by the applicant has been changed to “state” rather than “swear (or affirm)””; a statement quoting Section 837.06, F.S., is added and the notary section is changed to “Acknowledged” rather than “Subscribed and sworn to or affirmed”.

3. Subsection (7) shall now read:

(7) An application for renewal of a registry license shall be submitted, as referenced in Section 400.506(5), F.S., not less than 60 days prior to expiration of the license. The submission shall be on AHCA Form 3110-7004, Nurse Registry Application for Renewal of License, ~~May 2006 December 2005~~, incorporated by reference, and shall include a renewal fee of \$2,000. The application shall include: All of the information required by paragraphs (4)(a) through (i)(~~m~~) above.

4. The referenced form in subsection (7), Nurse Registry Application for Renewal of License, AHCA Form 3110-7004, May 2006, is revised as follows:

Two items are deleted from the application checklist cover page: completion of the Affidavit of Good Moral Character, AHCA Form 3110-0001; and submission of evidence of current liability insurance.

The following items are changed on the application checklist cover page: the AHCA Form 3110-1014 is changed from an Affirmation to an Affidavit of Compliance with Screening Requirements; the opening statement is changed to show that all direct care staff contracted with have been screened using the level 1 standards rather than meeting the minimum standards of good moral character, and shows a revised date of May 2006; and the AHCA Form 3110-1015, Volunteer Board Member Statement, shows a revised date of May 2006 since a statement is added specifying that the form is only required from not for profit entities and referencing the statutes authorizing completion of this form.

The date of birth and the educational background for the Administrator is deleted on Page 3. The date of birth is not required and the educational background is included on the resume that is already required to be submitted with the application.

Information on independent contractors and numbers of non-licensed personnel contracted, Item III B on Page 4, is deleted from the form.

“5% or more percent” is inserted in Item IV C, Business Identification, for ownership information.

On Page 7, Item VII, Affidavit, the statement by the applicant has been changed to "state" rather than "swear (or affirm)"; a statement quoting Section 837.06, F.S., is added and the notary section is changed to "Acknowledged" rather than "Subscribed and sworn to or affirmed".

59A-18.0081 Certified Nursing Assistant and Home Health Aide.

1. Subsection (2) shall now read:

(2) Be responsible for documenting services provided to the patient or client and for filing said documentation with the nurse registry on a regular basis. These service logs will be stored by the nurse registry in the client's file, ~~along with a record of requested registered nurse visits.~~ The service logs shall include the name of the patient or client and a listing of the services provided;

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Jan Benesh, Licensed Home Health Programs Unit, Bureau of Health Facility Regulation, Agency for Health Care Administration, 2727 Mahan Drive, Mail Stop 34, Tallahassee, Florida 32308, beneshj@ahca.myflorida.com.

AGENCY FOR HEALTH CARE ADMINISTRATION

Certificate of Need

RULE NO.: 59C-1.021
RULE TITLE: Certificate of Need Penalties
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. 12, March 24, 2006, issue of the Florida Administrative Weekly.

THE FULL TEXT OF PROPOSED RULE CHANGES:

59C-1.021 Certificate of Need Penalties.

(3)(a) Facilities failing to comply with any conditions or failing to provide the certificate of need office with a report on its compliance with conditions set forth on the ~~c~~ertificate of ~~n~~eed or certificate of need exemption, will be assessed a fine, not to exceed \$1,000 per failure per day. In assessing the penalty the agency shall take into account the degree of noncompliance. Fines for noncompliance with an indigent care condition may be assessed using the following formula unless the condition noncompliance is found to be willful under paragraph (3)(b). Fines for willful noncompliance may be assessed in an amount greater than the fine assessed using the following formula:

CAGP = the service condition agreed to by certificate of need or certificate of need exemption holder

ACTP = the actual percentage of service provided by the certificate of need or the certificate of need exemption holder during the reporting year

FAMT = dollar amount of the fine

FAMT = \$365,000 x (CAGP – ACTP) / CAGP

Indigent care includes charity care and Medicaid. Charity care is defined, for purposes of condition compliance, as the portion of the facility charges reported to the Agency for Health Care Administration for which there is no compensation, other than restricted or unrestricted revenues provided to a facility by local governments or tax districts regardless of the method of payment, for care provided to a patient whose family income for the twelve months preceding the determination is less than or equal to 200 percent of the federal poverty level unless the amount of charges due from the patient exceed 25 percent of the annual family income. However, in no case shall the facility charges for a patient whose family income exceeds four times the federal poverty level for a family of four be considered charity. Medicaid patient days is defined, for purposes of condition compliance, as the patient days reimbursed by Medicaid.

