

**DEPARTMENT OF HEALTH**

**Vital Statistics**

<b>RULE TITLES:</b>	<b>RULE NOS.:</b>
Delayed Birth Registration Requirements; Fees	64V-1.001
Birth Certificate Amendments; Who May Apply; Fees	64V-1.002
Birth Certificate Amendments: Documentary Evidence Requirements	64V-1.003
Birth Certificate Amendments by Adoption	64V-1.0031
Birth Certificate Amendments by Paternity Establishment; Judicial and Administrative Process	64V-1.0032
Birth Certificate Amendment by Legal Change of Name; Judicial Process	64V-1.0033
Change of Paternity; Evidence Required	64V-1.004
Evidence Required for Births Occurring Outside of a Facility	64V-1.006
Death Certificate Amendments; Who May Apply; Fees; Documentary Evidence Requirements	64V-1.007
Delayed Death or Fetal Death Registration	64V-1.008
Presumptive Death Registration	64V-1.0081
Certifications of Vital Records	64V-1.0131
Fees for Vital Statistics Services Provided by State Registrar	64V-1.014
Florida Putative Father Registry	64V-1.016
Marriage Reporting	64V-1.019
Dissolution of Marriage Reporting	64V-1.020
Disposition of Fetal Demise	64V-1.021

**PURPOSE AND EFFECT:** Purpose of proposed amendments is to change certain practices used in the amendment of birth records, update forms incorporated in rule, incorporate forms dictated by recent passage of legislation and to set forth requirements for obtaining information deemed confidential by law.

**SUBJECT AREA TO BE ADDRESSED:** Restrict other than by departmental administrative clerical error or at the order of the court, the amendment of same fact on a birth record to once, allow for amendment of parent's name on child's birth record as a result of a legal name change of parent, to update forms used in the amendment process incorporated in rule, to require certain information and proof of identity when issuing documents that are deemed confidential and exempt from the provision of s. 119.07, Florida Statutes, to establish fees as provided for in law for filing a claim of paternity or conducting a diligent search of the Florida Putative Father Registry, to incorporate forms to be used for registering with, updating information and requesting diligent search of the Florida Putative Father Registry, require that a Presumptive Death Certificate contain sufficient identifying information on decedent, incorporate forms used in the registration of a

Florida marriage or dissolution of marriage, and to incorporate in rule a form to be used for notifying a mother of her disposition rights in case of a spontaneous fetal demise.

**SPECIFIC AUTHORITY:** 63.054, 382.003(7),(10),(11), 382.015(6), 382.016, 382.025, 382.0255(3), 383.33625(3) FS.

**LAW IMPLEMENTED:** 63.054, 63.152, 68.07(4), 382.003(7),(11), 382.012, 382.013(2), 382.015, 382.016, 382.017, 382.019, 382.021, 382.023, 382.025, 382.0255(1), 383.33625, 742.10, 742.16 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 (IF NOT REQUESTED IN WRITING, THIS WORKSHOP WILL NOT BE HELD):**

**TIME AND DATE:** 10:00 a.m., December 1, 2003

**PLACE:** Department of Health, Office of Vital Statistics, 1217 Pearl St., Boorde Bldg., Rm. 420, Jacksonville, FL 32231-0042

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS:** Kathleen Dunkley Stephens, Sr. Management Analyst Supervisor, Department of Health, Office of Vital Statistics, P. O. Box 210, Jacksonville, Florida 32231-0042

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

**Section II  
Proposed Rules**

**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."

**PUBLIC SERVICE COMMISSION**

**DOCKET NO.** 030975-EI

**RULE TITLE:** Cost of Service Load Research **RULE NO.:** 25-6.0437

**PURPOSE AND EFFECT:** To update the rule to reflect current need for information, to reduce the frequency of filing the load research studies, and eliminate reporting data that are no longer used.

**SUMMARY:** Requires investor-owned electric utilities subject to this rule to submit a current, revised load research sampling plan at least every three years and perform a complete load research study every three years.

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: 366.05(1), 350.127(2) FS.

