

Section I

Notices of Development of Proposed Rules and Negotiated Rulemaking

DEPARTMENT OF INSURANCE

Division of State Fire Marshal

RULE TITLE: Definitions
PURPOSE AND EFFECT: Adoption of a definition for the term "full-time."
SUBJECT AREA TO BE ADDRESSED: Definition of term.
SPECIFIC AUTHORITY: 633.01(1), 633.517(1) FS.

RULE NO.: 4A-46.005

LAW IMPLEMENTED: 633.541(1) FS.
IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:
TIME AND DATE: 9:00 a.m. - 11:00 a.m., April 30, 1999
PLACE: Room 116, Larson Building, 200 East Gaines Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Terry Barrow or Gabe Mazzeo, Division of State Fire Marshal, Department of Insurance, 200 East Gaines Street, Tallahassee, Florida 32399-0333, (850)922-3172

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Department at least 5 calendar days before the program by contacting: Yvonne White, (850)413-4214.

DEPARTMENT OF REVENUE

Miscellaneous Tax

RULE TITLES: Imposition of Tax, Administration, Liability for Tax, Payment of Tax; Interest and Penalties, Penalties and Interest
RULE NOS.: 12B-7.001, 12B-7.002, 12B-7.007, 12B-7.009, 12B-7.023

PURPOSE AND EFFECT: The purpose of the proposed repeal of Rules 12B-7.001, 12B-7.002, 12B-7.007, 12B-7.009, 12B-7.023, F.A.C., is to remove language from the administrative code that restates the statutory provisions.

SUBJECT AREA TO BE ADDRESSED: The subject of this rule development workshop is the proposed repeal of unnecessary severance tax rule provisions regarding the administration of taxes on the severance of minerals from the soils or waters of this State.

SPECIFIC AUTHORITY: 211.125(1), 211.33, 213.06(1) FS.
LAW IMPLEMENTED: 211.02, 211.025, 211.026, 211.07, 211.075, 211.076, 211.09, 211.125, 211.33 FS.

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

TIME AND DATE: 9:00 a.m., May 6, 1999
PLACE: Room B-12, Carlton Building, 501 S. Calhoun Street, Tallahassee, Florida 32399-0100

Copies of the agenda for the rule development workshop may be obtained from Joe Parramore, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, Post Office Box 7443, Tallahassee, Florida 32314-7443, or by telephone at (850)922-4709.

Pursuant to the Americans with Disabilities Act, any person requiring special accommodations to participate in this program is asked to advise the Department at least five (5) calendar days before the program by contacting Mary Herring at (850)922-4704. If you are hearing or speech impaired, please contact the Department by calling 1(800)367-8331.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Joe Parramore, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, Post Office Box 7443, Tallahassee, Florida 32314-7443, (850)922-4709

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

12B-7.001 Imposition of Tax.

~~An excise tax is imposed upon every person engaging or continuing within this state in the business of producing or severing oil, gas or sulfur from the soil or water of this state for sale, transport, storage, profit or commercial use.~~

Specific Authority 211.125(1), 213.06(1) FS. Law Implemented 211.02, 211.025, 211.026 FS. History--New 12-28-78, Formerly 12B-7.01, Amended 12-18-94, Repealed \_\_\_\_\_.

12B-7.002 Administration.

~~The administration of the tax on the production of oil and gas is vested in the Department of Revenue (herein referred to as the Department).~~

Specific Authority 211.125(1), 213.06(1) FS. Law Implemented 211.07, 211.125 FS. History--New 12-28-78, Formerly 12B-7.02, Amended 12-18-94, Repealed \_\_\_\_\_.

12B-7.007 Liability for Tax.

~~(1) Producer Liable, Generally. The tax is imposed upon the producers of oil or gas in proportion to their ownership at the time of severance. Except as otherwise provided, the tax shall be paid by the person in charge of the production operations. The tax shall be due and payable and shall become a first lien upon any oil or gas produced, when in possession of the original producer, or any purchaser of oil gas in its unmanufactured state or condition.~~

(2) Sales to Person Under Contract. When any person in charge of production operations sells the oil or gas produced by him to any person under contract which requires the purchaser to pay all owners of such oil or gas direct, then the person in charge of production operations may not be required to deduct the tax. The purchaser shall deduct the tax and shall account to the Department before making payments to each owner. However, nothing shall be construed as releasing the person in charge of production operations from liability for the payment of said tax.

(3) Sales to Persons on the Open Market. When any person in charge of production operations sells oil or gas produced by him on the open market or shall use or dispose of oil or gas for fuel or any purpose other than for lease operations on the lease where produced, he shall withhold the tax imposed. If he is required to pay other interest holders, he is authorized, empowered and required to deduct from any amount due them the amount of tax levied and due before making payment to them.

(4) Failure to Deduct Tax When Due. Any person in charge of production operations who fails to deduct and withhold the amount of tax required from the sale or purchase price shall be liable to the state for the full amount of taxes, interest, and penalties due which should have been deducted, withheld and remitted to the state; and the Department shall proceed to collect from the person in charge of production operations as if he were the producer of the oil and gas.

Specific Authority 213.06 FS. Law Implemented 211.09 FS. History—New 12-28-78, Formerly 12B-7.07, Repealed \_\_\_\_\_.

12B-7.009 Payment of Tax; Interest and Penalties.

(1) The tax on oil production is due and payable on or before the 25th day of each calendar month succeeding the calendar month in which the tax accrued.

(2) The tax on gas production and sulfur production—The estimated tax payment is due on or before the 25th day of each month. The quarterly tax payment is due on or before the 25th day of the second month following the close of each calendar quarter.

(3) Penalties:

(a) Delinquent Returns:

1. There is a penalty of 10 percent of the tax for each month or portion of a month until the tax is paid, not to exceed 50 percent of the tax due.

2. If no tax is due, and the return is not timely filed, the delinquency penalty is \$50 per month or portion of a month until the return is filed, not to exceed \$300.

(b) Estimated Tax Penalty. An underpayment of estimated tax is subject to a penalty of 12 percent per year, or any portion thereof, on the amount of underpayment.

(4)(a) Interest. Any tax not paid by the due date is subject to interest of 12 percent per year from the due date until the date of payment.

(b) Interest will be computed using the following factors:

- 1. annual factor—.12
2. monthly factor—.01
3. daily factor—.00033

Specific Authority 211.125(1), 213.06(1) FS. Law Implemented 211.075, 211.076 FS. History—New 12-28-78, Formerly 12B-7.09, Amended 12-18-94, Repealed \_\_\_\_\_.

12B-7.023 Penalties and Interest.

(1) Penalties. There is a penalty of 10 percent of the tax due for each month or portion of a month until the tax is paid, not to exceed 50 percent of the tax due.

(2)(a) Interest. Any tax not paid by the due date is subject to interest of 12 percent per year from the due date until the date of payment.

(b) Interest will be computed using the following factors:

- 1. annual factor—.12
2. monthly factor—.01
3. daily factor—.00033

Specific Authority 211.33(6), 213.06(1) FS. Law Implemented 211.33 FS. History—New 12-18-94, Repealed \_\_\_\_\_.

DEPARTMENT OF TRANSPORTATION

RULE CHAPTER TITLE: RULE CHAPTER NO.:

Outdoor advertising sign regulation and Highway Beautification 14-10

RULE TITLES: RULE NOS.:

Permits 14-10.004

Maintenance of Nonconforming Signs 14-10.007

PURPOSE AND EFFECT: The amendment to 14-10.007(1)(d)3. is an editorial correction of a cross reference. The amendment to 14-10.004(1)(a) is to increase the annual permit fee for each sign facing from \$35.00 to \$41.00 for 200 square feet or less and from \$55.00 to 61.00 for more than 200 square feet. The increase is based upon increases in program costs. Comparisons between Fiscal Years 1997-98 and 1996-97 showed increased costs for administering the program compared to the revenue generated by the fees.

Table with 3 columns: Fiscal Year, 1997-98, 1996-97. Rows: Total Costs, Total Revenue, Deficit.

SUBJECT AREA TO BE ADDRESSED: The amendment to 14-10.007(1)(d)3. is an editorial correction of a cross reference. The amendment to 14-10.004(1)(a) is to increase the annual permit fee for each sign facing from \$35.00 to \$41.00 for 200 square feet or less and from \$55.00 to 61.00 for more than 200 square feet. The increase is based upon increases in program costs. Comparisons between Fiscal Years 1997-98 and 1996-97 showed increased costs for administering the program compared to the revenue generated by the fees.

SPECIFIC AUTHORITY: 334.044(2), 479.02(7) FS.  
 LAW IMPLEMENTED: 339.05, 479.01(14), 479.02, 479.07, 479.24 FS.

