

DEPARTMENT OF HEALTH

Board of Nursing

RULE TITLE: Testing and Competency Evaluation
RULE NO.: 64B9-15.008
PURPOSE AND EFFECT: The Board proposes to discuss promulgating a new rule addressing the requirements of testing and competency evaluation for certified nursing assistants.
SUBJECT AREA TO BE ADDRESSED: Testing and competency evaluation.
SPECIFIC AUTHORITY: 464.202, 464.203 FS.
LAW IMPLEMENTED: 464.203, 464.2085 FS.
IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE SCHEDULED AND ANNOUNCED IN THE NEXT AVAILABLE ISSUE OF THE FLORIDA ADMINISTRATIVE WEEKLY.
THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Dan Coble, Executive Director, Board of Nursing /MQA, 4052 Bald Cypress Way, Tallahassee, Florida 32399-3252
THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

**Section II
Proposed Rules**

DEPARTMENT OF BANKING AND FINANCE

Board of Funeral and Cemetery Services

RULE TITLE: Permanent Identification on Outer Burial Containers
RULE NO.: 3F-6.009
PURPOSE AND EFFECT: The purpose of this rule is to set forth the criteria for the permanent identification of outer burial containers.
SUMMARY: This rule will ensure the accuracy of interments, and inurnments and their related burial records by setting forth specific requirements for the identification and record keeping procedures.
SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.
Any person who wishes to provide information regarding the statement of estimated costs, or to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.
SPECIFIC AUTHORITY: 491.103(1)(3), 497.0255 FS.
LAW IMPLEMENTED: 497.309(1)(3) FS.
IF REQUESTED IN WRITING WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A NOTICE OF HEARING DATE WILL BE PUBLISHED IN THE NEXT AVAILABLE

FLORIDA ADMINISTRATIVE WEEKLY. (IF NOT REQUESTED IN WRITING, A HEARING WILL NOT BE HELD):

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Diana Evans, Executive Director, Board of Funeral and Cemetery Services, 101 East Gaines Street, Tallahassee, FL 32399-0350

THE FULL TEXT OF THE PROPOSED RULE IS:

3F-6.009 Permanent Identification on Outer Burial Containers.

(1) The cemetery company shall maintain a detailed record identifying the permanent location of the deceased, which includes the name of the garden lot, space of mausoleum crypt or niche.

(2) In order to ensure the accuracy of interments, and inurnments and their related burial records, each cemetery company shall mark the outside of an outer burial container, or urn vault, or the inside of a crypt or niche, as appropriate, with the name of the deceased interred therein. The identity of the deceased shall be the responsibility of the entity that is handling the preparation of the deceased's remains, and not the responsibility of the cemetery.

(3) The identification shall contain the name of the deceased and the date of burial. The identification label shall be made of durable long lasting material capable of withstanding deterioration.

Specific Authority 491.103(1),(3), 497.0255 FS. Law Implemented 497.309(1),(3) FS. History-New

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Funeral and Cemetery Services

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Funeral and Cemetery Services

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 8, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 8, 2002

DEPARTMENT OF CITRUS

RULE CHAPTER TITLE: Manifests for Processed Products
RULE CHAPTER NO.: 20-71

RULE TITLES: Manifest Requirements and Statements for
Inter-company and Intra-company Transports 20-71.005

Manifest Requirements and Statements for
Transports of Processed Citrus Products 20-71.006

PURPOSE AND EFFECT: Would amend Rules 20-71.005 and 20-71.006, F.A.C., to eliminate inspection for intra-company transport of processed citrus products.

SUMMARY: Eliminating grading and inspection for bulk processed citrus products for inter- and intra-company transports between registered processing facilities.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Regulatory Cost has been prepared.

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

SPECIFIC AUTHORITY: 601.10(1),(7), 601.11, 601.49 FS.

LAW IMPLEMENTED: 601.10(7), 601.11, 601.49, 601.52 FS.

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

TIME AND DATE: 9:00 a.m., May 15, 2002

PLACE: Department of Citrus Building, 1115 East Memorial Boulevard, Lakeland, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Alice P. Wiggins, Administrative Assistant, Legal Department, Florida Department of Citrus, P. O. Box 148, Lakeland, Florida 33802-0148

THE FULL TEXT OF THE PROPOSED RULE IS:

20-71.005 Manifest Requirements and Statements for Inter-company and Intra-company Transports.

Any time a shipper is transporting processed citrus products inter-company and intra-company within the state of Florida, the shipper shall deliver to the inspector a copy of the loading manifest for each shipment. An inter-company or intra-company transport occurs when bulk processed citrus product is transported between facilities owned by different registered processors or between facilities owned by the same registered processor that are one hundred percent (100%) owned by the shipper. These manifests shall indicate:

- (1) Name of Shipper;
- (2) Date of shipment;
- (3) A certified statement that the processed citrus products are being transported inter-company or intra-company.

(4) Each manifest shall include a statement, by the shipper, that all processed citrus products regulated by Chapter 601, Florida Statutes, included in such shipment, will be have been inspected at a receiving plant that is a registered citrus processor and that payment of all excise taxes and inspection fees has been made or guaranteed as provided in applicable rules of the Department of Citrus.

(5) Identity of receiving Florida registered citrus processor and physical location where processed product inspection will take place.

(6) Where inspected product is delivered from a registered processor for storage or transfer only (no re-processing) subsequent manifests from the storage facility may indicate previous inspection with no re-inspection required.

Specific Authority 601.10(1), (7), 601.11, 601.49 FS. Law Implemented 601.10(7), 601.11, 601.49, 601.52 FS. History--New 4-26-01, Amended _____.

20-71.006 Manifest Requirements and Statements for Transports of Processed Citrus Products.

With the exception of inter-company and intra-company transports, every shipper of processed citrus products shall deliver to the inspector a copy of the loading manifest for each shipment, which shall indicate:

- (1) Name of shipper;
- (2) Date of shipment;
- (3) An itemized list of products for each grade, showing number, size and kind of immediate containers, together with respective code numbers.

(4) Each manifest shall include a statement, by the shipper, that all processed citrus products regulated by Chapter 601, Florida Statutes, included in such shipment, have been inspected and certified, that official certificates of inspection are on file and available upon request, and that payment of all excise taxes and inspection fees has been made or guaranteed as provided in applicable rules of the Department of Citrus.

(5) Loading manifests shall accompany original inspection certificates. The inspector shall not furnish certificates of inspection until such manifests have been delivered to him.

Specific Authority 601.10(1), (7), 601.11, 601.49 FS. Law Implemented 601.10(7), 601.11, 601.49, 601.52 FS. History--New 4-26-01, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Mia L. McKown, General Counsel

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Mia L. McKown, General Counsel

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 20, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 8, 2002

DEPARTMENT OF CITRUS

RULE CHAPTER TITLE: Certificate of Grade Inspection – Processed Products
RULE CHAPTER NO.: 20-72

RULE TITLE: Alternate Proof of Inspection
RULE NO.: 20-72.009

PURPOSE AND EFFECT: Would eliminate inspection of inter- and intra-company transport of processed citrus products.

SUMMARY: Elimination of grading and inspection for bulk processed citrus products for inter- and intra-company transports between registered processing facilities.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Regulatory Cost has been prepared.

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

SPECIFIC AUTHORITY: 601.49 FS.

LAW IMPLEMENTED: 601.49 FS.

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

TIME AND DATE: 9:00 a.m., May 15, 2002

PLACE: Department of Citrus Building, 1115 East Memorial Boulevard, Lakeland, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Alice P. Wiggins, Administrative Assistant, Legal Department, Florida Department of Citrus, P. O. Box 148, Lakeland, Florida 33802-0148

THE FULL TEXT OF THE PROPOSED RULE IS:

20-72.009 Alternate Proof of Inspection.

Subject to limitations prescribed by the Florida Department of Agriculture and Consumer Services or its authorized agents, the fact of inspection for each shipment of processed citrus products may be shown by appropriate means on the manifest or bill of lading in lieu of the certification of grade inspection required to accompany each shipment. This rule section does not apply when processed citrus products are transferred in bulk between registered processing plants facilities that are one hundred percent (100%) owned by the shipper and such product will be inspected and/or graded before final shipment from a receiving registered citrus processor. Once a bulk citrus product has been inspected, if the product is not further processed and is transported and/or stored by third parties (who may or may not be registered processing plants), subsequent manifests may indicate the prior inspection and further inspection is not required. This provision shall not affect the requirements of the USDA Inspection and Grading Service or the terms of individual contracts, which may, under specific facts and circumstances, require additional inspections and/or grading of previously graded product to maintain grade certification.

Specific Authority 601.49 FS. Law Implemented 601.49 FS. History--Formerly 105-1.22(5), Revised 1-1-75, Formerly 20-72.09, Amended 4-26-01, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Mia L. McKown, General Counsel

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Mia L. McKown, General Counsel

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 20, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 8, 2002

DEPARTMENT OF CITRUS

RULE CHAPTER TITLE: Promotional and Advertising

RULE CHAPTER NO.:

Services Contracts 20-104

RULE TITLE: Selection Committee

RULE NO.:

20-104.004

PURPOSE AND EFFECT: Would add new language to the Selection Committee to reflect changes in the new Florida Department of Citrus structure.

SUMMARY: Members of the Selection Committee for awarding contracts.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Regulatory Cost has been prepared.

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

SPECIFIC AUTHORITY: 601.10(1),(12), 601.15 FS.

LAW IMPLEMENTED: 601.10(12) FS.

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

TIME AND DATE: 10:30 a.m., May 15, 2002

PLACE: Department of Citrus Building, 1115 East Memorial Boulevard, Lakeland, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Alice P. Wiggins, Administrative Assistant, Legal Department, Florida Department of Citrus, P. O. Box 148, Lakeland, Florida 33802-0148

THE FULL TEXT OF THE PROPOSED RULE IS:

20-104.004 Selection Committee.

A selection committee consisting of the Florida Citrus Commission shall be responsible for procuring contractual services unless such responsibility is otherwise delegated. A standing selection committee consisting of the Executive Director (or designee), the appropriate Deputy Executive Director (or designee) and staff member familiar with the necessary services shall be established and shall be responsible for procuring contractual services as directed by the Florida Citrus Commission. Their duties shall include:

- (1) Evaluation of promotional opportunities presented to the Department.
- (2) Establishment of selection criteria.
- (3) Screening any initial proposals and selection of finalists where formal presentations or further proposal development are necessary.

(4) Negotiation of price and other terms.

(5) Final selection of provider.

Specific Authority 601.10(1), (12), 601.15 FS. Law Implemented 601.10(12) FS. History—New 10-19-82, Formerly 20-104.04, Amended 1-27-98.

NAME OF PERSON ORIGINATING PROPOSED RULE: Mia L. McKown, General Counsel

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Mia L. McKown, General Counsel

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 20, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 8, 2002

LAND AND WATER ADJUDICATORY COMMISSION

Gateway Services District

RULE CHAPTER TITLE: Gateway Services District RULE CHAPTER NO.: 42F-1

RULE TITLES: Creation 42F-1.001 Boundary 42F-1.002

PURPOSE, EFFECT AND SUMMARY: The purpose of this proposed rule amendment is to change the name of the Gateway Services District (“District”) to the “Gateway Services Community Development District” to more accurately reflect its status as a uniform community development district chartered under Chapter 190, F.S., and to amend the District’s boundaries. The petition to amend the District’s name and boundaries submitted by the Board of Supervisors of the District requests that the Florida Land and Water Adjudicatory Commission (the “Commission”) amend Chapter 42F-1, Florida Administrative Code, to change the District’s name and add approximately 150 acres to the existing boundaries. After expansion as proposed, the District will consist of and serve approximately 5,474 acres. Approximately 125 acres generally located wholly within the City of Fort Myers and about 25 acres generally located wholly within unincorporated Lee County are proposed to be added to the District. There is no real property within the proposed expanded District boundaries which is to be excluded from the jurisdiction of the District. Further, the amendment of the external boundaries of the District by its expansion by approximately 150 acres does not comprise (singularly or cumulatively) more than 10% of the District’s initial service area and will not result in the addition of more than 250 acres. Finally, the District has obtained the consent of the owners of 100% of the property described above and which is proposed to be added to the District.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: In association with the proposed amendment of Chapter 42F-1, Florida Administrative Code, the District has caused a statement of the estimated regulatory cost (the “SERC”) to be prepared in compliance with section

120.541, F.S. The complete text of the SERC is contained as Exhibit “7” to the petition. By way of summary, the SERC estimates that the principal entities likely to be required to comply with the rule are the state, the City of Fort Myers, Lee County, Florida, and the District, and describes the type of individuals most likely to be affected by the rule as expansion area landowners. The SERC estimates that rule amendment implementation and enforcement costs to the above-described entities will be minimal, are concurrently budgeted or not burdensome, and/or are offset by the payment of requisite filing fees; and, that there will be no effect on state and local revenues from the expansion of the District. Further, the SERC estimates that certain development-related transactional costs incurred would occur regardless of whether the District was expanded and are voluntarily assumed if at all by and through individuals or entities owning or purchasing property in the District. Finally, the SERC concludes that the expansion’s effect on small business will be minimal or positive and neither Lee County or the City of Fort Myers are a small city or county as defined by section 120.52, F.S.

