

Section 499.03, F.S. related to authorizing qualified persons engaged in research teaching and testing to lawfully possess prescription drugs.

SUBJECT AREA TO BE ADDRESSED: Exemption to the definition of “wholesale distribution” for emergency medical reasons; exemption letters to facilitate the lawful possession of prescription drugs for research teaching and testing.

RULEMAKING AUTHORITY: 499.003(54), 499.012, 499.03, 499.05 FS.

LAW IMPLEMENTED: 499.003(54), 499.012, 499.03, 499.05 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: Rebecca Poston, R. Ph., Executive Director, Drugs Devices and Cosmetics Program, 4052 Bald Cypress Way, Mail Bin #C04, Tallahassee, Florida 32399, (850)245-4292, or by email to Rebecca_Poston@doh.state.fl.us

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

Section II Proposed Rules

DEPARTMENT OF TRANSPORTATION

RULE NO.: 14-46.001 **RULE TITLE:** Utilities Installation or Adjustment

PURPOSE AND EFFECT: Rule 14-46.001, F.A.C., is being amended to incorporate the updated Utilities Accommodation Manual, and establish requirements for the placement of electric transmission lines within FDOT right of way.

SUMMARY: An updated UAM and the permitting criteria for electric transmission lines within FDOT right of way are addressed.

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

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

RULEMAKING AUTHORITY: 334.044(2), 337.401 FS.

LAW IMPLEMENTED: 337.401, 337.403 FS.

A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: November 9, 2010, 9:00 a.m.

PLACE: Florida Department of Transportation, Haydon Burns Building, Executive Conference Room, 605 Suwannee Street, Tallahassee, Florida 32399-0458

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Deanna R. Hurt, Assistant General Counsel and Clerk of Agency Proceedings, Florida Department of Transportation, Office of the General Counsel, 605 Suwannee Street, Mail Station 58, Tallahassee, Florida 32399-0458. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Deanna R. Hurt, Assistant General Counsel and Clerk of Agency Proceedings, Florida Department of Transportation, Office of the General Counsel, 605 Suwannee Street, Mail Station 58, Tallahassee, Florida 32399-0458

THE FULL TEXT OF THE PROPOSED RULE IS:

14-46.001 Utilities Installation or Adjustment.

(1) Purpose. This rule is established to regulate the location and manner for installation and adjustment of utility facilities on any Florida Department of Transportation (FDOT) right of way, in the interest of safety and the protection, utilization, and future development of such rights of way, with due consideration given to public service afforded by adequate and economical utility installations, and to provide procedures for the issuance of permits.

(2) Permits.

(a) FDOT will issue permits for the construction, alteration, operation, relocation, removal, and maintenance of utilities upon the right of way in conformity with the FDOT *Utility Accommodation Manual (UAM)*, August 2010 edition, FDOT Document No. 710-020-001-gf, which is hereby incorporated by reference and made part of this rule, ~~and which supersedes all previous editions. The This Utility Accommodation Manual~~ (UAM) also incorporates by reference ~~and makes part of this rule~~ additional documents, ~~namely those contained in the UAM Section 6.1, Incorporated entitled “References.” The extent to which these documents are made a part of this rule through incorporation by reference into the UAM is limited to the scope of application(s) specifically referenced within the text of the UAM, subject to any modifications, exceptions, or qualifications set forth in the UAM.~~ Copies of the UAM ~~this document~~ are available from the FDOT Maps and Publications Office at 605 Suwannee Street, MS 12, Tallahassee, Florida 32399-0450, or the FDOT Utility Web Site: <http://www.dot.state.fl.us/rddesign/utilities/files/utilities.htm>.

(b) The Utility Permit, FDOT Form 710-010-85, Rev. 08/10 10/07, is incorporated herein by reference and Copies of FDOT Form 710-010-85, Rev. 10/07, available from the FDOT Utility Web Site listed above.

(3) The FDOT Chief Engineer shall approve permit applications for longitudinal placement along FDOT controlled roadways within limited access right of ways of aerial and underground electric utility transmission lines designed to operate at 69 or more kilovolts that are needed to accommodate the additional electrical transfer capacity on the transmission grid resulting from new electric power plants that are certified under part II of Chapter 403, F.S., when the application shows there is no other practicable alternative available and the utility agency/owner (UAO) complies with the following:

(a) The installation, operation, and maintenance will be limited to areas outside the minimum clear zone requirements found in the UAM.

(b) The installation, operation, or maintenance of the transmission lines will not interfere with the operational requirements or future improvements of the transportation facility. The UAO shall provide a schedule of all anticipated maintenance, activities, upgrades, expansions, and periodic inspections.

(c) To demonstrate the use of the right of way is the only practicable alternative, the UAO shall provide an analysis of all other alternatives. For each alternative, including the use of FDOT limited access right of way, the UAO shall address all of the following:

- i. Impacts to adjacent property owners;
- ii. Cost of acquiring land to accommodate the transmission lines;
- iii. Installation cost of the transmission facility;
- iv. Environmental impacts.

(d) Prior to the issuance of the permit, the UAO shall pay a non-refundable permit fee to FDOT based upon the area of land needed to accommodate the installation, operation, and maintenance of the utility facility. The area shall include all lands where the FDOT's future use is limited, restricted, or conditioned on account of the underground, ground level or aerial portions of the electric transmission lines. For lands located within an urban area, as defined in Section 334.02(32), F.S., the permit fee shall be \$466,900.00 per acre. For any portion of the facility located outside an urban area, the permit fee shall be \$61,000.00 per acre. Should FDOT require the electric transmission lines to be relocated or removed for future improvement of the transportation facility, the UAO will relocate or remove the electric transmission lines at its sole expense, and is not eligible for any state or federal or FDOT reimbursement.

(4) Electric transmission lines designed to operate at 69 or more kilovolts within FDOT non-limited access right of way, electric transmission lines designed to operate at 69 or less kilovolts within FDOT right of way, longitudinal transmission

lines designed to operate at 69 or more kilovolts for purposes other than the accommodation of additional electrical transfer capacity on the transmission grid resulting from new base-load generating facilities, and utilities not subject to the conditions in (3) above, shall be permitted under the provisions of the UAM.

Rulemaking Specific Authority 334.044(2), 337.401 FS. Law Implemented 337.401337.403, FS. History–New 5-13-70, Amended 8-10-78, 7-22-82, Formerly 14-46.01, Amended 7-5-90, 6-8-93, 10-15-96, 8-30-99, 11-10-05, 1-24-08,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Thomas R. Bane, State Utilities Engineer

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Stephanie C. Kopelousos, Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 1, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 26, 2010

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."

AGENCY FOR HEALTH CARE ADMINISTRATION

Health Facility and Agency Licensing

RULE NO.:	RULE TITLE:
59A-7.021	Laboratory Licensure – Qualifications, Licensure, Operation and Application

PURPOSE AND EFFECT: The agency is proposing to amend the rule that incorporates the laboratory licensure application and identifies information needed in laboratory applications.

SUMMARY: Revisions to laboratory applications that are incorporated by reference to consolidate the application forms.

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

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

RULEMAKING AUTHORITY: 483.051 FS.

LAW IMPLEMENTED: 483.051, 483.101, 483.111, 483.172, 483.221, 483.23, 408.804, 408.805, 408.806, 408.807, 408.812, 408.813, 408.814, 408.815, 408.816, 408.817, 408.831 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: October 5, 2010, 2:00 p.m.

PLACE: Agency for Health Care Administration, Building 3, Conference Room B, 2727 Mahan Drive, Tallahassee, Florida
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Karen Rivera, Laboratory Unit, 2727 Mahan Drive, Building 1, Mail Stop 32, Tallahassee, Florida 32308, (850)412-4500

THE FULL TEXT OF THE PROPOSED RULE IS:

59A-7.021 Laboratory Licensure – Qualifications, Licensure, Operation and Application.

(1) The application for licensure shall include the following information applicable to the laboratory operation:

(a) The application for an initial licensure, including changes of ownership and additions of specialty and subspecialty shall contain:

1. Name, mailing and street address of the laboratory.
2. Specialties and subspecialties performed.
3. A list of equipment.
4. The number of hours the director spends in the laboratory.
5. Names, mailing and street addresses of specimen collection stations, branch offices and other facilities representing the clinical laboratory.
6. Name and source of proficiency testing programs.
7. Annual volume of tests anticipated to be performed.
8. Location and type of alternate-site testing in hospital facilities.
9. The name, address and employer or tax identification number of the laboratory owner.
10. A current certificate of status or authorization pursuant to Chapter 607, 608, 617 or 620, F.S.

11. Such other information requested on the application for licensure as specified in paragraph 59A-35.060(1)(aa), F.A.C., AHCA Form 3170-2004-B, Initial Clinical Laboratory Licensure Application, September, 2009, AHCA Form 3170-2004C, Change of Licensed Owner Application, September 2009, ACHA AHCA Form 3170-2004D, Addition of Specialty, Subspecialty or change in Specialty, September 2009, or AHCA Form 3110-1024, Health Care Licensing Application Addendum, October 2009, necessary in carrying out the purpose of this part as stated in Section 483.021, F.S., and Sections 408.805, 408.806, 408.807, 408.810 and 408.813, F.S. as applicable to the laboratory operation. AHCA Forms 3170-2004B, 3170-2004C and 3170-2004D, shall be obtained from the agency and is incorporated by reference herein and are available at: http://ahca.myflorida.com/MCHQ/Health_Facility_Regulation/Laboratory_Licensure/applications.shtml.

