

Section I

Notices of Development of Proposed Rules and Negotiated Rulemaking

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Office of Agricultural Water Policy

RULE CHAPTER TITLE: RULE CHAPTER NO.:

Water Quality Best Management Practices (BMPs) for Nursery Operations 5M-8

PURPOSE AND EFFECT: The purpose of this notice is to initiate the development of a Best Management Practices (BMPs) manual for Florida Nursery Operations, to effect pollution reduction through the implementation of voluntary-incentive based practices determined to have a positive impact on water quality. Subsequently, the Department will initiate the formal rule adoption process in order to adopt these voluntary-incentive based practices by rule.

Multiple grower workshops and rule development meetings will be planned and noticed separately in the Florida Administrative Weekly as those dates are established. A preliminary draft of the BMP manual and/or draft rule language will be made available two weeks prior to each workshop and may be obtained by contacting the Department at the address below.

SUBJECT MATTER TO BE ADDRESSED: The subjects to be addressed at the workshops are the development of practices, the procedures for filing a Notice of Intent, and the appropriate record keeping requirements necessary for landowners to receive a presumption of compliance with state water quality standards.

SPECIFIC AUTHORITY: 403.067, 576.045 FS.

LAW IMPLEMENTED: 403.067(7)(d)1., 576.045(4) 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:

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Kenneth A. Kuhl, Environmental Administrator, Office of Agricultural Water Policy, 1203 Governors Square Blvd., Suite 200, Tallahassee, FL 32301, (850)488-6249, Fax (850)921-2153

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NOT CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

DEPARTMENT OF EDUCATION

State Board of Education

RULE TITLE: RULE NO.:
Noncertificated Instructional Personnel 6A-1.0502

PURPOSE AND EFFECT: The purpose of the rule development is to amend the rule to clarify that the requirements for employment of instructional personnel who do not hold a valid educator certificate are applicable to Florida public charter schools and that the governing boards of the charter schools shall adopt policies pursuant to this rule for the employment of such noncertificated personnel. Technical changes are also proposed. The effect will be a rule that delineates the requirements for charter school governing boards for instructional personnel who do not hold a valid Florida educator certificate.

SUBJECT AREA TO BE ADDRESSED: Charter school governing board policies for employment of instructional personnel who do not hold a valid Florida certificate.

SPECIFIC AUTHORITY: 1002.33(12), 1012.32, 1012.55(1), 1012.56(6) FS.

LAW IMPLEMENTED: 1002.33, 1012.32, 1012.55, 1012.56 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT A TIME, DATE AND PLACE TO BE ADVERTISED IN A FUTURE EDITION OF THE FLORIDA ADMINISTRATIVE WEEKLY.

Requests for the rule development workshop should be addressed: Lynn Abbott, Agency Clerk, Department of Education, Room 1514, Turlington Building, Tallahassee, Florida 32399-0400, (850)245-9661

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Betty Coxe, Deputy Chancellor, Department of Education, Room 514, 325 West Gaines Street, Tallahassee, Florida 32399-0400

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

DEPARTMENT OF EDUCATION

State Board of Education

RULE TITLE: RULE NO.:
Definition of Qualified Instructional Personnel 6A-1.0503

PURPOSE AND EFFECT: The purpose of the rule development is to amend the rule to authorize the governing board of a Florida public charter school to approve the appointment of and monitor the compliance of a charter school instructional employee who does not hold a valid Florida educator certificate in the subject(s) to which he or she may be assigned to teach. Technical changes are also proposed. The effect will be a rule that delineates the requirements and responsibilities of a charter school governing board in the employment of a teacher who is deemed to be out-of-field.

SUBJECT AREA TO BE ADDRESSED: Requirements, criteria, and responsibilities for charter school governing boards for the employment of out-of-field teachers are established and other technical changes are made.

SPECIFIC AUTHORITY: 1002.33(12), 1012.32, 1012.55(1), 1012.56(6) FS.

LAW IMPLEMENTED: 1002.33, 1012.32, 1012.55, 1012.56 FS.

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

Requests for the rule development workshop should be addressed to Lynn Abbott, Agency Clerk, Department of Education, Room 1514, Turlington Building, Tallahassee, Florida 32399-0400, (850)245-9661.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Betty Coxe, Deputy Chancellor, Department of Education, Room 514, 325 West Gaines Street, Tallahassee, Florida 32399-0400

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

DEPARTMENT OF EDUCATION

State Board of Education

RULE TITLES:	RULE NOS.:
Definitions	6A-14.002
Composition of Boards of Trustees	6A-14.024
Employment of a President	6A-14.026
Staff and Program Development	6A-14.029
Instruction and Awards in Community Colleges	6A-14.030
Withdrawal and Forgiveness	6A-14.0301
Personnel Contracts	6A-14.041
Issuance of Continuing Contracts	6A-14.0411
Personnel Records	6A-14.047
Instructional Personnel – Availability to Students	6A-14.049
Student Fees	6A-14.054
Student Fee Refunds	6A-14.0541
Student Activities	6A-14.057
Accountability Standards	6A-14.060
Financial Records and Reports	6A-14.072
Community College Budgets	6A-14.0716
Bidding Requirements	6A-14.0734
Receipt and Deposit of Funds	6A-14.075
FTE Calculation for the Community College Program Fund	6A-14.076
Investment of Funds	6A-14.0765
Auxiliary Enterprises	6A-14.077
Campus, Center, Special Purpose Center and Instructional Site Designations	6A-14.080

PURPOSE AND EFFECT: The purpose of these rules is to update, delete and clarify community college rules in keeping with the 2002 revision to the Florida Education Code. The effect of these rules is to update, delete and clarify community college rules in keeping with the 2002 revision to the Florida Education Code.

SUBJECT AREA TO BE ADDRESSED: Provisions concerning definitions; composition of boards of trustees; employment of a president; general powers of the president; staff and program development; instruction and awards in community colleges; withdrawal and forgiveness; acceleration mechanisms for program completion; personnel contracts; issuance of continuing contracts; military leave; personnel records; instructional personnel’s availability to students; student fees; student fee refunds; student activities; athletics; accountability standards; community college budgets, financial records and reports; procurement requirements; receipt, deposit and withdrawal of funds; FTE calculation for the community college program fund; capital outlay and debt service; investment of funds; auxiliary services and enterprises and undesignated gifts; campus, center, special purpose center, and instructional site designations; and religious observance by students.

SPECIFIC AUTHORITY: 1001.02-.03, 1001.10, 1001.61, 1001.64-.65, 1002.21, 1004.70, 1004.91-.94, 1006.53, 1007.22-.271, 1009.23, 1009.27, 1010.01-.02, 1010.08, 1010.58, 1011.01, 1011.30, 1011.82-.85, 1012.81-.83, 1012.855, 1013.36 FS.; Section 2, Chapter 2003-397, Laws of Florida.

LAW IMPLEMENTED: 1001.02-.03, 1001.10, 1001.61, 1001.64-.65, 1002.21, 1004.70, 1004.91-.94, 1006.53, 1007.22-.271, 1009.23, 1009.27, 1010.01-.02, 1010.08, 1010.58, 1011.01, 1011.30, 1011.82-.85, 1012.81-.83, 1012.855, 1013.36 FS.; Section 2, Chapter 2003-397, Laws of Florida.

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., February 27, 2004

PLACE: Rm. 1703, Turlington Building, 325 West Gaines Street, Tallahassee, Florida

Requests for the rule development workshop should be addressed to: Lynn Abbott, Department of Education, 325 W. Gaines Street, Room 1514, Tallahassee, Florida 32399-0400.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Edward L. Cisek, Vice-Chancellor for Financial Policy, Department of Education, 325 West Gaines Street, Rm. 1324, Tallahassee, Florida 32399-0400, (850)245-0448

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

DEPARTMENT OF TRANSPORTATION

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Construction Aggregates	14-103
RULE TITLES:	RULE NOS.:
Scope	14-103.001
Purpose	14-103.002
Definitions	14-103.003
Source Approval Requirements	14-103.004
Supplemental Source Requirements for Alternate Open-Graded Friction Course (FC) Aggregate	14-103.005
Quality Control Program	14-103.006
Approval Levels	14-103.007
Source and Product Certification Systems	14-103.0071
Producer Initiated Status Change	14-103.008
Suspension, Revocation, Expiration, or Denial of Source Approval	14-103.009
Emergency Action	14-103.010
Sampling and Testing Methods	14-103.011

PURPOSE AND EFFECT: Rule Chapter 14-103, F.A.C., is being amended.

SUBJECT AREA TO BE ADDRESSED: Rule Chapter 14-103, F.A.C., is being substantially amended, including the repeal of two rules and adoption of one new rule. The rule chapter title is revised.

SPECIFIC AUTHORITY: 334.044(2),(10)(c) FS.

LAW IMPLEMENTED: 334.044(10),(13), 337.105(1), 337.11, 337.164 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: James C. Myers, Clerk of Agency Proceedings, Florida Department of Transportation, Office of the General Counsel, 605 Suwannee Street, Mail Station 58, Tallahassee, Florida 32399-0458

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

14-103.001 Scope.

This rule chapter provides the requirements and procedures for obtaining and maintaining Department approval of developed and operational construction mineral aggregate sources (mines and redistribution terminals) and their individual construction aggregate products which are intended to be the source of specific construction aggregates for use on Department projects. Department approval is based upon the existence of suitable raw materials; processing facilities capable of producing specified aggregate meeting Department specification requirements; and an effective Quality Control Program assuring the continuing quality and uniformity of that production. ~~This source approval recognizes the existence of~~

~~suitable raw materials; processing facilities capable of producing specified aggregate meeting Department specification requirements; and an effective Quality Control Program assuring the continuing quality and uniformity of that production. Source approval for specific aggregates is the initial step in the Department's method of acceptance of aggregate for use on Department projects.~~

Specific Authority 334.044(2),(10)(c) FS. Law Implemented 334.044(10)(a),(b),(e),(13), 337.105(1), 337.11, 337.164 FS. History--New 10-20-92, Amended _____.

14-103.002 Purpose.

(1) This rule chapter sets out a standardized method for producers of construction aggregates to apply for, receive, and maintain Department approval of construction aggregate sources for use on Department projects. Source and product approval, and maintenance of an on-going effective Quality Control Program, as monitored by the Department's Quality Assurance procedures, the Department to approve sources for specific aggregates through a producer Quality Control Program (QCP). The Department's procedures for source approval and Quality Assurance, at the source and/or at the point of use or project, comprise the Department's primary methods of determining acceptability of accepting aggregate for use on Department projects. NOTE: A producer's failure to comply with the provisions of this rule chapter may also constitute matters affecting the status of the producer for purposes of qualification and responsibility under Rule Chapter 14-22, F.A.C.

(2) A Quality Control Program requires producers of construction materials to be responsible for their products; to establish, maintain, and implement their own individualized process control system; and to certify to the Department compliance of their product with applicable standards and contract specifications.

(3) Approval of a source by the Department and implementation of a Quality Assurance Program by the Department does not relieve the producer of the responsibility for compliance with the Quality Control Program or shipping aggregate which meet specifications. Contractors are also responsible for transporting and handling aggregate in a manner which will preclude significant variation in the properties of the aggregate. The Department reserves the right to test all aggregate at the point of use or at the project site to determine acceptability for use according to contract specifications.

(4) ~~Nothing in this rule chapter is intended to prohibit the evaluation and approval of any operation not specifically covered within this rule, that in the opinion of the Department, complies with the criteria set forth in this rule.~~

Specific Authority 334.044(2),(10)(c) FS. Law Implemented 334.044(10)(a),(b),(e),(13), 337.105(1), 337.11, 337.164 FS. History--New 10-20-92, Amended _____.

14-103.003 Definitions.

As used in this rule chapter, the term: The following words and phrases, as used in these rules, shall have the following meaning, except where the context clearly indicates a different meaning:

(1) “Addendum” means an approved revision to a written Quality Control Program. Addenda are in the form of an updated “record of changes” page, and the appropriate replacement page(s) modifying existing sections of the Quality Control Program submitted under cover letter for review and approval by the Department.

(2)(1) “Aggregate” means a granular construction mineral material such as sand, limerock, limestone, gravel, shell, slag, and crushed stone; manufactured materials such as expanded shales, slates, and clays; and recycled materials such as and crushed concrete, used as a component of mortars, concrete, or bituminous mixtures, or used alone as a base or sub-base courses, as a stabilizing material for base or subgrade, or as a loose assemblage for drainage, foundation, shore protection, bank protection, water barrier, filter material, bedding purposes, or for other construction materials and uses not yet developed, but which may have potential usage by the Department.

(3) “Certify” means that the producer affixes the statement “CERTIFIED FOR FDOT” or “CERT. FOR FDOT” to a shipping ticket to attest that this specific aggregate shipment was produced and shipped under a Department approved Quality Control Program and for which Quality Control tests indicate that the specific aggregate meets Department specifications and Department quality and uniformity requirements set out in Section (II)(B) of the Construction Aggregate Manual.

(4) “Construction Aggregate Manual” means the Department’s manual entitled “Construction Aggregate Manual, February 2001, prepared by the Department’s Aggregate Control Unit, which prescribes standardized methods of outlining the limits and frequencies for Quality Control sampling and testing of construction aggregates and material quality criteria for Department approval levels, which is incorporated in this rule chapter by reference.

(5)(2) “Department” means the Department of Transportation.

(6) “Direct Shipment” means a specified quantity of material shipped and certified in its entirety from an approved Type I, Type II, or Type IV source to a single point of use, or a location or conveyance controlled by and identified by the end user in its Department approved Quality Control Program

(7)(3) “Independent Assurance Program (IAP)” Samples” or “IAS” means an independent evaluation of all the sampling and testing procedures used in the Quality Control Program and the Department’s Quality Assurance Program. The Department will administer the IAP using personnel that do not otherwise have direct responsibility for the specific functions

under review, samples and tests performed by Department personnel who do not normally have direct responsibilities for Quality Control or Quality assurance sampling and testing. They are used for the purpose of making independent checks on the reliability of the QC-QA program, and are not used for determining the quality and acceptability of aggregate.