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

SPECIFIC AUTHORITY: 120.53(1), 190.005 FS.

LAW IMPLEMENTED: 190.004, 190.005 FS.

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

TIME AND DATE: 10:00 a.m., Monday, May 6, 2002

PLACE: Room 1703G, The Capitol, Tallahassee, Florida

Any person requiring a special accommodation to participate in the workshop because of a disability should contact Barbara Leighty, (850)487-1884, at least two (2) business days in advance to make appropriate arrangements.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Barbara Leighty, Florida Land and Water Adjudicatory Commission, The Capitol, Room 1801, Tallahassee, Florida 32399-0001, telephone (850)487-1884

THE FULL TEXT OF THE PROPOSED RULES IS:

Gateway Services Community Development District
42F-1.001 Creation.

The Gateway Services Community Development District is hereby created.

Specific Authority 120.53(1), 190.005 FS. Law Implemented 190.005 FS. History—New 5-22-86, Amended _____.

42F-1.002 Boundary.

The boundaries of the district are as follows:

A tract or parcel of land lying Section 35, Township 44 South, Range 25 East and in Sections 1, 2, 3, 4, 10, 11 and 12, Township 45 South, Range 25 East; Section 31, Township 44 South, Range 26 East and in Sections 5, 6, 7, 8, 17, 18 and 19, Township 45 South, Range 26 East, Lee County, Florida, more particularly described as follows:

Beginning at the southwest corner of said Section 35 run N 00° 47' 42" W along the west line of the southwest quarter (SW-1/4) of said Section for 2643.18 feet to the quarter corner on the west line of said section; thence run N 00° 43' 47" W along the west line of the northwest quarter (NW-1/4) of said Section for 1361.42 feet; thence run N 35° 45' 29" E for 947.82 feet; thence run N 56° 15' 44" E for 690.61 feet to the south line of the Colonial Boulevard right-of-way (State Road 884) (250 feet wide); thence run S 89° 38' 27" E along said south line for 2763.96 feet to an intersection with the west line of the northeast quarter (NE-1/4) of the northeast quarter (NE-1/4) of said Section; thence run S 02° 16' 01" E along said west line for 1,168.38 feet to the southwest corner of said fraction; thence run N 89° 54' 24" E along the south line of said fraction for 1324.86 feet to the southeast corner of said fraction; thence run S 03° 20' 25" E for 1284.37 feet to the quarter corner on the east line of said Section; thence run S 00° 01' 59" E along said east line for 2635.65 feet to the northwest corner of said Section 1; thence run N 89° 28' 42" E along the north line of the northwest quarter (NW-1/4) of said Section 1 for 2,642.98 feet to the quarter corner on said north line; thence run S 89° 57' 06" E along the north line of the northeast quarter (NE-1/4) of said Section 1 for 2523.38 feet to the northeast corner of said Section; thence run N 00° 57' 01" W along the west line of said Section 31 for 2644.12 feet to the quarter corner on said west line; thence run N 00° 35' 02" W along said west line of said Section 31 for 1705.47 feet to an intersection with the southwesterly line of Immokalee Road (State Road 82) (200 feet wide); thence run S 46° 07' 29" E along said southwesterly line for 6215.51 feet to an intersection with the south line of said Section 31; thence continue S 46° 07' 29" E along said southwesterly line for 1227.27 feet to an intersection with a line common to said Sections 5 and 6; thence continue S 46° 07' 29" E along said southwesterly line for 1535.36 feet to a point of curvature; thence run Southeasterly along said southwesterly line along the arc of a curve to the left of radius 5824.88 feet (delta 18° 13' 21") (chord bearing S 55° 14' 10" E) (chord 1844.76 feet) for 1852.55 feet to a point of tangency; thence continue along said southwesterly line S 64° 20' 50" E for 22.21 feet to an intersection with the east line of the west half (W-1/2) of said Section 5; thence run S 00° 06' 33" E along said east line for 2271.81 feet to the quarter corner common to said Sections 5 and 8; thence run S 01° 02' 00" E along the east line of the west half (W-1/2) of said Section 8 for 3,028.35 feet; thence run N 89° 33' 57" E for 605.03 feet; thence run S 01° 02' 00" E for 1800.10 feet; thence run S 89° 33' 57" W for 605.03 feet; thence run S 01° 02' 00" E for 500.03 feet to the quarter corner common to said Sections 8

and 17; thence run S 01° 00' 12" E along the east line of the northwest quarter (NW-1/4) of said Section 17 for 926.76 feet to an intersection with the northeasterly line of a Florida Power and Light Company substation site as described in deed recorded in Official Record Book 1606 at Page 1286 of the Lee County Records; thence run N 37° 57' 04" W along said northeasterly line for 361.70 feet; thence run S 52° 02' 56" W along the northwesterly line of said Site for 361.70 feet; thence run S 37° 57' 04" E along the southwesterly line of said Site for 741.48 feet to an intersection with the northwesterly line of Daniels Road Extension (200 feet wide) as described in deed recorded at Official Record Book 1644 at Page 1739 of the Lee County Records; thence run N 68° 38' 13" E along said northwesterly line for 64.84 feet to an intersection with said easterly line of said northwest quarter (NW-1/4) of said Section 17; thence run S 01° 00' 12" E along said east line for 1238.52 feet to the southeast corner of said fraction; thence run S 89° 30' 38" W along the south line of said fraction and the north line of the Southwest Florida Regional Airport for 2110.83 feet to an intersection with the southeasterly line of said Daniels Road Extension; thence run S 54° 00' 05" W through said Sections 17, 18 and 19 along the southeasterly line of a road right-of-way (200 feet wide) for 7032.17 feet to an intersection with the west line of said Section 19; thence run N 00° 55' 36" W along said west line for 244.38 feet to an intersection with the north line of said Daniels Road Extension; thence run N 54° 00' 05" E along said northwesterly line for 5665.31 feet; thence run N 35° 59' 55" W for 1,729.99 feet; thence run N 24° 09' 58" E for 391.95 feet; thence run N 08° 16' 00" W for 197.71 feet; thence run N 06° 58' 53" E for 1581.85 feet; thence run N 03° 57' 44" W for 414.40 feet to an intersection with a non-tangent curve; thence run Easterly and Northeasterly along the arc of a curve to the left of radius 4,875.00 feet (delta 26° 35' 35") (chord bearing N 73° 33' 32" E) (chord 2242.42 feet) for 2262.67 feet to an intersection with the southwesterly line of a Florida Power and Light Company transmission line easement; thence run N 37° 57' 04" W along said southwesterly line for 6232.48 feet; thence run N 35° 22' 47" W along said southwesterly line for 3234.74 feet; thence run N 36° 33' 02" W along said southwesterly line for 405.09 feet; thence run N 37° 57' 04" W along said southwesterly line for 3.81 feet; thence run S 89° 59' 49" W for 327.78 feet; thence run S 72° 54' 38" W for 2,624.15 feet; thence run S 01° 05' 33" E for 3200.00 feet to an intersection with the south line of said Section 1; thence run S 89° 56' 14" W along the south line of said Section 1 for 2663.19 feet to the southwest corner of said Section 1; thence run S 89° 03' 50" W along the south line of said Section 2 for 2645.12 feet to the quarter corner on said south line; thence run S 00° 08' 50" E line of the northwest quarter (NW-1/4) of said Section 11 for 2670.22 feet to the center of said Section; thence run S 88° 33' 56" W along the south line of said northwest quarter (NW-1/4) for 2745.77 feet to the quarter corner on the west line of said Section 11; thence run S 89° 29' 50" W along the south line of the northeast

quarter (NE-1/4) of said Section 10 for 2546.16 feet to the center of said Section; thence run N 00° 06' 58" W along the west line of said northeast quarter (NE-1/4) for 2668.79 feet to the quarter corner on the north line of said Section; thence run S 88° 57' 32" W along the south line of said Section 3 for 2649.25 feet to the southwest corner of said Section; thence run S 88° 54' 32" W along the south line of said Section 4 for 2059.99 feet to an intersection with the southeasterly line of the Six Mile Cypress Acquisition Area; thence run Northeasterly along said southeasterly line the following courses and distances: N 31° 38' 21" E for 261.19 feet; N 01° 23' 47" W for 277.78; N 37° 53' 18" E for 246.16 feet; N 18° 15' 00" E for 91.84 feet; N 56° 35' 37" E for 169.92 feet; N 85° 38' 45" E for 379.20 feet; N 70° 16' 34" E for 105.12 feet; N 06° 16' 12" E for 108.95 feet; N 89° 11' 29" E for 322.80 feet; N 71° 11' 39" E for 95.05 feet; N 55° 29' 43" E for 156.24 feet; S 86° 54' 42" E for 285.36 feet; N 55° 11' 00" E for 58.82 feet; N 73° 00' 08" E for 140.00 feet; N 54° 05' 49" E for 115.77 feet; N 10° 34' 05" E for 104.79 feet; N 24° 05' 57" E for 100.09 feet; N 67° 22' 01" E for 230.59 feet; S 85° 03' 28" E for 211.24 feet; N 05° 10' 02" E for 54.09 feet; N 27° 24' 58" E for 106.63 feet; N 10° 08' 05" E for 139.90 feet; N 44° 41' 11" E for 147.83 feet; N 62° 35' 02" W for 105.53 feet; N 23° 59' 48" E for 476.74 feet; N 15° 42' 08" E for 368.41 feet; N 20° 55' 23" E for 222.23 feet; N 45° 09' 19" E for 183.23 feet; N 31° 07' 36" E for 305.01 feet; N 32° 55' 08" E for 155.78 feet; N 17° 03' 28" E for 110.45 feet; N 26° 26' 47" E for 300.81 feet; N 18° 42' 17" E for 150.86 feet; N 04° 51' 19" W for 340.19 feet; N 12° 09' 34" E for 251.79 feet; N 27° 12' 34" E for 210.15 feet; N 14° 53' 31" E for 323.53 feet and N 35° 18' 42" E for 275.49 feet to an intersection with the north line of said Section 3; thence run N 88° 37' 17" E along said north line for 530.84 feet to an intersection with the westerly line of State Road No. 93 (Interstate 75) (324 feet wide); thence run S 14° 49' 52" E along said westerly line for 677.99 feet to an intersection with the east line of the northwest quarter (NW-1/4) of said Section 3; thence run S 00° 49' 04" E along said east line for 1299.77 feet to the northwest corner of the west half (W-1/2) of the southwest quarter (SW-1/4) of the northeast quarter (NE-1/4) of said section; thence run N 88° 12' 52" E along the north line of said fraction for 323.06 feet to an intersection with said westerly line of State Road No. 93; thence run S 14° 49' 52" E along said westerly line for 2.67 feet to an intersection with the east line of said fraction; thence run S 00° 37' 05" E along said east line for 650.21 feet to the southeast corner of said fraction; thence run N 88° 09' 46" E along the north line of the southeast quarter (SE-1/4) of said Section 3 for 2250.18 feet to the quarter corner common to said Sections 2 and 3; thence run N 00° 47' 03" E along the west line of the northwest quarter (NW-1/4) of said Section 2 for 2605.26 feet to the Point of Beginning.

