

Section I

Notices of Development of Proposed Rules and Negotiated Rulemaking

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: 6A-1.0014 RULE TITLE: Comprehensive Management Information System

PURPOSE AND EFFECT: The purpose of the rule development is to revise existing requirements of the statewide management information system which are necessary in order to implement changes recommended by school districts and to make changes in state reporting and local recordkeeping procedures for state and/or federal programs. The effect is to maintain compatibility among state and local information systems components.

SUBJECT AREA TO BE ADDRESSED: DOE Information Data Base Requirements.

SPECIFIC AUTHORITY: 120.53(1)(b), 1001.02(1), 1008.385(3) FS.

LAW IMPLEMENTED: 1002.22(3)(d)3., 1008.385(2), 1010.305(2), 1001.23 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.

Requests for the rule development workshop should be addressed to: Lynn Abbott, Agency Clerk, Department of Education, 325 West Gaines Street, Room 1514, Tallahassee, Florida 32399-0400.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT, IF AVAILABLE, IS: Lavan Dukes, Office of Education Information and Accountability Services, Department of Education, 325 West Gaines Street, Room 852, Tallahassee, Florida 32399-0400, (850)245-0400

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

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: 6A-4.002 RULE TITLE: General Provisions

PURPOSE AND EFFECT: The purpose of the rule development is to align the provisions for the use of classroom teaching experience to the proposed new requirements for the college courses option for teacher professional preparation in Rule 6A-4.006, F.A.C., and to add language to establish that the recognition of national certificates shall be for subjects

comparable and at the same degree level of training as Florida certification. The effect is consistency with Rule 6A-4.006, F.A.C., and current statutes.

SUBJECT AREA TO BE ADDRESSED: Certification provisions that allow for a specified use of classroom teaching experience in lieu of college courses in professional preparation requirements, technical citation changes, and provisions for the recognition of national certificates.

SPECIFIC AUTHORITY: 1001.02, 1012.55, 1012.56 FS.

LAW IMPLEMENTED: 1001.02, 1012.54, 1012.55, 1012.56 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.

Requests for the rule development workshop should be addressed to: Lynn Abbott, Agency Clerk, Department of Education, 325 West Gaines Street, Room 1514, Tallahassee, Florida 32399-0400.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Beverly Gregory, Chief, Bureau of Educator Certification, 325 West Gaines Street, Room 201, Tallahassee, FL 32399-0400

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

6A-4.002 General Provisions.

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

(j) Certificates from national certification organizations. Certificates issued by national certification organizations approved in Florida Statute or by the State Board of Education shall:

1. Be issued in a subject comparable to a Florida certification subject,

2. Require the same or higher degree level of training required for certification in that subject in Florida, and

3. Official documentation of the national certificate shall be a photocopy of the front and back of the original certificate.

(k)(j) Alteration of certificates. The alteration of any certificate with the intent to mislead or defraud shall be sufficient grounds for revocation of the certificate. It shall be incumbent upon the certificate holder to establish evidence of the absence of intent to mislead or defraud.

(2) through (4) No change.

(5)(a) No change.

(b) Utilization of teaching experience. A year of full-time teaching experience may be accepted in lieu of three (3) semester hours of college credit. A maximum of three (3) years of teaching experience may be used in lieu of nine (9) semester hours of college credit. Not more than one (1) year of teaching experience may be used in lieu of three (3) semester hours of college credit toward satisfying requirements in professional

preparation. Not more than two (2) years of teaching experience may be used in lieu of six (6) semester hours of college credit toward satisfying requirements in ~~professional preparation~~, or a specialization area. When teaching experience is used to satisfy a course requirement in a specialization area or to satisfy a subject special methods course requirement in professional preparation, the teaching experience shall be comparable to the course requirement acquired in the subject or field and at the appropriate instructional level to which it is applied.

(6) No change.

(a) An Official Statement of Status of Eligibility shall be issued when the applicant meets requirements specified in Section 1012.56(1), Florida Statutes.

(b) through (c) No change.

Specific Authority 1001.02, 1012.55, 1012.56 FS. Law Implemented 1001.02, 1012.54, 1012.55, 1012.56 FS. History—Amended 4-10-64, 4-8-68, 4-11-70, 10-18-71, 3-19-72, 12-18-72, 6-17-73, 4-19-74, Repromulgated 12-5-74, Amended 6-22-76, 6-27-77, 12-26-77, 4-27-78, 7-1-79, 7-2-79, 6-26-80, 7-28-81, 1-3-82, 5-11-82, 6-22-83, 3-28-84, 1-31-85, 3-13-85, Formerly 6A-4.02, Amended 12-25-86, 10-18-88, 10-10-89, 4-15-91, 11-10-92, 5-30-94, 11-13-96, 10-15-01, 12-27-04, _____.

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: 6A-4.006
 RULE TITLE: General and Professional Preparation

PURPOSE AND EFFECT: The purpose of the rule development is to include professional education requirements via the course analysis option provided in Section 1012.56(5)(f), Florida Statutes, that more closely align to the updated requirements in other certification options or pathways for teacher preparation. The effect will be a rule that is current and includes the most critical competencies, knowledge, and skills for teachers in providing quality instruction to improve student achievement.

SUBJECT AREA TO BE ADDRESSED: Professional preparation requirements for teachers via completion of the college education courses route.

SPECIFIC AUTHORITY: 1001.02, 1012.55, 1012.56 FS.

LAW IMPLEMENTED: 1001.02, 1012.54, 1012.55, 1012.56 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.

Requests for the rule development workshop should be addressed to: Lynn Abbott, Agency Clerk, Department of Education, 325 West Gaines Street, Room 1514, Tallahassee, Florida 32399-0400.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Beverly Gregory, Chief, Bureau of Educator Certification, 325 West Gaines Street, Room 201, Tallahassee, FL 32399-0400

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

(Substantial rewording of Rule 6A-4.006 follows. See Florida Administrative Code for present text.)

6A-4.006 General and Professional Preparation.

(1) General preparation. A bachelor's or higher degree from an accredited or approved institution as described in Rule 6A-4.003, F.A.C., shall be considered to have met the general preparation course requirements.

(2) Professional preparation.

(a) Courses for the professional preparation and education competence requirement pursuant to the college course certification option in Section 1012.56(5)(f), Florida Statutes, are fifteen (15) semester hours with credit in the following professional education areas:

1. Classroom management including safe learning environments.
2. Human development and learning.
3. Educational assessment to include the content measured by state achievement tests and the interpretation and utilization of data to improve student achievement.
4. Effective instructional strategies including the needs of diverse learners.
5. For the middle (grades 5-9) and secondary (grades 6-12) level subject coverages and the K-12 level subject coverages: art, music, dance, computer science, health, foreign languages, and humanities, curriculum and special methods of teaching the subject, and

6. For middle (grades 5-9) and secondary (grades 6-12) level subject coverages, foundations of research-based practices in teaching reading-competency two of the State Board approved reading endorsement competencies.

(b) Practical experience in teaching. Practical experience in teaching may be satisfied by one of the following methods:

1. One year of full-time teaching experience in an elementary or secondary school as specified in Rule 6A-4.002, F.A.C., or
2. Six semester hours earned in a college student teaching or supervised internship completed in an elementary or secondary school.

(c) Additional requirements in teaching reading and professional education for grades kindergarten through grade six and for exceptional education students are included in the separate certification subject specialization State Board Rules.

(d) All the professional education requirements for preschool and prekindergarten – grade three subject coverages in lieu of the requirements in paragraph (2)(a) of this rule are included in the separate certification subject specialization State Board Rules.

(e) The requirements of paragraph (2)(a) of this rule are not applicable and shall not be required for school social worker or speech-language impaired certification.

(3) Professional preparation for agriculture (grades 6-12).

(a) Courses for professional preparation and education competence requirement pursuant to the college course certification option in Section 1012.56(5)(f), Florida Statutes, for agriculture are fifteen (15) semester hours with credit in the following professional agricultural education areas:

1. Curriculum development and educational assessment in agriculture.

2. Instructional strategies of teaching agriculture.

3. Program planning in agricultural education.

4. An agriscience teacher induction course which includes:

a. Basic principles and philosophy of agricultural education, and

b. Strategies for classroom management.

(b) The practical teaching experience requirement may be satisfied as specified in paragraph (2)(b) of this rule.

Specific Authority 1001.02, 1012.55, 1012.56 FS. Law Implemented 1001.02, 1012.54, 1012.55, 1012.56 FS. History—Amended 4-20-64, 4-8-68, 7-7-68, 4-11-69, 6-17-73, Repromulgated 12-5-74, Amended 10-12-76, 7-1-79, 11-5-84, Formerly 6A-4.06, Amended 9-12-89, 5-30-94, 7-17-00, 10-15-01,_____.

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: 6A-10.044 RULE TITLE: Residency For Tuition Purposes

PURPOSE AND EFFECT: The purpose of the rule development is to define provisions associated with determining residency for tuition purposes.

SUBJECT AREA TO BE ADDRESSED: The proposed revisions are intended to clarify the process of reclassification based on legislative direction from the 2005 Legislative Session. In addition, definitions are provided for the determination of independent and dependent status based on federal guidelines. The proposed changes mirror the Free Application for Federal Student Aid (FAFSA) requirements to align how an independent student is defined by both the Offices of Financial Aid and Admissions/Registration.

SPECIFIC AUTHORITY: 1009.21(11) FS.

LAW IMPLEMENTED: 1009.21 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.

Requests for the rule development workshop should be addressed to Lynn Abbott, Agency Clerk, Department of Education, 325 West Gaines Street, Room 1514, Tallahassee, Florida 32399-0400.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Dr. Heather Sherry, Director, Office of Articulation, Department of Education, 325 West Gaines Street, Suite 1401, Tallahassee, Florida 32399, (850)245-9483

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

6A-10.044 Residency for Tuition Purposes.

