

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

DATE AND TIME : September 11, 2007, 9:00 a.m.
 PLACE: Room 142, Larson Building, 200 East Gaines Street, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Bernie Stoffel, Bureau of Specialty Insurers, Office of Insurance Regulation, E-mail Bernie.stoffel@fldfs.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Bernie Stoffel, Bureau of Specialty Insurers, Office of Insurance Regulation, E-mail Bernie.stoffel@fldfs.com

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

Section II Proposed Rules

DEPARTMENT OF STATE

Division of Elections

| RULE NOS.: | RULE TITLES: |
|------------|---|
| 1S-2.0011 | Constitutional Amendment Ballot Position |
| 1S-2.009 | Constitutional Amendment by Initiative Petition |
| 1S-2.0091 | Constitutional Amendment Initiative Petition; Submission Deadline; Signature Verification |
| 1S-2.0095 | Constitutional Amendment Initiative Petition Revocation; Petition Approval; Submission Deadline; Signature Verification |

PURPOSE AND EFFECT: The purpose of the proposed rules amendments is to implement the amendments to Section 100.371, Florida Statutes, as amended in section 25 of Chapter 2007-30, Laws of Florida, which pertain to the process for citizen constitutional initiative petitions and for revocation of signatures on constitutional initiative petitions.

SUMMARY: The proposed rules provide the requirements for constitutional initiative petitions, revocation petitions and for obtaining ballot position for proposed constitutional amendments. The proposed rules also provide, among other

items, the requirements for valid signature verification, imposition of a 30-day timeframe for signature verification, creation of the initiative petition revocation process, and the incorporation of an amended initiative petition form and a newly created petition revocation form.

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

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

SPECIFIC AUTHORITY: 20.10(3), 97.012(1), 100.371, 101.161 FS.

LAW IMPLEMENTED: Art. XI, Fla. Cont., 100.371, 101.161 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, September 17, 2007, 1:30 p.m. – 2:30 p.m.

PLACE: Florida Heritage Hall (Plaza Level), R. A. Gray Building, 200 S. Bronough Street, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Lisa Ginn or Nolah Shotwell, Administrative Assistant, Office of General Counsel, Florida Department of State at (850)245-6536. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Gary J. Holland, Assistant General Counsel, Office of the General Counsel, Division of Elections, Department of State, 500 S. Bronough Street, Tallahassee, Florida 32399-0250; telephone: (850)245-6536. Copies of the proposed rule are also available by contacting the Office of General Counsel at (850)245-6536, or online from the Division of Elections' rules webpage at: <http://election.dos.state.fl.us/index.html> or from the Department of State's E-rulemaking program at: www.flrules.org. Comments regarding the rule may also be submitted online via the E-rulemaking program.

THE FULL TEXT OF THE PROPOSED RULES IS:

1S-2.0011 Constitutional Amendment Ballot Position.

(1) The Director of the Division of Elections shall assign in the following manner a designating number to any proposed revision or amendment to the State Constitution for placement on the general election ballot:

(a) The ballot position of each proposed revision or amendment shall correspond to the designating number assigned by the director. A designating number may not be assigned to a constitutional amendment by initiative until the Secretary of State has issued a certificate of ballot position in accordance with Section 100.371, F.S.

(b) All revisions submitted by a revision commission or constitutional convention shall be considered to be one set, but each individual revision received shall be assigned a designating number in the manner and order determined by the convention or commission. Revisions shall be titled and designated as such together with the assigned designating number. For example, the set of revisions would begin with No. 1, Constitutional Revision.

(c) Amendments submitted by the Florida Legislature or proposed by initiative shall be titled and designated as an amendment with the assigned designating number. For example, the amendment designation would be No. 2, Constitutional Amendment.

(d)1. Revision proposals and proposed amendments shall be assigned designating numbers in consecutive ascending numerical sequence in the order of:

a. Receipt by the Secretary of State, or his or her designee, of the constitutional convention or commission revision proposal,

b. The filing of the legislative resolution containing the proposed amendment with the Division of State Library, Archives & Records Services, or

c. The Secretary of State's certification of ballot position of a constitutional amendment proposed by initiative.

2. Initiative amendments deemed filed on the same date as other revision proposals or proposed amendments shall be assigned the number received in a random drawing of lots containing the remaining available designating numbers.

(2) Designating numbers shall be assigned and publicly announced promptly after no later than 5:00 p.m. on February 1 of the 90th day preceding the general election date.

(3) In the event a proposed revision or amendment is removed or stricken from the ballot subsequent to its attaining ballot position and being assigned a designating number, all other proposals shall retain the number assigned. The designating number of the stricken proposal shall not be reused, unless that proposal is reinstated.

Specific Authority 20.10(3), 97.012(1), 101.161 FS. Law Implemented Art. XI, Fla. Const., 100.371, 101.161 FS. History—New 8-9-78, Amended 4-17-79, Formerly 1C-7.011, 1C-7.0011, Amended 3-16-06,_____.

1S-2.009 Constitutional Amendment by Initiative Petition.

(1) Submission of Initiative Petition. Any proposed initiative amendment to the State Constitution to be placed on the ballot shall be submitted by the sponsoring political committee to the Division of Elections for approval as to

format prior to circulation of the proposed initiative amendment. Such submission shall be in writing and shall include a copy or a facsimile of the proposed form to be circulated. No initiative petition form for signatures may be circulated unless approved by the Division of Elections.

(2) Requirements and Approval of Initiative Petition Form. The Division shall review the initiative petition form solely for sufficiency of the format and shall render a decision within seven (7) days following receipt. The Division shall not review the petition form for legal sufficiency. The format of the petition form is deemed sufficient only if the petition form:

~~(a)~~ Is printed on separate cards or individual sheets of paper. The minimum size of such forms shall be 3 inches by 5 inches and the maximum shall be 8 1/2 inches by 11 inches.

~~(b)~~ Is clearly and conspicuously entitled at the top of the form "Constitutional Amendment Petition Form."

~~(c)~~ Includes adequate space for the voter's signer's name, ~~legal~~ residential street address, city, county, voter registration number, date of birth, signature, and date of signature.

~~(d)~~ Contains the ballot title that shall not exceed 15 words and the ballot summary of the proposed amendment or other public measure that shall not exceed 75 words in length as prescribed in subsection (4).

~~(e)~~ Conspicuously contains in the following order:

1. The ballot title;

2. The ballot summary;

3. The article and section being created or amended; and

4. The full text of the amendment being proposed including the article and section being created or amended, preceded by a ballot title and ballot summary. If the text must be printed on both sides of the form, it shall be clearly indicated that the text is continued or begins on the other side.

~~(f)~~ Contains space for only one voter's elector's signature to be located below the full text of the amendment being proposed. The Division will not approve petition forms providing for multiple signatures per page.

~~(g)~~ Is marked, in accordance with Section 106.143, F.S., governing political disclaimers, with "paid political advertisement" or contains the abbreviation "pd. pol. adv." and identifies the name of the sponsoring political committee, and the name of the entity paying for the advertisement if different from the name of the sponsoring political committee.

~~(h)~~ Contains space, in accordance with s. 106.19(3), F.S., for the name and address of a paid petition circulator, in the event the petition form is gathered by a paid petition circulator.

(3) Sample Petition Form. The format of an initiative petition submitted for review and approval by the Division of Elections shall be substantially in accordance with Form DS-DE 19 (eff. _____ ~~3-16-06~~), entitled "Constitutional Amendment Petition Form." Form DS-DE 19 is hereby incorporated by reference and is available from the Division of Elections, Room 316, R. A. Gray Building, 500 South

Bronough Street, Tallahassee, Florida 32399-0250; (850)245-6500, or by download from the Division of Elections' rules webpage at: <http://election.dos.state.fl.us>.

(4) Word Count. The following provisions apply to determine the word count for a ballot title and summary:

(a) Hyphenated compound words count as two or more words.

(b) An ampersand or a plus or minus sign shall count as one word.

(c) Punctuation such as commas, periods, hyphens, question marks, parentheses, quotation marks or exclamation points does not affect the word count.

(d) Each word joined by a forward or back slash to another word counts separately as a word.

(e) Each part of a date counts as one word. Example: January 1, 2025 shall count as three words.

(f) Each word in a name is individually counted. Example: George Washington shall count as two words.

(g) Each whole number shall count as a word.

(h) Spaces do not affect the word count.

(5) Additional Information or Materials. Other than providing information or a method by which the petition form may be returned by mail to the sponsoring committee, no additional information or materials that support the proposed amendment shall be printed directly on the form.

(6) Assignment of a Serial Number. The Division shall assign a serial number to each approved petition form. The serial number shall begin with the last two digits of the calendar year in which the petition form is approved followed by a number in numerical sequence. For example, the first petition form approved in 2006 is assigned the serial number 06-1. The serial number assigned must be printed in the lower right hand corner of the petition form.

(7) Changes. Any change to a previously approved petition form shall be submitted to the Division of Elections for review. No person or entity other than the sponsoring political committee of the previously approved petition form can submit a change or changes to the previously approved petition form. The Division of Elections must approve any material change to a previously approved petition form. A material change constitutes a change in the wording of the text of the proposed amendment, the ballot title, or ballot summary, or a change in punctuation or layout, or a change in the name of the sponsoring political committee to the political disclaimer. A translation into another language does not constitute a material change to an initiative petition form. Any material change submitted for approval to a previously approved initiative petition constitutes a request for approval of a new petition form and shall be assigned a different serial number upon approval by the Division of Elections.

(8) Bundling. No initiative petition form circulated for signature may be bundled with or attached to any other petition form.

(9) Reproduction. Petition forms may be reproduced in newspapers, magazines, and other forms of printed mass media or made available through the internet for download printing, provided such forms are reproduced in the same format as approved by the Division. The petition forms may be included within a larger advertisement, provided the forms are clearly defined by a solid or broken line border.

(10) Submission of Signed Petition Forms. All signed petition forms shall be returned to the sponsoring political committee. Only the sponsoring political committee shall submit the signed petition forms to the Supervisors of Elections for verification of signatures in accordance with Rule 1S-2.0091, F.A.C.

(11) Effect on Previously Approved Petition Form. Any petition form approved by the Division of Elections prior to the effective date of this rule may continue to be used and circulated for signature gathering unless a material change to the previously approved petition form has been approved by the Division of Elections or until the sponsoring political committee notifies the Division of Elections that the committee is no longer seeking to obtain ballot position, or the registration of the sponsoring political committee has been revoked in accordance with Rule 1S-2.021, F.A.C.

Specific Authority 20.10(3), 97.012(1), 100.371(3), 101.161(2) FS. Law Implemented 100.371, 101.161 FS. History--New 7-2-79, Formerly 1C-7.09, Amended 7-7-86, Formerly 1C-7.009, Amended 3-5-96, 7-31-02, 3-16-06,_____.

1S-2.0091 Constitutional Amendment Initiative Petition; Submission Deadline; Signature Verification ~~Verifying Electors' Signatures.~~

(1) Submission. Signed initiative petition forms proposing amendments to the Florida Constitution shall be submitted solely by the sponsoring political committee to the Supervisor of Elections in the county in which the petition forms were circulated. It is the responsibility of the sponsoring political committee to ensure that the signed petition form is properly filed with, or if misfiled, forwarded to, the Supervisor of Elections of the county in which the signee is a registered voter ~~elector~~. In the case of a misfiled petition, the filing date of the petition is the date such petition is filed with the proper county.

(2) Signature Verification.

(a) In accordance with the signature verification fee provisions in Section 99.097(4), F.S., Upon receipt of initiative petition forms, the Supervisor of Elections shall verify the signatures on each initiative petition form within 30 days of receipt of the form to ensure that each person signing the said petition form:

1. Was, at the time of signing and verification of the petition, is a registered voter elector in the that county in which the petition is submitted.

