

Section I Notices of Development of Proposed Rules and Negotiated Rulemaking

DEPARTMENT OF INSURANCE

RULE TITLES:	RULE NOS.:
PART I MEDICAL MALPRACTICE	
SELF-INSURANCE TRUST FUNDS	
Definitions	4-187.001
Responsibilities of the Service Agent	4-187.002
Approval of Service Agent Required	4-187.003
Application for the Self-Insurance Trust Fund	4-187.004
Solvency of the Self-Insurance Trust Fund and Trustees' Responsibilities	4-187.005
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Exemptions	4-187.011
Withdrawal of Self-Insurance Privilege	4-187.012

PURPOSE AND EFFECT: To adopt revisions to the Medical Malpractice Self-Insurance Trust Fund rules to implement the provisions of Committee Substitute for Senate Bill 2-D, providing for reestablishment of self-insurance trust funds and rules to ensure that the funds remain solvent.

SUBJECT AREA TO BE ADDRESSED: Revision of the Medical Malpractice Self-Insurance Trust Fund Rules.

SPECIFIC AUTHORITY: 624.308(1), 627.357(3),(6) FS.

LAW IMPLEMENTED: 624.307(1), 624.424(6), 627.357, 627.4147, 627.4148 FS.

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

TIME AND DATE: 9:00 a.m., October 22, 2003

PLACE: Room 116, Larson Building, 200 East Gaines Street, Tallahassee, Florida

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Lee Roddenberry, Bureau Chief, Bureau of Property and Casualty Insurer Solvency,

Office of Insurance Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0329, e-mail: roddeberryl@dfs.state.fl.us

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

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

Pursuant to Chapter 2003-145, Laws of Florida, all notices for the Board of Trustees of the Internal Improvement Trust Fund are published on the Internet at the Department of Environmental Protection's home page at <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

DEPARTMENT OF CORRECTIONS

RULE TITLE:	RULE NO.:
Permissible Items for Visitors	33-601.725

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to add smokeless tobacco to the list of items which visitors are allowed to bring into a department facility, and to clarify that all items must be removed by the visitor at the end of the visit.

SUBJECT AREA TO BE ADDRESSED: Inmate visiting.

SPECIFIC AUTHORITY: 20.315, 944.09, 944.23 FS.

LAW IMPLEMENTED: 944.09, 944.23 FS.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-601.725 Permissible Items for Visitors.

(1) Visitors shall be allowed to bring only authorized items listed into any department facility. Entry shall be denied if the visitor attempts to enter the institution or facility while possessing any unauthorized item or any authorized item in more than the approved amounts. Authorized items shall be removed by the visitor at the end of the visit. Authorized items include:

(a) No change.

(b) One unopened, sealed package or can of smokeless tobacco, to include chewing tobacco and moist or powdered snuff.

- (b) through (i) renumbered (c) through (j) No change.
- (2) No change.

Specific Authority 20.315, 944.09, 944.23 FS. Law Implemented 944.09, 944.23 FS. History—New 11-18-01, Amended 5-27-02, 7-1-03, _____.

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE CHAPTER TITLE: Water Levels and Rates of Flow
 RULE CHAPTER NO.: 40D-8

PURPOSE AND EFFECT: To amend Chapter 40D-8, F.A.C., to incorporate minimum lake levels for the next set of priority lakes pursuant to Section 373.042, Florida Statutes.

SUBJECT AREA TO BE ADDRESSED: Establishment of minimum lake levels for Lake June in Winter and Lake Placid in Highlands County, Florida.

SPECIFIC AUTHORITY: 373.044, 373.113, 373.171 FS.

LAW IMPLEMENTED: 373.036, 373.0361, 373.0395, 373.042, 373.0421 FS.

