

Section I Notices of Development of Proposed Rules and Negotiated Rulemaking

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Standards

RULE TITLES:

Standards

Adoption of the General Code and the Codes of Liquid-Measuring Devices, Liquefied Petroleum Gas and Anhydrous Ammonia Liquid-Measuring Devices, Hydrocarbon Gas Vapor-Measuring Devices, Vehicle-Tank Meters, and Vehicle Tanks Used as Measures of National Institute of Standards and Technology (NIST) Handbook 44

RULE NOS.:

5F-2.001

5F-2.014

PURPOSE AND EFFECT: The purpose of Rule 5F-2.001, F.A.C., is to adopt the 2004 edition of the chemical and physical standards set forth in the American Society for Testing and Materials. These standards will be used for quality testing of regulated petroleum products. The effect will be that the Department will use the most recent nationally recognized standards for petroleum products developed by a consensus organization. The purpose of Rule 5F-2.014, F.A.C., is to adopt the 2004 edition of NIST Handbook 44 which contains specifications and testing criteria for liquid and vapor measuring devices. The effect will be the incorporation of the most recent nationally recognized specifications and testing criteria of measuring devices developed by a consensus organization.

SUBJECT AREA TO BE ADDRESSED: Proposed Rule 5F-2.001, F.A.C., will specify that the most recent Annual Book of ASTM Standards is the accepted standard for implementation of Chapter 525, F.S. Proposed Rule 5F-2.014, F.A.C., will specify that the 2004 version of NIST Handbook 44 is the accepted standard for implementation of Chapter 525, F.S.

SPECIFIC AUTHORITY: 525.037, 525.14, 531.40, 531.41(3) FS.

LAW IMPLEMENTED: 525.01, 525.037, 525.07, 525.14, 525.16, 531.40 FS.

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

TIME AND DATE: 10:00 a.m., Monday, April 5, 2004

PLACE: Division of Standards' Conference Room, Suite E, Room 135, Doyle Conner Administration Building, 3125 Conner Boulevard, Tallahassee, Florida 32399-1650

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Eric Hamilton, Bureau Chief, Bureau of Petroleum Inspection, 3125 Conner Blvd., Bldg. #1, Tallahassee, FL 32399-1650, (850)488-9740

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

5F-2.001 Standards.

(1) Gasoline. The following specifications apply to gasoline sold or offered for sale in Florida. Specific variations or exemptions may be made by the Department of Agriculture and Consumer Services for gasoline designed for special equipment or service.

(a) Standards. All gasoline shall conform to the chemical and physical standards for gasoline as set forth in the American Society for Testing and Materials designation D 4814-03a ~~D 4814-02~~, "Standard Specification for Automotive Spark-Ignition Engine Fuel."

(b) Analysis. For purposes of inspection and testing, laboratory analyses shall be conducted using the methods recognized by the American Society for Testing and Materials designation D 4814-03a ~~D 4814-02~~, "Standard Specification for Automotive Spark-Ignition Engine Fuel."

(2) Kerosene (Kerosine). The following specifications apply to kerosene No. 1-K and No. 2-K sold or offered for sale in Florida.

(a) Standards. All kerosine No. 1-K and No. 2-K shall conform to the chemical and physical standards for kerosene No. 1-K and No. 2-K as set forth in the American Society for Testing and Materials designation D 3699-03 ~~D 3699-02~~, "Standard Specification for Kerosine."

(b) Analysis. For purposes of inspection and testing, laboratory analyses shall be conducted using the methods recognized by the American Society for Testing and Materials designation D 3699-03 ~~D 3699-02~~, "Standard Specification for Kerosine."

(3) Diesel Fuel Oils No. 1-D and No. 2-D. The following specifications apply to diesel fuel oils No. 1-D and No. 2-D sold or offered for sale in Florida.

(a) Standards. All diesel fuel oils No. 1-D and No. 2-D shall conform to the chemical and physical standards for diesel fuel oils No. 1-D and No. 2-D as set forth in the American Society for Testing and Materials designation D 975-03 ~~D 975-02~~ "Standard Specification for Diesel Fuel Oils."

Analysis. For purposes of inspection and testing, laboratory analyses shall be conducted using the methods recognized by the American Society for Testing and Materials designation D 975-03 ~~D 975-02~~, "Standard Specification for Diesel Fuel Oils."

(6) Materials. The following materials are hereby incorporated by reference. Copies of these publications may be obtained from the American Society for Testing and Materials, 100 Barr Harbor Drive, West Conshohocken, PA 19428, or <http://www.astm.org>.

(a) American Society for Testing and Materials D 4814-03a ~~D 4814-02~~, "Standard Specification for Automotive Spark-Ignition Engine Fuel";

(b) American Society for Testing and Materials D 3699-03 ~~D 3699-02~~, "Standard Specification for Kerosine";

(c) American Society for Testing and Materials D 975-03 ~~D 975-02~~, "Standard Specification for Diesel Fuel Oils";

Specific Authority 525.037, 525.14 FS. Law Implemented 525.01, 525.037, 525.14 FS. History--Amended 1-15-68, 7-1-71, 7-1-73, 12-1-73, 11-16-74, 2-13-80, 5-3-83, Formerly 5F-2.01, Amended 5-3-90, 8-13-92, 11-29-94, 11-13-97, 12-9-98, 8-3-99, 7-31-00, 9-3-01, 8-15-02, 6-29-03,_____.

5F-2.014 Adoption of the General Code and the Codes of Liquid-Measuring Devices, Liquefied Petroleum Gas and Anhydrous Ammonia Liquid-Measuring Devices, Hydrocarbon Gas Vapor-Measuring Devices, Vehicle-Tank Meters, and Vehicle Tanks Used as Measures of National Institute of Standards and Technology Handbook 44.

The general code and the codes of liquid-measuring devices, liquefied petroleum gas and anhydrous ammonia liquid-measuring devices, hydrocarbon gas vapor-measuring devices, vehicle-tank meters, and vehicle tanks used as measures relating to specifications, tolerances, and other technical requirements for commercial weighing and measuring devices, contained in National Institute of Standards and Technology Handbook 44, 2004 ~~2003~~ Edition, published by U.S. Department of Commerce are hereby adopted by reference as rules of the Department of Agriculture and Consumer Services. Copies may be obtained from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402 or at <http://ts.nist.gov/ts/htdocs/230/235/h442001.htm>.

Specific Authority 525.14, 531.40, 531.41(3) FS. Law Implemented 525.07, 531.40 FS. History--New 1-1-74, Amended 7-1-74, Repromulgated 12-31-74, Amended 4-18-75, 1-25-76, 1-17-77, 2-15-79, 6-4-80, 4-5-81, 5-2-82, 6-30-83, 7-15-84, 8-11-85, Formerly 5F-2.14, Amended 7-7-86, 4-5-87, 4-27-88, 5-31-89, 8-21-90, 8-5-91, 12-10-92, 11-29-94, 11-13-97, 12-9-98, 8-3-99, 7-31-00, 9-3-01, 8-15-02, 6-29-03,_____.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Standards

RULE TITLE:

RULE NO.:

Adoption of Uniform Packaging and

Labeling Regulation

5F-3.001

PURPOSE AND EFFECT: The purpose of Rule 5F-3.001, F.A.C., is to amend it to adopt the most recent national standards for packaging and labeling requirements as adopted by the National Conference on Weights and Measures and published in 2004 edition of National Institute of Standards and Technology Handbook 130. Adoption of the current

national standards will make Florida's requirements uniform with the national requirements and facilitate interstate commerce and trade.

SUBJECT AREA TO BE ADDRESSED: Requirements for package and labeling of commodities sold in package form in Florida.

SPECIFIC AUTHORITY: 531.41(3) FS.