(b) The existence of, but not limited to, one or more of the following circumstances may evidence willful condition noncompliance, allowing the agency to impose fines in excess of the calculated FAMT, but the total fine shall not exceed \$365,000:

1. The CON or CON exemption holder fails to meet its indigent care condition when the condition is below the rate of indigent care provided by all other facilities in the planning area for the reporting period; or

2. The CON or CON exemption holder has been fined for condition noncompliance for any of the previous 3 years' CON condition compliance reporting periods.

(3)(c) No change.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

RULE CHAPTER NO.: 61-6
RULE TITLE: Biennial Licensing
RULE NO.: 61-6.022
RULE TITLE: Department General Forms

NOTICE OF WITHDRAWAL

Notice is hereby given that the above proposed rule amendment, as noticed in Vol. 32, No. 3, January 20, 2006 issue, Florida Administrative Weekly have been withdrawn.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Michael Martinez, Deputy General Counsel, Department of Business and Professional Regulation, Office of the General Counsel, 1940 North Monroe Street, Tallahassee, FL 32399-2202

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Pari-Mutuel Wagering

RULE NOS.:	RULE TITLES:
61D-14.003	Renewal of Slot Machine Licenses
61D-14.006	Occupational License Application Requirements for Business Entities
61D-14.013	Pari-Mutuel Occupational License Transition Period Provisions
61D-14.016	Operational Requirements
61D-14.019	Compulsive or Addictive Gambling Prevention Program
61D-14.022	Slot Machine Requirements
61D-14.024	Logic Compartment
61D-14.040	Game Cycle, Payment of Credits by Ticket Printer, and Ticket Redemption
61D-14.042	Accounting and Occurrence Meter Specifications
61D-14.056	Security and Surveillance Logs
61D-14.061	Slot Cash Storage Boxes
61D-14.072	Cashier's Cage, Satellite Cages, Vaults, and Accounting Controls
61D-14.073	Meter Readings
61D-14.081	Monthly Remittance Reports

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. 32, No. 17, April 28, 2006, issue of the Florida Administrative Weekly. The changes are in response to written comments received from interested parties in the pari-mutuel industry and the Joint Administrative Procedures Committee, and comments made at a public rule hearing on May 23, 2006.

61D-14.003 Renewal of Slot Machine Licenses.

(1) No change.

(2) The license period for a renewed slot machine license shall be 1 year, which shall be concurrent with the pari-mutuel wagering annual license issued pursuant to Section 550.01215 or Section 550.5251, Florida Statutes.

(3) through (4) No change.

Specific Authority 551.103(1), 551.122 FS. Law Implemented 551.103(1)(a), (b), 551.104(4) FS. History—New _____.

61D-14.006 Occupational License Application Requirements for Business Entities.

(1) ~~No business entity, including a sole proprietorship, shall manage, oversee, or provide services for slot machine operations or provide services, products or goods to a slot machine licensee unless the entity is licensed by the division as a slot machine business entity occupational licensee.~~ The slot

machine occupational license requirements of this section apply to any business entities, including sole proprietorships, as follows:

(a) A business entity that acts as a slot machine management company, slot machine manufacturer or distributor, or sells slot machine gaming related products, services or goods to a slot machine licensee, ~~or~~ whose employees may be granted access to the designated slot machine area by reason of the employment position they hold with the business entity shall apply for a business entity occupational license; and

(b) Business entities that do not supply slot machine gaming related products, goods or services, or goods are not required to hold a business occupational license. However, the slot machine licensee shall be required to maintain a list of employees as required by ~~of such a business who may occasionally require incidental access to slot machine gaming areas in its security plan referenced in~~ paragraph 61D-14.051(4)(k), F.A.C.

