

44	\$453.08	\$569.55	\$785.18	50	\$479.26	\$595.61	\$813.68
45	\$462.69	\$600.10	\$811.36	51	\$505.23	\$623.11	\$835.17
46	\$476.62	\$604.61	\$827.36	52	\$513.39	\$649.76	\$864.38
47	\$481.31	\$609.99	\$834.12	53	\$538.24	\$668.55	\$893.83
48	\$487.16	\$617.01	\$843.22	54	\$556.76	\$686.10	\$923.80
49	\$501.72	\$624.68	\$872.16	55	\$576.17	\$705.82	\$953.92
50	\$510.28	\$643.51	\$885.02	56	\$613.07	\$763.28	\$1,013.97
51	\$530.60	\$665.25	\$910.57	57	\$644.96	\$814.10	\$1,077.32
52	\$547.56	\$693.85	\$941.52	58	\$685.09	\$865.63	\$1,142.80
53	\$565.67	\$712.92	\$972.94	59	\$727.89	\$918.63	\$1,225.21
54	\$584.47	\$743.02	\$1,005.11	60	\$770.32	\$982.63	\$1,295.72
55	\$604.14	\$754.11	\$1,038.38	61	\$837.63	\$1,054.63	\$1,407.63
56	\$644.88	\$809.63	\$1,098.41	62	\$902.26	\$1,125.02	\$1,517.18
57	\$679.14	\$865.06	\$1,168.20	63	\$970.76	\$1,216.48	\$1,641.04
58	\$724.11	\$932.83	\$1,241.76	64	\$1,037.79	\$1,299.00	\$1,754.64
59	\$760.97	\$982.81	\$1,327.49	65	\$1,115.07	\$1,381.69	\$1,897.16
60	\$817.49	\$1,054.33	\$1,406.23	66	\$1,227.95	\$1,534.96	\$2,109.14
61	\$883.47	\$1,136.02	\$1,518.87	67	\$1,363.32	\$1,701.42	\$2,340.31
62	\$954.83	\$1,213.95	\$1,634.80	68	\$1,500.23	\$1,865.03	\$2,577.06
63	\$1,029.20	\$1,304.31	\$1,763.51	69	\$1,633.30	\$2,052.92	\$2,819.57
64	\$1,101.86	\$1,392.44	\$1,889.04	70	\$1,789.01	\$2,248.85	\$3,075.07
65	\$1,189.14	\$1,489.02	\$2,039.15	71	\$2,018.76	\$2,528.81	\$3,470.22
66	\$1,303.22	\$1,638.22	\$2,242.87	72	\$2,256.08	\$2,812.66	\$3,900.29
67	\$1,439.64	\$1,819.93	\$2,472.25	73	\$2,512.25	\$3,130.51	\$4,333.65
68	\$1,586.10	\$1,997.01	\$2,717.22	74	\$2,787.33	\$3,470.24	\$4,800.53
69	\$1,726.79	\$2,189.76	\$2,977.95	75	\$3,076.60	\$3,832.91	\$5,298.58
70	\$1,882.16	\$2,399.49	\$3,258.58	76	\$3,443.00	\$4,280.81	\$5,959.12
71	\$2,122.56	\$2,689.46	\$3,650.61	77	\$3,835.70	\$4,784.33	\$6,705.56
72	\$2,380.33	\$3,011.03	\$4,078.34	78	\$4,226.95	\$5,296.16	\$7,436.47
73	\$2,643.96	\$3,334.39	\$4,516.90	79	\$4,655.32	\$5,816.66	\$8,167.71
74	\$2,925.10	\$3,689.09	\$4,989.64	80	\$5,033.64	\$6,283.38	\$9,137.19
75	\$3,233.67	\$4,080.01	\$5,495.62	81	\$5,957.64	\$7,384.25	\$9,856.49
76	\$3,622.71	\$4,564.96	\$6,160.74	82	\$6,462.62	\$8,016.60	\$10,649.85
77	\$4,043.45	\$5,116.80	\$6,891.93	83	\$7,047.04	\$8,737.67	\$11,569.42
78	\$4,467.54	\$5,674.34	\$7,616.29	84	\$7,672.15	\$9,524.34	\$12,583.26
79	\$4,913.66	\$6,236.42	\$8,355.38	85	\$8,275.28	\$10,351.15	\$13,731.52
80	\$5,365.77	\$7,657.61	\$10,904.13	86	\$9,225.98	\$11,509.12	\$15,353.86
81	\$5,851.19	\$8,314.46	\$11,818.20	87	\$9,960.46	\$12,463.27	\$16,617.84
82	\$6,360.85	\$9,038.95	\$12,820.94	88	\$10,770.06	\$13,480.85	\$17,971.04
83	\$6,954.06	\$9,851.27	\$13,927.26	89	\$11,635.34	\$14,571.84	\$19,424.16
84	\$7,579.36	\$10,744.46	\$15,117.75				
85	\$9,393.68	\$11,738.30	\$16,454.06				
86	\$10,622.25	\$13,240.69	\$17,976.84				
87	\$11,550.00	\$14,432.21	\$19,582.64				
88	\$12,554.44	\$15,692.91	\$21,291.57				
89	\$13,619.15	\$17,034.25	\$23,112.87				

Rulemaking Authority 627.9408(1) FS. Law Implemented 627.9407(7) FS. History--New 11-1-07, Amended 5-31-09,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Gerry Smith, Life and Health Product Review, Office of Insurance Regulation, E-mail Gerry.Smith@fior.com

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: The Financial Services Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 26, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 23, 2009

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

#### DEPARTMENT OF EDUCATION

##### State Board of Education

RULE NO.: 6A-1.099811      RULE TITLE: Differentiated Accountability State System of School Improvement

Issue	3-Yr Benefit	5-Yr. Benefit	Unlimited Benefit
Age	Period	Period	Period
30	\$338.04	\$424.62	\$551.77
31	\$339.55	\$426.64	\$553.82
32	\$341.12	\$438.88	\$556.47
33	\$352.01	\$441.06	\$559.25
34	\$353.68	\$443.59	\$562.12
35	\$372.21	\$466.26	\$609.39
36	\$373.99	\$468.92	\$613.04
37	\$376.10	\$471.68	\$616.87
38	\$387.27	\$474.83	\$620.85
39	\$389.53	\$487.62	\$625.03
40	\$401.94	\$511.06	\$666.22
41	\$406.86	\$516.21	\$677.58
42	\$410.98	\$520.70	\$686.36
43	\$424.26	\$525.26	\$696.61
44	\$428.32	\$540.20	\$706.05
45	\$435.39	\$555.82	\$737.53
46	\$447.54	\$560.69	\$749.12
47	\$452.53	\$566.29	\$760.44
48	\$467.40	\$572.59	\$773.49
49	\$473.01	\$589.03	\$798.54

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 35, No. 50, December 18, 2009 issue of the Florida Administrative Weekly.

In addition to the changes noticed in Vol 36, No. 5, February 5, 2010, issue of the Florida Administrative Weekly, subparagraphs (8)(b)2.b. and (8)(b)2.g. and Forms DA-2, DA-3, and DA-4 have been amended as follows. Copies of the changes may be obtained by contacting Lynn Abbott at lynn.abbott@fldoe.org

(8)(b)2.b. "...The Department shall provide recommendations to the superintendent district with respect to replacing the principal, assistant principals, and instructional coaches."

(8)(b)2.g. "The district to assemble an advisory board comprised of district personnel, teachers, community members, and a representative of the Department. The advisory board shall report monthly to the superintendent regarding its activities, concerns, and recommendations. Only one advisory board is required for a district with more than one school in the Intervene category."

DA-2 – the Professional Development strategy, "The district must ensure that appropriate resources are provided to support the school to redesign the master schedule to provide common planning time for data-based decision making within the Problem Solving process, job-embedded professional development, and Lesson Study," has been amended to be required only for Prevent II D, Correct II D & F schools as well as the previously indicated Intervene schools.

DA-3 – the Professional Development strategy, "District ensures that appropriate resources are provided to support the alternative school to redesign the master schedule to provide common planning time for data-based decision making within the problem-solving process, job-embedded professional development, and Professional Learning Communities (PLCs) with Lesson Study Groups," has been amended to be required only for Prevent II D, Correct II D & F schools as well as the previously indicated Intervene schools.

DA-4 – the Professional Development strategy, "Charter School redesigns the master schedule to provide common planning time for data-based decision making within the problem-solving process, job-embedded professional development, and Professional Learning Communities (PLCs) with Lesson Study Groups," has been amended to be required only for Prevent II D, Correct II D & F schools as well as the previously indicated Intervene schools.

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

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

**WATER MANAGEMENT DISTRICTS**

**Southwest Florida Water Management District**

RULE NOS.:	RULE TITLES:
40D-1.659	Forms and Instructions
40D-1.1021	Emergency Authorization of Permits for Activities Regulated Under Part IV of Chapter 373, F.S.

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 35, No. 50, December 18, 2009 issue of the Florida Administrative Weekly.

Changes are made to add language to the Emergency Field Authorization form, incorporated by reference in subsection 40D-1.1021(2), F.A.C., that includes the Title of the form being adopted (Emergency Field Authorization) and an explanation of how that form can be obtained from the District. The District has modified the form by adding a section at the beginning for use by District staff to document the existence of an emergency and describe the emergency conditions existing at the site. Grammatical errors in the form have also been corrected.

40D-1.659 Forms and Instructions.

The following forms and instructions have been approved by the Governing Board and are incorporated by reference into this chapter or into a specific District rule as indicated. Copies of these forms may be obtained from the District offices or the District's website at [www.watermatters.org](http://www.watermatters.org).

(1) GROUND WATER

(a) through (hh) No change.

(2) SURFACE WATER

(a) through (m) No change.

(n) EMERGENCY FIELD AUTHORIZATION ~~FORM~~, FORM NO. LEG-R.049.00 (11/09), incorporated by reference in subsection 40D-1.1021(2), F.A.C.

(3) OTHER

(a) through (d) No change.

Rulemaking Authority 373.044, 373.113, 373.149, 373.171, 373.337 FS. Law Implemented 373.083, 373.0831(3), 373.083(5), 373.116, 373.196(1), 373.1961(3), 373.206, 373.207, 373.209, 373.216, 373.219, 373.229, 373.239, 373.306, 373.308, 373.309, 373.313, 373.323, 373.324, 373.413, 373.414, 373.416, 373.419, 373.421, 668.50 FS. History–New 12-31-74, Amended 10-24-76, Formerly 16J-0.40, 40D-1.901, 40D-1.1.901, Amended 12-22-94, 5-10-95, 10-19-95, 5-26-96, 7-23-96, 2-16-99, 7-12-99, 7-15-99, 12-2-99,

5-31-00, 9-3-00,10-26-00, 6-26-01, 11-4-01, 6-12-02, 8-25-02, 2-26-03, 9-14-03, 9-30-04, 2-1-05, 6-5-05, 10-19-05, 2-6-07, 2-26-07, 9-27-07, 11-11-07, 11-25-07, 1-8-08, 4-7-08, 5-12-08, 5-20-08, 8-19-08, 12-30-08, 3-26-09, 7-1-09, 8-30-09, 9-1-09, 10-26-09,\_\_\_\_\_.