LAW IMPLEMENTED: 531.41(4), 531.47, 531.49 FS.

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

TIME AND DATE: 10:00 a.m., Monday, April 5, 2004

PLACE: Division of Standards' Conference Room, Suite E, Room 135, Doyle Conner Administration Building, 3125 Conner Boulevard, Tallahassee, Florida 32399-1650

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Max Gray, Bureau Chief, Bureau of Weights and Measures, 3125 Conner Blvd., Bldg. #2, Tallahassee, FL 32399-1650, (850)488-9140

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

5F-3.001 Adoption of Uniform Packaging and Labeling Regulation.

The Department of Agriculture and Consumer Services hereby adopts the Uniform Packaging and Labeling Regulation promulgated by the United States Department of Commerce, National Institute of Standards and Technology, NIST Handbook 130, 2004 ~~2003~~ Edition, as the Rule for packaging and labeling of commodities and incorporates said uniform regulation herein by this reference. A copy of NIST Handbook 130, 2004 ~~2003~~ Edition, may be obtained from the Superintendent of Documents, United States Government Printing Office, Washington, D.C. 20402, Phone: (202)512-1800 or <http://ts.nist.gov/ts/htdocs/230/235/h130-01.htm>. Copies of this uniform regulation are available from the Division of Standards, Bureau of Weights and Measures, 3125 Conner Boulevard, Lab #2, Tallahassee, Florida 32399-1650, (850)488-9140.

Specific Authority 531.41(3) FS. Law Implemented 531.41(4), 531.47, 531.49 FS. History--New 1-1-73, Formerly 5F-3.01, Amended 6-14-95, 8-27-98, 8-19-99, 7-3-00, 9-3-01, 6-23-02, 6-29-03,_____.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Standards

RULE TITLE:

RULE NO.:

Specifications, Tolerances and Other Technical

Requirements for Commercial Weighing

and Measuring Devices

5F-5.001

PURPOSE AND EFFECT: The purpose of this rule is to amend Rule 5F-5.001, F.A.C., to adopt the most recent national standards for weighing and measuring devices developed by the National Conference on Weights and Measures and published in the 2004 edition of National Institute of Standards and Technology Handbook 44. Adoption of the standards provides for uniformity of Florida's requirements with the national requirements to facilitate interstate commerce and trade.

SUBJECT AREA TO BE ADDRESSED: The requirements, including tolerances, specifications and other technical requirements for weighing and measuring devices used for commercial transactions and law enforcement use in the state.

SPECIFIC AUTHORITY: 531.40, 531.41(3) FS.

LAWS IMPLEMENTED: 531.40 FS.

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

TIME AND DATE: 10:00 a.m., Monday, April 5, 2004

PLACE: Division of Standards' Conference Room, Suite E, Room 135, Doyle Conner Administration Building, 3125 Conner Boulevard, Tallahassee, Florida 32399-1650

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Max Gray, Bureau Chief, Bureau of Weights and Measures, 3125 Conner Blvd., Bldg. #2, Tallahassee, FL 32399-1650, (850)488-9140

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

5F-5.001 Specifications, Tolerances, and Other Technical Requirements for Commercial Weighing and Measuring Devices.

(1) The specifications, tolerances, and other technical requirements for commercial weighing and measuring devices adopted by the National Conference on Weights and Measures and contained in National Institute of Standards and Technology (NIST) Handbook 44, 2004 ~~2003~~ Edition, are hereby adopted as rules for the requirements for commercial weighing and measuring devices of the Department of Agriculture and Consumer Services. A copy of NIST Handbook 44, 2004 ~~2003~~ Edition, may be obtained from the Superintendent of Documents, United States Government Printing Office, Washington, D.C. 20402, Phone (202)512-1800 or at <http://ts.nist.gov/ts/htdocs/230/235/h442001.htm>.

(2) The violation of any of the provisions of these rules and regulations is subject to the penalties and remedies provided in the Weights, Measures, and Standards Law, Chapter 531, Florida Statutes.

Specific Authority 531.40, 531.41(3) FS. Law Implemented 531.40 FS. History--New 1-1-73, Amended 7-1-74, 4-18-75, 1-25-76, 1-17-77, 3-29-78, 2-15-79, 6-4-80, 4-5-81, 5-2-82, 6-30-83, 7-15-84, 8-11-85, Formerly 5F-5.01, Amended 7-7-86, 4-5-87, 4-27-88, 5-31-89, 8-21-90, 8-5-91, 12-10-92, 6-21-94, 8-16-95, 10-8-96, 8-27-98, 8-19-99, 7-3-00, 9-3-01, 6-23-02, 6-29-03, _____.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Standards

RULE TITLE: Performance Specifications and Standards for Motor Vehicle Brake Fluid **RULE NO.:** 5F-6.001

PURPOSE AND EFFECT: The purpose of Rule 5F-6.001, F.A.C., is to adopt the most recent version of Motor Vehicle Safety Standard No. 116, Motor Vehicle Brake Fluid, revised October 1, 2003.

SUBJECT AREA TO BE ADDRESSED: Proposed Rule 5F-6.001, F.A.C., will specify that the Motor Vehicle Safety Standard No. 116, Motor Vehicle Brake Fluid, revised October 1, 2003, is the accepted standard for implementation of Chapter 526, Florida Statutes.

SPECIFIC AUTHORITY: 526.52(1) FS.

LAW IMPLEMENTED: 526.53(1),(2), 526.54 FS.

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

TIME AND DATE: 10:00 a.m., Monday, April 5, 2004

PLACE: Division of Standards' Conference Room, Suite E, Room 135, Doyle Conner Administration Building, 3125 Conner Boulevard, Tallahassee, Florida 32399-1650

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Eric Hamilton, Bureau Chief, Bureau of Petroleum Inspection, 3125 Conner Blvd., Bldg. #1, Tallahassee, FL 32399-1650, (850)488-9740

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

5F-6.001 Performance Specifications and Standards for Motor Vehicle Brake Fluid.

(1) The performance specifications and standards for brake fluid adopted by the United States Department of Transportation and contained in Motor Vehicle Safety Standard No. 116, Motor Vehicle Brake Fluid, revised October 1, 2003 ~~October 1, 2001~~ are hereby adopted as rules of the Department of Agriculture and Consumer Services.

(2) The violation of any provisions or standards of this rule is subject to penalties, provided in Chapter 526, Part II, Florida Statutes.

Specific Authority 526.52(1) FS. Law Implemented 526.53(1),(2), 526.54 FS. History--New 5-8-78, Formerly 5F-6.01, Amended 12-9-98, 12-9-02, _____.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Standards

RULE TITLE: Adoption of Uniform Methods of Sale
RULE NO.: 5F-7.005
PURPOSE AND EFFECT: The purpose of this rule is to adopt the most recent national standards for the methods of sales of commodities developed by the National Conference on Weights and Measures and published in the 2004 edition of National Institute of Standards and Technology Handbook 130. Adoption of the national standards will make Florida's requirements for methods of sale uniform with the national standards and facilitate interstate commerce and trade.
SUBJECT AREA TO BE ADDRESSED: The methods of sale allowable for commodities being sold by weight, measure or count.
SPECIFIC AUTHORITY: 531.41(3) FS.
LAWS IMPLEMENTED: 531.41(4), 531.45 FS.
IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW.
TIME AND DATE: 10:00 a.m., Monday, April 5, 2004
PLACE: Division of Standards' Conference Room, Suite E, Room 135, Doyle Conner Administration Building, 3125 Conner Boulevard, Tallahassee, Florida 32399-1650
THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Max Gray, Bureau Chief, Bureau of Weights and Measures, 3125 Conner Blvd., Bldg. #2, Tallahassee, FL 32399-1650, (850)488-9140
THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

5F-7.005 Adoption of Uniform Methods of Sale.

