

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Don Davis, Division of Workers' Compensation, Office of Data Quality and Collection, Department of Financial Services, 200 East Gaines Street, Tallahassee, Florida 32399-4226, (850)413-1711

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

69L-7.020 Florida Workers' Compensation Health Care Provider Reimbursement Manual.

(1) The Florida Workers' Compensation Health Care Provider Reimbursement Manual, 2004 Second Edition, is adopted by reference as part of this rule. The manual contains reimbursement policies, guidelines, codes and maximum reimbursement allowances for medical services and supplies provided by health care providers. Also, the ~~The~~ manual includes ~~provides~~ reimbursement policies and payment methodologies for pharmacists and medical suppliers. The Florida Workers' Compensation Health Care Provider Reimbursement Manual, incorporated above, is available for inspection during normal business hours at the Florida Department of Financial Services, Document Processing Section, 200 East Gaines Street, Tallahassee, Florida 32399-0311, or via the Department's web site at <http://www.fldfs.com>.

(2) The Physicians' Current Procedural Terminology (CPT®), 2004 ~~2003~~ Professional Edition, Copyright 2003 ~~2002~~, American Medical Association; the Current Dental Terminology (CDT-4), Fourth Edition, Copyright 2002, American Dental Association; and for D codes and for injectable J codes, and for other medical services and supply codes, the American Medical Association "Healthcare Common Procedure Coding System, Medicare's National Level II Codes, HCPCS 2004 ~~2003~~", Sixteenth ~~Fifteenth~~ Edition, Copyright 2003 ~~2002~~, Ingenix Publishing Group, are adopted by reference as part of this rule. When a health care provider performs a procedure or service, which is not listed in the Florida Workers' Compensation Health Care Provider Reimbursement Manual, incorporated in subsection (1) above, the provider must use a code contained in the CPT®, CDT-4 or HCPCS section as specified.

Specific Authority 440.591 FS. Law Implemented 440.13(7), (12), (14) FS. History—New 10-1-82, Amended 3-16-83, 11-6-83, 5-21-85, Formerly 38F-7.020, Amended 4-1-88, 7-20-88, 6-1-91, 4-29-92, 2-18-96, 9-1-97, 12-15-97, 9-17-98, 9-30-01, 7-7-02, Formerly 38F-7.020, 4L-7.020, Amended 12-4-03, 1-1-04, _____.

69L-7.501 Florida Workers' Compensation Reimbursement Manual for Hospitals.

(1) The Florida Workers' Compensation Reimbursement Manual for Hospitals, 2004 Second Edition is adopted by reference as part of this rule. The manual contains reimbursement policies and per diem rates for hospital services and supplies.

(2) Form DWC-90, also known as the UB-92, or HCFA-1450, is hereby incorporated by reference as part of this rule. The Florida Workers' Compensation Health Care Provider Reimbursement Manual 2004, Second Edition is incorporated by reference as part of this rule also. The reimbursement policies, billing codes and maximum reimbursement allowances for physical therapy, ~~radiology~~, occupational therapy, speech therapy, radiology and clinical laboratory services contained in the manual shall be applied to hospital services provided on an outpatient basis only.

(3) The Florida Workers' Compensation Reimbursement Manual for Hospitals, incorporated in subsection (1) above, is available for inspection during normal business hours, at the State of Florida Department of Financial Services, Document Processing Section, 200 East Gaines Street, Tallahassee, Florida 32399-0311, or via the Department's website at <http://www.fldfs.com>.

Specific Authority 440.591, 440.13(14)(b) FS. Law Implemented 440.13(7),(12),(14) FS. History—New 6-9-87, Amended 6-1-92, 10-27-99, 7-3-01, Formerly 38F-7.501, Amended 1-1-04, _____.

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. 040011-EI

RULE TITLE:

RULE NO.:

Records of Interruptions and Commission

Notification of Threats to Bulk Power

Supply Integrity of Major

Interruptions of Service

25-6.018

PURPOSE AND EFFECT: Requiring utilities to file a report on customer interruptions and curtailments on a regular basis will allow the Commission to better monitor the utilities' exercise of non-firm service and to provide up-to-date interruption and curtailment information to outside parties.

Utilities have historically considered customer-specific information to be proprietary confidential business information, and the Commission has granted several confidentiality requests for such data. The staff believes that the names of the customers are not essential to the commission's ability to monitor the utilities' exercise of non-firm service.

SUMMARY: The existing rule requires investor-owned electric utilities with interruptible or curtailable rate schedules to provide a report to the Commission of customer interruptions and curtailments for those months when interruptions occur. The report must include specific information, including the names of the customers interrupted or curtailed. The rule does not specify when the monthly reports must be filed. Staff is proposing two amendments to the rule. The first amendment would require the utilities, beginning on July 1, 2004, to file the report quarterly and no later than 30 days after the end of the reported quarter. The second amendment would eliminate the requirement to include the names of the customers interrupted or curtailed.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: A Statement of Estimated Regulatory Cost is not needed.

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) FS.

LAW IMPLEMENTED: 366.03, 366.04(2)(c),(f),(5), 366.055 FS.

WRITTEN COMMENTS OR SUGGESTIONS ON THE PROPOSED RULE MAY BE SUBMITTED TO: 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: Marlene Stern, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, Florida 32399-0862, (850)413-6245

THE FULL TEXT OF THE PROPOSED RULE IS:

25-6.018 Records of Interruptions and Commission Notification of Threats to Bulk Power Supply Integrity or Major Interruptions of Service.

(1) through (2) No change.

(3) Each utility with interruptible or curtailable rate schedules shall provide a report to the Commission of customer interruptions and curtailments for each applicable rate schedule, ~~for those months when interruptions occur.~~ The report ~~shall~~ ~~should~~ include ~~the names of the customers interrupted or curtailed,~~ the reason for interruption or curtailment, the date, time, and duration of the interruption or curtailment, and amount of load shed. For utilities with optional billing provisions which provide for the utility to purchase power from another utility and supply it directly to the interrupted or curtailed customer, ~~the utility shall provide a report to the Commission~~ shall include indicating the name of the customer, the source, date, time, and amount of purchase in megawatt hours, and cost per megawatt hour for those months when purchases are made under the optional billing provision. Beginning on July 1, 2004, the report shall be filed quarterly and no later than 30 days after the end of the reported quarter. If there were no interruptions, curtailments, or optional billing events in the quarter, the report shall so state. Reports of customer interruptions or curtailments are not required when done under direct load management programs as approved by the Commission.

