

Section I

Notices of Development of Proposed Rules and Negotiated Rulemaking

**WATER MANAGEMENT DISTRICTS**

**South Florida Water Management District**

RULE TITLE: Publications Incorporated by Reference  
 RULE NO.: 40E-2.091

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to update citations to and modify the "Basis of Review for Water Use Permit Applications within the South Florida Water Management District – August 2002" to incorporate changes regarding basin expiration dates.

SUBJECT AREA TO BE ADDRESSED: Citations to the "Basis of Review for Water Use Permit Applications within the South Florida Water Management District – August 2002" are updated to reflect the current revision date of the Basis of Review. The Basis is also changed to incorporate extended basin expiration dates.

SPECIFIC AUTHORITY: 373.044, 373.113, 373.118, 373.171 FS.

LAW IMPLEMENTED: 373.042, 373.0421, 373.219, 373.223, 373.224, 272.229, 373.232, 373.233, 373.236, 373.239 FS.

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

TIME AND DATE: 11:00 a.m. – 12:00 p.m., Thursday, January 30, 2003

PLACE: City Hall, Commission Chambers, 121 S. W. Flagler Avenue, Stuart, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT, IF AVAILABLE, IS: Regarding procedural questions: Julie Jennison, South Florida Water Management District, Post Office Box 24680, West Palm Beach, FL 33416-4680, telephone 1(800)432-2045, extension 6294 or (561)682-6294 (internet:jjenniso@sfwmd.gov); regarding substantive questions: Scott Burns, South Florida Water Management District, Post Office Box 24680, West Palm Beach, FL 33416-4680, telephone 1(800)432-2045, extension 6817 or (561)682-6817. Although Governing Board meetings, hearings and workshops are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which any appeal is to be based. Persons with disabilities or handicaps who need assistance may contact Garrett Wallace, District Clerk, at (561)682-6371 at least two business days in advance to make appropriate arrangements.

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

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Medicaid**

RULE TITLE: Durable Medical Equipment and Supplies  
 RULE NO.: 59G-4.070

PURPOSE AND EFFECT: The purpose of this rule amendment is to set forth conditions for competitive procurement of durable medical equipment and supplies. Such a procurement may alter the conditions of provider participation in and the fee schedule for durable medical equipment and supplies under Medicaid. Conditions for participation and fee schedules are contained in the Florida Medicaid Durable Medical Equipment and Supply Services Coverage and Limitations Handbook and the Florida Medicaid Provider Reimbursement Handbook.

SUBJECT AREA TO BE ADDRESSED: Durable Medical Equipment and Supplies.

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.906, 409.907(7), 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., January 14, 2003

PLACE: Agency for Health Care Administration, Building 3, Conference Room A, 2727 Mahan Drive, Tallahassee, FL

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Alanna Steaple, Medicaid Health Systems Development, 2727 Mahan Drive, MS #20, Tallahassee, Florida 32308, (850)922-7306

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59G-4.070 Durable Medical Equipment and Supplies.

(1) through (4) No change.

(5) The Agency for Health Care Administration may competitively procure durable medical equipment and supplies in accordance with federal regulations and standard State of Florida procurement procedures as described in Florida statute and in rules of the Department of Management Services.

Specific Authority 409.919 FS. Law Implemented 409.906, 409.907(7), 409.908 FS. History–New 8-26-92, Formerly 10C-7.070, Amended 5-23-94, 1-7-96, 3-4-99, 10-18-00, 4-30-01, \_\_\_\_\_.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Veterinary Medicine**

RULE TITLE: Tasks Requiring Immediate Supervision  
 RULE NO.: 61G18-17.005

PURPOSE AND EFFECT: The Board proposes the rule amendments to address the requirements on supervision of veterinary assistants in the administration of vaccinations and in surgical procedures.

SUBJECT AREA TO BE ADDRESSED: Required supervision of veterinary assistants.