The Florida Department of Agriculture and Consumer Services hereby adopts the Uniform Regulation for the Method of Sale of Commodities, as published by the United States Department of Commerce, National Institute of Standards and Technology, NIST Handbook 130, ~~2004~~ ~~2003~~ Edition, as the Rule for the method of sale for commodities, and incorporates said uniform regulation herein by this reference. A copy of NIST Handbook 130, ~~2004~~ ~~2003~~ Edition, may be obtained from the Superintendent of Documents, United States Government Printing Office, Washington, D.C. 20402, Phone: (202)512-1800 or <http://ts.nist.gov/ts/htdocs/230/235/h130-01.htm>. Copies of this uniform regulation are available from the Division of Standards, Bureau of Weights and Measures, 3125 Conner Boulevard, Lab #2, Tallahassee, Florida 32399-1650, Phone: (850)488-9140.

Specific Authority 531.41(3),(4), 531.45 FS. Law Implemented 531.41(3),(4), 531.45 FS. History--New 1-8-90, Amended 6-14-95, 8-27-98, 8-19-99, 7-3-00, 9-3-01, 6-23-02, 6-29-03, _____.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

PUBLIC SERVICE COMMISSION

UNDOCKETED
RULE TITLE: Measuring Customer Service
RULE NO.: 25-6.049
PURPOSE AND EFFECT: The amendment would allow master metering for electric service for condominiums that operate like hotels.
SUBJECT AREA TO BE ADDRESSED: Exemption from the requirement for individual metering for electric service.
SPECIFIC AUTHORITY: 366.05(1) FS.
LAW IMPLEMENTED: 366.05(1), 366.05(3), 366.80, 366.81, 366.82 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: 9:30 a.m., April 13, 2004
PLACE: Betty Easley Conference Center, Room 152, 4075 Esplanade Way, Tallahassee, Florida
THE WORKSHOP REQUEST MUST BE SUBMITTED IN WRITING TO: Marlene K. Stern, Office of the General Counsel, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: David Wheeler, Division of Economic Regulation, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0862

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

- 25-6.049 Measuring Customer Service.
- (1) through (5)(a)5. No change.
- 6. For condominiums that meet the following criteria:
 - a. The declaration of condominium requires that at least 95% of the units are used solely for overnight occupancy as defined in sub-paragraph (5)(c)3 of this rule;

b. A registration desk, lobby and central telephone switchboard are maintained; and

c. A guest register is maintained, signed by guests who occupy the units, showing, in chronological order, the dates on which the units were occupied by such guests.

When a condominium meeting the above criteria is converted from individual metering to master metering, the utility shall be reimbursed by the customer for the costs it incurred for the conversion. These costs shall include, but not be limited to, the undepreciated cost of any existing distribution equipment that is removed or transferred to the ownership of the customer, plus the cost of removal or relocation of any distribution equipment, less the salvage value of any removed equipment.

(b) It is the utility's responsibility to ensure, before installing the master meter, that the criteria for at least one of the six subparagraphs in 25-6.049(5)(a)1-6, F.A.C., are satisfied or will be satisfied upon completion of construction, and that the criteria remain satisfied for as long as the master meter remains in place. If a structure later fails to meet at least one of the six sets of criteria for master metering, the utility shall promptly notify the Commission.

(c)(b) For purposes of this rule:

1. "Occupancy unit" means that portion of any commercial establishment, single and multi-unit residential building, condominium, or trailer, mobile home or recreational vehicle park, or marina which is set apart from the rest of such facility by clearly determinable boundaries as described in the rental, lease, or ownership agreement for such unit.

2. through 4. No change.

(6)(a) through (7) No change.

Specific Authority 366.05(1) FS. Law Implemented 366.05(1), 366.05(3), 366.80, 366.81, and 366.82 FS. History—Amended 7-29-69, 11-26-80, 12-23-82, 12-28-83, Formerly 25-6.49, Amended 7-14-87, 10-5-88, 3-23-97, _____.

PUBLIC SERVICE COMMISSION

DOCKET NO.: Undocketed

RULE TITLES: Pay Telephone Rate Caps 25-24.516
Rate and Billing Requirements 25-24.630

PURPOSE AND EFFECT: To eliminate the requirement that the provider of local exchange telecommunications services pay \$0.25 to the pay telephone provider for completing a 0-call from a pay telephone station.

SUBJECT AREA TO BE ADDRESSED: Compensation for pay telephone local exchange telecommunications services.

SPECIFIC AUTHORITY: 350.127(2) FS.

LAW IMPLEMENTED: 364.01, 364.03, 364.3375(4),(5), 364.3376 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 WORKSHOP REQUEST MUST BE SUBMITTED IN WRITING TO: Samantha Cibula, Office of the General Counsel, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Ray Kennedy, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0862, (850)413-6584

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

25-24.516 Pay Telephone Rate Caps.

(1) through (2) No change.

~~(3) A set use fee of \$.25 shall apply to all completed 0-local calls placed from pay telephones.~~

Specific Authority 350.127(2) FS. Law Implemented 364.03, 364.3375(4),(5) FS. History—New 9-5-95, Amended 2-1-99, _____.

25-24.630 Rate and Billing Requirements.

(1) No change.

~~(2) For 0-calls from pay telephone stations completed by the provider of local exchange telecommunications services, a set use fee of \$.25 shall apply and shall be remitted by the local exchange company to the pay telephone service provider.~~

~~(2)(3)~~ An operator services provider shall have current rate information readily available and provide this information orally to end users upon request prior to connection.

~~(3)(4)~~ An operator services provider shall require that its certificated name appear on any telecommunications company's bill for regulated charges.

~~(4)(5)~~ An operator services provider shall require all calls to be individually identified on each bill from a telecommunications company on an end user's bill, including the date and start time of the call, call duration, origin and destination (by city or exchange name and telephone number), and type of call.

~~(5)(6)~~ An operator services provider shall provide a toll-free number for customer inquiries on the bill and maintain procedures adequate to allow the company to promptly receive and respond to such inquiries.

~~(6)(7)~~ An operator services provider shall charge only for conversation time as rounded according to company tariffs.

~~(7)(8)~~ An operator services provider shall not:

(a) Bill or charge for uncompleted calls in areas where answer supervision is available or knowingly bill or charge for uncompleted calls in areas where answer supervision is not available.

(b) Bill for any collect call that has not been affirmatively accepted by a person receiving the call regardless of whether the call was processed by a live or automated operator.

(c) Bill for calls in increments greater than one minute except for coin calls that may be in increments no greater than three minutes.

(d) Bill or collect a surcharge levied by any entity, either directly or through its billing agent, except Commission-approved charges for pay telephone providers.

Specific Authority 350.127(2) FS. Law Implemented 364.01, 364.3376 FS. History—New 9-6-93, Amended 2-1-99.

DEPARTMENT OF CORRECTIONS

RULE TITLE: Institutional Mail
RULE NO.: 33-210.104

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to delete unnecessary language from the rule.

SUBJECT AREA TO BE ADDRESSED: Institutional mail.

SPECIFIC AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 944.09 FS.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-210.104 Institutional Mail.

(1) No change.

(2) The warden of each institution shall designate mail room staff or employees in each department to inspect staff mail introduced into the confines of the secure perimeter. All incoming mail addressed to staff will be opened and inspected to determine whether it contains contraband or is personal in nature.

(a) No change.