Specific Authority 366.05(1) FS. Law Implemented 366.03, 366.04(2)(c),(f),(5), 366.055 FS. History--Amended 7-29-69, 4-13-80, Formerly 25-6.18, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Elisabeth Draper

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Florida Public Service Commission
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 17, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: Vol. 29, No. 51, December 19, 2003

DEPARTMENT OF MANAGEMENT SERVICES

Division of Purchasing

RULE CHAPTER TITLE: General Regulations **RULE CHAPTER NO.:** 60A-1

RULE TITLE: Eligible Users **RULE NO.:** 60A-1.005

PURPOSE AND EFFECT: The purpose of this rule is to define the phrase "eligible user," as required by s. 287.012(12), F.S.

SUMMARY: The rule defines "eligible user," a term of art required to be defined by the Department of Management Services.

SPECIFIC AUTHORITY: 287.042(12) FS.
LAW IMPLEMENTED: 287.012(12) FS.
IF REQUESTED IN WRITING WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):
TIME AND DATE: 1:30 p.m. – 5:00 p.m., March 26, 2004
PLACE: Room 101, 4050 Esplanade Way, Tallahassee, Florida 32399-0950
THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Richard Brown, State Purchasing, 4050 Esplanade Way, Tallahassee, Florida 32399-0950, (850)488-3049, Fax (850)414-6122, E-mail: brownr2@dms.state.fl.us

THE FULL TEXT OF THE PROPOSED RULE IS:

60A-1.005 Eligible Users.

Governmental agencies, as defined in s. 163.3164, F.S., which have a physical presence within the State of Florida are eligible users of state term contracts subject to s. 287.056(1), F.S.

Specific Authority 287.042(12) FS. Law Implemented 287.012(12) FS. History–New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Robert Hosay, Deputy Secretary, Department of Management Services

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: William Simon, Secretary, Department of Management Services

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 25, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 5, 2004

DEPARTMENT OF MANAGEMENT SERVICES

Division of Purchasing

RULE CHAPTER TITLE: General Regulations
RULE CHAPTER NO.: 60A-1

RULE TITLE: Term Contracts and Price Agreements
RULE NO.: 60A-1.008

PURPOSE AND EFFECT: To repeal Rule 60A-1.008, F.A.C., due to the restructuring of Chapter 60A-1, F.A.C. New and/or revised provisions are promulgated in order to address all subjects formerly aggregated in Rule 60A-1.008, F.A.C.

SUMMARY: A repeal of Rule 60A-1.008, F.A.C., in order to restructure its substantive provisions in a more logical format.

SPECIFIC AUTHORITY: 287.042 FS.
LAW IMPLEMENTED: 287.001, 287.042, 287.057, 287.017, 287.133, 287.1345, 695.25 FS.

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

TIME AND DATE: 1:30 p.m. – 5:00 p.m., March 26, 2004

PLACE: Room 101, 4050 Esplanade Way, Tallahassee, Florida, 32399-0950

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Richard Brown, State Purchasing, 4050 Esplanade Way, Tallahassee, Florida 32399-0950, (850)488-3049, Fax (850)414-6122, E-mail: brownr2@dms.state.fl.us

THE FULL TEXT OF THE PROPOSED RULE IS:

60A-1.008 Term Contracts and Price Agreements.

Specific Authority 287.042 FS. Law Implemented 287.001, 287.017, 287.042, 287.057, 287.133, 287.1345, 695.25 FS. History–New 2-6-68, Amended 2-8-69, Revised 5-20-71, Amended 7-31-75, 10-1-78, 5-17-79, 8-6-81, 10-12-81, 6-7-82, 11-4-82, 10-13-83, 11-12-84, 12-17-85, Formerly 13A-1.08, Amended 6-5-86, 2-9-87, 11-3-88, 1-18-90, 4-10-91, 9-1-92, Formerly 13A-1.008, Amended 8-24-93, 4-24-94, 1-9-95, 1-1-96, 9-23-96, 7-6-98, 1-2-00, Repealed _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Robert Hosay, Deputy Secretary, Department of Management Services

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: William Simon, Secretary, Department of Management Services

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 25, 2004

DEPARTMENT OF MANAGEMENT SERVICES

Division of Purchasing

RULE CHAPTER TITLE: General Regulations
RULE CHAPTER NO.: 60A-1

RULE TITLE: Emergency Purchases of Commodities or Contractual Services
RULE NO.: 60A-1.009

PURPOSE AND EFFECT: This rule clarifies the procedures for agency reporting of emergency purchases pursuant to s. 287.057(5)(a), F.S. This rule will result in increased efficiency between a reporting agency and the Department of Management Services.

SUMMARY: This rule provides procedures and a form that streamlines the process agencies must follow to report emergency purchases to the Department of Management Services.

SPECIFIC AUTHORITY: 287.042(12) FS.
LAW IMPLEMENTED: 287.001, 287.057(5)(a) FS.

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

TIME AND DATE: 1:30 p.m. – 5:00 p.m., March 26, 2004
 PLACE: Room 101, 4050 Esplanade Way, Tallahassee, Florida 32399-0950

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Richard Brown, State Purchasing, 4050 Esplanade Way, Tallahassee, Florida 32399-0950, (850)488-3049, Fax (850)414-6122, E-mail: brownr2@dms.state.fl.us

THE FULL TEXT OF THE PROPOSED RULE IS:

(Substantial rewording of Rule 60A-1.009 follows. See Florida Administrative Code for present text.)

60A-1.009 Emergency Purchases of Commodities or Contractual Services.

(1) Filing Notice with the Department. Section 287.057(5)(a), F.S., defines the term “emergency purchase,” and details the requirements an agency must follow in making an emergency purchase of commodities or services. In order to comply with the reporting requirement therein, agencies must file with the Department Form PUR 7800, Notice of Emergency Purchase, which is hereby incorporated by reference, within thirty (30) days after date of issuance of the emergency purchase order or contract.

