

**Section I**  
**Notices of Development of Proposed Rules**  
**and Negotiated Rulemaking**

**DEPARTMENT OF BANKING AND FINANCE**

**Division of Securities and Finance**

**RULE TITLE:** Sales of Certificates of Deposit  
**RULE NO.:** 3E-600.0132  
 The Department of Banking and Finance and the Department of Insurance jointly announce the following rule development workshop to which all persons are invited.

**PURPOSE AND EFFECT:** The purpose of the workshop will be to consider rules relating to recently enacted legislation that affects insurance agents and the sale of certificates of deposit issued by certain types of financial institutions.

**SUBJECT AREA TO BE ADDRESSED:** Regulation of the sale of certificates of deposit by insurance agents.

**SPECIFIC AUTHORITY:** 517.03(1) FS.

**LAW IMPLEMENTED:** 517.12 (20), 517.201, 517.211, 517.191, 517.221, 517.301(1), 517.302, 517.311(1)-(3), 517.312 FS.

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

**TIME AND DATE:** 10:00 a.m. – 1:00 p.m., September 6, 2002

**PLACE:** Room 116, Larson Building, 200 E. Gaines Street, Tallahassee, Florida

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS:** Don B. Saxon, Director, Department of Banking and Finance, Office of the Comptroller, Tallahassee, Florida 32399-0350, (850)410-9805

**THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:**

3E-600.0132 Sales of Certificates of Deposit.

(1) Any person licensed under s. 626.041 or s. 626.051 and not otherwise registered under 517.12, who offers or sells a security defined in s. 517.021(19)(g), pursuant to the authority in s. 517.12(20), shall comply with or be subject to:

(a) The provisions of s. 517.301(1), s. 517.302, s. 517.311(1)-(3) and s. 517.312;

(b) Investigations, examinations, and subpoenas pursuant to 517.201;

(c) The remedies contained in s. 517.211;

(d) Injunctions issued pursuant to 517.191;

(e) Cease and desist orders issued pursuant to s. 517.221; and

(f) Rule 4-235.003, Florida Administrative Code.

(2) Any person who violates any of the provisions of chapter 517 is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(3) Nothing in this rule shall be deemed to limit any other departmental authority existing under Chapter 517.

Specific Authority 517.03(1) FS. Law Implemented 517.12(20), 517.201, 517.211, 517.191, 517.221, 517.301(1), 517.302, 517.311(1)-(3), 517.312 FS. History—New

**DEPARTMENT OF INSURANCE**

**RULE TITLE:** Sale of Certificates of Deposit  
**RULE NO.:** 4-235.003  
 The Department of Banking and Finance and the Department of Insurance jointly announce the following rule development workshop to which all persons are invited.

**PURPOSE AND EFFECT:** The purpose of the workshop will be to consider rules relating to recently enacted legislation that affects insurance agents and the sale of certificates of deposit issued by certain types of financial institutions.

**SUBJECT AREA TO BE ADDRESSED:** Regulation of the sale of certificates of deposit by insurance agents.

**SPECIFIC AUTHORITY:** 624.308(2) FS.

**LAW IMPLEMENTED:** 624.307(1), 517.12, 626.611, 626.621 FS.

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

**TIME AND DATE:** 10:00 a.m. – 1:00 p.m., September 6, 2002

**PLACE:** Room 116, Larson Building, 200 E. Gaines Street, Tallahassee, Florida

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS:** Phil Fountain, Assistant Director, Division of Agent and Agency Services, Department of Insurance, 200 E. Gaines Street, Tallahassee, Florida 32399-0318, (850)413-5416

**THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:**

4-235 SALE OF NON-INSURANCE PRODUCTS BY INSURANCE REPRESENTATIVES

4-235.003 Sale of Certificates of Deposit.

(1) Activities of licensed general lines and life insurance agents authorized by Section 517.12(20), Florida Statutes, are considered activities under the agents' licenses for purposes of Sections 626.611 and 626.621, Florida Statutes.

(2) In determining whether an agent has been a source of injury or loss to the public or detrimental to public interest within the meaning of Section 626.621(6), Florida Statutes, the Department will consider the facts applicable to each transaction.

(a) Conduct determined by the Department of Banking and Finance to violate Rule 3E-600.0132, F.A.C., constitutes conduct that is a source of injury or loss to the public or detrimental to public interest within the meaning of Section 626.621(6), Florida Statutes.

(b) The Department will apply the standards established in Part IX of Chapter 626, Florida Statutes, against engaging in unfair methods of competition or in unfair or deceptive acts or practices in the conduct of business under an agent’s license to agent transactions authorized under Section 517.12(20), Florida Statutes.

Specific Authority 624.308(2) FS. Law Implemented 624.307(1), 517.12, 626.611, 626.621 FS. History—New

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

**Division of Agricultural Environmental Services**

|                         |                   |
|-------------------------|-------------------|
| RULE CHAPTER TITLE:     | RULE CHAPTER NO.: |
| Feed                    | 5E-3              |
| RULE TITLES:            | RULE NOS.:        |
| Ingredient Statement    | 5E-3.004          |
| Labels                  | 5E-3.005          |
| Customer – Formula Feed | 5E-3.014          |

**PURPOSE AND EFFECT:** The purpose of the proposed rule is to require full disclosure as to the nature and origin of any and all products derived from animal sources that are utilized as ingredients in feed for animals. Such disclosure will facilitate the effective enforcement of the BSE Code of Federal Regulations 589.2000 through feed product label inspection at the marketplace and consumer levels. The effect of the proposed rule will be that manufacturers of feed that contains animal derived products will be required to identify the specific animal sources of such products in the ingredient statement of the feed product labeling.

**SUBJECT AREA TO BE ADDRESSED:** Animal feed labeling requirements.

**SPECIFIC AUTHORITY:** 570.07(23), 580.036(2) FS.

**LAW IMPLEMENTED:** 580.051(2), 580.071(1),(3), 580.081, 580.112 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., September 6, 2002

**PLACE:** AES Conference Room, 3125 Conner Blvd., Tallahassee, FL 32399-1650

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS:** Steven J. Rutz, Director, Department of Agriculture and Consumer Services, Room 130, 3125 Conner Blvd., Tallahassee, FL 32399-1650

**THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:**

5E-3.004 Ingredient Statement.

(1) Each ingredient shall be specifically named (the names and definitions identified in “Official Publication 2001” published by the Association of American Feed Control Officials shall be used as the common or usual names unless

the Department of Agriculture and Consumer Services designates otherwise by rule), except that collective terms for a group of ingredients which perform a similar function may be used on labels for all commercial feed except horse feed and commercial feed or feedstuff that contains or consists of animal products, animal protein products, or recycled animal waste products. Collective terms recognize a general classification of ingredient origin but do not imply equivalent nutritional values. The following collective terms may be used in lieu of each ingredient term provided that only those ingredients defined by Association of American Feed Control Officials within each collective term are included:

~~Animal Protein Products~~

- Grain Products
- Plant Protein Products
- Processed Grain By-Products
- Forage Products
- Roughage Products
- Molasses Products

(a) For any given lot the manufacturer shall provide the department or consumer, upon request, the specific names of the ingredients used within each collective term.

(b) When a collective term for a group of ingredients is used on the label, individual ingredients within that group shall not be listed, except that labels for customer formula feeds shall show the names of specific ingredients within a collective term, when the customer requests that certain ingredients be added to a regular brand.

(c) Commercial feed or feedstuff that contains or consists of animal products, animal protein products, or recycled animal waste products, shall specify, in the ingredient statement, the animal(s) from which the product(s) are derived.

(2) When added in the preparation of canned foods for animals, water shall be listed as an ingredient.

(3) The term “dehydrated” may precede the name of any product that has been artificially dried.

(4) No reference to quality or grade of an ingredient shall appear in the ingredient statement of a feed.

(5) Copyrighted brand, trade, or proprietary names shall not be used in the ingredient statement.

(6) A single ingredient product defined by the Association of American Feed Control Officials is not required to have an ingredient statement provided it is identified in the brand or product name.

(7) “Official Publication 2001” published by The Association of American Feed Control Officials is hereby incorporated by reference. Copies may be obtained from AAFCO Assistant Secretary-Treasurer, P. O. Box 478, Oxford, IN 47971.

Specific Authority 570.07(23), 580.036(2) FS. Law Implemented 580.051(1)(f) FS. History—Amended 12-30-70, 4-1-76, Formerly 5E-3.04, Amended 6-1-95, 11-14-01, \_\_\_\_\_.

5E-3.005 Labels.

(1) The information required in Section 580.051, Florida Statutes, shall appear in its entirety on one side of the label, or on one side of the container, except as provided in Rules 5E-3.008 and 5E-3.014, F.A.C., and further provided that precautions and directions for use may appear on the reverse side of the label. The information shall not be subordinated or obscured by other statements and designs.

(2) A package or a bulk lot of feed shall not be accompanied by conflicting labeling on tags, containers, delivery ticket or invoice.

(3) The month, day and year of manufacture of the commercial feed, for ratites only, which information shall appear on the label or the container in a conspicuous place, plainly written or printed in the English language when distributed in bags and when sold at retail.

(4) The label or labeling for a packaged or bulk feed that contains or consists of animal products, animal protein products, or recycled animal waste products shall specify, in the ingredient statement, the animal(s) from which the product(s) are derived.

