

Section I
Notices of Development of Proposed Rules
and Negotiated Rulemaking

DEPARTMENT OF STATE

Division of Library and Information Services

RULE TITLE: RULE NO.:

Library Grant Programs 1B-2.011

PURPOSE AND EFFECT: The purpose of this amendment is to modify application and administrative grant guidelines to add a literacy grant program. Guidelines for the literacy grant program are outlined in the application packet which contains information on eligibility requirements, application review procedures, evaluation and funding criteria, grant administration procedures and application forms.

SUBJECT AREA TO BE ADDRESSED: Guidelines for library grant programs administered by the Division of Library and Information Services.

SPECIFIC AUTHORITY: 257.14, 257.191, 257.24 FS.

LAW IMPLEMENTED: 257.12, 257.15, 257.191, 257.195, 257.21, 257.23 FS.

IF REQUESTED 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., June 1, 1999

PLACE: Board Room, State Library of Florida, R. A. Gray Building, 500 S. Bronough Street, Tallahassee, FL

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Barratt Wilkins, Director, Division of Library and Information Services, R. A. Gray Building, 500 South Bronough Street, Tallahassee, FL 32399-0250; (850)487-2651, SUNCOM 277-2651

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

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Standards

RULE TITLES: RULE NOS.:

Standards 5F-2.001

Adoption of the General Code and the Codes of Liquid-Measuring Devices, Liquefied Petroleum Gas and Anhydrous Ammonia Liquid-Measuring Devices, Hydrocarbon Gas Vapor-Measuring Devices,

Vehicle-Tank Meters, and Vehicle Tanks Used as Measures of National Institute of Standards and Technology Handbook 44 5F-2.014

PURPOSE AND EFFECT: The purpose of 5F-2.001 is to adopt the 1999 version of the chemical and physical standards set forth in the American Society for Testing and Materials. The purpose of 5F-2.014 is to adopt the 1999 version of NIST Handbook 44.

SUBJECT AREA TO BE ADDRESSED: Proposed rule 5F-2.001 will specify that the 1999 Annual Book of ASTM Standards is the accepted standard for implementation of Chapter 525, F.S. Proposed rule 5F-2.014 will specify that the 1999 version of NIST Handbook 44 is the accepted standard for implementation of Chapter 525, F.S.

SPECIFIC AUTHORITY: 525.037, 525.14, 531.40, 531.41(3) FS.

LAW IMPLEMENTED: 525.01, 525.037, 525.07, 525.14, 525.16, 531.40 FS.

IF REQUESTED 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: 10:00 a.m., Tuesday, June 1, 1999

PLACE: Division of Standards' Conference Room, Suite E, Room 135, Doyle Conner Administration Building, 3125 Conner Boulevard, Tallahassee, Florida 32399-1650

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Eric Hamilton, Bureau Chief, Bureau of Petroleum Inspection, 3125 Conner Blvd., Bldg. #1, Tallahassee, FL 32399-1650, Phone (850)488-9740

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

5F-2.001 Standards.

(1) Gasoline. The following specifications apply to gasoline sold or offered for sale in Florida. Specific variations or exemptions may be made by the Department of Agriculture and Consumer Services for gasoline designed for special equipment or service.

(a) Standards. All gasoline shall conform to the chemical and physical standards for gasoline as set forth in the American Society for Testing and Materials designation D 4814-98a ~~D-4814-97b~~, "Standard Specification for Automotive Spark-Ignition Engine Fuel."

(b) Analysis. For purposes of inspection and testing, laboratory analyses shall be conducted using the methods recognized by the American Society for Testing and Materials designation D 4814-98a ~~D-4814-97b~~, "Standard Specification for Automotive Spark-Ignition Engine Fuel."

(c) No person shall sell or offer for sale gasoline in this state that does not comply with the following requirements:

1. The total ethanol content of gasoline shall not exceed ten percent (10.0%), by volume;

2. The total methanol and co-solvents content of gasoline shall not exceed ten percent (10.0%), by volume;

3. The total methyl tertiary butyl ether (MTBE) content of gasoline shall not exceed fifteen percent (15.0%), by volume;

4. The total ethanol and methyl tertiary butyl ether (MTBE) content of gasoline shall not exceed twelve percent (12.0%), by volume.

(2) Kerosene (Kerosine). The following specifications apply to kerosene No. 1-K and No. 2-K sold or offered for sale in Florida.

(a) Standards. All kerosene No. 1-K and No. 2-K shall conform to the chemical and physical standards for kerosene No. 1-K and No. 2-K as set forth in the American Society for Testing and Materials designation D 3699-98 ~~D-3699-96a~~, "Standard Specification for Kerosine."

(b) Analysis. For purposes of inspection and testing, laboratory analyses shall be conducted using the methods recognized by the American Society for Testing and Materials designation D 3699-98 ~~D-3699-96a~~, "Standard Specification for Kerosine."

(3) Diesel Fuel Oils No. 1-D and No. 2-D. The following specifications apply to diesel fuel oils No. 1-D and No. 2-D sold or offered for sale in Florida.

(a) Standards. All diesel fuel oils No. 1-D and No. 2-D shall conform to the chemical and physical standards for diesel fuel oils No. 1-D and No. 2-D as set forth in the American Society for Testing and Materials designation D 975-98a ~~D-975-97~~ "Standard Specification for Diesel Fuel Oils."

(b) Analysis. For purposes of inspection and testing, laboratory analyses shall be conducted using the methods recognized by the American Society for Testing and Materials designation D 975-98a ~~D-975-97~~, "Standard Specification for Diesel Fuel Oils."

(4) Fuel Oils No. 1 and No. 2. The following specifications apply to fuel oils No. 1 and No. 2 sold or offered for sale in Florida.

(a) Standards. All fuel oils No. 1 and No. 2 shall conform to the chemical and physical standards for fuel oils No. 1 and No. 2 as set forth in the American Society for Testing and Materials designation D 396-98 ~~D-396-97~~, "Standard Specification for Fuel Oils."

(b) Analysis. For purposes of inspection and testing, laboratory analyses shall be conducted using the methods recognized by the American Society for Testing and Materials designation D 396-98 ~~D-396-97~~, "Standard Specification for Fuel Oils."

(5) Water in Retail Storage Tanks. Water in storage tanks containing products enumerated in this section and from which products are sold at retail shall not exceed two inches in depth when measured from the bottom of the tank.

(6) Materials. The following materials are hereby incorporated by reference. Copies of these publications may be obtained from the American Society for Testing and Materials, 100 Barr Harbor Drive, West Conshohocken, PA 19428.

(a) American Society for Testing and Materials D 4814-98a ~~D-4814-97b~~, "Standard Specification for Automotive Spark-Ignition Engine Fuel," (approved July 1998 ~~July 1997~~);

(b) American Society for Testing and Materials D 3699-98 ~~D-3699-96a~~, "Standard Specification for Kerosine," (approved April 1998 ~~January 1997~~);

(c) American Society for Testing and Materials D 975-98a ~~D-975-97~~, "Standard Specification for Diesel Fuel Oils" (approved July 1998 ~~April 1997~~);

(d) American Society for Testing and Materials D 396-98 ~~D-396-97~~, "Standard Specification for Fuel Oils" (approved April 1998 ~~April 1997~~).

