Section I
Notices of Development of Proposed Rules and Negotiated Rulemaking

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Agricultural Environmental Services

RULE NO.:	RULE TITLE:
5E-14.117	Application for Examination for Pest Control Operator's Certificate and Special Identification Card

PURPOSE AND EFFECT: The purpose of these rule changes is to define requirements for individuals seeking the Limited Commercial Fertilizer Certificate applying fertilizers commercially in Florida and to correct the application fee for category examination to reflect the increase to $300.00.

SUBJECT AREA TO BE ADDRESSED: Limited Fertilizer Applicators Certificate and correction of the application fee for category examination to reflect the increase to $300.00.

RULEMAKING AUTHORITY: 482.051, 482.1562 FS.

LAW IMPLEMENTED: 482.132, 482.141, 482.151, 482.152, 482.156, 482.1562 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Mr. Michael J. Page, Chief of Entomology and Pest Control, 1203 Governors Square Boulevard, Suite 300, Tallahassee, Florida 32301-2961; (850)921-4177

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

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."

BOARD OF TRUSTEES OF INTERNAL IMPROVEMENT TRUST FUND

RULE NOS.:	RULE TITLES:
18-24.001	General and Definitions
18-24.002	Public Purposes and Categories of Projects Qualifying for Funding
18-24.003	Application Procedures and Requirements
18-24.004	Initial Review of Project Proposals
18-24.005	Full Review of Project Proposals
18-24.006	Council Evaluation and Grouping
18-24.007	Board of Trustees Consideration
18-24.008	Capital Improvement and Restoration Proposals

PURPOSE AND EFFECT: To comply with new statutory requirements, rules applying to criteria, goals and measures for the Florida Forever land acquisition, management and restoration program and the Council's evaluation, selection and ranking of Florida Forever projects shall be developed for consideration of the Board of Trustees.

SUBJECT AREA TO BE ADDRESSED: Revision of the Florida Forever Program's criteria, goals and performance measures and the Council's procedures for evaluating and ranking Florida Forever projects.

RULEMAKING AUTHORITY: 259.035, 259.105 FS.

LAW IMPLEMENTED: 259.035, 259.105 FS.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATES, TIMES AND PLACE SHOWN BELOW:

DATES AND TIMES: September 14, 2009, 10:00 a.m.; HEARING: October 8, 2009, 9:00 a.m.; MEETING: October 9, 2009, 9:00 a.m.

PLACE: Department of Environmental Protection, Conference Room A, Marjory Stoneman Douglas Building, 3900 Commonwealth Blvd., Tallahassee, FL 32399-3000

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: Office of Environmental Services at (850)245-2784. 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: Greg Brock, Department of Environmental Protection, Division of State Lands, 3900 Commonwealth Blvd., MS. 140, Tallahassee, Florida 32399-3000; phone: (850)245-2784; E-mail: greg.brock@dep.state.fl.us

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

DEPARTMENT OF ELDER AFFAIRS

Long-Term Care Ombudsman Program

RULE NOS.:	RULE TITLES:
58L-1.001	Confidentiality and Disclosure
58L-1.0011	Definitions

58L-1.005	Access
58L-1.006	Conflict of Interest
58L-1.007	Complaint Procedures
58L-1.008	Administrative Assessment

PURPOSE AND EFFECT: The purpose of the proposed rule amendments is to add additional language; incorporate conflict of interest language into this rule chapter, which is currently included in Rule Chapter 58L-2, F.A.C.; and develop three new rules for definitions, complaint procedures and administrative assessments, including two forms incorporated by reference.

SUBJECT AREA TO BE ADDRESSED: The proposed rule amendments and new rules address confidentiality and disclosure of information, access to information, conflict of interest, definitions, complaint procedures and administrative assessments, including two forms incorporated by reference.

RULEMAKING AUTHORITY: 400.0071, 400.0077(5), 400.0081(2) FS.

LAW IMPLEMENTED: 400.0071, 400.0073, 400.0075, 400.0077, 400.0081 FS.

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

DATE AND TIME: September 15, 2009, 9:30 a.m. – 1:30 p.m. EDT

PLACE: Department of Elder Affairs, 4040 Esplanade Way, Conference Room 225F, Tallahassee, Florida 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, Office of the General Counsel, 4040 Esplanade Way, Tallahassee, Florida 32399-7000; telephone: (850)414-2000; Email address: crochethj@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 DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Jim Crochet, Department of Elder Affairs, Office of the General Counsel, 4040 Esplanade Way, Tallahassee, Florida 32399-7000; telephone: (850)414-2000; Email address: crochethj@elderaffairs.org

THE TEXT OF THE PROPOSED RULE DEVELOPMENT IS ALSO AVAILABLE ON THE WEBSITE LISTED BELOW, ALONG WITH THE 2 FORMS INCORPORATED BY REFERENCE, UNDER THE HEADING ENTITLED "LONG-TERM CARE OMBUDSMAN PROGRAM, RULE CHAPTER 58L-1, F.A.C. http://elderaffairs.state.fl.us/english/rulemaking.php

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

(Substantial rewording of Rule 58L-1.001, follows. See Florida Administrative Code for present text.)

58L-1.001 Confidentiality and Disclosure.

(1) APPLICABILITY.

The confidentiality and disclosure of information requirement applies to the complaint files maintained by the entities below, which are established under Chapter 400, Part I, F.S.:

(a) The staff of the Office of the State Long-Term Care Ombudsman;

(b) Members of the State Long-Term Care Ombudsman Council; and

(c) Members of the district long-term care ombudsman councils.

(2) REQUIREMENTS.

(a) Individuals specified in subsection (1) of this rule must follow the requirements in this subsection regarding the confidentiality and disclosure of information involving complaint files in the performance of their duties:

1. Section 400.0077, F.S.; and

2. Title VII, Chapter 2, of the Older Americans Act of 1965, as amended in 2006, 42 U.S.C., Section 3058g(d).

(b) Complaint case files cannot be released by the program until the case is closed as defined in Rule 58L-1.0011, F.A.C.

Rulemaking ~~Specific~~ Authority 400.0077(5) FS. Law Implemented 400.0077 FS. History–New 7-25-95, Amended _____.

58L-1.0011 Definitions:

In addition to the terms defined in Section 400, Part I, F.S., the following terms are defined in this rule chapter:

(1) COMPLAINT INVESTIGATION DEFINITIONS.

(a) CASE: Each inquiry brought to, or initiated by, the ombudsman on behalf of a resident or group of residents involving one or more complaints which requires opening a case and includes ombudsman investigation, strategy to resolve and follow-up.

(b) CASE CLOSED: A case where none of the complaints within the case require any further action on the part of the ombudsman and every complaint has been assigned the appropriate disposition code. For purposes of this rule, each complaint must be reviewed and approved by the long-term care district ombudsman manager, or designee, before it meets this definition.

(c) CLOSED CASE: Same as case closed.

(d) COMPLAINT: A concern brought to, or initiated by, the ombudsman for investigation and action by or on behalf of one or more residents of a long-term care facility relating to health, safety, welfare or rights of a resident. One or more complaints constitute a case.

