

**Section I**  
**Notices of Development of Proposed Rules**  
**and Negotiated Rulemaking**

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

**Division of Standards**

RULE TITLE: Adoption of Uniform Packaging and Labeling Regulation

RULE NO.: 5F-3.001

**PURPOSE AND EFFECT:** The purpose of 5F-3.001 is to amend it to adopt the most recent national standards for packaging and labeling requirements as adopted by the National Conference on Weights and Measures and published in 2006 edition of National Institute of Standards and Technology Handbook 130. Adoption of the current national standards will make Florida’s requirements uniform with the national requirements and facilitate interstate commerce and trade.

**SUBJECT AREA TO BE ADDRESSED:** Requirements for package and labeling of commodities sold in package form in Florida.

**SPECIFIC AUTHORITY:** 531.41(3) FS.

**LAW IMPLEMENTED:** 531.41(4), 531.47, 531.49 FS.

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

**TIME AND DATE:** 10:00 a.m., Monday, March 6, 2006

**PLACE:** Bureau of Weights and Measures, Doyle Conner Laboratory Complex, 3125 Conner Boulevard, Bldg. #2, Room 206, Tallahassee, Florida 32399-1650

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS:** Max Gray, Bureau Chief, Bureau of Weights and Measures, 3125 Conner Blvd., Bldg. #2, Tallahassee, FL 32399-1650, (850)488-9140

**THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:**

5F-3.001 Adoption of Uniform Packaging and Labeling Regulation.

The Department of Agriculture and Consumer Services hereby adopts the Uniform Packaging and Labeling Regulation promulgated by the United States Department of Commerce, National Institute of Standards and Technology, NIST Handbook 130, 2006 ~~2005~~ Edition, as the Rule for packaging and labeling of commodities and incorporates said uniform regulation herein by this reference. A copy of NIST Handbook 130, 2006 ~~2005~~ Edition, may be obtained from the Superintendent of Documents, United States Government

Printing Office, Washington, D.C. 20402, Phone: (202)512-1800 or <http://ts.nist.gov/ts/htdocs/230/235/pubs.htm>.

Specific Authority 531.41(3) FS. Law Implemented 531.41(4), 531.47, 531.49 FS. History--New 1-1-73, Formerly 5F-3.01, Amended 6-14-95, 8-27-98, 8-19-99, 7-3-00, 9-3-01, 6-23-02, 6-29-03, 6-21-04, 6-2-05, \_\_\_\_\_.

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

**Division of Standards**

RULE TITLE: Specifications, Tolerances and Other Technical Requirements for Commercial Weighing and Measuring Devices

RULE NO.: 5F-5.001

**PURPOSE AND EFFECT:** The purpose of this rule is to amend Rule 5F-5.001, F.A.C., to adopt the most recent national standards for weighing and measuring devices developed by the National Conference on Weights and Measures and published in the 2006 edition of National Institute of Standards and Technology Handbook 44. Adoption of the current national standards will make Florida’s requirements uniform with the national requirements and facilitate interstate commerce and trade.

**SUBJECT AREA TO BE ADDRESSED:** The requirements, including tolerances, specifications and other technical requirements for weighing and measuring devices used for commercial transactions and law enforcement use in the state.

**SPECIFIC AUTHORITY:** 531.40, 531.41(3) FS.

**LAW IMPLEMENTED:** 531.40 FS.

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

**TIME AND DATE:** 10:00 a.m., Monday, March 6, 2006

**PLACE:** Bureau of Weights and Measures, Doyle Conner Laboratory Complex, 3125 Conner Boulevard, Bldg. #2, Room 206, Tallahassee, Florida 32399-1650

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS:** Max Gray, Bureau Chief, Bureau of Weights and Measures, 3125 Conner Blvd., Bldg. #2, Tallahassee, FL 32399-1650, (850)488-9140

**THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:**

5F-5.001 Specifications, Tolerances, and Other Technical Requirements for Commercial Weighing and Measuring Devices.

(1) The specifications, tolerances, and other technical requirements for commercial weighing and measuring devices adopted by the National Conference on Weights and Measures and contained in National Institute of Standards and Technology (NIST) Handbook 44, 2006 ~~2005~~ Edition, are

hereby adopted as rules for the requirements for commercial weighing and measuring devices of the Department of Agriculture and Consumer Services. A copy of NIST Handbook 44, 2006 ~~2005~~ Edition, may be obtained from the Superintendent of Documents, United States Government Printing Office, Washington, D.C. 20402, Phone (202)512-1800 or <http://ts.nist.gov/ts/htdocs/230/235/pubs.htm>.

(2) The violation of any of the provisions of these rules and regulations is subject to the penalties and remedies provided in the Weights, Measures, and Standards Law, Chapter 531, Florida Statutes.

Specific Authority 531.40, 531.41(3) FS. Law Implemented 531.40 FS. History—New 1-1-73, Amended 7-1-74, 4-18-75, 1-25-76, 1-17-77, 3-29-78, 2-15-79, 6-4-80, 4-5-81, 5-2-82, 6-30-83, 7-15-84, 8-11-85, Formerly 5F-5.01, Amended 7-7-86, 4-5-87, 4-27-88, 5-31-89, 8-21-90, 8-5-91, 12-10-92, 6-21-94, 8-16-95, 10-8-96, 8-27-98, 8-19-99, 7-3-00, 9-3-01, 6-23-02, 6-29-03, 6-21-04, 6-2-05, \_\_\_\_\_.

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

**Division of Standards**

RULE TITLE: Adoption of Uniform Methods of Sale  
 RULE NO.: 5F-7.005  
 PURPOSE AND EFFECT: The purpose of this rule is to amend Rule 5F-7.005, F.A.C., to adopt the most recent national standards for the methods of sales of commodities developed by the National Conference on Weights and Measures and published in the 2006 edition of National Institute of Standards and Technology Handbook 130. Adoption of the current national standards will make Florida’s requirements uniform with the national requirements and facilitate interstate commerce and trade.

SUBJECT AREA TO BE ADDRESSED: The methods of sale allowable for commodities being sold by weight, measure or count.

SPECIFIC AUTHORITY: 531.41(3) FS.