~~(b) Mail sent to medical departments will be opened by designated health services staff in accordance with (2)(a).~~

~~(b)(e) No change.~~

~~(d) Only the classification supervisor or his or her designee will open mail marked "Substance Abuse Records—Confidential" in the mailroom. The classification supervisor or his or her designee will ensure that the confidentiality of any substance abuser records contained in inmate records that arrive through the mail is maintained in accordance with 42 C.F.R. Part II, Chapter 397, Florida Statutes, and Chapter~~

~~65D-30, F.A.C. The name of the inmate or inmates whose records are contained therein will not be identified on the envelope.~~

~~(e) Mail addressed to contract vendors will be opened by a contract vendor's employee in the mailroom in the presence of mailroom staff.~~

(3) through (4) No change.

Specific Authority 944.09 FS. Law Implemented 944.09 FS. History—New 12-7-98, Formerly 33-3.0054, 33-602.404, Amended 12-4-01.

DEPARTMENT OF CORRECTIONS

RULE TITLE: Admissible Reading Material
RULE NO.: 33-501.401

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to amend an incorporated form to address impoundment and subsequent distribution of publications and to include all reasons for rejection as provided in the rule.

SUBJECT AREA TO BE ADDRESSED: Impoundment and rejection of publications.

SPECIFIC AUTHORITY: 944.09, 944.11 FS.

LAW IMPLEMENTED: 944.11 FS.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-501.401 Admissible Reading Material.

(1) through (6) No change.

(7) Incoming publications previously rejected by the literature review committee. An incoming publication that has previously been rejected by the department's literature review committee due to inclusion of subject matter held to be inadmissible per the criteria established in subsection (3) shall not be reviewed again unless the publisher presents proof to the literature review committee that it has been revised and in the revision process the material resulting in the original rejection has been removed. When a rejected publication is received at an institution, it shall be impounded and shall not be issued to inmates. The warden or designee shall notify the inmate in writing on Form DC5-101, Notice of Rejection or Impoundment of Publications, within 15 calendar days of receipt that the publication has been rejected by the department's literature review committee and cannot be received. Form DC5-101 is hereby incorporated by reference. Copies of this form are available from the Forms Control Administrator, Office of the General Counsel, 2601 Blair Stone

PLACE: Room 1802M, The Capitol, Tallahassee, Florida
 Any person requiring a special accommodation to participate in the workshop because of a disability should contact Barbara Leighty, (850)487-1884, at least five (5) business days in advance to make appropriate arrangements.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Jonathan T. Johnson, Hopping Green & Sams, P.A., Post Office Box 6526, Tallahassee, Florida 32314, (850)222-7500; Barbara Leighty, Governmental Analyst, Florida Land and Water Adjudicatory Commission, The Capitol, Room 1802, Tallahassee, Florida 32399-0001, (850)487-1884

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Surveyors and Mappers

RULE TITLE: Exemption from Renewal Requirements for Spouses of Members of the Armed Forces of the United States
 RULE NO.: 61G17-1.020

PURPOSE AND EFFECT: This rule is being enacted pursuant to Section 455.02(2), F.S., relating to spouses of active duty military.

SUBJECT AREA TO BE ADDRESSED: Exemption from Renewal Requirements for Spouses of Members of the Armed Forces of the United States.

SPECIFIC AUTHORITY: 455.02(2) 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 IS: John T. Knapp, Executive Director, Board of Professional Surveyors and Mappers, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61G17-1.020 Exemption from Renewal Requirements for Spouses of Members of the Armed Forces of the United States. Spouses of members of the Armed Forces of the United States are exempt from licensure renewal provisions, but only in cases of absence from the state because of their spouses' duties with the Armed Forces. Copies of the military orders requiring the change in duty station must be sent to the Board office in order to qualify for the exemption. Upon receipt of the military

orders by the Board office confirming exemption eligibility, the spouse's license will be placed on inactive status with no fee required. Reactivation of the inactive license will not require payment of the fee set forth in subsection 61G17-8.0011(7), F.A.C. The license will remain in inactive status for up to two renewal cycles at which time the licensee must either renew this exemption, before expiration, by submitting a current set of orders establishing eligibility for the exemption or reactivate the license. The licensee may reactivate the license by submitting an application for change of status from inactive to active and will not be required to pay the fee set forth in subsection 61G17-8.0011(15), F.A.C., nor be required to comply with any rules setting conditions for reactivation of licensure, including continuing education requirements imposed by Section 455.271(10), F.S. If a license is not reactivated nor the exemption renewed by the expiration date, the license shall become delinquent. Reactivation of the delinquent license will not require payment of the fee set forth in subsection 61G17-8.0011(12), F.A.C.

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

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 Chiropractic Medicine

RULE TITLE: Guidelines for the Disposition of Disciplinary Cases
 RULE NO.: 64B2-16.003

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

SUBJECT AREA TO BE ADDRESSED: Guidelines for the Disposition of Disciplinary Cases.

SPECIFIC AUTHORITY: 456.072, 456.079, 460.405, 460.413 FS.

LAW IMPLEMENTED: 456.072, 456.079, 460.413(4) 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 FOR A COPY OF THE PRELIMINARY DRAFT IS: Joe Baker, Jr., Board Executive Director, Board of Chiropractic Medicine, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3259

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B2-16.003 Guidelines for the Disposition of Disciplinary Cases.

(1) No change.

(2) The Board may take into consideration the following factors in determining the appropriate disciplinary action to be imposed and in going outside of the disciplinary guidelines:

~~(a) The severity of the offense;~~

~~(a)(b) The danger to the public;~~

~~(b)(e) The number of unrelated and distinct specific offenses;~~

(d) through (i) renumbered (c) through (h) No change.

~~(i)(j) Rehabilitation efforts of the licensee including remorse, restitution, and corrective actions;~~

(k) through (n) renumbered (j) through (m) No change.

(3) No change.

Specific Authority 456.072, 456.079, 460.405, 460.413 FS. Law Implemented 456.072, 456.079, 460.413(4) FS. History--New 1-10-80, Formerly 21D-16.03, Amended 1-28-87, 1-28-90, 6-24-93, Formerly 21D-16.003, Amended 10-26-93, Formerly 61F2-16.003, Amended 7-18-95, Formerly 59N-16.003, Amended 11-4-98, 6-6-02, _____.

DEPARTMENT OF HEALTH

Board of Dentistry

RULE TITLE: Acceptable Variance of Examiners

RULE NO.: 64B5-2.017

PURPOSE AND EFFECT: The Board proposes to review the rule to determine whether the amendments are necessary.

SUBJECT AREA TO BE ADDRESSED: The proposed rule amendments would exclude certain examination scores from the grade averaging process.

SPECIFIC AUTHORITY: 466.004(3), 466.006(4)(b)5. FS.

LAW IMPLEMENTED: 466.006(4) FS.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B5-2.017 Acceptable Variance of Examiners.

(1) All clinical gradings by examiners are to be made independently. Each clinical procedure shall be graded by three (3) examiners. However, uncorroborated 0 and 1 will be discarded and will not be used in averaging. A critical difference score will be discarded and will not be used in

averaging. On the clinical examinations described in Rules 64B5-2.013 and 64B5-2.019, F.A.C., the three independent grades shall be averaged to determine an applicant's final grade on each procedure of the clinical examination. On the clinical portion of the dental hygiene examination described in Rule 64B5-2.0135, F.A.C., the three independent grades shall be utilized in a system of corroborated errors to determine an applicant's final grade on each procedure of the clinical portion. The corroborated errors grading system requires that at least two (2) of the independent examiners must agree on the presence of the error before the error may be used in calculating an applicant's grade.

(2) through (3) No change.

Specific Authority 466.004(3), 466.006(4)(b)5. FS. Law Implemented 466.006(4) FS. History--New 12-10-79, Amended 6-22-80, 4-20-81, 5-24-82, 12-6-82, 5-24-83, 5-2-84, 5-19-85, Formerly 21G-2.17, 21G-2.017, 61F5-2.017, 59Q-2.017, Amended _____.