(1) through (6) No change.

(7) An applicant, who at the time of initial classification is not classified as an All Florida resident for tuition purposes, shall be further assessed by the institution to which the applicant is applying. The student shall provide clear and convincing evidence that establishes that he or she, or if a dependent, the student's mother, father, or legal guardian, has been a Florida resident for the preceding twelve (12) consecutive months. No single piece of documentation shall be conclusive.

(a) The documentation may include, but is not limited to, the following: driver's license, voter registration card, vehicle registration, declaration of domicile, proof of purchase of a permanent home, transcripts from a Florida school for multiple years, proof of permanent full-time employment, a Professional or Occupational License, Florida incorporation, documents evidencing family ties, proof of membership in organizations, and any other documentation that supports the student's request for resident status.

(b) A student who meets any one of the following criteria shall be classified as an independent student for the determination of residency for tuition purposes: ~~A dependent person will be one for whom fifty (50) percent or more of his or her support has been provided by another as defined by the Internal Revenue Service. An independent person will be one who provides more than fifty (50) percent of his or her own support.~~

1. The student is over twenty-four (24) years of age by the first day of classes of the term for which residency status is sought at a Florida institution;

2. The student is married;

3. The student has children who receive more than half of their support from the student;

4. The student has other dependents who live with and receive more than half of their support from the student;

5. he student is a veteran of the United States Armed Forces;

6. Both of the student's parents are deceased or the student is or was (until age eighteen (18) a ward/dependent of the court; or

7. The student is working on a master's or doctoral degree during the term for which residency status is sought at a Florida institution.

(c) A student who does not meet one of the criteria outlined in paragraph (7)(b) of this rule may be classified as an independent student only if he or she can provide documentation that he or she provides fifty (50) percent or more of the cost of attendance as defined by the financial aid office at the institution. All other students shall be classified as dependent students for the determination of residency for tuition purposes.

(d) Dependent or independent status will be based on a copy of a student's or his or her parents' most recent tax return or other documentation.

~~(e) An independent or dependent student who is enrolled full-time in an institution and is seeking to be re-classified as a resident for tuition purposes, must provide such documentation which substantiates that he or she, or if a dependent, the student's mother, father, or guardian, is establishing Florida as his or her permanent domicile and not as a mere temporary residence incident to the enrollment in higher education.~~

(8) A student, or if a dependent his or her father, mother or legal guardian, must maintain legal residence in the state of Florida for at least twelve (12) consecutive months immediately prior to the first day of classes of the term for which residency status is sought at a Florida institution. Institutions may establish submission deadlines for all documentation that will be used to determine residency for tuition purposes. The burden of providing the documentation, which justifies the classification of a student as a resident for tuition purposes, rests with the applicant.

(9) An individual who is initially classified as a nonresident for tuition purposes after July 1, 2006, may become eligible for reclassification as a resident for tuition purposes only if that individual, or his or her parent if that individual is a dependent child, supports permanent residency in this state by presenting documentation of establishment of a bona fide domicile in this state for twelve (12) consecutive months while not enrolled full-time at an institution of higher education.

(9) through (12) renumbered (10) through (13) No change.

Specific Authority 1009.21(11) FS. Law Implemented 1009.21(11) FS. History--New 10-6-92, Amended 10-17-00, 3-22-05,_____.

DEPARTMENT OF EDUCATION

Commission for Independent Education

RULE NO.: 6E-2.004
 RULE TITLE: Standards and Procedures for Licensure

PURPOSE AND EFFECT: The Board proposes the rule amendment to the rule to clarify the type of financial statement a postsecondary educational institution earning less than \$100,000 shall provide.

SUBJECT AREA TO BE ADDRESSED: Standards and procedures for licensure.

SPECIFIC AUTHORITY: 1005.22(1)(e), 1005.31(2), (3), 1005.34, 1005.39 FS.

LAW IMPLEMENTED: 1005.04, 1005.31, 1005.33(1), 1005.34, 1005.39 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Samuel Ferguson, Executive Director, Commission for Independent Education, 325 West Gaines Street, Suite 1414, Tallahassee, Florida 32399-0400

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

6E-2.004 Standards and Procedures for Licensure.

(1) through (5) No change.

(6) Standard 6: Finances. All institutions must demonstrate that the financial structure of the institution is sound, with resources sufficient for the proposed operations of the institution and the discharge of its obligations to the students. To demonstrate this, the school shall provide the following:

(a)1. No change.

(b) Annual License. Extended Annual License, or Annual Review:

1. Licensed nondegree schools shall provide annually a review or audit, prepared in accordance with Generally Accepted Accounting Principles by an independent certified public accountant, Licensed colleges and universities shall provide annually an audit, prepared in accordance with Generally Accepted Accounting Principles by an independent certified public accountant. This annual financial statement shall demonstrate that the current assets of the institution exceed the current liabilities, and that there was a positive net working capital and a profit or surplus for the prior year. If an institution does not meet the above requirements, the Commission shall require an explanation of the financial condition of the institution including a financial improvement plan or teach-out plan or form of surety guaranteeing that the resources are sufficient to protect the current students. If the Commission determines that the institution does not have sufficient resources, it shall take actions up to and including revocation of licensure.

2. If an independent postsecondary educational institution earns less than \$100,000 gross tuition revenue per the institution's fiscal year, the institution shall provide both a compiled financial statement of the institution and of the

controlling principles. The financial statement shall be compiled, reviewed, or audited by an independent certified public accountant. These statements must demonstrate sufficient resources to ensure appropriate institutional development.

- 3. through 4. No change.
- (b) through (12) No change.

Specific Authority 1005.22(1)(e), 1005.31(2), (3), 1005.34, 1005.39 FS. Law Implemented 1005.04, 1005.31, 1005.33(1), 1005.34, 1005.39 FS. History—Promulgated 12-5-74, Formerly 6E-3.01(1), Readopted 11-11-75, Amended 3-7-77, 5-7-79, 10-13-83, Formerly 6E-2.04, Amended 11-27-88, 11-29-89, 12-10-90, 10-19-93, 4-2-96, 4-11-00, 1-7-03, 4-5-04, 5-24-04, 7-20-04, 5-18-05,_____.

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.”

PUBLIC SERVICE COMMISSION

UNDOCKETED

RULE NO.: RULE TITLE:
25-4.0665 Lifeline Service

PURPOSE AND EFFECT: To adopt rules to administer the Lifeline service program.

SUBJECT AREA TO BE ADDRESSED: Lifeline service.

SPECIFIC AUTHORITY: 350.127(2), 364.10(3)(j) FS.

LAW IMPLEMENTED: 364.10, 364.105 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 WORKSHOP REQUEST MUST BE SUBMITTED IN WRITING TO: Samantha Cibula, Office of the General Counsel, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Curtis Williams, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0862, (850)413-6924

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

DEPARTMENT OF CORRECTIONS

RULE NO.: RULE TITLE:
33-601.302 Inmate Discipline – Terminology and Definitions

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to specify the forms used to document inmate behavior while in confinement.

SUBJECT AREA TO BE ADDRESSED: Inmate discipline.

SPECIFIC AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 20.315, 944.09 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Perri King Dale, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-601.302 Inmate Discipline – Terminology and Definitions.

The following terms, as defined, shall be standard usage throughout the Department:

- (1) No change.
- (2) Contact Card – Refers to Form DC6-256, a written log used to document behavior of an inmate, other than an inmate in administrative confinement, disciplinary confinement or close management. Correctional officers maintain this card in the inmate’s assigned dormitory. Form DC6-256 is incorporated by reference in paragraph 33-601.313(1)(c), F.A.C.
- (3) through (16) No change.

Specific Authority 944.09 FS. Law Implemented 20.315, 944.09 FS. History—New 3-12-84, Formerly 33-22.02, Amended 12-30-86, 10-1-95, Formerly 33-22.002, Amended 5-21-00, 2-11-01, 9-16-04,_____.

DEPARTMENT OF CORRECTIONS

RULE NO.: RULE TITLE:
33-602.210 Use of Force

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to: clarify the requirements and procedures for administration of chemical agents; clarify the requirements for investigation of use of force incidents; and correct form titles and ensure consistency between forms and rule.

SUBJECT AREA TO BE ADDRESSED: Use of force.

SPECIFIC AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 20.315, 776.07, 944.09, 944.35 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Perri King Dale, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-602.210 Use of Force.

(1) through (3) No change.

(4) Physical force shall be employed only as a last resort when it reasonably appears that other alternatives are not feasible to control the situation and will not be used solely in response to verbal abuse that does not rise to a level of a disturbance. When the use of force is justified, only that amount and type of force that reasonably appears necessary to accomplish the authorized objective shall be used. All authorized use of force incidents will be videorecorded in their entirety, except that videotaping the administration of chemical agents is not required for use on an inmate creating a disturbance in his or her cell when the officer is attempting to resolve the situation without extracting the inmate from the cell. Videotaping will be initiated after the final exposure to chemical agents and will continue from this point until the decontaminating shower is provided and the medical examination is completed. Should the inmate refuse the shower for decontamination purposes or the medical examination, both the staff providing the opportunity in each case and the inmate's responses will be recorded if cell extraction or other uses of force are necessary. All spontaneous use of force incidents will be videotaped from the point the video camera operator arrives at the scene. Videotaping shall continue uninterrupted until the incident is under control, the involved inmate is escorted to medical, and the inmate is subsequently returned to secure housing. Videotaping of post use of force medical exams shall be done in such a manner as to provide the privacy needed for the exam. If it is necessary to transport the inmate to an outside facility for treatment or to another department facility for secure housing purposes, videotaping shall continue until the inmate is loaded and secured in the transport vehicle.