LAW IMPLEMENTED: 350.117, 366.03, 366.04(2)(f), 366.05(1), 366.06(1), 366.82(3),(4) FS.

Written comments or suggestions on the proposed rule may be submitted to the FPSC, Division of the Commission Clerk and Administrative Services, within 21 days of the date of this notice for inclusion in the record of the proceeding.

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

If any person decides to appeal any decision of the Commission with respect to any matter considered at the rulemaking hearing, if held, a record of the hearing is necessary. The appellant must ensure that a verbatim record, including testimony and evidence forming the basis of the appeal is made. The Commission usually makes a verbatim record of rulemaking hearings.

Any person requiring some accommodation at this hearing because of a physical impairment should call the Division of the Commission Clerk and Administrative Services, (850)413-6770, at least 48 hours prior to the hearing. Any person who is hearing or speech impaired should contact the Florida Public Service Commission by using the Florida Relay Service, 1(800)955-8771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Christiana T. Moore, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, Florida 32399-0862, (850)413-6098

THE FULL TEXT OF THE PROPOSED RULE IS:

25-6.0437 Cost of Service Load Research.

(1) Applicability. This rule shall apply to all investor-owned electric utilities over which the Commission has jurisdiction and which provide electric service to more than 50,000 retail customers at the end of any calendar year ~~had gross annual retail sales of 500 GWH or more in 1983.~~

(2) Purpose. The primary purpose of this rule is to require that load research that supports cost of service studies used in ratemaking proceedings is of sufficient precision to reasonably assure that tariffs are equitable and reflect the true costs of serving each class of customer. Load research data gathered and submitted in accordance with this rule will also be used by the Commission to allocate costs to the customer classes in cost recovery clause proceedings, in evaluating proposed and operating conservation programs, for research, and for other purposes consistent with the Commission's responsibilities.

(3) Sampling Plan. Within 90 days of becoming subject to this rule, each utility ~~All utilities subject to this rule shall, within 90 days of the effective date of this rule,~~ shall submit to the Commission a proposed load research sampling plan. The plan shall provide for sampling all rate classes that account for more than 1 percent of a utility's annual retail sales. The plan shall provide that all covered rate classes shall be sampled within two years of the effective date of this rule. The sampling plan shall be designed to provide estimates of ~~the summer and winter peak demand by class and~~ the averages of the 12 monthly coincident peaks for each class within plus or minus 10 percent at the 90 percent confidence level. The sampling plan shall also be designed to provide estimates of the summer and winter peak demands for each rate class within plus or minus 10 percent at the 90 percent confidence level, except for the General Service Non-Demand rate class. The sampling plan shall be designed to provide estimates of the summer and winter peak demands for the General Service Non-Demand rate class within plus or minus 15 percent at the 90 percent confidence level ~~Any utility subject to this rule may apply to the Commission to waive the requirements hereof for any specific covered rate class.~~

(4) Review of Proposed Plan. Except where a utility has requested a formal ruling by the Commission, within 90 days after submission, the Commission's Division of Economic Regulation ~~Electric and Gas Department~~ shall review each utility's plan to determine whether it satisfies the criteria set forth in Section 3 above and shall notify the utility in writing of its decision accepting or rejecting the proposed sampling plan. If a proposed plan is rejected, the written notice of rejection shall state clearly the reasons for rejecting the proposed plan. If a utility's proposed plan is rejected the utility shall submit a revised sampling plan to the Commission within 60 days after receiving the notice of rejection. Where a utility has requested staff review of its sampling plan and the plan has been rejected the utility may petition the Commission for approval of the plan. If a utility has not submitted a satisfactory sampling plan within 6 months following the submission of the initially proposed plan, the Commission may prescribe by order a sampling plan for the utility.

(5) Use of Approved Sampling Plan. The approved sampling plan shall be used for all load research performed for cost of service studies and other studies submitted to the Commission until a new sampling plan is approved by the Commission.