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

TIME AND DATE: 6:30 p.m., October 20, 2003

PLACE: Highlands County Agri-Civic Center, 4509 George Blvd., Sebring, FL 33875

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Doug Leeper, Senior Environmental Scientist, Resource Conservation and Development Department, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, Extension 4272

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

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE TITLE: Ambulatory Surgical Center Services
 RULE NO.: 59G-4.020

PURPOSE AND EFFECT: The purpose of the rule amendment is to incorporate by reference the Florida Medicaid Ambulatory Surgical Center Services Coverage and Limitations Handbook, October 2003. The effect will be to incorporate in the rule the current Florida Medicaid Ambulatory Surgical Center Services Coverage and Limitations Handbook. The rule text references the Florida Medicaid Provider Reimbursement Handbook, CMS-1500, as being incorporated by reference in Rule 59G-4.001, F.A.C. Rule 59G-4.001, F.A.C., is in the rulemaking process; we expect it to be final prior to this rule being adopted.

SUBJECT AREA TO BE ADDRESSED: Ambulatory Surgical Center Services.

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.906, 409.908 FS.

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

TIME AND DATE: 9:00 a.m. – 10:00 a.m., October 20, 2003

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Ouida Mazzoccoli, Bureau of Medicaid Services, 2728 Fort Knox Boulevard, Building 3, Tallahassee, FL 32308, (850)922-7351

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59G-4.020 Ambulatory Surgical Center Services.

(1) No change.

(2) All ambulatory surgical center providers enrolled in the Medicaid program must be in compliance with the Florida Medicaid Ambulatory Surgical Center Services Coverage and Limitations Handbook, October 2003 ~~July 2003~~, incorporated by reference, and the Florida Medicaid Provider Reimbursement Handbook, CMS HCFA-1500 and Child Health Check-Up 221, which is incorporated in Rule 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 FS. History—New 10-25-84, Formerly 10C-7.531, Amended 5-13-92, 7-12-92, 7-27-93, Formerly 10C-7.0531, Amended 9-8-94, 7-3-95, 11-18-97, 10-27-98, 1-1-01, 7-26-01, 2-25-03, _____.

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE TITLE: Community Behavioral Health Services
 RULE NO.: 59G-4.050

PURPOSE AND EFFECT: The purpose of the rule development is to incorporate by reference the Florida Medicaid Community Behavioral Health Services Coverage and Limitations Handbook, January 2004. The handbook revisions include modifications to procedure codes mandated by the federal Health Insurance Portability and Accountability Act (HIPAA) and implementation of a recovery oriented model for delivery of behavioral health services. The effect will be to incorporate by reference in the rule the current Florida Medicaid Community Behavioral Health Services Coverage and Limitations Handbook.

SUBJECT AREA TO BE ADDRESSED: Community Mental Health Services.

SPECIFIC AUTHORITY: 409.919 FS.
 LAW IMPLEMENTED: 409.906, 409.908 FS.
 IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:
 TIME AND DATE: 10:00 a.m., October 24, 2003
 PLACE: Conference Room A, Building 3, 2727 Mahan Drive, Tallahassee, FL 32308
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Marilyn Wilson, Medical/Health Care Program Analyst, Medicaid Services, 2727 Mahan Drive, Mail Stop #20, Tallahassee, FL 32308

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59G-4.050 Community Behavioral ~~Mental~~ Health Services.

(1) This rule applies to all community behavioral ~~mental~~ health services providers enrolled in the Medicaid program.

(2) All community behavioral ~~mental~~ health services providers enrolled in the Medicaid program must be in compliance ~~comply~~ with the Florida Medicaid Community Behavioral ~~Mental~~ Health Services ~~Health~~ Coverage and Limitations Handbook, January 2004, ~~July 2000~~, incorporated by reference, and the Florida Medicaid Provider Reimbursement Handbook, CMS HCFA-1500 and Child Health Check-Up 221, which is incorporated by reference in Rule 59G-4.001 ~~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, ~~409.908~~ FS. History—New 1-27-82, Amended 10-25-84, Formerly 10C-7.525, Amended 1-19-94, Formerly 10C-7.0525, Amended 9-21-98, 11-14-00,

DEPARTMENT OF MANAGEMENT SERVICES

Division of State Employees' Insurance

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Division of State Group Insurance	60P-2
RULE TITLES:	RULE NOS.:
Employee Contributions	60P-2.006
Employee Contributions	60P-2.007
Underpayment of Contributions	60P-2.011
Retirees Returned Checks	60P- 2.014
Terminations and Conversions	60P- 2.015

PURPOSE AND EFFECT: To consider development of rules governing health insurance coverage that is provided to eligible participants pursuant to Section 110.123, Florida Statutes.