(5) through (9) No change.

(10) The warden or acting warden shall immediately conduct a preliminary review of the video tape(s) and all associated reports for signs of excessive force or procedural deviation. If signs of excessive force or procedural deviation are noted by the warden or assigned inspector, she or he will notify the Office of the Inspector General directly, so that there is no undue delay in initiating an investigation. The warden

shall then appoint a staff member of equal or higher rank than those involved in the use of force to collect all pertinent information and required documentation. This information will include the reports of all involved staff and the statements of staff witnesses, inmate witnesses, the inmate subject, and the completed Use of Force File Checklist, Form DC1-813. All inmate statements (subject and witnesses) shall be made in writing using the Witness Statement, Form DC6-112C. Form DC6-112C is incorporated by reference in Rule 33-601.313, F.A.C. All employees who witness but do not participate in the use of force shall complete an Incident Report, Form DC6-210. Form DC6-210 is incorporated by reference in subsection (22) of this rule. This process will be completed within 5 working days (Monday through Friday). The warden shall review the information and note any inappropriate actions. The warden shall review the Use of Force File Checklist, Form DC1-813, and shall forward the videotape(s) and associated reports on the use of force and the warden's review to the institutional inspector within five working days. Form DC1-813 is incorporated by reference in subsection (22) of this rule. The institutional inspector will ensure that all documentation is complete and will forward all materials to the Use of Force Unit within the Office of the Inspector General (OIG) within 5 working days. The OIG, following its review, will either approve the use of force action or disapprove it. If the OIG finds that the use of force was inappropriate, the OIG shall conduct a complete investigation into the incident necessary, it will be referred for investigation before final approval or disapproval. If disapproved, the OIG shall advise the warden in writing of the reason for the disapproval so that the warden can take any needed corrective action. If employee disciplinary action appears warranted, the warden shall forward the materials to the service center employee relations supervisor. Form DC6-296, Disapproved Use of Force/Disposition Report, shall be used for this purpose. Form DC6-296 is incorporated by reference in subsection (22) of this rule. The warden shall document all corrective action taken. Copies of the employee's report, the warden's summary and the inspector general's review and determination shall be kept in the inmate's file. A Use of Force Log, Form DC2-802, shall be placed in every employee's personnel file. This form will be maintained by the servicing personnel office and shall contain a record of every report of use of force and staff supplement completed by the employee. The warden or his or her designee shall be responsible for submitting accurate information to the personnel office in order to maintain the DC2-802. Any use of force reports completed prior to April 15, 1998 shall also remain in the file. Form DC2-802, Use of Force Log, is incorporated by reference in subsection (22) of this rule.

(11) No change.

(12) Force or restraint may be used to administer medical treatment when ordered by a physician or clinical associate, and only when treatment is necessary to protect the health of other persons, as in the case of contagious and venereal

diseases, or when treatment is offered in satisfaction of a duty to protect the inmate against self-inflicted injury or death. The physician or clinical associate shall prepare a report documenting the reasons that force or restraint was authorized. Form DC6-232, Authorization for Use of Force Report, shall be used for this purpose. The physician's or clinical associate's report shall be attached to the Institutions Report of Force Used when actual force is used, or the Incident Report, Form DC6-210, in cases when restraints are applied without the use of force as described above. In each instance a DC4-701C, Emergency Room Record, shall be completed in its entirety with applicable data, or the letters N/A used to indicate not applicable. Form DC4-708, Diagram of Injury, shall also be completed in its entirety with applicable data, or the letters N/A used to indicate not applicable. In each case, the examination shall be complete and result in a clear statement by the medical provider that there is or is not an injury, and the record shall provide sufficient documentation to support that conclusion. In all cases where physical force is used to manage an inmate, the inmate and any employee who is involved will be required to receive a medical examination or will sign a Refusal of Health Care Services Affidavit, Form DC4-711A, declining the examination. In those cases where an injury is claimed but not substantiated by medical examination, the statement by the medical provider shall indicate this, and the documentation shall be sufficient to support that no injury was found upon examination. Forms DC4-711A, DC4-701C and DC4-708 are incorporated by reference in subsection (22) of this rule. When the use of four-point or five-point psychiatric restraints is authorized and the inmate does not offer resistance to the application of the restraints, the completion of an Institutions Report of Force Used, Form DC6-230, or an Institutions Report of Force Used Staff Supplement, Form DC6-231, will not be required. In these situations, where there is no resistance to the application of psychiatric restraints, the application of the restraints will be videotaped and an Incident Report, Form DC6-210, will be completed. The videotape, the completed Incident Report, and the completed Authorization for Use of Force Report, Form DC6-232, will be forwarded to the warden or acting warden for review within one working day. The warden will forward the videotape and associated reports to the institutional inspector within five working days. The institutional inspector will ensure that all documentation is complete and will forward all materials to the Office of the Inspector General, as outlined in subsection (10) above, for review. If at any time prior to or during the application of the psychiatric restraints the inmate offers resistance to the application, the steps outlined in subsection (8) above will be followed.

(13) through (15) No change.

(16) Use of Chemical Agents.

(a) through (j) No change.

(k) Chemical agents shall be stored in the main arsenal. A small amount of chemical agents may be stored in secure locations such as the control room mini-arsenal or the officer's station in confinement and close management units until its use is authorized. Each stored chemical agent dispenser will be numbered. The Chemical Agent Accountability Log, Form DC6-216, will be kept in all areas in which chemical agents are stored and will be utilized to record the weight of each numbered chemical agent dispenser prior to issue and again when it is returned to the secure inventory storage area. The weighing process will be conducted and a verifying entry will be made in the log, including the signature of the shift supervisor authorizing the use of the chemical agent. The chief of security shall monitor the canister weights following each use of chemical agents to ensure the amounts used are consistent with that expected by reviewing and initialing the Chemical Agent Accountability Log, Form DC6-216. Form DC6-216 is incorporated by reference in subsection (22) of this rule. Staff designated by the Secretary of the Department shall be issued one three or four ounce dispenser of OC pepper spray, with marking dye, after being properly trained in chemical agent utilization. The chemical agent dispenser shall be securely encased and attached to the officer's belt. Each MK-4 chemical agent dispenser will be secured within a pouch by a numbered, breakable seal. Form DC6-213, Individual Chemical Agent Dispenser Accountability Log, will be utilized to document the name of the officer to whom each dispenser is assigned as well as the seal number on the dispenser she or he received. Upon receiving the dispenser and pouch, the officer will examine the safety seal to ensure that it is intact. If the seal is broken, the Shift Supervisor will be notified immediately and an Incident Report, Form DC6-210, will be written. Forms DC6-210 and DC6-213 are incorporated by reference in subsection (22) of this rule. The arsenal sergeant shall maintain a mastery inventory of all individual chemical agent dispensers complete with the weight of the dispenser at the time the original seal is attached. Whenever a dispenser is returned with a broken seal, the arsenal sergeant shall document the weight of the dispenser on the Form DC6-216 and attach a new seal.

(l) No change.

(m) Procedure for the use of chemical agents on disruptive inmates under controlled conditions:

1. through 2. No change.

3. Prior to using chemical agents, the inmate again shall be counseled with by the shift supervisor concerning his behavior.

a. through e. No change.

f. Except in cases of extreme emergency as determined by the warden or duty warden, the confinement or close management lieutenant or the shift supervisor shall counsel with, issue the final order, and be present during the administering of chemical agents. If the shift supervisor, confinement or close management lieutenant is unavailable, he

~~the shift supervisor~~ shall provide a written explanation as to why he was not available to supervise the administration of chemical agents.

(n) through (p) No change.

(17) through (21) No change.

(22) The following forms are hereby incorporated by reference. Copies of these forms are available from the Forms Control Administrator, Office of Research, Planning and Support Services, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500.

(a) DC1-813, Use of Force File Checklist, effective April 17, 2005.

(b) through (e) No change.

(f) DC4-711A, Refusal of Health Care Services Affidavit, effective November 7, 2004.

(g) No change.

(h) DC6-213, Individual Chemical Agent Dispenser Accountability Log, effective February 7, 2000.

(i) through (n) No change.

Specific Authority 944.09 FS. Law Implemented 20.315, 776.07, 944.09, 944.35 FS. History–New 4-8-81, Amended 10-10-83, 9-28-85, Formerly 33-3.066, Amended 3-26-86, 11-21-86, 4-21-93, 7-26-93, 11-2-94, 2-12-97, 11-8-98, Formerly 33-3.0066, Amended 10-6-99, 2-7-00, 7-25-02, 8-25-03, 2-25-04, 11-7-04, 4-17-05, 8-1-05, 3-2-06, _____.

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE CHAPTER NO.: RULE CHAPTER TITLE:

40E-21 Water Shortage Plan

PURPOSE AND EFFECT: To update the District's rules concerning management of available water supplies during drought conditions particularly in light of the United States Army Corps of Engineers' anticipated modification to the Lake Okeechobee regulation schedule.

SUBJECT AREA TO BE ADDRESSED: Water supply within the Lake Okeechobee service area.

SPECIFIC AUTHORITY: 373.044, 373.113 FS.

LAW IMPLEMENTED: 373.026, 373.042, 373.0421, 373.103, 373.119, 373.175, 373.246, 373.603, 373.609 FS.

RULE DEVELOPMENT WORKSHOPS WILL BE HELD AT THE DATES, TIMES AND PLACES SHOWN BELOW:

DATE AND TIME: April 26, 2006, 3:30 p.m. – 5:00 p.m.

PLACE: La Belle City Hall, Commissioners Chambers, 481 W. Hickpoochee Ave, Labelle, FL 33935-4763

DATE AND TIME: May 26, 2006, 1:30 p.m. – 3:30 p.m.