(6) Revised Sampling Plans. Each utility subject to this rule shall submit a current, revised sampling plan to the Commission no less often than every three ~~two~~ years after the most recent initial sampling plan was required to be submitted ~~is approved~~. Any new or revised plan shall be developed using data from the utility's most current load research to determine



the application package, which includes Chapter 400, Part V, F.S., and this rule chapter, is \$5.00, in accordance with Section 400.562(3), F.S. Attached to the application shall be:

(a) through (b) No change.

(6) The agency shall notify a licensee electronically or by certified mail delivery at least 120 days before the expiration date of the center's license. Applications for relicensure must be submitted to the agency at least 90 days before the expiration date of the existing license. Failure to file a timely renewal application will result in a fine of \$75.00 pursuant to Chapter 400.5565(1)(b) and 400.557(1), F.S., being assessed against the center.

(7) No change.

Specific Authority 400.562 FS. Law Implemented ~~Ch. 400, Part V, 400.557(1), 400.5565(1)(b), 400.562(3)~~ FS. History—New 7-8-81, Amended 2-27-84, Formerly 10A-6.03, 10A-6.003, 59A-16.003, Amended 11-9-95, 3-29-98, 10-23-01, \_\_\_\_\_

58A-6.0051 Change of Owner or Operator; Marketing.

(1) The center must notify the Assisted Living Unit, AHCA at 2727 Mahan Drive, Tallahassee, FL 32301-5402, at least 60 days before the date of a change of ownership. The new owner must request and submit a check for \$5.00 for the Licensure Application for Adult Day Care Center, ADCC Form-1, dated August 2003, incorporated by reference in Rule 58A-6.003, F.A.C., dated (effective date of the rule) and obtainable from Assisted Living Unit, AHCA, 2727 Mahan Drive, Tallahassee, FL 32308-5402, (850)487-2515 initial application package, which includes the ADC rules and regulations.

(2) No change.

(3) The transferor shall, prior to agency approval of a change of ownership, repay or make arrangements to repay any outstanding fine amounts owed the agency pursuant to Section 408.831(2), F.S.

~~(4)(3)~~ If the center's owner changes operators, the owner or new operator must notify the AHCA within 30 days at the address in subsection (1), and include the completed ~~abuse registry and~~ criminal background check forms.

Specific Authority 400.562, 408.831 FS. Law Implemented ~~Ch. 400, Part V, 400.559, 408.831(2)~~ FS. History—New 11-9-95, Amended 3-29-98, \_\_\_\_\_

NAME OF PERSON ORIGINATING PROPOSED RULE: Linda Macdonald  
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Terry White, Secretary  
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 3, 2003  
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 8, 2003

**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**

**Division of Medical Quality Assurance**

RULE TITLE: Diagnostic Testing  
 RULE NO.: 64B-3.004

PURPOSE AND EFFECT: Senate Bill 32A (2003), authorized the Department of Health (Department) in consultation with the appropriate licensing Boards, to adopt by rule a list of diagnostic tests deemed not to be medically necessary for use in the treatment of persons sustaining injury covered by personal injury protection benefits. In response to the Legislature's mandate, the Department sought input from the Boards of Medicine, Osteopathy, Chiropractic, and Dentistry, and held a workshop to receive public input, on September 9th, 2003, in Tallahassee, Florida. Upon review of the testimony provided at the workshop, input received from the Boards, written opinions by members of the health care and insurance communities, and literature in support thereof, the Department proposes new Rule 64B-3.004, F.A.C.

SUMMARY: Proposed new Rule 64B-3.004, F.A.C., lists four (4) diagnostic tests deemed by the Department of Health to not be medically necessary for use in the treatment of persons sustaining injury covered by personal injury protection benefits  
 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: 627.736 FS.

LAW IMPLEMENTED: 627.736 FS.