SUBJECT AREA TO BE ADDRESSED: The development of rules to address the requirements for termination of coverage of participants in the health maintenance organization plans

and the state group health insurance plan, which are provided through the Division of State Group Insurance, pursuant to Section 110.123, Florida Statutes.

SPECIFIC AUTHORITY: 110.123(3)(c),(5), 110.123(3)(h), (1) FS.

LAW IMPLEMENTED: 110.123(3) FS.

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

TIME AND DATE: 10:00 a.m., Monday, October 20, 2003
 PLACE: Room 101, 4050 Esplanade Way, Tallahassee, Florida 32399-0950

Pursuant to the Americans with Disabilities Act, persons needing special accommodations to participate in this meeting should advise the Department at least 2 calendar days before the workshop, by contacting: Julie Shaw, (850)487-3423.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: John Matthews, Director, State of Florida Group Insurance, Department of Management Services, 4040 Esplanade Way, Tallahassee, Florida 32399-0950, (850)921-4593

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Pursuant to Chapter 2003-145, Laws of Florida, all notices for the Department of Environmental Protection are published on the Internet at the Department of Environmental Protection's home page at <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

DEPARTMENT OF HEALTH

Board of Osteopathic Medicine

RULE TITLES:	RULE NOS.:
Physician Assistant Licensure	
Renewal and Reactivation	64B15-6.0035
Physician Assistance Performance	64B15-6.010
Citation Authority	64B15-6.01051

PURPOSE AND EFFECT: The Board proposes the development of rule amendments to bring the physician assistant rules into conformity with the Board of Medicine physician assistant rules.

SUBJECT AREA TO BE ADDRESSED: Physician Assistant licensure, performance and citation violations.

SPECIFIC AUTHORITY: 456.013, 456.033(1), 456.077, 459.005, 459.022, 459.055 FS.

LAW IMPLEMENTED: 456.013, 456.031, 456.077, 459.022 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: Pamela King, Executive Director, Board of Osteopathic Medicine/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B15-6.0035 Physician Assistant Licensure Renewal and Reactivation.

(1) A Physician Assistant must renew his licensure on a biennial basis. Upon request by the Board or Department, the licensee must submit satisfactory documentation of compliance with the requirements set forth below.

(2) No change.

~~(3) Upon request by the Board or Department, the licensee must submit satisfactory documentation of compliance with the requirements set forth above.~~

~~(3)(4)~~ Renewal of Licensure as a Prescribing Physician Assistant. In addition to the requirements of paragraph (2) above, a prescribing physician assistant shall attest to having completed a minimum of 10 hours of continuing education in the specialty area(s) of the supervising physician(s), during the previous 2 years. These hours may be utilized to meet the general continuing education requirement.

(4) Reactivation of Inactive License. To reactivate an inactive license, the licensee must:

(a) Submit to the Department the original inactive license;

(b) Provide the Department with licensure verification from each state in which the licensee is licensed to practice as a physician assistant, or a statement that the licensee is licensed only in Florida;

(c) Provide to the Department a statement of medical activities from the date the licensee became inactive to the present; or, if the licensee has not practiced as a physician assistant for at least 2 of the 4 years preceding application for reactivation, the licensee must:

1. Successfully complete the 16 credit hour Graduate Clerkship offered by Nova Southeastern University (Physician Assistant Department) or an equivalent program approved by the Council; and

2. Practice under the direct supervision of a supervising physician approved by the Council for one (1) year;

3. In lieu of proof of completion of the Graduate Clerkship or the equivalent, the licensee may submit proof of recertification by NCCPA;

(d) Submit to the Department a statement of any criminal or disciplinary actions pending in any jurisdiction;

(e) Submit proof of completion of the continuing medical education requirements in compliance with paragraphs 64B15-6.0035(2)(c), (d), (e), (f) and (g), F.A.C., for each biennium in which the license was inactive;

(f) Pay the appropriate fees.

(5) Licensure Renewal or Reactivation Applications.

(a) Application for renewal as a licensed Physician Assistant and as a Prescribing Physician Assistant or for reactivation must be made upon forms supplied by the Council.