(8)(4) “Instructions for Coding of Aggregate Test Data for Computerization” means the Department’s manual of directions for completing standardized forms for the recording of aggregate test data and listing of the Department’s aggregate codes, Instructions for Coding of Aggregate Test Data for Computerization, prepared by Aggregate Control Unit July 1989, which is incorporated in this rule chapter by reference herein.

(5) “LBR” means Limerock Bearing Ratio, a quality test for base and sub-base materials.

(9)(6) “Lot” means an isolated quantity of a specified aggregate produced from a single source from in a single process operation.

(10)(7) “Lot-size” means a quantity of a specified material produced in a specified time period.

(a) The number of test results to be analyzed for compliance shall be the number of samples established by the Construction Aggregate Manual, but not to include results more than one calendar year old. For purposes of determining QC sampling frequencies, the data base lot-size shall be the most recent 30 test results available, but not to include results more than one calendar year old.

(b) The time period for which frequencies will be assigned shall be as specified in the Construction Aggregate Manual. For purposes of assigning QC sampling frequencies, the basic lot-size for which frequencies will be assigned, is one calendar week. However, for materials which exceed minimum specification requirements consistently, the lot-size may be increased in increments to a maximum of one calendar month.

(c) For purposes of material control, a lot shall consist of all materials of a specified grade or type that are produced over the time period specified in (b), above, from a single process at a mine, or received at a redistribution terminal, and are represented by test results obtained in accordance with assigned sampling frequencies. Lots that are to be evaluated and/or disposed of separately must be kept physically separated and distinct from other lots and material. For purposes of material acceptance, a lot size shall consist of all materials of a specific grade or type produced during one calendar week (Monday through Friday).

(11)(8) “Manual of Florida Sampling and Testing Methods” means the Department’s manual of standardized methods of sampling and testing of aggregates entitled “Manual of Florida Sampling and Testing Methods,” 2002 edition, which can be found on the World Wide Web (Internet) at <http://www11.myflorida.com/statematerialsoffice/QualitySystems/fstm/fstm.htm>, and (Topic No.:

675-050-027 e), as supplemented by the April 1997, version of Florida Method of Test FM 1-T 084 and Florida Method of Test FM 1-T 085, which is incorporated in this rule chapter by reference herein. If a dispute arises, the test methods that were in force at the time of the project letting date shall control for point of use acceptance of any aggregate products used on a specific project.

~~(9) “Mineral Aggregate Manual” means the Department’s manual entitled “Mineral Aggregate Manual, April 1997, Edition,” prepared by the Department’s Aggregate Control Unit, which prescribes standardized methods of outlining the limits and frequencies for Quality Control sampling and testing of mineral aggregates and material quality criteria for Department approval levels, which is incorporated herein.~~

(12) “Origin” means a single location serving as a recognized supply of raw material for subsequent processing by a Department-approved Type IV source.

(13) “Origin Number” means a unique number assigned by the Department to a location serving as a recognized supply of raw material for identification purposes. The origin number is the property of the Department, and is non-transferable.

~~(14)(10) “Point-of-Production” means any physical operation, not including redistribution terminals, involved with removing and processing material from the earth or involved with processing material for use as aggregate, and shall be described as a mine.~~

~~(15)(11) “Point-of-Use” refers to that point where the aggregate is incorporated into the project (i.e., project site, asphalt or concrete plant, etc.).~~

(16)(12) “Producer” means any business or individual seeking to supply aggregate to the Department or contractors of the Department. The producer must have legal rights to mine the aggregate and must be responsible for the mining (where applicable), processing, quality control, stockpiling, load-out, and certification of the aggregate. Evidence of the mining rights of the producer shall be provided in the form of a recorded deed or recorded leasehold interest that includes mineral rights to the surface and subsurface materials.

~~(17)(13) “Product” means a type, grade, or Department code of aggregate from a single process.~~

~~(18)(14) “Quality Assurance” or “QA” means the Department’s management method of evaluating the effectiveness of the producer’s Quality Control Program including the use of verification QA samples and test results, the IAP, and source inspections to monitor the quality, uniformity, and acceptability of aggregate.~~

(19)(15) “Quality Control” or “QC” means the producer’s management method of controlling and making adjustments to mining materials processing techniques, and materials handling, stockpiling, and load-out, including the use of QC samples and tests and other available information to establish and maintain the specified quality and uniformity of a product.

~~(20)(16) “Quality Control Program” or “QCP” means the over-all system developed and used by a producer that ensures that a product will meet specified quality standards, including documentation supporting its effectiveness.~~

~~(21)(17) “Recycled Material Processing Site” means any physical operation involved with processing previously used or manufactured material for reuse as aggregate, not to include recycled asphalt pavement (RAP); and is treated as a mine by the Department. Such a site is treated as a source by the Department.~~

(22)(18) “Redistribution Terminal” means a physical operation at a fixed location, not including the point-of-production, where aggregates are received from one or more approved sources, recombined from discrete haul units into common storage units, then redistributed for resale to more than one point of use mines for redistribution for use on Department projects.

~~(23)(19) “Source” means a physical location including mines, recycled material processing sites, and redistribution terminals, which has aggregate.~~

(24) “Source Number” means a unique number assigned by the Department to a source for identification purposes. The source number is the property of the Department, and is non-transferable.

(25) “Split Sample” means a representative portion of aggregate collected for testing purposes that is subdivided into two or four approximately equal sub-portions.

(26) “Verification Sample” means a sample collected by the Department or its designated agent for testing purposes to validate the quality of an aggregate product.

Specific Authority 334.044(2),(10)(c) FS. Law Implemented 334.044(10)(a),(b),(e),(13), 337.105(1), 337.11, 337.164 FS. History—New 10-20-92, Amended 11-3-97, _____.

14-103.004 Source Approval Requirements.

(1) A letter requesting source approval for specific aggregates shall be sent to the State Materials Engineer, Gainesville, Florida, and shall include:

(a) The producer’s ~~QCP Quality Control program~~. The evaluation and acquisition of a deposit shall be the responsibility of the producer. During initial preparation, the producer must formulate and implement a ~~QCP Quality Control Program~~ meeting the requirements of Rule 14-103.006, F.A.C. The ~~QCP program~~ must be individualized for each source based on the deposit characteristics, mining and processing and rehandling techniques, and initial test data or past performance. ~~The QC program must be submitted in writing to the State Materials Engineer for approval.~~

(b) Product Identification. The producer must identify the specific product(s) for which source approval is sought, establish that the identified product(s) meet Department standards and requirements, and establish process control of each product through sampling and testing. The producer must be able to demonstrate each product’s quality and degree of

control to the Department's satisfaction. The specific type and minimum number of tests required to establish quality and degree of control of each product is found in Section- (I)(A) of the Construction Mineral Aggregate Manual.

(c) Test ~~Data~~. Test ~~Data~~ submitted by the producer to the Department must indicate that each product from a single process meets the Department's quality and uniformity requirements for Department specifications as provided given in Section- (II)(A) of the Construction Mineral Aggregate Manual. The minimum testing and sampling requirements of Section- (I)(A) of the Construction Mineral Aggregate Manual must be met upon application for approval by the producer. Subsequent requests for product approval must meet the requirements of subsection 14-103.0071(3), F.A.C.

(2) Continuing approval is contingent upon the effectiveness of the producer's QCP Quality Control Program as evidenced by the quality and uniformity of the product(s) in accordance with Section- (II) of the Construction Mineral Aggregate Manual.

(3) It shall be the responsibility of the producer to ensure that all conditions of the QCP Quality Control Program are met ~~and complied with~~.

(4) All sources must pass initial on-site inspection by the Department, and subsequent monitoring and inspections, to verify compliance with this section and Rule 14-103.006, F.A.C. (QCP)- Verification sSamples will may be obtained by the Department to monitor the effectiveness of the producer's QCP as a check for correlation with samples submitted by the producer.

(5) The producer shall identify the means that will be used to certify its aggregate shipments. The producer shall certify each individual conveyance of aggregate intended for use on Department projects, unless the Department provides a written waiver of this requirement. Certifications must be made at time of shipment and be provided to the end user or Redistribution Terminal at time of delivery. A copy of each type of certification shall be included in the QCP. The following information must appear on each document (shipping ticket) used to certify or transmit certification of aggregate for Department use, regardless of mode of transport: Each individual shipment, of aggregate intended for usage on Department projects, by whatever mode of transport, must be certified by the producer as being produced under their QC program and meeting all applicable specifications. The following information must appear on each certification document (ticket or bill of lading):

(a) Department Source Numbers (Mine Number and/or Terminal Number) and Origin Number, where applicable. FDOT Mine Number and/or Terminal Number.

(b) Date.

(c) Quantity, ~~a~~Aggregate description and corresponding Department material code (from the Instruction For Computer Coding of Aggregate Test Data).

(d) Producer Ticket Number, which must be sequential for each individual source certifying the material.

(e) The statement "CERTIFIED FOR FDOT" or "CERT. FOR FDOT" is to be placed only on those shipping tickets for specific aggregates that the producer certifies were produced under a Department approved QCP Quality Control Program and for which QC Quality Control tests indicate that the specific aggregate meets quality and uniformity requirements set out in Section- (II)(B) of the Construction Mineral Aggregate Manual. Certification shall be made at time of shipment when the quantity of material is recorded on the shipping ticket.

(f) Aggregate for which known test results indicate non-compliance with specifications shall not be certified.

(g) The statement "DIRECT SHIPMENT CERT. FOR FDOT FROM MINE" is to be placed only on Redistribution Terminal shipping tickets used to deliver direct shipments of certified material through a Redistribution Terminal without additional testing in accordance with the following provisions:

1. The Redistribution Terminal must list this alternative method of delivery in its QCP and maintain at least one of its products on the full certification system.

2. The Redistribution Terminal must have on record written documentation that the specific end-user has identified this method of delivery in its QCP.

3. A direct shipment stored at a Redistribution Terminal shall be identified as to end-user and be kept isolated from other material.

4. The Redistribution Terminal must abide by storage, handling, and load-out procedures as described in its QCP.

5. The Redistribution Terminal must notify the Department by facsimile or electronic mail of the receipt of direct shipments.

6. The shipping ticket shall reference the producer ticket number (bill of lading) from the mine.

7. The statement "CERTIFIED FOR FDOT" or "CERT. FOR FDOT" shall not be used for direct shipments.

(6) Source Classifications. These classifications are based on the Department's ability and resources. In circumstances that preclude the Department's ability to perform its QA function at the source, the Department reserves the right to change a source classification with a minimum of one a month's notice given to the producer.

(a) Mines may be located in-state, out-of-state, or out-of-country.

1. Type I Mines are those mines located within Florida, and those out-of-state mines which are a one-way distance of less than 200 miles a half day (four hours) travel by roadway automobile from a Department District Materials Office. ~~These mines will be inspected weekly by the Department.~~ The mine may may make direct shipments for use on ship directly to Department projects or make shipments for subsequent testing

and re-certification by approved Redistribution Terminals or re-processing, testing, and certification by Type IV Mines, self certifying each shipment.

2. Type II Mines includes out-of-state mines, which are between 200 and 400 miles more than a one-way distance of a half day's (four hours) travel by roadway automobile from a Department District Materials Office but are within an overnight's trip range. These mines will be inspected quarterly by the Department. The mine may make direct shipments for use on ship directly to Department projects or make shipments for subsequent testing and re-certification by approved, or Redistribution Terminals or re-processing, testing, and certification by Type IV mines, self certifying each shipment. QA samples will be obtained at the point of use or redistribution terminal.

3. Type III Mines includes out-of-state (and out-of-country) mines which are more than 400 miles a one-way distance of a day's (eight hours) travel by automobile or cannot be accessed by automobile from a Department's District Material Office. The mine may not make direct shipments for use on Department projects. The mine may make shipments for Department use only for subsequent testing and re-certification by approved Redistribution Terminals or re-processing, testing, and certification by Type IV Mines. Shipments may only be made to Redistribution Terminals self certifying each shipment. The mine will be monitored at the redistribution terminal. These mines must provide their QC test date substantiating their compliance with Section (II)(B) of the *Construction Aggregate Manual*, prior to a Redistribution Terminal shipping any of its material for Department use, even if the Redistribution Terminal has completed its own testing mine numbers, material identifications and QC test data for each shipment to a Terminal. These mines will be inspected annually by the Department, with inspections of out-of-country mines being at the producer's expense.

4. Type IV Mines are those mines located within Florida that receive and process their raw (or partially processed) material from other sources or origins. Only one origin or source of material may be used to produce any single product. The producer (Type IV Mine) must obtain notarized documentation of the origin of each shipment of raw material used in its production. The producer shall supply a report certified under the requirements of Chapter 492, Florida Statutes, that aggregates in the origin are free of deleterious materials in accordance with all applicable Department specifications. Material certification from approved sources will be accepted to establish suitability of the raw or partially processed material; however, the producer shall be responsible for final processing and testing of each individual product. Type IV Mines receiving raw material from other than approved sources shall confirm the acceptability of the physical, chemical, and mechanical properties prior to final processing and certification of the material. The producer may

make direct shipments for use on Department projects and/or make shipments for subsequent testing and re-certification by approved Redistribution Terminals. Certification by the producer will require both the source and origin numbers. A Type IV Mine may seek dual status as a Redistribution Terminal. In such cases, the Department will issue separate source numbers and the producer will be required to keep functions of the two sources separate and distinct.