(b) The application for renewal licensure shall contain:

1. Name, mailing and street address of the laboratory.
2. Specialties and subspecialties performed.
3. Names, mailing and street addresses of specimen collection stations, branch offices and other facilities representing the clinical laboratory.
4. Annual volume of tests performed.
5. Location and type of alternate-site testing in hospital facilities.
6. The name and employer or tax identification number of the laboratory owner.

7. Information requested on the application for licensure as specified in paragraph 59A-35.060(1)(aa), F.A.C., Clinical Laboratory License Renewal Application, REV September 2009, and AHCA Form 3110-1024, Health Care Licensing Application Addendum, October 2009. AHCA Form 3170-2004, AHCA Form 3170 Clinical Laboratory License Renewal Application, REV September, 2009, and AHCA Form 3110-1024, Health Care Licensing Application Addendum, October 2009 shall be obtained from the agency and are incorporated by reference herein and are available at: http://ahca.myflorida.com/MCHQ/Health_Facility_Regulation/Laboratory_Licensure/applications.shtml.

(c) In addition to information required under paragraphs 59A-7.021(1)(a) and (b), F.A.C., accredited laboratories surveyed by an approved accreditation program in lieu of the agency, as specified in Rule 59A-7.033, F.A.C. and Chapter 408, Part II, F.S., must also submit:

1. Proof of current accreditation or licensure by the approved accreditation program; and
2. Proof of authorization for the approved accreditation program to submit to the agency such records or other information about the laboratory required for the agency to determine compliance with Chapter 59A-7, F.A.C. and Chapter 483, Part I, F.S.

(2) through (11) No change.

Rulemaking Authority 483.051, 408.819 FS. Law Implemented 483.051, 483.101, 483.111, 483.172, 483.221, 483.23, 408.804, 408.805, 408.806, 408.807, 408.812, 408.813, 408.814, 408.815, 408.816, 408.817, 408.831 FS. History—New 11-20-94, Amended 7-4-95, 12-27-95, 3-25-03, 3-1-10,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Karen Rivera

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Secretary Arnold

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 25, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 23, 2010

DEPARTMENT OF MANAGEMENT SERVICES

Agency for Workforce Innovation

RULE NO.:	RULE TITLE
60BB-10.003	Participant Eligibility Requirements

PURPOSE AND EFFECT: The rule amendment set forth in this Notice of Proposed Rule enables low-income youth to participate in TANF-funded subsidized employment opportunities. Subsidized employment provides valuable skills and work experience for young people, and serves as a stepping stone to unsubsidized employment.

SUMMARY: The rule amendment expands participant eligibility to include minor children in the family of an individual who has been determined eligible to participate in the subsidized employment program.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The agency has determined that this rule will not have an impact on small business.

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

RULEMAKING AUTHORITY: 445.004(5)(c) FS.

LAW IMPLEMENTED: 445.004, 445.024(1)(b), 445.024(1)(c) 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:

DATE AND TIME: October 1, 2010, 9:00 a.m.

PLACE: Agency for Workforce Innovation, 107 East Madison Street, Tallahassee, Florida 32399-4128, Conference Room 114 or Dial – 1(888)808-6959; Enter pass code – 6724792 #

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: James Landsberg, Deputy General Counsel, Agency for Workforce Innovation, Office of General Counsel, 107 East Madison Street, MSC #110, Tallahassee, Florida 32399-4128

THE FULL TEXT OF THE PROPOSED RULE IS:

60BB-10.003 Participant Eligibility Requirements.

To be eligible for consideration for participation in the TANF subsidized employment project, the individual must:

- (1) Be a TANF participant currently receiving temporary cash assistance who is available for immediate employment, or
- (2) Be an applicant for temporary cash assistance who has been determined eligible for TANF funded cash assistance, or
- (3) Be an individual who meets the following requirements:
 - (a) Have a gross family income at or below 200% of the Federal Poverty Guidelines, as established annually by the United States Department of Health and Human Services, for the 30 days preceding application to participate in the program;
 - (b) Be a United States citizen or qualified non-citizen defined in Section 414.095(3), F.S.;
 - (c) Be a legal resident of the State of Florida;

(d) Be a pregnant woman, or a parent or caretaker relative of an unmarried dependent child under age 18, or a full time student in a secondary school or equivalent level of career training who is under the age of 19 and who resides in the home; and

(e) Provide a social security number or proof of application for a social security number, or-

(4) Be a minor child in the family of an individual determined eligible under one of the criteria specified above who is under age 18, or under age 19 if a full time student in a secondary school or equivalent level of career training, is of legal age to engage in work (at least 14 years of age), is not married or divorced, and resides in the home.

Rulemaking Authority 445.004(5)(c) FS. Law Implemented 445.004, 445.024(1)(b), 445.024(1)(c) FS. History—New 5-26-10, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: James Landsberg, Deputy General Counsel, Agency for Workforce Innovation

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Cynthia R. Lorenzo, Director, Agency for Workforce Innovation

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 25, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 6, 2010

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Pari-Mutuel Wagering

RULE NO.: 61D-6.008 **RULE TITLE:** Permitted Medications for Horses

PURPOSE AND EFFECT: The purpose and effect of the proposed rule will be to implement Florida Statutes pertaining to permitted medications for horses by establishing threshold levels for certain Class IV and V medications commonly found in racehorses.

SUMMARY: The proposed rule addresses the establishment of threshold levels for certain Class IV and V medications commonly found in racehorses.

OTHER RULES INCORPORATING THIS RULE: None.

EFFECT ON THOSE OTHER RULES: None.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The agency has determined that this rule will not have an impact on small business. A SERC has not been prepared by the agency.

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

RULEMAKING AUTHORITY: 550.0251, 550.2415 FS.

LAW IMPLEMENTED: 550.0251(11), 550.2415(1), (8)(e), (9)(c), (13), (14), (16) 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: October 7, 2010, 10:00 a.m. – 12:00 Noon
 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 workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Mary Polombo at (850)413-0750. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

THE FULL TEXT OF THE PROPOSED RULE IS:

61D-6.008 Permitted Medications for Horses.

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

(b) When the post race serum sample of such horse contains a concentration ~~an amount~~ of phenylbutazone ~~or its metabolites~~ equal to or in excess of 2.5 ~~2.5~~ micrograms per milliliter of serum, but less than 8 micrograms per milliliter of serum, the trainer as the absolute insurer of the horse, shall be subject to the following penalties:

1. through 3. No change.

(c) When the post race serum sample contains a concentration ~~an amount~~ of phenylbutazone ~~or its metabolites~~ equal to or in excess of 8 micrograms per milliliter of serum, the trainer as the absolute insurer of the horse, shall be subject to the following penalties:

(2)(c)1. through (6) No change.

~~(7) All prescription medication, regardless of method of administration, shall be safeguarded under lock and key when not being actively administered.~~

~~(7)(8)~~ No Androgenic-Anabolic Steroids (AAS) shall be permitted in test samples collected from racing horses, except for the major metabolites of stanozolol, nandrolone, and the naturally occurring substances boldenone and testosterone at concentrations less than the following thresholds:

(a) No change.

(b) Boldenone – 15 nanograms per milliliter in urine of male horses other than geldings. No ~~boldenone~~ ~~boldenone~~ shall be permitted in geldings or female horses.

(c) through (d) No change.

~~(8)(9)~~ Urine samples of horses shall be identified as having been collected from a female, male, or gelding before being sent to the laboratory.

(9) The following permitted medications shall not be reported by the racing laboratory to the division as a violation of Section 550.2415, F.S.:

(a) The detection of cimetidine at a urinary concentration less than or equal to 10 micrograms per milliliter.

(b) The detection of dimethyl sulfoxide (DMSO) at a blood serum concentration less than or equal to 10 micrograms per milliliter.

(c) The detection of famotidine at a urinary concentration less than or equal to 10 micrograms per milliliter.

(d) The detection of flunixin at a blood serum concentration less than or equal to 20 nanograms per milliliter.

(e) The detection of guaifenesin (free) at a blood serum concentration less than or equal to 100 nanograms per milliliter.

(f) The detection of total isoxsuprine at a urinary concentration less than or equal to 100 nanograms per milliliter.

(g) The detection of ketoprofen at a blood serum concentration less than or equal to 10 nanograms per milliliter.

(h) The detection of methocarbamol (free) at a blood serum concentration less than or equal to 20 nanograms per milliliter.

(i) The detection of naproxen at a blood serum concentration less than or equal to 1 microgram per milliliter.

(j) The detection of a sulfide metabolite of omeprazole detected by LC-MS.

(k) The detection of ranitidine at a urinary concentration less than or equal to 10 micrograms per milliliter.

(10) All prescription medications, regardless of method of administration, shall be safeguarded under lock and key when not being actively administered.