LAW IMPLEMENTED: 531.41(4), 531.45 FS.

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

TIME AND DATE: 10:00 a.m., Monday, March 6, 2006

PLACE: Bureau of Weights and Measures, Doyle Conner Laboratory Complex, 3125 Conner Boulevard, Bldg. #2, Room 206, Tallahassee, Florida 32399-1650

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Max Gray, Bureau Chief, Bureau of Weights and Measures, 3125 Conner Blvd., Bldg. #2, Tallahassee, FL 32399-1650, (850)488-9140

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

5F-7.005 Adoption of Uniform Methods of Sale.

The Florida Department of Agriculture and Consumer Services hereby adopts the Uniform Regulation for the Method of Sale of Commodities, as published by the United States Department of Commerce, National Institute of Standards and Technology, NIST Handbook 130, 2006 ~~2005~~ Edition, as the Rule for the method of sale for commodities, and incorporates said uniform regulation herein by this reference. A copy of NIST Handbook 130, 2006 ~~2005~~ Edition, may be obtained from the Superintendent of Documents, United States Government Printing Office, Washington, D.C. 20402, Phone: (202)512-1800 or <http://ts.nist.gov/ts/htdocs/230/235/pubs.htm>.

Specific Authority 531.41(3),(4), 531.45 FS. Law Implemented 531.41(3),(4), 531.45 FS. History—New 1-8-90, Amended 6-14-95, 8-27-98, 8-19-99, 7-3-00, 9-3-01, 6-23-02, 6-29-03, 6-21-04, 6-2-05, \_\_\_\_\_.

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

**Division of Standards**

RULE TITLE: Test Procedures to Determine Acceptable Pricing Practices  
 RULE NO.: 5F-12.001  
 PURPOSE AND EFFECT: The purpose of this rule is to adopt the most recent national standards for determining acceptable pricing practices developed by the National Conference on Weights and Measures and published in the 2006 edition of National Institute of Standards and Technology Handbook 130. Adoption of the current national standards will make Florida’s requirements uniform with the national requirements and facilitate interstate commerce and trade.

SUBJECT AREA TO BE ADDRESSED: Test procedures and compliance standards for determining pricing accuracy.

SPECIFIC AUTHORITY: 531.41(3) FS.

LAW IMPLEMENTED: 531.44 FS.

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

TIME AND DATE: 10:00 a.m., Monday, March 6, 2006

PLACE: Bureau of Weights and Measures, Doyle Conner Laboratory Complex, 3125 Conner Boulevard, Bldg. #2, Room 206, Tallahassee, Florida 32399-1650

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Max Gray, Bureau Chief, Bureau of Weights and Measures, 3125 Conner Blvd., Bldg. #2, Tallahassee, FL 32399-1650, (850)488-9140

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

5F-12.001 Test Procedures to Determine Acceptable Pricing Practices.

The Department of Agriculture and Consumer Services hereby adopts the "Examination Procedure for Price Verification" promulgated by the United States Department of Commerce, National Institute of Standards and Technology, NIST Handbook 130, 2006 ~~2005~~ Edition as the Rule for the sampling procedures and compliance standards in testing the accuracy of pricing practices employed by businesses and other entities in the state and incorporates said regulation herein by this reference. A copy of NIST Handbook 130, 2006 ~~2005~~ Edition, may be obtained from the Superintendent of Documents, United States Government Printing Office, Washington, D.C. 20402, Phone: (202)512-1800 or <http://ts.nist.gov/ts/htdocs/230/235/pubs.htm>.

Specific Authority 531.41(3) FS. Law Implemented 531.44 FS. History—New 4-9-98, Amended 6-2-05,\_\_\_\_\_.

**DEPARTMENT OF EDUCATION**

**State Board of Education**

RULE TITLE: Student Performance Standards

RULE NO.: 6A-1.09401

PURPOSE AND EFFECT: The purpose of this rule development is to begin the 6-year cycle of standards review and revision. The first standards to be reviewed for revision are the Language Arts which include Reading to be followed by Mathematics. This revision process includes going away from grade cluster standards to grade level benchmarks.

SUBJECT AREA TO BE ADDRESSED: Adoption of New Sunshine State Standards.

SPECIFIC AUTHORITY: 1003.41 FS.

LAW IMPLEMENTED: 1003.41, 1008.22, 1008.25 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: Mary Jane Tappen, Deputy Chancellor for Student Achievement, Department of Education, 325 West Gaines Street, Room 514, Tallahassee, Florida 32399, (850)245-0509

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

**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."

**COMMISSION ON ETHICS**

RULE CHAPTER TITLE: Forms and Instructions

RULE CHAPTER NO.: 34-7

RULE TITLE: List of Forms and Instructions

RULE NO.: 34-7.010

PURPOSE AND EFFECT: These amendments to Rule 34-7.010, F.A.C., will amend the form used to register as an Executive Branch lobbyist, repeal the form used to report expenditures, and adopt forms to obtain the principal's authorization and report compensation by lobbying firms pursuant to Section 5, Chapter 2005-359, Laws of Florida.

SUBJECT AREA TO BE ADDRESSED: Executive branch lobbyists are required to register and their firms are required to report compensation pursuant to Section 5, Chapter 2005-359, Laws of Florida, and the forms to accomplish this are adopted by reference in Chapter 34-7, F.A.C.

SPECIFIC AUTHORITY: Art. II, Sec. 8(i), Fla. Const., 112.3144, 112.3145, 112.3147, 112.3215(13), 112.322(9) FS., Section 5, Chapter 2005-359, Laws of Florida.

LAW IMPLEMENTED: 112.313(9),(12), 112.3143, 112.3144, 112.3145, 112.3148, 112.3149, 112.3215 FS., Art. II, Sec. 8(a), (f), (h), Fla. Const., Section 5, Chapter 2005-359, Laws of Florida.