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

TIME AND DATE: 9:00 a.m., November 18, 2003

PLACE: Betty Easley Conference Center, 4075 Esplanade Way, Room 182, Tallahassee, Florida 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Larry McPherson, Executive Director, Department of Health, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399



SPECIFIC AUTHORITY: 456.024, 490.015 FS.  
 LAW IMPLEMENTED: 456.024 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: Kaye Howerton, Executive Director, Department of Health, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

THE FULL TEXT OF THE PROPOSED RULE IS:

CONTINUING EDUCATION REQUIREMENTS

64B21-502.006 Exemption of Spouses of Members of Armed Forces from License Renewal Requirements.

A licensee who is the spouse of a member of the Armed Forces of the United States shall be exempt from all licensure renewal provisions for any period of time which the licensee is absent from the State of Florida due to the spouse's duties with the Armed Forces. The licensee must document the absence and the spouse's military status to the department.

Specific Authority 456.024, 490.015 FS. Law Implemented 456.024 FS. History--New

NAME OF PERSON ORIGINATING PROPOSED RULE: Kaye Howerton, Executive Director, Department of Health, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Amy Jones, Division Director

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 29, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 31, 2003

**DEPARTMENT OF HEALTH**

**Division of Family Health Services**

RULE TITLE: General Regulations; Definitions

RULE NO.: 64F-12.001

PURPOSE AND EFFECT: The proposed rule adds the prescription drug, Lipitor, to the specified list of prescription drugs for which a pedigree paper back to the manufacturer is required for the wholesale distribution of Lipitor to a wholesale distributor pursuant to s. 499.0121(6)(e), F.S.

SUMMARY: The proposed rule amends the definition of a specified drug by adding the prescription drug Lipitor, in all strengths and sizes, to the list of prescription drugs qualifying as a specified drug. The wholesale distribution of a specified drug to a wholesale distributor requires special recordkeeping requirements that trace the history of all prior sales of the specified drug back to the manufacturer. The Prescription Drug

Advisory Council recommended to the Secretary of the Department of Health, by unanimous vote on October 8, 2003, to place Lipitor on the list of specified drugs in accordance with the procedures established in s. 499.0121(6)(e), F.S., in order to protect the public health.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: This rule will affect prescription drug wholesalers permitted to wholesale prescription drugs in or into the state of Florida that purchase Lipitor from sources other than directly from the manufacturer and sell Lipitor to prescription drug wholesalers. Prescription drug wholesalers that purchase Lipitor from sources other than directly from the manufacturer will be required to verify a pedigree paper that traces all prior sales of each container of Lipitor back to Lipitor's manufacturer. In addition, a prescription drug wholesaler that sells Lipitor to a prescription drug wholesaler will be required to either state on the invoice or accompanying documentation that each container of Lipitor was purchased by that establishment or a member of that establishment's affiliated group directly from the manufacturer, or provide a pedigree paper that traces all prior sales of each container of Lipitor back to the manufacturer.

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: 499.0121(6)(e), 499.05 FS.

LAW IMPLEMENTED: 499.0121 FS.

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

TIME AND DATE: 1:00 p.m. (EST), Monday, December 8, 2003

PLACE: 2818-A Mahan Drive, Tallahassee, Florida

If special accommodations are needed to attend this workshop because of a disability, please contact: Maxine Wenzinger, (850)922-5190.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sandra Stovall, Compliance Officer, 2818-A Mahan Drive, Tallahassee, Florida 32308, (850)487-1257, Ext. 210, sandra\_stovall@doh.state.fl.us

THE FULL TEXT OF THE PROPOSED RULE IS:

64F-12.001 General Regulations; Definitions.

(1) No change.

(2) In addition to definitions contained in Sections 499.003, 499.012(1), 499.0122(1), 499.028(1), and 499.61, F.S., the following definitions apply to Rule Chapter 64F-12, F.A.C.:

(a) through (u) No change.