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

TIME AND DATE: 10:00 a.m., May 5, 1999  
 PLACE: Haydon Burns Building Auditorium, 605 Suwannee Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: James C. Myers, Administrative and Management Support Level IV, Florida Department of Transportation, Office of the General Counsel, 605 Suwannee Street, Mail Station 58, Tallahassee, Florida 32399-0458

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

14-10.004 Permits.

(1) An application for a new sign permit is made by completing and submitting an Application for Outdoor Advertising Permit, Form 575-070-04, Rev. 02/98, incorporated herein by reference, to the district office within whose boundaries the proposed site is located. Applications may be obtained from the State Outdoor Advertising License and Permit Office at the address listed in Rule Section 14-10.003(2) or from any of the Department's district offices. Applications for outdoor advertising sign permits on the Florida Turnpike shall be submitted to the district office of the district in which the specific portion of the Turnpike is located.

(a) Payment of the permit fee shall be made in the same manner provided for license fees in Rule Section 14-10.003(2)(b). The annual permit fee for each sign facing is \$~~41.00~~ ~~35.00~~ for 200 square feet or less and \$~~61.00~~ ~~55.00~~ for more than 200 square feet. A permittee shall notify, in writing, the district within whose boundaries the sign is located, prior to making any changes in the dimensions of a permitted conforming sign which would increase the area of the sign facing to over 200 square feet and shall submit an additional \$20.00.

(b) through (11)(d) No change.

Specific Authority 334.044(2), 479.02(7) FS. Law Implemented 339.05, 479.01(14), 479.02, 479.07, 479.24 FS. History--(Formerly part of Rule 14-10.04, Permits; 14-15.05, Right of Way Bureau Operating Procedures), New 3-28-76, Amended 4-21-77, 12-10-77, 6-26-78, 12-31-78, 1-1-86, Formerly 14-10.04, Amended 7-7-92, 6-28-98,\_\_\_\_\_.

14-10.007 Maintenance of Nonconforming Signs.

(1) The following shall apply to nonconforming signs:

(a) through (c)1. No change.

3. The materials to be included in the replacement materials costs to reerect the sign shall be all materials that would be used to return the sign to its configuration immediately prior to destruction and shall not include any

material that is repaired on-site, but shall include any material obtained from a source other than the sign itself, whether used, recycled, or repaired. The repairs to the sign shall be with like materials and shall be those reasonably necessary to permanently repair the sign in a manner normally accomplished by the industry in that area. The cost of such materials shall be as described in paragraph ~~(1)(d)2.~~ ~~(2)(e)2.~~

(e) through (2) No change.

Specific Authority 334.044(2), 479.02(7) FS. Law Implemented 339.05, 479.02, 479.07(9) FS. History--New 3-28-77, Amended 12-10-77, 1-1-86, Formerly 14-10.07, Amended 6-28-98,\_\_\_\_\_.

**REGIONAL PLANNING COUNCILS**

**East Central Florida Regional Planning Council**

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Organization, Purpose and Operation	29F-1
RULE TITLES:	RULE NOS.:
Organization	29F-1.101
Purpose	29F-1.102
Definitions	29F-1.103
Council	29F-1.105
Council Meeting Agenda	29F-1.106
Finances	29F-1.107
Officers, Terms of Office and Duties	29F-1.108
Vacancies	29F-1.109
Removal from Office	29F-1.110
Committees	29F-1.111
Staff	29F-1.112
Plans, Studies, Activities, and Reports	29F-1.113
Dissolution	29F-1.114
Information Requests	29F-1.115

PURPOSE AND EFFECT: The rules listed above will provide for guidance in the activities of the governing board of the ECFRPC and will provide a process of resolving regional disputes. These rules will replace similar rules being repealed pursuant to the provisions of Chapter 120.535, F.S. and will be based on the existing language of those rules.

SUBJECT AREA TO BE ADDRESSED: These rules will provide a structure for the activities of the ECFRPC governing board, including selection of officers, meeting schedules, the hiring of staff and policy making procedures. A process for offering the ECFRPC's assistance in the resolution of inter-jurisdictional disputes within the region will also be addressed.

SPECIFIC AUTHORITY: 186.502, 186.504, 186.505, 186.509 FS.

LAW IMPLEMENTED: 120.536, 120.54, 186.502, 186.504, 186.505, 186.509 FS.

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

TIME AND DATE: 9:00 a.m., Monday, May 3, 1999

PLACE: East Central Florida Regional Planning Council, 1011 Wymore Road, Suite 105, Conference Room B, Winter Park, Florida 32789-0750

THE PERSON TO BE CONTACTED REGARDING A COPY OF THE PRELIMINARY TEXT OR REGARDING OTHER MATTERS RELATING TO THE PROPOSED RULE DEVELOPMENT IS: Sandra S. Glenn, Executive Director, East Central Florida Regional Planning Council, 1011 Wymore Rd., Suite 105, Winter Park, Florida 32399-0750

**REGIONAL PLANNING COUNCILS**

**East Central Florida Regional Planning Council**

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Practice and Procedure	29F-2
RULE TITLES:	RULE NOS.:
General	29F-2.101
Meetings, Hearings and Workshops	29F-2.102
Rule and Policy Making Proceedings	29F-2.103
Declaratory Statements	29F-2.104

PURPOSE AND EFFECT: The rules listed above will provide for guidance in the activities of the governing board of the ECFRPC and will provide a process of resolving regional disputes. These rules will replace similar rules being repealed pursuant to the provisions of Chapter 120.535, F.S. and will be based on the existing language of those rules.

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**REGIONAL PLANNING COUNCILS**

**East Central Florida Regional Planning Council**

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Regional Dispute Resolution Process	29F-3
RULE TITLES:	RULE NOS.:
Purpose	29F-3.101
Definitions	29F-3.102
Participation	29F-3.103
Costs	29F-3.104
Timeframes	29F-3.105
Administrative Protocols	29F-3.106
Public Notice, Records, and Confidentiality	29F-3.107
Pre-initiation Meeting	29F-3.108
Situation Assessment	29F-3.109
Initiation of the Process by Jurisdictions	29F-3.110
Requests to Initiate Submitted by Others	29F-3.111
Settlement Meetings	29F-3.112
Mediation	29F-3.113
Advisory Decision-making	29F-3.114
Settlement Agreements and Reports	29F-3.115

PURPOSE AND EFFECT: The rules listed above will provide for guidance in the activities of the governing board of the ECFRPC and will provide a process of resolving regional disputes. These rules will replace similar rules being repealed pursuant to the provisions of Chapter 120.535, F.S. and will be based on the existing language of those rules.

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LAW IMPLEMENTED: 120.536, 120.54, 186.502, 186.504, 186.505, 186.509 FS.

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THE PERSON TO BE CONTACTED REGARDING A COPY OF THE PRELIMINARY TEXT OR REGARDING OTHER MATTERS RELATING TO THE PROPOSED RULE DEVELOPMENT IS: Sandra S. Glenn, Executive Director, East Central Florida Regional Planning Council, 1011 Wymore Rd., Suite 105, Winter Park, Florida 32399-0750



6. A copy of the incident report shall be attached to the chain of evidence form and both documents shall be immediately forwarded to the testing facility.

(b) Random Substance Abuse Testing. All correctional facilities shall receive on a weekly basis a list of the names and DC numbers of inmates generated through random selection for substance abuse testing. The list will be electronically transmitted from the Offender Base Information System to the secure printer of the superintendent of each major institution and to the major of each community correctional center. Each time an inmate's name appears on the random list, he or she shall be tested regardless of whether or not he or she has been previously tested.

(c) Substance Abuse Treatment Program Testing. Inmates participating in substance abuse treatment programs will be subject to substance abuse testing as a condition of the program.

(3) Procedures.

(a) Chain of evidence.

1. At a minimum, the chain of evidence form must include offender and collector identification, initials by both the inmate and the collector, date and time of collection, and type of test (i.e., random, for-cause or substance abuse treatment program).

2. The chain of evidence form allows for any comments by the collector regarding any unusual observations, any failure by the inmate to cooperate with the collection process, and the unusual nature (e.g., discolored urine or urine containing foreign objects) of any specimen provided.

3. The collector shall ensure that all collected urine specimens are properly labeled and sealed with a security evidence label. The collector shall also ensure that the chain of evidence form for all collected urine specimens is completed in accordance with procedures. One form can be used to accompany multiple urine specimens collected and transported together.

4. If an inmate is unable or unwilling to enter his or her initials on the chain of evidence form, the collector will make a notation in the comment section of the chain of evidence form and leave the space blank. The collector will not under any circumstances sign the chain of evidence form for an inmate.

5. An entry shall be made on the chain of evidence form, DC4-621, each time the urine specimens are transferred to the custody of another individual.

(b) Specimen Collection Procedures.