Specific Authority 525.037, 525.14 FS. Law Implemented 525.01, 525.037, 525.14 FS. History—Amended 1-15-68, 7-1-71, 7-1-73, 12-1-73, 11-16-74, 2-13-80, 5-3-83, Formerly 5F-2.01, Amended 5-3-90, 8-13-92, 11-29-94, 11-13-97, 12-9-98, _____.

5F-2.014 Adoption of the General Code and the Codes of Liquid-Measuring Devices, Liquefied Petroleum Gas and Anhydrous Ammonia Liquid-Measuring Devices, Hydrocarbon Gas Vapor-Measuring Devices, Vehicle-Tank Meters, and Vehicle Tanks Used as Measures of National Institute of Standards and Technology Handbook 44.

The general code and the codes of liquid-measuring devices, liquefied petroleum gas and anhydrous ammonia liquid-measuring devices, hydrocarbon gas vapor-measuring devices, vehicle-tank meters, and vehicle tanks used as measures relating to specifications, tolerances, and other technical requirements for commercial weighing and measuring devices, contained in National Institute of Standards and Technology Handbook 44, 1999 ~~1998~~ Edition issued November 1998 ~~1997~~, published by U.S. Department of Commerce are hereby adopted by reference as rules of the Department of Agriculture and Consumer Services. Copies may be obtained from the Superintendent of Documents, U. S. Government Printing Office, Washington, D. C. 20402.

Specific Authority 525.14, 531.40, 531.41(3) FS. Law Implemented 525.07, 531.40 FS. History—New 1-1-74, Amended 7-1-74, Repromulgated 12-31-74, Amended 4-18-75, 1-25-76, 1-17-77, 2-15-79, 6-4-80, 4-5-81, 5-2-82, 6-30-83, 7-15-84, 8-11-85, Formerly 5F-2.14, Amended 7-7-86, 4-5-87, 4-27-88, 5-31-89, 8-21-90, 8-5-91, 12-10-92, 11-29-94, 11-13-97, 12-9-98, _____.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Standards

RULE TITLE: RULE NO.:

Adoption of Uniform Packaging and Labeling Regulation 5F-3.001

PURPOSE AND EFFECT: The purpose of 5F-3.001 is to amend it to adopt the most recent national standards for packaging and labeling requirements as adopted by the National Conference on Weights and Measures and published in 1999 edition of National Institute of Standards and Technology Handbook 130 and change the title of the subsection. Adoption of the current national standards will make Florida's requirements uniform with the national requirements and facilitate interstate commerce and trade. The title change better reflects the content of the subsection.

SUBJECT AREA TO BE ADDRESSED: Requirements for package and labeling of commodities sold in package form in Florida.

SPECIFIC AUTHORITY: 531.41(3) FS.

LAWS IMPLEMENTED: 531.41(13), 531.47, 531.49 FS.

IF REQUESTED 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: 2:00 p.m., Monday, June 7, 1999

PLACE: Division of Standards' Conference Room, Suite E, Room 135, Doyle Conner Administration Building, 3125 Conner Boulevard, Tallahassee, Florida 32399-1650

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Max Gray, Bureau Chief, Bureau of Weights and Measures, 3125 Conner Blvd., Bldg. #2, Tallahassee, FL 32399-1650, Phone (850)488-9140

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

5F-3.001 Adoption of Uniform Packaging and Labeling Regulation Purpose.

The Department of Agriculture and Consumer Services hereby adopts the Uniform Packaging and Labeling Regulation promulgated by the United States Department of Commerce, National Institute of Standards and Technology, NIST Handbook 130, 1999 ~~1998~~ Edition, as the Rule for packaging and labeling of commodities and incorporates said uniform regulation herein by this reference. A copy of NIST Handbook 130, 1999 ~~1998~~ Edition, may be obtained from the Superintendent of Documents, United States Government Printing Office, Washington, D.C. 20402, Phone: (202) 512-1800. Copies of this uniform regulation are available from the Division of Standards, Bureau of Weights and Measures, 3125 Conner Boulevard, Lab #2, Tallahassee, Florida, 32399-1650, Phone: (850)488-9140.

Specific Authority 531.41(3) FS. Law Implemented 531.41(4) FS. History--New 1-1-73, Formerly 5F-3.01, Amended 6-14-95, 8-27-98,_____.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Standards

RULE TITLE: RULE NO.:

Specifications, Tolerances and Other Technical Requirements for Commercial Weighing and Measuring Devices 5F-5.001

PURPOSE AND EFFECT: The purpose of this rule is to amend 5F-5.001 to adopt the most recent national standards for weighing and measuring devices developed by the National Conference on Weights and Measures and published in the 1999 edition of National Institute of Standards and Technology Handbook 44. Adoption of the standards provides for uniformity of Florida's requirements with the national requirements to facilitate interstate commerce and trade.

SUBJECT AREA TO BE ADDRESSED: The requirements, including tolerances, specifications and other technical requirements for weighing and measuring devices used for commercial transactions and law enforcement use in the state.

SPECIFIC AUTHORITY: 531.40, 531.41(3) FS.

LAWS IMPLEMENTED: 531.40 FS.

IF REQUESTED 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: 2:00 p.m., Monday, June 7, 1999

PLACE: Division of Standards' Conference Room, Suite E, Room 135, Doyle Conner Administration Building, 3125 Conner Boulevard, Tallahassee, Florida 32399-1650

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Max Gray, Bureau Chief, Bureau of Weights and Measures, 3125 Conner Blvd., Bldg. #2, Tallahassee, FL 32399-1650, Phone (850)488-9140

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

5F-5.001 Specifications, Tolerances, and Other Technical Requirements for Commercial Weighing and Measuring Devices.

(1) The specifications, tolerances, and other technical requirements for commercial weighing and measuring devices adopted by the National Conference on Weights and Measures and contained in National Institute of Standards and Technology (NIST) Handbook 44, 1999 ~~1998~~ Edition, are hereby adopted as rules for the requirements for commercial weighing and measuring devices of the Department of Agriculture and Consumer Services. A copy of NIST Handbook 44, 1999 ~~1998~~ Edition, may be obtained from the

Superintendent of Documents, United States Government Printing Office, Washington, D.C. 20402, Phone (202)512-1800.

(2) The violation of any of the provisions of these rules and regulations is subject to the penalties and remedies provided in the Weights, Measures, and Standards Law, Chapter 531, Florida Statutes.

Specific Authority 531.40, 531.41(3) FS. Law Implemented 531.40 FS. History—New 1-1-73, Amended 7-1-74, 4-18-75, 1-25-76, 1-17-77, 3-29-78, 2-15-79, 6-4-80, 4-5-81, 5-2-82, 6-30-83, 7-15-84, 8-11-85, Formerly 5F-5.01, Amended 7-7-86, 4-5-87, 4-27-88, 5-31-89, 8-21-90, 8-5-91, 12-10-92, 6-21-94, 8-16-95, 10-8-96, 8-27-98.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Standards

RULE TITLE: Adoption of Uniform Methods of Sale
RULE NO.: 5F-7.005

PURPOSE AND EFFECT: The purpose of this rule is to adopt the most recent national standards for the method of sale of commodities established by the National Conference on Weights and Measures and published in the 1999 edition of National Institute of Standards and Technology Handbook 130. Adoption of the national standards will make Florida's requirements for methods of sale uniform with the national standards and facilitate interstate commerce and trade.

SUBJECT AREA TO BE ADDRESSED: The methods of sale allowable for commodities being sold by weight, measure or count.

