

F.S. All statements made and documents produced at a mediation conference shall be deemed settlement negotiations in anticipation of litigation.

(c) A party may move to disqualify a mediator for good cause at any time. The request shall be directed to the Department if the grounds are known prior to the mediation conference. Good cause consists of conflict of interest between a party and the mediator, the inability of the mediator to handle the conference competently, or other reasons that would reasonably be expected to impair the conference.

(d) If the insured fails to appear, without good cause as determined by the Department, the insured may have the conference rescheduled only upon the insured's payment of the administrative fee imposed in subsection (5) for the rescheduled conference. If the insurer fails to appear at the conference, without good cause as determined by the Department, the insurer shall pay the insured's actual expenses incurred in attending the conference and shall pay the administrative fee imposed in subsection (5) whether or not good cause exists. Failure of a party to arrive at the mediation conference within 30 minutes of the conference's starting time shall be considered a failure to appear. Good cause shall consist of severe illness, injury, or other emergency which could not be controlled by the insured or the insurer and, with respect to an insurer, could not reasonably be remedied prior to the conference by providing a replacement representative or otherwise. If an insurer fails to appear at conferences with such frequency as to evidence a general business practice of failure to appear, the insurer shall be subject to penalty, including suspension, revocation, or fine for violating Section 626.9541(1)(i), F.S.

(9) Post Mediation. If the parties reached a settlement, the mediator shall provide a copy of the executed settlement agreement to the Department and the Administrator within 5 days of the conclusion of the conference. Mediation is non-binding. However, if a settlement is reached, the insured shall have 3 business days starting after the date of the mediation conference within which he or she may rescind any settlement agreement provided that the insured has not cashed or deposited any check or draft disbursed to him or her for the disputed matters as a result of the conference. If a settlement agreement is reached and is not rescinded, it shall act as a release of all specific claims that were presented in the conference. Any additional claims under the policy shall be presented as separate claims. However, the release shall not constitute a final waiver of rights of the insured with respect to claims for damages or expenses if circumstances that are reasonably unforeseen arise resulting in additional costs that would have been covered under the policy but for the release.

(10) If the insured decides not to participate in this mediation program or if the parties are unsuccessful at resolving the claim, the insured may choose to proceed under

the appraisal process set forth in the insured's insurance policy, by litigation, or by any other dispute resolution procedure available under Florida law.

(11) If as a result of mediation it is determined that the only coverage applicable is provided under the National Flood Insurance Program, the administrative fee imposed in subsection (5) paid by the insurer for the mediation shall be refunded to the insurer or credited to the insurer's account with the Administrator.

(12) The Department is authorized to designate an entity or person as its Administrator to carry out any of the Department's duties under this rule.

(13) If a court holds any subsection or portion of a subsection of this rule or the applicability thereof to any person or circumstance invalid, the remainder of the rule shall not be affected thereby.

(14) The applicable provisions of Rule 69B-166.031, F.A.C., shall govern issues relating to mediation that are not addressed in this rule. The provisions of this rule shall govern in the event of any conflict with the provisions of Rule 69B-166.031 or 69J-2.001, F.A.C.

Specific Authority 624.308, 626.9611, 627.7015(4) FS. Law Implemented 624.307(1), (2), (4), (5), 624.316, 624.3161, 624.317, 624.318, 624.320, 624.324, 624.418(2)(a), 624.4211, 626.859, 626.874, 626.877, 626.9541(1)(a), (e), (i), (u), 626.9561, 626.9641(1)(g), 627.7015 FS. History—New _____.

Section II Proposed Rules

DEPARTMENT OF STATE

Division of Cultural Affairs

RULE NO.: RULE TITLE:
IT-1.001 Division of Cultural Affairs

PURPOSE AND EFFECT: The purpose of this amendment will be to establish in rule the procedures for the Division's online grant and information services system; amend existing language for clarity; add Rural Economic Development Initiative (REDI) language; and delete programs no longer in existence.

SUMMARY: The proposed rule describes the procedures for online and website application and administration; adds REDI language to the rule, and deletes non-existent programs.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No statement of estimated regulatory cost has been prepared.

Any person who wishes to provide information regarding the statement of 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: 255.043(4), 265.284(5)(d), 265.285(1)(c), 265.286(1), (4), (6), 265.2861(2)(b)(d), 265.2865(6), 265.51, 265.605(1), 265.608, 265.609, 265.701(4), 265.702(8) FS.

LAW IMPLEMENTED: 215.97, 255.043, 265.284, 265.285, 265.286, 265.2861, 265.2865, 265.51-.56, 265.601-.603, 265.605-.606, 265.608, 265.609, 265.701, 265.702, 286.011, 286.012, 286.25 FS.

IF REQUESTED WITHIN 21 DAYS OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: Monday, April 24, 2006, 9:00 a.m.

PLACE: Division of Cultural Affairs, 500 South Bronough Street, R.A. Gray Building, 3rd Floor, Tallahassee, Florida

Should any person wish to appeal any decision made with respect to any matter considered at the above-referenced meeting, he/she may need to ensure verbatim recording of the proceeding in order to provide a record for judicial review. The Division of Cultural Affairs will not record this meeting. To request special aids or services, contact Division staff at least 72 hours prior to the above stated schedule at (850)245-6356 or Text Telephone 711.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Dr. Gaylen Phillips, Division of Cultural Affairs, 500 South Bronough Street, R. A. Gray Building, 3rd Floor, Tallahassee, Florida

THE FULL TEXT OF THE PROPOSED RULE IS:

IT-1.001 Division of Cultural Affairs.

The purpose of the rule is to establish administrative procedures for all Division of Cultural Affairs (Division) activities.

(1) No change.

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

~~(4) Florida Arts License Plate Program. The section provides guidelines for revenue distributions from the sales of Florida Arts License Plates. The Florida Arts License Plate Program Guidelines (Form CA1E006, eff. 8/02), incorporated by reference and available from the Division, outline procedures for the administration and distribution of license plate revenues to counties in Florida.~~

(3) Grant Application Procedures. The Division shall be responsible for the administration of all grant applications, procedures, and awards, as recommended by the Council. Applicants shall meet all program deadlines as published in the Division's newsletter and posted on the Division's website and through the Division's online system; the posted deadlines will appear at least 90 days in advance of the deadline. Deadline dates are also available by calling the Division. Review panel and committee meetings shall be noticed in the Florida Administrative Weekly, ~~and on the Division's website, and through the Division's online system.~~ Review panel meetings

shall be conducted in accordance with procedures outlined in this rule and in Sections 112.313, 112.3143, 120.525, 286.012, and 265.285, F.S. During the scheduled panel meetings, applications from state-supported institutions will be considered separately from those of private institutions or individuals. All grant awards shall be subject to final approval by the Secretary of State.

(4) ~~Program g~~Guidelines publications shall be posted on the Division's website and shall contain information on eligibility requirements, application review procedures, evaluation criteria, funding methods, and grant administration procedures, if applicable, and application forms. Application forms shall be accessible on the Division's website through the online application system. Applicants for grants shall meet the eligibility and application requirements as set forth in the ~~following~~ grant program descriptions in this rule.

(5) Basic Eligibility. This section applies to all grant programs that reference subsection (5) in their eligibility section. Some Division programs require additional eligibility criteria that are detailed in this rule under the program description. To be eligible to apply to the Division for grant funding, an applicant organization must:

(a) through (b) No change.

(c) ~~Submit a completed and signed application form. The form is available through the Division's online application system (unless specifically directed to do otherwise for the grant deadlines for the State Touring Program, the Cultural Facilities Program, and the Regional Cultural Facilities Program) (CA2E009, eff. 8/02), incorporated by reference and available from the Division, for each program to which application is made, including the required number of application copies, on or before the announced postmark deadline for that program. A completed application shall include the following information submitted through the Division's online system: general identification and contact information, operating budget(s), proposal budget, proposal budget detail, proposal description including goals, objectives, activities and evaluation outline, and program narrative responses. Instructions for submitting support documents will also be available through the online system.~~

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

2. ~~REDI Waiver. The Division of Cultural Affairs will waive the cash financial matching requirements on Division project grants, except those noted in subsection (3); for an applicant that has been designated as REDI qualified in accordance with Sections 288.0656 and 288.06561, F.S. This cash waiver is applicable only to the following project programs: Cultural Support Specific Project, Quarterly Assistance, Arts in Education, International Cultural Exchange, and Challenge. In lieu of cash match, the equivalent of total match must be instead shown in the proposal budget as in-kind match. To obtain a match waiver, the applicant must submit a letter from the local county government that~~

acknowledges the grant application and requests the waiver; this letter must accompany the grant application. The list of REDI counties and communities is reviewed and updated annually and is available on the Division's website. A written request for waiver of matching requirements must be submitted with each grant application.

(f) through (h) No change.

(6) Grant Review Panels. The Secretary shall appoint panels to review and recommend grant applications for funding to the Council whenever it is determined that grant review panels are necessary to the process.

(a) No change.

(b) The Division shall seek nominations for panelists on an ongoing annual basis. Panelists shall be practicing artists, arts-related professionals, and educators, or other persons with current or prior active involvement in specific artistic disciplines that include, but are not limited to, dance, theatre, visual arts, music, folk arts, literature, media arts, and sponsor/presenter. In appointing panel members, the Secretary shall give due consideration to professional acumen, geographical representation, minority representation, and diverse aesthetic, institutional, and cultural viewpoints.

(c) through (h) No change.

(7) Cultural Support Grants. The Cultural Support Grants program provides state recognition through competitive grants for significant public programs that preserve, strengthen, and foster excellence and diversity in art or culture for Florida's residents and visitors. This program area includes the programs formerly known as Discipline-Based Arts Grants, Science/Youth and Children's Museums Grants, and Cultural Institutions Program. Two types of funding are offered: General Program Support and Specific Project. General Program Support applications are grouped in two three funding categories referred to as Levels: Cultural Organizations and Cultural Institutions. There will be an annual application cycle for submission of Specific Projects, proposals and a 2-year multi-year application cycle for Cultural Organizations, and General Program Support funding with Levels 1 and 2 on a two-year cycle and Level 3 institutions being evaluated on a four-year application cycle for Cultural Institutions.

(a) Specific funding eligibility and maximum requests.

1. No change.

a. ~~Level 1. Cultural Organizations~~. Revenues from the organization's last completed fiscal year must be greater than or equal to \$25,000. Organizations may request up to 10% of their last completed fiscal year revenue, not to exceed \$100,000 \$50,000. Completed fiscal year revenue figures are subject to audit verification by the Division. Youth and Children's Museums as defined in Section 265.609, F.S., may request up to 20% of their last completed fiscal year revenue, not to exceed \$50,000. Organizations requesting more than \$50,000 must have no less than three years of continuous programming history and at least one paid full-time employee.

~~b. Level 2. Revenues from the organization's last completed fiscal year must be greater than or equal to \$500,000. Organizations must also have no less than three years of continuous programming history and at least one paid full-time employee. Eligible applications may request up to 10% of their last completed fiscal year revenue, not to exceed \$100,000.~~

~~b.e. Cultural Institutions Level 3~~. The average Total Fund Revenue from the organization's last four completed and audited fiscal years must be at least \$1,000,000. Disciplines requiring higher minimum budgets are: \$1,250,000 for museums; at least \$1,250,000 dedicated to producing/presenting within overall minimum budgets of \$3,500,000 for sponsor/presenters; \$2,500,000 for symphonies, operas, and pop orchestras; and \$1,500,000 for other music institutions. Organizations must also have no less than five years of continuous programming history and established endowments with minimum required values of at least \$75,000 at the time of application. Disciplines requiring higher minimum endowments are: \$100,000 for ballet companies and theatres; \$600,000 for museums and sponsor/presenters; and \$1,000,000 for music institutions. For the purposes of this program, an endowment is a permanently restricted fund that is an asset of the corporation with a minimum market value as established for the discipline. Eligible applicants may request up to 10% of their eligible four-year average total fund revenue, not to exceed \$350,000, but must have sufficient non-state revenues to request at least \$100,000. Eligible fund revenue is defined as all revenue received and recognized in the applicant's audits, excluding all state funds. All applicants to a Museum discipline must document ~~by the application deadline~~ that they have received accreditation by the American Association of Museums or the American Zoological Association by the application deadline.

~~c.d. The next application cycle for General Program Support will be for the fiscal year 2004-2005 funding for Levels 1 and 2, and fiscal year 2006-2007 funding for Level 3. Actual Deadlines will be announced not less than three months in advance and may be staggered by discipline or category group over the prior fiscal year.~~

2. No change.

a. Organizations may request up to \$25,000 for each ~~Specific Special~~ Project application submitted. No more than two Specific Project applications may be submitted. No more than \$25,000 will be awarded in a single year. Organizations may submit only one application to each discipline category.

b. No change.

(b) No change.

c. Organizations can only receive one General Program Support grant from the Division of Cultural Affairs and any division within the Department of State in the same fiscal year. This policy is effective as of July 1, 2008 for Cultural Organizations and July 1, 2010 for Cultural Institutions. The

only exception to this limitation is for General Museums. A General Museum is defined as a museum that addresses two or more disciplines to a significant extent: for example, a museum that interprets both art and history or both history and science. General Museums will be permitted to receive a total of two General Program Support grants from the Division of Cultural Affairs or any other division within the Department of State. A discipline-specific operating budget must be used for each application; General Museums cannot use the same operating budget for both applications.

1. No change.

2. An average panel score of at least 75 points out of a maximum possible 100 points must be earned to be considered for receive funding for Specific Project applications. ~~The panel is not required to fund all Specific Project applications that receive a minimum average score of 75 points. An average panel score of 80 points out of a maximum possible 100 points must be earned to receive funding for Cultural Organizations Level 1 and Level 2 General Program Support applications; and 85 points out of a maximum possible 100 points must be earned to receive funding for Level 3 General Program Support Cultural Institutions applications.~~ General Program Support award amounts recommended to the Council will be determined through the use of a funding method that awards base funding to all applications achieving the minimum eligible category-specific Level score and adds competitive funds for those applications achieving higher scores. All General Program Support applications earning an eligible category-specific Level average will receive funding under the formula of not less than \$2,500. Based on their review, the panel makes funding recommendations for Specific Project grant awards to the Council. In determining which applications to fund, the panel will consider only applications that have achieved the required minimum average score of 75 and other criteria which include the overall group of eligible Specific Project applications, the relative merits of each proposal as demonstrated through scores based on the program review criteria, the anticipated funds available for the program, the perceived needs of the artistic or cultural discipline, the constituency served, and how well the proposed project fulfills the mission of the Cultural Support Grants program. In determining award amounts for those proposals recommended for funding, the panel may not recommend funding of less than \$2,500.

3. In addition to the basic eligibility requirements detailed in subsection (5), For this program, a complete application is one that has a fully completed Organization Grant Application Form (CA2E009, eff. 8/02); support documentation in the form of financial statements or audits, investment account statements, and program materials as appropriate to substantiate specific program eligibility; and a response to at least one of the application narrative questions, is required. Cultural Institutions applicants are also required to provide: a

complete funding worksheet; applicants must submit financial statements or audits for all 4 fiscal years provided on the funding worksheet; and documentation that the applicant organization has received accreditation by the American Association of Museums or the American Zoological Association. The application will be declared ineligible if required information is not submitted by the application deadline.

(8) Programs for Local and Statewide Service Organizations. The purpose of this program is to foster the development of local and statewide arts service organizations. There are two funding categories as outlined below:

(a) Local Arts Agency Program. The purpose of this program is to assist in the development of local arts agencies and to strengthen and stabilize their statewide network to further local and statewide cultural goals and objectives. A local arts agency is defined as an umbrella agency that serves its county or counties' arts and cultural constituencies. This includes county arts councils established pursuant to Section 265.32, F.S. In addition to the basic eligibility requirements, as detailed in subsection (5), the applicant must be officially recognized by one or more county commissions as the local arts agency, commission alliance, or division of a county or city government.

1. New applications will be reviewed for all eligible applications on a three-year application cycle. Off-year out-of-cycle ~~New~~ applications will be accepted annually from any agency not funded in this program in the current cycle, or an agency that qualifies mid-cycle to move up to a higher funding category.

2. through 4. No change.

(b) State Service Organization Program. The purpose of this program is to support the efforts of state service organizations through stabilized funding and to work collaboratively with state service organizations to achieve statewide goals and objectives. A state service organization is defined as a not-for-profit organization that implements programs which have substantial cultural significance, giving emphasis to American creativity and the maintenance and encouragement of professional excellence. Statewide is defined as at least 50% of the state's population, or 34 or more Florida counties. The goal of the program is to foster quality and professionalism in support of cultural excellence, access, and inclusion to the benefit of the public. In order to be eligible for funding, an organization must be designated as a State Service Organization by the Department, if recommended by the Florida Arts Council to the Secretary of State pursuant to the procedures contained in Section 265.285, F.S. Upon designation, an organization retains this status for a three-year cycle at which time designation will again be reviewed by the Florida Arts Council and recommended by the Secretary of

State. Organizations in all clusters listed below are eligible to request up to 15% of their last completed fiscal year revenue. Organizations are arranged in three clusters:

1. through 5. No change.

(9) Quarterly Assistance Program. The purpose of this program is to provide funding to promote professional development for arts organizations. There are five funding categories in this program. In addition to the basic eligibility requirements detailed in subsection (5), the applicant must meet the category-specific eligibility criteria as stated below. For the purpose of this program, an arts organization is defined as a non-profit organization whose primary mission, or more than 50% of its operating budget, is dedicated to activity in the arts.

(a) No change.

(b) Review panel, scoring, and funding recommendations. A committee appointed by the Secretary of State will serve as the review panel for this program. The total maximum points that can be earned for any of the application categories is 100 ~~20~~. Applicants must achieve a minimum of 75 ~~40~~ to be considered for funding. Funding recommendations will be made by the panel in consideration of the funds available and the relative merits of each proposal. The panel is not required to fund all proposals that achieve the minimum score.

(10) No change.

(11) State Touring Program. This program is designed to provide performances, activities, and exhibitions, all by Florida artists, to as many communities as possible. This program has two components, the artist roster and the presenter application.

(a) No change.

1. Applicants must submit a completed State Touring Program application available on the Division's website form (CA3E013, eff. 8/02, incorporated by reference and available from the Division) with all required attachments and samples of work as described in the program description guidelines, on or before the announced ~~postmark~~ deadline for the roster appointment program component;

2. through 3. No change.

(b) Eligibility for presenter fee support applications. Organizations who wish to apply to present one of the companies or individual artists featured in the State Touring Program roster must meet the basic eligibility criteria described in subsection (5), and must submit a completed State Touring Program presenter application available on the Division's website form (CA2E014, eff. 8/02, incorporated by reference and available from the Division), and documentation of roster company or artist intent to contract, on or before the announced ~~postmark~~ deadline for the presenter fee support program component. Private schools may qualify under Chapter 623, F.S.

1. through 2. No change.

(12) Arts in Education Program. The purpose of the Arts in Education Program is to cultivate the learning and artistic development of students and teachers in preK-12 and to support activities that promote the arts as an integral part of education and life-long learning to Florida's citizens and visitors. In addition, the program supports initiatives and proposals that help artists, educators, schools, colleges/universities, and community, social, and cultural organizations carry out individual or cooperative programs.

(a) No change.

(b) 1. through 2. No change.