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

TIME AND DATE: 8:30 a.m., March 3, 2006

PLACE: Room 412, The Knott Building, 111 West St. Augustine Street, Tallahassee, FL

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Julia Cobb Costas, Senior Attorney, Florida Commission on Ethics, (850)488-7864

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

**COMMISSION ON ETHICS**

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Executive Branch Lobbyist Registration	34-12
RULE TITLES:	RULE NOS.:
Purpose and Scope of Rules	34-12.010
Definitions	34-12.020
Computation of Time	34-12.030
“Lobbyist” Defined	34-12.100
Exclusions for Judicial Proceedings	34-12.110
Exclusions for Administrative Proceedings	34-12.120
Exclusion for Officers or Employees of Agencies or Legislative or Judicial Branch Entities	34-12.130
Exclusion for Confidential Informants	34-12.140
Exclusion for Category One Purchases	34-12.150
Examples of Lobbying Activities	34-12.160
Examples of Activities Not Constituting Lobbying	34-12.170
Engendering “Goodwill”	34-12.180
Registration Requirements	34-12.200
Effective Date of Registration	34-12.210
Registration Forms	34-12.300
Registration Fees	34-12.310
Filing Registration Forms and Fees	34-12.320
Annual Renewals	34-12.330
Cancellation of Registration	34-12.340
Expenditure Reporting Requirements	34-12.400
Penalties for Late Filing	34-12.405
Appeal of Statutory Fines: Hearings, Unusual Circumstances	34-12.407
Notification of Expenditure Reporting Deadlines	34-12.420
Lobbyist’s Expenditure Reports	34-12.430
Expenditure Categories	34-12.450
Calculating Amounts of Expenditures	34-12.460
Agency Responsibilities	34-12.500
Advisory Opinion Requests	34-12.600
Form of Requests for Opinions	34-12.610
Receipt of Requests for Opinions; Commission Staff Action	34-12.620
Consideration and Issuance of Opinions by Commission; Reconsideration of Opinions	34-12.630
Effect of an Advisory Opinion	34-12.640
Publication of Advisory Opinions	34-12.650
Records Retention and Inspection	34-12.660
Complaint Proceedings, Generally	34-12.700
Parties	34-12.705
Counsel	34-12.710
Staff Procedures Upon Receipt of a Complaint	34-12.715

Review for Sufficiency of Allegations and Order of Preliminary Investigation 34-12.720  
 Withdrawal of Complaints 34-12.725  
 Delegation of Authority 34-12.728  
 Subpoenas During Preliminary Investigation 34-12.730  
 Investigations 34-12.735  
 Motions to Dismiss for Lack of Jurisdiction 34-12.740  
 Advocate’s Recommendation 34-12.745  
 Probable Cause Hearing 34-12.750  
 Notification of Probable Cause Determination 34-12.755  
 Confidentiality 34-12.760  
 PURPOSE AND EFFECT: These amendments to Chapter 34-12, F.A.C., are intended to implement Section 5, Chapter 2005-359, L.O.F.  
 SUBJECT AREA TO BE ADDRESSED: The Commission will be proposing amendments to Chapter 34-12, F.A.C., concerning executive branch lobbyists and their principals. The rule will address prohibited expenditures, registration requirements, and compensation reporting by lobbying firms.  
 SPECIFIC AUTHORITY: 112.3215, 112.322(9) FS., Section 5, Chapter 2005-359, Laws of Florida.  
 LAW IMPLEMENTED: 112.3215 FS., Section 5, Chapter 2005-359, Laws of Florida.  
 A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:  
 TIME AND DATE: 8:30 a.m., March 3, 2006  
 PLACE: Room 412, The Knott Building, 111 West St. Augustine Street, Tallahassee, FL  
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Julia Cobb Costas, Senior Attorney, Florida Commission on Ethics, (850)488-7864  
 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

**WATER MANAGEMENT DISTRICTS**

**Southwest Florida Water Management District**

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Procedural	40D-1
RULE TITLE:	RULE NO.:
Delegation of Authority	40D-1.002

PURPOSE AND EFFECT: The proposed rule amendment will incorporate the Well Construction Permitting Agreement between the Southwest Florida Water Management District and the Marion County Health Department by reference into Rule 40D-1.002, F.A.C. The Agreement accomplishes delegation by the District of its well construction regulation program to the Marion County Health Department.

SUBJECT AREA TO BE ADDRESSED: Delegation of the District's well construction permitting program to the Marion County Health Department, the scope of the delegated authority and the conditions and standards under which the Marion County Health Department must operate the program.

SPECIFIC AUTHORITY: 373.044, 373.103, 373.113, 373.118, 373.219, 373.309 FS.

LAW IMPLEMENTED: 253.002, 373.103, 373.149, 373.219, 373.223, 373.224, 373.226, 373.308, 373.309, 373.427 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 District does not discriminate on the basis of disability. Anyone requiring reasonable accommodation should contact: Dianne Lee, (352)796-7211, Ext. 4658, TDD only 1(800)231-6103.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Margaret M. Lytle, Senior Attorney, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, Extension 4651

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

**WATER MANAGEMENT DISTRICTS**

**Southwest Florida Water Management District**

RULE CHAPTER TITLE: Procedural  
 RULE CHAPTER NO.: 40D-4

RULE TITLE: Publications and Agreements Incorporated by Reference  
 RULE NO.: 40D-4.091

PURPOSE AND EFFECT: The proposed rule amendment will adopt revised maps of drainage basins in Appendix 6 and revised maps of watersheds in Appendix 4 of the ERP Basis of Review to correspond with the revised descriptions of the drainage basins and watersheds of the District. The ERP Basis of Review is incorporated by reference into subsection 40D-4.091(1), F.A.C.

SUBJECT AREA TO BE ADDRESSED: Recent revisions to District boundaries have created inaccuracies in the drainage basins map and watersheds map. Amendments to the two maps are proposed to reflect the new District boundaries.

SPECIFIC AUTHORITY: 373.044, 373.046, 373.113, 373.171, 373.414 FS.

LAW IMPLEMENTED: 373.0361, 373.114, 373.171, 373.403, 373.413, 373.414, 373.416, 373.429, 373.441 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 District does not discriminate on the basis of disability. Anyone requiring reasonable accommodation should contact: Dianne Lee, (352)796-7211, Ext. 4658, TDD only 1(800)231-6103.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Karen West, Deputy General Counsel, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, Extension 4651

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

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Medicaid**

RULE TITLE: Hospice Services  
 RULE NO.: 59G-4.140

PURPOSE AND EFFECT: The purpose of this rule is to incorporate by reference update January 2006 to the Florida Medicaid Hospice Services Coverage and Limitations Handbook. The handbook update contains the January 2006 fee schedule for direct care services provided by physicians. The effect will be to incorporate by reference update January 2006 to the Florida Medicaid Hospice Services Coverage and Limitations Handbook.