(b) Redistribution Terminals may only be located in state in state, or out of state if they are a one-way distance of less than 100 miles travel by roadway from a Department District Materials or Branch Office with the exception of those presently approved as of the date of the original adoption of this rule chapter. Redistribution Terminals may receive shipments for testing and re-certification from all approved sources. Prior to re-certifying the material for Department use, the Redistribution Terminal must perform additional QC tests for those aggregate characteristics subject to change due to handling, shipping, stockpiling, or other actions affecting aggregate characteristics. The Redistribution Terminal shall also perform additional QC tests as required by the *Construction Aggregate Manual* for material received from Type III Mines. Re-certification by the terminal will require both the Source Numbers (terminal and mine) and the origin number, if applicable. Redistribution Terminals may re-certify products to Department projects, end-users, Type IV Mines, or other Redistribution Terminals. Redistribution Terminals may also deliver direct shipments of certified material from Type I, Type II, or Type IV Mines without additional testing subject to the provisions of paragraph 14-103.004(5)(f), F.A.C. Approval of the terminal and the Quality Control Program at the terminal will be required, and the Department will assign a Terminal number. Material certification by the mine will be accepted; however, additional Quality Control tests for those aggregate characteristics subject to change due to handling, shipping, stockpiling, or other actions affecting aggregate characteristics, will be required at the time of reshipment from the terminal. Additional L.A. ("Los Angeles") Abrasion and Soundness QC tests will be required for materials from Type III mines. Certification by the terminal of materials for Department usage will require both mine and terminal numbers. These terminals will be inspected weekly by the Department.

Specific Authority 334.044(2),(10)(c) FS. Law Implemented 334.044(10)(a),(b),(e),(13), 337.105(1), 337.11, 337.164 FS. History--New 10-20-92, Amended 10-22-02, _____.

14-103.005 Supplemental Source Requirements for Alternate Open-Graded Friction Course (FC-2) Aggregate. Approval may be sought for coarse aggregate use in open-graded Friction Course (FC-5 2) not specifically mentioned by name in the Department's Standard Specifications for Road and Bridge Construction. The following approval requirements are in addition to the requirements of Rule 14-103.004, F.A.C., for such alternate

materials having characteristics which will result in a friction course providing acceptable long-term frictional characteristics. Once approved, coarse aggregate may be submitted in all Department friction course mixes subject to specification requirements.

(1) A detailed description of the location within the overall mining site of the specific deposit proposed for use in an FC-5, open graded friction course and a description of the unique characteristics of this deposit which can be used to differentiate it from other material occurring at the site. These characteristics will include such things as color, texture, hardness, physical or chemical properties, and other properties determined in accordance with the *Manual of Florida Sampling and Testing Methods* or in accordance with paragraph 14-103.006(14)(c), F.A.C. other recognized testing procedures in accordance with ASTM C295-85.

(2) An estimate of the quantity of material available.

(3) A determination of the acid insoluble material retained on the No. 200 mesh sieve (FM 5-510) must be submitted on at least five samples.

(4) Submission of any test data which the producer considers significant to potential friction characteristics, such as wear tests, hardness, crushed faces, angularity, and other relevant characteristics.

(5) The construction of a trial section of FC-5 pavement from the material will be required prior to a test section evaluation of the material as deemed necessary by the State Materials Office based on history of use and performance. The construction of the FC-5 trial section will be the sole responsibility of the producer. The State Materials Office will design the mix, monitor construction, obtain samples for evaluation, and test the friction characteristics of the surface. The trial section will be a minimum of 500 feet in length to accommodate friction testing, and shall be constructed on a roadway not maintained by the Department. No minimum traffic volume will be required for approval of trial sections.

(6) The information supplied by the producer, the inspection of the mine, and any the test results from a trial section ~~(when required)~~ will be reviewed by the State Materials Office. If the material indicates a potential for use in an FC-5 open graded friction course (FC-2), the producer will be notified and a test section will then be selected by the producer for Department evaluation of the wear characteristics of the material. The State Materials Office will assist the producer in the selection of a test section which meets the following criteria:

- (a) Minimum 50 miles per hours speed limit.
- (b) Minimum 14,000 Average Daily Traffic.
- (c) No intersection, ramps, driveways or curves.
- (d) Minimum of four lanes.
- (e) Minimum length of 1,000 feet.

A control section meeting the test section criteria and adjoining the test section will be constructed with a Department approved aggregate.

(7) Following the selection of a suitable test section, the producer will then provide sufficient material and make the necessary arrangements with the pPaving cContractor for construction of the FC-5 test section and FC-5 control section. Any additional costs incurred by the pPaving cContractor for the test section and control section will be the responsibility of the producer. The ~~Department's~~ State Materials Office will design the mixes, monitor construction and obtain samples for evaluation.

~~(8)~~ Friction tests will be conducted by the State Materials Office on the test section immediately after construction, then monthly for two months and thereafter at intervals of two months until the accumulated traffic reaches six million (vehicles) coverage ~~and/or~~ the friction number stabilizes. Friction tests will be conducted at 40 mph in accordance with ASTM E274-85 using both E501 (Rib) and the E524 (Blank) test tires. ~~Additional testing at 60 mph will also be conducted by the State Materials Office if determined to be necessary.~~ In the event that the friction number falls below 30 or the test section is otherwise determined to be a threat to public safety within the first two years of construction completion, the evaluation will be terminated and the producer will bear the cost of removing the FC-5 ~~and~~ and resurfacing the test section with an approved material. Prior to the construction of the test section, the producer must provide a signed and notarized statement agreeing to this responsibility.

~~(8)(9)~~ At the conclusion of the evaluation period ~~(six million coverage)~~ the friction number in the test section will be compared to friction numbers obtained in the control section and with friction numbers obtained using previously approved FC-5 ~~and~~ aggregates. If the test section is equivalent or better comparison is favorable, the State Materials Office will grant approval of the proposed aggregate contingent upon:

(a) The aggregate consistently maintaining the unique characteristics established by the State Materials Office that identify the specific deposit, and-

(b) The friction course utilizing the aggregate consistently producing friction numbers and other performance characteristics that the Department considers equivalent to the test section be acceptable on a job by job basis.

Specific Authority 334.044(2),(10)(c) FS. Law Implemented 334.044(10)(a),(b),(c),(13), 337.105(1), 337.11, 337.164 FS. History--New 10-20-92, Amended _____.

14-103.006 Quality Control Program.

~~(1)~~ The QCP Quality Control Program developed by the producer for each source shall contain at a minimum the following elements:

~~(1)(a)~~ Identification of the Physical Location of Source. The identification of the physical location of the source must include a description of the property site, township, range, and

section, and reference to the nearest identifiable points such as highways and towns, in order to find the location easily by public roadway ~~ear~~.

(2) ~~Location of Designated QC Office.~~ The source shall ~~designate the location of its QC office, which shall have responsibility for the administration of its QCP and the custodianship of QC records.~~ When the QC office is located ~~separate from the source, the identification must include the physical address and reference to the nearest identifiable points such as highways and towns, in order to find the location easily by public roadway.~~ An office, so designated, shall be ~~immediately available to its own QC personnel and the Department during all QC operations.~~ A copy of the QCP, ~~Construction Aggregate Manual,~~ and all pertinent excerpts and references of the *Manual of Florida Sampling and Testing Methods*, as well as current test data and control charts, shall be available at the QC office and to its personnel at all times.

(3) ~~Notarized Documentation of the Producer's Status.~~ See subsection 14-103.003(16), F.A.C.

(4)(b) ~~A Production Flow Diagram.~~ The production flow diagram must include a step-by-step written description or flow chart indicating the points involved with all aspects of mining, ~~and processing, sampling, and testing~~ the aggregate from natural state to finished product.

(5)(e) ~~Labeling Stored or Stockpiles of Aggregate.~~ The labeling of stockpiles, storage silos, bins, etc. of aggregate must include the clear and precise labeling by sign ~~of the aggregate, or the placement of the aggregate in designated labeled areas identifying it as to grade and intended for Department code use.~~

(6)(d) ~~Prevention of Contamination, and Segregation, and Degradation.~~ The handling and storage of aggregates shall be in such manner as to minimize any segregation or degradation and to prevent contamination by foreign materials. When stockpiles of aggregates cannot be stored sufficiently remote from each other to prevent mixing, suitable baffles shall be provided which will prevent intermingling of the different stockpiles.

(7)(e) ~~A Loading and Shipping Controls Program.~~ A loading and shipping controls program must include a detailed description of the methods by which the product is to be loaded and shipped for use on Department projects, including safeguards against loading improper aggregate and contamination, degradation, ~~or and segregation of aggregate.~~ The program shall also include methods of ~~ensuring~~ cleaning of all shipping units and accurate identification and certification of products.

(8)(f) ~~A Sampling Plan.~~ A sampling plan ~~identifying all must contain a complete sampling description including specific sampling points and or locations, including intermediate points in process control even though the data will not be entered into the Department's computer program, as well as sampling of the finished product that is as closely~~

~~representative of shipped material as possible sampling devices or techniques and sampling frequencies.~~ Sampling methods must be described in detail and ~~much meet approval by Department standards~~ in accordance with the *Manual of Florida Sampling and Testing Methods*, and must be based on standard statistical practices, including the designation of lots and sub-lots, if applicable.

(g) ~~Minimum Quality Control.~~ The sampling and testing frequencies are set by the Department in accordance with ~~Sec. 14-103.003(16)~~ of the *Mineral Aggregate Manual*.

(9)(h) ~~Initial Quality Control.~~ The Department will assign the initial sampling and testing frequencies for newly approved products until a history of test data is developed. ~~The initial sampling and testing frequencies are assigned by the Department until a history of test data is developed. Any Quality Control sampling and testing frequency reduction must be applied for in writing to the Department and supported by applicable QC data.~~

(10) ~~Minimum Quality Control.~~ The Department will assign QC sampling frequencies for products on the ~~Conditional QC Certification System in accordance with subsection 14-103.007(2), F.A.C.~~ For products on the Full QC Certification System, the producer shall monitor its data to assure continued compliance with Section (I)(B) and Section (II) of the *Construction Aggregate Manual*. The producer shall notify the Department in writing of any prescribed changes in product status or QC sampling frequencies. Any reduction in QC sampling and testing frequencies must be pre-approved by the Department and be supported by applicable QC and verification data. The Department will assign QC sampling frequencies for products on the Full QC Certification System in accordance with Section (I)(B) of the *Construction Aggregate Manual*.

(11)(i) ~~Analysis and Recording of Data.~~

(a) ~~The producer must have the necessary equipment (i.e., computer calculator, etc.) to perform statistical analyses and maintain adequate records of all samples, tests results (including worksheets and sample weights), and other actions to verify the effectiveness of its QCP and to substantiate aggregate compliance with all applicable to Department specifications. These records shall indicate the nature and number of tests made, statistical analysis, the number and types of deficiencies found, the quantities approved and rejected, and the nature of the corrective actions taken, as appropriate. Producer test data is to be recorded in standardized format on appropriate. The Department will initially provide the appropriate computer coding forms and/or electronic submittal formats. Computer Coding forms initially provided by the Department.~~

(b) ~~The QCP shall include a procedure that will chart, review, and analyze test data so as to effectively evaluate control of the process. The control charts and analyses shall be maintained current with each day's test results and be~~

immediately available for review by QC and Department personnel. Other data must be maintained and available for inspection by Department personnel. As a minimum, the Department will require control charts for gradation on critical sieves, and for other required tests for which the producer's initial approval data indicates less than the 100% compliance level shown in Appendices 1 through 21 of the *Construction Aggregate Manual*. The producer may determine the type of control chart most useful in the process; however, control charts using average and range will be considered the minimum acceptable in the absence of more advanced charting. The producer may chart process control tests in lieu of QC tests, provided that process control samples are taken from the finished product and are at a greater frequency than the QC tests. 2. Control charts shall be maintained and visibly displayed by the Producer at the source on the aggregate characteristics designated by the Department; other data must be maintained and available. The QCP must include examples of the control charts used.

(c) All QC test results for materials produced under this rule chapter must be reported to the Department. The producer shall monitor its own data for compliance with Section (I)(B) and Section (II) of the *Construction Aggregate Manual*. When there is an indication that the process is not being adequately controlled in compliance with the QCP, the producer shall immediately take the necessary steps to adjust the process. 3. All conforming and nonconforming test results representing materials which will be certified for use on Department projects must be recorded and all charts kept up to date. A copy of the QCP, *Mineral Aggregate Manual*, all pertinent excerpts of the *Manual of Florida Sampling and Testing Methods*, as well as current test data and control charts shall be available at the source at all times. The producer must monitor their own QC program. When there is an indication that the process is not being adequately controlled, the producer must immediately take the necessary steps to adjust the process.

(12)(j) Responsibilities of Personnel List. The producer must have a list describing the responsibilities and authority of all personnel involved with the QCP, including supervisors, analysts, technicians, and contact(s). All personnel should be informed of the exact nature of their duties as they apply to the program. By January 1, 2005, a QC Manager must be designated as having control over the QCP, and a QC technician designated for each mine. A copy of the QCP shall be on site at the source and available for review by all source personnel during all hours of operation. The QC Manager must. A person must be designated as having control over the QCP.

(a) Have full authority to act as the source's agent to institute any and all action necessary for the successful implementation of the QCP.

(b) Fluently speak and understand English.

(c) Be on site at the source or be available upon four hours notice to administer the QCP.

(d) Be qualified as an Aggregate Quality Control Manager through the Department's Construction Training Qualification Program.

(13)(k) A Plan for Dealing with Control Failures. Control failures are defined by the producer in the QCP to deal with those failures in the QCP administration that may lead to material not complying with Department specifications and standards, or when production under the QCP must be halted to resolve problems leading to product not meeting the specifications. The producer must submit a contingency plan in the event of test results indicating a control failure, to include the following three points:

(a)1- Notification of the Department as—As soon as results indicating a control failure results are known, the Department is to be notified.

(b)2- Investigation—An investigation to determine the extent and location of the cause of the control failure.

(c)3- Resolution. Corrective action will be taken to eliminate the cause of the failure.

4- FDOT Notification. The Department shall will be notified in writing as to the corrective actions taken to assure quality and the disposition of aggregate represented by the control failure. This written notification will become part of the QCP.