Rulemaking Authority 550.0251, 550.2415 FS. Law Implemented 550.0251(11), 550.2415(1), (8)(e), (9)(c), (13), (15), (16) FS. History—New 10-20-96, Amended 1-5-98, 6-6-00, 5-14-02, 6-6-04, 7-6-06, 8-12-07, 12-30-08, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Milton Champion, Director, Division of Pari-Mutuel Wagering

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Charlie Liem, Secretary, Department of Business and Professional Regulation

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 16, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 2, 2010

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Regulatory Council of Community Association Managers

RULE NO.:
61E14-4.001

RULE TITLE:
Continuing Education Renewal Requirements

PURPOSE AND EFFECT: This rule amendment is proposed to improve licensees continuing education by amending the required topics to be covered in the legal update seminars. This rule change also prohibits licensees and instructors from receiving credit for attending or teaching the same course more than once every two consecutive biennial renewal periods. The proposed rule amendment also eliminates the exception from annual continuing education requirements for initial licensees during the first biennium of licensure beginning on January 1, 2010. Beginning September 2010, licensees in their first biennium of licensure will be required to complete an annual legal update course only.

SUMMARY: This proposed rule amendment amends the required topics to be covered in the legal update continuing education seminars. This rule change also prohibits licensees and instructors from receiving credit for attending or teaching the same course more than once every two consecutive biennial renewal periods. The proposed rule amendment also requires licensees who receive a license after January 1, 2010, who would otherwise be exempt from continuing education requirements until the September 2012 biennium, to take an annual legal update course.

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

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

RULEMAKING AUTHORITY: 455.2123, 455.2124, 468.4315(2), 468.4336, 468.4337 FS.

LAW IMPLEMENTED: 455.2123, 455.2124, 468.4336, 468.4337 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Anthony Spivey, Executive Director, Regulatory Council of Community Managers, 1940 North Monroe Street, Tallahassee, Florida 32399-0762

THE FULL TEXT OF THE PROPOSED RULE IS:

61E14-4.001 Continuing Education Renewal Requirements.

(1) All community association manager licensees must satisfactorily complete a minimum of 20 hours of continuing education. Each hour shall consist of 50 minutes of student involvement in approved classroom, correspondence, interactive, distance education or internet courses which courses shall include the required hours at an approved update seminar. No license shall be renewed unless the licensee has completed the required continuing education during the preceding licensing period.

(2) Only continuing education courses approved by the Council shall be valid for purposes of licensee renewal.

(3) The 20 hours of continuing education shall be comprised of courses approved pursuant to Rule 61E14-4.003 ~~61-20.5082~~, F.A.C., in the following areas:

(a) 4 hours of legal update seminars. Licensees shall satisfactorily complete a 2-hour legal update seminar during each year of the biennial renewal period. The legal update seminars shall consist of instruction regarding changes to Chapters 455, 468, Part VIII, 617, 718, 719, 720 and 721, F.S., and other legislation, case law, Florida Administrative Code, arbitration cases, mediation cases, ethics and regulations impacting community association management. Licensees shall not be awarded continuing education credit for completing the same legal update seminar more than once even if the seminars were taken during different years.

(b) 4 hours of instruction on insurance and financial management topics relating to community association management.

(c) 4 hours of instruction on the operation of the community association's physical property.

(d) 4 hours of instruction on human resources topics relating to community association management. Human resources topics include, but are not limited to, disaster preparedness, employee relations, and communications skills for effectively dealing with residents and vendors.

(e) 4 hours of additional instruction in any area described in paragraph (3)(b), ~~(c) or (d)~~ of this rule or in any course or courses directly related to the management or administration of community associations approved pursuant to Rule 61E14-4.003, F.A.C.

(4) No licensee will receive credit, for purposes of meeting the continuing education requirement, for completing the same continuing education course more than once during two consecutive biennial renewal periods.

(5) Course instructors may receive continuing education credit hours in the amount of hours approved by the Council for licensees only once for each course taught by the instructor during two consecutive biennial renewal periods ~~every renewal period~~ for each approved course taught by the instructor.

(6) Anyone licensed for more than 24 months at renewal time will be required to have complied with the CE requirements set forth in subsection (1), above, prior to renewal. More than 24 months, means 24 months plus 1 day. Licensees licensed for 24 months or less at renewal time are exempt from compliance with the CE requirements set forth in subsection (1), above, until the end of the next renewal cycle. Beginning September 2010, however, all licensees licensed after January 1, 2010, must take the legal update courses required in paragraph (3)(a) every year, without regard to the exemption set forth herein.

~~(7) A licensee shall retain, and make available to the Department and its representatives upon request, continuing education course certificates of completion that comply with paragraph 61-6.015(4)(a), F.A.C., for three years following course completion.~~

~~(8) All licensees shall comply with all applicable provisions of subsections 61-6.015(2) and (3), F.A.C.~~

Rulemaking Specific Authority 455.2123, 455.2124, 468.4315(2), 468.4336, 468.4337 FS. Law Implemented 455.2123, 455.2124, 468.4336, 468.4337 FS. History—New 5-5-88, Amended 3-22-89, 2-5-91, 12-28-92, Formerly 7D-55.008, 61B-55.008, Amended 10-18-99, 3-13-00, 2-21-01, 7-21-03, 4-25-05, 2-28-07, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Regulatory Council of Community Association Managers
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Regulatory Council of Community Association Managers
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 20, 2009
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 11, 2009

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Child and Farm Labor Program

RULE NO.: 61L-1.012
RULE TITLE: Disciplinary Guidelines Civil Penalties

PURPOSE AND EFFECT: The purpose and effect of the proposed rule amendment is to set forth guidelines on what penalties will be assessed for various violations of Chapter 450, Part III, Florida Statutes.

SUBJECT AREA: The subject area to be addressed in this rule is for assessing penalties for various violations of Chapter 450, Part III, Florida Statutes.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The agency determined that this rule does not affect small businesses. No statement of estimated regulatory costs has been prepared.

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

OTHER RULES INCORPORATING THIS RULE: None.

AFFECT ON THOSE OTHER RULES: Not Applicable.

RULEMAKING AUTHORITY: 450.36, 450.38 (3), 455.2273 FS.

LAW IMPLEMENTED: 450.30, 450.31, 450.33, 450.34, 450.35, 450.39, 455.2273 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Cecelia D. Jefferson, Deputy Director, Division of Regulation, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399, (850)922-6232

THE FULL TEXT OF THE PROPOSED RULE IS:

(Substantial rewording of Rule 61L-1.012 follows. See Administrative code for present text.)

61L-1.012 Disciplinary Guidelines Civil Penalties.

(1) Purpose. Pursuant to Sections 450.031, 450.036, and 450.038, F.S., the Department provides within this rule disciplinary guidelines, which shall be imposed upon any person, firm, association, or corporation that commits a violation of Chapter 450, F.S. or any rules promulgated pursuant thereto. The purpose of this rule is to notify any person, firm, business entity, association, or corporation of the range of penalties which would routinely be imposed for the most common violations unless the Department finds it necessary to deviate from the guidelines for the stated reasons given within this rule. The lowest range of penalties provided below is based upon a single count violation of each provision listed; multiple counts of the violated provision or a combination of violations may result in a higher penalty than that for a single, isolated violation. Each worker affected constitutes a separate violation and will add another count, increasing the penalty. This list is not intended to be all inclusive of the potential violations that could be found.

(2) Major Violations and Range of Penalties. In imposing discipline upon applicants and registrants, in proceedings pursuant to Sections 120.57(1) and (2), F.S., the Department shall act in accordance with the following disciplinary guidelines and shall impose a penalty within the range corresponding to the violations set forth below. The verbal identification of offenses are descriptive only; the full language of each statutory provision cited must be consulted in order to determine the conduct included. The department shall consider any prior violation when determining the severity of a penalty. Any agreed settlement stipulation or consent order, as provided for in subsection (4) of this rule, is an offense notwithstanding the failure to admit or deny guilt in the prior case. For any fourth or subsequent violation, the penalty is revocation.