SUBJECT AREA TO BE ADDRESSED: Hospice Services.

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.906, 409.908 FS.

IF REQUESTED IN WRITING WITHIN 14 DAYS BY AN AFFECTED PERSON AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW.

TIME AND DATE: 10:00 a.m., Monday, March 6, 2006

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Bldg. 3, Conference Room C, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Claudia Treadwell, Medicaid Services, 2727 Mahan Drive, Building 3, Mail Stop 20, Tallahassee, Florida 32308-5407, (850)410-1677

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59G-4.140 Hospice Services.

(1) No change.

(2) All hospice services providers enrolled in the Medicaid program must comply with the Florida Medicaid Hospice Services Coverage and Limitations Handbook, October 2003, updated January 2005 and January 2006, incorporated by reference, and the Florida Medicaid Provider Reimbursement Handbook, UB-92, incorporated by reference in Rule 59G-4.160, F.A.C. Both handbooks are available from the Medicaid fiscal agent's website at <http://floridamedicaid.acs-inc.com>. Click on Provider Support, and then on Handbooks. Paper copies of the handbooks may be obtained by calling Provider Inquiry at (800)377-8216.

(3) No change.

Specific Authority 409.919 FS. Law Implemented 409.906, 409.908 FS. History—New 1-1-87, Amended 10-9-90, 5-13-92, 10-8-92, Formerly 10C-7.0533, Amended 2-14-95, 12-27-95, 9-21-99, 8-4-04, 10-2-05.

**DEPARTMENT OF MANAGEMENT SERVICES**

**Division of Purchasing**

RULE TITLES:	RULE NOS.:
Purchase of Commodities or Contractual Services	60A-1.002
Vendors and Contractors	60A-1.006
Contract and Purchase Order Requirements	60A-1.016

PURPOSE AND EFFECT: To update Chapter 60A-1, Florida Administrative Code, to reflect current practices and procedures regarding purchases made by state offices.

SUBJECT AREA TO BE ADDRESSED: Incorporating the current practices and procedures regarding purchases made by state offices into Chapter 60A-1, Florida Administrative Code, and corresponding forms.

SPECIFIC AUTHORITY: 287.042(3), 287.042(12) FS.

LAW IMPLEMENTED: 287.042, 287.057, 287.058, 668.004 FS.

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

TIME AND DATE: 1:00 p.m., March 10, 2006

PLACE: Department of Management Services, 4050 Esplanade Way, Room 101, Tallahassee, Florida 32399-0950

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Anthony W. Garcia, Department of Management Services, 4050 Esplanade Way, Suite 360, Tallahassee, Florida 32399-0950, (850)488-8440, e-mail: [garciaa@dms.state.fl.us](mailto:garciaa@dms.state.fl.us)

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Cosmetology**

RULE TITLE: Disciplinary Guidelines  
 RULE NO.: 61G5-30.001

PURPOSE AND EFFECT: The rule outlines the normal discipline imposed for penalty violations.

SUBJECT AREA TO BE ADDRESSED: Disciplinary Guidelines.

SPECIFIC AUTHORITY: 455.2273, 477.016, 477.029(2) FS.

LAW IMPLEMENTED: 455.2273, 477.029(2) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Robyn Barineau, Executive Director, Board of Cosmetology, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Pilot Commissioners**

RULE TITLE: Percentage of Gross Pilotage Assessed  
 RULE NO.: 61G14-19.001

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

SUBJECT AREA TO BE ADDRESSED: Percentage of gross pilotage.

SPECIFIC AUTHORITY: 310.131, 310.185 FS.

LAW IMPLEMENTED: 310.131 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Robyn Barineau, Executive Director, Board of Pilot Commissioners, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

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 JUVENILE JUSTICE**

**Prevention Programs**

RULE TITLES:	RULE NOS.:
Nonjudicial Procedures for Families	
Needing Services	63C-1.001
Coordinating Children-In-Need-of	
Services Programs	63C-1.002

**PURPOSE AND EFFECT:** The proposed rule is intended to implement requirements relating to children/families in need of services, including standards for administering the programs and coordinating services.

**SUBJECT AREA TO BE ADDRESSED:** Standards governing programs for children/families in need of services.

**SPECIFIC AUTHORITY:** 20.316, 985.405, 985.404(8), 984.04(3) FS.

**LAW IMPLEMENTED:** 984.04(3), 985.404(8) FS.

**IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIMES, DATES AND PLACES SHOWN BELOW:**

**TIME AND DATE:** 10:00 a.m. – 12:00 Noon, Friday, March 3, 2006

**PLACE:** 5400 South University Drive, Ste. 202, Davie, Florida  
**TIME AND DATE:** 10:00 a.m. – 12:00 Noon, Friday, March 3, 2006

**PLACE:** DJJ Residential Services, Central Region Office, 4524 Oak Fair Blvd., Ste. 200, Tampa, Florida

**TIME AND DATE:** 10:00 a.m. – 12:00 Noon, Friday, March 3, 2006

**PLACE:** DJJ Headquarters, Knight Building, Room 108, 2737 Centerview Dr., Tallahassee, Florida

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS:** Clyde Benedix, 2737 Centerview Drive, Ste. 104, Tallahassee, FL 32399-3100, e-mail: [clyde.benedix@djj.state.fl.us](mailto:clyde.benedix@djj.state.fl.us)

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

**DEPARTMENT OF JUVENILE JUSTICE**

**Probation**

RULE TITLES:	RULE NOS.:
Purpose and Scope	63D-1.001
Preliminary Screening	63D-1.002
Comprehensive Assessment	63D-1.003
Documentation	63D-1.004

**PURPOSE AND EFFECT:** The rule describes the uniform procedures performed upon intake for the preliminary screening and comprehensive assessment of children.

**SUBJECT AREA TO BE ADDRESSED:** Procedures governing the preliminary screening and comprehensive assessment of children upon intake, and the manner in which such evaluations are documented.