40D-1.1021 Emergency Authorizations for Activities Regulated Under Part IV of Chapter 373, F.S.

The District shall authorize activities regulated under Part IV of Chapter 373, F.S. when emergency conditions exist. Emergency conditions are defined as those conditions which pose a present or imminent danger and require immediate action to protect the public health, safety or welfare; the health of animals, birds, fish or aquatic life; a public water supply; or recreational, commercial, industrial, agricultural or other reasonable uses. Mere carelessness or the lack of planning on the part of an applicant for an emergency authorization shall not be sufficient grounds to warrant the granting of an emergency authorization.

(1) Authorization begin construction that requires a permit under Chapters 40D-4, 40D-40 and 40D-400, F.A.C., prior to the issuance of a permit currently under consideration by the District may be applied for in writing, when emergency conditions exist. The Executive Director or his or her designee is authorized to issue emergency authorizations pursuant to this paragraph.

(2) Emergency field authorizations may be requested when emergency conditions exist and no environmental resource permit application is currently under consideration by the District. The entity requesting the emergency field authorization shall complete District Emergency Field Authorization Form No. LEG-R.049.00 (11/09), incorporated herein by reference. This form may be obtained from the District’s website at [www.watmatters.org](http://www.watmatters.org) or from the District offices. The activity authorized by the emergency field authorization may commence upon approval by the District’s field representative. The recipient of an emergency field authorization is responsible for compliance with all the terms and conditions of the authorization. Within ninety (90) days of issuance of an emergency field authorization the recipient shall either restore the site to the conditions existing before the emergency or apply for an environmental resource permit.

Rulemaking Specific Authority 120.54(5), 373.044, 373.113, 373.149 FS. Law Implemented 120.54(5), 120.569(2)(n), 373.119, 373.083, 373.083(5), 373.413, 373.416, 373.426, 373.439 FS. History—Readopted 10-5-74, Amended 10-24-76, Formerly 16J-4.16, Amended 10-1-84, Formerly 40D-4.451, Amended 7-2-98, 6-17-99,\_\_\_\_\_.

**DEPARTMENT OF ELDER AFFAIRS**

**Federal Aging Programs**

RULE NOS.:                   RULE TITLES:  
58A-5.016                   License Requirements

58A-5.0181	Admission Procedures, Appropriateness of Placement and Continued Residency Criteria
58A-5.0182	Resident Care Standards
58A-5.0183	Do Not Resuscitate Orders (DNROs)
58A-5.0185	Medication Practices
58A-5.019	Staffing Standards
58A-5.0191	Staff Training Requirements and Competency Test
58A-5.023	Physical Plant Standards
58A-5.025	Resident Contracts
58A-5.033	Administrative Enforcement

**NOTICE OF CHANGE**

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 35, No. 49, December 11, 2009 issue of the Florida Administrative Weekly.

The following changes are being made as a result of comments received from the rule hearing conducted on January 7, 2010, and comments submitted by the Joint Administrative Procedures Committee.

58A-5.016 License Requirements.

(1) through (4) No change.

(5) CONTIGUOUS PROPERTY.

If a facility consists of more than one building, all buildings included under a single license must be on contiguous property. “Contiguous property” means property under the same ownership separated by no more than a two-lane street that traverses the property. A licensed location may be expanded to include additional contiguous property with the approval of the agency to ensure continued compliance with the requirements and standards of Part I ~~III~~, Chapter ~~429~~ 400, F.S., and this rule chapter.

(6) through (7) No change.

(8) THIRD PARTY SERVICES.

(a) In instances when residents require services from a third party provider, the facility administrator or designee must take action to assist, ~~if necessary~~, in facilitating the provision of those services and coordinate with the provider to meet the specific service goals, unless residents or their representatives decline the assistance. The declination of assistance must be reviewed at least annually. These actions must be documented in the resident’s record.

(b) In instances when residents or their representatives arrange for third party services ~~that are not included in the documents listed in paragraph (a) of this subsection~~, the facility administrator or designee, when requested by residents or representatives, must take action to assist, ~~if necessary~~, in facilitating the provision of those services and coordinate with the provider to meet the specific service goals. These actions must be documented in the resident’s record.

(c) The facility’s facilitation and coordination as described under this subsection does not represent a guarantee that residents will receive third party services. If the facility’s efforts at facilitation and coordination are unsuccessful, the facility should include documentation in the resident’s record explaining the reason or reasons its efforts were unsuccessful, which will serve to demonstrate its compliance with this subsection.

Rulemaking Specific Authority 429.41 FS. Law Implemented 429.12, 429.41, 429.44, 429.445 FS. History–New 5-15-81, Amended 1-6-82, 9-17-84, Formerly 10A-5.16, Amended 6-21-88, 9-30-92, Formerly 10A-5.016, Amended 10-30-95, 10-17-99, 7-30-06,\_\_\_\_\_.

58A-5.0181 Admission Procedures, Appropriateness of Placement and Continued Residency Criteria.

(1) No change.

(2) HEALTH ASSESSMENT. As part of the admission criteria, an individual must undergo a face-to-face medical examination completed by a licensed health care provider, as specified in either paragraph (a) or (b) of this subsection.

(a) A ~~The~~ medical examination ~~report must be~~ completed within 60 calendar days prior to the individual’s admission to a facility pursuant to Section 429.26(4), F.S. The examination report must be based on a face-to-face examination and must address the following:

1. through 6. No change.

7. A statement on the day of the examination that, in the opinion of ~~by~~ the examining licensed health care provider, ~~that~~ the individual’s needs can be met in an assisted living facility; and

8. No change.

(b) A ~~m~~Medical examinations completed after the resident’s admission to the facility ~~must be completed~~ within 30 calendar days of the admission date. The examination and must be recorded on AHCA Form 1823, Resident Health Assessment For Assisted Living Facilities and Adult Family-Care Homes,\_\_\_\_\_2010. The form is hereby incorporated by reference. A faxed copy of the completed form is acceptable. A copy of AHCA Form 1823 may be obtained from the Agency Central Office or its website at: [www.fdhc.state.fl.us/MCHQ/Long\\_Term\\_Care/Assisted\\_living/pdf/AHCA\\_Form\\_1823%.pdf](http://www.fdhc.state.fl.us/MCHQ/Long_Term_Care/Assisted_living/pdf/AHCA_Form_1823%.pdf). The form must be completed as follows:

1. The resident’s licensed health care provider must complete all of the required information in Sections 1, Health Assessment, and 2, Self-Care and General Oversight Assessment, ~~based on a face-to-face examination.~~

a. through c. No change.

2. The facility administrator, or designee, must complete Section 3 of the form, Services Offered or Arranged by the Facility, or may use electronic documentation, which at a minimum includes the elements in Section 3. This requirement does not apply except for residents receiving:

a. through d. No change.

(c) through (g) No change.

(3) No change.

(4) CONTINUED RESIDENCY. Except as follows in paragraphs (a) through (e) of this subsection, criteria for continued residency in any licensed facility holding a standard, limited nursing services, or limited mental health license shall be the same as the criteria for admission. As part of the continued residency criteria, a resident must have a face-to-face medical examination by a licensed health care provider ~~A determination of the appropriateness of a resident’s continued residency must be completed~~ at least every 3 years after the initial assessment, or after a significant change, whichever comes first. A significant change is defined in Rule 58A-5.0131, F.A.C. The results of the examination must be recorded on ~~The facility must make the determination of continued residency using~~ AHCA Form 1823, which is incorporated by reference in paragraph (2)(b) of this rule. The form must be completed in accordance with that paragraph. After the effective date of this rule, providers shall have up to 12 months to comply with this requirement.

(a) through (e) No change.

(5) No change.

Rulemaking Specific Authority 429.07, ~~429.26~~, 429.41 FS. Law Implemented ~~429.02~~, 429.07, ~~429.075~~, 429.26, 429.41 FS. History–New 9-17-84, Formerly 10A-5.181, Amended 10-20-86, 6-21-88, 8-15-90, 9-30-92, Formerly 10A-5.0181, Amended 10-30-95, 6-2-96, 10-17-99, 7-30-06, 10-9-06,\_\_\_\_\_.

58A-5.0182 Resident Care Standards.

An assisted living facility shall provide care and services appropriate to the needs of residents accepted for admission to the facility.

(1) through (6) No change.

(7) THIRD PARTY SERVICES. Nothing in this rule chapter is intended to prohibit a resident or the resident’s representative from independently arranging, contracting, and paying for services provided by a third party of the resident’s choice, including a licensed home health agency or private nurse, or receiving services through an out-patient clinic, provided the resident meets the criteria for continued residency and the resident complies with the facility’s policy relating to the delivery of services in the facility by third parties. The facility’s policies may ~~must~~ require the third party to coordinate with the facility regarding the resident’s condition and the services being provided pursuant to subsection (8) of Rule 58A-5.016, F.A.C. Pursuant to subsection (6) of this rule, the facility shall provide the resident with the facility’s policy regarding the provision of services to residents by non-facility staff.

(8) through (9) No change.

Rulemaking Specific Authority 429.41 FS. Law Implemented 429.02, 429.255, 429.256, 429.26, 429.28, 429.41 FS. History--New 9-17-84, Formerly 10A-5.182, Amended 10-20-86, 6-21-88, 8-15-90, 9-30-92, Formerly 10A-5.0182, Amended 10-30-95, 4-20-98, 11-2-98, 10-17-99, 7-30-06, 10-9-06,\_\_\_\_\_.

58A-5.0183 Do Not Resuscitate Orders (DNROs).

(1) POLICIES AND PROCEDURES.

(a) Each assisted living facility (ALF) must have written policies and procedures, which delineate its position with respect to state laws and rules relative to DNROs. The policies and procedures shall not condition treatment or admission upon whether or not the individual has executed or waived a DNRO. In the event of conflict between the facility's policies and procedures and the resident's properly executed DNRO, provision should be made in accordance with Chapter 765, F.S. The ALF must provide the following to each resident, or resident's representative, at the time of admission:

1. through 3. No change.

(b) No change.

(2) No change.

(3) DNRO PROCEDURES.

Pursuant to Section 429.255, F.S., an ALF must honor a properly executed DNRO as follows:

(a) In the event a resident experiences cardiopulmonary arrest distress, staff trained in cardiopulmonary resuscitation (CPR), or a licensed health care provider present in the facility, may withhold cardiopulmonary resuscitation.

(b) In the event a resident is receiving hospice services and experiences cardiopulmonary arrest distress, facility staff must immediately contact the hospice. The hospice procedures shall take precedence over those of the assisted living facility.