1. The collector shall ensure that all urine specimens are collected in accordance with procedures. All collections shall be performed under direct observation, where the collector directly observes the voiding of urine into the specimen cup. Direct observation may also be accomplished through use of mirrors strategically mounted in the collection rest room.

2. Under no circumstances is direct observation by a collector of the opposite sex from the inmate allowed.

3. The collector shall ensure that there is positive inmate identification prior to collecting the inmate's urine specimen. Sight, name and DC number shall provide positive identification of the inmate selected for drug testing.

4. The collector shall search the inmate to ensure that the inmate is not concealing any substances or materials which could be used to alter or substitute his or her urine specimen. If any such substances or materials are found, the inmate will be charged with refusing to submit to a substance abuse test.

5. If an inmate attempts to alter his or her urine specimen during the collection process through the use of adulterants or substitute urine, the inmate will be charged with refusing to submit to substance abuse testing.

6. The collector shall give each inmate a closed specimen cup with an identification label containing the inmate's name and DC number prior to collecting the inmate's urine specimen. The collector shall ensure that the inmate acknowledges his or her correct identity information on the label of the specimen cup.

7. The inmate is expected to provide a minimum of 30 ml of urine. If the inmate provides less than this amount, the collector shall again attempt to collect an adequate specimen. If the inmate cannot immediately submit another urine specimen, then the procedure outlined in 8. below for a claimed inability to provide a urine specimen shall apply.

8. An inmate who indicates a claimed inability to provide an adequate urine specimen shall be detained in the presence of the collector or other designated person for a period not to exceed 1 hour to provide an adequate specimen. During that time, the inmate shall be allowed to consume one cup (8 oz.) of water or other beverage every 1/2 hour, not to exceed a total of 2 cups during this time period. If after the 1 hour period an inmate still fails to submit a valid adequate urine specimen, the inmate shall be considered to have refused to provide a urine specimen and a disciplinary report shall be prepared in accordance with chapter 33-22. The collector shall note such failure to provide a specimen on the chain of evidence form, DC4-621. If an inmate claims an inability to urinate due to a "bashful bladder" condition, procedures set forth in (3)(c) shall apply.

9. After the inmate has voided a urine specimen into the cup, the collector shall direct the inmate to close the cup tightly before placing the cup into the collector's custody.

10. The collector shall visually inspect all urine specimens placed in his or her custody to ensure that a valid, fresh, unadulterated urine specimen was provided. Urine specimens which are discovered to be obviously altered (e.g., discolored or containing foreign objects), will not be accepted as valid specimens. A suspect urine specimen will be discarded and the inmate will be required to submit another urine specimen. If the inmate cannot submit a urine specimen, then the procedure outlined above for a claimed inability to provide a urine specimen shall apply.

11. If a urine specimen contains blood or appears to contain blood, the inmate who produced the specimen shall be referred immediately to medical for evaluation. If no valid reason exists for having blood in the specimen, the inmate will be required to provide another urine specimen. If the inmate cannot submit a urine specimen, then the procedure outlined above for a claimed inability to provide a urine specimen shall apply.

12. Once the urine specimen has been securely closed by the inmate, the collector shall attach a security evidence label across the lid of the sample cup under the inmate's observation. The collector shall instruct the inmate to place his or her initials on the chain of evidence form verifying that the urine specimen was collected and sealed under the inmate's observation and that the specimen cup identification is correct.

(c) "Bashful bladder" procedure. Upon notification from an inmate that he is unable to urinate due to "bashful bladder", the officer shall verify with medical staff that the inmate possesses a specific medical condition or is taking medication which inhibits the inmate from urinating within the designated time frame. Upon receiving such verification, the inmate shall be given the opportunity to provide a urine specimen under the following conditions:

1. The inmate shall be informed that he or she will be placed in a holding cell until he or she can provide a valid urine specimen. The inmate shall be issued a hospital or other type privacy gown during the time that he or she is housed in the holding cell.

2. The inmate shall remove the contents of his or her pockets, and his or her shirt, shoes, pants and hat. The inmate shall be thoroughly searched prior to entering the holding cell to prevent him or her from using any adulterants such as bleach or cleanser to alter his or her urine specimen.

3. The collector shall give the inmate a closed specimen cup with an identification label containing the inmate's name and DC number. The collecting officer shall ensure that the inmate acknowledges his or her correct identity information on the label of the specimen cup.

4. The inmate shall be allowed to consume one cup (8 oz.) of water or other beverage every 1/2 hour, not to exceed a total of two cups during the time spent in the holding cell.

5. A physical check shall be made on the inmate once every 30 minutes to see if he or she has provided a valid urine specimen, but checks shall not be less frequent than once hourly by a correctional officer.

6. Upon receipt of the urine specimen that has been securely closed by the inmate, the collector shall attach a security evidence label across the lid of the sample cup under the inmate's observation. The inmate shall be instructed to place his or her initials on the chain of evidence form verifying that the urine specimen was collected and that the specimen cup identification is correct.

(d) Testing of urine specimens.

1. Only certified testing personnel are authorized to operate the drug testing equipment.

2. Certified testers shall examine each specimen prior to testing to ensure that the security evidence label is intact and that the specimen labeling and the chain of evidence form, DC4-621, is in proper order. In the event that the tamper-evident seal is damaged or the chain of evidence form is incomplete, the tester shall not test those urine specimens.

3. Any specimens found to be positive upon initial testing shall be re-tested at the department testing facility that day with a fresh sample of the specimen prior to reporting test results. Specimens testing negative on the retest shall be reported as negative.

4. When a urine specimen's initial test results are positive, the tester shall follow the following procedures:

a. After double-checking the positive specimen's identity, the tester shall pipette a second urine sample from the original urine specimen cup and conduct the urinalysis testing procedure again, testing each positive specimen only for those drugs found positive on the initial test. Batch runs of several initial positive specimens are authorized.

b. If a specimen's results are negative on repeat testing, the tester shall document the test results on the random sample list and chain of custody form and dispose of the urine specimen and specimen cup.

c. If the urine specimen's test results are again positive on repeat testing, the tester shall document the test results as positive on the random list and substance abuse list and chain of custody form.

(e) On-site testing of urine specimens. Community correctional centers are authorized to conduct on-site testing of urine specimens in lieu of transporting specimens to testing facilities for initial testing.

1. Specimen collection procedures. Collectors shall follow collection procedures in (3)(b), with the exception that a security evidence label shall not be placed on the lid of the cup unless the specimen is found to be positive.

2. Testing procedures. All on-site testing procedures shall be conducted in the presence of the inmate in accordance with the manufacturer's protocols.

a. After the collector has taken a sample of urine from the specimen cup for the test, the inmate shall be directed to close the cup tightly.

b. After the collector has followed the steps specified in the manufacturer's protocols, the collector shall record the test results on the chain of evidence form.

3. Negative test results. The collector shall inform the inmate of the negative test results of the on-site test. The collector shall record all negative test results on the chain of evidence form and dispose of the remaining specimen, specimen cup and test device. All chain of custody forms shall be retained in accordance with state law and rules governing the retention of records.

4. Positive test results. The collector shall inform the inmate of the positive test results of the on-site test. The collector shall record the positive test results on the chain of custody form and prepare the urine specimen for transfer to the designated testing facility in accordance with (3)(b) for a verification urine drug test. Inmates with positive test results on the initial test shall immediately be placed in administrative confinement until a second test is conducted pursuant to (3)(d) and results are obtained.

(f) Record keeping. Each testing facility shall keep all records pertaining to the testing program. This includes chain of evidence documentation, hard copy instrument printouts of calibration and testing, results of performance on proficiency test specimens, results of performance on inspections, and instrument and other equipment maintenance records. All records shall be kept in accordance with state law and rules regarding retention of records.

(g) Forms. Form DC4-621 is hereby incorporated by reference. Copies of this form may be obtained from any institution or from the Office of Security and Institutional Management, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. If forms are to be mailed, the request must be accompanied by a self-addressed, stamped envelope. The effective date of this form is March 24, 1997.

Specific Authority 944.09, 944.472, 944.473 FS. Law Implemented 944.09, 944.472, 944.473 FS. History—New

33-3.0065 Searches of Inmates.

Searches of inmates will be conducted to control the introduction and movement of contraband as well as to prevent escapes. These searches are to be made with discretion.

(1) through (3) No change.

