

Section I

Notices of Development of Proposed Rules and Negotiated Rulemaking

DEPARTMENT OF TRANSPORTATION

RULE CHAPTER TITLE: RULE CHAPTER NO.:
Prepaid Escrow Accounts 14-114
RULE TITLE: RULE NO.:
Prepaid Escrow Accounts 14-114.0011

PURPOSE AND EFFECT: The purpose of this rule is to establish a process for setting up an account, determining how much security is required, billing, and showing under what circumstances an account can be suspended, closed, or terminated. The amendment allows associations to provide shared security for their members. The amendment also adds language regarding security increases and non-payment for these accounts. The amendment also deletes overweight and overdimensional permit fees from prepaid escrow accounts, in anticipation of privatization of that function.

SUBJECT AREA TO BE ADDRESSED: This amendment adds language to address shared security accounts. The amendment provides for one deposit by associations to cover their members so that the Department has one security covering multiple accounts. The amendment also adds language regarding security increases and non-payment of these accounts. The amendment also deletes overweight and overdimensional permit fees from prepaid escrow accounts, in anticipation of privatization of that function.

SPECIFIC AUTHORITY: 334.044(2), 334.187(4) FS.

LAW IMPLEMENTED: 334.187 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: James C. Myers, Management Analyst 4, Florida Department of Transportation, Office of the General Counsel, 605 Suwannee Street, Mail Station 58, Tallahassee, Florida 32399-0458

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

14-114.0011 Prepaid Escrow Accounts.

(1) This rule establishes the procedures for the use of Prepaid Escrow Accounts for purchases of materials and documents from the Department. Materials and documents which may be purchased are: contract bidding documents, plans, maps, standard specifications for road and bridge construction, bid tabulations, photostatic or certified copies of

documents, manuals, aerial photography and photolab reproductions, ~~permits for overweight/overdimensional fees,~~ and other similar items.

(2) Definitions.

(a) "Account" means a Prepaid Escrow Account.

(b) "Account Holder" means anyone who has an active approved application for a Commercial, Florida Government, Other Government, State Agency, or Individual Prepaid Escrow Account.

(c) "Association" means a formal organization of individuals, companies, or other entities, who have an interest, activity, or purpose in common.

~~(d)~~(e) "Commercial Account" means any Prepaid Escrow Account used in the furtherance of trade or commerce by a business.

~~(e)~~(f) "Department" means the Florida Department of Transportation.

~~(f)~~(e) "Florida Governmental Account" means a Prepaid Escrow Account of any local governmental entity, as defined in Section 334.03(14), Florida Statutes, and any public body as defined in Section 1.01(8), Florida Statutes.

~~(g)~~(f) "Individual Account" means a Prepaid Escrow Account other than a Commercial, Florida Governmental, Other Governmental, or State Agency Prepaid Escrow Account.

~~(h)~~(g) "Other Governmental Account" means an Account used by a unit or subdivision of the federal government or state government, other than those otherwise defined herein.

~~(i)~~(h) "Prepaid Escrow Account" means the Accounts specifically defined herein which are established for the purpose of allowing customers of the Department to make purchases without payment at the time of transaction.

~~(j)~~(i) "Security Deposit" means a combination of cash and account bond required to guarantee payment.

(k) "Shared Security Account" means an Account that pools a security deposit being provided by an association for its members. Although the security is pooled, each member must have its own Account with the Department.

~~(l)~~(j) "State Agency Account" means a Prepaid Escrow Account issued to those agencies included in Section 20.03(2), Florida Statutes, the Office of the Governor, the Cabinet, and all Cabinet agencies.

(3) Initial Application. Application for a Prepaid Escrow Account with the Department will be made by submitting a Prepaid Escrow Account Application, Department of Transportation Form 350-060-10, R. 01/02, and the appropriate deposit as set forth in Rule 14-114.004(4)(b), F.A.C., to the Florida Department of Transportation, Office of Comptroller, Cashier, 3717 Apalachee Parkway, East, Tallahassee, Florida 32311-3400.

(4) Processing of the Application.

(a) Approval. The Florida Department's of Transportation Office of Comptroller will review all applications for accuracy and completeness before processing. Upon completion of the review and approval, each approved application will be assigned a numeric account number by the Office of Comptroller for entry into the Department accounts receivable records, and for monthly billing purposes. An executed copy of the application will be returned to the applicant, who is then an Account Holder.