1. Corrective actions need not be in the form an Addendum if no changes are being made to the QCP; however, documentation of corrective actions, to include maintenance logs, process control reports, or other supporting documentation must be provided. The Department will notify the producer of unacceptable submittals that are not in compliance with this rule chapter within five business days of receipt. Addenda that do not comply with the provisions of this rule chapter will be rejected.

2. Procedural steps to detect and prevent future occurrences of the conditions leading up to the control failure should be addressed through Addenda to the QCP. Addenda shall consist of a cover letter explaining the corrective action, an updated "record of changes," and the appropriate revised pages to the QCP. Addenda are subject to review and approval by the Department. The Department will notify the producer of unacceptable submittals that are not in compliance with this rule chapter within five business days of receipt. Addenda that do not comply with the provisions of this rule chapter will be rejected.

(14)(l) Testing.

(a)1- Laboratory. Each source must designate either its their own laboratory and/or a commercial laboratory for the performance of QC testing. Laboratories so designated must be equipped to run all applicable tests with equipment and technicians meeting Department standards. A list of testing equipment and facilities meeting Department requirements

must be submitted. Only a Department approved laboratory shall be used for QC testing. Laboratories shall be qualified under one of the following and have current Department approval during testing of Department products: If the laboratory has not been inspected for compliance with Department methods, as specified in Section 14-103.006(1)(i)3., it must be inspected and found satisfactory prior to approval. Records on instrument calibration and maintenance, sample collection and analyses times must be maintained at the laboratory. The Department may require a demonstration of the accuracy of the equipment.

1.2. QC Technicians. QC technicians must be designated and identified by the producer and include with a list of qualifications; they must have successfully completed the Department's Construction Training Qualification Program for Aggregate Technicians. QC technicians must successfully participate in the Department's IAP in order to remain qualified, be capable of running all applicable tests, and must demonstrate proficiency to the Department and be certified by the Department for test procedures as applicable.

2.3. Methods. Testing or sampling methods and the equipment, technicians, and procedures to be used as the basis for producer certification of materials must be described in detail and must be by standard Department methods in accordance with the Manual of Florida Sampling and Testing Methods (sections pertaining to aggregates), incorporated by reference under subsection 14-103.003(11), F.A.C., or by methods published as standards by the American Association of State Highway and Transportation Officials, or as incorporated in Standard Methods, American Society for Testing and materials, or the Construction Aggregate Manual incorporated by reference under subsection 14-103.003(4), F.A.C. (8)- Alternative testing methods and procedures may be used by the producer when such procedures provide, at a minimum, the quality control required by the program. Equivalent, alternative methods must be approved by the Secretary of the Department as meeting the required QC. Prior to utilizing such alternatives the producer must describe the changes proposed in a written proposal and demonstrate that their effectiveness is equal to or better than the standard Department procedures in the Manual of Florida Sampling and Testing Methods. Such approval of alternate methods shall be based upon a technical demonstration, through comparison of analyses of replicate samples, that the proposed alternate method measures the relevant characteristics with the same degree of accuracy as the approved method. Prior to utilizing such alternatives the producer must describe the changes proposed in a written proposal and demonstrate that their effectiveness is equal to or better than the standard Department procedures in the Manual of Florida Sampling and Testing Methods. In the case of disputes as to whether certain procedures provide equal control, the procedures specified in the Manual of Florida Sampling and Testing Methods required by the Department shall apply.

(d)4. Turn-Around-Time. All producers must state the period of time it will take for test results to be available at their QC office and to be reported to the Department inspection personnel in accordance with the limits of Section- (I)(C) of the Construction Mineral Aggregate Manual.

(15)(m) Identification of Aggregate. Each producer must furnish a list of aggregate grades, product number, or other identification of aggregate if they produce or redistributes under an approved QCP and intends to certify for use on Department projects with the corresponding Department Aggregate Description and Code from the Instructions for Coding of Aggregate Test Data for Computerization Instructions for Computer Coding of Aggregate Test Data.

(2) The Department will monitor all data and set the source level of approval as necessary. It will also review the data upon request by the producer and make all the source's data available for inspection at the State Materials Office in Gainesville.

Specific Authority 334.044(2),(10)(c) FS. Law Implemented 334.044(10)(a),(b),(e),(13), 337.105(1), 337.11, 337.164 FS. History--New 10-20-92, Amended _____.

14-103.007 Approval Levels.

Specific Authority 334.044(2),(10)(c) FS. Law Implemented 334.044(10)(a),(b),(e),(13), 337.105(1), 337.11, 337.164 FS. History--New 10-20-92, Repealed _____.

14-103.0071 Source and Product Certification Systems.

Approved sources may certify approved products through either a Conditional QC Certification System or a Full QC Certification System. The Department will inspect the source, monitor the producer's QCP, and determine the system under which the producer may certify the product.

(1) Full QC Certification System. A producer may employ the Full QC Certification System for an approved source and its approved products that meet the conditions of this subsection, including paragraphs (a) through (k) below. The Department will inform the producer in writing at such time as the Department will accept certification of a product pursuant to the Full QC Certification System. Under the Full QC Certification System, the producer may certify and ship a product based on its own QC data meeting the requirements of Section (II)(B) of the Construction Aggregate Manual. However, the Department reserves the right to reject any defective material based on its own verification testing. The Department will periodically direct the collection of verification samples from selected products that are being certified under the Full QC Certification System. The verification data will be compared with the QC data over an equivalent time period in order to validate the quality of aggregate certified under the Full QC Certification System. The Department may consider supporting documentation in its evaluation of the data. The Department will investigate the possible cause(s) for any unfavorable comparisons through additional verification inspections, sampling and testing, and

review of its own verification procedures. The producer shall fully participate in the Department's review of the QC operation, including, but not limited to: increased sampling frequencies, sample retention, split sample comparisons, and additional inspections. If the Department is unable to validate the QC data's compliance with the limits and standards of Section (II)(B) of the *Construction Aggregate Manual*, the product will be removed from the Full QC Certification System. The following additional requirements apply to sources using the Full QC Certification System:

(a) The producer shall consistently perform proper and timely sampling and testing of its aggregate products pursuant to the frequencies approved by the Department as modified by the increased minimum requirements set out in Section (I)(B) of the *Construction Aggregate Manual*, and Appendices 1 through 22 thereto.

(b) The producer shall maintain proper and timely records and have accurate test data and control charts available for itself and for Department inspectors in accordance with the limits of Section (I)(C) of the *Construction Aggregate Manual*.

(c) The producer shall keep in force the procedures specified in its approved QCP, except upon prior Department approval.

(d) The producer shall certify only shipments of approved products, consisting solely of aggregate produced under its Department-approved QCP.

(e) The producer shall keep materials not processed under its QCP separate and distinct from aggregates intended for certification.

(f) The producer shall properly certify or transmit certification for all shipments of aggregate intended for usage on Department projects in accordance with subsection 14-103.004(5), F.A.C., unless the Department specifically changes the project's certification requirement.

(g) The producer shall demonstrate effective implementation of its QCP by consistently controlling production of aggregates so as to comply with Section (II)(B) of the *Construction Aggregate Manual*.

(h) The producer's plan for dealing with control failures as specified in subsection 14-103.004(13), F.A.C., shall be effective in identifying control failures prior to the product falling below the limits set out in Section (II)(B) of the *Construction Aggregate Manual*.

1. Upon timely notification to the Department of a control failure, the producer may continue to certify material under the Full QC Certification System even though affected data subsequent to the notification falls outside the limits set out in Section (II)(C) of the *Construction Aggregate Manual*, provided the following additional requirements are met:

a. The producer shall identify the cause of the control failure pursuant to subsection 14-103.006(13), F.A.C., and implement corrective actions to prevent reoccurrence.

b. The producer may request a re-initialization of the product's data, starting with the effective date of the corrective action, based on a determination by the Department that the corrective action can reasonably be expected to prevent reoccurrence of the control failure and assure continued compliance with Section (II)(B) of the *Construction Aggregate Manual*.

c. Analysis of data for test results generated subsequent to the corrective action must meet the requirements of Section (II)(B) of the *Construction Aggregate Manual*.

2. Three or more control failures that result in the use of subsection 1, above, for the same product during any 365-day period shall be considered prima facie evidence that the QCP has been ineffective in consistently controlling production of aggregates so as to comply with Section (II)(B) of the *Construction Aggregate Manual*.

3. When a product's compliance level mandates a change as described in Section (II)(B) and Section (II)(C) of the *Construction Aggregate Manual*, without the producer giving timely notification as specified in subsection 1, above, the Department will remove the product from the list of approved products. The producer may request re-instatement of the product under the Conditional QC Certification System.

(i) The producer's designated laboratory shall maintain up-to-date and accurate Quality Control records, including: a log of sample collection and identification, laboratory work sheets, test results, records of technician and laboratory qualifications, and information on instrument calibration and maintenance.

(j) The producer and its designated laboratory shall maintain properly trained and qualified QC personnel, accurate and satisfactory test equipment, and proper procedures.

(k) Independent verification testing, as performed by the Department, must confirm that material shipped complies with all applicable specifications.

(2) Conditional QC Certification System. A producer may employ the Conditional QC Certification System for an approved source and its approved products that meet the conditions of this subsection, including paragraphs (a) through (d) below. A producer that uses the Conditional QC Certification System may only certify aggregate from isolated stockpiles released for shipment by the Department. The producer must still comply with its QCP, and evaluate its data to determine compliance with Section (II)(C) of the *Construction Aggregate Manual*. However, only individual stockpiles for which QC data has been found to meet the requirements of Section II (B) of the *Construction Aggregate Manual* may be proposed for acceptance. The Department will set the QC sampling frequencies necessary to establish compliance. Pre-tested stockpiles will be subject to independent verification tests meeting specification requirements prior to release.

(a) When the Department determines that a producer has not met the requirements in subsection 14-103.0071(1), F.A.C., it will advise the producer in writing that the Department will no longer accept certification of products pursuant to the Full QC Certification System. The producer shall thereafter employ the Conditional QC Certification System and shall, within 90 days after receipt of the written Department notification, demonstrate that it is back in full compliance with the conditions of the Full QC Certification System. If the producer has not made this demonstration within this period, the source or product shall be subject to suspension pursuant to Rule 14-103.009, F.A.C.

(b) When QC results for aggregate properties determined by a test method fall below Department compliance levels in Section (II)(B) of the *Construction Aggregate Manual*, or cannot be validated by the Department's own verification testing, sampling frequency for that test method will be increased to a level no greater than the maximum stated in the *Construction Aggregate Manual*. For products reinstated under the Conditional QC Certification System, the Department will set the minimum QC sampling frequencies applicable for those test methods at a level specified for less than 95% compliance as shown in Appendices 1 through 21 of the *Construction Aggregate Manual*. Other test methods, for which the Department is able to establish continued compliance with Section (II)(B) of the *Construction Aggregate Manual*, may continue to be sampled, tested, and evaluated at the previously established frequencies. However, test methods for which data had previously fallen below compliance or could not be validated by the Department's own verification testing will be based on test results for the individual stockpile.

(c) The producer shall physically combine individual "lots" up to but not exceeding a total of one week's production, for the purposes of creating a pre-tested stockpile for evaluation and disposition in accordance with Section (II)(B) of the *Construction Aggregate Manual*.

(d) The producer may request approval to certify a product without the need for verification testing, based on Department review and a determination that the producer's QCP and its history of operations indicate that the producer can reasonably be expected to satisfy the conditions of Section (II)(B) of the *Construction Aggregate Manual*.

(e) The producer may request to ship part or all of a pre-tested stockpile, uncertified and not for usage on Department projects, prior to completion or evaluation of the stockpile. The producer shall provide timely notification to the Department to allow for the option of independent verification testing. Shipment of part or all of a pre-tested stockpile without such notification shall disqualify the stockpile for certification and void the use of its data for establishing product compliance.

(f) Limitations on the production of aggregate from specific layers, pits, or locations within a mine, and other controls or tests addressing specific mining or processing problems, will be imposed for a particular source or product to ensure the quality and acceptability of a source or product for use in Department projects. This will include limitations on uses of a product to certain types of projects where there are unique product performance characteristics or interactions.

(3) New Approvals.

(a) A producer that has received approval of a new source pursuant to Rule 14-103.004, F.A.C., shall employ the Conditional QC Certification System for a period necessary to demonstrate that it has fully and properly implemented its proposed QCP and to provide data for statistical analysis to determine whether at least one product satisfies the conditions of Section (II)(B) of the *Construction Aggregate Manual*. The Conditional QC Certification System may also be employed for new requests for the addition of aggregate products at Redistribution Terminals from Type I, Type II, and Type IV approved sources provided there are no changes in the terminal's process. The evaluation period for new sources shall not exceed 90 days of operation, except for base operations which shall not exceed 180 days. If, within this period, the producer has not demonstrated that it has fully and properly implemented its proposed QCP for the new source or has not provided data for statistical analysis to show that one of its products satisfies the conditions of Section (II)(B) of the *Construction Aggregate Manual*, the new source shall be subject to suspension pursuant to Rule 14-103.009, F.A.C.

(b) Mines and Redistribution Terminals operating under the Full QC Certification System may request approval of new products based on a full submission of data in accordance with Sections (I)(A) and (II)(A) of the *Construction Aggregate Manual*, provided there is no change to the process. The source must submit an Addendum to its QCP to reflect any changes in its production flow diagram, loading and shipping controls, or sampling plan. Upon approval of the product, the source may certify the material pursuant to the Full QC Certification System.

(c) An approved Redistribution Terminal may request approval to redistribute products from Type I, Type II, or Type IV Mines under the Conditional QC Certification System without a full submission of data as specified in Section I(A) of the *Construction Aggregate Manual*, provided there are no changes to the Redistribution Terminal's process. The Redistribution Terminal must notify the mine of its intent to seek approval of the Redistribution Terminal and request data for the material shipped. Gradation targets to establish control bands for the product will be set by the Department based on the correlation between the mine's data and the Redistribution Terminal's results for its first pre-tested stockpile. In no case shall the Redistribution Terminal's targets be set lower than the mine's. Products shall continue to be certified on the

Conditional QC Certification System until sufficient QC data is available for statistical analysis to determine that the product satisfies the conditions of Section (II)(B) of the *Construction Aggregate Manual*.