Specific Authority 570.07(23), 580.036(2) FS. Law Implemented 580.051, 580.081, 580.112 FS. History—Amended 12-30-70, Formerly 5E-3.05, Amended 3-5-89, 9-19-94, 6-1-95,\_\_\_\_\_.

5E-3.014 Customer – Formula Feed.

(1) The label for a customer-formula feed shall show, in addition to the information required by Section 580.051(2), Florida Statutes, the words “mixed for” followed by the name and address of the customer, except that the brand name may be omitted. When the customer requests that certain ingredients be added to a regular brand, the base feed label may be used along with the names of other ingredients added, provided that the protein, fat and fiber guarantees are not affected. Where appropriate, the words “added drug ingredient(s)” shall be shown, followed by the name(s) and amount(s) of the drug(s). If it is necessary to use the reverse side of a tag to show added labeling, the words “Customer-formula feed – see reverse side” shall be stamped on the front of the label, in such a manner as not to obscure the base feed labeling. The label or labeling for a customer formula feed that contains or consists of animal products, animal protein products, or recycled animal waste products, shall specify, in the ingredient statement, the animal(s) from which the product(s) are derived.

(2) A customer-formula feed may contain any ingredients requested by the customer subject to the limitation in subsection 5E-3.008(1), F.A.C.

(3) The mixer of a customer-formula feed shall keep the signed formula in his records for a period of twelve months following the last delivery of such feed.

Specific Authority 570.07(23), 580.036(2) FS. Law Implemented 580.051(2), 580.071(1),(3), 580.081, 580.112 FS. History—Amended 12-30-70, Formerly 5E-3.14, Amended 6-1-95, 11-14-01,\_\_\_\_\_.

DEPARTMENT OF CORRECTIONS

RULE TITLE: Inmate Welfare Trust Fund and Canteen Operations

RULE NO.: 33-203.101

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to: increase the maximum amount of weekly canteen purchases for inmates; to clarify the purposes for which inmate welfare trust funds may be disbursed; to delete obsolete provisions concerning the operation of inmate welfare trust fund activities; to provide for a state-wide policy regarding canteen items and pricing; and to set a maximum rate of pay for inmate canteen workers.

SUBJECT AREA TO BE ADDRESSED: Inmate welfare trust fund, canteen.

SPECIFIC AUTHORITY: 20.315, 944.09, 945.215 FS.

LAW IMPLEMENTED: 20.315, 944.09, 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 IS: Perri King Dale, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-203.101 Inmate Welfare Trust Fund and Canteen Operations.

(1) No change.

(2) Each inmate shall be allowed to purchase ~~\$45.00~~ \$65.00 of canteen merchandise on a weekly basis, exclusive of any items obtained through special mail order procedures.

(3) Budgeting and Disbursement of Inmate Welfare Trust Funds.

(a) No change.

(b) Inmate welfare trust funds shall be budgeted and disbursed exclusively:

1. through 5. No change.

6. For operating and fixed-capital expenses associated with the delivery to inmates of literacy programs, vocational training programs, and academic programs that comply with standards of the Department of Education;

7. through 8. No change.

9. For expenses associated with various inmate clubs; ~~and~~

10. For expenses associated with legal services for inmates;

11. To employ personnel to provide inmate substance abuse treatment and transition and life skills training programs; and

12. For operating and fixed-capital expenses associated with the delivery of inmate substance abuse treatment and transition and life skills training programs.

(c) Expenditures for items listed in subparagraphs 5. through ~~12.10.~~ above are categorized as inmate benefit program expenditures. Expenditures for correctional education programs in subparagraphs 5. and 6. must exceed the total of all other inmate benefit program expenditures.

(4) through (5) No change.

~~(6) Copies of annual Inmate Welfare Trust Fund financial statements and Inmate Welfare Trust Fund Committee meeting minutes or equivalent information will be made available to inmates.~~

~~(6)(7) Inmate Welfare Trust Fund Procedures.~~

(a) Department wide. The Office of Administration shall develop procedures Secretary shall appoint members to the Inmate Welfare Trust Fund Policy Committee whose responsibilities will include development of policies to govern the operation of Inmate Welfare Trust Fund activities and annual review of institutional inmate welfare trust fund budgets.

(b) Regional Level: Each Regional Director will appoint a Regional Inmate Welfare Trust Fund Committee which will review, revise, and recommend approval of institutional Inmate Welfare Trust Fund budgets for that region. The Department and Regional Inmate Welfare Trust Fund committees will strive to maintain uniform sales prices throughout the Department within the bounds of good purchasing practices. The regional committee will assist the Regional Director in investigating and reporting Inmate Welfare Trust Fund shortages or losses which occur in the region's community facilities. In cases wherein the shortage is recovered, the report need not be processed further than the Regional Office. If shortages are not recovered, the report will be forwarded to the Department Inspector General for review and action.

(b)(c) Institutional Level: Service center support staff are responsible for overseeing. Each institutional warden will appoint an inmate Welfare Trust Fund Committee to oversee the operation of the institution's Inmate Welfare Trust Fund and canteen operations, to assist in the development of operating budgets and to approve expenditures for inmate benefit programs. The committee will also assist the warden in the investigation and reporting of shortages or losses. The committee shall include at least one inmate representative who will be present for all meetings where expenditures of monies from the Inmate Welfare Trust Fund are decided upon.

(7)(8) A standard mark-up policy implemented through the department's cashless canteen system will be used to price canteen resale items. Inmate Welfare Trust Fund committees will determine the prices for which items are to be sold at canteens. Current price lists will be posted in the proximity of the canteen for inmate viewing purposes.

~~(9) Budgeting and Use of Telephone Commission Revenues. Commission revenue derived from telephones designated for inmate use is a funding source for inmate welfare trust fund activity as authorized under s. 945.215, F.S. Telephone commissions shall be directed to and accumulated by the Central Office Bureau of Finance and Accounting to be budgeted by the inmate welfare trust fund policy committee for authorized department wide purposes identified as follows:~~

~~(a) Canteen construction and canteen start-up cost for new facilities;~~

~~(b) Installation of the department's automated cashless canteen/inmate banking system at new facilities and the maintenance of the system at existing facilities;~~

~~(c) Special construction projects such as educational buildings and facilities, chapels, libraries, and visiting pavilions;~~

~~(d) Maintenance of inmate law libraries, including the establishment of law libraries at new facilities and required upgrades at existing facilities;~~

~~(e) Other authorized by s. 945.215, F.S., and approved by the central office inmate welfare trust fund policy committee.~~

~~(8)(10) Items Authorized for Sale in Canteens.~~

~~(a) A list of items authorized for resale in canteens at Department institutions will be posted on bulletin boards at each institution. This list has been generated from input from throughout the Department and has been approved by the Inmate Welfare Trust Fund Policy Committee and the Secretary of the Department.~~

~~(b) through (e) renumbered (a) through (d) No change.~~

~~(9)(11) Inmate Salaries. An inmate may receive compensation from the Inmate Welfare Trust Fund if the inmate is actually performing canteen or canteen support functions. The monthly rate of pay shall not exceed \$75.00 the maximum amount established by the Inmate Welfare Trust Fund Policy Committee.~~

~~(12) through (14) renumbered (10) through (12) No change.~~

Specific Authority 20.315, 944.09, 945.215 FS. Law Implemented 20.315, 944.09, 945.215 FS. History--New 1-20-86, Formerly 33-3.035, Amended 11-22-91, 5-25-95, 11-13-95, 5-28-96, 2-12-97, Formerly 33-3.0035, Amended \_\_\_\_\_.

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Medicaid**

RULE TITLE: Ambulatory Surgical Center Services

RULE NO.: 59G-4.020

PURPOSE AND EFFECT: The purpose of the rule amendment is to incorporate by reference the Florida Medicaid Ambulatory Surgical Center Services Coverage and Limitations Handbook, January 2002. Appendix A of the handbook contains the 2002 procedure codes and payment groups in effect for dates of service beginning on January 1,

2002. The effect will be to incorporate in the rule the current Florida Medicaid Ambulatory Surgical Center Services Coverage and Limitations Handbook.

SUBJECT AREA TO BE ADDRESSED: Ambulatory Surgical Center Services.

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.906, 409.908 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: 10:00 a.m. – 11:00 a.m., September 3, 2002

PLACE: Agency for Healthcare Administration, 2728 Fort Knox Boulevard, Building 3, Conference Room C, Tallahassee, Florida 32308

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Ouida Mazzoccoli, Medical/Health Care Program Analyst, Medicaid Health Systems Development, 2728 Fort Knox Boulevard, Building 3, Tallahassee, FL 32308, (850)922-7351

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59G-4.020 Ambulatory Surgical Center Services.

(1) No change.

(2) All ambulatory surgical center providers enrolled in the Medicaid program must be in compliance with the Florida Medicaid Ambulatory Surgical Center Services Coverage and Limitations Handbook, January 2002 ~~January 2001~~, incorporated by reference, and the Florida Medicaid Provider Reimbursement Handbook, HCFA-1500 and Child Health Check-Up 221, which is incorporated in Rule 59G-5.020, F.A.C. Both handbooks are available from the Medicaid fiscal agent.