2. Had not previously revoked his or her signature on the petition.

3. Had not and that the date the elector signed the petition form is not more than four years prior to the date the Supervisor verified the petition, and

4. Had not ever previously signed a petition form containing the identical initiative.

(b) The Supervisor shall not verify a signature on an initiative petition form unless all of the following information is contained on the petition form:

1. The voter's signee's name,

2. The voter's signee's residential street address (including city and county),

3. The voter's signee's date of birth or voter registration number,

4. The voter's original signee's signature, and

5. The date the voter elector signed the petition, as recorded by the voter.

(3) Random Sampling Not Permitted. Supervisors of Elections may not use random sampling as a method for verifying signatures on constitutional amendment initiative petitions.

(4)(3) Recordation of Verification. Upon completion of the verification as set forth in subsection (2), the Supervisors of Elections shall adhere to the following procedures for submission of verified signature information to the Division of Elections:

(a) Procedures Applicable Before January 1, 2007.

1. The Supervisor of Elections shall submit to the Division of Elections a certificate indicating the total number of signatures checked, the number of signatures verified, the number verified as registered electors and the distribution by congressional district. The Division will provide appropriate forms to the Supervisor of Elections to be used for transmission of the required information. In conjunction with each certificate submitted, each Supervisor shall submit a copy of one petition showing the text of the constitutional amendment to which the certified signatures relate. Certificates may be submitted by the Supervisor via facsimile in order to meet the deadline, followed by an original copy by mail.

2. The Division shall determine from the transmitted certificates whether the requisite number of verified signatures has been obtained with respect to each constitutional amendment for each congressional district and the State as a whole. In order to have the initiative petition timely filed for purposes of appearance on the ballot for the next general election, certificates indicating the requisite number of verified signatures must be received by the Division of Elections no later than 5:00 p.m. on February 1 of the year in which the general election is held. Upon a determination that the constitutionally requisite number of signatures and distribution of signatures by congressional districts has been obtained, the Secretary of State shall issue a certificate of ballot position to the appropriate sponsoring political committee.

(b) Procedures Applicable On or After January 1, 2007.

4. No later than 24 hours after verification of signatures on submitted initiative petition forms, the Supervisor of Elections shall directly record into the statewide voter registration system each valid and verified signature. The appropriate supervisor of elections for each respective voter elector whose signature is verified as valid shall record the date the form was received, the date of the signature, the date the signature was verified, and the assigned serial number for the applicable initiative petition.

(a) Determination of Constitutionally Requisite Number of Signatures. 2. The Division shall determine from the recorded verified petition signatures recorded in on the statewide voter registration system whether the constitutionally requisite number of verified signatures has been obtained with respect to each constitutional amendment for each congressional district and the State as a whole. In order for the initiative petition to be timely filed for appearance on the ballot for the next general election, the constitutionally requisite number of verified signatures must be recorded in the statewide voter registration system no later than 5:00 p.m. on February 1 of the year in which the general election is held.

(b) Prior to any determination that the constitutionally requisite number of signatures has been obtained for purposes of placing an amendment by initiative on the ballot, the Division shall determine in accordance with Rule 1S-2.0095, F.A.C., the number of verified petition revocations recorded no later than 5 p.m. on February 1 of the same year. The Division shall then deduct that number from the number of verified signatures recorded for the underlying applicable constitutional initiative amendment. Upon a determination that the constitutionally requisite number of signatures and distribution of signatures by congressional districts has been obtained, the Secretary of State shall issue a certificate of ballot position in accordance with Section 100.371, F.S., to the appropriate sponsoring political committee and assign a designating ballot number.

(c) For any constitutional amendment by initiative that obtained a certification of ballot position prior to the effective date of this rule, a determination shall be made whether the number of verified signatures for petition revocations recorded as of 5 p.m. on February 1 of the year in which the next general election is held is sufficient to reduce the number of verified signatures for the underlying initiative amendment below the constitutionally required number of signatures obtained for ballot placement. If the number of recorded verified petition revocations is sufficient, then the initiative amendment is removed or stricken from the ballot in accordance with subsection 1S-2.0011(3), F.A.C.

(5)(4) Limitation on Use of Verified Signatures. Verified signatures used successfully to place a proposed amendment by initiative on the ballot that subsequently fails to be approved by the electors at the general election shall not be used again in support of any future initiative petition.

Specific Authority 20.10(3), 97.012(1), 100.371(7) FS. Law Implemented 100.371 FS. History—New 1-6-80, Amended 12-20-83, Formerly 1C-7.091, 1C-7.0091, Amended 2-13-90, 3-5-96, 1-5-04, 3-16-06,_____.

1S-2.0095 Constitutional Amendment Initiative Petition Revocation; Petition Approval; Submission Deadline; Signature Verification.

(1) Submission of Petition Revocation Form. Prior to circulation of a petition revocation form, any person or group sponsoring the revocation effort must register as a political committee pursuant to chapter 106 and must obtain approval of the petition revocation form from the Division of Elections. Submissions shall be in writing and shall include a copy or a facsimile of the proposed form to be circulated. No petition revocation form may be circulated unless approved by the Division of Elections.

(2) Requirements and Approval of Petition Revocation Form. The Division shall review the petition revocation form solely for sufficiency of the format and shall render a decision within seven (7) days following receipt. The format of the petition revocation form is deemed sufficient only if the form:

(a) Is printed on separate cards or individual sheets of paper. The minimum size of such forms shall be 3 inches by 5 inches and the maximum shall be 8 1/2 inches by 11 inches.

(b) Is clearly and conspicuously entitled at the top of the form "Petition Revocation Form."

(c) Includes adequate space for the voter's: name; residential street address, city, and county at the time of signing the initiative petition for which the signature is being revoked; voter registration number; date of birth; signature; and date of signature.

(d) Contains the ballot title and ballot summary of the proposed amendment in the initiative petition for which the signature is being revoked.

(e) Conspicuously contains the full text of the amendment for which the signature is being revoked, as indicated in the initiative petition as approved in Rule 1S-2.009, F.A.C. If the text must be printed on both sides of the form, it shall be clearly indicated that the text is continued or begins on the other side.

(f) Contains space for only one voter's signature, to be located below the full text of the amendment for which the signature is being revoked.

(g) Contains instructions below the signature of the voter that provide:

1. The Supervisor of Elections may not accept the petition revocation form directly from the voter.

2. The voter shall return the form to the political committee sponsoring the revocation petition, and

3. The contact information for the political committee sponsoring the revocation petition, which at a minimum, shall include its name and mailing address.

(h) Is marked, in accordance with Section 106.143, F.S., with the appropriate disclaimer which identifies the name of the political committee sponsoring the revocation effort and the name of the entity paying for the petition, if different from the name of the committee sponsoring the revocation effort.

(i) Contains space for the name and address of a paid petition circulator in the event the petition revocation form is gathered by a paid petition circulator.

(3) Format of Petition Revocation Form. The format of the initiative petition revocation form submitted for review and approval by the Division of Elections shall be substantially in accordance with Form DS-DE 19R (eff. 8/1/2007), entitled "Petition Revocation Form." Form DS-DE 19R is hereby incorporated by reference and is available from the Division of Elections, Room 316, R. A. Gray Building, 500 South Bronough Street, Tallahassee, Florida 32399-0250; (850)245-6500; or by download from the Division of Elections' webpage at <http://election.dos.state.fl.us>.

(4) Additional Information or Materials. Other than providing information or a method by which the petition revocation form may be returned by mail to the political committee, no additional information or materials that relate to the initiative petition or the petition revocation shall be printed directly on the form.

(5) Assignment of a Serial Number. The Division shall assign a serial number to each approved petition revocation form. The number shall be the serial number of the initiative petition form followed by an "R". For example, the serial number of the petition-revocation form on petition 06-1 would be 06-1R. The serial number assigned must be printed in the lower right hand corner of the petition revocation form.

(6) Bundling. No petition revocation form circulated for signature may be bundled with or attached to any other petition form or petition-revocation form.

(7) Reproduction. Petition-revocation forms may be reproduced in newspapers, magazines, other forms of printed mass media or made available via the Internet for download or printing, provided such forms are reproduced in the same format as approved by the Division. The petition revocation form may be included within a larger advertisement, provided the forms are clearly defined by a solid or broken line border.

(8) Submission of Signed Petition Revocation Forms. All signed petition revocation forms shall be returned to the political committee sponsoring the revocation effort. Only the political committee sponsoring the revocation effort shall submit the signed petition revocation forms to the Supervisors of Elections for verification of signatures. It is the responsibility of the political committee sponsoring the revocation effort to ensure that the signed petition revocation form is properly filed with, or if misfiled forwarded to, the supervisor of elections of the county in which the signee was a registered voter at the time of signing the underlying original

initiative petition. In the case of a misfiled petition revocation form, the filing date of the petition revocation form is the date such petition is filed with the proper county.

(9) Signature Verification.

(a) In accordance with the signature verification fee provisions in Section 99.097(4), F.S., the Supervisor of Elections shall verify the signatures on each petition revocation form within 30 days of receipt of the form and shall confirm that:

1. The underlying original initiative petition on which the signature is being revoked was verified.

2. The date the petition revocation form was signed by the voter is not more than 150 days from the date the underlying original initiative petition was signed, and

3. The voter is a registered voter in Florida at the time of verifying the signature on the petition revocation form.

(b) The Supervisor shall not verify a signature on a petition revocation form unless all of the following information is contained on the petition revocation form:

1. The voter's name,

2. The voter's residential street address (including city and county) that was recorded on the underlying original signature petition on which the voter desires to revoke his or her signature;

3. The voter's date of birth or voter registration number;

4. The voter's original signature, and

5. The date the voter signed the petition revocation form, as recorded by the voter.

(10) Recordation of Verification. No later than 24 hours after verification of signatures on submitted petition revocation forms, the Supervisor of Elections shall record each valid and verified signature in the statewide voter registration system. The appropriate supervisor of elections for each respective voter whose signature is verified as valid shall record the date the petition revocation form was received, the date of signature, the date the signature was verified, and the assigned serial number for the applicable revocation petition.

(11) Filing Deadline. In order for a petition revocation form to count against the number of signatures recorded as verified for the underlying original initiative petition for the next general election, the signed petition revocation must be verified and entered into the statewide voter registration system no later than 5:00 p.m. of February 1 preceding the next general election in which the initiative amendment is certified for ballot position.

(12) Availability of Forms. The sponsoring political committee for the petition revocation effort shall provide each supervisor of elections with petition revocation forms for distribution at the main and branch offices of the supervisor of elections.

(13) Irrevocable Effect of Revocation. A voter may sign only one petition revocation form for the underlying original petition. In accordance with Section 104.185, F.S., when a voter signs a petition revocation form, the voter may not again sign the initiative petition on which the voter is seeking to revoke his or her signature.

(14) Applicability. Revocation of a voter's signature on an initiative petition may occur only on or after August 1, 2007 for a petition revocation form filed with the supervisor of elections not more than 150 days from the date the voter signed the underlying original initiative petition.

Specific Authority 20.10(3), 97.012, 100.371, 101.161 FS. Law Implemented Art. XI, Fla. Const., 100.371, 101.161 FS. History--New

NAME OF PERSON ORIGINATING PROPOSED RULE:
Gary Holland, Assistant General Counsel, General Counsel's Office, Florida Department of State, (850)245-6536

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Amy K. Tuck, Director, Division of Elections, Florida Department of State

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 2, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 29, 2007

DEPARTMENT OF STATE

Division of Elections

RULE NO.: 1S-2.045
RULE TITLE: Candidate Petition Process

PURPOSE AND EFFECT: The purpose of the proposed rule amendments is to implement the provisions of Section 99.095, Florida Statutes, as amended in section 14 of Chapter 2005-277, Laws of Florida, and section 17 of Chapter 2007-30, Laws of Florida, relating to the process for qualifying by petition for candidates seeking federal, state, county, or special district offices.

SUMMARY: The proposed rule provides the process for a candidate to qualify by petition in lieu of paying the qualifying fee or party assessment required by Chapter 99, Florida Statutes. The proposed rule also provides, among other items, the format for the candidate petition, the requirements for the petition form, and the requirements for signature verification.

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

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

SPECIFIC AUTHORITY: 20.10(3), 97.012(1), 99.095 FS.

LAW IMPLEMENTED: 99.095, 99.061 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: September 17, 2007, 1:30 p.m. – 2:30 p.m.

PLACE: Florida Heritage Hall (Plaza Level), R. A. Gray Building, 500 S. Bronough Street, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Lisa Ginn or Nolah Shotwell, Administrative Assistant, Office of General Counsel, Florida Department of State at (850)245-6536. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Gary J. Holland, Assistant General Counsel, Office of the General Counsel, Division of Elections, Department of State, 500 S. Bronough Street, Tallahassee, Florida 32399-0250. Copies of the proposed rule are also available by contacting the Office of General Counsel at (850)245-6536, or online from the Division of Elections' rules webpage at: <http://election.dos.state.fl.us/index.html> or from the Department of State's E-rulemaking program at: www.flrules.org. Comments regarding the rule may also be submitted online via the E-rulemaking program.

THE FULL TEXT OF THE PROPOSED RULE IS:

1S-2.045 Candidate Petition Process.

(1) Qualification by Petition. A person who seeks to qualify as a candidate for any office and who meets the petition requirements of this rule and Section 99.095, F.S., is not required to pay the qualifying fee or party assessment required by Chapter 99, F.S.

(2) Required Number of Signatures. A candidate shall obtain the number of signatures of voters in the geographical area represented by the office sought equal to at least 1 percent of the total number of registered voters of that geographical area, as shown by the compilation by the Department of State for the immediately preceding general election. Effective January 1, 2008, special district candidates may qualify by obtaining at least 25 signatures of voters in the geographical area represented by the office sought. Except for special district candidates on or after January 1, 2008, and federal candidates, signatures may not be obtained until the candidate has filed the appointment of campaign treasurer and designation of campaign depository pursuant to section 106.021, F.S.

(3) Format of Petition.

(a) The format of a candidate petition shall be in accordance with Form DS-DE 104 (effective /), entitled "Candidate Petition Form." Form DS-DE 104 is hereby

incorporated by reference and is available from the Division of Elections, Room 316, R. A. Gray Building, 500 South Bronough Street, Tallahassee, Florida 32399-0250; (850)245-6240, or by download from the Division of Elections' rules webpage or forms webpage at: <http://election.dos.state.fl.us>. No signature shall be counted toward the number of signatures required unless it is on the petition form prescribed by the Division.

(b) A separate petition is required for each candidate. The petition forms may be included within a larger advertisement, provided the forms are clearly defined by a solid or broken border.

(4) Submission of Petition. Each petition must be submitted before noon of the 28th day preceding the first day of the qualifying period for the office sought to the supervisor of elections of the county in which the signee is registered to vote. It is the responsibility of the candidate to ensure that the signed petition form is properly filed with, or if misfiled, forwarded to the supervisor of elections of the county in which the signee is a registered voter. In the case of a misfiled petition, the filing date of the petition is the date such petition is filed with the proper county.

(5) Verification of Signatures.

(a) Upon receipt of candidate petition forms and payment of applicable signature verification fees, the supervisor of elections shall verify the signatures on each petition form to ensure that each person signing the petition form is a registered voter in the county, district, or other geographical area represented by the office sought. Except for special district candidates on or after January 1, 2008, and federal candidates, the supervisor of elections shall also verify that the date the voter signed the petition form is on or after the date the candidate filed the appointment of campaign treasurer and designation of campaign depository pursuant to Section 106.021, F.S., with the appropriate filing officer. If the candidate is running for an office that requires a group or district designation, the petition must indicate that designation and, if it does not, the signatures are not valid.

(b) The supervisor of elections shall not verify a signature on a candidate petition form unless all of the following information is contained on the petition form:

1. The voter's name;
2. The voter's residential street address (including city and county);
3. The voter's date of birth or voter registration number;
4. The voter's original signature; and
5. The date the voter signed the petition as recorded by the voter.

(c) A name on a petition, which name is not in substantially the same form as a name on the voter registration books, shall be counted as a valid signature if, after comparing the signature on the petition with the signature of the alleged

signer as shown on the registration books, the supervisor determines that the person signing the petition and the person who registered to vote are one and the same.

(d) If a voter signs a petition and lists an address other than the legal residence where the voter is registered, the supervisor shall treat the signature as if the voter had listed the address where the voter is registered.

(6) Determination of Required Number of Signatures.

(a) No later than 5 p.m. on the 7th day before the first day of the qualifying period, the supervisor of elections shall submit to the Division of Elections a certificate indicating the number of valid signatures for each candidate for federal, state, multicounty district, or multicounty special district office. Certificates may be submitted to the Division via facsimile in order to meet the deadline, followed by an original copy by mail. The Division shall determine whether the required number of signatures has been obtained and shall notify the candidate.

(b) For candidates for county, district or special district office not covered by paragraph (a), the supervisor shall determine whether the required number of signatures has been obtained and shall notify the candidate.

(c) If the required number of signatures has been obtained, the candidate is eligible to qualify pursuant to Section 99.061, F.S.

(7) Effect on Previously Approved Candidate Petition Form. Any candidate petition form which contains the substantive requirements of subsections (3) and (5) and which was approved by the Division of Elections prior to the effective date of this rule may continue to be used and circulated for signature gathering until July 1, 2008.

Specific Authority 20.10(3), 97.012(1), 99.095 Law Implemented 99.095, 99.061 FS. History—New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Kristi Reid Bronson, Chief, Bureau of Election Records,
Division of Elections, Florida Department of State

NAME OF SUPERVISOR OR PERSON WHO APPROVED
THE PROPOSED RULE: Amy K. Tuck, Director, Division of
Elections, Florida Department of State

DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: August 10, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: June 29, 2007

DEPARTMENT OF REVENUE

Property Tax Administration Program

| | |
|------------|---|
| RULE NO.: | RULE TITLE: |
| 12D-8.0063 | Assessment of Changes, Additions, or Improvements to a Homestead |

PURPOSE AND EFFECT: The purpose of the amendment to Rule 12D-8.0063, F.A.C., is to implement the provisions of Chapter 2006-311, Laws of Florida, providing a method for assessment of changes to homestead property damaged or destroyed by misfortune or calamity.

SUMMARY: The amendment to Rule 12D-8.0063, F.A.C., provides that changes, additions or improvements to homestead property do not include repair or replacement of property damaged by misfortune or calamity that does not cause the total square footage to exceed 1500 square feet or 110 percent of the original square footage of the property where the repair or replacement is made within 3 years after January 1 following the year of damage or destruction. Provides that the just value of the portion that exceeds 1500 square feet or 110 percent is treated as a change, addition or improvement and is added to the assessed value of the homestead as of January 1 of the year following completion of the repair or replacement. Provides special rules for damage from named storms of 2004. Provides the assessed value of damaged or destroyed homestead property not repaired or replaced is reduced by the just value of the property not repaired or replaced. Provides that the provisions of this rule applicable to damaged or destroyed property also apply where the owner of property at the time of damage or destruction, permanently resided on the property, was not entitled to homestead exemption for that year, but applied for and received homestead exemption on the property the following year.

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

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

SPECIFIC AUTHORITY: 195.027(1), 213.06(1) FS.

LAW IMPLEMENTED: 192.042, 193.011, 193.023, 193.155, 193.1551, 213.05 FS.

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

DATE AND TIME: Monday, September 17, 2007, 9:30 a.m.

PLACE: Room 143, Larson Building, 200 E. Gaines Street, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Larry Green, (850)922-4830 If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sharon Gallops, Property Tax Technical Unit, Department of Revenue, 725 S. Calhoun St., Tallahassee, Florida 32399-0100, telephone (850)414-6108, e-mail address galloss@dor.state.fl.us

THE FULL TEXT OF THE PROPOSED RULE IS:

12D-8.0063 Assessment of Changes, Additions, or Improvements to a Homestead.

(1) through (2) No change.

(3) General rules for assessment of changes, additions, or improvements; see paragraphs (a) through (d); for special rules for 2004 named storms see paragraph (e).

(a) Changes, additions, or improvements do not include replacement of a portion of homestead ~~real~~ property damaged or destroyed by misfortune or calamity when:

1.a. The square footage of the property as repaired or replaced does not cause the total square footage to exceed 1500 square feet, or

b. The square footage of the property as repaired or replaced does not exceed 110 percent of the square footage of the property before the damage or destruction; and

2. The changes, additions, or improvements are commenced within 3 years after the January 1 following the damage or destruction the just value of the damaged or destroyed portion as replaced is not more than 125 percent of the just value of the damaged or destroyed portion. The replacement just value in excess of 125 percent shall be treated as a change, addition, or improvement and added to the assessed value (including the assessment limitation change) of the homestead as of January 1 of the year following the substantial completion of the replacement of the damaged or destroyed portion.

(b) When the repair or replacement of such properties results in square footage greater than 1500 square feet or otherwise greater than 110 percent of the square footage before the damage, such repair or replacement shall be treated as a change, addition, or improvement. The homestead property's just value shall be increased by the just value of that portion of the changed or improved property in excess of 1500 square feet or in excess of 110 percent of the square footage of the property before the damage, and that just value shall be added to the assessed value (including the assessment limitation change) of the homestead as of January 1 of the year following the substantial completion of the replacement of the damaged or destroyed portion. In lieu of the formula in paragraph (a) and subsection (4), changes

(c) Changes additions or improvements to homestead property rendered uninhabitable in one or more of the named 2004 storms is limited to the square footage exceeding 110 percent of the homestead property's total square footage. However, such ~~Such~~ homestead properties with 1350 or less square feet which are rebuilt up to 1500 total square feet are

not considered changes, additions or improvements subject to assessment at just value. ~~This paragraph shall apply to such homestead properties for which repairs are completed by January 1, 2008 and applies retroactively to January 1, 2005. See chapter 2005-268, Laws of Florida.~~

(d) These provisions apply to changes, additions or improvements commenced within 3 years after January 1 following the damage or destruction of the homestead and apply retroactively to January 1, 2006.

(e) Assessment of certain homestead property damaged in 2004 named storms. – Notwithstanding the provisions of Section 193.155(4), F.A.C., the assessment at just value for changes, additions, or improvements to homestead property rendered uninhabitable in one or more of the named storms of 2004 shall be limited to the square footage exceeding 110 percent of the homestead property's total square footage. Additionally, homes having square footage of 1,350 square feet or less which were rendered uninhabitable may rebuild up to 1,500 total square feet and the increase in square footage shall not be considered as a change, an addition, or an improvement that is subject to assessment at just value. The provisions of this paragraph are limited to homestead properties in which repairs are commenced by January 1, 2008, and apply retroactively to January 1, 2005.

~~(4) The replacement just value in excess of 125 percent, for purposes of this section, shall be measured directly by considering mass data collected, market evidence, and cost, or computed as follows:~~

~~(a) Determine the just value of the total homestead property prior to damage or destruction.~~

~~Example: Just value = \$100,000 and assessed value = \$80,000;~~

~~(b) Attribute a just value to the damaged or destroyed portion of the homestead property.~~

~~Example: \$10,000 (the just value of the remaining property including land is \$90,000);~~

~~(c) Compute the replacement just value that will be treated as not a change, addition, or improvement, by multiplying the amount determined under paragraph (b) by 125 percent.~~

~~Example: \$10,000 x 125 percent = \$12,500;~~

~~(d) Determine the just value of the total property after the damaged or destroyed portion has been replaced.~~

~~Example: \$120,000;~~

~~(e) Determine the just value of the replaced portion of the property.~~

~~Example: \$120,000 – \$90,000 = \$30,000; then~~

~~(f) Subtract the amount computed under paragraph (e) from the amount determined under paragraph (c).~~

~~Example: \$30,000 – \$12,500 = \$17,500.~~

This excess value shall be treated as a change, addition, or improvement, and added to the assessed value, including the assessment limitation change for the year, as provided in subsection (3).

Example: $\$80,000 + \$2,248 (\$80,000 \times 2.81 \text{ percent consumer price index (CPI), assessment limitation change}) + \$17,500 = \$99,748$.

~~(5) If the damaged portion is not replaced or substantially replaced in the year the damage occurred, but is replaced in a subsequent year, the replacement will be treated as a change, addition, or improvement as provided in subsections (3)(a) and (4), adjusted for changes in market and homestead property assessment limitation values. The just value of the damaged portion of property after the replacement or repair shall be compared to 125 percent of the value of the damaged portion as provided in subsections (3)(a) and (4).~~

~~(4)(6) When any portion of homestead property damaged by misfortune or calamity is and not replaced, or the replacement is not substantially completed in the year the damage occurred, or the square footage of the property after repair or replacement is less than 100 percent of the square footage prior to the damage or destruction portion as replaced is less than 100 percent of its previous just value, the assessed value of the property shall be reduced to the just value of the property after the destruction or damage of the property. If the just value after the damage or destruction is less than the total assessed value before the damage or destruction, the assessed value will be lowered to the just value.~~

(5) The provisions of subsection (3) of this rule section also apply to property where the owner permanently resides on the property when the damage or destruction occurred; the owner is not entitled to homestead exemption on January 1 of the year in which the damage or destruction occurred; and the owner applies for and receives homestead exemption on the property the following year.

Specific Authority 195.027(1), 213.06(1) FS. Law Implemented ~~Ch. 2005-268, L.O.F., 192.042, 193.011, 193.023, 193.155, 193.1551, 213.05~~ FS. History—New 12-27-94, Amended 12-25-96, 1-16-06,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Sharon Gallops, Property Tax Technical Unit, Department of Revenue, 725 S. Calhoun St., Tallahassee, Florida 32399-0100, telephone (850)414-6108, e-mail address gallops@dor.state.fl.us

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Jerry Miller, Revenue Program Administrator, Property Tax Technical Unit, Department of Revenue, 725 S. Calhoun St. Tallahassee, Florida 32399-0100, telephone (850)414-6109

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 13, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 22, 2006, Vol. 32, No. 47, p. 5503-5506. A workshop was held on December 7, 2006. No comments were received during the workshop.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

Notices for the Board of Trustees of the Internal Improvement Trust Fund between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

STATE BOARD OF ADMINISTRATION

Florida Prepaid College Board

RULE NO.: 19B-16.003
RULE TITLE: Participation Agreement

PURPOSE AND EFFECT: To update the Florida College Investment Plan Participation Agreement Form.

SUMMARY: This rule change is being made to update the Florida College Investment Plan Participation Agreement Form.

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 regulatory costs or to provide for a lower costs regulatory alternative must do so within 21 days of this notice.

SPECIFIC AUTHORITY: 1009.971(1), (4), (6) FS.

LAW IMPLEMENTED: 1009.81(2) FS.

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

DATE AND TIME: October 15, 2007, 2:00 p.m.

PLACE: Suite 210, Hermitage Building, 1801 Hermitage Boulevard, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Thomas J. Wallace, Executive Director, 1801 Hermitage Boulevard, Suite 210, Tallahassee, Florida 32308, telephone (850)488-8514

THE FULL TEXT OF THE PROPOSED RULE IS:

19B-16.003 Participation Agreement.

(1) The contract between the Board and a benefactor shall consist of the benefactor's completed application and the participation agreement. The Florida College Investment Plan Participation Agreement, Form No. FPCB 20067-4, is hereby incorporated by reference. The form may be obtained from the Board by calling 1(800)552-GRAD (4723) (prompt 1).

(2) through (4) No change.

Specific Authority 1009.971(1), (4), (6) FS. Law Implemented 1009.981(2) FS. History--New 11-27-02, Amended 12-28-04, 6-2-05, 7-13-06,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Florida Prepaid College Board
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Florida Prepaid College Board
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 7, 2006
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 24, 2007

WATER MANAGEMENT DISTRICTS

Suwannee River Water Management District

RULE NO.: 40B-1.703
RULE TITLE: Procedures for Consideration of Permit Applications

PURPOSE AND EFFECT: The purpose of the rule development is to codify delegated authority to the Executive Director to issue individual environmental resource permits. The effect of the rule will be to provide more efficient permit processing for individual environmental resource permit applications.

SUMMARY: This proposed rule development will codify delegated authority to the Executive Director to issue individual environmental resource permits.

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

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

SPECIFIC AUTHORITY: 373.083, 373.044, 373.113, 373.118, 373.171, 373.4141 FS.

LAW IMPLEMENTED: 120.57, 120.60, 373.084, 373.085, 373.086, 373.106, 373.116, 373.118, 373.229, 373.313, 373.413, 373.416, 373.426 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: Linda Welch, Administrative Assistant, Suwannee River Water Management District, 9225 C.R. 49, Live Oak, Florida 32060, (386)362-1001 or (800)226-1066 (FL only)

THE FULL TEXT OF THE PROPOSED RULE IS:

40B-1.703 Procedures for Consideration of Permit Applications.
(1) through (2)(b) No change.

(c) The Governing Board hereby delegates authority to the Executive Director or the Executive Director’s designee to issue individual environmental resource permits that require no limiting conditions or that require the following special conditions pursuant to subsection 40B-4.1140(1), Florida Administrative Code (F.A.C.), under Chapters 40B-4 and 40B-400, F.A.C.:

1. Permits that identify non-profit associations as operation and maintenance entities under subsection 40B-4.2035(3), F.A.C.; or

2. Permits that require the following documents to be recorded in legal records:

a. Final plats; and

b. Deed restrictions; and

c. Drainage easements.

Unless objection to the permit application or the notice of proposed agency action is made according to statute and these rules by a substantially affected person, the Executive Director shall either issue the permit or place the application on the agenda of the next regularly scheduled meeting of the Governing Board.

(c) No change.

Specific Authority 373.044, 373.083, 373.113, 373.118, 373.171, 373.4141 FS. Law Implemented 120.57, 120.59, 120.60, 373.084, 373.085, 373.086, 373.106, 373.116, 373.118, 373.229, 373.313, 373.413, 373.416, 373.426 FS. History--New 6-16-88. Amended 12-22-92, 10-3-95,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Jon Dinges, Director, Resource Management, Suwannee River Water Management District, 9225 County Road 49, Live Oak, Florida 32060, (386)362-1001

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Governing Board of the Suwannee River Water Management District.

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 12, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 22, 2007

DEPARTMENT OF ELDER AFFAIRS

Federal Aging Programs

RULE NO.: 58A-2.004
RULE TITLE: Licensure Procedure

PURPOSE AND EFFECT: The purpose of the proposed rule amendment is to incorporate changes in licensure requirements, including licensure application forms incorporated by reference in the rule.

SUMMARY: The proposed rule amendment adds changes to licensure requirements and includes updated licensure application forms that are incorporated by reference in 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 a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 400.605, 408.802(19), 408.805(1) FS.

LAW IMPLEMENTED: 400.605, 400.606, 408.802(19), 408.805(1), 408.832, 435.04(5), 435.05(3) 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: September 17, 2007, 1:00 p.m. – 5:00 p.m.

PLACE: Department of Elder Affairs, 4040 Esplanade Way, Conference 225F, Tallahassee, FL 32399-7000

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 72 hours before the workshop/meeting by contacting: Jim Crochet, Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, FL 32399-7000; telephone number (850)414-2000, SunCom 994-2000; Email address: crocethj@elderaffairs.org. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Jim Crochet, Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, FL 32399-7000; telephone number (850)414-2000, SunCom 994-2000; Email address: crocethj@elderaffairs.org. THE PROPOSED RULE AND DOCUMENTS INCORPORATED BY REFERENCE ARE LOCATED ON THE DEPARTMENT INTERNET AT <http://elderaffairs.state.fl.us> UNDER THE RIGHT SIDE HEADING ENTITLED "DOEA RULEMAKING." HOSPICE Rule 58A-2.004, F.A.C.

THE FULL TEXT OF THE PROPOSED RULE IS:

58A-2.004 Licensure Procedure.

(1) ~~Biennial~~ licenses issued by the agency AHCA to operate a hospice ~~are contingent~~ shall be based upon the results of an agency ~~a survey conducted by the AHCA~~ to determine compliance with the requirements of Chapter 400, Part ~~IV~~ VI, F.S., Chapter 408, Part II, F.S., and with these rules. ~~A license shall be issued to any not-for-profit public or private agency who meets all federal, state and local requirements.~~

(2) Application for a license ~~must~~ shall be made by completing ~~to the~~ AHCA Form 3110-4001, Health Care Licensing Application, Hospice, July, 2007 ~~on forms prescribed by the AHCA.~~

(a) The form is hereby incorporated by reference and may be obtained from the agency Web site at <http://ahca.myflorida.com/MCHO/Health Facility Regulation/Home Care/docs/RenewalApp July07 Hospice.doc>, or from the Agency for Health Care Administration, Licensed Home Health Programs Unit, 2727 Mahan Drive, Mail Stop 34, Tallahassee, Florida 32308 or by contacting (850)414-6010.

(b) The application must be accompanied by a biennial licensure fee of one thousand two hundred dollars (\$1,200.00) as provided under Sections 400.606, F.S., and Chapter 408, Part II, F.S., payable by check or money order to the Agency for Health Care Administration.

~~The application shall be accompanied by a license fee of six hundred dollars (\$600.00) as provided under Section 400.606, F.S., in check or money order, payable to the Agency for Health Care Administration.~~

(3) In addition to the information required in Section 400.606(1), F.S., the following information is required for the licensure application and must be submitted with the application form:

(a) The name of the hospice's administrator and the administrator's license number if the administrator is a licensed professional; the name of the hospice's financial officer; the name and license number of the hospice's medical director; the name and license number of the hospices's nursing supervisor; and the number and types of licensed professionals who provide direct services as required in Section 400.609(1), F.S. including clergy, employed or to be employed by the hospice; ~~the number of home health aides employed or to be employed by the hospice; the number and types of other personnel employed or to be employed by the hospice and assigned to a hospice care team or teams.~~

(b) For initial licensure only, the Certificate of Need and a certificates of occupancy, certificate of use or evidence that the location is zoned for use as a hospice and evidence of compliance with Section 408.810(6), F.S. signed by local authorized zoning, building and electrical officials shall be attached to the application. ~~For initial licensure, where there are no municipal, county or electrical building codes, the applicant shall provide a written statement of compliance with these regulations from a registered architect or professional engineer who shall substitute for the authorities specified above.~~ A separate survey for fire safety and physical plant requirements of residential units and freestanding inpatient facilities must ~~operated by the hospice~~ shall be made by the agency AHCA prior to the opening of the facilities and on a periodic basis thereafter.

(c) ~~For initial~~ As a condition of licensure only, each successful applicant shall submit the names and professions for all hospice care team staff, and professional license numbers held by licensed hospice care team members ~~staff who are licensed~~; no later than three (3) months after the license is issued.

(d) For relocation of the principal office and addition or relocation of branch offices, a hospice must submit to the agency a certificate of occupancy, certificate of use or evidence that the new location is zoned for use as a hospice and evidence of compliance with Section 408.810(6), F.S.

(4) In addition to the requirements outlined in subsections (1) through (3) of this rule, each hospice must complete AHCA Form #3100-0007, Affidavit of Compliance with Level 2 Background Screening for Covered Employees, November 2006, in accordance with Sections 435.04(5) and 435.05(3), F.S.

(a) The form is hereby incorporated by reference and may be obtained from the agency’s Web site at <http://ahca.myflorida.com/MCHO/Corebill/Files/Affidavit Compliance with BGS Covered.pdf> or the address cited in paragraph (2)(a) of this rule.

(b) The form must be completed annually and submitted to the agency on the anniversary date of the signature on the original form.

Specific Authority 400.605, 408.802(19), 408.805(1) FS. Law Implemented 400.605(+) (a), 400.606, 408.802(19), 408.805(1), 408.832, 435.04(5), 435.05(3) FS. History—New 5-6-82, Formerly 10A-12.04, Amended 10-6-91, Formerly 10A-12.004, Amended 4-27-94, Formerly 59A-2.004, Amended 6-5-97, 8-10-03, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Jim Crochet

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: E. Douglas Beach, Ph.D., Secretary
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 10, 2007

DATE NOTICES OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 22, 2006 and May 11, 2007

DEPARTMENT OF ELDER AFFAIRS

Division of Statewide Community Based Services

| | |
|-------------------|--|
| RULE NOS.: | RULE TITLES: |
| 58N-1.001 | Application Process |
| 58N-1.003 | Service Descriptions |
| 58N-1.005 | Service Provider Qualifications |
| 58N-1.007 | Program Requirements |
| 58N-1.009 | Care and Service Standards |
| 58N-1.011 | Outcome Measures |
| 58N-1.013 | Quality Assurance Standards |
| 58N-1.015 | Utilization Review |
| 58N-1.017 | Grievance and Conflict Resolution Procedures |
| 58N-1.019 | Service Satisfaction |

PURPOSE AND EFFECT: The proposed rules comply with Section 430.706, F.S., which requires the department, in consultation with the Agency for Health Care Administration, to “develop quality of care standards for community diversion pilot projects.” At a minimum, these “standards must include,

but are not limited to, outcome measures, utilization review, grievance and conflict resolution, patient satisfaction, and care and service standards.”

SUMMARY: The proposed rules include the long-term care community diversion pilot project provider application process, including three application forms incorporated by reference; service descriptions and service provider qualifications; program requirements; care and service standards, including a uniform disenrollment form incorporated by reference; outcome measures; quality assurance standards, utilization review; grievance and conflict resolution; and service satisfaction.

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

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

SPECIFIC AUTHORITY: 430.706 FS.

LAW IMPLEMENTED: 409.912(27), 430.705(2)(b)2., 430.706, 641.3155, 641.51, 641.511 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: September 18, 2007, 1:00 p.m. – 5:00 p.m. EST.

PLACE: Department of Elder Affairs, 4040 Esplanade Way, Conference 225F, Tallahassee, FL 32399-7000

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 72 hours before the workshop/meeting by contacting: Jim Crochet, Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, FL 32399-7000; telephone number (850)414-2000, SunCom 994-2000; Email address: crocethj@elderaffairs.org. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Jim Crochet, Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, FL 32399-7000; telephone number (850)414-2000, SunCom 994-2000; Email address: crocethj@elderaffairs.org

THE PROPOSED RULE AND FORMS INCORPORATED BY REFERENCE IN THE RULE MAY BE OBTAINED ON THE DEPARTMENT INTERNET AT <http://elderaffairs.state.fl.us> UNDER THE HEADING ENTITLED “DOEA RULEMAKING.”

THE FULL TEXT OF THE PROPOSED RULES IS:

58N-1.001 Application Process.

(1) Applicants who wish to apply as a provider for the Long-Term Care Community Diversion Pilot Project must complete DOEA Form LTCD-001, Department of Elder Affairs Long-Term Care Community Diversion Pilot Project Provider Application, July 2007, which is hereby incorporated by reference.

(a) The form is available from the Department of Elder Affairs (DOEA) Web site at <http://elderaffairs.state.fl.us/english/forms/DOEAformLTCD001.pdf>. The form is also available for the following address: Department of Elder Affairs, Division of Statewide Community-Based Services, Long-Term Care and Support, 4040 Esplanade Way, Tallahassee, FL 32399-7000, Telephone number (850)414-2000.

(b) Applicants must follow the instructions in completing the application and submit it to the address as instructed on the application cover sheet.

(2) In addition, applicants must also enroll as Medicaid providers by completing the following Agency for Health Care Administration (AHCA) forms:

(a) AHCA form 2200-0003 (December 2004), Florida Medicaid Provider Enrollment Application; and

(b) Non-Institutional Medicaid Provider Agreement (February 2007).

(c) These forms are hereby incorporated by reference and may be obtained from the AHCA Web site at <http://floridamedicaid.acs-inc.com/XJContent/Non-Institutional%20Provider%20Agreement?id=000003568505> and <http://floridamedicaid.acs-inc.com/XJContent/Florida%20Medicaid%20Provider%20Enrollment%20Application?id=000000745363>, respectively.

(d) These forms must be submitted to the department along with DOEA Form LTCD-001.

Specific Authority 430.706 FS. Law Implemented 430.706 FS. History--New _____.

58N-1.003 Service Descriptions.

A long-term care community diversion pilot project provider (hereafter referred to as "diversion provider" or "provider") must either provide or arrange for services in accordance with the requirements in its contract with the department and the requirements in the Florida Nursing Home Diversion Waiver under the Agency for Health Care Administration's (AHCA) Medicaid program.

Specific Authority 430.706 FS. Law Implemented 430.706 FS. History--New _____.

58N-1.005 Service Provider Qualifications.

The qualifications for individuals or entities providing services as outlined in Rule 58N-1.003, F.A.C., must be in accordance with the requirements of the diversion provider's contract with the department, the requirements of the AHCA Florida Nursing Home Diversion Waiver, and federal and state regulations.

Specific Authority 430.706 FS. Law Implemented 430.706 FS. History--New _____.

58N-1.007 Program Requirements.

Diversion providers must meet the requirements addressed in Section 430.705(2)(b), F.S., and in its contract with the department.

Specific Authority 430.706 FS. Law Implemented 430.706 FS. History--New _____.

58N-1.009 Care and Service Standards.

(1) Medicaid Waiver Services: With the exception of nursing facility services, the long-term care services included under the diversion pilot projects are authorized under the Florida Nursing Home Diversion Waiver. The waiver services must meet all licensure and certification requirements as specified in Rule 58N-1.005, F.A.C.

(2) Case Management. Case management services must be provided by case managers directly employed by the diversion provider.

(a) Case managers must meet at least one of the following qualifications:

1. Have a Bachelor's Degree from an accredited college or university in social work, sociology, psychology, gerontology or human services related field; or

2. Have a Bachelor's Degree from a college or university and have at least two (2) years of related case management experience; or

3. Be a registered nurse licensed to practice in the state; or

4. Be a licensed practical nurse licensed to practice in the state with three (3) years of geriatric or related experience.

(b) In addition to any other training required, the diversion provider must ensure that case managers annually attend and complete the following training:

1. Abuse, neglect, and exploitation training specifically involving the elderly;

2. Four (4) hours of in-service training on issues affecting the frail elderly; and

3. Alzheimer's disease and related disorders annual continuing education training from a qualified individual or entity, focusing on newly developed topics in the field.

(c) The diversion provider may employ paraprofessionals, such as case aides, to assist case managers.

1. Case aide services are adjunctive to case management services and may be provided by paraprofessionals under the direction of case managers.

2. Case aide services include assistance with:

a. Implementing plans of care by arranging and verifying the services provided by the subcontractors;

b. Obtaining access to appointments and other services as prescribed in the plans of care; and

c. Arranging linkages between providers and participants.

3. Case aide services do not include:

a. Developing plans of care;

b. Conducting assessments or reassessments; or

c. Participating directly with assessing participant health status, medical follow-up or discharge planning.

(d) At a minimum, case managers must have one face-to-face visit with each participant at least every ninety (90) days from the date of enrollment.

(e) The case manager must make the necessary emergency plans or other shelter arrangements with the participant or representative during the enrollment orientation process.

1. The emergency plan must include arrangements for emergency supplies, transportation to the emergency location, and assistance in the coordination of emergency services with the participant's family or other shelter arrangements.

2. The participant must be provided with the diversion provider's emergency contact number.

3. The case manager must review and update the participant's emergency/disaster plan with the participant or representative at least annually.

(3) Care Planning:

(a) Each participant must have a care plan. The care plan is the tool used by the case manager to document a participant's assessed needs, desired outcomes, and services to be provided. The care plan is a plan of action, developed in conjunction with the participant, caregiver and/or family member or representative, and to the extent possible, the participant's physician. It is designed to assist the case manager in the overall management of the participant's care.

1. At each face to face visit, the participant or representative and case manager must review the care plan and make changes, if necessary, to meet the participant's continuing needs. The participant or representative and case manager must acknowledge in writing that the care plan was reviewed and changes to the care plan were agreed upon, if applicable.

2. At any time a significant change is indicated, the participant or representative and case manager must acknowledge the change in writing.

3. The participant or representative must receive a signed and dated copy of the care plan or care plan summary.

(b) All changes in services in the care plan must be documented in the participant's file.

(4) Emergency/Disaster Plan and Plan for Continuity of Operations.

(a) The diversion provider must submit an emergency/disaster plan to the department no later than April 30th of each year. The plan must include a list of names and contact information for members of the provider's disaster and emergency management team.

(b) The diversion provider must submit annually a continuity of operations plan (COOP). The plan must include:

1. Risk assessment of the physical and operational environment, the information technology that supports that environment and an analysis of the potential impact a disaster, emergency or other significant business interruption would have on critical functions in service delivery.

2. Procedure for the maintenance of communications, security controls and continued protection of confidential data and information contained in both electronic and hard copy formats, including alternate sites for facility operations, data operations and related functions.

3. Notification protocol for initiation of the plan and for continued communications between essential staff, stakeholders, the department and participants, including a regularly updated list of names and functions of essential emergency team members.

4. A recovery strategy to include restoration of normal operations and systems and notification protocol for staff, participants, other stakeholders and the department throughout the recovery process.

5. Annual schedule for training in emergency procedures for essential team members and staff, and inspection and testing of facilities and equipment both on-site and alternate or back-up facilities or equipment.

(5) Disenrollments:

(a) In order to disenroll a participant from the diversion program, the diversion provider must complete DOEA Form LTCD-002, Department of Elder Affairs Long-Term Care Community Diversion Pilot Project Request for Disenrollment, July 2007, which is hereby incorporated by reference and available at the department's Web site at <http://elderaffairs.state.fl.us/english/forms/DOEAformLTCD002.pdf> or from the following address: Department of Elder Affairs, Division of Statewide Community-Based Services, Long-Term Care and Support Unit, 4040 Esplanade Way, Tallahassee, Florida 32399-7000, Telephone number (850)414-2000.

(b) Upon notification of a participant's death, the diversion provider must disenroll the participant and void any claims for the months following the participant's death. The diversion provider must notify the local offices of the Comprehensive Assessment and Review for Long-Term Care Services (CARES) and Department of Children and Families.

(c) The diversion provider must submit a copy of voluntary disenrollments to the local CARES office. In addition, the provider must submit all disenrollment

transactions to the Medicaid fiscal agent via electronic submission or other method as set forth in its contract with the department.

(d) The CARES office must not accept disenrollment forms from anyone other than the participant's current diversion provider.

(e) The current diversion provider must continue to provide services to the participant until the documented effective date of disenrollment.

Specific Authority 430.706 FS. Law Implemented 430.705(2)(b)2., 430.706 FS. History–New _____.

58N-1.011 Outcome Measures.

(1) Service Provider Reimbursement: Diversion providers must demonstrate that service provider reimbursements meet the timeliness requirements according to Section 641.3155, F.S.

(2) Diversion Provider Reporting: Diversion providers must demonstrate that required reports outlined in their contracts with the department are submitted to the department on or before the due date.

Specific Authority 430.706 FS. Law Implemented 430.705(2)(b)3., 430.706, 641.3155 FS. History–New _____.

58N-1.013 Quality Assurance Standards.

The diversion provider must develop a quality assurance program with written policies and procedures. The quality assurance program must comply with applicable provisions of Sections 409.912(27) and 641.51, F.S., and the diversion provider's contract with the department

Specific Authority 430.706 FS. Law Implemented 409.912(27), 430.706, 641.51 FS. History–New _____.

58N-1.015 Utilization Review.

As part of its quality assurance program referenced in Rule 58N-1.013, F.A.C., each diversion provider must develop a utilization review methodology that must include, at a minimum, the following elements:

(1) Participants who received services with adverse or unexpected outcomes;

(2) Management of participants' care;

(3) Appropriateness and timeliness of services provided;

(4) Comprehensiveness of the care plan and the participant's compliance or non-compliance with the care plan, and the effects on the desired outcomes;

(5) Evidence of special screening for, and monitoring of, high-risk participants whose diagnoses may result in adverse outcomes; and

(6) Evidence of resolution of service satisfaction issues.

Specific Authority 430.706 FS. Law Implemented 430.706 FS. History–New _____.

58N-1.017 Grievance and Conflict Resolution.

Diversion providers must have detailed written procedures in place for participant grievance and appeal processes in accordance with applicable state and federal laws for the particular type of diversion provider.

Specific Authority 430.706 FS. Law Implemented 430.706, 641.511 FS. History–New _____.

58N-1.019 Service Satisfaction.

(1) Diversion providers must conduct participant and caregiver (family/representative) service satisfaction surveys and report the survey results in accordance with the requirements outlined in its contract with the department.

(2) Diversion providers must submit statements of validity, reliability and unbiasedness along with the results of the participant and caregiver satisfaction surveys.

(a) The validity and reliability statements must address how participants and caregivers for these surveys have been statistically or otherwise established.

(b) The unbiasedness statement must address the measures that the provider utilized to ensure the independence of the survey and the trust of the respondent.

(c) The statements must be signed by the authorized representative of the diversion provider.

(3) The diversion provider must retain copies of satisfaction survey results for review during the department's monitoring process to determine its compliance with the requirements of its contract with the department and subsection 58N-1.015(6), F.A.C.

Specific Authority 430.706 FS. Law Implemented 430.706 FS. History–New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Jim Crochet

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: E. Douglas Beach, Ph.D., Secretary
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 10, 2007

DATE NOTICES OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 22, 2006 and May 25, 2007

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Notices for the Department of Environmental Protection between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

DEPARTMENT OF ENVIRONMENTAL PROTECTION

| | |
|------------|--|
| RULE NO.: | RULE TITLE: |
| 62-550.550 | Certified Laboratories and Analytical Methods for Public Water Systems |

PURPOSE, EFFECT AND SUMMARY: The proposed amendments adopt the new analytical methods approved by the U.S. Environmental Protection Agency in the March 12, 2007, Federal Register. These analyses are for determining compliance with the drinking water standards.

SPECIFIC AUTHORITY: 403.853(3), 403.861(9) FS.

LAW IMPLEMENTED: 403.853(1), (3), 403.861(16), (17) FS.

THIS RULEMAKING IS UNDERTAKEN PURSUANT TO SECTION 403.8055, F.S. WRITTEN COMMENTS MAY BE SUBMITTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE TO: Ken Carter, P.E., Department of Environmental Protection, Drinking Water Section, MS 3520, 2600 Blair Stone Rd., Tallahassee, FL 32399-2400; telephone (850)245-8626

SUBSTANTIALLY AFFECTED PERSONS MAY WITHIN 14 DAYS OF THE DATE OF THIS NOTICE, FILE AN OBJECTION TO THIS RULEMAKING WITH THE AGENCY. THE OBJECTION SHALL SPECIFY THE PORTIONS OF THE PROPOSED RULE TO WHICH THE PERSON OBJECTS AND THE SPECIFIC REASONS FOR THE OBJECTION.

THE FULL TEXT OF THE PROPOSED RULE IS:

62-550.550 Certified Laboratories and Analytical Methods for Public Water Systems.

(1) For the purpose of determining compliance with standards and monitoring requirements other than those mentioned in subsection (2) below, samples shall be considered acceptable only if they have been analyzed by a laboratory certified in drinking water by the Department of Health to perform such drinking water analyses with the exception that measurements for alkalinity, bromide, calcium, chlorite at entrances to distribution systems, orthophosphate, silica, specific ultraviolet absorbance, or total organic carbon may be performed by operators licensed under Chapter 62-602, F.A.C., or by persons under the direct supervision of a licensed operator, and measurements for conductivity, disinfectant residual, pH, temperature, or turbidity may be performed by operators licensed under Chapter 62-602, F.A.C., by persons under the direct supervision of a licensed operator, or by any authorized representative of the Department. Approved analytical methods shall be used and are contained in the July 1, 2007, July 1, 2003 edition of 40 CFR 141.21, 141.23, 141.24, 141.25, 141.27, 141.74, 141.89, 141.131, and 143.4, and in the Federal Register, Vol. 72, Number 47, March 12, 2007, pp. 11199-11249, Vol. 69, No. 30, February 13, 2004, pp. 7156 – 7161, and Vol. 69, No. 164, August 25, 2004, pp. 52177 – 52182, all of which are incorporated herein by reference. Use of an alternative analytical technique requires written permission from the Department and the U.S. Environmental

Protection Agency. The use of DPD colorimetric test kits to measure residual chlorine, chloramine, or chlorine dioxide concentration is approved.

(2) through (4) No change.

Specific Authority 403.853(3), 403.861(9) FS. Law Implemented 403.853(1), (3), 403.861(16), (17) FS. History–New 11-19-87, Formerly 17-22.350, Amended 1-18-89, 5-7-90, 1-3-91, 1-1-93, 1-26-93, Formerly 17-550.550, Amended 9-7-94, 2-7-95, 8-1-00, 11-27-01, 4-14-03, 11-28-04,_____.

DEPARTMENT OF HEALTH

Board of Nursing

RULE NO.: 64B9-2.001
 RULE TITLE: Definitions

PURPOSE AND EFFECT: The purpose of the rule amendment is to clarify the program approval process.

SUMMARY: The program approval process is clarified.

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

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

SPECIFIC AUTHORITY: 464.006, 464.019(2) FS.

LAW IMPLEMENTED: 464.019 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: Rick Garcia, Executive Director, Board of Nursing, 4052 Bald Cypress Way, Bin C07, Tallahassee, Florida 32399-3259

THE FULL TEXT OF THE PROPOSED RULE IS:

64B9-2.001 Definitions.

(1) Approved nursing education program: a nursing education program leading to initial licensure which has been approved by the Board after having met the standards of nursing education. Each initial licensure program (i.e., professional, baccalaureate, or practical nursing) and each campus offering an initial nursing education program require separate, individual program approvals by the Board. campus and geographical location of the nursing education program is approved separately.

(2) through (24) No change.

Specific Authority 464.006, 464.019(2) FS. Law Implemented 464.019 FS. History–New 7-15-80, Amended 11-22-84, Formerly 21O-7.20, Amended 2-5-87, 6-8-88, Formerly 21O-7.020, Amended 9-7-93, Formerly 61F7-2.001, 59S-2.001, Amended 12-11-97, 1-28-02, 10-19-06,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Nursing
NAME OF SUPERVISOR OR PERSON WHO APPROVED
THE PROPOSED RULE: Board of Nursing
DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: June 10, 2004
DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: July 27, 2007

DEPARTMENT OF HEALTH

Board of Nursing

RULE NO.: 64B9-3.014
RULE TITLE: Criteria for Credentialing Agencies
PURPOSE AND EFFECT: The purpose of the rule amendment is to broaden the criteria for education evaluators to be more inclusive.
SUMMARY: The criteria for education evaluators is broadened to be more inclusive.
SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared.

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

SPECIFIC AUTHORITY: 464.006 FS.
LAW IMPLEMENTED: 456.013(1), 464.008 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: Rick Garcia, Executive Director, Board of Nursing, 4052 Bald Cypress Way, Bin C07, Tallahassee, Florida 32399-3259

THE FULL TEXT OF THE PROPOSED RULE IS:

64B9-3.014 Criteria for Credentialing Agencies.

In order to be accepted as documentation of the required education, a report must be submitted from a credentialing agency to the Board of Nursing that meets the following criteria:

~~(1) Professional standard.~~

~~(1)(a)~~ The credentialing agency must be a member of a national credentialing organization that sets performance standards for the industry, and must adhere to those standards.

~~(2)(b)~~ The credentialing agency's standards must be monitored by an external committee of credentialing experts and nursing educators.

~~(2) Services.~~

~~(a) The credentialing agency must specialize in evaluation of international nursing education and licensure.~~

~~(3)(b)~~ The credentialing agency must demonstrate the ability to accurately analyze academic and licensure credentials in terms of U.S. comparability, with course-by-course analysis for nursing academic records.

~~(4)(e)~~ The credentialing agency must manage the translation of original documents into English.

~~(5)(d)~~ The credentialing agency will inform the Board of Nursing in the event applicant documents are found to be fraudulent.

~~(3) Organization.~~

~~(6)(a)~~ The credentialing agency must have been in the business of evaluating nursing education for a minimum of 10 years.

~~(b) The credentialing agency must have nursing educators on staff.~~

~~(7)(4)~~ Credentials evaluation report.

(a) through (c) No change.

(d) The report must state the comparability of the foreign education to U.S. and to Florida Board of Nursing standards.

(e) No change.

Specific Authority 464.006 FS. Law Implemented 456.013(1), 464.008 FS. History–New 4-19-00, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Nursing
NAME OF SUPERVISOR OR PERSON WHO APPROVED
THE PROPOSED RULE: Board of Nursing
DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: June 10, 2004
DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: July 27, 2007

DEPARTMENT OF HEALTH

Board of Nursing

RULE NO.: 64B9-15.003
RULE TITLE: Eligibility for Certification
PURPOSE AND EFFECT: The purpose of the rule amendment is to implement 2005 legislative amendments to Sections 464.201, 464.202 and 464.203, F.S.
SUMMARY: The 2005 legislative amendments to Sections 464.201, 464.202 and 464.203, F.S. are implemented.
SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared.

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

SPECIFIC AUTHORITY: 464.202, 464.203 FS.

LAW IMPLEMENTED: 464.203, 464.2085 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: Rick Garcia, Executive Director, Board of Nursing, 4052 Bald Cypress Way, Bin C07, Tallahassee, Florida 32399-3259

THE FULL TEXT OF THE PROPOSED RULE IS:

64B9-15.003 Eligibility for Certification.

(1) An applicant for initial certification as a certified nursing assistant shall apply to the vendor approved by the department to administer the certified nursing assistant examination.

(2) An applicant for certification as a certified nursing assistant shall meet the requirements of Section 464.203, F.S.

(3) An applicant for initial certification must demonstrate competency to read and write if the applicant passes the clinical skills portion of the certified nursing assistant examination given in English only.

Specific Authority 464.202, 464.203 FS. Law Implemented 464.203, 464.2085 FS. History—New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Nursing

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 11, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 27, 2007

DEPARTMENT OF HEALTH

Board of Nursing Home Administrators

RULE NO.: 64B10-11.002
 RULE TITLE: Eligibility for Licensure

PURPOSE AND EFFECT: The Board proposes the rule amendment to add language to clarify the eligibility requirements for licensure.

SUMMARY: The rule amendment will add language to clarify the eligibility requirements for licensure.

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

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

SPECIFIC AUTHORITY: 456.017, 468.1685(1), 468.1695(1) FS.

LAW IMPLEMENTED: 456.017, 468.1695(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 RULE IS: Joe Baker, Jr., Executive Director, Board of Nursing Home Administrators/MQA, 4052 Bald Cypress Way, Bin # C07, Tallahassee, Florida 32399-3257

THE FULL TEXT OF THE PROPOSED RULE IS:

64B10-11.002 Eligibility for Licensure Examination.

(1) Required Examinations.

(a) The Board approves the Nursing Home Administrators Examination developed and administered by the National Association of Boards of Examiners of Nursing Home Administrators.

(b)(2) In addition to the national examination referenced in subsection (1)(a) above, each applicant for licensure shall also be required to take an examination on the laws and regulations of the State of Florida which governs the practice of nursing home administrators.

(2) To establish eligibility for licensure as a nursing home administrator by examination under Section 468.1695, F.S., the applicant must successfully pass the required examinations in subsection (1), and must provide that the applicant holds:

(a) A baccalaureate degree from an accredited college or university with a major in health care administration or has credit for at least 60 semester hours in subjects as defined under Rule 64B10-11.007, F.A.C., and:

1. Completed a college-affiliated or university-affiliated internship; or

2. Completed a 1,000-hour nursing home administrator-in-training program approved by the Board; or

(b) A baccalaureate degree from an accredited college or university, and

1. Completed a 2,000-hour nursing home administrator-in-training program approved by the Board; or

2. Has one year of management experience by performing executive duties and skills, including the staffing, budgeting, and directing of resident care, dietary, and bookkeeping departments within a skilled nursing facility, hospital, hospice, assisted living facility with a minimum of 60 licensed beds, or geriatric residential treatment program. If, however, such experience is not in a skilled nursing facility, the applicant must complete the requirements of a 1,000-hour nursing home administrator-in-training program approved by the Board.

(3) To establish eligibility for licensure as a nursing home administrator by endorsement under Section 468.1705, F.S., the applicant must successfully pass the required examinations in subsection (1), and;

(a) Hold a valid active license to practice nursing home administration in another state, provided that the current requirements for licensure in that state are substantially equivalent to, or more stringent than, the current requirements in the state of Florida; and

(b) Have practiced as a nursing home administrator for 2 years within the 5-year period immediately preceding the application by endorsement.

Specific Authority 456.017, 468.1685(1), 468.1695(1), (2) FS. Law Implemented 468.017, 468.1695(1), (2) FS. History—New 12-26-79, Amended 3-1-82, 7-29-82, Formerly 21Z-11.02, Amended 1-18-87, 6-2-87, 12-3-90, Formerly 21Z-11.002, 61G12-11.002, Amended 7-16-95, Formerly 59T-11.002, Amended 5-15-00, 11-6-02, 8-30-05,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Nursing Home Administrators

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Nursing Home Administrators

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 29, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 20, 2007

DEPARTMENT OF HEALTH

Board of Nursing Home Administrators

RULE NO.: 64B10-14.006
RULE TITLE: Citations

PURPOSE AND EFFECT: The Board proposes the rule amendment to clarify that citation regards practice on delinquent rather than inactive license; to modify amount of fines for falsely certifying compliance with continuing education hours; to delete requirements to make up missing continuing education units; to delete subsection regarding first-time failure to comply with Rule 64B10-15.001, F.A.C.; to add subsection imposing a fine and payment requirements for tendering a check that is dishonored; to delete requirements that prior to issuance of the citation for the investigator to confirm the status or correction of the violation; and to remove certain potential for harm.

SUMMARY: The rule amendment will clarify that citation regards practice on delinquent rather than inactive license; to modify amount of fines for falsely certifying compliance with continuing education hours; to delete requirements to make up missing continuing education units; to delete subsection regarding first-time failure to comply with Rule 64B10-15.001, F.A.C., to add subsection imposing a fine and payment requirements for tendering a check that is dishonored; to delete requirements that prior to issuance of the citation for the investigator to confirm the status or correction of the violation; and to remove certain potential for harm.

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

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

SPECIFIC AUTHORITY: 456.073, 456.077 FS.

LAW IMPLEMENTED: 456.077 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: Joe Baker, Jr., Executive Director, Board of Nursing Home Directors/MQA, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

THE FULL TEXT OF THE PROPOSED RULE IS:

64B10-14.006 Citations.

(1) through (2) No change.

(3) The following violations with accompanying fines may be disposed of by citation:

(a) Practice on an ~~delinquent inactive~~ license or certificate for less than six months. The fine shall be \$50 for each month of practice.

(b) Falsely certifying compliance with continuing education hours required for renewal of licensure or certification. If the individual has no documentation, the fine shall be ~~\$1500.00~~ 500.00. If the individual has some documentation, the ~~fine shall be \$500. penalty is \$25 per missing hour, to a maximum of \$500. For failing to provide documentation of the HIV/AIDS course, the fine shall be \$100.00. All missing CEUs shall be made up within six months of the date the citation becomes a Final Order.~~ fine shall be \$500.00. For each hour of continuing education not completed or completed late, the licensee shall be required to complete one (1) additional hour of continuing education within six (6) months of the issuance of the citation.

(c) through (d) No change.

~~(e) First time failure to comply with Rule 64B10-15.001, F.A.C. The fine shall be \$500.00. For each hour of continuing education not completed or completed late, the licensee shall be required to complete one (1) additional hour of continuing education within six (6) months of the issuance of the citation.~~

~~(e)(f)~~ No change.

~~(f)(g)~~ No change.

(4) Tendering a check that is dishonored by the institution upon which it is drawn shall result in a fine of \$100 and payment of the check within 30 days. Prior to issuance of the citation, the investigator must confirm that the violation has been corrected or is in the process of being corrected. If the violation is a substantial threat to the public health, safety and welfare, such potential for harm must be removed prior to issuance of the citation.

(5) No change.

THE FULL TEXT OF THE PROPOSED RULE IS:

64B10-15.002 Criteria for Approved Continuing Education

(1) through (7) No change.

(8) Continuing education courses ~~offered and~~ approved by the National Association of Boards of Examiners of Long Term Care Administrators are accepted as long as the requirements are similar to or more stringent than those required by the Board in subsection 64B10-15.002(1) and Rule 64B10-16.005, F.A.C.

(9) through (10) No change.

Specific Authority 468.1685(1), 468.1725(3) FS. Law Implemented 456.013, 468.1715, 468.1725 FS. History—New 12-11-80, Amended 2-20-83, Formerly 21Z-15.02, Amended 6-22-87, 2-26-89, 12-6-89, 11-11-92, Formerly 21Z-15.002, 61G12-15.002, 59T-15.002, Amended 10-12-97, 12-2-02, 8-11-03, 8-9-04, 2-23-06, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:

Board of Nursing Home Administrators

NAME OF SUPERVISOR OR PERSON WHO APPROVED

THE PROPOSED RULE: Board of Nursing Home Administrators

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 29, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 20, 2007

DEPARTMENT OF HEALTH

Board of Nursing Home Administrators

RULE NO.: 64B10-16.001
 RULE TITLE: General Information

PURPOSE AND EFFECT: The Board proposes the rule amendment to revise forms; to add the requirement for applicant to indicate to which AIT program applicant is applying; and to clarify requirements of each AIT program.

SUMMARY: The rule amendment will revise forms; to add the requirement for applicant to indicate to which AIT program applicant is applying; and to clarify requirements of each AIT program.

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

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

SPECIFIC AUTHORITY: 468.1685(1), 468.1695(2) FS.

LAW IMPLEMENTED: 468.1695(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: Joe Baker, Jr., Executive Director, Board of Nursing Home Administrators/MQA, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

THE FULL TEXT OF THE PROPOSED RULE IS:

64B10-16.001 General Information.

(1) No change.

(2) An applicant for the AIT program must meet those qualifications established by Section 468.1695, F. S., at the time of application, including completion of an Administrator in Training Application, form DH-MQA-NHA003 (Revised 03/2007 ~~10/2005~~) can be obtained from the Board of Nursing Home Administrators' website or the Division of Medical Quality Assurance Call Center by calling (850)488-0595. The applicant is required to indicate on form DH-MQA-NHA (Revised 03/2007) whether the applicant is applying for the AIT 1000-hour program or the AIT 2000-hour program.

(a) The applicant may qualify for the AIT 1000-hour program provided that the applicant holds a baccalaureate degree from an accredited college or university with a major in health care administration; or

(b) The applicant may qualify for the AIT 2000-hour program provided that the applicant holds a baccalaureate degree from an accredited college or university with a major in non-health care administration.

(3) through (13) No change.

Specific Authority 468.1685(1), 468.1695(2) FS. Law Implemented 468.1695(2) FS. History—New 9-24-81, Formerly 21Z-16.01, Amended 8-29-93, Formerly 61G12-16.001, Amended 6-2-96, Formerly 59T-16.001, Amended 10-12-97, 6-5-07, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:

Board of Nursing Home Administrators

NAME OF SUPERVISOR OR PERSON WHO APPROVED

THE PROPOSED RULE: Board of Nursing Home Administrators

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 29, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 20, 2007

DEPARTMENT OF HEALTH

Board of Occupational Therapy

RULE NO.: 64B11-2.011
 RULE TITLE: Definition of Supervised Fieldwork Experience

PURPOSE AND EFFECT: The Board proposes the rule amendment to add language that will clarify that supervision is of an occupational therapist student.

SUMMARY: The rule amendment will add language that will clarify that supervision is of an occupational therapist student.

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

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

SPECIFIC AUTHORITY: 468.204 FS.

LAW IMPLEMENTED: 468.209 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 Occupational Therapy/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

THE FULL TEXT OF THE PROPOSED RULE IS:

64B11-2.011 Definition of Supervised Fieldwork Experience.

The term "supervised fieldwork experience" as provided for in Section 468.209(1)(c), F.S., shall mean experience at an occupational therapist level occurring in a clinical setting affiliated with an educational institution in occupation therapy for a minimum of at least 6 months, with the fieldwork experience supervised by a licensed occupational therapist. Supervision, for purposes of this rule, shall mean that the occupational therapist student has daily direct contact at the worksite with his or her supervisor.

Specific Authority 468.204 FS. Law Implemented 468.209 FS. History--New 12-4-95, Amended 12-11-96, Formerly 59R-61.015, Amended 6-6-07,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Occupational Therapy

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 25, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 20, 2007

DEPARTMENT OF HEALTH

Board of Occupational Therapy

RULE NO.: 64B11-3.010 RULE TITLE: Definition of Supervised Fieldwork Experience

PURPOSE AND EFFECT: The Board proposes the rule amendment to allow a licensed occupational therapy assistant to supervise an occupational therapy assistant student.

SUMMARY: The rule amendment will allow a licensed occupational therapy assistant to supervise an occupational therapy assistant student.

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

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

SPECIFIC AUTHORITY: 468.204 FS.

LAW IMPLEMENTED: 468.204, 468.207, 468.209(1)(c) 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 Occupational Therapy/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

THE FULL TEXT OF THE PROPOSED RULE IS:

64B11-3.010 Definition of Supervised Fieldwork Experience.

The term "supervised fieldwork experience" as provided for Section 468.209(1)(c), F.S., shall mean experience at an occupational therapy assistant level occurring in a clinical setting affiliated with an educational institution in occupational therapy for a minimum of at least 2 months, with the fieldwork experience supervised by a licenses occupational therapist or by a licensed occupational therapy assistant under the supervision of a licensed occupational therapist. Supervision, for purposes of this rule, shall mean that the occupational therapy assistant student has daily direct contact at the worksite with his or her supervisor.

Specific Authority 468.204 FS. Law Implemented 468.204, 468.207, 468.209(1)(c) FS. History--New 6-6-07,_____Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Occupational Therapy

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 25, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 20, 2007

DEPARTMENT OF HEALTH

Board of Optometry

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|--|---|
| <p>RULE NOS.:</p> <p>64B13-3.007</p> <p>64B13-3.009</p> <p>64B13-3.010</p> | <p>RULE TITLES:</p> <p>Minimum Procedures for Comprehensive Eye Examination</p> <p>False, Fraudulent, Deceptive and Misleading Advertising Prohibited; Policy; Definitions; Affirmative Disclosure</p> <p>Standards of Practice</p> |
|--|---|

PURPOSE AND EFFECT: For 64B13-3.007, it is to use the terms relevant to insurance submissions to ensure that licensees understand the minimum procedures in the rule relate to the associated CPT code and to add clarifying details to the minimum examination requirements. For Rule 64B13-3.009, F.A.C., it is to clarify to licensees that each licensee has the duty to review and proof advertisements to ensure that the ads comply with the rules related to misleading advertising, regardless of what entity initiates the ad. For Rule 64B13-3.010, F.A.C., it is to change the rule language to track the statutory language, to delete unnecessary or repetitive language, and to clarify that optometry students include those titled extern, as well as those titled resident or intern.

SUMMARY: In Rule 64B13-3.007, F.A.C., the use of terms relevant to insurance submissions to ensure that licensees understand the minimum procedures in the rule relate to the associated CPT code and to add clarifying details to the minimum examination requirements are established. In Rule 64B13-3.009, F.A.C., it is clarified to licensees that each licensee has the duty to review and proof advertisements to ensure that the ads comply with the rules related to misleading advertising, regardless of what entity initiates the ad. In Rule 64B13-3.010, F.A.C., the rule language to track the statutory language is changed, unnecessary or repetitive language is deleted and it is clarified that optometry students include those titled extern, as well as those titled resident or intern.

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

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

SPECIFIC AUTHORITY: 463.005 FS.

LAW IMPLEMENTED: 456.072(1)(a), (m), 463.005(1), 463.0135, 463.014, 463.005(1), 463.0135(1), 463.016(1)(f)(g), (k) 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: Joe Baker, Jr., Executive Director, Board of Optometry, 4052 Bald Cypress Way, Bin C07, Tallahassee, Florida 32399-3259

THE FULL TEXT OF THE PROPOSED RULES IS:

64B13-3.007 Minimum Procedures for Comprehensive Eye Examination ~~Vision Analysis~~.

(1) ~~A comprehensive eye examination~~ Vision analysis is defined as a comprehensive assessment of the patient's visual status and shall include those procedures specified in subsection (2) below.

(2) ~~A comprehensive eye examination for vision analysis~~ shall include the following minimum procedures, which shall be recorded on the patient's case record:

- (a) through (e) No change.
- (f) Internal examination (~~direct or indirect ophthalmoscopy~~ recording ~~eup-dise ratio~~, optic nerve health, blood vessel status, macula health, and any abnormalities);
- (g) No change.
- (h) Tonometry (with time of measurement);
- (i) to (j) No change
- (k) Other tests and procedures that may be indicated by case history or objective signs and symptoms discovered during the comprehensive eye examination;
- (l) No change.
- (3) No change.
- (4) Except as otherwise provided in this rule, the minimum procedures set forth in subsection (2) above shall be performed prior to providing optometric care during a patient's initial presentation, and thereafter at such appropriate intervals as shall be determined by the optometrist's sound professional judgment; ~~provided~~, however, that each optometric patient shall receive a comprehensive eye examination ~~complete vision analysis~~ prior to the provision of further optometric care if the last comprehensive eye examination ~~complete vision analysis~~ was performed more than two years before.
- (5) No change.
- (a) through (f) No change.
- (6) The minimum procedures set forth in subsection (2) above shall not be required in the following circumstances:
 - (a) through (b) No change.
 - (c) When a licensed practitioner or certified optometrist performs public service visual screenings or visual screenings for governmental agencies and each recipient of such screening is clearly informed in writing of the following:
 - 1. No change.
 - 2. That the screening is not representative of or a substitute for a comprehensive eye examination ~~vision analysis~~; and
 - 3. No change.
 - (d) Drug therapy and contact lenses research.

(7) No change.

Specific Authority 463.005(1) FS. Law Implemented 463.005(1), 463.0135, 463.016(1)(g), (k) FS. History–New 11-13-79, Amended 4-17-80, 7-29-85, Formerly 21Q-3.07, Amended 7-18-90, Formerly 21Q-3.007, 61F8-3.007, 59V-3.007, Amended 4-3-00, 4-5-04, 6-5-06,_____.

64B13-3.009 False, Fraudulent, Deceptive and Misleading Advertising Prohibited; Policy; Definitions; Affirmative Disclosure.

(1) through (3) No change.

(4) As used in the rules of this Board, the terms “advertisement” and “advertising” shall mean any statements, oral or written, disseminated to or before the public or any portion thereof, with the intent of furthering the purpose, either directly or indirectly, or of selling professional services or ophthalmic goods, or offering to perform professional services, or inducing members of the public to enter into any obligation relating to such professional services. The licensed practitioner has the duty to review and proof all advertisements prior to publication, and is fully responsible for the content therein.

(5) No change.

(6) All advertisements which advertise services available at branch office locations shall state the hours that a licensed practitioner is practicing at each location mentioned in the advertisement, or shall advise the reader to secure information as to the availability of the licensed practitioner. Excepted from this requirement are:

(a) through (b) No change.

(c) Advertising such as business cards, which are distributed by the licensed practitioner personally or at her or his premises; and

(d) No change.

(7) through (8) No change.

Specific Authority 463.005 FS. Law Implemented 456.072(1)(a), (m), 463.014, 463.016(1)(f), (g) FS. History–New 11-13-79, Amended 4-17-80, 8-20-81, Formerly 21Q-3.09, Amended 1-8-86, 12-16-86, Formerly 21Q-3.009, 61F8-3.009, 59V-3.009, Amended 1-2-02, 11-13-06,_____.

64B13-3.010 Standards of Practice.

(1) Section 463.016(1)(g), Florida Statutes, authorizes the Board to take disciplinary action against an optometrist who is found guilty of “fraud, deceit, negligence, ~~or~~ incompetence, or misconduct in the practice of optometry.” Conduct which deceives, or defrauds the public and which is thereby prohibited by Section 463.016(1)(g), Florida Statutes, shall include, but not be limited to, accepting and performing an optometric practice or procedure which the optometrist knows or has reason to know that he is not competent to undertake.

(2) No change.

(3) An optometrist shall provide that degree of care which is full and complete, consistent with the patient conditions presented, the professional competency of the optometrist, and the scope of practice of optometry. An optometrist shall advise or assist her or his patient in obtaining further care when, in the professional judgment of the optometrist, the service of another health care practitioner is required.

(4) Certified optometrists employing the topical ocular pharmaceuticals listed in subsection 64B13-18.002(9), F.A.C., Anti-Glaucoma Agents, shall comply with the following:

(a) No change.

1. The plan will be predicated upon the severity of the existing optic nerve damage, ~~the height of~~ the intraocular pressure, and stability of the clinical course.

2. No change.

(b) No change.

(c) The certified optometrist shall have available, and be proficient in the use of, the following instrumentation:

1. No change.

2. Visual fields instrumentation capable of threshold perimetry, ~~combined with a threshold-related supra-threshold static technique.~~

3. through 6. No change.

(5) through (7) No change.

(8) Certified optometrists serving as adjunct professors to schools or colleges of optometry pursuant to Section 463.0057, Florida Statutes, may delegate to residents, externs or interns of said school, educational functions or duties beyond the restrictions of Section 463.009, Florida Statutes. Such delegated duties or functions shall be in accordance with Section 463.002(6), Florida Statutes. For purposes of this rule, residents, externs or interns of qualified schools or colleges of optometry are not defined as nonlicensed supportive personnel.

Specific Authority 463.005(1) FS. Law Implemented 463.005(1), 463.0135(1), 463.016(1) FS. History–New 9-16-80, Amended 12-20-82, Formerly 21Q-3.10, Amended 7-11-88, 6-18-92, 1-28-93, Formerly 21Q-3.010, Amended 3-16-94, Formerly 61F8-3.010, Amended 8-24-94, 9-21-94, 2-13-95, 12-31-95, Formerly 59V-3.010, Amended 6-15-00, 2-7-01, 11-16-05,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Optometry

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 12, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 27, 2007

DEPARTMENT OF HEALTH**Board of Optometry**

RULE NO.: 64B13-4.001 RULE TITLE: Examination Requirements

PURPOSE AND EFFECT: The purpose of the amendment is to delete a time limit on the validity of licensure examination scores.

SUMMARY: A time limit on the validity of licensure examination scores is deleted.

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

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

SPECIFIC AUTHORITY: 456.017(2), 463.005, 463.006(2) FS.

LAW IMPLEMENTED: 456.017(2), 463.006(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: Joe Baker, Jr., Executive Director, Board of Optometry, 4052 Bald Cypress Way, Bin C07, Tallahassee, Florida 32399-3259

THE FULL TEXT OF THE PROPOSED RULE IS:

64B13-4.001 Examination Requirements.

The examination for licensure shall consist of the National Board of Examiners in Optometry examination (hereafter NBEO examination), and Parts I and II of the state examination for licensure. The examination for certification of a licensee shall consist of the Treatment and Management of Ocular Disease (hereafter TMOD) part of the NBEO.

(1) NBEO Examination – A passing score must be obtained on Parts I, II, and the Treatment and Management of Ocular Disease (TMOD) of the NBEO examination ~~within the five years~~ prior to application for the state examination. ~~However, said five years period shall be extended to include those immediately preceding years after the applicant has taken and passed the NBEO and during which the applicant was continuously attending a qualified school of optometry.~~ Candidates with NBEO scores before 1993 may substitute a scaled score of at least 75 on the clinical pharmacology section of the clinical sciences part of NBEO examination for the TMOD requirement.

(2) through (3) No change.

Specific Authority 456.017(2), 463.005, 463.006(2) FS. Law Implemented 456.017(2), 463.006(2) FS. History–New 11-13-79, Amended 5-28-80, 7-10-80, 8-20-81, 2-14-82, 6-6-82, 10-3-82, 4-10-84, 5-29-85, Formerly 21Q-4.01, Amended 7-21-86, 11-20-86, 7-27-87, 7-11-88, 7-18-91, 4-14-92, Formerly 21Q-4.001, Amended 2-14-94, Formerly 61F8-4.001, Amended 8-8-94, 11-21-94, 4-21-96, Formerly 59V-4.001, Amended 7-27-99, 7-15-02, 3-8-04, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Optometry

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 12, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 27, 2007

DEPARTMENT OF HEALTH**Board of Optometry**

RULE NO.: 64B13-15.009 RULE TITLE: Citations

PURPOSE AND EFFECT: The purpose of the amendment is to increase the fine for failure to complete required continuing education and eliminate the requirement to complete additional continuing education.

SUMMARY: The fine for failure to complete required continuing education is increased and the requirement to complete additional continuing education is eliminated.

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

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

SPECIFIC AUTHORITY: 456.077, 463.005 FS.

LAW IMPLEMENTED: 456.077 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: Joe Baker, Jr., Executive Director, Board of Optometry, 4052 Bald Cypress Way, Bin C07, Tallahassee, Florida 32399-3259

THE FULL TEXT OF THE PROPOSED RULE IS:

64B13-15.009 Citations.

(1) through (3) No change.

(4) Pursuant to Section 456.077, F.S., the Board sets forth below those violations for which there is no substantial threat to the public health, safety, and welfare.

(a) The Board hereby designates the following as citation violations which shall result in a penalty of two hundred and fifty dollars (\$250.00):

1. through 4. No change.

5. Failure to document having obtained the continuing education required by Section 463.007, F.S., and Rule Chapter 64B13-5, F.A.C. The fine shall be assessed at \$250.00 per hour of deficiency of the required continuing education. ~~In addition to paying the fine, the licensee must complete continuing education hours not documented, plus an additional hour for each hour missed. The licensee shall come into compliance within ninety (90) days after receipt of the citation.~~

6. No change.

(b) No change.

(5) No change.

Specific Authority 456.077, 463.005 FS. Law Implemented 456.077 FS. History--New 1-1-92, Formerly 21Q-15.009, 61F8-15.009, 59V-15.009, Amended 3-21-00, 4-17-01, 12-26-01, 5-1-02, 7-15-02, 6-13-04, 11-16-05, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Optometry

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 12, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 27, 2007

DEPARTMENT OF HEALTH

Council of Licensed Midwifery

RULE NO.: 64B24-3.010
RULE TITLE: Inactive Status Fee

PURPOSE AND EFFECT: The Department of Health proposes to repeal this rule.

SUMMARY: The rule shall be repealed.

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

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

SPECIFIC AUTHORITY: 456.036(3) FS.

LAW IMPLEMENTED: 456.036 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 King, Executive Director, 4052 Bald Cypress Way, Bin #A-06, Tallahassee, Florida 32399-3256

THE FULL TEXT OF THE PROPOSED RULE IS:

64B24-3.010 Inactive Status Fee.

Specific Authority 456.036(3) FS. Law Implemented 456.036 FS. History--New 1-26-94, Formerly 61E8-3.010, Amended 8-15-95, Formerly 59DD-3.010, Amended 12-23-97, Repealed _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Pamela King

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Lucy Gee

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 1, 2007

**Section III
Notices of Changes, Corrections and
Withdrawals**

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: 6A-1.09401
RULE TITLE: Student Performance Standards

NOTICE OF CONTINUATION

Notice is hereby given that the above rule, as noticed in Vol. 33, No. 29, July 20, 2007 Florida Administrative Weekly has been continued from August 14, 2007 to September 18, 2007.

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: 6A-14.0914
RULE TITLE: Dr. Philip Benjamin Matching Program for Community Colleges

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 33, No. 15, April 13, 2007 issue of the Florida Administrative Weekly. The rule number has been changed from 6A-14.080 to 6A-14.0914, F.A.C.

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

Notices for the Board of Trustees of the Internal Improvement Trust Fund between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

AGENCY FOR HEALTH CARE ADMINISTRATION

Certificate of Need

RULE NO.: 59C-1.008
RULE TITLE: Certificate of Need Application Procedures