3. For this program, a complete application is that which is described will be considered as the Organization Grant Application form, incorporated by reference in subsection (5); with two ~~the~~ exceptions: only the completed fiscal year of Operating Results and Projections is required, and responses to all narrative questions must be included. ~~Incomplete applications will not be forwarded to the panel for review.~~

(13) Florida's Artist Residency Directory. ~~The directory includes biographical and programmatic information about professional visual and performing artists from Florida and other states. These individuals are experienced educators and are available for employment as artists in residence. The directory is intended to be used by organizations and schools interested in conducting residency programs. An artist residency is defined as those projects that place practicing, professional artists in Florida schools at K-12 or community college/university levels to teach all aspects of their art form, to create or perform works of art so that participants may observe the creative process, and, where appropriate, relate their art forms to curriculum areas.~~

(a) ~~Individual artists and not-for-profit arts organizations with a commitment to arts education may apply for inclusion in the directory.~~

(b) ~~Applicant artists are approved for the Directory by a peer review panel, and may be appointed for up to four consecutive years, after which they must reapply for subsequent appointment terms.~~

(c) ~~Directory artists are expected to be highly qualified practicing artists. They may not be students pursuing a degree.~~

(d) ~~There are two application categories: K-12 level Artist Residencies and Community Artist Residencies.~~

(e) ~~Applicants must submit a completed and signed application, using form CA2E050, eff. 8/02, incorporated by reference and available from the Division, including the required number of copies, on or before the announced postmark deadline.~~

(f) ~~Review scoring and criteria: The required minimum average score for a single level application is 50 of the 65 total points possible. A dual category application requires 80 of 100 total points. The panel will evaluate the application materials according to the following general criteria:~~

~~1. Background Information: Artistic abilities and applicability to a residency program (up to 10 points); educational background, experience as a professional artist, and experience as a residency artist (up to 10 points);~~

~~2. Proposed Residency: Quality of residency program, quality of lecture/demonstrations, workshops, or master classes (up to 10 points);~~

~~a. For K-12 Residencies: Applicability of program to a K-12 curriculum. Ability of artist to work with teachers in integrating proposal into curriculum; quality of pre- and post-residency materials; holistic information on the art form presented; integration of the arts with non-arts subjects; linkage to Sunshine State Standards (up to 15 points); Ability to communicate with children for target grade levels (up to 10 points); Appropriateness of residency length, grade level, and skills that students and teachers are expected to achieve (up to 10 points);~~

~~b. For Community Artist Residencies: Understanding of community arts programs; applicability of proposal to an adult learning curriculum or special needs of the community (up to 15 points); Experience as a community artist, working with all age levels (up to 10 points); Evaluation of short-term and long-term residencies (up to 10 points).~~

~~(13)(14) International Cultural Exchange Program. The purpose of this program is to support international cultural exchange projects of outstanding artistic and cultural merit. Projects may be developed and originate in Florida for travel outside of the United States, or may be developed or originate in another country and be brought to the state by a Florida sponsor. The program aims to provide support for international cultural exchange projects of arts organizations, including museums, theatres, dance companies, sister city organizations, art centers, and others. Projects are expected to demonstrate the ability to build on the international reputation of Florida artists and organizations.~~

~~(a) through (b) No change.~~

~~(14)(15) Challenge Grant Program. This program provides funding support to arts and cultural organizations for projects that are designed as new initiatives or unique in nature to the organization's regular programming. The category does not support general program operations or other ongoing programming. In addition to the basic eligibility requirements detailed in subsection (5), the applicant organization must also demonstrate in the application the impact of its general programs on at least a local basis, defined herein to encompass at least the county of the residence. There are four funding categories for the program: a community capital challenge and three levels of cultural project support with each level requiring greater scope, impact, and local match. Cultural projects must be of an artistic nature or be consistent with the general mission of a museum. For the purposes of this program, regional is defined as at least the county of residence~~

and all counties within a 100 mile radius of the applicant's primary venue; and statewide is defined as at least 50% of the state's population, or 34 or more Florida counties.

~~(a) through (b) No change.~~

~~(15)(16) Cultural Endowment Program. The purpose of this program is to create an endowment matching funds program that will provide operating resources to participating cultural organizations. There are two components to the program, application for Cultural Sponsoring Organization Designation and State Matching Share application, receipt, and management.~~

~~(a) through (b) No change.~~

~~(16)(17) Cultural Facilities Program. The purpose of this program is to coordinate and guide the State of Florida's support and funding of renovation, construction, or acquisition of cultural facilities. It is not intended to fund project planning, such as feasibility studies and architectural drawings, or operational support.~~

~~(a) through (m) No change.~~

~~(17)(18) Programs for Individual Artists. The purpose of this program area is to foster the development of individual artists. There are two funding categories as outlined below:~~

~~(a)1. No change.~~

~~2. Eligible applicants must submit a completed Fellowship application form (CA2E012, eff. 6-21-05, incorporated by reference and available on from the Division's website, 1001 DeSoto Park Drive, Tallahassee, Florida 32301); with all required samples of work in the discipline appropriate formats described in the program guidelines, on or before the announced postmark deadline. Samples of work must be original and authentic representations of the applicant's work. Applications will be accepted in each discipline on a rotating cycle. The disciplines of visual arts and media arts will apply together in odd years while the disciplines of literature, folk arts, music, interdisciplinary, dance and theatre will apply in even years. In the event that additional funding becomes available and all disciplines can be accommodated in one application cycle, the two discipline groups will be combined.~~

~~3. through 5. No change.~~

~~6. Fellowship awards are made based on the panel's recommendations. Funds are available through a grant agreement (CA1E076, eff. 6-10-05, which is hereby incorporated by reference and available from the Division, 1001 DeSoto Park Drive, Tallahassee, Florida 32301) on a non-matching basis. The grant recipient is also required to complete a Final Grant Report Form (CA2E003, eff. 6-10-05, which is hereby incorporated by reference and available from the Division's website, 1001 DeSoto Park Drive, Tallahassee, Florida 32301) detailing expenditures and activities during the grant period and associated with the grant award.~~

~~(b) Artist Enhancement Grants. This program is designed to assist practicing, professional and emerging artists residing in Florida. This program provides support for artists to take~~

advantage of specific, professional development, skill-building opportunities, or equipment purchases of significance to advance their work and careers.

1. No change.

2. Eligible applicants must submit a completed Artist Enhancement Application ~~(CA2E105, eff. 6-10-05, which is hereby incorporated by reference and available on from the Division's website, 1001 DeSoto Park Drive, Tallahassee, Florida 32301);~~ with all required support material as described in the program guidelines, on or before the announced ~~postmark~~ deadline.

3. through 4. No change.

5. Artist enhancement grants are awarded based on the panel's recommendations. Each application recommended will be funded at full request. Funds are available through a grant agreement ~~(CA2E106, eff. 6-10-05, which is hereby incorporated by reference and available from the Division, 1001 DeSoto Park Drive, Tallahassee, Florida 32301)~~ on a non-matching basis. The grant recipient is also required to complete an Final aActivity rReport Form (CA2E107, eff. 6-10-05, which is hereby incorporated by reference and available from the Division's website, 1001 DeSoto Park Drive, Tallahassee, Florida 32301) detailing expenditures and activities during the grant period and associated with the grant award.

~~(18)(19)~~ Grant Awards to Organizations. The Division shall be responsible for the administration of all grant awards as recommended by the Council with the approval of the Secretary, pursuant to Section 265.286, F.S. The annual grant period shall be July 1 through June 30, or any grant activity start and end date within that time frame as stated in the award documents, or an approved amendment.

(a) through (d) No change.

(e) Revisions to grant. The Division shall consider Grant Amendment Requests on the basis of adherence to the goals of the funded application. The Grantee shall be required to request prior written approval from the Division by submitting such request on the a gGrant aAmendment Request Form #CA2E002, eff. 11/03 (incorporated by reference and form available on the Division's website from the Division) for the following changes to the grant:

1. through 5. No change.

6. Project start and end dates outside the established grant period. Project date change requests are to do not require use of Form #CA2E002 and may be signed by the organization's authorizing official and submitted to the Division through email in writing on grantee letterhead.

(f) Administrative Changes Notice. The Division must be notified of any cChanges in the organization's name, address, phone number, authorizing officials, or contact person by submitting such changes through the Division's website requires a written notice of change. This may be done by filing an administrative change notice form or a letter on grantee

~~letterhead.~~ The Division will not change the organization's name without documentation from both the Division of Corporations and the IRS that reflects the organization name change.

(g) through (l) No change.

(m) Reporting. For all programs, unless otherwise specified, the grantee shall file a final report no more than 30 days following the project ending date. Interim reports will be required for grants with ending dates after June 30. These interim reports shall contain program financial and statistical results as of June and must be submitted no later than July 30. A final report will also be required 30 days after the project ending date. Requests for report due date extensions must be submitted in writing prior to the original due date. Interim and final reports shall be completed and submitted using on the gGrant rReport fForm (CA2E004, eff. 11/03), incorporated by reference and forms available on from the Division's website.

(n) through (r) No change.

(s) Failure to respond to report deficiencies will place the grantee in a non-compliance status, and payment on current grants shall be withheld, and a refund of grant funds will be requested until the deficiencies are resolved.

(t) No change.

~~(19)(20)~~ Regional Cultural Facilities Program. The purpose of this program is to accept and administer funds to provide grants for the renovation, construction, or acquisition of regional cultural facilities. It is not intended to fund project planning, such as feasibility studies and architectural drawings, or operational support.

(a) through (l) No change.

(20) Artwork Collection Care and Maintenance. The Division has statutory duty or authority under the Florida Fine Arts Act in Section 265.284, F.S. to administer and be responsible for all of the enumerated arts programs such as the Department of State Art Collection and the Capitol Complex Exhibition Program; to sponsor performances and exhibits; and to accept on behalf of the state donations of money, property, art objects, and antiquities. Under paragraph 265.284(3)(d), F.S., the Division has authority to consult with and advise other individuals, groups, organizations, or state agencies and officials, particularly the Governor and Cabinet, concerning the acquisition by gift or purchase of fine art works, the appropriate use and display of state-owned art treasures for maximum public benefit, and the suitability of any structures or fixtures, including framing, primarily intended for ornamental or decorative purposes in public buildings.

Specific Authority 255.043(4), 265.284(5)(d), 265.285(1)(c), 265.286(1), (2), (3), (4), (5), (6), 265.286(2)(b), (d), (f); 265.286(6), 265.54, 265.605(1), 265.608(1), 265.609(1), 265.701(4), (5), 265.702(8) FS. Law Implemented 215.97, 255.043, 265.284, 265.285, 265.286, 265.286(1), 265.286(5), 265.51-56, 265.601-603, 265.605-606, 265.608, 265.609, 265.701, 265.702, 286.011, 286.012, 286.25, 288.0656, 288.0656(1) FS. History—New 11-23-82, Formerly IT-1.01, Amended 10-1-96, 10-31-96, 2-2-97, 6-2-97, 7-17-97, 9-10-97, 1-4-98, 7-26-98, 8-2-98, 10-5-98, 10-25-98, 8-17-99, 8-1-02, 12-29-02, 10-14-03(17), 10-14-03(20), 11-16-03, 2-2-05, 5-16-05, 6-21-05, 12-20-05.

NAME OF PERSON ORIGINATING PROPOSED RULE: Dr. Gaylen Phillips, Division of Cultural Affairs
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Sandy Shaughnessy, Director, Division of Cultural Affairs
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 21, 2006
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 3, 2006

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Office of Agricultural Water Policy

RULE CHAPTER NO.: 5M-7
 RULE CHAPTER TITLE: Best Management Practices for Gulf Citrus
 RULE NOS.: 5M-7.001 Purpose
 5M-7.002 Approved Bmps
 5M-7.003 Presumption of Compliance
 5M-7.004 Notice of Intent to Implement
 5M-7.005 Record Keeping

PURPOSE AND EFFECT: The purpose of this rule is to effect pollutant reduction through the implementation of non-regulatory and incentive based programs which may be determined to have minimal individual or cumulative adverse impacts to the water resources of the state.

SUMMARY: The purpose of Chapter 5M-7, F.A.C., is to effect pollutant reduction through the implementation of non-regulatory and incentive based programs which may be determined to have minimal individual or cumulative adverse impacts to the water resources of the state. Chapter 5M-7, F.A.C., references the document titled Best Management Practices for Gulf Citrus (March 2006), which provides details on the practices which will be used to achieve the purpose. The manual, which may be obtained from the FDACS Office of Agricultural Water Policy, 1203 Governor’s Square Boulevard, Suite 200, Tallahassee, Florida 32301, (850)617-1700, lists approved BMPs for the Gulf Citrus growing region of Florida. Citrus growers wishing to participate in the program will file a Notice of Intent to Implement (NOI), and will agree to confirm implementation by preserving documentation sufficient for the purpose. Upon implementation of BMP practices, growers will be granted a presumption of compliance.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No statement of estimated regulatory cost has been prepared.

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 within 21 days of this notice.

SPECIFIC AUTHORITY: 403.67(7)(c)2. FS.

LAW IMPLEMENTED: 403.67(7)(c)2. FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Mr. Ken Kuhl: FDACS Office of Agricultural Water Policy, 1203 Governor’s Square Boulevard, Suite 200, Tallahassee, Florida 32301, (850)617-1700

THE FULL TEXT OF THE PROPOSED RULES IS:

BEST MANAGEMENT PRACTICES FOR GULF CITRUS

5M-7.001 Purpose.

The purpose of this rule is to effect pollutant reduction through the implementation of non-regulatory and incentive based programs which may be determined to have minimal individual or cumulative adverse impacts to the water resources of the state.

Specific Authority 403.067(7)(c)2. FS. Law Implemented 403.067(7)(c)2. FS. History–New _____.

5M-7.002 Approved Bmps.

The document titled Best Management Practices for Gulf Citrus (March 2006) is hereby adopted by reference in this rule for the area contained within the Gulf Citrus growing region of Florida. Copies of the document may be obtained from the FDACS Office of Agricultural Water Policy, 1203 Governor’s Square Blvd., Suite 200, Tallahassee, FL 32301 (850)617-1700).

Specific Authority 403.067(7)(c)2. FS. Law Implemented 403.067(7)(c)2. FS. History–New _____.

5M-7.003 Presumption of Compliance.

In order to obtain the presumption of compliance with state water quality standards and release from the provisions of Section 376.307(5), F.S. for those pollutants addressed by the practices the applicant must:

(1) Conduct an assessment of the subject properties using the Gulf Citrus BMP Checklist.

(2) Submit a Notice of Intent to Implement as outlined in Rule 5M-7.004, F.A.C.

(3) Implement the non-regulatory and incentive-based programs identified as a result of the assessment of the subject properties and listed in the Notice of Intent to Implement.

(4) Maintain documentation to verify the implementation and maintenance of the non-regulatory and incentive-based programs.

Specific Authority 403.067(7)(c)2. FS. Law Implemented 403.067(7)(c)2. FS. History–New _____.

5M-7.004 Notice of Intent to Implement.

A Notice of Intent to Implement best management practices shall be submitted to FDACS, Office of Agricultural Water Policy, 1203 Governor’s Square Boulevard, Suite 200, Tallahassee, Florida 32301.

(1) Such notice shall identify practices the applicant will implement. The notice shall also include: the name of the property owner; the location of the grove(s); the property tax ID number(s); a timeline for implementation; the gross acreage on which each practice will be implemented; the name and contact information of an authorized representative; and the signature of the owner, lease holder, or an authorized agent.

(2) Once filed with FDACS, the Notice of Intent to Implement shall enable the applicant to apply for assistance with implementation as identified in Section 403.067(7)(c)2., F.S.

Specific Authority 403.067(7)(c)2. FS. Law Implemented 403.067(7)(c)2. FS. History–New _____.

5M-7.005 Record Keeping.

All participants must preserve sufficient documentation to confirm implementation of the non-regulatory and incentive based programs identified in the Notice of Intent to Implement. All documentation is subject to FDACS inspection.

Specific Authority 403.067(7)(c)2. FS. Law Implemented 403.067(7)(c)2. FS. History–New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Mr. Ken Kuhl, FDACS Office of Agricultural Water Policy, 1203 Governor’s Square Boulevard, Suite 200, Tallahassee, Florida 32301, (850)617-1700

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Mr. Rich Budell: FDACS Office of Agricultural Water Policy, 1203 Governor’s Square Boulevard, Suite 200, Tallahassee, Florida 32301, (850)617-1700

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 29, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 20, 2005

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 NO.: 33-601.305
RULE TITLE: Inmate Discipline – Investigations

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to clarify the means of documentation of the determination that a requested tape does not provide evidence to support an inmate’s statement.

SUMMARY: Clarifies that the investigator’s statement that a requested tape ‘does not provide evidence to support the inmate’s statement’ should be documented in the basis of findings section of the disciplinary report.

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

Any person who wishes to provide information regarding the statement of estimated 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: 20.315, 944.09, 944.34, 945.04 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:

33-601.305 Inmate Discipline – Investigations.

The investigating officer shall initiate the investigation of the infraction within 24 hours of the writing of the disciplinary report. The investigating officer is responsible for the following:

(1) through (3) No change.

(4) Reviewing documentary or physical evidence referenced by the charging staff person or identified by the charged inmate on Form DC6-151, Documentary or Physical Evidence Disposition. When the evidence is a videotape or audiotape identified by the inmate, the inmate must also include a written statement on Form DC6-151 describing what he expects the tape to show. Failure to complete and sign Section II on Form DC6-151 will result in a waiver of the opportunity to have documentary or physical evidence presented at hearing. The investigator shall determine whether, based upon review of the tape itself or the capabilities of the particular taping equipment, the tape described by the inmate does or does not provide evidence to support the inmate’s statement. If the investigator determines that the tape provides evidence to support the inmate’s statement, he shall prepare a summary for the investigative report. If the investigator determines that the tape does not provide evidence to support

the inmate's statement, the inmate will be provided with the following written statement in the basis of findings section of the disciplinary report: "Based upon review of the identified tape or the capabilities of the particular taping equipment, the tape requested does not provide evidence to support the inmate's statement." The investigator shall provide on Form DC6-2028, Disposition of Videotape/Audiotape Evidence, a detailed description of why the tape did not provide evidence to support the inmate's statement. In the interest of institutional security, this form shall not be provided to the inmate, but shall be retained with the other disciplinary report documentation.

(5) No change.

Specific Authority 944.09 FS. Law Implemented 20.315, 944.09, 944.34, 945.04 FS. History--New 10-1-95, Formerly 33-22.0055, Amended 5-21-00, 2-11-01, 3-22-05,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Franchatta Barber, Deputy Assistant Secretary of Institutions – Programs

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: George Sapp, Assistant Secretary of Institutions

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 17, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 3, 2006

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-601.717
RULE TITLE: Visiting Denial

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to clarify criteria for denial of visiting for possession, introduction, or attempted introduction of contraband.

SUMMARY: The proposed rule provides that a person will be denied permission to visit for possession, introduction, or attempted introduction of contraband as defined in Section 944.47, F.S.

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

Any person who wishes to provide information regarding the statement of estimated 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: 20.315, 944.09, 944.23 FS.

LAW IMPLEMENTED: 944.09, 944.23 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:

33-601.717 Visiting Denial.

(1) through (4) No change.

(5) Any person shall be denied ~~subject to denial of~~ permission to visit based upon the following criteria:

(a) The possession, introduction or attempted introduction of contraband as defined in Section 944.47, F.S., into any facility;

(b) through (l) No change.

(6) No change.

Specific Authority 20.315, 944.09, 944.23 FS. Law Implemented 944.09, 944.23 FS. History--New 11-18-01, Formerly 33-601.706, 33-601.707, Amended 5-27-02, 9-29-03,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Franchatta Barber, Deputy Assistant Secretary of Institutions – Programs

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: George Sapp, Assistant Secretary of Institutions

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 10, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 3, 2006

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE CHAPTER NO.: 40D-1
RULE CHAPTER TITLE: Procedural

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

PURPOSE AND EFFECT: The purpose of the proposed rule amendment is to incorporate the first amendment of the District's existing well construction permitting program delegation agreement with Sarasota County into Rule 40D-1.002, F.A.C. The first amendment clarifies the authority of Sarasota County under the agreement.

SUMMARY: The proposed rule amendment adopts an amendment to the District's existing well construction permitting program delegation agreement with Sarasota County. The first amendment specifically recognizes that Sarasota County may further delegate the program to the Sarasota County Department of Health.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: A Statement of Estimated Regulatory Cost is not being prepared based on the District's determination that the proposed revisions to Rule 40D-1.002,

F.A.C., will not result in a substantial increase in the costs to affected parties and there will not be significant adverse effects on competition, employment, investment or productivity.

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: 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 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: Margaret M. Craig, Senior Attorney, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4651

THE FULL TEXT OF THE PROPOSED RULE IS:

40D-1.002 Delegation of Authority.

(1) through (2) No change.

(3) The Governing Board hereby incorporates by reference the following documents:

(a) No change.

(b) "Well Construction Permitting Agreement Between the Southwest Florida Water Management District and Sarasota County Health Department" effective May 24, 2005, and the First Amendment to Well Construction Permitting Agreement Between the Southwest Florida Water Management District and Sarasota County, Florida, effective _____, 2006.

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. History—New 3-1-84, Amended 3-10-96, 7-22-99, 12-2-99, 9-26-02, 7-20-04, 10-19-05, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Margaret M. Craig, Senior Attorney, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4651

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Governing Board of the Southwest Florida Water Management District

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 21, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 3, 2006

The District does not discriminate on the basis of disability. Anyone requiring reasonable accommodation should contact Dianne Lee at (352)796-7211, ext. 4658; TDD only: 1(800)231-6103.