DEPARTMENT OF HEALTH

Board of Dentistry

RULE TITLE: Temporary Certificate Requirements for Dentists Practicing in State and County Government Facilities

RULE NO.: 64B5-7.0035

PURPOSE AND EFFECT: The Board proposes to review the rule to determine whether the amendment is needed.

SUBJECT AREA TO BE ADDRESSED: The proposed rule amendment would require a temporary certificate for unlicensed dentists working in a non-profit corporation.

SPECIFIC AUTHORITY: 466.004(4) FS.

LAW IMPLEMENTED: 456.032, 466.017(4), 466.025 FS.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B5-7.0035 Temporary Certificate Requirements for Dentists Practicing in State and County Government Facilities.

(1) Any unlicensed dentist who wishes to practice dentistry at a state or county government facility or in a non-profit corporation operating under Section 466.025(3), F.S. in Florida is required to obtain a temporary certificate.

(2) through (4) No change.

(5) A temporary certificate shall be renewed each biennium. At the time of renewal the certificate holder shall sign a statement that he or she has complied with all continuing education requirements of active licensees. A temporary certificate shall be canceled by the Board upon the unlicensed dentist being terminated from employment by a state or county government facility or a non-profit corporation operating under Section 466.025(3), F.S., or upon a finding by the Board that the temporary certificate holder has violated any provision of Sections 466.027 or 466.028, F.S., or has failed the Florida dental licensure examination.

Specific Authority 466.004(4) FS. Law Implemented 456.032, 466.017(4), 466.025 FS. History--New 8-12-93, Formerly 61F5-7.0035, 59Q-7.0035, Amended 11-10-98, 3-25-99, 12-25-01, 1-12-04,_____.

DEPARTMENT OF HEALTH

Board of Dentistry

| | |
|--|-------------|
| RULE TITLES: | RULE NOS.: |
| Requirements for General Anesthesia or Deep Sedation | 64B5-14.008 |
| Conscious Sedation | 64B5-14.009 |

PURPOSE AND EFFECT: The Board proposes the amendments to update the rules.

SUBJECT AREA TO BE ADDRESSED: The proposed rule amendments replace sodium bicarbonate with amiodarone.

SPECIFIC AUTHORITY: 466.004, 466.017 FS.

LAW IMPLEMENTED: 466.017 FS.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENTS IS:

64B5-14.008 Requirements for General Anesthesia or Deep Sedation.

General Anesthesia Permit applicants and permit holders shall comply with the following requirements at each location where anesthesia procedures are performed. The requirements shall be met and equipment permanently maintained and available at each location.

- (1) through (4) No change.
- (5) The following drugs or type of drugs with a current shelf life must be maintained and easily accessible from the operatory and recovery room:
 - (a) through (c) No change.
 - (d) Amiodarone Sodium Bicarbonate;

- (e) through (o) No change.
- (6) through (7) No change.

Specific Authority 466.004, 466.017 FS. Law Implemented 466.017 FS. History--New 10-24-88, Amended 11-16-89, Formerly 21G-14.008, Amended 12-20-93, Formerly 61F5-14.008, Amended 8-8-96, Formerly 59Q-14.008, Amended 5-31-00,_____.

64B5-14.009 Conscious Sedation.

Conscious Sedation Permit applicants or permit holders shall comply with the following requirements at each location where anesthesia procedures are performed. The requirements shall be met and equipment permanently maintained and available at each location.

- (1) through (4) No change.
- (5) The following drugs or type of drugs with a current shelf life must be maintained and easily accessible from the operatory and recovery room:
 - (a) through (h) No change.
 - (i) An anti hypoglycemic (e.g., 50% glucose);-
 - (j) Amiodarone.
 - (6) through (7) No change.

Specific Authority 466.004, 466.017 FS. Law Implemented 466.017 FS. History--New 10-24-88, Amended 11-16-89, 4-24-91, Formerly 21G-14.009, 61F5-14.009, Amended 8-8-96, 10-1-96, Formerly 59Q-14.009, Amended 8-2-00, 11-4-03,_____.

DEPARTMENT OF HEALTH

Board of Pharmacy

| | |
|---|--------------|
| RULE TITLES: | RULE NOS.: |
| Consultant Pharmacist Registration | 64B16-26.300 |
| Subject Matter for Consultant Pharmacist Training Program | 64B16-26.301 |
| Subject Matter for Consultant Pharmacist Recertification Programs | 64B16-26.302 |

PURPOSE AND EFFECT: The Board proposes to review the rule amendments to determine the changes needed.

SUBJECT AREA TO BE ADDRESSED: The proposed rule amendments set forth the requirements for initial certification and renewal of certification for practice as a consultant pharmacist.

SPECIFIC AUTHORITY: 465.005, 465.0125 FS.

LAW IMPLEMENTED: 465.0125 FS.

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

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

64B16-26.300 Consultant Pharmacist Registration.

(1) No person shall serve as consultant pharmacist as defined in Section 465.003(3), F.S., unless that person holds a license as a consultant pharmacist until such time as he is licensed as such with the Florida Board of Pharmacy as a consultant pharmacist.

(2) ~~In order to No person shall be licensed as a consultant pharmacist a person must meet the following requirements until such time as he has submitted satisfactory proof that he is a Florida registered pharmacist in good standing and satisfactory proof that he has met the requirements of this section necessary for licensure as a consultant pharmacist, which shall be the following:~~

(a) ~~Hold a license as a pharmacist which is active and in good standing. The applicant holds the degree, Master of Science in hospital pharmacy, or has completed an ASHP (American Society of Hospital Pharmacists) accredited residency in hospital pharmacy within the last twelve months or;~~

(b) ~~Successfully complete The applicant has successfully completed a consultant pharmacist course of no fewer than twelve (12) hours, sponsored by an accredited college of pharmacy located within the State of Florida, the College of Pharmacy, University of Florida, the College of Pharmacy, Florida A & M University, or Nov Southeastern College of Pharmacy, and approved by the Florida Board of Pharmacy Tripartite Continuing Education Committee which is based on the Statement of the Competencies Required in Institutional Pharmacy Practice and subject matter set forth in Rule 64B16-26.301, F.A.C. The course # shall be instructionally designed to include a cognitive test on which the applicant must score a passing grade for certification of successful completion of the course. Certification of successful completion shall be valid for the purpose of initial licensure as a consultant pharmacist for a period of one (1) year.~~

(c) ~~Within one (1) year of completion of the course set forth in subsection (b) above, have completed a period of assessment and evaluation under the supervision of a preceptor. This period shall be completed over no more than three (3) consecutive months and shall include at least 40 hours training in the following practice areas, 60% of which shall occur on-site at the permitted institution. The training shall include:~~

| <u>Minimum Skills Required –</u> | | |
|--|------------------------|--------------|
| <u>Minimum of 40 Hours</u> | <u>Percent of Time</u> | <u>Hours</u> |
| <u>in Maximum of Three Months</u> | | |
| <u>1. Regimen review, documentation and communication.</u> | <u>50-60%</u> | <u>20-24</u> |

a. Demonstrate ability to carry out process and understand documentation functions.

b. Understand unnecessary drug, Beers meds of high risk, anti-psychotic drug, indicators for DRR and their application to the DRR.

<http://mqa.dhs.stat.us/OMWeb/MedSim.htm>

2. Monthly facility review. 15-20% 6-8

Demonstrate areas that should be evaluated, documentation, and reporting procedures.

3. Committees and Reports. 5% 2

Attend quarterly Quality of Care committee and preparation and delivery of RPh quarterly report.

4. Policy and Procedures. 5% 2

Preparation, review, updating Policy and Methods.

5. Principles of formulary management. Demonstrate 5% 2

ability to manage formulary.