(e) COMPLAINANT: An individual or a party, (i.e., husband and wife; siblings), who files one or more complaints made by, or on behalf of, residents with the ombudsman program.

(2) COMPLAINT INVESTIGATION DISPOSITION CODES.

(a) NO ACTION NEEDED: The complaint/problem required no action.

(b) NOT RESOLVED: The complaint/problem was not addressed to the satisfaction of the resident or complainant.

(c) PARTIALLY RESOLVED: The complaint/problem has been addressed to some degree to the satisfaction of the resident or complainant, but not completely.

(d) REFERRED, AGENCY FAILED TO ACT: The complaint/problem was referred to an agency having jurisdiction over the complaint/problem, but the agency failed to act.

(e) REFFERRED, NO REPORT: The complaint/problem was referred to an agency having jurisdiction over the complaint/problem, but no report was filed.

(f) REQUIRES POLICY, REGULATORY or LEGISLATIVE CHANGE TO RESOLVE: The complaint/problem cannot be addressed to the satisfaction of the resident or complainant without a policy, regulatory or statutory change.

(3) COMPLAINT INVESTIGATION VERIFICATION CODES.

(a) RESOLVED: The complaint/problem was addressed to the satisfaction of the resident or complainant.

(b) VERIFIED: It is determined after work (interviews, record inspection, and observation, etc.) that the circumstances described in the complaint are generally accurate.

(4) CONFLICT OF INTEREST DEFINITIONS.

(a) CONFLICT OF INTEREST: A conflict of interest is a competing interest, obligation or duty which compromises, influences, interferes with (or gives the appearance of compromising, influencing or interfering with) the integrity, the activities or the conduct of the program's representatives, including the State Long-Term Care Ombudsman, in faithfully and effectively fulfilling his or her official duties. Types of conflicts include:

1. Conflicts of loyalty involve issues of judgment and objectivity, including, but not limited to, financial incentives that shape an individual's judgment or behavior in such a way that is contrary to residents' interests.

2. Conflicts of commitment involve issues of time and attention that direct an individual's time and attention away from the residents' interests.

3. Conflicts of control involve issues of independence, including limitations or restrictions that effectively prevent an individual's ability to advocate for residents' interests.

(b) IMMEDIATE FAMILY: Father, mother, stepfather, stepmother, husband, wife, son, daughter, brother, sister, grandmother, grandfather, great-grandmother, great-grandfather, grandson, granddaughter, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepson, stepdaughter, stepbrother, stepsister, half brother, or half sister.

(c) INDIRECT REMUNERATION: Receiving remuneration from a company providing a service to a long-term care facility, such as a consulting pharmacist.

(d) LONG-TERM CARE SERVICES: Services provided by a long-term care facility, home health agency, adult day care center, hospice, intermediate care facility, home for special services or transitional living facility as those terms are defined in Chapters 400 and 429, F.S. Long-term care services also include services provided to residents by geriatric care managers, guardians or representative payees, who are not immediate family members.

(3) OTHER DEFINITIONS:

(a) DISTRICT: A geographic area in which the ombudsman program is administered and services are delivered.

(b) DOM: Abbreviation for long-term care district ombudsman manager.

(c) PROGRAM: The Office of the State Long-Term Care Ombudsman, its representatives and employees, the State Long-Term Care Ombudsman Council, and the district long-term care ombudsman councils as established in Chapter 400, Part I, F.S.

Rulemaking Authority 400.0070, 400.0071 FS. Law Implemented 400.0070, 400.0071, 400.0073, 400.0075 FS. History–New _____.

(Substantial rewording of Rule 58L-1.005 follows. See Florida Administrative Code for present text.)

58L-1.005 Access.

(1) Long-term care facilities must follow the provisions below regarding an ombudsman's access to the facility, residents and records:

(a) Section 400.0081, F.S.; and

(b) Title VII, Chapter 2, of the Older Americans Act of 1965, as amended in 2006, 42 U.S.C. § 3058g(b).

(2) Upon entering a long-term care facility, the ombudsman must identify himself or herself to the administrator or designee.

(3) In the event that a facility should deny an ombudsman access as outlined in subsection (1) of this rule, the ombudsman must report the incident to the DOM, who must immediately contact the Office of the Long-Term Care Ombudsman.

Rulemaking ~~Specific~~ Authority 400.0081(2) FS. Law Implemented 400.0081 FS. History–New 7-31-95, Formerly 58L-3.001, Amended _____.

58L-1.006 Conflict of Interest.

This rule incorporates conflict of interest language that was formerly included under Rule Chapter 58L-2, Long-Term Care Ombudsman Conflict of Interest, F.A.C.

(1) PROHIBITIONS.

(a) In addition to the conflict of interest prohibitions set forth in Section 400.0070(1), F.S., and Title VII, Chapter 2 of the Older Americans Act of 1965, as amended in 2006, 42 U.S.C. § 3058g(f), the following situations constitute prohibited conflicts of interest involving an ombudsman; an ombudsman's immediate family member; an officer, employee or representative of the Office of State Long-Term Care Ombudsman or of the state or district long-term care ombudsman councils:

1. Having, or an immediate family member having, an ownership or investment interest, represented by equity, debt or other financial relationship, in a long-term care facility or long-term care service as defined in Rule 58L-1.0011, F.A.C.;

2. Providing, or having an immediate family member providing, long-term care services, including the provision of personnel for long-term care facilities or the operation of programs which control access to, or services for, long-term care facilities;

3. Participating, or having an immediate family member participating, in the management of a long-term care facility or serving as the medical director of a long-term care facility;

4. Being involved, or having an immediate family member involved, in the licensing and certification of a long-term care facility or provision of a long-term care service to a facility or its residents;

5. Receiving, or having an immediate family member receiving, direct or indirect remuneration under a compensation arrangement with an owner or operator of a long-term care facility;

6. Accepting, or having an immediate family member accepting, substantial or consequential gifts or gratuities from a long-term care facility, facility owner, administrator, resident or resident's representative;

7. Performing ombudsman duties in a facility in which an immediate family member resides;

8. Standing to gain financially through an action or potential action brought on behalf of residents by ombudsman services;

9. Participating in activities which compromise the ability of the Long-Term Care Ombudsman Program to serve residents or are likely to create an appearance that the Long-Term Care Ombudsman Program's primary interest is other than as a resident advocate.

10. Being a current employee of the Agency for Health Care Administration, the Department of Business and Professional Regulation, the Department of Children and Family Services and the Department of Health.

(b) Past employment in a long-term care facility or being related to a long-term care facility resident shall not, in an and of itself, be construed as an impermissible conflict of interest.

(2) PROCEDURES.