<u>VIOLATION</u>	<u>RANGE OF PENALTIES</u>		
	<u>FIRST OFF.</u>	<u>SECOND OFF.</u>	<u>THIRD OFF.</u>
<u>(a) Acting as a Farm Labor Contractor Without Certificate of Registration (450.30(1), F.S.)</u>			
1) Threat of economic or physical harm.	\$500.00	\$1500.00	\$2500.00
2) Actual economic or physical harm	\$1000.00	\$1750.00	\$2500.00
<u>(b) Misrepresentation or False Statement in Application for Certificate of Registration (450.31(2)(b), 450.34(1), F.S.)</u>			
1) Threat of economic or physical harm	\$500.00	\$1000.00	\$1750.00
2) Actual economic or physical harm	\$750.00	\$1500.00	\$2500.00
<u>(c) Misrepresentation Concerning Terms Conditions or Existence of Employment (450.31(2)(c), 450.34(2), F.S.)</u>			
1) Threat of economic or physical harm	\$500.00	\$1000.00	\$1750.00
2) Actual economic or physical harm	\$750.00	\$1500.00	\$2500.00
<u>(d) Failure to Pay Wages when Due (450.33(2)F.S.)</u>			
1) Actual economic or physical harm	\$1000.00	\$1500.00	\$2500.00
<u>(e) Failure to Honor Agreement (450.33(3), F.S.)</u>			
1) Threat of economic or physical harm	\$500.00	\$1000.00	\$1500.00
2) Actual economic or physical harm.	\$1000.00	\$1500.00	\$2500.00
<u>(f) Failure to Take Out Policy of Insurance or obtain sufficient amount of insurance (450.33(5), F.S.)</u>			
1) Threat of economic or physical harm.	\$1000.00	\$1250.00	\$1500.00
2) Actual economic or physical harm	\$1000.00	\$1500.00	\$2500.00
<u>(g) Failure to Provide Wage Statements (450.33(7), F.S.)</u>			
1) Threat of economic or physical harm	\$500.00	\$1000.00	\$1500.00
2) Actual economic or physical harm	\$750.00	\$1500.00	\$2500.00
<u>(h) Failure to Ensure Vehicle Safety No Vehicle Inspection (450.33(8), F.S.)</u>			
1)Threat of economic or physical harm	\$1000.00	\$2000.00	\$2500.00
2) Actual economic or physical harm	\$1500.00	\$2500.00	\$2500.00
<u>(i) Failure to Deduct Proper Amounts From Pay (450.33(7), 450.31(2)(e), 450.31(2)(g),F.S.)</u>			
1) Threat of economic or physical harm	\$750.00	\$1500.00	\$2500.00
<u>(j) No Valid Driver's License, Not Proper Class (450.33(9), F.S.; 29 CFR 500.100(a); 29 CFR 500.105(b)(1)(iii)(E))</u>			
1) Threat of economic or physical harm	\$500.00	\$1000.00	\$1500.00
2) Actual economic or physical harm	\$1000.00	\$1500.00	\$2500.00

<u>(k) Transporting Workers in Unsafe Vehicles (450.33(9), F.S.; 29 CFR 500.101(a) & (b); 29 CFR 500.102(a) & (b))</u>			
<u>1) Threat of economic or physical harm</u>	<u>\$1000.00</u>	<u>\$2000.00</u>	<u>\$2500.00</u>
<u>2) Actual economic or physical harm</u>	<u>\$1500.00</u>	<u>\$2500.00</u>	<u>\$2500.00</u>
<u>(l) Unsafe Transportation of Fuel (450.33(9) F.S.; 29 CFR 500.105(b)(2)(xiii))</u>			
<u>1) Threat of economic or physical harm</u>	<u>\$750.00</u>	<u>\$1500.00</u>	<u>\$1750.00</u>
<u>2) Actual economic or physical harm</u>	<u>\$1000.00</u>	<u>\$1750.00</u>	<u>\$2500.00</u>
<u>(m) Transporting Workers in Overloaded Vehicle (450.33(9) F.S.; 29 CFR 500.105(b)(2)(vii)(E)) & 29 CFR 500.105 (b)(3)(vi)(d))</u>			
<u>1) Threat of economic or physical harm</u>	<u>\$1000.00</u>	<u>\$1500.00</u>	<u>\$1750.00</u>
<u>2) Actual economic or physical harm</u>	<u>\$1500.00</u>	<u>\$2000.00</u>	<u>\$2500.00</u>
<u>(n) Unsafe Operation of Transportation Vehicle (450.33(9), F.S.); 29 CFR 500.105(b)(2)(i)</u>			
<u>1) Threat of economic or physical harm</u>	<u>\$500.00</u>	<u>\$1000.00</u>	<u>\$1750.00</u>
<u>2) Actual economic or physical harm</u>	<u>\$750.00</u>	<u>\$1500.00</u>	<u>\$2500.00</u>
<u>(o) Sexual Harassment (450.33(9);760.10 F.S.)</u>			
<u>1) Threat of economic or physical harm</u>	<u>\$1000.00</u>	<u>\$1500.00</u>	<u>\$2500.00</u>
<u>2) Actual economic or physical harm</u>	<u>\$1500.00</u>	<u>\$2000.00</u>	<u>\$2500.00</u>
<u>(p) Transportation Unauthorized (450.33(9) F.S.; 29 CFR 500.71)</u>			
<u>1) Threat of economic or physical harm</u>	<u>\$1000.00</u>	<u>\$2000.00</u>	<u>\$2500.00</u>
<u>2) Actual economic or physical harm</u>	<u>\$1500.00</u>	<u>\$2500.00</u>	<u>\$2500.00</u>
<u>(q) Driver Unauthorized (450.33(9), F.S.; 29 CFR 500.105(b)(2)(xiv))</u>			
<u>1) Threat of economic or physical harm</u>	<u>\$1000.00</u>	<u>\$2000.00</u>	<u>\$2500.00</u>
<u>2) Actual economic or physical harm</u>	<u>\$1500.00</u>	<u>\$2500.00</u>	<u>\$2500.00</u>
<u>(r) Compliance with Housing Requirements (450.33(9), F.S.; 29 CFR 500.132)</u>			
<u>1) Threat of economic or physical harm</u>	<u>\$500.00</u>	<u>\$1500.00</u>	<u>\$1750.00</u>
<u>2) Actual economic or physical harm</u>	<u>\$1000.00</u>	<u>\$1750.00</u>	<u>\$2500.00</u>
<u>(s) No Field Toilet Facilities (450.33(9), F.S.; 64E-14.016(1), F.A.C.; 29 CFR 1928.110(c)(2))</u>			
<u>1) Actual economic or physical harm</u>	<u>\$750.00</u>	<u>\$1500.00</u>	<u>\$2500.00</u>
<u>(t) No Drinking Water (450.33(9) F.S.); 64E-14.016(4), F.A.C.; 29 CFR 1928.110(c)(1))</u>			
<u>1) Actual economic or physical harm</u>	<u>\$750.00</u>	<u>\$1500.00</u>	<u>\$2500.00</u>
<u>(u) Failure to Maintain Daily Field Records (450.33(10), F.S.)</u>			
<u>1) Threat of economic or physical harm</u>	<u>\$500.00</u>	<u>\$1000.00</u>	<u>\$1500.00</u>
<u>2) Actual economic or physical harm</u>	<u>\$750.00</u>	<u>\$1500.00</u>	<u>\$2500.00</u>

<u>(v) Unlawful Wage Deductions</u>			
<u>(450.34(3), F.S).</u>			
<u>1) Actual economic or physical harm</u>	<u>\$1000.00</u>	<u>\$1750.00</u>	<u>\$2500.00</u>
<u>(w) Retaliation (450.34(4), F.S).</u>			
<u>1) Threat of economic or physical harm</u>	<u>\$1000.00</u>	<u>\$1500.00</u>	<u>\$1750.00</u>
<u>2) Actual economic or physical harm</u>	<u>\$1500.00</u>	<u>\$1750.00</u>	<u>\$2500.00</u>
<u>(x) Utilization of Unregistered Farm Labor Contractor (450.34(5), 450.35, F.S).</u>			
<u>1) Threat of economic or physical harm</u>	<u>\$500.00</u>	<u>\$1000.00</u>	<u>\$1750.00</u>
<u>2) Actual economic or physical harm</u>	<u>\$1000.00</u>	<u>\$1750.00</u>	<u>\$2500.00</u>
<u>(y) Required Purchase or Unreasonable Cost (450.39(1)(2), F.S).</u>			
<u>1) Threat of economic or physical harm</u>	<u>\$1000.00</u>	<u>\$1500.00</u>	<u>\$1750.00</u>
<u>2) Actual economic or physical harm</u>	<u>\$1500.00</u>	<u>\$1750.00</u>	<u>\$2500.00</u>
<u>(z) Failure to Maintain a Charged Fire Extinguisher (450.33(9), F.S.); 29 CFR 500.105(b)(2)(vi))</u>			
<u>1) Threat of economic or physical harm</u>	<u>\$1000.00</u>	<u>\$1250.00</u>	<u>\$1500.00</u>
<u>2) Actual economic or physical harm</u>	<u>\$1500.00</u>	<u>\$2000.00</u>	<u>\$2500.00</u>
<u>(aa) Failure to Maintain Payroll Records, (450.33(9), F.S.); 29 CFR 500.80)</u>			
<u>1) Threat of economic or physical harm</u>	<u>\$500.00</u>	<u>\$1000.00</u>	<u>\$1750.00</u>
<u>2) Actual economic or physical harm</u>	<u>\$1000.00</u>	<u>\$1750.00</u>	<u>\$2500.00</u>

(3) Aggravating and Mitigating Circumstances. Based upon consideration of aggravating and mitigating factors present in each individual case, the Department may deviate from the penalties recommended above. The Department shall consider as aggravating or mitigating factors the following:

(a) Exposure of worker(s) to injury, physical or economic: none, minor, major, or death;

(b) Legal status of the certificate of registration at the time of the offense; no restraints, or legal constraints;

(c) The number of counts or separate offenses;

(d) The number of times the same or substantially similar offense or offenses have previously been committed by the registrant or applicant, regardless of the jurisdiction in which the offense was committed;

(e) The disciplinary history of the applicant or registrant in any jurisdiction, including federal, and the length of registration;

(f) Pecuniary benefit or self-gain inuring to the registrant;

(g) Whether the violation was corrected as soon as possible;

(h) Whether the penalty would cause significant financial hardship to the registrant due to a natural disaster;

(i) Whether the registrant and/or the registrant's employees have completed a continuing education course or instituted a training program relevant to the violations charged; and

(j) Any other relevant mitigating factors.