(2) No Renewal Permitted. Emergency purchase contracts or purchase orders cannot be renewed.

(3) Posting not required. Emergency purchase contracts or purchase orders need not be posted electronically or by any other means.

(4) Department approval not required. Department approval is not required to make an emergency purchase, as the burden of proof rests with the certifying officer.

Specific Authority 287.042(12)(13) FS. Law Implemented 287.001, 287.057(5)(3)(a) FS. History—New 2-6-68, Revised 5-20-71, Amended 7-31-75, 10-1-78, 8-6-81, 11-12-84, 12-17-85, Formerly 13A-1.09, Amended 11-3-88, 1-18-90, 4-10-91, Formerly 13A-1.009, Amended 1-9-95, 7-6-98, 1-2-00,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Robert Hosay, Deputy Secretary, Department of Management Services

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: William Simon, Secretary, Department of Management Services

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 25, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 5, 2005

DEPARTMENT OF MANAGEMENT SERVICES

Division of Purchasing

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
General Regulations	60A-1
RULE TITLE:	RULE NO.:
Single Source Purchases of Commodities or Contractual Services	60A-1.010

PURPOSE AND EFFECT: This rule clarifies the processes and procedures relating to single source procurements of commodities and contractual services pursuant to s. 287.057(5)(c) F.S. The rule also provides new forms that assist agencies in following the new procedures. This rule will result in increased vendor and agency efficiency and a streamlined, uniform process for single source issues.

SUMMARY: This rule details the procedures agencies must follow when reporting single source purchases as required by s. 287.057(5)(c), F.S.

SPECIFIC AUTHORITY: 287.042(12) FS.

LAW IMPLEMENTED: 287.001, 287.057(5)(c) FS.

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

TIME AND DATE: 1:30 p.m. – 5:00 p.m., March 26, 2004
 PLACE: Room 101, 4050 Esplanade Way, Tallahassee, Florida, 32399-0950

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Richard Brown, State Purchasing, 4050 Esplanade Way, Tallahassee, Florida 32399-0950, (850)488-3049, Fax (850)414-6122, E-mail: brownr2@dms.state.fl.us

THE FULL TEXT OF THE PROPOSED RULE IS:

(Substantial rewording of Rule 60A-1.010 follows. See Florida Administrative Code for present text.)

60A-1.010 Single Source Purchases of Commodities or Contractual Services.

Single source purchases are purchases of commodities or contractual services available only from a single source. Pursuant to s. 287.057(5)(c), F.S., such purchases are excepted from the competitive solicitation process.

(1) Posting of Description of Intended Single Source Purchase. If an agency believes that a commodity or contractual service is available only from a single source and the total cost is in excess of the threshold for Category Two, the agency shall electronically post Form PUR 7776 (02/04), “Description of Intended Single Source Purchase,” which is hereby incorporated by reference. This Notice shall be posted for at least seven (7) business days.

(2) Written Determination of Single Source Purchase. After posting the Description of Intended Single Source Purchase for at least seven (7) business days, the agency must determine in writing that the commodity or service is only available from a single source. If any information is received from prospective vendors as a result of the posted Description of Intended Single Source Purchase, the agency's written determination must address each prospective vendor's submission and explain why such submission does not meet the agency's requirement(s).

(3) Final Determination if Total Cost does not exceed Category Four. After making the written determination required by paragraph 2 above, if the total cost of the single source purchase does not exceed Category Four the agency shall provide notice of its decision to enter into a single source purchase by utilizing Form PUR 7778 (02/04), "Notice of Intended Decision to Enter Into a Single Source Contract," which is hereby incorporated by reference. This notice must be electronically posted in accordance with s. 120.57(3), F.S.

(4) Final Determination if Total Cost exceeds Category Four. After making the written determination required by paragraph 2 above, if the total cost of the single source purchase exceeds Category Four the agency shall file a certification with the Department for the single source purchase and receive approval of such certification before posting the notice of intended decision under s. 120.57(3), F.S. A purchasing office shall not divide its purchases or its purchasing operations to circumvent these requirements.

(a) Certification Filed with Department. The certification and request for approval must be submitted to the Department using Form PUR 7777 (02/04), "Single Source Certification and Request for Approval," which is hereby incorporated by reference. The submission must be made via electronic mail and must be addressed to singlesource@dms.state.fl.us.

(b) Department Review of Certification. The Department shall review all requests properly submitted and shall approve or disapprove all requests within 21 days of receipt. Failure by the Department to respond to a request within 21 days of receiving a request or receiving additional requested information shall constitute approval of the request. If the Department requests additional information from the agency in order to make its determination, the 21 day period begins anew. The Department shall approve all requests submitted if the agency has provided all required documentation in accordance with s. 287.057(5)(c), F.S., and this rule. The requesting agency retains authority and responsibility to determine whether or not a single source is justified. Agencies are encouraged to review s. 838.22(2), F.S., regarding circumvention of competitive bidding processes.

(c) Notice of Intended Decision. If the Department approves the certification request, the agency shall provide notice of its decision to enter into a single source purchase by utilizing Form PUR 7778. This notice must be electronically posted in accordance with s. 120.57(3), F.S.

(5) Modifications. An agency issuing a single source modification that increases the originally advertised award amount in excess of Category Two must process the modification in accordance with subsections (1) through (4) above.

(6) Recordkeeping. The circumstances surrounding the purchase and the agency's final determination shall be maintained in the agency's contract file. The Department shall maintain a record of all PUR 7777 certifications and related materials submitted to or issued by the Department.

(7) Renewal Not Permitted. Agencies shall not renew contracts made pursuant to s. 287.057(5)(c), F.S. If an agency believes the commodity or service continues to be available only from a single source, the agency must re-initiate the single source exemption process.