(v) "Specified drug" means all dosage forms, strengths and container sizes of the following prescription drugs:

1. Combivir (lamivudine/zidovudine);
2. Crixivan (indinavir sulfate);
3. Diflucan (fluconazole);
4. Eпивir (lamivudine);
5. Epogen (epoetin alfa);
6. Gamimune (globulin, immune);
7. Gammagard (globulin, immune);
8. Immune globulin;
9. Lamisil (terbinafine);
10. Lipitor (atorvastatin calcium)
- ~~11.10.~~ Lupron (leuprolide acetate);
- ~~12.11.~~ Neupogen (filgrastim);
- ~~13.12.~~ Nutropin AQ (somatropin, e-coli derived);
- ~~14.13.~~ Panglobulin (globulin, immune);
- ~~15.14.~~ Procrit (epoetin alfa);
- ~~16.15.~~ Retrovir (zidovudine);
- ~~17.16.~~ Risperdal (risperidone);
- ~~18.17.~~ Rocephin (ceftriaxone sodium);
- ~~19.18.~~ Serostim (somatropin, mammalian derived);
- ~~20.19.~~ Sustiva (efavirenz);
- ~~21.20.~~ Trizivir (abacavir sulfate/lamivudine/zidovudine);
- ~~22.21.~~ Venoglobulin (globulin, immune);
- ~~23.22.~~ Videx (didanosine);
- ~~24.23.~~ Viracept (nelfinavir mesylate);
- ~~25.24.~~ Viramune (nevirapine);
- ~~26.25.~~ Zerit (stavudine);
- ~~27.26.~~ Ziagen (abacavir sulfate);
- ~~28.27.~~ Zocor (simvastatin);
- ~~29.28.~~ Zofran (ondansetron);
- ~~30.29.~~ Zoladex (goserelin acetate); and
- ~~31.30.~~ Zyprexa (olanzapine).

(w) through (x) No change.

Specific Authority 499.05, 499.61, 499.701 FS. Law Implemented 499.003, 499.004, 499.005, 499.0054, 499.0057, 499.006, 499.007, 499.008, 499.009, 499.01, 499.012, 499.0121, 499.0122, 499.013, 499.014, 499.015, 499.023, 499.024, 499.025, 499.028, 499.03, 499.033, 499.035, 499.039, 499.041, 499.05, 499.051, 499.052, 499.06, 499.066, 499.067, 499.069, 499.61, 499.62, 499.63, 499.64, 499.65, 499.66, 499.67, 499.71, 499.75 FS. History--New 1-1-77, Amended 12-12-82, 1-30-85, Formerly 10D-45.31, Amended 11-26-86, 2-4-93, 7-1-96, Formerly 10D-45.031, Amended 1-26-99, 4-17-01, 6-30-03, 10-7-03, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
 Jerry Hill, Chief of Statewide Pharmaceutical Services  
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Phil E. Williams, Director, Division of Health Awareness and Tobacco

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 21, 2003  
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 31, 2003

### Section III Notices of Changes, Corrections and Withdrawals

**DEPARTMENT OF STATE**

**Division of Historical Resources**

RULE NOS.:	RULE TITLES:
1A-35.005	Grant Funding
1A-35.007	Application Requirements

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rules as noticed in Vol. 28, No. 18, May 3, 2002 of the Florida Administrative Weekly has been withdrawn.

**DEPARTMENT OF INSURANCE**

RULE NO.:	RULE TITLE:
4-154.203	Categories of Reserves

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 29, No. 37, September 12, 2003, of the Florida Administrative Weekly.

These changes are being made to address concerns expressed by the Joint Administrative Procedures Committee.

4-154.203(1)(b)2.c.(I)(B) is changed to read:

(B)b. A reasonable method approved by the Office Department after a public hearing prior to the statement date, A reasonable method is one where the company is able to demonstrate that the claim reserves calculated using the company's method would not be less than those calculated using a generally accepted actuarial method; or

The remainder of the rule reads as previously published.

**DEPARTMENT OF REVENUE**

**Property Tax Administration Program**

RULE NO.:	RULE TITLE:
12D-8.0068	Assessment Reduction for Living Quarters of Parents or Grandparents

NOTICE OF CHANGE

Notice is hereby given that the following change has been made to this proposed rule, as published in Vol. 29, No. 44, October 31, 2003, issue of the Florida Administrative Weekly. This change is in accordance with s. 120.54(3)(d)1., F.S.