(4) Stipulations or Settlements. The provisions of this rule are not intended to and shall not be construed to limit the ability of the Department to dispose informally of disciplinary actions by stipulation, agreed settlement, or consent order pursuant to Section 120.57(4), F.S.

(5) Minor Violations and Range of Penalties.

(a) A warning shall be issued for the first minor violation.

(b) Each successive minor violation will be assessed in increments of \$250.00 up to \$2500.00. A violation committed after the maximum monetary amount of \$2500 has been reached shall result in a denial of an application for, or the revocation of, a certificate of registration. The verbal identification of offenses are descriptive only; the full language of each statutory provision cited must be consulted in order to determine the conduct included. This list is not intended to be all inclusive of the potential violations that could be found.

1. Failure to carry Certificate of Registration (450.33(1), F.S.)

2. Failure to Display Poster Disclosing the Terms and Conditions of Employment (450.33(4), F.S.)

3. Failure to Carry a Doctor's Certificate for Every Driver (450.33(9), F.S.; 29 CFR 500.105(b)(1)(i)(H))

4. Failure to Display Railroad Crossing Sign on Vehicle (450.33(9), F.S.; 29 CFR 500.105(b)(2)(xvii))

5. Failure to Notify of Change of Address (450.33(9), F.S.; 29 CFR 500.54)

6. Failure to Provide Field Hand Washing Units (450.33(9), F.S.; 64E-14.016(1) & (3), F.A.C.; 29 CFR 1928.110(c)(2)(iii); 29 CFR 1928.110(c)(3)(iii))

7. Failure to provide Single Use Drinking Cups (450.33(9), F.S.; 64E-14.016(4), F.A.C.; 29 CFR 1928.110(c)(1)(iii))

8. Failure to Label Drinking Water (450.33(9), F.S.; 64E-14.016(4), F.A.C)

9. Failure to Provide Toilet Facilities Within One Quarter (0.25) Mile (450.33(9), F.S.; 64E-14.016(1) & (3), F.A.C.; 29 CFR 1928.110(c)(2)(iii))

10. Failure to Provide Toilet Paper (450.33(9), F.S.; 29 CFR 1928.110(c)(2))

11. Failure to Keep Toilet Facilities Clean (450.33(9), F.S.; 64E-14.016(2), F.A.C.; 29 CFR 1928.110(c)(3)(ii))

12. Failure to Provide Hand Washing Soap (450.33(9), F.S.; 64E-14.016(3), F.A.C.; 29 CFR 1928.110(c)(2))

13. Failure to Provide Single Use Towels (450.33(9), F.S.; 64E-14.016(3), F.A.C.; 29 CFR 1028.110(c)(2))

14. Failure to Ensure Operational External Vehicle Lights and Bulbs (450.33(9), F.S.; 29 CFR 500.104(a), 500.105(b)(2)(vi), 500.105(b)(3)(ii))

15. Ineffective Windshield Wiper Blades (450.33(9), F.S.; 29 CFR 500.104(g), 500.105(b)(3)(vi), 500.105(b)(2), 500.105(b)(5))

16. Failure to Replace or Repair Cracked Side Window (450.33(9), F.S.; 29 CFR 500.104(g), 500.105(b)(3), 500.105(b)(5))

17. Removable Materials Blocking Vehicle Exit (450.33(9), F.S.; 29 CFR 500.105(b)(3)(vi)(F))

18. Materials Blocking Vehicle Taillights (450.33(9), F.S.; 29 CFR 500.105(b)(2)(xi))

19. Vehicle with a Bald Tire (450.33(9), 29 CFR 500.104(c), 500.105(b)(3)(v))

20. Having an In-operable Vehicle Horn (450.33(9), F.S.; 29 CFR 500.104(c), 500.105(b)(2)(vi))

21. Failure to Properly Maintain Interior and Exterior Vehicle Mirrors (450.33(9), F.S.; 29 CFR 500.104(f), 500.105(b)(2)(vi))

22. Failure to Properly Maintain Windows and Window Handles (450.33(9), F.S.; 29 CFR 500.105(b)(5))

(6) Other Action. The provisions of this rule are not intended to and shall not be construed to limit the ability of the Department to recommend or pursue criminal actions when appropriate.

Rulemaking Specific Authority 550.0251, 550.2415 450.36 FS. Law Implemented 550.0251(11), 550.2415(1), (8)(e), (9)(c), (13), (14), (16) 450.38 FS. History—New 11-28-86, Formerly 38B-4.12, 38B-4.012, 38H-4.012, 38H-11.012, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Cecelia D. Jefferson, Deputy Director, Division of Regulation,
Department of Business and Professional Regulation, 1940
North Monroe Street, Tallahassee, Florida 32399,
(850)922-6232

NAME OF SUPERVISOR OR PERSON WHO APPROVED
THE PROPOSED RULE: Charlie Liem, Secretary,
Department of Business and Professional Regulation

DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: August 27, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: February 5, 2010

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.: RULE TITLE:
64B8-1.007 List of Approved Forms;
 Incorporation

PURPOSE AND EFFECT: The proposed rule amendment is
intended to incorporate the revised application for practice in
the area of critical need into the Board’s forms rule.

SUMMARY: The proposed rule amendment incorporates the
revised application for practice in the area of critical need into
the Board’s forms rule.

SUMMARY OF STATEMENT OF ESTIMATED
REGULATORY COSTS: No Statement of Estimated
Regulatory Cost was prepared. The Board has determined that
the proposed rule amendments will not have an impact on
small business.

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

RULEMAKING AUTHORITY: 456.013, 456.036(5),
456.048(1), 458.309, 458.311, 458.3124(6), 458.313(4),
458.3145, 458.315(2), 458.320(8), 458.321(2), 458.347(13),
458.3475, 458.351(6) FS.

LAW IMPLEMENTED: 456.013, 456.035, 456.036, 456.048,
456.073, 458.309, 458.311, 458.3124, 458.313, 458.3145,
458.315, 458.316, 458.317, 458.319, 458.320, 458.321,
458.345, 458.347, 458.3475, 458.348, 458.351, 465.0276 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF
THIS NOTICE, A HEARING WILL BE SCHEDULED AND
ANNOUNCED IN THE FAW.

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

THE FULL TEXT OF THE PROPOSED RULE IS:

64B8-1.007 List of Approved Forms; Incorporation.

The following forms used by the Board in its dealings with the
public are listed as follows and are hereby adopted and
incorporated by reference, and can be obtained from the Board
office by writing to the Board of Medicine, 4052 Bald Cypress
Way, Bin #C03, Tallahassee, Florida 32399-1753, or by
telephoning (850)245-4131:

(1) through (2) No change.

(3) DH-MQA 1009, entitled “Board of Medicine
Application Materials For Temporary Certificate for Practice
in an Area of Critical Need,” (8/10 ~~10/09~~).

(4) through (25) No change.

Rulemaking Authority 456.013, 456.036(5), 456.048(1), 458.309,
458.311, 458.3124(6), 458.313(4), 458.3145, 458.315(2), 458.320(8),
458.321(2), 458.347(13), 458.3475, 458.351(6) FS. Law Implemented
456.013, 456.035, 456.036, 456.048, 456.073, 458.309, 458.311,
458.3124, 458.313, 458.3145, 458.315, 458.316, 458.317, 458.319,
458.320, 458.321, 458.345, 458.347, 458.3475, 458.348, 458.351,
465.0276 FS. History–New 4-17-01, Amended 11-20-01, 8-13-02,
11-10-02, 3-19-03, 6-4-03, 11-17-03, 4-19-04, 1-31-05, 9-29-05,
6-29-06, 12-26-06, 4-2-07, 6-25-08, 1-18-09, 3-17-09, 5-20-09,
10-7-09, 1-7-10, 2-2-10,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Credentials Committee, Board of Medicine

NAME OF AGENCY HEAD WHO APPROVED THE
PROPOSED RULE: Board of Medicine

DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: August 6, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: June 25, 2010

DEPARTMENT OF HEALTH

Board of Medicine

RULE NO.: RULE TITLE:
64B8-4.009 Applications

PURPOSE AND EFFECT: The proposed rule amendment is
intended to incorporate the revised application for practice in
an area of critical need in the Board’s application rule.

SUMMARY: The proposed rule amendment incorporates the
revised application for practice in an area of critical need in the
Board’s application rule.

SUMMARY OF STATEMENT OF ESTIMATED
REGULATORY COSTS: No Statement of Estimated
Regulatory Cost was prepared. The Board has determined that
the proposed rule amendments will not have an impact on
small business.

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

RULEMAKING AUTHORITY: 456.031, 456.033, 458.309, 458.311, 458.3137 FS.