SPECIFIC AUTHORITY: 531.41(3) FS.

LAWS IMPLEMENTED: 531.41(4), 531.45 FS.

IF REQUESTED 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: 2:00 p.m., Monday, June 7, 1999

PLACE: Division of Standards' Conference Room, Suite E, Room 135, Doyle Conner Administration Building, 3125 Conner Boulevard, Tallahassee, Florida 32399-1650

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Max Gray, Bureau Chief, Bureau of Weights and Measures, 3125 Conner Blvd., Bldg. #2, Tallahassee, FL 32399-1650, Phone (850)488-9140

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

5F-7.005 Adoption of Uniform Methods of Sale.

The Florida Department of Agriculture and Consumer Services hereby adopts the Uniform Regulation for the Method of Sale of Commodities, as published by the United States Department of Commerce, National Institute of Standards and Technology, NIST Handbook 130, 1999 1998 Edition, as the Rule for the method of sale for commodities, and incorporates said uniform regulation herein by this reference. A copy of NIST Handbook

130, 1999 1998 Edition, may be obtained from the Superintendent of Documents, United States Government Printing Office, Washington, D.C. 20402, Phone (202)512-1800. Copies of this uniform regulation are available from the Division of Standards, Bureau of Weights and Measures, 3125 Conner Boulevard, Lab #2, Tallahassee, Florida 32399-1650, Phone (850)488-9140.

Specific Authority 531.41(3),(4), 531.45 FS. Law Implemented 531.41(3),(4), 531.45 FS. History—New 1-8-90, Amended 6-14-95, 8-27-98.

STATE BOARD OF ADMINISTRATION

RULE TITLE: Reporting Procedures
RULE NO.: 19-7.013

PURPOSE AND EFFECT: The purpose of the amendment to Rule 19-7.013 is to eliminate the requirement that a confirmation line be included at the bottom of Investment Pool statements.

SUBJECT AREA TO BE ADDRESSED: Modification of this rule will allow the SBA to eliminate one duplicate statement page. The confirmation line is printed at the bottom of the copy of the statement that is enclosed with the original. When this rule was originally implemented, the Pool participants did not have access to review their accounts. Our computerized telephone information system, the voice response unit, give Pool participants the ability to review all their account activity on a daily basis.

SPECIFIC AUTHORITY: 120.53(1), 218.409(4) FS.

LAW IMPLEMENTED: Chapter 218, Part IV 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: 10:00 a.m., Tuesday, June 8, 1999

PLACE: State Board of Administration, 1801 Hermitage Blvd., Manatee Room, Tallahassee, Florida 32308

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Horace Schow II, General Counsel, State Board of Administration, P. O. Box 13300, Tallahassee, Florida 32317-3300

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

19-7.013 Reporting Procedures.

The State Board of Administration shall forward to each Pool participant a monthly statement containing each account's activity including deposits, withdrawals, balances, earnings and administrative expense charges. ~~A space on the monthly statement shall be provided for an authorized agency official of the Pool participant to certify that all deposits and withdrawals posted to the statement are correct.~~ If no errors are reported to the Board within 14 days, the statement will be considered correct. A semi-annual portfolio activity statement will be forwarded to each participant.

Specific Authority 120.53(1), 218.409(4) FS. Law Implemented Chapter 218, Part IV FS. History—New 8-24-82, Formerly 19-7.13, Amended 12-18-88, _____.

WATER MANAGEMENT DISTRICTS

St. Johns River Water Management District

RULE TITLE: District Funds
 RULE NO.: 40C-1.004

PURPOSE AND EFFECT: Section 40C-1.004, F.A.C., is being amended to incorporate by reference St. Johns River Water Management District’s policy number 99-02, which provides the procedures for the disbursement of District funds by means of wire or electronic transfers.

SUBJECT AREA TO BE ADDRESSED: Procedures for wire or electronic transfer of District funds.

SPECIFIC AUTHORITY: 373.044, 373.113 FS.

LAW IMPLEMENTED: 373.553 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: Michael V. McKee, Director, Department of Administration, St. Johns River Water Management District, P. O. Box 1429, Palatka, Florida 32178-1429, (904)329-4117

THR PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40C-1.004 District Funds.

(1) No change.

(2) District funds may be disbursed, by wire or electronic transfer according to the procedure set forth in Section II, of Policy 99-02 entitled “Investment of Funds and Wire and Electronic Transfer Procedures,” which is hereby incorporated by reference. District funds may be disbursed, with the Governing Board’s approval, by wire or electronic transfer according to the following procedure:

~~(a) The Executive Director, or his designee, shall authorize and supervise all wire or electronic transfers of District funds, and shall report all wire or electronic transfer transactions to the Board at its next regular meeting following such transaction.~~

~~(b) The Executive Director shall provide written instructions to each financial entity that will be transferring District funds by wire or electronic transfer indicating which District staff shall have the authority to request wire or~~

~~electronic transfers of District funds, and stating that such financial entity may not wire or electronically transfer District funds without receiving prior written instructions for each transfer.~~

~~(c) The Executive Director, or any staff member authorized by the Executive Director to request wire or electronic transfer of District funds as provided in paragraph (b) above, shall provide written detailed instructions to the financial entity transferring the funds indicating the accounts from and to which District funds are to be transferred by telecopy transmission, hand delivery, or U.S. mail prior to each wire or electronic transfer of District funds.~~

~~(d) The District must receive documentation confirming the transfer of funds from the financial entity directed to transfer the funds.~~

Specific Authority ~~120.53~~, 373.044, 373.113 FS. Law Implemented ~~120.53~~, 373.553 FS. History—New 10-8-91, Amended 3-1-92, _____.

DEPARTMENT OF THE LOTTERY

RULE TITLE: FANTASY 5 Drawings
 RULE NO.: 53-29.002

PURPOSE AND EFFECT: The purpose of the proposed rule is to amend the days of the week on which FANTASY 5 drawings are conducted.

SUBJECT AREA TO BE ADDRESSED: FANTASY 5 drawings.

SPECIFIC AUTHORITY: 24.105(10)(d) FS.

LAW IMPLEMENTED: 24.105(10)(d) 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: Diane D. Schmidt, Office of the General Counsel, Florida Lottery, 250 Marriott Drive, Tallahassee, FL 32301, (850)487-7724

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

53-29.002 FANTASY 5 Drawings.

(1) FANTASY 5 drawings shall be conducted daily three (3) times per week, on Monday, Wednesday and Friday.

(2) through (12) No change.

Specific Authority 24.105(10)(d) FS. Law Implemented 24.105(10)(d) FS. History—New 11-22-93, Amended _____.

AGENCY FOR HEALTH CARE ADMINISTRATION

Health Facility and Agency Licensing

RULE CHAPTER TITLE: RULE CHAPTER NO.:

Hospital Licensure 59A-3

RULE TITLE: RULE NO.:

Physical Plant Requirements for General,
Rehabilitation, and Psychiatric Hospitals 59A-3.081

PURPOSE AND EFFECT: The purpose of the proposed rule amendment to Chapter 59A-3, F.A.C., is to promulgate the physical plant minimum standards to ensure that all new hospitals are structurally capable of serving as shelters for patients, staff and family members of patients and staff and equipped to be self-supporting during and immediately following disasters as required by section 395.1055, F.S. The proposed rule is a result of workshops held with interested parties between March 1994 and September 1996. The proposed rule amendment will not compromise public safety, human health, the environment, or any other protection afforded by law.