**SPECIFIC AUTHORITY:** 20.316, 985.405, 985.21 FS.

**LAW IMPLEMENTED:** 985.21 FS.

**IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIMES, DATES AND PLACES SHOWN BELOW:**

**TIME AND DATE:** 10:00 a.m. – 12:00 Noon, Friday, March 3, 2006

**PLACE:** 5400 South University Drive, Ste. 202, Davie, Florida  
**TIME AND DATE:** 10:00 a.m. – 12:00 Noon, Friday, March 3, 2006

**PLACE:** DJJ Residential Services, Central Region Office, 4524 Oak Fair Blvd., Ste. 200, Tampa, Florida

**TIME AND DATE:** 10:00 a.m. – 12:00 Noon, Friday, March 3, 2006

**PLACE:** DJJ Headquarters, Knight Building, Room 108, 2737 Centerview Dr., Tallahassee, Florida

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS:** Clyde Benedix, 2737 Centerview Drive, Ste. 104, Tallahassee, FL 32399-3100, e-mail: [clyde.benedix@djj.state.fl.us](mailto:clyde.benedix@djj.state.fl.us)

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

**DEPARTMENT OF JUVENILE JUSTICE**

**Staff Training**

RULE TITLES:	RULE NOS.:
Definitions	63H-1.001
State Non-Residential Staff	63H-1.002
Contracted Non-Residential Staff	63H-1.003
State Residential Staff	63H-1.004
Contracted Residential Staff	63H-1.005
Detention Staff	63H-1.006

**PURPOSE AND EFFECT:** The rule describes the specialized training required for state and contracted staff in juvenile delinquency programs who are responsible for the care, supervision, and individualized treatment of children.

**SUBJECT AREA TO BE ADDRESSED:** Staff training requirements in state and contracted juvenile delinquency programs.

**SPECIFIC AUTHORITY:** 20.316, 985.405, 985.404(9) FS.

**LAW IMPLEMENTED:** 985.404(9) FS.

**IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIMES, DATES AND PLACES SHOWN BELOW:**

**TIME AND DATE:** 10:00 a.m. – 12:00 Noon, Friday, March 3, 2006

**PLACE:** 5400 South University Drive, Ste. 202, Davie, Florida  
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**PLACE:** DJJ Residential Services, Central Region Office, 4524 Oak Fair Blvd., Ste. 200, Tampa, Florida

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**PLACE:** DJJ Headquarters, Knight Building, Room 108, 2737 Centerview Dr., Tallahassee, Florida

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS:** Clyde Benedix, 2737 Centerview Drive, Ste. 104, Tallahassee, FL 32399-3100, e-mail: clyde.benedix@djj.state.fl.us

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

**DEPARTMENT OF JUVENILE JUSTICE**

**Direct Support Organizations**

RULE TITLES:	RULE NOS.:
Direct Support Organization	
Functions and Bylaws	63J-1.001
Use of Department Property	63J-1.002
Disposition of Funds	63J-1.003
Budget	63J-1.004

**PURPOSE AND EFFECT:** The proposed rule is intended to implement requirements governing the procedures and operation of direct support organizations. These include the permissible and prohibited purposes of such organizations, conditions for use of department property, and department budget oversight.

**SUBJECT AREA TO BE ADDRESSED:** Procedures and operations of direct support organizations.

**SPECIFIC AUTHORITY:** 20.316, 985.405, 985.4145 FS.

**LAW IMPLEMENTED:** 985.4145 FS.

**IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIMES, DATES AND PLACES SHOWN BELOW:**

**TIME AND DATE:** 10:00 a.m. – 12:00 Noon, Friday, March 3, 2006

**PLACE:** 5400 South University Drive, Ste. 202, Davie, Florida  
**TIME AND DATE:** 10:00 a.m. – 12:00 Noon, Friday, March 3, 2006

**PLACE:** DJJ Residential Services, Central Region Office, 4524 Oak Fair Blvd., Ste. 200, Tampa, Florida

**TIME AND DATE:** 10:00 a.m. – 12:00 Noon, Friday, March 3, 2006

**PLACE:** DJJ Headquarters, Knight Building, Room 108, 2737 Centerview Dr., Tallahassee, Florida

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS:** Clyde Benedix, 2737 Centerview Drive, Ste. 104, Tallahassee, FL 32399-3100, e-mail: clyde.benedix@djj.state.fl.us

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

**DEPARTMENT OF JUVENILE JUSTICE**

**County and Municipal Juvenile Programs**

RULE TITLES:	RULE NOS.:
Operation of County or Municipal Juvenile Detention Centers	63K-1.001
Operation of County or Municipal Juvenile Delinquency Programs	63K-1.002
Transfers	63K-1.003

**PURPOSE AND EFFECT:** The proposed rule specifies the manner in which county or municipal juvenile delinquency programs and facilities are to be operated, and provides for department inspection and monitoring of such programs.

**SUBJECT AREA TO BE ADDRESSED:** Operation and department monitoring of county or municipal juvenile justice programs.

**SPECIFIC AUTHORITY:** 20.316, 985.405, 985.411 FS.

**LAW IMPLEMENTED:** 985.411 FS.

**IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIMES, DATES AND PLACES SHOWN BELOW:**

**TIME AND DATE:** 10:00 a.m. – 12:00 Noon, Friday, March 3, 2006

**PLACE:** 5400 South University Drive, Ste. 202, Davie, Florida  
**TIME AND DATE:** 10:00 a.m. – 12:00 Noon, Friday, March 3, 2006

**PLACE:** DJJ Residential Services, Central Region Office, 4524 Oak Fair Blvd., Ste. 200, Tampa, Florida



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THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Clyde Benedix, 2737 Centerview Drive, Ste. 104, Tallahassee, FL 32399-3100, e-mail: clyde.benedix@djj.state.fl.us

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

**DEPARTMENT OF HEALTH**

**Board of Massage Therapy**

RULE TITLE: Continuing Education  
RULE NO.: 64B7-28.009

PURPOSE AND EFFECT: The rule addresses Continuing Education requirements for massage therapists.

SUBJECT AREA TO BE ADDRESSED: Continuing Education.