LAW IMPLEMENTED: 456.013(7), 456.031, 456.033, 458.311, 458.3124, 458.313, 458.3145, 458.315, 458.316, 458.3165, 458.317 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

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

THE FULL TEXT OF THE PROPOSED RULE IS:

64B8-4.009 Applications.

(1) All persons applying for licensure shall submit an application to the Department. The application shall be made on the applicable form set forth below, all of which are hereby adopted and incorporated by reference and can be obtained from the Board of Medicine’s website at http://www.doh.state.fl.us/mqa/medical/me_applicant.html. The application must be accompanied by the application fee.

(a) through (b) No change.

(c) DH-MQA 1009, entitled “Board of Medicine Application Materials For Temporary Certificate for Practice in an Area of Critical Need,” (8/10 ~~40/09~~);

(d) through (f) No change.

(2) through (9) No change.

Rulemaking Authority 456.031, 456.033, 458.309, 458.311, 458.3137 FS. Law Implemented 456.013(7), 456.031, 456.033, 458.311, 458.3124, 458.313, 458.3145, 458.315, 458.316, 458.3165, 458.317 FS. History–New 3-31-80, Amended 12-4-85, Formerly 21M-22.09, Amended 9-7-88, 3-13-89, 1-1-92, 2-21-93, Formerly 21M-22.009, Amended 11-4-93, Formerly 61F6-22.009, Amended 11-15-94, 2-15-96, Formerly 59R-4.009, Amended 7-10-01, 1-31-02, 5-10-04, 5-20-04, 6-13-06, 12-26-06, 1-18-09, 3-17-09, 10-7-09, 1-7-10, 5-18-10,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Credentials Committee, Board of Medicine

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Medicine

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 6, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 25, 2010

DEPARTMENT OF HEALTH

Board of Orthotists and Prosthetists

RULE NO.: 64B14-1.004
RULE TITLE: Address of Record and Place of Practice

PURPOSE AND EFFECT: The Board proposes to amend rule language to include interns and residents, and to advise licensee of the requirement to update information.

SUMMARY: The rule is being amended to include licensee’s current personal information for license.

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

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

RULEMAKING AUTHORITY: 456.035 FS.

LAW IMPLEMENTED: 456.035 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Bruce Deterding, Executive Director, Board of Orthotists and Prosthetists /MQA, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

THE FULL TEXT OF THE PROPOSED RULE IS:

64B14-1.004 Address of Record and Place of Practice.

(1) Each person holding a license or registration issued pursuant to Chapter 468, Part XIV, F.S., must maintain on file with the Board of Orthotists and Prosthetists the current address at which any notice required by law may be served by the Board or its agent. Within 30 days of changing this address, whether or not within this state, the licensee shall change his or her address at the Board’s website [www.doh.state.fl.us/mqa/OrthPros/index.html] or notify the Board by e-mail or in writing of the new address at which the licensee may be served with notices or other documents.

(2) Each person holding a license or registration issued pursuant to Chapter 468, Part XIV, F.S., must maintain on file with the Board of Orthotists and Prosthetists the current primary place of practice, to include the practice name, address, and phone number. Within 30 days of changing this address, whether or not within this state, the licensee or registrant shall notify the Board by e-mail or in writing of the new practice information.

Rulemaking Specific Authority 456.035 FS. Law Implemented 456.035 FS. History–New 9-18-07, Amended_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Orthotists and Prosthetists
NAME OF AGENCY HEAD WHO APPROVED THE
PROPOSED RULE: Board of Orthotists and Prosthetists
DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: July 16, 2010
DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: August 13, 2010

DEPARTMENT OF HEALTH

Board of Orthotists and Prosthetists

RULE NO.: 64B14-4.003
RULE TITLE: Documentation of Eligibility for
Licensure

PURPOSE AND EFFECT: The Board proposes to amend rule language to recognize post-baccalaureate education in establishing eligibility for licensure, correct statutory references and include ABC certification for pedorthists.

SUMMARY: Language is being amended to recognize post-baccalaureate education in establishing eligibility for licensure, correct statutory references and include ABC certification for pedorthists.

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

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

RULEMAKING AUTHORITY: 468.802 FS.

LAW IMPLEMENTED: 456.013(1), (7), 468.803 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Bruce Deterding., Executive Director, Board of Orthotists and Prosthetists /MQA, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

THE FULL TEXT OF THE PROPOSED RULE IS:

64B14-4.003 Documentation of Eligibility for Licensure.

(1) In order to establish eligibility for licensure as an orthotist or prosthetist under Section 468.803(5)(3)(a) or (b), F.S., the applicant must submit an Application for Licensure, form DH-MQA 1132, 8/08, herein incorporated by reference, which is available from the Board office or

(a) An official transcript from the regionally accredited institution at which the applicant's Baccalaureate or post-graduate degree ~~Bachelor of Science degree~~ was awarded, indicating the degree awarded.

(b) If the applicant's ~~bachelor's~~ degree was not awarded in orthotics and prosthetics, documentation from the CAAHEP approved program certifying certification of completion of an orthotics or prosthetics program, as applicable, recognized by the CAAHEP.

(c) through (e) No change.

(2) In order to establish eligibility for licensure as an orthotic fitter under Section 468.803(5)(3)(c), F.S., the applicant must provide at a minimum:

(a) through (e) No change.

(3) In order to establish eligibility for licensure as an orthotic fitter assistant under Section 468.803(5)(3)(d), F.S., the applicant must provide at a minimum:

(a) through (d) No change.

(4) In order to establish eligibility for licensure as a pedorthist under Section 468.803(5)(3)(e), F.S., the applicant must provide at a minimum:

(a) No change.

(b) An original letter from the head of a training program(s) approved by the Board for Certification in Pedorthics (BCP), or the American Board for Certification (ABC), attesting to the inclusion of training as provided in paragraph 64B14-4.110(3)(a), F.A.C.

(c) through (d) No change.

Rulemaking Specific Authority 468.802 FS. Law Implemented 456.013(1), (7), 468.803 FS. History--New 12-10-98, Amended 11-11-02, 11-1-05, 9-21-06, 4-19-09, 4-12-10, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Orthotists and Prosthetists
NAME OF AGENCY HEAD WHO APPROVED THE
PROPOSED RULE: Board of Orthotists and Prosthetists
DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: July 16, 2010
DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: August 13, 2010

DEPARTMENT OF HEALTH

Board of Orthotists and Prosthetists

RULE NO.: 64B14-4.004
RULE TITLE: Documentation of Eligibility for
Registration

PURPOSE AND EFFECT: The Board proposes this new rule to establish necessary documentation of eligibility for registration and incorporates by reference the registration form.

SUMMARY: This new rule is being proposed to establish necessary documentation of eligibility for registration and incorporates by reference the registration form.

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

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

RULEMAKING AUTHORITY: 468.802, 468.803 FS.

LAW IMPLEMENTED: 468.803 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Bruce Deterding, Executive Director, Board of Orthotists and Prosthetists /MQA, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

THE FULL TEXT OF THE PROPOSED RULE IS:

64B14-4.004 Documentation of Eligibility for Registration.

In order to establish eligibility for registration as an orthotic, or prosthetic, resident or intern under Section 468.803(3)(a) or (b), F.S., the applicant must submit a completed Registration Form for Orthotic or Prosthetic Internship/Residency Program, form number DH-MQA 1126, 11/08, hereby adopted and incorporated by reference, which is available from the Board office or at the Board's website: <http://www.doh.state.fl.us/mqa/OrthPros/index.html>, and provide:

(1) An official transcript from the regionally accredited institution at which the applicant's Baccalaureate or post-graduate degree was awarded, indicating the degree awarded.

(2) If the applicant's degree was not awarded in orthotics and prosthetics, documentation from the CAAHEP approved program certifying completion of an orthotics or prosthetics program, as applicable.

(3) For registration as a resident the applicant must provide documentation of enrollment in an NCOPE approved residency program.

(4) For registration as an intern the applicant must provide documentation of a proposed internship meeting the requirement of Rule 64B14-4.100, F.A.C.

(5) Documentation of completion of the mandatory courses.

Rulemaking Authority 468.802, 468.803 FS. Law Implemented 468.803 FS. History--New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Orthotists and Prosthetists

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Orthotists and Prosthetists

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 16, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 13, 2010

DEPARTMENT OF HEALTH

Board of Orthotists and Prosthetists

RULE NO.: 64B14-4.100
 RULE TITLE: Requirements for Prosthetic or Orthotic Residency or Internship

PURPOSE AND EFFECT: The Board proposes this change to delete the internship or residency program and the application form required, which is incorporated in Rule 64B14-4.004, F.A.C.

SUMMARY: This amendment will delete the internship or residency program and the application form required.

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

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

RULEMAKING AUTHORITY: 468.802, 468.803 FS.

LAW IMPLEMENTED: 468.803 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Bruce Deterding, Executive Director, Board of Orthotists and Prosthetists/MQA, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

THE FULL TEXT OF THE PROPOSED RULE IS:

64B14-4.100 Requirements for Prosthetic or Orthotic Residency or Internship.