Specific Authority: 287.042(12)(13) FS, Law Implemented 287.001, 287.057(5)(3)(c) FS. History—New 2-6-68, Revised 5-20-71, Amended 8-6-81, 2-28-85, 12-17-85, Formerly 13A-1.10, Amended 11-3-88, 1-18-90, 4-10-91, Formerly 13A-1.010, Amended 1-9-95, 1-1-96, 9-23-96, 7-6-98, 1-2-00,

NAME OF PERSON ORIGINATING PROPOSED RULE:
Robert Hosay, Deputy Secretary, Department of Management Services

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: William Simon, Secretary, Department of Management Services

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 25, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 5, 2004

DEPARTMENT OF MANAGEMENT SERVICES

Division of Purchasing

RULE CHAPTER TITLE: General Regulations RULE CHAPTER NO.: 60A-1

RULE TITLE: Identical Responses Received RULE NO.: 60A-1.011

PURPOSE AND EFFECT: The purpose of this rule is to organize a series of various statutory mechanisms by which an agency may determine the winner of a competitive solicitation, in the event that multiple responses offer identical pricing.

SUMMARY: This rule organizes a series of statutory mechanisms designed to resolve situations in which an agency receives identical responses to a competitive solicitation.

SPECIFIC AUTHORITY: 287.042(12) FS.

LAW IMPLEMENTED: 287.057(1),(12), 287.082, 287.087, 287.092 FS.

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

TIME AND DATE: 1:30 p.m. – 5:00 p.m., March 26, 2004
 PLACE: Room 101, 4050 Esplanade Way, Tallahassee, Florida, 32399-0950

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Richard Brown, State Purchasing, 4050 Esplanade Way, Tallahassee, Florida 32399-0950, (850)488-3049, Fax (850)414-6122, E-mail: brownr2@dms.state.fl.us

THE FULL TEXT OF THE PROPOSED RULE IS:

(Substantial rewording of Rule 60A-1.011 follows. See Florida Administrative Code for present text.)

60A-1.011 Identical Responses Received.

(1) Criteria. When evaluating vendor responses to solicitations, if the agency is confronted with identical pricing or scoring (as applicable) from multiple vendors, the agency shall determine the order of award using the following criteria, in the order of preference listed below (from highest priority to lowest priority):

(a) The response certifies that the vendor is a minority-owned firm or company, certified by the Office of Supplier Diversity;

(b) The response is from a Florida-domiciled entity, as determined by the Department of State;

(c) If the response relates to manufactured commodities, the response provides for manufacturing such commodities within the state (in preference over any foreign manufacturer);

(d) If the response relates to manufactured commodities, the response provides for a foreign manufacturer that also has at least 200 employees working in the state (in preference over a foreign manufacturer with less than 200 employees working in the state); or

(e) The response certifies that a drug-free workplace has been implemented in accordance with s. 287.087, F.S.

(2) No Applicable Criteria. If none of the criteria in subsection (1) are applicable, the agency may determine the order of award by using the number of valid vendor complaints on file or by lot.

Specific Authority 287.042(12)(13) FS. Law Implemented 287.057(1), (12)(10), 287.082, 287.087, 287.092 FS. History—New 2-6-68, Revised 5-20-71, Amended 7-31-75, 10-1-78, 8-6-81, 2-13-83, 10-13-83, 3-1-84, Formerly 13A-1.11, Amended 11-3-88, 4-10-91, Formerly 13A-1.011, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Robert Hosay, Deputy Secretary, Department of Management Services

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: William Simon, Secretary, Department of Management Services

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 25, 2004

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DEPARTMENT OF MANAGEMENT SERVICES

Division of Purchasing

RULE CHAPTER TITLE: General Regulations
 RULE CHAPTER NO.: 60A-1

RULE TITLE: Insurance
 RULE NO.: 60A-1.015

PURPOSE AND EFFECT: To amend references to the Department of Insurance, and to remove obsolete form PUR 7109. This rule will correctly identify relevant agencies and divisions therein.

SUMMARY: The rule makes technical amendments to Rule 60A-1.015, F.A.C., to correct references to the Department of Insurance, and removing the inclusion of an obsolete purchasing form related solely to insurance.

SPECIFIC AUTHORITY: 287.042(12) FS.

LAW IMPLEMENTED: 287.022 FS.

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

TIME AND DATE: 1:30 p.m. – 5:00 p.m., March 26, 2004
 PLACE: Room 101, 4050 Esplanade Way, Tallahassee, Florida 32399-0950

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Richard Brown, State Purchasing, 4050 Esplanade Way, Tallahassee, Florida 32399-0950, (850)488-3049, Fax (850)414-6122, E-mail: brownr2@dms.state.fl.us

THE FULL TEXT OF THE PROPOSED RULE IS:

60A-1.015 Insurance.

(1) Insurance shall be purchased for all agencies by State Purchasing whenever any part of the premium is paid by the State with the exception of title insurance for land acquisition, the State Group Health, and Life Programs, administered by the Department of Management Services and Self-Insurance Trust Fund administered by the Department of Financial Services Insurance, Division of Risk Management. Agencies may make emergency purchases of insurance pursuant to Section 287.057(5)(3)(a), F.S. ~~All invitations to bid for the purchase of insurance coverage shall include the standard "State of Florida Invitation to Bid Insurance Coverage" Form PUR 7109 (Rev. 6-1-98), which is incorporated herein by~~

reference. Requests for the purchase, renewal or endorsement of insurance and bonds shall be initiated in writing by authorized personnel of the requesting agency and submitted to State Purchasing. No agency shall contact the agent of record representing the insurance carrier with the exception of reporting a claim.

(2) All claims reports shall be submitted by the agency to the agent of record representing the insurance carrier. Any loss due to an alleged criminal act shall be reported immediately upon discovery to the appropriate law enforcement agency.

(3) Invoices will be forwarded by State Purchasing to the Department of ~~Financial Services Insurance~~ for the initial rate approval. The Department of ~~Financial Services Insurance~~ will transmit the invoice and rate approval to the State agency for payment. All renewals and endorsements with the same rate as previously approved by the Department of ~~Financial Services Insurance~~ will be transmitted to the State agency by the Department of Management Services ~~State Purchasing~~. Covered agencies shall submit all premium payments directly to the agent of record representing the insurance carrier. Payments are to be made in accordance with Section 215.422, F.S.