PLACE: South Florida Water Management District Headquarters, B-1 Auditorium, 3301 Gun Club Road, West Palm Beach, Florida 33406

DATE AND TIME: May 30, 2006, 1:00 p.m. – 3:00 p.m.

PLACE: South Florida Water Management District, Clewiston Field Station, Clewiston Auditorium, State Road 832, 2425 Hookers Point Road, Clewiston, Florida

DATE AND TIME: June 9, 2006, 1:00 p.m. – 3:00 p.m.

PLACE: South Florida Water Management District, Okeechobee Service Center, 205 North Parrott Avenue, Suite 201 (Second Floor of Bank America Building), Okeechobee, Florida 34972

Although Governing Board meetings, hearings and workshops are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which any appeal is to be based. Persons with disabilities or handicaps who need assistance may contact the South Florida Water Management District Clerk's Office, at (561)682-2087 at least two business days in advance to make appropriate arrangements.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT, IF AVAILABLE, IS: Peter J. Kwiatkowski, P.G., South Florida Water Management District, Post Office Box 24680, West Palm Beach, FL 33416-4680, telephone 1(800)432-2045, extension 2547 or (561)682-2547 (internet: pkwiat@sfwmd.gov).

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

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE CHAPTER NO.: RULE CHAPTER TITLE:

40E-22 Regional Water Shortage Plans

PURPOSE AND EFFECT: To update the District's rules concerning management of available water supplies during drought conditions particularly in light of the United States Army Corps of Engineers' anticipated modification to the Lake Okeechobee regulation schedule.

SUBJECT AREA TO BE ADDRESSED: Water supply within the Lake Okeechobee service area.

SPECIFIC AUTHORITY: 373.044, 373.113 FS.

LAW IMPLEMENTED: 373.042, 373.0421, 373.086, 373.103, 373.119, 373.175, 373.246 FS.

RULE DEVELOPMENT WORKSHOPS WILL BE HELD AT THE DATES, TIMES AND PLACES SHOWN BELOW:

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THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT, IF AVAILABLE, IS: Peter J. Kwiatkowski, P.G., South Florida Water Management District, Post Office Box 24680, West Palm Beach, FL 33416-4680, telephone 1(800)432-2045, extension 2547 or (561)682-2547 (internet: pkwiat@sfwmd.gov).

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

AGENCY FOR HEALTH CARE ADMINISTRATION

Division of Health Quality Assurance

RULE CHAPTER NO.: 59A-30 RULE CHAPTER TITLE: Expert Medical Advisor

PURPOSE AND EFFECT: The Agency for Health Care Administration is proposing a workshop to amend Chapter Rule 59A-30, Florida Administrative Code to implement Section 440.13(9), Florida Statutes, Expert Medical Advisors.

SUBJECT AREA TO BE ADDRESSED: Expert Medical Advisor (EMA) Certification. These proposed changes will specify: (a) Clarification of the definition of the EMA and board certification; (b) Identification of certification criteria quality indicators; (c) Established of the EMA certification application and requirements to submit an application for EMA certification with required documentation; (d) Establishment of the certified or temporary EMA selection and assignment process; (f) Performance requirements for EMA; (g) Define billing requirements and reimbursement for services rendered as an EMA; and (h) Establish requirements and conditions for recertification or decertification.

SPECIFIC AUTHORITY: 440.13(9), 440.591 FS.

LAW IMPLEMENTED: 440.13(9) FS.

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

DATE AND TIME: Thursday, May 4, 2006, 10:00 a.m.

PLACE: Division of Workers Compensation, 104 J Hartman Bldg., 2012 Capital Circle, S.E. Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT WORKSHOP AND A COPY OF THE PRELIMINARY DRAFT IS: Welby Cox-Myers, Registered Nursing Consultant, Medical Services Unit, Division of Workers' Compensation, (850)413-1940

DEPARTMENT OF MANAGEMENT SERVICES

Agency for Workforce Innovation

RULE CHAPTER NO.: 60BB-2 RULE CHAPTER TITLE: Florida Unemployment Compensation Tax

PURPOSE AND EFFECT: The proposed amendments to Chapter 60BB-2, Florida Administrative Code, implement the provisions of Chapter 443, Florida Statutes, that relate to Unemployment Compensation. In particular, the substantial rewording set forth in these proposed amendments clarifies the definitions to be applied to these rules and updates the list of official forms used by the Agency for Workforce Innovation and the Department of Revenue in administering the Unemployment Compensation Program. This rewording also clarifies the procedures and policy relating to the employer reporting and registration, determinations of liability, payment of contributions, delinquent accounts, methods of financing benefits involving public and nonprofit employers, succession, employing unit records, special deputy hearings to resolve protests of liability, assessment and reimbursement, and unemployment taxation of Indian tribes.

SUBJECT AREA TO BE ADDRESSED: Unemployment Compensation Tax.

SPECIFIC AUTHORITY: 443.1317(1)(b) FS.

LAW IMPLEMENTED: 120.569, 120.57(1),(2), 443.036, 443.071, 443.121, 443.1215, 443.1217, 443.131, 443.1312, 443.1313, 443.1315, 443.1317, 443.141, 443.151, 443.163, 443.171, 443.191 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, IF AVAILABLE, IS: John R. Perry, Senior Attorney, Agency for Workforce Innovation, Office of General Counsel, 107 East Madison Street, MSC #110, Tallahassee, Florida 32399-4128, (850)245-7150

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

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 Clinical Laboratory Personnel

RULE NO.: 64B3-2.003
 RULE TITLE: Definitions

PURPOSE AND EFFECT: The Board’s proposed amendment will define and specify that experience acquired as a part of a training program may not be used as pertinent clinical laboratory experience.

SUBJECT AREA TO BE ADDRESSED: Pertinent clinical laboratory experience definition.

SPECIFIC AUTHORITY: 483.805(4), 483.811(2) FS.

LAW IMPLEMENTED: 483.803, 483.811, 483.821, 483.823 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Joe Baker, Jr., Executive Director, Board of Clinical Laboratory Personnel, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B3-2.003 Definitions.

(1) through (7) No change.

(8) Pertinent clinical laboratory experience is experience in a clinical laboratory as defined in Section 483.041(2), Florida Statutes. If acquired in-state or in a state where licensure is required, experience must be accrued while licensed and working in a licensed laboratory unless otherwise authorized by the administrative rules of this Board. Experience acquired as a part of a training program may not be used as pertinent clinical laboratory experience. Exempt experience may not be utilized with the exception of experience in federal laboratories. Experience in industrial laboratories is not considered pertinent clinical laboratory experience. Experience in research laboratories is not considered pertinent clinical laboratory experience unless the research experience involved human subjects and used methodologies, quality control and quality assurance techniques comparable to those of clinical laboratories. If all of these requirements are met the Board will review the research experience to determine if it is relevant experience. If research experience was acquired under an exemption clause, it may not be utilized as pertinent clinical laboratory experience. Experience acquired in an exclusive use laboratory environment, waived laboratory environment or alternate site testing environment is generally unacceptable unless specifically authorized by rules of this Board.

(9) through (19) No change.

Specific Authority 483.805(4), 483.811(2) FS. Law Implemented 483.803, 483.811, 483.821, 483.823 FS. History–New 11-4-93, Formerly 61F3-2.003, Amended 11-21-94, 11-30-94, 12-26-94, 5-3-95, 7-12-95, Formerly 59O-2.003, Amended 3-19-98, 12-13-98, 3-28-99, 9-12-99, 11-15-99, 3-24-02, 10-30-02, 2-1-04, 1-8-06,_____.

DEPARTMENT OF HEALTH

Board of Nursing

RULE NOS.:	RULE TITLES:
64B9-2.001	Definitions
64B9-2.002	Certification for Approval
64B9-2.008	Clinical Training
64B9-2.011	Approval of Nursing Education Programs
64B9-2.013	Program Changes Requiring Board Approval
64B9-2.015	Standards of Nursing Education

PURPOSE AND EFFECT: Rule 64B9-2.001, F.A.C., the purpose is to add to the definition of” approved nursing education program” a requirement for the Board’s separate approval of each campus and geological location and to add a definition for a “Distance Learning Program.” Rule 64B9-2.002, F.A.C., the purpose is to require course outlines for all courses, and to permit nursing programs to submit letters of intent from clinical facilities in lieu of previously executed contracts; to permit new, small programs to combine statistics from two graduating classes to determine if the program meets the required passing rates on the national licensing exam; to extend the program approval period from three to five years or to be concurrent with national or regional accreditation, and to clarify documentation required with applications for approval. Rule 64B9-2.008, F.A.C., the purpose is to permit more efficient requirements for clinical facility approval and to correct erroneous language. Rule 64B9-2.011, F.A.C., the purpose is to extend program approval requirements to out-of-state programs with clinical instruction in Florida and to distance learning programs; for Rule 64B9-2.013, F.A.C., the purpose is to set forth the changes related to multiple locations that require Board approval and Rule 64B9-2.015, F.A.C., the purpose is to clarify that the programs requirements apply to all programs, regardless of the educational delivery method.

SUBJECT AREA TO BE ADDRESSED: Definitions; Certification for Approval, Clinical Training, Approval of Nursing Education Programs, Program Changes Requiring Board Approval and Standards of Nursing Education.

SPECIFIC AUTHORITY: 464.006, 464.019(2) FS.

LAW IMPLEMENTED: 464.019 FS.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B9-2.001 Definitions.

(1) Approved nursing education program: a nursing education program leading to initial licensure which has been approved by the Board after having met the standards of nursing education. Each campus and geographical location of the nursing education program is approved separately.

(2) through (23) No change.

(24) Distance Learning Program: a nursing education program leading to initial licensure which uses Internet, Web assisted, home study, correspondence, video conferencing, and other non-classroom methods for courses, instruction, and educational program delivery.