~~(4) Random Substance Abuse Testing.~~

~~(a) Random substance abuse testing of inmates through urinalysis is authorized pursuant to s. 944.473, F.S.~~

~~(b) Definitions:~~

~~1. Random Selection — a process of selection which utilizes a computerized random selection model to obtain a sample of inmates to be tested for drugs and alcohol. Every inmate in the custody of the department has an equal chance of being selected.~~

~~2. Collector — a correctional officer designated by the superintendent or officer in charge to collect urine samples and who has been trained in the proper procedures for collection and maintenance of the chain of evidence.~~

~~3. Tester — a correctional officer who has been designated by the superintendent or officer in charge of the facility to test urine samples and who has been trained and certified by the contractor as competent to operate the urinalysis testing equipment.~~

~~4. Contractor — the vendor responsible, by contract, for provision and maintenance of testing equipment, and training regarding operation of testing equipment.~~

5. Random List — the randomly selected sample of inmates to be tested for drugs and alcohol.

~~(c) Institutions and facilities shall, on no less than a monthly basis, receive a list of the names and numbers of inmates generated through random selection for substance abuse testing. The Office of Security and Institutional Management shall generate the random list and electronically transmit the random list to the superintendent of each major institution or the Major of each regional community facility. Each time an inmate's name appears on the random list, he or she shall be tested regardless of whether or not he or she has been previously tested.~~

~~(d) Procedure:~~

~~1. Responsibility.~~ The Office of Security and Institutional Management shall be responsible for generating the random sample list of inmates to be tested and providing for the transmission of the list to the superintendents of major institutions and the majors of regional community facilities. The superintendents and majors shall be responsible for the development of local procedures to ensure the security of the list and the ensuing collection, transport of samples for testing, documentation, and, at designated testing sites, the testing process.

~~2. Chain of evidence:~~

~~a. At a minimum, the chain of evidence documentation of the collection process must include collector identification, initials by both the inmate and the collector, and date and time of collection.~~

~~b. The collector must document any unusual observations regarding the behavior of the inmate and the nature of any specimen on the chain of evidence form, DC4-621, during the collection process.~~

~~c. All urine specimens collected must be properly labeled and sealed with tamper-evident tape upon collection and must be accompanied by a properly completed chain of evidence form. One form can be used to accompany multiple urine specimens collected and transported together.~~

~~d. The collector, upon receiving an inmate's urine specimen, will enter the inmate's DC number and collection date and time in the designated spaces. The collector will instruct each inmate to place his or her initials on the chain of evidence form to verify that his or her specimen was collected, that the specimen labeling information was correct, and that the specimen was securely sealed in the inmate's presence.~~

~~e. If an inmate is unable or unwilling to enter his or her initials on the chain of evidence form, the collector will make a notation in the comment section of the chain of evidence form and leave the space blank. The collector will not under any circumstances sign the chain of evidence form for an inmate.~~

~~f. The collector will total the number of urine specimens collected during the collection procedure and place this number in the designated space which is located at the bottom of the chain of evidence form.~~



g. The collector will enter his or her name on the "to" line and fill in the spaces for the date and time the collection process was completed.

h. If the collector transfers the custody of the urine specimens to another person, the collector will sign his or her name on the "from" line and the person who is receiving the urine samples will sign on the "to" line and fill in the spaces for the date and time the transfer was completed. This procedure will continue until the tester enters his or her name on the "to" line.

i. If the collector transfers the custody of urine specimens to temporary refrigerated storage, the collector will sign his or her name on the "from" line and enter "refrigerated storage" on the "to" line and fill in the spaces for the date and time the transfer was completed. When the specimens are removed from refrigerated storage the person receiving the specimens will enter "refrigerated storage" on the "from" line, and enter the date and time of removal.

j. The name on the "from" line will always be the person who is relinquishing control of the urine specimens, while the name on the "to" space will always be the person who is receiving the urine specimens, or refrigerated storage.

k. An entry shall be made on the chain of evidence form, DC4-621, each time the urine specimens are transferred to the custody of another individual.

### 3. Collection of urine specimens.

a. All collections shall be performed under direct observation, where the collector directly observes the voiding of urine into the specimen cup. Direct observation may also be accomplished through use of mirrors strategically mounted in the collection rest room.

b. Under no circumstances is direct observation by a collector of the opposite sex from the inmate allowed.

e. Collector must ensure that there is a positive inmate identification. The collector shall identify the inmate who has been selected for testing by sight, name, and DC number prior to collecting a urine specimen.

d. The collector shall search the inmate to ensure that the inmate is not concealing any substances or materials which could be used to alter or substitute the inmate's urine specimen. If any such substances or materials are found, a disciplinary report will be issued.

e. The collector shall instruct the inmate to wash his or her hands thoroughly with soap and water prior to collecting the inmate's urine specimen.

f. The collector shall give each inmate a closed specimen cup with an identification label containing the inmate's name and DC number prior to collecting the inmate's urine specimen. The collector shall ensure that the inmate acknowledges his or her correct identity information on the label of the specimen cup.

g. Any unusual behavior of the inmate or unusual appearance of the specimen provided shall be noted in the comment section of the chain of evidence form, DC4-621.

h. An inmate who indicates a claimed inability to provide an adequate urine specimen shall be detained in the presence of the collector or other designated person for a period not to exceed 1 hour to provide an adequate specimen. During that time, the inmate shall be allowed to consume one cup (8 oz.) of water or other beverage every 1/2 hour, not to exceed a total of 2 cups during this time period. If after the 1 hour period an inmate still fails to submit a valid adequate urine specimen, the inmate shall be considered to have refused to provide a urine specimen and a disciplinary report shall be prepared in accordance with chapter 33-22. The collector shall note such failure to provide a specimen on the chain of evidence form, DC4-621.

i. Any attempt by an inmate to provide other than a fresh, unadulterated, unadulterated or undiluted specimen will be viewed as a test refusal in violation of department rules and a disciplinary report will be issued.

j. After the inmate has voided a urine specimen into the cup, the collector shall direct the inmate to close the cup tightly before placing the cup into the collector's custody.

k. The collector shall visually inspect all urine specimens placed in his or her custody to ensure that it is a valid, fresh, unadulterated, undiluted urine specimen. Urine specimens which are discovered to be obviously altered (i.e., cold, having an unusual color, containing foreign objects), will not be accepted as valid specimens. A suspect urine specimen will be discarded and the inmate will be required to submit another urine specimen. If the inmate cannot submit a urine specimen, then the procedure outlined in i. above for a claimed inability to provide a urine specimen shall apply.

l. If a urine specimen contains blood or appears to contain blood, the inmate who produced the specimen shall be referred immediately to medical for evaluation. If no valid reason exists for having blood in the specimen, the inmate will be required to provide another urine specimen. If the inmate cannot submit a urine specimen, then the procedure outlined in i. above for a claimed inability to provide a urine specimen shall apply.

m. Upon receipt of the urine specimen which has been securely closed by the inmate, the collector shall attach a tamper-evident security label across the lid of the sample cup under the inmate's observation and shall instruct the inmate to place his or her initials on the chain of evidence form verifying that the urine specimen was collected and sealed under the inmate's observation and that the specimen cup identification is correct.

n. The urine specimens should be transferred on the day of collection. If extraordinary circumstances prevent the transfer of the urine specimens, then all specimens shall be refrigerated

in a secure location pending transfer. If refrigeration is not available, then an ice pack shall be stored in the container with the urine specimens pending transfer to the testing facility.

#### 4. Testing of urine specimens.

a. Only testing personnel who have successfully completed training as provided by the contractor regarding proper procedures in operating and maintaining the testing instrument and ensuring the accuracy of test results are authorized to test urine specimens.

b. Testing personnel shall examine each specimen prior to testing to ensure that the tamper-evident seal is intact and that the specimen labeling and the chain of evidence form, DC4-621, is in proper order. Any discrepancies shall be recorded. In the event that the tamper-evident seal is damaged or the chain of evidence form is not accurate or complete, the tester shall not test those urine specimens.

e. Any specimens found to be positive upon initial testing shall be retested at the department testing facility that day with a fresh sample of the specimen prior to reporting test results. Specimens testing negative on the retest shall be reported as negative.

d. When a urine specimen's initial test results are positive, the tester shall follow the following procedures:

i. After double-checking the positive specimen's identity, the tester shall pipette a second urine sample from the original urine specimen cup and conduct the urinalysis testing procedure again, testing each positive specimen only for those drugs found positive on the initial test. Batch runs of several initial positive specimens are authorized.

ii. If a specimen's results are negative on repeat testing, the tester shall document the test results on the random sample list and chain of custody form and dispose of the urine specimen and specimen cup.

iii. If the urine specimen's test results are again positive on repeat testing, the tester shall document the test results as positive on the random list and substance abuse list and chain of custody form.