SUBJECT AREA TO BE ADDRESSED: The proposed rule addresses the required standards for space, site, structural, roofing, exterior unit, heating, ventilation and air conditioning (HVAC), plumbing and medical gas systems as they pertain to disaster preparedness. In addition, a provision for an external emergency communications system has been incorporated.

SPECIFIC AUTHORITY: 395.1055(d) FS.

LAW IMPLEMENTED: 395.1055, 553.73, 633.022 FS.

IF REQUESTED 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. DST, Wednesday, June 9, 1999

PLACE: Agency for Health Care Administration, Building #1, Plans & Construction Conference Room 100, 2727 Mahan Drive, Tallahassee, Florida 32308

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: James (Skip) Gregory, Chief, Bureau of Plans and Construction, Agency for Health Care Administration, Building #1, Room 145, 2727 Mahan Drive, Tallahassee, Florida 32308, (850)487-0713

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59A-3.081 Physical Plant Requirements for General, Rehabilitation, and Psychiatric Hospitals.

(55) Physical Plant Requirements for Disaster Preparedness of New Hospital Construction.

(a) Definitions. The following definitions shall apply specifically to all new facilities as used in rule 59A-3.081(55):

1. "New facility" means a hospital, or an addition of a wing or floor to a hospital, which is not in operation or has not received a Stage II Preliminary Plan approval pursuant to Chapter 59A-3, F.A.C., prior to the effective date of this rule;

2. "Net square footage" means the clear floor space of an area excluding cabinetry and other fixed furniture or equipment;

3. "During and immediately following" means a period of 72 hours;

4. "Occupied patient area(s)" means the protected location of patients inside of the facility during and immediately following a disaster;

5. "Applicable building code" means the building code enforced by the building official with local jurisdictional authority.

6. "Patient support area(s)" means those area(s) required to ensure the safety and well being of patients during and immediately following a disaster.

(b) New Facility Construction Standards. The following construction standards are in addition to the physical plant requirements described in Chapter 59A-3.079 through Chapter 59A-3.081, F.A.C. These minimum standards are intended to increase the ability of the new facility to be structurally capable of serving as a shelter for patients, staff and the family of patients and staff and equipped to be self-supporting during and immediately following a disaster:

1. Space Standards.

a. For planning purposes, each new facility shall provide a minimum of 30 net square feet per patient served in the occupied patient area(s).

b. Adequate space for administrative and support activities shall be provided for use by facility staff to allow for care of patients in the occupied patient area(s).

c. Adequate space shall be provided for additional staff and family members of patients and staff.

2. Site standards.

a. All new facilities and additions shall be located above the 100-year flood plain or hurricane Category 3 (Saffir-Simpson scale) hurricane surge inundation elevation, whichever requires the highest elevation or the floor elevation of all new patient use area(s) and all patient support area(s) and patient support utilities, including mechanical, electrical, and food services shall be located above the 100-year flood plain or hurricane Category 3 (Saffir-Simpson scale) hurricane surge inundation elevations, whichever requires the highest elevation.

b. At a minimum, new additions or floors added to existing facilities, as determined by their site locations, shall be so designed and constructed as to be in compliance with the current standards of the National Flood Insurance Program of the Federal Emergency Management Agency.

c. Where an off-site public access route is available to the new facility at or above the 100-year flood plain, a minimum of one on-site emergency access route shall be provided that is located at the same elevation as the public access route;

d. New landscaping elements shall be located so if damaged they will not block the on-site emergency access route to the facility. Outdoor signs and their foundations shall be designed to meet the wind load criteria of the applicable building code;

e. New light standards and their foundations used for lighting the on-site emergency access route shall be designed to meet the wind load criteria of the applicable building code with a minimum wind load factor of 140 miles per hour.

3. Structural Standards. Wind load design of the building structure and exterior envelope including exterior wall systems shall be designed in accordance with the applicable building code.

4. Roofing Standards.

a. Roofing membrane material shall resist the uplift forces specified in the applicable building code. Roof coverings shall be installed according to the specifications provided by the manufacturer.

b. Loose-laid ballasted roofs shall not be permitted;

c. All roof appendages such as ducts, tanks, ventilators, receivers, dx condensing units and decorative mansard roofs and their attachment systems shall be structurally engineered to meet the wind load requirements of the applicable building code. All attachment systems shall be connected directly to the underlying roof structure or roof support structure.

5. Exterior Unit Standards.

a. All exterior window units, skylights, exterior louvers and exterior door units including vision panels and their anchoring systems shall be designed to resist the wind load requirements and the debris impact requirements as specified by the applicable building code.

b. Permanently attached protective systems such as shutters and baffling shall be designed to meet the wind load requirements and the debris impact requirements as specified by the applicable building code;

c. Removable protective systems designed to intricately fit with the wall/window system of the facility and stored on-site at the facility and that meet the wind load requirements and the debris impact requirements specified by the applicable building code may be utilized to protect the exterior units;

d. All anchoring and attachment to the building of both the permanently attached and removable protective systems shall be designed to meet the impact requirements specified by the applicable building code. These designs shall be signed, sealed and dated by a Florida registered structural engineer;

e. The glazed openings inside or outside of the protective systems shall meet the cyclical loading requirements specified by the applicable building code;

f. All of the impact protective systems shall be designed and installed so that they do not come in contact with the glazing under uniform, impact or cyclic pressure loading;

g. No protective system shall restrict the operability of the windows in the occupied patient bedrooms.

h. No protective systems shall reduce the clear window opening below 8% of the gross square footage of the patient room.

6. Heating, Ventilation and Air Conditioning (HVAC) Standards.

a. Air moving equipment, dx condensing units, through-wall units and other HVAC equipment located outside of or on the roof of the facility shall be permitted only when either of the following are met:

(I) They are located inside a penthouse designed to meet the wind load requirements of the applicable building code, or;

(II) Their fastening systems are designed to meet the wind load requirements of the applicable building code and they are protected from impact as specified by the applicable building code.

b. All occupied patient areas and patient support areas shall be supplied with sufficient HVAC to ensure the health, safety and well being of all patients and staff during and immediately following a disaster.

c. Systems providing HVAC and their associated support equipment such as a control air compressor essential to the maintenance of the occupied patient and patient support area(s) shall receive their power from the emergency power supply system(s).

d. Ventilation air change rates in occupied patient areas shall be maintained as specified in Chapter 59A-3, F.A.C.

e. Auxiliary equipment and specialties such as hydronic supply piping and pneumatic control piping shall be located and routed in such a manner as to ensure the equipment receiving the services will not be interrupted.

7. Plumbing Standards.

a. There shall be an independent on-site supply or storage capability of potable water tested and approved in accordance with the applicable building code at a minimum quantity of 3 gallons per patient served per day during and immediately following a disaster.

b. There shall be an independent on-site supply or storage capability of potable water tested and approved in accordance with the applicable building code at a minimum quantity of 1 gallon per facility staff and other personnel during and immediately following a disaster.

c. There shall be an independent on-site supply or storage capability of sufficient amount of non-potable water to provide for all patient services such as bathing, washing and flushing and support utilities during and immediately following a disaster.

d. When used, selected system appurtenances such as water pressure maintenance house pumps, and emergency water supply well pumps shall take power from the emergency power supply system(s).

8. Medical Gas Systems Standards. The distribution piping system and appurtenances shall be contained within a protected area(s) designed and constructed to meet the structural and debris impact requirements as specified by the applicable building code.

9. Emergency Electrical Generator and Essential Electrical System Standards.

a. There shall be an on-site Level I emergency electrical generator system designed to support all occupied patient areas and patient support areas with at least the following support services:

(I) Ice making equipment to produce sufficient ice for the patients served;

(II) Refrigerator unit(s) and food service equipment if required by the emergency food plan;

(III) Life safety and critical branch lighting and systems as required by Chapter 59A-3.081(51), F.A.C.;

(IV) Selected HVAC systems and other systems as required by this rule;

b. The emergency generator system shall be fueled by a fuel supply stored on-site sized to fuel the generator for 100 percent load for 48 hours or for actual demand load of the occupied patient areas and patient support area(s) and patient support utilities during and immediately following a disaster.

(I) The fuel supply shall either be located below ground or contained within a protected area that is designed and constructed to meet the structural and debris impact requirements as specified by the applicable building code. If an underground system is utilized, it shall be designed so as to exclude the entrance of any foreign solids or liquids and have approval from the Environmental Protection Agency (EPA);

(II) All fuel lines supporting the generator system(s) shall be protected also with a method designed and constructed to meet the structural and debris impact requirements as specified by the applicable building code.

(III) All panel boards, transfer switches, disconnect switches, enclosed circuit breakers or emergency system raceway systems required to support the occupied patient area(s), patient support area(s) or support utilities shall be contained within a protected area(s) designed and constructed to meet the structural and debris impact requirements as specified by the applicable building code, and shall not rely on systems or devices outside of this protected area(s) for their reliability or continuation of service.

(IV) The emergency generator(s) shall be air or self-contained liquid cooled and it and other essential electrical equipment shall be installed in a protected area(s) designed and constructed to meet the structural and debris impact requirements as specified by the applicable building code.

10. Fire Protection Standards.

a. If the facility required fire sprinklers as part of its fire protection, either of the following shall be met:

(I) Sufficient on-site water storage capacity to continue sprinkler coverage, or;

(II) A plan to provide a Fire Watch as approved by the agency for all areas of the facility without sprinkler coverage.

b. If sprinkler coverage is adversely affected by interrupted water flow, the facility shall provide for additional fire extinguishers in the patient occupied areas.

11. External Emergency Communications Standards. In conjunction with the County Emergency Management Agency, each facility shall provide an alternative form of electronic communication such as on-site radio transmitter or a written agreement with an amateur radio operator volunteer group(s). This agreement shall provide for a volunteer operator and communication equipment to be re-located into the facility in the event of a disaster until communications are restored. Other methods shall be pre-approved by the agency.

Specific Authority 395.1055 FS. Law Implemented 395.1055, 553.73, 633.022 FS. History—New 1-1-77, Formerly 10D-28.81, Amended 1-16-87, 11-23-88, Formerly 10D-28.081, Amended 9-3-92, 6-29-97, 3-18-98,_____.

AGENCY FOR HEALTH CARE ADMINISTRATION

Health Facility and Agency Licensing

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Nursing Home Licensure	59A-4
RULE TITLE:	RULE NO.:
Plans Submission and Review and Construction Standards	59A-4.133

PURPOSE AND EFFECT: The purpose of the proposed rule amendment to Chapter 59A-4, F.A.C., is to promulgate the physical plant minimum standards to ensure that all new nursing homes are structurally capable of serving as shelters for residents, staff and family members of residents and staff and equipped to be self-supporting during and immediately following disasters as required by section 400.23(2)(a), F.S. The proposed rule is a result of workshops held with interested parties between March 1994 and September 1996. The proposed rule amendment will not compromise public safety, human health, the environment, or any other protection afforded by law.

SUBJECT AREA TO BE ADDRESSED: The proposed rule addresses the required standards for space, site, structural, roofing, exterior unit, heating, ventilation and air conditioning (HVAC), plumbing, and medical gas systems as they pertain to disaster preparedness. In addition, a provision for an external emergency communications system has been incorporated.

SPECIFIC AUTHORITY: 400.23 FS.

LAW IMPLEMENTED: 400.23, 553.73, 633.022 FS.

IF REQUESTED 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. DST, Wednesday, June 9, 1999
PLACE: Agency for Health Care Administration, Building #1, Plans & Construction Conference Room 100, 2727 Mahan Drive, Tallahassee, Florida 32308

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: James (Skip) Gregory, Chief, Bureau of Plans and Construction, Agency for Health Care Administration, Building #1, Room 145, 2727 Mahan Drive, Tallahassee, Florida 32308, (850)487-0713

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59A-4.133 Plans Submission and Review and Construction Standards.

(18) Physical Plant Requirements for Disaster Preparedness of New Nursing Home Construction.

(a) Definitions. The following definitions shall apply specifically to all new facilities as used in rule 59A-4.133:

1. "New facility" means a nursing home, or an addition of a wing or floor to a nursing home, which is not in operation or has not received a Stage II Preliminary Plan approval pursuant to Chapter 59A-4, F.A.C., prior to the effective date of this rule;

2. "Net square footage" means the clear floor space of an area excluding cabinetry and other fixed furniture or equipment;

3. "During and immediately following" means a period of 72 hours;

4. "Occupied resident area(s)" means the protected location of residents inside of the facility during and immediately following a disaster;

5. "Applicable building code" means the building code enforced by the building official with local jurisdictional authority.

6. "Resident support area(s)" means those area(s) required to ensure the safety and well being of residents during and immediately following a disaster.

(b) New Facility Construction Standards. The following construction standards are in addition to the physical plant requirements described in Chapter 59A-4.133(1) through Chapter 59A-4.133(17), F.A.C. These minimum standards are intended to increase the ability of the new facility to be structurally capable of serving as a shelter for residents, staff and the family of residents and staff and equipped to be self-supporting during and immediately following a disaster:

1. Space Standards.

a. For planning purposes, each new facility shall provide a minimum of 30 net square feet per resident served in the occupied resident area(s).

b. Adequate space for administrative and support activities shall be provided for use by facility staff to allow for care of residents in the occupied resident area(s).

c. Adequate space shall be provided for additional staff and family members of residents and staff.

2. Site standards.

a. All new facilities and additions shall be located above the 100-year flood plain or hurricane Category 3 (Saffir-Simpson scale) hurricane surge inundation elevation, whichever requires the highest elevation or the floor elevation of all new resident use area(s) and all resident support area(s) and resident support utilities, including mechanical, electrical, and food services shall be located above the 100-year flood plain or hurricane Category 3 (Saffir-Simpson scale) hurricane surge inundation elevations, whichever requires the highest elevation.

b. At a minimum, new additions or floors added to existing facilities, as determined by their site locations, shall be so designed and constructed as to be in compliance with the current standards of the National Flood Insurance Program of the Federal Emergency Management Agency.

c. Where an off-site public access route is available to the new facility at or above the 100-year flood plain, a minimum of one on-site emergency access route shall be provided that is located at the same elevation as the public access route;

d. New landscaping elements shall be located so if damaged they will not block the on-site emergency access route to the facility. Outdoor signs and their foundations shall be designed to meet the wind load criteria of the applicable building code;

e. New light standards and their foundations used for lighting the on-site emergency access route shall be designed to meet the wind load criteria of the applicable building code with a minimum wind load factor of 140 miles per hour.

3. Structural Standards. Wind load design of the building structure and exterior envelope including exterior wall systems shall be designed in accordance with the applicable building code.

4. Roofing Standards.

a. Roofing membrane material shall resist the uplift forces specified in the applicable building code. Roof coverings shall be installed according to the specifications provided by the manufacturer.

b. Loose-laid ballasted roofs shall not be permitted;

c. All roof appendages such as ducts, tanks, ventilators, receivers, dx condensing units and decorative mansard roofs and their attachment systems shall be structurally engineered to meet the wind load requirements of the applicable building code. All attachment systems shall be connected directly to the underlying roof structure or roof support structure.

5. Exterior Unit Standards.

a. All exterior window units, skylights, exterior louvers and exterior door units including vision panels and their anchoring systems shall be designed to resist the wind load requirements and the debris impact requirements as specified by the applicable building code.

b. Permanently attached protective systems such as shutters and baffling shall be designed to meet the wind load requirements and the debris impact requirements as specified by the applicable building code;

c. Removable protective systems designed to intricately fit with the wall/window system of the facility and stored on-site at the facility and that meet the wind load requirements and the debris impact requirements specified by the applicable building code may be utilized to protect the exterior units;

d. All anchoring and attachment to the building of both the permanently attached and removable protective systems shall be designed to meet the impact requirements specified by the applicable building code. These designs shall be signed, sealed and dated by a Florida registered structural engineer;

e. The glazed openings inside or outside of the protective systems shall meet the cyclical loading requirements specified by the applicable building code;

f. All of the impact protective systems shall be designed and installed so that they do not come in contact with the glazing under uniform, impact or cyclic pressure loading;

g. No protective system shall restrict the operability of the windows in the occupied resident bedrooms.

h. No protective systems shall reduce the clear window opening below 8% of the gross square footage of the resident room.

6. Heating, Ventilation and Air Conditioning (HVAC) Standards.

a. Air moving equipment, dx condensing units, through-wall units and other HVAC equipment located outside of or on the roof of the facility shall be permitted only when either of the following are met:

(I) They are located inside a penthouse designed to meet the wind load requirements of the applicable building code, or;

(II) Their fastening systems are designed to meet the wind load requirements of the applicable building code and they are protected from impact as specified by the applicable building code.

b. All occupied resident areas and resident support areas shall be supplied with sufficient HVAC to ensure the health, safety and well being of all residents and staff during and immediately following a disaster.

c. Systems providing HVAC and their associated support equipment such as a control air compressor essential to the maintenance of the occupied resident and resident support area(s) shall receive their power from the emergency power supply system(s).

d. Ventilation air change rates in occupied resident areas shall be maintained as specified in Chapter 59A-4, F.A.C.

e. Auxiliary equipment and specialties such as hydronic supply piping and pneumatic control piping shall be located and routed in such a manner as to ensure the equipment receiving the services will not be interrupted.

7. Plumbing Standards.

a. There shall be an independent on-site supply or storage capability of potable water tested and approved in accordance with the applicable building code at a minimum quantity of 3 gallons per resident served per day during and immediately following a disaster.

b. There shall be an independent on-site supply or storage capability of potable water tested and approved in accordance with the applicable building code at a minimum quantity of 1 gallon per facility staff and other personnel during and immediately following a disaster.

c. There shall be an independent on-site supply or storage capability of sufficient amount of non-potable water to provide for all resident services such as bathing, washing and flushing and support utilities during and immediately following a disaster.

d. When used, selected system appurtenances such as water pressure maintenance house pumps, and emergency water supply well pumps shall take power from the emergency power supply system(s).

8. Medical Gas Systems Standards. The distribution piping system and appurtenances shall be contained within a protected area(s) designed and constructed to meet the structural and debris impact requirements as specified by the applicable building code.

9. Emergency Electrical Generator and Essential Electrical System Standards.

a. There shall be an on-site Level I emergency electrical generator system designed to support all occupied resident areas and resident support areas with at least the following support services:

(I) Ice making equipment to produce sufficient ice for the residents served;

(II) Refrigerator unit(s) and food service equipment if required by the emergency food plan;

(III) Life safety and critical branch lighting and systems as required by Chapter 59A-4, F.A.C.;

(IV) Selected HVAC systems and other systems as required by this rule;

b. The emergency generator system shall be fueled by a fuel supply stored on-site sized to fuel the generator for 100 percent load for 48 hours or for actual demand load of the occupied resident areas and resident support area(s) and resident support utilities during and immediately following a disaster.

(I) The fuel supply shall either be located below ground or contained within a protected area that is designed and constructed to meet the structural and debris impact requirements as specified by the applicable building code. If an underground system is utilized, it shall be designed so as to exclude the entrance of any foreign solids or liquids and have approval from the Environmental Protection Agency (EPA);

(II) All fuel lines supporting the generator system(s) shall be protected also with a method designed and constructed to meet the structural and debris impact requirements as specified by the applicable building code.

(III) All panel boards, transfer switches, disconnect switches, enclosed circuit breakers or emergency system raceway systems required to support the occupied resident area(s), resident support area(s) or support utilities shall be contained within a protected area(s) designed and constructed to meet the structural and debris impact requirements as specified by the applicable building code, and shall not rely on systems or devices outside of this protected area(s) for their reliability or continuation of service.

(IV) The emergency generator(s) shall be air or self-contained liquid cooled and it and other essential electrical equipment shall be installed in a protected area(s) designed and constructed to meet the structural and debris impact requirements as specified by the applicable building code.

10. Fire Protection Standards.

a. If the facility required fire sprinklers as part of its fire protection, either of the following shall be met:

(I) Sufficient on-site water storage capacity to continue sprinkler coverage, or:

(II) A plan to provide a Fire Watch as approved by the agency for all areas of the facility without sprinkler coverage.

b. If sprinkler coverage is adversely affected by interrupted water flow, the facility shall provide for additional fire extinguishers in the resident occupied areas.

11. External Emergency Communications Standards. In conjunction with the County Emergency Management Agency, each facility shall provide an alternative form of electronic communication such as on-site radio transmitter or a written agreement with an amateur radio operator volunteer group(s). This agreement shall provide for a volunteer operator and communication equipment to be re-located into the facility in the event of a disaster until communications are restored. Other methods shall be pre-approved by the agency.

Specific Authority 400.23 FS. Law Implemented 400.23, 553.73, 633.022 FS. History—New 4-1-82, Amended 4-1-84, 2-29-92, Formerly 10D-29.120, 59A-4.120, Amended 2-6-97,_____.

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE TITLE: RULE NO.:

Payment Methodology for Inpatient 59G-6.020
Hospital Services

PURPOSE AND EFFECT: The purpose of the proposed amendment is to delete the existing plan language that provides for an adjustment to a hospital's prospective rate for new or expanded services, for which a certificate of need is required. The effect of the proposed amendment is to remove the existing requirements, which are no longer valid and allow the agency to establish new criteria for adjusting a hospital's prospective rate.

SUBJECT AREA TO BE ADDRESSED: The subject area to be addressed is the requirement, which allows an adjustment to a hospital's prospective rate.

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.908 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., June 1, 1999

PLACE: 2727 Mahan Drive, Conference Room D, Building 3, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: John A. Owens, Medicaid Cost Reimbursement, Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Room 2106C, Tallahassee, Florida 32308, (850)414-2759

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

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE TITLE: RULE NO.:

Payment Methodology for Outpatient 59G-6.030
Hospital Services

PURPOSE AND EFFECT: The purpose of the proposed amendment is to delete the existing plan language that provides for an adjustment to a hospital's prospective rate for new or expanded services, for which a certificate of need is required. The effect of the proposed amendment is to remove the existing requirements and allow the agency to establish new criteria for adjusting a hospital's prospective rate.

SUBJECT AREA TO BE ADDRESSED: The subject area to be addressed is the requirement, which allows an adjustment to a hospital's prospective rate.

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.908 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., June 1, 1999

PLACE: 2727 Mahan Drive, Conference Room D, Building 3, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: John A. Owens, Medicaid Cost Reimbursement, Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Room 2106C, Tallahassee, Florida 32308, (850)414-2759

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

DEPARTMENT OF HEALTH

Board of Clinical Laboratory Personnel

RULE TITLE: Definitions
RULE NO.: 64B3-2.003

PURPOSE AND EFFECT: The Board proposes an amendment to the rule to clarify subsections (19) and (20), with regard to screening for blood banks and manual pretesting procedures.

SUBJECT AREA TO BE ADDRESSED: Clarification of definitions.

SPECIFIC AUTHORITY: 483.805(4), 483.811(2) FS.

LAW IMPLEMENTED: 483.803, 483.811, 483.821, 483.823 FS.

IF REQUESTED 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: 10:00 a.m., June 9, 1999

PLACE: Room 324, Collins Building, 107 W. Gaines Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Joe Baker, Jr., Executive Director, Board of Clinical Laboratory Personnel, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0797

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B3-2.003 Definitions.

(1) through (18) No change.

(19) Screening for Blood Banks or Plasmapheresis Centers means interviewing prospective donors in a blood bank or plasmapheresis center ~~for the purpose of donating blood or plasma~~ during which a hemoglobin test using a method classified as waived, a spun hematocrit or a total protein by the refractometer method may be performed.

(20) Manual Pretesting procedures means collecting and labeling specimens; initially separating specimens by centrifugation prior to testing; receiving specimens and requisitions, processing, sorting, accessioning, prior to testing and delivering specimens to the appropriate testing sites; specimen processing for storage and shipping to a reference laboratory; routine cytopreparatory staining; and measuring and aliquoting specimens.

Specific Authority 483.805(4), 483.811(2) FS. Law Implemented 483.803, 483.811, 483.821, 483.823 FS. History—New 11-4-93, Formerly 61F3-2.003, Amended 11-21-94, 11-30-94, 12-26-94, 5-3-95, 7-12-95, Formerly 59O-2.003, Amended 3-19-98, 5-28-99, _____.

DEPARTMENT OF HEALTH

Board of Clinical Laboratory Personnel

RULE TITLE: Inactive Status and Reactivation
of Inactive Clinical Laboratory
Personnel License
RULE NO.: 64B3-8.002

PURPOSE AND EFFECT: The Board proposes to amend Rule 64B3-8.002 to revise and clarify the rule language regarding the reactivation of an inactive license.

SUBJECT AREA TO BE ADDRESSED: The reactivation of inactive clinical laboratory personnel license.

SPECIFIC AUTHORITY: 455.711, 483.805(4), 483.819 FS.

LAW IMPLEMENTED: 455.711, 483.819 FS.

IF REQUESTED 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: 10:00 a.m., June 9, 1999

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Joe Baker, Jr., Executive Director, Board of Clinical Laboratory Personnel, 2020 Capital Circle, S. E., Bin #C07, Tallahassee, Florida 32399-3257, Tallahassee, Florida 32399-3257

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B3-8.002 Inactive Status and Reactivation of Inactive Clinical Laboratory Personnel License.

(1) No change.

(2) An inactive status licensee may change to active status at any time provided the licensee meets the continuing education or reexamination requirements of subsection (3) of this rule and following:

(a) pays the active status fees of Rule 64B3-9.004, F.A.C., for each biennium during which the license was inactive; ~~or,~~

(b) pays the reactivation fee of Rule 64B3-9.005, F.A.C., ~~and; or,~~

(c) pays, if applicable, the processing fee of Rule 64B3-9.010, F.A.C.; ~~or,~~

(3) A licensee seeking reactivation to active status must ~~(d)~~ demonstrates competency by reexamination as provided in Section 483.821, F.S., or by documenting continuing education hours as follows:

~~(a)(e)~~ No change.

~~(b)(f)~~ No change.

~~(c)(g)~~ No change.

~~(d)(h)~~ No change.

~~(4)(i)~~ No change.

Specific Authority 455.711, 483.805(4), 483.819 FS. Law Implemented 455.711, 483.819 FS. History—New 2-22-94, Formerly 61F3-8.002, Amended 12-26-94, 5-3-95, 12-3-96, Formerly 59O-8.002, Amended _____.

DEPARTMENT OF HEALTH

Board of Medicine

RULE TITLE: Fees
 RULE NO.: 64B8-41.001

PURPOSE AND EFFECT: The Council proposes to make recommendations to the Board of Medicine that certain fees be increased.

SUBJECT AREA TO BE ADDRESSED: Fees.

SPECIFIC AUTHORITY: 455.711, 468.507, 468.508 FS.

LAW IMPLEMENTED: 455.641, 455.711, 468.508 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: Kaye Howerton, Executive Director, Dietetics and Nutrition Practice Council, 2020 Capital Circle, S. E., Bin #C05, Tallahassee, Florida 32399-3255

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B8-41.001 Fees.

(1) through (9) No change.

(10) The fee for renewal of inactive status shall be \$25.00, ~~\$10.00~~, \$5.00 of which shall be earmarked for the fund to combat unlicensed activity pursuant to Section 455.2281, Florida Statutes.

(11) The change of status processing fee shall be \$25.00, ~~\$10.00~~.

Specific Authority 468.507, 468.508, 455.711 FS. Law Implemented 468.508, 455.641, 455.711 FS. History—New 4-9-89, Amended 8-28-90, 11-9-92, Formerly 21M-47.001, Amended 9-21-93, 11-4-93, 1-3-94, Formerly 61F6-47.001, Amended 12-28-94, 5-2-95, Formerly 59R-41.001, Amended 11-24-97, _____.

DEPARTMENT OF HEALTH

Board of Medicine

RULE TITLE: Licensure by Examination
 RULE NO.: 64B8-42.002

PURPOSE AND EFFECT: The Council proposes to make recommendations to the Board of Medicine that the rule text be updated to add additional language.

SUBJECT AREA TO BE ADDRESSED: Licensure by examination.

SPECIFIC AUTHORITY: 455.574(1), 468.507 FS.

LAW IMPLEMENTED: 468.509 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: Kaye Howerton, Executive Director, Dietetics and Nutrition Practice Council, 2020 Capital Circle, S. E., Bin #C05, Tallahassee, Florida 32399-3255

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B8-42.002 Licensure by Examination.

(1) Every applicant for certification by examination shall demonstrate to the Council that he meets one of the following:

(a)1. Has a baccalaureate or post baccalaureate degree with a major in human nutrition, food and nutrition, dietetics, food management or equivalent major as determined by the Council from a school or program accredited by the appropriate accrediting agency recognized by the Council on Post-secondary Accreditation or its successor and the United States Department of Education and

2. No change.

(b)1. No change.

2. No change.

(2) through (5) No change.