(b) Renewal or reactivation application forms submitted to the Council must be complete in every detail and must be typed or legibly printed in black ink.

(6) The renewal and reactivation fees are found in Rule 64B8-30.019 or 64B15-6.013, F.A.C.

(7) The failure of any license holder to either renew the license or elect inactive status before the license expires shall cause the license to become delinquent.

(a) The delinquent status licensee must affirmatively apply for active or inactive status during the licensure cycle in which the license becomes delinquent. The failure by the delinquent status licensee to cause the license to be renewed or made inactive before the expiration of the licensure cycle in which the license became delinquent shall render the license null and void without further action by the Board or the Department.

(b) The delinquent status licensee who applies for license renewal or inactive status shall:

1. File with the Department the completed application for either license renewal as required by Section 459.022, F.S., or inactive status as required by Section 456.036, F.S.;

2. Pay to the Board either the license renewal fee or the inactive status fee, the delinquency fee, and if applicable, the processing fee; and

3. If renewal is elected, demonstrate compliance with the continuing education requirements found in Rule 64B15-6.0035, F.A.C.

Specific Authority 456.013, 456.033(1), 459.005, 459.022 FS. Law Implemented 456.013, 456.031, 459.022(7)(b),(c) FS. History--New 10-28-87, Amended 4-21-88, 1-3-93, Formerly 21R-6.0035, Amended 11-4-93, 3-29-94, Formerly 61F9-6.0035, 59W-6.0035, Amended 6-7-98, 10-16-01, 3-10-02,

64B15-6.010 Physician Assistance Performance.

(1) through (2) No change.

(3) All tasks and procedures performed by the physician assistant must be documented in the appropriate medical record. During the initial six months of supervision of each physician assistant all documentation by the physician assistant in a medical chart must be reviewed, signed and dated by a supervising physician within seven days. Subsequent thereto, a supervising physician must review, sign and date all

documentation by a physician assistant in medical charts within 30 days. The supervising physician must review, sign and date the physician assistant record within seven (7) days.

(4) No change.

Specific Authority 459.005, 459.022(4)(a),(13) FS. Law Implemented 459.022(2),(3),(4),(13) FS. History--New 10-28-87, Amended 4-18-89, 9-26-90, Formerly 21R-6.010, 61F9-6.010, Amended 3-13-96, Formerly 59W-6.010, Amended 10-13-98, 3-17-99, _____.

64B15-6.01051 Citation Authority.

(1) through (2) No change.

(3) The following violations with accompanying penalty may be disposed of by citation with the specified penalty:

VIOLATIONS	PENALTY
(a) CME violations. (459.022(7)(b), 459.015(1)(g),(bb), 456.072(1)(e),(s), F.S.)	Within twelve months of the date the citation is issued, Respondent must submit certified documentation of completion of all CME requirements for the period for which the citation was issued; prior to renewing the license for the next biennium, Respondent must document compliance with the CME requirements for the relevant period; AND pay a \$250 fine
1. Failure to document require HIV/AIDS CME. (456.033, F.S.)	\$250 fine
2. Failure to document required domestic violence <u>or end-of-life and palliative health care</u> CME. (456.031, F.S.)	\$250 fine
3. Failure to document required <u>prevention of medical errors CME</u>	\$250 fine
4.3- Failure to document both the required HIV/AIDS and domestic violence, <u>or end-of-life and palliative health care</u> CME.	\$500 fine
5. Failure to document <u>required prevention of medical errors CME (456.013(7), F.S.)</u>	\$250 fine
5.4- Documentation of some, but not all, 100 hours of required CME for license renewal.	\$25 fine for each hour not documented
(b) Obtaining license renewal by <u>negligent fraud or misrepresentation</u> (459.022(7)(f) and 459.015(1)(a), F.S.)	\$2500 fine
(c) through (f) No change.	
(4) through (7) No change.	

Specific Authority 456.077, 459.005, 459.022(7)(f),(12) FS. Law Implemented 456.077, 459.015, 459.022(7)(f),(12) FS. History--New 3-10-02, Amended _____.

DEPARTMENT OF HEALTH

Board of Osteopathic Medicine

RULE TITLE: Forms and Instructions
RULE NO.: 64B15-9.007

PURPOSE AND EFFECT: The Board proposes the development of rule amendments to incorporate its forms into a single rule.