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE CHAPTER NO.: RULE CHAPTER TITLE:

40D-1 Procedural

RULE NO.: RULE TITLE:

40D-1.002 Delegation of Authority

PURPOSE AND EFFECT: The purpose of the proposed rule amendment is to incorporate the renewal of the District's existing well construction permitting program delegation agreement with Sarasota Counties into Rule 40D-1.002, F.A.C. The effect of the proposed rule amendment will be to extend the existing delegation of the well construction permitting program to Sarasota County for an additional term of five years.

SUMMARY: The proposed rule amendment adopts renewals of the District's existing well construction permitting program delegation agreement with Sarasota County. The agreement describes the scope of the delegated authority and the conditions and standards under which the county must operate the program, and extend the delegation for five years. Significant issues addressed in the delegation agreement include the implementation by the county of on-line permitting and expansion of construction inspection programs. The District retains authority to approve well construction permit fees charged by the county. Other provisions of the agreement are consistent with previous agreements.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: A Statement of Estimated Regulatory Cost is not being prepared based on the District's determination that the proposed revisions to Rule 40D-1.002, F.A.C., will not result in a substantial increase in the costs to affected parties and there will not be significant adverse effects on competition, employment, investment or productivity.

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: 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 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: Margaret M. Craig, Senior Attorney, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4651

THE FULL TEXT OF THE PROPOSED RULE IS:

40D-1.002 Delegation of Authority.

(1) through (2) No change.

(3) The Governing Board hereby incorporates by reference the following documents:

- (a) No change.
- (b) ~~“Third Amendment to~~ “Well Construction Permitting Agreement Between the Southwest Florida Water Management District and Sarasota County Health Department” effective May 24, 2005 ~~dated July 23, 2002.~~

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. History—New 3-1-84, Amended 3-10-96, 7-22-99, 12-2-99, 9-26-02, 7-20-04, 10-19-05,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Margaret M. Craig, Senior Attorney, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4651

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Governing Board of the Southwest Florida Water Management District

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 26, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 19, 2005

The District does not discriminate on the basis of disability. Anyone requiring reasonable accommodation should contact Dianne Lee at (352)796-7211, ext. 4658; TDD only: 1(800)231-6103.

AGENCY FOR HEALTH CARE ADMINISTRATION

Division of Health Quality Assurance

RULE NOS.:	RULE TITLES:
59A-13.004	License Procedure
59A-13.005	Administration and Management
59A-13.007	Admission, Transfer, and Discharge Policies
59A-13.008	Child Care Policies
59A-13.009	Medical Director
59A-13.010	Nursing Services
59A-13.013	In-service Training for Staff, and Parents and Guardians
59A-13.014	Medical Record
59A-13.015	Quality Assurance Committee
59A-13.020	Infection Control
59A-13.022	Fire Safety and Emergency Procedures

PURPOSE AND EFFECT: The Agency proposes to amend Rules 59A-13.004, 59A-13.005, and 59A-13.007 through 59A-13.010, 59A-13.013 through 59A-13.015, 59A-13.020 and 59A-13.022, F.A.C., consistent with provisions of Section 400.914, Florida Statutes. Amendments to Section 59A-13.004, F.A.C., include a revised Application of Licensure dated July 2005, a statement that a license for initial or change in ownership will not be issued until the application fee has been received by the Agency and all associated checks

have cleared, and adds language that the facility must notify the Agency 60 days prior to a request to increase the center’s licensed capacity; amendments to Rules 59A-13.005, F.A.C., revises language requiring the centers to develop and maintain a current job description for each employee, revises language that provides employee access to policies and procedures governing conditions of employment, revises language requiring annual written job performance evaluations of PPEC center staff, and revises language for the development and implementation of infection control policies and procedures; amendments to Rule 59A-13.010, F.A.C., deletes the requirement for the Director of Nursing to hold a Baccalaureate degree, deletes annual recertification for Cardiopulmonary Resuscitation (CPR) and adds current CPR certification for the Director of Nursing, registered nurses, licensed practical nurses (LPN), and direct care personnel, adds LPN requirements and experience, adds definition for the term “others” as direct care personnel, and adds standards and requirements the direct care staff must meet, adds LPN’s into the staffing ratio, and adds new language for the staffing pattern if the PPEC center has a census of more than 45 children; amendments to Rule 59A-13.013, F.A.C., include technical clean up of current language, and deletes the requirement for all employees to maintain annual CPR certification and replaces it with all employees must have a current CPR certification; amendments to Rule 59A-13.014, F.A.C., clarifies the medical plan of treatment and the nursing protocol of care; amendments to Rule 59A-13.015, F.A.C., adds language to clarify the selection process of the quarterly assurance review sample and the required members of the quality assurance committee; amendments to Rule 59A-13.020, F.A.C., adds a new statement relating to hand washing procedures for staff after direct contact with each child; amendments to section Rule 59A-13.022, F.A.C., adds language that requires each PPEC center to have documentation of a satisfactory fire safety inspection annually by the local authority having jurisdiction, and adds language that the PPEC center must have an emergency kit available to provide basic first aid and cardiopulmonary resuscitation.

SUMMARY: Amends rules pertaining to Prescribed Pediatric Extended Care Centers.

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

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: 400.914 FS.

LAW IMPLEMENTED: 400.914(1) FS.

IF REQUESTED WITHIN 14 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):

DATE AND TIME: April 18, 2006, 9:00 a.m.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Kimberly Smoak, Long Term Care Unit, 2727 Mayan Drive, Tallahassee, Florida, or call (850)488-5861

THE FULL TEXT OF THE PROPOSED RULES IS:

59A-13.004 License Procedure.

(1) Except as provided in Sections 400.903 and 400.905, F.S., 391.203 and 391.205, F.S., no person, firm, association, partnership, or corporation shall either directly or indirectly operate a PPEC center in this state without first applying for and receiving a license from the Agency AHCA to operate such facility.

(2) Application for a license to operate a PPEC center must be made on AHCA Form 3110-8002, July 2005, – “Application for Licensure, Prescribed Pediatric Extended Care Center,” hereby incorporated by reference, which must be submitted by the owner or administrator to the Agency. This form is available from the Agency for Health Care Administration, 2727 Mahan Drive, MS-33, Tallahassee, Florida 32308, or at the web address at: <http://ahca.myflorida.com/>. In addition to a completed application, applicants for initial, renewal and change of ownership must submit the following: Any person operating a facility in this state is subject to the requirements of Sections 391.203 and 391.205, F.S., and these rules.

(a) Licensure fees in the amount of \$650.00 payable to the Agency for Health Care Administration. A license for an initial or change of ownership application will not be issued until the application fee has been received by the Agency and all associated checks have cleared. If a check for the renewal licensure fee is dishonored and returned to the Agency, the license holder will have ten (10) calendar days to pay the full amount plus any applicable fees as provided by law. Such payment must be made by cash, cashier’s check, or money order. Failure to pay the licensure and processing fee will result in suspension of the license until all fees are paid in full.

(b) Documentation of compliance with subsection 59A-13.022(1), F.A.C., regarding fire safety conducted within the previous three months.

(3) Separate licenses are applications for operation of a facility shall be required for whenever the buildings are located on separate premises.

(4) Licensees must shall not operate a PPEC center facilities with a census capacity greater than the number of children clients indicated on the face of the license.

(5) Licenses issued for the operation of a PPEC center are shall be limited as provided in Section 400.905, F.S., 391.205, and unless revoked, will shall expire one year from the date of issuance whichever occurs first. Applicants for license renewal shall comply with the provisions of Section 391.205, F.S., and these rules.

(6) No other licensed; or certified health care or business entity may be located within a PPEC center entities and PPEC centers shall not collocate.

~~(7) Application for a license to operate a PPEC center shall be made on AHCA Form 3110-8002 (April 1998), “Application for Licensure, Prescribed Pediatric Extended Care Center”, hereby incorporated by reference, which shall be submitted by the owner or administrator to the AHCA. This form may be attained by writing to the Agency for Health Care Administration, 2727 Mahan Drive, Tallahassee, Florida 32308.~~

~~(8) Except counties and municipalities, every applicant shall submit the license fee required by Section 391.205, F.S., by check or money order payable to the Agency for Health Care Administration along with the application for licensure.~~

~~(9) The annual license fee is \$650.00.~~

~~(7)(10) Whenever the licensee of a PPEC center a facility seeks to increase the licensed capacity number of children for which he/ is licensed, the licensee must shall submit an application to the Agency 60 days prior to the requested date of the change. Upon successful completion of a health and life safety survey, the license will be modified accordingly modify his license accordingly.~~

~~(11) Single copies of AHCA forms incorporated by reference within this section may be obtained without cost from the AHCA, 2727 Mahan Drive, Tallahassee, Florida 32308.~~

Specific Authority 400.914(1) 391.214 FS. Law Implemented 400.914 391.203, 391.205, 391.206, 391.207, 391.210, 391.214 FS. History—New 3-8-89, Formerly 10D-102.004, Amended 2-27-94, 5-24-98, _____.

59A-13.005 Administration and Management.

(1) The licensee of each PPEC center shall have full legal authority and responsibility for the operation of the center facility.

(2) Each PPEC center must shall be organized in accordance with a written table of organization, which describes the lines of authority and communication down to the child care level. The organizational structure must shall be designed to ensure an integrated continuum of services to the children clients.

(3) Center supervision:

(a) The licensee of each center must shall designate one person as administrator who is shall be responsible and accountable for the overall management of the center.

(b) The center administrator ~~must shall~~ designate in writing a person to be responsible for the center when the administrator is ~~to be~~ absent from the center for more than a period of 24 hours.

(c) ~~The center administrator must~~ Responsibilities of the center administrator shall include the following:

1. Maintain the following written records and any ~~Maintaining or causing to be maintained the following written records~~ other records required by Section 400.914, F.S., Chapter 391, F.S., and these rules. The records must shall be kept in a place, form, and system in accordance with ~~ordinarily employed in acceptable~~ medical and business practices and available in the center for inspection by the Agency department during normal business hours:

a. A daily census record, which must shall indicate the number of children currently receiving services in the center;

b. A record of all accidents or unusual incidents involving any child or staff member that caused, or had the potential to cause, injury or harm to any person or property within the center. Such records must shall contain a clear description of each accident or incident, the names of the persons involved, a description of all medical or other services provided to these persons specifying who provided such services, and the steps taken, ~~if any,~~ to prevent recurrence of such accident or incidents in the future.

c. A copy of current agreements ~~entered into~~ with third party providers;

d. A copy of current agreements with each consultant employed by the center and documentation of each consultant's visits and required written, dated reports, and

e. A personnel record for each employee, which must shall include: a current copy of a Florida certificate and/or number and current license number, as applicable; the original employment application, and references, ~~furnished from the most recent health care employer and employment history for the preceding five (5) years if applicable;~~ and a copy of all job performance evaluations;

2. Develop and maintain a current job description for each employee. ~~Ensuring the development and maintenance of a current job description for each employee;~~

3. Provide each employee access to written personnel policies governing conditions of employment. ~~Ensuring that each employee is furnished with a copy of written personnel policies governing conditions of employment including the job description for his own position;~~

4. Conduct annual written job performance evaluations that note strengths and weaknesses and include plans to correct any job performance weakness. ~~Performance evaluations must be reviewed with the employee. Ensuring that each employee receives at least a yearly written job performance evaluation which is discussed with the employee, notes job performance strengths and weaknesses, and discusses plans to correct any job performance weaknesses;~~

5. Assign duties to employees that are consistent with their job descriptions and with their levels of education, preparation and experience. ~~Ensuring that such qualified personnel and ancillary services as are necessary to assure the health, safety, and proper care of children; are provided;~~

6. Provide necessary qualified personnel and ancillary services to ensure the health, safety, and proper care of each child. ~~Ensuring that each employee is assigned duties which are consistent with his job description and with his level of education, preparation, and experience; and~~

7. Develop and implement infection control policies and procedures. These policies and procedures must be included in the PPEC center's policy manual. ~~Ensuring that the Infection control policies and procedures are included in the center's policy manual.~~

Specific Authority 400.914(1) 391.214 FS. Law Implemented 400.914(1)(h) 391.214(4) FS. History--New 3-8-89, Formerly 10D-102.005, Amended 5-24-98,_____.

59A-13.007 Admission, Transfer, and Discharge Policies.

(1) Each PPEC center must shall have written policies and procedures governing the admission, transfer, and discharge of children.

(2) The admission of each child to a PPEC center must shall be under the supervision of the center administrator or his designee, and must shall be in accordance with the center's child care policies and procedures.

(3) Each child admitted to a PPEC center must shall be admitted upon prescription by a licensed ~~prescribing~~ physician and must shall remain under the care of the licensed ~~primary~~ physician for the duration of the child's ~~his~~ stay in the center.

(4) Each child admitted for service to a PPEC center must shall meet at least the following criteria:

(a) Infants and children considered for admission to the PPEC center will be those who are medically or technologically dependent.

(b) The infants and children must not, prior to admission, present significant risk of infection to other children or personnel. The medical and nursing directors must shall review, on a case-by-case basis, any child with a suspected infectious disease to determine appropriateness of admission.

(c) The child must be medically stabilized, require skilled nursing care, or other interventions, and be appropriate for outpatient care.

(d) If the child meets the preceding criteria, the medical or nursing director of the PPEC center must will implement a preadmission plan which delineates services to be provided and appropriate sources for such services.

1. If the child is hospitalized at the time of referral, pre-admission planning will include the parents or guardians, relevant hospital medical, nursing, social services and

developmental staff to assure that the hospital discharge plans will be implemented upon admission to the following placement in the PPEC center.

2. A consent form outlining the purpose of a PPEC center, family responsibilities, authorized treatment and appropriate liability release, and emergency disposition plans must shall be signed by the parents or guardians and witnessed prior to admission to the PPEC center. The parents or guardians must and the PPEC center shall be provided a copy of the consent form. A copy of the signed consent form must be maintained in the child's medical record. Confidentiality of PPEC records must shall be maintained in accordance with applicable state and federal laws Section 455.241.

Specific Authority 400.914(1) 391.214 FS. Law Implemented 400.914(1)(a),(h) 391.214(1) FS. History-New 3-8-89, Formerly 10D-102.007, Amended _____.

59A-13.008 Child Care Policies.

(1) Each PPEC center must shall develop, implement, and maintain written policies and procedures governing all child care and related medical or other services provided.

(2) Child care policies and procedures must shall be developed, ~~and~~ maintained and implemented by a group of professional PPEC center staff personnel comprised of at least the medical director or medical consultant, the center's administrator, and the director of nursing services. All child care policies and procedures must shall be reviewed at least no less often than annually and ~~shall be~~ revised as needed.

(3) The child care policies and procedures developed must, shall at a minimum, ensure ~~client care in~~ compliance with the provisions of Section 400.914, F.S., Chapter 391, F.S., and the standards contained in these rules.

Specific Authority 400.914(1) 391.214 FS. Law Implemented 400.914(1)(a) 391.214(1) FS. History-New 3-8-89, Formerly 10D-102.008, Amended _____.

59A-13.009 Medical Director.

A board certified pediatrician must will serve as the medical director for the PPEC center. Responsibilities of the medical director include shall include:

(1) Periodic review of services to assure acceptable levels of quality of care and services.

(2) Maintenance of a liaison role with the medical community.

(3) Advisement on the development of new programs and modifications of existing programs.

(4) Assurance that medical consultation will be available in the event of the medical director's absence.

(5) Serving on committees as defined and required by these rules and by the center's policies.

(6) Consulting with the center's administrator on the health status of the center's facility personnel.

(7) Reviewing reports of all accidents or unusual incidents occurring on the premises and identifying to the center's administrator hazards to health and safety.

(8) Development and implementation ~~Ensuring the~~ of a policy and procedure for the delivery of emergency services and the delivery of regular physician's services when the child's attending physician or ~~his~~ designated alternative is not available.

Specific Authority 400.914(1) 391.214 FS. Law Implemented 400.914(1)(f) 391.214(1)(d),(f) FS. History-New 3-8-89, Formerly 10D-102.009, Amended _____.

59A-13.010 Nursing Services.

(1) A registered nurse will serve full-time as the Director of Nursing. The Director of Nursing must have at least the following qualifications:

~~(a) Minimum of a Baccalaureate degree in nursing;~~

~~(a)(b) Hold a current Current Florida registered nurse license licensure.~~

~~(b) Hold a current certification in Cardiopulmonary Resuscitation (CPR). Completion of a course in pediatric CPR, with annual recertification; and~~

~~(c)(d) Have a minimum of two (2) years general pediatric nursing experience of which at least six (6) months must have been spent caring for medically fragile infants or children in a pediatric intensive care, neonatal intensive care, PPEC or similar care setting during the previous five (5) years. Minimum of 2 years experience in general pediatrics experience of which at least 6 months shall have been spent in a pediatric intensive care or neonatal intensive care settings during the previous 5 years.~~

(2) The Director of Nursing ~~is shall be~~ responsible for the daily operation of the PPEC center.

(3) Registered nurse staffing standards:

~~(a) All PPEC centers shall have a minimum full-time equivalent of 2 registered nurses.~~

~~(a)(b) The registered nurse must shall~~ have at least the following qualifications and experience:

1. ~~Licensed Licensure~~ as a registered nurse in Florida, ~~pursuant to under~~ Chapter 464, F.S, and ~~two (2) a baccalaureate degree in nursing or~~ or more years of pediatric ~~speciality care~~ experience, with at least six (6) months experience caring for medically or technologically dependent children.

2. ~~Current Annual pediatric~~ certification in CPR; ~~and~~

~~3. Minimum of 2 years experience in general pediatrics with at least 6 months experience caring for medically or technologically dependent children.~~

~~3.4. Pediatric nursing experience, defined as being responsible for the care of acutely ill or chronically ill children, within the previous 24 months.~~

~~(b)(e) The registered nurse staff must provide: shall be~~ responsible for at least the following:

1. Nursing Provision of interventions; educational services to increase the parent's or guardian's family's confidence and competence in caring for the child with special needs; assistance to facilitate coping with the effects of chronic illness on the child and family and support effective relationships among siblings and the ill child; interventions to foster normal development and psychosocial adaptation.;

2. Information regarding Knowledge of availability and access requirements to community resources.;

3. Fostering and maintaining A collaborative relationship with the interdisciplinary health team.

(4) Licensed practical nurse staffing standards:

Licensed practical nurses working in a PPEC center must be supervised by a registered nurse and have the following qualifications and experience; If nursing assistants are utilized to augment registered nurse staffing, the nursing assistant shall have as a minimum the following qualifications:

(a) Hold a Current Florida licensed practical nurse license pursuant to Chapter 464, F.S. Two years experience in the care of infants and toddlers;

1. References documenting skill in care of infants and children;

2. Basic cardiac life support annual certification.

(b) Have two (2) year's experience in pediatrics; and The nursing assistant shall work under the supervision of the registered nurse and be responsible for providing direct care to PPEC center children.

(c) Hold a current certification in CPR.

(5) Direct care personnel staffing standards. For the purposes of this subsection, other direct care personnel include: nursing assistants, nursing assistants certified pursuant to Chapter 464, F.S., patient care technicians, medical assistants, Emergency Medical Technicians (EMT) licensed pursuant to Chapter 401, F.S., and individuals with training and experience in education, social services or child care related fields.

(a) Direct care personnel must meet the following requirements:

1. Have one (1) year experience in the care of infants and toddlers.

2. Employment references documenting skill in the care of infants and children, and

3. Hold a current certification in CPR.

(b) Direct care personnel must work under the supervision of the registered nurse and be responsible for providing direct care to PPEC center children.