Specific Authority 287.042(12) FS. Law Implemented 287.022 FS. History--New 8-6-81, Amended 11-4-82, Formerly 13A-1.15, Amended 11-3-88, 1-18-90, 4-10-91, 9-1-92, Formerly 13A-1.015, Amended 8-24-93, 1-9-95, 7-6-98, 1-2-00, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Robert Hosay, Deputy Secretary, Department of Management Services

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: William Simon, Secretary, Department of Management Services

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 25, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 5, 2004

DEPARTMENT OF MANAGEMENT SERVICES

Division of Purchasing

RULE CHAPTER TITLE: General Regulations RULE CHAPTER NO.: 60A-1

RULE TITLE: Delegation to State University System RULE NO.: 60A-1.019

PURPOSE AND EFFECT: To repeal Rule 60A-1.019. There is no effect to the repeal, because the entity referenced in 60A-1.019, F.A.C., (the State University System) no longer exists. More recent statutory changes relating to the state's educational structure have rendered this section obsolete.

SUMMARY: A repeal of Rule 60A-1.019, F.A.C., which delegates certain powers to the State University System, an entity which no longer exists.

SPECIFIC AUTHORITY: 240.225 FS.

LAW IMPLEMENTED: 287 FS.

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

TIME AND DATE: 1:30 p.m. – 5:00 p.m., March 26, 2004

PLACE: Room 101, 4050 Esplanade Way, Tallahassee, Florida, 32399-0950

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Richard Brown, State Purchasing, 4050 Esplanade Way, Tallahassee, Florida 32399-0950, (850)488-3049, Fax (850)414-6122, E-mail: brownr2@dms.state.fl.us

THE FULL TEXT OF THE PROPOSED RULE IS:

60A-1.019 Delegation to State University System.

Specific Authority 240.225 FS. Law Implemented 287 FS. History--New 6-1-97, Repealed _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Robert Hosay, Deputy Secretary, Department of Management Services

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: William Simon, Secretary, Department of Management Services

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 25, 2004

DEPARTMENT OF MANAGEMENT SERVICES

Division of Purchasing

RULE CHAPTER TITLE: General Regulations RULE CHAPTER NO.: 60A-1

RULE TITLE: State Purchasing Agreements RULE NO.: 60A-1.025

PURPOSE AND EFFECT: The purpose of this rule is to establish procedures for requesting a State Purchasing Agreement to be procured by the Department of Management Services and to establish the contractual terms and conditions that will apply to such Agreements.

SUMMARY: This rule establishes procedures and a form necessary to request a State Purchasing Agreement from the Department of Management Services. The rule also establishes terms and conditions applicable to all State Purchasing Agreements.

SPECIFIC AUTHORITY: 287.042(12) FS.

LAW IMPLEMENTED: 287.042(2)(a) FS.

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

TIME AND DATE: 1:30 p.m. – 5:00 p.m., March 26, 2004

PLACE: Room 101, 4050 Esplanade Way, Tallahassee, Florida, 32399-0950

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Richard Brown, State Purchasing, 4050 Esplanade Way, Tallahassee, Florida 32399-0950, (850)488-3049, Fax (850)414-6122, E-mail: brownr2@dms.state.fl.us

THE FULL TEXT OF THE PROPOSED RULE IS:

60A-1.025 State Purchasing Agreements.

(1) Requesting a State Purchase Agreement. The Department may establish State Purchasing Agreements for use by eligible users. State Purchasing Agreements are driven by eligible users' requirements, and eligible users may request that the Department establish such agreements by submitting to the Department PUR 7721 (02/04), "Request for State Purchasing Agreement," which is hereby incorporated by reference. The commodity or service the eligible user wishes to acquire must be valued at less than Category Two in order to comply with the competitive solicitation requirements of s. 287.057, F.S.

(2) Establishing a State Purchase Agreement. After receiving PUR 7721 from an eligible user, the Department will attempt to establish a State Purchasing Agreement with a supplier offering the best value for the requested commodity or service. The supplier must agree to the terms contained in PUR 7722 (02/04), "State Purchasing Agreement," which is hereby incorporated by reference.

Specific Authority 287.042(12) FS. Law Implemented 287.042(2)(a) FS. History--New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Robert Hosay, Deputy Secretary, Department of Management Services

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: William Simon, Secretary, Department of Management Services

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 25, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 5, 2004

DEPARTMENT OF MANAGEMENT SERVICES

Division of Purchasing

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
General Regulations	60A-1
RULE TITLE:	RULE NO.:
Interagency Planning and Cooperation	60A-1.026
PURPOSE AND EFFECT: This rule aggregates disparate prior rules addressing similar issues of interagency purchasing planning and cooperation. The effect of the rule is to streamline and clarify agency responsibilities.	

SUMMARY: The rule requires agencies to provide certain purchasing information to the Department of Management Services, upon request.

SPECIFIC AUTHORITY: 287.042(12) FS.

LAW IMPLEMENTED: 287.042(9),(10) FS.

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

TIME AND DATE: 1:30 p.m. – 5:00 p.m., March 26, 2004

PLACE: Room 101, 4050 Esplanade Way, Tallahassee, Florida 32399-0950

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Richard Brown, State Purchasing, 4050 Esplanade Way, Tallahassee, Florida 32399-0950, (850)488-3049, Fax (850)414-6122, E-mail: brownr2@dms.state.fl.us

THE FULL TEXT OF THE PROPOSED RULE IS:

60A-1.026 Interagency Planning and Cooperation.

(1) Upon the request of and in the manner provided by the Department, an agency shall furnish tabulated estimates of all supplies, materials, equipment, and services the agency anticipates it will require for a specified time.

(2) Agencies shall comply with Section 288.705, F.S., and shall upon request, furnish to the Department a copy of any or all agency term contracts or competitive solicitations. Such provision to the Department will not relieve the agency of its responsibilities or serve as the Department's approval of the competitive solicitation.

Specific Authority 287.042(12) FS. Law Implemented 287.042(9),(10) FS. History--New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Robert Hosay, Deputy Secretary, Department of Management Services

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: William Simon, Secretary, Department of Management Services

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 25, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 5, 2004

DEPARTMENT OF MANAGEMENT SERVICES

Division of Purchasing

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
General Regulations	60A-1
RULE TITLE:	RULE NO.:
State Term Contracts; Usage and Exclusivity; Exceptions	60A-1.044

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

TIME AND DATE: 1:30 p.m. – 5:00 p.m., March 26, 2004

PLACE: Room 101, 4050 Esplanade Way, Tallahassee, Florida 32399-0950

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Richard Brown, State Purchasing, 4050 Esplanade Way, Tallahassee, Florida 32399-0950, (850)488-3049, Fax (850)414-6122, E-mail: brownr2@dms.state.fl.us

THE FULL TEXT OF THE PROPOSED RULE IS:

60A-1.047 Alternate Contract Sources of Commodities and Services.