6. Professional 5% 2

Relationships. Knowledge and interaction of Nursing Home administration and professional staff.

7. Additional Skills.

The Consultant pharmacist is responsible for learning other skills needed to perform in his/her type of facility where he/she is or will be the consultant Pharmacist of Record.

(3) In order to act as a preceptor, a person shall:

(a) Be a consultant pharmacist of record at an institutional pharmacy which is required to have a consultant pharmacist under the provisions of Chapter 465, Florida Statutes, and these rules.

(b) Have a minimum of one (1) year of experience as a consultant pharmacist of record.

(c) All pharmacist licenses held by the preceptor must be in good standing with the Board.

(d) Not act as a preceptor to more than two (2) applicants at the same time.

(3) Upon receipt of proof satisfactory to the Board that the consultant pharmacist meets the requirements of subsection (2), the Board shall issue a consultant pharmacist license and register the applicant as a consultant pharmacist in the official records of the Florida Board of Pharmacy with the proviso that designation as the consultant pharmacist of record for a permitted facility, required by rule to employ a consultant pharmacist, requires that the consultant pharmacist must have

completed or immediately begin a period of assessment and evaluation, which may be fulfilled by one of the following as a prerequisite or co-requisite:

(a) ~~The period of assessment and evaluation may be fulfilled by the licensee who is a consultant of record and is responsible to sign all pertinent records by completing assignments and performing various consultant of record activities under the guidance or evaluation of a Florida Consultant Pharmacist who is experienced as a pharmacist of record in a Florida Institutional Pharmacy for a minimum of two years and in good standing with the Board. After a period of not less than six months the supervising consultant certifies to the Board that the licensee has successfully completed the required assignments and experiential activities, OR~~

(b) ~~The licensee may complete this requirement prior to accepting a position as a consultant of record by assisting a consultant of record who is responsible to sign or co-sign all pertinent records. After a period of not less than six months the supervising consultant certifies to the Board that the licensee has successfully completed the required assignments and experiential activities, OR~~

(c) ~~Practicing under the supervision and evaluation of a consultant pharmacist of record in good standing at the same institution for a period of not less than six months, OR~~

(d) ~~Practice as a consultant pharmacist of record for a period of not less than six months and complete a written assignment specific to the long term care institution, concerning the following topics:~~

1. ~~Policy and Procedure Manual;~~
2. ~~Consultant Pharmacist Quarterly Reports;~~
3. ~~Minutes of the Pharmacy Service Committee;~~
4. ~~Surveyors Report, OR~~

(e) ~~Practice as a consultant pharmacist of record for a period of not less than six months and complete a written assignment specific to the hospital institution, concerning the following topics:~~

1. ~~Policy and Procedure Manual;~~
2. ~~Nursing Unit Inspection Reports;~~
3. ~~The Pharmacy and Therapeutics Committee, OR~~

(f) ~~Practice as a consultant pharmacist of record for a period of not less than six months and complete a written assignment specific to any other practice setting as identified by the Board. The assignment must focus on the policy and procedure manual of the facility.~~

(g) ~~The written assignments required by paragraphs (d), (e), and (f) above shall be completed and sent to the board office within six months of assuming consultant pharmacist of record responsibilities for the permit.~~

(4) Upon completion of the requirements set forth above, the applicant shall submit BOP Form, effective _____. As provided therein the applicant's preceptor shall confirm that the applicant's internship has met the requirements set forth

above and that the applicant has successfully completed all required assignments under the preceptor's guidance and supervision.

(5)(4) After licensure a consultant pharmacist's license shall be renewed biennially upon payment of the fee set forth in Rule 64B16-26.101, F.A.C., and upon completing Proof satisfactory that a consultant pharmacist, certified pursuant to this section, has met the requirements necessary for initial or biennial renewal certification, which shall be constituted by the following: the applicant for initial certification has completed, at a minimum, a ~~twenty-four (24)~~ twelve (12) hour course of an in-depth analysis of approved subject matter based upon the provisions of Rule 64B16-26.301, F.A.C., (initial certification) or a ~~twelve (12) hour course of an in-depth analysis of approved subject matter each calendar year based upon the provisions of~~ Rule 64B16-26.302, F.A.C., (renewal certification) developed by the Tripartite Continuing Education Committee biennially.

(6)(5) The number of hours earned in renewal certification recertification programs by a consultant pharmacist, if applied to the twenty-four (24) hours required for consultant pharmacist license renewal, may not be used toward the thirty (30) hours of continued professional pharmaceutical education credits as set forth in Rule 64B16-26.103, F.A.C. However, if any consultant program hours earned are not used for consultant pharmacist license renewal, these hours may be applied toward the thirty (30) credit hours of continued professional pharmaceutical education requirements.

(6) A licensee may elect at the time of license renewal to place the license on inactive status by filing a written request with the board for inactive status and submitting the biennial fee of \$50.00. For the purpose of this section, a written request may be a renewal form provided by the Department on which the licensee affirmatively elects inactive status.

(7) A licensee may elect at the time of renewal to continue the license on inactive status by filing a written request with the board for inactive status and submitting the inactive renewal fee of \$50.00. For the purpose of this section, a written request may be a renewal form provided by the Department on which the licensee affirmatively elects inactive status.

(8) A license which has been on inactive status may change to active status at any time provided the licensee meets the continuing education requirements of subsection 64B16-26.300(4), F.A.C. for each biennium the licensee was in inactive status, submits the reactivation fee, the current biennial renewal fee at the time of reactivation, and if applicable, the change of status fee as defined by Rule 64B16-26.105, F.A.C.

(9) Any license which has been delinquent for more than two (2) consecutive biennial licensure periods may be reactivated upon retaking and successfully completing the

~~initial certification course and submitting the initial registration fee of \$50.00 as set forth in paragraph 64B16-26.300(2)(b), F.A.C.~~

Specific Authority 465.005, 465.0125 FS. Law Implemented 465.0125 FS. History—New 5-19-72, Revised 4-19-74, Repromulgated 12-18-74, Amended 10-17-79, 4-8-80, 7-29-81, 7-1-83, 4-10-84, 4-30-85, Formerly 21S-1.26, 21S-1.026, Amended 7-31-91, 10-14-91, Formerly 21S-26.300, 61F10-26.300, Amended 9-19-94, 3-28-95, 3-10-96, Formerly 59X-26.300, Amended 5-22-01, _____.

64B16-26.301 Subject Matter for Consultant Pharmacist Training Program.

- (1) No change.
- (2) Policy and Procedures.

(a) Written procedures for outlining the medication drug distributions system in effect.

- 1. No change.
- 2. Unit-dose systems.
- a. ~~Centralized. Entralized.~~

c. Automated medication systems.

- 3. Routine and emergency use ~~special storage~~ of drugs.
- 4. After hours procedure for medication dispensing outside the pharmacy.

5. Managing drug shortages.

(b) Record keeping and reports.

- 1. through 2. No change.
- 3. Patient drug use control and records.

a. No change.

b. Medication use evaluation ~~Utilization and review of usage.~~

- c. Medications errors review.
- 4. Drug charges, methods, accountability, and reports.
- 5. No change.

(3) Administrative Responsibilities.

(a) through (b) No change.

(c) Intra-professional relations pertaining to medication use dispensing, etc.

(d) Inter-professional relations with other members of the institutional health care team.

1. Pharmacy & Therapeutic Committee.

a. Rational drug therapy; review of medication use drugs usage and prescribing.

b. Formulary development – evaluation, appraisal, selection, procurement, storage, distribution, medication safety, criteria for use development and use, patient drug safety, clinical usefulness of drugs.

c. through d. No change.

2. In-service education of nurses and other health-related personnel.

3. No change.

(4) Professional Responsibilities.

(a) Drug information retrieval and methods of dispersal ~~Maintenance of a drug information center.~~

(b) Development of Clinical pharmacy practice.

(c) Development of an IV Admixture Service.

(d) Procedures to enhance medication safety. ~~Enhancement of patient drug safety through improved procedures.~~

1. No change.

2. Preparation of Availability of capability to prepare sterile dosage forms.

3. Proper writing, transcribing and initiating and/or transferring signing and transferring of patient medication orders; development of physician's chart order copy system.

4. No change.

5. Reporting and trending adverse drug reactions.

6. through 7. No change.

(e) Maintain drug quality and safe storage.

1. No change.

2. Requirements for safe and appropriate storage conditions. ~~Screening procedures for freshness, potency, etc.~~

(f) Maintain drug identity.

1. No change.

2. Manufacturing and packaging procedures integrity.

3. No change.

(5) The Institutional Environment.

(a) The institution's pharmacy function and purpose. How the pharmacy relates to the hospital.

(b) Interdepartmental relationships important to the institutional pharmacy. Inter-relationships of the pharmacy administratively with other departments of the hospital.

(c) No change.

(d) Special training with respect to the operation of nursing homes and ECF's/pharmacy relationship and special procurement procedures problems.

(6) Nuclear Pharmacy.

(a) through (i) No change.

(j) Reporting adverse drug reactions and medication errors misadministration.

(k) No change.

Specific Authority 465.005, 465.0125 FS. Law Implemented 465.0125 FS. History—New 5-19-72, Amended 12-18-74, 10-17-79, Formerly 21S-1.27, 21S-1.027, Amended 7-31-91, Formerly 21S26.301, 64F10-26.301, 59X-26.301, Amended _____.

64B16-26.302 Subject Matter for Consultant Pharmacist Recertification Programs.

A consultant pharmacist recertification program must consist of at least twelve (12) self contained hours of training in subjects specified below with a block of at least three (3) hours in any subject category. Duplicated courses are not acceptable.

(1) Drug Therapy – Disease State.

(a) Patient Drug Therapy – management and monitoring (at least 80%).

1. through 5. No change.

(2) Administrative Responsibilities.

~~(a)(b)~~ Update On Administrative Responsibilities ~~(0%—20%)~~.

1. Legal requirements- including statutes, rules and regulation (Federal and State).

2. JCAHO Standards requirements.

3. No change.

4. HIPAA requirements.

~~(b)(e)~~ Focus on Consultant Pharmacist Practice Issues/Concerns ~~(0%—20%)~~.

1. How to get things accomplished in complex organizations.

2. Key contacts to be effective as a consultant pharmacist ~~Where to go to get things done.~~

3. Considerations and preparation for site inspections.

~~(2) Consultant Pharmacist Advanced Training.~~

~~(3)(a)~~ Consultant Pharmacist Facility Responsibilities.

This segment details the requirements in one of the facility types for which a consultant pharmacist is required. Only one practice setting may be included in each program.

1. through 4. renumbered (a) through (d) No change.

~~(b) Administrative Responsibilities:~~

~~1. Legal requirements—Federal and State.~~

~~2. JCAHO requirements.~~

~~3. OLC Survey Standards.~~

~~4. Personnel Requirements.~~

~~(c) Consultant Practice Issues/Concerns:~~

~~1. Organization of practice:~~

~~a. How to get things accomplished.~~

~~b. Where to go to get things done.~~

~~2. Preparation for site inspection.~~

Specific Authority 465.005, 465.0125 FS. Law Implemented 465.0125 FS. History—New 10-14-91, Formerly 21S-26.302, 64F10-26.302, 59X-26.302, Amended _____.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Developmental Disabilities Program

RULE TITLE:

RULE NO.:

Siting

65B-6.014

PURPOSE AND EFFECT: To implement the provisions of Section 393.501(2), F.S., requiring the department to adopt rules addressing the number of facilities on a single parcel and adjacent parcels of land. This proposed rule would, for facilities licensed or established after the effective date of the rule, limit the number of residential facilities able to be licensed on a single parcel and adjacent parcels of land based on criteria defined in the rule.

SUBJECT AREA TO BE ADDRESSED: The number of facilities on a single parcel and adjacent parcels of land.

SPECIFIC AUTHORITY: 393.067, 393.501 FS.

LAW IMPLEMENTED: 393.063, 393.066, 393.067, 393.13, 393.501 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, April 5, 2004

PLACE: 1317 Winewood Boulevard, Building 4, Tallahassee, FL

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Tom Rice, Developmental Disabilities Program Office, Department of Children and Family Services, 1317 Winewood Blvd., Tallahassee, FL 32399-0700, (850)414-7649

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

65B-6.014 Siting.

(1) This rule applies to residential facilities licensed by the Department of Children and Family Services pursuant to Chapter 393, F.S. The statutory authority for this rule is Section 393.501(2), F.S. (2001).

(2) For community residential homes, as defined in Section 419.001(1)(a), F.S. (2001), and any other type of residential facility seeking licensure as foster care facilities or group home facilities under Chapter 393, F.S., after the effective date of this rule, only one dwelling unit may be sited on a single parcel of land unless an exception is granted as described in paragraphs (6) and (7) below. As to dwelling units on adjacent parcels, paragraphs (3) and (4) below shall also apply. This rule shall also apply to residential habilitation centers seeking licensure as a foster care facility(ies) or group home facility(ies), after the effective date of this rule.

(3) As to adjacent parcels of land, in no event shall more than two (2) licensed residential facilities be sited on adjacent parcels, unless an exception is granted as described in paragraphs (6) and (7) below. This provision shall apply only to residential facilities seeking initial licensure or licensure in a different licensing category after the effective date of this rule.

(4) For facilities seeking initial licensure or licensure in a different licensing category after the effective date of this rule, no more than two (2) licensed residential facilities shall be sited within 1,000 feet of an existing licensed residential facility(ies). Accordingly, no more than a total of three (3) licensed residential facilities shall be sited within a 1,000 foot radius. Distance shall be measured along a radius from the center of the actual site where the new proposed residential facility is to be located in all directions. The facility seeking

initial licensure or a change in an existing license shall be included in the computation of numbers of facilities within the 1,000 foot radius.

(5) All facilities seeking initial licensure or licensure in a different licensing category after the effective date of this rule must also fully comply with the requirements of Section 419.001, F.S. (2001), to the extent applicable.

(6) Exceptions to paragraphs (2) and (3) may be granted for the following reasons:

(a) The parcel is completely divided by a body of water, or a limited access highway which is impossible for an individual to cross on foot, by bicycle, by motor vehicle or other means of transport conveyance and which would separate the facilities.

(b) The exception would improve opportunities for community integration for individuals with developmental disabilities in rural areas. A rural area is defined as an area where the number of dwelling units for the parcel allowed by the comprehensive plan, as required by Section 163.3167, F.S., is one (1) dwelling unit per acre or fewer.

(c) Where the level of concentration of licensed residential facilities and the overall character of the neighborhood can be shown to be such that an exception, permitting licensure of a new residential facility in the area, would still be consistent with maximum integration of individuals with developmental disabilities into the community, including in their places of residence.

(7) The Director of the Developmental Disabilities Program shall make the final decision as to whether an exception should be granted. The burden of proving the appropriateness of an exception shall be with the applicant.