(b) Security Deposit. An Account will not be approved until the required security deposit has been received and approved by the Department. With the exception of State Agency Accounts and Shared Security Accounts, the required security deposit for each Account is \$300.00, or three times the estimated monthly usage, whichever is greater. Deposits for Commercial Accounts, Other Governmental Accounts, and Individual Accounts may be made in cash for the full amount of the required security deposit, or with \$300.00 cash and the remainder by account bond. Deposits for Florida Governmental Accounts may be made with a purchase order to the Department up to an amount of \$10,000.00, and the remainder by cash or account bond; or a cash deposit for the full amount of the required security deposit; or with a \$300.00 cash deposit and the remainder by account bond. All account bonds must be on the Account Bond, Department of Transportation Form 350-060-08, R. 01/02. State Agency Accounts will not require security deposits unless the agency fails to pay the Account in compliance with Section 215.422, Florida Statutes. If a State Agency Account Holder fails to pay as required, the Department will require the same security deposit for the State Agency Account as for an Other Governmental Account. The Department will approve associations for Shared Security Accounts using the following criteria: financial status, number of members, years of operation, and benefit to the Department. The security deposit will be held in one lump sum amount for all accounts and must be in the form of cash or account bond. It is the responsibility of the association to send the Department notices of member enrollment and inactivation. The Department requires the security to be equal or greater than the average of the last 12 months of invoices for all members. To calculate this figure, all members' invoices for the past 12 months are added together and then divided by 12.

(c) Increase in Deposit. If, after establishment of an Account, actual monthly usage exceeds estimated monthly usage, the deposit must be increased to equal the sum of the three highest months' usage in the last 12 month period. If the Account has been established for less than three full months, the usage will be based on the period the Account has been in use. The Department will notify the Account Holder in writing of the increase in the security deposit required. Failure to increase the security deposit to the proper level within 30 days of receipt of the notification will cause immediate loss of Account usage privileges until the required security deposit is

received by the Department. If the required security deposit is not increased within an additional 15 days, the Account will be terminated. If additional security is required for Shared Security Accounts, the Department will notify the association in writing of the increase due. If the increased amount has not been deposited within 60 days, the Department will require security deposits directly from the Account Holders.

(d) Suspension of Account. If usage in any one month exceeds the amount of the security deposit, all Account privileges will immediately be suspended until the security deposit is increased in conformance with 14-114.0011(4)(c). Additionally, if at any time the total unpaid balance on the Account exceeds the amount of the security deposit, all Account privileges will immediately be suspended until the security deposit is increased in conformance with 14-114.0011(4)(c).

(5) Monthly Billing. A monthly billing is prepared and mailed to the Account Holder. If an Account is not paid in full within 30 days of the date of the billing, the Account becomes past due. If not paid within 15 days of becoming past due, a suspension notice will be issued and the Account Holder will be refused Account privileges. If the Account is not paid within 15 days of the date of the suspension notice, the Account will be terminated.

(6) Termination. The Department will terminate Accounts if the Prepaid Escrow Account program is no longer deemed necessary, and will terminate Individual Accounts if this or other accounts of the Account Holder with the Department are delinquent. The Account Holder may terminate its Account at any time. When an Account is terminated, outstanding purchases will be deducted from the balance of the Account Holder's deposit. If there are not sufficient funds in the Account to cover outstanding purchases, the Account Holder will be notified of the funds due. The Account Holder must pay all sums due within 30 days of the termination notification. If payment is not received, the Department will pursue collection of any amounts owed. Any funds remaining in the Account Holder's Account in excess of the outstanding purchases will be refunded to the Account Holder upon verification that all amounts due have been paid. Any amount owed for terminated Shared Security Accounts will be sent directly to the association for payment. If payment has not been received within 60 days, the Department will draw against the association's Account. When an Account has been terminated for non-payment the Account Holder will not be eligible to apply for a Prepaid Escrow Account for a period of one year after the date of termination. Upon the second termination of an Account for non-payment, the applicant will no longer be eligible for a Prepaid Escrow Account with the Department.

(7) Forms. The following forms, which are incorporated by reference and made a part of these rules, are to be used by the applicants for Prepaid Escrow Accounts:

Form Number	Date	Title
350-060-10	01/02	Prepaid Escrow Account Application
350-060-08	01/02	Account Bond

These forms may be obtained from the Department of Transportation Office of the Comptroller, Accounts Receivable Section, 3717 Apalachee Parkway East, Tallahassee, Florida 32311-3400.

Specific Authority 334.044(2), 334.187(4) FS. Law Implemented 334.187 FS. History—New 6-4-02, Amended _____.

PUBLIC SERVICE COMMISSION

DOCKET NO: Undocketed

RULE TITLES:	RULE NOS.:
Definitions	25-4.003
Number Portability	25-4.082
Preferred Carrier Freeze	25-4.083

PURPOSE AND EFFECT: To codify the requirements that a company must release a subscriber’s telephone number when the subscriber elects to switch providers and that a company may only put a preferred carrier freeze on a subscriber’s service when one is requested by the subscriber.

SUBJECT AREA TO BE ADDRESSED: Number Portability and Preferred Carrier Freezes.

SPECIFIC AUTHORITY: 350.127, 364.16(4), 364.337, 364.603, 364.604(5) FS.

LAW IMPLEMENTED: 350.113, 364.16, 364.03, 364.17, 364.04, 364.05, 364.052, 364.19, 364.602, 364.604 FS.

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

To request a workshop or to provide comments by May 30, 2003 on the rules, please submit in writing to: Samantha Cibula, Office of the General Counsel, 2540 Shumard Oak Boulevard, Tallahassee, FL 32399-0850.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Ray Kennedy, Division of Competitive Markets & Enforcement, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0862, (850)413-6584

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

25-4.003 Definitions.

(1) through (52) No change.

(53) “Temporary Disconnect.” A disruption of telephone service to a customer for a period of no less than 14 days prior to permanent disconnect.

(53) through (59) renumbered (54) through (60) No change.

Specific Authority 350.127(2) FS. Law Implemented 364.01, 364.02, 364.32, 364.335, 364.337, 364.3375, 364.3376, 364.602 FS. History—Revised 12-1-68, Amended 3-31-76, Formerly 25-4.03, Amended 2-23-87, 3-4-92, 12-21-93, 3-10-96, 7-20-98, 12-28-98, 2-1-99, 7-5-00, _____.

25-4.082 Number Portability.

(1) The serving local provider shall facilitate porting of the subscriber’s telephone number upon request from the acquiring company.

(2) A working number or a number in Temporary Disconnect status shall be ported regardless if a balance is owed.

(3) A local provider shall not disconnect a subscriber’s service for a working number or block porting of a number in Temporary Disconnect status upon receiving a local service request from another local provider.

Specific Authority 350.127, 364.16(4), 364.337 FS. Law Implemented 364.16 FS. History—New _____.

25-4.083 Preferred Carrier Freeze.

A PC Freeze prevents a change in a subscriber’s preferred provider selection unless the subscriber gives the provider from whom the PC Freeze was requested consent to remove the PC Freeze.

(1) A PC Freeze shall not be imposed on a subscriber’s account without the subscriber’s authorization and shall not be required as a condition for obtaining service.

(2) A PC Freeze shall be implemented or removed at no charge to the subscriber.

(3) A PC Freeze shall be offered on a nondiscriminatory basis to all subscribers, regardless of the subscriber’s provider selections.

(4) The subscriber’s authorization shall be obtained for each service for which a PC Freeze is requested. Procedures implemented by local exchange providers, including any solicitation, must clearly distinguish among telecommunications services (e.g., local, local toll, and toll) subject to a PC Freeze.

(5) All solicitation and other materials regarding PC Freezes must include:

(a) An explanation of what a PC Freeze is and what services are subject to a freeze;

(b) A description of the specific procedures necessary to lift a PC Freeze and an explanation that the subscriber will be unable to make a change in provider selection unless the subscriber authorizes lifting of the PC Freeze; and

(c) An explanation that there are no charges for implementing or removing a PC Freeze.

(6) A local exchange provider shall not implement a PC Freeze unless the subscriber’s request to impose a freeze has first been confirmed in accordance with one of the following procedures:

(a) The local exchange provider has obtained the subscriber's written or electronically signed authorization in a form that meets the requirements of subsection (7); or

(b) The local exchange provider has obtained the subscriber's electronic authorization, placed from the telephone number(s) on which the PC Freeze is to be imposed. The electronic authorization should confirm appropriate verification data (e.g., the subscriber's date of birth or the last four digits of the subscriber's social security number) and the information required in paragraph (7)(a) through (d). Telecommunications providers electing to confirm PC Freeze orders electronically shall establish one or more toll-free telephone numbers exclusively for that purpose. Calls to the number(s) will connect a subscriber to a voice response unit, or similar mechanism that records the required information regarding the PC Freeze request, including automatically recording the originating automatic numbering identification; or

(c) An appropriately qualified independent third party has obtained the subscriber's oral authorization to submit the PC Freeze and confirmed the appropriate verification data (e.g., the subscriber's date of birth or the last four digits of the subscriber's social security number) and the information required in paragraph (7)(a) through (d). The independent third party must not be owned, managed, or directly controlled by the provider or the provider's marketing agent; must not have any financial incentive to confirm PC Freeze requests for the provider or the provider's marketing agent; and must operate in a location physically separate from the provider or the provider's marketing agent. The content of the verification must include clear and conspicuous confirmation that the subscriber has authorized a PC Freeze.

(7) A local exchange provider shall accept a subscriber's written and signed authorization to impose a PC Freeze on a preferred provider selection. A written authorization shall be printed with a readable type of sufficient size to be clearly legible and must contain clear and unambiguous language that confirms:

(a) The subscriber's billing name and address and the telephone number(s) to be covered by the PC Freeze;

(b) The specific service, (e.g., local, local toll, and toll), separately stated, on which a PC Freeze will be imposed.

(c) That the subscriber understands that to make a change in provider selection, the subscriber must lift the PC Freeze; and

(d) That there will be no charge to the subscriber for a PC Freeze.

(8) All local exchange providers shall, at a minimum, offer subscribers the following procedures for lifting a PC Freeze:

(a) Acceptance of a subscriber's written or electronically signed authorization; and

(b) Acceptance of a subscriber's oral authorization along with a mechanism that allows the submitting provider to conduct a three-way conference call between the provider administering the PC Freeze and the subscriber. The provider administering the PC Freeze shall confirm appropriate verification data (e.g., the subscriber's date of birth or the last four digits of the subscriber's social security number) and the subscriber's intent to lift a specific PC Freeze.

(9) Information obtained under (6) and (8)(a) shall be maintained by the provider for a period of one year.

(10) A PC Freeze shall not prohibit a LP from changing its wholesale customer's services when serving the same end user.

(11) Local providers shall make available an indicator on the customer service record that identifies whether the subscriber currently has a PC Freeze in place.

(12) Local providers shall make available the ability for the subscriber's new local provider to initiate a local PC Freeze using the local service request.

(13) Local providers shall ensure that the local service order will not reject while the local freeze lift request is in progress.

Specific Authority 350.127, 364.603 FS. Law Implemented 364.603 FS. History--New _____.

PUBLIC SERVICE COMMISSION

DOCKET NO.: Undocketed

RULE TITLES:

Customer Relations; Rules Incorporated
Customer Relations; Rules Incorporated

RULE NOS.:

25-24.490
25-24.845

PURPOSE AND EFFECT: To codify the requirements that interexchange and alternative local exchange companies must release a subscriber's telephone number when the subscriber elects to switch providers and that a preferred carrier freeze may only be put on a subscriber's service when one is requested by the subscriber.

SUBJECT AREA TO BE ADDRESSED: Number Portability and Preferred Carrier Freezes.

SPECIFIC AUTHORITY: 350.127, 364.16(4), 364.337(2), 364.604(5) FS.

LAW IMPLEMENTED: 364.03, 364.14, 364.15, 364.16, 364.603, 364.19, 364.337, 364.602, 364.604 FS.

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

To request a workshop or to provide comments by May 30, 2003 on the rules, please submit in writing to: Samantha Cibula, Office of the General Counsel, 2540 Shumard Oak Boulevard, Tallahassee, FL 32399-0850.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Ray Kennedy, Division of Competitive Markets & Enforcement, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0862, (850)413-6584

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

25-24.490 Customer Relations; Rules Incorporated.

(1) The following rules are incorporated herein by reference and apply to IXCs.

<u>SECTION</u>	<u>TITLE</u>	<u>PORTIONS APPLICABLE</u>
25-4.083	Preferred Carrier Freeze	All except Subsections (11) through (13)
25-4.110	Customer Billing	Subsections ; (14), (15), (17), (18), and (20)
25-4.111	Customer Complaint and Service Requests	All except Subsection (2)
25-4.112	Termination of Service by Customer	All
25-4.113	Refusal or Discontinuance of Service by Company	All
25-4.114	Refunds	All
25-4.117	800 Service	All
25-4.118	Local, Local Toll, or Toll Provider Selection	All

(2) through (3) No change.

(4) Toll free number portability.

(a) The serving IXC shall facilitate porting of the subscriber's toll free telephone number (e.g., 800, 877, 888) upon request from the acquiring company.

(b) The serving IXC shall not disconnect a subscriber's service for a working toll free number or refuse to port a toll free number that is in Temporary Disconnect status upon receiving a service transfer request from another IXC.

(c) The serving IXC shall not cause a toll free number that is in Temporary Disconnect status to be reassigned, transferred, or otherwise unavailable for porting any time prior to final disconnect.

(d) A working toll free number or a toll free number in Temporary Disconnect status shall be ported regardless if a balance is owed.

Specific Authority 350.127(2), 364.604(5) FS. Law Implemented 364.03, 364.14, 364.15, 364.603, 364.19, 364.337 364.602, 364.604 FS. History--New 2-23-87, Amended 10-31-89, 3-5-90, 3-4-92, 3-13-96, 7-20-98, 12-28-98, 7-5-00,_____.

25-24.845 Customer Relations; Rules Incorporated.

The following rules are incorporated herein by reference and apply to ALECs. In the following rules, the acronym 'LEC' should be omitted or interpreted as 'ALEC'.

<u>SECTION</u>	<u>TITLE</u>	<u>PORTIONS APPLICABLE</u>
25-4.082	Number Portability	All
25-4.083	Preferred Carrier Freeze	All
25-4.110	Customer Billing	Subsections (14), (15), (16), (17), (18), and (20)
24-4.118	Local, Local Toll, or Toll Provider Selection	All

Specific Authority 350.127(2), 364.16(4), 364.337(2), 364.604(5), FS. Law Implemented 364.337(2), 364.602, 364.604, 364.16 FS. History--New 7-20-98, Amended 12-28-98, 7-5-00,_____.

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE TITLE: Permit Application Processing Fees

RULE NO.: 40E-1.607

PURPOSE AND EFFECT: To amend the rule to include a zero processing fee for modifications or transfers of surface water management, wetland resource, environmental resource, or Works of the District permits for properties acquired by the District pursuant to the Florida Forever Work Plan or Save Our Rivers Land Acquisition and Management Plan.

SUBJECT AREA TO BE ADDRESSED: Processing fee for modifications or transfers of surface water management, wetland resource, environmental resource, or Works of the District permits for properties acquired by the District pursuant to the Florida Forever Work Plan or Save Our Rivers Land Acquisition and Management Plan.

SPECIFIC AUTHORITY: 373.044, 373.109, 373.113 FS.

LAW IMPLEMENTED: 373.109, 373.199, 373.59 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: Jan Sluth, South Florida Water Management District, Post Office Box 24680, West Palm Beach, FL 33416-4680, 1(800)432-2045, Extension 6299 or (561)682-6299 (internet: jsluth@sfwmd.gov). Although Governing Board meetings, hearings and workshops are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which any appeal is to be based. Persons with disabilities or handicaps who need assistance may contact Garrett Wallace, District Clerk, (561)682-6371, at least two business days in advance to make appropriate arrangements.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40E-1.607 Permit Application Processing Fees.

(1) through (5) No change.

(6) PERMIT APPLICATION PROCESSING FEES FOR MODIFICATION OR TRANSFER OF ENVIRONMENTAL RESOURCE, SURFACE WATER MANAGEMENT OR WORKS OF THE DISTRICT PERMITS FOR PROPERTIES ACQUIRED BY THE DISTRICT PURSUANT TO THE FLORIDA FOREVER WORK PLAN OR SAVE OUR RIVERS LAND ACQUISITION AND MANAGEMENT PLAN

Modification of existing permits to reflect property ownership changes where no new works or modifications to an existing surface water management system is requested.

\$0

Permit transfer pursuant to Rule 40E-1.6107 and 40E-4.351, F.A.C.

\$0

Specific Authority 373.109, 373.421(6)(b) FS. Law Implemented 373.109, 373.421(6)(b), 403.201 FS. History—New 1-8-89, Amended 1-2-91, 11-15-92, 6-1-93, 1-23-94, 10-3-95, 4-1-96, 11-8-99, 5-24-00, 6-26-02, 7-11-02,

AGENCY FOR HEALTH CARE ADMINISTRATION

Division of Health Quality Assurance

RULE CHAPTER TITLE: Part I, Hospital and Other Licensed Facilities

RULE CHAPTER NO.: 59A-3

PURPOSE AND EFFECT: The proposed Rule reorganizes 59A-3, F.A.C. to present a more logical flow of the licensing requirements and creates sections from numerous subsections in the existing Rule for easier location and use.

Rules 59A-3.007-59A-3.081, F.A.C., of the proposed Rule development adds sections dealing with failure and external emergency communications; revises references to codes and standards for the review of freestanding emergency facilities; revises documentation for plans submission and the restrictive location of ambulatory surgical centers and other medical facilities attached to hospitals; deletes all design and construction requirements for hospitals buildings; and, revises code and reference standards for the review of intensive residential treatment facilities.

Rules 59A-3.201 and 3.203, and 59A-3.215 through 3.111, F.A.C., proposed Rule development deletes definitions not used in the Rule; corrects definitions, adds definitions and citations; clarifies the hospital licensing procedures and imposes financial penalty for late filing of a renewal application; amends infectious diseases control, prevention and surveillance; adds criteria when a full licensing survey will be conducted; provides for a plan of correction on areas of non-compliance; provides that the agency shall have full access to patient medical records and the right to review all hospital employee and contract personnel files, including board certified personnel with hospital privileges; deletes the

quarterly report on organ donation requests; replaces the existing Patient Rights and Care with a new section; adds off-site emergency department criteria; adds a requirement to update the emergency services inventory at renewal; requires resubmission of an approved exemption request biennially; breaks out the Departments and Services section into separate sections for each department and service; adds processes to the nutritional care plan; clarifies Pharmacy and Medication Services; adds disaster and emergency recovery requirements to Health Information Management; eliminates agency assistance with training for organ procurement organizations, tissue and eye banks, and the requirement that copies of ACHA Form 3130-8006 be forwarded to the agency; and, adds adult to the requirement to report abuse and neglect.

SUBJECT AREA TO BE ADDRESSED: Hospitals, mobile surgical facilities and other licensed facilities.

SPECIFIC AUTHORITY: 408.15(8) FS.

LAW IMPLEMENTED: 395 FS.

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

TIME AND DATE: 10:00 a.m., Thursday, May 8, 2003 (Plans and Construction Work Group, 10:00 a.m. – 12:00 a.m.; Hospital Policies, Procedures, Etc., 1:00 p.m. – 3:00 p.m.)

PLACE: AHCA, 2727 Mahan Drive, Building 3, Room C, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Plans and Construction, 59A-3.077-.081, Skip Gregory, AHCA, 2727 Mahan Drive, Bldg. 1, First Floor, Mail Stop #24, Tallahassee, Florida 32308; Hospital and Outpatient Services, 59A-3.201, 59A-3.203 and 59A-3.215-.111, Laura MacLafferty, AHCA, 2727 Mahan Drive, Bldg. 1, Second Floor, Mail Stop #31, Tallahassee, Florida 32308

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

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE TITLE: Registered Nurse First Assistant Services

RULE NO.: 59G-4.270

PURPOSE AND EFFECT: The purpose of this rule amendment is to incorporate by reference the Florida Medicaid Registered Nurse First Assistant Services Coverage and Limitations Handbook, October 2003. The effect will be to incorporate by reference in the rule the current Florida Medicaid Registered Nurse First Assistant Services Coverage and Limitations Handbook.

SUBJECT AREA TO BE ADDRESSED: Registered Nurse First Assistant Services.

SPECIFIC AUTHORITY 409.919 FS.
LAW IMPLEMENTED 409.906, 409.908, 409.9081 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: Madeleine Nobles, Bureau of Medicaid Services, 2727 Mahan Drive, Tallahassee, Florida 32308, (850)922-7326

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59G-4.270 Registered Nurse First Assistant Services.

(1) No change.

(2) All registered nurse first assistant services providers enrolled in the Medicaid program must be in compliance with the Florida Medicaid Registered Nurse First Assistant Services Coverage and Limitations Handbook, October 2003 ~~January 2002 and April 2002~~, which is incorporated by reference, and the Florida Medicaid Provider Reimbursement Handbook, CMS HCFA-1500 and Child Health Check-Up 221, which is incorporated in 59G-4.001 ~~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, 409.9081 FS. History--New 3-11-98, Amended 10-13-98, 5-24-99, 4-23-00, 7-5-01, 2-20-03, _____.

DEPARTMENT OF HEALTH

Board of Dentistry

RULE TITLE: Disciplinary Guidelines

RULE NO.: 64B5-13.005

PURPOSE AND EFFECT: The Board proposes the rule amendment to update the amount of the administrative fine imposed for practice violations.

SUBJECT AREA TO BE ADDRESSED: The proposed rule amendment raises the administrative fine from \$3,000 to \$10,000 per count or offense.

SPECIFIC AUTHORITY: 456.079(1) FS.

LAW IMPLEMENTED: 456.072(2)(d), 456.079(1), 466.028 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE SCHEDULED AT THE BOARD'S NEXT MEETING TO BE HELD ON MAY 16-17, 2003 IN FT. LAUDERDALE, FLORIDA.

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B5-13.005 Disciplinary Guidelines.

(1) Unless relevant mitigating factors are demonstrated the Board shall always impose a reprimand and an administrative fine of \$10,000.00 ~~\$3,000.00~~ per count or offense when disciplining a licensee for any of the disciplinary grounds listed in subsections (2) or (3) of this rule. The reprimand and administrative fine is in addition to the penalties specified in subsections (2) and (3) for each disciplinary ground.

(2) through (7) No change.

Specific Authority 456.079(1) FS. Law Implemented 456.072(2)(d), 456.079(1), 466.028 FS. History--New 12-31-86, Amended 2-21-88, 1-18-89, 12-24-91, Formerly 21G-13.005, 61F5-13.005, 59Q-13.005, Amended 4-2-02, _____

DEPARTMENT OF HEALTH

Board of Medicine

RULE TITLE: Examinations

RULE NO.: 64B8-5.001

PURPOSE AND EFFECT: The Board proposes the development of rule amendments intended to clarify criteria with regard to the licensure examination.

SUBJECT AREA TO BE ADDRESSED: Licensure examination.

SPECIFIC AUTHORITY: 456.017(1), 458.309, 458.311(1)(h), 458.313(4) FS.

LAW IMPLEMENTED: 456.017(1), 458.311, 458.313 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: Larry G. McPherson, Jr., Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253

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

DEPARTMENT OF HEALTH

Board of Medicine

RULE TITLE: Disciplinary Guidelines

RULE NO.: 64B8-8.001

PURPOSE AND EFFECT: The Board proposes the development of a rule amendment to address performing or attempting to perform health care services on the wrong patient and leaving a foreign body in a patient.

SUBJECT AREA TO BE ADDRESSED: Disciplinary guidelines.

SPECIFIC AUTHORITY: 456.0375(4)(c), 456.079, 458.309, 458.331(5) FS.

LAW IMPLEMENTED: 456.0375(4)(c), 456.072, 456.079, 458.309, 458.331(5) 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: Larry G. McPherson, Jr., Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253

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

DEPARTMENT OF HEALTH

Board of Medicine

RULE TITLE: Deficiencies in Office Surgery Inspections; Disciplinary Actions. RULE NO.: 64B8-9.0093

PURPOSE AND EFFECT: The Board proposes the development of a new rule to address deficiencies in office surgery inspection reports and the resulting disciplinary action for failure to correct said deficiencies.

SUBJECT AREA TO BE ADDRESSED: Deficiencies in office surgery inspections.

SPECIFIC AUTHORITY: 458.331(1)(v) FS.

LAW IMPLEMENTED: 456.072, 456.073, 456.077, 458.331 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: Larry G. McPherson, Jr., Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE

DEPARTMENT OF HEALTH

Board of Medicine

RULE TITLES:	RULE NOS.:
Application for Licensure	64B8-30.002
Physician Assistant Licensure	64B8-30.003
Requirements and Limitations of Prescribing Privileges	64B8-30.007
Formulary	64B8-30.008
Fees Regarding Physician Assistants	64B8-30.019

PURPOSE AND EFFECT: The Council on Physician Assistants has recently reviewed its rules to determine whether changes are needed. The Council, along with input from staff recommended several changes to the above-referenced rules. These proposed amendments incorporate those changes.

SUBJECT AREA TO BE ADDRESSED: Physician Assistant licensure and practice.

SPECIFIC AUTHORITY: 456.036(5),(7), 458.309, 458.347 FS.

LAW IMPLEMENTED: 456.036(5),(7), 458.347 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Larry McPherson, Jr., Executive Director, Board of /MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B8-30.002 Application for Licensure.

(1) through (2) No change.

(3) All application information must be submitted no later than 15 days prior to the Council meeting at which the applicant desires his or her application to be considered.

Specific Authority 458.309, 458.347 FS. Law Implemented 458.347 FS. History—New 4-28-76, Amended 2-14-79, 9-3-85, 10-20-85, Formerly 21M-17.02, Amended 5-13-87, 1-9-92, Formerly 21M-17.002, 61F6-17.002, 59R-30.002, Amended 6-7-98,_____.

64B8-30.003 Physician Assistant Licensure.

(1) Requirements for Licensure. All applicants for licensure as physician assistants shall submit an application to the Department on forms approved by the Council and Boards and provided by the Department. The applicant must meet all of the requirements of Section 458.347(7), Florida Statutes, or Section 459.022(7), Florida Statutes, and the applicant must submit two personalized and individualized letters of recommendation from physicians. Letters of recommendation must be composed and signed by the applicant’s supervising physician, or, for recent graduates, the preceptor physician, and give details of the applicant’s clinical skills and ability. Each letter must be addressed to and directed to the Council on Physician Assistants and must have been written no more than six months prior to the filing of the application.

(2) through (6) No change.

Specific Authority 456.013, 456.031(2), 456.033(6), 458.309, 458.347 FS. Law Implemented 456.013, 456.017, 456.031, 456.033, 458.347 FS. History—New 4-28-76, Amended 11-15-78, 10-23-80, 12-4-85, Formerly 21M-17.03, Amended 5-13-87, 11-15-88, 11-15-90, 1-9-92, 5-6-93, Formerly 21M-17.003, Amended 9-21-93, Formerly 61F6-17.003, Amended 9-8-94, 11-30-94, 10-25-95, 3-25-96, Formerly 59R-30.003, Amended 6-7-98, 8-19-99, 5-28-00, 3-3-02,_____.

64B8-30.007 Requirements and Limitations of Prescribing Privileges.

Written prescriptions shall be subject to the following requirements:

(1) Each supervising physician and prescribing physician assistant shall enter into and keep on file a written agreement outlining which ~~of the~~ medicinal drugs not prohibited by ~~in~~ the formulary the supervising physician has specifically authorized the physician assistant to prescribe.

(2) through (3) No change.

Specific Authority 458.309, 458.347 FS. Law Implemented 458.347 FS. History—New 9-21-93, Formerly 61F6-17.0037, Amended 5-6-96, Formerly 59R-30.007, Amended 5-12-98, _____.

64B8-30.008 Formulary.

(1) No change.

(2) A supervising physician may delegate to a prescribing physician assistant only such authorized medicinal drugs as are used in the supervising physician’s practice, not listed in paragraph (1).

(3) through (4) No change.

Specific Authority 458.309, 458.347(4)(f)1. FS. Law Implemented 458.347(4)(e),(f) FS. History—New 3-12-94, Formerly 61F6-17.0038, Amended 11-30-94, 2-22-95, 1-24-96, 11-13-96, 3-26-97, Formerly 59R-30.008, Amended 11-26-97, 1-11-99, 12-28-99, 6-20-00, 11-13-00, 2-15-02, _____.

64B8-30.019 Fees Regarding Physician Assistants.

The following fees are prescribed by the Council and adopted by the Boards:

(1) through (3) No change.

(4) The application fee for a person applying to be certified as a prescribing physician assistant shall be \$200.00. The fee for initial certification as a prescribing physician assistant shall be \$200.00. The renewal fee for a prescribing physician assistant shall be \$200.

No additional fees will be required for any separate application for a distinct area of practice or a change in practice setting during the same biennium.

(5) through (9) No change.

Specific Authority 456.036(5),(7), 458.309, 458.347 FS. Law Implemented 456.036(5),(7), 458.347 FS. History—New 8-11-98, Amended _____.

DEPARTMENT OF HEALTH

Board of Respiratory Care

RULE TITLE: Certificate by Examination
 RULE NO.: 64B32-3.002
 PURPOSE AND EFFECT: The Board proposes to update existing rule text.
 SUBJECT AREA TO BE ADDRESSED: Certificate by Examination.
 SPECIFIC AUTHORITY: 456.017(1), 468.353(1) FS.
 LAW IMPLEMENTED: 468.355, 468.357, 468.365 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Kaye Howerton, Board Executive Director, Board of Respiratory Care, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B32-3.002 Certificate by Examination.

(1) through (4) No change.

(5) That the applicant is not otherwise disqualified by reason of a violation of Chapter 456 or 468, Part V, Florida Statutes, or the rules promulgated thereunder.

(6) That the applicant has passed the examination required by Section 468.357(1)(c), Florida Statutes. The examination to be used for same is that given by the National Board of Respiratory Care for entry-level certification of certified respiratory therapists as provided in Section 468.357, Florida Statutes. Passing score for certification by the Board shall be the same as the passing score identified by the National Board of Respiratory Care, a 75 scaled ~~stated~~ score based on use of the Angoff Nedelski technique.

(7) No change.

Specific Authority 456.017(1), 468.353(1) FS. Law Implemented 468.355, 468.357, 468.365 FS. History—New 4-29-85, Amended 1-5-86, Formerly 21M-35.02, Amended 9-29-86, 5-12-88, Formerly 21M-35.002, 61F6-35.002, 59R-72.002, Amended 6-9-99, Formerly 64B8-72.002, Amended 7-22-02, _____.

DEPARTMENT OF HEALTH

Board of Respiratory Care

RULE TITLE: Procedures for Approval of Attendance at Continuing Education Courses
 RULE NO.: 64B32-6.004
 PURPOSE AND EFFECT: The Board proposes to update existing rule text.
 SUBJECT AREA TO BE ADDRESSED: Procedures for Approval of Attendance at Continuing Education Courses.
 SPECIFIC AUTHORITY: 468.353(1), 468.361(2) FS.
 LAW IMPLEMENTED: 468.361(2) FS.
 IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Kaye Howerton, Board Executive Director, Board of Respiratory Care, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B32-6.004 Procedures for Approval of Attendance at Continuing Education Courses.

(1) through (2) No change.

(3) A minimum of 16 hours each biennium must be obtained by each licensee in approved offerings related to the direct delivery of respiratory care services. No more than 8 hours of appropriate continuing education in the areas of management, risk management, personal growth, and educational techniques will be acceptable for the purpose of biennial renewal of a license. Up to 12 8 hours per biennium may be home study courses.

(4) No change.

Specific Authority 468.353(1), 468.361(2) FS. Law Implemented 468.361(2) FS. History—New 4-29-85, Formerly 21M-38.04, Amended 9-29-86, 11-29-88, 9-24-92, 10-15-92, Formerly 21M-38.004, Amended 1-2-94, 7-10-94, Formerly 61F6-38.004, Amended 11-1-94, 3-14-95, 7-18-95, 4-24-96, 8-27-96, Formerly 59R-75.004, 64B8-75.004, Amended 6-8-00, 5-7-01, 1-22-03, _____.

Section II Proposed Rules

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Standards

RULE TITLES:

Standards

RULE NOS.:

5F-2.001

Adoption of the General Code and the

Codes of Liquid-Measuring Devices,

Liquefied Petroleum Gas and Anhydrous

Ammonia Liquid-Measuring Devices,

Hydrocarbon Gas Vapor-Measuring Devices,

Vehicle-Tank Meters, and Vehicle Tanks

Used as Measures of National Institute

of Standards and Technology Handbook 44 5F-2.014

PURPOSE AND EFFECT: The purpose of 5F-2.001 is to adopt the 2003 edition of the chemical and physical standards set forth in the American Society for Testing and Materials. These standards will be used for quality testing of regulated petroleum products. The effect will be that the Department will use the most recent nationally recognized standards for petroleum products developed by a consensus organization. The purpose of 5F-2.014 is to adopt the 2003 edition of NIST Handbook 44 which contains specifications and testing criteria for liquid and vapor measuring devices. The effect will be the

incorporation of the most recent specifications and testing criteria of measuring devices developed by a consensus organization.

SUMMARY: Proposed rules 5F-2.001 and 5F-2.014 will specify that the 2003 Annual Book of ASTM Standards and 2003 edition of NIST Handbook 44, respectively, are the accepted standards for implementation of Chapter 525, F.S.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

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

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

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

TIME AND DATE: 10:00 a.m., May 19, 2003

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

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

THE FULL TEXT OF THE PROPOSED RULES IS:

5F-2.001 Standards.

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

(a) Standards. All gasoline shall conform to the chemical and physical standards for gasoline as set forth in the American Society for Testing and Materials designation D 4814-02 ~~D 4814-01a~~, "Standard Specification for Automotive Spark-Ignition Engine Fuel."

(b) Analysis. For purposes of inspection and testing, laboratory analyses shall be conducted using the methods recognized by the American Society for Testing and Materials designation D 4814-02 ~~D 4814-01a~~, "Standard Specification for Automotive Spark-Ignition Engine Fuel."

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