(4) Reinstated Products.

(a) Materials previously removed from the list of approved products due to a change in compliance level from Section (II)(B) to Section (II)(C) of the *Construction Aggregate Manual* will only be reinstated once the Department has received satisfactory written notification of the producer's corrective action.

1. The initial written notification need not be in the form an Addendum if no changes are being made to the QCP; however, at a minimum, the notification must describe the extent of the non-compliance and the actions taken to assure the quality and the disposition of aggregate represented by the control failure. This written notification will become part of the QCP. The producer may request a reinstatement of the product under the Conditional QC Certification System pending review by the Department. The Department will notify the producer of unacceptable submittals within three business days of receipt.

2. Procedural steps to detect and prevent future occurrences of the conditions leading up to the non-compliance shall be addressed through an Addendum to the QCP. The Addendum shall consist of a cover letter explaining the corrective action, an updated "record of changes," and the appropriate revised pages to the QCP. Addenda that do not comply with the provisions of this rule chapter will be rejected. The Department will notify the producer of unacceptable submittals within five business days of receipt. Upon Department approval of the Addendum, the producer may request a return to the Full QC Certification System based on a full submission of data in accordance with Sections (I)(A) and (II)(A) of the *Construction Aggregate Manual*. Data generated while under the Conditional QC Certification System shall be included in the submittal.

(b) Suspended products may only be reinstated after the Department has received and accepted a satisfactory Addendum addressing steps to detect and prevent future occurrences of the conditions leading up to the suspension. Addenda that do not comply with the provisions of this rule chapter will be rejected. The Department will notify the producer of unacceptable submittals within five business days of receipt. Upon Departmental approval of the Addendum, the producer may request to re-instate the product under the conditional certification system based on a full submission of data in accordance with Sections (I)(A) and (II)(A) of the *Construction Aggregate Manual*.

Specific Authority 120.53(1), 334.044(2) FS. Law Implemented 120.53(1), 334.044(10),(13), 337.105(1), 337.11, 337.164 FS. History—New _____.

14-103.008 Producer Initiated Status Change.

With the concurrence of the Department, a A producer may request to be placed on voluntary suspension, or to remove a product or products from its approved products list, have their Quality Control program held in abeyance for reasons related to problems with the quality or control of its their aggregate.

(1) Should the producer elect to change a source's approval status take this action (i.e., from the Full or Conditional QC Certification System Approval to Suspension), the QC Quality Control required under the source's previous and Quality controls required under that approval level will be in effect; however, minimum time requirements restricting sources in some approval levels will not apply. The maximum time the source can remain in that approval level and restrictions on shipping of products will remain as stated stipulated in Rule 14-103.009, F.A.C.

(2) Upon resolution of the problem, the producer may request a return to its their former approval level and control. This These requests must be made in writing to the State Materials Engineer.

Specific Authority 334.044(2),(10)(c) FS. Law Implemented 334.044(10)(a),(b),(c),(13), 337.105(1), 337.11, 337.164 FS. History—New 10-20-92, Amended _____.

14-103.009 Suspension, Revocation, Expiration, or Denial of Source Approval.

(1) Suspension. When source approval is suspended, the producer is restricted from shipping all products for use usage on Department projects.

(a) An individual product shall be suspended when QC test results fall outside the ranges specified in Section II (D) of the *Construction Aggregate Manual*.

(b)(a) A source shall be suspended when one of the following occurs:

1. Failure to timely supply information required by this rule.
2. Failure of material to meet specification requirements.
3. Failure to take immediate corrective action relative to deficiencies in the performance of the QCP. The producer fails to take immediate corrective action relative to deficiencies in the performance of the Quality Control Program.
4. Certification of material not produced under an approved QCP. The producer certifies material not produced under an approved QC Program for use on Department projects.
5. Failure to correct any identified deficiency within 30 days after Department notice. The producer fails to correct any deficiency related to any requirement of this rule, having received notice from the Department, within a reasonable amount of time not to exceed 30 days.

(c)(b) Time Limits. A source placed under suspension must remain suspended for a minimum period of 30 days, but not more than 90 days, If the problems are corrected within

this time frame, the source will be placed on Conditional Approval. If the problems have not been corrected, the source's approval will be revoked.

(2) Revocation. When source approval is revoked, the producer is prohibited ~~from~~ ~~from~~ shipping or certifying aggregates for Department use ~~or on~~ Department projects.

(a) A source's approval shall be revoked when one of the following occurs:

1. A suspended source has failed to correct its problems within 90 days of the date of ~~s~~Suspension.

2. A source using the Conditional QC Certification System ~~Conditionally Approved source following a period of Suspension~~ fails to qualify for Full QC Certification System Approval within six months following a period of suspension.

3. ~~Deliberate~~ Sshipping of non-specification aggregate or falsification of records.

4. Failure to meet or comply with any requirements of Rule 14-103.004, F.A.C.

(b) ~~Time Limits~~. When a source's approval has been revoked, it will not be eligible for re-approval for a minimum period of six months from the date of revocation. Subsequent re-approval is subject to application requirements of Rule 14-103.004, F.A.C.

~~(e) Approval of out-of-country mines will expire if no annual inspection is made by the Department due to producer failure to pay the inspection transportation costs.~~

(3) Expiration or Extension of Approval. A source's approval will automatically expire if it has not furnished material for Department use ~~or on~~ Department projects for a period of 365 days one calendar year, unless an extension of approval is requested in writing, prior to the expiration date, by the producer to the State Materials Engineer.

(a) Extension of approval will be predicated on the continued operation of the source's QCP Quality Control Program during the previous 365 days calendar year and the source's continuing to meet all the requirements of this rule chapter.

(b) Approval will be extended only once for an additional 365 days calendar year. If, at the end of the extension, the source still has not furnished aggregate for Department use ~~or~~ Department projects, source approval will again expire and re-approval is subject to reapplication.

(c) Individual products from any source which have not been supplied for Department use ~~or on~~ Department projects for a period of 365 days one calendar year will be removed from the list of approved products for that source, unless an extension is requested. This includes existing material inventory stockpiles of material made under a QCP Program, meeting specifications, and for which identification and specific records and test data are available. Extensions will be granted for up to 365 days.

(4) ~~Denial of Source Approval~~. A producer's request for source or product approval will be denied when any one of the following occurs:

(a) Incomplete or inadequate QCP Quality Control Program.

(b) Failure of material to meet specification requirements.

(c) Results of the Department's inspection and testing do not agree with information and test results furnished by the producer.

(d) Results of the Department's inspection indicate material properties or characteristics which may be a potential problem.

(e) Falsification of any approval information submitted by the producer.

(f) The producer fails, upon receipt of having received notice from the Department related to any requirement of this rule, to correct the that deficiency(ies) within a reasonable amount of time not to exceed 30 days.

(5) The Department shall give written notice of its intended action to suspend, revoke, or deny approval. Notice of the Department's intended action will be provided in accordance with Rule 28-106.111, F.A.C. The Department's action will become final unless a timely petition for a hearing is filed in accordance with Rules ~~28-106.104, 28-106.201~~ or ~~and~~ 28-106.301, F.A.C. In order to be timely, the petition must be filed with the Department's Clerk of Agency Proceedings within 21 days after receipt of the Department's notice, in accordance with Rule 28-106.111, F.A.C.

~~(6) In the event that a producer petitions a change of status action of the Department, the Department may exercise its option to test all of the producer's aggregates at the point of use or project site until resolution of the request, and hold the material to a pass or fail status based on quality requirements of the specific contract for that project. Any construction delays resulting from Quality Assurance testing at the job site shall be the sole responsibility of the contractor.~~

Specific Authority 334.044(2),(10)(c) FS. Law Implemented 334.044(10)(a),(b),(e),(13), 337.105(1), 337.11, 337.164 FS. History—New 10-20-92, Amended 1-17-99, _____.

14-103.010 Emergency Action.

(1) The Department may summarily suspend, limit, or restrict approval if it finds that immediate serious danger to the public health, safety, or welfare or the integrity of a project under construction requires emergency suspension, limitation, or restriction.

(2) Notice of emergency suspension, limitation, or restriction shall be given ~~by telegram~~ and by written notice by certified mail, or express delivery, giving detailed reasons for the emergency action taken.

(3) The Department shall promptly initiate formal administrative proceedings after taking emergency action.

Specific Authority 334.044(2),(10)(c) FS. Law Implemented 334.044(10)(a),(b),(c),(13), 337.105(1), 337.11, 337.164 FS. History--New 10-20-92, Amended _____.

14-103.011 Sampling and Testing Methods.

Specific Authority 334.044(2),(10)(c) FS. Law Implemented 334.044(10)(a),(b),(c),(13), 337.105(1), 337.11, 337.164 FS. History--New 10-20-92, Amended 11-3-97, Repealed _____.

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."

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE TITLE: Advanced Registered Nurse Practitioner Services 59G-4.010
 PURPOSE, EFFECT AND SUBJECT AREA TO BE ADDRESSED: The purpose of the proposed rule amendment is to incorporate by reference the revised Florida Medicaid Advanced Registered Nurse Practitioner Services Coverage and Limitations Handbook, January 2004. The effect will be to incorporate by reference in the rule the revised Florida Medicaid Advanced Registered Nurse Practitioner Services Coverage and Limitations Handbook, January 2004. The handbook revisions include global HIPAA language, modifications in procedure code and claim form combinations due to HIPAA, policy to reflect new procedure codes, and an updated fee schedule effective January 2004. This Notice of Rule Development replaces the notice that was published in the Florida Administrative Weekly, Vol. 29, No. 11, on March 14, 2003. We are publishing a new Notice of Rule Development, because we changed the effective date to January 2004 to include the January 2004 procedure codes and maximum fee schedule.

SPECIFIC AUTHORITY: 409.919 FS.
 LAW IMPLEMENTED: 409.905, 409.907, 409.908, 409.9081 FS.

IF REQUESTED WITHIN 14 DAYS 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., Monday, February 23, 2004
 PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building #3, Conference Room C, Tallahassee, Florida
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Lynne Metz, Agency for Health Care Administration, Bureau of Medicaid Services, 2727 Mahan Drive, MS 20, Tallahassee, Florida 32308, (850)922-7325

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59G-4.010 Advanced Registered Nurse Practitioner Services.

(1) No change.

(2) All advanced registered nurse practitioner services providers enrolled in the Medicaid program must be in compliance with the Florida Medicaid Advanced Registered Nurse Practitioner Services Coverage and Limitations Handbook, ~~January 2004~~ ~~March 2003~~, which is incorporated by reference, and the Florida Medicaid Provider Reimbursement Handbook, ~~CMSHCFA-1500 and Child Health Check-Up 221~~, which is incorporated by reference in Rule 59G-~~4.0015-020~~, F.A.C. Both handbooks are available from the Medicaid fiscal agent.

Specific Authority 409.919 FS. Law Implemented 409.906, ~~409.907~~, 409.908, 409.9081 FS. History--New 12-21-80, Formerly 10C-7.52, Amended 8-18-92, Formerly 10C-7.052, Amended 8-22-96, 3-11-98, 10-13-98, 6-8-99, 4-23-00, 8-5-01, 2-20-03, 8-5-03, _____.

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE TITLE: Ambulatory Surgical Center Services 59G-4.020
 PURPOSE, EFFECT AND SUBJECT AREA TO BE ADDRESSED: The purpose of the proposed rule amendment is to incorporate by reference the revised Florida Medicaid Ambulatory Surgical Center Services Coverage and Limitations Handbook, January 2004. The effect will be to incorporate by reference in the rule the revised Florida Medicaid Ambulatory Surgical Center Services Coverage and Limitations Handbook, January 2004. The handbook revisions include global HIPAA language, modifications in procedure code and claim form combinations due to HIPAA, policy to reflect new procedure codes, and an updated code and payment group list effective January 2004. This Notice of Rule Development replaces the notice that was published in the Florida Administrative Weekly, Vol. 29, No. 40, on October 3, 2003. We are publishing a new Notice of Rule Development, because we changed the effective date to January 2004 to include the January 2004 procedure codes and payment groups.

SPECIFIC AUTHORITY: 409.919 FS.
 LAW IMPLEMENTED: 409.906, 409.908 FS.

IF REQUESTED WITHIN 14 DAYS 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., Monday, February 23, 2004
 PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building #3, Conference Room C, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Melissa Bassett, Agency for Health Care Administration, Bureau of Medicaid Services, 2727 Mahan Drive, MS 20, Tallahassee, Florida 32308, (850)922-7724

THE FULL TEXT OF THE PROPOSED RULE 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, January 2004 ~~July 2003~~, which is incorporated by reference, and the Florida Medicaid Provider Reimbursement Handbook, CMSHCFA-1500 ~~and Child Health Check-Up 221~~, which is incorporated by reference in Rule 59G-~~4.0015-020~~, 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: Birth Center Services

RULE NO.: 59G-4.030

PURPOSE, EFFECT AND SUBJECT AREA TO BE ADDRESSED: The purpose of the proposed rule amendment is to incorporate by reference the revised Florida Medicaid Birth Center and Licensed Midwife Services Coverage and Limitations Handbook, January 2004. The effect will be to incorporate by reference in the rule the revised Florida Medicaid Birth Center and Licensed Midwife Services Coverage and Limitations Handbook, January 2004. The handbook revisions include global HIPAA language, modifications in procedure code and claim form combinations due to HIPAA, policy to reflect new procedure codes, and an updated fee schedule effective January 2004. This Notice of Rule Development replaces the notice that was published in the Florida Administrative Weekly, Vol. 29, No. 34, on August 22, 2003. We are publishing a new Notice of Rule Development, because we changed the effective date to January 2004 to include the January 2004 procedure codes and maximum fee schedule.

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 383.335, 409.906, 409.907, 409.908, 409.9081 FS.