(1) through (7) No change.

~~(8) To register for an orthotic or prosthetic internship or residency program, the applicant must submit a completed, Application Form for Internship/Residency form number DH-MQA1126, 07/09, which is available from the Board office or at the Board's website: <http://www.doh.state.fl.us/mqa/OrthPros/index.html>.~~

~~(8)(9) No change.~~

Rulemaking Authority 468.802, 468.803 FS. Law Implemented 468.803 FS. History--New 11-1-99, Amended 7-2-07, 5-28-09, 4-11-10,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Orthotists and Prosthetists

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Orthotists and Prosthetists

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 16, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 13, 2010

DEPARTMENT OF HEALTH

Board of Osteopathic Medicine

RULE NO.: RULE TITLE:

64B15-14.001 Advertisings

PURPOSE AND EFFECT: The proposed rule amendments clarify the Board’s rule with regard to advertising of specialty certification.

SUMMARY: The proposed rule amendments clarify the Board’s rule with regard to the advertising of specialty certification. Additionally, the rule specifies those entities recognized by the Board for the purpose of advertising.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared. The Board has determined that the proposed rule amendments will not have an impact on small business.

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

RULEMAKING AUTHORITY: 459.005, 459.015(1)(d), (e), (l), (m), (o), (v) FS.

LAW IMPLEMENTED: 459.015(1)(d), (e), (l), (m), (o), (v) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Anthony Jusevitch, Executive Director, Board of Osteopathic Medicine/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

THE FULL TEXT OF THE PROPOSED RULE IS:

64B15-14.001 Advertisings.

(1) No change.

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

(a) through (g) No change.

(h) States or implies that an osteopathic physician has been certified as a specialist in any aspect of the practice of osteopathic medicine unless he or she has in fact received such certification, meets the training requirements of paragraph 64B15-14.001(2)(g), F.A.C., includes the name of the certifying agency in any statement or advertisement claiming certification. For purposes of this rule, the Board approves the specialty boards of the American Board of Medical Specialties (ABMS), the American Osteopathic Association (AOA), and

such other recognizing agencies as may request and receive future approval by the Board based upon the following criteria; and the certifying agency meets the following criteria:

1. through 6. No change.

(i) through (k) No change.

(3) through (4) No change.

(5) The recognizing agencies currently approved by the Board of Osteopathic Medicine include:

(a) American Association of Physician Specialists, Inc. (Approved June, 2002).

(b) American Board of Inventional Pain Physicians (Approved August, 2010).

Rulemaking Specific Authority 459.005, 459.015(1)(d), (e), (l), (m), (o), (v) FS. Law Implemented 459.015(1)(d), (e), (l), (m), (o), (v) FS. History--New 7-1-80, Formerly 21R-14.01, Amended 10-28-91, Formerly 21R-14.001, 61F9-14.001, 59W-14.001, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Osteopathic Medicine

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Osteopathic Medicine

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 20, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 30, 2010

DEPARTMENT OF HEALTH

Prescription Drug Monitoring Program

RULE NOS.: RULE TITLES:

64K-1.001 Patient Advisory Alerts and Reports

64K-1.003 Accessing Database

64K-1.004 Management and Operation of Database

64K-1.005 Security of Information

64K-1.006 Program Evaluation and Other

PURPOSE AND EFFECT: To encourage responsible prescribing by implementing provisions to help establish a limited access comprehensive electronic database system for controlled substances.

SUMMARY: These rules provide a framework for the administering of the program and include advisory alerts and reports, access and operation of the database, breaches in security, and program evaluation.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The agency has determined that this rule will have an impact on small business. A SERC has been prepared by the agency. The SERC indicates that electronic transfer of information is not unusual, particularly with regard to controlled substances, and that the electronic transfer of information requirement should not be unduly burdensome.

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

RULEMAKING AUTHORITY: 893.055 FS.

LAW IMPLEMENTED: 893.055 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Lucy Gee, Division Director, 4052 Bald Cypress Way, Bin #C00, Tallahassee, Florida 32399-3250

THE FULL TEXT OF THE PROPOSED RULES IS:

64K-1.001 Patient Advisory Alerts and Reports.

(1) An advisory report is an electronic screen containing information regarding a patient based on controlled substance information that has been reported to the Prescription Drug Monitoring Program (Program) database. The Program will update the advisory reports at least once a week and the information on the reports shall be removed when older than 60 days. Advisory reports will be issued in accordance with Section 893.13(7)(a)8., F.S. when recommended by law enforcement or by a board governing health care practitioners.

(2) An advisory alert is a report containing information that indicates that a patient may have been prescribed or received controlled substances in a strength, amount, or at a frequency that may be of concern to the patient or to any involved pharmacies and practitioners. When an alert is issued, the screen or report shall contain the phrase "ADVISORY ALERT" in distinguishing or colored font. The alert report shall be retained for a minimum of six months and until at least six months have passed during which time the patient has not been prescribed or received controlled substances in a strength, amount, or at a frequency that may be of concern to the patient or to any involved pharmacies and practitioners.

(3) An advisory report will only be provided to the practitioner, pharmacy, pharmacist, or patient upon request. When an alert report is created, a confidential alert notification will be e-mailed to the referenced practitioner or pharmacy with instructions on how to request and access the alert report.

Rulemaking Authority 893.055 FS. Law Implemented 893.055 FS. History--New _____.

64K-1.003 Accessing Database.

(1) The following entities have direct access to the information contained in the Program central database:

(a) A pharmacy, prescriber, or dispenser if the information relates to a patient of that pharmacy, prescriber, or dispenser for purposes of reviewing the patient's controlled substance prescription history. Those entities who prescribe or dispense controlled substances, Schedules II-IV, and are registered in

the Program system, may access the database through the secure web portal to request and receive information electronically, or may submit a written request to the Program manager if information must be received by an alternate means.

(b) The Program manager and designated Program support staff acting at the direction of or as authorized by the Program manager for purposes of management of the Program database and in furtherance of the Program.

(2) The following entities do not have direct access to the information in the database, but may request access from the Program manager or authorized staff:

(a) The Department or the health care regulatory boards when involved in a specific controlled substance investigation involving a designated person for one or more controlled substances.

(b) The Attorney General or designee for Medicaid Fraud cases involving prescribed controlled substances.

(c) A law enforcement agency during an active investigation regarding potential criminal activity, fraud, or theft relating to controlled substances.

(d) A patient or the legal guardian or designated health care surrogate of an incapacitated patient as described in Section 893.0551, F.S., who, for the purpose of verifying the accuracy of the database information, submits a notarized request on a form authorized by the Program. To receive the requested information, the patient or representative must appear in person at the Program office and produce proof of representation if not the patient as well as a valid government issued photographic proof of identity.

(3) The Program manager or designated staff must ensure that the entity requesting access to information is permitted by law to receive access and must take every reasonable precaution to verify the request as authentic.

Rulemaking Authority 893.055 FS. Law Implemented 893.055 FS. History--New _____.

64K-1.004 Management and Operation of Database.

(1) All entities that dispense controlled substances, Schedules II-IV, are required to report to the Program central database. These entities include:

(a) Any pharmacy with a permit issued under Chapter 465, F.S., that dispenses controlled substances, whether located in or out of the State of Florida, including mail order or internet pharmacies.

(b) Any health care practitioner, practicing in Florida, who dispenses any controlled substances, Schedules II-IV, and who is licensed under Chapter 458, 459, 461, 462, or 466, F.S.

(c) Exemptions from reporting are as stated in Section 893.055(5), F.S.

(2) All entities that dispense controlled substances, Schedules II-IV, must register with the Program prior to submitting data.

(3) All dispensers will electronically report data to the Program's database not more than 15 days after the controlled substance is dispensed according to a schedule developed and published by the Program. Extensions of the time within which a dispenser must report the dispensing of a controlled substance shall be granted for no more than 30 days upon request to the Program by any dispenser unable to submit data by electronic means for good cause if the dispenser provides evidence of having suffered a mechanical or electronic failure or cannot report for reasons beyond the control of the dispenser or if the central database is unable to receive submissions.

(4) Data not accepted by the database system due to a substantial number of errors or omissions shall be corrected and resubmitted to the database by the reporting dispenser within five days of receiving written notice that the submitted data was unacceptable.

(5) Failure to report the dispensing of Schedules II-IV controlled substances will result in the Program filing a complaint for investigation by the Department and a referral to law enforcement.

(6) All information from the database disseminated in any form by the Program to any entity is considered protected health information and the use of it is governed by any and all applicable federal and state laws. Authorized entities receiving such information shall maintain the information for up to 24 months before purging it from the records or shall maintain it for longer than 24 months if advised that the information is pertinent to an ongoing disciplinary or law enforcement investigation or prosecution.

(7)(a) A patient, health care provider, prescriber, or dispenser is authorized to submit to the Program an electronic request for the correction of erroneous information in the database. The request shall include:

1. A statement explaining in detail the basis for the requested correction;
2. The precise change requested;
3. Documentation establishing the error and the correct information;
4. The requester's name, address, telephone number, and license number if licensed as a health care provider in Florida.