SUBJECT AREA TO BE ADDRESSED: Incorporation of forms utilized by the Board.

SPECIFIC AUTHORITY: 120.53, 459.005 FS.

LAW IMPLEMENTED: 456.011 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: Pamela King, Executive Director, Board of Osteopathic Medicine/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

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

DEPARTMENT OF HEALTH

Board of Osteopathic Medicine

RULE TITLE: Continuing Education for Biennial Renewal
RULE NO.: 64B15-13.001

PURPOSE AND EFFECT: The Board proposes the development of a rule amendment to set forth criteria for continuing education regarding the five most mis-diagnosed medical conditions, as recently required by legislation.

SUBJECT AREA TO BE ADDRESSED: Continuing education regarding the five most mis-diagnosed medical conditions, as recently required by legislation.

SPECIFIC AUTHORITY: 459.005, 459.008(4) FS.

LAW IMPLEMENTED: 456.013, 459.008 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: Pamela King, Executive Director, Board of Osteopathic Medicine/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

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

DEPARTMENT OF HEALTH

Board of Osteopathic Medicine

RULE TITLES: RULE NOS.:
 Violations and Penalties 64B15-19.002
 Citations 64B15-19.007

PURPOSE AND EFFECT: The Board proposes the review of its rules on violations and penalties, and citations to determine if any changes are necessary.

SUBJECT AREA TO BE ADDRESSED: Disciplinary violations and penalties and citation violations.

SPECIFIC AUTHORITY: 456.073, 456.077, 456.079, 459.015(5) FS.

LAW IMPLEMENTED: 456.072, 456.073, 456.077, 456.079 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: Pamela King, Executive Director, Board of Osteopathic Medicine/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

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

DEPARTMENT OF HEALTH

Board of Pharmacy

RULE TITLE: RULE NO.:
 Conduct Governing Registered Pharmacists and Pharmacy Permittees 64B16-27.104

PURPOSE AND EFFECT: The Board proposes the rule amendment to update the requirements of pharmacy practice through the internet.

SUBJECT AREA TO BE ADDRESSED: The proposed rule amendment prevents a pharmacist from dispensing any medicinal drugs based solely on an internet questionnaire.

SPECIFIC AUTHORITY: 465.005, 465.0155, 465.018, 465.022 FS.

LAW IMPLEMENTED: 465.018, 465.022, 465.024 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Lucy Gee, Acting Executive Director, Board of Pharmacy/MQA, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B16-27.104 Conduct Governing Registered Pharmacists and Pharmacy Permittees.

(1) through (5) No change.

(6) No pharmacist shall dispense a medicinal drug if a pharmacist knows or reasonably should have known that the medicinal drug was prescribed based solely upon an internet questionnaire.

Specific Authority 465.005, 465.0155, 465.018, 465.022 FS. Law Implemented 465.018, 465.022, 465.024 FS. History—New 10-20-81, Formerly 21S-1.20, 21S-1.020, Amended 7-30-91, Formerly 21S-27.104, 61F10-27.104, 59X-27.104, Amended _____.

DEPARTMENT OF HEALTH

Division of Environmental Health

RULE CHAPTER TITLE: RULE CHAPTER NO.:
 Florida Clean Indoor Air Act 64E-25

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to amend Administrative Rule 64E-25, F.A.C., and to implement statutory provisions relating to Chapter 386, Florida Statutes, the Florida Clean Indoor Air Act.

SUBJECT AREA TO BE ADDRESSED: Chapter 386, Florida Statutes, Florida Clean Indoor Air Act.

SPECIFIC AUTHORITY: 386.207 FS.

LAW IMPLEMENTED: 381.0012, 386.206, 386.207 FS.

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

TIME AND DATE: 9:00 a.m. – 12:00 Noon, Monday, October 20, 2003

PLACE: Betty Easley Conference Center, Room 166, Capital Circle Office Complex, 4075 Esplanade Way, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Donna Arnold, Program Specialist, Department of Health, 4052 Bald Cypress Way, Bin #C23, Tallahassee, Florida 32399-1743, (850)245-4281 or 1(800)337-3742, donna_Arnold@doh.state.fl.us (Proposed rules will be available, upon request, one week prior to the workshop.)