IF REQUESTED WITHIN 14 DAYS 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., Monday, February 23, 2004

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building #3, Conference Room C, Tallahassee, Florida
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Lynne Metz, Agency for Health Care Administration, Bureau of Medicaid Services, 2727 Mahan Drive, MS 20, Tallahassee, Florida 32308, (850)922-7325

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59G-4.030 Birth Center Services.

(1) No change.

(2) All birth center services providers enrolled in the Medicaid program must be in compliance with the Florida Medicaid Birth Center and Licensed Midwife Services Coverage and Limitations Handbook, January 2004 ~~March 2003~~, which is incorporated by reference, and the Florida Medicaid Provider Reimbursement Handbook, CMSHCFA-1500 ~~and Child Health Check-Up 221~~, which is incorporated by reference in Rule 59G-~~4.0015-020~~, F.A.C. Both handbooks are available from the Medicaid fiscal agent.

Specific Authority 409.919 FS. Law Implemented 383.335, 409.906, 409.907, 409.908, 409.9081 FS. History—New 4-18-85, Formerly 10C-7.532, Amended 8-18-92, Formerly 10C-7.0532, Amended 4-22-96, 3-11-98, 10-13-98, 5-24-99, 4-23-00, 8-5-01, 2-20-03, 8-5-03,_____.

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE TITLE: Chiropractic Services

RULE NO.: 59G-4.040

PURPOSE, EFFECT AND SUBJECT AREA TO BE ADDRESSED: The purpose of the proposed rule amendment is to incorporate by reference the revised Florida Medicaid Chiropractic Services Coverage and Limitations Handbook, January 2004. The effect will be to incorporate by reference in the rule the revised Florida Medicaid Chiropractic Services Coverage and Limitations Handbook, January 2004. The handbook revisions include global HIPAA language, modifications in procedure code and claim form combinations due to HIPAA, policy to reflect new procedure codes, and an updated fee schedule effective January 2004. This Notice of Rule Development replaces the notice that was published in the Florida Administrative Weekly, Vol. 29, No. 7, on February 14, 2003. We are publishing a new Notice of Rule Development, because we changed the effective date to January 2004 to include the January 2004 procedure codes and maximum fee schedule.

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.906, 409.907, 409.908, 409.9081 FS.

IF REQUESTED WITHIN 14 DAYS 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., Monday, February 23, 2004
 PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building #3, Conference Room C, Tallahassee, Florida
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Karen Jackson, Agency for Health Care Administration, Bureau of Medicaid Services, 2727 Mahan Drive, MS 20, Tallahassee, Florida 32308, (850)922-7314

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59G-4.040 Chiropractic Services.

(1) No change.

(2) All chiropractic services providers enrolled in the Medicaid program must be in compliance with the Florida Medicaid Chiropractic Services Coverage and Limitations Handbook, January 2004 ~~March 2003~~, which is incorporated by reference, and the Florida Medicaid Provider Reimbursement Handbook, CMSHCFA-1500 ~~and Child Health Check-Up 221~~, which is incorporated by reference in Rule 59G-4.0015-020, F.A.C. Both handbooks are available from the Medicaid fiscal agent.

Specific Authority 409.919 FS. Law Implemented 409.906, 409.907, 409.908, 409.9081 FS. History—New 6-1-89, Amended 7-1-91, 12-31-91, 3-17-92, 4-21-92, 11-9-92, 7-5-93, 1-19-94, Formerly 10C-7.066, Amended 10-10-94, 5-25-95, 1-9-96, 10-21-97, 5-24-99, 4-23-00, 7-5-01, 2-20-03, 8-5-03,

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE TITLE: Dental Services
 RULE NO.: 59G-4.060

PURPOSE, EFFECT AND SUBJECT AREA TO BE ADDRESSED: The purpose of this rule amendment is to incorporate by reference the Florida Medicaid Dental Services Coverage and Limitations Handbook, January 2004. The effect will be to incorporate by reference in the rule the current Florida Medicaid Dental Services Coverage and Limitations Handbook, January 2004. The handbook revisions include an updated fee schedule effective January 2004.

SUBJECT AREA TO BE ADDRESSED: Dental Services.

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.906, 409.908, 409.912 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., Monday, February 23, 2004
 PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building #3, Mail Stop 20, Conference Room C, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Ouida Mazzoccoli, Bureau of Medicaid Services, 2727 Mahan Drive, Mail Stop 20, Tallahassee, Florida 32308, (850)922-7351

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59G-4.060 Dental Services.

(1) No change.

(2) All dental services providers enrolled in the Medicaid program must be in compliance with the Florida Medicaid Dental Services Coverage and Limitations Handbook, January 2004 ~~October 2003~~ and the Florida Medicaid Provider Reimbursement Handbook, Dental 111, October 2003, which are incorporated by reference, and the Florida Medicaid Provider Reimbursement Handbook, CMS 1500, which is incorporated by reference in Rule 59G-4.001, F.A.C. All handbooks are available from the Medicaid fiscal agent.

Specific Authority 409.919 FS. Law Implemented 409.906, 409.908, 409.912 FS. History—New 7-10-80, Amended 2-19-81, 10-27-81, 7-21-83, Formerly 10C-7.523, Amended 9-11-90, 11-3-92, Formerly 10C-7.0523, Amended 6-29-93, Formerly 10P-4.060, Amended 7-19-94, 7-16-96, 3-11-98, 10-13-98, 12-28-98, 6-10-99, 4-23-00, 4-24-01, 7-5-01, 2-20-03, 8-5-03, 1-8-04,

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE TITLE: Hearing Services
 RULE NO.: 59G-4.110

PURPOSE, EFFECT AND SUBJECT AREA TO BE ADDRESSED: The purpose of the proposed rule amendment is to incorporate by reference the revised Florida Medicaid Hearing Services Coverage and Limitations Handbook, January 2004. The effect will be to incorporate by reference in the rule the revised Florida Medicaid Hearing Services Coverage and Limitations Handbook, January 2004. The handbook revisions include global HIPAA language, modifications in procedure code and claim form combinations due to HIPAA, policy to reflect new procedure codes, and an updated fee schedule effective January 2004. This Notice of Rule Development replaces the notice that was published in the Florida Administrative Weekly, Vol. 29, No. 34, on August 22, 2003. We are publishing a new Notice of Rule Development, because we changed the effective date to January 2004 to include the January 2004 procedure codes and maximum fee schedule.

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.906, 409.907, 409.908 FS.

IF REQUESTED WITHIN 14 DAYS 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., Monday, February 23, 2004

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building #3, Conference Room C, Tallahassee, Florida
THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Karen Jackson, Agency for Health Care Administration, Bureau of Medicaid Services, 2727 Mahan Drive, MS 20, Tallahassee, Florida 32308, (850)922-7314

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59G-4.110 Hearing Services.

(1) No change.

(2) All hearing services providers enrolled in the Medicaid program must be in compliance with the provisions of the Florida Medicaid Hearing Services Coverage and Limitations Handbook, January 2004 ~~March 2003~~, which is incorporated by reference, and the Florida Medicaid Provider Reimbursement Handbook, CMSHCFA-1500 ~~and Child Health Check-Up 221~~, which is incorporated by reference in Rule 59G-~~4.0015-020~~, F.A.C. Both handbooks are available from the Medicaid fiscal agent.

Specific Authority 409.919 FS. Law Implemented 409.906, 409.907, 409.908 FS. History—New 8-3-80, Amended 7-21-83, Formerly 10C-7.522, Amended 4-13-93, Formerly 10C-7.0522, Amended 12-21-97, 10-13-98, 5-7-00, 7-5-01, 2-20-03, 8-5-03, _____.

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE TITLE: Optometric Services
RULE NO.: 59G-4.210

PURPOSE, EFFECT AND SUBJECT AREA TO BE ADDRESSED: The purpose of the proposed rule amendment is to incorporate by reference the revised Florida Medicaid Optometric Services Coverage and Limitations Handbook, January 2004. The effect will be to incorporate by reference in the rule the revised Florida Medicaid Optometric Services Coverage and Limitations Handbook, January 2004. The handbook revisions include global HIPAA language, modifications in procedure code and claim form combinations due to HIPAA, policy to reflect new procedure codes, and an updated fee schedule effective January 2004. This Notice of Rule Development replaces the notice that was published in the Florida Administrative Weekly, Vol. 29, No. 11, on March 14, 2003. We are publishing a new Notice of Rule Development, because we changed the effective date to January 2004 to include the January 2004 procedure codes and maximum fee schedule.

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.906, 409.907, 409.908, 409.9081 FS.

IF REQUESTED WITHIN 14 DAYS 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., Monday, February 23, 2004
PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building #3, Conference Room C, Tallahassee, Florida
THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Karen Jackson, Agency for Health Care Administration, Bureau of Medicaid Services, 2727 Mahan Drive, MS 20, Tallahassee, Florida 32308, (850)922-7314

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59G-4.210 Optometric Services.

(1) No change.

(2) All optometric practitioners enrolled in the Medicaid program must be in compliance with the provisions of the Florida Medicaid Optometric Services Coverage and Limitations Handbook, January 2004 ~~March 2003~~, which is incorporated by reference, and the Florida Medicaid Provider Reimbursement Handbook, CMSHCFA-1500 ~~and Child Health Check-Up 221~~, which is incorporated by reference in Rule 59G-~~4.0015-020~~, F.A.C. Both handbooks are available from the Medicaid fiscal agent.

Specific Authority 409.919 FS. Law Implemented 409.906, 409.907, 409.908, 409.9081 FS. History—New 4-13-93, Amended 7-1-93, Formerly 10C-7.069, Amended 12-21-97, 10-13-98, 5-24-99, 4-23-00, 7-5-01, 2-20-03, 8-5-03, _____.

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE TITLE: Podiatry Services
RULE NO.: 59G-4.220

PURPOSE, EFFECT AND SUBJECT AREA TO BE ADDRESSED: The purpose of the proposed rule amendment is to incorporate by reference the revised Florida Medicaid Podiatry Services Coverage and Limitations Handbook, January 2004. The effect will be to incorporate by reference in the rule the revised Florida Medicaid Podiatry Services Coverage and Limitations Handbook, January 2004. The handbook revisions include global HIPAA language, modifications in procedure code and claim form combinations due to HIPAA, policy to reflect new procedure codes, and an updated fee schedule effective January 2004. This Notice of Rule Development replaces the notice that was published in the Florida Administrative Weekly, Vol. 29, No. 7, on February 14, 2003. We are publishing a new Notice of Rule Development, because we changed the effective date to January 2004 to include the January 2004 procedure codes and maximum fee schedule.

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.905, 409.907, 409.908, 409.9081 FS.

IF REQUESTED WITHIN 14 DAYS 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., Monday, February 23, 2004
 PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building #3, Conference Room C, Tallahassee, Florida
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Karen Jackson, Agency for Health Care Administration, Bureau of Medicaid Services, 2727 Mahan Drive, MS 20, Tallahassee, Florida 32308, (850)922-7314

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59G-4.220 Podiatry Services.

(1) No change.

(2) All podiatry services providers enrolled in the Medicaid program must be in compliance with the provisions of the Florida Medicaid Podiatry Services Coverage and Limitations Handbook, January 2004 ~~March 2003~~, which is incorporated by reference, and the Florida Medicaid Provider Reimbursement Handbook, CMSHCFA-1500 ~~and Child Health Check-Up 221~~, which is incorporated by reference in Rule 59G-4.0015-020, F.A.C. Both handbooks are available from the Medicaid fiscal agent.

Specific Authority 409.919 FS. Law Implemented 409.906, 409.907, 409.908, 409.9081 FS. History—New 1-23-84, Amended 10-25-84, Formerly 10C-7.529, Amended 4-21-92, 11-9-92, 7-1-93, Formerly 10C-7.0529, 10P-4.220, Amended 1-7-96, 3-11-98, 10-13-98, 5-24-99, 4-23-00, 7-5-01, 2-20-03, 8-5-03, _____.

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE TITLE: Physician Services
 RULE NO.: 59G-4.230
 PURPOSE, EFFECT AND SUBJECT AREA TO BE ADDRESSED: The purpose of the proposed rule amendment is to incorporate by reference the revised Florida Medicaid Physician Services Coverage and Limitations Handbook, January 2004. The effect will be to incorporate by reference in the rule the revised Florida Medicaid Physician Services Coverage and Limitations Handbook, January 2004. The handbook revisions include global HIPAA language, modifications in procedure code and claim form combinations due to HIPAA, policy to reflect new procedure codes, and an updated fee schedule effective January 2004. This Notice of Rule Development replaces the notice that was published in the Florida Administrative Weekly, Vol. 29, No. 7, on February 14, 2003. We are publishing a new Notice of Rule Development, because we changed the effective date to January 2004 to include the January 2004 procedure codes and maximum fee schedule.

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.905, 409.907, 409.908, 409.9081 FS.

IF REQUESTED WITHIN 14 DAYS 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., Monday, February 23, 2004
 PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building #3, Conference Room C, Tallahassee, Florida
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Lynne Metz, Agency for Health Care Administration, Bureau of Medicaid Services, 2727 Mahan Drive, MS 20, Tallahassee, Florida 32308, (850)922-7325

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59G-4.230 Physician Services.

(1) No change.

(2) All physician services providers enrolled in the Medicaid program must be in compliance with the Florida Medicaid Physician Services Coverage and Limitations Handbook, January 2004 ~~March 2003~~, which is incorporated by reference, and the Florida Medicaid Provider Reimbursement Handbook, CMSHCFA-1500 ~~and Child Health Check-Up 221~~, which is incorporated by reference in Rule 59G-4.0015-020, F.A.C. Both handbooks are available from the Medicaid fiscal agent.

Specific Authority 409.919 FS. Law Implemented 409.906, 409.907, 409.908, 409.9081 FS. History—New 1-1-77, Revised 2-1-78, 4-1-78, 1-2-79, 1-1-80, Amended 2-8-82, 3-11-84, Formerly 10C-7.38, Amended 1-10-91, 11-5-92, 1-7-93, Formerly 10C-7.038, Amended 6-29-93, 9-6-93, Formerly 10P-4.230, Amended 6-13-94, 2-9-95, 3-10-96, 5-28-96, 3-18-98, 9-22-98, 8-25-99, 4-23-00, 8-05-01, 2-20-03, 8-5-03, _____.

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE TITLE: Physician Assistant Services
 RULE NO.: 59G-4.231
 PURPOSE, EFFECT AND SUBJECT AREA TO BE ADDRESSED: The purpose of the proposed rule amendment is to incorporate by reference the revised Florida Medicaid Physician Assistant Services Coverage and Limitations Handbook, January 2004. The effect will be to incorporate by reference in the rule the revised Florida Medicaid Physician Assistant Services Coverage and Limitations Handbook, January 2004. The handbook revisions include global HIPAA language, modifications in procedure code and claim form combinations due to HIPAA, policy to reflect new procedure codes, and an updated fee schedule effective January 2004. This Notice of Rule Development replaces the notice that was published in the Florida Administrative Weekly, Vol. 29, No. 34, on August 22, 2003. We are publishing a new Notice of

Rule Development, because we changed the effective date to January 2004 to include the January 2004 procedure codes and maximum fee schedule.

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.906, 409.907, 409.908, 409.9081 FS.

IF REQUESTED WITHIN 14 DAYS 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., Monday, February 23, 2004

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building #3, Conference Room C, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Lynne Metz, Agency for Health Care Administration, Bureau of Medicaid Services, 2727 Mahan Drive, MS 20, Tallahassee, Florida 32308, (850)922-7325

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59G-4.231 Physician Assistant Services.

(1) No change.

(2) All physician assistant providers enrolled in the Medicaid program must be in compliance with the Florida Medicaid Physician Assistant Services Coverage and Limitations Handbook, January 2004 ~~March 2003~~, which is incorporated by reference, and the Florida Medicaid Provider Reimbursement Handbook, CMSHCFA-1500 ~~and Child Health Check-Up 221~~, which is incorporated by reference in Rule 59G-~~4.0015-020~~, F.A.C. Both handbooks are available from the Medicaid fiscal agent.

Specific Authority 409.919 FS. Law Implemented 409.906, 409.907, 409.908, 409.9081 FS. History—New 8-21-95, Amended 5-28-96, 3-11-98, 10-13-98, 8-9-99, 4-23-00, 8-5-01, 2-20-03, 8-5-03, _____.

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE TITLE: Registered Nurse First Assistant Services

RULE NO.: 59G-4.270

PURPOSE, EFFECT AND SUBJECT AREA TO BE ADDRESSED: The purpose of the proposed rule amendment is to incorporate by reference the revised Florida Medicaid Registered Nurse First Assistant Services Coverage and Limitations Handbook, January 2004. The effect will be to incorporate by reference in the rule the revised Florida Medicaid Registered Nurse First Assistant Services Coverage and Limitations Handbook, January 2004. The handbook revisions include global HIPAA language, modifications in procedure code and claim form combinations due to HIPAA, policy to reflect new procedure codes, and an updated fee schedule effective January 2004. This Notice of Rule Development replaces the notice that was published in the

Florida Administrative Weekly, Vol. 29, No. 17, on April 25, 2003. We are publishing a new Notice of Rule Development, because we changed the effective date to January 2004 to include the January 2004 procedure codes and maximum fee schedule.

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.906, 409.907, 409.908, 409.9081 FS.

IF REQUESTED WITHIN 14 DAYS 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., Monday, February 23, 2004

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building #3, Conference Room C, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Madeleine Nobles, Agency for Health Care Administration, Bureau of Medicaid Services, 2727 Mahan Drive, MS 20, Tallahassee, Florida 32308, (850)922-7326

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59G-4.270 Registered Nurse First Assistant Services.

(1) No change.

(2) All registered nurse first assistant services providers enrolled in the Medicaid program must be in compliance with the Florida Medicaid Registered Nurse First Assistant Services Coverage and Limitations Handbook, January 2004 ~~March 2003~~, which is incorporated by reference, and the Florida Medicaid Provider Reimbursement Handbook, CMSHCFA-1500 ~~and Child Health Check-Up 221~~, which is incorporated by reference in Rule 59G-~~4.0015-020~~, F.A.C. Both handbooks are available from the Medicaid fiscal agent.

Specific Authority 409.919 FS. Law Implemented 409.906, 409.907, 409.908, 409.9081 FS. History—New FS. 3-11-98, Amended 10-13-98, 5-24-99, 4-23-00, 7-5-01, 2-20-03, 8-5-03, _____.

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE TITLE: Visual Services

RULE NO.: 59G-4.340

PURPOSE, EFFECT AND SUBJECT AREA TO BE ADDRESSED: The purpose of the proposed rule amendment is to incorporate by reference the revised Florida Medicaid Visual Services Coverage and Limitations Handbook, January 2004. The effect will be to incorporate by reference in the rule the revised Florida Medicaid Visual Services Coverage and Limitations Handbook, January 2004. The handbook revisions include global HIPAA language, modifications in procedure code and claim form combinations due to HIPAA, policy to reflect new procedure codes, and an updated fee schedule effective January 2004. This Notice of Rule Development

replaces the notice that was published in the Florida Administrative Weekly, Vol. 29, No. 34, on August 22, 2003. We are publishing a new Notice of Rule Development, because we changed the effective date to January 2004 to include the January 2004 procedure codes and maximum fee schedule.

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.906, 409.907, 409.908 FS.

IF REQUESTED WITHIN 14 DAYS 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., Monday, February 23, 2004

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building #3, Conference Room C, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Karen Jackson, Agency for Health Care Administration, Bureau of Medicaid Services, 2727 Mahan Drive, MS 20, Tallahassee, Florida 32308, (850)922-7314

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59G-4.340 Visual Services.

(1) No change.

(2) All visual services practitioners enrolled in the Medicaid program must be in compliance with the provisions of the Florida Medicaid Visual Services Coverage and Limitations Handbook, January 2004 ~~March 2003~~, which is incorporated by reference, and the Florida Medicaid Provider Reimbursement Handbook, CMSHCFA-1500 and Child Health Check-Up 221, which is incorporated by reference in Rule 59G-4.0015-020, F.A.C. Both handbooks are available from the Medicaid fiscal agent.

Specific Authority 409.919 FS. Law Implemented 409.906, ~~409.907~~, 409.908 FS. History—New 7-30-80, Formerly 10C-7.521, Amended 4-20-93, 8-25-93, Formerly 10C-7.0521, Amended 12-21-97, 10-13-98, 6-10-99, 4-23-00, 1-23-02, 2-20-03, 8-5-03,_____.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Regulatory Council of Community Association Managers

RULE TITLE: Licensing Procedure for Manager’s License

RULE NO.: 61-20.001

PURPOSE AND EFFECT: The Council proposes to amend the licensing procedures for applicants for a Manager’s License.

SUBJECT AREA TO BE ADDRESSED: Licensing Procedure for Manager’s License.

SPECIFIC AUTHORITY: 468.433 FS.

LAW IMPLEMENTED: 120.60, 468.432, 468.433, 468.435 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: Julie Malone, Executive Director, Regulatory Council of Community Association Managers, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Regulatory Council of Community Association Managers

RULE TITLE: Status and Renewal of Manager’s License

RULE NO.: 61-20.002

PURPOSE AND EFFECT: The Council proposes to amend the processes involved in renewal of manager’s licenses.

SUBJECT AREA TO BE ADDRESSED: Status and renewal process of manager’s licenses.

SPECIFIC AUTHORITY: 468.433 FS.

LAW IMPLEMENTED: 468.433, 468.435, 468.436 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: Julie Malone, Executive Director, Regulatory Council of Community Association Managers, 1940 North Monroe Street, Tallahassee, Florida 32399

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Regulatory Council of Community Association Managers

RULE TITLE: Exemption of Spouses of Members of Armed

RULE NO.: 61-20.0025

Forces from Licensure Renewal Provisions
PURPOSE AND EFFECT: The exemption of spouses of members of Armed Forces from licensure renewal provisions.

SUBJECT AREA TO BE ADDRESSED: The Council proposes to exempt spouses of members of the Armed Forces from licensure renewal provisions

SPECIFIC AUTHORITY: 455.02(2), 468.4315(3) FS.

LAW IMPLEMENTED: 455.02(2) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Julie Malone, Executive Director, Regulatory Council of Community Association Managers, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Regulatory Council of Community Association Managers

RULE TITLE: Disbursement of Examination Fees RULE NO.: 61-20.504

PURPOSE AND EFFECT: The Board proposes to reflect a change of examination fees.

SUBJECT AREA TO BE ADDRESSED: Disbursement of Examination Fees.

SPECIFIC AUTHORITY: 468.4315, 943.053 FS.

LAW IMPLEMENTED: 455.2171, 455.219(3),(6), 455.2281, 455.271, 468.4315(2), 468.433, 468.435, 943.053 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: Julie Malone, Executive Director, Regulatory Council of Community Association Managers, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Florida Land Sales, Condominiums and Mobile Homes

RULE TITLES: Guarantees of Common Expenses Under Section 718.116(9)(a)2., Florida Statutes 61B-22.004
Financial Reporting Requirements 61B-22.006
Transition Financial Statements;
Turnover Audit 61B-22.0062

PURPOSE AND EFFECT: The rule amendment changes the calculation of a developer’s guarantee obligation in order to provide that expenses incurred during the production of non-assessment revenues may be offset by the revenues produced by the activity.

SUBJECT AREA TO BE ADDRESSED: The rule pertains to a developer guarantee issued pursuant to Section 718.116(9), Florida Statutes. Specifically, the rule provides a change in the calculation of the developer funding obligation during a developer guarantee period, and the final accounting at the expiration of such period.

SPECIFIC AUTHORITY: 718.111(13), 718.501(1)(f) FS.

LAW IMPLEMENTED: 718.116(9) FS.

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

TIME AND DATE: 10:00 a.m., February 23, 2004

PLACE: Conference Room B03, Fuller-Warren Building, 201 W. Bloxham Street, Tallahassee, Florida

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

A copy of the rule amendment is available on line at <http://www.myflorida.com/portal>, <Find an Agency, <DBPR, <Land Sales, <Mobile Homes.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Sharon A. Elzie, Senior Management Analyst II, Division of Florida Land Sales, Condominiums and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-1030

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Pari-Mutuel Wagering

RULE TITLES: Definitions 61D-7.001
Trifecta and Superfecta Combinations 61D-7.015
Pari-Mutuels 61D-7.020
Mutuels Tickets, Cashing, Records, and Totalisator Security Requirements 61D-7.021
Outs Cashed After the End of the Meet 61D-7.022
Reporting of Wagering Activities, Permitholder and Totalisator Reports 61D-7.023
Totalisator Requirements 61D-7.024

PURPOSE AND EFFECT: The purpose and effect of the proposed rule will be to implement and interpret Florida Statutes that relate to accounting and auditing procedures, and totalisator security requirements.

SUBJECT AREA TO BE ADDRESSED: The subject areas to be addressed in these rules are:

1. The procedure to allow payment of outs or lost tickets upon presentation of appropriate documentation by a pari-mutuel patron.
2. Requirement to provide the Division with copies of operations for account wagering and mobile or portable terminals.
3. Reporting of employees with access to the tote room at pari-mutuel facilities.
4. Security and reporting of pari-mutuel wagering data.

SPECIFIC AUTHORITY: 550.0251(3),(7), 550.105(2)(c), 550.125(2)(b), 550.155(1), 550.1645(1), 550.495(4),(5) FS.

LAW IMPLEMENTED 550.0251, 550.0425, 550.105, 550.125, 550.155, 550.1645, 550.2633, 550.3551, 550.495 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. – 12:00 Noon, February 24, 2004

PLACE: Florida Department of Business and Professional Regulation, Northwood Centre, Board Room, 1940 N. Monroe Street, Tallahassee, Florida 32399

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: Mary Polombo, (850)413-0750. If you are hearing or speech impaired, please contact the agency using the Florida Dual Party Relay System by calling 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Mary Polombo, Clerk, Division of Pari-Mutuel Wagering, 1940 North Monroe Street, Tallahassee, Florida 32399-1035

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Pari-Mutuel Wagering

RULE TITLES:	RULE NOS.:
Financial Reporting Requirements	61D-8.002
Purse Requirements, Greyhound Racing	61D-8.006

PURPOSE AND EFFECT: The purpose and effect of the proposed rule will be to implement and interpret Florida Statutes that relate to accounting and auditing procedures, and totalisator security requirements.

SUBJECT AREA TO BE ADDRESSED: The subject area to be addressed in these rules are:

1. To provide reporting requirements for horse race permitholders regarding purse payments to breeders' and stallion awards fund.
2. To provide a 21-day period for a permitholder to respond to an audit report of the Division.
3. To provide a format for reporting of greyhound purses required by Section 550.0914(2)(d), Florida Statutes.

SPECIFIC AUTHORITY: 550.0251(3),(7),(9), 550.125(2)(b), 550.155(1), 550.3551(10), 550.6305(5) FS.

LAW IMPLEMENTED 550.0251, 550.0914(2)(d), 550.0951(5), 550.125, 550.155, 550.3551, 550.615, 550.6305, 550.6335 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. – 12:00 Noon, February 24, 2004

PLACE: Florida Department of Business and Professional Regulation, Northwood Centre, Board Room, 1940 N. Monroe Street, Tallahassee, Florida 32399

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: Mary Polombo, (850)413-0750. If you are hearing or speech impaired, please contact the agency using the Florida Dual Party Relay System by calling 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Mary Polombo, Clerk, Division of Pari-Mutuel Wagering, 1940 North Monroe Street, Tallahassee, Florida 32399-1035

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Pari-Mutuel Wagering

RULE TITLES:	RULE NOS.:
Interstate and Intertrack Broadcasts	61D-9.001
Interstate and Intertrack Broadcasts – Emergency Procedures	61D-9.003
Intertrack Wagering – Permitholder Accounting, Reporting and Ticket Cashing Responsibilities	61D-9.004
Intertrack and Interstate Wagering, Hub Systems Requirements	61D-9.005

PURPOSE AND EFFECT: The purpose and effect of the proposed rule will be to implement and interpret Florida Statutes that relate to accounting and auditing procedures, and totalisator security requirements.

SUBJECT AREA TO BE ADDRESSED: The subject areas to be addressed in these rules are:

1. To provide requirements for purse reporting for interstate and intertrack broadcasts.
2. To provide for a totalisator security plan to be provided by the tote site manager.
3. Update rules regarding reporting of outs and ticket cashing responsibilities.

Revise rules regarding the location of Division Pari-Mutuel Wagering specialists to facilities which act as the totalisator hub.

SPECIFIC AUTHORITY: 550.0251(3),(7), 550.125(2)(b), 550.155(1), 550.2625(2)(d), 550.3551(10), 550.495(4), 550.6305(5) FS.

LAW IMPLEMENTED 550.0251, 550.125, 550.155, 550.2625, 550.3551, 550.495, 550.615, 550.625, 550.6305 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. – 12:00 Noon, February 24, 2004

PLACE: Florida Department of Business and Professional Regulation, Northwood Centre, Board Room, 1940 N. Monroe Street, Tallahassee, Florida 32399

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: Mary Polombo, (850)413-0750. If you are hearing or speech impaired, please contact the agency using the Florida Dual Party Relay System by calling 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Mary Polombo, Clerk, Division of Pari-Mutuel Wagering, 1940 North Monroe Street, Tallahassee, Florida 32399-1035

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Cosmetology

RULE TITLES:	RULE NOS.:
Who May Apply	61G5-18.001
Cosmetology Examination	61G5-18.003
Re-examination	61G5-18.004
Endorsement of Cosmetologists	61G5-18.007

PURPOSE AND EFFECT: The Board proposes development of these rules to address changes in the requirements for a cosmetologist license.

SUBJECT AREA TO BE ADDRESSED: Who May Apply, Cosmetology Examination, Re-examination, and Endorsement of Cosmetologists.

SPECIFIC AUTHORITY: 120.53, 455.217(1), 477.016, 477.019(2),(6) FS.

LAW IMPLEMENTED: 455.217(2),(3), 477.019(2),(6), 477.022 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL 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: Julie Malone, Executive Director, Board of Cosmetology, 1940 North Monroe Street, Tallahassee, Florida 32399-0783

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Cosmetology

RULE TITLES:	RULE NOS.:
Hair Shaping	61G5-22.007
Scalp Treatments and Hair Care Rinses	61G5-22.008
Shampoos and Rinses	61G5-22.009
Hair Arranging (Styling)	61G5-22.010
Hair Coloring	61G5-22.011
Chemical Waving and Relaxing/Straightening	61G5-22.012
Manicuring/Pedicuring/Nail Extension	61G5-22.0125

PURPOSE AND EFFECT: The Board proposes development of these rules to address changes in the requirements for a cosmetologist license.

SUBJECT AREA TO BE ADDRESSED: Hair Shaping, Scalp Treatments and Hair Care Rinses, Shampoos and Rinses, Hair Arranging (Styling), Hair Coloring, Chemical Waving and Relaxing/Straightening, and Manicuring/Pedicuring/Nail Extension.

SPECIFIC AUTHORITY: 477.016 FS.

LAW IMPLEMENTED: 477.019(2)(c)2., 477.023(2) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Julie Malone, Executive Director, Board of Cosmetology, 1940 North Monroe Street, Tallahassee, Florida 32399-0783

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Funeral Directors and Embalmers

RULE TITLE: Inspection Criteria (Funeral Establishments) RULE NO.: 61G8-21.003

PURPOSE AND EFFECT: The Board proposes to amend this rule by clarifying the type of containers that must be used to transport bodies.

SUBJECT AREA TO BE ADDRESSED: The inspection criteria for funeral establishments.

SPECIFIC AUTHORITY: 470.005(3), 470.024(10) FS.

LAW IMPLEMENTED: 470.005(3), 470.024(10) 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: Juanita Chastain, Executive Director, Board of Funeral Directors and Embalmers, 1940 North Monroe Street, Northwood Centre, Tallahassee, Florida 32399-0750

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Funeral Directors and Embalmers

RULE TITLE: Inspection 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.

SUBJECT AREA TO BE ADDRESSED: Inspections.

SPECIFIC AUTHORITY: 470.025(2) FS.

LAW IMPLEMENTED: 470.025(2) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Juanita Chastain, Executive Director, Board of Funeral Directors and Embalmers, 1940 North Monroe Street, Northwood Centre, Tallahassee, Florida 32399-0750

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Geologists

RULE TITLE: License and Certification Renewal RULE NO.: 61G16-8.001

PURPOSE AND EFFECT: The Board proposes to exempt spouses of members of the armed Forces from licensure renewal provisions and amend other licensure renewal criteria.

SUBJECT AREA TO BE ADDRESSED: License and certification renewal.

SPECIFIC AUTHORITY: 455.02(2), 468.4315(3) FS.

LAW IMPLEMENTED: 455.02(2) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Christa Patterson, Executive Director, Board of Professional Geologists, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0764

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 Hearing Aid Specialists

RULE TITLES:	RULE NOS.:
Initial Licensure Fee	64B6-4.003
Biennial Renewal Fee for Active License	64B6-4.004
Special Assessment Fee	64B6-4.011

PURPOSE AND EFFECT: The Board proposes to review the existing language in Rules 64B6-4.003 and 64B6-4.004, F.A.C. to determine if amendments are necessary. The Board also proposes to promulgate a new rule in regards to a special assessment fee.

SUBJECT AREA TO BE ADDRESSED: Initial licensure fee, biennial renewal fee for active license and special assessment fee.

SPECIFIC AUTHORITY: 455.587(1), 456.013(2), 456.017, 456.025(1), 484.044, 484.0447(4),(6) FS.

LAW IMPLEMENTED: 456.013(2), 456.017, 484.0447(4),(8), 484.047(2) FS.

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

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

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

DEPARTMENT OF HEALTH

Board of Orthotists and Prosthetists

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Licensure Requirements	64B14-4

PURPOSE AND EFFECT: The Board proposes to review the existing language in the entirety of this chapter to determine if amendments are necessary and/or new rules should be promulgated pertaining to licensure requirements.

SUBJECT AREA TO BE ADDRESSED: Licensure requirements.

SPECIFIC AUTHORITY: 456.017(1)(c),(d), 468.802, 468.803(2), 468.805(3) FS.

LAW IMPLEMENTED: 456.013(1),(7), 456.017(1)(c),(d), 468.803(2), 468.805(3) FS.

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

TIME AND DATE: 1:00 p.m., February 19, 2004

PLACE: Rosen Hotel, 9840 International Drive, Orlando, Florida, (407)996-9840

Any person requiring a special accommodation at this hearing because of a disability or physical impairment should contact the Board's Executive Director at least five calendar days prior to the hearing. If you are hearing or speech impaired, please contact the Board office using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

Section 286.0105, Florida Statutes, provides that, if a person decides to appeal any decision made by the board with respect to any matter considered at this hearing, they will need a record of proceedings, and for such purposes, they may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Joe Baker, Jr., Executive Director, Board of Orthotists and Prosthetists, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399

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

DEPARTMENT OF HEALTH

Board of Orthotists and Prosthetists

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Licensure Renewal	64B14-5

PURPOSE AND EFFECT: The Board proposes to review the existing language in the entirety of this chapter to determine if amendments are necessary and/or new rules should be promulgated pertaining to licensure requirements.

SUBJECT AREA TO BE ADDRESSED: Licensure renewal.

SPECIFIC AUTHORITY: 456.013, 468.802, 468.806(2) FS.

LAW IMPLEMENTED: 456.013, 456.024, 468.805(2), 468.806 FS.

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

TIME AND DATE: 1:00 p.m., February 19, 2004

PLACE: Rosen Hotel, 9840 International Drive, Orlando, Florida, (407)996-9840

Any person requiring a special accommodation at this hearing because of a disability or physical impairment should contact the Board's Executive Director at least five calendar days prior to the hearing. If you are hearing or speech impaired, please contact the Board office using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD). Section 286.0105, Florida Statutes, provides that, if a person decides to appeal any decision made by the board with respect to any matter considered at this hearing, they will need a record of proceedings, and for such purposes, they may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Joe Baker, Jr., Executive Director, Board of Orthotists and Prosthetists, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399

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

DEPARTMENT OF HEALTH

Board of Orthotists and Prosthetists

RULE CHAPTER TITLE: Standards of Practice RULE CHAPTER NO.: 64B14-6

PURPOSE AND EFFECT: The Board proposes to review the existing language in the entirety of this chapter to determine if amendments are necessary and/or new rules should be promulgated pertaining to licensure requirements.

SUBJECT AREA TO BE ADDRESSED: Standards of practice.

SPECIFIC AUTHORITY: 468.802 FS.

LAW IMPLEMENTED: 468.802 FS.

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

TIME AND DATE: 1:00 p.m., February 19, 2004

PLACE: Rosen Hotel, 9840 International Drive, Orlando, Florida, (407)996-9840

Any person requiring a special accommodation at this hearing because of a disability or physical impairment should contact the Board's Executive Director at least five calendar days prior to the hearing. If you are hearing or speech impaired, please contact the Board office using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD). Section 286.0105, Florida Statutes, provides that, if a person decides to appeal any decision made by the board with respect to any matter considered at this hearing, they will need a record of proceedings, and for such purposes, they may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Joe Baker, Jr., Executive Director, Board of Orthotists and Prosthetists, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399

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

DEPARTMENT OF HEALTH

Board of Orthotists and Prosthetists

RULE CHAPTER TITLE: Discipline RULE CHAPTER NO.: 64B14-7

PURPOSE AND EFFECT: The Board proposes to review the existing language in the entirety of this chapter to determine if amendments are necessary and/or new rules should be promulgated pertaining to licensure requirements.

SUBJECT AREA TO BE ADDRESSED: Discipline.

SPECIFIC AUTHORITY: 120.695, 456.057(16), 456.073, 456.077, 456.079(1), 468.802 FS.

LAW IMPLEMENTED: 120.695, 456.057(16), 456.063(1), 456.072(1)(o),(u), 456.073, 456.077, 456.079, 468.811, 468.802 FS.

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

TIME AND DATE: 1:00 p.m., February 19, 2004

PLACE: Rosen Hotel, 9840 International Drive, Orlando, Florida, (407)996-9840

Any person requiring a special accommodation at this hearing because of a disability or physical impairment should contact the Board's Executive Director at least five calendar days prior to the hearing. If you are hearing or speech impaired, please contact the Board office using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

Section 286.0105, Florida Statutes, provides that, if a person decides to appeal any decision made by the board with respect to any matter considered at this hearing, they will need a record of proceedings, and for such purposes, they may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Joe Baker, Jr., Executive Director, Board of Orthotists and Prosthetists, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399

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

DEPARTMENT OF HEALTH

Board of Osteopathic Medicine

RULE TITLE: Advertising RULE NO.: 64B15-6.006

PURPOSE AND EFFECT: The Board proposes the development of a rule to address appropriate advertising by physician assistants.

SUBJECT AREA TO BE ADDRESSED: Physician Assistant advertising.

SPECIFIC AUTHORITY: 459.022(13) FS.

LAW IMPLEMENTED: 458.015(1)(d) FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT 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:

64B15-6.006 Advertising.

(1) Advertising by physician assistants is permitted so long as such information is in no way false, deceptive, or misleading.

(2) Physician assistant advertisements shall disclose the name of the primary supervising physician of the physician assistant advertising his or her services.

(3) Physician assistants may not claim any type of specialty board certification.

(4) Only physician assistants certified by the National Commission on Certification of Physician Assistants (NCCPA) may claim certification and employ the abbreviation "PA-C" next to his or her name.

(5) Failure to abide by the provisions of this rule shall constitute a violation of Sections 459.015(1)(d) and (pp) and Section 456.072(1)(cc), Florida Statutes.

Specific Authority 459.022(13) FS. Law Implemented 458.015(1)(d) FS. History—New _____.

DEPARTMENT OF HEALTH

Board of Pharmacy

RULE CHAPTER TITLE: Pharmacists Licensure RULE CHAPTER NO.: 64B16-26

PURPOSE AND EFFECT: The Board proposes to review the rules in this chapter to determine any necessary amendments.

SUBJECT AREA TO BE ADDRESSED: The proposed rule chapter amendments address licensure requirements and fees.

SPECIFIC AUTHORITY: 456.003, 456.013, 456.017, 456.025, 456.033, 465.005, 465.007, 465.008, 465.009, 465.012, 465.0125, 465.0126 FS.

LAW IMPLEMENTED: 456.013, 456.017, 456.024, 456.033, 456.036, 465.007, 465.0075, 465.008, 465.009, 465.012, 465.0125, 465.0126, 465.013, 465.022 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, IF AVAILABLE, IS: Danna Droz, 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 NOT AVAILABLE.

DEPARTMENT OF HEALTH

Board of Pharmacy

RULE CHAPTER TITLE: Pharmacy Practice RULE CHAPTER NO.: 64B16-27

PURPOSE AND EFFECT: The Board proposes to review the rules in this chapter to determine any necessary amendments.

SUBJECT AREA TO BE ADDRESSED: The proposed rule chapter amendments address practice requirements.

SPECIFIC AUTHORITY: 465.005, 465.0125, 465.014, 465.0155, 465.022, 465.025, 465.186, 499.028 FS.

LAW IMPLEMENTED: 465.003, 465.0125, 465.014, 465.0155, 465.016, 465.017, 465.018, 465.019, 465.022, 465.024, 465.025, 465.026, 465.0265, 465.185, 465.186, 893.07(1)(b), 499.028 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 CHAPTER DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Danna Droz, 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 NOT AVAILABLE.