Specific Authority 464.006, 464.019(2) FS. Law Implemented 464.019 FS. History—New 7-15-80, Amended 11-22-84, Formerly 21O-7.20, Amended 2-5-87, 6-8-88, Formerly 21O-7.020, Amended 9-7-93, Formerly 61F7-2.001, 59S-2.001, Amended 12-11-97, 1-28-02, _____.

64B9-2.002 Certification for Approval.

(1) Provisional approval – Provisional approval will be granted to an institution to initiate a nursing program when it has presented documentation satisfactory to the Board that it meets the following requirements:

(a) No change.

1. through 2. No change.

3. Course outlines for all first-level courses shall be completed.

4. Contractual agreements, or a letter of intent to establish a contract once program approval has been received, with facilities and agencies to be used for clinical instruction for first level courses shall be in force.

5. No change.

(b) No change.

1. No change.

~~2. Course outlines for total curriculum shall be completed.~~

~~2.3.~~ Contractual agreements with facilities and agencies to be used for clinical instruction in the total curriculum shall be in force.

~~3.4.~~ Evidence of compliance with all rules in this rule chapter with the exception Rule 64B9-2.009, F.A.C., shall be demonstrated.

(c) Programs which have been granted provisional approval may be granted full approval when they have demonstrated they are in compliance with these rules and the licensure examination results of the first graduating class have

met or exceeded the national average ~~the standard~~ as set forth in Rule 64B9-2.009, F.A.C. If the first graduating class has fewer than 21 students who have taken the licensure examination, the results of the next graduating class will be included in the determination of the program's passing rate on the licensure examination.

(2) Approval – An institution seeking renewed approval of a nursing program shall present documentation of compliance with these rules at least every ~~five~~ three years, except programs with national accreditation from an accrediting body recognized by the U.S. Department of Education may have program approval concurrent with the period of national accreditation ~~good cause the Board may extend the period to five years.~~ The administrator shall notify the Board within 30 days of any change, loss or lapse in accreditation status and shall submit to the Board within 30 days any report from a national accrediting agency citing deficiencies or recommendations. Such documentation shall also be presented upon request.

(3) No change.

(4) The Board may decline to approve any program on provisional status, or decline to renew or rescind approval of any program ~~on probationary status~~ which fails to meet required standards or which fails to make satisfactory progress for corrections of deficiencies within the time period outlined by the Board.

(5) No change.

(6) Programs reapplying for approval shall submit a proposal and required fee pursuant to subsection 64B9-7.001(14), F.A.C., and shall meet required standards in subsections 64B9-2.011 and 64B9-2.015, ~~as outlined in paragraph 64B9-2.002(1)(a), F.A.C., prior to renewal of the program approval by the Board. As a condition of renewal, a program may be placed on probation if it does not meet the required standards.~~

Specific Authority 464.006, 464.019(2) FS. Law Implemented 464.019 FS. History—New 7-15-80, Amended 11-22-84, Formerly 21O-7.21, Amended 2-5-87, 6-8-88, 3-24-91, Formerly 21O-7.021, 61F7-2.002, 59S-2.002, Amended 12-11-97, 1-26-98, 7-7-02, _____.

64B9-2.008 Clinical Training.

(1) through (9) No change.

(10) Prior approval of the nursing program director board is required for any agency/facility utilized for student clinical learning experiences. A Nursing programs shall submit the request for approval along with Board approved forms which have been completed by the agency/facility and a completed report of the site survey conducted by the nursing program shall be maintained for board review if requested.

(11) through (13) No change.

(14) Level Two Preceptorships may be included in a professional nursing curriculum when approved by the Board or when they meet all the criteria of subsection 64B9-2.008(13), F.A.C., except:

(a) The student shall have received clinical and theoretical instruction in all areas of nursing specified in subsection 64B9-2.006(2), F.A.C., for the professional nursing program and in subsection 64B9-2.006(3), F.A.C., for the practical professional nursing program.

(b) through (g) No change.

(15) No change.

Specific Authority 464.006, 464.019 FS. Law Implemented 464.019 FS. History—New 7-15-80, Amended 11-22-84, Formerly 21O-7.27, Amended 6-8-88, 2-15-90, 3-12-91, 3-24-91, Formerly 21O-7.027, Amended 9-7-93, 5-1-94, Formerly 61F7-2.008, Amended 11-16-95, Formerly 59S-2.008, Amended 12-11-97,_____.

64B9-2.011 Approval of Nursing Education Programs.

(1) Statement of Intent for Approval: Before a nursing education program is permitted to admit students, the program shall submit evidence of the ability to meet the standards for nursing education. A parent institution desiring to initiate a nursing education program shall, at least one year in advance of the expected opening date, submit to the Department:

(a) A Statement of Intent to establish a nursing education program accompanied by a nonrefundable program fee per subsection 64B9-7.001(14), F.A.C. review fee of \$1,000.00;

(b) No change.

1. through 12. No change.

(c) No change.

(2) through (4) No change.

(5) An out-of-state nursing program that plans to provide both didactic and clinical instruction for initial nursing licensure in Florida shall comply with the application requirements in this rule.

(6) A nursing program that delivers didactic instruction by distance learning methods shall ensure that the methods of instruction are compatible with the program curriculum plan and enable a student to meet the goals, competencies, and objectives of the educational program and standards of the Board.

(a) A distance learning nursing program shall establish a means for assessing individual student outcomes, and program outcomes as required in Rule 64B9-2.015, F.A.C.

(b) For out-of-state nursing programs, the program shall be accredited by a national nursing accrediting body recognized by the U.S. Department of Education, and approved within the jurisdiction of and regulated by an equivalent nursing regulatory authority in the state from which the program originates, unless also providing clinical experience in Florida which then requires the program to apply for approval in Florida.

(c) Faculty shall be licensed in the state of origination of a distance learning nursing program or in Florida. Clinical preceptors providing clinical experiences within Florida shall have an active Florida license and meet requirements in subsection 64B9-2.008(13), F.A.C.

(d) A distance learning nursing program shall provide students with supervised/precepted clinical and laboratory experiences so that program objectives are met and didactic learning is validated by supervised, land-based clinical and laboratory experiences.

(e) A distance-learning nursing program shall provide students with access to technology, resources, technical support, and the ability to interact with peers, preceptors, and faculty.

(7) A nursing program, located in another state or territory of the United States that wishes to provide clinical experiences leading to initial nursing licensure in Florida shall obtain Board approval before offering or conducting a clinical session. To obtain approval, the program shall submit a proposal package that contains:

(a) A self study describing the program's compliance with the standards in Chapter 64B9-2, F.A.C.; and

(b) A statement regarding the anticipated effect on clinical placements for students currently enrolled in a Florida-approved nursing programs.

(8) A nursing program which has full approval per subsection 64B9-2.011(4), F.A.C., and is also accredited by a national nursing accrediting body recognized by the U.S. Department of Education may establish a campus in another geographical location by prior notification to the board at least 3 months in advance, payment of the fee required in subsection 64B9-7.001(14), F.A.C., and completion of a site visit by board staff which demonstrates compliance with the standards in Chapter 64B9-2, F.A.C.

Specific Authority 464.006, 464.019(2) FS. Law Implemented 464.019 FS. History—New 5-2-02, Amended_____.

64B9-2.013 Program Changes Requiring Board Approval.

(1) A written request with rationale for permission of the Board must be obtained before implementation of any of these changes:

(a) A change in geographical location of the nursing education program or expansion of the program to a non-approved geographical location, changing the level of education preparation provided, transferring the nursing program from one institution to another, a significant change in the number of students per class by more than 20%, number of classes, or starting date of classes and requires demonstration by the nursing education program that the change does not adversely affect the clinical facilities/agencies/sites, the faculty, or other nursing education programs in the same region.

(b) through (d) No change.

(2) No change.

Specific Authority 464.006, 464.019(2) FS. Law Implemented 464.019 FS. History–New 1-28-02, Amended _____.

64B9-2.015 Standards of Nursing Education.

(1) through (5) No change.

(6) Curriculum for a Professional Nursing Education Program: To ensure the preparation of nurses capable of competent practice, the curriculum for a professional nursing education program shall be implemented by the program director and faculty as written and shall include at least the following, regardless of educational delivery method:

(a) through (b) No change.

(c) A curriculum content that:

1. Includes courses or content in three major areas;

a. No change.

b. Social and behavioral sciences, which shall include concepts that assist a student in the development of a foundation for:

(i) through (ii) No change.

(iii) Understanding of content for any required continuing education courses in Chapter 64B9-5, F.A.C. ~~mandatory instruction on domestic violence and human immunodeficiency virus/acquired immune deficiency syndrome under Sections 456.031 and 456.033, F.S.~~

c. No change.

(d) through (e) No change.

(7) Curriculum for a Practical Nursing Education Program: To ensure the preparation of nurses capable of competent practice the curriculum for a practical nursing education program shall be implemented by the program director and faculty as written and shall include the following, regardless of educational delivery method:

(a) through (d) No change.

(8) Clinical Experiences. All clinical experiences shall:

(a) through (h) No change.

(i) Simulated clinical experiences using the Human Patient Simulator © or its substantial equivalent may be substituted for no more than 25% ~~10%~~ of direct care experiences provided that:

1. through 3. No change.

(j) Include a minimum of 675 hours supervised by appropriate faculty or preceptor for practical nursing programs and a minimum of 600 hours supervised by appropriate faculty or preceptor for professional nursing programs.

(k) Be provided within the state by board approved nursing programs only. Out-of-state programs that are fully approved by another state board of nursing may apply to the board per subsection 64B9-2.011(7), F.A.C. The board may add requirements for maintaining such approval.

(9) through (12) No change.

Specific Authority 464.006, 464.019(2) FS. Law Implemented 464.019 FS. History–New 1-28-02, Amended _____.