5. On-site testing of urine specimens. Community correctional centers are authorized to conduct on-site testing of urine specimens in lieu of transporting specimens to testing facilities for initial testing.

a. Collection procedures. Collectors shall follow collection procedures in (4)(d)3.a. through 1.

b. Testing procedures. All on-site testing procedures shall be conducted in the presence of the inmate in accordance with the manufacturer's protocols.

i. After the collector has taken a sample of urine from the specimen cup for the test, the inmate shall be directed to close the cup tightly.

ii. After the collector has followed the steps specified in the manufacturer's protocols, the collector shall record the test results on the chain of evidence form.

c. Negative test results. The collector shall inform the inmate of the negative test results of the on-site test. The collector shall record all negative test results on the chain of evidence form and dispose of the remaining specimen, specimen cup and test device. All chain of custody forms shall be retained in accordance with state law and rules governing the retention of records.

d. Positive test results. The collector shall inform the inmate of the positive test results of the on-site test. The collector shall record the positive test results on the chain of custody form and prepare the urine specimen for transfer to the designated testing facility in accordance with (4)(d)3.m. and n. for a verification urine drug test. Inmates with positive test results on the initial test shall immediately be placed in administrative confinement until a second test is conducted pursuant to (4)(d)4. and results are obtained.

(e) Forms. Form DC4-621 is hereby incorporated by reference. Copies of this form may be obtained from any institution or from the Office of Security and Institutional Management, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. If forms are to be mailed, the request must be accompanied by a self-addressed, stamped envelope. The effective date of this form is March 24, 1997.

#### (5) For Cause Testing.

(a) Inmates suspected of involvement with drugs or alcohol shall be subject to for cause testing upon order of the superintendent, the major of the community facility, or their designees. An inmate can be tested for a minimum of two drugs on a for cause basis.

(b) For cause drug testing means drug testing based on a belief that an inmate is using or has used drugs or alcohol based on specific facts and reasonable inferences drawn from those facts in light of experience. Such facts and inferences shall be based upon:

1. Observable phenomena such as direct observation of drug or alcohol use or of the physical symptoms or manifestations of being under the influence of drugs or alcohol (such as slurred or incoherent speech, erratic or violent behavior, uneven gait, or other behaviors or physical symptoms unusual for the inmate based on the staff member's knowledge of the inmate);

2. Evidence that the inmate has tampered with or attempted to tamper with a drug test;

3. Evidence or intelligence reports determined to be of a reliable basis that an inmate has used, possessed, sold, solicited or transferred drugs or alcohol.

(c) When for cause testing is ordered, an incident report shall be prepared including:

1. Dates and times of reported drug-related events;
2. Rationale leading to the request for testing; and
3. The two drugs or more recommended for testing.

~~(d) The senior correctional officer on duty shall be notified that the staff member has a suspicious inmate who meets the for cause drug testing criteria. The senior correctional officer shall ensure that an incident report is prepared. The incident report shall contain all pertinent information concerning the inmate which prompted the request for testing, to include any supporting evidence.~~

~~(e) A copy of the incident report shall be attached to the chain of evidence form and both documents shall be immediately forwarded to the testing facility.~~

~~(f) The collector shall denote "C" for "for cause" testing on the lid of the urine specimen cup for identification purposes.~~

~~(g) Record keeping. Each testing facility shall keep all records pertaining to the testing program. This includes chain of evidence documentation, hard copy instrument printouts of calibration and testing, results of performance on proficiency test specimens, results of performance on inspections, and instrument and other equipment maintenance records. All records shall be kept in accordance with state law and rules regarding retention of records.~~

Specific Authority 944.09, 944.473 FS. Law Implemented 944.09, 944.472, 944.473, 944.47 FS. History--New 4-8-81, Formerly 33-3.065, Amended 7-3-85, 11-2-86, 6-2-94, 1-25-96, 3-24-97, 9-9-97, 12-15-98, \_\_\_\_\_.

**DEPARTMENT OF CORRECTIONS**

RULE TITLE: Disciplinary Team, Hearing Officer and Action  
 RULE NO.: 33-22.008

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to clarify procedures related to inmates being required to pay for lost or damaged property and to resolve inconsistencies in the current rule.

SUBJECT AREA TO BE ADDRESSED: Inmate discipline – payment for lost or damaged property.

SPECIFIC AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 944.09 FS.

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

TIME AND DATE: 9:00 a.m., May 5, 1999

PLACE: Law Library, Conference Room, Room B-404, 2601 Blair Stone Road, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Perri King Dale, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-22.008 Disciplinary Team, Hearing Officer and Action.

(1) through (2) No change.

(3) If the inmate is found guilty the disciplinary team shall impose any one or a combination of the below actions. The hearing officer’s authority is limited to subparagraphs (3)(a) through (3)(i) below:

(a) through (h) No change.

(i) Require inmates to pay for damaged, destroyed or misappropriated property or goods, whether state or personal;

1. If two or more inmates are each found to be responsible for the loss or destruction of an item they each shall be liable for an equal portion of the full amount. For example, if the total loss is \$75 and three inmates are found to be responsible for the loss, each inmate will be required to pay \$25. However, The total amount collected shall not exceed the amount of the loss.

2. Payment for damaged, destroyed or misappropriated property shall be at the replacement value and inmate or staff labor costs shall not be included. However, outside labor costs may be charged when the damage is the result of a deliberate destructive act. In such cases, documentation shall be placed in the inmate file at the local institution detailing the cost involved. The total cost shall be reflected in the disciplinary report in section IV.

3. If an inmate does not have sufficient funds to cover the repair or replacement costs, a notation shall be made on the inmate’s bank account for possible future payment. Should the inmate ever receive money at a facility during the current commitment or during service of continuing consecutive commitments, excepting the release gratuity, the department will be paid prior to issuing funds to the inmate.

4. Costs for medical services resulting from injury may not be imposed.

(j) through (n) No change.

(4) through (5) No change.

Specific Authority 944.09, 945.091 FS. Law Implemented 20.315, 944.09, ~~944.34~~, 945.04, 945.091 FS. History--New 3-12-84, Formerly 33-22.08, Amended 11-13-84, 12-30-86, 6-25-89, 7-17-90, 10-1-95, 11-25-98, \_\_\_\_\_.

**WATER MANAGEMENT DISTRICTS**

**South Florida Water Management District**

RULE TITLE: Additional Permitting Requirements for  
 RULE NO.: 40E-41.411

Projects Proposing Construction in and Adjacent to Water Preserve Areas located in western Broward and Palm Beach Counties

PURPOSE AND EFFECT: The Governor and Cabinet sitting as the Florida Land and Water Adjudicatory Commission entered a Final Order directing the South Florida Water Management District (SFWMD) to initiate rulemaking to develop Environmental Resource Permit (ERP) criteria specific to projects proposing construction in and adjacent to

the SFWMD's Water Preserve Areas (WPAs) for the protection of wetlands and other surface waters and the water resources of the SFWMD. The subject WPAs are located in an identified basin which contributes stormwater to the Everglades Protection Area. Therefore, pursuant to the Everglades Forever Act, codified at Section 373.4592, F.S., and the SFWMD's regulatory authority derived from Part IV, Chapter 373, F.S. and Rules 40E-4.301 and 40E-4.302, F.A.C., proposed developments in and adjacent to the WPAs located in Broward and Palm Beach will be subject to one or more of the following special requirements: water quantity, water quality, and/or environmental permit criteria.

**SUBJECT AREA TO BE ADDRESSED:** The proposed rule will develop specific water resource permit criteria governing the construction and operation of surface water management systems of proposed projects located in the WPAs of Broward and Palm Beach Counties.

**SPECIFIC AUTHORITY:** 373.044, 373.113 FS.

**LAW IMPLEMENTED:** 373.016, 373.119, 373.129, 373.136, 373.413, 373.414, 373.4141, 373.416, 373.417, 373.422, 373.423, 373.426, 373.427, 373.428, 373.429, 373.430, 373.433, 373.436, 373.4592 FS.

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

**TIME AND DATE:** 9:00 a.m., April 30, 1999

**PLACE:** South County Government and Administration Center (the old South County Courthouse), 345 Congress Avenue, Delray Beach, Florida

**TIME AND DATE:** 9:00 a.m., May 3, 1999

**PLACE:** City of Pembroke Pines, South West Focal Point Senior Center, 301 N. W. 103 Avenue, Pembroke Pines, Florida

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND TO OBTAIN A COPY OF THE PRELIMINARY TEXT OF THE PROPOSED RULE IS:** Penelope Bell, South Florida Water Management District, 3301 Gun Club Road, MS #0500, West Palm Beach, FL 33416-4680, telephone 1(800)432-2045, extension 6320 or (561)682-6320 or via email at pbell@sfwmd.gov. Although Governing Board meetings, hearings and workshops are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which any appeal is to be based. Persons with disabilities or handicaps who need assistance may contact Tony Burns, District Clerk, at (561)682-6206 at least two business days in advance to make appropriate arrangements.