~~(c) If a facility has a written policy not to honor a properly executed DNRO, the facility must make this fact clearly known in writing to the resident, or legal representative, at the time of admission and in its contract with the resident. The facility must also inform the resident, or legal representative, in writing at the time of admission and in its contract with such resident that the facility will administer CPR until the "911" contact person arrives. This must be documented in the resident's record. In such a facility, when a resident, who has a properly executed DNRO, experiences cardiopulmonary distress, staff must immediately contact "911."~~

~~1. A trained staff member must administer CPR until emergency services arrive.~~

~~2. Once emergency services arrive, the facility must present the properly executed DNRO to the "911" contact person.~~

~~3. Cardiopulmonary resuscitation may then be withheld or withdrawn by the "911" contact person pursuant to Section 401.45, F.S.~~

(4) No change.

Rulemaking Authority 429.255 FS. Law Implemented 429.255 FS. History--New\_\_\_\_\_.

58A-5.0185 Medication Practices.

Pursuant to Sections 429.255 and 429.256, F.S., and this rule, licensed facilities holding a standard, limited mental health, extended congregate care, or limited nursing services license may assist with the self-administration or administration of medications to residents in a facility. A resident may not be compelled to take medications but may be counseled in accordance with this rule.

(1) through (7) No change.

(8) OVER THE COUNTER (OTC) PRODUCTS MEDICATIONS.

For purposes of this subsection, the term OTC includes, but is not limited to, OTC medications, vitamins, nutritional supplements and nutraceuticals, hereafter referred to as OTC products, which can be sold without a prescription.

(a) A stock supply of OTC products medications for multiple resident use is not permitted in any facility.

~~(b) When centrally stored, OTC products medications, including those prescribed by a licensed health care provider, must be labeled with the resident's name and, in addition, the manufacturer's label with directions for use, or the licensed health care provider's order with directions for use, must be kept with the medication. No other labeling requirements are necessary nor should be required.~~

(c) No change.

~~(d) A facility cannot require a licensed health care provider's order for all OTC products medications as part of its policies and procedures when a resident self-administers his or her own medications, or when staff provides assistance with self-administration or administration of medications. However, in the event staff becomes concerned over a resident's health, safety and welfare regarding OTC medications that may be contraindicated when taken with one another or in combination with prescribed medications, the following shall apply:~~

~~1. Staff must bring the issue to the attention of the resident, or representative, the resident's licensed health care provider and the administrator. This action must be documented in the resident's record. The resident's licensed health care provider shall make the determination as to whether the OTC medication is:~~

~~a. Contraindicated and should be discontinued; or~~

~~b. Can be taken as directed; or~~

~~e. Can be taken with other directions for use.~~

~~2. The facility must document the health care provider's directives and keep a copy of the health care provider's written order, if applicable, in the resident's record.~~

~~(e) The facility must include the provisions in this subsection in resident contracts or house rules pursuant to Rule 58A-5.025, F.A.C.~~

Rulemaking Specific Authority 429.256, 429.41 FS. Law Implemented 429.255, 429.256, 429.41 FS. History—New 10-17-99, Amended 7-30-06, \_\_\_\_\_.

58A-5.019 Staffing Standards.

(1) through (3) No change.

(4) STAFFING STANDARDS.

(a) through (b) No change.

(c) The facility must maintain a written work schedule which reflects its 24-hour staffing pattern for a given time period. Upon request, the facility must make the daily work schedules for direct care staff available to residents or representatives, specific to the resident's care.

(d) through (f) No change.

Rulemaking Specific Authority 429.41, 429.52, 429.275 FS. Law Implemented 429.02, ~~429.04~~, 429.174, ~~429.176, 429.19~~, 429.24, ~~429.255, 429.26~~, 429.275, 429.41, 429.52 FS. History—New 5-14-81, Amended 1-6-82, 9-17-84, Formerly 10A-5.19, Amended 10-20-86, 6-21-88, 8-15-90, 9-30-92, Formerly 10A-5.019, Amended 10-30-95, 4-20-98, 11-2-98, 10-17-99, 7-30-06, \_\_\_\_\_.

58A-5.0191 Staff Training Requirements and Competency Test.

(1) through (7) No change.

(8) LIMITED MENTAL HEALTH TRAINING.

(a) Pursuant to Section 429.075, F.S., the administrator, managers and staff, who have direct contact with mental health residents in a licensed limited mental health facility, must receive the following training:

1. No change.

2. A minimum of 3 hours of continuing education, which may be provided by the ALF administrator or through distance learning, or in-service training biennially thereafter in subjects dealing with one or more of the following topics:

a. through b. No change.

~~3.e.~~ For administrators and managers, the continuing education ~~this~~ requirement under this subsection will satisfy 3 of the 12 hours of continuing education required biennially pursuant to Section 429.52(4), F.S., and subsection (1) of this rule.

~~4.d.~~ Administrators, managers and direct contact staff affected by the continuing education ~~this~~ requirement under this subsection shall have up to 6 months after the effective date of this rule to meet the ~~continuing education or in-service training~~ requirement.

(b) No change.

(9) through (10) No change.

(11) DO NOT RESUSITATE ORDERS TRAINING REQUIREMENT.

(a) Currently employed facility administrators, managers, direct care staff and staff involved in resident admissions must receive at least one hour of attend training in the facility's policies and procedures regarding DNROs within 60 ~~30~~ days after the effective date of this rule.

(b) Newly hired facility administrators, managers, direct care staff and staff involved in resident admissions must receive at least one hour of attend training in the facility's policy and procedures regarding DNROs within 30 days after employment.

(c) No change.

(12) No change.

Rulemaking Specific Authority 429.178, 429.41, 429.52 FS. Law Implemented 429.07, 429.075, 429.178, 429.41, 429.52 FS. History—New 9-30-92, Formerly 10A-5.0191, Amended 10-30-95, 6-2-96, 4-20-98, 11-2-98, 10-17-99, 7-5-05, 7-30-06, 10-9-06, 7-1-08, \_\_\_\_\_.

58A-5.023 Physical Plant Standards.

(1) NEW FACILITIES.

(a) Newly Constructed Facilities.

Newly constructed facilities that are to be licensed as assisted living facilities and any subsequent additions, modifications, alterations, renovations or refurbishing of such facilities should be aware of ~~must comply with~~ the following standards:

1. No change.

2. Section 633.022, F.S., Uniform Firesafety Standards, and Rule Chapter 69A-40, F.A.C., The Uniform Fire Safety Standards for Assisted Living Facilities, except for the specific National Fire Protection Association codes described in Section 429.41, F.S.

(b) New Facilities in Converted Buildings.

Existing structures not previously licensed as assisted living facilities that are to be converted to assisted living facilities and any subsequent additions, modifications, alterations, renovations or refurbishing of such facilities should be aware of ~~must comply with~~ the following standards:

1. No change.

2. Section 633.022, F.S., Uniform Firesafety Standards, and Rule Chapter 69A-40, F.A.C., The Uniform Fire Safety Standards for Assisted Living Facilities, except for the specific National Fire Protection Association codes described in Section 429.41, F.S.

(2) EXISTING FACILITIES.

(a) An assisted living facility that was initially licensed prior to the effective date of this rule must comply with the rule or building code in effect at the time of initial licensure, except that any part of the facility included in additions, modifications, alterations, refurbishing, renovations or reconstruction must comply with the ~~currently adopted~~ codes and standards referenced in subsection (1) of this rule. Determination of the installation of a fire sprinkler system in an existing facility must comply with the requirements described in Section 429.41, F.S.

(b) No change.

~~(3)(4)~~ OTHER REQUIREMENTS.

(a) through (d) No change.

~~(4)(5) FACILITIES WITH 16 OR FEWER RESIDENTS.~~

~~Rulemaking Specific Authority 429.41 FS. Law Implemented 429.27, 429.41 FS. History—New 5-14-81, Amended 1-6-82, 5-19-83, 9-17-84, Formerly 10A-5.23, Amended 10-20-86, 6-21-88, 8-15-90, 9-30-92, Formerly 10A-5.023, Amended 10-30-95, 6-2-96, 10-17-99, 7-30-06,\_\_\_\_\_.~~

58A-5.025 Resident Contracts.

(1) Pursuant to Section 429.24, F.S., prior to or at the time of admission, each resident or legal representative, shall execute a contract with the facility, which contains the following provisions:

(a) through (j) No change.

(k) A provision that residents must be assessed upon admission pursuant to subsection (2) of Rule 58A-5.0181, F.A.C., and every 3 years periodically thereafter, or after a significant change, pursuant to subsection (4) of that rule.

(1) The facility’s policies and procedures for self-administration, assistance with self-administration and administration of medications, if applicable, pursuant to Rule 58A-5.0185, F.A.C. This also includes provisions regarding requirements for over-the-counter (OTC) products medications pursuant to subsection (8) of that rule.

(m) The facility’s policies and procedures related to a properly executed Do Not Resuscitate Order. If a facility has a policy not to honor a properly executed DNRO, the facility must inform the resident, or legal representative, in writing of the policy pursuant to paragraph (3)(e) of Rule 58A-5.0183, F.A.C.

(2) through (3) No change.

~~Rulemaking Specific Authority 429.24, 429.41 FS. Law Implemented 429.24, 429.41 FS. History—New 10-17-99, Amended 7-30-06,\_\_\_\_\_.~~

58A-5.033 Administrative Enforcement.

Facility staff shall cooperate with Agency personnel during surveys, complaint investigations, monitoring visits, implementation of correction plans, license application and renewal procedures and other activities necessary to ensure compliance with Part I of Chapter 429, F.S., and this rule chapter.

(1) through (5) No change.

~~(6) MORATORIUMS.~~

~~(a) An immediate moratorium on admissions to the facility shall be placed on the facility when it has been determined that any condition in the facility presents an immediate or direct threat to the health, safety, or welfare of the residents in the facility. The following conditions are examples of threats constituting grounds for a moratorium:~~

- ~~1. Presence of residents with stage 3 or 4 pressure sores;~~
- ~~2. The presence of residents who require 24 hour nursing supervision;~~

~~3. Food supply inadequate to provide proper nutrition to residents;~~

~~4. Lack of sufficient staff to supervision or meet immediate residents’ needs;~~

~~5. Notification by the fire marshal or the county health department that conditions exist which pose an imminent threat to residents; or~~

~~6. Failure to provide medications as prescribed;~~

~~(b) The appropriate Agency Field Office shall notify the facility via telephone and written notification on the same day that a moratorium is being placed on admissions into the facility. The effective date of the moratorium shall be the date the facility receives a verbal and written notification from the Field Office. The notice shall contain the following information:~~

~~1. Confirmation of the placement of the moratorium;~~

~~2. A detailed explanation of the reasons for placing the moratorium;~~

~~3. The criteria which the facility shall be required to meet before the moratorium will be lifted;~~

~~4. Directions to contact the appropriate Field Office when the conditions have been corrected so that an appraisal survey can be conducted; and~~

~~5. Advising the facility of their right to request a hearing in accordance with Part II of Chapter 59-1, F.A.C. and Chapter 120, F.S.~~

~~(c) Moratoriums shall not be lifted until the deficiencies have been corrected and the agency has determined through an appraisal survey that there is no longer any threat to the residents’ health, safety, or welfare. The removal of the moratorium will be communicated by a telephone call and confirmed by written notification.~~

~~(d) During the moratorium, no new residents or previously discharged residents shall be admitted to the facility. Residents for whom the facility is holding a bed may return to the facility only after being informed that the facility is under a moratorium and with the prior approval of the local agency office.~~

~~(e) When a moratorium is placed on a facility, agency notice of the moratorium shall be posted and visible to the public at the facility until the moratorium is lifted.~~

~~(7) No change.~~

~~Rulemaking Specific Authority 429.15, 429.23, 429.41, 429.42 FS. Law Implemented 429.07, 429.08, 429.11, 429.12, 429.14, 429.15, 429.17, 429.19, 429.256, 429.26, 429.23, 429.27, 429.28, 429.34, 429.41, 429.42 FS. History—New 9-30-92, Formerly 10A-5.033, Amended 10-30-95, 10-17-99, 1-9-02, 7-30-06,\_\_\_\_\_.~~

**DEPARTMENT OF ELDER AFFAIRS**

**Federal Aging Programs**

RULE NOS.:	RULE TITLES:
58A-14.002	Definitions
58A-14.0061	Admission Procedures and Appropriateness of Placement

**NOTICE OF CHANGE**

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 35, No. 49, December 11, 2009 issue of the Florida Administrative Weekly.