Specific Authority 393.067, 393.501 FS. Law Implemented 393.063, 393.066, 393.067, 393.13, 393.501 FS. History—New

DEPARTMENT OF FINANCIAL SERVICES

Division of State Fire Marshal

| | |
|--|-------------------|
| RULE CHAPTER TITLE: | RULE CHAPTER NO.: |
| The Florida Fire Prevention Code | 69A-60 |
| RULE TITLES: | RULE NOS.: |
| Title | 69A-60.001 |
| Scope | 69A-60.002 |
| Standards of the National Fire Protection Association, NFPA 1, the Fire Prevention Code, Adopted | 69A-60.003 |
| Standards of the National Fire Protection Association, NFPA 101, the Life Safety Code, Adopted | 69A-60.004 |
| Publications added to NFPA 1 and NFPA 101 | 69A-60.005 |
| Manufactured Buildings | 69A-60.006 |
| Enforcement of the Florida Fire Prevention Code | 69A-60.007 |
| Exceptions Applicable to Broward County | 69A-60.008 |

PURPOSE AND EFFECT: The purpose of the rule development proceedings is the triennial review of, and adoption of amendments to, the Florida Fire Prevention Code, located in Chapter 69A-60, F.A.C. The effect of the rule development proceedings will be to adopt a new edition of the Florida Fire Prevention Code with amendments and variations as provided in Sections 633.0215, 633.022 and 633.025, F.S.

SUBJECT AREA TO BE ADDRESSED: The Florida Fire Prevention Code and amendments and variations thereto, pursuant to Section 633.0215(2), F.S.

SPECIFIC AUTHORITY: 633.01, 633.0215, 633.022, 633.025, 1013.12 FS.

LAW IMPLEMENTED: 633.01, 633.0215, 633.022, 633.025, 1013.12 FS.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIMES, DATES AND PLACES SHOWN BELOW.

DATE AND TIME: April 5, 2004, 9:00 a.m.

PLACE: Burns Building Auditorium, 603 Suwanee Street, Tallahassee, Florida

DATE AND TIME: April 6, 2004, 9:00 a.m.

PLACE: FDLE, Building Conference Room, 500 W Robinson Street, Orlando, Florida

DATE AND TIME: April 7, 2004, 9:00 a.m.

PLACE: 2nd Floor Conference Room, 400 N. Congress Avenue, West Palm Beach, Florida

DATE AND TIME: April 8, 2004, 9:00 a.m.

PLACE: Lee County School Board Meeting Room, 2055 Central Avenue, Ft. Myers, Florida

DATE AND TIME: April 9, 2004, 9:00 a.m.

PLACE: Staff Development Room at Tacachale, 1621 N. E. Waldo Road, Gainesville, Florida

Pursuant to the provisions of the Americans with Disabilities Act and Section 286.26, F.S., any person requiring special accommodations to participate in this program please advise the department at least 5 calendar days before the program by contacting: Millicent King, (850)413-3619, Fax (850)922-2553.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Jim Goodloe, Chief, Bureau of Fire Prevention, 200 East Gaines street, Tallahassee, fl 32399-0342, (850)413-3171, Fax (850)922-2553, e-mail: goodloej@dfs.state.fl.us

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

However, the following information is provided:

(a) The Division of State Fire Marshal will adopt the 2003 editions of NFPA 1 and NFPA 101 in sufficient time to become effective on January 1, 2005, as a part of the Florida Fire Prevention Code.

(b) The proposed amendments and variations to the 2003 editions of NFPA 1 and NFPA 101 are located on the Division of State Fire Marshal website, <http://www.fldfs.com/sfm/>. The 2003 editions must be consulted prior to proposing any amendment and must be used for proposing any amendment. Any proposed amendment to the 2000 version of NFPA 1 or 101 will be rejected.

(c) Proposed amendments to the 2003 editions of NFPA 1 and NFPA 101 will be accepted from April 5, 2004, through April 23, 2004.

(d) The purpose of the rule development workshops is to provide substantially affected persons an opportunity to appear in person, propose amendments and variations, provide suggestions, and ask questions concerning the Florida Fire Prevention Code contained in Rule Chapter 69A-60, F.A.C.

(e) Proposed amendments may also be submitted by mail, fax, or e-mail to the addresses or fax number noted for Bureau Chief Jim Goodloe, above.

(f) Please note that all local amendments to the Florida Fire Prevention Code which were adopted as amendments expire at midnight on December 31, 2004, pursuant to Section 633.0215(3)(b), Florida Statutes.

(g) In addition, included within the Florida Fire Prevention Code by reference will be all rule chapters relating to uniform standards adopted under Section 633.022, F.S., which are Rule Chapters: 69A-3, *Fire Prevention, General Provisions*; 69A-36, *Uniform Fire Safety Standards For Child Care Facilities*; 69A-38, *Uniform Fire Safety Standards for Residential Facilities For Individuals With Developmental Disabilities*; 69A-40, *Uniform Fire Safety Standards for Assisted Living Facilities*; 69A-41, *Uniform Fire Safety Standards for Residential Child Care Facilities*; 69A-42, *Uniform Fire Safety Standards for Mobile Home Parks and Recreational Vehicle Parks*; 69A-43, *Uniform Fire Safety Standards for Transient Public Lodging Establishments*; 69A-44, 69A-47, *Uniform Fire Safety Standards for Elevators*; 69A-49, *Uniform Fire Safety Standards for Self-Service Gasoline Stations*; 69A-53, *Uniform Fire Safety Standards for Hospitals and Nursing Homes*; 69A-54, *Uniform Fire Safety Standards for Correctional Facilities*; 69A-55, *Uniform Fire Safety Standards for Public Food Service Establishments*; 69A-56, *Uniform Fire Safety Standards for Migrant Labor Camps*; 69A-57, *Uniform Fire Safety Standards for Adult Family Care Homes*; and 69A-58, *Uniform Fire Safety Standards for Educational Facilities*, all in the Florida Administrative Code.

(h) Each amendment or variation need not be in any particular form, but each amendment or variation proposed must be on a separate sheet of paper and must contain at a minimum the following information:

1. Name and official title, if any, of person, company, or organization proposing the amendment;

2. Date sent to the Division of State Fire Marshal;

3. The particular portion of NFPA 1, NFPA 101, or any other code or standard adopted in Chapter 69A-60, F.A.C., to be amended;

4. The language as it currently exists;

5. The proposed language amending that particular portion using legislative coding (i.e., underlines for new language; ~~strikethroughs for language to be deleted~~ and new language should precede language to be deleted);

6. A statement as to whether the amendment is intended to be a statewide amendment, a regional amendment (if so, please specify the boundaries of the region) or a local amendment (for the particular municipality, county, or special district proposing it); and

7. The signature and typed or printed name and title of the local government officer or other official offering the amendment for adoption by the Division of State Fire Marshal.

(i) The notice of rule hearing will contain all of the amendments and variations to Chapter 69A-60, F.A.C., which have been accepted by the state fire marshal. If your proposed amendment has not been included in the notice of hearing, that means that it has been rescinded, within the meaning of Section 633.0215(3)(b), Florida Statutes, by the Division of State Fire Marshal which will notify the local government of the same. To adopt the amendment in your local government, the procedures in Section 633.0215(3)(b), Florida Statutes, must be followed; however, if the local government meets the requirements of Section 633.0215(10) or 633.025(4), Florida Statutes, those procedures may be followed.

(j) If the deadline of April 23, 2004, does not provide sufficient time to submit an amendment, please contact Jim Goodloe, Chief, Bureau of Fire Prevention, at the above mailing address, phone number, fax number, or e-mail address. For your convenience, a form which may be used, but is not required, for submission of each amendment may be obtained at <http://www.fldfs.com/sfm/>, or by contacting Chief Jim Goodloe as noted above.

(k) Finally, a previous notice of proposed rule development on the same rule chapter was advertised on March 21, 2003, and workshops were held pursuant to that notice. Because of substantial changes in the Florida Building Code necessitating equally substantial changes to the Florida Fire Prevention Code, that notice is void and of no effect; however, all applicable amendments submitted by the Florida Fire Code Advisory Council which were accepted by the Division of State Fire Marshal will be included in the new Florida Fire Prevention Code.