(a) Upon approval, employment or affiliation with the program, each appointee, officer, employee or representative shall sign and date a conflict of interest statement that includes the following:

1. Acknowledgement that the individual has reviewed Title VII, Chapter 2, of the Older Americans Act of 1965, as amended in 2006, 42 U.S.C., Section 3058g(f), Section 400.0070(1), F.S., and this rule;

2. Acknowledgement that the individual understands the prohibitions contained in subsection (1) of this rule; and

3. A statement that the individual has no conflict of interest as defined in this rule.

(b) All acknowledgements referenced in this subsection must be submitted to the Office of the State Long-Term Care Ombudsman at the following address: Department of Elder Affairs, Office of the State Long-Term Care Ombudsman, 4040 Esplanade Way, Tallahassee, Florida 32399-7000. The Office of the State Long-Term Care Ombudsman must keep the statements on file.

(c) The State Long-Term Care Ombudsman shall receive and review all allegations of conflict of interest and, if appropriate, shall request that the individual remove the conflict of interest.

(d) If the individual does not remove the conflict of interest, the State Long-Term Care Ombudsman shall de-designate the representative from performing any authorized ombudsman duty or responsibility, or shall terminate for cause any such employee.

(e) Deliberate failure to disclose any conflict of interest, or the violation of any prohibition set forth in this rule, shall be considered sufficient grounds for de-designating the representative from performing any authorized ombudsman duty or responsibility, or terminating for cause such an employee.

Rulemaking Authority 400.0070 FS. Law Implemented 400.0070 FS. History–New _____.

58L-1.007 Complaint Procedures.

This rule outlines the procedures for receiving complaints and conducting complaint investigations on behalf of residents in long-term care facilities or involving facility employees.

(1) RECEIVING COMPLAINTS.

(a) Any person may make a written or verbal complaint to the Office of State Long-Term Care Ombudsman or its representatives. A complaint may be anonymous.

(b) The receipt of a complaint by the DOM, or designee, triggers the opening of a case as defined in Rule 58L-1.0011, F.A.C.

1. The DOM, or designee, must code complaints based on the requirements of the National Ombudsman Reporting System published by the U.S. Department of Health and Human Services, Administration on Aging.

2. The DOM, or designee, must complete and provide DOEA Form LTCOP-001 to the ombudsman conducting the investigation. DOEA Form LTCOP-001, Case Investigation, 2009, is hereby incorporated by reference and available from the Department of Elder Affairs, Office of the State Long-Term Care Ombudsman, 4040 Esplanade Way, Tallahassee, Florida 32399-7000. The form may also be obtained at the following Web site: (TBA).

(2) INVESTIGATIVE PROTOCOL.

(a) An investigation is initiated when an ombudsman makes contact with the complainant or resident. The investigation must be initiated within 7 calendar days after the district ombudsman manager receives the complaint.

(b) To the extent possible, the ombudsman must make every effort to visit the resident, or representative or immediate family member on whose behalf the complaint was filed. If unable to do so, the ombudsman must document the reason why he or she was unable to visit the resident, or representative or immediate family member.

(c) The complaint investigation must focus on the rights, health, safety and welfare of the resident or residents and may include direct observation, interviews with residents and other individuals, and record reviews, as permitted in 42 U.S.C., Section 3058g(b), and Section 400.0081, F.S.

(d) Investigations must be closed within 90 calendar days after receiving the complaint unless additional time is requested by the ombudsman and granted by the DOM, or designee. The DOM, or designee, may grant an extension of the 90-calendar day period when the ombudsman is unable to complete the investigation due to circumstances beyond his or her control. Such circumstances may be:

1. The investigation is undergoing legal or administrative proceedings;

2. One of the parties is ill and cannot participate in the investigation;

3. There is an act of God or a designated threat to public safety that would warrant an extension; or

4. Any other circumstance that would warrant an extension in the opinion of the DOM, or designee.

(e) At the conclusion of a case investigation, the ombudsman must:

1. Complete DOEA Form LTCOP-0001, using disposition codes referenced in subparagraph (1)(b)1. of this rule.

2. Contact the resident, or representative, to inform him or her of the preliminary disposition, pending the review and final approval of the DOM, or designee, pursuant to paragraph (f) of this subsection.

3. Conduct an exit interview with the facility administrator, or designee, to discuss the preliminary complaint findings and provide an opportunity for comment. All comments must be documented and become part of the complaint record. The ombudsman must inform the administrator, or designee, that an official report of the findings will be submitted after review and final approval by the DOM, or designee, pursuant to paragraph (f) of this subsection.

4. Submit the complaint investigation form to the DOM, or designee, within 7 calendar days.

(f) The DOM, or designee, must review and approve the complaint investigation.

1. Within 21 calendar days after case closure as defined in Rule 58L-1.0011, F.A.C., the DOM, or designee, must submit a written summary of the case disposition to the resident or representative, and the facility.

2. The facility may submit written comments regarding the summary to the DOM, or designee, within 21 calendar days from the date on the summary letter. If timely received, the DOM, or designee, must include the facility's written comments as part of the official complaint record.

Rulemaking Authority 400.0071 FS. Law Implemented 400.0071, 400.0073, 400.0075 FS. History–New .

58L-1.008 Administrative Assessments.

This rule outlines procedures for conducting administrative assessments of long-term care facilities.

(1) MINIMUM ASSESSMENT REQUIREMENT.

Pursuant to Section 400.0074, F.S., all long-term care facilities must have at least one onsite administrative assessment conducted annually. For purposes of this rule, the annual period shall be the federal reporting year, which is October 1 through September 30.

(2) ASSESSMENT ASSIGNMENTS.

(a) By October 1 of each year, the DOM, or designee, must assign all facilities within his or her district to individual members of the local council for administrative assessments to be completed by September 30 of the following year.

(b) The DOM, or designee, must keep original completed assessment forms in the district office and forward copies to the facility administrator and the local Agency for Health Care Administration field office within 30 calendar days after review and approval.

(3) ADMINISTRATIVE ASSESSMENT PROCESS.

Administrative assessments may include observations, interviews with residents and other individuals, and review of facility records as permitted in Section 400.0081, F.S. The

assessment must focus on issues affecting residents' rights, health, safety, quality of life, quality of care and welfare from their perspective.

(4) ADMINISTRATIVE ASSESSMENT FORM.

The results of an administrative assessment must be recorded on the DOEA Form LTCOP-0002, 2009, Administrative Assessment, which is incorporated by reference and available from the Department of Elder Affairs, Office of the State Long-Term Care Ombudsman, 4040 Esplanade Way, Tallahassee, Florida 32399-7000. The form may also be obtained from the following Website: (TBA).

(5) OMBUDSMAN RESPONSIBILITY.

At the conclusion of the assessment, the ombudsman must do the following:

(a) Conduct an exit interview with the facility administrator, or designee, to discuss the preliminary assessment findings and provide an opportunity for the administrator, or designee, to comment . All comments must be documented and become part of the assessment record. The ombudsman must inform the administrator, or designee, that an official report of the findings will be submitted after review and approval by the DOM, or designee, pursuant to subsection (6) of this rule.

(b) Document the preliminary steps and target dates agreed upon for remedial action if any problems are identified during the assessment.