These changes are being made as a result of the review of the proposed rule by the Joint Administrative Procedures Committee.

**CORRECTION:** The correct date for the publication of the notice of rule development is December 12, 2008, not December 12, 2009.

58A-14.002 Definitions.

The following terms or phrases are defined in Section 429.65, F.S., and are applicable to this rule chapter: activities of daily living (ADLs), adult family-care home (AFCH), agency (AHCA), aging in place, appropriate placement, chemical restraint, department, disabled adult, frail elder, personal services or personal care, provider, relative, relief person, and resident. Additional definitions applicable to this rule chapter are as follows:

(1) through (14) No change.

(15) ~~“Person” means solely the licensee to whom the agency has issued the AFCH license.~~

(15) through (16) No change.

(17)(18) ~~“Reside” or “resides” means the licensee or applicant lives in the AFCH as a primary residence. For purposes of this rule chapter, any two of the following documents, which include the name of the licensee or applicant and the AFCH address, are accepted by the agency as proof that the licensee or applicant physically lives in the AFCH:~~

(a) through (c) No change.

(17) through (19) renumbered (18) through (20) No change.

~~Rulemaking Specific Authority 429.67, 429.73 FS. Law Implemented 429.65, 429.67, 429.71, 429.73 FS. History—New 5-14-86, Amended 2-2-95, Formerly 10A-14.002, Amended 9-19-96, 6-6-99,\_\_\_\_\_.~~

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

(1) through (3) No change.

**DO NOT RESUSCITATE ORDERS ADVANCE DIRECTIVES:**

(a) Each adult family-care home (AFCH) must have written policies and procedures, which delineate the AFCH’S position with respect to the state law and rules relative to do not resuscitate orders (DNROs) advance directives. The

policies shall not condition treatment or admission upon whether or not the individual has executed or waived an DNRO advance directive. In the event of conflict between the AFCH’s policies and procedures and the resident’s DNRO advance directive, provision should be made in accordance with Chapter 765, F.S.

(b) The AFCH’s policy must ~~shall~~ include:

1. No change.

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

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

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

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

(c) No change.

(5) through (7) No change.

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Division of Hotels and Restaurants**

RULE NO.:	RULE TITLE:
61C-4.010	Sanitation and Safety Requirements

**NOTICE OF CHANGE**

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 35, No. 47, November 25, 2009 issue of the Florida Administrative Weekly.

61C-4.010 Sanitation and Safety Requirements.

(1) Food Supplies and Food Protection – Except as specifically provided in this rule, public food service establishments shall be subject to the provisions of Chapter 3, Food Code, as adopted by reference in Rule 61C-1.001, F.A.C.

(a) through (b) No change.



(c) Labeling – Public food service establishments which prepare and package food products for sale within the establishment must ensure that packaged food products are properly labeled. A label is not required on food products placed in a wrapper, carry-out box, or other nondurable container for the purpose of protecting the food during service to and receipt by the customer. Package labels must contain the following information:

1. Identity and description of product;
2. Date product was packaged; and
3. Name and address of establishment which prepared and packaged product.

(d) Section 3-301.11(B) of the Food Code, as adopted by reference in Rule 61C-1.001, F.A.C., specifies that food service employees shall not contact ready-to-eat food with bare hands. Under the language “When otherwise approved” in Section 3-301.11(C) of the Food Code, as adopted by reference in Rule 61C-1.001, F.A.C., food service employees may contact ready-to-eat foods with their bare hands if the operator of the public food service establishment maintains a written alternative operating procedure which addresses all of the following components:

1. through 2. No change.
3. Food service employees who handle ready-to-eat foods ~~with bare hands~~ must thoroughly wash their hands before returning to their work stations and as needed during their work periods in accordance with the handwash requirements of the Food Code, as adopted by reference in Rule 61C-1.001, F.A.C. Additionally, these food service employees who handle ready-to-eat foods with bare hands shall use a chemical hand sanitizing solution which must comply with the specification provided in Section 2-301.16(C) of the Food Code, as adopted by reference in Rule 61C-1.001, F.A.C. The establishment must also fully comply with Sections 5-203.11(A) and 5-204.11 of the Food Code, as adopted by reference in Rule 61C-1.001, F.A.C., regarding the number and location of hand washing lavatories.

4. through 5. No change.

6. The division shall approve ~~each public food service establishment’s~~ written alternative operating procedures ~~procedure~~. Such approval may be obtained by completing DBPR Form HR 5022-049, ALTERNATIVE OPERATING PROCEDURE (AOP), incorporated herein by reference and effective 2009 October 15, which includes all information required in a written alternative operating procedure. DBPR Form HR 5022-049 is not required to obtain approval. The division will accept written procedures in another format as long as the written alternative operating procedure contains all the necessary information.

- (e) through (g) No change.
- (2) through (6) No change.

(7) Bathroom Facilities – All bathroom facilities shall provide easy and convenient access to both customers and employees, and shall be located on the same floor of the premises served. For the purpose of this rule, the same floor includes any intermediate levels between the floor and ceiling of any room or space not to exceed a vertical height of 8 feet. Public food service establishments whose occupancy is incidental to another occupancy may use public bathroom facilities provided on the same floor. The travel distance may vary if adequate directional signs are provided and the number of fixtures is deemed satisfactory by the applicable local building authority. Easily cleanable receptacles shall be provided for waste materials and such receptacles in bathroom facilities for women shall be covered. Each public food service establishment shall maintain a minimum of one bathroom facility available for public use, except as provided herein:

- (a) through (d) No change.
- (8) No change.

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

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

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

RULE NO.: 62-304.600  
 RULE TITLE: Tampa Bay Basin TMDLs  
 NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 35, No. 31, August 7, 2009 issue of the Florida Administrative Weekly.

62-304.600 Tampa Bay Basin TMDLs.

- (1) No change.
- (2) Allen Creek (Tidal). The TMDL to address the low dissolved oxygen and nutrient impairments in Allen Creek (Tidal) is an annual average 0.97 ~~0.75~~ mg/L of total nitrogen (TN), and is allocated as follows:

- (a) No change.
- (b) The WLA for discharges subject to the Department’s NPDES Municipal Stormwater Permitting Program is to address anthropogenic sources in the basin such that in-stream concentrations meet the dissolved oxygen and nutrient criteria which, based on the measured concentrations from the 2000 to 2007 period, will require a 24.8 ~~52~~ percent reduction of TN at sources contributing to exceedances of the criteria.

(c) The LA for nonpoint sources is to address anthropogenic sources in the basin such that in-stream concentrations meet the dissolved oxygen and nutrient criteria

which, based on the measured concentrations from the 2000 to 2007 period, will require a 24.8 ~~52~~ percent reduction of TN at sources contributing to exceedances of the criteria, and

(d) through (e) No change.

(3) No change.

(4) Alligator Creek. The TMDL to address the low dissolved oxygen and nutrient impairments in Alligator Creek is an annual average for TN of 0.87 ~~0.72~~ mg/L and is allocated as follows:

(a) No change.

(b) The WLA for discharges subject to the Department's NPDES Municipal Stormwater Permitting Program is to address anthropogenic sources in the basin such that in-stream concentrations meet the dissolved oxygen and nutrient criteria which, based on the measured concentrations from the 2000 to 2007 period, will require a 28.0 ~~41~~ percent reduction of ~~for~~ TN at sources contributing to exceedances of the criteria.

(c) The LA for nonpoint sources is to address anthropogenic sources in the basin such that in-stream concentrations meet the dissolved oxygen and nutrient criteria which, based on the measured concentrations from the 2000 to 2007 period, will require a 28.0 ~~41~~ percent reduction of ~~for~~ TN at sources contributing to exceedances of the criteria, and

(d) through (e) No change.

(5) Alligator Lake. The TMDLs to address the low dissolved oxygen and nutrient impairments in Alligator Lake are an annual average of 0.72 mg/L for ~~for~~ TN and an 2.00 ~~mg/L~~ for ~~for~~ TN annual average ~~median~~ of 2.00 ~~mg/L~~ for ~~for~~ 5-day biochemical oxygen demand (BOD<sub>5</sub>), respectively, and are allocated as follows:

(a) No change.

(b) The WLAs for discharges subject to the Department's NPDES Municipal Stormwater Permitting Program ~~is~~ are to address anthropogenic sources in the basin such that in-stream concentrations meet the dissolved oxygen and nutrient criteria which, based on the measured concentrations from the 2000 to 2007 period, will require a 32.7 ~~49~~ percent reduction and a 75.0 ~~46~~ percent reduction of ~~for~~ TN and BOD<sub>5</sub>, respectively, at ~~of~~ sources contributing to exceedances of the criteria.

(c) The LAs for nonpoint sources are ~~is~~ to address anthropogenic sources in the basin such that in-stream concentrations meet the dissolved oxygen and nutrient criteria which, based on the measured concentrations from the 2000 to 2007 period, will require a 32.7 ~~49~~ percent reduction and 75.0 ~~46~~ percent reduction for TN and BOD<sub>5</sub>, respectively, of sources contributing to exceedances of the criteria, and

(d) through (e) No change.

(6) No change.

(7) Bellows Lake Outlet (also known as East Lake Outfall). The TMDLs to address the low dissolved oxygen and nutrient impairments in Bellows Lake Outlet are an annual

average TN of 1.16 ~~1.40~~ mg/L, TP ~~of~~ 0.055 ~~mg/L~~, and an annual average BOD<sub>5</sub> of 2.00 mg/L, and are allocated as follows:

(a) No change.

(b) The WLAs for discharges subject to the Department's Municipal Stormwater Permitting Program ~~are~~ is to address anthropogenic sources in the basin such that in-stream concentrations meet the dissolved oxygen and nutrient criteria which, based on the measured concentrations in the 2005-2006 period, will require a 42.4 ~~50~~ percent reduction of TN, a 53 ~~percent reduction in~~ TP, and a 63.3 ~~68~~ percent reduction of ~~in~~ BOD<sub>5</sub> at ~~of~~ sources that are contributing to exceedances of the criteria.

(c) The LAs for nonpoint sources are ~~is~~ to address anthropogenic sources in the basin such that in-stream concentrations meet the dissolved oxygen and nutrient criteria which, based on the measured concentrations in the 2005-2006 period, will require a 42.4 ~~50~~ percent reduction of TN, a 53 ~~percent reduction in~~ TP, and a 63.3 ~~68~~ percent reduction of ~~in~~ BOD<sub>5</sub> of sources that are contributing to exceedances of the criteria, and

(d) through (e) No change.

(8) Bellows Lake (also known as East Lake). The TMDLs to address the low dissolved oxygen (addresses downstream impairment) and nutrient impairments are an annual average TN of 1.40 mg/L, an annual average TP of 0.055 mg/L, and an annual average BOD<sub>5</sub> of 2.00 mg/L and are allocated as follows:

(a) No change.

(b) The WLAs for discharges subject to the Department's NPDES Municipal Stormwater Permitting Program ~~is~~ are to address anthropogenic sources in the basin such that in-stream concentrations meet the dissolved oxygen and nutrient criteria which, based on the measured concentrations in the 2005-2006 period, will require a 30.5 ~~50~~ percent reduction of TN, a 33.3 ~~53~~ percent reduction in TP, and a 63.3 ~~68~~ percent reduction of ~~in~~ BOD<sub>5</sub> at ~~of~~ sources that are contributing to exceedances of the criteria.

(c) The LAs for nonpoint sources are ~~is~~ to address anthropogenic sources in the basin such that in-stream concentrations meet the dissolved oxygen and nutrient criteria which, based on the measured concentrations in the 2005-2006 period, will require a 30.5 ~~50~~ percent reduction of TN, a 33.3 ~~53~~ percent reduction in TP, and a 63.3 ~~68~~ percent reduction of ~~in~~ BOD<sub>5</sub> of ~~at~~ sources that are contributing to exceedances of the criteria, and

(d) through (e) No change.

(9) through (10) No change.

(11) Bishop Creek (Tidal). The TMDL to address the low dissolved oxygen impairments in Bishop Creek (Tidal) is an annual average 0.97 ~~0.75~~ mg/L of TN and is allocated as follows:

(a) No change.

(b) The WLA for discharges subject to the Department's NPDES Municipal Stormwater Permitting Program is to address anthropogenic sources in the basin such that in-stream concentrations meet the dissolved oxygen criteria which, based on the measured concentrations from the 2000 to 2007 period, will require a 12.6 ~~33~~ percent reduction of TN at sources contributing to exceedances of the criteria.

(c) The LA for nonpoint sources is to address anthropogenic sources in the basin such that in-stream concentrations meet the dissolved oxygen criteria which, based on the measured concentrations from the 2000 to 2007 period, will require a 12.6 ~~33~~ percent reduction of TN at sources contributing to exceedances of the criteria, and

(d) through (e) No change.

(12) No change.

(13) Brushy Creek. The TMDL to address the low dissolved oxygen impairment in Brushy Creek is an annual average 0.87 ~~0.75~~ mg/L of TN and is allocated as follows:

(a) The WLA for the Hillsborough County Dale Mabry Advanced Wastewater Treatment Plant (FL0036820) is a five-year rolling annual average of 16,000 ~~54,794~~ lbs/year of TN.

(b) The WLA for discharges subject to the Department's NPDES Municipal Stormwater Permitting Program is to address anthropogenic sources in the basin such that in-stream concentrations meet the dissolved oxygen criteria which, based on the measured concentrations from the 2000 to 2007 period, will require a 16.3 ~~32~~ percent reduction of TN ~~at~~ ~~of~~ sources contributing to exceedances of the criteria.

(c) The LA for nonpoint sources is to address anthropogenic sources in the basin such that in-stream concentrations meet the dissolved oxygen criteria which, based on the measured concentrations from the 2000 to 2007 period, will require a 16.3 ~~32~~ percent reduction of TN ~~at~~ ~~of~~ sources contributing to exceedances of the criteria, and

(d) through (e) No change.

(14) through (15) No change.

(16) Bullfrog Creek (tidal). The TMDL to address the low dissolved oxygen and nutrients in Bullfrog Creek (tidal) is an annual average ~~total nitrogen (TN)~~ concentration of 0.80 ~~0.65~~ mg/L and is allocated as follows:

(a) No change.

(b) The WLA for discharges subject to the Department's NPDES Municipal Stormwater Permitting Program is to address anthropogenic sources in the basin such that in-stream concentrations meet the Class III marine dissolved oxygen and nutrient criteria which, based on the measured concentrations from the 2000 to 2007 ~~2006~~ period, will require a 45.6 ~~47~~ percent reduction of TN ~~at~~ ~~of~~ sources contributing to exceedances of the criteria.

(c) The LA for nonpoint sources is to address anthropogenic sources in the basin such that in-stream concentrations meet the Class III marine dissolved oxygen and nutrient criteria which, based on the measured concentrations from the 2000 to 2007 ~~2006~~ period, will require a 45.6 ~~47~~ percent reduction of TN ~~at~~ ~~of~~ sources contributing to exceedances of the criteria, and

(d) through (e) No change.

(17) Cockroach Bay. The TMDLs to address the low dissolved oxygen and nutrient impairments are an annual average of 1.04 ~~0.54~~ mg/L ~~and an annual average of 2.00 mg/L~~ for TN and an annual average 2.0 mg/L for BOD<sub>5</sub>, respectively, and are allocated as follows:

(a) No change.

(b) The WLAs for discharges subject to the Department's NPDES Municipal Stormwater Permitting Program ~~are~~ is to address anthropogenic sources in the basin such that in-stream concentrations meet the dissolved oxygen and nutrient criteria which, based on measured concentrations from year 2000 to 2007, will require a 34.1 ~~54~~ percent reduction in current anthropogenic loadings of TN and a 50.6 ~~38~~ percent reduction in current anthropogenic loadings of BOD<sub>5</sub> of sources contributing to exceedances of the criteria.

(c) The LAs for nonpoint sources ~~is~~ are to address anthropogenic sources in the basin such that in-stream concentrations meet the dissolved oxygen and nutrient criteria which, based on measured concentrations from year 2000 to 2007, will require a 34.1 ~~54~~ percent reduction of TN and a 50.6 ~~38~~ percent reduction of BOD<sub>5</sub> of sources contributing to exceedances of the criteria, and

(d) through (e) No change.

(18) Coffee Pot Bayou. The TMDL to address the low dissolved oxygen and nutrient impairments are an annual average of 0.97 ~~0.63~~ mg/L and 2.00 mg/L for TN and BOD<sub>5</sub>, respectively, and are allocated as follows:

(a) No change.

(b) The WLAs for discharges subject to the Department's NPDES Municipal Stormwater Permitting Program ~~are~~ to address anthropogenic sources in the basin such that in-stream concentrations meet the dissolved oxygen and nutrient criteria which, based on measured concentrations from the ~~2000-2007~~ 2000 to 2007 period, will require a 16.4 ~~33~~ percent reduction of TN and a 42.9 ~~40~~ percent reduction of BOD<sub>5</sub> of sources contributing to exceedances of the criteria.

(c) The LAs for nonpoint sources are to address anthropogenic sources in the basin such that in-stream concentrations meet the dissolved oxygen and nutrient criteria which, based on measured concentrations from the ~~2000-2007~~ 2000 to 2007 period, will require a 16.4 ~~33~~ percent reduction of TN and a 42.9 ~~40~~ percent reduction of BOD<sub>5</sub> of sources contributing to exceedances of the criteria, and

(d) through (e) No change.

(19) No change.

(20) Cross Canal (North). The TMDL to address the low dissolved oxygen impairment in Cross Canal (North) is an annual average 0.97 ~~0.75~~ mg/L of TN and is allocated as follows:

(a) No change.

(b) The WLA for discharges subject to the Department's NPDES Municipal Stormwater Permitting Program is to address anthropogenic sources in the basin such that in-stream concentrations meet the dissolved oxygen criteria which, based on the measured concentrations from the 2000 to 2007 period, will require a 41.6 ~~55~~ percent reduction of sources contributing to exceedances of the criteria.

(c) The LA for nonpoint sources is to address anthropogenic sources in the basin such that in-stream concentrations meet the dissolved oxygen criteria which, based on the measured concentrations from the 2000 to 2007 period, will require a 41.6 ~~55~~ percent reduction of sources contributing to exceedances of the criteria, and

(d) through (e) No change.

(21) No change.

(22) Double branch. The TMDL to address the low dissolved oxygen and nutrient impairments in Double Branch is an annual average 0.97 ~~0.75~~ mg/L of TN and is allocated as follows:

(a) No change.

(b) The WLA for discharges subject to the Department's NPDES Municipal Stormwater Permitting Program is to address anthropogenic sources in the basin such that in-stream concentrations meet the dissolved oxygen criteria which, based on the measured concentrations from the 2000 to 2007 ~~2008~~ period, will require a 26.0 ~~43~~ percent reduction of TN at sources contributing to exceedances of the criteria.

(c) The LA for nonpoint sources is to address anthropogenic sources in the basin such that in-stream concentrations meet the dissolved oxygen criteria which, based on the measured concentrations from the 2000 to 2007 ~~2008~~ period, will require a 26.0 ~~43~~ percent reduction of TN at sources contributing to exceedances of the criteria, and

(d) through (e) No change.

(23) Lake Tarpon Canal (Freshwater). The TMDL to address the low dissolved oxygen and nutrient impairments in Lake Tarpon Canal (Freshwater) is an annual average 0.87 ~~0.75~~ mg/L of TN and is allocated as follows:

(a) No change.

(b) The WLA for discharges subject to the Department's NPDES Municipal Stormwater Permitting Program is to address anthropogenic sources in the basin such that in-stream concentrations meet the dissolved oxygen and nutrients criteria which, based on the measured concentrations from the 2000 to 2007 period, will require a 25.6 ~~36~~ percent reduction of TN at sources contributing to exceedances of the criteria.

(c) The LA for nonpoint sources is to address anthropogenic sources in the basin such that in-stream concentrations meet the dissolved oxygen and nutrients criteria which, based on the measured concentrations from the 2000 to 2007 period, will require a 25.6 ~~36~~ percent reduction of TN at sources contributing to exceedances of the criteria, and

(d) through (e) No change.

(24) Lake Tarpon Canal (Marine). The TMDLs to address the low dissolved oxygen and nutrient impairments in Lake Tarpon Canal (Marine) ~~is are~~ an annual average 0.97 ~~0.75~~ mg/L ~~and 0.18 mg/L~~ of TN ~~and TP, respectively~~, and ~~is are~~ allocated as follows:

(a) No change.

(b) The WLAs for discharges subject to the Department's NPDES Municipal Stormwater Permitting Program are to address anthropogenic sources in the basin such that in-stream concentrations meet the dissolved oxygen and nutrient criteria which, based on the measured concentrations from the 2000 to 2007 period, will require a 12.6 ~~33~~ percent reduction ~~of and 27 percent reduction for~~ TN ~~and TP, respectively~~, of sources contributing to exceedances of the criteria.

(c) The LA for nonpoint sources is to address anthropogenic sources in the basin such that in-stream concentrations meet the dissolved oxygen and nutrient criteria which, based on the measured concentrations from the 2000 to 2007 period, will require a 12.6 ~~33~~ percent reduction ~~of and 27 percent reduction for~~ TN ~~and TP, respectively~~, of sources contributing to exceedances of the criteria, and

(d) through (e) No change.

(25) through (26) No change.

(27) Lower Rocky Creek. The TMDL to address the low dissolved oxygen and nutrient impairments in Lower Rocky Creek is an annual average 0.97 ~~0.75~~ mg/L of TN, and is allocated as follows:

(a) No change.

(b) The WLA for discharges subject to the Department's NPDES Municipal Stormwater Permitting Program is to address anthropogenic sources in the basin such that in-stream concentrations meet the dissolved oxygen and nutrient criteria which, based on the measured concentrations from the 2000 to 2007 period, will require a 41.2 ~~55~~ percent reduction of TN at sources contributing to exceedances of the criteria.

(c) The LA for nonpoint sources is to address anthropogenic sources in the basin such that in-stream concentrations meet the dissolved oxygen and nutrient criteria which, based on the measured concentrations from the 2000 to 2007 period, will require a 41.2 ~~55~~ percent reduction of TN at sources contributing to exceedances of the criteria, and

(d) through (e) No change.

(28) No change.

(29) Moccasin Creek. The TMDLs to address the low dissolved oxygen and nutrient impairments in Moccasin Creek ~~is~~ are an annual average ~~0.97~~ 0.75 mg/L and ~~0.18~~ mg/L of TN and TP, respectively, and ~~is~~ are allocated as follows:

(a) No change.

(b) The WLAs for discharges subject to the Department's NPDES Municipal Stormwater Permitting Program are to address anthropogenic sources in the basin such that in-stream concentrations meet the dissolved oxygen and nutrient criteria which, based on the measured concentrations from the 2000 to 2007 period, will require a ~~39.4~~ 41 percent reduction ~~of and 40 percent reduction for~~ TN and TP, respectively, of sources contributing to exceedances of the criteria,

(c) The LA for nonpoint sources is to address anthropogenic sources in the basin such that in-stream concentrations meet the dissolved oxygen and nutrient criteria which, based on the measured concentrations from the 2000 to 2007 period, will require a ~~39.4~~ 41 percent reduction ~~of and 40 percent reduction for~~ TN and TP, respectively, of sources contributing to exceedances of the criteria, and

(d) through (e) No change.

(30) through (31) No change.

(32) Mullet Creek (Tidal). The TMDL to address the low dissolved oxygen impairment in Mullet Creek Tidal is an annual average ~~0.97~~ 0.75 mg/L of TN<sub>x</sub> and is allocated as follows:

(a) No change.

(b) The WLA for discharges subject to the Department's NPDES Municipal Stormwater Permitting Program is to address anthropogenic sources in the basin such that in-stream concentrations meet the dissolved oxygen criteria which, based on the measured concentrations from the 2000 to 2007 period, will require a ~~18.5~~ 37 percent reduction of TN at sources contributing to exceedances of the criteria.

(c) The LA for nonpoint sources is to address anthropogenic sources in the basin such that in-stream concentrations meet the dissolved oxygen criteria which, based on the measured concentrations from the 2000 to 2007 period, will require a ~~18.5~~ 37 percent reduction of TN at sources contributing to exceedances of the criteria, and

(d) through (e) No change.

(33) No change.

(34) Smacks Bayou. The fecal coliform TMDL for Smacks Bayou is ~~43~~ 400 counts/100mL, and is allocated as follows:

(a) No change.

(b) The WLA for discharges subject to the Department's NPDES Municipal Stormwater Permitting Program is to address anthropogenic sources in the basin such that in-stream concentrations meet the fecal coliform criteria which, based on the measured concentrations from the 1995 to 1996 period, will require a ~~94~~ 75 percent reduction ~~at~~ of sources contributing to exceedances of the criteria,

(c) The LA for nonpoint sources is to address anthropogenic sources in the basin such that in-stream concentrations meet the fecal coliform criteria which, based on the measured concentrations from the 1995 to 1996 period, will require a ~~94~~ 75 percent reduction of sources contributing to exceedances of the criteria, and

(d) through (e) No change.

(35) Smacks Bayou. The TMDLs to address the low dissolved oxygen and nutrient impairments are an annual average of ~~0.97~~ 0.63 mg/L and ~~an annual average of~~ 2.00 mg/L for TN and BOD<sub>5</sub>, respectively. These TMDLs are applicable to sources in the 45th Avenue Northeast Canal subbasin and the 54th Avenue East Canal subbasin within the Smacks Bayou watershed and are allocated as follows:

(a) No change.

(b) The WLAs for discharges subject to the Department's NPDES Municipal Stormwater Permitting Program ~~is~~ are to address anthropogenic sources in the basin such that in-stream concentrations meet the dissolved oxygen and nutrient criteria which, based on measured concentrations in the canals from the ~~2000 to 2007~~ 1992 to 2005 period, will require a ~~32.2~~ 54 percent reduction of TN and a ~~33.3~~ 30 percent reduction of BOD<sub>5</sub> ~~at~~ of sources contributing to exceedances of the criteria.

(c) The LAs for nonpoint sources ~~are~~ is to address anthropogenic sources in the basin such that in-stream concentrations meet the dissolved oxygen and nutrient criteria which, based on measured concentrations in the canals from the ~~2000 to 2007~~ 1992 to 2005 period, will require a ~~32.2~~ 54 percent reduction of TN and a ~~33.3~~ 30 percent reduction of BOD<sub>5</sub> ~~at~~ of sources contributing to exceedances of the criteria, and

(d) through (e) No change.

(36) No change.

(37) Sweetwater Creek. The TMDL to address the low dissolved oxygen impairment in Sweetwater Creek is an annual average ~~0.87~~ 0.75 mg/L of TN<sub>x</sub> and is allocated as follows:

(a) No change.

(b) The WLA for discharges subject to the Department's NPDES Municipal Stormwater Permitting Program is to address anthropogenic sources in the basin such that in-stream concentrations meet the dissolved oxygen criteria which, based on the measured concentrations from the 2000 to 2007 period, will require a ~~19.4~~ 23 percent reduction of TN at sources contributing to exceedances of the criteria.

(c) The LA for nonpoint sources is to address anthropogenic sources in the basin such that in-stream concentrations meet the dissolved oxygen criteria which, based on the measured concentrations from the 2000 to 2007 period, will require a ~~19.4~~ 23 percent reduction of TN at sources contributing to exceedances of the criteria, and

(d) through (e) No change.

(38) Tampa Bypass Canal Tributary. The TMDLs to address the low dissolved oxygen and nutrient impairments in the Tampa Bypass Canal Tributary ~~is~~ ~~are~~ an annual average TN concentration of 1.16 ~~1.73~~ mg/L and ~~an annual average TP concentration of 0.415 mg/L~~ and ~~is~~ ~~are~~ allocated as follows:

(a) No change.

(b) The WLA for discharges subject to the Department's NPDES Municipal Stormwater Permitting Program is to address anthropogenic sources in the basin such that in-stream concentrations meet the dissolved oxygen criteria which, based on the measured concentrations from the 2000 to 2007 period ~~year 2005~~, will require a 51.9 ~~34~~ percent reduction of TN and 34 ~~percent reduction of TP~~ at sources contributing to exceedances of the criteria.

(c) The LA for nonpoint sources is to address anthropogenic sources in the basin such that in-stream concentrations meet the dissolved oxygen criteria which, based on the measured concentrations from the year 2005, will require a 51.9 ~~34~~ percent reduction of TN and 34 ~~percent reduction of TP~~ at sources contributing to exceedances of the criteria, and

(d) through (e) No change.

Rulemaking Authority 403.061, 403.067 FS. Law Implemented 403.061, 403.062, 403.067 FS. History—New\_\_\_\_\_.

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

RULE NO.:                   RULE TITLE:  
62-304.610                 Hillsborough River Basin TMDLs  
                                  NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 35, No. 31, August 7, 2009 issue of the Florida Administrative Weekly.

62-304.610 Hillsborough River Basin TMDLs.

(1) through (9) No change.

(10) Baker Creek. The Total Maximum Daily Loads (TMDLs) to address the low dissolved oxygen and nutrient impairments are an annual average 1.16 mg/L ~~23,652 pounds per year~~ of Total Nitrogen (TN) and an annual average 0.473 mg/L ~~2,342 pounds per year~~ of Total Phosphorus (TP) and are allocated as follows:

(a) No change.

(b) The WLAs for discharges subject to the Department's National Pollutant Discharge Elimination System (NPDES) Municipal Stormwater Permitting Program ~~are~~ ~~an~~ 26.1 ~~80~~ percent reduction in anthropogenic loadings of TN and 14.7 ~~80~~ percent reduction in anthropogenic loadings of TP for the 2000-2007 ~~1996 to 2002~~ period at sources contributing to exceedances of the criteria,

(c) The Load Allocations (LAs) for nonpoint sources are ~~an~~ 26.1 ~~80~~ percent reduction in anthropogenic loadings of TN and 14.7 ~~80~~ percent reduction in anthropogenic loadings of TP for the 2000-2007 ~~1996 to 2002~~ period at sources contributing to exceedances of the criteria, and

(d) through (e) No change.

(11) Big Ditch. The TMDLs to address the low dissolved oxygen and nutrient impairments are an annual average 1.16 mg/L ~~14,699 pounds per year~~ of TN and an annual average 0.473 ~~13,078 pounds per year~~ mg/L of TP and are allocated as follows:

(a) The WLAs for the ~~Hillsborough County~~ CF Industries, Inc. Plant City Chemical Complex (FL0000078) are a five-year rolling annual average of 1,800 ~~1,138~~ pounds per year of TN and a five-year rolling annual average of 5,438 ~~847~~ pounds per year of TP,

(b) The WLAs for discharges subject to the Department's NPDES Municipal Stormwater Permitting Program are a 39.7 ~~76~~ percent reduction in anthropogenic loadings of TN and a 76.3 ~~76~~ percent reduction in anthropogenic loadings of TP for the 2000-2007 ~~2005 to 2006~~ period ~~at~~ ~~for~~ sources contributing to exceedances of the criteria,

(c) The LAs for nonpoint sources are a 39.7 ~~76~~ percent reduction in anthropogenic loadings of TN and a 76.3 ~~76~~ percent reduction in anthropogenic loadings of TP for the 2000-2007 ~~2005 to 2006~~ period ~~for~~ ~~at~~ sources contributing to exceedances of the criteria, and

(d) through (e) No change.

(12) Channelized Stream. The TMDLs to address the low dissolved oxygen and nutrient impairments are an annual average 1.16 mg/L ~~4,821 pounds per year~~ of TN and an annual average 0.473 mg/L ~~2,135 pounds per year~~ of TP and are allocated as follows:

(a) No change.

(b) The WLAs for discharges subject to the Department's NPDES Municipal Stormwater Permitting Program are ~~an~~ 52.1 ~~84~~ percent reduction in anthropogenic loadings of TN and ~~an~~ 60.5 ~~84~~ percent reduction in anthropogenic loadings of TP for the 2000-2007 period ~~at year 2005~~ ~~for~~ sources contributing to exceedances of the criteria, and

(c) The LAs for nonpoint sources are ~~an~~ 52.1 ~~84~~ percent reduction in anthropogenic loadings of TN and ~~an~~ 60.5 ~~84~~ percent reduction in anthropogenic loadings of TP for the 2000-2007 period ~~at year 2005~~ ~~for~~ sources contributing to exceedances of the criteria, and

(d) through (e) No change.

(13) No change.

(14) Mill Creek. The TMDLs to address the low dissolved oxygen and nutrient impairments are an annual average 1.16 mg/L ~~2,569 pounds per year~~ of TN and an annual average 0.473 mg/L ~~795 pounds per year~~ of TP and are allocated as follows:

(a) The WLAs for the ~~Kerry I & F Contracting Company Hillsborough County Crystals International, Inc.~~ (FL0037389) are ~~a five-year rolling annual average 3,600 48.9~~ pounds per year of TN and ~~a five-year rolling annual average 431 4.0~~ pounds per year of TP,

(b) The WLAs for discharges subject to the Department's NPDES Municipal Stormwater Permitting Program are ~~an 41.1 80~~ percent reduction in anthropogenic loadings of TN and ~~an 6.2 80~~ percent reduction in anthropogenic loadings of TP for the ~~2000-2007 1996 to 2002~~ period ~~at for~~ sources contributing to exceedances of the criteria, and

(c) The LAs for nonpoint sources are ~~an 41.1 80~~ percent reduction in anthropogenic loadings of TN and ~~an 80 6.2~~ percent reduction in anthropogenic loadings of TP for the ~~2000-2007 1996 to 2002~~ period for sources contributing to exceedances of the criteria, and

(d) through (e) No change.

(15) Spartman Branch. The TMDLs to address the low dissolved oxygen impairment ~~is an annual average 1.16 mg/L are 3,110 pounds per year of total TN and 531 pounds per year of TP and is~~ are allocated as follows:

(a) No change.

(b) The WLAs for discharges subject to the Department's NPDES Municipal Stormwater Permitting Program ~~is are an~~ a ~~19.9 80~~ percent reduction in anthropogenic loadings of TN ~~and an 80 percent reduction in anthropogenic loadings of TP~~ for the ~~2000-2007 1996 to 2002~~ period ~~at for~~ sources contributing to exceedances of the criteria, and

(c) The LAs for nonpoint sources ~~is a 19.9 are an 80~~ percent reduction in anthropogenic loadings of TN ~~and an 80 percent reduction in anthropogenic loadings of TP~~ for the ~~2000-2007 1996 to 2002~~ period ~~at for~~ sources contributing to exceedances of the criteria, and

(d) through (e) No change.

(16) No change.

(17) Trout Creek. The TMDLs to address the low dissolved oxygen and nutrient impairments are ~~an annual average 0.87 mg/L 18,031 pounds per year of TN and an annual average 0.181 mg/L 838 pounds per year of TP and are~~ allocated as follows:

(a) The WLAs for the ~~Hillsborough County~~ Pebble Creek Village Wastewater Treatment Facility (FL0039896) are ~~a five-year rolling annual average 800 1,827~~ pounds per year of TN and ~~a five-year rolling annual average 411 341~~ pounds per year of TP,

(b) The WLAs for discharges subject to the Department's NPDES Municipal Stormwater Permitting Program are a ~~33.3 50~~ percent reduction in anthropogenic loadings of TN and a ~~1.4 72~~ percent reduction in anthropogenic loadings of TP for the ~~2000-2007 1996 to 2002~~ period ~~at for~~ sources contributing to exceedances of the criteria, and

(c) The LAs for nonpoint sources are a ~~33.3 50~~ percent reduction in anthropogenic loadings of TN and a ~~1.4 72~~ percent reduction in anthropogenic loadings of TP for the ~~2000-2007 1996 to 2002~~ period ~~at for~~ sources contributing to exceedances of the criteria, and

(d) through (e) No change.

(18) Two Hole Branch. The TMDLs to address the low dissolved oxygen and nutrient impairments ~~is an annual average 1.16 mg/L are 4,459 pounds per year of TN and 1,307 pounds per year of TP and is~~ are allocated as follows:

(a) No change.

(b) The WLAs for discharges subject to the Department's NPDES Municipal Stormwater Permitting Program ~~is are~~ a ~~4.4 61~~ percent reduction in anthropogenic loadings of TN ~~and a 61 percent reduction in anthropogenic loadings of TP~~ for the ~~2000-2007 period at years 2002 and 2005 for~~ sources contributing to exceedances of the criteria, and

(c) The LAs for nonpoint sources ~~is are~~ a ~~4.4 61~~ percent reduction in anthropogenic loadings of TN ~~and a 61 percent reduction in anthropogenic loadings of TP~~ for the ~~2000-2007 period at years 2002 and 2005 for~~ sources contributing to exceedances of the criteria, and

(d) through (e) No change.

Specific Authority 403.061, 403.067 FS. Law Implemented 403.061, 403.062, 403.067 FS. History--New\_\_\_\_\_.

## DEPARTMENT OF HEALTH

### Board of Osteopathic Medicine

RULE NO.: 64B15-12.009  
 RULE TITLE: Osteopathic Faculty Certificate  
 NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 35, No. 50, December 18, 2009 issue of the Florida Administrative Weekly.

Rule 64B15-12.009, F.A.C., incorporated form DH-MQA 1193 into the rule. The rule did not state how the form may be obtained over the world wide web. The web address to obtain the form is [www.doh.state.fl.us/mqa/osteopath/index.html](http://www.doh.state.fl.us/mqa/osteopath/index.html).

Page one of the Application contains a typographical error. It cites "Title 42USCS subsection 666(a)(13). The citation should be to "Title 42USCA subsection 666(a)(13)."

The correction does not affect the substance of the rule as it appeared in the Florida Administrative Weekly as outlined above. The person to be contacted regarding this rule is: Kaye Howerton, Executive Director, Board of Osteopathic Medicine/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256.

**DEPARTMENT OF HEALTH****Board of Pharmacy**

RULE NO.:

64B16-26.351

RULE TITLE:

Standards for Approval of Registered  
Pharmacy Technician Training  
Programs**NOTICE OF CHANGE**

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 35, No. 38, September 25, 2009 issue of the Florida Administrative Weekly.

The change is in response to comments received at the public hearings on the rule held November 16, 2009 and December 8, 2009. At the meeting held February 9 and 10, 2010, the Board voted on a substantial rewrite of the rule. The rule shall now read as follows:

64B16-26.351 Standards for Approval of Registered Pharmacy Technician Training Programs

(1) The following programs are approved Registered Pharmacy Technician Training programs:

(a) Pharmacy technician training programs accredited, approved or licensed on or before January 1, 2011 by the American Society of Health-System Pharmacists.

(b) Pharmacy technician training programs accredited, approved or licensed on or before January 1, 2011 by the Southern Association of Colleges and Schools.

(c) Pharmacy technician training programs accredited, approved or licensed on or before January 1, 2011 by the Florida Department of Education, or Florida Commission for Independent Education.

(d) Pharmacy technician training programs provided by a branch of the federal armed services for which the applicant possesses a certificate of completion.

(e) Pharmacy technician training programs accredited, approved or licensed on or before January 1, 2011 by the Council on Occupational Education.

(2) All other training programs must be employer based. Any pharmacy technician training program sponsored by a Florida permitted pharmacy or affiliated group of pharmacies under common ownership, must contain a minimum of 160 hours of training, that extends over a period not to exceed 6 months; is provided solely to employees of said pharmacy or affiliated group; and has been approved by the Board. An application for approval of a Registered Pharmacy Technician Training Program shall be made on Board of Pharmacy approved form DH-MQA 1232 "Board of Pharmacy Registered Pharmacy Technician Training Program Provider Application," effective February 2010, which is hereby incorporated by reference. To obtain an application, contact the Board of Pharmacy at 4052 Bald Cypress Way, Bin #C04, Tallahassee, FL 32399-3254, or (850)488-0595, or download the application form the board's website at <http://www.doh.state.fl.us/mqa/pharmacy>.

The application must be accompanied with a non-refundable application fee. The following objectives must be met:

(a) Program content:

1. Introduction to pharmacy and health care systems:

a. Confidentiality.

b. Patient rights and Health Insurance Portability and Accountability Act (HIPAA).

2. Pharmacy law:

a. Federal law.

b. State law.

c. State rules.

d. Pharmacy technician rules and law.

3. Pharmaceutical medical terminology, abbreviations, and symbols:

a. Medication safety and error prevention.

b. Prescriptions and medication orders.

4. Records management and inventory control:

a. Pharmaceutical supplies.

b. Medication labeling.

c. Medication packaging and storage.

d. Controlled substances.

e. Adjudication and billing.

5. Interpersonal relations, communications, and ethics:

a. Diversity of communications.

b. Empathetic communications.

c. Ethics governing pharmacy practice.

d. Patient and caregiver communication.

6. Pharmaceutical calculations.

(b) Materials and Methods. Evidence satisfactory to the Board shall be presented that:

1. Learning experiences and teaching methods are appropriate to meet the content stated above.

2. Time allotted for each activity shall be sufficient for the participant to meet the objectives.

3. Principles of adult education are utilized in determining teaching strategies and learning activities.

(c) Faculty Qualifications.

1. The faculty shall provide evidence of academic preparation or experience in the subject matter.

2. When the subject matter of an offering includes pharmacy technician practice, a licensed pharmacist or registered pharmacy technician with expertise in the content area must be involved in the planning and instruction.

3. Pharmacy technician faculty supervising learning experiences in a clinical area in this State shall be currently registered.

4. When an offering includes clinical practice training in Florida, a Florida licensed pharmacist competent in the practice area shall provide supervision.



(d) Evaluation. Evidence satisfactory to the Board shall be presented that participants are given an opportunity to evaluate learning experiences, instructional methods, facilities and resources used for the offering. Self-directed learning experiences, including but not limited to home study, computer programs, internet or web-based courses, are required to evaluate participant knowledge at the completion of the learning experience. The evaluation must include a minimum of 100 questions. The participant must achieve a minimum score of 70% on the evaluation to receive the certificate of completion. The evaluation must be graded by the provider.

(e) There shall be a designated person assuming responsibility for registered pharmacy technician training program. If the contact person is not a licensed pharmacist or registered pharmacy technician, provision should be made for insuring licensed pharmacist or registered pharmacy technician input in overall program planning and evaluation.

(f) Required documentation.

1. Providers shall establish written policies and procedures for implementation of the registered pharmacy technician training program.

2. Providers shall maintain a system of record-keeping which provides for storage of program information.

3. Records of programs shall be maintained for three years and be available for inspection by the board or department.

4. Providers shall furnish each participant with an authenticated individual Certificate of Completion.

5. Providers shall securely maintain all participant records and copies of certificates issued for a period of three years and said records shall be available for inspection by the board or department.

Rulemaking Authority 465.014 FS. Law Implemented 465.014 FS. History--New.

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

**DEPARTMENT OF FINANCIAL SERVICES**

**Division of Worker’s Compensation**

RULE NO.:                      RULE TITLE:  
69L-5.231                      Forms and Instructions

**NOTICE OF WITHDRAWAL**

Notice is hereby given that the above rule, as noticed in Vol. 35, No. 21, May 29, 2009 issue of the Florida Administrative Weekly has been withdrawn.

**FINANCIAL SERVICES COMMISSION**

**OIR – Insurance Regulation**

RULE NOS.:	RULE TITLES:
69O-125.005	Use of Credit Reports and Credit Scores by Insurers
69O-125.006	Unfair Discrimination in Use of Credit Reports or Credit Scores by Insurers

**NOTICE OF WITHDRAWAL**

Notice is hereby given that the above rule, as noticed in Vol. 33, No. 26, June 29, 2007 issue of the Florida Administrative Weekly has been withdrawn.

**FINANCIAL SERVICES COMMISSION**

**OIR – Insurance Regulation**

RULE NO.:	RULE TITLE:
69O-125.005	Use of Credit Reports and Credit Scores by Insurers

**NOTICE OF WITHDRAWAL**

Notice is hereby given that the above rule, as noticed in Vol. 31, No. 26, July 1, 2005 issue of the Florida Administrative Weekly has been withdrawn.

**FINANCIAL SERVICES COMMISSION**

**OIR – Insurance Regulation**

RULE NO.:	RULE TITLE:
69O-125.005	Use of Credit Reports and Credit Scores by Insurers

**NOTICE OF WITHDRAWAL**

Notice is hereby given that the above rule, as noticed in Vol. 31, No. 6, February 11, 2005 issue of the Florida Administrative Weekly has been withdrawn.

**FINANCIAL SERVICES COMMISSION**

**OIR – Insurance Regulation**

RULE NO.:	RULE TITLE:
69O-170.0155	Forms

**NOTICE OF CHANGE**

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 35, No. 47, November 25, 2009 issue of the Florida Administrative Weekly. subsection 69O-170.0155(1)(l), F.A.C., is modified to change the revision date of Form OIR-B1-1802 from 09/09 to 02/10. Form OIR-B1-1802, adopted by this rule, is revised as follows: First, photographs will only be required of “visible and accessible” construction features, instead of all features. Second, references to after-market window films were removed from the opening protection section. Third, the requirement that professional engineers certifying the inspection form have passed a building code training examination was removed because it has been determined the

building code examination referenced in Section 627.711, F.S. (the source of this requirement) does not exist. Copies of the form are available from cindy.walden@floir.com.

**FINANCIAL SERVICES COMMISSION**

**OIR – Insurance Regulation**

RULE NO.:                   RULE TITLE:  
69O-170.0155               Forms

**NOTICE OF CHANGE**

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 35, No. 47, November 25, 2009 issue of the Florida Administrative Weekly.

Rule 69O-170.0155(1)(k) is modified to change the revision date of Form OIR-B1-1655 from 09/09 to 02/10. Two changes were made to Form OIR-B1-1655, adopted by this rule. First, the paragraph titled “How can I take advantage of the discounts?” was modified to state that “homeowners will need a qualified inspector such as a general, building, or residential contractor ... to inspect the home....” Second, the sentence “There may be other inspection professionals available.” was deleted from the same paragraph. Copies of the form are available from cindy.walden@floir.com.

**FINANCIAL SERVICES COMMISSION**

**OIR – Insurance Regulation**

RULE NO.:                   RULE TITLE:  
69O-175.008               Unfair Discrimination in Private  
                                  Passenger Motor Vehicle Insurance  
                                  Rates – Based on History of  
                                  Accidents

**NOTICE OF WITHDRAWAL**

Notice is hereby given that the above rule, as noticed in Vol. 35, No. 4, January 30, 2009 issue of the Florida Administrative Weekly has been withdrawn.

**FINANCIAL SERVICES COMMISSION**

**OIR – Insurance Regulation**

RULE NO.:                   RULE TITLE:  
69V-40.003               Electronic Filing of Forms and Fees

**NOTICE OF CHANGE**

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 35, No. 47, November 25, 2009 issue of the Florida Administrative Weekly.

The rule has been revised to address comments from the staff of the Joint Administrative Procedures Committee. Subsections (5) and (6) have been added to the rule. In summary, the rule has been amended to set forth the types of technological or financial hardships that will enable a person to obtain an exemption from electronic filing requirements.

THE FULL TEXT OF THE PROPOSED RULE IS:

69V-40.003 Electronic Filing of Forms and Fees.

(1) For purposes of this rule, “REAL System” means the Office of Financial Regulation’s Regulatory Enforcement and Licensing System, which is accessible through the Office of Financial Regulation’s website at www.flofr.com.

(2) All forms adopted under paragraphs 69V-40.002(1)(a) through (d) and (f) through (h), F.A.C., must be filed with the Office of Financial Regulation through the REAL system.

(3) All fees required to be filed with the Office of Financial Regulation under Chapter 69V-40, F.A.C., must be filed through the REAL System.

(4) Any person may request an exemption from the petition for a waiver of the requirement of electronic filing requirements of this rule by submitting a written request to: Office of Financial Regulation, Division of Finance, Bureau of Regulatory Review, 200 E. Gaines Street, Tallahassee, Florida 32399-0351. The request must set forth the person’s technological or financial hardship that makes it difficult for the person to file forms and pay fees electronically. The request must be legible and include the applicant’s or licensee’s name, contact person, address and telephone number. The Office of Financial Regulation will provide any person granted an exemption under this subsection with instructions on how to file forms and fees in paper format of any form or fee under Chapter 69V 40, F.A.C., by filing a petition under Rule 28 106.301, F.A.C. The petition must demonstrate a technological or financial hardship that entitles the person to file the form or fees in a paper format. The Office of Financial Regulation will provide any person granted a waiver under this subsection a hardcopy version of the applicable form.

(5) The Office shall grant a request for an exemption from the electronic filing requirements of this rule if the circumstances provided in paragraph (a) or (b) exist and the requestor has filed a written statement signed by the individual requestor, or a control person if the applicant or licensee is a legally formed entity.

(a) To qualify for the exemption based solely on a technological hardship the requestor must provide a signed written statement indicating the following circumstances exist:

1. The requestor does not possess adequate computer skills necessary to navigate the internet and complete an online application form; or

2. The requestor does not own or have access to, personally or through public sources, a computer.

(b) To qualify for the exemption based solely on a financial hardship the requestor must provide a signed written statement indicating the following circumstances exist:

1. The requestor is financially unable to afford the cost of purchasing a computer;

2. The requestor is financially unable to afford the cost of hiring a consultant to assist with the completion of the online application form; or

3. The requestor does not possess a credit card or checking account as a means of making an online payment over the internet.

(6) The Office shall provide written notice to a requestor informing him or her whether or not an exemption has been granted pursuant to this rule. An exemption granted in accordance with this rule shall be valid for 365 calendar days from the date of the written notice. If a licensee wishes to extend an exemption for an additional 365 days, a new request must be submitted in writing before the expiration of the current exemption. Each subsequent request to continue an exemption will be evaluated based on the criteria specified in subsection (5) of this rule.

Rulemaking Specific Authority 494.0011 FS. Law Implemented 494.0011 FS. History--New 10-21-08, Amended \_\_\_\_\_.

**FINANCIAL SERVICES COMMISSION**

**OIR – Insurance Regulation**

RULE NO.: 69V-560.1013  
 RULE TITLE: Electronic Filing of Forms and Fees  
 NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 35, No. 47, November 25, 2009 issue of the Florida Administrative Weekly.

The rule has been revised to address comments from the staff of the Joint Administrative Procedures Committee. Subsections (5) and (6) have been added to the rule. In summary, the rule has been amended to set forth the types of technological or financial hardships that will enable a person to obtain an exemption from electronic filing requirements.

THE FULL TEXT OF THE PROPOSED RULE IS:

69V-560.1013 Electronic Filing of Forms and Fees.

(1) For purposes of this rule, “REAL System” means the Office of Financial Regulation’s Regulatory Enforcement and Licensing System, which is accessible through the Office’s website at www.flofr.com.

(2) All forms adopted under paragraphs 69V-560.1012(1)(a) through (1)(g), F.A.C., must be filed electronically with the Office through the REAL system.

(3) All fees required to be filed with the Office under Chapter 69V-560, F.A.C., must be paid electronically through the REAL System.

(4) Any person may request an exemption from the petition for a waiver of the requirement of electronic filing requirements of this rule by submitting a written request to: Office of Financial Regulation, Division of Finance, Bureau of Regulatory Review, 200 E. Gaines Street, Tallahassee, Florida 32399-0351. The request must set forth the person’s technological or financial hardship that makes it difficult for the person to file forms and pay fees electronically. The request

must be legible and include the applicant’s or licensee’s name, contact person, address and telephone number. The Office of Financial Regulation will provide any person granted an exemption under this subsection with instructions on how to file forms and fees in paper format of any form or fee under Chapter 69V-560, F.A.C., by filing a petition under Rule 28-106.301, F.A.C. The petition must demonstrate a technological or financial hardship that entitles the person to file the form or fees in a paper format. The Office will provide any person granted a waiver under this subsection a hardcopy version of the applicable form.

(5) The Office shall grant a request for an exemption from the electronic filing requirements of this rule if the circumstances provided in paragraph (a) or (b) exist and the requestor has filed a written statement signed by the individual requestor, or a control person if the applicant or licensee is a legally formed entity.

(a) To qualify for the exemption based solely on a technological hardship the requestor must provide a signed written statement indicating the following circumstances exist:

1. The requestor does not possess adequate computer skills necessary to navigate the internet and complete an online application form; or

2. The requestor does not own or have access to, personally or through public sources, a computer.

(b) To qualify for the exemption based solely on a financial hardship the requestor must provide a signed written statement indicating the following circumstances exist:

1. The requestor is financially unable to afford the cost of purchasing a computer;

2. The requestor is financially unable to afford the cost of hiring a consultant to assist with the completion of the online application form; or

3. The requestor does not possess a credit card or checking account as a means of making an online payment over the internet.

(6) The Office shall provide written notice to a requestor informing him or her whether or not an exemption has been granted pursuant to this rule. An exemption granted in accordance with this rule shall be valid for 365 calendar days from the date of the written notice. If a licensee wishes to extend an exemption for an additional 365 days, a new request must be submitted in writing before the expiration of the current exemption. Each subsequent request to continue an exemption will be evaluated based on the criteria specified in subsection (5) of this rule.

Rulemaking Specific Authority 560.105 FS. Law Implemented 560.105 FS. History--New 1-13-09, Amended \_\_\_\_\_.