(1) Requests for alternate contract source approval. Agencies may request permission from the Department to purchase commodities or services from term contracts or requirements contracts competitively established by other governmental entities. Agencies must submit Form PUR 7102, "Agency Request for Review of Alternate Contract Source," which is hereby incorporated by reference, in order to request permission. The contract must contain specific language or other legal authority authorizing third parties to make purchases from the contract with the vendor's consent.

(2) Approval of alternate contract source requests. If the Department determines that the agency's alternate contract source is cost-effective and in the best interest of the State, the Department shall approve the contract for use by the requesting agency. The Department reserves the right to approve the contract for a single transaction or multiple transactions.

(3) Department identification of alternate contract sources. The Department may independently identify term contracts or requirements contracts awarded by other governmental entities, and approve such alternate contract sources for use by agencies.

(4) Alternate contract sources available online. The Department shall maintain on its website a list of all current alternate contract sources and the agencies authorized to use such contracts.

(5) Cooperative Purchasing. An agency may include language in a term contract authorizing the Department to approve the contract as an alternate contract source if requested by another agency. The Department recommends the following sentence: "As provided in Section 287.042(16)(a), F.S., other state agencies may purchase from the resulting contract, provided that the Department of Management Services has determined that the contract's use is cost-effective and in the best interest of the State. Upon such approval, the Contractor may, at its discretion, sell these commodities or services to additional agencies, upon the terms and conditions contained herein."

Specific Authority 287.042(12) FS. Law Implemented 287.042(16) FS. History—New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Robert Hosay, Deputy Secretary, Department of Management Services

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: William Simon, Secretary, Department of Management Services

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 25, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 5, 2004

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Funeral Directors and Embalmers

RULE TITLE: Inspections RULE NO.: 61G8-22.002

PURPOSE AND EFFECT: The Board proposes to amend the criteria for the type of containers necessary for transportation of bodies.

SUMMARY: This proposed rule amendment specifies the criteria for types of containers required for the transportation of bodies and inspections prior to issuance and renewal of licenses.

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: 470.025(2) FS.

LAW IMPLEMENTED: 470.025(2) 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: Juanita Chastain, Executive Director, Board of Funeral Directors and Embalmers, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G8-22.002 Inspection.

Each cinerator facility shall be inspected prior to the issuance and renewal of its license and shall meet the following criteria:

(1) through (3) No change.

(4) Either have on site or immediately available sufficient gasketed metal sealed containers of a type required for the transportation of bodies as specified in Rule 10D-37.012, F.A.C.

(5) through (7) No change.

Specific Authority 470.025(2) FS. Law Implemented 470.025(2) FS. History--New 2-13-80, Amended 9-28-83, Formerly 21J-22-02, Amended 4-1-90, Formerly 21J-22.002, Amended 3-30-94.

NAME OF PERSON ORIGINATING PROPOSED RULE: Juanita Chastain, Executive Director, Board of Funeral Directors and Embalmers

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Funeral Directors and Embalmers

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 11, 2004

DATE NOTICE OF PROPOSED TULE DEVELOPMENT PUBLISHED IN FAW: February 6, 2004

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Landscape Architecture

RULE TITLE: Exemption of Spouses of Members of Armed Forces from Licensure Renewal Provisions
 RULE NO.: 61G10-11.0035

PURPOSE AND EFFECT: The Board proposes to exempt spouses of members of the Armed Forces from licensure renewal provisions.

SUMMARY: The proposed rule amendment sets forth the criteria for the exemption of spouses of members of the Armed Forces from licensure renewal provisions.

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: 455.02(2) FS.

LAW IMPLEMENTED: 455.02(2) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Juanita Chastain, Executive Director, Board of Landscape Architecture, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G10-11.0035 Exemption of Spouses of Members of Armed Forces from Licensure Renewal Provisions.

A licensee who is the spouse of a member of the Armed Forces of the United States and was caused to be absent from the State of Florida because of the spouse's duties with the Armed

Forces shall be exempt from all licensure renewal provisions of the Department during such absence so long as the spouse in the Armed Forces was in good standing with the military during the absence. The licensee must show proof to the department of the absence, its cause and the spouse's military status.

Specific Authority 455.02(2) FS. Law Implemented 455.02(2) FS. History--New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Juanita Chastain, Executive Director, Board of Landscape Architecture

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 7, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 26, 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

Board of Clinical Laboratory Personnel

RULE TITLE: Medical Errors
 RULE NO.: 64B3-5.001

PURPOSE AND EFFECT: The Board proposes to repeal the existing rule.

SUMMARY: The Board is repealing the rule relating to Medical Errors.

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 provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 456.013(7) FS.

LAW IMPLEMENTED: 456.013(7) 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 RULES IS: Joe Baker, Jr., Board Executive Director, Board of Clinical Laboratory Personnel, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

THE FULL TEXT OF THE PROPOSED RULES IS:

64B3-5.001 Medical Errors.

Specific Authority 456.013(7) FS. Law Implemented 456.013(7) FS. History--New 8-7-02, Repealed _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Clinical Laboratory Personnel

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Clinical Laboratory Personnel

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 24, 2003

DEPARTMENT OF HEALTH

Board of Clinical Laboratory Personnel

RULE TITLES: License Examinations Testing Service
RULE NOS.: 64B3-7.001 64B3-7.002

PURPOSE AND EFFECT: The Board proposes to repeal the existing rules.

SUMMARY: The Board is repealing the rules relating to License Examinations and the Department's Testing Service.

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 provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 456.013(7) FS.

LAW IMPLEMENTED: 456.013(7) 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: Joe Baker, Jr., Board Executive Director, Board of Clinical Laboratory Personnel, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

THE FULL TEXT OF THE PROPOSED RULE IS:

64B3-7.001 License Examinations.