LESS AND EXCEPT all that part of the right-of-way for State Road No. 93 (Interstate 75) lying within the southeast quarter (SE-1/4) of Section 3 and within the northeast quarter (NE-1/4)

of Section 10, Township 45 South, Range 25 East, Lee County, Florida, east line of the west half (W-1/2) of the northeast quarter (NE-1/4) of said Section; thence run S 02° 16' 01" E along said east line for 2461.89 feet to the southeast corner of said fraction; thence run N 89° 28' 13" E along the north line of the southeast quarter (SE-1/4) of said Section for 1348.58 feet to the quarter corner on the east line of said Section; thence run S 00° 01' 59" E along said east line for 1317.83 feet to the southeast corner of the north half (N-1/2) of said southeast quarter (SE-1/4); thence run S 89° 24' 35" W along the south line of said north half (N-1/2) for 2670.09 feet to the southwest corner of said fraction; thence run S 01° 12' 31" E along the east line of said southwest quarter (SW-1/4) of said Section for 1320.69 feet to the quarter corner common to said Sections 35 and 2; thence run N 89° 20' 52" E along the line common to said Sections 35 and 2 for 2643.02 feet to the northwest corner of said Section 1; thence run N 89° 28' 42" E along the north line of the northwest quarter (NW-1/4) of said Section 1 for 2642.98 feet to the quarter corner on said north line; thence run S 89° 57' 06" E along the north line of the northeast quarter (NE-1/4) of said Section 1 for 2523.38 feet to the north east corner of said Section; thence run N 00° 57' 01" W along the west line of said Section 31 for 2644.12 feet to the quarter corner on said west line; thence run N 00° 35' 02" W along said west line of said Section 31 for 1705.47 feet to an intersection with the southwesterly line of Immokalee Road (State Road No. 82) (200 feet wide); thence run S 46° 07' 29" E along said southwesterly line for 6215.51 feet to an intersection with the south line of said Section 31; thence continue S 46° 07' 29" E along said southwesterly line for 1227.27 feet to an intersection with a line common to said Sections 5 and 6; thence continue S 46° 07' 29" E along said southwesterly line for 1535.36 feet to a point of curvature; thence southeasterly along said southwesterly line along the arc of a curve to the left of radius 5824.88 feet (delta 18° 13' 21") (chord bearing S 55° 14' 10" E) (chord 1844.76 feet) for 1852.55 feet to a point of tangency; thence continue along said southwesterly line S 64° 20' 50" E for 22.21 feet to an intersection with the east line of the west half (W-1/2) of said Section 5; thence run S 00° 06' 33" E along said east line for 2271.81 feet to the quarter corner common to said Sections 5 and 8; thence run S 01° 02' 00" E along the east line of the west half (W-1/2) of said Section 8 for 5328.48 feet to the quarter corner common to said Sections 8 and 17; thence run S 01° 00' 12" E along the east line of the northwest quarter (NW-1/4) of said Section 17 for 926.76 feet to an intersection with the northeasterly line of a Florida Power and Light Company substation site as described in deed recorded in Official Record Book 1606 at Page 1286, of the Lee County Records; thence run N 37° 57' 04" W along said northeasterly line for 361.70 feet; thence run S 52° 02' 56" W along the northwesterly line of said site for 361.70 feet; thence run S 37° 57' 04" E along the southwesterly line of said site for 741.48 feet to an intersection with the northwesterly line of Daniels Road Extension (200 feet wide) as described in deed

recorded in Official Record Book 1644 at Page 1739 of the Lee County Records; thence run N 68° 38' 13" E along said northwesterly line for 64.84 feet to an intersection with said easterly line of said northwest quarter (NW 1/4) of said Section 17; thence run S 01° 00' 12" E along said east line for 1238.52 feet to the southeast corner of said fraction; thence run S 89° 30' 38" W along the south line of said fraction and the north line of the Southwest Florida Regional Airport for 2110.83 feet to an intersection with the southeasterly line of said Daniels Road Extension; thence run S 54° 00' 05" W through said Sections 17, 18 and 19 along the southeasterly line of a road right-of-way (200 feet wide) for 7032.17 feet to an intersection with the west line of said Section 19; thence run N 00° 55' 36" W along said west line for 1477.45 feet to the northwest corner of said Section; thence run N 00° 54' 13" W along the west line of the southwest quarter (SW 1/4) of said Section 19 for 2643.95 feet to the quarter corner on said west line; thence run N 00° 39' 39" W along the west line of the northwest quarter (NW 1/4) of said Section 19 for 2746.35 feet to the northwest corner of said Section; thence run N 00° 57' 26" W along the west line of the southwest quarter (SW 1/4) of said Section 7 for 2645.34 feet to the quarter corner common to said Sections 7 and 12; thence run S 89° 55' 12" W along the south line of the northeast quarter (NE 1/4) of said Section 12 for 2524.67 feet to the west line of the east 2524.14 feet of said northeast quarter (NE 1/4); thence run N 01° 05' 33" W along said west line for 2646.07 feet to the south line of said Section 1; thence run S 89° 56' 14" W along said south line for 2663.19 feet to the southwest corner of said Section, passing through the quarter corner on the south line of said Section at 69.26 feet; thence run S 89° 03' 50" W along the south line of said Section 2 for 2645.12 feet to the quarter corner on said south line; thence run S 00° 08' 50" E along the east line of the northwest quarter (NW 1/4) of said Section 11 for 2670.22 feet to the center of said Section; thence run S 88° 33' 56" W along the south line of said northwest quarter (NW 1/4) for 2745.77 feet to the quarter corner on the west line of said Section 11; thence run S 89° 29' 50" W along the south line of the northeast quarter (NE 1/4) of said Section 10 for 2546.16 feet to the center of said Section; thence run N 00° 06' 58" W along the west line of said northeast quarter (NE 1/4) for 2668.79 feet to the quarter corner on the north line of said Section; thence run S 88° 57' 32" W along the south line of said Section 3 for 2649.25 feet to the southwest corner of said Section; thence run S 88° 54' 32" W along the south line of said Section 4 for 2059.99 feet to an intersection with the southeasterly line of the Six Mile Cypress Acquisition Area; thence run northeasterly along said southeasterly line the following courses and distances: N 32° 38' 21" E for 261.19 feet; N 01° 23' 47" W for 277.78; N 37° 53' 18" E for 246.16 feet; N 18° 15' 00" E for 91.84 feet; N 56° 35' 37" E for 169.92 feet; N 85° 38' 45" E for 379.20 feet; N 70° 16' 34" E for 105.12 feet; N 06° 16' 12" E for 108.85 feet; N 89° 11' 29" E for 322.80 feet; N 71° 11' 39" E for 95.05 feet; N 55° 29' 43" E for 156.24 feet;

S 86° 54' 42" E for 285.36 feet; N 55° 11' 00" E for 58.82 feet; N 73° 00' 08" E for 140.00 feet; N 54° 05' 49" E for 115.77 feet; N 10° 34' 05" E for 104.79 feet; N 24° 05' 57" E for 100.09 feet; N 67° 22' 01" E for 230.59 feet; S 85° 03' 28" E for 211.24 feet; N 05° 10' 02" E for 54.09 feet; N 27° 24' 58" E for 106.63 feet; N 10° 08' 05" E for 139.90 feet; N 44° 41' 11" E for 147.83 feet; N 62° 35' 02" W for 105.53 feet; N 23° 59' 48" E for 476.74 feet; N 15° 42' 08" E for 368.41 feet; N 20° 55' 23" E for 222.23 feet; N 45° 09' 19" E for 183.23 feet; N 31° 07' 36" E for 305.01 feet; N 32° 55' 08" E for 155.78 feet; N 17° 03' 28" E for 110.45 feet; N 26° 26' 47" E for 300.81 feet; N 18° 42' 17" E for 150.86 feet; N 04° 51' 19" W for 340.19 feet; N 12° 09' 34" E for 251.79 feet; N 27° 12' 34" E for 210.15 feet; N 14° 53' 31" E for 323.53 feet and N 35° 18' 42" E for 275.49 feet to an intersection with the north line of said Section 3; thence run N 88° 37' 17" E along said north line for 530.84 feet to an intersection with the westerly line of State Road No. 93 (Interstate 75) (324 feet wide); thence run S 14° 49' 52" E along said westerly line for 677.99 feet to an intersection with the east line of the northwest quarter (NW 1/4) of said Section 3; thence run S 00° 49' 04" E along said east line for 1952.84 feet to the center of said Section; thence run N 88° 09' 46" E along the north line of the southeast quarter (SE 1/4) of said Section 3 for 2571.63 feet to the quarter corner common to said Sections 2 and 3; thence run N 00° 47' 03" E along the west line of the northwest quarter (NW 1/4) of said Section 2 for 2605.26 feet to the Point of Beginning.

Less and except all that part of the right-of-way for State Road No. 93 (Interstate 75) lying within the southeast quarter (SE-1/4) of Section 3 and within the northeast quarter (NE-1/4) of Section 10, Township 45 South, Range 25 East, Lee County, Florida, as more particularly described in the petition for this rule. Containing 5,474 ~~5324~~ acres, more or less.

Specific Authority 120.53(1), 190.005 FS. Law Implemented 190.004, 190.005 FS. History—New 5-22-86, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Teresa Tinker, Florida Land and Water Adjudicatory Commission, Room 1801, The Capitol, Tallahassee, Florida 32399-0001

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Teresa Tinker, Florida Land and Water Adjudicatory Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 3, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 29, 2002

FLORIDA LAND AND WATER ADJUDICATORY COMMISSION

Bayside Improvement Community Development District

RULE CHAPTER TITLE: Bayside Improvement Community Development District
 RULE CHAPTER NO.: 42N-1

RULE TITLE: Boundary
 RULE NO.: 42N-1.002

PURPOSE, EFFECT AND SUMMARY: The purpose of this proposed rule amendment is to amend the boundaries of the Bayside Improvement Community Development District (“District”) by approximately 72 acres. The petition to amend the District’s boundaries submitted by the Board of Supervisors of the District requests that the Florida Land and Water Adjudicatory Commission (the “Commission”) amend Chapter 42N-1, Florida Administrative Code, to add approximately 72 acres to the existing boundaries. After expansion as proposed, the District will consist of and serve approximately 1821 acres. Approximately 72 acres generally located wholly within the City of Bonita Springs are proposed to be added to the District. There is no real property within the proposed expanded District boundaries which is to be excluded from the jurisdiction of the District. Further, the amendment of the external boundaries of the District by its expansion by approximately 72 acres does not comprise (singularly or cumulatively) more than 10% of the District’s initial service area and will not result in the addition of more than 250 acres. Finally, the District has obtained the consent of the owners of 100% of the property described above and which is proposed to be added to the District.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: In association with the proposed amendment of Chapter 42F-1, Florida Administrative Code, the District has caused a statement of the estimated regulatory cost (the “SERC”) to be prepared in compliance with section 120.541, F.S. The complete text of the SERC is contained as Exhibit “7” to the petition. By way of summary, the SERC estimates that the principal entities likely to be required to comply with the rule are the state, the City of Bonita Springs, Lee County, Florida, and the District, and describes the type of individuals most likely to be affected by the rule as expansion area landowners. The SERC estimates that rule amendment implementation and enforcement costs to the above-described entities will be minimal, are concurrently budgeted or not burdensome, and/or are offset by the payment of requisite filing fees; and, that there will be no effect on state and local revenues from the expansion of the District. Further, the SERC estimates that certain development-related transactional costs incurred would occur regardless of whether the District was expanded and are voluntarily assumed if at all by and through individuals or entities owning or purchasing property in the District. Finally, the SERC concludes that the expansion’s

effect on small business will be minimal or positive and neither Lee County or the City of Bonita Springs are a small city or county as defined by section 120.52, F.S.

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

SPECIFIC AUTHORITY: 120.53(1), 190.005 FS.

LAW IMPLEMENTED: 190.004, 190.005 FS.

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

TIME AND DATE: 1:00 p.m., Monday, May 6, 2002

PLACE: Room 1703G, The Capitol, Tallahassee, Florida

Any person requiring a special accommodation to participate in the workshop because of a disability should contact Barbara Leighty, (850)487-1884, at least two (2) business days in advance to make appropriate arrangements.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Barbara Leighty, Florida Land and Water Adjudicatory Commission, The Capitol, Room 1801, Tallahassee, Florida 32399-0001, telephone (850)487-1884

THE FULL TEXT OF THE PROPOSED RULE IS:

42N-1.002 Boundary.