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

(m) A list of all ownership interests of five percent or greater. If a corporation, the name of the state in which incorporated and the names and addresses of the officers, directors, and shareholders holding five percent or more equity or, if a business entity other than a corporation, the names and addresses of the principals, partners, shareholders or any other person holding five percent or more equity;

(n) The names and addresses of the ultimate equitable owners for a corporation or other business entity, if different from those provided under paragraph (3)(h), unless;

1. The securities of the corporation or entity are registered pursuant to Section 12 of the Securities Exchange Act of 1934, 15 United States Code Sections 78a-78kk;

2. If such corporation or entity files with the United States Securities and Exchange Commission the reports required by Section 13 of the act above, or if the securities of the corporation or entity are regularly traded on an established securities market in the United States;

~~(o)(m)~~ If the applicant is a corporation, the application shall also disclose:

1. through 6. No change.

~~(p)(n)~~ A list of slot machine licensees to whom the applicant intends to provide services, products or goods.

(4) through (7) No change.

Specific Authority 551.103(1), 551.122 FS. Law Implemented 551.103(1)(a), (b), 551.107(4)(a) FS. History—New _____.

61D-14.013 Pari-Mutuel Occupational License Transition Period Provisions.

(1) Any person who on the effective date of these regulations possesses a pari-mutuel wagering occupational license and is required by Section 551.107(2), Florida Statutes, to obtain a slot machine occupational license, shall file an

initial application for a slot machine license within ~~ninety~~ thirty days following the effective date of ~~this section these~~ regulations. Such a person, except for a person who obtained a license through the waiver process of Section 550.105(5)(c), Florida Statutes, and Rule 61D-5.006, F.A.C., is authorized to work in the slot machine area of a slot machine licensee until such time as the initial application for a slot machine occupational license has been granted or denied.

(2) No change.

Specific Authority 551.103(1), 551.122 FS. Law Implemented 551.103(1)(a), (b), 551.107(2)(b) FS. History–New _____.

61D-14.016 Operational Requirements.

(1) through (7) No change.

(8) No slot machine or any part of the logic compartment referenced in Rule 61D-14.024, F.A.C., shall be removed from its location designated by the facility floor plan without prior written notification to the surveillance department ~~and~~ the division or FDLE.

Specific Authority 551.103(1), 551.122 FS. Law Implemented 551.103(1)(c), (e), (g), (h), (i), 551.113(3), 551.114 FS. History–New _____.

61D-14.019 Compulsive or Addictive Gambling Prevention Program.

(1) through (2) No change.

(3) Training shall be conducted within thirty (30) days of the employee's hire date. Certification of such training shall be maintained onsite ~~in each employee's personnel file~~.

(4) No change.

Specific Authority 551.103(1), 551.122 FS. Law Implemented 551.103(1)(a), (b), (g), (i), 551.104(4)(i), 551.118(1) FS. History–New _____.

61D-14.022 Slot Machine Requirements.

(1) through (3) No change.

~~(4) Electrical testing of slot machines shall be performed by a licensed independent test laboratory. Electrical testing is the responsibility of the manufacturer, purchaser, and operator of the equipment.~~ A slot machine shall be able to withstand the following tests, resuming game play without operator intervention:

(a) through (12) No change.

Specific Authority 551.103(1), 551.122 FS. Law Implemented 551.103(1)(c), (d), (h), (i) FS. History–New _____.

61D-14.024 Logic Compartment.

(1) No change.

(2) Once a slot machine has been certified by a licensed independent laboratory and the division or FDLE have verified software program of the slot machine, the division or FDLE shall apply evidence tape to all program storage media, both

writable or non-writable, including EPROM, DVD, CD-ROM, and any other type of program storage devices, and logic compartments prior to the slot machine being offered for play.

(3) Any occupational licensee who observes a break in the security tape, or that security tape has been tampered with, fallen off, or has been removed from within the logic compartment shall immediately notify security and surveillance, and the slot machine shall be shut down. Security shall notify the division or FDLE. Such a slot machine shall not be offered for play until the division or FDLE has examined the slot machine and determined that there has been no tampering and that the slot machine is in compliance with Chapter 551, Florida Statutes, and Chapter 61D-14, F.A.C.

(4) No change.

Specific Authority 551.103(1), 551.122 FS. Law Implemented 551.103(1)(c), (i) FS. History–New _____.