DEPARTMENT OF HEALTH

Board of Nursing

RULE NOS.:

64B9-8.003

64B9-8.005

64B9-8.006

RULE TITLES:

Citations

Disciplinary Proceedings

Disciplinary Guidelines; Range of Penalties; Aggravating and Mitigating Circumstances

PURPOSE AND EFFECT: Rules 64B9-8.003 and 64B9-8.005, F.A.C., it is to add to this rule a citation violation with penalties and a prohibition as unprofessional conduct violating the integrity of a medication administration system or an information technology system. Rules 64B9-8.006, F.A.C., it is to include revocation in the discipline range for specific violations.

SUBJECT AREA TO BE ADDRESSED: Citations; Disciplinary Proceedings; Disciplinary Guidelines; Range of Penalties; Aggravating and Mitigating Circumstances.

SPECIFIC AUTHORITY: 456.072, 456.077, 456.079, 464.006 FS.

LAW IMPLEMENTED: 456.072, 456.077, 456.079, 464.018 FS.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B9-8.003 Citations.

(1) through (4) No change.

(5) The Board designates the following a citation violation, which shall result in a penalty of \$1,500: Providing to another individual a confidential password, access code, keys, or other entry mechanisms, which results in a violation of, or threatens, the integrity of a medication administration system or an information technology system. In addition to the fine, the licensee will be required to complete a 2-hour continuing education course in legal aspects of nursing within 60 days of the issuance of the citation.

Specific Authority 456.077, 464.006 FS. Law Implemented 456.077 FS. History–New 1-1-92, Amended 7-6-92, Formerly 21O-10.015, Amended 12-5-93, 5-24-94, Formerly 61F7-8.003, 59S-8.003, Amended 2-18-98, 3-23-00, 2-22-04, _____.

64B9-8.005 Disciplinary Proceedings.

(1) Unprofessional conduct shall include:

(a) through (f) No change.

(g) Failure of an ARNP dispensing practitioner to comply with the registration and compliance requirements of Rule 64B9-4.011, F.A.C. or

(h) Violating the integrity of a medication administration system or an information technology system.

(2) No change.

(a) through (n) No change.

Specific Authority 464.006 FS. Law Implemented 464.018 FS. History—New 11-28-79, Amended 3-16-81, 10-8-81, 9-11-83, Formerly 21O-10.05, Amended 4-21-86, 2-5-87, 8-2-90, 3-12-91, 9-16-91, 4-8-92, 9-29-92, Formerly 21O-10.005, Amended 9-7-93, Formerly 61F7-8.005, Amended 11-6-94, 5-1-95, 11-16-95, Formerly 59S-8.005, Amended 2-18-98, 3-23-00, 2-17-02, _____.

64B9-8.006 Disciplinary Guidelines; Range of Penalties; Aggravating and Mitigating Circumstances.

(1) through (2) No change.

(3) The following disciplinary guidelines shall be followed by the Board in imposing disciplinary penalties upon licensees for violation of the noted statutes and rules:

(a) No change.

(b) Having a license to practice nursing revoked, suspended, or otherwise acted against, including the denial of licensure, by the licensing authority of another state, territory, or country. (Section 464.018(1)(b), F.S.)

	MINIMUM	MAXIMUM
FIRST OFFENSE	No change	denial of licensure or \$250 fine and suspension to be followed by probation <u>or</u> <u>revocation</u>
SECOND OFFENSE	No change	No change
THIRD OFFENSE	No change	No change

(c) through (f) No change.

(g) Being found guilty, regardless of adjudication, of a violation of Chapter 817, F.S., relating to fraudulent practices. (Section 464.018(1)(d)3., F.S.)

	MINIMUM	MAXIMUM
FIRST OFFENSE	No change	denial of licensure or \$500 fine and suspension to be followed by a term of probation <u>or</u> <u>revocation</u>
SECOND OFFENSE	No change	No change

(h) Being found guilty, regardless of adjudication, of a violation of Chapter 800, F.S., relating to lewdness and indecent exposure. (Section 464.018(1)(d)4., F.S.)

	MINIMUM	MAXIMUM
FIRST OFFENSE	No change	denial of licensure or \$500 fine, IPN evaluation, and suspension to be followed by a term of probation <u>or</u> <u>revocation</u>
SECOND OFFENSE	No change	No change

(i) No change.

(j) Being found guilty, regardless of adjudication, of a violation of Chapter 827, F.S., relating to child abuse. (Section 464.018(1)(d)6., F.S.)

	MINIMUM	MAXIMUM
FIRST OFFENSE	No change	denial of licensure or \$500 fine and suspension to be followed by a term of probation <u>or</u> <u>revocation</u>
SECOND OFFENSE	No change	No change

(k) Being found guilty, regardless of adjudication, of a violation of Chapter 415, F.S., relating to protection from abuse, neglect, and exploitation. (Section 464.018(1)(d)7., F.S.)

	MINIMUM	MAXIMUM
FIRST OFFENSE	No change	denial of licensure or \$500 fine and suspension to be followed by a term of probation <u>or</u> <u>revocation</u>
SECOND OFFENSE	No change	No change

(l) Being found guilty, regardless of adjudication, of a violation of Chapter 39, F.S., relating to child abuse, abandonment, and neglect. (Section 464.018(1)(d)8., F.S.)

	MINIMUM	MAXIMUM
FIRST OFFENSE	No change	denial of licensure or \$500 fine and suspension to be followed by a term of probation <u>or</u> <u>revocation</u>
SECOND OFFENSE	No change	No change

(m) Having been found guilty of, regardless of adjudication, or entered a plea of nolo contendere or guilty to, any offense prohibited under Section 435.03, F.S., or under any similar statute of another jurisdiction; or having committed an act which constitutes domestic violence as defined in Section 741.28, F.S. (Section 464.018(1)(e), F.S.)

	MINIMUM	MAXIMUM
FIRST OFFENSE	No change	denial of licensure or \$500 fine and suspension to be followed by a term of probation <u>or revocation</u>
SECOND OFFENSE	No change	No change

(n) through (o) No change.

(p) Unprofessional conduct in which case actual injury need not be established. (Section 464.018(1)(h), F.S.)

	MINIMUM	MAXIMUM
FIRST OFFENSE	No change	No change
SECOND OFFENSE	No change	No change
THIRD OFFENSE	No change	No change

Unprofessional conduct in which case actual injury has been established. (Section 464.018(1)(h), F.S.)

	MINIMUM	MAXIMUM
FIRST OFFENSE	No change	\$500 fine and suspension to be followed by a term of probation <u>or revocation</u>
SECOND OFFENSE	No change	No change

(q) Engaging or attempting to engage in the possession, sale, or distribution of controlled substances as set forth in Chapter 893, F.S., for any other than legitimate purposes authorized by this part. (Section 464.018(1)(i), F.S.)

	MINIMUM	MAXIMUM
FIRST OFFENSE	No change	denial of licensure or \$500 fine, IPN evaluation, and suspension to be followed by a term of probation <u>or revocation</u>
SECOND OFFENSE	No change	No change
THIRD OFFENSE	No change	No change

(r) Being unable to practice nursing with reasonable skill and safety to patients by reason of illness or use of alcohol, drugs, narcotics, or chemicals or any other type of material or as a result of any mental or physical condition. (Section 456.072(1)(y) or 464.018(1)(j), F.S.)

	MINIMUM	MAXIMUM
FIRST OFFENSE	No change	denial of licensure or \$500 fine, IPN evaluation, and suspension to be followed by a term of probation <u>or revocation</u>
SECOND OFFENSE	No change	No change
THIRD OFFENSE	No change	No change

(s) through (u) No change.

(v) Making misleading, deceptive, or fraudulent representations in or related to the practice of the licensee's profession. (Section 456.072(1)(a), F.S.)

	MINIMUM	MAXIMUM
FIRST OFFENSE	No change	denial of licensure or \$500 fine and suspension to be followed by a term of probation <u>or revocation</u>
SECOND OFFENSE	No change	No change

(w) through (bb) No change.

(cc) Making deceptive, untrue, or fraudulent representations in or related to the practice of a profession or employing a trick or scheme in or related to the practice of a profession. (Section 456.072(1)(m), F.S.)

	MINIMUM	MAXIMUM
FIRST OFFENSE	No change	denial of licensure or \$500 fine and suspension to be followed by a term of probation <u>or revocation</u>
SECOND OFFENSE	No change	No change

(dd) through (ii) No change.

(jj) Engaging or attempting to engage in sexual misconduct as defined and prohibited in Section 456.063(1), F.S. (Section 456.072(1)(u), F.S.)

	MINIMUM	MAXIMUM
FIRST OFFENSE	No change	denial of licensure or \$500 fine, IPN evaluation, and suspension to be followed by a term of probation <u>or revocation</u>
SECOND OFFENSE	No change	No change

(kk) to (tt) No change.

(uu) Acts of gross negligence, either by omission or commission. (paragraph 64B9-8.005(2)(g), F.A.C.)

	MINIMUM	MAXIMUM
FIRST OFFENSE	No change	\$500 fine and suspension to be followed by probation <u>or revocation</u>
SECOND OFFENSE	No change	\$750 fine and suspension to be followed by probation <u>or revocation</u>
THIRD OFFENSE	No change	No change

(vv) through (zz) No change.

(aaa) Being terminated from or failing to successfully complete an impaired practitioner treatment program (Section 456.072(1)(gg), F.S.):

Minimum: \$250 fine and suspension until successful completion or receipt of written confirmation from program that further treatment is neither required nor indicated.

Maximum: Permanent revocation or denial of licensure.

(bbb) Failing to comply with the education course requirements for prevention of medical errors (Section 456.013(7), F.S.)

	MINIMUM	MAXIMUM
FIRST OFFENSE	<u>\$250 fine and complete the course</u>	<u>\$500 fine and suspension until the course is completed</u>
SECOND OFFENSE	<u>\$500 fine and complete the course</u>	<u>\$750 fine and suspension until the course is completed</u>
THIRD OFFENSE	<u>\$750 fine and suspension until the course is completed plus probation</u>	<u>\$1,000 fine and suspension until the course is completed plus probation</u>

(4) through (6) No change.

Specific Authority 456.072, 456.079 FS. Law Implemented 456.072, 456.079, 464.018 FS. History—New 2-5-87, Amended 8-12-87, 12-8-87, 11-23-89, 7-28-92, Formerly 21O-10.011, Amended 12-5-93, Formerly 61F7-8.006, Amended 5-1-95, Formerly 59S-8.006, Amended 8-18-98, 7-1-99, 3-23-00, 5-8-00, 5-2-02, 1-12-03, 2-22-04, 8-3-05, _____.

DEPARTMENT OF HEALTH

Board of Nursing

RULE NO.: 64B9-15.009
 RULE TITLE: Disciplinary Guidelines; Range of Penalties; Aggravating and Mitigating Circumstances

PURPOSE AND EFFECT: The purpose and effect is to adjust the range of disciplinary guidelines for some violations.

SUBJECT AREA TO BE ADDRESSED: Disciplinary Guidelines; Range of Penalties; Aggravating and Mitigating Circumstances.

SPECIFIC AUTHORITY: 464.204 FS.

LAW IMPLEMENTED: 456.072, 464.204 FS.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B9-15.009 Disciplinary Guidelines; Range of Penalties; Aggravating and Mitigating Circumstances.

(1) through (2) No change.

(3) The following disciplinary guidelines shall be followed by the Board in imposing disciplinary penalties upon registrants for violation of the noted statutes and rules:

(a) No change.

(b) Being found guilty, regardless of adjudication, of a violation of Chapter 812, F.S., relating to theft, robbery, and related crimes. (Section 464.018(1)(d)2., F.S.)

	MINIMUM	MAXIMUM
FIRST OFFENSE	No change	denial of certification or \$100 fine and suspension to be followed by a term of probation <u>or revocation</u>
SECOND OFFENSE	No change	No change

(c) Being found guilty, regardless of adjudication, of a violation of Chapter 817, F.S., relating to fraudulent practices. (Section 464.018(1)(d)3., F.S.)

FIRST OFFENSE	MINIMUM No change	MAXIMUM denial of certification or \$100 fine and suspension to be followed by a term of probation <u>or</u> <u>revocation</u>
SECOND OFFENSE	No change	No change

(d) Being found guilty, regardless of adjudication, of a violation of Chapter 800, F.S., relating to lewdness and indecent exposure. (Section 464.018(1)(d)4., F.S.)

FIRST OFFENSE	MINIMUM No change	MAXIMUM denial of certification or \$100 fine, IPN evaluation, and suspension to be followed by a term of probation <u>or</u> <u>revocation</u>
SECOND OFFENSE	No change	No change

(e) Being found guilty, regardless of adjudication, of a violation of Chapter 784, F.S., relating to assault, battery, and culpable negligence. (Section 464.018(1)(d)5., F.S.)

FIRST OFFENSE	MINIMUM No change	MAXIMUM denial of certification or \$100 fine and suspension to be followed by a term of probation <u>or</u> <u>revocation</u>
SECOND OFFENSE	No change	No change

(f) Being found guilty, regardless of adjudication, of a violation of Chapter 827, F.S., relating to child abuse. (Section 464.018(1)(d)6., F.S.)

FIRST OFFENSE	MINIMUM No change	MAXIMUM denial of certification or \$100 fine and suspension to be followed by a term of probation <u>or</u> <u>revocation</u>
SECOND OFFENSE	No change	No change

(g) Being found guilty, regardless of adjudication, of a violation of Chapter 415, F.S., relating to protection from abuse, neglect, and exploitation. (Section 464.018(1)(d)7., F.S.)

FIRST OFFENSE	MINIMUM No change	MAXIMUM denial of certification or \$100 fine and suspension to be followed by a term of probation <u>or</u> <u>revocation</u>
SECOND OFFENSE	No change	No change

(h) Being found guilty, regardless of adjudication, of a violation of Chapter 39, F.S., relating to child abuse, abandonment, and neglect. (Section 464.018(1)(d)8., F.S.)

FIRST OFFENSE	MINIMUM No change	MAXIMUM denial of certification or \$100 fine and suspension to be followed by a term of probation <u>or</u> <u>revocation</u>
SECOND OFFENSE	No change	No change

(i) Having been found guilty of, regardless of adjudication, or entered a plea of nolo contendere or guilty to, any offense prohibited under Section 435.03, F.S., or under any similar statute of another jurisdiction; or having committed an act which constitutes domestic violence as defined in Section 741.28, F.S. (Section 464.018(1)(e), F.S.)

FIRST OFFENSE	MINIMUM No change	MAXIMUM denial of certification or \$100 fine and suspension to be followed by a term of probation <u>or</u> <u>revocation</u>
SECOND OFFENSE	No change	No change

(j) No change.

(k) Engaging or attempting to engage in the possession, sale, or distribution of controlled substances as set forth in Chapter 893, F.S., for any other than legitimate purposes authorized by this part. (Section 464.018(1)(i), F.S.)

	MINIMUM	MAXIMUM
FIRST OFFENSE	No change	denial of certification or \$50 fine, IPN evaluation and suspension to be followed by a term of probation <u>or</u> <u>revocation</u>
SECOND OFFENSE	No change	No change
THIRD OFFENSE	No change	No change

(l) through (n) No change.

(o) Being convicted or found guilty of, or entering a plea of nolo contendere to, regardless of adjudication, a crime in any jurisdiction which directly relates to the practice of a certified nursing assistant or to the ability to practice as a certified nursing assistant. (Section 456.072(1)(c), F.S.)

	MINIMUM	MAXIMUM
FIRST OFFENSE	No change	denial of certification or \$100 fine and suspension to be followed by a term of probation <u>or</u> <u>revocation</u>
SECOND OFFENSE	No change	No change

(p) Having a license or the authority to practice any regulated profession revoked, suspended, or otherwise acted against, including the denial of licensure or certification, by the licensing authority of any jurisdiction, including its agencies or subdivisions, for a violation that would constitute a violation under Florida law. (Section 456.072(1)(f), F.S.)

	MINIMUM	MAXIMUM
FIRST OFFENSE	No change	denial of certification or \$100 fine and suspension to be followed by a term of probation <u>or</u> <u>revocation</u>
SECOND OFFENSE	No change	No change
THIRD OFFENSE	No change	No change

(q) No change.

(r) Procuring, ~~or~~ attempting to procure, or renewing certification to practice as a CNA by bribery, by knowing misrepresentations, or through an error of the department or the board. (Section 456.072(1)(h), F.S.)

	MINIMUM	MAXIMUM
FIRST OFFENSE	No change	No change
SECOND OFFENSE	No change	No change

(s) through (u) No change.

(v) Making deceptive, untrue, or fraudulent representations in or related to the practice of a profession or employing a trick or scheme in or related to the practice of a profession. (Section 456.072(1)(m), F.S.)

	MINIMUM	MAXIMUM
FIRST OFFENSE	No change	denial of certification or \$100 fine and suspension to be followed by a term of probation <u>or</u> <u>revocation</u>
SECOND OFFENSE	No change	No change

(w) through (z) No change.

(aa) Engaging or attempting to engage in sexual misconduct as defined and prohibited in Section 456.063(1), F.S. (Section 456.072(1)(u), F.S.)

	MINIMUM	MAXIMUM
FIRST OFFENSE	No change	denial of certification or \$125 fine, IPN evaluation and suspension to be followed by a term of probation <u>or</u> <u>revocation</u>
SECOND OFFENSE	No change	No change

(bb) through (gg) No change.

(hh) Being terminated from or failing to successfully complete an impaired practitioner treatment program (Section 456.072(1)(gg), F.S.):

Minimum: \$150 fine and suspension until successful completion or receipt of written confirmation from program that further treatment is neither required nor indicated.

Maximum: Permanent revocation or denial of licensure.

(4) through (6) No change.

Specific Authority 464.204 FS. Law Implemented 456.072, 464.204 FS. History--New 10-28-02, Amended _____.

DEPARTMENT OF HEALTH

Board of Orthotists and Prosthetists

RULE NO.: 64B14-7.003

RULE TITLE: Disciplinary Guidelines

PURPOSE AND EFFECT: The purpose of this rule development is to implement an amendment to Section 456.072(1), F.S. , and to implement Section 456.072(4), F.S.

SUBJECT AREA TO BE ADDRESSED: Disciplinary Guidelines.

SPECIFIC AUTHORITY: 456.079(1), 468.802 FS. LAW IMPLEMENTED: 456.079, 468.811 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.

LAW IMPLEMENTED: 456.079, 468.811 FS.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B14-7.003 Disciplinary Guidelines.

(1) No change.

(2) Violations and Ranges of Penalties. In imposing discipline upon applicants and licensees, in proceedings pursuant to Sections 120.57(1) and 120.57(2), F.S., the Board shall act in accordance with the following disciplinary guidelines and shall impose a penalty within the range corresponding to the violations set forth below. The 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.

(a) through (dd) No change.

(ee) Being terminated from an impaired practitioner treatment program, for failure to comply with terms of contract or for not successfully completing any drug-treatment or alcohol- treatment program. (Section 456.072(1)(gg), F.S.).