Specific Authority 409.919 FS. Law Implemented 409.906, 409.908 FS. History—New 10-25-84, Formerly 10C-7.531, Amended 5-13-92, 7-12-92, 7-27-93, Formerly 10C-7.0531, Amended 9-8-94, 7-3-95, 11-18-97, 10-27-98, 1-1-01, 7-26-01, \_\_\_\_\_.

**DEPARTMENT OF MANAGEMENT SERVICES**

**Division of Administrative Hearings**

RULE CHAPTER TITLE: Workers' Compensation

RULE CHAPTER NO.:

Adjudications

60Q-6

PURPOSE AND EFFECT: The rules will implement the mandate in Section 440.45, Florida Statutes, as amended by Chapter 2002-236, Laws of Florida, that the Division of Administrative Hearings adopt procedural rules for workers' compensation claims resolution. The rules will be patterned after the existing procedural rules adopted by the Supreme Court of Florida, but will eliminate unnecessary procedural

requirements in those rules in an effort to simplify the process and effectuate the legislative intent in Sections 440.015 and 440.44(2), Florida Statutes, as amended by Chapter 2002-194, Laws of Florida, that the workers' compensation system be efficient and self-executing and that the Division of Administrative Hearings assume an active and forceful role in the administration of Chapter 440. Upon adoption, the rules will replace the procedural rules adopted by the Supreme Court of Florida.

SUBJECT AREA TO BE ADDRESSED: Procedural rules applicable to workers' compensation adjudications before the judges of compensation claims.

SPECIFIC AUTHORITY: 440.015, 440.25(4)(h),(i), 440.44, 440.45(1),(4) FS.

LAW IMPLEMENTED: Chapter 440, 440.192, 440.20, 440.25, 440.29, 440.33, 440.34, 440.44, 440.45(4) FS.

RULE DEVELOPMENT WORKSHOPS WILL BE HELD AT THE TIMES, DATES, AND PLACES SHOWN BELOW:

TIME AND DATE: 1:00 p.m., September 26, 2002

PLACE: City Hall, Commission Chambers, 100 North Andrews Avenue, Fort Lauderdale, Florida 33301

TIME AND DATE: 1:00 p.m., October 2, 2002

PLACE: DeSoto Building (check the bulletin board in the lobby for room assignment), 1230 Apalachee Parkway, Tallahassee, Florida 32399

TIME AND DATE: 1:00 p.m., October 9, 2002

PLACE: City Hall, Agenda Conference Room, Second Floor, 400 South Orange Avenue, Orlando, Florida 32801

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: None.

Any person requiring special accommodations to participate in the workshops is requested to contact the person listed below at least 5 calendar days before the workshop. Hearing or speech impaired persons may contact the person listed below by using the Florida Relay Service, which can be reached at 1(800)955-8700 (Voice) and 1(800)955-8771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Linda M. Rigot, Administrative Law Judge, Division of Administrative Hearings, 1230 Apalachee Parkway, Tallahassee, Florida 32399, (850)488-9675

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT WILL BE AVAILABLE ON AUGUST 26, 2002, AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE OR THROUGH THE INTERNET AT WWW.JCC.STATE.FL.US.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Professional Geologists**

RULE TITLE: Probable Cause Panel

RULE NO.: 61G16-1.011

PURPOSE AND EFFECT: The Board proposes to review the rule on the Probable Cause Panel to clarify the membership of the panel.

SUBJECT AREA TO BE ADDRESSED: Probable Cause Panel.

SPECIFIC AUTHORITY: 455.225(4), 492.103 FS.

LAW IMPLEMENTED: 455.225(4) FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Leon Biegalski, Executive Director, Board of Professional Geologists, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

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

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

DOCKET NUMBER: 02-35R

RULE CHAPTER TITLE: State Revolving Loan Program for Water Pollution Control

RULE NO.: 62-503

SUMMARY: Rule development will address extended term financing of wastewater management systems for local governments having financial hardships; loan collateral, pledged revenue coverage, reserve funds, and other loan security related provisions; planning, design, and procurement loan prerequisites; fees and assessments associated with loans; federal requirements emerging as a result of the federal authorization for the SRF program; audit requirements; and rule clarification and organization.

The full text of this notice is published on the Internet at the Department of Environmental Protection’s home page at <http://www.dep.state.fl.us> under the link or button titled “Official Notices.” For more information, call Richard Smith, (850)488-8313.

**DEPARTMENT OF HEALTH**

**Division of Medical Quality Assurance Boards**

|  |            |
|--|------------|
| RULE TITLES:   | RULE NOS.: |
| Application Deadlines; Examination Rescheduling  | 64B-1.001  |
| Notification of Applicants   | 64B-1.002  |
| Examination Administration   | 64B-1.003  |
| Conduct at Test Site   | 64B-1.004  |
| Licensure Examinations Format; Examination Procedures for Candidates with Disabilities     | 64B-1.005  |
| Practical Examinations   | 64B-1.006  |
| Selection Criteria for Examiners and Examination Consultants; Term of Service of Examiners | 64B-1.007  |

|  |            |
|--|------------|
| Grading of Examinations; Grade Notification; Chiropractic Examination Grading  | 64B-1.008  |
| Requesting a Pre-hearing Review  | 64B-1.009  |
| Security and Monitoring Procedures   | 64B-1.010  |
| Requirements and Standards of a National Examination   | 64B-1.011  |
| Procedures for Certification of National Examinations  | 64B-1.0115 |
| Guidelines for Sharing Department-Developed Examinations with Other State Licensing Authorities and Testing Entities | 64B-1.012  |
| Post-Examination Review of Examination Questions, Answers, Papers, Grades and Grading Keys                           | 64B-1.013  |
| Use of Pilot Test Items in Examinations  | 64B-1.014  |

PURPOSE AND EFFECT: The Department of Health is proposing amendments to the rules governing examinations in order to revise and clarify the existing rules, add new language with regard to special testing accommodations, post examination review fees, requirements and standards of a national examination and procedures for certification of national examinations.

SUBJECT AREA TO BE ADDRESSED: The subject matter covered in this rule affects all state-developed licensure examinations administered by the Division of Medical Quality Assurance, Department of Health.

SPECIFIC AUTHORITY: 456.004(5), 456.013(1), 456.014, 456.017(1), 456.017(1)(d), 456.017(2), 458.347 FS.

LAW IMPLEMENTED: 456.013(1), 456.014, 456.017(1)(d), 456.017(2), 458.347 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND TO RECEIVE A PRELIMINARY DRAFT IS: Karen Eaton, Bureau of Operations, Division of Medical Quality Assurance, 4052 Bald Cypress Way, Bin #C10, Tallahassee, FL 32399-1703

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B-1.001 Application Deadlines; Examination Rescheduling.

(1) No change.

(2) The original examination fee paid by the applicant shall be applied to a rescheduled examination in the following situations:

(a) If the applicant is unable to sit for the originally scheduled examination by reason of ~~the~~ military service and submits to the board or the department, where there is no board, a copy of the applicant’s military orders or a letter from

the applicant's commanding officer, no later than twenty-one (21) days following the examination date the applicant was scheduled for; or

(b) If the applicant demonstrates to the board or to the department, where there is no board, that serious injury, illness, or other physical impairment prevented the candidate from taking the examination. Any such request to reschedule sitting for an examination shall include a statement from the applicant's treating physician, which must be received no later than twenty-one (21) days following the examination date for which the applicant was scheduled, and shall include:

1. A description of the injury, illness, or physical impairment;
2. The dates of treatment and/or confinement; and
3. An attestation that such injury, illness, or physical impairment prevented the applicant from taking the examination; or

(c) If it is determined that a candidate's examination or portion thereof cannot be scored through no fault of the candidate; or

(d) If the department or contract provider:

1. Provides insufficient time for completion of an examination or clinical procedure through some mechanical or clerical error; of the department insufficient time is allowed for completion of an examination or clinical procedure; or

2. Loses examination materials; are lost by the department,  
or

3. Has other problems occur which are due to the department's inaction or negligence.

(3) Examination Administrator is defined as a person(s) responsible for the administration or the delivery of the examination to the candidate either in person or electronically.

Specific Authority 456.004(5), 456.013(1), 456.017(1) FS. Law Implemented 456.013(1), 456.017(1) FS. History--New 9-7-98, Amended.

#### 64B-1.002 Notification of Applicants.

(1) Unless otherwise specified by board rule after a decision is made that an applicant meets the lawful requirements for the licensure examination, the department or contract provider will schedule the applicant for the next examination for which space is available that begins at least forty-five (45) days after the applicant is certified or after ninety (90) days from receipt of a complete application.

(2) If all certified candidates cannot be scheduled for the next subsequent examination due to space, time or other limitations beyond the control of the department or contract provider, the candidates will be scheduled chronologically according to the date the application was complete.

(3) The department or contract provider ~~its designee~~ will notify candidates of the place, date and time of the examination and provide the candidate with verification of scheduling. For department developed examinations, a candidate will also receive an official admission slip which will be required for

admission to sit for the examination. The department or contract provider shall inform the candidate of the length of the examination, patient criteria when a patient is needed for a practical examination and any special equipment or materials the candidate needs to bring to the examination. Except with regard to national examinations, the department or contract provider shall also inform a candidate of the major content areas tested on the examination.

Specific Authority 456.004(5), 456.017(1) FS. Law Implemented 456.017(1) FS. History--New 9-7-98, Amended.

#### 64B-1.003 Examination Administration.

Unless the national examination requires a different set of administration procedures, the following procedures shall be followed for any examination administered by the department or its contract provider.

(1) All examinations ~~administered by the department~~ will be administered in accordance with the department's "General Administration Manual for Examinations," 1996 form DH MQA, revised, which is hereby adopted and incorporated ~~herein~~ by reference, and can be obtained from the Division of Medical Quality Assurance, Bureau of Operations, Testing Services, at: 4052 Bald Cypress Way, Bin C-90, Tallahassee, Florida 32399-3290. Administration requirements set forth by national examination will be compiled within the administration of the specific examination.

(2) During the examination, the candidates will follow the instructions given by ~~of~~ the examination administrator supervisor. The instructions shall be provided to the candidate in either written or verbal form and shall be read to the candidates by the examination administrator supervisor. ~~The candidates will be permitted to ask the examination supervisor or proctor reasonable questions relating to the instructions.~~

(3) The department's valid admission slip for the specified examination and a government-issued photo identification I.D. such as a valid driver's license or passport, must be presented in order to gain admission to the examination. ~~A valid government-issued photo I.D. such as a driver's license, A government-issued photograph identification defined in the aforementioned sentence~~ shall be acceptable in the absence of the admission slip provided the candidate's name appears on the examination admission roster that has been prepared by the department or its contract provider for the specific examination.

(4) If the candidate arrives at a the designated testing location after the designated starting time, the examination administrator will attempt reasonable accommodations. Candidates sitting for paper and pencil examinations the candidate will be permitted to take the examination only after signing a statement indicating the candidate's late arrival time, and the candidate's agreement that he/she and agreeing that the candidate will have only the remaining designated time to complete the examination. Candidates sitting for computer-based testing examinations may be re-scheduled for

the examination by the examination administrator. Candidates sitting for practical or clinical examinations will not be allowed to take the examination. No late arriving candidate for paper and pencil examinations will be permitted to take that examination if:

~~(a) The Any candidate who refuses to sign such a statement or, will be disqualified from the examination and may apply to the department for scheduling for the next available examination. If,~~

~~(b) At the time when the late candidate arrives, any other candidate has already finished the examination and left the examination room,~~

In either case, if the late candidate wants to take the examination, he or she must will not be permitted to sit for the examination and must apply to the department for scheduling for the next available examination.

(5) If through some mechanical or clerical error of the department or the contract provider, the candidate does not receive the allotted time to complete the examination, additional time shall be allowed upon approval of the examination administrator supervisor.

(6) All examination questions, booklets, answer sheets, electronic files and other examination papers and materials, in any form, are the sole property of the department or the national provider. No candidate shall take any of the examination questions, booklets, portions thereof, answers sheets, electronic files and other examination papers and materials, in any form, from the examination room, retain, reproduce or compromise the examination in whole or in part by any means or method whatsoever.

Specific Authority 456.004(5), 456.017(1)(d) FS. Law Implemented 456.017(1)(d) FS. History—New 9-7-98, Amended.

64B-1.004 Conduct at Test Site.

~~For professions directly regulated by the department and for professions regulated by a board, if incorporated into the rules of the appropriate board, examinations that are administered by the department or a contract provider the conduct at the test site shall be as follows:~~

(1) The examination administrator supervisor and proctors are the department’s designated agents in maintaining a secure and proper examination administration. Failure to comply with the written or oral instructions provided by the department’s designated agents shall result in the removal of the examinee from the examination room.

(2) through (4) No change.

Specific Authority 456.004(5), 456.017(1)(d) FS. Law Implemented 456.017(1)(d) FS. History—New 9-7-98, Amended.

64B-1.005 Licensure Examinations Format; Examination Procedures for ~~Disabled~~ Candidates with Disabilities.

(1) Definitions.

(a) A person with a disability means any person who:

1. Has a physical, mental or specific learning disability which at present substantially limits one or more major life activities;

2. Has a record of such a disability;

3. Is regarded as having such a disability

(b) Major life activities are activities that an average person can perform with little or no difficulty which include: walking, talking, hearing, breathing, learning, working, caring for one’s self and performing manual tasks.

(c) An individual with a physical disability means any person who has a documented permanent or temporary physical or psychomotor disability.

(d) An individual with a learning disability is a person who has permanent or temporary mental disabilities such as brain damage, brain dysfunction, dyslexia or a perceptual disorder. The term does not include learning problems that are primarily the result of visual, hearing or motor disabilities, mental retardation, emotional disturbance, English as a foreign language, or of environmental, cultural or economical disadvantage.

~~(2)(4)~~ The department will provide reasonable and appropriate accommodations to candidates with physical, mental or specific learning disabilities to the extent permitted by cost, administration restraints, security considerations and availability of resources. Accommodations made will vary depending upon the nature and the severity of the disability impairment. Each case will be dealt with on an individual basis within the limits prescribed herein. In instances of national examinations, guidance will be sought from the national provider. Reference information and guidelines regarding the process of documenting disabilities are contained in the document titled “Information Booklet, Special Testing Accommodations for Examinees with Disabilities,” Form DH 1320, revised December 2001, which is hereby adopted and incorporated by reference, and can be obtained from the Division of Medical Quality Assurance, Bureau of Operations, Testing Services, at: 4052 Bald Cypress Way, Bin C-90, Tallahassee, Florida 32399-3290.

~~(3)(a)(2)~~ Candidates requesting accommodation special assistance must file a their request for special testing accommodation on the Application For Candidates Requesting Special Testing Accommodation in Accordance with the Americans with Disabilities Act, form DH 1307, assistance with their completed application for the licensure examination, (by the final published application deadline) 60 days prior to the examination for which special testing accommodation is requested. Form DH 1307, effective April 2002 is hereby adopted and incorporated by reference, and can be obtained from the Division of Medical Quality Assurance, Bureau of Operations, Testing Services, at: 4052 Bald Cypress Way, Bin C-90, Tallahassee, Florida 32399-3290. Exceptions to the 60 day deadline for requesting special accommodations include:



1. If a candidate becomes disabled during the 60 day deadline period, and has not requested special accommodations, the Department will provide, on a case-by-case basis, any such requested accommodations that can be made available without posing undue burdens which unreasonably affect the security and integrity of the examination.

2. No accommodations will be provided to exam candidates requesting special accommodations ten (10) days or less before the examination.

(b) In addition to the Application for Candidates Requesting Special Testing Accommodation in Accordance with Americans with Disabilities Act form DH 1307, the candidate must provide the department with documentation of their disability completed by a practitioner psychologist licensed pursuant to Chapter 490, (Psychology), Florida Statutes or physician licensed pursuant to Chapter 458 (Medical Practice), Chapter 459 (Osteopathy), Chapter 461 (Podiatry), Chapter 463 (Optometry), or and Chapter 468, Part I (Speech Language Pathology & Audiology Part I), Florida Statutes or by a comparable practitioner licensed in another jurisdiction in the United States. The candidate's documentation shall include:

- (a) The diagnosis and length of time with the condition;
- (b) The name of the test(s) used for diagnosis; and
- (c) Recommended accommodations and testing environment.

(4)(3) Reasonable accommodations shall be made for candidates who qualify. All accommodations must be directly linked to the amelioration of the identified functional limitations caused by the asserted disability and must be reasonable and effective. To be considered for such an accommodation a candidate must submit to the department a recommendation for accommodation from a licensed practitioner as identified in paragraph 64B-1.005(3)(b), F.A.C. Permissible accommodations include:

(a) Flexible Additional Time; ~~Provided for candidates requiring extra time to take an for the examination must submit a recommendation of such from a Florida licensed practitioner as identified in 64B-1.005(2), F.A.C. However, in no event, shall a candidate be provided an untimed examination Untimed examinations will not be provided.~~

(b) Flexible Alternate Setting; ~~Individual and small group settings examination administrations shall be available to candidates test takers when such service is recommended by a Florida licensed practitioner as identified in 64B-1.005(2).~~

(c) Flexible Alternate Recording of Responses; ~~The candidate's test taker's responses can be recorded by a proctor, a typewriter, a Braille writer, or marked on the test booklet, or by another method approved by the department. The test takers will be allowed also to point to the correct response. In the event answer sheets are machine-scored. The proctor shall may transcribe the candidate's responses onto a machine scannable~~

~~answer sheet. In these instances, the candidate will verify that the correct answer was marked was the candidate's intended option.~~

(d) Flexible Alternate Format; ~~The test booklet may be produced in large print, high quality regular print, Braille, or read-aloud, in another manner approved by the department on a case-by-case basis. For hearing impaired candidates, an interpreter shall be provided who interprets and reads instructions or examination questions simultaneously.~~

(e) Assistive Devices: ~~The candidate will be allowed to use appropriate assistive devices approved by the department based on the practitioner's recommendation.~~

(5)(e) ~~The department reserves the right to request further evidence on the necessity of the accommodation when, according to the practitioner's opinion, the information submitted to substantiate a candidate's need for the requested accommodation is insufficient, incomplete, inconclusive, unclear, or does not substantiate the need for the requested accommodation. Based on its judgement, the department may request that the applicant submit to another professional examination to verify the disability and/or to determine what accommodations are most appropriate and effective.~~

(6)(4) ~~In no case shall any modifications authorized herein be interpreted or construed as an authorization to provide a candidate with assistance in determining the answer to any test question item. No accommodation or modification shall be made that adversely affects the security or integrity of the examination.~~

(7) If a candidate approved for special testing accommodations receives a failing grade on his or her examination and requests an examination review, the candidate will receive the same approved accommodation at the review.

(5) Definition of Terms.

(a) A disabled person with a disability means any person who:

- 1. Has a physical or mental impairment which substantially limits one or more major life activities;
- 2. Has a record of such a disability an impairment;
- 3. Is regarded as having such impairment.

(b) Major life activities are activities that an average person can perform with little or no difficulty which include: walking, talking, hearing, breathing, learning, working, caring for one's self and performing manual tasks.

(c) A physically disabled individual means any person who has permanent or temporary physical or psychomotor impairments. The candidate might be in a wheelchair, wear braces, or use crutches, be hearing impaired or blind or may need special assistance to move about.

(d) A learning disabled individual is a person who has permanent or temporary mental disabilities such as brain damage, brain dysfunction, dyslexia or a perceptual disorder. The term does not include learning problems that are primarily

~~the result of visual, hearing or motor disabilities, mental retardation, emotional disturbance, or of environmental, cultural or economical disadvantage.~~

Specific Authority 456.004(5), 456.017(1) FS. Law Implemented 456.017(1) FS. History—New 9-7-98, Amended.

#### 64B-1.006 Practical Examinations.

Unless specified in board rule, the following procedures shall be used with regard to department-developed practical examinations:

(1) Candidates required to take a practical/clinical examination shall be informed by the department in writing of the applicable performance criteria, patient criteria and any special equipment required for such performance.

(2) In the event professional examiners are employed to evaluate candidate performance on ~~in~~ practical examinations, no less than two (2) examiners shall independently evaluate the performance of each candidate pursuant to the Board's rule. ~~The independent grades of the examiners shall be averaged to produce a final score.~~

(3) The examiners shall not discuss ~~the~~ candidates' ~~candidate's~~ performance with anyone at any time during the examination or before the grades are recorded.

(4) The department's contract provider ~~examiners or their designee~~ shall provide instructions to the candidates.

(5) The examiners shall grade the candidates only with regard to the prescribed performance criteria.

(6) The candidates ~~candidate~~ and examiners ~~examiner~~ shall not engage in conversation during the practical performance, unless said conversation is part of the practical examination.

Specific Authority 456.004(5), 456.017(1) FS. Law Implemented 456.017 FS. History—New 9-7-98, Amended.

#### 64B-1.007 Selection Criteria for Examiners and Examination Consultants; Term of Service of Examiners.

~~(4) Unless otherwise specified in board rule for professions directly regulated by the department and for professions regulated by a board, if incorporated into the rules of the appropriate board, in order to be eligible to serve as an examiner or an examination consultant for department-developed examination a clinical/practical examination, the prospective examiner or examination consultant must have meet the following criteria:~~

~~(1)(a) Three (3) years of continuous practice in the respective field in the state;~~

~~(2)(b) An active license in the respective field in the state at the time of the examination;~~

~~(3)(c) Must nNot have had his/her license in the respective field that has not been suspended or revoked. If the prospective examiner's or examination consultant's license has been acted against otherwise, other than with suspension or revocation the department reserves the right to evaluate his/her selection as deemed appropriate;~~

~~(4)(d) Must not have been be currently under investigation by the department; and~~

~~(5)(e) Not have been currently involved in teaching in an academic setting in the respective field in the state or any examination preparation course in the respective field in the state.~~

~~(2) The examiners serve solely at the discretion of the department. The department shall select the required number of examiners or consultants from the examiner pool for a particular examination administration. The department reserves the right to cancel an examiner's contract with or without cause with a thirty (30) day notice.~~

Specific Authority 456.004(5), 456.017(1) FS. Law Implemented 456.017(1) FS. History—New 9-7-98, Amended.

#### 64B-1.008 Grading of Examinations; Grade Notification; Chiropractic Examination Grading.

(1) Pursuant to Section 456.017, Florida Statutes, grading of all examinations shall be processed as follows:

(a) National examinations shall be graded solely and exclusively by the national examination provider or its contract provider.

(b) Department-developed objective, multiple choice examinations shall be graded by the department or its contract provider. The department or its contract provider shall review any statistically questionable items ~~or procedures via the item analysis~~ for their psychometric soundness via the item analysis ~~after the examination has been administered~~. Based upon this review and the examination consultant's ~~for subject matter experts~~ recommendations, the department or its contract provider shall adjust the scoring key by totally disregarding ~~the~~ psychometrically unsound questions ~~items~~ for grading purposes, or by giving credit for more than one correct answer per question. The department or its contract provider shall calculate each candidate's grade utilizing the scoring key or adjusted scoring key, if applicable, and shall provide each candidate a grade report.

(c) Department-developed practical examinations shall be graded by the department or its contract provider ~~designee~~.

1 The department shall review any statistically questionable items or procedures via the examiner agreement report for their psychometric soundness after the examination has been administered. Based upon this review and/or the examination consultant's ~~subject matter experts~~ recommendations, the department shall may adjust the scoring key by rejecting, crediting, or giving partial credit for any question or procedure which does not adequately and reliably measure the applicant's ability to practice the profession. The department or its contract provider shall calculate each candidate's grade using the scoring key or adjusted scoring key, if applicable, and shall provide mail each candidate a grade report.

2. In the event professional examiners are employed to evaluate candidate performance on practical examinations, no less than two (2) examiners shall independently evaluate the performance of each candidate.

3. Examiners shall attend a standardization session to discuss the scoring criteria and standards preceding each examination administration.

(d) With regard to the Chiropractic examination, each practical examination shall be graded by no less than two (2)

1. Examiners shall ~~examiners who~~ meet the qualifications of Rule 64B2-11.007, Florida Administrative Code and have attended a standardization session prior to grading to discuss the scoring criteria and standards. During the scoring of the examination, the

2. The practical examinations of candidates whose total score is less than the minimum passing score shall be reevaluated during the scoring of the examination by the following procedure.

a. If the score obtained by computing the total score using the highest score awarded by either of the two (2) examiners for each criteria is equal to or greater than the minimum passing score for the practical examination, the candidate's practical examination shall be reevaluated by a committee of at least no fewer than three (3) members.

b. The committee shall include at least two (2) examiners other than the two (2) original examiners.

c. This committee shall reevaluate the candidate's performance based on the examiner scan sheets of the candidate and the videotape of the candidate's examination on those criteria used by on which the original two (2) examiners, did not award the same scores.

d. The committee will conduct the evaluation using the examiner scan sheets, the videotape of the candidate's examination, and any other related information.

e. The final score awarded arrived at by the evaluation committee shall be the official score reported to the candidate.

(2)(e) If, after the mailing of grades for a particular examination there are additional adjustments to the scoring key due to mechanical or clerical miscalculations after the grades have been provided for a particular examination, amended grade reports shall be provided mailed to all candidates whose status changes from fail to pass scores are increased due to the adjustment unless the candidate has taken and passed a subsequent administration of the examination.

(3)(f) Examinations developed for the department or by a professional testing entity other than a national examination provider shall be graded by that testing entity or by its contract provider. Grading procedures shall be in compliance with the provisions of this rule.

(4)(2) The department or its contract provider shall notify the candidate of the results of the candidate's examination no later than sixty (60) days after the examination date, except when the grades are computed by the national examination

provider responsible for a national examination in Florida. The grades of the national examination shall be sent to the candidate no later than thirty (30) days after the receipt of the grades from the national examination provider responsible for the national examination in Florida.

(5) If the official grades posted on the Department's official website, the website shall indicate the official notification date of grades posted on the internet.

(6)(3) The department shall inform each passing candidate of the candidate's status and provide necessary instructions for the receipt of a license.

(7)(4) Any candidate failing to receive a passing score on a licensure or certification examination shall be notified of the examination or part(s) failed, the requirements for re-examination. For department-developed examinations, failing candidates shall also receive post-examination review and Election of Hearing rights forms appeal rights.

(8) For Computer-based testing examinations, candidates shall receive a grade report at the computer-based testing site along with information about the Post-exam Review and Administrative Hearing Rights. The candidate must acknowledge receipt of such by signing an acknowledgement form.

Specific Authority 456.004(5), 456.017(1) FS. Law Implemented 456.017(1) FS. History—New 9-7-98, Amended \_\_\_\_\_.

64B-1.009 Requesting a Pre-hearing Review.

(1) After the candidate's petition, which is (a written statement requesting a hearing pursuant to 120.57, Florida Statutes, and setting out the information required under Rule 28-106.201 of the Florida Administrative Code), has been filed, the candidate, and the candidate's attorney shall be permitted to one pre-hearing review of the disputed the examination questions and answers at the department's headquarters for the purpose of preparing for the administrative hearing, under the following conditions: as specified in board rule or by the department when there is no board.

(1) However, Pre-hearing Hearing reviews Reviews will not be conducted during the thirty (30) day period immediately prior to the next examination.

(2) The written request for such review shall be submitted to the department's attorney in writing at least fourteen (14) days prior to the hearing date.

(3)(2) The candidate will be required to pay the examination review fee, unless the candidate has previously paid the post-examination review fee for the examination administration in question.

(4)(3) The department will not respond to any oral or written comments made about the examination during the pre-hearing review. Any comments made during the prehearing review will not be responded to by the Department.

(5) All pre-hearing reviews shall be conducted at the department's headquarters in Tallahassee.

(6) All ~~security~~ procedures outlined in Rules 64B-1.004, 64B-1.010 and 64B-1.013, Florida Administrative Code, shall apply to the candidate and the candidate's attorney, if present, for the pre-hearing review.

Specific Authority 456.004(5), 456.017, 456.014 FS. Law Implemented 456.017, 456.014 FS. History--New 9-7-98, Amended 2-21-00, \_\_\_\_\_.

64B-1.010 Security and Monitoring Procedures.

Unless otherwise specified by board rule, Except as specified as national examination, for professions directly regulated by the department and for professions regulated by a board, if incorporated into the rules of the appropriate board, examinations that are developed and administered by the department shall be governed by security and monitoring procedures shall be as follows:

(1) Examination Development Security. Security measures shall commence immediately when a question an item is drafted or developed using these procedures:

(a) Each question item, as drafted or developed, shall be secured by the responsible development staff person.

(b) Completed questions items, as well as questions items in the development stage shall be placed in a locked secure area in the office on each occasion when the development staff leaves the work area for any reason and shall be secured in the vault at the end of each working day. A check-in and check-out log shall be utilized for this process.

(c) Only authorized persons shall draft, review or develop questions or item banks. An "authorized person" is defined as an individual who is:

1. A member of the respective board for which the examination is being developed.
2. An examiner or examination consultant to the department who assists in the development of the examination.
3. An employee of the department who has a bona fide need to review the questions.
4. A person who has been approved by the manager of testing services and has a bona fide need to review questions. Such a person shall provide identification and complete a designated affidavit prior to reviewing any confidential material.

(d)(e) No ~~unauthorized~~ person shall be admitted to the development staff's office or work area without announcement and approval by the manager of Testing Services.

1. An "authorized person" is defined as any individual who is:

- a. ~~A member of the board's examination committee designated by the board to work on the examination.~~
- b. ~~A member of the respective board for which the examination is being developed.~~
- e. ~~A consultant to the department who has been hired to assist in the development of the examination.~~

~~d. An employee of the department who has a bona fide need to review the questions.~~

~~(d) On any occasion when any of the above defined authorized persons requests an individual review or any question or questions for any professional examination, the development staff receiving the request shall require the authorized person to present a photo I.D. identifying the person requesting the review.~~

~~(e) All individuals reviewing questions, examinations or item banks shall complete and sign a designated affidavit of confidentiality. The designated affidavit is not required in the following circumstances:~~

1. ~~A scheduled examination committee review.~~
2. ~~A pre-arranged review by department consultants.~~
3. ~~An examination or item bank review by the respective board.~~

~~(f) It shall be the development staff's responsibility to ensure the appropriate individuals follow the security procedures outlined in this section insure defined above until such time as the printing of the examination is required.~~

(2) Printing of Confidential Material Security. Printing of examinations for department-developed in-house developed examinations shall be secured in the following manner:

(a) Testing service unit personnel will remain with the examination in the secured area during the entire time the examination is being printed printing.

(b) ~~The printing~~ Testing services personnel will record on the print log request the beginning and the ending number of the copying machine for auditing purposes.

(c) Prior to leaving the secured area print shop, testing services unit personnel will count and verify that all material printed agrees with the print request.

~~(d) All D~~defective copies will be recorded on a destruction form and destroyed in the secured area by printing personnel and witnessed by testing services unit personnel in a manner sufficient to ensure the copies cannot be read or re-assembled.

~~(e) All above described material shall be released only to the authorized testing unit personnel.~~

~~(f) When in-house printed examinations booklets and original copy of the examination are received by the vault supervisor, the supervisor shall take the following action:~~

1. ~~Immediately receive the material and store same in the vault;~~
2. ~~Immediately inventory the materials and describe in written form the number of booklets received.~~

(3) Secured receipt and shipment. Secured receipt of and shipment of examination test booklets to examination sites or back to the department from the site (a) ~~Shall shall~~ be the responsibility of the testing services unit; and

(a) Shipping shall be made using:

1. ~~(b) May be by P~~personal delivery by testing service personnel or

2. by ~~An~~ approved delivery agent or service.

(b) When examinations provided to the state by contract or purchase order are received by testing services personnel, the testing services personnel shall take the following action:

1. Immediately store the material in the vault;

2. Immediately inventory the materials and describe in written form the number of booklets received.

3. Ship the material to an examination site or back to the provider using an approved delivery agent or service.

(c) If other testing services personnel receive examination booklets or an original, print ready copy of an examination provided to the state by contract or otherwise, they are to deliver it immediately to the vault for storage and recording as received.

(d) Upon receipt of examination booklets and answer sheets from the examination site, testing services personnel shall immediately audit the materials received.

(4) Security at examination sites. Security at department-administered examination sites shall be ensured insured in the following manner:

(a) ~~Test booklets, upon~~ Upon arrival at the examination site, examination booklets shall be audited and accounted for. ~~This audit and shall balance with the audits specified conducted in other applicable sections of this rule above;~~

(b) ~~The department~~ Department shall provide at least one examination administrator supervisor for every examination and one proctor for every twenty-five (25) candidates; and

(c) ~~The Examination~~ examination administrator supervisor shall ensure insure that the examination security procedures are followed to be sure that the examination is not compromised in any manner.

(d) The examination administrator shall prepare a report documenting irregularity of any kind following each examination administration.

(e) National examinations administered by the department shall be subject to the examination site security guidelines set forth in this rule and any examination site security guidelines provided to the department by the organization developing the examination.

~~(f)(5)~~ The secure transportation Secured return of examination test booklets and answer sheets from the examination site shall be arranged accomplished by the examination administrator supervisor, and an audit shall be performed by the vault supervisor immediately upon the return of the test booklets and answer sheets.

(6) Proper handling of examination booklets and processing of answer sheets. Proper handling The filing and disposition of department-developed examination test booklets and the secured processing of answer sheets shall be handled in according to the following manner procedures:

(a) ~~The original print ready examination document and one examination Test~~ booklets shall be retained by the Department, filed in accordance with the following procedure: 1. Ten copies and the original booklet of the examination shall be retained for ninety (90) days; four copies after ninety (90) days; and only the original after one hundred eighty (180) days. 2. In the event any irregularity with the an examination booklet occurs, the examination administrator supervisor shall prepare a detailed report of such irregularity and retain the booklet in question in the secured file for a period of two years ninety (90) days.

(b) ~~Completed c~~Candidate answer sheets shall be processed and secured as follows in accordance with the following procedure:

1. Answer sheets for national examinations shall be returned to the national provider by the examination administrator supervisor in accordance with procedures defined by the national provider.

2. Answer sheets for the department-developed examinations shall be forwarded to the testing services personnel Testing unit or its contract provider, designee responsible for scoring.

3. When the answer sheets are returned to the testing services personnel unit, testing services personnel the staff shall inventory all answer sheets and cause all to be filed them in a secured filing system. ~~Removal of~~ If an answer sheet is removed from the files, shall require completion of a check-out log shall be completed form providing the date of check-out and the name of the individual who is receiving or removing the answer sheet.

(c) Destruction of examination booklets and related materials shall be recorded by Testing services personnel the vault supervisor or his/her contract provider on a log form indicating the date of destruction. The form shall be signed by the official in charge of such destruction and by a witness.

(7) Examinations developed by a vendor for the department shall follow security procedures and guidelines that are substantially equivalent to those required by the department.

(8) Security of Candidate Examination Grades. In accordance with Chapter 456.017(2), Florida Statutes, the grades achieved by candidates on an examination shall remain confidential unless the candidate waives such confidentiality in writing.

Specific Authority 456.004(5), 456.017(1)(d) FS. Law Implemented 456.017(1)(d) FS. History—New 9-7-98, Amended \_\_\_\_\_.

64B-1.011 Requirements and Standards Definition of a National Examination.

(1) In compliance with Section 456.017(1)(c), 455.574(1)(e) Florida Statutes, the department shall use any national examination that is available and approved by the board, and certified by the department.

(2) A national examination is an examination developed either by or for a national or multi-state professional association, board, council or society, (hereinafter referred to as organization), and administered for the purpose of assessing entry-level skills necessary to protect the health and safety and welfare of the public from incompetent practice. Such examinations shall meet the following requirements:

(a) The national organization must be generally recognized by practitioners in the form of representation by the state regulatory boards or shall have a substantial number of the nation's or state's practitioners licensed or certified through the examination.

(a) The practice of the profession at the national level must be defined through a job/task analysis with a representative sample of all practitioners and professional practices.

(b) The examination must test the scope of practice and the entry-level skills defined by a national job/task analysis.

(3) The national organization must be generally recognized by practitioners across the nation in the form of representation by the state regulatory boards or shall have membership representing a substantial number of the nation's practitioners who have been licensed through the national examination.

(b)(4) The national organization or its test provider shall be the responsible body for overseeing the development and scoring of the national examination.

(c)(5) The national organization or its test provider shall provide security guidelines for the development, administration and scoring grading of the national examination and shall oversee the enforcement of these guidelines.

(3) A national examination shall meet the following generally accepted testing standards:

(a) The practice of the profession at the national or multi-state level is defined through a job/task analysis or similar study with a representative sample of practitioners and professional practices.

(b) The examination tests the scope of practice and entry-level knowledge, skills and abilities defined by a national or multi-state job/task analysis or similar study.

(c) The examination is justified in terms of the protection of the health and safety of the patient or client.

(d) That scores, subscores or combination of scores are statistically reliable.

(e) That acceptable methods for determining the passing score are psychometrically sound.

(f) That there are standardized procedures for administering and scoring the examination.

(g) That there are standardized procedures to ensure the security of the examination.

Specific Authority 456.004(5), 456.017(1)(c) FS. Law Implemented 456.017(1)(c) FS. History—New 9-7-98, Amended \_\_\_\_\_.

64B-1.0115 Procedures for Certification of National Examinations.

(1) If a provider requests the department to certify a national examination, the provider shall:

(a) Complete the department's applicable "Examination Evaluation Questionnaire," Form DH xxxx, incorporated herein by reference and dated February 2001, made available by writing to the Department of Health, Attention: Medical Quality Assurance, Bureau of Operations, Testing Services, 4052 Bald Cypress Way, Bin C#-90, Tallahassee, Florida 32399-3260.

(b) Provide supporting documentation requested in the Questionnaire.

(c) Submit a non-refundable fee of \$500.00 for Form A, \$1,200.00 for Form B or \$2,500.00 for Form C to the department for evaluating the examination.

(2) The department shall evaluate the responses to the questionnaire and the supporting documentation to certify whether the examination meets the requirements specified in section 64B-1.011, Florida Administrative Code.

(3) No fee shall be charged for certifying an examination if the request for certification was initiated by the department or the respective board.

Specific Authority 456.004(5), 456.017(1)(c) FS. Law Implemented 456.017(1)(c) FS. History—New \_\_\_\_\_.

64B-1.012 Guidelines for Sharing Department-Developed Examinations with Other State Licensing Authorities and Testing Entities.

The department shall, under the conditions listed below, and with concurrence of the appropriate board, share department developed examinations and item banks for a fee with other state licensing authorities and testing entities.

(1) Upon receipt of an expressed interest from another state's licensing authority or testing entity that a department-developed examination or item bank be shared, the department shall require completion of a questionnaire that will gather specific and pertinent information concerning the other state's or testing entity's need for an examination, security procedures, examination administration procedures and the resources available to the other state or testing entity for sharing the department-developed examination.

(2) A contractual agreement shall be entered into between the department and the state licensing authority or testing entity that will require the state licensing authority or testing entity to adhere to the security and examination administration procedures outlined by the department. The other state licensing authority or testing entity shall not sell or share the examinations or item bank to any other individual or entity.

(3) Absent a board and department agreed-upon exception, the other state licensing authority or testing entity shall not be permitted to use security procedures, examination

administration procedures and operating procedures that are less stringent or specific than those required and utilized by the department.

(4) The agreement with the other state licensing authority shall be monitored by the department to ensure full compliance with the department’s requirements.

Specific Authority 456.004(5), 456.017(1)(c) FS. Law Implemented 456.017(1)(c) FS. History—New 9-7-98, Amended \_\_\_\_\_.

64B-1.013 Post-examination Exam Review of Examination Questions, Answers, Papers, Grades and Grading Keys.

(1) Pursuant to Section 456.017(2), 455.574(2) Florida Statutes, a candidate who has taken and failed a department-developed objective multiple choice examination, a department-developed practical examination, or an examination developed for the department by a professional testing entity shall have the right to one post-examination review of the examination questions answered incorrectly, answers, papers, grades and grading keys.

(1) When review of a national examination administered by the department is permitted, the review ~~Review of national examinations~~ shall be conducted in accordance with national examination security procedures guidelines.

(2) Post-examination Examination reviews shall be conducted in the presence of a representative of the department at its Tallahassee headquarters during regular working hours which are defined as 8:00 a.m. through 4:30 p.m., Monday through Friday, excluding official state holidays. For opticianry neutralization and computer-based testing examinations, post-examination reviews may be conducted at another location.

(3)(a) All security procedures rules defined in Rule 64B-1.004 and 64B-1.010 shall apply to all the review sessions.

(4) If a candidate violates such procedures the review session shall be terminated and the candidate ~~Any candidate violating said rule shall be dismissed from the review session and~~ shall be subject to other sanctions as determined by the board, pursuant to the appropriate board’s disciplinary guidelines.

(5)(b) All Post-examination reviews by candidates shall be scheduled and completed no later than sixty (60) days subsequent to the date on the grade notification.

(6) ~~However,~~ Post-examination reviews will not be conducted during the thirty (30) day period immediately prior to the next administration of the examination.

(7) The candidate must request a post-examination review in writing to the department. The request must be post-marked or received within twenty-one (21) days from the date on the grade notification. If the official grade is posted on the Department’s official website, the candidate’s request for post-examination review must be post-marked within

twenty-one (21) days from the date the official grades are posted as indicated on the Department’s official website bulletin.

(8) The candidate shall pay the applicable, non-refundable post examination review fee as shown in the following table.

| <u>Profession</u>                 | <u>Exam</u>                      | <u>Review Fee</u> |
|-----------------------------------|----------------------------------|-------------------|
| <u>Chiropractic</u>               | <u>X-Ray Interpretation</u>      | <u>\$ 75.00</u>   |
|                                   | <u>Technique</u>                 | <u>\$100.00</u>   |
|                                   | <u>Physical Diagnosis</u>        | <u>\$100.00</u>   |
|                                   | <u>Acupuncture Certification</u> | <u>\$ 75.00</u>   |
|                                   | <u>Laws and Rules</u>            | <u>\$ 75.00</u>   |
| <u>Dental</u>                     | <u>Clinical</u>                  | <u>\$125.00</u>   |
|                                   | <u>Laws and Rules</u>            | <u>\$ 75.00</u>   |
| <u>Dental Hygiene</u>             | <u>Clinical</u>                  | <u>\$100.00</u>   |
|                                   | <u>Laws and Rules</u>            | <u>\$ 75.00</u>   |
|                                   |                                  |                   |
| <u>Hearing Aid Specialist</u>     | <u>Written</u>                   | <u>\$150.00</u>   |
| <u>Massage</u>                    | <u>Colonics</u>                  | <u>\$100.00</u>   |
| <u>Nursing Home Administrator</u> | <u>Laws and Rules</u>            | <u>\$ 75.00</u>   |
| <u>Opticianry</u>                 | <u>Practical</u>                 | <u>\$ 75.00</u>   |
|                                   | <u>Laws and Rules</u>            | <u>\$ 75.00</u>   |
|                                   | <u>Neutralization</u>            | <u>\$100.00</u>   |
| <u>Optometry</u>                  | <u>Laws and Rules</u>            | <u>\$ 75.00</u>   |
|                                   | <u>Pharmacology</u>              | <u>\$100.00</u>   |
|                                   | <u>Clinical Practical</u>        | <u>\$100.00</u>   |
|                                   |                                  |                   |
| <u>Podiatry</u>                   | <u>National Exam</u>             | <u>\$150.00</u>   |
| <u>Psychology</u>                 | <u>Laws &amp; Rules</u>          | <u>\$ 75.00</u>   |

(9)(c) A representative from the department shall remain with all candidates throughout all post-examination reviews. The representative shall inform candidates that he or she the representative cannot defend the examination or attempt to answer any examination questions during the review.

(10) For written examinations, the candidate will be provided one-half the time given for the examination administration for completion of a post-examination review. For clinical examinations, the time provided will be determined for each specific profession.

(11)(d) Prior to a post-examination review, candidates shall be provided written instructions concerning the conduct, rules and guidelines for the review. Each candidate shall acknowledge in writing receipt of these rules and affirm that they will to abide by all such rules.

(e) The department shall videotape the review session.

~~(12)(f)~~ Upon completion of each review, the candidate shall acknowledge in writing the starting and ending time of the review, ~~reviews start time, the review end time~~, all materials reviewed and other relevant review information.

~~(13)(3)~~ In addition to the other provisions of this rule ~~(2) (a) through (2)(g)~~, candidates shall be prohibited from leaving a post-examination review with written notes, grade sheets, or any other examination materials, ~~unless the respective board determines by rule that examination security will not be undermined by doing so.~~

Specific Authority 456.004(5), 456.017(1) FS. Law Implemented 456.017(1) FS. History–New 9-7-98, Amended \_\_\_\_\_.

**64B-1.014 Use of Pilot Test Items in Examinations.**

~~Written~~ Multiple choice examinations developed by or for the department may include pilot test or experimental questions for the purpose of evaluating the statistical and psychometric qualities of new or revised questions prior to their use in an examination.

(1) Pilot test or experimental questions will not be identified to the candidates as pilot test questions on the examination.

~~(2)(4)~~ The maximum number of pilot test questions included on an examination form shall not exceed 20 percent of the number of scored questions on the examination ~~scored~~ or ten (10) questions, whichever is greater.