The boundaries of the District are as follows:

REVISED DESCRIPTION PARCEL IN SECTIONS 7, 8, 9, 16, 17, 18 & 20, T. 47 S., R. 25 E. LEE COUNTY, FLORIDA

A tract or parcel lying in Sections 7, 8, 9, 16, 17, 18 and 20, Township 47 South, Range 25 East, Lee County, Florida, which tract or parcel is described as follows:

Beginning at the northeast corner of said Section 20 run S 00° 35' 25" E 2659.47 feet to the southeast corner of the said northeast quarter (NE-1/4) of said Section 20; thence S 00° 38' 52" E 734.90 feet to an intersection with the approximate centerline of Spring Creek; thence run along said centerline of Spring Creek the following seventeen (17) described courses: (1) S 78° 50' 00" W for 181.31 feet; (2) N 34° 24' 12" W for 230.22 feet; (3) N 30° 59' 12"W for 174.93 feet; (4) N 24° 25' 16" E for 120.83 feet; (5) S 65° 47' 43" E for 219.32 feet; (6) N 18° 24' 43" E for 158.11 feet; (7) N 75° 11' 47" W for 351.71 feet; (8) N 65° 09' 33" W for 451.88 feet; (9) N 84° 18' 44" W for 351.75 feet; (10) N 66° 54' 31" W for 445.79 feet; (11) S 63° 24' 43" W for 134.16 feet; (12) S 03° 23' 22" E for 170.29 feet; (13) S 50° 30' 17" W for 220.23 feet; (14) N 84° 49' 43" W for 331.36 feet; (15) S 62° 13' 07" W for 214.71 feet; (16) S 22° 08' 36" W for 291.55 feet; (17) S 72° 15' 11" W for 131.22 feet to an intersection with the east line of the southwest quarter (SW-1/4) of said Section 20; thence N 00° 50' 19" W along said east line of said Section 20 for 520.00 feet to the northeast corner of said fraction; thence S 89° 58' 37" W along

the north line of said fraction for 290.00 feet to an intersection with the approximate centerline of the most easterly branch of said Spring Creek; thence along said centerline for the following eight (8) described courses: (1) N 09° 13' 28" W for 137.34 feet; (2) N 29° 08' 22" W for 590.59 feet; (3) N 38° 31' 58" W for 278.03 feet; (4) N 65° 16' 43" W for 254.95 feet; (5) N 37° 18' 28" W for 286.01 feet; (6) N 32° 51' 05" E for 252.39 feet; (7) N 20° 11' 00" E for 236.69 feet; (8) N 27° 23' 47" W for 369.25 feet; thence N 89° 15' 43" E for 50 feet more or less to the easterly shore of said Spring Creek thence along said easterly shore for 1220 feet more or less to an intersection with the north line of said Section 20; thence N 89° 15' 13" E along said north line for 970 feet more or less to the northwest corner of the northeast quarter (NE-1/4) of said Section 20; thence N 00° 31' 30" E along the west line of the east half (E-1/2) of said Section 17 for 2704.38 feet to the North right-of-way of a 30 foot wide road as recorded in Deed Book 305, Page 276, Public Records of Lee County, Florida, said north right-of-way being 30 feet northerly of and parallel to the south line of said North half (N-1/2) of Section 17; thence along said north right-of-way line N 89° 59' 08" W, 835.70 feet; thence along the lands known locally as Spring Creek Estates, an unrecorded plat, N 00° 00' 52" E, 510.00 feet; N 89° 59' 08" W, 885.06 feet to a point of curvature; along an arc of a curve for 231.02 feet, having a radius of 390.00 feet, central angle of 33° 56' 23", chord of 227.66 feet and chord bearing S 73° 02' 41" W to a point on the curve; S 00° 00' 52" W, 167.10 feet; and S 31° 38' 0" W, 130.70 feet to the northeast corner of lands described in Official Record Book 1194, Page 1085; thence westerly along said lands and the waters of canal 106 feet more or less to the northeast corner of lands described in Official Record Book 1057, Page 38, thence southwesterly and westerly along said lands and said canal 400 feet more or less to the northwest corner of lands described in Official Record Book 1453, Page 495, thence southwesterly along the mean high water line of a canal, 45 feet more or less to the south line of said North half (N-1/2) of said Section 17, thence N 89° 59' 08" W, 136 feet more or less, to the East 1/4 corner of Section 18, Township 47 South, Range 25 East; thence S 89° 58' 17" W along the south line of said Lot 2, said line being the basis of bearing, for 1213.22 feet, said line being southerly property line, to a bulkhead line established by Paul T. O'Hargan, Florida Professional Land Surveyor #1936 and duly approved by the County of Lee on September 27, 1967 and the State of Florida on November 21, 1967; thence the following courses and distances along said bulkhead line: N 56° 00' 38" W, 265.00 feet, to a point of curvature; along an arc of a curve for 338.95 feet, having a radius of 520.00 feet, central angle of 37° 20' 50", chord of 332.98 feet and a chord bearing N 37° 20' 13" W, to a point of tangency; N 18° 39' 48" W, 481.24 feet to a point of curvature; along an arc of a curve for 104.44 feet, having a radius of 100.00 feet; central angle of 59° 50' 20", chord of 99.76 feet, and chord bearing N 48° 34' 58" W, to a point of tangency; N 78° 30' 08" W, 144.73 feet, to

a point of curvature; and along an arc of a curve for 56.48 feet, having a radius of 100.00 feet, central angle of 32° 21' 45", chord of 55.74 feet, and chord bearing N 62° 19' 15" W, to a point; thence run N 89° 59' 08" E leaving said bulkhead line on a line parallel to, and 990.00 feet distant, measured at right angles from, the south line of the aforementioned Government Lot 2 and its westerly extension thereof, for 241 feet, more or less, to the waters of Estero Bay; thence northerly along the waters of Estero Bay for 8300 feet more or less to an intersection with the north line of the south half (S-1/2) of Government Lot 2 of said Section 7; thence N 89° 32' 15" E along said north line for 545 feet more or less; thence S 08° 50' 45" E 199.50 feet; thence N 89° 32' 15" E 247.50 feet; thence N 89° 35' 27" E 666.22 feet; thence N 89° 32' 15" E 239.00 feet to the west right-of-way line of Coconut Road; thence S 01° 07' 45" E along said West right-of-way line for 488.63 feet; thence S 89° 16' 14" E along the south right-of-way line of Coconut Road for 5130.07 feet to the west line of said Section 9; thence along said west line N 00° 41' 48" W 30.00 feet; thence along said south right-of-way line of Coconut Road S 89° 35' 50" E 3164.37 feet to an intersection with the west right-of-way line of Tamiami Trail, US 41; thence S 00° 10' 56" W along said west right-of-way line for 621.81 feet to a point of curvature; thence southerly 1040.54 feet along an arc of a circular curve concave to the northeast, having a radius of 5797.58 feet, through a central angle of 10° 17' 00" and being subtended by a chord which bears S 04° 57' 34" E 1039.14 feet to a point of tangency; thence S 10° 06' 04" E 938.08 feet to an intersection with the south line of said Section 9; thence along said south line S 89° 32' 00" W for 708.94 feet to the northeast corner of the northwest quarter (NW-1/4) of Section 16; thence along the east line of said fraction S 00° 02' 54" W for 2643.98 feet to the southeast corner of said northwest quarter (NW-1/4) of said Section 16; thence N 89° 10' 38" E 538.06 feet; thence S 00° 06' 43" E 1085.91 feet; thence N 89° 06' 43" E 744.41 feet to a point on a non-tangential curve on the west right-of-way line of said Tamiami Trail, US 41; thence southerly 50.21 feet along said right-of-way line along the arc of a non-tangential circular curve concave to the east, having a radius of 5619.58 feet, through a central angle of 00° 30' 43" being subtended by a chord which bears S. 00° 22' 04" E. 50.21 feet to a point of tangency; thence S 00° 06' 43" E 49.81 feet; thence S 89° 06' 43" W 300.00 feet; thence S 00° 06' 43" E 1445.82 feet to the south line of said Section 16; thence S 89° 16' 54" W along said south line for 989.41 feet to the southwest corner of the southeast quarter (SE-1/4) of said Section 16; thence S 88° 38' 34" W along said south line of said Section 16 for 2627.98 feet to the Point of Beginning.; thence run N 89° 59' 08" W for 404.79 feet; thence run N 01° 31' 36" E for 960.34 feet; thence run N 89° 59' 08" W for 2200.77 feet to a point on the east line of said Section 18; thence continue N 89° 59' 08" W for 1840 feet more or less to the waters of Estero Bay; thence northerly along the waters of Estero Bay for 8300 feet more or less to an intersection with the north line of the

south half (S-1/2) of Government Lot 2 of said Section 7; thence run N 89° 32' 15" E along said north line for 545 feet more or less; thence run S 08° 50' 45" E for 199.50 feet; thence N 89° 32' 15" E for 247.50 feet; thence run N 89° 35' 27" E for 666.22 feet; thence run N 89° 32' 15" E for 239.00 feet to the west right-of-way line of Coconut Road; thence run S 01° 07' 45" E along said West right-of-way line for 488.63 feet; thence run S 89° 16' 14" E along the south right-of-way line of Coconut Road for 5130.07 feet to the west line of said Section 9; thence run along said west line N 00° 41' 48" W for 30.00 feet; thence run along said south right-of-way line of Coconut Road S 89° 35' 50" E for 3164.37 feet to an intersection with the west right-of-way line of Tamiami Trail, US 41; thence run S 00° 10' 56" W along said west right-of-way line for 621.81 feet to a point of curvature; thence run southerly 1040.54 feet along an arc of a circular curve concave to the northeast, having a radius of 5797.58 feet, through a central angle of 10° 17' 00" and being subtended by a chord which bears S 04° 57' 34" E for 1039.14 feet to a point of tangency; thence run S 10° 06' 04" E for 938.08 feet to an intersection with the south line of said Section 9; thence along said south line S 89° 32' 00" W for 708.94 feet to the northeast corner of the northwest quarter (NW 1/4) of Section 16; thence run along the east line of said fraction S 00° 02' 54" W for 2643.98 feet to the southeast corner of said northwest quarter (NW 1/4) of said Section 16; thence run N 89° 10' 38" E for 538.06 feet; thence run S 00° 06' 43" E for 1085.91 feet; thence run N 89° 06' 43" E for 744.41 feet to a point on a non-tangential curve on the west right-of-way line of said Tamiami Trail, US 41; thence southerly 50.21 feet along said right-of-way line along the arc of a non-tangential circular curve concave to the east, having a radius of 5619.58 feet, through a central angle of 00° 30' 43" being subtended by a chord which bears S 00° 22' 04" E for 50.21 feet to a point of tangency; thence run S 00° 06' 43" E for 49.81 feet; thence run S 89° 06' 43" W for 300.00 feet; thence run S 00° 06' 43" E for 1445.82 feet to the south line of said Section 16; thence run S 89° 16' 54" W along said south line for 989.41 feet to the southwest corner of the southeast quarter (SE 1/4) of said Section 16; thence run S 88° 38' 34" W along said south line of said Section 16 for 2627.98 feet to the Point of Beginning.

Contains ~~1.836~~ 1.764 acres more or less.

LESS and EXCEPT the following described parcels:

Lands as described in Official Record Book 1713 at Page 1188;

Containing 5.70 acre, more or less.

ALSO

Lands as described in Official Record Book 1677 at Page 3516;

Containing 1.00 acre, more or less.

ALSO

Lands as described in Deed Book 305 at Page 276.

Containing 0.90 acre, more or less.

ALSO

A 50 foot wide roadway easement in Government Lots 2 and 3, Section 7, Township 47 South, Range 25 East, Lee County, Florida lying 25 feet each side of the following described centerline: Beginning at the southeast corner of the northeast quarter (NE-1/4) of said Section 7, S.89° 40' 05" W along the south line of said fraction for 1091.46 feet to the southwest corner of lands described in Official Record Book 2175 at Page 4216 and the end of the herein described centerline;

Containing 1.25 acres, more or less.

ALSO

The Spring Creek Road right-of-way (50 feet wide) located in the southeast quarter (SE-1/4) of Section 8 and the northeast quarter (NE-1/4) of Section 17, Township 47 South, Range 25 East, Lee County, Florida lying 25 feet each side of the following described centerline: From the northwest corner of the southeast quarter (SE-1/4) of said Section 8 run S 00° 53' 27" E along the west line of said fraction for 25.01 feet to the intersection of the south right-of-way line of Coconut Road (50 feet wide right-of-way); thence run along said right-of-way S 89° 14' 44" E for 742.10 feet to the centerline of said Spring Creek Road and the Point of Beginning of the above described centerline. From said Point of Beginning run S 00° 07' 17" W for 2610.37 feet to the north line of said Section 17; thence S 00° 07' 58" W for 2676.17 feet to the end of the herein described centerline. Containing 6.07 acres more or less.

Containing 1821 net acres more or less;

Subject to easements, restrictions, reservations and rights-of-way of record. Bearings are based on the south line of Section 16, Township 47 South, Range 25 East, being S 88° 38' 34" W Bearings hereinabove mentioned are based on the East line of Pelican's Nest Unit I as recorded in Plat Book 41 at page 58 thru 60 of the Public Records of Lee County.

Specific Authority 120.53(1), 190.005 FS. Law Implemented 190.004, 190.005 FS. History--New 8-14-91, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Teresa Tinker, Florida Land and Water Adjudicatory Commission, Room 1801, The Capitol, Tallahassee, Florida 32399-0001

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Teresa Tinker, Florida Land and Water Adjudicatory Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 3, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 29, 2002

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Building Code Administrators and Inspectors Board

RULE TITLE: Florida Principles and Practices
 RULE NO.: 61G19-6.0085

PURPOSE AND EFFECT: The proposed rule amendment is intended to address the Florida laws and rules examination.

SUMMARY: The proposed rule amendment clarifies requirements with regard to the laws and rules examination.

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

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

SPECIFIC AUTHORITY: 468.606 FS.

LAW IMPLEMENTED: 455.217(7), 468.609(5) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Anthony Spivey, Executive Director, Building Code Administrators and Inspectors Board, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G19-6.0085 Florida Principle s and Practices.

An applicant for licensure under this part shall satisfactorily complete ~~with a passing grade of 70% or higher on both the category specific exam and the Florida laws and rules (Principles and Practice) exam with a passing grade of 70% or higher. Within a period of two years of satisfactory completion of one of the two exams, an An~~ applicant for a class of license who has successfully completed the Florida laws and rules exam for that class, shall not have to take that exam again for another category of license provided the applicant has maintained continuous employment, active licensure and continuing education.

Specific Authority 468.606 FS. Law Implemented ~~420.60~~ 455.217(7), 468.609(5)(~~8~~) FS. History-New 1-15-96 Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:

Building Code Administrators and Inspectors Board

NAME OF SUPERVISOR OR PERSON WHO APPROVED

THE PROPOSED RULE: Building Code Administrators and Inspectors Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 8, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 15, 2002

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Building Code Administrators and Inspectors Board

RULE TITLE: Continuing Education for Biennial Renewal
 RULE NO.: 61G19-9.001

PURPOSE AND EFFECT: The proposed rule amendment is intended to address Florida laws and rules for the purpose of continuing education requirements.

SUMMARY: The proposed rule amendment requires licensees to complete a minimum of two hours of continuing education in the area of Florida laws and rules as a condition of licensure renewal.

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

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

SPECIFIC AUTHORITY: 455.2124, 455.213(6), 468.606, 468.627 FS.

LAW IMPLEMENTED: 455.2124, 455.213(6), 468.627 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Anthony Spivey, Executive Director, Building Code Administrators and Inspectors Board, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G19-9.001 Continuing Education for Biennial Renewal.

(1) Except as noted below, prior to the end of each biennial certification period, all certificate holders shall complete a minimum of fourteen (14) classroom or interactive distance learning hours of continuing education courses, which shall include a minimum of two (2) hours in the area of accessibility, and a minimum of two (2) classroom hours in the area of Florida laws and rules (other than accessibility) as a condition of the biennial renewal of all certifications held by the certificate holder.

(2) through (6) No change.

Specific Authority 455.2124, 455.213(6), 468.606, 468.627 FS. Law Implemented 455.2124, ~~455.213(6)~~, 468.627 FS. History-New 5-23-94, Amended 5-21-95, 11-28-95, 6-9-97, 1-4-00, 4-23-01, 3-19-02, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:

Building Code Administrators and Inspectors Board

NAME OF SUPERVISOR OR PERSON WHO APPROVED

THE PROPOSED RULE: Building Code Administrators and Inspectors Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 8, 2002
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 15, 2002

DEPARTMENT OF HEALTH

Board of Hearing Aid Specialist

RULE TITLE: Biennial Renewal Fee for Active License
 RULE NO.: 64B6-4.004

PURPOSE AND EFFECT: The Board proposes to raise the fee so that the increased fee will be 10% more than the existing fee.

SUMMARY: The Board proposes to raise the licensure renewal fee to \$410.

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

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

SPECIFIC AUTHORITY: 456.025(1), 455.587(1), 484.044, 484.0447(4), (6) FS.

LAW IMPLEMENTED: 484.0447(4), (8), 484.047(2) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT A TIME, DATE AND PLACE TO BE PUBLISHED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sue Foster, Board Executive Director, Board of Hearing Aid Specialists, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

THE FULL TEXT OF THE PROPOSED RULE IS:

64B6-4.004 Biennial Renewal Fee for Active License.

The licensure fee for renewal of an active license shall be ~~\$410.00~~ ~~\$375.00~~.

Specific Authority 456.025(1), 455.587(1), 484.044, 484.0447(4),(6) FS. Law Implemented 484.0447(4), (8), 484.047(2) FS. History—New 1-10-84, Formerly 21JJ-5.03, 21JJ-5.003, Amended 1-4-87, 12-25-88, Formerly 21JJ-4.007, 61G9-4.007, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Hearing Aid Specialist

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Hearing Aid Specialist

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 11, 2002

DEPARTMENT OF HEALTH

Board of Nursing

RULE TITLES:	RULE NOS.:
Definitions	64B9-15.001
Certified Nursing Assistant Authorized Duties	64B9-15.002
Application for Certification	64B9-15.003
Eligibility for Certification	64B9-15.004
Standards for Certified Nursing Assistant	
Training Programs	64B9-15.005
Standardized Curriculum	64B9-15.006
Approval of Certified Nursing Assistant	
Training Programs	64B9-15.007

PURPOSE AND EFFECT: To establish the requisites for the certification of nursing assistants and nursing assistants' training programs.

SUMMARY: The Board proposes to promulgate new rules to set forth the requirements in regards to the certification of nursing assistants and the approval of their training programs.

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

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

SPECIFIC AUTHORITY: 464.202, 464.203 FS.

LAW IMPLEMENTED: 464.203, 464.2085 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE NEXT AVAILABLE ISSUE OF THE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Dan Coble, Executive Director, Board of Nursing/MQA, 4052 Bald Cypress Way, Tallahassee, FL 32399

THE FULL TEXT OF THE PROPOSED RULES IS:

CHAPTER 64B9-15

Certified Nursing Assistant Certification

64B9-15.001 Definitions.

(1) “Governing body” means a group of three or more individuals appointed, elected, or otherwise designated, to be ultimately responsible for a certified nursing assistant training program.

(2) “Nursing home” means a long-term facility or a nursing home facility as defined in Chapter 400, Part II, F.S.

(3) “Professional nursing” means nursing functions performed by an individual licensed as a registered nurse or advanced registered nurse practitioner.

(4) “State approved program” means an educational program approved by the Department of Education.

(5) “Supervision” means a registered nurse currently licensed under Chapter 464, F.S., or a licensed practical nurse currently licensed under Chapter 464, F.S., to the extent allowed under Section 400.23(3), F.S., authorizing procedures being carried out by a certified nursing assistant but who need not be present when such procedures are performed. The certified nursing assistant must be able to contact the registered nurse or licensed practical nurse acting in accordance with Section 400.23(3), F.S., when needed for consultation and advice either in person or by communication devices.

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

64B9-15.002 Certified Nursing Assistant Authorized Duties.

(1) A certified nursing assistant may properly provide care and assist residents with the following tasks related to the activities of daily living only under the supervision of a registered nurse or licensed practical nurse as defined in Chapter 464, F.S., as appropriate for the practice parameters of the registered nurse or licensed practical nurse:

(a) Tasks associated with personal care:

1. Bathing.
2. Dressing.
3. Grooming.
4. Shaving.
5. Shampooing and caring for hair.
6. Providing and assisting with oral hygiene and dental care.
7. Caring for the skin.
8. Caring for the feet.
9. Caring for the nails.
10. Providing pericare.
11. Bedmaking and handling linen.
12. Maintaining a clean environment.

(b) Tasks associated with maintaining mobility:

1. Ambulating.
2. Transferring.
3. Transporting.
4. Positioning.
5. Turning.
6. Lifting.
7. Performing range of motion exercises.
8. Maintaining body alignment.

(c) Tasks associated with nutrition and hydration:

1. Feeding and assisting the resident with eating.
2. Assisting the resident with drinking.

(d) Tasks associated with elimination:

1. Toileting.
2. Assisting with the use of the bedpan and urinal.
3. Providing catheter care.
4. Collecting specimens.

5. Emptying ostomy bags, or changing bags that do not adhere to the skin.

6. Bowel and bladder training.

(e) Tasks associated with the use of assistive devices:

1. Caring for dentures, eyeglasses, contact lenses and hearing aids.

2. Applying established prosthetic and orthotic devices.

3. Applying braces.

4. Applying antiembolus stockings.

5. Assisting with wheelchairs, walkers or crutches.

6. Using comfort devices such as pillows, cradles, footboards, wedges and boots.

7. Assisting with and encouraging the use of self-help devices for eating, grooming and other personal care tasks.

8. Utilizing and assisting residents with devices for transferring, ambulation, alignment and positioning.

9. Using restraints.

(f) Tasks associated with maintaining environment and resident safety, including handling of blood and body fluid and cleaning resident care areas:

(g) Tasks associated with data gathering:

1. Measuring temperature, pulse, respiration and blood pressure.

2. Measuring height and weight.

3. Measuring and recording oral intake.

4. Measuring and recording urinary output, both voided and from urinary drainage systems.

5. Measuring and recording emesis.

6. Measuring and recording liquid stool.

(h) Recognition of and reporting of abnormal resident findings, signs and symptoms:

(i) Post mortem care:

(j) Tasks associated with resident socialization, leisure activities, reality orientation and validation techniques:

(k) Tasks associated with end of life care:

(l) Tasks associated with basic first aid, CPR heart saver for adults and emergency care:

(m) Tasks associated with compliance with resident's/patient's rights:

(n) Tasks associated with daily documentation of certified nursing assistant services provided to the resident.

All tasks are to be performed with knowledge of and awareness of a resident's/patient's rights and his developmental level.

(2) A certified nursing assistant may not perform any task which requires specialized nursing knowledge, judgment or skills, such as the following:

(a) Any sterile procedure.

(b) Any medication administration or application.

(c) Irrigations.

(d) Giving advice on medical/nursing matters.

(e) Tracheostomy care.

- (f) Gastric lavage or gavage.
- (g) Cutting toenails for any resident.
- (h) Cutting fingernails for a diabetic resident.
- (i) Any treatment to non-intact skin.
- (j) Application of heat or cold treatments.

(3) Under no circumstances may a certified nursing assistant work independently without the supervision of a registered nurse or a licensed practical nurse as defined in Chapter 464, F.S., as appropriate for the practice parameters of the registered nurse or licensed practical nurse.

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

64B9-15.003 Application for Certification.

(1) An applicant for certification as a certified nursing assistant shall apply to the Board on a form provided by the Department.

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

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

64B9-15.004 Eligibility for Certification.

An applicant for certification demonstrates competency to read and write if the applicant:

- (1) Completes high school level 9th grade in an english speaking high school;
- (2) Passes the written portion of the certified nursing assistant examination in english; or
- (3) Passes seven out of ten questions in english on the certified nursing assistant examination.

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

64B9-15.005 Standards for Certified Nursing Assistant Training Programs.

(1) Each training program for certified nursing assistants must be approved by the Board before its graduates are eligible for certification under Chapter 464, Part II, F.S. A person seeking approval of a certified nursing assistant training program must submit an application to the Board demonstrating compliance with Chapter 464, Part II, F.S. and these rules.

(2) Each training program shall have a governing body which has authority to conduct the certified nursing assistant training program, determine general policy and assure adequate financial support.

(a) A certified nursing assistant training program shall have a written description of the program that includes purpose, goals and objectives/outcomes, and meets federal, state and if applicable, private postsecondary requirements. The program description must be consistent with the purpose, goals and objectives/outcomes of the parent institution, if any.

(b) A certified nursing assistant training program utilizing external clinical facilities shall have a written agreement between the program and each external clinical facility. The agreement shall define the rights and responsibilities of the program and the clinical facility, including the role and authority of the governing bodies of both the clinical facility and the program.

(c) A certified nursing assistant training program shall include clinical experiences in health care facilities licensed by state or federal regulatory bodies.

(d) A certified nursing assistant training program shall have written policies and procedures that are consistent with its parent institution, if any, and that meet state, federal, and if applicable, private postsecondary requirements. The program shall provide a regularly scheduled review of the policies and procedures governing the following areas:

1. Student attendance.
2. Student grading, including program progression and completion criteria.
3. Student record maintenance.
4. Student fees and financial aid.
5. Student rights and responsibilities.
6. Student grievance.

(3) Each certified nursing assistant training program shall appoint a certified nursing assistant training program coordinator who shall be responsible and accountable for compliance with these rules.

(a) A program coordinator shall hold an active, unencumbered Florida license to practice professional nursing, including practice under Rule 64B9-3.008, F.A.C., and the following:

1. Have at least two (2) years of professional nursing experience with at least one (1) year in nursing home services; and
2. Have at least one (1) year of experience as a nurse educator, evidence of academic preparation for teaching adults, or evidence of equivalent experience which has been approved by the Board.

(b) A director of nursing in a nursing home-based program may assume the administration and accountability for a program as the program coordinator but shall not engage in classroom or clinical teaching in that program.

(c) A program coordinator's responsibilities include the following:

1. Act as liaison with the Board related to the program's continuing compliance.
2. Prepare and administer a financial plan.
3. Develop, implement and evaluate the program.
4. Arrange for educational facilities, clinical resources and faculty development.

5. Recruit, supervise and evaluate qualified instructors and ensure there are sufficient instructors to meet clinical ratios and instructional needs.

6. Make available admission and program completion requirements in written form to students prior to admission to the program.

7. Develop and implement written policies necessary for the operation of the program.

8. Ensure that a Board approved instructor is providing classroom instruction or clinical supervision to students at all times during scheduled program hours.

9. Provide documentation of program completion to a student within ten (10) days of program completion.

(4) Each certified nursing assistant training program shall have one or more program instructors who shall be responsible and accountable for the instructional aspects of the certified nursing assistant training program.

(a) A program instructor shall hold an active, unencumbered Florida license to practice professional nursing, including practice under Rule 64B9-3.008, F.A.C., and the following:

1. Have at least one (1) year of clinical experience in long term care.

2. Have at least one (1) year of experience in teaching adults, or in supervising nursing assistants.

(b) A program instructor's responsibilities for classroom and clinical instruction:

1. Participate in the planning of each learning experience.

2. Ensure that course objectives/outcomes are accomplished.

3. Require a grade of 75% or greater on all theoretical examinations.

4. Require a passing grade for satisfactory completion of all skills evaluations.

5. Ensure that students do not perform activities for which they have not received instruction and in which they have not been found competent.

6. Supervise and evaluate students giving care to clients in clinical areas.

7. Be present in the classroom and clinical site 100% of the time during scheduled hours.

8. Supervise health care professionals who assist in providing program instruction.

(c) A program coordinator may be an instructor but must meet the standards established in (a) above.

(5) The certified nurse assistant training program shall have sufficient resources, ratio, services and records.

(a) A training program shall have sufficient classrooms, skills laboratories, offices, supplies and equipment to meet the purpose of the program and the needs of students, faculty, administration and staff.

1. Classrooms and skill laboratories shall be adequate in size, number and type.

2. Classrooms and skill laboratories shall be in a clean, well-lighted, comfortable temperature and safe condition.

3. Current reference materials shall be appropriate to the level of the student population and curriculum.

(b) A training program shall provide a minimum clinical instruction ratio for professional nurse to student of 1 to 12 for students caring directly for residents or clients.

(c) A training program shall provide the standardized curriculum under Rule 64B9-15.006, F.A.C., in compliance with federal guidelines.

(d) A training program shall plan and schedule clinical experiences according to the course curriculum.

(e) The training program shall include clinical experience for each certified nursing assistant student.

(f) The training program shall ensure that certified nursing assistant students are identified and treated as students and not utilized as staff during the instructional and clinical hours the students are enrolled in a certified nursing assistant training program.

(g) A training program shall provide instructional and education materials adequate to meet the needs of the program, the number of students and the instructional staff. There shall be an adequate number of instructional tools and equipment for simulating resident care to provide ample opportunity for students to develop skill competency prior to direct care experiences.

(h) A training program shall maintain program records for four (4) years for each class of students that contain documentation of curriculum and course schedules, the exact number of classroom and supervised clinical hours, and program evaluations completed by students.

(i) A training program shall maintain individual student records for four (4) years that contain the student's name, social security number, date of birth, skills checklist, individual student attendance record, program final examination score, and copies of the documentation issued to a student upon successful completion of the training program, such as a certificate, transcript, or letter.

(6) All training programs including any training program which is and is not a state approved academic institution must meet the requirements of 42 CFR Part 483.

(7) A training program must maintain a passing rate on certified nursing assistant examination for its graduates of at least 10% below the state average for each calendar year. By March 1 after the first year a training program is more than 10% below the state average, the training program must submit a corrective action plan for approval by the Board. Any training program which is more than 10% below the state average for two (2) consecutive calendar years will be disapproved by the Board.

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

64B9-15.006 Standardized Curriculum.

(1) The standardized curriculum content for a certified nursing assistant training program shall include material that will provide a basic level of both knowledge and demonstrable skills for each student completing the program.

(2) The standardized curriculum shall require a minimum of eighty (80) hours of classroom and forty (40) hours clinical instruction.

(3) The standardized curriculum shall include classroom and clinical instruction in the following:

- (a) Communication and interpersonal skills.
- (b) Infection control.
- (c) Safety and emergency procedures, including the Heimlich maneuver and cardiopulmonary resuscitation.
- (d) Promoting resident or resident independence.
- (e) Resident/patient rights, such as the right to confidentiality, the right to privacy, and the right to be free from abuse, mistreatment and neglect.

(f) The need to report abuse, mistreatment and neglect to appropriate staff.

(g) Basic nursing skills to include taking and recording vital signs, recognizing and reporting abnormal changes, caring for residents' environment, and caring for residents when death is imminent.

- (h) Personal care skills.
- (i) Individual resident/resident needs including age-specific mental health and social service needs.
- (j) Care of the cognitively impaired resident/patient.
- (k) Skills of basic restorative services, including body mechanics.

- (l) Nursing team member skills.
- (m) Legal aspects of the certified nursing assistant role.

(4) A training program shall require that a student receive a minimum of sixteen (16) hours instruction in the subjects identified in paragraphs 64B9-15.006(3)(a) through (e), F.A.C.

(5) Clinical experience shall be in providing direct resident care under the direct supervision of the registered nurse instructor, with at least 20 of the 40 required hours occurring in a nursing home setting.

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

64B9-15.007 Approval of Certified Nursing Assistant Training Programs.

(1) Certified nursing assistant training programs shall be Board approved prior to being offered. Retroactive approval shall not be granted.

(2) A person seeking approval for a certified nursing assistant training program shall submit an application to the Board at least ninety (90) days in advance of the expected start date.

(3) The application for initial program approval shall include:

- (a) A completed Board program application form.
- (b) Name and qualifications of program coordinator.
- (c) Name and qualifications of program instructors.
- (d) Evidence of current academic accreditation and/or state licensure as appropriate to the sponsoring institution.
- (e) Program outline with objectives/outcomes, curriculum content divided into number and sequence of didactic and clinical hours, teaching methodology, textbook, clinical skills checklist, final examination, certificate of completion and tentative calendar schedule for the program.
- (f) Medicare certification status, if any.
- (g) Evidence of compliance with Rule 64B9-15.005, F.A.C.

(h) A statement executed by a program coordinator of a Medicare or Medicaid certified nursing home, affirming that the program does not require a nursing assistant student to pay a fee for any portion of the program.

(4) Following review of the complete application packet, the Board shall schedule an on-site evaluation of the program.

(5) A training program shall not enroll students prior to receiving program approval.

(6) A certified nursing assistant training program shall be required to demonstrate compliance with all requirements of Chapter 464, Part II, F.S., and the rules adopted hereunder at least every two (2) years for continued approval.

(a) A training program shall permit the Board, or a state agency designated by the Board, to conduct an on-site scheduled evaluation for initial Board approval and renewal of approval.

(b) For suspected violations of the rules, a training program shall permit the Board, or a state agency designated by the Board, to conduct an on-site unannounced evaluation of the program.

(c) A training program will not be renewed if it is not in compliance with these rules or its graduates average score on the competency examination for the previous three (3) years falls 10% below the statewide average on either the written or clinical portion of the examination.

(7) The certified nursing assistant training program must request Board approval prior to initiating any changes in curriculum, program coordinator, faculty, program location, or the addition of clinical training sites.

(8) Certified nursing assistant training program approval numbers may not be transferred with a change of ownership.

(9) A certified nursing assistant training program shall notify the Board of any name change within thirty (30) days after said change.

(10) At the time of inception of these rules, all training programs with approval from the Department of Education and the Board of Nonpublic Career Education will retain that approval until the date of expiration. Renewal application will be required with the Board of Nursing. Training programs currently in existence and applying for renewal must comply with the Standards for Certified Nursing Assistant Training Programs.

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

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Nursing
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Nursing
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 7, 2002
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 15, 2002

DEPARTMENT OF HEALTH

Board of Occupational Therapy Practice

RULE TITLE: Temporary Permit to Practice Occupational Therapy

RULE NO.: 64B11-2.005

PURPOSE AND EFFECT: The Board proposes to eliminate an unnecessary deadline.

SUMMARY: The Board proposes to eliminate a deadline date to apply for a temporary permit.

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

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

SPECIFIC AUTHORITY: 468.204 FS.

LAW IMPLEMENTED: 468.209(3), (4) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT A TIME, DATE AND PLACE TO BE PUBLISHED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kaye Howerton, Board Executive Director, Board of Occupational Therapy Practice, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

THE FULL TEXT OF THE PROPOSED RULE IS:

64B11-2.005 Temporary Permit to Practice Occupational Therapy.

(1) through (2) No change.

(3) An applicant who has been issued a temporary permit based on apparent eligibility for the next scheduled examination but who has never passed an examination to determine competency as recognized by the Board and who is not qualified for licensure by endorsement, may practice occupational therapy under the supervision of a licensed occupational therapist until notification of the results of the examination. ~~The deadline to apply for a temporary permit based upon eligibility for the next scheduled examination shall be the same as the application deadline to take the examination with the examination agency approved by the Board. An individual who has passed the examination may practice occupational therapy without supervision under his temporary permit until the next meeting of the Board. The temporary permit of an individual who has failed the examination shall be deemed revoked upon notification to the Board of the examination results and the subsequent, immediate notification to the applicant of the revocation.~~

Specific Authority 468.204 FS. Law Implemented 468.209(3), (4) FS. History—New 9-9-85, Formerly 21M-13.13, Amended 3-12-90, Formerly 21M-13.013, 61F6-13.013, 59R-61.013, Amended 4-8-99, 7-9-00, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Occupational Therapy
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Occupational Therapy
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 28, 2002
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 1, 2002

DEPARTMENT OF HEALTH

Board of Occupational Therapy Practice

RULE TITLE: Temporary Permit to Practice as an Occupational Therapy Assistant

RULE NO.: 64B11-3.003

PURPOSE AND EFFECT: The Board proposes to eliminate an unnecessary deadline.

SUMMARY: The Board proposes to eliminate a deadline date to apply for a temporary permit.

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

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

SPECIFIC AUTHORITY: 468.204, 468.209(3), (4) FS.

LAW IMPLEMENTED: 468.209(3), (4) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT A TIME, DATE AND PLACE TO BE PUBLISHED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY. THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kaye Howerton, Board Executive Director, Board of Occupational Therapy Practice, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

THE FULL TEXT OF THE PROPOSED RULE IS:

64B11-3.003 Temporary Permit to Practice as an Occupational Therapy Assistant.

(1) through (2) No change.

(3) An applicant who has been issued a temporary permit based upon apparent eligibility for the next scheduled examination but who has never passed an examination to determine competency as recognized by the Board and who is not qualified for licensure by endorsement, may practice occupational therapy under the supervision of a licensed occupational therapist until notification of the results of the examination. An individual who has passed the examination may continue to practice as an occupational therapy assistant with the supervision of a licensed occupational therapist under the temporary permit until the next meeting of the Board. ~~The deadline to apply for a temporary permit based upon eligibility for the next scheduled examination shall be the same as the application deadline to take the examination with the examination agency approved by the Board.~~ The temporary permit of an individual who has failed the examination shall be deemed revoked upon notification to the Board of the examination results and the subsequent, immediate notification to the applicant of the revocation.

Specific Authority 468.204, 468.209(3),(4) FS. Law Implemented 468.209(3),(4) FS. History--New 9-8-85, Formerly 21M-14.12, Amended 3-12-90, Formerly 21M-14.012, 61F6-14.012, 59R-62.012, Amended 4-8-99, 7-5-00,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Occupational Therapy

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 28, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 1, 2002

DEPARTMENT OF HEALTH

Board of Occupational Therapy Practice

RULE TITLE: Notice of Noncompliance RULE NO.: 64B11-4.004

PURPOSE AND EFFECT: The Board proposes to change the existing rule text regarding a notice of noncompliance.

SUMMARY: The Board proposes to change the existing rule by including the failure to notify the Board of a change of address, and by removing the failure to comply with the AIDS education requirement as minor violations.

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

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

SPECIFIC AUTHORITY: 456.073(3), 468.204 FS.

LAW IMPLEMENTED: 456.073(3) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT A TIME, DATE AND PLACE TO BE PUBLISHED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kaye Howerton, Board Executive Director, Board of Occupational Therapy Practice, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

THE FULL TEXT OF THE PROPOSED RULE IS:

64B11-4.004 Notice of Noncompliance.

(1) No change.

(2) Minor violations do not endanger the public health, safety and welfare and do not demonstrate a serious inability to practice the profession. A minor violation under this provision shall include failure to notify the Board of a change of address. ~~Comply with the AIDS education requirement, as provided in Section 456.033, F.S.~~

(3) No change.

Specific Authority 456.073(3), 468.204 FS. Law Implemented 456.073(3), FS. History--New 9-3-90, Formerly 21M-15.004, 61F6-15.004, 59R-63.004, Amended_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Occupational Therapy

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 28, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 1, 2002

DEPARTMENT OF HEALTH

Board of Occupational Therapy Practice

RULE TITLE: Mediation RULE NO.: 64B11-4.006

PURPOSE AND EFFECT: The Board proposes to eliminate mediation offenses.

SUMMARY: The Board reviewed its practice act and found no offenses appropriate for mediation.

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

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

SPECIFIC AUTHORITY: 456.078, 468.204 FS.

LAW IMPLEMENTED: 456.078 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT A TIME, DATE AND PLACE TO BE PUBLISHED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kaye Howerton, Board Executive Director, Board of Occupational Therapy Practice, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

THE FULL TEXT OF THE PROPOSED RULE IS:

64B11-4.006 Mediation.

For purposes of subsection 456.078, F.S., the Board finds no offenses appropriate for mediation of Occupational Therapy designates as being appropriate for mediation, first time violations of Rules 64B11-2.007 and 64B11-3.005, F.A.C., failure to submit a copy of the course completion certificate.

Specific Authority 456.078, 468.204 FS. Law Implemented 456.078 FS. History-New 12-20-98, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Occupational Therapy

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 28, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 1, 2002

DEPARTMENT OF HEALTH

Board of Occupational Therapy Practice

RULE TITLE: Continuing Education Program Approval RULE NO.: 64B11-6.001

PURPOSE AND EFFECT: The Board proposes to update the existing rule text.

SUMMARY: The proposal clarifies that all programs must meet specified criteria.

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

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

SPECIFIC AUTHORITY: 456.025, 468.204, 468.219(2) FS.

LAW IMPLEMENTED: 468.219(2), 468.221 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT A TIME, DATE AND PLACE TO BE PUBLISHED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kaye Howerton, Board Executive Director, Board of Occupational Therapy Practice, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

THE FULL TEXT OF THE PROPOSED RULE IS:

64B11-6.001 Continuing Education Program Approval.

(1) through (3) No change.

(4) Programs meeting the above criteria and offered by the Florida Occupational Therapy Association (FOTA), the American Occupational Therapy Association (AOTA) and occupational therapy courses accredited by the Accreditation Board for Occupational Therapy shall be ~~deemed~~ approved by this Board for continuing education and shall not pay the fees required in subsection (1) of this rule.

(5) through (7) No change.

Specific Authority 456.025, 468.204, 468.219(2) FS. Law Implemented 468.219(2), 468.221 FS. History-New 8-1-95, Amended 8-27-96, Formerly 59R-65.001, Amended 7-21-98, 4-25-01, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Occupational Therapy

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 28, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 1, 2002

DEPARTMENT OF HEALTH

Board of Pharmacy

RULE TITLE: Prescription Refills RULE NO.: 64B16-28.114

PURPOSE AND EFFECT: The purpose of the rule amendments is to update the rule to clarify prescription refills.

SUMMARY: The Board is amending the rule text to further clarify that no prescription shall be filled or refilled in excess of one year.

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

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

SPECIFIC AUTHORITY: 465.005, 465.016(1), 465.022, 465.022(1)(a), 893.04 FS.

LAW IMPLEMENTED: 465.022 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: John Taylor, Executive Director, Board of Pharmacy, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254

THE FULL TEXT OF THE PROPOSED RULE IS:

64B16-28.114 Prescription Refills.

No prescription may be filled or refilled in excess of one (1) year from the date the original prescription was written. No prescription for a controlled substance listed in Schedule II may be refilled. No prescription for a controlled substance listed in Schedules III, IV, or V may be filled or refilled more than five times within a period of six (6) months after the date on which the prescription was written.

Specific Authority 465.005, 465.016(1), 465.022, 465.022(1)(a), 893.04 FS. Law Implemented 465.022 FS. History—New 12-18-74, Formerly 21S-1.28, 21S-1.028, Amended 7-31-91, Formerly 21S-28.114, 61F10-28.114, 59X-28.114, Amended 2-4-02,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:

Board of Pharmacy

NAME OF SUPERVISOR OR PERSON WHO APPROVED

THE PROPOSED RULE: Board of Pharmacy

DATE PROPOSED RULE APPROVED BY AGENCY

HEAD: February 5, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT

PUBLISHED IN FAW: March 1, 2002

DEPARTMENT OF HEALTH

Board of Pharmacy

RULE TITLES:

Unit Dose and Customized Patient

Medication Package Returns by

In-patients

Sterile Products and Special

Parenteral/Enteral Compounding

RULE NOS.:

64B16-28.118

64B16-28.820

PURPOSE AND EFFECT: The purpose of the rule amendments to Rules 64B16-28.118 and 64B16-920, F.A.C., is to rename the rule titles and update the rule text to reflect the same.

SUMMARY: The Board has determined that Rule 64B16-28.118, F.A.C., should be amended to change the rule’s title and to update the rule text with regard to customized patient medication packaging. The Board has also determined

that Rule 64B16-28.820, F.A.C., should be amended to rename the rule’s title and to include the words “sterile products” to the rule text.

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

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

SPECIFIC AUTHORITY: 465.005, 465.007, 465.022 FS.

LAW IMPLEMENTED: 465.007, 465.016(1)(l), 465.018 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE

PROPOSED RULES IS: John Taylor, Executive Director, Board of Pharmacy, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254

THE FULL TEXT OF THE PROPOSED RULES IS:

64B16-28.118 Unit Dose and Customized Patient Medication Package Returns by In-patients.

No pharmacist shall place into the stock of any pharmacy permittee any part of any prescription, compounded or dispensed, which is returned by a patient except under the following conditions:

(1) In a closed drug delivery system in which unit dose or customized patient medication packages are dispensed to in-patients, the unused unit dose of medication may be returned to the pharmacy for redispensing only if each unit dose or customized patient medication package is individually sealed and if each unit dose or the unit dose system, or the customized patient medication package container or the customized patient medication package unit of which it is clearly a part is labeled with the name of the drug, dosage strength, manufacturer's control number, and expiration date, if any.

(2) through (3) No change.

(4) A “customized patient medication package” to which this rule applies means a system wherein all USP approved multi-dose units are physically connected and are referred to as a container. The use of customized patient medication packages must comply with the provisions of subsection 64B16-28.108(5), F.A.C.

(5)(4) A “closed drug delivery system” to which this rule applies is a system in which the actual control of the unit dose or customized patient medication package is maintained by the facility rather than by the individual patient.

(6) All pharmacies utilizing unit dose or customized patient medication packages shall address specific policies and procedures regarding their preparation and use in their Policy and Procedures Manual.

Specific Authority 465.005, 465.022 FS. Law Implemented 465.016(1)(f) FS. History—New 11-10-80, Formerly 21S-1.36, 21S-1.036, Amended 7-31-91, Formerly 21S-28.118, 61F10-28.118, 59X-28.118, Amended 9-23-99.

64B16-28.820 Sterile Products and Special Parenteral/Enteral Compounding.

(1) Sterile Products and Parenteral/Enteral Compounding.

(a) A sterile products and parenteral/enteral compounding pharmacy is a type of special pharmacy as provided by Section 465.0196, F.S., which is limited in scope of pharmacy practice to render sterile products and parenteral/enteral compounding functions. This pharmacy practice facilitates the utilization of certain institutional therapeutic measures by patients in the home environment or by patients in an institutional environment where such pharmacy service is unavailable. Pharmacy services, sterile products and parenteral/enteral products provided by a special sterile products and parenteral/enteral compounding pharmacy pursuant to prescription as defined by Section 465.003(13), F.S., shall be limited to the compounding and/or dispensing of:

1. through 2. No change.

3. Sterile preparations of cytotoxic or antineoplastic agents, and/or

4. Sterile products (i.e. injectables, eye drops, etc.).

(b) Prior to engaging in a sterile products and parenteral/enteral compounding pharmacy practice an entity shall obtain a special sterile products and parenteral/enteral compounding pharmacy permit as provided herein.

(2) Pharmacy Environment. The compounding and dispensing of sterile products and parenteral/enteral prescription preparations within a special sterile products and parenteral/enteral compounding pharmacy shall be accomplished in a pharmacy environment subject to the pharmacy permit laws of this state and in accordance with those requirements for the safe handling of drugs. The environment for this practice shall be set apart, and designed, and equipped to facilitate controlled aseptic conditions. Aseptic techniques shall prevail in this practice to minimize the possibility of microbial contamination.

(3) General Requirements.

(a) A special sterile products and parenteral/enteral compounding pharmacy shall be under the control and supervision of a licensed pharmacist, who shall be designated prescription department manager on the application for a special sterile products and parenteral/enteral compounding pharmacy. The prescription department manager or other licensed qualified pharmacist as provided herein shall be present on duty during all hours of operation of said pharmacy. Changes in prescription department manager shall be reported

to the Board of Pharmacy office within 10 days by the permit holder and prescription department manager of record. A prescription department manager of a special sterile products and parenteral/enteral compounding pharmacy shall not be designated prescription department manager of record of more than one special sterile products and parenteral/enteral compounding pharmacy, unless otherwise approved by the Board. The Board will consider the proximity of the facility as well as the administrative workload created by the two permits, in determining whether or not it will approve the designation of someone as a prescription department manager of more than one special sterile products and parenteral/enteral compounding pharmacy.

(b) A special sterile products and parenteral/enteral compounding pharmacy shall provide special handling and packaging of compounded parenteral and enteral preparations when delivering from the pharmacy to the patient or institution as required to maintain stability of the preparations. All such preparations shall include the time and/or date of expiration on the label. Delivery from the pharmacy to the patient shall be made within a reasonable time. A special sterile products and parenteral/enteral compounding pharmacy shall provide telephone accessibility to its pharmacist(s) for its patients at all hours.

(c) No change.

(d) A Policy and Procedure Manual shall be prepared and maintained at each special sterile products and parenteral/enteral compounding pharmacy, and be available for inspection by authorized agents of the Board of Pharmacy and the Agency. The Policy and Procedure Manual shall set forth in detail the objectives and operational guidelines of the permittee. The Policy and Procedure Manual shall include a Quality Assurance Program which monitors personnel qualifications, training and performance, equipment facilities, and random production sampling consistent with recommended standards for compounding and dispensing intravenous admixtures as set forth by the Joint Commission on Accreditation of Health Organizations, the National Coordinating Committee and Large Volume Parenteral, and as provided by the Florida Board of Pharmacy.

(e) through (h) No change.

(4) An applicant for a special sterile products and parenteral/enteral compounding pharmacy permit shall provide the Board of Pharmacy with the following:

(a) through (c) No change.

(5) Minimum Requirements for Space, Equipment, Supplies and Publications.

(a) To ensure compliance with the general requirements as set forth, the following minimum requirements for space, equipment, supplies and publications shall be met by a pharmacy which operates under the special permit of a sterile products and parenteral/enteral compounding pharmacy. These requirements are in addition to the minimum requirements for

space and equipment required of other types of pharmacies when applicable. The minimum permit requirements are set forth as follows:

- (b) through (e) No change.
- (6) No change.

Specific Authority 465.005, 465.007, 465.022 FS. Law Implemented 465.007, 465.018 FS. History—New 4-26-84, Formerly 21S-1.40, Amended 7-27-86, Formerly 21S-1.040, Amended 7-31-91, 10-14-91, Formerly 21S-28.820, 61F10-28.820, Amended 3-10-96, 6-4-97, Formerly 59X-28.820, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Pharmacy
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Pharmacy
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 5, 2002
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 1, 2002

DEPARTMENT OF HEALTH
Board of Physical Therapy Practice

RULE TITLE: Licensure by Endorsement
PURPOSE AND EFFECT: The Board proposes to update the existing rule text.

RULE NO.: 64B17-4.003

SUMMARY: The Board is amending this rule by substituting gender neutral terminology and a broader reference to the national examination provider.

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

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

SPECIFIC AUTHORITY: 486.025, 486.107(1) FS.
LAW IMPLEMENTED: 486.107(1) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT A TIME, DATE AND PLACE TO BE PUBLISHED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kaye Howerton, Board Executive Director, Board of Physical Therapy Practice, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

THE FULL TEXT OF THE PROPOSED RULE IS:

64B17-4.003 Licensure by Endorsement.

An applicant demonstrating that he or she is licensed in another state may be licensed to practice as a physical therapist assistant by endorsement without examination by presenting evidence satisfactory to the Board that the applicant ~~he~~ is licensed in another state, the District of Columbia, or a territory

if their standards for licensure are as high as those maintained in Florida. The standard for determining whether those requirements are as high as those in Florida shall be whether the applicant was required to meet educational standards equivalent to those set forth in subsection 64B17-4.001(3), F.A.C., and whether the written examination taken for licensure in such other state, the District of Columbia, or territory was through the designated national physical therapy assistants examination provider an examination prepared under the auspices of the Professional Examination Services, ASI (Assessment Systems Incorporated) or an examination approved by the American Physical Therapy Association.

Specific Authority 486.025, 486.107(1) FS. Law Implemented 486.107(1) FS. History—New 8-6-84, Formerly 21M-10.26, Amended 5-18-86, Formerly 21M-10.026, 21MM-4.004, 61F11-4.004, 59Y-4.004, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Physical Therapy Practice
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Physical Therapy Practice
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 13, 2001
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 1, 2002

DEPARTMENT OF HEALTH
Board of Respiratory Care

RULE TITLE: Fees
PURPOSE AND EFFECT: The Board proposes to raise fees and update existing rule text.

RULE NO.: 64B32-4.001

SUMMARY: The biennial renewal fee is raised to \$121, the reactivation fee is raised to \$55, the renewal of inactive status fee is raised to \$55, the delinquency fee is raised to \$121, and an unnecessary fee is deleted.

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

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

SPECIFIC AUTHORITY: 456.025(1), 456.065, 456.036(7), (8), 468.353(1), 468.364 FS.
LAW IMPLEMENTED: 456.025(1), (6), 456.065, 456.036, 468.364 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT A TIME, DATE AND PLACE TO BE PUBLISHED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kaye Howerton, Board Executive Director, Board of Respiratory Care, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

THE FULL TEXT OF THE PROPOSED RULE IS:

64B32-4.001 Fees.

(1) The biennial renewal fee for licensure shall be ~~\$110.00~~ \$121.00.

(2) The reactivation fee for activating an inactive certification or registration shall be ~~\$55~~ \$50.

(3) The renewal fee for renewing the inactive status of a certification or registration shall be ~~\$55~~ \$50.

(4) through (5) No change.

(6) The delinquency fee shall be ~~\$121.00~~ \$110.00.

~~(7) The application for inactive license fee shall be \$50.00.~~

~~(7)(8) The change in status fee shall be \$35.00.~~

Specific Authority 456.025(1), 456.065, 456.036(7), (8), 468.353(1), 468.364 FS. Law Implemented 456.025(1), (6), 456.065, 456.036, 468.364 FS. History--New 4-29-85, Formerly 21M-36.04, Amended 5-10-92, Formerly 21M-36.004, Amended 9-21-93, 1-3-94, Formerly 61F6-36.004, Amended 7-18-95, Formerly 59R-73.004, 64B8-73.004, Amended 4-27-00,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Respiratory Care

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 11, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED: January 25, 2002

DEPARTMENT OF HEALTH

Board of Respiratory Care

RULE TITLE: Provider Approval and Renewal Procedures

RULE NO.: 64B32-6.005

PURPOSE AND EFFECT: The Board proposes to update existing rule text.

SUMMARY: The application fee for providers is raised to \$250 and the renewal fee is raised to \$220.

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

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

SPECIFIC AUTHORITY: 456.025(4), 468.361(3) FS.

LAW IMPLEMENTED: 456.025(4), 468.361(3) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT A TIME, DATE AND PLACE TO BE PUBLISHED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kaye Howerton, Board Executive Director, Board of Respiratory Care, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

THE FULL TEXT OF THE PROPOSED RULE IS:

64B32-6.005 Provider Approval and Renewal Procedures.

(1)(a) No change.

(b) Pay the ~~\$250~~ \$200 application fee.

(c) No change.

(2) through (3) No change.

(4) The biennial renewal fee for providers shall be ~~\$220~~ \$200.

(5) through (10) No change.

Specific Authority 456.025(4), 468.361(3) FS. Law Implemented 456.025(4), 468.361(3) FS. History--New 4-24-96, Amended 5-7-97, Formerly 59R-75.0041, Amended 4-23-98, 6-9-99, Formerly 64B8-75.0041, Amended_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Respiratory Care

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 11, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 25, 2002

DEPARTMENT OF HEALTH

Division of Family Health Services

RULE CHAPTER TITLE: Eligibility and Fee Assessment for

RULE CHAPTER NO.:

Services Offered by County

Public Health Units

64F-16

RULE TITLE: Definitions

RULE NO.:

64F-16.001

PURPOSE AND EFFECT: To redefine poverty guidelines referenced in the rule. To repeal definitions deemed unnecessary.

SUMMARY: Chapter 64F-16, F.A.C., outlines eligibility and fee assessment for services provided at county health departments. The proposed amendment to subsection 64F-16.001(7), F.A.C. provides reference as to where the latest poverty guidelines may be obtained and that these guidelines are adjusted and published annually by the U.S. Department of Health and Human Resources. These poverty guidelines are used to determine whether a client is eligible for service, or their sliding fee rate if they are above 100 percent of poverty. Furthermore, annual changes to these guidelines are designed to account for annual changes in prices as measured by the Consumer Price Index and do not reflect policy change on how the guidelines are otherwise applied or administered. Additionally, the Department proposes to repeal the definitions of "communicable disease control services" and of "WIC" at subsections 64F-16.001(1) and (12), F.A.C. The term "communicable disease control services" is already defined in

Section 154.01, F.S., and "WIC" is defined in Section 383.011(1)(g), F.S.; therefore, these definitions are redundant and deemed unnecessary.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Regulatory Cost has been prepared.

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

SPECIFIC AUTHORITY: 154.011(5) FS.

LAW IMPLEMENTED: 154.011 FS.

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

TIME AND DATE: 10:00 a.m., May 7, 2002

PLACE: Department of Health, 4025 Esplanade Way, Room 125-N, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Bob Peck, Bin A-13 (HSFFM), 4052 Bald Cypress Way, Tallahassee, FL 32399-1723; Telephone: (850)245-4444, ext. 2965

THE FULL TEXT OF THE PROPOSED RULE IS:

64F-16.001 Definitions.

For the purpose of this rule chapter, the following definitions will apply:

(1) ~~"Communicable disease control services" means epidemiology; disease surveillance; sexually transmitted disease detection, treatment, and prevention; HIV and AIDS counseling, testing, and partner notification; immunization; and tuberculosis detection, treatment, and prevention.~~

(2) through (6) renumbered (1) through (5) No change.

(6)(7) "Poverty guidelines" means the non-farm family poverty income scale adopted by the United States Department of Health and Human Services (HHS), as published annually by HHS in the Federal Register; February 16, 2001 edition (Volume 66, Number 33) pages 10695-10697. A copy of the poverty guidelines currently adopted by HHS can also be obtained by writing to: the Office of Maternal and Child Health, Bin A-13 (HSFFM), 4052 Bald Cypress Way, Tallahassee, FL 32399-1723.

(8) through (11) renumbered (7) through (10) No change.

(12) ~~"WIC" means the Special Supplemental Nutrition Program for Women, Infants and Children authorized by Section 17 of the Child Nutrition Act of 1966, as amended.~~

Specific Authority 154.011(5) FS. Law Implemented 154.011 FS. History—New 10-14-93, Amended 4-29-96, Formerly 10D-121.002, Amended 1-9-01, 8-21-01, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Bob Peck, Bin A-13 (HSFFM), 4052 Bald Cypress Way, Tallahassee, FL 32399-1723. Telephone: (850)245-4444, ext. 2965

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Annette Phelps, Acting Director, Family Health Services

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 7, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 1, 2002

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Economic Self-Sufficiency Program

RULE TITLE: Food Stamp Program Issuance

RULE NO.: 65A-1.604

PURPOSE AND EFFECT: The rule is being amended due to technical changes to the food stamp issuance rules and procedures. Section 409.942, F.S. established the Electronic benefit transfer (EBT) program. The Electronic Benefit Transfer program is an electronic system that allows a participant to authorize the transfer of government benefits from a federal or state account to a retailer account to pay for products received. EBT electronically provides state administered cash and food stamp benefits to eligible participants. The EBT system was gradually implemented in Florida beginning in 1998, with statewide implementation completed in 1999.

SUMMARY: This rule amendment updates the process for the issuance of food stamps. The Electronic Benefit Transfer an electronic system available statewide, allows a participant to authorize transfer of government benefits from a federal or state account to a retailer account to pay for products received.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 414.45 FS.

LAW IMPLEMENTED: 409.942, 414.31 FS.

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

TIME AND DATE: 10:00 a.m., May 6, 2002

PLACE: 1317 Winewood Boulevard, Building 3, Room 455, Tallahassee, Florida 32399-0700; Telephone (850)921-5553

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE AND ECONOMIC STATEMENT IS: Audrey Mitchell, Program Administrator, Public Assistance Policy, Policy Support Unit, 1317 Winewood Boulevard, Building 3, Room 406-A, Tallahassee, Florida 32399-0700

THE FULL TEXT OF THE PROPOSED RULE IS:

65A-1.604 Food Stamp Program Issuance.

(1) ~~Aggregate Issuance.~~ All (AGs) that apply after the 15th day of the month, provide all verification by the last day of the month of application and are determined eligible for the initial month and next subsequent month will be provided both months' benefits in one combined allotment. This also applies to AGs, which are processed under expedited service time frames. However, if verification is postponed and the AG provides the verification before the end of the month of application, they will have their benefits available within five days or the first day of the following month, whichever is earlier.

(2) ~~Issuing Initial Month's Benefits.~~ When an AG's eligibility for Food Stamp Program benefits is determined on or after the 20th day of the month, the AG will be able to receive the initial month's benefit through the end of the next calendar month.

(1)(3) ~~Staggered Issuance.~~ Benefit Availability.

(a) Food stamp availability dates issuance will be staggered over at least the first 15 ~~ten~~ working days of each month and will be staggered over the entire month, if necessary based on issuance workload. ~~This applies to both direct pick-up and the mail issuance of food stamps. Food Stamps are issued through the Electronics Benefits Transfer (EBT) system.~~

(b) Benefit availability to assistance groups (Ags) Staggered issuance is based on the terminal digits of the AG's case number. AGs are able to receive their monthly allotment of stamps on their assigned pick-up day or on any subsequent issuance day of the month. The Public Assistance Specialist Supervisor makes case-by-case exceptions in the event of emergency circumstances beyond the control of the AG. availability date or any subsequent day for 12 months. The EBT system supports mass overrides of benefit availability dates in instances of disasters and other emergencies, in which an executive decision approves override of benefit availability policies. This permits clients in areas where hurricanes or other disasters are threatening to be able to access their benefits earlier to prepare for such events.

(4) ~~Limitations on Mail Issuance.~~

(a) ~~Elderly/disabled AGs, transportation disadvantaged AGs, i.e., the homeless and those AGs in rural areas without access to privately owned or public transportation, and~~

~~employed AGs whose working hours coincide with issuance hours are eligible for mail issuance. Mail issuance is limited to no more than the maximum allotment for a two person assistance group.~~

(b) ~~AGs that receive mail issuance will be placed on alternative issuance following the second reported non-delivery of stamps and replacement mail issuance in a six-month period.~~

1. ~~An initial six-month period will begin when the AG first reports a mail non-delivery and receives a replacement issuance. At the time of the initial request for replacement, the department will offer the AG an alternative issuance method such as direct pick-up, use of a post office box/alternate address or coupon representative pick-up. The AG will be advised that two reported non-deliveries and replacements in a six-month period will result in the department requiring the AG to use an alternative issuance method. If the AG continues on mail issuance without a second request for replacement in the initial six-month period, a new six-month period will begin at the next report non-delivery and request for replacement.~~

2. ~~The department will place an AG on alternative issuance for the length of time determined necessary. This will be a minimum of six months in most instances. However, should changed circumstances indicate a reduced risk of loss, the AG will be reinstated to mail issuance prior to the expiration of the six-month period. A reduced risk of loss is indicated if the department determines through mail issuance logs for the area that the incidence of mail replacements had diminished significantly or if the AG provides verification that indicates mail delivery is now safe. The AG must request a return to mail issuance. These requests must be approved by the District Economic Self-Sufficiency Services Program Office.~~

Specific Authority 414.45 FS. Law Implemented 414.31, 409.924 FS. History—New 1-31-94, Formerly 10C-1.604, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Marcia Dukes, Operations Review Specialist

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Audrey Mitchell, Program Administrator, Public Assistance Policy

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 15, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 2, 2001