(6)(5) Total staffing for nursing services and direct care must, shall at a minimum, meet the following ratios: but at no time shall be less than 1 staff member on duty per 3 children. If only one staff member is on duty, that member must be a registered nurse:

<u>Children</u>	<u>Total Staff</u>	<u>RN</u>	<u>RN or LPN</u>	<u>Direct Care, or Licensed Nurse (RN or LPN)</u>
<u>1</u>	<u>1</u>	<u>1</u>		
<u>2-6</u>	<u>2</u>	<u>1</u>		<u>1</u>
<u>7-9</u>	<u>3</u>	<u>1</u>	<u>1</u>	<u>1</u>
<u>10-12</u>	<u>4</u>	<u>1</u>	<u>1</u>	<u>2</u>
<u>13-15</u>	<u>5</u>	<u>2</u>	<u>1</u>	<u>2</u>
<u>16-18</u>	<u>6</u>	<u>2</u>	<u>1</u>	<u>3</u>
<u>19-21</u>	<u>7</u>	<u>2</u>	<u>2</u>	<u>3</u>
<u>22-24</u>	<u>8</u>	<u>2</u>	<u>2</u>	<u>4</u>
<u>25-27</u>	<u>9</u>	<u>3</u>	<u>2</u>	<u>4</u>
<u>28-30</u>	<u>10</u>	<u>3</u>	<u>2</u>	<u>5</u>
<u>31-33</u>	<u>11</u>	<u>3</u>	<u>3</u>	<u>5</u>
<u>34-36</u>	<u>12</u>	<u>3</u>	<u>3</u>	<u>6</u>
<u>37-39</u>	<u>13</u>	<u>4</u>	<u>3</u>	<u>6</u>
<u>40-42</u>	<u>14</u>	<u>4</u>	<u>3</u>	<u>7</u>
<u>43-45</u>	<u>15</u>	<u>4</u>	<u>4</u>	<u>7</u>

1-3 children 1 RN

4-6 children 2 RNs

7-9 children 2 RNs plus 1 other

10-12 children 2 RNs plus 2 others

13-15 children 3 RNs plus 2 others

16-18 children 3 RNs plus 3 others

19-21 children 4 RNs plus 3 others

22-24 children 4 RNs plus 4 others

If the PPEC center has a census of more than 45 children, the staffing must increase by one staff for every three (3) children alternating between a direct care staff and licensed nurse.

Specific Authority 400.914(1) 391.214 FS. Law Implemented 400.914(1)(d) 391.214(4) FS. History-New 3-8-89, Formerly 10D-102.010, Amended _____.

59A-13.013 In-service Training for Staff, ~~and~~ Parents and Guardians.

Each PPEC center must shall develop staff, a parent and guardian training programs, which will be available to staff, parents and guardians and includes at least the following:

(1) Staff training must include:

(a)(1) Quarterly staff development programs appropriate to the category of personnel will be conducted to maintain quality patient care.

(b)(2) Documentation of all staff development programs, and required participation will be documented.

(c)(3) Current CPR certification for all staff. All employees shall maintain annual pediatric cardiopulmonary resuscitation certification.

~~(2)(4)~~ Each new employee will participate in orientation to acquaint the employee with the philosophy, organization, program, practices, and goals of the PPEC center.

~~(3)(5)~~ A comprehensive orientation to acquaint the parent or guardian with the philosophy and services will be provided at the time of the child's admission to placement in the PPEC center.

Specific Authority 400.914(1) 391.214 FS. Law Implemented 400.914(1)(f) 391.214(1)(a) FS. History--New 3-8-89, Formerly 10D-102.013, Amended _____.

59A-13.014 Medical Record.

A medical record must be developed at the time of admission, must be shall maintained for each child, signed by authorized personnel and contain at least ~~The records shall contain at least~~ the following:

(a) A medical plan of treatment and a nursing protocol of care.

~~(b)(1)~~ All details of the referral, admission, correspondence and papers concerning the child.

~~(2) Entries in the Medical records shall be in ink and signed by authorized personnel include at least the following:~~

~~(c)(a)~~ Physician orders.

~~(d)(b)~~ Flow chart of medications and treatments administered.

~~(e)(c)~~ Concise, accurate information and initialed case notes reflecting progress toward ~~protocol of care~~ goals achievement of care goals or reasons for lack of progress.

~~(f)(d)~~ Documentation of nutritional management and special diets, as appropriate.

~~(g)(e)~~ Documentation of physical, occupational, speech and other special therapies.

~~(2)(3) The An individualized nursing care protocol must be of care developed within ten (10) working days of admission. The protocol must be reviewed monthly and revised quarterly, and include any recommendations and revisions to the plan based on consultation with other professionals involved in the child's care and revised to include recommended changes in the therapeutic plans. The disposition to be followed in the event of emergency situations will be specified in the plan of care;~~

(4) Medical history, including include allergies and special precautions.

(5) Immunization record.

~~(6) Quarterly review of Protocol of Care to updated the plan in consultation with other professionals involved in the child's care;~~

~~(6)(7)~~ A discharge order written by the primary physician will be documented and entered in the child's record. A discharge summary, which includes the reason for discharge, will also be included.

Specific Authority 400.914(1) 391.214 FS. Law Implemented 400.914(1)(h) 391.214(1)(h) FS. History--New 3-8-89, Formerly 10D-102.014, Amended _____.

59A-13.015 Quality Assurance Committee.

All PPEC centers must shall have a quality assurance program and must and will conduct quarterly reviews of the PPEC center's medical records for at least half of the children served by the PPEC center at the time of the quality assurance review. The quarterly review sample must be randomly selected so each child served at the center has an equal opportunity to be included in the review.

(1) The quality assurance committee must include the following: the medical director, administrator, director of nursing, and three (3) other committee members as determined by each PPEC center.

~~(2)(1)~~ The quality assurance review will be conducted by two (2) 2 members of the quality assurance committee. ~~The quality assurance review responsibilities shall rotate among the quality assurance committee members at least on an annual basis.~~ Within 15 calendar working days of its review, the quality assurance committee must shall furnish copies of its report to the PPEC center medical and nursing directors.

~~(3)(2)~~ Each quarterly quality assurance review must shall include:

(a) A review of the goals in each child's nursing protocol.

(b) A review of the steps, process, and success in achieving the goals.

(c) Identification of goals not being achieved as expected, reasons for lack of achievement and plans to promote goal achievement.

(d) Evidence that the protocol ~~of care~~ has been revised to accommodate the findings of the quality assurance report will be forwarded to the quality assurance committee within ten (10) calendar working days of receipt of the quality assurance committee report.

(e) Implementation of ~~the~~ revisions to the protocol must be of care as documented in on the child's record.

~~(4)(3)~~ The quality assurance review will also ascertain and assure the presence of the following documents in each child's medical record:

(a) A properly executed consent form, ~~and~~

(b) A medical history for the child, including notations from visits to health care providers', ~~and~~

(c) An immunization record with documentation of allergies and special precautions.

Specific Authority 400.914(1) 391.214 FS. Law Implemented 400.914(1)(f),(h) 391.201, 391.214(1) FS. History--New 3-8-89, Formerly 10D-102.015, Amended _____.

59A-13.020 Infection Control.

Infection control requirements must procedures shall include at least the following:

(1) The PPEC center must have ~~shall contain~~ an isolation room with one (1) large glass area for observation of the child.

(2) Isolation procedures must ~~shall~~ be used to prevent cross-infections.

(3) All cribs and beds must ~~shall~~ be labeled with the individual child's name. Linens must ~~shall~~ be removed from the crib for laundering purposes only.

(4) Bed linens must ~~shall~~ be changed when soiled and as necessary, but not less than twice weekly at least twice weekly.

(5) Antimicrobial soap and disposable paper towels must ~~shall~~ be at each sink.

(6) Staff must wash their hands after direct contact with each child, using appropriate hand washing techniques to prevent the spread of infection from one child to another.

~~(7)(6)~~ Children suspected of having a communicable disease, which may be transmitted through casual contact, as determined by the center's facility's medical director, must ~~shall~~ be isolated; the parents or guardians must ~~shall~~ be notified of the condition; and the child must ~~shall~~ be removed from the PPEC center as soon as possible. When the communicable disease is no longer present, as evidenced by a written physician's statement, the child may return to the PPEC center. ~~;~~ ~~and~~

~~(8)(7)~~ PPEC center staff members suspected of having a communicable disease must ~~shall~~ not return to the PPEC center until the signs and symptoms ~~which~~ related to the communicable disease are no longer present, as evidenced by a written physician's statement.

Specific Authority 400.914(1) 391-214 FS. Law Implemented 400.914(1)(e) 391-214(1)(f) FS. History--New 3-8-89, Formerly 10D-102.020, Amended _____.

59A-13.022 Fire Safety and Emergency Procedures.

(1) All PPEC centers must ~~shall~~ conform to state standards prepared by the State Fire Marshal: Chapter 69A-36 4A-36, F.A.C., Uniform Fire Safety Standards for Child Care Facilities, and must ~~shall~~ be inspected annually. A copy of the current annual fire inspection report, ~~prepared by a certified fire inspector,~~ conducted by the local authority having jurisdiction over fire safety or the State Fire Marshal, must ~~shall~~ be on file at the PPEC center. Documentation of a satisfactory fire safety inspection shall be provided at the time of the licensee's annual survey.

(2) There must ~~shall~~ be a working telephone, which is neither locked nor a pay station, in the PPEC center. ~~child-care facility.~~

(3) Emergency telephone numbers must ~~shall~~ be posted on or in the immediate vicinity of all telephones.

(4) An emergency generator must power source ~~shall~~ exist, with sufficient generating power to continue function of medical equipment in the event of a power failure. The emergency generator must ~~shall~~ be tested every 30 days and

satisfactory mechanical operation must ~~will~~ be documented on a log designed for that purpose and signed by the person conducting the test.

(5) Emergency transportation must ~~shall~~ be performed by a licensed E.M.S. provider, with a PPEC center staff member accompanying each ~~the~~ child.

(6) The PPEC center must have an emergency kit available to provide basic first aid and cardiopulmonary resuscitation.

Specific Authority 400.914(1) 391-214 FS. Law Implemented 400.914(1)(f) 391-214(1)(f) FS. History--New 3-8-89, Formerly 10D-102.022, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Kimberly Smoak

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Alan Levine, Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 16, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 10, 2005

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NO.:
59G-4.020

RULE TITLE:
Ambulatory Surgical Center Services

PURPOSE AND EFFECT: The purpose of the proposed rule amendment is to incorporate by reference update January 2006 to the Florida Medicaid Ambulatory Surgical Center Services Coverage and Limitations Handbook. The handbook update contains the 2006 procedure codes and payment groups. The effect will be to incorporate in the rule update January 2006 to the Florida Medicaid Ambulatory Surgical Center Services Coverage and Limitations Handbook.

SUMMARY: The proposed rule incorporates by reference update January 2006 to the Florida Medicaid Ambulatory Surgical Center Services Coverage and Limitations Handbook.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No statement of estimated regulatory cost has been prepared.

Any person who wishes to provide information regarding the statement of estimated regulatory 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: 409.919 FS.

LAW IMPLEMENTED: 409.906, 409.908 FS.

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

DATE AND TIME: Monday, April 24, 2006, 10:00 a.m.

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Conference Room D, Tallahassee, Florida 32308

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Melissa Vergeson, Medical Health Care Program Analyst, Bureau of Medicaid Services, 2728 Fort Knox Boulevard, Building 3, Tallahassee, Florida 32308, (850)922-7724

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-4.020 Ambulatory Surgical Center Services.

(1) No change.

(2) All ambulatory surgical center providers enrolled in the Medicaid program must be in compliance with the Florida Medicaid Ambulatory Surgical Center Services Coverage and Limitations Handbook, January 2004, updated January 2005 and January 2006, incorporated by reference, and the Florida Medicaid Provider Reimbursement Handbook, CMS-1500, which is incorporated in Rule 59G-4.001, F.A.C. Both handbooks are available from the Medicaid fiscal agent's website at <http://floridamedicaid.acs-inc.com> agent. Click on Provider Support, and then on Handbooks. Paper copies of the handbooks may be obtained by calling Provider Inquiry at (800)377-8216.

Specific Authority 409.919 FS. Law Implemented 409.906, 409.908 FS. History--New 10-25-84, Formerly 10C-7.531, Amended 5-13-92, 7-12-92, 7-27-93, Formerly 10C-7.0531, Amended 9-8-94, 7-3-95, 11-18-97, 10-27-98, 1-1-01, 7-26-01, 2-25-03, 2-17-04, 1-10-05, 10-2-05, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Melissa Vergeson

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Alan Levine, Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 16, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 20, 2006

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Architecture and Interior Design

RULE NO.: 61G1-23.010
RULE TITLE: Responsible Supervising Control Over Architectural Practice

PURPOSE AND EFFECT: The Board proposes to reorganize the rules regarding responsibilities for the architect exercising responsible supervising control.

SUMMARY: The rules regarding the responsibilities for the architect exercising responsible supervising control will be reorganized.

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

Any person who wishes to provide information regarding the statement of estimated 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: 481.2055, 481.221(6) FS.

LAW IMPLEMENTED: 481.221(6), 481.223, 481.225(1)(g) 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: Juanita Chastain, Executive Director, Board of Architecture and Interior Design, 1940 North Monroe Street, Tallahassee, Florida 32399-0783

THE FULL TEXT OF THE PROPOSED RULE IS:

61G1-23.010 Responsible Supervising Control Over Architectural Practice ~~in the Architect's Office.~~

(1) Each architectural office maintained for the preparation of drawings, specifications, reports and other professional work shall have an architect duly registered with the Board of Architecture & Interior Design within that office with full authority and in responsible charge, having direct knowledge and supervising control over such work. This Rule 61G1-23.010, F.A.C., does not address the procedures required of an architect in sealing and signing work which falls within the definition of "interior design" as that term is defined in Section 481.203(8), F.S. The responsible supervising control which is required of architects prior to sealing and signing architectural documents as that term is used in Section 481.221(6)(4), F.S., shall mean:

(a) Personal supervision by the architect exercised throughout the preparation of documents, instruments of service, specifications, reports or other work which requires the seal and signature of a registered architect. The architect shall prepare and maintain evidence of the architect's continuing effort in such work to include written calculations, correspondence, time records, check prints, telephone logs, site visit logs or research done for the project and shall provide such evidence to state or local authorities upon their request.

(b) Review, approval, modification, or adoption, as the architect's work of any documents, instruments of service, specifications, reports or other work, so long as the aforesaid were prepared in the architect's offices by an employee of the architect, or by an agent of the architect under a written agreement with the architect to assist in the preparation of such documents. The architect shall maintain documentation that the architect has supervised the preparation of all documents and instruments of service, reviewed all project data, inspected the project site and entered into an agreement with the persons preparing the documents accepting professional responsibility for such work. The architect shall make certain, if the work which the architect intends to seal and sign has been prepared

by another person, that whenever such final work is submitted to a client, building owner or building user, the architect is present during such submissions in order to respond to questions from the client, owner or user.

(2) through (3) No change.

Specific Authority 481.2055, 481.221(6) FS. Law Implemented 481.221(6), 481.223, 481.225(1)(g) FS. History--New 11-21-94, Amended 7-3-03,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Architecture and Interior Design

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Architecture and Interior Design

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 23, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 23, 2005

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Barbers' Board

RULE NO.: RULE TITLE:

61G3-19.011 Barbershop Requirements

PURPOSE AND EFFECT: The rule provides the requirements for sinks in a barbershop.

SUMMARY: The rule requires sinks in barbershops to be conveniently located.

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

Any person who wishes to provide information regarding the statement of estimated 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: 476.064(4) FS.

LAW IMPLEMENTED: 476.184 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: Robyn Barineau, Executive Director, Barbers' Board, 1940 North Monroe Street, Tallahassee, Florida 32399-0783

THE FULL TEXT OF THE PROPOSED RULE IS:

61G3-19.011 Barbershop Requirements

(1) through (5) No change.

(6) The barber shop must have sinks available and installed in the locations most convenient to ~~on sink for each two barber chairs and such sink shall be installed in the most convenient place for the barber chairs.~~ All such sinks must be adequate for the shampooing of hair.

(7) through (22) No change.

Specific Authority 476.064(4) FS. Law Implemented 476.184 FS. History--New 4-27-86, Amended 9-24-86, 12-28-86, 5-10-88, 7-15-91, Formerly 21C-19.011, Amended 1-12-94, 10-4-94, 10-4-94, 5-21-95, 2-14-96, 5-1-96, 3-21-00, 11-6-00,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Barbers' Board

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Barbers' Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 12, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 23, 2005

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Electrical Contractors' Licensing Board

RULE NO.: RULE TITLE:

61G6-10.002 Violations and Penalties

PURPOSE AND EFFECT: The Board proposes to amend this rule to add a chart for the violations and penalties.

SUMMARY: A chart of violations and penalties will be added to the rule.

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

Any person who wishes to provide information regarding the statement of estimated 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: 455.2273, 489.507(3) FS.

LAW IMPLEMENTED: 455.2273 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Anthony Spivey, Executive Director, Electrical Contractors' Licensing Board, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G6-10.002 Violations and Penalties.

(1) In imposing disciplinary penalties upon licensees, the board shall act in accordance with the following disciplinary guidelines and shall impose a penalty corresponding to the violations set forth below absent aggravating and mitigating circumstances and subject to the other provisions of Chapters 455 and 489, Part II, F.S.: The cited statutory language is intended to provide a description of the violation and is not a complete statement of the violation; the complete statement may be found in the statutory provision cited following the violation description.

(1) Violation of Chapter 455, F.S. (Section 489.533(1)(a), F.S.). Penalty within ranges prescribed by Section 455.227, F.S., unless otherwise prescribed herein:

(a) Making misleading, deceptive, or fraudulent representations in or related to the practice of the licensee's profession (Section 455.227(1)(a), F.S.). First violation: \$1,000 to \$3,000 fine or probation, suspension, revocation and fine; repeat violation: revocation and \$5,000 fine.

(b) Having been found liable in a civil proceeding for knowingly filing a false report or complaint with the department against another licensee (Section 455.227(1)(g), F.S.). First violation: \$1,000 to \$3,000 fine or probation, suspension, revocation and fine; repeat violation: \$5,000 fine and revocation.

(c) Failing to report to the department any person who the licensee knows is in violation of this part, the chapter regulating the alleged violator, or the rules of the department or the board (Section 455.227(1)(l), F.S.). First violation: \$500 fine to probation and fine; repeat violation: \$750 to \$1,500 fine and probation or suspension.

(d) Failing to perform any statutory or legal obligation placed upon the licensee (Section 455.227(1)(k), F.S.). First violation: \$500 to \$1,000 fine to probation or suspension and fine; repeat violation: \$1,500 to \$3,000 fine and probation, suspension, or revocation.

(e) 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 455.227(1)(m), F.S.). First violation: \$500 to \$2,000 fine to probation, suspension, or revocation and fine; repeat violation: \$2,000 to \$5,000 fine and revocation.

(f) Practicing or offering to practice beyond the scope permitted by law or accepting and performing professional responsibilities the licensee knows, or has reason to know, the licensee is not competent to perform (Section 455.227(1)(o), F.S.). First violation: \$250 to \$750 fine to probation and fine; repeat violation: \$750 to \$1,500 fine and probation, suspension, or revocation.

(g) Delegating or contracting for the performance of professional responsibilities by a person when the licensee delegating or contracting knows, or has reason to know, such person is not qualified by training, experience, and authorization when required to perform them (Section 455.227(1)(p), F.S.). First violation: \$250 to \$1,000 fine to probation and fine; repeat violation: \$1,000 to \$2,500 fine and probation, suspension, or revocation.

(h) Failing to comply with a lawful order of the department or the board, or failing to comply with a lawfully issued subpoena of the department (Section 455.227(1)(q), F.S.). First violation: \$500 to \$1,500 fine to probation or suspension and fine; repeat violation: \$2,000 to \$5,000 fine and probation, suspension, or revocation.

(i) Improperly interfering with an investigation or inspection authorized by statute, or with any disciplinary proceeding (Section 455.227(1)(r), F.S.). First violation: \$1,000 to \$5,000 fine to probation and fine, suspension, or revocation; repeat violation: \$5,000 fine and revocation.

(2) Attempting to obtain licensure by bribery or fraudulent or willful misrepresentation (Section 489.533(1)(b), F.S.). First violation: \$1,000 to \$5,000 fine and denial or revocation of licensure.

(3) Disciplinary action taken against license by another jurisdiction (Section 489.533(1)(e), F.S.). Imposition of discipline, comparable to that imposed by other jurisdiction, or the penalty listed herein for the violation most closely resembling the act underlying the original discipline.

(4) Crime directly related to practice (Section 489.533(1)(d), F.S.). Probation to denial or revocation of licensure depending upon the seriousness of the crime.

(5) Failing to file a report or filing a false report (Section 489.533(1)(e), F.S.). First violation: \$250 to \$750 fine to probation or suspension and fine; repeat violation: \$750 to \$1,500 fine and probation, suspension or revocation.

(6) Fraud, deceit, negligence, incompetence, or misconduct (Section 489.533(1)(f), F.S.):

(a) Fraud or deceit: First violation: \$500 to \$2,500 fine and probation to suspension and fine; repeat violation: \$2,500 to \$5,000 fine and probation, suspension, or revocation.

(b) Negligence, incompetence, or misconduct: First violation: \$500 to \$1,500 fine to probation or suspension and fine; repeat violation: \$1,000 to \$5,000 fine and probation, suspension, or revocation.

(7) Violation of Chapter 633, F.S. (Section 489.533(1)(g), F.S.). First violation: \$500 to \$1,500 fine to probation and fine or denial of licensure; repeat violation: \$1,500 to \$2,500 fine and probation, suspension or revocation.