61D-14.040 Game Cycle, Payment of Credits by Ticket Printer, and Ticket Redemption.

(1) through (5) No change.

(6) Any adjustment made to any ticket or voucher shall require two approval signatures, of which at least one of the signatures shall be by a supervisor, and all changes shall be contained in a log indicating: ~~who, what, when, the item value before and after the change, and the reason for the adjustment.~~

(a) The names and occupational license numbers of the employees of the slot machine licensee who approved the adjustment;

(b) What adjustment was made to the ticket or voucher;

(c) When the adjustment was made;

(d) The item value before and after the change; and

(e) The reason the adjustment was made.

(7) through (8) No change.

Specific Authority 551.103(1), 551.122 FS. Law Implemented 551.103(1)(c), (d), (e), (i) FS. History–New _____.

61D-14.042 Accounting and Occurrence Meter Specifications.

(1) There shall be a minimum of two (2) electro-mechanical meters contained in each slot machine. One electro-mechanical meter shall measure total credits into the slot machine. The other electro-mechanical meter shall measure total credits ~~paid~~ out of the slot machine.

(2) through (5) No change.

(6) All electronic meters required by this section, except those described in subsection (5), shall communicate their information to the facility based monitoring system.

Specific Authority 551.103(1), 551.122 FS. Law Implemented 551.103(1)(c), (d), (e), (g) FS. History–New _____.

61D-14.056 Security and Surveillance Logs.

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

(d) Description of the activity observed or performed for any and all unusual occurrences observed by a surveillance employee;

(e) through (2) No change.

Specific Authority 551.103(1), 551.122 FS. Law Implemented 551.103(1)(g), (i), 551.104(4)(h) FS. History--New _____.

61D-14.061 Slot Cash Storage Boxes.

(1) No change.

(a) Have ~~a two~~ separate locks that shall only be opened by a keys that is secured under the slot machine licensee's system of internal controls as provided in subsection 61D-14.053(2), F.A.C. are different from each other;

(b) through (3) No change.

Specific Authority 551.103(1), 551.122 FS. Law Implemented 551.103(1)(d), (g), (i) FS. History--New _____.

61D-14.072 Cashier's Cage, Satellite Cages, Vaults, and Accounting Controls.

(1) through (2) No change.

(3) Satellite cages shall be designed and constructed in compliance with the provisions of subsection (2), except that satellite cages shall not be required to utilize a double door entry system as required by subparagraph (2)(c)1. Satellite cages shall have surveillance camera coverage and utilize a lockable door.

~~(4)(3)~~ Each vault shall include the following:

(a) through (c) No change.

~~(5)(4)~~ Vaults shall be under the control of the accounting department. The storage or removal of currency from vaults shall be documented, and the amount of currency in each vault shall be reconciled daily.

~~(6)(5)~~ The cashiers assigned to an outgoing shift shall record on a daily cashier's count sheet the face value of each cage inventory item counted and the total of the opening and closing cage inventories and shall reconcile the total closing inventory with the total opening inventory.

~~(7)(6)~~ At the end of the slot machine licensee's hours of operation for each day, a copy of the cashier's count sheets and related documentation shall be forwarded to the accounting department for agreement with opening and closing inventories.

Specific Authority 551.103(1), 551.122 FS. Law Implemented 551.103(1)(d), (g), (i) FS. History--New _____.

61D-14.073 Meter Readings.

(1) Accounting department employees shall at least once a month manually read and record all meters referenced in subsections 61D-14.042(1)-(2), F.A.C., and reconcile those readings with the information on the facility based monitoring system.

(2) through (3) No change.

Specific Authority 551.103(1), 551.122 FS. Law Implemented 551.103(1)(d), (e), ~~(e)~~, (i) FS. History--New _____.

61D-14.081 Monthly Remittance Reports.

(1) through (2) No change.

(a) "Credits In" shall include all credits ~~registered~~ on the 'total in meter' of a slot machine referenced in subsection 61D-14.042(1), F.A.C.; and

(b) "Credits Out" shall include all credits ~~registered~~ on the 'total out meter' of a slot machine referenced in subsection 61D-14.042(1), F.A.C.

(3) No change.