SPECIFIC AUTHORITY: 456.013(7),(8),(9), 480.035(7), 480.0415 FS.

LAW IMPLEMENTED: 456.013(7),(8),(9), 480.0415 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Pamela E. King, Executive Director, Board of Massage Therapy, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399

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

**DEPARTMENT OF HEALTH**

**Board of Massage Therapy**

RULE TITLE: Requirements for Board Approval of Continuing Education Programs  
RULE NO.: 64B7-28.010

PURPOSE AND EFFECT: The rule clarifies the requirements for continuing education program approval.

SUBJECT AREA TO BE ADDRESSED: Requirements for Board Approval of Continuing Education Programs.

SPECIFIC AUTHORITY: 456.013(8),(9), 456.025(7), 456.036, 480.035(7), 480.0415 FS.

LAW IMPLEMENTED: 456.013(8),(9), 456.025(7), 456.036, 480.0415 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Pamela E. King, Executive Director, Board of Massage Therapy, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399

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

**DEPARTMENT OF HEALTH**

**Board of Medicine**

RULE TITLES: Continuing Education Approval  
RULE NOS.: 64B8-45.002

Continuing Education Requirements for Reactivation of an Inactive, Retired or Delinquent License 64B8-45.004

PURPOSE AND EFFECT: The proposed rule developments are intended to clarify criteria for continuing education approval and to address retired status.

SUBJECT AREA TO BE ADDRESSED: Continuing education criteria and retired licensure status.

SPECIFIC AUTHORITY: 468.507, 468.515(3) FS.

LAW IMPLEMENTED: 468.514, 468.515 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: Susan Love, Executive Director, Dietetics and Nutrition Practice Council, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B8-45.002 Continuing Education Approval.

(1) Continuing education credit shall be awarded for educational experiences received through the following methods:

(a) By participating in one of the following dietetics or nutrition practice courses:

1. through 2. No change.

3. College courses from an approved graduate or undergraduate program which is accredited by an accrediting agency approved by the United States Department of Education or courses approved by any Board within the Division of Medical Quality Assurance of the Florida

Department of Health and which course clearly relates to maintaining skills necessary for the safe and competent practice of dietetics and nutrition services;

- 4. No change.
- (b) through (c) No change.
- (2) through (4) No change.

Specific Authority 468.507 FS. Law Implemented 468.514, 468.515 FS. History—New 12-5-90, Amended 1-1-92, 9-24-92, Formerly 21M-51.002, Amended 11-4-93, Formerly 61F6-51.002, Amended 12-28-94, 11-12-95, Formerly 59R-45.002, Amended 9-26-01.

64B8-45.004 Continuing Education Requirements for Reactivation of an Inactive, Retired or Delinquent License.

Any person seeking to reactivate an inactive, retired or delinquent license must submit proof of successful completion of fifteen hours per year of continuing education approved pursuant to this rule chapter for each year of inactive status.

Specific Authority 468.507, 468.515(3) FS. Law Implemented 468.515 FS. History—New 9-28-93, Formerly 61F6-51.004, Amended 11-12-95, Formerly 59R-45.004, Amended \_\_\_\_\_.

**DEPARTMENT OF HEALTH**

**Board of Occupational Therapy Practice**

RULE TITLE: Admission by Endorsement

RULE NO.: 64B11-2.002

PURPOSE AND EFFECT: The Board proposes to review this section to determine if changes are necessary.

SUBJECT AREA TO BE ADDRESSED: Admission by endorsement.

SPECIFIC AUTHORITY: 468.204, 468.213 FS.

LAW IMPLEMENTED: 468.213 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: Susan Love, Executive Director, Board of Occupational Therapy Practice/MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

**DEPARTMENT OF HEALTH**

**Board of Occupational Therapy Practice**

RULE TITLE: Examination; Passing Grade

RULE NO.: 64B11-2.006

PURPOSE AND EFFECT: The Board proposes to review this section to determine if changes are necessary.

SUBJECT AREA TO BE ADDRESSED: Examination, Passing Grades.

SPECIFIC AUTHORITY: 468.204, 468.211(4) FS.

LAW IMPLEMENTED: 468.211(3),(4) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Susan Love, Executive Director, Board of Occupational Therapy Practice/MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

**DEPARTMENT OF HEALTH**

**Board of Occupational Therapy Practice**

RULE TITLE: Examination; Passing Grade

RULE NO.: 64B11-3.004

PURPOSE AND EFFECT: The Board proposes to review this section to determine if changes are necessary.

SUBJECT AREA TO BE ADDRESSED: Examination; Passing grade.

SPECIFIC AUTHORITY: 456.017, 468.204, 468.211(4) FS.

LAW IMPLEMENTED: 456.017, 468.211(4) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Susan Love, Executive Director, Board of Occupational Therapy/MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

**DEPARTMENT OF HEALTH**

**Board of Occupational Therapy Practice**

RULE TITLE: Application by Endorsement

RULE NO.: 64B11-3.0021

PURPOSE AND EFFECT: The Board proposes to consider promulgating a new rule section to clarify application by endorsement for occupational therapy assistant licensure.

SUBJECT AREA TO BE ADDRESSED: Application by endorsement for an occupational therapy assistant.

SPECIFIC AUTHORITY: 468.204, 468.213 FS.

LAW IMPLEMENTED: 468.213 FS.

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

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

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

**DEPARTMENT OF HEALTH**

**Board of Respiratory Care**

RULE TITLE: Reactivation of Retired Status License

RULE NO.: 64B32-4.002

PURPOSE AND EFFECT: The Board proposes the new rule to provide language for reactivation of retired status licenses.

SUBJECT AREA TO BE ADDRESSED: Reactivation of retired status licenses.

SPECIFIC AUTHORITY: 456.036(9), 468.353(1) FS.

LAW IMPLEMENTED: 456.036(9) FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE 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: Susie Love, Executive Director, Board of Respiratory Care, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B32-4.002 Reactivation of Retired Status License.

(1) A retired status licensee for less than five years may change to active status provided:

(a) A licensee pay any renewal fees imposed on an active status license for all biennial licensure periods during which the licensee was on retired status.