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Division of Health Quality Assurance**

<b>RULE TITLES:</b>	<b>RULE NOS.:</b>
Definitions	59A-23.002
Authorization Procedures	59A-23.003
Quality Assurance	59A-23.004
Medical Records	59A-23.005
Grievance Procedures	59A-23.006
Employee and Provider Education	59A-23.009

**PURPOSE AND EFFECT:** The Agency for Health Care Administration (AHCA) is proposing to amend rules 59A-23.002, 59A-23.003, 59A-23.004, 59A-23.005, and 59A-23.006, F.A.C.; and propose rule 59A-23.009, to implement subsection (25) of section 440.134, Florida Statutes. These proposed changes will specify: (a) Procedures for authorization and examination of workers' compensation managed care arrangements by the agency; (b) Requirements and procedures for authorization of workers' compensation arrangement provider networks and procedures for the agency to grant exceptions from accessibility of services; (c) Requirements and procedures for case management, utilization management, and peer review; (d) Requirements and procedures for quality assurance and medical records; (e) Requirements and procedures for dispute resolution; (f) Requirements and procedures for employee and provider education; (g) Requirements and procedures for reporting data regarding grievances, return-to-work outcomes, and provider networks; and (h) clarify workers' compensation managed care arrangement definitions.

**SUBJECT AREA TO BE ADDRESSED:** Workers' Compensation Managed Care Arrangements.

**SPECIFIC AUTHORITY:** 440.134(25) FS.

**LAW IMPLEMENTED:** 440.134 FS.

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

**TIME AND DATE:** 9:30 a.m. – 5:00 p.m., May 5, 1999

**PLACE:** Hurston South Tower, 400 West Robinson Street, 1st. Floor Conference Room, Orlando, Florida 32801

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS:** Hilda Bryant, Administrative Assistant I, Bureau of Managed Health Care, Agency for Health Care Administration (850)922-6481

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Barbers' Board**

RULE TITLE: Barbershop Requirements  
 RULE NO.: 61G3-19.011

PURPOSE AND EFFECT: The proposed rule will set forth the requirements for disinfectant solutions and procedures to be used in a barber shop.

SUBJECT AREA TO BE ADDRESSED: Barbershop Requirements.

SPECIFIC AUTHORITY: 476.064(4) FS.

LAW IMPLEMENTED: 476.184 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Ed Broyles, Executive Director, Barbers' Board, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Barbers' Board**

RULE TITLES: Renewal of Inactive License Fee  
 Reactivation of Inactive License Fee  
 RULE NOS.: 61G3-20.015  
 61G3-20.016

PURPOSE AND EFFECT: The propose rules will set forth the fees charged for the renewal and reactivation of an inactive license.

SUBJECT AREA TO BE ADDRESSED: Renewal of Inactive license Fee; Reactivation of Inactive license Fee.

SPECIFIC AUTHORITY: 476.064(4), 476.155 FS.

LAW IMPLEMENTED: 476.192(1)(a), 476.155 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Ed Broyles, Executive Director, Barbers' Board, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Professional Surveyors and Mappers**

RULE TITLE: Organization and Purpose  
 RULE NO.: 61G17-1

PURPOSE AND EFFECT: The Board proposes to review the rules within this chapter and determine if amendments are necessary.

SUBJECT AREA TO BE ADDRESSED: Probable cause panel; attendance at board meetings; adoption of model rules of procedure; approved schools and colleges; board member compensation; security and monitoring procedures for licensure examination.

SPECIFIC AUTHORITY: 120.53(1), 120.54(8), 455.207, 455.217(1)(d), 455.225 FS.

LAW IMPLEMENTED: 120.53(1)(c), 455.207, 455.217(1)(d), 455.225, 472.013 FS.

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

TIME AND DATE: 1:00 p.m. or shortly thereafter on May 6, 1999

PLACE: The Hilton Garden Inn, 3333 Thomasville Road, The Garden Room, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: James Rimes, Executive Director, Board of Professional Surveyors and Mappers, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0756

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Professional Surveyors and Mappers**

RULE TITLE: Grounds for Discipline  
 RULE NO.: 61G17-2

PURPOSE AND EFFECT: The Board proposes to review the rules within this chapter and determine if amendments are necessary.

SUBJECT AREA TO BE ADDRESSED: Grounds for discipline; conflicts of interest; payment of fine; unauthorized practice of surveying and mapping by or as part of a business entity; reapplication by persons whose licenses have been revoked by the board; statement regarding lack of insurance.

SPECIFIC AUTHORITY: 455.227, 472.008, 472.015, 472.033 FS.

LAW IMPLEMENTED: 455.227, 472.008, 472.015, 472.021, 472.025, 472.033, 472.027 FS.

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

TIME AND DATE: 1:00 p.m. or shortly thereafter on May 6, 1999

PLACE: The Hilton Garden Inn, 3333 Thomasville Road, The Garden Room, Tallahassee, Florida

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**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Professional Surveyors and Mappers**

RULE TITLE: Experience and Education  
Required for Examination

RULE NO.: 61G17-3

PURPOSE AND EFFECT: The Board proposes to review the rules within this chapter and determine if amendments are necessary.

SUBJECT AREA TO BE ADDRESSED: Experience and education.

SPECIFIC AUTHORITY: 472.008, 472.013 FS.

LAW IMPLEMENTED: 472.005, 472.013 FS.

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

TIME AND DATE: 1:00 p.m. or shortly thereafter on May 6, 1999

PLACE: The Hilton Garden Inn, 3333 Thomasville Road, The Garden Room, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: James Rimes, Executive Director, Board of Professional Surveyors and Mappers, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0756

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Professional Surveyors and Mappers**

RULE TITLE: Examination

RULE NO.: 61G17-4

PURPOSE AND EFFECT: The Board proposes to review the rules within this chapter and determine if amendments are necessary.

SUBJECT AREA TO BE ADDRESSED: Written examination designated; general requirements; content of examination; grading criteria and procedures; passing grades; grades review procedure; re-examination.

SPECIFIC AUTHORITY: 455.217(1),(2), 472.008, 472.013 FS.

LAW IMPLEMENTED: 455.217(1),(2), 472.013, 472.015 FS.

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

TIME AND DATE: 1:00 p.m. or shortly thereafter on May 6, 1999

PLACE: The Hilton Garden Inn, 3333 Thomasville Road, The Garden Room, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: James Rimes, Executive Director, Board of Professional Surveyors and Mappers, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0756

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Professional Surveyors and Mappers**

RULE TITLE: Continuing Education

RULE NO.: 61G17-5

PURPOSE AND EFFECT: The Board proposes to review the rules within this chapter and determine if amendments are necessary.

SUBJECT AREA TO BE ADDRESSED: Continuing education requirements for reactivation of inactive licenses; continuing education credit for biennial renewal; audits and proof of continuing education credit earned; board approval of continuing education providers; board approval of provider status to conduct courses or seminars on minimum technical standards; obligation of continuing education providers; evaluations of providers; duration of provider status.

SPECIFIC AUTHORITY: 455.219, 472.008, 472.011, 472.018, 472.019(2), 472.033 FS.

LAW IMPLEMENTED: 455.219, 472.011(2),(3),(5), 472.018, 472.019(2), 472.033 FS.

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

TIME AND DATE: 1:00 p.m. or shortly thereafter on May 6, 1999

PLACE: The Hilton Garden Inn, 3333 Thomasville Road, The Garden Room, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: James Rimes, Executive Director, Board of Professional Surveyors and Mappers, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0756

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Professional Surveyors and Mappers**

RULE TITLE: Minimum Technical Standards  
 RULE NO.: 61G17-6

PURPOSE AND EFFECT: The Board proposes to review the rules within this chapter and determine if amendments are necessary.

SUBJECT AREA TO BE ADDRESSED: Definitions; general survey, map and report content; boundary survey, map, and report; topographic survey, map and report; construction layout survey, record or as-built survey, quantity survey, and rights-of-way survey; control surveys; specific purpose surveys and maps; miscellaneous; horizontal and vertical controls for public and private construction layout.

SPECIFIC AUTHORITY: 472.008, 472.015, 472.027 FS.

LAW IMPLEMENTED: 472.003(3), 472.015, 472.025, 472.027 FS.

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

TIME AND DATE: 1:00 p.m. or shortly thereafter on May 6, 1999

PLACE: The Hilton Garden Inn, 3333 Thomasville Road, The Garden Room, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: James Rimes, Executive Director, Board of Professional Surveyors and Mappers, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0756

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Professional Surveyors and Mappers**

RULE TITLE: Seals, Signatures and Certificates of Authorization  
 RULE NO.: 61G17-7

PURPOSE AND EFFECT: The Board proposes to review the rules within this chapter and determine if amendments are necessary.

SUBJECT AREA TO BE ADDRESSED: Seals acceptable to the board; seal and signature; certificates of authorization.

SPECIFIC AUTHORITY: 472.021, 472.025 FS.

LAW IMPLEMENTED: 472.021, 472.025 FS.

