

Section I
Notices of Development of Proposed Rules
and Negotiated Rulemaking

DEPARTMENT OF STATE

Division of Elections

RULE NO.: 1S-2.048
 RULE TITLE: NVRA-Voter Registration Agencies

PURPOSE AND EFFECT: The purpose of the new rule is to ensure that each voter registration agency designated by the National Voter Registration Act (NVRA) of 1995 and by Section 97.058, F.S., is complying with the requirements of NVRA. The proposed rules requires each such agency: 1) to designate a coordinator and act as a liaison to the Department of State’s NVRA coordinator, 2) to ensure compliance with the federal and state law governing voter registration activities, 3) to record for each client voter registration services provided, 4) to track monthly the number of applications for new registration and updates are received, and 5) to require training for staff. The proposed rule also provides DS-DE #77-ENG and DS-DE #77-SPN, a form in English and in Spanish that combines the preference form which allows for tracking voter registration activity and that incorporates a detachable national mail-in application form.

SUBJECT AREA TO BE ADDRESSED: Obligations of NVRA and state designated voter registration agencies.

RULEMAKING AUTHORITY: 20.10(3), 97.012, 97.058(9) FS.

LAW IMPLEMENTED: 97.012(7), (10), 97.058 FS.; 42 U.S.C. 1973gg

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

DATE AND TIME: May 3, 2010, 2:00 p.m.

PLACE: Room 307, R. A. Gray Building, Florida Department of State, 500 S. Bronough Street, Tallahassee, Florida 32399

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: Eddie L. Phillips, Executive Assistant, Office of General Counsel, Florida Department of State at 1(850)245-6500 or elphillips@dos.state.fl.us. 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: Maria Matthews, Assistant General Counsel, Florida Department of State, 500 S. Bronough Street, Tallahassee, Florida 32399-0250, (850)245-6536; mimatthews@dos.state.fl.us

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

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: 6A-1.09422
 RULE TITLE: Florida Comprehensive Assessment Test Requirements

PURPOSE AND EFFECT: The purpose of this rule development is to replace current Florida Comprehensive Assessment Test (FCAT) requirements with new requirements based on new assessments aligned to the Next Generation Sunshine State Standards. The effect will be the proposed adoption of revised assessment requirements based on new comprehensive assessments and new end-of-course assessments.

SUBJECT AREA TO BE ADDRESSED: Florida Comprehensive Assessment Test (FCAT).

RULEMAKING AUTHORITY: 1001.02, 1008.22(12) FS.

LAW IMPLEMENTED: 1001.02, 1001.11, 1008.22, 1008.25, 1008.34 FS.

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

DATE AND TIME: May 14, 2010, 1:00 p.m. – 2:00 p.m.

PLACE: Florida Department of Education, 325 W. Gaines Street, Suite 1706, Tallahassee, Florida 32399. To participate via Conference Call: 1(888)808-6959, Code 2459668

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Kris Ellington, Assistant Deputy Commissioner, Office of Assessment, 325 West Gaines Street, Suite 414, Tallahassee, Florida 32399, (850)245-0513

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

DEPARTMENT OF EDUCATION

Florida School for the Deaf and the Blind

RULE NO.: 6D-9.007
 RULE TITLE: Health Care Policies

PURPOSE AND EFFECT: This rule addresses maintaining written policies and procedures of quality health services to meet the needs of students served at the Florida School for the Deaf and the Blind.

SUBJECT AREA TO BE ADDRESSED: Florida School for the Deaf and the Blind Health Care Policies.

RULEMAKING AUTHORITY: 1002.36(4)(c) FS.

LAW IMPLEMENTED: 120.53(1)(a), 1002.36(4)(d) 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: Friday, June 4, 2010, 9:00 a.m.

PLACE: Center for Leadership Development, Moore Hall, FSDB Campus, 207 N. San Marco Avenue, St. Augustine, FL 32084

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 2 days before the workshop/meeting by contacting: Cindy Day, 207 N. San Marco Avenue, St. Augustine, FL 32084, (904)827-2221. 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: Cindy Day, 207 N. San Marco Avenue, St. Augustine, FL 32084, (904)827-2221

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."

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-204.003
 RULE TITLE: Food Services – Standards of Operation

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to clarify the conditions under which an inmate may be removed from the vegan meal pattern.

SUBJECT AREA TO BE ADDRESSED: Food Services.

RULEMAKING AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 944.09 FS.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-204.003 Food Services – Standards of Operation.

(1) through (3) No change.

(4) Vegan meal pattern. Inmates may choose the vegan (strict vegetarian) meal pattern by submitting Form DC6-236, Inmate Request, to the food service director at the facility where the inmate is housed. An inmate who is transferred to another facility shall be allowed to continue the vegan meal pattern at the new facility by showing the inmate request that was approved by the previous food service director until his request is approved by the new food service director. Form DC6-236 is incorporated by reference in Rule 33-103.019, F.A.C.