	<u>MINIMUM</u>	<u>MAXIMUM</u>
<u>FIRST OFFENSE</u>	<u>Suspension until the licensee is able to demonstrate his/her ability to practice with reasonable skill and safety, followed by up to 5 years probation with conditions.</u>	
<u>SECOND OR SUBSEQUENT OFFENSE</u>	<u>Suspension until the licensee is able to demonstrate his/her ability to practice with reasonable skill and safety, up to 5 years probation with conditions, or revocation, and up to \$2,000.00 fine.</u>	

(3) No change.

(4) Whenever the Board, in any proceeding, imposes a fine, costs, or orders repayment of any monies, unless a longer period of time is stated in the order imposing the obligation, the money shall be paid within 30 days of the date of the order that imposes the obligation.

Specific Authority 456.079(1), 468.802 FS. Law Implemented 456.079, 468.811 FS. History–New 7-1-98, Amended 9-17-00,_____.

DEPARTMENT OF HEALTH

Board of Physical Therapy Practice

RULE NO.: 64B17-3.002
 RULE TITLE: Licensure Examination Subjects and Passing Score; Additional Requirements After Third Failure; Florida Jurisprudence Examination.

PURPOSE AND EFFECT: The Board proposes the rule amendment to change the score required for passing the National Physical Therapy Examination.

SUBJECT AREA TO BE ADDRESSED: The score required for passing the National Physical Therapy Examination will be changed.

SPECIFIC AUTHORITY: 456.017, 486.025, 486.051 FS.

LAW IMPLEMENTED: 456.017, 486.051 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Susan Love, Executive Director, Board of Physical Therapy Practice/MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS :

64B17-3.002 Licensure Examination Subjects and Passing Score; Additional Requirements After Third Failure; Florida Jurisprudence Examination.

(1) No change.

(2) In order to achieve a passing score on the examination, an applicant must obtain a score equal to or greater than the scaled score of ~~600~~ recommended by the Federation of State Boards of Physical Therapy.

(3) through (6) No change.

Specific Authority: 456.017, 486.025, 486.051 FS. Law Implemented: 456.017, 486.051 FS. History–New 8-6-84, Formerly 21M-7.26, Amended 5-18-86, Formerly 21M-7.026, 21MM-3.004, 61G11-3.004, Amended 4-21-02, 11-11-02, 11-1-04, 12-5-04, 4-9-06,_____.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Economic Self-Sufficiency Services

RULE NOS.: 65A-1.701, 65A-1.702, 65A-1.710
 RULE TITLES: Definitions, Special Provisions, SSI-Related Medicaid Coverage Groups

65A-1.711 SSI-Related Medicaid
Non-Financial Eligibility Criteria

65A-1.712 SSI-Related Medicaid Resource
Eligibility Criteria

65A-1.713 SSI-Related Medicaid Income
Eligibility Criteria

PURPOSE AND EFFECT: The proposed rule amendments reflect changes in legislation for the elimination of the MEDS-AD program effective January 1, 2006. Medicaid coverage may be continued to some elderly or disabled individuals under a federal waiver.

SUBJECT AREA TO BE ADDRESSED: Rule 65A-1.701, F.A.C., is revised to reflect the changes in the name of the program and eligibility criteria in accordance with the federal waiver.

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.902, 409.903, 409.904, 409.906, 409.9065, 409.919 FS.

Rule 65A-1.702, F.A.C., is amended to add Medicare to the list of requirements that an individual must apply for prior to approval for Medicaid.

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.902, 409.903, 409.904, 409.906, 409.9065, 409.919 FS.

Rule 65A-1.710, F.A.C., amends the name of the program in the references to MEDS-AD.

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.902, 409.903, 409.904, 409.906, 409.9065, 409.919 FS.

Rule 65A-1.711, F.A.C., amends the name of the program in the references to MEDS-AD.

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.902, 409.903, 409.904, 409.906, 409.9065, 409.919 FS.

Rule 65A-1.712, F.A.C., amends the name of the program in the references to MEDS-AD and updates the percent of the poverty level.

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.902, 409.903, 409.904, 409.906, 409.9065, 409.919 FS.

Rule 65A-1.713, F.A.C., amends the name of the program in the references to MEDS-AD.

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.902, 409.903, 409.904, 409.906, 409.9065, 409.919 FS.

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

DATE AND TIME: April 24, 2006, 2:30 p.m.

PLACE: 1317 Winewood Boulevard, Building 3, Room 439, Tallahassee, Florida 32399-0700

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT, IF AVAILABLE, IS: Nathan Lewis, Program Administrator, 1317 Winewood Boulevard, Building 3, Room 100, Tallahassee, Florida 32399-0700, telephone 414-5927

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

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Economic Self-Sufficiency Services

RULE NOS.:	RULE TITLES:
65A-1.710	SSI-Related Medicaid Coverage Groups
65A-1.711	SSI-Related Medicaid Non-Financial Eligibility Criteria
65A-1.712	SSI-Related Medicaid Resource Eligibility Criteria
65A-1.713	SSI-Related Medicaid Income Eligibility Criteria

PURPOSE AND EFFECT: The proposed rule amendments reflect changes in legislation for the elimination of the Silver Saver Program. The program ended December 31, 2005, as the new federal Medicare Part D prescription drug program became effective January 1, 2006.

SUBJECT AREA TO BE ADDRESSED: Rule 65A-1.710, F.A.C., removes the Silver Saver Program language from the list of mandatory and optional coverage groups.

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.902, 409.903, 409.904, 409.906, 409.919 FS.

Rule 65A-1.711, F.A.C., removes language providing the general and categorical requirements for the Silver Saver Program.

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.902, 409.903, 409.904, 409.906, 409.919 FS.

Rule 65A-1.712, F.A.C., removes language providing for resource eligibility criteria for the Silver Saver Program.

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.902, 409.903, 409.904, 409.906, 409.919 FS.

Rule 65A-1.713, F.A.C., removes language which provides for income eligibility criteria for the Silver Saver Program.

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.902, 409.903, 409.904, 409.906, 409.919 FS.

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

DATE AND TIME: April 24, 2006, 1:30 p.m.

PLACE: 1317 Winewood Boulevard, Building 3, Room 439, Tallahassee, Florida 32399-0700

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT, IF AVAILABLE, IS: Nathan Lewis, Program Administrator, 1317 Winewood Boulevard, Building 3, Room 100, Tallahassee, Florida 32399-0700, telephone 414-5927
 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Office of Domestic Violence Program

RULE CHAPTER NO.: 65C-5
 RULE CHAPTER TITLE: Batterer Intervention Programs and Assessors – Certification Minimum Standards

RULE NOS.:
 65C-5.001 Purpose
 65C-5.002 Definitions
 65C-5.003 Application for Certification
 65C-5.004 Program Requirements
 65C-5.005 Program Content
 65C-5.006 Facilitator Eligibility
 65C-5.007 Assessment Requirements
 65C-5.008 Assessor Eligibility
 65C-5.009 Trainer Requirements
 65C-5.010 Monitoring
 65C-5.011 Conflicts of Interest

PURPOSE AND EFFECT: These rules establish the minimum standards and procedures for the provision of intervention and assessment of batterers and for the approval of persons wishing to provide intervention and assessment services.

SUBJECT AREA TO BE ADDRESSED: Standards and procedures for state certification and monitoring of batterer intervention programs and assessors.

SPECIFIC AUTHORITY: 741.325 FS.

LAW IMPLEMENTED: 741.32, 741.325, 741.327 FS.

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

DATE AND TIME: April 27, 2006, 2:30 p.m. – 4:30 p.m.

PLACE: 1317 Winewood Boulevard, Building 2, Room 302W, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT, IF AVAILABLE, IS: Renee Starrett at (850)921-4766

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

DEPARTMENT OF FINANCIAL SERVICES

Division of State Fire Marshal

RULE CHAPTER NO.: 69A-64
 RULE CHAPTER TITLE: Firefighter Death Benefits

RULE NO.: 69A-64.005
 RULE TITLE: Adjustments to Reflect Consumer Price Index

PURPOSE AND EFFECT: To adopt price level changes relating to firefighter death benefits in Section 112.191, Florida Statutes, for the year 2006-2007.

SUBJECT AREA TO BE ADDRESSED: Firefighter death benefits in Section 112.191, Florida Statutes.

SPECIFIC AUTHORITY: 112.191 FS.

LAW IMPLEMENTED: 112.191 FS.

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

DATE AND TIME: April 25, 2006, 9:00 a.m.

PLACE: 3rd Floor Conference Room, the Atrium, 325 John Knox Road, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Harriett Abrams, Assistant Director, Division of State Fire Marshal, 200 East Gaines Street, Tallahassee, Florida 32399-0340, phone: (850)413-3170; Fax: (850)922-1235

Pursuant to the provisions of the Americans with Disabilities Act and Section 286.26, Florida Statutes, any person requiring special accommodations to participate in this program, please advise the Department at least 48 hours before the program by contacting Georgia Dowell, (850)413-3170.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

69A-64.005 Adjustments to Reflect Consumer Price Index.

(1) No change.

(2) The amounts payable for the period from July 1, 2006 ~~2005~~ through June 30, 2007 ~~2006~~, using the Consumer Price Index for all urban consumers published by the United States Department of Labor for March, 2006 ~~2005~~, which is the most recent month for which data is available as of the time of the adjustment, are:

(a) For those benefits paid or to be paid under paragraph (a) of subsection (2) of Section 112.191, F.S.: \$ 53,999.14.

(b) For those benefits paid or to be paid under paragraph (b) of subsection (2) of Section 112.191, F.S.: \$ 53,999.14.

(c) For those benefits paid or to be paid under paragraph (c) of subsection (2) of Section 112.191, F.S.: \$ 161,997.42.

Specific Authority 112.191 FS. Law Implemented 112.191 FS. History–New 3-13-03, Amended 7-10-03, Formerly 4A-64.005, Amended 7-13-04, 6-30-05, _____.