(b) A licensee must provide evidence of licensure as either a Certified Respiratory Therapist (CRT) or a Registered Respiratory Therapist (RRT), pursuant to Section 468.358, Florida Statutes.

(c) A licensee must meet the continuing educational requirements for Rule 64B32-6.001, F.A.C., for each biennium the licensee was in retired status.

(d) A licensee must attend HIV and medical errors courses pursuant to Rule 64B32-6.007, F.A.C.

(2) A retired status licensee for five years or more may change to active status provided:

(a) A licensee pay any renewal fees imposed on an active status license for all biennial licensure periods during which the licensee was on retired status.

(b) A licensee must provide evidence of licensure as either a Certified Respiratory Therapist (CRT) or a Registered Respiratory Therapist (RRT), pursuant to Section 468.358, Florida Statutes.

(c) A licensee must meet the continuing educational requirements for Rule 64B32-6.001, F.A.C., for each biennium the licensee was in retired status.

(d) A licensee is required to provide evidence of attendance of a Board-approved comprehensive review course, within six months prior to reactivation of license, in order to ensure that he or she has the sufficient skills to re-enter the profession.

(e) A licensee must attend HIV and medical errors courses pursuant to Rule 64B32-6.007, F.A.C.

(3) Board-approved comprehensive review course means any curriculum topic required by the Commission on Accreditation for Respiratory Care (COARC).

Specific Authority 456.036(9), 468.353(1) FS. Law Implemented 456.036(9) FS. History—New \_\_\_\_\_.

**DEPARTMENT OF HEALTH**

**Division of Environmental Health**

RULE CHAPTER TITLE: Emergency Medical Services

RULE CHAPTER NO.: 64E-2

RULE TITLE: Certificate of Public Convenience and Necessity

RULE NO.: 64E-2.032

PURPOSE AND EFFECT: Announce workshop to open discussion with the EMS community regarding COPCN language.

SUBJECT AREA TO BE ADDRESSED: Certificate of Public Convenience and Necessity.

SPECIFIC AUTHORITY 381.0011, 395.405, 401.121, 401.25, 401.251, 401.265, 401.27, 401.2715, 401.31, 401.35 FS.

LAW IMPLEMENTED: 381.0011, 381.025, 395.401, 395.4015, 395.402, 395.4025, 395.403, 395.404, 395.4045, 395.405, 401.23, 401.24, 401.25, 401.251, 401.252, 401.26, 401.265, 401.27, 401.2715, 401.281, 401.30, 401.31, 401.321, 401.33, 401.34, 401.35, 401.41, 401.411, 401.414, 401.421 FS.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW.

TIME AND DATE: 10:00 a.m. – 1:00 p.m., February 28, 2006  
PLACE: Seminole County Sheriff’s Office and Department of Public Safety, 150 Bush Boulevard, Sanford, FL 32773

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Lisa M. Walker, Government Analyst, Bureau of Emergency Medical Services,

Department of Health, 4052 Bald Cypress Way, Bin C18, Tallahassee, Florida 32399-1738, (850)245-4440, Ext. 2733, e-mail: lisa\_walker2@doh.state.fl.us, Fax (850)488-9408

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64E-2.032 Certificate of Public Convenience and Necessity.

(1) A Licensee presently possessing a Certificate of Public Convenience and Necessity (COPCN) cannot be determined to have operated in a county in violation of Section 401.25(2)(d), F.S., absent enforcement by that county of an ordinance adopted under Section 401.25(6), F.S., and subsequent final judicial determination in support of such enforcement that the Licensee did not possess or maintain a COPCN consistent with that ordinance. Each county is empowered pursuant to Section 401.25(2)(d) and (6), F.S., to issue a COPCN to an ambulance service which proposes to operate within that county.

(2) A Licensee presently possessing a Certificate of Public Convenience and Necessity (COPCN) from one county may conduct any of the following activities without being considered to operate in that county for purposes of violation of these rules: The department shall license an ambulance service, and that service may operate in a county in this state, provided the applicant meets the ambulance service requirements of Chapter 401, Part III, F.S., and this rule chapter, and provided further that the ambulance service has first obtained a COPCN:

(a) As part of a coordinated response to a disaster or a mass casualty incident; From each county in which the ambulance service provides or proposes to provide prehospital ALS services or prehospital BLS transportation services.

(b) Governed by a Mutual Aid Agreement sanctioned by the governing bodies of the affected counties that includes: From each county within which the ambulance service provides or proposes to provide intracounty, interfacility ALS services or interfacility BLS transportation services.

1. The conditions under which the agreement shall be activated;

2. The procedures and medical protocols to be followed during activation; and

3. The conditions and process by which the agreed upon services shall be terminated;

(c) A transfer or transport through a county that neither begins nor terminates in that county; or From each county where the ambulance service provides or proposes to provide interfacility ALS services or BLS transportation services in which the need for such service either originates or terminates, but not from both the county where the need for such service originates and the county where the need for such service terminates unless the county by ordinance pursuant to Section 401.25(6), F.S., mandates a COPCN for both.

(d) Unless prohibited by the COPCN ordinance of the county in which the Licensee does not possess a COPCN with enforcement and subsequent final determination under (1), a transfer or transport between that county and a county in which the licensee possesses a COPCN.

~~(3) All licenses issued by the department shall be for ALS, BLS transport or air ambulance service consistent with the services authorized by the COPCN, if the department requires a COPCN pursuant to this section. If the applicant is not required by the county to have a COPCN to operate in that county, the department shall issue a license in one of the above categories and upon meeting all of the other requirements of Rules 64E-2.002 and .003, F.A.C.~~

~~(4) Provisions of this section to the contrary notwithstanding, the department shall license an ambulance service which meets the ambulance service requirements of Chapter 401, F.S., Part III, and Chapter 64E-2, F.A.C., in any county where the ambulance service provides or proposes to provide services for which a license is required under Chapter 401, F.S., Part III, where the county does not require a COPCN for such services.~~

~~(5) An ambulance service licensed by the department is permitted to provide services under its license in a county without first having obtained a COPCN from the governing body of that county, if such service is provided pursuant to and consistent with the terms of a mutual aid agreement with that county, or as part of a coordinate response to a disaster or a mass casualty incident. Pursuant to Section 401.23(16), F.S., a mutual aid agreement must be in writing, must be sanctioned by the governing bodies of the affected counties, and must at a minimum include:~~