(a) ~~The following inmates~~ ~~Inmates on the vegan meal pattern who are observed eating from the regular menu~~ shall be ~~removed~~ immediately ~~removed~~ from the vegan meal pattern:

1. Inmates observed eating from the regular menu;

2. Inmates observed eating the alternate entrée; and

3. Inmates who intentionally purchase, possess, or consume items from the canteen that contain any animal products or byproducts.

(b) Staff shall document the incident on Form DC6-210, Incident Report. Such inmates shall be ineligible to reapply for the vegan meal pattern for six months after involuntary removal.

(c) ~~(b)~~ An inmate who voluntarily requests to be removed from the vegan meal pattern may not reapply for the pattern for 30 days.

(5) through (6) No change.

Rulemaking Authority 944.09 FS. Law Implemented 944.09 FS. History—New 1-18-89, Amended 7-21-97, Formerly 33-30.003, Amended 8-9-00, 11-16-00, 10-2-01, 2-18-02, 7-2-03, 11-1-04, 2-27-05, 10-16-05, 1-17-06, 4-27-09, 3-3-10, _____.

DEPARTMENT OF VETERANS' AFFAIRS

Division of Veterans' Benefits and Assistance

RULE NO.: 55A-3.006
 RULE TITLE: Continuing Certification

PURPOSE AND EFFECT: The proposed amendment will require Veterans Service Officers attending a training refresher course to pass an exam demonstrating mastery of the covered material.

SUBJECT AREA TO BE ADDRESSED: The current rule makes the exam optional at the discretion of FDVA.

RULEMAKING AUTHORITY: 292.05(3) FS.

LAW IMPLEMENTED: 292.11 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: David Herman at (850)487-1533

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

55A-3.006 Continuing Certification.

As a condition of remaining in employment, each county or city Veteran Service Officer shall attend the Department's periodic training refresher courses. The refresher courses are designed to acquaint the Veteran Service Officer with new regulations and amendments to existing regulations as well as to answer any questions which the Officer may have concerning the responsibilities of the office. Each Veteran Service Officer attending a training refresher course shall may be required to pass a test demonstrating mastery of the subject covered during the refresher training session.

Rulemaking Specific Authority 292.05(3) FS. Law Implemented 292.11 FS. History--New 8-14-79, Formerly 9H-3.06, 22S-3.06, 22S-3.006, Amended 10-4-89,_____.

DEPARTMENT OF VETERANS' AFFAIRS

Division of Veterans' Benefits and Assistance

RULE NO.: RULE TITLE:
55A-3.007 Failure to Attend Training Refresher Course

PURPOSE AND EFFECT: The proposed amendment requires county or city Veteran Service Officers who fail to attend a required refresher training course to demonstrate proficiency in the course material as a condition of continued certification.

SUBJECT AREA TO BE ADDRESSED: The current rule gives the Department the discretion to require a demonstration of proficiency.

RULEMAKING AUTHORITY: 292.05(3) FS.

LAW IMPLEMENTED: 292.11 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: David Herman at (850)487-1533

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

55A-3.007 Failure to Attend Training Refresher Course. Failure of a county or city Veteran Service Officer to attend any required training refresher course shall subject that Officer to revocation of certification. A county or city Veteran Service Officer who fails to attend a required training refresher course shall may be required to demonstrate proficiency in the matters covered in that refresher course as a condition of continued certification.

Rulemaking Specific Authority 292.05(3) FS. Law Implemented 292.11 FS. History--New 8-14-79, Formerly 9H-3.07, 22S-3.07, 22S-3.007, Amended 10-4-89,_____.

DEPARTMENT OF VETERANS' AFFAIRS

Division of Veterans' Benefits and Assistance

RULE NO.: RULE TITLE:
55A-5.008 Supervisory Inspection Review

PURPOSE AND EFFECT: The proposed amendment requires FDVA's Bureau of State Approving Agency to suspend for 60 days an educational institution from participation in GI Bill educational programs for noncompliance with Federal standards. At the end of the 60 day period, if FDVA finds that the institution has conformed its programs to the standards, then it shall lift the suspension.

SUBJECT AREA TO BE ADDRESSED: The current rule gives FDVA the discretion to impose the penalty of suspension on an educational institution for noncompliance. The current rule also gives FDVA the discretion to lift the suspension after proof of compliance within 60 days.

RULEMAKING AUTHORITY: 292.05(3) FS.

LAW IMPLEMENTED: 295.124 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: David Herman at (850)487-1533

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

55A-5.008 Supervisory Inspection Review.

(1) The Bureau shall conduct an ongoing review of institutions which have a veteran or other eligible person enrolled in an accredited or nonaccredited course or program for the purpose of determining if the approved course or program continues to meet all the conditions for approval. Supervisory and inspection visits shall be coordinated to the extent possible with the schedule of compliance surveys to be conducted by the U.S.D.V.A. in order to avoid duplication of effort. The following priorities shall be observed by the Bureau when scheduling visits:

Priority I – Reports and Visits Requested by the U.S.D.V.A.

Priority II – New Approvals

Priority III – Revision of Existing Approvals

Priority IV – Routine Supervisory Visits

(2) Following each review, the Bureau shall advise the educational institution of its findings. A copy of the inspection report shall be furnished the Secretary of Veterans’ Affairs.

(3) In any case where the Bureau determines that a course or program no longer meets the applicable standards, it shall ~~may~~ suspend the educational institution for a period of 60 days during which time no new veterans may be enrolled for purposes of receiving benefits. At the end of the 60 day period, if the Bureau finds that the educational institution has conformed its courses or programs to the applicable standards, the Bureau shall ~~may~~ lift the suspension. If the Bureau finds the courses or programs still do not comply with the applicable standards, it shall issue a letter of disapproval to the educational institution and forward a copy of the letter to the U.S.D.V.A.

Rulemaking Specific Authority 292.05(3) FS. Law Implemented 295.124 FS. History–New 9-2-79, Formerly 9H-5.08, 22S-5.08, 22S-5.008, Amended 10-30-89, 12-5-95, _____.

DEPARTMENT OF ELDER AFFAIRS

Federal Aging Programs

RULE NO.: 58A-14.0061
 RULE TITLE: Admission Criteria and Procedures, Appropriateness of Placement, and Continued Residency Requirements

PURPOSE AND EFFECT: The purpose and effect of the proposed rule amendments are as follows: to include an additional requirement for determining admission procedures and continued residency, with corresponding changes to the assessment form; to include the requirement that residents must be made aware of the location of documents in order to make complaints; to amend the “Advance Directives” subsection to remove the term “advance directives” and replace with “Do Not Resuscitate Orders”; to add the word “licensed” before the references to “nurse” and “health care provider” in subsection (1); and to replace the word “physician” with “licensed health care provider” in subsection (7).

SUBJECT AREA TO BE ADDRESSED: An additional requirement for determining admission procedures and continued residency, with corresponding changes to the assessment form; the requirement that residents must be made aware of the location of documents in order to make complaints; and to amend the “Advance Directives” subsection to remove the term “advance directives” and replace with “Do Not Resuscitate Orders.”

RULEMAKING AUTHORITY: 429.73 FS.

LAW IMPLEMENTED: 429.65, 429.73, 429.85 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: May 19, 2010, 10:00 a.m. – 11:00 a.m. EST

PLACE: Department of Elder Affairs, Conference Room 225F, 4040 Esplanade Way, 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 number: (850)414-2113; 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 number: (850)414-2113; Email address: crochethj@elderaffairs.org

If not requested in writing by May 14, 2010, a rule development workshop will not be conducted. AHCA Form 1823, Resident Health Assessment for Assisted Living Facilities and Adult Family-Care Homes, May 2010, is located on the department website at the following address: <http://elderaffairs.state.fl.us/english/rulemaking.php>, under the heading “Adult Family-Care Homes, Rule Chapter 58A-14, F.A.C.”

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

58A-14.0061 Admission Criteria and Procedures, ~~and~~ Appropriateness of Placement, and Continued Residency Requirements.

(1) ADMISSION. In order to be admitted as a resident to an AFCH an individual must:

- (a) through (b) No change.
- (c) Be capable of self-preservation in an emergency situation involving the immediate evacuation of the AFCH, with assistance with ambulation, if needed.
- (d) through (h) No change.
- (i) Not have stage 3 or 4 pressure sores. An individual with a stage 2 pressure sore may be admitted only if the individual is under the care of a licensed nurse pursuant to a plan of care issued by a licensed health care provider. Such nursing service must be provided in accordance with Rule 58A-14.007, F.A.C.
- (j) through (l) No change.

(2) HEALTH ASSESSMENT. Prior to admission to an AFCH, the individual must be examined by a health care provider using AHCA Form 3110-1023 (AFCH 1110) 01/08, Resident Health Assessment for Adult Family-Care Homes (AFCH), January 2008, which is incorporated by reference, and available from the Agency for Health Care Administration, 2727 Mahan Drive, Mail Stop 30, Tallahassee, FL 32308. The form may also be obtained from the agency's Web site at http://ahca.myflorida.com/MCHQ/Long_Term_Care/Assisted_living/afe/Res_Health_Assmnt.pdf.

(a) Prior to admission to an AFCH, an individual must have a face-to-face medical examination conducted by a licensed health care provider using AHCA Form 1823, Resident Health Assessment for Assisted Living Facilities and Adult Family-Care Homes, which is incorporated by reference in Rule 58A-5.0181, F.A.C. It is available by writing to the Agency for Health Care Administration, Long-Term Care Bureau, 2727 Mahan Drive, Mail Stop 30, Tallahassee, FL 32308-5403 or calling (850)487-2515. It also may be obtained from the Agency's website at the address specified in Rule 58A-5.0181, F.A.C. The form must be completed as follows:

1. A licensed health care provider must complete Sections 1, Health Assessment, and 2., Self-Care and General Oversight Assessment.

a. Items on the form that may have been omitted by the licensed health care provider during the examination do not necessarily require an additional face-to-face examination for completion.

b. The AFCH provider, or designee, may obtain the omitted information either verbally or in writing from the licensed health care provider.

c. Omitted information received verbally must be documented in the resident's record, including the name of the licensed health care provider, the name of the AFCH provider, or designee, recording the information and the date the information was provided.

2. The AFCH provider, or designee, must complete Section 3, Services Offered or Arranged by the Facility, except for residents receiving Medicaid assistive care services or Medicaid Waiver Services.

(b) Every three years thereafter, or after a significant change, as defined in subsection (4) of Rule 58A-14.007, F.A.C., the resident must have a face-to-face medical examination conducted by a licensed health care provider using the form referenced in paragraph (a) of this subsection. The form must be completed as required in that paragraph. After the effective date of this rule, providers shall have up to 12 months to comply with this requirement.

(3) HOUSE RULES AND COMPLAINT PROCEDURES. Prior to, or at the time of admission a copy of the AFCH house rules, the Resident's Bill of Rights established under Section 429.85, F.S., the name, address, and telephone number of the district long-term care ombudsman

council and the Florida Abuse Hotline, and the procedure for making complaints to the ombudsman council and the abuse registry must be provided to the resident or the resident's representative.

(a) Prior to, or at the time of admission, the AFCH must provide the resident, or representative, with the following:

1. A copy of the AFCH house rules;

2. The Resident's Bill of Rights established under Section 429.85, F.S.;

3. Written information referenced in subsection (6) of Rule 58A-14.004, F.A.C., and the procedure for making complaints to these entities.

(b) Additionally, the provider, or designee, must make the resident, or representative, aware of the location of the documents posted pursuant to subsection (6) of Rule 58A-14.004, F.A.C.

(4) DO NOT RESUSCITATE ORDERS ADVANCE DIRECTIVES:

(a) Each adult family care home (AFCH) must have written policies and procedures, which delineate the AFCH'S position with respect to the state law and rules relative to do not resuscitate orders (DNROs) advance directives. The policies shall not condition treatment or admission upon whether or not the individual has executed or waived an DNRO advance directive. In the event of conflict between the AFCH's policies and procedures and the resident's advance directive, provision should be made in accordance with Chapter 765, F.S.

(b) The AFCH's policy must shall include:

1. No change.

2. At the time of admission, providing each resident, or the resident's representative, with written information concerning the AFCH's policies regarding DNROs resuscitation and advance directives, including information concerning DH Form 1896, Florida Do Not Resuscitate Order Form, incorporated by reference in Rule 64E-2.031, F.A.C.

3. At the time of admission, providing each resident, or the resident's representative, with written information concerning the AFCH's policies respecting advance directives.

3.4. The requirement that documentation of whether or not the resident has executed an DNRO advance directive must be contained in the resident's record. If an DNRO advanced directive has been executed, a copy of that document must be made a part of the resident's record. If the AFCH does not receive a copy of the DNRO advanced directive for a resident, the AFCH must document in the resident's record that it has requested a copy.

4.5. An AFCH shall be subject to revocation of its license pursuant to Section 408.815, F.S., if the AFCH, as a condition of treatment or admission, requires an individual to execute or waive an DNRO advance directive, pursuant to Section 765.110, F.S.

(c) Pursuant to Section 429.73, F.S., an AFCH may honor a properly executed DNRO as follows:

~~1. In the event a resident experiences cardiopulmonary arrest, the AFCH provider, or designee, who is trained in cardiopulmonary resuscitation (CPR), may withhold cardiopulmonary resuscitation.~~

~~2. In the event a resident experiences cardiopulmonary arrest distress, and the condition set forth in subparagraph (c)1. of this subsection does not apply, the AFCH provider, or designee, shall immediately contact "911." Cardiopulmonary resuscitation may be withheld or withdrawn from a resident by an individual pursuant to Section 401.45, F.S.~~

~~2. Cardiopulmonary resuscitation may be withheld or withdrawn from a resident only if a valid DNRO is present and the withholding or withdrawing of cardiopulmonary resuscitation is executed by an individual pursuant to Section 401.45, F.S.~~

3. Adult Family-Care Home providers shall not be subject to criminal prosecution or civil liability, nor be considered to have engaged in negligent or unprofessional conduct for withholding or withdrawing cardiopulmonary resuscitation pursuant to such a Do Not Resuscitate Order and rules adopted by the department agency, pursuant to Section 429.73, F.S. Any AFCH provider, who, in good faith, obeys the directives of an existing DNRO, executed pursuant to Section 401.45, F.S., will not be subject to prosecution or civil liability for his or her performance regarding patient care.

(5) TEMPORARY EMERGENCY SERVICES. Residents placed on an emergency basis by the Department of Children and Families Services pursuant to Section 415.105 or 415.1051, F.S., must meet the admission requirements of this rule. However, only residents whose stay in the home exceeds 30 days; must be examined by a licensed health care provider under subsection (2) of this rule section, and covered by a residency agreement under Rule 58A-14.0062, F.A.C. A temporary emergency placement may not be made if the placement causes the home to exceed licensed capacity.

(6) CONTINUED RESIDENCY.

(a) The criteria for continued residency shall be the same as the criteria for admission, including a face-to-face medical examination conducted by a licensed health care provider pursuant to subsection (2) of this rule, with the following exceptions that:

- 1. through 3. No change.
- (b) through (c) No change.
- (7) DISCHARGE.
- (a) No change.

(b) Residents shall only be moved or transferred without the required 30 day notice for the following reasons:

1. The resident's health requires an immediate relocation to a facility which provides a more skilled level of care as certified by a licensed health care provider physician;

2. through 3. No change.

Rulemaking Specific Authority 429.73 FS. Law Implemented 429.65, 429.73, 429.85 FS. History--New 2-2-95, Formerly 10A-14.0061, Amended 9-19-96, 6-6-99, 1-1-04, 4-29-08, _____.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Employee Leasing Companies

RULE NOS.:	RULE TITLES:
61G7-10.0012	Workers' Compensation Liability Statement
61G7-10.0014	Requirements for Evidence of Workers' Compensation Coverage

PURPOSE AND EFFECT: Format for the liability statement is currently included in both the rule text and the form. This amendment will remove duplicate information from the rule text which is already in the associated form.

To update form and contact information and to clarify what information applicants must submit as evidence of workers' compensation coverage.

SUBJECT AREA TO BE ADDRESSED: Format of the Workers' Compensation Liability Statement. Requirements for Evidence of Workers' Compensation Coverage.

RULEMAKING AUTHORITY: 468.522, 468.524, 468.525, 468.526, 468.530(3), 468.531, 468.522, 468.529 FS.

LAW IMPLEMENTED: 468.525(3)(e), 468.529, 468.529 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: Richard Morrison, Executive Director, Board of Employee Leasing Companies, 1940 North Monroe Street, Tallahassee, Florida 32399-0767

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Appraisal Board

RULE NO.:	RULE TITLE:
61J1-4.001	Education

PURPOSE AND EFFECT: The Board proposes to amend the rule to remove the language concerning the ability for teachers of appraisal courses to earn credit towards the classroom hour requirement.

SUBJECT AREA TO BE ADDRESSED: Education.

RULEMAKING AUTHORITY: 475.614 FS.

LAW IMPLEMENTED: 475.613, 475.615, 475.617 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: Thomas O’Bryant, Jr., Division Director, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N801, Orlando, Florida 32801

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61J1-4.001 Education.

(1) through (5) No change.

~~(6) Credit towards the classroom hour requirement may also be satisfied by teaching appraisal courses. Registered trainee appraisers may not satisfy any requirement of this rule with any course they have instructed. The appraisal courses must cover substantially the same subject matter as the Board prescribed courses. Credit shall only be granted on a one-time basis for teaching a particular appraisal course and shall be limited to fifty percent (50%) of the classroom hour requirement per renewal cycle. The Board may request supportive documentation to ascertain course content and to verify the date(s), time, place and hours taught.~~

Rulemaking Authority 475.614 FS. Law Implemented 475.613, 475.615, 475.617 FS. History—New 10-15-91, Formerly 21VV-4.001, Amended 1-9-94, 3-10-98, 9-6-98, 10-10-99, 5-25-04, 5-15-05, 1-17-06, 2-6-07, 12-6-07, 3-24-09 4-28-10,_____.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

State Boxing Commission

RULE NOS.:	RULE TITLES:
61K1-1.003	Licenses, Permits; Requirement, Procedure and Period, Fee
61K1-1.004	Weight Classes; Weigh-In; Pre-Match Physical of Participant and Referee
61K1-1.005	Promoter and Matchmaker; Licensing and Bond; Duties and Conduct
61K1-1.0055	Concessionaire; License; Bond
61K1-1.010	Physician; License and Duties; Authority
61K1-1.011	Manager; License; Contract Between Manager and Participant
61K1-1.013	Judge; License and Duties
61K1-1.040	Post-Match Reports Required to be Filed; Penalty for Late Filing

PURPOSE AND EFFECT: To update language incorporating forms by reference.

SUBJECT AREA TO BE ADDRESSED: Updating language incorporating forms by reference.

RULEMAKING AUTHORITY: 548.003 FS.

LAW IMPLEMENTED: 548.003, 548.006, 548.0065, 548.008, 548.011, 548.012, 548.013, 548.014, 548.017, 548.021, 548.025, 548.026, 548.028, 548.032, 548.035, 548.043, 548.046, 548.057, 548.066, 548.071, 548.075 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: Thomas Molloy, Executive Director, Florida State Boxing Commission, Department of Business and Professional Regulation, 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 ENVIRONMENTAL PROTECTION

RULE NO.:	RULE TITLE:
62-204.800	Federal Regulations Adopted by Reference

PURPOSE AND EFFECT: The purpose of this rule development (OGC No. 10-0879) is to establish specific compliance dates for units subject to the revised emission guidelines and to consider alternative requirements related to the frequency of compliance testing for hospital/medical/infectious waste incinerators subject to recent revisions of 40 C.F.R. Part 60, Subparts A, Ce, and Ec, promulgated by EPA October 6, 2009. Adoption of the federal standards is being done by separate rulemaking.

SUBJECT AREA TO BE ADDRESSED: This rule development addresses compliance requirements for hospital/medical/infectious waste incinerators subject to EPA emission guidelines.

RULEMAKING AUTHORITY: 403.061 FS.

LAW IMPLEMENTED: 403.061, 403.087 FS.

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

DATE AND TIME: Wednesday, May 26, 2010, 10:00 a.m.

PLACE: Department of Environmental Protection, Bob Martinez Center, Room 609, 2600 Blair Stone Rd., 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: Ms. Lynn Scarce at (850)921-9551. 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: Ms. Tiffany Miesel at (850)921-8306 or tiffany.miesel@dep.state.fl.us

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

DEPARTMENT OF JUVENILE JUSTICE

Division of Administration

RULE NOS.:	RULE TITLES:
63F-10.001	Purpose and Scope
63F-10.002	Definitions
63F-10.003	Requests for Youth Information
63F-10.004	Release of Records by Department
63F-10.005	Record Sharing Agreements with Other Government Agencies
63F-10.006	Confidentiality of Records Released by the Department

PURPOSE AND EFFECT: The rule establishes the process by which the department may make available records in its custody regarding children.

SUBJECT AREA TO BE ADDRESSED: The rule addresses the manner in which requests for youth records are received and processed, and the conditions under which various types of youth records are provided to requesting youth, law enforcement, criminal justice agencies, and others authorized to obtain the information. Access to youth records by the media, and direct access to youth in department programs, is also addressed.

RULEMAKING AUTHORITY: 985.04 FS.

LAW IMPLEMENTED: 985.04 FS.

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

DATE AND TIME: Tuesday, May 18, 2010, 2:00 p.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 JUVENILE JUSTICE

Detention Services

RULE NOS.:	RULE TITLES:
63G-2.001	Purpose and Scope
63G-2.002	Definitions
63G-2.003	Construction and Maintenance
63G-2.004	Staffing and Operations
63G-2.0045	Intake and Orientation
63G-2.005	Security
63G-2.006	Treatment, Training and Education of Youth
63G-2.007	Sanitation
63G-2.008	Capacity
63G-2.009	Bedding and Linens
63G-2.010	Nutrition
63G-2.011	Medical Treatment, Health and Comfort
63G-2.012	Disciplinary Treatment

PURPOSE AND EFFECT: Rule sections governing secure detention services are repealed. In lieu of extensive amendment to these rule sections, new rule sections are being proposed.

SUBJECT AREA TO BE ADDRESSED: The repealed rule sections govern the standards and requirements for the department’s statewide, regionally administered system of secure detention services for juveniles. The sections govern the management and operation of the facilities, admission and orientation, security, conditions of confinement and behavior management.

RULEMAKING AUTHORITY: 985.601(9)(b) FS.

LAW IMPLEMENTED: 985.601(9)(b) FS.

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

DATE AND TIME: Tuesday, May 18, 2010, 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 JUVENILE JUSTICE

Detention Services

RULE NOS.:	RULE TITLES:
63G-2.013	Purpose and Scope
63G-2.014	Definitions
63G-2.015	Facility Management
63G-2.016	Maintenance
63G-2.017	Staffing
63G-2.018	Documentation / Management Systems
63G-2.019	Security
63G-2.020	Admission, Orientation and Release
63G-2.021	Officer Conduct and Professionalism
63G-2.022	Behavior Management and Disciplinary Treatment
63G-2.023	Youth Activities
63G-2.024	Sanitation and Safety
63G-2.025	Hygiene
63G-2.026	Nutrition
63G-2.027	Medical Treatment
63G-2.028	Mental Health and Substance Abuse

PURPOSE AND EFFECT: The rule sections substantially modify and replace current rule sections governing the provision of secure detention centers for juveniles.

SUBJECT AREA TO BE ADDRESSED: The new rule sections provide the standards and requirements for the department's statewide, regionally administered system of secure detention services for juveniles. The sections govern the operation, maintenance, security, staffing and documentation requirements for secure detention centers, as well as the admission, orientation, conditions of confinement, treatment and behavior management for juveniles held in detention centers.

RULEMAKING AUTHORITY: 985.601(9)(b) FS.

LAW IMPLEMENTED: 985.601(9)(b) FS.

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

DATE AND TIME: Tuesday, May 18, 2010, 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

Board of Dentistry

RULE NO.:	RULE TITLE:
64B5-2.013	Dental Examination Requirements and Grading

PURPOSE AND EFFECT: The Board proposes the rule amendment to add new language to clarify the requirements and grading for dental examination.

SUBJECT AREA TO BE ADDRESSED: Dental examination requirements and grading.

RULEMAKING AUTHORITY: 456.017(1)(b), 466.004(4) FS.

LAW IMPLEMENTED: 456.017(1)(b),(2), 466.006(4), 466.009 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: Sue Foster, Executive Director, Board of Dentistry/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

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

DEPARTMENT OF HEALTH

Board of Dentistry

RULE NO.:	RULE TITLE:
64B5-13.0046	Citation Authority

PURPOSE AND EFFECT: The Board proposes the rule amendment to add new language to clarify violations and penalties of citation authority and to renumber the rule as necessary.

SUBJECT AREA TO BE ADDRESSED: Citation authority.

RULEMAKING AUTHORITY: 456.077, 466.004(4) FS.

LAW IMPLEMENTED: 456.072(3)(a), 456.077 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: Sue

Foster, Executive Director, Board of Dentistry/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

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

DEPARTMENT OF HEALTH

Board of Dentistry

RULE NO.: 64B5-13.005 RULE TITLE: Disciplinary Guidelines

PURPOSE AND EFFECT: The Board proposes the rule amendment to add new language to modify the disciplinary guidelines.

SUBJECT AREA TO BE ADDRESSED: Disciplinary guidelines.

RULEMAKING AUTHORITY: 456.079(1) FS.

LAW IMPLEMENTED: 456.072(2), 456.079(1), 466.028 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: Sue Foster, Executive Director, Board of Dentistry/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

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

DEPARTMENT OF HEALTH

Board of Dentistry

RULE NO.: 64B5-14.005 RULE TITLE: Application for Permit

PURPOSE AND EFFECT: The Board proposes the rule amendment to modify reference to Rule 64B4-14.003, F.A.C., and to add new language to clarify requirements for the particular type of anesthetics permit applied for.

SUBJECT AREA TO BE ADDRESSED: Application for permit.

RULEMAKING AUTHORITY: 466.004, 466.017 FS.

LAW IMPLEMENTED: 466.004, 466.017 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: Sue Foster, Executive Director, Board of Dentistry/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

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

DEPARTMENT OF HEALTH

Board of Medicine

RULE NO.: 64B8-8.001 RULE TITLE: Disciplinary Guidelines

PURPOSE AND EFFECT: The Board proposes the development of rule amendments to address new violations with regard to pain clinic rules.

SUBJECT AREA TO BE ADDRESSED: Disciplinary guidelines for violations of pain clinic rules.

RULEMAKING AUTHORITY: 456.0375(4)(c), 456.50(2), 456.0575, 456.079, 458.309, 458.331(5) FS.

LAW IMPLEMENTED: 456.0375(4)(c), 456.50(2), 456.0575, 456.072, 456.079, 458.331(5) 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:

64B8-8.001 Disciplinary Guidelines.

(1) No change.

(2) Violations and Range of Penalties. In imposing discipline upon applicants and licensees, in proceedings pursuant to Sections 120.57(1) and (2), F.S., the Board shall act in accordance with the following disciplinary guidelines and shall impose a penalty within the range corresponding to the violations set forth below. The verbal identification of offenses are descriptive only; the full language of each statutory provision cited must be consulted in order to determine the conduct included.

VIOLATION	RECOMMENDED RANGE OF PENALTY		
	FIRST OFFENSE	SECOND OFFENSE	THIRD OFFENSE
(a) through (aaa) No change. <u>(bbb) A violation of Rule 64B8-9.0131, F.A.C.</u>	<u>(bbb) From probation for a term no less than two years, 100 hours of community service, and a fine of \$5,000.00 to \$10,000.00 to revocation.</u>	<u>(bbb) From suspension for a minimum of one year, to be followed by a term of probation, 200 hours of community service, and a \$10,000.00 fine to revocation.</u>	
<u>(ccc) A violation of Rule 64B8-9.0132, F.A.C.</u>	<u>(ccc) From probation for a term no less than one year, 50 hours of community service, and a fine of \$5,000.00 to \$10,000.00 to revocation.</u>	<u>(ccc) From suspension for a minimum of six months, to be followed by a term of probation, 100 hours of community service, and a \$10,000.00 fine to revocation.</u>	
(3) through (7) No change. Rulemaking Authority 456.0375(4)(c), 456.50(2), 456.0575, 456.079, 458.309, 458.331(5) FS. Law Implemented 456.0375(4)(c), 456.50(2), 456.0575, 456.072, 456.079, 458.331(5) FS. History—New 12-5-79, Formerly 21M-20.01, Amended 1-11-87, 6-20-90, Formerly 21M-20.001, Amended 11-4-93, Formerly 61F6-20.001, Amended 6-24-96, 12-22-96, Formerly 59R-8.001, Amended 5-14-98, 12-28-99, 1-31-01, 7-10-01, 6-4-02, 9-10-02, 12-11-02, 8-20-03, 6-7-04, 8-17-04, 1-4-06, 8-13-06, 8-29-06, 11-22-06, 1-30-07, 2-18-09, 12-22-09,_____.		64B9-4.011 Dispensing Practitioners. (1) Those ARNP’s whose protocols permit them to dispense medications for a fee as contemplated by Section 465.0276, F.S., must register with the Board of Nursing <u>by submitting a completed Dispensing Application for ARNP’s, form number DH-MQA 1185, 3/09.</u> (2) No change.	

DEPARTMENT OF HEALTH

Board of Nursing

RULE NO.: 64B9-4.011
 RULE TITLE: Dispensing Practitioners
 PURPOSE AND EFFECT: The Board proposes this change to incorporate the appropriate form into this rule.
 SUBJECT AREA TO BE ADDRESSED: Dispensing Practitioners.
 RULEMAKING AUTHORITY: 464.006 FS.
 LAW IMPLEMENTED: 456.0276, 464.012(3), (4) FS.
 IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Joe Baker, Jr., Executive Director, Board of Nursing, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399
 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

Rulemaking Specific Authority 464.006 FS. Law Implemented 465.0276, 464.012(3), (4) FS. History—New 9-16-91, Formerly 21O-16.003, 61F7-4.011, 59S-4.011, Amended 5-14-07,_____.

DEPARTMENT OF HEALTH

Board of Osteopathic Medicine

RULE NO.: 64B15-12.003
 RULE TITLE: Applications for Licensure
 PURPOSE AND EFFECT: The Board proposes the rule amendment to modify the application for licensure.
 SUBJECT AREA TO BE ADDRESSED: The rule amendment will modify the application for licensure.
 RULEMAKING AUTHORITY: 456.031(4), 456.033(7), 459.005, 459.0055(1)(i) FS.
 LAW IMPLEMENTED: 456.031(2), 456.033(6), 459.0055, 459.006, 459.007 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: 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 NOT AVAILABLE.

DEPARTMENT OF HEALTH

Board of Osteopathic Medicine

RULE NOS.:	RULE TITLES:
64B15-14.001	Advertisings
64B15-14.007	Standard of Care for Office Surgery
64B15-14.0076	Requirement for Osteopathic Physician Office Registration; Inspection or Accreditation

PURPOSE AND EFFECT: The Board proposes the development of rule amendments to address criteria for advertising in Rule 64B15-14.001, F.A.C.; to modify language with regard to supervision of nurse anesthetists in Rule 64B15-14.007, F.A.C.; and to clarify requirements for office surgery registration in Rule 64B15-14.0076, F.A.C.

SUBJECT AREA TO BE ADDRESSED: Advertising by osteopathic physicians; clarification of supervision of CNAs; and clarification of office surgery registration requirements.

RULEMAKING AUTHORITY: 459.005, 459.015, 459.026 FS.

LAW IMPLEMENTED: 456.069, 459.005(2), 459.015(1), 459.026 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: 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 NOT AVAILABLE.

DEPARTMENT OF HEALTH

Division of Environmental Health

RULE NOS.:	RULE TITLES:
64E-19.002	Definitions
64E-19.004	Requirements for Premises
64E-19.006	Piercing Procedures
64E-19.007	Other Operations

PURPOSE AND EFFECT: The purpose of this rule development is to incorporate standards to fulfill the intent of Section 381.0075, F.S., and to remove standards that were time-limited. The incorporated language will maintain

consistency with statutory language, provide flexibility to body piercers who pierce with devices other than needles, and remove language that is now superfluous.

SUBJECT AREA TO BE ADDRESSED: The subjects to be addressed encompass devices used to pierce the skin, building and equipment requirements, and training of operators and piercers.

RULEMAKING AUTHORITY: 381.0075(10) FS.

LAW IMPLEMENTED: 381.0075(10), (11) 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: Edward J. Golding, Environmental Specialist III, 4052 Bald Cypress Way, Bin #A08, Tallahassee, FL 32399-1710, (850)245-4277

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 NO.:	RULE TITLE:
1S-2.0011	Constitutional Amendment Ballot Position

PURPOSE AND EFFECT: This proposed rule implements the Florida Supreme Court's holding that the initiative revocation law violates the state constitution. Initiative petition sponsors will no longer have to wait until February 1 of the election year to obtain a designating number for ballot position if the initiative petition obtains the requisite number of signatures before February 1.

SUMMARY: The rule clarifies the ballot position process when initiative amendments and other forms of proposed amendments are filed. The rule will permit designating numbers for ballot position to be assigned to initiative amendments when the initiative petition obtains the requisite number of signature if ballot position is obtained by February 1 of the election 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.