1. Preliminary identified problems and preliminary target dates must be recorded on the assessment form referenced in subsection (4) of this rule, a copy of which must be provided to the facility administrator, or designee, during the exit interview.

2. The ombudsman must inform the administrator, or designee, that an official report of the identified problems and target dates will be submitted after review and final approval by the DOM, or designee, pursuant to subsection (6) of this rule.

(c) Submit the administrative assessment form to the DOM, or designee, within 7 calendar days.

(6) DOM RESPONSIBILITY.

(a) The DOM, or designee, must review and approve the administrative assessment after the ombudsman completes the form.

1. As required by Section 400.0075(1)(a), F.S., within 21 calendar days after the DOM, or designee, receives the assessment form from the ombudsman, he or she must submit a written summary of the assessment to the facility, including any changes to the preliminarily agreed upon actions and target dates at the exit conference.

2. The written summary shall be the official administrative assessment.

3. The facility may submit written comments regarding the summary to the DOM, or designee, within 21 calendar days from the date on the summary letter. If timely received, the DOM, or designee, must include the facility's written comments as part of the official administrative assessment.

(7) UNRESOLVED PROBLEMS.

If problems identified during an assessment remain unresolved, the ombudsman, the district long-term care ombudsman council and the State Long-Term Ombudsman Council, in consultation with the State Ombudsman, shall proceed with actions pursuant to Section 400.0075, F.S.

Rulemaking Authority 400.0071 FS. Law Implemented 400.0071, 400.0073 FS. History–New .

AGENCY FOR HEALTH CARE ADMINISTRATION

Health Facility and Agency Licensing

RULE NO.: RULE TITLE:
59A-7.020 Definitions

PURPOSE AND EFFECT: The agency is proposing to amend the rule that defines laboratory terms including "Biomedical Waste", laboratory directors, certain free standing centers and "kickback".

SUBJECT AREA TO BE ADDRESSED: Revisions to update the rule to reference current regulations, correct federal agency names, delete definitions in statute, and revise the definition of kickback.

RULEMAKING AUTHORITY: 483.051 FS.

LAW IMPLEMENTED: 483.041(7), 483.181, 483.245 FS.

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

DATE AND TIME: September 14, 2009, 2:00 p.m.

PLACE: Agency for Health Care Administration, Building 3, Conference Room D, 2727 Mahan Drive, 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: Karen Rivera, Laboratory Unit, 2727 Mahan Drive, Building 1, Mail Stop 32, Tallahassee, Florida 32308, (850)487-3109. 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 IS: Karen Rivera, Laboratory Unit, 2727 Mahan Drive, Building 1, Mail Stop 32, Tallahassee, Florida 32308, (850)487-3109

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59A-7.020 Definitions.

In addition to definitions set forth in Section 483.041, F.S., as used in this chapter the following terms shall mean:

(1) Approved Accreditation Program – a non profit organization granted deemed status or a state licensure program granted exempt status by the Centers for Medicare and Medicaid Services ~~Health Care Financing Administration~~ under the federal Clinical Laboratory Improvement Amendments of 1988 and federal rules adopted thereunder.

(2) through (4) No change.

(5) Biomedical Waste – any solid or liquid waste which presents a threat of infection to humans as defined under subsection 64E-16.002(2) ~~10D-104.002(2)~~, F.A.C.

(6) through (7) No change.

~~(8) Clinical Laboratory or Laboratory – a laboratory where examinations are performed on materials or specimens taken from the human body to provide information or materials for use in the diagnosis, prevention, or treatment of a disease or the assessment of a medical condition.~~

~~(9) Collection Station – a facility where materials or specimens are withdrawn or collected from patients or are assembled after being collected elsewhere, for subsequent delivery to a clinical laboratory for examination.~~

(8)~~(10)~~ Director – a person qualified under Rules promulgated pursuant to Chapter 483, Part III ~~IV~~, F.S., who is responsible for and assures the overall administration of the technical and scientific operations of a laboratory.

(9)~~(11)~~ Direct Supervision – supervision by a director, supervisor, or technologist who is on the premises, and is available to the laboratory when test procedures are being performed.

(10)~~(12)~~ Exclusive Use Laboratory – a clinical laboratory operated by one or more of the following exclusively in connection with the diagnosis and treatment of their own patients:

(a) through (e) No change.

(11)~~(13)~~ Free-standing Histology, Oral Pathology, or ~~and~~ Cytology Center – any location outside a clinical laboratory licensed under Chapter 483, Part I, F.S., which is engaged in and limits its activities to the preparation of human cellular material for microscopic interpretation by laboratories licensed in the specialty of pathology or ~~and~~ subspecialties of histopathology, oral pathology ~~pathology,~~ and cytology.

(12)~~(14)~~ General Supervision – supervision by a director or supervisor who is responsible for the overall performance of laboratory testing.

(13)~~(15)~~ Kickback – a remuneration, payment back, or other inducement, direct or indirect, in cash or in kind, pursuant to an investment interest, compensation arrangement, or otherwise, made by any person as defined in Section 483.041(7), F.S., including any clinical laboratory as defined in Section 483.041(2), F.S., to any physician, surgeon, organization, agency, or person as an incentive or inducement to refer any individual or specimen to a laboratory licensed under Chapter 483, Part I, F.S., such as the following:

(a) Provision of an actual payment or investment interest;

(b) Rental of real estate or equipment where the lease agreement does not comply with the criteria set forth in Section 456.053 ~~455.236~~, F.S.;

(c) through (f) No change.

(g) Provision of personnel or assistance of any kind at less than fair market value to perform any duties for the collection or processing of specimens. ~~Such personnel or assistance is authorized to be provided on a temporary basis for the collection of specimens at a patient's residence~~. These collections must meet the requirements of Chapter 59A-7, F.A.C.

(14)~~(16)~~ Kit – all components of a test that are packaged together.

(15)~~(17)~~ License – shall refer to a licensure certificate ~~or licensure certificate of exemption~~ issued under Chapter 483, Part I, F.S.

(16)~~(18)~~ Licensure Certificate – evidence of current licensure issued to a clinical laboratory upon application and qualification as required in this Rule and Chapter 483, Part I, F.S. Such license shall be issued for testing for one or more of the following specialties or subspecialties:

(a) Histocompatibility.

(b) Microbiology composed of the subspecialties of Bacteriology, Mycobacteriology, Mycology, Parasitology, or Virology~~, or Microbiology (Other~~).

(c) Diagnostic Immunology composed of the subspecialties of Syphilis Serology or General Immunology.

(d) Chemistry composed of the subspecialties of Routine Chemistry, Urinalysis, Endocrinology, or Toxicology ~~or Chemistry (Other)~~.

(e) Hematology.

(f) Immunohematology composed of the subspecialties of ABO Group & Rh Group, Antibody Detection (Transfusion), Antibody Detection (Non-Transfusion), Antibody Identification, or Compatibility Testing ~~or Immunohematology (Other)~~.

(g) Pathology composed of the subspecialties of Histopathology, Oral Pathology or Cytology.

(h) Clinical Cytogenetics.

(i) Radiobioassay.

(j) Free-standing histology or cytology center limited to those activities described in subsection 59A-7.020(11)~~(12),~~ F.A.C.

(k) Provider-performed microscopy tests limited to the CLIA category of Provider-Performed Microscopy tests found in 42 CFR 493.19(c)(1)-(9).

~~(19) Licensure Certificate of Exemption or Certificate of Exemption – evidence of current licensure issued to a laboratory upon application and qualification as stipulated in Section 483.106, F.S., when such facility performs only waived tests. Such license shall be issued authorizing testing only for specialties or subspecialties for a certificate of exemption.~~

(17)~~(20)~~ Moderate~~ly~~ Complexity ~~Complex~~ Test – procedures defined as moderate~~ly~~ complexity ~~complex~~ by the federal Centers for Medicare and Medicaid Services ~~Health Care Financing Administration~~ under the federal Clinical Laboratory Improvement Amendments of 1988 and federal rules adopted thereunder.

(18)~~(21)~~ Performance Characteristic – a property of a test that is used to describe its quality including accuracy, precision, analytical sensitivity, analytical specificity, reportable range, and reference range.

(19)~~(22)~~ Performance Specification – a value or range of values for a performance characteristic, established or verified by the laboratory, that is used to describe the quality of patient test results.

(20)~~(23)~~ Referee Laboratory – means a laboratory that has a record of satisfactory proficiency testing performance for all testing events for at least one year for a specific test, analyte, subspecialty, or specialty and has been designated by an approved proficiency testing program that meets the requirements of Rule 59A-7.026, F.A.C., as a referee laboratory analyzing proficiency testing specimens for the purpose of determining the correct response for the specimens in a testing event for that specific test, analyte, subspecialty, or specialty.

(21)~~(24)~~ Reference Range – means the range of test values expected for a designated population of individuals.

(22)~~(25)~~ Supervisor – a person licensed under Chapter 483, Part III ~~IV~~, F.S., who is responsible for the day-to-day supervision or oversight of the technical and scientific operations in a laboratory specialty or who, under the general supervision of a director, supervises and evaluates the performance of technical personnel, performs tests requiring special scientific skill, performs functions delegated by the director, and who, in the absence of the director, is held responsible for proper performance of testing procedures, testing personnel, reporting of results and compliance with applicable regulations.

(23)~~(26)~~ Sample – in proficiency testing means the material contained in a vial, on a slide, or other unit that contains material to be tested by proficiency testing program participants. When possible, samples are of human origin.

(24)~~(27)~~ Separate Premises – buildings that are not located on the same or adjoining grounds.

(25)~~(28)~~ Technologist – a person licensed under Chapter 483, Part III ~~IV,~~ F.S., who under the general supervision of the director or supervisor, processes specimens, performs and interprets tests that require the exercise of independent judgment and responsibility, and reports results in those specialties or subspecialties in which the technologist is licensed. A technologist is authorized to oversee the work of technicians in the absence of a supervisor in the specialty(ies) in which the technologist is licensed.

(26)~~(29)~~ Technician – a person licensed under Chapter 483, Part III ~~IV~~, F.S., who functions under the direct supervision of a director, supervisor, or technologist and performs routine clinical laboratory procedures which require limited responsibility and minimal exercise of independent judgment. A technician is authorized to function under general supervision in exclusive use laboratories.

(27)~~(30)~~ Transfusion Service – for purposes of this part, a blood bank transfusion service shall include the collection of blood and blood components, performance of therapeutic collection or pheresis, preparation of red blood cells and the recovery of human plasma.

(28)~~(31)~~ Target Value – for quantitative tests refers to the mean established by the approved proficiency testing program.

(29)~~(32)~~ Unsatisfactory Proficiency Testing Performance – failure to attain the minimum satisfactory score for an analyte, test, subspecialty, or specialty for a testing event.

(30)~~(33)~~ Unsuccessful Proficiency Testing Performance – a failure to attain the minimum satisfactory score for an analyte, test, subspecialty, or specialty for two consecutive or two of three consecutive testing events.

~~(34) Waived Test – a test that the federal Health Care Financing Administration has determined qualifies for a certificate of waiver under the federal Clinical Laboratory Improvement Amendments of 1988 and federal rules adopted thereunder.~~

Rulemaking ~~Specific~~ Authority 483.051 FS. Law Implemented 483.035, 483.041, 483.051, ~~483.106,~~ 483.191 FS. History–New 11-20-94, Amended 8-13-95, 12-27-95, 6-22-06, _____.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Florida Condominiums, Timeshares and Mobile Homes

RULE NOS.:	RULE TITLES:
61B-20.004	Definitions and Purpose
61B-20.005	Educational Resolution
61B-20.006	Enforcement Resolution and Civil Penalties

PURPOSE AND EFFECT: The amendments are intended to make the condominium association resolution guidelines consistent with the 2008 revised legislation affecting the division's jurisdiction and the experience gained in applying the rules since their adoption in 1998.

SUBJECT AREA TO BE ADDRESSED: The amendments clarify the definition of an accepted complaint; who has standing to file a complaint; provide point values for calculating aggravating and mitigating factors; change the

beginning range of penalties to a set point; re-word descriptions for clarity; increase some minor violations to major violations; add new statutory citations to the list of described violations; remove some statutory citations from the list of described violations; and increase the penalties for violations.

RULEMAKING AUTHORITY: 718.501(1)(d)6., (f) FS.

LAW IMPLEMENTED: 455.2273, 718.301, 718.501(1)(a), (b), (d)6., (j) FS.

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

DATE AND TIME: September 14, 2009, 10:00 a.m.

PLACE: The Northwood Centre, Suite 16, Conference Room, 1940 North Monroe 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: Sharon A. Malloy, Senior Management Analyst II, at (850)488-1631. 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: Sharon A. Malloy, Senior Management Analyst II, Division of Florida Condominiums, Timeshares, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-1030. The preliminary draft rule is also available on line at http://www.myflorida.com/dbpr/lsc/LSCMHRulePromulgation.html

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Florida Condominiums, Timeshares and Mobile Homes

RULE NOS.:	RULE TITLES:
61B-21.001	Definitions and Purpose
61B-21.002	Educational Resolution
61B-21.003	Enforcement Resolution and Civil Penalties

PURPOSE AND EFFECT: The amendments are intended to make the condominium association resolution guidelines consistent with the 2008 revised legislation affecting the Division's jurisdiction, and the experience gained in applying the rules since their adoption in 1998.

SUBJECT AREA TO BE ADDRESSED: The amendments clarify the definition of an accepted complaint; who has standing to file a complaint; and the change in jurisdiction over post-turnover associations. The rule amendments also provide a uniform system for applying aggravating and mitigating factors; re-word descriptions for clarity; increase some minor violations to major violations; add new statutory citations to the list of described violations; and remove some statutory citations from the list of described violations.

RULEMAKING AUTHORITY: 718.501(1)(d)6., (f) FS.

LAW IMPLEMENTED: 455.2273, 718.501(1)(a), (b), (d)6., (j) FS.

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

DATE AND TIME: September 14, 2009, 10:00 a.m.

PLACE: The Northwood Centre, Suite 16, Conference Room, 1940 North Monroe 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: Sharon A. Malloy, Senior Management Analyst II, at (850)488-1631. 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: Sharon A. Malloy, Senior Management Analyst II, Division of Florida Condominiums, Timeshares, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-1030. The preliminary draft rule is also available on line at http://www.myflorida.com/dbpr/lsc/LSCMHRulePromulgation.html

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Florida Condominiums, Timeshares and Mobile Homes

RULE NO.:	RULE TITLE:
61B-40.0062	Waiver of Reserves

PURPOSE AND EFFECT: Section 721.13(3)(c)3., Florida Statutes, allows for the waiver or reduction of reserves for capital expenditures and deferred maintenance in a Florida timeshare plan. The purpose of this rule amendment is to delete subsection 61B-40.0062(2), F.A.C., which conflicts with Section 721.13(3)(c)3., Florida Statutes, by prohibiting the waiver or reduction of reserves in Florida timeshare plans.

SUBJECT AREA TO BE ADDRESSED: This rule addresses reserve funding for capital expenditures and deferred maintenance in Florida timeshare plans.

RULEMAKING AUTHORITY: 718.501(1)(f), 721.03(2), 721.26(6) FS.

LAW IMPLEMENTED: 718.112(2)(f), 721.03(3), 721.07(5)(t) FS.

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

DATE AND TIME: September 14, 2009, 9:00 a.m.

PLACE: The Northwood Centre, Suite 16, Conference Room, 1940 North Monroe 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: Sharon A. Malloy, Senior Management Analyst II, at (850)488-1631. 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: Sharon A. Malloy, Senior Management Analyst II, Division of Florida Condominiums, Timeshares, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-1030. The preliminary text of the proposed rule development is also available on line at http://www.myflorida.com/dbpr/lsc/LSCMHRulePromulgation.html

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Architecture and Interior Design

RULE NO.:	RULE TITLE:
61G1-24.002	Continuing Education Approval of Subjects and Providers

PURPOSE AND EFFECT: The Board proposes the rule amendment in order to incorporate a revised handbook.

SUBJECT AREA TO BE ADDRESSED: Continuing Education Approval of Subjects and Providers.

RULEMAKING AUTHORITY: 455.2177(3), 455.2179, 481.215(4) FS.

LAW IMPLEMENTED: 481.215(4) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Anthony Spivey, Executive Director, Board of Architecture and Interior Design, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

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

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 JUVENILE JUSTICE

Residential Services

RULE NOS.:	RULE TITLES:
63E-7.002	Definitions
63E-7.004	Youth Intake
63E-7.010	Residential Case Management Services
63E-7.011	Delinquency Intervention and Treatment Services
63E-7.012	Transfer, Release and Discharge
63E-7.016	Program Administration

PURPOSE AND EFFECT: The amendments incorporate the Residential Positive Achievement Change Tool (RPACT) as the risk/needs assessment instrument for use in residential settings. Change is also made to the requirements under which direct care staff may assist in administering the mental health and substance abuse screening instrument at intake. Finally, the requirement that residential programs partner with community stakeholders is expanded to include agreements with local law enforcement. Specifically, such agreements shall identify the criteria for law enforcement involvement at residential facilities.

SUBJECT AREA TO BE ADDRESSED: Amending rules governing intake, case management, intervention, release, and program administration.

RULEMAKING AUTHORITY: 985.64, 985.601(3)(a), 20.316 FS.

LAW IMPLEMENTED: 985.601(3)(a), 985.03(44), 985.441(1)(b) FS.

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

DATE AND TIME: Tuesday, September 15, 2009, 10:00 a.m.

PLACE: DJJ Headquarters, 2737 Centerview Drive, General Counsel's Conference Room 3223, Tallahassee, Florida. For information about participation by telephone, contact John Milla at (850)921-4129

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: John Milla, 2737 Centerview Dr., Ste. 3200, Tallahassee, FL 32399-3100, e-mail: john.milla@djj.state.fl.us

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

DEPARTMENT OF HEALTH

Division of Medical Quality Assurance

RULE NO.: RULE TITLE:
64B-4.003 Office Surgery Registration Requirements, Fees

PURPOSE AND EFFECT: To update, reorganize, and add questions to the registration applications in accordance with legislation passed during the 2009 Session.

SUBJECT AREA TO BE ADDRESSED: Office Surgery Registration Requirements, Fees.

RULEMAKING AUTHORITY: 456.004, 458.309(3), 459.005(2) FS.

LAW IMPLEMENTED: 458.309(3), 459.005(2) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Melinda Gray, Regulatory Supervisor, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3250

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

DEPARTMENT OF HEALTH

Board of Medicine

RULE NO.: RULE TITLE:
64B8-30.012 Physician Assistant Performance

PURPOSE AND EFFECT: The Board proposes the development of rule amendments to address deletion of the requirement for co-signing medical charts pursuant to recent legislation removing the requirement.

SUBJECT AREA TO BE ADDRESSED: Deletion of the requirement for co-signing medical charts pursuant to recent legislation removing the requirement.

RULEMAKING AUTHORITY: 456.073(3), 458.309, 458.347(7)(e), (g), (12) FS.

LAW IMPLEMENTED: 456.073(3), 458.331, 458.347(7)(g), (12) FS.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B8-30.012 Physician Assistant Performance.

(1) through (2) No change.

(3) All tasks and procedures performed by the physician assistant must be documented in the appropriate medical record. ~~During the initial six months of supervision of each physician assistant all documentation by the physician assistant in a medical chart must be reviewed, signed and dated by a supervising physician within seven days. Subsequent thereto, a supervising physician must review, sign and date all documentation by a physician assistant in medical charts within 30 days.~~

(4) No change.

Rulemaking ~~Specific~~ Authority 458.309, 458.347(4)(a), (13) FS. Law Implemented 458.347(2), (3), (4), (13) FS. History–New 5-13-87, Amended 7-7-87, 11-15-88, 9-15-92, Formerly 21M-17.012, Amended 11-4-93, Formerly 61F6-17.012, 59R-30.012, Amended 10-13-98, 3-28-99, 11-17-03, _____.

DEPARTMENT OF HEALTH

Board of Osteopathic Medicine

RULE NO.: RULE TITLE:
64B15-6.010 Physician Assistant Performance

PURPOSE AND EFFECT: The Board proposes the development of rule amendments to address deletion of the requirement for co-signing medical charts pursuant to recent legislation removing the requirement.

SUBJECT AREA TO BE ADDRESSED: Deletion of the requirement for co-signing medical charts pursuant to recent legislation removing the requirement.

RULEMAKING AUTHORITY: 459.005, 459.022(4)(a), (13) FS.

LAW IMPLEMENTED: 459.022(2), (3), (4), (13) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Kaye Howerton, Executive Director, Board of Osteopathic Medicine/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B15-6.010 Physician Assistant Performance.

(1) through (2) No change.

(3) All tasks and procedures performed by the physician assistant must be documented in the appropriate medical record. ~~During the initial six months of supervision of each physician assistant all documentation by the physician assistant in a medical chart must be reviewed, signed and dated by a supervising physician within seven days. Subsequent thereto, a supervising physician must review, sign and date all documentation by a physician assistant in medical charts within 30 days.~~

(4) No change.

Rulemaking ~~Specific~~ Authority 459.005, 459.022(4)(a), (13) FS. Law Implemented 459.022(2), (3), (4), (13) FS. History–New 10-28-87, Amended 4-18-89, 9-26-90, Formerly 21R-6.010, 61F9-6.010, Amended 3-13-96, Formerly 59W-6.010, Amended 10-13-98, 3-17-99, 1-12-04, _____.

DEPARTMENT OF HEALTH

Board of Pharmacy

RULE NOS.:	RULE TITLES:
64B16-28.101	Prescription Area Accessible to Inspection
64B16-28.102	Sink and Running Water, Sufficient Space, Refrigeration, Sanitation, Equipment
64B16-28.1035	Patient Consultation Area
64B16-28.108	All Permits – Labels and Labeling of Medicinal Drugs
64B16-28.1081	Regulation of Daily Operating Hours
64B16-28.109	Prescription Department; Padlock; Sign: "Prescription Department Closed."
64B16-28.110	Outdated Pharmaceuticals
64B16-28.113	Permits; Single Entity; Single Location
64B16-28.114	Prescription Refills
64B16-28.118	Unit Dose and Customized Patient Medication Package Returns by In-patients
64B16-28.1191	Unclaimed Prescriptions
64B16-28.120	All Permits – Storage of Legend Drugs; Prepackaging
64B16-28.140	Record Maintenance Systems for Community, Special-Limited Community, Special-Closed Systems, Special-Parenteral/ Enteral, and Nuclear Permits
64B16-28.141	Requirements for an Automated Pharmacy System in a Community Pharmacy
64B16-28.150	Record Maintenance Systems for Institutional Pharmacies – Nursing Homes
64B16-28.202	Closing of a Pharmacy; Transfer of Prescription Files
64B16-28.2021	Change of Ownership
64B16-28.203	Transfer of Medicinal Drugs; Change of Ownership; Closing of a Pharmacy
64B16-28.301	Destruction of Controlled Substances - Institutional Pharmacies
64B16-28.303	Destruction of Controlled Substances All Permittees (excluding Nursing Homes)
64B16-28.404	Regulation of Daily Operating Hours
64B16-28.405	Remote Medication Order Processing for Community Pharmacies
64B16-28.450	Centralized Prescription Filling, Delivering and Returning
64B16-28.451	Pharmacy Common Database
64B16-28.501	Institutional Permit – Consultant Pharmacist of Record
64B16-28.502	Labels and Labeling of Medicinal Drugs Institutional Permit I. (Nursing Homes)
64B16-28.503	Transmission of Starter Dose Prescriptions for Patients in Class I Institutional or Modified II B Facilities
64B16-28.602	Class II Institutional Dispensing
64B16-28.6021	Class II Institutional Pharmacy – Emergency Department Dispensing
64B16-28.603	Class II Institutional Pharmacy Operating Hours
64B16-28.604	Class II Institutional Pharmacy Department Security
64B16-28.605	Class II Institutional Pharmacies – Automated Distribution and Packaging
64B16-28.606	Remote Medication Order Processing for Class II Institutional Pharmacies
64B16-28.607	Automated Pharmacy System – Long-Term Care, Hospice or Prison
64B16-28.702	Modified Class II Institutional Pharmacies
64B16-28.800	Special Pharmacies
64B16-28.810	Special Pharmacy – Limited Community Permit
64B16-28.820	Sterile Products and Special Parenteral/Enteral Compounding
64B16-28.830	Special – Closed System Pharmacy

64B16-28.840	Special – Non Resident (Mail Service)
64B16-28.850	Special Pharmacy – ESRD
64B16-28.860	Special Pharmacy – Parenteral/Enteral Extended Scope Permit
64B16-28.870	Special-ALF
64B16-28.900	Definitions – Nuclear Pharmacy
64B16-28.901	Nuclear Pharmacy – General Requirements
64B16-28.902	Nuclear Pharmacy – Minimum Requirements

PURPOSE AND EFFECT: The Board proposes the rule amendment and for a substantial re-write and reorganization of the Chapter; and to review the existing language in the rules to determine whether changes are necessary.

SUBJECT AREA TO BE ADDRESSED: Prescription Area Accessible to Inspection; Sink and Running Water, Sufficient Space, Refrigeration, Sanitation, Equipment; Patient Consultation Area; All Permits – Labels and Labeling of Medicinal Drugs; Regulation of Daily Operating Hours; Prescription Department; Padlock; Sign: "Prescription Department Closed." Permits; Single Entity; Single Location; Prescription Refills; Unit Dose and Customized Patient Medication Package Returns by In-patients; Unclaimed Prescriptions; All Permits – Storage of Legend Drugs; Prepackaging; Record Maintenance Systems for a Community, Special-Limited Community Special-Closed Systems, Special-Parenteral/Enteral, and Nuclear Permits; Requirements for an Automated Pharmacy System in a Community Pharmacy; Closing of a Pharmacy; Transfer of Prescription Files; Change of Ownership; Transfer of Medicinal Drugs; Change of Ownership; Closing of a Pharmacy; Destruction of Controlled Substances – Institutional Pharmacies; Destruction of Controlled Substances All Permittees (excluding Nursing Homes); Centralized Prescription Filling, Delivering and Returning; Pharmacy Common Database; Institutional Permit – Consultant Pharmacist of Record; Labels and Labeling of Medicinal Drugs Institutional Permit I (Nursing Homes); Transmission of Starter Dose Prescriptions for Patients in Class I Institutional or Modified II B Facilities; Class II Institutional Pharmacies; Class II Institutional Pharmacy – Emergency Department Dispensing; Class II Institutional Pharmacy Operating Hours; Class II Institutional Pharmacy Department Security; Class II Institutional Pharmacies – Automated Distribution and Packaging; Remote Medication Order Processing for Class II Institutional Pharmacies; Automated Pharmacy System – Long Term Care, Hospice or Prison; Modified Class II Institutional Pharmacies Special Pharmacies; Special Pharmacy – Limited Community Permit; Sterile Products and Special Parenteral/Enteral Compounding; Special – Closed System Pharmacy; Special – Non Resident (Mail Service); Special Pharmacy – ESRD; Special Pharmacy – Parenteral/Enteral Extended Scope Permit; Special-ALF; Definitions – Nuclear Pharmacy; Nuclear Pharmacy – General Requirements; Nuclear Pharmacy – Minimum Requirements.

RULEMAKING AUTHORITY: 465.005, 465.007, 465.0125, 465.0155, 465.0156, 465.016(1), 465.019(4), 465.022, 465.022(1)(a), (g), 465.0255, 465.0265, 893.04 FS.

LAW IMPLEMENTED: 465.003(10)(a), (11)(a), (14), (16), 465.007, 465.0125, 465.014, 465.016(1)(l), 465.017, 465.018, 465.019(2)(b), (c), (4), 465.019, 465.0126, 465.0156, 465.0193, 465.0196, 465.022(1), (1)(e), (1)(g), (7), 465.022, 465.0235, 465.026, 465.0265, 465.0266, 893.07 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Rebecca Poston, Executive Director, Board of Pharmacy/MQA, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254

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

DEPARTMENT OF HEALTH

Board of Pharmacy

RULE NOS.:	RULE TITLES:
64B16-28.108	All Permits – Labels and Labeling of Medicinal Drugs
64B16-28.1081	Regulation of Daily Operating Hours
64B16-28.120	All Permits – Storage of Legend Drugs; Prepackaging
64B16-28.502	Labels and Labeling of Medicinal Drugs Institutional Permit I. (Nursing Homes)
64B16-28.602	Class II Institutional Dispensing
64B16-28.6021	Class II Institutional Pharmacy – Emergency Department Dispensing
64B16-28.603	Class II Institutional Pharmacy Operating Hours
64B16-28.604	Class II Institutional Pharmacy Department Security
64B16-28.702	Modified Class II Institutional Pharmacies
64B16-28.800	Special Pharmacies
64B16-28.820	Sterile Products and Special Parenteral/Enteral Compounding
64B16-28.870	Special-ALF
64B16-28.902	Nuclear Pharmacy – Minimum Requirements

PURPOSE AND EFFECT: The Board proposes the rule amendment in order to make corrections; for consideration of hour and day requirement; for clarification of language; for consideration of requirements; to add application; to add specific application information; to add application; to clarify language; and to review the existing language in the rules to determine whether other changes are necessary.

SUBJECT AREA TO BE ADDRESSED: All Permits – Labels and Labeling of Medicinal Drugs; Regulation of Daily Operating Hours; All Permits – Storage of Legend Drugs; Prepackaging; Labels and Labeling of Medicinal Drugs Institutional Permit I (Nursing Homes); Class II Institutional Pharmacies; Class II Institutional Pharmacy – Emergency Department Dispensing; Class II Institutional Pharmacy Operating Hours; Class II Institutional Pharmacy Department Security; Modified Class II Institutional Pharmacies Special Pharmacies; Sterile Products and Special Parenteral/Enteral Compounding; Special-ALF; Nuclear Pharmacy – Minimum Requirements.

RULEMAKING AUTHORITY: 465.005, 465.007, 465.019(4), 465.022 FS.

LAW IMPLEMENTED: 465.007, 465.018, 465.019(2)(b), (c), (4), 465.0193, 465.0196, 465.022(1), 465.022 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Rebecca Poston, Executive Director, Board of Pharmacy/MQA, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254

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

DEPARTMENT OF HEALTH

Board of Pharmacy

RULE NOS.:	RULE TITLES:
64B16-30.001	Disciplinary Guidelines; Range of Penalties; Aggravating and Mitigating Circumstances
64B16-30.002	Minor Violations
64B16-30.003	Citations

PURPOSE AND EFFECT: The Board proposes the rule amendment in order to consider changes to the guidelines; to consider changes to minor violations; to consider changes to citation; and to review the existing language in the rules to determine whether changes are necessary.

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

RULEMAKING AUTHORITY: 456.072, 456.073, 456.077, 456.079, 465.005 FS.

LAW IMPLEMENTED: 456.072, 456.073(3), 456.077, 456.079 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Rebecca Poston, Executive Director, Board of Pharmacy/MQA, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254

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

DEPARTMENT OF HEALTH

Council of Medical Physicists

RULE NO.:	RULE TITLE:
64B23-2.001	Documentation for Licensure

PURPOSE AND EFFECT: To update, reorganize, and add questions to the licensure application in accordance with legislation passed during the 2009 Session.

SUBJECT AREA TO BE ADDRESSED: Documentation for Licensure.

RULEMAKING AUTHORITY: 456.004, 456.013, 483.901(6)(b) FS.

LAW IMPLEMENTED: 456.013, 483.901(6)(b) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Vicki Grant, Executive Director, MQA, 4052 Bald Cypress Way, Bin #C85, Tallahassee, Florida 32399-3250

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

DEPARTMENT OF HEALTH

Council of Medical Physicists

RULE NO.:	RULE TITLE:
64B23-7.001	Application for Physicist-in-Training

PURPOSE AND EFFECT: To update, reorganize, and add questions to the licensure application in accordance with legislation passed during the 2009 Session.

SUBJECT AREA TO BE ADDRESSED: Application for Physicist-in-Training.

RULEMAKING AUTHORITY: 483.901(6)(j) FS.

LAW IMPLEMENTED: 483.901(6)(j) FS.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Vicki Grant, Executive Director, MQA, 4052 Bald Cypress Way, Bin #C85, Tallahassee, Florida 32399-3250

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

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Economic Self-Sufficiency Program

RULE NO.: RULE TITLE:
65A-1.603 Food Stamp Program Income and Expenses

PURPOSE AND EFFECT: The proposed rule amendment amends the standard utility allowance, the basic utility allowance and the telephone standard.

SUBJECT AREA TO BE ADDRESSED: The proposed rule amendment amends the amounts of the utility standards.

RULEMAKING AUTHORITY: 414.45 FS.

LAW IMPLEMENTED: 414.31 FS.

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

DATE AND TIME: September 14, 2009, 10:30 a.m.

PLACE: 1317 Winewood Boulevard, Building 3, Room 455, Tallahassee, Florida 32399-0700

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Cindy Keil, ACCESS Florida Program Policy, 1317 Winewood Boulevard, Building 3, Tallahassee, Florida 32399-0700, (850)410-3291

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

Section II
Proposed Rules

DEPARTMENT OF COMMUNITY AFFAIRS

Division of Housing and Community Development

RULE NO.: RULE TITLE:
9B-72.100 Approval of Product Evaluation Entities, Product Validation Entities, Testing Laboratories, Certification Agencies, Quality Assurance Agencies and Accreditation Bodies

PURPOSE AND EFFECT: To adopt criteria by which the Florida Building Commission shall approve evaluation entities for the State system of product approval.

SUMMARY: Adds criteria by which the Commission will approve additional evaluation entities and adds the International Association of Plumbing and Mechanical Officials as an approved evaluation entity.

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

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

RULEMAKING AUTHORITY: 553.842(8) FS.

LAW IMPLEMENTED: 553.842(8) 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 21, 2009, 10:00 a.m. – hearing to be held via teleconference, the information for which will be provided by meeting notice for a meeting of the Florida Building Commission.

PLACE: Public point of access – 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Ila Jones, Community Program Administrator, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100, (850)922-6091. 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: Ila Jones, Community Program Administrator, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100, (850)922-6091

THE FULL TEXT OF THE PROPOSED RULE IS: