

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

TIME AND DATE: 10:00 a.m., June 6, 2003
PLACE: Florida Housing Finance Corporation, 227 North Bronough Street, Rick Seltzer Conference Room, 6th Floor, Tallahassee, FL 32301-1329

Any person requiring special accommodation at this workshop because of a disability or physical impairment should contact Robin Grantham at the above address. If you are hearing or speech impaired, please use the Florida Dual Party Relay System, 1(800)955-8771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Robin L. Grantham, Contract Administrator, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329, (850)488-4197

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE ON FLORIDA HOUSING FINANCE CORPORATION'S WEB SITE www.floridahousing.org

Section II Proposed Rules

DEPARTMENT OF CITRUS

RULE CHAPTER TITLE: Fresh Fruit Maturity Tests
RULE CHAPTER NO.: 20-34

RULE TITLE: Requirements for Break in Color
RULE NO.: 20-34.005

PURPOSE AND EFFECT: Housekeeping amendment eliminating language referring to varieties no longer regulated by the Department of Citrus and clarifying color requirements for grapefruit.

SUMMARY: Eliminating language referring to varieties no longer regulated by the Department of Citrus and clarifying color requirements for grapefruit.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Regulatory Cost 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: 601.10(1), (7), 601.11 FS.

LAW IMPLEMENTED: 601.11, 601.16, 601.19, 601.21 FS.

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

TIME AND DATE: 10:30 a.m., July 16, 2003
PLACE: Department of Citrus Building, 1115 East Memorial Boulevard, Lakeland, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Alice P. Wiggins, License & Regulation Specialist, Legal Department, Florida Department of Citrus, P. O. Box 148, Lakeland, Florida 33802-0148

THE FULL TEXT OF PROPOSED RULE IS:

20-34.005 Requirements for Break in Color.

(1) Grapefruit – yellow or characteristic color must predominate on not less than 25% of the fruit's surface in the aggregate.

(2) Oranges.

(a) For the period August 1 through November 15 of each year, oranges must have yellow color predominating on not less than 50% of the fruit's surface in the aggregate. Except, oranges of the Parson Brown variety need only show a break in color on not less than 25% of the fruit's surface in the aggregate.

(b) For the period November 16 through July 31 of the following year all oranges (other than Temple oranges) must have yellow color predominating on not less than 25% of the fruit's surface in the aggregate.

(c) Should the Commission make a determination and advance the seasonal dates, pursuant to §601.19(3), Florida Statutes, the color break requirements for oranges shall be as follows:

1. For the period August 1 through October 31 of the same year, yellow color must predominate on not less than 50% of the fruit's surface in the aggregate. Except oranges of the Parson Brown variety need only show a break in color on not less than 25% of the fruit's surface in the aggregate.

2. For the period November 1 through July 31 of the following year, all oranges, other than Temple oranges, must have yellow color predominating on not less than 25% of the fruit's surface in the aggregate.

(3) Tangerines – yellow color must predominate on not less than 50% of the fruit's surface in the aggregate.

(4) Hybrids – for color break requirements for all hybrids (~~Honey tangerines, K- Early Citrus Fruit, etc.~~) see Department of Citrus Rule 20-13, F.A.C.

Specific Authority 601.10(1),(7), 601.11 FS. Law Implemented 601.11, 601.16, 601.19, 601.21 FS. History—Formerly 105-1.01(3)(c), Revised 1-1-75, Formerly 20-34.05, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Ken Keck, General Counsel

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Ken Keck, General Counsel

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 19, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 16, 2003

DEPARTMENT OF ELDER AFFAIRS

Statewide Public Guardianship Office

RULE TITLES:	RULE NOS.:
Guardianship Training Program	58M-3.001
Course Approval Procedure	58M-3.002
Course Content	58M-3.003

PURPOSE AND EFFECT: Pursuant to s. 744.7021(2)(f) and s. 744.1085(3), F.S., the Statewide Public Guardianship Office (“SPGO”) is responsible for making approved guardianship training courses available to fulfill the initial 40-hour training requirement for professional guardians. The purpose of this rule is to make such SPGO-approved training courses available, and to adopt the process and criteria to be used by the SPGO in its review and approval of 40-hour professional guardianship training courses.

SUMMARY: The rule sets forth the process and criteria to be applied by the SPGO in approving initial 40-hour professional guardianship training courses developed and submitted for approval to the Statewide Public Guardianship Office. The rule deems approved the initial 40-hour professional guardianship training course offered by or through the Statewide Public Guardianship Office or its direct-support organization, the Public Guardianship Alliance, Inc.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No statement of estimated regulatory cost was 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: 744.1083(4), 744.1085(3), 744.7021(4) FS.

LAW IMPLEMENTED: 744.1085(3), 744.7021(2)(f) FS.

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

TIME AND DATE: 10:00 a.m., June 16, 2003

PLACE: MHF 104, University of South Florida Campus, 13301 Bruce B. Downs Blvd., Tampa, FL 33612

Pursuant to the provisions of the American with Disabilities Act, any person requiring special accommodations to participate in the hearing should advise the Statewide Public Guardianship Office at least 5 calendar days before the hearing by contacting the Statewide Public Guardianship Office, (813)974-1649.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Jerry Woelfel, Deputy Director of Administrative Services/Government Relations, Statewide Public Guardianship Office, University of South Florida, MHF 104, 13301 Bruce B. Downs Blvd., Tampa, FL 33612-3899, (813)974-1649, (813)974-1350 (Facsimile)

THE FULL TEXT OF THE PROPOSED RULES IS:

58M-3.001 Guardianship Training Program.

(1) Pursuant to Section 744.1085(3), F.S., a professional guardian must receive a minimum of forty hours of instruction and training within one year of becoming a professional guardian. To satisfy this training requirement, a professional guardian must successfully complete an initial 40-hour professional guardianship training course approved by the Statewide Public Guardianship Office pursuant to Rule 58M-3.002, F.A.C.

(2) After successfully completing this initial training, each professional guardian must receive a minimum of 16 hours of continuing education every two calendar years after the year in which the initial 40 hours of instruction and training was completed.

Specific Authority 744.1083(4), 744.1085(3), 744.7021(4) FS. Law Implemented 744.1085(3), 744.7021(2)(f) FS. History—New _____.

58M-3.002 Course Approval Procedure.

(1) To satisfy the initial 40-hour professional guardianship training requirement established in Section 744.1085(3), F.S., a professional guardian must successfully complete a training course approved for this purpose by the Statewide Public Guardianship Office pursuant to this rule. The initial 40-hour professional guardianship training course entitled “The Statewide Public Guardianship Office Basic 40-Hour Guardianship Training Course” offered by or through the Statewide Public Guardianship Office or its direct-support organization, the Public Guardianship Alliance, Inc. is hereby deemed an approved course for this purpose. Courses using “The Statewide Public Guardianship Office Basic 40-Hour Guardianship Training Course” training materials must still be submitted for approval through the procedure stated in this rule.

(2) Training providers seeking approval of 40-hour guardianship courses must submit a written request for approval to the Statewide Public Guardianship Office. The following materials or information must be included or attached to the written request for approval:

(a) The name and contact information of the training provider;

(b) A copy of the complete text. If the training provider intends to use “The Statewide Public Guardianship Office Basic 40-Hour Guardianship Training Course” training materials, the training provider must state that intention in the written request for approval and a copy of the complete text does not need to be included;

(c) A copy of all handout materials;

(d) A curriculum vitae for each course instructor and guest lecturer;

(e) The appropriate fee;

(f) The dates the course is scheduled to be held; and;

(g) The location of the course.

(2) The written request for approval and accompanying materials must be submitted to the Statewide Public Guardianship Office at a minimum of 30 days prior to the first class of the course.

Specific Authority 744.1083(4), 744.1085(3), 744.7021(4) FS. Law Implemented 744.1085(3), 744.7021(2)(f) FS. History–New _____.

58M-3.003 Course Content.

(1) A course approved for the 40 hours of instruction and training must address the following subject areas, but not necessarily in the following order:

(a) Introduction and Overview of Guardianship.

(b) Types of Guardianship:

1. Emergency temporary guardians;

2. Guardians of the person and/or property;

3. Standby guardians;

4. Veteran's guardianship;

5. Natural guardians;

6. Guardians of minors;

7. Pre-need guardians;

8. Foreign guardians;

9. Voluntary guardians;

10. Resident guardians of property of non-resident ward;

11. Guardian advocates;

12. Successor guardianship.

a. Communicating to third parties the fact of successorship.

b. Reviewing actions of a prior guardians.

13. Nature and exigencies of co-guardianship.

14. Institutional guardians.

15. Public Guardians.

(c) Preservation of the Rights, Dignity and Freedom of the Alleged Incapacitated Person or Ward.

1. Alternatives to guardianship;

2. Restoration of rights;

3. Maximizing the retained rights of the ward;

4. Intervention by the least restrictive means;

5. Decision-Making Standards (i.e., the Substituted Judgment and Best Interest Rules).

(d) Care of the Ward.

1. Decision making standards and the Guardian's role in the Ward's health care.

a. Relevant decision making standards;

b. Medical decision making;

c. Advance health-care directives and Chapter 765, Florida Statutes;

d. Living wills;

e. Health care surrogate designations;

f. Health care proxies;

g. Bioethics committees;

h. Care plan meetings at residential facilities;

i. Common medical issues;

j. Hospice, DNRO's and end-of-life decision making;

k. Insurance issues;

l. Effective oversight of medical care;

m. Information regarding commonly used medications (including over-the-counter medications);

2. Abuse, Neglect and Exploitation:

a. Preventing abuse, neglect and exploitation;

b. Spotting prior or current abuse, neglect and exploitation;

c. Remedies for and reporting of abuse, neglect and exploitation;

3. Selecting a living environment for the ward:

a. Considerations in placement;

b. How to keep the ward at home;

c. Locating quality facilities that are compatible with the ward's needs;

d. Admissions process;

e. Paying for the facility;

4. Residents' rights in long-term care facilities.

5. Employment of other professionals.

6. Mental Health Issues.

a. Introduction to gerontology and general psychology;

b. Mental health issues relating to incapacity;

c. Baker Act and Marchman Act issues;

7. Understanding public benefits.

a. Medicaid;

b. Medicare;

c. Social Security issues;

d. Veteran's benefits;

e. Home and community based services;

8. Assessment of the ward's needs and use of the examining committee reports.

9. Visiting the ward.

10. Attendant care.

a. Agreements with care providers;

b. Home health care agencies and payment for placement;

c. Making a claim under a long-term care policy;

11. Preparation for the death of the ward.

a. Funeral preparation estate planning;

b. Home health care agencies and payment for placement;

c. Making a claim under a long-term policy;

(e) Guardianship Administration.

1. Preparation and implementation of reports to the court:

a. Initial report (plan and inventory);

b. Annual reports (plan and accountings);

c. Working with the guardian's attorney, judge, clerk's office and court auditor on guardianship filings;

2. Obtaining court approval:

a. Acts requiring court approval;

- b. Acts not requiring court approval;
- 3. Decision making standards and management of the ward's assets:
 - a. Decision making standards (i.e., substituted judgment and best interest rules):
 - b. Marshaling the ward's assets;
 - c. The Prudent Investor Rule and basic financial management;
 - d. Restricted depository;
 - e. Petitioning for withdrawals;
 - f. Selecting a depository;
 - g. Appraisals;
 - h. Taxes;
 - i. Bookkeeping;
 - j. Payment of bills;
 - k. Estate planning;
 - l. Insurance issues;
 - m. Bond requirement;
 - n. Maintaining the blanket bond;
 - o. Securing guardianship bond on court order;
 - p. Restricted depositories in lieu of bond;
 - 4. Maintaining daily progress notes.
 - 5. Planning for the guardian's absence.
 - a. When a guardian goes on vacation;
 - b. When a guardian is otherwise unable to act;
 - 6. Termination of guardianship.
 - a. Restoration of rights;
 - b. Transfer of guardianship upon change of residence;
 - c. Death of ward;
 - 7. Removal or Resignation of Guardian.
 - (f) Role of Attorneys.
 - 1. Court-appointed attorney;
 - 2. Petitioner's attorney;
 - 3. Guardian's attorney;
 - 4. How to find the right attorney;
 - 5. How to work with the guardian's attorney;
 - 6. The role of mediation;
 - (g) Fees.
 - 1. Tracking the guardian's time and expenses;
 - 2. Preparation of the fee petition;
 - 3. What is billable time?;
 - 4. Attorney's fees;
 - 5. Fees of other professionals;
 - (h) Ethics.
 - 1. The meaning of fiduciary responsibility;
 - 2. Reconciling payment with mission;
 - 3. Listening to the ward and the ward's family;
 - 4. Giving back to the care community;
 - 5. Advocacy;
 - (i) The business of guardianship.

- 1. Use of the computer in guardianship.
 - a. Timekeeping;
 - b. Record keeping;
 - c. Access to information;
 - d. Preparation of reports;
- 2. Networking and accessing community resources.
- 3. Continuing Education.
- 4. Proper action and how to protect oneself as guardian.
 - a. Criminal liability: law enforcement/prosecutorial viewpoint;
 - b. Civil liability: breach of a duty to the ward and/or the ward's estate;
 - c. How to protect yourself and help your ward.
- 5. Public Perception of Guardianship (speaker and/or materials from the press) – "Act as if everything you do will wind up in the local media".
 - (j) Community and statewide resources.
 - (k) Local guardianship issues and rules.
 - (l) Bibliography (suggested readings)/Internet resource directory.

Specific Authority 744.1083(4), 744.1085(3), 744.7021(4) FS. Law Implemented 744.1085(3), 744.7021(2)(f) FS. History--New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Jerry Woelfel, Deputy Director of Administrative Services/Government Relations, Statewide Public Guardianship Office

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: John Petrila, Executive Director, Statewide Public Guardianship Office

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 9, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 1, 2002

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE TITLE: Portable X-Ray Services
RULE NO.: 59G-4.240

PURPOSE, EFFECT AND SUMMARY: The purpose of this rule amendment is to incorporate by reference the Florida Medicaid Portable X-ray Coverage and Limitations Handbook, January 2002. The handbook changes include the January 2002 Portable X-ray Fee Schedule and replaces the Health Care Financing Administration (HCFA) with the new name Centers for Medicare and Medicaid Services (CMS). The effect will be to incorporate by reference in the rule the current Florida Medicaid Portable X-ray Coverage and Limitations Handbook. SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No statement of estimated regulatory cost 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: 409.919 FS.

LAW IMPLEMENTED: 409.905, 409.908, 409.9081 FS.

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

TIME AND DATE: 9:00 a.m., June 16, 2003

PLACE: Agency for Health Care Administration, 2728 Ft. Knox Boulevard, Building 3, Conference Room A, Tallahassee, Florida 32308

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Susan Rinaldi, Medicaid Services, P. O. Box 12600, Tallahassee, Florida 32317-2600, (850)922-7308

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-4.240 Portable X-Ray Services.

(1) This rule applies to all suppliers of portable x-ray services enrolled in the Medicaid program.

(2) All portable x-ray providers enrolled in the Medicaid program must comply with the provisions of the Florida Medicaid Portable X-ray Coverage and Limitations Handbook, January 2002 ~~April 2001~~, incorporated by reference, and the Florida Medicaid Provider Reimbursement Handbook, HCFA-1500 and Child Health Check-Up, which is incorporated by reference in Rule 59G-5.020, F.A.C. Both handbooks are available from the Medicaid fiscal agent.

Specific Authority 409.919 FS. Law Implemented 409.905, 409.908, 409.9081 FS. History—New 10-11-81, Formerly 10C-7.411, Amended 7-1-92, Formerly 10C-7.0411, Amended 5-16-94, 1-9-96, 10-20-96, 8-27-97, 3-22-00, 2-14-02,

NAME OF PERSON ORIGINATING PROPOSED RULE: Susan Rinaldi

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Rhonda M. Medows, MD, AHCA Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 4, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 17, 2002

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Florida Land Sales, Condominiums and Mobile Homes

RULE TITLE: Phase Condominium Filing RULE NO.: 61B-17.003

PURPOSE AND EFFECT: To clarify existing provisions as to the filing fees for phase amendment filings.

SUMMARY: The rule amendment makes it clear after the recent rule changes that the filing fee for amendments shall apply to a subsequent phase amendment.

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

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

SPECIFIC AUTHORITY: 718.501(1)(f), 718.502(1)(c) FS.

LAW IMPLEMENTED: 718.403(1)-(7), 718.502(3), 718.503(2), 718.104(4)(f) FS.

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

TIME AND DATE: 9:00 a.m., June 24, 2003

PLACE: Warren Building Conference Room #B03, 201 West Bloxham Street, Tallahassee, Florida 32301

Those persons who cannot attend in person may submit their comments in writing: Sharon Elzie, Senior Management Analyst II, Division of Florida Land Sales, Condominiums and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-1030, within 21 days of this notice. Written comments received after the hearing may not be considered.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this hearing is asked to advise the agency at least 48 hours before the hearing by contacting: Sharon A. Elzie, Senior Management Analyst II, (850)488-1631. If you are hearing or speech impaired, please contact the agency by calling 1(800)955-8771.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sharon A. Elzie, Senior Management Analyst II, Division of Florida Land Sales, Condominiums and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32311-1030, (850)488-1631

THE FULL TEXT OF THE PROPOSED RULE IS:

61B-17.003 Phase Condominium Filing.

(1) through (4) No change.

(5) Subsequent phases shall be filed using the amendment procedures provided by Rule 61B-17.006, F.A.C., ~~except that the \$100 filing fee shall not apply.~~ The filing fee due pursuant to Section 718.502(3), F.S., for each residential unit being added in the subsequent phase, shall accompany the filing. Each filing of a subsequent phase shall be submitted with the Filing Statement for Subsequent Phase(s).

(6) through (10) No change.

Specific Authority 718.501(1)(f), 718.502(1)(c) FS. Law Implemented 718.403(1)-(7), 718.502(3), 718.503(2), 718.104(4)(f) FS. History—New 11-15-77, Amended 7-22-80, 5-11-82, Formerly 7D-17.03, Amended 1-27-87, Formerly 7D-17.003, Amended 1-20-97, 1-31-03,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Laura Glenn, Chief, Bureau of Standards and Registration,
 Division of Florida Land Sales, Condominiums and Mobile
 Homes, 1940 North Monroe Street, Tallahassee, Florida
 32399-1030

NAME OF SUPERVISOR OR PERSON WHO APPROVED
 THE PROPOSED RULE: Diane Carr, Secretary, Department
 of Business and Professional Regulation

DATE PROPOSED RULE APPROVED BY AGENCY
 HEAD: May 9, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT
 PUBLISHED IN FAW: April 4, 2003

**DEPARTMENT OF BUSINESS AND PROFESSIONAL
 REGULATION**

Board of Accountancy

RULE TITLE: Reactivation of Inactive Licenses
 RULE NO.: 61H1-33.007

PURPOSE AND EFFECT: The rule is being repealed in
 response to concerns of the staff of the Joint Administrative
 Procedures Committee.

SUMMARY: The rule is being repealed.

SUMMARY OF STATEMENT OF ESTIMATED
 REGULATORY COST: No Statement of Estimated
 Regulatory Cost was prepared.

Any person who wishes to provide information regarding the
 statement of estimated 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: 473.304, 473.313 FS.

LAW IMPLEMENTED: 473.313 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF
 THIS NOTICE, A NOTICE OF HEARING DATE WILL BE
 PUBLISHED IN THE NEXT AVAILABLE FLORIDA
 ADMINISTRATIVE WEEKLY. (IF NOT REQUESTED IN
 WRITING, A HEARING WILL NOT BE HELD)

THE PERSON TO BE CONTACTED REGARDING THE
 PROPOSED RULE IS: John W. Johnson, Executive Director,
 Board of Accountancy, 240 N. W. 76 Drive, Suite A,
 Gainesville, Florida 32607

THE FULL TEXT OF THE PROPOSED RULE IS:

61H1-33.007 Reactivation of Inactive Licenses.

Specific Authority 473.304, 473.313 FS. Law Implemented 473.313 FS.
 History—New 8-9-82, Amended 11-6-84, Formerly 21A-33.07, Amended
 4-8-86, Formerly 21A-33.007, Repealed_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Board of Accountancy

NAME OF SUPERVISOR OR PERSON WHO APPROVED
 THE PROPOSED RULE: Board of Accountancy

DATE PROPOSED RULE APPROVED BY AGENCY
 HEAD: December 6, 2002

DEPARTMENT OF HEALTH

Board of Medicine

RULE TITLES: APPLICATION FOR LICENSURE
 RULE NOS.: 64B8-30.002

Application for Licensure
 Physician Assistant Licensure
 Requirements and Limitations of
 Prescribing Privileges
 64B8-30.003

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.

SUMMARY: The proposed rule amendments provide
 clarification of criteria for licensure; set forth criteria for letters
 of recommendation; provide clarification with regard to the
 formulary; and set forth a renewal fee for prescribing
 physicians in the amount of \$200.

SUMMARY OF STATEMENT OF ESTIMATED
 REGULATORY COST: No Statement of Estimated
 Regulatory Cost was prepared.

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

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

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

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF
 THIS NOTICE, A HEARING WILL BE SCHEDULED AND
 ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE
 PROPOSED RULE IS: Larry G. McPherson, Jr., Executive
 Director, Board of Medicine/MQA, 4052 Bald Cypress Way,
 Bin #C03, Tallahassee, Florida 32399-3253

THE FULL TEXT OF THE PROPOSED RULE 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 _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Council on Physician Assistants

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Medicine

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 4, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 25, 2003

DEPARTMENT OF HEALTH

Board of Athletic Training

RULE TITLE: Address of Record
RULE NO.: 64B33-2.004

PURPOSE AND EFFECT: The Board of Athletic Training proposes to create a rule regarding updating licensee's address of record.

SUMMARY: The Board of Athletic Training has determined that a rule is needed to inform licensees of the requirement that they provide written or electronic notification to the department of the licensee's addresses.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.

Any person who wishes to provide information regarding the statement of estimated 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: 468.705 FS.

LAW IMPLEMENTED: 456.035 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE NEXT AVAILABLE ISSUE OF THE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sue Foster, Executive Director, Board of Athletic Training, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

THE FULL TEXT OF THE PROPOSED RULE IS:

64B33-2.004 Address of Record.

(1) Each licensee shall provide either written or electronic notification to the department of the licensee's current mailing address and place of practice. The term "place of practice" means the address of the physical location where the licensee practices.

(2) Each licensee shall provide either written or electronic notification to the department of a change of address within thirty (30) days of the address change.

(3) If electronic notification is used, it shall be the responsibility of the licensee to ensure that the electronic notification was received by the department.

Specific Authority 468.705 FS. Law Implemented 456.035 FS. History--New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Athletic Training
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Athletic Training
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 11, 2003
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 9, 2003

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Economic Self-Sufficiency Program

RULE TITLE: Eligibility Determination Process
RULE NO.: 65A-1.205

PURPOSE AND EFFECT: The proposed amendment of these rules will incorporate by reference client notice and contact forms used in the eligibility determination process and clarify interview requirements.

SUMMARY: This proposed rule amendment incorporates by reference various versions of the Notice of Case Action, the Withdrawal notice, the Verification list, the Request for Assistance, the Application for Public Assistance (Common Application Form or CAF) and a revised Screening Form for Expedited Medicaid Appointments. Further, information is clarified about when face-to-face and telephone interviews are conducted.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 409.212(7), 409.919, 410.033, 414.45 FS.

LAW IMPLEMENTED: 409.212, 409.902, 409.903, 409.904, 410.033, 414.095, 414.31 FS.

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

TIME AND DATE: 2:00 p.m., June 16, 2003

PLACE: 1317 Winewood Boulevard, Building 3, Room 100, Tallahassee, Florida 32399-0700

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Audrey Mitchell, Program Administrator, Policy Support Unit, 1317 Winewood Boulevard, Building 3, Room 421, Tallahassee, Florida 32399-0700, telephone (850)488-3090

THE FULL TEXT OF THE PROPOSED RULES IS:

65A-1.205 Eligibility Determination Process.

(1) The individual receives a Request for Assistance and completes it to the best of the individual's ability. The eligibility specialist determines the potential eligibility of each household member for public assistance and prints out the data on the Common Application Form. The individual then decides whether or not to apply for assistance. The Common Application Form is signed by the individual to complete the process of applying. The applicant must be informed of the department's standards of assistance, penalties for fraud, right to appeal and to have a fair hearing, the civil rights provisions and other rights and responsibilities. Rights and responsibilities are provided to applicants on form CF-ES 2064 (incorporated by reference in Rule 65A-1.204, F.A.C.). An applicant may withdraw the application at any time without affecting his right to reapply at any time.

(a) through (b) No change.

(c) Time standards for processing applications vary by public assistance program. The time standard begins with the date on which the department or an outpost site receives a signed and dated application and ends with the date on which benefits are made available or a determination of ineligibility is made. For the Medicaid and OSS programs, the time standard ends on the date an eligibility notice is mailed. Applications must be processed and determinations of eligibility or ineligibility made within the following time frames:

Table with 2 columns: Program and Application Processing Time Standards. Rows include Expedited Food Stamps (7 days), Food Stamps (30 days), Temporary Cash Assistance, Refugee Assistance and Child In Care (45 days), Medical Assistance and State Funded Programs for individuals who apply on the basis of disability (90 days), For all other Medical Assistance and State Funded Programs for applicants on the basis of Eligibility, including OSS, QMB, SLMB, and QI1 (45 days).

All days counted after the date of application are calendar days. Applicant delay days do not count in determining non-compliance with the time standard. See sub-paragraph (e) of this rule. Information provided on form CF-ES 2930, Screening for Expedited Medicaid Appointments, Aug. 2001 07/00 (incorporated by reference) will be used in determining expedited processing of Medicaid disability-related applications.

(d) through (e) No change.

~~(f) Copies of the brochure CF/PI 165-107 and the form CF-ES 2930 may be obtained from the Economic Self-Sufficiency Program Office, 1317 Winewood Boulevard, Building 3, Room 406, Tallahassee, Florida 32399-0700.~~

(2) through (2)(a) No change.

(b) A partial eligibility review entails review of one or more, but not all, factors of eligibility. Partial reviews are scheduled based on known facts or anticipated changes or when an unanticipated change occurs. A face-to-face interview is not usually required for a partial eligibility review, unless an additional member is being added to an assistance group, or the necessary information can not be obtained without this exchange. A face-to-face interview is not required when a new member is added to an Assistance Group. The time standard for processing a partial review due to a reported unanticipated change is ten calendar days from the date the change is reported. The ten day period begins with the first business day following the day the change is reported to the eligibility specialist.

(3) Face-to-face interviews with the applicant/recipient or his designated representative must be held at each initial application and each scheduled complete redetermination. Face-to-face These interviews are held at the Children and Family Services local office, the recipient's home, hospital, nursing home or other location upon which the recipient and eligibility specialist mutually agree. A face-to-face interview must be scheduled in advance. The applicant/recipient is required to keep the interview appointment or make arrangements with the eligibility specialist prior to the appointment time to reschedule the appointment if necessary. When the applicant/recipient is physically or mentally unable to participate in the interview, an interview may be conducted with a designated representative or a knowledgeable third party source of information. The individual or authorized representative must sign and date the Common Application Form, following this interview, and attest to the accuracy of the information provided.

A face-to-face office interview may be waived and a telephone interview may be scheduled when: no member of the household is able to come to the office due to hardship such as a mental or physical disability, advanced age, hospitalization, illness, or lack of transportation; an authorized representative

cannot be appointed; or the applicant is unable to communicate or appears to be functionally or legally incompetent. The telephone interview must be scheduled in advance.

(a) For food stamps, a face-to-face interview must be held at the initial interview and at least once every twelve months thereafter, even though other reviews are conducted during that twelve month period without a face-to-face interview.

(b) A face-to-face interview is not required for Home Care for Disabled Adults and Optional State Supplementation clients who are already SSI or MEDS-AD eligible, but do not qualify for food stamp benefits.

(4) through (6) No change.

(7) Verification List, CF-ES 101, 06 2002; Verification List, CF-ES 102, 06 2002; The Notice of Case Action (application appointment letter), CF-ES 103, 06 2002; Notice of Case Action (redetermination appointment letter), CF-ES 103, 06 2002; Notice of Case Action (cash assistance approval), CF-ES 103, 05 2003; Notice of Case Action (Food Stamp approval), CF-ES 103, 05 2003; Notice of Case Action (Medicaid approval or assistance group change), CF-ES 103, 05 2003; Notice of Case Action (Medically Needy approval/change), CF-ES 103, 05 2003; Notice of Case Action (QMB/WD/SLMB approval), CF-ES 103, 05 2003; Notice of Case Action (ICP/Medicaid or Hospice-Related Medicaid approval), CF-ES 103, 05 2003; Notice of Case Action (Food Stamps or cash assistance change), CF-ES 103, 05 2003; Notice of Case Action (ICP/Medicaid change), CF-ES 103, 05 2003; Notice of Case Action (denial), CF-ES 103, 05 2003; denial (automated notice), Request for Assistance Withdrawal, CF-ES 106, 06 2002 (automated notice); Notice of Case Action (transfer of assets) CF-ES 114, 06 2002, Notice of Case Action (ICP asset eligibility) CF-ES 115, 06 2002, Appointment Notice/Request for Information, CF-ES 2009, Sep 2000; Request for Assistance, CF-ES 2066, October 2002; Application For Public Assistance, CF-ES 2067, Sep 2000; and Decision Pending/Request for Verification, CF-ES 3059, Sep 2000, Appointment Letter, (automated notice) used in the eligibility determination process are hereby incorporated by reference. Referral to the Family Safety Program for the caregiver home study as to adequacy and readiness of the caregiver to provide permanent care will be on the Relative Caregiver Program Request for Eligibility Consideration, CF-ES 2305, Apr. 01 (incorporated by reference).

Wording on CF-ES 103 varies by program and case situation. This causes some versions to have a different edition date than other versions.

The edition date on some of the forms incorporated by reference is listed with a notation that the edition replaces a previous edition that may be used. This notation is to indicate that the new edition of the form does not implement a policy change and that supplies of the previous edition may be exhausted prior to exclusive use of the new edition.

(8) Single copies of these forms incorporated by reference in this rule may be obtained from the Economic Self-Sufficiency Program Office, 1317 Winewood Boulevard, Building 3, Room 427, Tallahassee, Florida 32399-0700.

Specific Authority 409.919, 414.45 FS. Law Implemented 414.095, 414.31, 409.903, 409.904, 409.919, 410.033 FS. History—New 4-9-92, Amended 11-22-93, 8-3-94, Formerly 10C-1.205, Amended 11-30-98, 9-27-00, 7-29-01, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Rodney McInnis, Operations Review Specialist
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Audrey Mitchell, Program Administrator, Public Assistance Policy
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 7, 2003
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 27, 2001

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Economic Self-Sufficiency Program

RULE TITLE: Income and Resource Criteria RULE NO.: 65A-1.716

PURPOSE AND EFFECT: This proposed rule amendment updates federal poverty income guidelines used in determining Medicaid eligibility.

SUMMARY: This rule amendment will bring federal poverty standards in the rule to 2003 levels.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: An estimate of the regulatory cost was not prepared for this rule.

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: 409.919 FS.

LAW IMPLEMENTED: 409.902, 409.903, 409.904, 409.906, 409.919 FS.

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

TIME AND DATE: 10:00 a.m., June 16, 2003
PLACE: Building 3, Room 100, 1317 Winewood Boulevard, Tallahassee, FL 32399-0700

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Audrey Mitchell, Program Administrator, 1317 Winewood Boulevard, Building 3, Room 421, Tallahassee, FL 32399-0700, (850)488-3090

THE FULL TEXT OF THE PROPOSED RULE IS:

65A-1.716 Income and Resource Criteria.

(1) The monthly federal poverty level figures based on the size of the filing unit are as follows:	88% of Poverty Guideline	100% of Poverty Guideline	120% of Poverty Guideline	133% of Poverty Guideline
Filing Unit Size				
1	\$ 659 654	\$ 749 739	\$ 898 886	\$ 996 982
2	889 876	1010 995	1212 1194	1344 1324
3		1272 1252		1692 1665
4		1534 1509		2040 2007
5		1795 1765		2388 2348
6		2057 2022		2736 2689
7		2319 2279		3084 3031
8		2580 2535		3432 3372
9		2842 2792		3780 3713
10		3104 3049		4128 4055
11		3365 3305		4476 4396
12		3627 3562		4824 4738
Add each add. person	\$ 262 257			\$ 349 342

Filing Unit Size	135% of Poverty Guideline	175% of Poverty Guideline	185% of Poverty Guideline	200% of Poverty Guideline
1	\$ 1011 997	\$ 1293	\$ 1385 1366	\$ 1497 1477
2	1364 1344	1742	1869 1841	2020 1990
3			2353 2316	2544 2504
4			2837 2791	3067 3017
5			3321 3266	3590 3530
6			3805 3741	4114 4044
7			4289 4215	4637 4557
8			4773 4699	5160 5070
9			5258 5165	5684 5584
10			5742 5640	6207 6097
11			6226 6115	6730 6610
12			6710 6590	7254 7124
Add each add. person			\$ 485 475	\$ 524 514

(2) through (5) No change

Specific Authority 409.919 FS. Law Implemented 409.902, 409.903, 409.904, 409.906, 409.919 FS. History—New 10-8-97, Amended 12-9-99, 2-15-01, 11-26-01, 7-28-02, 4-1-03, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Rodney McInnis, Operations Review Specialist
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Audrey Mitchell, Program Administrator, Public Assistance Policy Bureau, Policy Support Unit
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 9, 2003
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 11, 2003