Specific Authority 456.017, 483.809(2) FS. Law Implemented 456.017, 483.809(2) FS. History--New 5-12-93, Formerly 21KK-7.001, 61F3-7.001, Amended 12-5-95, Formerly 590-7.001, Amended 3-19-98, 6-23-98, 7-1-99, 4-10-01, 4-29-02, Repealed _____.

64B3-7.002 Testing Service.

Specific Authority 456.017, 483.809(2) FS. Law Implemented 456.017, 483.809(2) FS. History--New 12-5-95, Formerly 590-7.002, Repealed _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Clinical Laboratory Personnel

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Clinical Laboratory Personnel

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 24, 2003

DEPARTMENT OF HEALTH

Board of Clinical Laboratory Personnel

RULE TITLE: Scope of Practice Relative to Specialty of Licensure
RULE NO.: 64B3-10.005

PURPOSE AND EFFECT: The Board proposes to update and add to the existing rule text.

SUMMARY: In addition to reorganizing provisions, the Board explains the purpose and scope of andrology and embryology and the testing procedures that are involved, not to include sperm count and motility.

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 provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 483.805(4) FS.

LAW IMPLEMENTED: 483.813, 483.823, 483.825 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: Joe Baker, Jr., Executive Director, Board of Clinical Laboratory Personnel, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

THE FULL TEXT OF THE PROPOSED RULE IS:

64B3-10.005 Scope of Practice Relative to Specialty of Licensure.

The following rules are not intended to prevent collection and storage of specimens or the performance of manual pretesting procedures by persons who are exempt by statute or statutorily authorized within their scope of practice. Clinical laboratory personnel qualified as a physician director, a licensed director, supervisor, technologist or technician in the specialty or specialties indicated can perform testing identified as being within the specialty. Tests which are not yet classified shall be assigned by the Board upon review.

(1) through (14) No change.

(15) The purpose of the specialty of histocompatibility is to insure the best possible results of the determination of tissue compatibility, prevent transmitted infections, and to investigate and evaluate post-transplant problems. The specialty encompasses blood typing, HLA typing, HLA antibody

screening, disease markers, Cluster Designation specific to tissue compatibility, flow cytometry, crossmatching, HLA antibody identification, lymphocyte immunophenotyping, immunosuppressive drug assays, allogenic, isogenic and autologous bone marrow processing and storage, mixed lymphocyte culture, stem cell culture, cell mediated assays, and assays for the presence of cytokines. ~~Individuals working toward the eligibility requirement for application to take the Board approved certification exam in histocompatibility must be currently licensed as technologists or technicians in either serology/immunology or immunohematology. They must meet the requirements for eligibility to take the Board approved examinations in histocompatibility by receiving at least one year's notarized, documented relevant full-time work experience in an ABHI approved laboratory performing histocompatibility testing. They are eligible to apply for licensure in histocompatibility by endorsement.~~

(16) through (18) No change.

(19) The purpose of the specialties of andrology and embryology is to quantitatively and qualitatively evaluate gametes and embryos as well as their associated fluids and tissues, their production, maturation and release, their morphology, numbers and motility, chemistry and function, cellular development, and diagnostic testing for optimum management of primary and secondary infertility, fertility assessment, and fertility preservation. This would encompass all testing and procedures involved in the production and storage of gametes and embryos, including micro-techniques and cryopreservation of gametes, embryos, associated fluids and tissues. Simple sperm count and motility could be excluded from the category of andrology.

Specific Authority 483.805(4) FS. Law Implemented 483.813, 483.823, 483.825 FS. History--New 2-7-95, Amended 3-28-95, 7-12-95, 12-4-95, Formerly 590-10.005, Amended 3-19-98, 1-28-99, 11-24-99, 2-15-01, 2-20-02, 10-30-02, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Clinical Laboratory Personnel

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Clinical Laboratory Personnel

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 24, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 26, 2003

DEPARTMENT OF HEALTH

Board of Pharmacy

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

PURPOSE AND EFFECT: The Board proposes the rule amendment to establish standards of practice for the dispensing of prescriptions received over the internet.

SUMMARY: The proposed rule amendment sets forth the requirements for dispensing a prescription generated through the internet either pursuant to the Standards for Telemedicine Prescribing Practice or the confirmation of a valid patient-medical health care practitioner relationship.

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: 465.005, 465.0155, 465.018, 465.022 FS.

LAW IMPLEMENTED: 465.018, 465.022, 465.024 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: Danna Droz, Executive Director, Board of Pharmacy/MQA, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254

THE FULL TEXT OF THE PROPOSED RULE 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 has actual knowledge that the prescription for the medicinal drug was prescribed in a manner which does not comply with the Standards for Telemedicine Prescribing Practice set forth in Rule 64B8-9.014, F.A.C., or Rule 64B15-14.008, F.A.C., if those rules apply to the health care practitioner who created the prescription. In the absence of such actual knowledge a pharmacist shall be entitled to rely upon the compliance of the health care practitioner with those rules. If the prescription was created by a health care practitioner whose practice is not subject to the above-cited rules and is received over the internet as that term is defined in subsections 64B16-28.871(1) and (2), F.A.C., a pharmacist shall be required to confirm that the practitioner has a valid patient-medical health care practitioner relationship with a person authorized by law to prescribe drugs who has taken an appropriate patient history and who has had a face-to-face or visual encounter with the patient.

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 _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Pharmacy

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 9, 2004
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 3, 2003

DEPARTMENT OF HEALTH

Board of Pharmacy

RULE TITLE: Internet Permit
 RULE NO.: 64B16-28.871

PURPOSE AND EFFECT: The Board proposes a new rule to establish an internet permit and to provide standards for pharmacy practice when utilizing the internet.

SUMMARY: The proposed rule addresses the requirements of pharmacy practice via the internet.

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: 465.005, 465.0155, 466.022(1)(a)-(c),(f) FS.

LAW IMPLEMENTED: 465.015(2)(c), 465.0155, 465.0196, 465.022(1)(a)-(c),(f), 465.026 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: Danna Droz, Executive Director, Board of Pharmacy/MQA, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254

THE FULL TEXT OF THE PROPOSED RULE IS:

64B16-28.871 Internet Permit.