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

DEPARTMENT OF FINANCIAL SERVICES

Division of Workers' Compensation

RULE TITLE: RULE NO.:
 Subcontractors Requirement Regarding Proof of Coverage 69L-6.024

PURPOSE AND EFFECT: To provide consistency between Sections 440.05(14) and 440.10(1)(c), Florida Statutes. The effect will be that where a subcontractor is a corporation and has an officer or officers who elect to be exempt and has no

employees who may recover benefits under Chapter 440, Florida Statutes, the subcontractor shall provide a copy of the certificate of exemption for the exempt officer or officers to the contractor, and is not required to provide the contractor with evidence of workers' compensation insurance.

SUBJECT AREA TO BE ADDRESSED: Requirement for subcontractors to show contractor that the subcontractor is in compliance with Chapter 440, Florida Statutes.

SPECIFIC AUTHORITY: 440.05(9), 440.591 FS.

LAW IMPLEMENTED: 440.02(15), 440.05(14), 440.10(1)(c) FS.

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

TIME AND DATE: 1:00 p.m., October 21, 2003

PLACE: Room 104J, Hartman Building, 2012 Capital Circle, Southeast, Tallahassee, Florida

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Bruce Brown, Bureau Chief, Bureau of Compliance, Division of Workers' Compensation, Department of Financial Services, 200 East Gaines Street, Tallahassee, Florida 32399-4228, (850)488-2333

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

69L-6.024 Subcontractors Requirement Regarding Proof of Coverage.

Under Section 440.05(14), Florida Statutes, an officer of a corporation who elects to be exempt from Chapter 440, Florida Statutes, may not recover benefits or compensation under Chapter 440, Florida Statutes, and a carrier may not consider any officer of a corporation who holds a valid certificate of election to be exempt for purposes of determining the appropriate premium for workers' compensation coverage. In order to be consistent with the provisions of Section 440.05(14), Florida Statutes, in instances where a subcontractor is a corporation and has an officer or officers who elect to be exempt, and the subcontractor provides a copy of the officer or officers certificate of election to be exempt to a contractor pursuant to Section 440.10(1)(c), Florida Statutes, the subcontractor is not required to also provide evidence of workers' compensation insurance to the contractor if the subcontractor has no employees who may recover benefits under Chapter 440, Florida Statutes.

PROPOSED EFFECTIVE DATE: January 1, 2004.

Specific Authority 440.05(9), 440.591 FS. Law Implemented 440.02(15), 440.05(14), 440.10(1)(c) FS. History--New 1-1-04.

Section II Proposed Rules

DEPARTMENT OF EDUCATION

Florida School for the Deaf and the Blind

RULE TITLE: Discrimination Complaint Procedures for Student Access

RULE NO.:

6D-3.008

PURPOSE AND EFFECT: The purpose of this Rule is to establish procedures to be followed by students wishing to file complaints regarding discrimination issues.

SUMMARY: This rule indicates procedures and timelines to be followed in filing a discrimination complaint regarding issues related to race, sex, national origin, disability, marital status, age, religion or political affiliation.

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: 1002.36(4)(c) FS.

LAW IMPLEMENTED: 1002.36(4)(d) FS.

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

TIME AND DATE: 1:30 p.m., November 7, 2003

PLACE: Wilson Music Building Auditorium, FSDB Campus, St. Augustine, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Elaine F. Ocuto, Executive Assistant to the President, Florida School for the Deaf and the Blind, 207 N. San Marco Avenue, St. Augustine, FL 32084-2799

THE FULL TEXT OF THE PROPOSED RULE IS:

6D-3.008 Discrimination Complaint Procedures for Student Access.

(1) The following procedures shall be followed by individuals wishing to file complaints regarding issues related to race, sex, national origin, or disability handicapping conditions, and shall serve as complaint procedures for Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, ~~and~~ Section 504 of the Rehabilitation Act of 1973, as amended, and the Americans with Disabilities Act of 1990.

(2) In complaints relating to admissions to the Florida School for the Deaf and the Blind, the President or designee shall conduct an investigation and render a decision within