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

TIME AND DATE: 1:00 p.m. or shortly thereafter on May 6, 1999

PLACE: The Hilton Garden Inn, 3333 Thomasville Road, The Garden Room, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: James Rimes, Executive Director, Board of Professional Surveyors and Mappers, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0756

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Professional Surveyors and Mappers**

RULE TITLE: Fees  
 RULE NO.: 61G17-8

PURPOSE AND EFFECT: The Board proposes to review the rules within this chapter and determine if amendments are necessary.

SUBJECT AREA TO BE ADDRESSED: Fees; fee to enforce prohibition against unlicensed activity.

SPECIFIC AUTHORITY: 455.2281, 472.011, 455.213(2), 455.217(2), 472.013(2)(a) FS.

LAW IMPLEMENTED: 455.217(2), 455.2281, 472.011, 472.013(2)(a), 472.019(2), 472.021, 472.023, 472.025 FS.

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

TIME AND DATE: 1:00 p.m. or shortly thereafter on May 6, 1999

PLACE: The Hilton Garden Inn, 3333 Thomasville Road, The Garden Room, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: James Rimes, Executive Director, Board of Professional Surveyors and Mappers, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0756

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Professional Surveyors and Mappers**

RULE TITLE: Penalties  
 RULE NO.: 61G17-9

PURPOSE AND EFFECT: The Board proposes to review the rules within this chapter and determine if amendments are necessary.

SUBJECT AREA TO BE ADDRESSED: Penalties; aggravating or mitigating circumstances; citations; notices of noncompliance; mediation; probation; survey review.

SPECIFIC AUTHORITY: 455.224, 455.2235, 455.225(3), 455.2273(1), 472.008 FS.

LAW IMPLEMENTED: 455.224, 455.2235, 455.225(3), 455.2273, 472.018, 472.033(3)(e) FS.

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

TIME AND DATE: 1:00 p.m. or shortly thereafter on May 6, 1999

PLACE: The Hilton Garden Inn, 3333 Thomasville Road, The Garden Room, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: James Rimes, Executive Director, Board of Professional Surveyors and Mappers, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0756

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**  
DOCKET NOS.: 99-05R

RULE TITLE: Mixing Zones; Surface Waters

RULE NO.: 62-4.244

PURPOSE AND EFFECT: The purpose of the proposed rulemaking is to amend the mixing zone requirements for open ocean discharges based on the Southeast Florida Outfall Experiment (SEFLOE) studies conducted between 1987-1994. Additionally, the proposed rulemaking will be updating documents that have been incorporated by reference into rule 62-620.100, F.A.C. These documents have been updated concurrently with the SEFLOE study.

SUBJECT AREA TO BE ADDRESSED: The proposed rulemaking will extend the rationale of rapid initial dilution to open ocean discharges based on the SEFLOE studies. The SEFLOE studies have demonstrated a ratio of effluent to receiving waters, and an initial rate of dilution, which greatly exceeds the thresholds for high-dilution fresh water discharges which is currently provided for in rule 62-4.244(3)(b), F.A.C. The proposed rulemaking will also update two documents that are incorporated by reference that have been updated concurrently with the SEFLOE study.

SPECIFIC AUTHORITY: 403.051, 403.061, 403.062, 403.087, 403.088, 403.0885 FS.

LAW IMPLEMENTED: 403.051, 403.061, 403.087, 403.088, 403.0885 FS.

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

TIME AND DATE: 1:00 p.m., May 4, 1999

PLACE: City of Hollywood's Wastewater Treatment Plant, 1621 North 14th Avenue, Hollywood, Florida

Pursuant to the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop is asked to advise the agency at least 48 hours before the workshop by contacting the Personnel Specialist in the Bureau of Personnel, (850)488-2996. If you are hearing or speech impaired, please contact the agency by calling 1(800)955-8771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Jan Mandrup-Poulsen, Water Quality Assessment Section, Department of Environmental Protection, 2600 Blair Stone Road, Mail Station 3555, Tallahassee, Florida 32399-2400, telephone (850)921-9488

THE PRELIMINARY TEXT OF THE PROPOSED RULE IS NOT AVAILABLE.

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**  
DOCKET NOS.: 99-06R

RULE TITLE: Scope/applicability/References

RULE NO.: 62-620.100

PURPOSE AND EFFECT: The purpose of the proposed rulemaking is to amend the mixing zone requirements for open ocean discharges based on the Southeast Florida Outfall Experiment (SEFLOE) studies conducted between 1987-1994. Additionally, the proposed rulemaking will be updating documents that have been incorporated by reference into rule 62-620.100, F.A.C. These documents have been updated concurrently with the SEFLOE study.

SUBJECT AREA TO BE ADDRESSED: The proposed rulemaking will extend the rationale of rapid initial dilution to open ocean discharges based on the SEFLOE studies. The SEFLOE studies have demonstrated a ratio of effluent to receiving waters, and an initial rate of dilution, which greatly exceeds the thresholds for high-dilution fresh water discharges which is currently provided for in rule 62-4.244(3)(b), F.A.C. The proposed rulemaking will also update two documents that are incorporated by reference that have been updated concurrently with the SEFLOE study.

SPECIFIC AUTHORITY: 403.051, 403.061, 403.062, 403.087, 403.088, 403.0885 FS.

LAW IMPLEMENTED: 403.051, 403.061, 403.087, 403.088, 403.0885 FS.

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

TIME AND DATE: 1:00 p.m., May 4, 1999

PLACE: City of Hollywood's Wastewater Treatment Plant, 1621 North 14th Avenue, Hollywood, Florida

Pursuant to the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop is asked to advise the agency at least 48 hours before the workshop by contacting the Personnel Specialist in the Bureau of Personnel, (850)488-2996. If you are hearing or speech impaired, please contact the agency by calling 1(800)955-8771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Jan



Mandrup-Poulsen, Water Quality Assessment Section, Department of Environmental Protection, 2600 Blair Stone Road, Mail Station 3555, Tallahassee, Florida 32399-2400, telephone (850)921-9488

THE PRELIMINARY TEXT OF THE PROPOSED RULE IS NOT AVAILABLE.

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

**Division of Marine Resources**

DOCKET NO.: 99-07R

RULE CHAPTER TITLE: Comprehensive Shellfish Control Code

RULE CHAPTER NO.: 62R-7

RULE TITLE: Plant Operation

RULE NO.: 62R-7.016

PURPOSE AND EFFECT: This amendment proposes to change time/temperature requirements for shellfish being held at a certified shellfish dealer.

SUBJECT AREA TO BE ADDRESSED: The proposal requests changes to Rule 62R-7.016 to allow dealers to adopt alternative refrigeration temperature to allow the dry tempering of clams at temperatures above 45 degrees F. The proposal would allow clams in the shell to adapt to cooling temperatures without shocking them and shortening life of the product.

SPECIFIC AUTHORITY: 370.021(1), 370.071(1) FS.

LAW IMPLEMENTED: 370.071 FS.

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

TIME AND DATE: 6:00 p.m., Monday, May 3, 1999

PLACE: Department of Environmental Protection, 11350 S. W. 153rd Court, Cedar Key, Florida 32625

TIME AND DATE: 6:00 p.m., Wednesday, May 5, 1999

PLACE: North Brevard Public Library, Meeting Room, 2121 South Hopkins Ave., Titusville, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Mark Collins, Bureau of Marine Resource Regulation and Development, 3900 Commonwealth Boulevard, Room 822, Tallahassee, Florida 32399, Phone (850)488-5471

If accommodation for a disability is needed to participate in this activity, please notify the Personnel Services Specialist in the Bureau of Personnel at (850)487-1855 or (800)955-8771 (TDD), at least seven days before the meeting.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS (IF AVAILABLE): Preliminary text may be obtained at no cost from the person to be contacted regarding the proposed rule.

**DEPARTMENT OF HEALTH**

**Board of Hearing Aid Specialists**

RULE TITLES: Continuing Education as a Condition

for Renewal 64B6-5.001

Continuing Education Programs 64B6-5.002

PURPOSE AND EFFECT: The Board proposes to update the rule text for the rules referenced above.

SUBJECT AREA TO BE ADDRESSED: Continuing education as a condition for renewal and continuing education programs.

SPECIFIC AUTHORITY: 484.044, 484.047(4) FS.

LAW IMPLEMENTED: 484.047(4) FS.

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

TIME AND DATE: 9:00 a.m., or shortly thereafter, April 30, 1999

PLACE: The Embassy Suites, 1100 SE 17th Street, Ft. Lauderdale, Florida 33416

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Sue Foster, Executive Director, Board of Hearing Aid Specialists/MQA, 2020 Capital Circle, S. E., Bin #CO9, Tallahassee, Florida 32399-3259

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENTS IS NOT AVAILABLE:

**DEPARTMENT OF HEALTH**

**Board of Medicine**

RULE TITLE: AIDS Education

RULE NO.: 64B8-75.006

PURPOSE AND EFFECT: The Advisory Council on Respiratory Care proposes to recommend to the Board of Medicine the addition of new rule text expanding the HIV/AIDS course requirements to meet the current statutory requirements.