(b) The Program will review all requests to correct information in the database and will contact the entity that provided the data under review. If the reporter of the data concurs that the data should be corrected as requested, the Program will make the correction. If the reporter does not agree, the correction will not be entered. The entity requesting the correction will be notified of the Program's determination.

Rulemaking Authority 893.055 FS. Law Implemented 893.055 FS. History--New _____.

64K-1.005 Security of Information.

Breaches in security discovered by the Program manager must be reported to the Department and to law enforcement within one business day of discovery of the breach. System users who become aware of a breach in security must report the suspected breach to the Program manager or Department as soon as possible or no later than one business day after its discovery.

Rulemaking Authority 893.055 FS. Law Implemented 893.055 FS. History--New _____.

64K-1.006 Program Evaluation and Other.

Beginning in October 2011, the Department shall evaluate the Program to prepare a report to the Legislature and Governor by December 1 of each year using the performance measures specified in Section 893.055(8), F.S.

Rulemaking Authority 893.055 FS. Law Implemented 893.055 FS. History--New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Lucy Gee

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Ana M. Viamonte Ros, M.D., M.P.H.

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 30, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 12, 2010

DEPARTMENT OF FINANCIAL SERVICES

Division of Worker's Compensation

RULE NO.: 69L-3.025
RULE TITLE: Forms

PURPOSE AND EFFECT: Section 440.185(4), F.S., authorizes the Department to approve informational brochures that carriers are required to mail to injured employees and employers. The brochures are required to set forth in clear and understandable language an explanation of the rights, benefits, procedures for obtaining benefits and assistance, criminal penalties, and obligations of injured workers and their employers under the Florida Workers' Compensation Law. Section 440.185(4), F.S., requires the carrier to mail the Department approved informational brochure to the injured employee within three (3) days after being informed by the employer or employee of an injury. Carriers are also required to annually mail the Department approved informational brochures to employers. The proposed amendment will adopt the updated English and Spanish versions of the workers' compensation informational brochures that carriers are required to mail to employers and injured employees.

SUMMARY: Workers' compensation informational brochures for employers and injured employees.

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

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

RULEMAKING AUTHORITY: 440.15, 440.185, 440.20, 440.591 FS.

LAW IMPLEMENTED: 440.14(3), 440.15(1), (4), (9), (10), 440.185(4), (5), (10), 440.20(2), (3), 440.345, 440.35, 440.51(6), (9) 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: October 11, 2010, 1:00 p.m.

PLACE: Room 104J, Hartman Building, 2012 Capital Circle S.E., Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the

- (o) Form DFS-F2-DWC-60 03/10 8/04 Important Workers' Compensation Information for Florida's Workers
- (p) Form DFS-F2-DWC-61 03/10 8/04 Informacion Importante De Seguro De Indemnizacion Por Accidentes De Trabajo Para Los Trabajadores De La Florida
- (q) Form DFS-F2-DWC-65 03/10 8/04 Important Workers' Compensation Information for Florida's Employers
- (r) Form DFS-F2-DWC-66 03/10 8/04 Informacion Importante Del Seguro De Indemnizacion Por Accidentes De Trabajo Para Los Empleadores De La Florida

(2) The Division will not supply the forms promulgated under this chapter, but will make sample forms available on the Division's web site: <http://www.myfloridacfo.com/WC/>, <http://www.fldfs.com/wc/>.

(3) For a transitional period of 90 days from the effective date of this rule, an insurer or claims-handling entity may use forms identified and adopted in subsection 69L-3.025(1), F.A.C., or the corresponding form(s) in effect prior to the adoption of this rule. After the completion of the 90 day transitional period, only the forms adopted in this rule may be used.

Rulemaking Specific Authority 440.15, 440.185, 440.20, 440.591 FS. Law Implemented 440.14(3), 440.15(1), (4), (9), (10), 440.185(4), (5), (10), 440.20(2), (3), 440.345, 440.35, 440.51(6), (9) FS. History—New 4-11-90, Amended 1-30-91, 11-8-94, 11-11-96, 11-25-96, Formerly 38F-3.025, 4L-3.025, Amended 1-10-05, 3-16-09.

NAME OF PERSON ORIGINATING PROPOSED RULE: Pam Macon, Chief, Bureau of Employee Assistance

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Alex Sink, Chief Financial Officer

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 26, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 28, 2010

agency at least 5 days before the workshop/meeting by contacting: Pam Macon at (850)413-1708 or Pamela.Macon@myfloridacfo.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Pam Macon, Chief, Bureau of Employee Assistance, Division of Workers' Compensation, 2012 Capital Circle S.E., Tallahassee, Florida 32399, (850)413-1708

THE FULL TEXT OF THE PROPOSED RULE IS:

69L-3.025 Forms.

(1) The following forms are to be used with this rule chapter and are hereby incorporated by reference:

(a) through (n) No change.

DEPARTMENT OF FINANCIAL SERVICES

Division of Worker's Compensation

RULE NO.: 69L-6.007
 RULE TITLE: Compensation Notice

PURPOSE AND EFFECT: Section 440.40, F.S., requires every employer who has secured workers' compensation insurance to post in its place of business a workers' compensation notice and an Anti-Fraud Reward Program notice. Section 440.40, F.S., also authorizes the Department, by rule, to prescribe the form of the notices and to require carriers to provide the notices to policyholders. Currently, Rule 69L-6.007, F.A.C., requires carriers to furnish employers with a compensation notice, commonly referred to as the "broken arm poster" and incorporates the Anti-Fraud Reward Program notice poster. The purpose of the proposed rule amendment is to update the rule and adopt the revised workers' compensation notice posters, including the Spanish version of the poster.

SUMMARY: The proposed amendments update Rule 69L-6.007, F.A.C., and adopt the revised workers' compensation "broken arm posters."

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

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

RULEMAKING AUTHORITY: 440.40, 440.591 FS.

LAW IMPLEMENTED: 440.40 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: October 11, 2010, 9:00 a.m.

PLACE: Room 104J, Hartman Building, 2012 Capital Circle S.E., Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Tasha Carter at (850)413-1878 or Tasha.Carter@myfloridacfo.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Tasha Carter, Chief, Bureau of Compliance, Division of Workers' Compensation, 2012 Capital Circle S.E., Tallahassee, Florida 32399, (850)413-1878

THE FULL TEXT OF THE PROPOSED RULE IS:

69L-6.007 Compensation Notice.

(1) Upon issuance of an insurance policy or certificate of membership in a self-insurance fund or a renewal certificate thereof, the insurer or self-insurance servicing agent shall furnish the employer a sufficient number of typewritten or printed compensation notices, commonly referred to as the "broken arm poster." The compensation notice shall be printed on paper or cardboard stock 11 inches by 17 inches, and have the same form and content as Form DFS-F4-1548 ~~DI4-1548~~, "Workers' Comp Works For You Poster," (Rev. 03/10 ~~12/02~~) or Form DFS-F4-2026, "Compensación por accidentes de trabajo labora para usted Poster," (Rev. 03/10), which are ~~is~~ incorporated herein by reference. As an alternative to having the Anti-Fraud Reward Program language in the poster itself, the employer may elect to attach the Anti-Fraud Reward Program Notice to the poster on a separate piece of paper, with the same form and content ~~content~~ as Form DFS-L2-1549 ~~DI4-1549~~, "Anti-Fraud Reward Program Notice," (Rev. 12/02), which is incorporated herein by reference.

(2) through (4) No change.

(5) Printers, insurers, self-insurers or self-insurance ~~insurer~~ funds may obtain an electronic version of the art work for the compensation notices from the Division's website at <http://www.myfloridacfo.com/WC>;

~~The Florida Division of Workers' Compensation
Customer Service Center
200 East Gaines Street
Tallahassee, FL 32399-4227~~

(6) For a transitional period of 90 days from the effective date of this rule, an insurer or self-insurance servicing agent may use the "broken arm" posters identified and adopted in subsection 69L-6.007(1), F.A.C., or the corresponding poster(s) in effect prior to the adoption of this rule. After the completion of the 90 day transitional period, only the posters adopted in this rule may be used.

Rulemaking Specific Authority 440.40, 440.591 FS. Law Implemented 440.40 FS. History-New 11-20-79, Amended 4-15-81, 1-2-86, Formerly 38F-6.07, Amended 2-2-00, Formerly 38F-6.007, Amended 3-26-03, Formerly 4L-6.007, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Tasha Carter, Chief, Bureau of Compliance

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Alex Sink, Chief Financial Officer

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 26, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 11, 2010

Section III Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF TRANSPORTATION

RULE NO.: 14-85.022 RULE TITLE: Permits

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. 36, No. 27, July 9, 2010 issue of the Florida Administrative Weekly.

In response to comments from the Joint Administrative Procedures Committee, paragraph 14-85.022(2)(a), F.A.C., is being amended to clarify the cap on Logo permit fees and is modified as follows:

(a) The following charts show the groupings for both AADT and population. Annual fees for participation in the Logo Sign Program are computed based upon the Annual Average Daily Traffic (AADT) at each interchange, the population of the area surrounding the interchange, market conditions, and the costs of the program. The following charts show the groupings for both AADT and population: