



officer of the state of Florida or any subdivision of the state. Any person, firm, or association having charge, custody, or control of animals imported in violation shall remove the animals from the state as directed by the FDACS.

(a) All information required on the OCVI shall be fully completed by the issuing veterinarian and shall include the following:

1. The name, address and phone number of the consignor;
2. The name, address and phone number of the consignee;
3. The point of origin;
4. The point of destination;
5. The date of examination;
6. The number of animals examined;
7. The individual permanent identification number or other identification approved by the FDACS, for each animal;
8. The sex, age, and breed of each identified animal;
9. Test results and herd or state status on certain diseases as specified in this rule;
10. A statement by the issuing veterinarian that the animals identified on the OCVI are free of signs of infectious, communicable or neurologic disease; and
11. The phone number of the issuing veterinarian.

(b) A copy of the OCVI, approved by the chief animal health official of the state of origin, shall be forwarded immediately to the Florida Department of Agriculture and Consumer Services, Division of Animal Industry, Tallahassee, Florida.

(c) The OCVI shall be void 30 days after issuance.

(2) All cervidae shall have permission from the State Veterinarian or his/her authorized representative prior to animal importation. This permission will be recorded by a number or certificate which shall accompany the OCVI during any animal movement.

(3) Consignee shall possess, and provide for inspection, a valid FWC license or permit to possess wildlife, as required by rule or law.

(4) Consignee shall be registered and comply with the requirements of the FDACS Cervidae Herd Health Plan.

Specific Authority 585.002, 585.004, 585.005, 585.007, 585.08, 585.145 FS. Law Implemented 585.004, 585.005, 585.007, 585.145 FS. History—New \_\_\_\_\_.

5C-26.003 General Requirements for Intrastate Movement.

(1) Animals which are not required to have an OCVI and animals being transported totally within the state shall be accompanied by evidence of ownership or authority for possession of the animals or a notarized affidavit of authority to transport. These documents shall disclose:

- (a) The name, address and phone number of the consignor;
- (b) The name, address and phone number of the consignee;
- (c) The point of origin;

(d) The point of destination; and

(e) A description of the animals sufficient to identify them for any and all purposes.

(2) All cervidae shall have permission from the State Veterinarian or his/her authorized representative prior to animal movement. This permission will be recorded by a number or certificate which shall accompany the OCVI during any animal movement.

(3) Consignee and consignor shall possess, and provide for inspection, a valid FWC license or permit to possess wildlife, as required by rule or law.

(4) Consignee and consignor must be registered and comply with the requirements of the FDACS Cervidae Herd Health Plan.

Specific Authority 585.002, 585.004, 585.005, 585.007, 585.08, 585.145 FS. Law Implemented 585.004, 585.005, 585.007, 585.145 FS. History—New \_\_\_\_\_.

5C-26.004 Testing.

(1) Chronic Wasting Disease Test. No test is presently required for importation. To date, there is no approved live animal test to detect CWD in cervidae. A positive diagnosis is based on post mortem brain testing at a CWD certified laboratory.

(2) Tuberculosis Test.

(a) Cervidae from an Accredited Tuberculosis-Free Herd. No test is required for cervidae which originate from an Accredited Tuberculosis-Free Herd program that is accepted by FDACS. The statement of herd status shall be recorded on the OCVI accompanying the cervidae.

(b) Cervidae not known to be affected with or exposed to tuberculosis may be imported if they:

1. Are under one (1) month of age, or
2. Originate from a herd which has been classified negative to an official tuberculosis test of all eligible animals conducted within the past twelve (12) months, and the animals to be imported have been classified negative to an official tuberculosis test, conducted within 90 days prior to importation, or
3. Have been classified negative to two (2) official tuberculosis tests conducted not less than ninety (90) days apart; the second test was conducted within ninety (90) days prior to importation; and the animals were isolated from all other members of the herd during the testing period.

(c) The tuberculosis test results must be recorded on the OCVI accompanying the cervidae.

(3) Brucellosis Test.

(a) Cervidae from an Accredited Brucellosis-Free Herd. No test is required for cervidae which originate from an Accredited Brucellosis-Free Herd program that is accepted by FDACS. The statement of herd status must be recorded on the OCVI accompanying the cervidae.

(b) Cervidae not known to be affected with or exposed to brucellosis may be imported if they:

1. Are less than one (1) month of age, or
2. Have a negative official brucellosis test conducted within ninety (90) days prior to importation.

(c) The brucellosis test results must be recorded on the OCVI accompanying the cervidae.

Specific Authority 585.002, 585.004, 585.005, 585.007, 585.08, 585.145 FS.  
 Law Implemented 585.004, 585.005, 585.007, 585.145 FS.  
 History—New \_\_\_\_\_.

5C-26.005 Cervidae Herd Health Plan.

The Cervidae Herd Health Plan is a written herd management agreement between FDACS and the herd owner. This plan is based upon a thorough epidemiological investigation and risk assessment of the herd and their facility. This plan analyzes the risk of continued disease transmission by clinical and subclinical animals and/or environmental contamination. This plan sets out specific actions to be followed to monitor or survey the herd for specific disease(s) or eradicate specific disease(s) from the herd.

Specific Authority 585.002, 585.004, 585.005, 585.007, 585.08, 585.145 FS.  
 Law Implemented 585.004, 585.005, 585.007, 585.145 FS.  
 History—New \_\_\_\_\_.

5C-26.006 Exceptions.

Exceptions to the movement requirements in this rule shall be determined by the State Veterinarian or his/her authorized representative. Cervids that are classified by the Movement Risk Assessment as Low Risk for CWD or Minimal Risk for CWD may be considered for waiver from this rule. Cervids that are classified as High Risk for CWD or Medium Risk for CWD shall not be subject to a waiver from this rule.

Specific Authority 585.002, 585.004, 585.005, 585.007, 585.08, 585.145 FS.  
 Law Implemented 585.004, 585.005, 585.007, 585.145 FS.  
 History—New \_\_\_\_\_.

**DEPARTMENT OF EDUCATION**

**State Board of Education**

RULE TITLE: Requirements for Programs and Courses

RULE NO.: 6A-1.09441

Which Are Funded Through the Florida Education Finance Program and for Which the Student May Earn Credit Toward High School Graduation

PURPOSE AND EFFECT: The purpose of this rule development is to update the “Course Code Directory and Instructional Personnel Assignments” which is incorporated by reference within the rule. The effect is to provide public school personnel with an updated listing of all courses offered in the public elementary, secondary, vocational-technical, and adult schools of Florida including related teacher certification coverages.

SUBJECT AREA TO BE ADDRESSED: The subject to be addressed will be courses to be offered in public schools throughout Florida and the related teacher certification coverages.

SPECIFIC AUTHORITY: 236.081 FS.

LAW IMPLEMENTED: 236.081 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT A TIME, DATE AND PLACE TO BE ADVERTISED IN A FUTURE EDITION OF THE FLORIDA ADMINISTRATIVE WEEKLY.

Requests for the rule development workshop should be addressed to Wayne V. Pierson, Agency Clerk, Department of Education, Room 1702, The Capitol, Tallahassee, Florida 32399-0400

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Fred Varn, Program Director, Curriculum Support Section, Division of Public Schools and Community Education, 325 West Gaines Street, Room 444, Tallahassee, Florida 32399-0400, (850)488-1701

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

6A-1.09441 Requirements for Programs and Courses Which Are Funded Through the Florida Education Finance Program and for Which the Student May Earn Credit Toward High School Graduation.

For student membership in a program or course to generate funding through the Florida Education Finance Program and for the student to receive elective or required credit toward high school graduation for such a program or course, the following conditions shall be met:

- (1) The program in which the student is in membership shall be one of the programs listed in Section 236.081(1)(c), Florida Statutes.
- (2) The course or program in which the student is in membership shall be an educational activity that constitutes a part of the instructional program approved by the district school board.
- (3) The student shall be under the supervision of an instructional staff member as defined in Rule 6A-1.0501, FAC.
- (4) The course or program shall be listed in the “Course Code Directory and Instructional Personnel Assignments” for the year in which the student is in membership.
- (5) The “Course Code Directory and Instructional Personnel Assignments ~~2002-2003~~ ~~2001-2002~~” is hereby incorporated by reference and made a part of this rule. The Commissioner may publish the document in appropriate and useful formats such as printed copy, electronic database access, or electronic disc. The directory may be obtained from the Division of Public Schools and Community Education,

Department of Education, Turlington Building, Tallahassee, Florida 32399. The Commissioner of Education may approve additional courses for which funding could be generated through the Florida Education Finance Program. Such additional course listings will be made available as approved.

Specific Authority 229.053(1) FS. Law Implemented 229.592, 232.246, 236.081, 240.40202 FS. History—New 12-20-83, Formerly 6A-1.9441, Amended 2-6-86, 12-28-86, 4-4-88, 12-13-88, 12-11-89, 1-15-91, 2-20-92, 7-13-93, 10-18-94, 8-28-95, 4-19-96, 7-17-97, 8-12-98, 5-3-99, 5-3-01, 10-16-01, \_\_\_\_\_.

**DEPARTMENT OF TRANSPORTATION**

**Florida High Speed Rail Authority**

RULE CHAPTER TITLE: Florida High Speed Rail Authority  
 RULE TITLE: High Speed Rail Procurement  
 RULE CHAPTER NO.: 14C-1  
 RULE NO.: 14C-1.001

PURPOSE AND EFFECT: To establish best management practices for the Florida High Speed Rail Authority’s procurement to solicit, select, and secure a design, build, operate, and maintain (DBOM) or a design, build, operate, maintain, and finance (DBOM & F) contractor for the Florida high speed rail system.

SUBJECT AREA TO BE ADDRESSED: High Speed Rail Procurement.

SPECIFIC AUTHORITY: 341.830(1) FS.

LAW IMPLEMENTED: 341.830(1) FS.

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

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

PLACE: Canaveral Port Authority Commission, Room 200, George King Boulevard., Port Canaveral, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Mr. Nazih Haddad, P.E., Staff Director, Florida High Speed Rail Authority, 605 Suwannee Street, Room 588, Mail Station 67, Tallahassee, Florida 32399-0450, Telephone (850)414-4534, FAX (850)922-4942, E-mail: nazih.haddad@dot.state.fl.us.

THE PRELIMINARY TEXT OF THE PROPOSED RULE IS EXPECTED TO BE AVAILABLE ON MAY 16, 2002.

**DEPARTMENT OF CORRECTIONS**

RULE TITLE: Confidential Records  
 RULE NO.: 33-601.901

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to clarify the requirement that employees maintain the confidentiality of inmate medical and mental health information and to incorporate a new form relating to this requirement.

SUBJECT AREA TO BE ADDRESSED: Confidential records.

SPECIFIC AUTHORITY: 20.315, 944.09, 945.10, 945.25 FS.

LAW IMPLEMENTED: 944.09, 945.10, 945.25, 947.13 FS., 42 USCS 290 ee-3.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-601.901 Confidential Records.

(1) through (11) No change.

(12) Each employee of the Department of Corrections shall maintain as confidential all medical and mental health information regarding any inmate that the employee obtains in conjunction with his or duties and responsibilities, and shall not disseminate the medical information or discuss the medical or mental health condition of the inmate with any person except persons directly necessary to the performance of the employees duties and responsibilities. An employee who has been designated as a member of the healthcare transfer team or is part of a mental health treatment team shall not disseminate inmate medical information or discuss the medical or mental health condition of an inmate with any person except other members of the healthcare transfer team, medical and mental health staff, upper level management at the institution or facility level, regional level and central office level, or department attorneys. Breach of this confidentiality shall subject the employee to disciplinary action. Each employee shall sign Form DC2-813, Acknowledgement of Responsibility to Maintain Confidentiality of Medical/Mental Health Information, indicating that he understands the medical confidentiality requirements. The form shall be maintained in the employee’s personnel file. Form DC2-813 is hereby incorporated by reference. Copies of this form are available from the Forms Control Administrator, Office of the General Counsel, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. The effective date of this form is \_\_\_\_\_.

Specific Authority 20.315, 944.09, 945.10, 945.25 FS. Law Implemented 944.09, 945.10, 945.25, 947.13 FS, 42 USCS 290 ee-3. History—New 10-8-76, Amended 6-10-85, Formerly 33-6.06, Amended 1-12-89, 7-21-91, 9-30-91, 6-2-92, 8-4-93, 6-12-96, 10-15-97, 6-29-98, Formerly 33-6.006, Amended 9-19-00, \_\_\_\_\_.

**DEPARTMENT OF CORRECTIONS**

RULE TITLES: Inmate Property  
 Control of Contraband  
 RULE NOS.: 33-602.201  
 33-602.203

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to clarify the definition of contraband and the process for handling seized contraband, and to provide a means for inmates to dispose of worn articles prior to purchasing new ones in order to stay within the maximum possession limits.

SUBJECT AREA TO BE ADDRESSED: Inmate Property, Contraband.

SPECIFIC AUTHORITY: 944.09, 945.215 FS.

LAW IMPLEMENTED: 944.09, 944.47, 945.215 FS.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-602.201 Inmate Property.

(1) through (4) No change.

(5) Unauthorized property. Also see Control of Contraband, Rule 33-602.203, F.A.C.).

~~(a) Property which is Unauthorized property shall be considered contraband pursuant to Rule 33-602.203, F.A.C., shall be considered contraband and handled as provided for in Rule 33-602.203, F.A.C. If an inmate receives postage stamps in the mail which, added to the number already in his possession, place him over the maximum allowed, he shall be allowed to send the excess stamps out at his own expense. An inmate who is in possession of the maximum number of articles allowed by this rule and who wishes to replace a worn item must discard or send the worn item out at his own expense before purchasing a replacement item. This includes any item or article on the grounds of the department or in the possession of the inmate that was neither:~~

~~1. Issued;~~

~~2. Received through approved methods from an authorized vendor;~~

~~3. Purchased in the canteen; or~~

~~4. Has been altered from its original design.~~

(b) through (16) No change.

Specific Authority 944.09 FS. Law Implemented 944.09 FS. History--New 6-4-81, Formerly 33-3.025, Amended 11-3-87, 11-13-95, 5-20-96, 1-8-97, 6-1-97, 7-6-97, 10-15-97, 2-15-98, 3-16-98, 8-4-98, 12-7-98, Formerly 33-3.0025, Amended 11-21-00, 9-12-01, 5-16-02, \_\_\_\_\_.

33-602.203 Control of Contraband.

(1) General Definition of Contraband.

~~(a) Contraband is Any item or article inside an institution or facility, on the property of a facility or in the possession of an inmate that was neither:~~

~~1. No change.~~

~~2. Approved for purchase in at the canteen commissary,~~

~~3. through 5. No change.~~

~~(b) through (c) No change.~~

~~(d) Any item or article which is in excess of property limits provided in Rule 33-602.201, F.A.C.~~

~~(2) through (4) No change.~~

~~(5)(a) No money shall be given directly to or received by an inmate assigned to a work release community correctional center unless authorized by the chief of security or his designated representative. On a case by case basis, each chief of security may authorize a draw of funds from the inmate's account that exceeds the approved amount authorized under subsection 33-203.201(3), F.A.C., if a specific request is made and a review determines it is warranted. Any money found in the possession of an inmate in excess of \$75 ~~50~~ in work release community correctional centers shall be considered contraband and shall be confiscated and deposited in the inmate welfare trust fund.~~

~~(b) through (6) No change.~~

~~(7) Disposition of Contraband.~~

~~(a) Those contraband items retained for use in disciplinary hearings as evidence will be stored until such time as the warden or his designee approves of their being destroyed or disposed of. A secure area within the institution will be designated as the storage area for all contraband items. A Contraband Log, Form DC6-219, will be utilized to document the storage of contraband items. Form DC6-219 is hereby incorporated by reference. Copies of this form may be obtained from the Forms Control Administrator, Office of the General Counsel, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. Requests for copies to be mailed must be accompanied by a self addressed stamped envelope. The effective date of this form is March 2, 2000.~~

~~(b) Contraband items to be used during outside court cases as evidence will be referred to the Inspector General's Office for handling held as evidence by the institution inspector or senior inspector assigned to the criminal investigation. The Inspector General's Office will either assume custody of the contraband or instruct the institution to hold it as evidence. In either case, the initial confiscating authority will establish the chain of evidence, and ensure it is properly followed. Form DC1-801, Chain of Custody, shall be used for this purpose. Form DC1-801 is hereby incorporated by reference. Copies of this form are available from the Forms Control Administrator, Office of the General Counsel, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. The effective date of this form is \_\_\_\_\_.~~

~~(c) through (d) No change.~~

(e) The provisions of the above ~~this~~ paragraph shall not be construed to apply to property impounded incident to the initial reception or the subsequent transfer of an inmate unless the inmate's possession of the property was in violation of law or Department or institution rule.

~~(f)~~(e) No change.

(g) A seized contraband item that results in criminal charges shall be stored for six months or until the conclusion of the court proceedings. Confiscated weapons shall be stored for six months pending the outcome of the disciplinary charges and conclusion of the grievance process or the court proceedings. Staff shall obtain the approval of the warden or assistant warden prior to the item being destroyed or disposed of.

(h) Regardless of whether or not the seized contraband results in a disciplinary report or criminal charges, the inmate is authorized to appeal the action through the grievance process to have the property returned. If the inmate chooses to file a grievance, the inmate must notify the warden of his intent on an Inmate Request, Form DC6-236, within 20 days of the seizure of the items. If no notice is received and the inmate has not been temporarily impeded from sending such notice due to unavoidable circumstances such as court appearances or hospitalization, the warden or assistant warden is authorized to approve disposal of the contraband. Form DC6-236 is incorporated by reference in Rule 33-103.019, F.A.C.

(8)(a) All cells, lockers, dormitories and other areas of an institution may be searched in a reasonable manner at any time. A copy of Form DC6-220, Inmate Impounded Personal Property List, shall be given for any property taken in such a search if the inmate acknowledges possession or if the property was taken from an area occupied by the inmate or under his control. The inmate's acceptance of his copy of Form DC6-220 shall not constitute admission of possession of contraband. Form DC6-220 is hereby incorporated by reference. Copies of the form are available from the Forms Control Administrator, Office of the General Counsel, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. ~~Requests for copies to be mailed must be accompanied by a self-addressed stamped envelope.~~ The effective date of this form is March 2, 2000.

(b)1. The Regional Director is authorized to ~~may~~ declare an emergency situation to exist if he finds, upon the advice and request of the warden, that an immediate mass shakedown is necessary to preserve the security and order of the institution and sufficient staff are not available to follow routine procedures of accounting and receipting for property. Within 72 hours after the declaration, the warden shall prepare a written statement setting forth the facts showing such emergency, which statement shall be forwarded to the Regional Director, who shall prepare a report to the Secretary justifying the declaration.

2. through 4. No change.

Specific Authority 944.09, 945.215 FS. Law Implemented 944.47, 945.215 FS. History—New 10-8-76, Amended 2-24-81, 4-18-82, 8-13-84, 2-13-85, 6-2-85, Formerly 33-3.06, Amended 2-9-87, 11-3-87, 8-14-90, 11-22-91, 1-6-94, 5-28-96, 10-26-97, Formerly 33-3.006, Amended 3-2-00, \_\_\_\_\_.

**WATER MANAGEMENT DISTRICTS**

**Southwest Florida Water Management District**

RULE CHAPTER TITLE: Procedural  
 RULE TITLE: Delegation of Authority  
 PURPOSE AND EFFECT: Amend 40D-1.1002 to provide for variances from Chapter 40D-22, F.A.C., Year-round Water Conservation Measures.

RULE CHAPTER NO.: 40D-1

RULE NO.: 40D-1.1002

SUBJECT AREA TO BE ADDRESSED: Amendments to the District's water shortage variance provisions.

SPECIFIC AUTHORITY: 373.044, 373.113 FS.

LAW IMPLEMENTED: 253.002, 373.149, 373.427 FS.

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

TIME AND DATE: 1:00 p.m. – 4:00 p.m., May 30, 2002

PLACE: Board Room of the Southwest Florida Water Management District's Tampa Office, 7601 Highway 301 North, Tampa, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Lois Sorensen, Water Shortage Coordinator, Records and Data Department, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4299

**WATER MANAGEMENT DISTRICTS**

**Southwest Florida Water Management District**

RULE CHAPTER TITLE: Year-Round Water Conservation Measures  
 RULE TITLE: Policy and Purpose  
 Definitions  
 Year-Round Water Conservation Measures Enforcement

RULE CHAPTER NO.: 40D-22

RULE NOS.: 40D-22.011  
 40D-22.101

40D-22.201

40D-22.401

PURPOSE AND EFFECT: Update the District's year-round water conservation rule chapter to incorporate existing measures required by Board Orders Nos. 92-12, 92-21, 92-60, 93-105, and 01-83 and to provide a community based alternative for local governments.

SUBJECT AREA TO BE ADDRESSED: Amendments to the District's year-round water conservation rule chapter.

SPECIFIC AUTHORITY: 373.044, 373.113, 373.171 FS.

LAW IMPLEMENTED: 373.119, 373.171, 373.175, 373.246 373.603 FS.

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

TIME AND DATE: 1:00 p.m. – 4:00 p.m., May 30, 2002

PLACE: Board Room of the Southwest Florida Water Management District's Tampa Office, 7601 Highway 301 North, Tampa, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Lois Sorensen, Water Shortage Coordinator, Records and Data Department, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4299

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Medicaid**

RULE TITLE: Medicaid Certified School Match Program

RULE NO.: 59G-4.035

PURPOSE AND EFFECT: The purpose of this rule amendment is to incorporate by reference the Florida Medicaid Certified School Match Program Coverage and Limitations Handbook, July 2002. The effect will be to incorporate by reference in the rule the current Florida Medicaid Certified School Match Program Coverage and Limitations Handbook.

SUBJECT AREA TO BE ADDRESSED: Medicaid Certified School Match Program.

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 236.0812, 409.905, 409.906, 409.9071, 409.908, 409.9122, 409.9126 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: 9:15 a.m., EST, May 28, 2002

PLACE: 2728 Ft. Knox Blvd., Bldg. 3, Conf. Room E, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Kim Corsmeier, Bureau of Health Systems Development, 2728 Ft. Knox Blvd., Bldg. 3, MS #20, Tallahassee, Florida 32308-5403, (850)922-7318

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59G-4.035 Medicaid Certified School Match Program.

(1) This rule applies to all school districts enrolled in the Medicaid certified school match program, as described in Section 409.9071, F.S.

(2) All school district providers enrolled in Medicaid under the certified school match program must be in compliance with the Florida Medicaid Certified School Match Program Coverage and Limitations Handbook, July 2002 ~~August 2000~~, incorporated by reference, and the Florida

Medicaid Provider Reimbursement Handbook, HCFA-1500 and Child Health Check-Up 221, which is incorporated by reference in Rule 59G-5.020, F.A.C. Both handbooks are available from the Medicaid fiscal agent.

Specific Authority 409.919 FS. Law Implemented 236.0812, 409.905, 409.906, 409.9071, 409.908, 409.9122, 409.9126 FS. History—New 4-9-98, Amended 11-23-99, 5-27-01, \_\_\_\_\_.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Pilot Commissioners**

RULE TITLE: Percentage of Gross Pilotage Assessed

RULE NO.: 61G14-19.001

PURPOSE AND EFFECT: The purpose is to establish the percentage of gross pilotage to be paid into the Professional Regulation Trust Fund by a pilot or the entity to which the pilot belongs.

SUBJECT AREA TO BE ADDRESSED: The appropriateness of the present rate of assessment.

SPECIFIC AUTHORITY: 310.131, 310.185 FS.

LAW IMPLEMENTED: 310.131 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Anthony Spivey, Executive Director, Board of Pilot Commissioners, Northwood Centre, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61G14-19.001 Percentage of Gross Pilotage Assessed.

(1) Effective July 1, 2002, ~~January 1, 2001~~, the Department of Business and Professional Regulation shall assess the pilots in the respective ports of the state ~~six tenths of~~ one percent (1.0%) (~~0.6%~~) of the gross amount of pilotage earned by said pilots during each year. For the purposes of said assessment, the gross amount of pilotage earned shall be the amount of money collected by each pilot or by each entity of which the pilot is a member for piloting which shall include and not be limited to payment for piloting vessels to and from ports of this state, docking or undocking vessels, shifting vessels, running lines, delivering orders at sea, cancelled orders, boat service, detention, pilots being carried to sea, anchoring vessels, and any other related services rendered. Funds collected due under this are to be made payable to the Board and paid by the fifteenth of the following month. When received, the funds are paid into the Professional Regulation Trust Fund as created within the Department.

(2) No change.

Specific Authority 310.131, 310.185 FS. Law Implemented 310.131 FS. History—New 2-5-76, Amended 1-19-77, 1-1-78, 12-7-78, 11-1-81, 6-8-82, 8-9-82, 7-31-83, Formerly 21SS-3.01, Amended 5-30-89, 2-19-90, 12-30-91, 12-2-92, Formerly 21SS-3.001, 21SS-19.001, Amended 3-20-94, 1-5-95, 1-30-96, 3-17-96, 11-21-96, 8-25-97, 1-26-99, 1-31-01, \_\_\_\_\_.

**DEPARTMENT OF HEALTH**

**Board of Osteopathic Medicine**

RULE TITLE: Standard of Care for Office Surgery  
 RULE NO.: 64B15-14.007

PURPOSE AND EFFECT: The purpose of the rule amendments is to update the rule text with amendments recently adopted by the Board of Medicine.

SUBJECT AREA TO BE ADDRESSED: Standard of Care for Office Surgery.

SPECIFIC AUTHORITY: 459.005(1), 459.015(1)(z), 459.026 FS.

LAW IMPLEMENTED: 459.015(1)(g), (x), (z), (aa), 459.026 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: 5:00 p.m., Friday, June 7, 2002  
 PLACE: The Hyatt Regency, 50 Alhambra Plaza, Coral Gables, Florida 33134

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Karen Eaton, Executive Director, Board of Osteopathic Medicine/MQA, 4052 Bald Cypress Road, Bin #C06, Tallahassee, Florida 32399-3256

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B15-14.007 Standard of Care for Office Surgery.

NOTHING IN THIS RULE RELIEVES THE SURGEON OF THE RESPONSIBILITY FOR MAKING THE MEDICAL DETERMINATION THAT THE OFFICE IS AN APPROPRIATE FORUM FOR THE PARTICULAR PROCEDURE(S) TO BE PERFORMED ON THE PARTICULAR PATIENT.

- (1) No change.
- (2) General Requirements for Office Surgery.

(a) The surgeon must examine the patient immediately before the surgery to evaluate the risk of anesthesia and of the surgical procedure to be performed. The surgeon must maintain complete records of each surgical procedure, as set forth in Rule 64B15-15.004, Florida Administrative Code, F.A.C., including anesthesia records, when applicable and the records shall contain written informed consent from the patient reflecting the patient's knowledge of identified risks, consent to the procedure, type of anesthesia and anesthesia provider, and that a choice of anesthesia provider exists, i.e., anesthesiologist, another appropriately trained physician as

provided in this rule, certified registered nurse anesthetist, or physician assistant qualified as set forth in subparagraph 64B15-6.010(2)(b)6., Florida Administrative Code, F.A.C.

- (b) through (g) No change.
- (h) The surgeon must assure that the post-operative care arrangements made for the patient are adequate to the procedure being performed as set forth in Rule 64B15-14.006, Florida Administrative Code, F.A.C. Management of post-surgical care is the responsibility of the operating surgeon and may be delegated only as set forth in subsection 64B15-14.006(3), Florida Administrative Code, F.A.C. If there is an overnight stay at the office in relation to any surgical procedure:

- 1. through 2. No change.
- (i) through (k) No change.
- (l) A sign must be prominently posted in the office which states that the office is a doctor's office regulated pursuant to the rules of the Board of Osteopathic Medicine as set forth in Rule Chapter 64B15, Florida Administrative Code, F.A.C. This notice must also appear prominently within the required patient informed consent.

- (3) No change.
- (4) Level II Office Surgery.
  - (a) No change.
  - (b) Standards for Level II Office Surgery.

1. Transfer Agreement Required. The physician must have a transfer agreement with a licensed hospital within reasonable proximity if the physician does not have staff privileges to perform the same procedure as that being performed in the out-patient setting at a licensed hospital within reasonable proximity. "Reasonable proximity" is defined as not to exceed thirty (30) minutes transport time to the hospital.

2. Training Required. The surgeon must have staff privileges at a licensed hospital to perform the same procedure in that hospital as that being performed in the office setting or ~~The surgeon~~ must be able to document satisfactory completion of training such as Board certification or Board eligibility by a Board approved by the American Osteopathic Association, the American Board of Medical Specialties, the Accreditation Council on Graduate Medical Education or any other board approved by the Board of Osteopathic Medicine or must be able to establish comparable background, training, and experience. The surgeon and one assistant must be currently certified in Basic Life Support and the surgeon or at least one assistant must be currently certified in Advanced Cardiac Life Support or have a qualified anesthesia provider practicing within the scope of the provider's license manage the anesthesia.

- 3. Equipment and Supplies Required.
  - a. through j. No change.
- ~~4.3.~~ No change.
- (5) No change.



(6) Level III Office Surgery.

(a) No change.

(b) Standards for Level III Office Surgery. In addition to the standards for Level II Office Surgery, the surgeon must comply with the following:

1. Training Required.

a. The surgeon must have staff privileges at a licensed hospital to perform the same procedure in that hospital as that being performed in the office setting or must be able to document satisfactory completion of training such as Board certification or Board qualification by a Board approved by the American Osteopathic Association, the American Board of Medical Specialties, the Accreditation Council on Graduate Medical Education or any other board approved by the Board of Osteopathic Medicine or must be able to demonstrate to the accrediting organization or to the Department comparable background, training and experience. In addition, the surgeon must have knowledge of the principles of general anesthesia. If the anesthesia provider is not an anesthesiologist, there must be a licensed M.D., or D.O., anesthesiologist, other than the surgeon, to provide direct supervision of the administration and maintenance of the anesthesia.

b. No change.

2. through 4. No change.

Specific Authority 459.005(1), 459.015(1)(z), 459.026 FS. Law Implemented 459.015(1)(g), (x), (z), (aa), 459.026 FS. History—New 11-29-01, Amended \_\_\_\_\_.

**DEPARTMENT OF HEALTH**

**Board of Pharmacy**

RULE TITLE: Standards of Practice for filling Prescriptions

RULE NO.: 64B16-27.832

Generated through the Internet

PURPOSE AND EFFECT: The Board proposes to promulgate a rule to address the standards of practice for filling prescriptions generated through the internet.

SUBJECT AREA TO BE ADDRESSED: Standards of practice for filling prescriptions generated via the internet.

SPECIFIC AUTHORITY: 465.005, 465.0155 FS.

LAW IMPLEMENTED: 465.0155, 465.016, 465.026 FS.

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

TIME AND DATE: 8:00 a.m., or shortly thereafter on June 11, 2002

PLACE: Embassy Suites, 1100 SE 17th Street, Ft. Lauderdale, Florida 33116

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, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254

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

**DEPARTMENT OF HEALTH**

**Council of Medical Physicists**

RULE TITLE: Documentation for Licensure

RULE NO.: 64B23-2.001

PURPOSE AND EFFECT: Section 456.013, Florida Statutes, was amended by the 2001 Legislature to require the completion of a two (2) hour course relating to the prevention of medical errors as part of the initial licensure process for each health care profession regulated by the Department of Health. Accordingly, an amendment is proposed to Rule 64B23-2.001, F.A.C., to establish that proof of completion of a two (2) hour medical error course is required, as part of the necessary documentation each applicant must provide for initial licensure as a medical physicist. Additionally, a technical change is proposed to remove reference to the word “certification”, to more accurately reflect the actual documentation required for initial licensure.

SUBJECT AREA TO BE ADDRESSED: Documentation to be provided by each applicant for initial licensure as a medical physicist in the State of Florida, establishing that he or she has taken a required (2) hour course relating to the prevention of medical errors.

SPECIFIC AUTHORITY: 456.013, 456.004, 483.901(6)(b) FS.

LAW IMPLEMENTED: 456.013, 483.901(6)(b) 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, IF AVAILABLE, IS: Joe Baker, Executive Director, Advisory Council of Medical Physicists, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

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

**DEPARTMENT OF HEALTH**

**Council of Medical Physicists**

RULE TITLE: Continuing Education Requirements

RULE NO.: 64B23-4.001

PURPOSE AND EFFECT: Section 456.013, Florida Statutes, was amended by the 2001 Legislature to require completion of a two (2) hour course relating to the prevention of medical errors as part of the licensure renewal process for each health care profession regulated by the Department of Health.

Accordingly, an amendment is proposed to Rule 64B23-4.001, F.A.C., to require completion of such a course as part each medical physicists' continuing education requirements. Additional amendment is made to delete the requirement that twelve (12) hours of the required continuing education be in the speciality for which the individual is licensed. The purpose of this amendment is to allow licensees greater compliance with continuing education requirements, as continuing education providers for the profession of medical physics generally do not offer continuing education hours by specialty. SUBJECT AREA TO BE ADDRESSED: Continuing Education requirements for medical physicist licensees in the State of Florida.

SPECIFIC AUTHORITY: 456.013, 483.901(6)(a) FS.

LAW IMPLEMENTED: 456.013, 483.901(6)(a) 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, IF AVAILABLE, IS: Joe Baker, Executive Director, Advisory Council of Medical Physicists, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

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

**DEPARTMENT OF HEALTH**

**Council of Medical Physicists**

RULE TITLE: Citations RULE NO.: 64B23-6.003

PURPOSE AND EFFECT: Rulemaking has been proposed with regard to Rule 64B23-4.001, F.A.C., to delete the requirement that twelve (12) hours of the required continuing education for medical physicist licensees, be in the speciality for which the individual is licensed. The purpose of that amendment is to allow for greater compliance with continuing education requirements as continuing education providers within the medical physicist profession generally do not provide continuing education hours by specialty. In conjunction with these proposed amendments to the continuing education requirements, the Department of Health is also proposing deletion of the corresponding citation offense, which cites licensees for failure to have twelve (12) hours of continuing education in the speciality for which the individual is licensed.

SUBJECT AREA TO BE ADDRESSED: Citation offenses for continuing education requirements for medical physicist licensees in the State of Florida.

SPECIFIC AUTHORITY: 456.077(1), 483.901(6)(a) FS.

LAW IMPLEMENTED: 456.077(1), 483.901(6)(a) 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, IF AVAILABLE, IS: Joe Baker, Executive Director, Advisory Council of Medical Physicists, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

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

**Section II  
Proposed Rules**

**DEPARTMENT OF STATE**

**Division of Elections**

RULE TITLE: Write-in Procedures RULE NO.: 1S-2.0031

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to prescribe write-in procedures.

SUMMARY: This rule provides specific guidance for write-in procedures for voting systems. This includes the location of the write-in space on the ballot, guidance on procedures for tandem offices and other procedures for write-in votes.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 101.5608(3), (4) FS.

LAW IMPLEMENTED: 101.5608(3), 101.5608(4) FS.

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

TIME AND DATE: 3:00 p.m., May 31, 2002

PLACE: 107 West Gaines Street, Room 112, Tallahassee, Florida 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Amy K. Tuck, Division of Elections, Department of State, 107 West Gaines Street, Tallahassee, Florida 32399, (850)245-6200

Pursuant to the Americans with Disabilities Act, persons needing special accommodations to participate in this meeting should contact Amy K. Tuck, (850)245-6200, at least three days in advance of the meeting.