SUBJECT AREA TO BE ADDRESSED: Aids education.

SPECIFIC AUTHORITY: 455.604 FS.

LAW IMPLEMENTED: 455.604 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Kaye Howerton, Executive Director, Advisory Council on Respiratory Care/MQA, 2020 Capital Circle, S. E., Bin #C05, Tallahassee, Florida 32399-3255

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

DEPARTMENT OF HEALTH

Board of Pharmacy

RULE TITLES: Manner of Application Requirements for Foreign Pharmacy Graduates to Be Admitted to the Pharmacist Licensure Examination
RULE NOS.: 64B16-26.203 64B16-26.205

PURPOSE AND EFFECT: The Board proposes to amend rule 64B16-26.203 providing parameters for which applicants for licensure shall obtain licenses. The Board proposes to amend the rule 64B16-26.205 regarding the test of English as a foreign language (TOEFL), to provide for the passing score if the computer version of the test is taken.

SUBJECT AREA TO BE ADDRESSED: Manner of Application and clarification of requirements for the pharmacist licensure examination.

SPECIFIC AUTHORITY: 465.604, 465.005 FS.

LAW IMPLEMENTED: 465.007, 465.022, 455.604 FS.

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

TIME AND DATE: 11:00 a.m., May 5, 1999

PLACE: Room 324, Collins Building, 107 West Gaines Street, Tallahassee, Florida 32301

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: John Taylor, Executive Director, Board of Pharmacy/MQA, 2020 Capital Circle, S. E., Bin #C04, Tallahassee, Florida 32399-3254

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B16-26.203 Manner of Application.

All applicants for licensure shall complete a course on HIV/AIDS prior to licensure. The course shall be no less than 3 contact hours and shall cover the subjects listed in 64B16-26.103(3).

(1) through (2) No change.

(3)(a) For candidates applying after the effective date of this subsection, all requirements for licensure must be met within one year of the receipt of the application. Applicants failing to meet this requirement must reapply.

(b) For candidates applying prior to the effective date of this subsection all requirements for licensure must be met within one year of the effective date of this subsection. Applicants failing to meet this requirement must reapply.

(c) Successful examination scores may be used upon reapplication only if the examination was completed within 3 years of the reexamination.

Specific Authority 465.005, 455.604 FS. Law Implemented 465.007, 455.604, 465.022 FS. History-New 10-17-79, Formerly 21S-12.04, 21S-12.004, Amended 7-31-91, 10-14-91, Formerly 21S-26.203, 61F10-26.203, Amended 7-1-97, Formerly 59X-26.203, Amended.

64B16-26.205 Requirements for Foreign Pharmacy Graduates to Be Admitted to the Pharmacist Licensure Examination.

In order for a foreign pharmacy graduate to be admitted to the professional licensure examination said applicant must:

(1) through (2) No change.

(3) Demonstrate proficiency in the use of English by passing the Test of English as a Foreign Language (TOEFL) which is given by the Educational Testing Service, Inc., with a score of at least 500 for the pencil and paper test or 173 for the computer version;

(4) through (5) No change.

Specific Authority 455.604, 465.005 FS. Law Implemented 455.604, 465.007 FS. History-New 4-18-84, Formerly 21S-12.06, Amended 9-17-87, Formerly 21S-12.006, Amended 7-31-91, 1-10-93, 4-8-93, Formerly 21S-26.205, 61F10-26.205, Amended 3-10-96, Formerly 59X-26.205, Amended.

DEPARTMENT OF HEALTH

Board of Pharmacy

RULE TITLES: Patient Consultation Area Class II Institutional Pharmacy - Emergency Department Dispensing Special Pharmacy - ESRD
RULE NOS.: 64B16-28.1035 64B16-28.6021 64B16-28.850

PURPOSE AND EFFECT: The Board proposes to develop a rules to establish guidelines for establishing consultation areas for patients and outlines dispensing guidelines for dispensing medications in emergency department settings. In addition, the Board proposes an amendment to the existing rule 64B16-28.850, expanding the guidelines for which an ESRD pharmacy may operate.

SUBJECT AREA TO BE ADDRESSED: Rules to address a patient consultation area and the guidelines for dispensing medications in emergency department settings. In addition, an amendment to clarify guidelines under which an ESRD pharmacy may operate.

SPECIFIC AUTHORITY: 465.005, 465.019(4), 465.0125 FS.

LAW IMPLEMENTED: 465.022, 465.019(2)(b),(4), 465.0196 FS.

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

TIME AND DATE: 11:00 a.m., May 5, 1999

PLACE: Room 324, Collins Building, 107 West Gaines Street, Tallahassee, Florida 32301

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: John Taylor, Executive Director, Board of Pharmacy/MQA, 2020 Capital Circle, S. E., Bin #C04, Tallahassee, Florida 32399-3254

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B16-28.1035 Patient Consultation Area.

(1) A community pharmacy shall provide a private consultation area so all patients of the pharmacy will be able to obtain counseling without being overheard by others in the prescription dispensing area of the pharmacy. The consultation area must be accessible by the patient from the outside of the prescription dispensing area of the pharmacy without having to traverse a stockroom or the prescription dispensing area. In determining whether the area is suitable, consideration shall be given to the proximity of the counseling area to the check-out or cash register area, the volume of pedestrian traffic in and around the consultation area, and the presence of walls or other barriers between the counseling area and the prescription dispensing area of the pharmacy. The consultation area may consist of designated private counter space. The area shall be designated with a sign bearing "Patient Consultation Area", or words that are substantially similar.

(2) This rule shall be effective for all new community pharmacy permits 60 days after the rule effective date. All existing community pharmacies or those permitted within 60 days of the effective date of the rule must comply within two years of the rule effective date.

Specific Authority 465.005 FS. Law Implemented 465.022(1) FS. History-New \_\_\_\_\_.

64B16-28.6021 Class II Institutional Pharmacy – Emergency Department Dispensing.

(1) Individuals licensed to prescribe medicinal drugs in this state may dispense from the emergency department of a hospital holding a class II institutional pharmacy permit. Such dispensing must meet the requirements provided in section 465.019(4) and this section.

(2) The following records of prescribing and dispensing must be created by the prescriber/dispenser and maintained by the consultant pharmacist of record within the facility:

- (a) Patient name and address.
- (b) Drug and strength prescribed/dispensed.
- (c) Quantity prescribed/dispensed.
- (d) Directions for use.
- (e) Prescriber/dispenser.
- (f) Prescriber DEA registration, if applicable.
- (g) Reason community pharmacy services were not readily accessible.

(3) Labeling of the prescription container must meet the requirements of section 465.0276.

(4) Quantity dispensed must not exceed a 24-hour supply or the minimal dispensable quantity, whichever is greater.

(5) Violations of this section:

(a) Violations of this section by the prescriber/dispenser shall be referred to the prescriber/dispenser's regulatory board.

(b) The Board of Pharmacy may restrict emergency department dispensing after repeated violations of this section.

Specific Authority 465.005, 465.019(4) FS. Law Implemented 465.022(1), 465.019(2)(b), 465.019(4), 465.0196 FS. History-New \_\_\_\_\_.

64B16-28.850 Special Pharmacy – ESRD.

(1) through (7) No change.

(8) The ESRD pharmacy shall assemble the products to be delivered pursuant to the prescribing practitioner's prescription. In assembling such products for delivery, the ESRD pharmacy shall take steps necessary to assure the following:

(a) through (b) No change.

(c) All cartons and other packaging are properly labeled as noted below:

1. through 6. No change.

7. The date after which the drug(s) and/or device(s) must be discarded. Notwithstanding any other rule, the ESRD pharmacy may use, in lieu of a discard after date, the manufacturer's expiration date when such is displayed in an unopened sealed package.

(d) No change.

(9) through (17) No change.

Specific Authority 465.005, 465.0125 FS. Law Implemented 465.0196, 465.022 FS. History-New 10-2-94, Formerly 59X-28.850, Amended \_\_\_\_\_.

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## Section II Proposed Rules

### DEPARTMENT OF STATE

#### Division of Cultural Affairs

RULE TITLE:

Division of Cultural Affairs

PURPOSE AND EFFECT: The purpose of this amendment will be to incorporate the most recent versions of the Division's State Touring Program Guidelines, the Grants Management Handbook, and the Division's grant award agreements.

SUMMARY: The proposed rule incorporates updates in the roster application form for the State Touring Program Guidelines, subsection (4)(d) of the rule; additional requirements, administrative language, and updated forms for

RULE NO.:

1T-1.001