(8) Practicing on an inactive, delinquent, suspended, or revoked license (Section 489.533(1)(h), F.S.):

(a) Inactive license: First violation: \$100 fine for each month license is inactive up to \$1,000; repeat violation: \$200 fine for each month license is inactive up to \$2,000 fine and probation, suspension or revocation.

(b) Suspended license: First violation: \$1,000 fine and one (1) year probation or additional suspension; repeat violation: \$2,000 fine and revocation.

(c) Revoked license: Referral to the State Attorney and denial of application for licensure for two (2) to three (3) years.

(d) Delinquent license: Notice of Non compliance or citation; repeat violation: \$500 to \$1,500 fine and probation, suspension or revocation.

(9) Willful violation or disregard of applicable building codes or laws (Section 489.533(1)(i), F.S.). First violation: Reprimand and \$500 to \$1,250 fine and one (1) year

suspension followed by one (1) year probation depending upon seriousness of violation; repeat violation: \$1,250 to \$5,000 fine and probation, suspension or revocation.

~~(10) Any act assisting unlicensed activity (Section 489.533(1)(j), F.S.). First violation: \$1,000 fine to one (1) year suspension followed by one (1) year probation and fine; repeat violation: \$2,500 to \$5,000 fine and probation, suspension, or revocation.~~

~~(11) Aiding unlicensed practice by combining and conspiring (Section 489.533(1)(k), F.S.). First violation: \$1,500 to \$2,500 fine to one (1) year suspension followed by one (1) year probation and fine; repeat violation: \$2,500 to \$5,000 fine and suspension or revocation.~~

~~(12) Acting in a name not on the licenses (Section 489.533(1)(l), F.S.). First violation: Notice of non-compliance or citation; repeat violation: Reprimand and \$500 to \$1,000 fine to one (1) year suspension and fine followed by probation.~~

~~(13) Financial mismanagement (Section 489.533(1)(m), F.S.). First violation: \$500 to \$1,500 fine to one (1) year suspension and fine followed by one (1) year probation; repeat violation: \$1,500 to \$5,000 fine and probation, suspension or revocation.~~

~~(14) Discipline by municipality or county (Section 489.533(1)(n), F.S.). Use penalty for violation most closely approximating act underlying local discipline.~~

~~(15) Failure to comply with Chapter 489, Part II, F.S., (Section 489.533(1)(o), F.S.):~~

~~(a) Failure to maintain public liability insurance as required (Section 489.515, F.S.). First violation: \$500 to \$750 fine; repeat violation: \$750 to \$2,500 fine to probation, suspension or revocation.~~

~~(b) Failure to maintain workers' compensation insurance, or an exemption, as required (Section 489.510, F.S.). First violation: \$500 to \$1,000 fine to probation, suspension or revocation; repeat violation: \$1,000 to \$2,500 fine and probation, suspension or revocation.~~

~~(c) Failure to obtain continuing education credits as required (Section 489.517, F.S.). First violation: \$250 to \$500 fine; repeat violation: \$500 to \$1,000 fine and 14 additional hours of continuing education.~~

~~(d) Failure to provide required proof of public liability insurance, required proof of workers' compensation insurance or an exemption, or required proof of continuing education in response to an audit request by the Board (Rules 61G6-5.008 and 61G6-9.011, F.A.C.). First violation: \$500 fine for each requirement to probation and fine or suspension; repeat violation: \$750 to \$1,000 fine and probation or suspension.~~

~~(e) Failure to respond to request to submit any proof of continuing education liability or workers' compensation insurance.~~

~~(f) Failure to supervise (Section 489.522(1), F.S.). First violation: \$250 to \$1,000 fine to probation and fine; repeat violation: \$1,000 to \$5,000 fine and probation, suspension or revocation.~~

~~(g) Employing a burglar alarm system agent in violation of Section 489.518, F.S., or employing a fire alarm system agent in violation of Section 489.5185, F.S. First violation: \$500 to \$1,000 fine plus proof of compliance; repeat violation: \$1,000 to \$2,500 fine plus probation or suspension and proof of compliance.~~

~~(16) Abandonment (Section 489.533(1)(p), F.S.). First violation: \$500 to \$2,000 fine to one (1) year probation and fine or suspension; repeat violation: \$5,000 fine and revocation.~~

~~(17) Failure to affix a registration or certification number (Section 489.533(1)(q), F.S.). First violation: \$100 fine; repeat violation: \$300 to \$500 fine.~~

~~(18) Failure to obtain building permit or inspections (Section 489.533(1)(r), F.S.). First violation: \$100 to \$1,500 fine; repeat violation: \$500 to \$2,500 fine to probation and fine, suspension or revocation. Penalties imposed shall depend upon whether the permit or inspection was obtained late or not obtained at all.~~

~~(19) Practicing beyond the scope of a certification or registration (Section 489.533(1)(s), F.S.):~~

~~(a) Geographical scope of licensure violation. First violation: Notice of non-compliance or citation; repeat violation: \$1,500 to \$2,500 fine to probation and fine, suspension or revocation.~~

~~(b) Occupational scope of licensure violation. First violation: \$1,000 to \$2,500 fine to probation and fine; repeat violation: \$1,000 to \$2,500 fine and probation, suspension or revocation.~~

~~(20) Failure to notify the board of changes in name style or address of record (Section 455.275, F.S.; Rule 61G6-5.012, F.A.C.). First violation: \$250 to \$500 fine; repeat violation: \$500 to \$1,000 fine to probation and fine or suspension.~~

(2) The minimum penalty range is based upon a first time single count violation of each provision listed. The maximum penalty range is based upon repeated violations of the same provision of Chapters 455 and 489, Part II, F.S., or the rules promulgated thereto. All penalties at the upper range of the sanctions set forth in the guidelines, i.e., suspension, revocation, etc., include lesser penalties, i.e., fine, probation or reprimand which may be included in the final penalty at the board's discretion. Probation may be subject to conditions, including restriction from practice in certain settings, restricting the licensee to working only under designated conditions or in certain settings, requiring continuing or remedial education, or any other restriction found to be necessary for the protection of the public health, safety and welfare. In addition to any other discipline imposed under

these guidelines, the board may require restitution to a consumer and or assess costs relating to the investigation and prosecution of the case.

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

<u>VIOLATION</u>	<u>1st OFFENSE</u>	<u>2nd OFFENSE</u>	<u>3rd OFFENSE</u>
<u>(a) 489.533(1)(a), F.S., failure to comply with any provision of Chapter 455.</u>	<u>From reprimand and \$500 to \$1,000 fine, up to probation, suspension, revocation or denial.</u>	<u>From reprimand and \$1,000 to \$2,500 fine and probation, up to suspension followed by probation, or revocation or denial.</u>	<u>From reprimand and \$2,500 to \$5,000 fine and suspension followed by probation, or revocation or denial.</u>
<u>(b) 489.533(1)(b), F.S., (455.227(1)(h), F.S.), attempting to procure a license by bribery, fraud or willful misrepresentation</u>	<u>From denial and or revocation and \$1,000 fine, up to \$5,000 fine and denial and or revocation.</u>	<u>From denial and or revocation and \$5,000 fine, up to \$10,000 fine and denial and or revocation.</u>	<u>Denial and or revocation and \$10,000 fine.</u>
<u>(c) 489.533(1)(c), F.S., (455.227(1)(f), F.S.), having a license to practice acted against by another jurisdiction</u>	<u>Discipline comparable to that of the other jurisdiction or discipline consistent with the same violation in Florida.</u>	<u>Discipline comparable to that of the other jurisdiction or discipline consistent with the same violation in Florida.</u>	<u>Discipline comparable to that of the other jurisdiction or discipline consistent with the same violation in Florida.</u>
<u>(d) 489.533(1)(d), F.S., (455.227(1)(c), F.S.), being convicted of or entering a plea to a crime related to the practice.</u>	<u>From reprimand and or \$250 to \$10,000 fine and probation, up to suspension, denial or revocation.</u>	<u>From \$1,000 to \$10,000 fine and probation, up to suspension, denial or revocation</u>	<u>From \$5,000 to \$10,000 fine and suspension followed by probation, denial or revocation.</u>
<u>(e) 489.533(1)(e), F.S., (455.227(1)(l), F.S.), making or filing a false report.</u>	<u>From reprimand and \$250 to \$1000 fine, up to probation or suspension followed by probation.</u>	<u>From \$1,000 to \$5,000 fine and probation, or suspension followed by probation or revocation.</u>	<u>From \$5,000 to \$10,000 fine and revocation.</u>
<u>(f) 489.533(1)(f), F.S., committing fraud, negligence or misconduct.</u>	<u>From reprimand and \$1,000 to \$5,000 fine and or probation or suspension followed by probation.</u>	<u>From \$5,000 to \$10,000 fine and or suspension followed by probation or revocation.</u>	<u>Revocation and \$10,000 fine.</u>
<u>(g) 489.533(1)(g), F.S., violating chapter 633 or rules of State Fire Marshall.</u>	<u>From \$1,000 to \$2,500 fine, up to probation, suspension followed by probation, or denial or revocation.</u>	<u>From \$2,500 to \$5,000 fine up to suspension followed by probation, or denial or revocation.</u>	<u>Revocation and \$10,000 fine.</u>

<u>(h) 489.533(1)(h), F.S., practicing on revoked, suspended, inactive or delinquent license.</u>	<u>Delinquent: From reprimand and \$250 fine, up to probation, suspension followed by probation, or denial or revocation.</u>	<u>Delinquent: From reprimand and \$500 to \$1,000 fine, up to probation, suspension followed by probation, or denial or revocation.</u>	<u>Delinquent: From reprimand and \$1,000 to \$5,000 fine, up to suspension followed by probation or denial or revocation.</u>
	<u>Inactive, Revoked or Suspended: From reprimand and \$1,000 to \$5,000 fine, up to probation, suspension followed by probation, or denial or revocation.</u>	<u>Inactive, Revoked or Suspended: From reprimand and \$5,000 to \$10,000 fine, up to suspension followed by probation or denial or revocation.</u>	<u>Inactive, Revoked or Suspended: \$10,000 fine and denial or revocation.</u>
<u>(i) 489.533(1)(i), F.S., violating the applicable building codes or laws of the state, municipality or county.</u>	<u>From reprimand and \$500 to \$2,500 fine, up to probation, suspension followed by probation, or denial or revocation.</u>	<u>From reprimand and \$2,500 to \$5,000 fine, up to probation, suspension followed by probation, or denial or revocation.</u>	<u>From reprimand \$5,000 to \$10,000 fine, up to probation, suspension followed by probation, or denial or revocation.</u>
<u>(j) 489.533(1)(j), F.S., (455.227(1)(j), F.S.), assisting in unlicensed practice.</u>	<u>From reprimand and \$1,000 to \$5,000 fine, up to probation, suspension followed by probation, or denial or revocation.</u>	<u>From reprimand and \$5,000 to \$10,000 fine, up to probation, suspension followed by probation, or denial or revocation.</u>	<u>From \$10,000 fine and suspension followed by probation, up to denial or revocation.</u>
<u>(k) 489.533(1)(k), F.S., knowingly aiding unlicensed practice by combining or conspiring.</u>	<u>From reprimand and \$2,500 to \$5,000 fine and probation, up to probation, suspension followed by probation, or denial or revocation.</u>	<u>From reprimand and \$5,000 to \$10,000 fine and suspension followed by probation, or denial or revocation.</u>	<u>From reprimand and \$5,000 to \$10,000 fine, and denial or revocation.</u>
<u>(l) 489.533(1)(l), F.S., acting in a name not on the license or failure to properly qualify a firm.</u>	<u>From notice of noncompliance up to a citation.</u>	<u>From reprimand and \$1,000 to \$2,500 fine, up to probation, suspension followed by probation, or denial or revocation.</u>	<u>From reprimand and \$5,000 to \$10,000 fine, up to probation, suspension followed by probation, or denial or revocation.</u>
<u>(m) 489.533(1)(m), F.S., financial mismanagement or misconduct.</u>	<u>From reprimand and \$1,000 to \$3,000 fine, up to probation, suspension followed by probation, or denial or revocation.</u>	<u>From reprimand and \$3,000 to \$7,500 fine and probation, up to suspension followed by probation, or denial or revocation.</u>	<u>From reprimand and \$7,500 to \$10,000 fine and suspension followed by probation, or denial or revocation.</u>
<u>(n) 489.533(1)(n), F.S., discipline by municipality or county.</u>	<u>Penalty for violation most closely approximating act underlying local discipline.</u>	<u>Penalty for violation most closely approximating act underlying local discipline.</u>	<u>Penalty for violation most closely approximating act underlying local discipline.</u>
<u>(o) 489.533(1)(o), F.S., failing to materially comply with provision of this 489, Part II, or board rules.</u>	<u>From reprimand and \$500 to \$1,000 fine, up to probation, suspension, revocation or denial.</u>	<u>From reprimand and \$1,000 to \$2,500 fine and probation, up to suspension followed by probation, or revocation or denial.</u>	<u>From reprimand and \$2,500 to \$5,000 fine and suspension followed by probation, or revocation or denial.</u>

<u>(p) 489.533(1)(p), F.S., (455.227(1)(j), F.S.), abandoning a project.</u>	<u>From reprimand and \$1,000 to \$2,500 fine, up to probation, suspension followed by probation, or denial or revocation.</u>	<u>From reprimand and \$2,500 to \$5,000 fine and probation, up to suspension followed by probation, or denial or revocation.</u>	<u>From reprimand and \$5,000 to \$10,000 fine and suspension, up to revocation.</u>
<u>(q) 489.533(1)(q), F.S., failing to affix a registration or certification number as required by s. 489.521(7), F.S.</u>	<u>Citation.</u>	<u>Citation.</u>	<u>Citation.</u>
<u>(r) 489.533(1)(r), F.S., failure to obtain building permit or inspections.</u>	<u>From \$100 to \$2,500 fine, up to probation, suspension followed by probation, or denial or revocation.</u>	<u>From \$500 to \$5,000 fine, up to probation, suspension followed by probation, or denial or revocation.</u>	<u>From \$1,000 to \$5,000 fine, up to probation, suspension followed by probation, or denial or revocation.</u>
<u>(s) 489.533(1)(s), F.S., (455.227(1)(o), F.S.), practicing beyond the scope.</u>	<u>Geographical: Citation.</u>	<u>Geographical: From \$1,500 to \$2,500 fine, up to probation, suspension followed by probation, or denial or revocation.</u>	<u>Geographical: From \$2,500 to \$5,000 fine, suspension followed by probation up to revocation.</u>
	<u>Occupational: From \$1,000 to \$2,500 fine, up to suspension followed by probation, or denial or revocation.</u>	<u>Occupational: From \$2,500 to \$5,000 fine, up to suspension followed by probation, or denial or revocation.</u>	<u>Occupational: From \$5,000 to \$10,000 fine, up to suspension followed by probation or denial or revocation.</u>
<u>(t) 455.227(1)(a), F.S., making misleading, deceptive or fraudulent representations in or related to the practice.</u>	<u>From reprimand and \$1,000 to \$5,000 fine and or probation or suspension followed by probation.</u>	<u>From \$5,000 to \$10,000 fine and or suspension followed by probation or revocation.</u>	<u>Revocation and \$10,000 fine.</u>
<u>(u) 455.227(1)(b), F.S., intentionally violating a rule of the board or department.</u>	<u>From reprimand and \$1,000 to \$2,500 fine, up to probation, suspension, revocation or denial.</u>	<u>From reprimand and \$2,500 to \$5,000 fine and probation, up to suspension followed by probation, or revocation or denial.</u>	<u>From reprimand and \$5,000 to \$10,000 fine and suspension followed by probation, or revocation or denial.</u>
<u>(v) 455.227(1)(g), F.S., having been found liable in civil court for filing false report or complaint against another licensee.</u>	<u>From \$1,000 to \$3,000 fine, up to probation, suspension followed by probation, or denial or revocation.</u>	<u>From \$2,500 to \$5,000 fine and probation, up to suspension followed by probation, or denial or revocation.</u>	<u>From \$5,000 to \$10,000 fine and suspension followed by probation, up to denial or revocation.</u>
<u>(w) 455.227(1)(i), F.S., failing to report to the Department any person in violation of 455, 489, Part II, or the Board rules.</u>	<u>From \$500 fine, up to probation, suspension followed by probation, or denial or revocation.</u>	<u>From \$750 to \$1,500 fine, up to probation, suspension followed by probation, or denial or revocation.</u>	<u>From \$1,500 to \$2,500 fine, up to probation, suspension followed by probation, or denial or revocation.</u>
<u>(x) 455.227(1)(k), F.S., failure to perform any statutory or legal obligation.</u>	<u>From \$1,000 to \$2,500 fine, up to probation, suspension followed by probation, or denial or revocation.</u>	<u>From \$2,500 to \$5,000 fine, up to probation, suspension followed by probation, or denial or revocation.</u>	<u>From \$5,000 to \$10,000 fine, up to probation, suspension followed by probation, or denial or revocation.</u>

<u>(y) 455.227(1)(m), F.S., making deceptive, untrue or fraudulent representations or employing a trick or scheme in practice of the profession.</u>	<u>From reprimand and \$500 to \$2,500 fine, up to probation or suspension followed by probation.</u>	<u>From \$2,500 to \$5,000 fine and probation, or suspension followed by probation, or denial or revocation.</u>	<u>From \$5,000 to \$10,000 fine and revocation.</u>
<u>(z) 455.227(1)(n), F.S., exercising influence on patient or client for gain of licensee or third party.</u>	<u>From reprimand and \$500 to \$2,500 fine, up to probation or suspension followed by probation.</u>	<u>From \$2,500 to \$5,000 fine and probation, or suspension followed by probation, or denial or revocation.</u>	<u>From \$5,000 to \$10,000 fine and revocation.</u>
<u>(aa) 455.227(1)(p), F.S., improper delegation of professional responsibilities.</u>	<u>From \$250 to \$1,000 fine, up to probation or suspension followed by probation, or denial or revocation.</u>	<u>From \$1,000 to \$2,500 fine, up to probation or suspension followed by probation, or denial or revocation.</u>	<u>From \$2,500 to \$5,000 fine, up to probation or suspension followed by probation, or denial or revocation.</u>
<u>(bb) 455.227(1)(q), F.S., violation of 455, 489 Part II, Board rules, Final Order or subpoena.</u>	<u>From \$1,000 to \$5,000 fine and suspension until compliance, up to revocation.</u>	<u>From \$5,000 to \$10,000 fine and suspension until compliance, up to revocation.</u>	<u>\$10,000 fine and revocation.</u>
<u>(cc) 455.227(1)(r), F.S., improperly interfering with an investigation or inspection authorized by statute, or with any disciplinary proceeding.</u>	<u>From \$1,000 to \$5,000 fine, up to probation, suspension followed by probation, or denial or revocation.</u>	<u>From \$5,000 to \$10,000 fine and probation, suspension followed by probation, or denial or revocation.</u>	<u>\$10,000 fine and suspension, up to denial or revocation.</u>

~~(4)~~(24) The absence of a guideline penalty from this rule for a violation of Chapter 489, Part II, F.S., or the rules promulgated thereto, shall be construed as an oversight and not as an indication that no penalty is to be assessed. Where no penalty is specified, the guideline penalty for the violation most closely approximating the offense shall apply.

Specific Authority 455.2273, 489.507(3) FS. Law Implemented 455.2273 FS. History—New 12-10-86, Amended 2-26-89, Formerly 21GG-10.002, Amended 12-24-97, 2-18-99, 10-4-99, 2-12-04,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Electrical Contractors’ Licensing Board

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Electrical Contractors’ Licensing Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 27, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 19, 2005

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Accountancy

RULE NO.:
61H1-33.006

RULE TITLE:
Inactive or Delinquent Florida Certified Public Accountants Who Desire to Become Active Licensees

PURPOSE AND EFFECT: The Board proposes the rule amendment to add the language regarding a delinquent license.
SUMMARY: The rule amendment provides instructions on how to reactivate a delinquent license.

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

Any person who wishes to provide information regarding the statement of estimated 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: 473.304, 473.311, 473.312, 473.313 FS.

LAW IMPLEMENTED: 473.311, 473.312, 473.313, 473.323(1)(h) 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: John Johnson, Division Director, Board of Accountancy/MQA, 240 N. W. 76th Dr., Suite A, Gainesville, Florida 32607

THE FULL TEXT OF THE PROPOSED RULE IS:

61H1-33.006 Inactive or Delinquent Florida Certified Public Accountants Who Desire to Become Active Licensees.

(1) Each certified public accountant who has requested ~~or reverted to~~ inactive status or became delinquent as distinguished from a certified public accountant whose certificate or license has been suspended who desires to become an active licensee, i.e., engage or reengage in the practice of public accounting in Florida, shall apply for such reactivation on forms prescribed by the Board and submitted to the Department.

(2) Each such application shall demonstrate successful completion of the required number of continuing professional education hours. Inactive or delinquent licensees must satisfy the requirements of their last reestablishment period, plus successful completion of at least 32 hours total, of which at least 8 hours must be in accounting and auditing subjects for each year or portion thereof the license was inactive and/or delinquent prior to July 1, 1989 and 40 hours total, of which at least 10 hours must be in accounting and auditing subjects for each year or portion thereof license was inactive after June 30, 1989. No more than 25% of the total required hours may be in behavioral subjects, as defined in paragraph 61H1-33.003(3)(c), F.A.C., if taken subsequent to July 1, 1985. The necessary hours must have been completed in the twenty-four months immediately preceding the date of application for reactivation. This twenty-four month requirement will be waived where the licensee can document completion of the CPE requirements in all biennia in the same manner as if the licensee had remained active.

(3) through (4) No change.

Specific Authority 473.304, 473.311, 473.312, 473.313 FS. Law Implemented 473.311, 473.312, 473.313, 473.323(1)(h) FS. History–New 12-4-79, Amended 2-3-81, 11-6-83, 3-29-84, 8-20-85, Formerly 21A-33.06, Amended 4-8-86, 12-28-89, 10-16-90, Formerly 21A-33.006, Amended 12-14-93, 5-26-96,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Accountancy

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Accountancy

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 27, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 10, 2006

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Accountancy

RULE NO.: 61H1-38.004 RULE TITLE: Eligibility Criteria

PURPOSE AND EFFECT: The Board proposes the rule amendment to change the month that the application for participation in the Minority Assistance Program is due.

SUMMARY: The application will be due on June 1 instead of May 1.

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

Any person who wishes to provide information regarding the statement of estimated 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: 473.304(1), 473.3065(3) FS.

LAW IMPLEMENTED: 473.3065 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: John Johnson, Division Director, Board of Accountancy/MQA, 240 N.W. 76th Dr., Suite A, Gainesville, Florida 32607

THE FULL TEXT OF THE PROPOSED RULE IS:

61H1-38.004 Eligibility Criteria.

A student who meets the foregoing general criteria shall be eligible to be chosen to receive a scholarship so long as the following criteria are met:

(1) through (5) No change.

(6) All applications must be postmarked by ~~June~~ May 1 of the year to which the scholarship will apply.

Specific Authority 473.304(1), 473.3065(3) FS. Law Implemented 473.3065 FS. History–New 9-22-99, Amended_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Accountancy

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Accountancy

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 27, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 10, 2006

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.: 64B3-5.0011 RULE TITLE: Definitions

PURPOSE AND EFFECT: The Board proposes the new rule for defining licensure qualification terms.

SUMMARY: The proposed rule will define licensure terminology used in licensing qualification rules for clinical lab personnel.

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

Any person who wishes to provide information regarding the statement of estimated 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: 483.805 FS., 483.823 FS.

LAW IMPLEMENTED: 483.823 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 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 FULL TEXT OF THE PROPOSED RULE IS:

64B3-5.0011 Definitions.

(1) “AAB” means The American Association of Bioanalysis.

(2) “ABB” means The American Board of Bioanalysts.

(3) “ABHES” means The Accrediting Bureau of Health Education Schools.

(4) “Academic Science” means college level courses in the areas of chemistry, biology, physics, physiology, anatomy, microbiology, immunology, medical sciences, genetics, and molecular biology, pursuant to subsection 64B3-2.003(6), F.A.C.

(5) “AMT” means American Medical Technologists.

(6) “ASCP” means The American Society for Clinical Pathology.

(7) “Bachelor’s Degree” means a four year baccalaureate degree from a regionally accredited college or university.

(8) “Bachelor’s Degree in Medical Technology” means a four year baccalaureate degree earned at an accredited program, pursuant to subsection 64B3-2.003(9), F.A.C.

(9) “CAAHEP” means The Council on Accreditation of Allied Health Education Programs.

(10) “CAHEA” means The Committee on Allied Health Education and Accreditation.

(11) “Medical Technology Training Program” means an ABHES, CAAHEP, CAHEA, NAACLS military or board approved training program for clinical laboratory scientists (CLS) or medical technologists (MT), pursuant to subsections 64B3-2.003(9), and (16), F.A.C.

(12) “NAACLS” means The National Accrediting Agency for Clinical Laboratory Science.

(13) “NCA” means The National Credentialing Agency.

(14) “QIHC” means Qualification in Immunohistochemistry.

(15) “Semester Hour” means one hour of credit in an accredited college or university, pursuant to subsection 64B3-2.003(1), F.A.C., or foreign education equated, pursuant to subsection 64B3-6.002(6), F.A.C.

Specific Authority 483.805, 483.823 FS. Law Implemented 483.823 FS. History—New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Clinical Laboratory Personnel

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Clinical Laboratory Personnel

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 26, 2006

DATE NOTICED OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 6, 2006

DEPARTMENT OF HEALTH

Board of Clinical Laboratory Personnel

RULE NO.: RULE TITLE:

64B3-5.002 Supervisor

PURPOSE AND EFFECT: The Board proposes amendments for the academic qualifications of clinical laboratory personnel supervisors.

SUMMARY: The proposed rule amendments will clarify licensure requirements for clinical laboratory supervisors.

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

Any person who wishes to provide information regarding the statement of estimated 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: 483.805(4), 483.823 FS.

LAW IMPLEMENTED: 381.0034, 483.800, 483.809, 483.815, 483.823 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 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 FULL TEXT OF THE PROPOSED RULE IS:

(Substantial rewording of Rule 64B3-5.002 follows. See Florida Administrative Code for present text.)

64B3-5.002 Supervisor.

Qualifications and Responsibilities.

(1) Qualification. Degrees or semester hours of academic credit required in this section shall be obtained at a regionally accredited college or university or by foreign education equated pursuant to subsection 64B3-6.002(6), F.A.C. In order to be licensed as a supervisor, an applicant shall be licensed or meet the requirements for licensure as a technologist, and complete a Board approved examination or complete 25 hours

~~of Board approved continuing education in the area of administration and supervision, which includes examination(s) accumulated over no longer than five years prior to application for licensure, shall have one hour of Board approved HIV/AIDS continuing education, a Board approved 2-hour course relating to the prevention of medical errors, which shall include root-cause analysis, error reduction and prevention, and patient safety, and one of the following:~~

<u>Specialty</u>	<u>Option</u>	<u>Education</u>	<u>Training/Experience</u>	<u>Examination</u>
(a) <u>Microbiology, Serology/Immunology, Clinical Chemistry, Hematology, Immunohematology, Blood Banking (Donor Processing), and Cytogenetics</u>	1	<u>Doctoral Degree in Clinical Laboratory, Chemical or Biological Science</u>	<u>One year of pertinent clinical laboratory experience in the category in which licensure is sought, and 25 hours of Board-approved continuing education in supervision and administration</u>	
	2	<u>Doctoral Degree in Clinical Laboratory, Chemical or Biological Science</u>	<u>One year of pertinent clinical laboratory experience in the category in which licensure is sought</u>	<u>DLM(ASCP) or CL Sup (NCA) for all categories, SC(ASCP) for clinical chemistry, SH(ASCP) for hematology and SBB(ASCP) for blood banking and immunohematology</u>
	3	<u>Masters Degree in Clinical Laboratory, Chemical, or Biological Science</u>	<u>Three years of pertinent clinical laboratory experience, with at least one year experience in the category in which licensure is sought, and 25 hours of Board-approved continuing education in supervision and administration</u>	

	4	<u>Masters Degree in Clinical Laboratory, Chemical or Biological Science</u>	<u>Three years of pertinent clinical laboratory experience, with at least one year experience in the category in which licensure is sought</u>	<u>DLM(ASCP) or CLSup(NCA) for all categories, SC(ASCP) for clinical chemistry, SH(ASCP) for hematology and SBB(ASCP) for blood banking and immunohematology</u>
	5	<u>Bachelors Degree with 24 semester hours of academic science including 8 semester hours of biological sciences and 8 semester hours of chemical sciences</u>	<u>Five years of pertinent clinical laboratory experience, with at least two years experience at the Technologist level, and at least one year experience in the category in which licensure is sought, and 25 hours of Board-approved continuing education in supervision and administration</u>	
	6	<u>Bachelors Degree with 24 semester hours of academic science including 8 semester hours of biological sciences and 8 semester hours of chemical sciences</u>	<u>Five years of pertinent clinical laboratory experience, with at least two years experience at the Technologist level, and at least one year experience in the category in which licensure is sought</u>	<u>DLM(ASCP) or CLSup(NCA) for all categories, SC(ASCP) for clinical chemistry, SH(ASCP) for hematology and SBB(ASCP) for blood banking and immunohematology</u>
(b) Cytology	1	<u>Doctoral Degree in Clinical Laboratory Science in Cytology</u>	<u>One year of pertinent clinical laboratory experience and 25 hours of Board-approved continuing education in supervision and administration</u>	
		<u>Doctoral Degree in Clinical Laboratory Science in Cytology</u>	<u>One year of pertinent clinical laboratory experience</u>	<u>SCT(ASCP)</u>
	2	<u>Masters Degree in Clinical Laboratory Science in Cytology</u>	<u>Three years of pertinent clinical laboratory experience and 25 hours of Board-approved continuing education in supervision and administration</u>	

		<u>Masters Degree in Clinical Laboratory Science in Cytology</u>	<u>Three years of pertinent clinical laboratory experience</u>	<u>SCT(ASCP)</u>
	<u>3</u>	<u>Bachelors Degree with 16 semester hours of academic science</u>	<u>Five years of pertinent clinical laboratory experience in cytology and 25 hours of Board-approved continuing education in supervision and administration</u>	
		<u>Bachelors Degree with 16 semester hours of academic science</u>	<u>Five years of pertinent clinical laboratory experience in cytology</u>	<u>SCT(ASCP)</u>
	<u>4</u>	<u>Associate Degree</u>	<u>Ten years of pertinent clinical laboratory experience in cytology within the previous 15 years</u>	<u>ASCP certification prior to 1985</u>
<u>(c) Histology</u>	<u>1</u>		<u>Five years of pertinent clinical laboratory experience in histology and 25 hours of Board-approved continuing education in supervision and administration within the previous 5 years</u>	
	<u>2</u>		<u>Five years of pertinent clinical laboratory experience post-certification and 48 hours of Board approved continuing education in supervision and administration within the previous five years</u>	
	<u>3</u>		<u>Five years of pertinent clinical laboratory experience, and 48 hours of Board-approved continuing education in supervision and administration within the previous 5 years</u>	

<u>(d) Andrology, Embryology</u>	1	<u>Bachelors Degree with 24 semester hours of academic science including 8 semester hours of biological sciences and 8 semester hours of chemical sciences</u>	<u>Five years of pertinent clinical laboratory experience, with at least two years experience at the Technologist level, 25 hours of Board-approved continuing education in supervision and administration</u>	
	2	<u>Bachelors Degree with 24 semester hours of academic science including 8 semester hours of biological sciences and 8 semester hours of chemical sciences</u>	<u>Five years of pertinent clinical laboratory experience, with at least two years experience at the Technologist level</u>	<u>TS(ABB)</u>
<u>(e) Histocompatibility</u>	1			<u>CHS(ABHI)</u>
	2	<u>Doctoral Degree in Clinical Laboratory Chemical or Biological Science</u>	<u>One year of pertinent clinical laboratory experience, and 25 hours of Board-approved continuing education in supervision and administration</u>	
	3	<u>Doctoral Degree in Clinical Laboratory Chemical or Biological Science</u>	<u>One year of pertinent clinical laboratory experience</u>	<u>CHS(ABHI)</u>
	4	<u>Masters Degree in Clinical Laboratory, Chemical, or Biological Science</u>	<u>Three years of pertinent clinical laboratory experience, and 25 hours of Board-approved continuing education in supervision and administration</u>	
	5	<u>Masters Degree in Clinical Laboratory, Chemical, or Biological Science</u>	<u>Three years of pertinent clinical laboratory experience</u>	<u>CHS(ABHI)</u>

	6	<u>Bachelor's Degree in Clinical Laboratory, Chemical, or Biological Science</u>	<u>Five years of pertinent clinical laboratory experience and 25 hours of Board-approved continuing education in supervision and administration</u>	
	7	<u>Bachelor's Degree in Clinical Laboratory, Chemical, or Biological Science</u>	<u>Five years of pertinent clinical laboratory experience</u>	<u>CHS(ABHI)</u>
(f) <u>Molecular Pathology</u>	1	<u>Doctoral Degree in Clinical Laboratory, Chemical, or Biological Science</u>	<u>One year of pertinent clinical laboratory experience in the category in which licensure is sought, and 25 hours of Board-approved continuing education in supervision and administration</u>	<u>The Molecular Diagnostics examination given by ABB</u>
	2	<u>Masters Degree in Clinical Laboratory, Chemical, or Biological Science</u>	<u>Three years of pertinent clinical laboratory experience and 25 hours of Board-approved continuing education in supervision and administration</u>	<u>The Molecular Diagnostics examination given by ABB</u>
	3	<u>Bachelors Degree with 16 semester hours of academic science</u>	<u>Five years of pertinent clinical laboratory experience, with at least two years experience at the Technologist level and 25 hours of Board-approved continuing education in supervision and administration</u>	<u>The Molecular Diagnostics examination given by ABB</u>

(a) ~~An earned doctoral degree in medical technology or clinical laboratory science, one of the licensure categories, or one of the chemical or biological sciences, and one year of pertinent clinical laboratory experience in the categories for which licensure is sought.~~

(b) ~~A masters degree in medical technology or clinical laboratory science, one of the licensure categories, or one of the chemical or biological sciences, and three years of pertinent clinical laboratory experience in the categories for which licensure is sought.~~

(c) ~~A baccalaureate degree, with eight semester hours each of academic biological and chemical science included in a total of 24 semester hours of academic science and/or medical laboratory technology, and five years of pertinent clinical~~

~~laboratory experience in the categories for which licensure is sought, two years of which must be at the technologist level, including a minimum of one year in each category.~~

~~(d) For the category of blood gas analysis only, an associate degree in cardiopulmonary function technology or respiratory care, five years of pertinent clinical laboratory experience and be licensed or meet the requirements for licensure as a technologist in the category of Blood Gases, or as a respiratory care practitioner certified in critical care services or a respiratory therapist pursuant to Chapter 468, Part V, F.S.~~

~~(e) For the category of Cytology only, a baccalaureate degree which shall include 16 semester hours of academic science, have completed an accredited or Board approved training program in cytology, be licensed or qualified as a~~

clinical laboratory technologist and have five years of pertinent clinical laboratory experience in cytology. If ASCP (American Society of Clinical Pathologists) certified prior to 1985, have an associate degree or equivalent, national certification by the American Society of Clinical Pathologists, and 10 years of pertinent clinical laboratory experience within the past 15 years.

(f) In the category of histology, one of the following:

1. Board certification gained by examination in histology through the Board of Registry of the American Society of Clinical Pathologists (ASCP) at the Histotechnologist (HTL) level and five years of pertinent experience.

2. Board certification gained by examination in histology through the Board of Registry of the ASCP at the Histotechnician (HT) level, five years of pertinent clinical laboratory experience post certification, and an additional 23 hours continuing education in administration and supervision within five years prior to application for licensure.

3. Florida licensure or meeting the requirements for licensure as a histology technologist, five years of pertinent clinical laboratory experience, and an additional 23 hours continuing education in administration and supervision within five years prior to application for licensure.

(g) In the category of andrology or embryology, applicants who are currently working in either of these fields and meeting all other requirements shall not be required to have a previous license as a technologist as long as they are licensed by the end of January 2006.

(h) In the category of molecular pathology, have a minimum of a baccalaureate degree, with eight semester hours each of academic biological and chemical science included in a total of 24 semester hours of academic science and/or medical laboratory technology, and five years of pertinent clinical laboratory experience in molecular pathology.

(2) In lieu of one year of experience required by paragraphs 64B3-5.002(1)(b), (e), and (h), F.A.C., an applicant may use Board certification obtained by examination in one or more of the laboratory specialties through the Board of Registry of the ASCP, National Credentialing Agency of Laboratory Personnel, National Registry of Clinical Chemistry, American Academy of Microbiology, American Medical Technologists, American Board of Bioanalysis ~~Bioanalysts~~, American Association of Bioanalysts, American Board of Bioanalysts, American Board of Clinical Chemistry, American Board of Medical Microbiology, American Board of Medical Genetics, American Board of Medical Laboratory Immunology, or American Board of Histocompatibility and Immunogenetics. This certification shall not substitute for the one year of pertinent clinical laboratory experience in an individual category for which licensure is sought.

(3) Adding Categories to an Active Supervisor's License. Licensed supervisors may add a category or categories by passing a technologist level examination and by providing proof of one year's experience for each category to be added.

(4) The Board approved Supervision and Administration examinations, used in lieu of the required 25 hours of supervision and administration continuing education ~~required~~ in subsection (1) are: (a) the ~~The~~ Diplomate in Laboratory Management examination on general supervision administered by the American Society for Clinical Pathology (ASCP); or the Clinical Laboratory Supervisor examination administered by the National Credentialing Agency for Laboratory Personnel (NCA) for all specialty areas. (b) the ~~The~~ Specialist in Blood Banking examination administered by ASCP for the specialties of Blood Banking and Immunohematology. (c) the ~~The~~ Specialist in Cytotechnology examination administered by ASCP for the specialty of licensure by endorsement as a supervisor in Cytology. (d) the ~~The~~ Specialist in Chemistry examination administered by ASCP for the specialty of licensure by endorsement for supervisors in Clinical Chemistry. (e) the ~~The~~ Specialist in Hematology examination administered by ASCP for the specialty of licensure by endorsement for supervisors in Hematology. (f) the Certified Histocompatibility examination (CHS) administered by the American Board of Histocompatibility and Immunogenetics (ABHI), and The Clinical Laboratory Supervisor administered by the National Credentialing Agency for Laboratory Personnel (NCA). (g) the Specialist in Andrology/Embryology Examination administered by the American Board of Bioanalysis. The Certified Histocompatibility Specialist Examination (CHS) administered by the American Board of Histocompatibility and Immunogenetics (ABHI).

Specific Authority 483.805(4), 483.823 FS. Law Implemented 381.0034, 483.800, 483.809, 483.815, 483.823 FS. History—New 12-6-94, Amended 7-12-95, 12-4-95, Formerly 590-5.002, Amended 5-26-98, 1-11-99, 6-10-99, 3-11-01, 9-19-01, 5-23-02, 10-14-02, 9-16-03, 4-20-04, 2-23-06, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Clinical Laboratory Personnel

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Clinical Laboratory Personnel

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 26, 2006

DATE NOTICED OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 6, 2006

DEPARTMENT OF HEALTH

Board of Clinical Laboratory Personnel

RULE NO.: RULE TITLE:

64B3-5.003 Technologist

PURPOSE AND EFFECT: The Board proposes amendments for the academic qualifications of clinical laboratory personnel technologists.

SUMMARY: The proposed rule amendments will clarify licensure requirements for clinical lab technologists.

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

Any person who wishes to provide information regarding the statement of estimated 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: 483.805(4), 483.811(2), 483.823 FS.

LAW IMPLEMENTED: 381.0034, 483.800, 483.809, 483.811(2), 483.815, 483.823 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 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 FULL TEXT OF THE PROPOSED RULE IS:

(Substantial rewording of Rule 64B3-5.003 follows. See Florida Administrative Code for present text.)

64B3-5.003 Technologist.

(1) Technologist Qualifications. Degrees or semester hours of academic credit required in this section shall be obtained at a regionally accredited college or university or, if foreign education, equated pursuant to subsection 64B3-6.002(6), F.A.C. ~~All associate degrees used to qualify shall have, at a minimum, at least 60 semester hours that include 24 semester hours of science courses that include (i) six semester hours of chemistry; (ii) six semester hours of biology; and (iii) twelve semester hours of chemistry, biology, or medical laboratory technology in any combination. Applicants for technologist licensure in the categories of microbiology, serology/immunology, chemistry, hematology, immunohematology, radioassay, histocompatibility, blood banking and blood gas analysis, cytology, cytogenetics, histology, molecular pathology, andrology and embryology shall have one hour of Board approved HIV/AIDS continuing education, a Board approved 2-hour course relating to the prevention of medical errors, which shall include root-cause analysis, error reduction and prevention, and patient safety, and at a minimum have one of the following:~~

(a) A baccalaureate degree in clinical laboratory, chemical or biological science, or medical technology and have successfully completed a technologist level, accredited medical technology program which may be part of the degree.

~~(b) A baccalaureate degree in clinical laboratory, chemical or biological science, or medical technology and have successfully completed a Board approved training program at the technologist level.~~

~~(c) A baccalaureate degree in clinical laboratory, chemical or biological science, or medical technology and three years of pertinent clinical laboratory experience of which one year shall be in the category for which licensure is sought.~~

~~(d) A baccalaureate degree in a chemical or biological science, Florida licensure as a technician, and proof of completion of an accredited and/or Board approved clinical laboratory training program at the technician level.~~

~~(e) Ninety (90) semester hours of academic credit and have successfully completed an accredited medical technology program at the technologist level.~~

~~(f) An associate degree, and have successfully completed a technician level, accredited medical laboratory technology program which may be part of the degree.~~

~~(g) An associate degree, and have successfully completed a military clinical laboratory training program of at least 1500 clock hours.~~

~~(h) An associate degree and have five years of pertinent clinical laboratory experience with one year of experience in each category for which licensure is sought.~~

~~(i) If applying for the category of radioassay, an associate degree and have successfully completed a nuclear medicine program which may be part of the degree.~~

~~(j) If applying for the category of blood gas analysis, an associate degree and have successfully completed a cardiopulmonary function or a cardiovascular technologist program which may be part of the degree.~~

~~(k) If applying for the category of blood banking, must qualify under paragraph (a), (b) or (e) above.~~

~~(l) Qualifications for Cytology Technologist. For the specialty of cytology, applicants for technologist shall be nationally certified in cytology by the American Society for Clinical Pathology.~~

~~(m) Qualifications for Histology Technologist. For the category of histology, applicants for technologist licensure shall have a high school diploma or its equivalent and one of the following:~~

~~1. Board certification gained by examination in histology through the Board of Registry of the American Society for Clinical Pathology (ASCP) at the Histotechnologist (HTL) level.~~

~~2. Board certification gained by examination in histology through the Board of Registry of the ASCP at the Histotechnician (HT) level, 48 contact hours of continuing education in immunohistochemistry/advanced histologic techniques and five years of pertinent clinical laboratory experience.~~

3. Graduation from a NAACLS approved associate degree histotechnology program and Board certification gained by examination in histology through the Board of Registry of the ASCP at the Histotechnician (HT) level.

4. Board certification gained by examination in histology through the Board of Registry of the ASCP at the Histotechnician (HT) level and Qualification in Immunohistochemistry (QIHC).

5. Florida licensure as a histology technician, 48 contact hours of continuing education in immunohistochemistry/advanced histologic techniques and five years of pertinent clinical laboratory experience.

(n) ~~Qualifications for Cytogenetics Technologists. In the category of cytogenetics, applicants for technologist licensure shall have a minimum of a baccalaureate degree in clinical laboratory, chemical or biological science, successfully passed the Cytogenetics examination given by the National Credentialing Agency for Laboratory Personnel (NCA) and have one of the following:~~

1. ~~Successfully completed a technologist level, accredited or Board approved program in cytogenetics.~~

2. ~~One year of pertinent clinical laboratory experience in cytogenetics.~~

(o) ~~Qualifications for Blood Banking Technologists. In the category of blood banking, applicants for technologist licensure shall have a minimum of a baccalaureate degree in a clinical laboratory, chemical or biological science, certification by the ASCP Board of Registry in blood banking and have one of the following:~~

1. ~~Documentation of graduation from a Board approved program in immunohematology/blood banking.~~

2. ~~Documentation of graduation from an accredited Specialist in Blood Banking Program.~~

(p) ~~Qualifications for Molecular Pathology Technologist. For the specialty of molecular pathology, applicants for technologist licensure shall have a minimum of a baccalaureate degree, which shall include 16 semester hours of academic science, successfully passed the molecular biology examination given by NCA or the ASCP molecular pathology examination.~~

(q) ~~Qualifications for Histocompatibility. Individuals working toward the eligibility requirement for application to take the Board approved certification exam in histocompatibility must be currently licensed as technologists or technicians in either serology/immunology or immunohematology. They must meet the requirements for eligibility to take the Board approved examinations in histocompatibility by receiving at least one year's notarized, documented relevant full time work experience in an American Board of Histocompatibility and Immunogenetics (ABHI) approved laboratory performing histocompatibility testing. They are eligible to apply for licensure in histocompatibility by endorsement.~~

(r) ~~Qualifications for Andrology or Embryology Technologist. For the specialties of andrology and embryology, applicants for technologist licensure shall have a minimum of an associate of arts degree, which shall include 24 hours of academic science and documentation of successful completion of one of the following:~~

1. ~~A technologist level accredited or board approved program in andrology or embryology.~~

2. ~~A baccalaureate degree and one year of pertinent clinical laboratory experience in the area of andrology or embryology.~~

3. ~~An associate of arts degree and three years of pertinent clinical laboratory experience in the area of andrology or embryology.~~

(2) All applicants for a Technologist license must satisfy the requirements for High Complexity Testing under CLIA Amendments, 42 CFR 493.1489. Approved examinations for licensure as a technologist:

(a) ~~An examination in one or more of the following specialties: microbiology, serology/immunology, clinical chemistry, hematology, immunohematology, blood banking/immunohematology, histology or molecular pathology prepared by the ASCP, the American Medical Technologists (AMT), the NCA, or the American Association of Bioanalysis (AAB); or~~

(b) ~~In the specialty of cytology, the Cytotechnologist Examination prepared by the Board of Registry of the ASCP; or~~

(c) ~~In the specialty of cytogenetics, the Clinical Laboratory Specialist in Cytogenetics Examination prepared by the NCA; or~~

(d) ~~In the specialty of histocompatibility, the Certification Examination for Histocompatibility Technologists, prepared by ABHI; or~~

(e) ~~In the specialty of radioassay, the Certification Examination in Radioassay, prepared by the Clinical Ligand Assay Society Certification Board; or~~

(f) ~~In the specialty of blood gas analysis, either the Cardiovascular Science Examination, prepared by Cardiovascular Credentialing International, or the Advanced Pulmonary Function Technologist Examination, prepared by the National Board of Respiratory Care; or~~

(g) ~~In the specialty of blood banking/immunohematology, the Technologist Certification Examination in Blood Banking, or the Specialist in Blood Banking Certification Examination, prepared by the Board of Registry of ASCP are also acceptable in addition to the options stated in paragraph (2)(a) above; or~~

(h) ~~In the specialty of andrology or embryology, the Examination in andrology or embryology prepared by AAB.~~

(3) In addition, at least one of the following requirements must be met for specific areas of licensure. In some cases there are multiple options for meeting the requirement.

<u>Specialty</u>	<u>Option</u>	<u>Education</u>	<u>Training/Experience</u>	<u>Examination</u>
(a) <u>Microbiology, Serology/Immunology, Clinical Chemistry, Hematology, Immunochemistry, and Molecular Pathology</u>	<u>1</u>	<u>Bachelor's degree in Clinical Laboratory, Chemical, or Biological Science</u>	<u>Clinical laboratory training program or 3 years experience (1 year in each specialty for which licensure is sought)</u>	<u>MT(ASCP), CLS(NCA), MT(AMT), MT(AAB), examinations, or specialist examinations in single disciplines for licensure in that specialty area</u>
	<u>2</u>	<u>90 semester hours college credit</u>	<u>Clinical laboratory training program</u>	<u>MT(ASCP), CLS(NCA), MT(AMT), MT(AAB) examinations, or specialist examinations in single disciplines for licensure in that specialty area</u>
	<u>3</u>	<u>Associate Degree in Clinical/Medical Laboratory Technology</u>		<u>MT(AAB) examinations, including specialist examinations, in single disciplines for licensure in that specialty area</u>
	<u>4</u>	<u>Associate Degree</u>	<u>Successfully completed a military clinical laboratory training program of at least 1500 clock hours</u>	<u>MT(AAB) examinations, including specialist examinations, in single disciplines for licensure in that specialty area</u>

	<u>5</u>	<u>Associate Degree</u>	<u>5 years of pertinent clinical laboratory experience with one year of experience in each category for which licensure is sought</u>	<u>MT(AAB) examinations, including specialist examinations, in single disciplines for licensure in that specialty area</u>
<u>(b) Blood Banking (Donor Processing)</u>	<u>1</u>	<u>Bachelor's Degree in Medical Technology</u>		<u>MT(ASCP), BB(ASCP), SBB(ASCP), CLS(NCA), MT(AAB), MT(AMT)</u>
	<u>2</u>	<u>Bachelor's Degree in Clinical Laboratory, Chemical, or Biological Science</u>	<u>Medical Technology Training program or board approve training program in Blood Banking</u>	<u>MT(ASCP), BB(ASCP), SBB(ASCP), CLS(NCA), MT(AAB), MT(AMT)</u>
	<u>3</u>	<u>Bachelor's Degree in Clinical Laboratory, Chemical, or Biological Science</u>	<u>Three years experience in medical technology, with a minimum of one year in the areas of Chemistry, Serology/Immunology, Hematology, and Immunoematology</u>	<u>MT(ASCP), BB(ASCP), SBB(ASCP), CLS(NCA), MT(AAB), MT(AMT)</u>
<u>(c) Cytology</u>	<u>1</u>			<u>CT(ASCP)</u>
<u>Specialty</u>	<u>Option</u>	<u>Education</u>	<u>Training/Experience</u>	<u>Examination</u>
<u>(d) Cytogenetics</u>	<u>1</u>	<u>Bachelor's Degree in Clinical Laboratory, Chemical, or Biological Science</u>	<u>Board approved training program in cytogenetics at the technologist level</u>	<u>CLS(NCA) Cytogenetics examination</u>
	<u>2</u>	<u>Bachelor's Degree in Clinical Laboratory, Chemical, or Biological Science</u>	<u>One year of pertinent clinical laboratory experience in cytogenetics</u>	<u>CLS(NCA) Cytogenetics examination</u>

<u>(e) Molecular Pathology</u>	<u>1</u>	<u>Bachelor's Degree with 16 semester hours of academic science</u>		<u>CLS(NCA) Molecular Pathology examination, MP(ASCP) or MT(AAB) Molecular Diagnostics examination</u>
<u>(f) Andrology</u>	<u>1</u>	<u>Bachelor's Degree with 24 semester hours of academic science</u>	<u>Board approved training program in andrology/embryology</u>	<u>MT(AAB) Andrology examination</u>
	<u>2</u>	<u>Bachelor's Degree with 24 semester hours of academic science</u>	<u>One year of pertinent clinical laboratory experience</u>	<u>MT(AAB) Andrology examination</u>
	<u>3</u>	<u>Associate Degree</u>	<u>Three years of pertinent clinical laboratory experience</u>	<u>MT(AAB) Andrology examination</u>
<u>(g) Embryology</u>	<u>1</u>	<u>Bachelor's Degree with 24 semester hours of academic science</u>	<u>Board approved training program in andrology/embryology</u>	<u>MT(AAB) Embryology examination</u>
	<u>2</u>	<u>Bachelor's Degree with 24 semester hours of academic science</u>	<u>One year of pertinent clinical laboratory experience</u>	<u>MT(AAB) Embryology examination</u>
	<u>3</u>	<u>Associate Degree</u>	<u>Three years of pertinent clinical laboratory experience</u>	<u>MT(AAB) Embryology examination</u>
<u>(h) Histology</u>	<u>1</u>			<u>HTL(ASCP), or HT(ASCP)QIHC</u>
	<u>2</u>	<u>Associate Degree</u>	<u>NAACLS-approved Histotechnology Program</u>	<u>HT(ASCP)</u>

3

Five years of pertinent experience and 48 contact hours of continuing education in immunohistochemistry/advanced histologic techniques HT(ASCP)

(i) Histocompatibility 1

CHT(ABHI)

Specific Authority 483.805(4), 483.811(2), 483.823 FS. Law Implemented 381.0034, 483.800, 483.809, 483.811(2), 483.815, 483.823 FS. History--New 12-6-94, Amended 7-12-95, 9-10-95, 12-4-95, Formerly 59O-5.003, Amended 5-26-98, 1-11-99, 7-5-01, 3-24-02, 10-29-02, 8-16-04, 5-15-05, 12-19-05,_____.

THE FULL TEXT OF THE PROPOSED RULE IS:

(Substantial rewording of Rule 64B3-5.004 follows. See Florida Administrative Code for present text.)

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Clinical Laboratory Personnel
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Clinical Laboratory Personnel
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 26, 2006
DATE NOTICED OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 6, 2006

64B3-5.004 Technician.

(1) General Qualifications. Degrees or semester hours of academic credit required in this section shall be obtained at a regionally accredited college or university, or by foreign education equated pursuant to subsection 64B3-6.002(6), F.A.C. In order to be licensed as a laboratory technician, which includes the categories of microbiology, serology/immunology, chemistry, hematology, immunohematology, histology, molecular pathology genetics, andrology and embryology, an applicant shall have one hour of Board approved HIV/AIDS continuing education, a Board approved 2-hour course relating to the prevention of medical errors, which shall include root-cause analysis, error reduction and prevention, and patient safety, ~~a minimum of a high school diploma or a high school equivalency diploma and one of the following:~~

DEPARTMENT OF HEALTH

Board of Clinical Laboratory Personnel

RULE NO.: 64B3-5.004
RULE TITLE: Technician

~~(a) Successfully completed a Board approved technician level clinical laboratory training program.~~

~~(b) Successfully completed an accredited program for medical laboratory technology at the technician level.~~

~~(c) Successfully completed a military clinical laboratory personnel training program which shall consist of 1500 clock hours of study within 12 calendar months.~~

~~(d) Five (5) years of pertinent general clinical laboratory experience accrued within 10 years immediately preceding application for licensure. If an applicant has an associate degree, four (4) years of pertinent general clinical laboratory experience is required. If the applicant has a baccalaureate degree, three (3) years of pertinent general clinical laboratory experience is required.~~

PURPOSE AND EFFECT: The Board proposes amendments for the academic qualifications of clinical laboratory personnel technicians.

~~(e) An earned baccalaureate degree in medical technology which includes didactic and practical instruction in the areas of microbiology, serology/immunology, chemistry, hematology and immunohematology.~~

SUMMARY: The proposed rule amendments will clarify licensure requirements for clinical lab technicians.

~~(f) Qualifications for Histology Technician. For the category of histology, applicants for technician licensure shall have certification by the American Society for Clinical Pathology (ASCP) at the histotechnician (HT) level.~~

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

Any person who wishes to provide information regarding the statement of estimated 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: 483.805(4), 483.811(2), 483.823 FS.

LAW IMPLEMENTED: 381.0034, 483.800, 483.809, 483.811(2), 483.815, 483.823 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 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

(g) ~~Qualifications for Molecular Pathology Technician. To be licensed as a molecular pathologist technician, an applicant shall have a minimum of a high school diploma or high school equivalent, and be licensed as a clinical laboratory technologist or technician in any specialty area.~~

(h) ~~Qualifications for Andrology or Embryology Technician. For the category of andrology or embryology, applicants for technician licensure shall have documentation of successful completion of one of the following:~~

- ~~1. A technician level accredited or board accredited program in andrology or embryology.~~
- ~~2. A board approved technician level clinical laboratory training program.~~
- ~~3. A military clinical laboratory personnel training program, which shall consist of 1500 clock hours of study within 12 calendar months.~~
- ~~4. A baccalaureate degree and six months of pertinent clinical laboratory experience in andrology or embryology.~~

5. Five years of pertinent clinical laboratory experience in andrology or embryology.

(2) All applicants for a Technician license must satisfy the requirements for Moderate Complexity Testing under CLIA Amendments, 42 CFR 493.1423. Technicians performing high complexity testing as defined in 42 CFR 493.5 and 493.17, and who have been licensed after September 1, 1997, shall meet the minimum educational and training qualifications provided in 42 CFR 493.1489 (March 1999), incorporated herein by reference, including a minimum of an associate degree in laboratory science, medical laboratory technology, or equivalent education and training.

(3) In addition, at least one of the following requirements must be met for specific areas of licensure. In some cases there are multiple options for meeting the requirement.

<u>Specialty</u>	<u>Option</u>	<u>Education</u>	<u>Training/Experience</u>	<u>Examination</u>
<u>(a) Microbiology, Serology/Immunology, Clinical Chemistry, Hematology, and Immunohematology</u>	<u>1</u>		<u>Approved clinical/medical laboratory training program</u>	<u>MLT(ASCP), CLT(NCA), MLT(AMT), MLT(AAB)</u>
	<u>2</u>		<u>Five years of pertinent clinical laboratory experience within the 10 years preceding application for licensure</u>	<u>MLT(ASCP), CLT(NCA), MLT(AMT), MLT(AAB)</u>
	<u>3</u>	<u>Associate Degree</u>	<u>Four years of pertinent clinical laboratory experience within the 10 years preceding application for licensure</u>	<u>MLT(ASCP), CLT(NCA), MLT(AMT), MLT(AAB)</u>
	<u>4</u>	<u>Bachelor's Degree</u>	<u>Three years of pertinent clinical laboratory experience within the 10 years preceding application for licensure</u>	<u>MLT(ASCP), CLT(NCA), MLT(AMT), MLT(AAB)</u>
<u>(b) Histology</u>	<u>1</u>			<u>HT(ASCP)</u>
<u>(c) Andrology/ Embryology</u>	<u>1</u>		<u>Approved clinical/medical laboratory training program</u>	<u>MLT(AAB)</u>
	<u>2</u>		<u>Five years of pertinent clinical laboratory experience</u>	<u>MLT(AAB)</u>
	<u>3</u>	<u>Bachelor's Degree</u>	<u>Six months of pertinent clinical laboratory experience</u>	<u>MLT(AAB)</u>

(d) Molecular Pathology

1

High school diploma or
high school equivalent

Licensed clinical laboratory
technologist or technician in any
specialty area

Specific Authority 483.805(4), 483.811(2), 483.823 FS. Law Implemented 381.0034, 483.800, 483.809, 483.811(2), 483.815, 483.823 FS. History—New 12-6-94, Amended 7-12-95, 12-4-95, Formerly 59O-5.004, Amended 5-26-98, 1-11-99, 8-31-99, 9-27-00, 12-26-00, 4-29-02, 10-29-02, 2-11-03, 4-20-04,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Clinical Laboratory Personnel

NAME OF SUPERVISOR OR PERSON WHO APPROVED
THE PROPOSED RULE: Board of Clinical Laboratory
Personnel

DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: January 26, 2006

DATE NOTICED OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: January 6, 2006

DEPARTMENT OF HEALTH

Board of Clinical Laboratory Personnel

RULE NO.: 64B3-9.004
RULE TITLE: Active Status Renewal Licensure
Fee

PURPOSE AND EFFECT: The Board’s proposed amendment will lower active status license renewal fees for clinical laboratory personnel supervisors, technologists, and technicians.

SUMMARY: Active status license renewal fees for clinical laboratory personnel supervisors, technologists, and technicians are being lowered.

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

Any person who wishes to provide information regarding the statement of estimated 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: 456.025(4), 456.036, 483.807(1) FS.

LAW IMPLEMENTED: 456.025(4), 456.036, 483.807 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 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 FULL TEXT OF THE PROPOSED RULE IS:

64B3-9.004 Active Status Renewal Licensure Fee.

- (1) Director – \$150.
- (2) Supervisor – ~~\$130~~ **\$143**.
- (3) Technologist – ~~\$110~~ **\$124**.
- (4) Technician – ~~\$75~~ **\$82**.
- (5) No change.
- (6) No change.

Specific Authority 456.025(4), 456.036, 483.807(1) FS. Law Implemented 456.025(4), 456.036, 483.807 FS. History—New 12-7-93, Formerly 61F3-9.004, Amended 12-26-94, Formerly 59O-9.004, Amended 5-26-98, 3-9-00, 5-16-02,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Clinical Laboratory Personnel

NAME OF SUPERVISOR OR PERSON WHO APPROVED
THE PROPOSED RULE: Board of Clinical Laboratory
Personnel

DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: January 27, 2006

DATE NOTICED OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: March 3, 2006

DEPARTMENT OF HEALTH

Board of Massage Therapy

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

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

SUMMARY: The rule addresses course requirements as it relates to the Continuing Education Programs.

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

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

SPECIFIC AUTHORITY: 456.013(8), (9), 456.025(7), 456.036, 480.035(7), 480.04115 FS.

LAW IMPLEMENTED: 456.013(8), (9), 456.025(7), 456.036, 480.0415 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: Pamela E. King, Executive Director, Board of Massage Therapy, 4052 Bald Cypress Way, Bin C06, Tallahassee, Florida 32399

THE FULL TEXT OF THE PROPOSED RULE IS:

64B7-28.010 Requirements for Board Approval of Continuing Education Programs.

(1) through (8) No change.

(9) The following courses, that meet the criteria for approval under this section, are approved by the Board:

~~(a) Organized courses of study sponsored by the American Massage Therapy Association; or any of their divisional societies;~~

~~(b) Organized courses of study sponsored by the Florida State Massage Therapy Association, or any of their divisional societies;~~

~~(c) Organized courses of study approved by the National Certification Board for Therapeutic Massage and Bodywork;~~
~~and~~

~~(d) Organized courses sponsored by a Board Approved Massage School.~~

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. History—New 4-21-86, Amended 9-14-87, 8-29-88, 2-8-89, 3-12-90, 1-3-91, Formerly 21L-28.010, Amended 9-30-93, 8-16-94, 6-12-95, 2-12-97, Formerly 61G11-28.010, Amended 2-18-98, 10-26-98, 9-20-99, 11-4-99, 11-21-02, 10-12-03, 12-13-05,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Massage Therapy

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Massage Therapy

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 27, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 17, 2006

DEPARTMENT OF HEALTH

Board of Medicine

RULE NOS.:	RULE TITLES:
64B8-13.004	Requirements for Reactivation of an Inactive License
64B8-13.0045	Requirements for Reactivation of Retired Status License

PURPOSE AND EFFECT: The proposed rule amendments are intended to address the continuing education hours requirement in Rule 64B8-13.004, F.A.C., and to set forth the requirements for the reactivation of a retired status license in Rule 64B8-13.0045, F.A.C.

SUMMARY: The proposed amendment to Rule 64B8-13.004, F.A.C., clarifies the continuing education hours requirement with regard to licensure reactivation. The proposed Rule 64B8-13.0045, F.A.C., sets forth the criteria for the reactivation of a retired status license.

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

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

SPECIFIC AUTHORITY: 456.036, 458.309, 458.317, 458.321(1) FS.

LAW IMPLEMENTED: 456.036, 458.317, 458.321(1) FS.

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

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

THE FULL TEXT OF THE PROPOSED RULES IS:

64B8-13.004 Requirements for Reactivation of an Inactive License.

An inactive license shall be reactivated upon demonstration that the licensee has paid the reactivation fee set forth in Rule 64B8-3.004, F.A.C., and has complied with the following requirements:

(1) As a condition to the reactivation of an inactive license, a physician must submit proof of successful completion of an average of twenty (20) hours per year of Category I, American Medical Association approved continuing medical education for each year of inactive status.

(2) through (4) No change.

Specific Authority 456.036(9), 458.309, 458.317, 458.321(1) FS. Law Implemented 456.036(9), 458.317, 458.321(1) FS. History—New 2-3-82, Formerly 21M-28.01, Amended 1-1-92, Formerly 21M-28.001, 61F6-28.001, Amended 3-1-95, Formerly 59R-13.004, Amended 6-4-02,_____.

64B8-13.0045 Requirements for Reactivation of Retired Status License.

A retired status license shall be reactivated upon demonstration that the licensee has paid the reactivation fee set forth in Rule 64B8-3.004, F.A.C., and has complied with the following requirements:

(1) As a condition to the reactivation of a retired status license, a physician must:

(a) Submit documentation of successful completion of an average of twenty (20) hours per year of Category I, American Medical Association approved continuing medical education for each year of retired status;

(b) Document compliance with the financial responsibility requirements of Section 458.320, F.S., and Rule Chapter 64B8-12, F.A.C.; and

(c) Document compliance with Section 456.033, F.S., and Rule 64B8-13.005, F.A.C.

(2) Any physician whose license has been on retired status for more than five (5) years or a licensee from another state who has not been in the active practice of medicine within the past five (5) years shall be required to appear before the Credentials Committee of the Board and establish the ability to practice with the care and skill sufficient to protect the health, safety, and welfare of the public. At the time of such appearance, the physician must:

(a) Demonstrate compliance with subsection (1) above;

(b) Demonstrate successful completion of the SPEX with a score of at least 75 achieved within the year immediately preceding the appearance before the Credentials Committee; and

(c) Account for any activities related to the practice of medicine during the period that the license was on retired status or not practicing in another jurisdiction and establish an absence of malpractice or disciplinary actions pending in any jurisdiction.

(3) The Department shall refuse to reactivate the license of a retired status physician who is under investigation or prosecution in any jurisdiction for an action that would constitute a violation of this chapter or the professional practice acts administered by the department and the boards, until 15 days after the Department receives the final results of the investigation or prosecution.

Specific Authority 456.036 FS. Law Implemented 456.036 FS. History—New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Rules Committee, Board of Medicine
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Medicine
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 4, 2006
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 3, 2006

DEPARTMENT OF HEALTH

Board of Medicine

RULE NO.: 64B8-52.004
RULE TITLE: Requirements for Approval of Training Courses for Laser and Light-Based Hair Removal or Reduction

PURPOSE AND EFFECT: The proposed rule amendment is intended to set forth criteria for instructors of laser and light-based hair removal courses.

SUMMARY: The proposed rule amendment requires instructors of laser and light-based hair removal courses to have two years of post-certification experience.

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

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

SPECIFIC AUTHORITY: 478.43 FS.

LAW IMPLEMENTED: 478.42(5), 478.43(3), 478.50 FS.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

64B8-52.004 Requirements for Approval of Training Courses for Laser and Light-Based Hair Removal or Reduction.

The Electrolysis Council will approve laser and light-based hair removal or reduction continuing education training courses upon application if the following requirements are met:

(1) Continuing education providers seeking initial approval by the Council shall pay a fee of \$250, and shall complete and submit to the Council the application form entitled "Application for Laser and Light Based Hair Removal or Reduction Continuing Education Provider", form DOH/MQA/EO/LASER/CEU/07/23/01, which is hereby incorporated by reference and became effective July 23, 2001, copies of which may be obtained from the Council office at 4052 Bald Cypress Way, BIN C-05, Tallahassee, Florida 32399-3255. Continuing education providers seeking renewal of provider status shall also pay a \$250 fee each biennium. To receive Council approval, a continuing education program:

(a) through (b) No change.

(2) No change.

(3) The instructors of each laser and light-based hair removal course have two years of post-certification experience. Verifiable documentation of this experience must be submitted to the Council with the application.

Specific Authority 478.43 FS. Law Implemented 478.42(5), 478.43(3), 478.50 FS. History—New 10-3-00, Amended 12-24-01, 12-26-02, 8-17-04, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Electrolysis Council

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Medicine

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 4, 2006
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 24, 2006

DEPARTMENT OF HEALTH

Board of Physical Therapy Practice

RULE NO.: 64B17-9.001
RULE TITLE: Continuing Education

PURPOSE AND EFFECT: The Board proposes to add a subsection to address continuing education credit hours earned by taking and passing the Florida laws and rules examination.

SUMMARY: The proposed rule amendment adds a subsection to the rule concerning the specific number of hours of continuing education credit earned by taking and passing the Florida laws and rules examination.

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

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

SPECIFIC AUTHORITY: 486.025 FS.

LAW IMPLEMENTED: 456.013(6), 486.109(2) 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: Susan Love, Executive Director, Board of Physical Therapy Practice/MQA, 4052 Bald Cypress Way, Bin # C05, Tallahassee, Florida 32399-3255

THE FULL TEXT OF THE PROPOSED RULE IS:

64B17-9.001 Continuing Education.

(1) Every person licensed pursuant to Chapter 486, Florida Statutes, shall be required to complete twenty-four contact hours of continuing education courses approved by the Board in the twenty-four months preceding each biennial renewal period as established by the Department. However, applicants who become licensed in the second half of the biennium are exempt from this continuing education requirement for their first renewal.

(2) through (5) No change.

(6) The Board approves for continuing education credit:

(a) through (e) No change.

(f) Licensees who take and pass the Florida laws and rules examination shall receive two (2) hours of continuing education per biennium. The continuing education credit shall be awarded only for the biennium in which the examination was taken and passed. Continuing education credit shall not be

awarded to licensees that take and pass the examination as a result of a disciplinary proceeding or as a board ordered condition of initial licensure, re-activation or reinstatement.

(7) through (8) No change.

Specific Authority 486.025 FS. Law Implemented 456.013(6), 486.109(2) FS. History—New 4-6-92, Formerly 21MM-9.001, Amended 3-7-94, Formerly 61F11-9.001, Amended 12-5-95, Formerly 59Y-9.001, Amended 2-14-02, 4-21-02, 1-2-03, 6-28-04,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Physical Therapy Practice

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Physical Therapy Practice

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 21, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 3, 2006

DEPARTMENT OF HEALTH

School Psychology

RULE NO.: 64B21-501.013
RULE TITLE: Duplicate License Fee

PURPOSE AND EFFECT: To update the rule text.

SUMMARY: The Department will eliminate \$25.00 fees charged for wall certificates because these are not issued to school psychologists.

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

Any person who wishes to provide information regarding the statement of estimated 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: 456.025(2), (7) FS.

LAW IMPLEMENTED: 456.025(2), (7) 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: Allen Hall, Program Operations Administrator, Office of School Psychology/MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

THE FULL TEXT OF THE PROPOSED RULE IS:

64B21-501.013 Duplicate License ~~and Wall Certificate~~ Fee.

~~(1) Licensees may obtain duplicate licenses for replacement of a lost or destroyed license by submitting a written request to the Department along with a \$25.00 fee.~~

~~(2) Licensees licensed prior to July 1, 1998, may obtain wall certificates by submitting a written request to the Department along with a \$25.00 fee.~~

~~(3) Licensees may obtain a duplicate wall certificate by submitting a written request to the Department along with a \$25.00 fee.~~

Specific Authority 456.025 (10)(2)-(7) FS. Law Implemented 456.025 (10)(2)-(7) FS. History—New 9-9-01, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Allen Hall
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Lucy Gee
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 15, 2006
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 3, 2006

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Economic Self-Sufficiency Program

RULE NO.: 65A-4.2082
RULE TITLE: State Temporary Recovery Assistance Program

PURPOSE AND EFFECT: The purpose of this proposed rule is to keep the subject matter of Emergency Rule 65AER05-3 in effect without interruption for the provision of the State Temporary Recovery Assistance Program (STRAP) benefit to eligible families residing in Rural Areas of Critical Economic Concern. The State Temporary Recovery Assistance Program provides a non-recurrent cash assistance diversion payment of \$1,000 to meet the needs of families residing in Rural Areas of Critical Economic Concern (as defined in Section 288.0656(7), F.S.) that have experienced persistent adverse economic impact on their core industry(ies) as the result of natural phenomena and disaster. The areas must also have been federally declared as disaster areas two or more times in the past six months and be experiencing persistent adverse economic impact on their core industry(ies) as evidenced by increased unemployment claims, small business losses, and other adverse economic conditions resulting from natural phenomena and disaster.

SUMMARY: Specific provisions for STRAP include definitions; requirements related to application, eligibility, income and assets, residency, and verification; and the establishment of a non-recurring cash assistance payment of \$1,000. Also, forms for the program are incorporated by reference.

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

Any person who wishes to provide information regarding the statement of estimated 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: 414.45 FS.

LAW IMPLEMENTED: 414.16, 414.1559 FS.

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

DATE AND TIME: April 21, 2006, 10:30 a.m.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Jennifer Lange, Chief, Program Policy, Economic Self-Sufficiency, 1317 Winewood Boulevard, Building 3, Room 450, Tallahassee, FL 32399-0700, (850)921-0253

THE FULL TEXT OF THE PROPOSED RULE IS:

65A-4.2082 State Temporary Recovery Assistance Program.

(1) Definitions:

(a) Application for STRAP means CF-ES Form 2351, Application for State Temporary Recovery Assistance Program (STRAP), Dec 2005, incorporated by reference.

(b) Assistance Group or Eligible Family means individuals whose needs, income, and resources are considered to determine eligibility for STRAP.

(c) Available Countable Income and Assets means only income and assets available to the family at the time of application based on the applicant's statement of circumstances.

(d) Designated Geographic Area means a county that has been:

1. Designated by the Governor as a Rural Area of Critical Economic Concern in accordance with Section 288.0656(7), F.S.:

2. Declared as a major federal disaster area two or more times within the past 6 months from the date the first disaster occurred; and is

3. Evidencing persistent adverse economic impact on its core industry(ies) as a result of natural phenomena and disasters evidenced by increased unemployment claims, small business losses, and other adverse economic conditions resulting from natural phenomena and disasters.

(2) Household Eligibility Requirements for STRAP. The family:

(a) Would most likely meet all requirements of eligibility for Temporary Cash Assistance in accordance with Section 414.095, F.S., except for income and assets. The household must contain an eligible adult household member and at least one minor related child.

(b) Must be a resident of the Designated Geographic Area at the time of application.

(c) Must apply for STRAP within 10 working days from the date of the first day the department declares the program will accept applications in a designated county(ies).

(d) Must be experiencing emergency situations caused by the disaster that are impeding their ability to obtain or maintain employment. It must be reasonably determined that short term assistance could meet their needs and enable them to achieve self-sufficiency and avoid the need for ongoing Temporary Cash Assistance (TCA). These situations include the need to:

1. Replace a loss or reduction in income;
2. Replace or repair housing or necessary items for the home or pay temporary shelter expenses;
3. Repair or replace self-employment property or equipment; or
4. Pay other expenses.

(e) Must have available income equal to or less than 200 percent of the federal poverty level for their household size.

(f) Must have available liquid assets equal to or less than \$2,000.

(g) Must meet the technical requirements of citizenship/alien status set forth in Section 414.095(3), F.S., and the non-fleeing felon status set forth in Section 414.095(14)(g), F.S.

(h) Cannot receive STRAP more than once.

(i) Cannot be concurrently receiving TCA.

(j) Must sign an agreement, using CF-ES Form 2352, State Temporary Recovery Assistance Program (STRAP) Agreement, Dec 2005, incorporated by reference, not to apply for TCA for three consecutive months beginning with the month of receipt of the STRAP payment unless a demonstrated emergency occurs.

(3) Approval for Payment. Upon determination of eligibility, the household will be approved for the receipt of a nonrecurring payment of \$1,000.

(4) Current recipients of TCA may request closure of their ongoing TCA benefit and apply for STRAP without a separate application.

(5) For STRAP, the following verification procedures apply:

(a) Identity and residency in the disaster area will be verified through readily accessible documentation such as a driver's license, utility or other bill with the applicant's name and address, tax records or other government documents with the applicant's name and address if available, or a collateral contact verifying the applicant's identity and family's residence.

(b) Acceptance of the applicant(s) or assistance group statement, unless questionable, as to household composition, income, resources, citizenship, non-fleeing felon status, or other information pertinent to determining eligibility.

(c) Any applicant (including the designated or authorized representative) who intentionally does not tell the truth, hides information, pretends to be someone else, does not give all the information needed about themselves, the person(s) they are applying for, or other people in their home or does anything

else unlawful in order to get state or federal public assistance benefits is guilty of a crime and will be punished as state or federal law allows as set forth in Section 414.39, F.S. and 45 CFR 235.110.

(6) Hardship Exceptions. Households that receive a STRAP payment cannot receive TCA benefits for three consecutive months beginning with the month of receipt of STRAP benefits unless a demonstrated emergency occurs. If the household applies for TCA within the three-month period, the household must demonstrate that an emergency necessitates a hardship exception to the policy. The following are allowable hardship exceptions to receiving TCA:

(a) A significant loss of income or employment;

(b) Loss of housing; or

(c) Other unforeseen emergencies.

(7) STRAP Repayment. Upon determination that the household meets a hardship exception, the department will complete the TCA eligibility determination and calculate the repayment amount of the STRAP payment. The STRAP repayment amount will be reduced by one-third for each month the family does not receive TCA (i.e., the month of receipt of the STRAP payment and subsequent months). The repayment amount will be prorated over the next eight months for which TCA is received.

(8) Effective Date. Implemented in Franklin County and Gulf County. STRAP may be implemented in other Designated Geographic Areas that meet the criteria in paragraph (1)(d) of this rule as determined by the department.

Specific Authority 414.45 FS. Law Implemented: 414.16, 414.1599 FS. History—New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:

Lonna Cichon, Government Operations Consultant II

NAME OF SUPERVISOR OR PERSON WHO APPROVED

THE PROPOSED RULE: Jennifer Lange

DATE PROPOSED RULE APPROVED BY AGENCY

HEAD: March 8, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT

PUBLISHED IN FAW: January 6, 2006

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Agency for Persons with Disabilities

RULE NO.:

65B-4.033

RULE TITLE:

Determination of Mental

Retardation: Intelligence Tests to be Administered

PURPOSE AND EFFECT: This rule specifies the intelligence tests to be used in the determination of Mental Retardation for the purpose of determining program eligibility.

SUMMARY: The rule identifies Intelligence tests to determine mental retardation

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

Any person who wishes to provide information regarding the statement of estimated 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: 393.063(38), 916.106,393.501(1) FS.

LAW IMPLEMENTED: 393.063(38) FS.

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

DATE AND TIME: April 25, 2006, 11:00 a.m. – 12:00 Noon

PLACE: 4030 Esplanade Way, Room 370 A, Tallahassee, FL 32399, (850)488-1553

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Charles L. Ball, Florida Agency for Persons with Disabilities (APD), 4030 Esplanade Way, Room 370 D, Tallahassee, FL 32399, (850)488-1553

THE FULL TEXT OF THE PROPOSED RULE IS:

65B-4.033 Determination of Mental Retardation: Intelligence Tests to be Administered.

(1) For the purposes of Chapters 393 and 916, F.S., the Stanford-Binet Intelligence Scale or the Wechsler Adult & Infant Intelligence Scale, administered by or under the direct supervision of a psychologist or school psychologist licensed under Chapter 490, F.S., shall be used to determine mental retardation and the level of intellectual functioning.

(2) Notwithstanding subsection (1), if, given the condition of the individual to be tested, the Stanford-Binet Intelligence Scale or the Wechsler Adult & Infant Intelligence Scale are not valid and reliable as determined by the person authorized to administer such tests as specified in subsection (1), an alternative test or evaluation procedure, administered and interpreted in conformance with instructions provided by the producer of the tests or evaluation materials, may be used. The results of the testing or evaluation must include reference to published validity and reliability data for the specified test or evaluation procedure.

Specific Authority 393.63(38), 916.106, 393.501(1) FS. Law Implemented 393.63(38), 916.106, FS. History—New.

NAME OF PERSON ORIGINATING PROPOSED RULE: Charles L. Ball, Florida Agency for Persons with Disabilities (APD), 4030 Esplanade Way, Room 370 D, Tallahassee, FL 32399, (850)488-1553

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Kerry Schoolfield, Deputy Director of Operations, Agency for Persons with Disabilities

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 5, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 30, 2005

Section III Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.:	RULE TITLE
6A-1.09981	Implementation of Florida's System of School Improvement and Accountability
	NOTICE OF CHANGE

Notice is hereby given that the following amendments have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 32, No. 3, of the January 20, 2006, issue of the Florida Administrative Weekly. The Amendments contained herein result from additional considerations by the Department of Education and State Board of Education. Please note that language shown as struck through in the notice of proposed rulemaking as published on January 20, 2006, does not appear in the following text. Language shown as underlined in the initial notice appears in the following text without underlining. The changes being hereby noticed are indicated by striking through deleted language and underlining added language.

The amendment to Rule 6A-1.09981 is amended to read:

Subsection (3), paragraph (5)(a), (6)(c), and (7)(a) through (d), and subsection (8) of Rule 6A-1.09981 are amended to read:

6A-1.09981 Implementation of Florida's System of School Improvement and Accountability.

(1) through (2) No change.

(3) Reporting Student Achievement Data for School Accountability. Student achievement data shall be reported for all students in a school as specified by Section 1008.22, Florida Statutes. Each year reports of achievement data for all students shall be prepared for each school, the district, and the state. For the purpose of assigning school performance grades, each school's aggregate achievement data shall be based on:

(a) The scores of all students enrolled in standard curriculum courses including the scores of students who are speech impaired, gifted, hospital homebound, and Limited English Proficient (LEP) students who have been in an English for Speakers of Other Languages (ESOL) program for more than two (2) years.

(b) All students, regardless of disability or limited English proficiency classification, with valid FCAT assessment scores in reading in both the current year and the previous year are