SPECIFIC AUTHORITY: 474.203(6), 474.206 FS.

LAW IMPLEMENTED: 474.203(6) FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE BOARD'S NEXT MEETING TO BE HELD ON MARCH 4, 2003 IN FT. LAUDERDALE, FLORIDA.

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61G18-17.005 Tasks Requiring Immediate Supervision.

(1) All tasks which may be delegated to a veterinary aide, nurse, laboratory technician, intern, or other employee of a licensed veterinarian shall be performed only under the "immediate supervision" of a licensed veterinarian as that phrase is defined in subsection 474.202(5), Florida Statutes, with the exception of the following tasks which may be performed without the licensed veterinarian on the premises:

(a) The administration of medication and treatment, ~~excluding vaccinations,~~ as directed by the licensed veterinarian; and

(b) No change.

(2) No change.

(3) The administration of any vaccination by a veterinary aide, nurse, technician, intern or other employee of a licensed vet which is not specifically prohibited by Rule 61G18-17.006, F.A.C., requires "immediate supervision" as that phrase is defined in subsection 474.202(5), Florida Statutes.

(4) A veterinary aide, nurse, or technician may assist a licensed veterinarian in surgery, but may not perform any type of surgery himself or herself, regardless of the level of supervision.

Specific Authority 474.203(6), 474.206 FS. Law Implemented 474.203(6) FS. History--New 10-17-85, Formerly 21X-17.05, 21X-17.005, Amended

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Veterinary Medicine**

RULE TITLE: Disciplinary Guidelines  
 RULE NO.: 61G18-30.001

PURPOSE AND EFFECT: The Board proposes the rule amendments to update the disciplinary guidelines for violations relating to unlicensed practice and failure to have a valid premise permit.

SUBJECT AREA TO BE ADDRESSED: Violations for practicing veterinary medicine without a license or operating a veterinary establishment without a valid premise permit.

SPECIFIC AUTHORITY: 455.2273(1) FS.

LAW IMPLEMENTED: 455.2273, 474.213, 474.214 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE BOARD'S NEXT MEETING ON MARCH 4, 2003, IN FT. LAUDERDALE, FLORIDA.

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61G18-30.001 Disciplinary Guidelines.

(1) When the Board finds an applicant or licensee whom it regulates under Chapter 474, Florida Statutes, has committed any of the acts set forth in Section 474.213(1), Florida Statutes, which are felonies of the third degree as well as violations of the Practice act, it shall issue a final order imposing appropriate penalties, using the following disciplinary guidelines:

(a) through (i) No change.

(j) Leading the public to believe that the person is licensed as a veterinarian or is engaged in the licensed practice of veterinary medicine without a valid active license.

In the case of an applicant, the usual action of the Board shall be to request the Department issue a Cease and Desist Order, which will remain in effect until licensure is granted, plus an administrative fine of two thousand dollars (\$2,000.00) and, upon eligibility for licensure, imposition of a one year probationary period. In the case of a non-license veterinarian the Board shall request that the Department issue a Cease and Desist order and an administrative fine of two thousand dollars (\$2,000.00) plus one year's probation if the

subject should become licensed in the State of Florida.

In the case of a non-veterinarian the Board shall request that the Department issue a Cease and Desist Order and an administrative fine of two thousand dollars (\$2,000.00) for each count.

(k) Knowingly operating a veterinary establishment or premises without a valid premise permit.

The usual action of the Board shall be an administrative fine of two thousand dollars (\$2,000.00). The Board shall also require that a premise permit be obtained or request the Department to issue a Cease and Desist order.

(2) through (4) No change.

Specific Authority 455.2273(1) FS. Law Implemented 455.2273, 474.213, 474.214 FS. History—New 12-8-86, Amended 5-27-91, Formerly 21X-30.001, Amended 8-18-94, 5-13-96, 2-18-01, \_\_\_\_\_.

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

**Office of the Secretary**

DOCKET NO.: 01-39R

RULE CHAPTER TITLE:

RULE CHAPTER NO.:

Florida Greenways and Trails Program

62S-1

RULE TITLES:

RULE NOS.:

Definitions

62S-1.100

Solicitation, Evaluation and Selection

Process for Department Acquisition

of Greenways and Trails

62S-1.300

Modification of Approved Acquisition Projects

62S-1.350

Designation of Public Conservation or

Recreation Lands and Waterways

62S-1.400

Designation Process for Private

Lands and Waterways

62S-1.450

PURPOSE AND EFFECT: The Office of Greenways and Trails (OGT) will amend the Rules of Chapter 62S-1, Florida Administrative Code, to provide a more equitable and manageable project evaluation and selection process. OGT is seeking public input in the development of these rule amendments.

SUBJECT AREA TO BE ADDRESSED: The OGT is proposing to revise the subject rule to: add pre-qualification provisions, restructure the ranking system used in the project evaluation and selection process; include a provision that private landowners who possess leases, subleases or other

management agreements or plans acceptable to the department will have met certain requirements for designation plans; change the process for the modification of approved acquisition projects; modify forms to reflect all revisions; and modify any section of this chapter as necessary.

SPECIFIC AUTHORITY: 260.016 FS.

LAWS IMPLEMENTED: 253.781, 260.012, 260.013, 260.014, 260.0142, 260.015, 260.016 FS.

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

TIME AND DATE: 10:00 a.m. – 12:00 p.m., January 21, 2003

PLACE: Florida Department of Environmental Protection, Southeast District Office, 400 North Congress Avenue, Second Floor, Conference Room B, West Palm Beach, Florida

TIME AND DATE: 10:00 a.m. – 12:00 p.m., January 23, 2003

PLACE: Florida Department of Environmental Protection, Central District Office, 33319 Maguire Boulevard, Conference Rooms A&B, Orlando, Florida

TIME AND DATE: 10:00 a.m. – 12:00 p.m., January 28, 2003

PLACE: Florida Department of Environmental Protection, 3900 Commonwealth Boulevard, First Floor, Conference Room A, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Cynthia Radford, Land Acquisition Coordinator, Office of Greenways and Trails, 3900 Commonwealth Boulevard, M.S. 795, Tallahassee, Florida 32399-3000, (850)245-2052 or SC 205-2052, Fax (850)245-2083 or SC 205-2083, e-mail [cynthia.radford@dep.state.fl.us](mailto:cynthia.radford@dep.state.fl.us).

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.”

**DEPARTMENT OF HEALTH**

**Board of Nursing**

RULE TITLE:

RULE NO.:

Licensure by Endorsement

64B9-3.008

PURPOSE AND EFFECT: The Board proposes to review this rule to determine the necessity of amendments.

SUBJECT AREA TO BE ADDRESSED: Licensure by endorsement.

SPECIFIC AUTHORITY 464.006, 464.009 FS.

LAW IMPLEMENTED 464.009, 464.018(2)(a) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Dan Coble, Executive Director, Board of Nursing/MQA, 4052 Bald Cypress Way, Tallahassee, Florida 32399-3252  
 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

**DEPARTMENT OF HEALTH**

**Division of Environmental Health**

RULE CHAPTER TITLE: Emergency Medical Services  
 RULE CHAPTER NO.: 64E-2  
 RULE TITLES: Definitions 64E-2.001  
 Drivers 64E-2.012  
 Records and Reports 64E-2.013  
 Emergency Medical Services Grants Procedures 64E-2.030  
 PURPOSE AND EFFECT: Driver Training – To amend current rule to modify requirements for emergency driver training programs.

Grants – To amend current rule to modify the requirements for grant fund distribution.

Lead Care Provider – To amend current rule language to include a definition as it relates to the individual who signs the patient care record and has responsibility for patient care decisions.

SUBJECT AREA TO BE ADDRESSED: Driver Training, Grants, Lead Care Provider.

SPECIFIC AUTHORITY 401.121, 401.35 FS.

LAW IMPLEMENTED: 401.111, 401.113, 401.121, 401.30 FS.

RULE DEVELOPMENT WORKSHOPS WILL BE HELD AT THE TIMES, DATES AND PLACES SHOWN BELOW:  
 TIME AND DATE: 10:00 a.m., February 10, 2003

PLACE: Department of Health, Bureau of Emergency Medical Services, 4025 Esplanade Way, Room 301 A & B, Tallahassee, Florida

TIME AND DATE: 10:00 a.m., February 13, 2003

PLACE: Tampa Airport Marriott, Tampa International Airport, Tampa, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Pam Lesley, Government Analyst, Bureau of Emergency Medical Services, Department of Health, 4052 Bald Cypress Way, Bin #C18, Tallahassee, Florida 32399-1738, (850)245-4440, Ext. 2733; email: Pam\_Lesley@doh.state.fl.us, Fax (850)921-8162

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

- 64E-2.001 Definitions
- (1) through (10) No change.

(11) Lead Care Provider – means the person designated as such by EMS provider protocols. The lead care provider is in charge of, and responsible for patient assessment and care decisions, and an accurate and complete patient care record. This individual shall be identified by signature and certification number on each patient care record completed pursuant to statute and rule.

(12) through (25) No change.

Specific Authority 381.0011(13), 395.401, 395.4025(13), 395.405, 401.121, 401.35 FS. Law Implemented 381.0011, 395.401, 395.4015, 395.402, 395.4025, 395.403, 395.404, 395.4045, 395.405, 401.121, 401.211, 401.23, 401.25, 401.35, 401.435 FS. History–New 11-29-82, Amended 4-26-84, 3-11-85, 11-2-86, 4-12-88, 8-3-88, 8-7-89, 6-6-90, Formerly 10D-66.485, Amended 12-10-92, 11-30-93, 10-2-94, 1-26-97, Formerly 10D-66.0485, Amended 8-4-98, 7-14-99, 2-20-00, 11-3-02, \_\_\_\_\_.

64E-2.012 Drivers.

~~(1) Each ALS and BLS provider shall ensure that each driver who operates a permitted vehicle meets the qualifications as listed in Section 401.281, F.S.~~

(1)(2) Each BLS and ALS provider shall document that each driver has completed at least a 16-hour course of instruction on driving a permitted an authorized emergency medical services vehicle, as defined by Section 401.23(5), 316.003(1), F.S., which includes, at a minimum, classroom and behind-the-wheel training as outlined below:

(a) Didactic.

1. Legal aspects of authorized emergency vehicle operators.
2. Selecting routes and reporting emergency operation.
3. The practice of defensive driving.
4. ~~Crash Accident~~ avoidance.
5. Principles of vehicle control and recovery techniques.
6. Routine safety checks of vehicle.

(b) Instructor observed practical – must train in an emergency medical services ground transport vehicle. Practical.

1. Braking and control braking to include turn and brake.
2. Backing; road position, fender judgment judgement and steering technique.
3. Slalom; steering technique and chassis set.
4. ~~Steering technique during a skid; a skid pad is optional.~~
- 4.5. Turn-around-steering technique; fender judgment judgement, road position, controlled braking, controlled acceleration, under steer, over steer understeer, oversteer and chassis set.

5. Mirror usage – Fish Eye and Convex.

6. Diminishing clearance.

Specific Authority 401.35 FS. Law Implemented 401.27, 401.281, 401.35, 401.411 FS. History–New 11-29-82, Amended 4-26-84, 3-11-85, Formerly 10D-66.59, Amended 4-12-88, 12-10-92, Formerly 10D-66.059, Amended \_\_\_\_\_.

64E-2.013 Records and Reports.

(1) through (5) No change.

(6) Each EMS provider shall maintain a copy of the patient care record as defined in subsection 64E-2.001(15), F.A.C., for a period of at least 5 years. This copy is considered to be the copy of record, shall contain an original signature by the lead care provider and certification number crew member or an identification number assigned to the lead care provider crew member and is certifiable as a true copy.

(7) through (13) No change.

Specific Authority 381.0011, 395.405, 401.30, 401.35 FS. Law Implemented 381.001, 381.0205, 395.401-395.405, 401.23, 401.25, 401.27, 401.30, 401.35, 401.411 FS. History—New 11-29-82, Amended 4-26-84, 3-11-85, Formerly 10D-66.60, Amended 11-2-86, 4-12-88, 8-3-88, 12-10-92, 11-30-93, 12-10-95, 1-26-97, Formerly 10D-66.060, Amended 7-14-99, 2-20-00, 4-15-01, 11-3-02.

64E-2.030 Emergency Medical Services Grants Procedures.

(1) through (2) No change.

(3) All grant award decisions shall be posted on a date and time certain at a specific location in Tallahassee, Florida. All grant award notices shall be published on the Bureau of Emergency Medical Services website at www.doh.state.fl.us/ems, at the date and time established in the FAW notice as outlined in (2) above. ~~The 21 days for denied applicants to file a petition for an administrative hearing as provided in Section 120.569 and Section 120.57, F.S., shall commence at the date and time of the award posting. If any award denial results in a timely and legally sufficient petition for administrative hearing as provided by Rule 28-106.201, F.A.C., and Rule 28-106.301, F.A.C., no award shall be made until final order and, if applicable, appellate proceedings have concluded, on the action if the denied applicant. The department shall proportionately adjust awards should the result of an administrative proceeding dictate.~~

(4) through (6) No change.

Specific Authority 401.121 FS. Law Implemented 401.111, 401.113, 401.121 FS. History—New 6-6-90, Amended 12-10-92, 1-26-97, Formerly 10D-66.205, Amended 8-4-98, 11-3-02.

NOTE: AT THE CONCLUSION OF ALL OF THE WORKSHOPS, A FINAL DRAFT OF THE PROPOSED RULE WILL BE POSTED ON THE BUREAU WEB PAGE PRIOR TO THE RULE GOING TO PUBLIC HEARING.

P.O. B00829

## Section II Proposed Rules

### DEPARTMENT OF INSURANCE

RULE TITLES:	RULE NOS.:
Rate Filing Procedures	4-149.003
Form Filing Procedures	4-149.021

PURPOSE, EFFECT AND SUMMARY: To implement mandatory electronic filing of rate and form filings.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: None.

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

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

LAW IMPLEMENTED: 119.07(1)(b), 624.307, 625.121. 627.410, 627.476, 627.807 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: 9:00 a.m., January 29, 2003

PLACE: Room 116, 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:

4-149.003 Rate Filing Procedures.

(1) through (2) No change.

(3)(a) Filings shall be mailed to: Bureau of Life and Health Forms & Rates, Division of Insurer Services, Department of Insurance, Post Office Box 8040, Tallahassee, FL 32301-8040 or submitted electronically to https://iportal.fldoi.com. All filings sent to the Department by Federal Express or any other form of special delivery shall be delivered to: Bureau of Life and Health Forms and Rates, Division of Insurer Services, Department of Insurance, 1st Floor, Larson Building, 200 East Gaines Street, Tallahassee, FL 32399-0328.

(b) Subsequent to July 1, 2003, all filings shall be submitted electronically to https://iportal.fldoi.com or through other electronic systems supported by the Department.

(4) through (7) No change.

Specific Authority 624.308(1), 627.410(6)(b),(e) FS. Law Implemented 119.07(1)(b), 627.410 FS. History—New 7-1-85, Formerly 4-58.03, 4-58.003, Amended 8-23-93, 4-18-94, 8-22-95, 4-4-02.