(1) As used herein the term "internet" means:

(a) The computer network commonly known as the Internet and any other computer network that is similar to or is a predecessor or successor of the Internet. (b) Any identifiable site on the Internet or such other computer network.

(2) The term "internet" includes, without limitation:

(a) A website or other similar site on the World Wide Web.

(b) A site that is identifiable through a Uniform Resource Location.

(c) A site on a computer network that is owned, operated, administered, or controlled by a provider of Internet service.

(d) An electronic bulletin board.

(e) A list server.

(f) A newsgroup.

(g) A chat room.

(3) An Internet Pharmacy is a pharmacy that utilizes the Internet for the reception of prescriptions, as defined in Section 465.003(14), Florida Statutes, for medicinal drugs as defined in Section 465.003(8), Florida Statutes, which it will then dispense to patients. Such a pharmacy shall obtain a Special Permit issued by the Board and comply with the following requirements: provided however, that an existing community pharmacy permittee may perform internet pharmacy functions without obtaining an additional permit under this section so long as such permittee complies with the following provisions.

(4) The Internet Pharmacy shall:

(a) Comply with all requirements of Chapter 64B16, F.A.C., and Chapter 465, Florida Statutes, which apply to community pharmacies.

(b) Maintain and enforce policies and procedures:

1. That assure the integrity, legitimacy, and authenticity of the prescription. When a prescription is transmitted to the pharmacy by way of facsimile transmission or other means as described in Rule 64B16-28.130, F.A.C., that transmission shall serve as the original prescription and the pharmacy shall advise the patient at the time of delivery of the medicinal drug that the prescription has been filled and may not be presented to another pharmacy for filling.

2. That assure that medicinal drugs are not dispensed in a manner which violates the standard of practice set forth in subsection 64B16-27.104(6), F.A.C.

3. Ensuring reasonable verification of the identity of the patient, prescribing health care practitioner, and if appropriate, the caregiver, in accordance with Chapters 465 and 893, Florida Statutes, and these rules.

4. Ensuring patient medication profiles and other related data are maintained in a readily accessible format and in a manner that facilitates consultation with the prescribing health care practitioner, the patient or the caregiver.

5. To assure patient confidentiality and the protection of patient identity and patient-specific information from inappropriate or nonessential access, use or distribution while such information is being transmitted via the internet and while the pharmacy possesses such information.

6. To assure that the prescription being filled was written and issued by a health care practitioner authorized to prescribe medicinal drugs and to assure that the medicinal drug dispensed is pursuant to such a prescription.

7. Requiring pharmacists to offer meaningful interactive consultation to the patient or caregiver.

8. Establishing a mechanism for patients to report suspected adverse drug reactions and errors and to provide for the pharmacy to take appropriate action regarding such suspected adverse drug reactions and errors.

9. That provide a mechanism to contact the patient and if necessary the prescribing health care practitioner if an undue delay is encountered in delivering the prescribed medicinal

drugs. "Undue delay" is defined as an extension of the normal delivery cycle sufficient to jeopardize or alter the patient treatment plan.

10. Establishing mechanisms to inform patients or caregivers about drug recalls.

11. Establishing mechanisms to educate patients and caregivers about appropriate means to dispose of expired, damaged or otherwise unusable medicinal drugs.

(c) Conduct a prospective drug use review prior to the dispensing of a medicinal drug.

(d) Not pay or receive any commission, bonus, kickback, or rebate or engage in any split fee arrangement in any form whatsoever which would violate the provisions of Section 465.185, Florida Statutes.

(e) In accordance with State and Federal laws and regulations:

1. Ship controlled substances via a secure and traceable means.

2. Assure that medicinal drugs are maintained with appropriate temperature, light, and humidity standards, as established by the United States Pharmacopoeia, during drug storage and shipment.

3. Comply with all applicable State and Federal law and regulations regarding the sale of over-the-counter products identified as precursors to the manufacture of or compounding of illegal drugs.

4. Maintain a Continuous Quality Improvement Program as described in Rule 64B16-27.300, F.A.C.

(f) Provide during its regular hours of operation, but not less than 6 days per week, for a minimum of 40 hours per week, a toll-free telephone service to facilitate communication between patients in this state and a pharmacist at the pharmacy who has access to the patient's records. This toll-free number must be disclosed on the label affixed to each container of dispensed medicinal drug.

Specific Authority 465.005, 465.0155, 466.022(1)(a)-(c),(f) FS. Law Implemented 465.015(2)(c), 465.0155, 465.0196, 465.022(1)(a)-(c),(f), 465.026 FS. History--New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Pharmacy

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 9, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 12, 2003

Section III Notices of Changes, Corrections and Withdrawals

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 MANAGEMENT SERVICES

Division of Facilities Management

RULE CHAPTER NO.: RULE CHAPTER TITLE:

60H-1 Leases for Real Property

RULE NOS.: RULE TITLES:

60H-1.001 Definitions

60H-1.003 Standard Lease Agreement Form

60H-1.015 Leases of 5,000 Square Feet or More

60H-1.017 Turnkey (Lease) Construction Program

60H-1.029 Evaluation of Responses

NOTICE OF CHANGE

Notice is given in accordance with subparagraph 120.54(3)(d)1., F.S., that the following changes have been made to proposed Chapter 60H-1, F.A.C., published in F.A.W., Page 312, Vol. 30, No. 4, on January 23, 2004. The changes are in response to comments submitted by the staff of the Joint Administrative Procedures Committee (JAPC) and comments made at the public hearing held on February 20, 2004. Changes were made to Rules 60H-1.001, 60H-1.003, 60H-1.015, 60H-1.017, and 60H-1.029, F.A.C., so that they now read:

60H-1.001 Definitions.

For the purposes of this Chapter, each of these words shall have the following meaning:

(1) through (12) No change.

(13) Competitive Solicitation – Means an invitation to bid, a request for proposals, or an invitation to negotiate.

Specific Authority 255.249, 255.25, 255.503(11) FS. Law Implemented 255.25(2), 255.503 FS. History--New 8-11-75, Amended 8-27-75, 4-25-79, Formerly 13D-7.01, Amended 3-18-86, Formerly 13M-1.001.