~~(3)(2)~~ Pilot test questions shall not be counted toward the candidate’s score on the examination. Answers to pilot test questions shall not be subject to review by the candidates during the candidates’ post-examination review session.

Specific Authority 456.004(5), 456.017(1) FS. Law Implemented 456.017(1) FS. History–New 9-7-98, Amended \_\_\_\_\_.

**DEPARTMENT OF HEALTH**

**Board of Hearing Aid Specialists**

RULE TITLE: Continuing Education Fees

RULE NO.: 64B6-4.010

PURPOSE AND EFFECT: The Board proposes to create a new rule.

SUBJECT AREA TO BE ADDRESSED: Continuing Education Fees.

SPECIFIC AUTHORITY: 484.0447 FS.

LAW IMPLEMENTED: 484.0447, 456.025(7) 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 TO BE ANNOUNCED.

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B6-4.010 Continuing Education Fees.

(1) The application fee for seeking approval to provide a continuing education program shall be \$100, which shall be non-refundable.

(2) The biennial fee for renewal of the providership of an approved program shall be \$100.

Specific Authority 484.0447 FS. Law Implemented 484.0447, 456.025(7) FS. History–New \_\_\_\_\_.

**DEPARTMENT OF HEALTH**

**Board of Hearing Aid Specialists**

RULE TITLE: Continuing Education Programs

RULE NO.: 64B6-5.002

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

SUBJECT AREA TO BE ADDRESSED: Continuing Education Programs.

SPECIFIC AUTHORITY: 456.013(6),(8), 484.044, 484.047(4) FS.

LAW IMPLEMENTED: 484.047(4) FS.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B6-5.002 Continuing Education Programs.

(1) through (2) No change.

(3) A continuing education program shall only be considered for approval if the sponsor meets the Board’s criteria by providing all of the following:

(a) A statement of the educational goals and objectives of the program.

(b) A detailed course outline or syllabus, including method of instruction, written materials, and any testing materials.

(c) A current curriculum vitae of each speaker or lecturer appearing in the program.

(d) A sample certificate of completion.

(3) through (7) renumbered (4) through (8) No change.

Specific Authority 456.013(6)-(9), 484.044, 484.047(4) FS. Law Implemented 456.013(6)-(9), 484.047(4) FS. History–New 4-1-85, Formerly 21JJ-15.002, Amended 8-5-87, 2-16-89, 6-21-89, 1-10-90, 8-19-91, 10-21-91, Formerly 21JJ-5.006, Amended 11-20-95, Formerly 61G9-5.006, Amended 9-23-99, 11-9-00, 3-24-02, \_\_\_\_\_.



**DEPARTMENT OF HEALTH**

**Board of Opticianry**

RULE TITLE: Duplicate License Fee  
 RULE NO.: 64B12-11.017

PURPOSE AND EFFECT: The Board proposes to review the language in this rule to determine if any amendments are necessary.

SUBJECT AREA TO BE ADDRESSED: Duplicate license fee.

SPECIFIC AUTHORITY: 456.025(7), 484.005 FS.

LAW IMPLEMENTED: 456.025(7) 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: Sue Foster, Executive Director, Board of Opticianry, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

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

**DEPARTMENT OF HEALTH**

**Board of Opticianry**

RULE TITLE: Standards for Continuing Professional  
 Education  
 RULE NO.: 64B12-15.003

PURPOSE AND EFFECT: The Board proposes to review the language in this rule to determine if amendments are necessary.

SUBJECT AREA TO BE ADDRESSED: Standards for continuing professional education.

SPECIFIC AUTHORITY: 456.013(7), 484.005, 484.008(3) FS.

LAW IMPLEMENTED: 456.013(7), 484.008(3) 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: Sue Foster, Executive Director, Board of Opticianry, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

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

**DEPARTMENT OF HEALTH**

**Division of Disease Control**

RULE TITLES: Notifiable Diseases or Conditions to be  
 Reported, Human  
 RULE NOS.: 64D-3.002

Procedures for Control of Specific  
 Communicable Diseases 64D-3.013

Diseases Designated as Sexually Transmissible  
 Reporting Requirements for Practitioners for  
 Sexually Transmitted Diseases (STDs) 64D-3.015

Including HIV and AIDS 64D-3.016

Reporting Requirements for Laboratories 64D-3.017

Partner Notification 64D-3.018

Blood Testing of Pregnant Women 64D-3.019

PURPOSE AND EFFECT: Amendments to the sexually transmitted disease (STD) rule are necessary to provide improved care for neonates and infants exposed to diseases through their mother. More timely reporting of certain conditions will enable health care providers to provide more preventive care to the affected infants. Other changes to the rule are being made to clarify responsibilities for agencies and professionals working with STDs.

SUBJECT MATTER TO BE ADDRESSED: These proposed rule amendments of Rule 64D-3 add herpes simplex virus and human papillomavirus to the list of notifiable diseases; designate herpes simplex virus and human papillomavirus as sexually transmissible and specify the reporting requirements for neonates and children diagnosed with these diseases; clarify the meaning of early prenatal visit; clarify the specific data elements needed when reporting STD cases; and add hepatitis B Antigen testing and offering of HIV testing.

SPECIFIC AUTHORITY: 381.003(2), 381.006(16), 381.0011(6),(13), 381.0031(6), 384.25(2), 384.33, 392.53(2), 392.66 FS.

LAW IMPLEMENTED: 381.003(1), 381.0011(4),(6),(8), 381.0031(1),(2),(6), 384.23, 384.25, 384.26, 384.27, 384.31, 385.202, 392.53 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: Maresa R. Corder, R.N, MPA (850)245-4605, Maresa\_Corder@doh.state.fl.us

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

**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

**Mental Health Program Office**

RULE TITLE: State Civil Mental Health Treatment Facilities  
 RULE NO.: 65E-5.600

PURPOSE AND EFFECT: The purpose and effect of the rule development is to establish procedures to be followed by the staff of state operated mental health treatment facilities under the Baker Act where the substantial interests of the residents of the facilities are impacted. To amend Chapter 65E-5, F.A.C., to conform to current titles, laws or regulations.

SUBJECT AREAS TO BE ADDRESSED: The subject matter to be addressed at the public workshop includes: rights and privileges of individuals in state mental health facilities, including voting in public elections, abuse reporting, confidentiality, and patient grievance process, operation and administration of state mental health facilities,

SPECIFIC AUTHORITY: 394.457(5),(a),(b),(c), 394.459 (d),(f) FS.

LAW IMPLEMENTED: 394.461(7) 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. – 5:00 p.m., September 5, 2002  
 PLACE: Mental Health Program Office, Department of Children and Families, Building 6, Conference Room A, 1317 Winewood Boulevard, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Charles M. Kimber, Mental Health Program Office, Department of Children and Families, 1317 Winewood Boulevard, Building 6, Room 223, Tallahassee, FL 32399-0700, (850)921-6275, Fax (850)413-0876

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

**Section II  
 Proposed Rules**

**DEPARTMENT OF INSURANCE**

|                         |            |
|-------------------------|------------|
| RULE TITLES:            | RULE NOS.: |
| Purpose                 | 4-149.001  |
| Scope and Applicability | 4-149.002  |
| Rate Filing Procedures  | 4-149.003  |

PURPOSE, EFFECT, AND SUMMARY: Amendments to Chapter 4-149, F.A.C. Part I, dealing with filing and approval of health rate filings, address the following:

- Implement HB 385, which exempts large group rate schedules from filing and prior approval.
- Exempt riders that accelerate the death benefit of a life insurance policy from filing and approval of rates where the coverage is immaterial to the policy coverage.
- Amend the scope section to clarify that HMO filings covering small group are subject to the rule.
- Allow for streamlined filing of trend for business with less than 1,000 Florida policies in force.
- Publish acceptable trend which may be used in lieu of company specific development of trend and for noncredible blocks of business.
- Make technical edits that do not change current rule standards.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No SERC has been prepared.

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

SPECIFIC AUTHORITY: 624.308(1), 624.316, 627.410(6)(b)-(e), 627.411(1)(e) FS.

LAW IMPLEMENTED: 119.07(1)(b), 624.307(3), 624.310; 624.404, 626.9521, 626.9541(1)(a),(b),(e), 626.9641, 627.410(1),(2),(6),(7), 627.411(1)(e),(2), 627.411(1)(e),(2), 627.6515(2)(a), 627.6699, 631.001, 631.011(11) FS.

IF REQUESTED IN WRITING 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: 9:30 a.m., September 17, 2002  
 PLACE: Room 142, Larson Building, 200 East Gaines Street, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Department at least 5 calendar days before the program by contacting the person listed below.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Frank Dino, Bureau of Life and Health Forms and Rates, Division of Insurer Services, Department of Insurance, 200 East Gaines Street, Tallahassee, Florida 32399-0328, (850)413-5014

THE FULL TEXT OF THE PROPOSED RULES IS:

**4-149.001 Purpose.**

Specific Authority 624.308(1), 624.316, 627.410(6)(b)-(e), 627.411(1)(e) FS. Law Implemented 624.307(3), 624.310, 624.404, 626.9521, 626.9541(1)(a),(b),(e), 626.9641, 627.410, 627.411(1)(e),(2), 631.001, 631.011(11) FS. History—New 7-1-85, Formerly 4-58.01, 4-58.001, Amended 4-18-94, Repealed.