(4) Tickets and ~~or~~ vouchers which remain unclaimed after 30 days shall be accounted for as taxable slot machine revenue reported as referenced in subsection (1).

(5) No change.

Specific Authority 551.103(1), 551.122 FS. Law Implemented 551.103(1)(d), (g), 551.106(3) FS. History--New _____.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Geologist

RULE NO.: 61G16-3.001
 RULE TITLE: Schedule of Fees Adopted by the Board

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 32, No. 23, June 9, 2006, Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF HEALTH

Board of Medicine

RULE NOS.: 64B8-8.0011, 64B8-8.0012
 RULE TITLES: Standard Terms Applicable to Orders, Probation Variables

SECOND NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rules in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 32, No. 9, of the March 3, 2006, issue of the Florida Administrative Weekly (FAW). The changes are in response to additional written comments submitted by the staff of the Joint Administrative Procedures Committee (JAPC). The Board filed a previous Notice of Change for these rules in Vol. 32, No. 19, of the May 12, 2006, FAW. Following publication of the Notice of Change, the Board received additional comments from JAPC. The Rules

Committee, at its meeting held on June 1, 2006, approved additional changes to the rules to address the written comments, and the Board, at its meeting held on June 2, 2006, voted to accept the recommendation of the Rules Committee. The additional changes are as follows:

1. In subsection (1) of Rule 64B8-8.0011, under the heading "PAYMENT OF FINES AND COSTS," the phrase "Unless otherwise directed by Board Order," shall be deleted.

2. In subsection (3) of Rule 64B8-8.0011, under the heading "COMPLIANCE ADDRESS," the phrase "Unless otherwise directed," shall be deleted.

3. In subsection (4)(a) of Rule 64B8-8.0011, the last sentence of the introductory paragraph shall be reworded to read as follows: "The following requirements shall be tolled until the Respondent returns to active practice:"

4. The introductory paragraph of subsection (5) of Rule 64B8-8.0011 shall be reworded to read as follows: "COMMUNITY SERVICE AND CONTINUING EDUCATION UNITS. All community service requirements, continuing education units/courses must be completed, and documentation of such completion submitted to DOH/Client Services, at the address set forth in subsection (3) above."

5. The following language shall be added at the end of Subsection (5)(a) of Rule 64B8-8.0011: "Community service plans must be pre-approved by the Board's Probationer's Committee."

6. The last sentence of subsection (5)(b) of Rule 64B8-8.0011, shall be reworded to read: "Said continuing education courses must be pre-approved by the Board's Probationer's Committee and shall consist of a formal live lecture format."

7. In subsections (6)(a)1. and 2. of Rule 64B8-8.0011, all phrases stating "unless otherwise approved by the Board," and "unless otherwise approved by the Board or its designee," shall be deleted.

8. In subsections (6)(b)1. of Rule 64B8-8.0011, the phrase "unless otherwise ordered by the Board," shall be deleted.

9. In subsection (6)(c) of Rule 64B8-8.0011, the reference to "subsection (4) above" shall be changed to "subsection (3) above."

10. In the first sentence of subsection (2) of Rule 64B8-8.0012, the phrase "board-certified" shall be inserted before the word "physician."

11. In subsection (2)(b) of Rule 64B8-8.0012, the reference to paragraph 64B8-8.0011(7)(c) shall be changed to paragraph 64B8-8.0011(6)(c).

12. In the first sentence of subsection (3) of Rule 64B8-8.0012, the phrase "board-certified" shall be inserted before the word "physician."

13. In the first sentence of subsection (4) of Rule 64B8-8.0012, the phrase "board-certified" shall be inserted before the word "physician."

14. In subsection (5) of Rule 64B8-8.0012, the phrase "Unless otherwise approved by the Board or the Chairperson of the Probationer's Committee" shall be deleted.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Larry McPherson, Executive Director, Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253

DEPARTMENT OF FINANCIAL SERVICES

Division of Agent and Agency Services

RULE NOS.:	RULE TITLES:
69B-220.001	Pre-qualification and Licensure of Emergency Adjusters
69B-220.051	Conduct of Public Adjusters
69B-220.201	Ethical Requirements

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rules, as noticed in Vol. 32, No. 7, February 17, 2006, have been withdrawn.

**Section IV
Emergency Rules**

**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."

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."

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

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

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