~~(a) The conditions under which the agreement shall be activated.~~

~~(b) The procedures and medical protocols to be followed during activation.~~

~~(c) The conditions and process by which the agreed upon services shall be terminated.~~

Specific Authority 401.35 FS. Law Implemented 401.23, 401.25, 401.251, 401.252, 401.33, 401.35, 401.411, 401.414, 401.421 FS. History—New 10-2-94, Amended 1-26-97, Formerly 10D-66.335, Amended 1-3-99,

**DEPARTMENT OF HEALTH**

**Division of Family Health Services**

RULE CHAPTER TITLE: RULE CHAPTER NO.:

Child Care Food Program 64F-17

PURPOSE AND EFFECT: The Department of Health, Bureau of Child Nutrition Programs, will be revising its rules and proposing new rules to assure that program requirements are set forth and to assure program participation is consistent with program goals.

SUBJECT AREA TO BE ADDRESSED: The Child Care Food Program administered by the Department of Health, Bureau of Child Nutrition Programs.

SPECIFIC AUTHORITY: 383.011(2)(c) FS.  
 LAW IMPLEMENTED: 383.011(1)(i) FS.  
 IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.  
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Julia P. Forrester, Assistant General Counsel, Department of Health, Office of the General Counsel, 4052 Bald Cypress Way, Bin #A02, Tallahassee, Florida 32399-1703, (850)245-4005  
 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Marine Fisheries**

RULE CHAPTER TITLE: Oysters  
 RULE TITLE: Apalachicola Bay Oyster Harvesting Restrictions  
 RULE NO.: 68B-27.017  
 PURPOSE AND EFFECT: The purpose of this rule development is to make a technical change that will conform an Apalachicola Bay harvest rule to a rule amendment adopted last year that shifted the oyster harvesting season in Apalachicola Bay by one month.  
 SUBJECT AREA TO BE ADDRESSED: Oyster harvesting season in Apalachicola Bay.  
 SPECIFIC AUTHORITY: Art. IV, Sec. 9, Florida Constitution.  
 LAW IMPLEMENTED: Art. IV, Sec. 9, Florida Constitution.  
 IF REQUESTED AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.  
 Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 calendar days before the workshop/meeting by contacting: ADA Coordinator, (850)488-6411. If you are hearing or speech impaired, please contact the agency by calling (850)488-9542.  
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: James V. Antista, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

68B-27.017 Apalachicola Bay Oyster Harvesting Restrictions.  
 In addition to all other provisions of this chapter, the following provisions shall apply to Apalachicola Bay:  
 (1) No change.  
 (2)(a) Except as provided in paragraph (b) and when Apalachicola Bay is not closed for public health purposes, oysters may be harvested in the bay for commercial purposes any day of the week during the period beginning on November 16 each year and continuing through May 31 ~~June 30~~ of the following year.  
 (b) No change.  
 (3) No change.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History--New 3-10-91, Amended 11-29-93, Formerly 46-27.017, Amended 6-1-99, 9-1-05, \_\_\_\_\_.

**FINANCIAL SERVICES COMMISSION**

**Office of Insurance Regulation**

RULE TITLE: Annual and Quarterly Reporting Requirements  
 RULE NO.: 69O-137.001  
 PURPOSE AND EFFECT: To adopt the 2006 NAIC Quarterly and Annual Statement Instructions and NAIC's Accounting Practices and Procedures Manual, as permitted by Section 624.424, Florida Statutes.  
 SUBJECT AREA TO BE ADDRESSED: Update NAIC Instructions and Manuals.  
 SPECIFIC AUTHORITY: 624.308(1), 624.424(1) FS.  
 LAW IMPLEMENTED: 624.424(1) FS.  
 IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:  
 TIME AND DATE: 9:30 a.m., March 8, 2006  
 PLACE: Room 142, Larson Building, 200 East Gaines Street, Tallahassee, Florida  
 Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Office at least 5 calendar days before the program by contacting the person listed below.  
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Kerry Krantz, Life and Health Financial Oversight, Office of Insurance Regulation, e-mail: kerry.krantz@fldfs.com  
 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

**FINANCIAL SERVICES COMMISSION**

**Office of Insurance Regulation**

RULE TITLE: RULE NO.:

NAIC Financial Examiners 690-138.001  
 Handbook Adopted

PURPOSE AND EFFECT: To adopt the 2006 NAIC Financial Condition Examiners Handbook Adopted, as permitted by Section 624.316, Florida Statutes.

SUBJECT AREA TO BE ADDRESSED: Update NAIC Handbook.

SPECIFIC AUTHORITY: 624.308(1), 624.316(1)(c) FS.

LAW IMPLEMENTED: 624.316(1)(c) FS.

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

TIME AND DATE: 9:30 a.m., March 8, 2006

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

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Kerry Krantz, Life and Health Financial Oversight, Office of Insurance Regulation, e-mail: [kerry.krantz@fldfs.com](mailto:kerry.krantz@fldfs.com)

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

**Section II  
Proposed Rules**

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

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

**DEPARTMENT OF CORRECTIONS**

RULE TITLE: RULE NO.:  
 Close Management 33-601.800

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to revise Form DC6-229A, Close Management Daily Record of Segregation, to delete codes already documented on other forms.

SUMMARY: Form DC6-229A, Close Management Daily Record of Segregation, is being revised to delete codes already documented on other forms.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 944.09 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Perri King Dale, Office of the General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE FULL TEXT OF THE PROPOSED RULE IS:

33-601.800 Close Management.

(1)through (18) No change.

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

(a) through (e) No change.

(f) Form DC6-229A, Close Management Daily Record of Segregation, effective date 4-8-04.

(g) through (l) No change.

Specific Authority 944.09 FS. Law Implemented 944.09 FS. History—Formerly 33-601.801-.813, substantially amended 2-1-01, Amended 12-16-01, 4-8-04, 3-10-05,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Patrick H. Brown, M.D., Assistant Secretary of Health Services

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Laura E. Bedard, Ph.D., Deputy Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 6, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 27, 2006