Specific Authority 468.507, 455.574(1) FS. Law Implemented 468.509 FS. History—New 4-9-89, Amended 11-28-90, 3-24-91, 11-9-92, 5-6-93, Formerly 21M-48.002, Amended 11-4-93, 6-9-94, Formerly 61F6-48.002, Amended 11-12-95, Formerly 59R-42.002, Amended _____.

DEPARTMENT OF HEALTH

Board of Medicine

RULE TITLE: Disciplinary Guidelines
RULE NO.: 64B8-44.003

PURPOSE AND EFFECT: The Council proposes to make recommendations to the Board of Medicine that Subsection (4) of this rule be amended.

SUBJECT AREA TO BE ADDRESSED: Disciplinary guidelines.

SPECIFIC AUTHORITY: 455.627, 458.309, 468.507 FS.

LAW IMPLEMENTED: 455.627, 468.517, 468.518(2) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Kaye Howerton, Executive Director, Dietetics and Nutrition Practice Council, 2020 Capital Circle, S. E., Bin #C05, Tallahassee, Florida 32399-3255

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B8-44.003 Disciplinary Guidelines.

(1) through (3) No change.

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

VIOLATION	RECOMMENDED RANGE OF PENALTY
(a) Violating Practice Act or Board or Department Rules (468.518(1)(a))	(a) From a <u>minimum of six months'</u> probation reprimand to revocation or denial of licensure and an administrative fine from \$150 \$100 to \$1,000, depending on the seriousness of the underlying offense and the magnitude of the violation

(b) through (n) No change.

(5) through (7) No change.

Specific Authority 455.627, 468.507, 458.309 FS. Law Implemented 455.627, 468.517, 468.518(2) FS. History—New 12-4-90, Formerly 21M-50.003, Amended 6-22-94, Formerly 61F6-50.003, 59R-44.003, Amended 3-16-98, _____.

DEPARTMENT OF HEALTH

Division of Disease Control

RULE CHAPTER TITLE: Control of Communicable Diseases and Conditions which may significantly Affect Public Health
RULE CHAPTER NO.: 64D-3

PURPOSE AND EFFECT: The purpose and effect of the rule development is to amend 64D-3, F.A.C., updating procedural changes related to the reporting, investigation, and control of communicable diseases and conditions of public health significance.

SUBJECT AREA TO BE ADDRESSED: The subjects to be addressed are the reporting of communicable diseases and conditions and the procedures for investigation, control and prevention of diseases and conditions of public health significance.

SPECIFIC AUTHORITY: 381.0011(4),(8),(13), 381.003(2), 381.0031(5), 381.006, 384.23, 384.25, 384.33, 392.53, 392.66 FS.

LAW IMPLEMENTED: 381.0011, 381.003, 381.0031, 384.23, 384.25, 384.27, 385.202, 392.53 FS.

IF REQUESTED 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: 8:30 a.m., June 9, 1999

PLACE: Department of Health, 1309 Winewood Blvd, Bldg 6, Rm 331, Tallahassee, FL 32399-1734

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Linda M. Baldy, Bureau of Epidemiology, 2020 Capital Circle, S. E., Tallahassee, FL 32399-1734, whose telephone number is (850)488-2905

DEPARTMENT OF HEALTH

Division of Disease Control

RULE TITLE: Allocation Methodology for the Distribution of Funds Appropriated for Tuberculosis Control
RULE NO.: 64D-3.025

PURPOSE AND EFFECT: The purpose of the proposed rule amendments is to make adjustments to the current allocation methodology for the distribution of categorical tuberculosis funds. The proposed rule amendments provide new language which will more effectively reflect the funding needs of county health departments based on current and future disease incidence trends.

SUBJECT AREA TO BE ADDRESSED: The subject area to be addressed is the allocation methodology for the distribution of funds appropriated for tuberculosis control.

SPECIFIC AUTHORITY: 381.0011(4)(13), 381.003(1)(a),(2), 392.54, 392.56 FS.

LAW IMPLEMENTED: 381.0011(4), 381.003(1)(a), 392.54, 392.61(4), 392.66 FS.

IF REQUESTED 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: 10:00 a.m. – 12:00 p.m., July 7, 1999
 PLACE: 1309 Winewood Boulevard, Building 6, Room 407, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Jane Peck, Operations and Management Consultant II, Bureau of Tuberculosis and Refugee Health, 1317 Winewood Boulevard, Building 6, Room 402B, Tallahassee, FL 32399-0700

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joe W. Kight, Assistant Division Director, Division of Animal Industry, 407 S. Calhoun Street, Room 321, Tallahassee, Florida 32399-0800, (850)488-0709, FAX (850)487-3641

THE FULL TEXT OF THE PROPOSED RULE IS:

(Substantial rewording of Rule 5C-13.004 follows. See Florida Administrative Code for present text.)

5C-13.004 Schedule of Fees.

(1) Necropsy Fees. Necropsy fees will normally include gross necropsy, histopathological, bacteriological, and parasitological examinations. With the exception of poultry examinations, additional charges will be made on all virological and toxicological examinations deemed necessary by the diagnostic veterinarian in charge of the case.

(a) Mammals.

1. Bovine and Equine

Over 100 lbs	\$40.00/animal
Under 100 lbs	\$25.00/animal
Fetus	\$10.00/animal

2. Porcine:

Over 250 lbs	\$40.00/animal
20 – 250 lbs	\$25.00/animal
Under 20 lbs	\$10.00/animal
Fetus	\$10.00/animal

3. Ovine and Caprine:

Over 35 lbs	\$35.00/animal
Under 35 lbs	\$25.00/animal
Fetus	\$10.00/animal

4. Canine and Feline:

Over 20 lbs	\$35.00/animal
Under 20 lbs	\$25.00/animal
Fetus	\$10.00/animal

5. Rodents and Rabbits..... \$20.00/animal

6. Other Mammals

(deer, other exotic species)..... \$35.00/animal

7. Miscellaneous Animals

(alligators, snakes, etc.)..... \$35.00/animal

(b) Avian.

1. Poultry (chickens, turkeys, ducks, geese, and other such domesticated birds which primarily serve man as a source of food, either eggs or meat) and Game Birds (quail, chukkers, pheasants, etc. (includes microbiology))..... \$20.00/submission

2. Companion Birds:

Psittacine (canary, finch, etc.)..... \$12.50/bird

3. Wild Birds:

Waterfowl.....	\$10.00/bird
Raptors	\$20.00/bird
Small Wild birds (Grackles, etc.).....	\$10.00/bird

Section II Proposed Rules

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Animal Industry

RULE CHAPTER TITLE: State Diagnostic Laboratories
 RULE CHAPTER NO.: 5C-13
 RULE TITLE: Schedule of Fees
 RULE NO.: 5C-13.004

PURPOSE AND EFFECT: The purpose and effect of these rule changes is to provide changes to offset increasing costs in providing services and to remain consistent with other state and federal laboratory fees, a small increase in fees for selected laboratory system services.

SUMMARY: Increases fees for diagnostic laboratory services commensurate with private, and other state and federal laboratories.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No statement of estimated regulatory costs has been prepared.

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

SPECIFIC AUTHORITY: 585.002(3), 570.07(23) FS.

LAW IMPLEMENTED: 585.61(3),(4) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 2:00 p.m., June 4, 1999
 PLACE: Department of Agriculture and Consumer Services, Conference Room, Room 316, 407 S. Calhoun Street, Tallahassee, Florida 32399-0800